



Castle House
Great North Road
Newark
Nottinghamshire
NG24 1BY

www.newark-sherwooddc.gov.uk

THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 ("The Act")

PUBLIC SPACES PROTECTION ORDER

(EAKRING ROAD)

1. Newark and Sherwood District Council ("The Council") being satisfied that:
 - a. Activities ("the activities") carried out within a public place within the Council's area have had a detrimental effect on the quality of life of those in the locality and/or
 - b. It being likely that the activities will be carried on in a public place and that they will have such an effect,
2. And upon the Council also being satisfied that the effect or likely effect of the activities
 - a. Is or is likely to be of a persistent or continuing nature
 - b. Is or is likely to be such as to make the activities unreasonable; and
 - c. Justifies the restrictions imposed by this Order
3. Pursuant to the requirements of section 72 of The Act, the Council;
 - a. Having had particular regard to the rights of freedom of expression and freedom of human assembly set out in Articles 10 and 11 of the European Convention on human Rights and,
 - b. Having carried out the necessary consultation, notification and publicity and
 - c. Having undertaken relevant and appropriate Equality Act 2010, impact assessments
4. **HAS DECIDED TO MAKE This PUBLIC SPACES PROTECTION ORDER under Section 59 of the Act (and of all other enabling powers);**
5. This Public Spaces Protection Order shall come into effect on the *24* day of *September* 2024 for a period of 3 years. It shall expire on *24* day of *September* 2027, unless before it has expired, the Council extends, varies or discharges this Order.

6. This Order may be cited as the Newark and Sherwood District Council Public Spaces Protection Order (Eakring Road) 2024.
7. This Order covers the areas shown within the district of Newark and Sherwood District Council as shown on map A (Attached in the Schedule)

8. Conditions in the Order which are prohibitions:

- 8.1 This Order applies to land known as Eakring Road, Newark, Nottinghamshire as outlined in Map A "the Land".
- 8.2 The public right of way over the Highway is restricted at all times so that passage and repassage thereover may not occur to persons operating motorised vehicles as defined below save for:
 - The Police, Fire and Rescue Service or Emergency Ambulance Services;
 - Forestry Commission or those authorised by them;
 - A local authority undertaking a statutory duty or
 - Any statutory undertaker provider of gas, electricity or water services or communications provider which maintains apparatus in the Highway being the "Authorised Groups".
- 8.3 A barrier or barriers may be installed, operated and maintained at each of the respective ends of the Restricted Access Highways. Newark and Sherwood District Council is responsible for maintaining and operating the barrier or barriers.
The responsible department for the maintenance and operation of the gates can be contacted on 01636 650 000.

9. PENALTY FOR BREACH OF ORDER:

- 9.1 An Authorised Officer may issue a fixed penalty notice to anyone who he/she believes has committed an offence under the terms of this Order. The Person issued with the fixed penalty notice shall have 28 days to pay the fixed penalty (in the sum of £100).
- 9.2 This will be reduced to £75 if the Fixed Penalty is paid (payment to be received by the Council) within 14 days of the date the Fixed Penalty Notice was issued. If payment is received in full within 28 days of the date the fixed penalty notice was issued, the Council will not take prosecution action.

9.3 Failure to pay may lead to prosecution. A person who fails to comply with any obligation imposed by this Order is guilty of a criminal offence by virtue of section 67(1) of the Act and is liable to a fine on summary conviction not exceeding level 3 on the standard scale. (Currently set to not exceed £1000.) Should the Council have to prosecute anyone in relation to this Order the Council would also seek to recover, from the offender, any reasonable costs incurred.

10. GENERAL DEFINITIONS.

10.1 This Order applies to the land outlined on Map A attached to this Order, and being public land.

"Public Land" means all and any land in the administrative area of the Council to which the public or a section of the public has access on payment or otherwise as a right or by virtue of express or implied permission. Such land is identified in Schedule A hereto for the purposes of Section 59(4) of the Act and in this Order is referred to as the "Restricted Areas".

"Motorised Vehicles" include but are not limited to the following:

Motor car, trucks, vans, 4x4s, HGVs, LGVs, modified vehicles, motor cycles, cross bikes and trail bikes, quad bikes and trikes, electric scooters and mini moto bikes (whether petrol, diesel or electric or any other form of automatic propulsion).

SCHEDULE:

The following schedule applies and forms part of this Order.

Schedule - Map A

Appeals

Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made.

An interested person is someone who lives in, regularly works in, or regularly visits the Restricted Area. This means that only those who are directly affected by the restrictions have the power to challenge.

Interested persons can challenge the validity of this Order on two grounds:

- (a) That the Council did not have the power to make the Order or variation, or to include particular prohibitions or requirements;
- (b) That one of the requirements of the Act, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it or vary it.

Executed as a deed by affixing the COMMON SEAL of NEWARK AND SHERWOOD

DISTRICT COUNCIL on the 24 day of September 2024

In the presence of:

N. Will
.....



14324

Legend

Public Space Protection
Order



N.W.W.

Drawing Title

Newark and Sherwood District Council,
Public Space Protection Order -
Prohibition of Vehicles, Eakring Road

Location

Eakring Road

Drawing Reference

Date Exported: 08/02/2024

Scale: 1:12,438

N



© Crown copyright and database rights
2024 OS AC0000826200

