

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
PUBLIC SPACE PROTECTION ORDER NUMBER 4 OF 2023
(the “ORDER”)

THIS ORDER may be cited as Newcastle-under-Lyme Borough Council, Public Spaces Protection Order Number 1 of 2023.

Newcastle-under-Lyme Borough Council exercises its powers under Section 59, 64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and under all other enabling powers, hereby makes the following order:

1. This Order shall come into operation on **DATE** and shall have an effect for 3 years thereafter, unless extended by further order under the Councils statutory powers.
2. This Order relates to the part of Newcastle-under-Lyme Borough Council, these areas are designated public rights of way known as Newcastle 132, Newcastle 143, and Kidsgrove 19 and are shown on the appendix attached below. (“the Exclusion Zone”).
3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely, that anti-social behaviour and criminal activities have been carried out within the Exclusion Zone. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an effect.
4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

PROHIBITIONS:

1. The public right of way known as ‘Newcastle 132’ and marked red in this Order and described in the Schedule to this Order, shall be restricted permanently by the erection of gates as per the appendix 1 after 7 days from the date of this Order.
2. An alternative route for pedestrians for ‘Newcastle 132’ is via Honeywood as per Appendix 1.
3. The public right of way known as ‘Newcastle 143’ and marked red in this Order and described in the Schedule to this Order, shall be restricted permanently by the locking of the gates at this location as per appendix 2 with immediate effect.
4. The public right of way known as ‘Kidsgrove 19’ and marked red in this Order and described in the Schedule to this Order, shall be restricted between the hours of 1800 hrs and 0800hrs, by the locking of the gates at the junction of High Street, Newchapel with immediate effect.

APPENDIX 4

5. The occupiers of the neighbouring properties to 'Kingsgrove 19' will not be affected by this restriction.
6. The locking and unlocking of the gates to facilitate access to 'Kingsgrove 19' will be carried out by the key holding residents of High Street, Newchapel.

FIXED PENALTY NOTICES AND OFFENCES:

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
2. In accordance with section 63 of the Act, a person found to be in breach of this Order by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 2 fine or to a Fixed Penalty Notice..
3. In accordance with section 67 of the Act, a person found to be in breach of this Order other than by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice..

APPEALS

1. In accordance with section 66 of the Act, any interested person who wishes to challenge 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 may apply to the High Court within six weeks from the date upon which the Order is made.

DEFINITION AND EXEMPTIONS:

1. Order may be cited as the '*Public right of way Public Spaces Protection Order*'
2. "*Authorised Person*" a person authorised by the Newcastle-under-Lyme Borough Council including employees, partnership agency or contractor. Such authorised person must produce their authorisation upon request.

RESTRICTIONS AND PENALTY:

1. The Council is satisfied that the conditions set out in Sections 59, 64 and 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this Order for the purposes of prohibiting access to the public rights of way listed. The effect or likely effect of this is, or is likely to be, of a persistent or continuing nature, such as to make this unreasonable, and justifies the restrictions imposed by this Order.
2. It is an offence for a person without reasonable excuse to engage in Activities which are prohibited by this Order.
3. No person shall:
 - a. Obstruct any authorised officer in the proper execution of their duties;

APPENDIX 4

- b. Obstruct any other person carrying out an act which is necessary to the proper execution of any contract associated with this order;
- 4. A person found to be in breach of this Order shall be liable on summary conviction to a maximum penalty of level 3 on the standard scale or a Fixed Penalty Notice of £100.

APPENDIX:

A street plan of Newcastle-under-Lyme Borough Council, for 'Newcastle 132', 'Newcastle 143' and 'Kidsgrove 19' shown in red.

DRAFT

Given under the Common Seal of
Newcastle-under-Lyme Borough Council
On the

.....day of2019

THE COMMON SEAL of the
COUNCIL

Was hereunto affixed
In the presence of:

APPENDIX 4

..... Authorised Officer

..... Designation

DRAFT

**PUBLIC SPACE PROTECTION ORDER NUMBER 4 of 2023 (the “ORDER”)
AREA of NEWCASTLE 132 (“the Exclusion Zone”)**

DRAFT

PUBLIC SPACE PROTECTION ORDER NUMBER 4 of 2023 (the “ORDER”)
AREA of NEWCASTLE 143 (“the Exclusion Zone”)

DRAFT

PUBLIC SPACE PROTECTION ORDER NUMBER 4 of 2023 (the “ORDER”)
AREA of KIDSGROVE 19 (“the Exclusion Zone”)

DRAFT