

WEST LINDSEY DISTRICT COUNCIL

Anti-Social Behaviour, Crime and Policing Act 2014, section 59 Public Space Protection Order

This order may be cited at the West Lindsey District Council – Enderby Crescent Public Space Protection Order 2016.

West Lindsey District Council (“the Council”), being satisfied that the conditions set out in Section 59(2) of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) have been met in relation to the highway subject to this proposed order, namely that the premises adjoining the highway and in the close vicinity have suffered from criminal activity such as damage to fences, cars and windows, and anti-social behaviour including littering, and noise and nuisance from youths and people passing through the area via the footpath. Accordingly, these activities have had a detrimental effect on the quality of life of those in the locality, or it is likely that those activities will be carried out in the area and have such an effect. The Council is also satisfied that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, and these activities are unreasonable and justify the restrictions imposed by the notice, and that it is in all circumstances expedient to make this order for the purpose of reducing crime and/or anti-social behaviour in a public place.

The Council in exercise of its powers under Sections 59, 64 and 72 of the Act and under all other enabling powers, hereby makes the following order:

1. The public right of way over the highways described in Schedule 1 to this Order shall be restricted at all times except for those persons listed in Schedule 2. The Order authorises the installation of gates which will enforce the access restriction. The aforementioned gates shall be maintained and operated by the Council, and the correct details of the responsible officer are: Community Safety Team tel 01427 676676. The gates will be locked and unlocked when appropriate by key holders.
2. The alternative routes for pedestrian access are as detailed in Schedule 3.
3. **Any person, other than those persons listed in Schedule 2, who is found on the highway described in Schedule 1, will be in breach of the order and liable to a fine or penalty described in Schedule 4**

Schedule 1

The highway in question is that highlighted on the map attached to this order, being the footpath running from Enderby Crescent, Gainsborough to the area known as ‘Rec Hill’, running between 15a and 17 Enderby Crescent. Access on to the highway is forbidden at all times to all persons except those listed in Schedule 2.

Schedule 2

Nothing in Schedule 1 relating to access only shall apply to:

- a) Fire brigade, police or NHS staff when in the exercise of their duties
- b) Employees, contractors or agents of statutory undertakers in relation to gas, electricity or water or 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 its authorised contractors when in the exercise of their duties.
- d) Persons using the highway with the express permission or on the direction of a duly authorised council officer in this regard.

Schedule 3

The alternative routes for pedestrian access are via Pingle Hill to Middlefield Lane, or via Scouts Hill to Middlefield Lane. Plan of alternative routes is shown below.

Schedule 4

1. It is an offence for a person without reasonable excuse to engage in activity that is prohibited by this order, in this case to access or use the highway defined in Schedule 1.
2. A person found to be in breach of this order is liable on summary conviction to a maximum penalty of a level 3 fine or to a fixed penalty notice of £75.

The Order shall come in to operation on [] and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Councils statutory powers.

If any interested person requests to question the validity of this order on the grounds that the Council did not have the power to make the order or that a requirement under the Act has not been complied with, then he or she may apply to the High Court within six weeks from the date in which the order is made.

GIVEN under the Common Seal of West Lindsey District Council on the Day of 2016

The Common Seal of
West Lindsey District Council
was hereunto affixed
in the presence of

Authorised Officer

Map showing highway described in Schedule 1



Map showing alternative routes (in yellow) in relation to highway defined in Schedule 1 (in red)

