

Public Space Protection Order

BROXBOURNE BOROUGH COUNCIL **PUBLIC SPACE PROTECTION ORDER No.1 of 2021**

VERGE, FOOTWAY AND FOOTPATH PARKING

1. This Order may be cited as the Borough of Broxbourne Public Spaces Protection Order No.1 of 2021.
2. The Borough of Broxbourne (the “Council”) makes this Order under its powers of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”), being satisfied on reasonable grounds that the activities set out in paragraph 5, in the location described in paragraph 4 of this Order and detailed in the schedule to this Order have had or are likely to have a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried out within that 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 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 anti-social behaviour in a public place.
3. This Order comes into force at midnight on 11 April 2021 for a period of up to three years thereafter, unless extended by further order under the Council’s statutory powers.
4. This Order applies to any footway or footpath, maintainable at the public expense, or any grass verge managed by the Local Authority and which is adjacent to the carriageway or footway of a highway, including adjoining footpaths within the restricted area.
5. The activities described below are hereby prohibited as from the date of this Order in the locations described in paragraph 4 of this Order.
 - a. Wilfully obstructing the free passage of traffic or pedestrians, along a highway.
 - b. Parking on grass verges where there have been no measures to allow for parking on the grass verge, such as a grass guard product.
 - c. Crossing the footpath/footway to park on a residential driveway, where no dropped kerb has been installed by the Council.
 - d. Using a pram crossing, flat top plateau or tactile paving to park on a residential driveway.
 - e. Using any other type of crossing that is not a viable vehicle crossing, including but not limited to Zebra, Pelican, Puffin, Toucan and Pegasus crossing, to park on a residential driveway.

5. Section 67 of the Act states that it is an offence for a person without reasonable excuse:

- to do anything that the person is prohibited from doing by a public spaces protection order or,
- to fail to comply with a requirement to which the person is subject under a public spaces protection order.

A person guilty of an offence under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A person does not commit an offence under section 67 of the Act by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

A person guilty of an offence under conditions a or b above, under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale, or a fixed penalty notice of £100.

CHALLENGING THE VALIDITY OF ORDERS

An interested person may apply to the High Court to question the validity of this Order. An interested person means an individual who lives in the restricted area or, who regularly works in or visits that area. Any such interested person may apply to the High Court within six weeks from the date on which this Order was made on the grounds that the Council did not have the power to make the Order or to include particular prohibitions or requirements imposed by the Order or that a requirement under Chapter 2 of the Act was not complied with in relation to this Order.

SCHEDULE OF RESTRICTED AREAS

The “restricted area” relates to any footway or footpath, maintainable at the public expense, or any grass verge managed by the Local Authority and which is adjacent to the carriageway or footway of a highway, including adjoining footpaths within the restricted area.

Dated: 11 April 2021