

DRAFT ORDER

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SECTION 59

PUBLIC SPACES PROTECTION ORDER

This order is made by the North Northamptonshire Council (the 'Council') and shall be known as the **Public Spaces Protection Order Surrey Close 2021**.

1. The council makes this Order in exercise of its powers under Section 59,64 and 72 of the Anti-Social Behaviour Crime and Policing Act 2014 ("the Act")

PRELIMINARY

2. The Council, in making this Order is satisfied on reasonable grounds that:

The activities identified have been carried out in public places within the Council's area and have had a detrimental effect on the quality of life of those in the locality,

and that:

the effect, or likely effect, of the activities:

is, or is likely to be, of a persistent or continuing nature,

is, or is likely to be, such as to make the activities unreasonable, and

justifies the restrictions imposed by the notice.

3. The Council is satisfied that the prohibitions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
4. The Council has had regard to the rights and freedoms set out in the European Convention on Human Rights. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

COMMENCEMENT

5. This Order is made on [date to be inserted] and will come into force at midnight on [**date to be inserted**] and will expire at midnight on [**date to be inserted**].

6. At any point before the expiry of this three-year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

LOCATION

7. This Order applies to the pedestrian walkway from Surrey Close, Corby to the A6003, Cottingham Road, Corby ("the Restricted Area") and is shown as yellow and black hatching on the attached plan.
8. This Order authorises the installation of two gates which will enforce the restriction. The effect of this Order is to restrict the public right of way along the pedestrian walkway marked with yellow and black on the plan and to impose the following prohibitions:-

PROHIBITION

- a. No person shall enter the Restricted Area other than those listed in paragraph 9.
- b. No person shall shout, swear or act in a threatening or aggressive manner likely to cause annoyance, harassment, alarm or distress to any persons within the Restricted Area or any person living nearby

EXCEPTIONS

9. The public right of way over the Restricted Area shown in the attached plan shall be restricted at all time except for those persons listed below:-
 - a. Fire brigade, police or NHS Trust/Foundation staff when in the exercise of their duties.
 - b. Employees, contractors or agents of statutory undertakers in relation to gas, electricity or water, telecommunications apparatus as defined in the Telecommunications Act 1994 situated in the relevant highway in connection with the laying, erecting, inspection, maintenance, alteration, repair, renewal or removal of any relevant apparatus.
 - c. Council staff and authorised contractors when in the exercise of their duties.
 - d. Persons using the Restricted Area with the permission or on the direction of a duly authorised Council Officer in this regard.

MAINTENANCE

10. Responsibility for the maintenance of the gates at the Restricted Area will lie with the Council.

OFFENCES

11. A person who is believed to have engaged in a breach of this Order is required to give their name and address to a police officer, police community support officer or other person designated by the Council.
12. A constable or authorised Officer may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67 of the Act in relation to public spaces protection orders.
13. Failure without reasonable excuse to comply with the requirements imposed by this Order is a summary offence under 67 of the Act. A person guilty of an offence under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale.