

Sandwell Metropolitan Borough Council

Sections 59 to 75 of the Anti-Social Behaviour Crime and Policing Act 2014 and enabling powers

The Borough Council of Sandwell (Footpath at Mount Pleasant Street, West Bromwich, West Midlands) (Optional and Variable Gating)

(Public Spaces Protection Order) 2020

WHEREAS:

- i) The Borough Council of Sandwell (the Council) under s59(4) of the Anti Social Behaviour and Crime & Policing Act 2014 (the act) is satisfied that a section of Mount Pleasant Street (the footpath) at West Bromwich West Midlands, registered as highway on a draft map and statement by section 27 of the National Parks and Access to the Countryside Act 1949 (the register) can be identified as a public space (the restricted area) on the annexed plan ref **PSPO/MPS/1** (the plan). Activities of anti-social behaviour or the likelihood of such activities within it have a detrimental effect on the quality of life of those in the locality; “namely, persistent dealing of class A and class B drugs, along with persistent use of the same”
- ii) The effect, or likely effect, of these activities is, or is likely to be, of a persistent or continuing nature such as to make the activities unreasonable so justifying the restriction under section 59(3) of the act.
- iii) The restricted area is by section 64(5) of the act, not the principle or only means of access to adjacent or adjoining premises; but constitutes a through route for pedestrians requiring the availability of a reasonably convenient alternative (the alternative) by section 64(1)(c).
- iv) Section 130(7) of the Highways Act 1980 enables the restricted area and a part of the alternative recorded on the register to be considered as operational highway for the purposes of satisfying the requirements of a public spaces protection order with highway registered separately under section 36 of the 1980 Act making up the remainder of the alternative.
- v) Consultations required by section 64(2) of the act prior to the making of the order have been undertaken.
- vi) There is no highway right for mechanically propelled vehicles along the footpath and the Council has no record of exemptions under section 67(2) to (8) of the Natural Environment and Rural Communities Act 2006 having been applied for or granted to prevent any such right from being extinguished on the 2nd of May 2006 following section 67(1) of the 2006 Act being commenced.
- vii) A public spaces protection order that restricts the public right of way over a highway may authorise the installation, operation and maintenance of a barrier or barriers for enforcing the restriction by section 64(7) of the Act.
- viii) This order is made without prejudice to any other obstruction of the highway in the locality or in close proximity to the area which this order applies.

NOW THEREFORE the Council as the Highway Authority for the footpath and in exercise of its powers under section 59(1) of the Anti-Social Behaviour Crime and Policing Act 2014 and all other enabling powers hereby makes the following order: -

1. Save as provided for in Article 2 no person whether or not in control of a vehicle or cycle or any other means of conveyance shall at any time proceed along the footpath of 20-30 metres length located 5 metres north west of the rear curtilage of no. 22 Newhall Street West Bromwich (E: 400330.76, N: 290687.68) and terminating at the footpaths junction at Lyng lane (E: 400305.30, N: 290683.31) the situation of which being more particularly shown on the plan.
2. This order shall not apply to:
 - (1) Any organisation or interest with an easement to enter the restricted area.
 - (2) Police, Fire and Ambulance Services acting under their statutory powers and duties.

- (3) The Council as landowner or otherwise acting under its statutory powers and duties.
 - (4) Any statutory undertaker provider of gas, electricity, water or communications provider who notifies the Council of their apparatus in, upon, over or near the restricted area.
 - (5) Any person or organisation with the written consent of the Council's Service Manager-Highways
 - (6) Any person who has an easement to enter the restricted area.
3. The alternative route available to pedestrians comprises the eastern end of Mount Pleasant Street, a part of the carriageway and footways of Pleasant Street, a part of the carriageway and footways of Newhall Street adjoining 41 Newhall Street and Pleasant Street and a part of the carriageway and footways of Lyng Lane as shown on the plan marked **PSPO/MPS/2**.
 4. Subject to the exemptions from the restriction shown in article 2 the order authorises gating or their removal or relocation across any part of the restricted area the Council's Service Manager–Nigel Columb tel no. 0121 368 1166 being responsible for installation and maintenance following consultation with the Council's Service Manager-Highways.
 5. The restriction comes into force on the day the order is made and is not reliant of the provision of gates provided for by Article 4.
 6. The restriction will be signposted.
 7. A person found in breach of the order shall be liable on summary conviction to a maximum penalty of level 3 on the standard scale or a fixed Penalty notice not exceeding £100.
 8. The order may be cited as The Borough Council of Sandwell (Footpath at Mount Pleasant Street West Bromwich West Midlands)(Optional and Variable Gating) (Public Space Protection Order)2020 and shall have effect on (subject to Consultation) for a duration of Three Years but if a person aggrieved wishes to question its validity on grounds the Council has no power to make the order or that any requirement of the Act has not been complied with, an application must be made to the High Court within 6 weeks beginning on the aforementioned date.

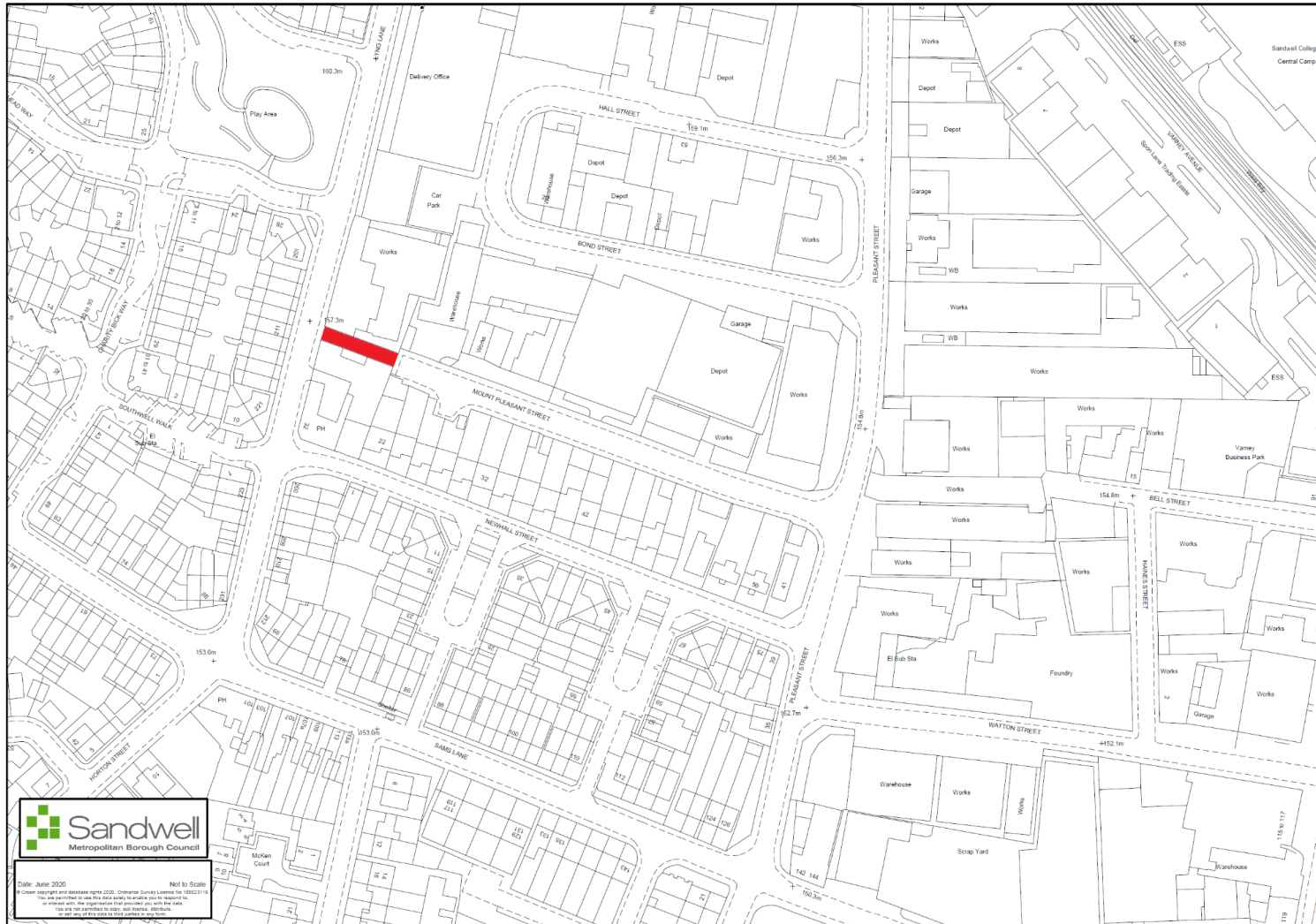
In accordance with the authority delegated to Directors to act on matters within the authority delegated to them under Part 3 of the Council's Constitution, the Public Space Protection Order is made. The date of which this order is to take effect from Friday 06th November 2020



Alan Caddick
Director Housing and Communities

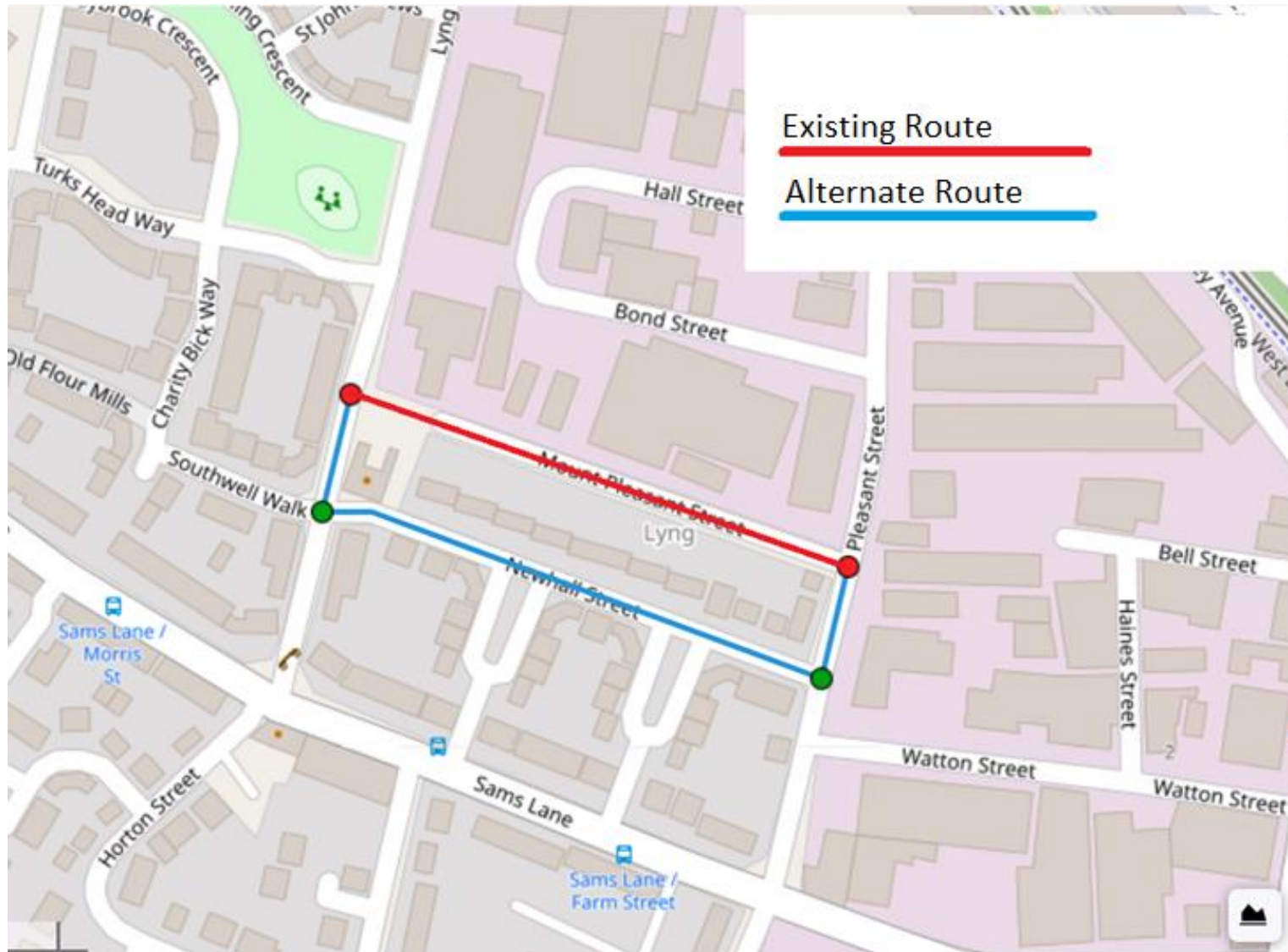
Date 02nd November 2020

PSPO/MPS/1 (PROPOSED GATING 1)



[ILO: UNCLASSIFIED]

PSPO/MPS/2 (ALTERNATIVE ROUTE)



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