

KETTERING BOROUGH COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PART 4, SECTION 59 PUBLIC SPACES PROTECTION ORDER

Kettering Borough Council in exercise of the power under section 59 of The Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), being satisfied that the conditions set out in section 59 of the Act have been met, makes the following order:

Kettering Borough Council (referred to hereafter as “the Council”) hereby makes the following Public Spaces Protection Order (PSPO) that applies to any place to which the public have access within the area shown on the plan annexed to this order (the Restricted Area) unless otherwise specified

1. The Order relates to the alley way between Wood Street and Havelock Street Kettering as shown on the attached plan.
2. The effect of this Order is to restrict the public right of way by erecting gates highlighted on the attached plan. This Order authorises the installation of gates and any necessary associated fencing which will enforce the restriction.
3. Responsibility for the maintenance of the gates at the location will lie with the Council.
4. 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 to reduce the detrimental effect or to reduce the risk of crime and anti-social behaviour and its continuance, occurrence or reoccurrence in the Restricted Area which has had a detrimental effect on the quality of life of those in the locality. The effect or likely effect of this is of a persistent or continuing nature such as to make this unreasonable, and justifies the restrictions imposed by this Order.
5. The restriction as stated in paragraph 2 applies to all persons except those who have been designated key holders by the Council including occupiers of dwellings adjacent to the restricted locations for which principle access is gained via the restricted areas.
6. Any person within this area is prohibited from, at any time, consuming alcohol or having an open alcohol container after having been requested by an Authorised Officer to cease consumption or hand over the container.

Definitions

- a) Authorised Officer means a Police Constable a Police Community Support Officer or an officer of Kettering Borough Council in possession of an authority to enforce this order
- b) Plan means the plan annexed to this order

Period for which the order has effect

This Order shall come into force on **TO BE CONFIRMED**
and will remain in place for a period of three years.

What happens if you fail to comply with this order?

If a person does anything that is lawfully prohibited by the this order, or fails to do something lawfully required by it, he commits an offence under section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 punishable by a level 3 fine being the sum of £1000, Alcohol will be punishable by a level 2 fine being the sum of £500, on the date of this order.

Dated: 2017 Signed

Information (not part of the order)

1. FIXED PENALTY

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. A person committing an offence will have 14 days to pay the fixed penalty of £100.00, failing which you may be prosecuted.

Appeals

Any challenges to this order must be made in the high court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When application is made the high Court can decide to suspend the operation of the order pending the Courts decision, in part or in totally. The high Court has the ability to uphold the order, quash it, or vary it.

