

**Blackburn with Darwen Borough Council – Laburnum Road
Public Space Protection Order (PSPO) 2018**

Notice is hereby given that Blackburn with Darwen Borough Council (“the Council”) in exercise of its powers under Sections 59(2) and 59(3) of the Act and under all other enabling powers, proposes to make the following order:

1. To restrict public right of way at all times over the highway on Laburnum Road leading to Whalley New Road as outlined in map below, by all persons except for those listed in Schedule 2. The Order authorises the installation of gates which will enforce the access restriction. The gate delineated in red within the attached plan shall remain in place for all purposes of this Order. This Public Space Protection Order will revoke and replace the existing Gating Order.
2. No person, whilst within the prohibited area delineated in red, may act or incite others to act in a manner likely to cause alarm, harassment or distress to any person therein.
3. Any person in breach of the aforementioned conditions will be liable to a fine or penalty as described in Schedule 3.

The draft of the proposed order is set out below. Further details and reasons for making the order may be inspected during normal office hours at the Community Safety Partnership office, Old Town Hall, Blackburn, by prior arrangements. The proposed order is also published on the Council’s website www.blackburn.gov.uk

If you wish to make representations concerning the proposed order, you should send them in writing to Community Safety Partnership, 3rd Floor, Old Town Hall, Blackburn, BB1 7DY to arrive on or before [INSERT DATE] (please quote the name of the PSPO in your correspondence)

Please note that all representations may be considered in public by the Council and could become available for public inspection.

Dated this day [INSERT DATE]

**Blackburn with Darwen Borough Council – Laburnum Road
Public Space Protection Order (PSPO) 2018**

This order may be cited as the Blackburn with Darwen Borough Council – Laburnum Road area Public Space Protection Order (PSPO) 2018

Blackburn with Darwen Borough Council (“the Council”), being satisfied that the conditions set out in Section 59(2) and 59(3) of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) have been met in relation to the area as described in Schedule 1 of this order (“the prohibited area”), namely that activities in public spaces within the prohibited area have had 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 prohibited 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 these activities are unreasonable and justify the restrictions imposed by the notice 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.

The Council in exercise of its powers under Sections 59(2) and 59(3) of the Act and under all other enabling powers, hereby makes the following order:

1. To restrict public right of way at all times over the highway on Laburnum Road leading to Whalley New Road as outlined in map below, by all persons except for those listed in Schedule 2. The Order authorises the installation of gates which will enforce the access restriction. The gate delineated in red within the attached plan shall remain in place for all purposes of this Order. This Public Space Protection Order will revoke and replace the existing Gating Order.
2. No person, whilst within the prohibited area delineated in red, may act or incite others to act in a manner likely to cause alarm, harassment or distress to any person therein.
3. Any person in breach of the aforementioned conditions will be liable to a fine or penalty as described in Schedule 3.

SCHEDULE 1

The prohibited area is those indicated as shown on the attached map being:

1. Any public space within the area marked red on the attached plan

SCHEDULE 2

Nothing in Schedule 1 relating to access only shall apply to:

- a) Fire brigade, police or NHS Trust / Foundation staff when in the exercise of their duties.
- b) Employees, contractors or agents of statutory undertakers in relation to gas, electricity or water or telecommunications apparatus as defined in the telecommunications Act 1994 situated in the relevant highway in connection with the laying, erecting, inspection, maintenance, alteration, repair, renewal or removal of any relevant apparatus.
- c) Council staff and its authorised contractors when in the exercise of their duties.
- d) Persons using the highway with the permission or on the direction of a duly authorised Council Officer in this regard.

SCHEDULE 3

- a) It is an offence for a person without reasonable excuse to engage in activity that is prohibited by this order.
- b) A person found to be in breach of this Order is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice up to £100.
- c) The length of highway for the purpose of this order is to the Whalley New Road end of Laburnum Road, Blackburn.

The Order shall come into operation on [] and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council's statutory powers.

If any interested person requests to question 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, then he or she may apply to the High Court within six weeks from the date in which the order is made.

GIVEN under the Common Seal of Blackburn with Darwen Borough Council on theday of 2018

THE COMMON SEAL of the }
Blackburn with Darwen Council }
Was hereunto affixed }
In the presence of }

