

# DRAFT

## The Anti-Social Behaviour, Crime and Policing Act 2014

### The Public Spaces Protection Order (No 3) Hastings Borough Council 2020

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.

Hastings Borough Council (in this Order called 'the Authority') hereby makes the following Order.

This Order came into effect on [date] for a period of 3 years.

#### BY THIS ORDER

#### 1. REQUIREMENTS AND PROHIBITIONS

The effect of the Order is to impose the following requirements and prohibitions at the relevant times within the relevant areas as shown in the enclosed plans:-

##### Section A: Valentines Passage (Plan 1)

- i. The public right of way over the footpath known as Valentines Passage in St Leonards-on-Sea as coloured red on Plan 1 is restricted at all times every day by the installation of gates as indicated on Plan 1.
- ii. All persons except for those noted at sub-paragraph (iii) are prohibited from accessing Valentines Passage where access has been restricted by the installed gates.
- iii. The following persons are exempt from the prohibition in sub-paragraph (ii):
  - a. The owners and occupiers of the properties adjoining Valentines Passage.
  - b. Police, fire service or ambulance personnel whilst going about their duties.
  - c. Officers of East Sussex County Council and officers of the Authority where access is necessary for carrying out their duties and powers.
  - d. Statutory undertakers and their agents with prior written authorisation from the Authority where access is necessary for carrying out works or repairs or maintenance at Valentines Passage, the nearby highways or adjoining properties.
- iv. The Authority will be responsible for the installation of the gates at Valentines Passage authorised by this order.

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- v. An alternative route is available as indicated by a green line on Plan 1.

### **Section B: Footpath between Laser Lane and Kings Road (Plan 2)**

- i. The public right of way over the footpath between Laser Lane and Kings Road in St Leonards-on-Sea as coloured red on Plan 2 is restricted at all times every day by the installation of gates as indicated on Plan 2.
- ii. All persons except for those noted at sub-paragraph (iii) are prohibited from accessing the footpath between Laser Lane and Kings Road where access has been restricted by the installed gates.
- iii. The following persons are exempt from the prohibition in sub-paragraph (ii):
  - a. The owners and occupiers of the properties adjoining the gated footpath between Laser Lane and Kings Road.
  - b. Police, fire service or ambulance personnel whilst going about their duties.
  - c. Officers of East Sussex County Council and officers of the Authority where access is necessary for carrying out their duties and powers.
  - d. Statutory undertakers and their agents with prior written authorisation from the Authority where access is necessary for carrying out works or repairs or maintenance of the footpath between Laser Lane and Kings Road, the nearby highways or adjoining properties.
- iv. The Authority will be responsible for the installation of the gates at the footpath between Laser Lane and Kings Road authorised by this order.
- v. An alternative route is available as indicated by a green line on Plan 2.

### **Section C: 18 Havelock Road cut-through to Priory Square (Plan 3)**

- i. The public right of way over the footpath between Havelock Road and Priory Square in Hastings Town Centre as coloured red on Plan 3 is restricted at all times every day by the erection of a gate at both ends of the footpath as indicated on Plan 3.
- ii. All persons except for those noted at sub-paragraph (iii) are prohibited from accessing the footpath between Havelock Road and Priory Square where access has been restricted by the installed gates.
- iii. The following persons are exempt from the prohibition in sub-paragraph (ii):
  - a. The owners and occupiers of the properties adjoining the gated footpath between Havelock Road and Priory Square.
  - b. Police, fire service or ambulance personnel whilst going about their duties.
  - c. Officers of East Sussex County Council and officers of the Authority where access is necessary for carrying out their duties and powers.

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- d. Statutory undertakers and their agents with prior written authorisation from the Authority where access is necessary for carrying out works or repairs or maintenance at the footpath between Havelock Road and Priory Square, the nearby highways or adjoining properties.
- iv. The Authority will be responsible for the installation of the gates at the footpath between Havelock Road and Priory Square authorised by this order.
- v. An alternative route is available as indicated by a green line on Plan 3.

### **2. AUTHORISED PERSON**

For the purpose of the above requirements and prohibitions an 'Authorised Person' means a constable, a police community support officer or a person so authorised by the Authority.

### **3. OFFENCES**

- (a) It is an offence under Section 67(1) of the Act for a person, without reasonable excuse to:
  - i. Do anything that the person is prohibited from doing by this Public Spaces Protection Order, or
  - ii. To fail to comply with a requirement to which the person is subject under this Public Spaces Protection Order.
- (b) A person guilty of an offence under Section 67(1) of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **4. FIXED PENALTY**

- (a) An Authorised Person may issue a fixed penalty notice (FPN) of up to £100 to anyone he or she has reason to believe has committed an offence as described above.
- (b) A FPN is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to a local authority specified in the notice.
- (c) Where a person is issued with a notice under this Paragraph in respect of an offence;
  - i. No proceedings may be taken for the offence before the end of the period of 14 days following the date of the notice, and
  - ii. The person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- (d) A FPN will give reasonably detailed particulars of the circumstances alleged to constitute the offence, it will state the period during which proceedings will not be taken for the offence; it will specify the amount of fixed penalty; it will state the name and address where payment should be made and specify the permissible methods of payment.

**APPENDIX 2 PART 1**

THE COMMON SEAL of HASTINGS BOROUGH COUNCIL

Was hereunto affixed the

Authorised Signatory

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