

# TAMWORTH COMMUNITY SAFETY PARTNERSHIP

## NOTICE OF INTENTION TO APPLY A PUBLIC SPACE PROTECTION ORDER

### Section 59 Anti-Social Behaviour Crime and Policing Act 2014

#### Public Space Protection Order (Footpath 25 Mercia Close)

1. Tamworth Community Safety Partnership (lead agency Tamworth Borough Council) is satisfied that alcohol related anti-social behaviour is being carried out within the area to which this order applies, it is likely that these activities will continue to be carried out and that this is having or it is likely to have a detrimental effect on the quality of life of those in the locality by causing harassment, alarm and distress.

This order relates to the land in the ownership of Network Rail to the rear of 1-35 Mercia Close Tamworth and specifically the closure of Footpath 25 (11-35 Mercia Close)

2. Under the terms and restrictions of the Public Space Protection Order, the following applies:-
  - 2.1. Permanent restriction of access to the land belonging to Network Rail (to the rear of 1-35 Mercia Close)
  - 2.2. The public right of way over footpath No 25 Tamworth Parish (to the rear 11-35 Mercia Close) to be permanently restricted by fencing
  - 2.3. Prohibition of the following on land belonging to Network Rail in the area restricted:
    - Flytipping, littering and any other behaviour which could be considered Anti-Social Behaviour or environmental crime.

### 3. Exemptions

Nothing in the order shall restrict access to the land identified in the order by:

- Network Rail (landowner) in exercise of their duties
- Fire brigade, police or NHS staff when in the exercise of their duties
- 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.
- Council staff and its authorised contractors when in the exercise of their duties.

- Persons using the highway with the express permission of the landowner or on the direction of a duly authorised council officer in this regard.

#### 4. Offences under this Public Space Protection Order

A person who is guilty of an offence shall on summary conviction be liable to a fine not exceeding level 3 on the standard scale

A Fixed Penalty Notice of £100.00\* will be issued to offenders to be paid within 28 days (reduced to £85.00 if paid within 14 days) which would discharge any liability to conviction for an offence under Section 67(1) of the Act.

*\*At the discretion of the officer, persons found to be under the age of 16 years may be subject to alternative sanctions as outlined in the Tamworth Borough Council ASB Policy.*

This order may be cited as 'The Public Space Protection Order (Mercia Close)' and shall come into force on 1<sup>st</sup> June 2022 and remain in force for a period of three years.

5. If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not be complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this order is made.