

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 15 JANUARY 2019

Title of report	PUBLIC SPACE PROTECTION ORDER (PSPO) IN RELATION TO THE RESTRICTION OF MOTOR VEHICLES IN AREAS OF SAWLEY, LOCKINGTON AND CAVENDISH BRIDGE.
Key Decision	a) Financial Yes b) Community Yes
Contacts	<p>Councillor Alison Smith MBE 01530 835668 alison.smith@nwleicestershire.gov.uk</p> <p>Strategic Director of Place 01530 454555 james.arnold@nwleicestershire.gov.uk</p> <p>Head of Community Services 01530 454832 paul.sanders@nwleicestershire.gov.uk</p>
Purpose of report	<p>For cabinet to agree to the introduction of a Public Space Protection Order relating to the restriction of motor vehicles on;</p> <ol style="list-style-type: none"> 1. the highway known as Netherfields Lane, Sawley DE72 2HP 2. the bridleway” L109” from Netherfields Lane Sawley to Main Street, Lockington, 3. the site of the former Sawley crossroads service station, London Road, Cavendish Bridge, locally known as “the Little Chef island”, 4. the service roads known as #608462659 leading onto cycle path, #639226649, #28854699 and #297994418 <p>Map Appendix A attached</p>
Reason for decision	To put in place a restriction on unauthorised motor vehicles to reduce incidents of fly tipping and illegal encampments.
Council priorities	Green Footprints Homes and communities Value for money

Implications:	Without the adoption of the PSPO the District Council has no enforcement powers to deal with the drivers of motor vehicles using the identified areas to commit criminal offences e.g fly tipping and illegal encampments
Financial/Staff	To enable authorised staff to enforce the PSPO. Additional barrier systems in Netherfields Lane funded and installed by Aldi PLC, with a service agreement in place between Aldi and NWLDC. Required signage funded by Leicestershire County Council and NWLDC
Link to relevant CAT	None
Risk Management	The PSPO will provide an enforcement tool to authorised officers to deal with drivers of motor vehicles who use the identified areas for illegal activity. It also allows physical barriers to be put in place to assist with the control of these vehicles.
Equalities Impact Screening	None
Human Rights	None
Transformational Government	New Legislation
Comments of Head of Paid Service	The report is satisfactory
Comments of Section 151 Officer	The report is satisfactory
Comments of Monitoring Officer	The report is satisfactory
Consultees	<p>Chief Constable of Leicestershire Police Police and Crime Commissioner Leicestershire County Council The Occupiers of "The Bungalow" and "The Cottage" Netherfields Lane and Midsummer Stables Sawley M&S Farms East Midland Shooting Ground Lagoons Syndicate Fishing Grounds Derby Railway Angling Club Fiona Blockley Leicestershire County Council Andy Gatward Leicestershire County Council Highways Leicestershire County Council Mike Clarke Aldi PLC General Public</p>

Background papers	Anti-Social Behaviour, Crime and Policing Act 2014
Recommendations	THAT CABINET APPROVES THE INTRODUCTION OF THE PUBLIC SPACE PROTECTION ORDER.

1.0 BACKGROUND

- 1.1 In 2014 the Government introduced legislation called the Anti-Social Behaviour, Crime and Policing Act (“the Act”). This Act removed some existing legislation, ~~in this case~~ (for example gating orders) which were used to restrict vehicle access to public spaces. The replacement legislation created by the Act is called a Public Space Protection Order.
- 1.2 These orders allow Local Authorities to put controls in public places within the Authority’s area if satisfied, on reasonable grounds, that two conditions are met:
1. The activities carried on in a public place within the Authority’s area 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 on in a public place within that area and that they will have such an effect.
 2. The effect of the activities are, or are likely, to be of a persistent or continuing nature, such as to make the activities unreasonable and justifies the restrictions imposed by the order.
- 1.3 The areas in question were created by the construction of the A50 trunk road and the ongoing works for the East Midlands Gateway. This has left roads that are used mainly as cycle routes and service roads and have become a target for the illegal disposal of controlled waste (flytipping) and illegal encampments. In November 2018 the District and County Council, in Netherfield Lane alone, removed 357 tons of illegally deposited waste at a combined cost of nearly £50,000. There is an illegal encampment which is presently being dealt with by the Multi Agency Travellers Unit on one of the sites.

2.0 THE PROPOSED ORDER

- 2.1 The effect of this order under section 64 of the Act is to restrict motor vehicles in the public places described in the Restricted Areas Listed as:
- The highway known as Netherfield Lane Derbyshire DE72 2HP
 - The bridleway “L109” from Netherfield Lane and ending at Main Street Lockington.
 - The site of the former Sawley cross roads service station London Road Cavendish Bridge commonly referred to as the “Little Chef site”
 - The service roads known as #608462659 leading on to cycle path #639226649, #28854699 and #297994418.

This order authorises the installation of gates and any associated equipment which will enforce the restriction. Only authorised vehicles will be able to use the lane. Further detail on the authorised vehicles is below in 2.2.

Aldi PLC, under a service agreement with the District Council, will install and maintain an electronic retractable road barrier on Netherfield Lane Sawley near to its junction with Tamworth Road and install fixed concrete bollards at a location beyond the access drive to "The Bungalow." This agreement is being drawn up at no cost to the District Council. The District Council have already seen a draft of the agreement and have sent comments back to Aldi PLC's lawyers.

Authorised access via the electronic barrier system will be via a key fob. These works have been approved by the Leicestershire County Council Highways Department who are working closely with the District Council and Aldi PLC.

All other access routes in the identified areas are controlled by pre existing gates which will be locked however this will not restrict access for pedestrians, pedal cyclists and horse riders where permitted.

2.2 Nothing in the order relating to access by motor vehicle shall apply to:

- Fire Brigade, Police or National Health service staff when in exercise of their duties.
- Employees, contractors or agents of statutory undertakers in relation to gas, electricity, water or telecommunications as defined in the Telecommunications Act 1994 situated in the relevant highway and Aldi PLC in connection with the laying, erecting, inspection, maintenance, alteration, repair, renewal or removal of any relevant apparatus.
- Council staff and its authorised contractors when in exercise of their duties
- Residents and authorised visitors to The Bungalow and The Cottage (including Anyshed) on Netherfield Lane.
- Authorised attendees to the East Midlands Shooting Ground and fishing lakes known as the Lagoons Syndicate
- Authorised attendees to the Derby Railway Angling Club fishing lakes.
- Farm workers in exercise of their duties on the land adjoining the restricted areas.

2.3 A Motor Vehicle is defined as any mechanically propelled vehicle.

3.0 CRIMINAL OFFENCE

3.1 Any person being driver of a motor vehicle, other than those persons listed in 2.2 will be in breach of this order if they drive a motor vehicle in the restricted areas. Failure without reasonable excuse to comply with the prohibitions or requirements imposed in this Order is a summary offence under section 67 of "The Act". A person guilty of an offence is liable on conviction to a fine not exceeding level 3 of the standard scale, presently £1000.

3.2 A Police Constable, Police Community Support Officer or an authorised Officer of the District Council may, under section 68 of "The Act" issue a Fixed Penalty Notice of £100 to any person in breach of this order. The District Council will carry out any enforcement in line with the general enforcement policy.

4.0 DURATION OF ORDER

- 4.1 In line with section 60 of “The Act” a Public Space Protection Order may not have effect for a period of more than 3 years, unless extended under this section.
- 4.2 Before the time a Public Space Protection Order is due to expire, the Local Authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent:
- Occurrence or reoccurrence after that time of the activities identified in the order, or
 - An increase in the frequency or seriousness of those identified after that time.
- 4.3 An extension under this section:
- May not be for a period of more than 3 years.
 - Must be published in accordance with regulations made by the Secretary of State
- 4.4 A Public Space Protection Order may be extended under this section more than once.
- 4.5 Before the Public Space Protection Order expires the District Council will review the likelihood of a recurrence of the issues and decide if an extension is required. If this is found to be the case a consultation will take place and a further report submitted to cabinet for approval.

5.0 CONSULTATION

- 5.1 The Act requires the Council to publish the proposal on its website and consult with the following:
- Chief Constable of Leicestershire Police
 - The Police and Crime Commissioner for Leicestershire.
 - Any person the Council feels may be affected by the proposal.
 - The general public

All identified persons received a personal copy of the proposal and it was also posted on the areas affected.

- 5.2 No comments were received during the consultation process. However, a member of the public has made contact with the District Council and asked to comment on the consultation. As this was during the Christmas period and the consultation has closed an exception has been made and they have been given a day to respond. An update on their comments will be provided verbally at Cabinet.

If the Public Space Protection Order is approved by Cabinet the District Council will inform members of the public about the order by placing signs in suitable locations at the different sites.