Anti – Social Behaviour, Crime and Policing Act 2014 Part 4 Chap 2

Rochdale Borough Council

97-99 Mossway 58 - 60 Moss Lane Public Spaces Protection

Order No [*insert No*] of 2021

Rochdale Borough Council (in this order called “the Council”) in exercise of its powers under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) and of all enabling powers hereby makes the following Public Spaces Protection Order.

**WHEREAS** in accordance with Section 59(1) of the Act, the Council being satisfied on reasonable grounds that anti-social behaviour that has had a detrimental effect on the quality of life in the locality of the properties in Rochdale known 97-99 Mossway 58 - 60 Moss Lane (“the Highways”) has occurred in a public place, namely public highway comprised in the back alleys situate adjacent to and to the rear of the aforementioned properties.

**AND WHEREAS** such anti-social behaviour is likely to be of a persistent or continuing nature which makes it unreasonable and justifies the measures contained in this Order to prevent its continuance or recurrence by limiting the use of the public right of way over the highway *during the hour of 7pm -8am* to those persons named in paragraph 4 and 5 of this Order.

**ORDER:**

1. Except as provided in paragraphs 4 and 5 of this Order no person shall use the public right of way over the Highway[*s]* which are shown shaded in red on the plan*[s]* attached to this order at Appendix A  *during the hour of 7pm - 8am]* (“the restricted Highways”).
2. This Order authorises the installation, operation and maintenance of gates at each end of the restricted Highways by the Council in order to enforce the restriction on use.
3. The aforesaid gates shall be installed, maintained and operated by the Council whose contact details are: Rochdale Borough Council, Community Safety, Burglary Reduction Team, Floor 2, No 1, Riverside, Rochdale. Tel No 01706 924687
4. The restriction in paragraph 1 of this Order shall not apply to any person who owns or occupies premises adjoining or adjacent to the restricted Highways.
5. The restrictions in paragraph 1 shall not apply to any Police, Ambulance or Fire service personnel acting in exercise of their duties or powers, nor to any statutory undertakers, gas electricity water or telecommunications provider requiring access to their apparatus in the restricted highways, nor to Council staff and its authorised contractors in exercise of its duties or powers.
6. Keys: The gates are to be locked unlocked by key holders [*ensure that access is given for waste collection if necessary].*
7. This order shall come into force on the day of 2021 and shall have effect for a period of three years.
8. The Order may be extended subject to further consultation with residents in the locality and whether it is reasonable to do so within the Council’s statutory powers.
9. It is an offence under section 67 of the Act for any person without reasonable excuse to:
10. Do anything that the person is prohibited from doing by this Order; or
11. To fail to comply with a requirement to which the person is subject under the provisions of this Order

Any person guilty of an offence under the aforementioned section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

1. The Council is satisfied in accordance with Section 72 (2) of the Act that the provisions of this Order do not contravene articles 10 and 11 of the European Convention for the protection of Human Rights and Fundamental Freedoms.
2. If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

Dated this day of 2021

**THE COMMON SEAL** of **THE ROCHDALE**

**BOROUGH COUNCIL** was hereunto affixed

in the presence of:

…………………………………………………………………

Authorised signatory

APPENDIX

[*INSERT RELEVANT PLANS]*