

## **City of Doncaster Council**

### **Public Spaces Protection Order 2023**

#### **(Morley Road / Rockingham Road Alley Gate Scheme)**

This order is made by City of Doncaster Council (“the Council”) and shall be known as the Morley Road / Rockingham Road Alley Gate Public Spaces Protection Order 2023 (“this Order”).

#### **PRELIMINARY**

The Council is satisfied on reasonable grounds that the conditions below have been met:

- that activities carried on in a public place within the Council’s 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 on in a public place within that area and that they will have such an effect; and
- the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by this Order. The said activities being theft, drug use, fly-tipping, urination and defecation.

The Council is satisfied that the prohibitions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring, or recurring or to reduce that detrimental effect, or to reduce the risk of its continuance, occurrence or recurrence.

The Council has had regard to the rights and freedoms set out in the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Council has particular regard to the rights and freedoms set out in Article 10A (Right of Freedom of expression) and Article 11 (Right of Freedom of Assembly) of that convention and has concluded that the restriction on such rights and freedoms imposed by this order are lawful, necessary and proportionate.

#### **THE ORDER**

1. The effect of the Order is the following:
  - a. Save for the exemptions in paragraph (d) below, no person shall use the public right of way over the Restricted Area at any time (as set out in paragraph 1 of the schedule below)
  - b. The alternative to the Restricted Area is so indicated at paragraph 2 of the Schedule below.
  - c. There is authorised the installation of a gate at each end of the highway identified in paragraph 1 of the Schedule below and marked at points A and C in the map below and fencing at point B, whose maintenance is the responsibility of the Assistant Director for Communities, Civic Office, Waterdale, Doncaster, DN1 3BU
  - d. The exemptions to the restriction set out at paragraph (a) above shall apply to the following:
    - (i) The occupiers of premises adjoining or adjacent to the Restricted Area so indicated.
    - (ii) Police, Fire, Rescue Services, and NHS personnel in the exercise of their duties.

- (iii) Employees, contractors or agents of statutory undertakers requiring access to apparatus (water, gas, electricity, and telecommunications providers) in the exercise of their functions.
- (iv) Local authority officers and their contractors, agents or elected members in the exercise of their functions.
- (v) Any other person with the express written permission of the Council.

The Order will remain in force for a period of 3 years from the date of this Order, unless extended by further orders under the Council's Statutory powers

A person guilty of an offence under conditions (2) (a) above, under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale or fixed penalty notice of a maximum £100

### **THE SCHEDULE**

1. The highway to be restricted;
  - a. Commences at Point A (OS grid reference 458327NE and coordinates 404271) to the rear of Number 42 Rockingham Road and 28 Morley Road and terminates at Point C, which is situated behind St Andrews Church, Morley Road and Old School House, Old School Way.
  - b. Point B indicates a Gate commencing at the side 72 Rockingham Road (OS grid reference 458327NE and coordinates 404271) which terminates at both Point A and C will be installed.
2. The alternative route is along Morley Road and Rockingham Road as shown by the thick blue line on the map.

### **PERIOD FOR WHICH THIS ORDER HAS EFFECT**

This Order applies to a public place within the authority's area. The public place is delineated by the red line on the plans annexed at **Schedule 1** in line with the relevant prohibitions. The effect of this Order is to impose the prohibitions and requirements detailed herein, at all times, save where specified exemptions apply.

This Order will come into force at 00:01 Hours on the **1<sup>st</sup> February 2023** and will expire at midnight on the **1<sup>st</sup> February 2026**.

At any point before the expiry of this three-year period, the Council can extend the Order by up to three years. This is if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time. The Council may extend this order more than once.

### **WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?**

Section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 ("the Act") says that it is a criminal offence for a person without reasonable excuse – (a) to do anything that the person is prohibited from doing by a public spaces protection order, or (b) 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 is liable on conviction in a Magistrates' Court to a fine not exceeding level 3 on the standard scale.

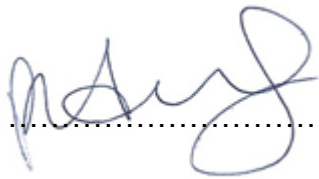
### **FIXED PENALTY**

An Authorised Officer may issue a fixed penalty notice to anyone s/he believes has committed an offence under section 67 of the Anti- Social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £100. If you pay the fixed penalty within the 14 days you will not be prosecuted.

### **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 visits the area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council. Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation 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.

Signed .....



Phil Holmes  
Assistant Director, ~~Chief Executive Directorate~~, City of Doncaster Council.

Dated 31/01/2023

# Schedule 1- Morley Road / Rockingham Road Alley Gate Scheme location map

Plan referred to:  
Northing/Easting: 458327 404271



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Completed By : rachaer	Map Reference: _A&P_RR_New	Date : 22/12/2022	Scale : 1:1,250	Norwich Council
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