



Chelmsford City Council

Anti-social Behaviour, Crime and Policing Act 2014

THE CHELMSFORD CITY COUNCIL PUBLIC SPACES PROTECTION ORDER - Hylands Park 2023

The Chelmsford City Council ("the Council") makes this Order under Part 4, section 59 of the 2014 Act, having consulted as required by section 72.

The order comes into force on 27th October 2023 for a period of 3 years. It applies to the public place, "the Restricted Area" which comprises of land within Hylands Park, in the areas shown as hatched in orange, hatched in black, and blocked in red on the plan attached at Schedule 1 to the Order.

Under section 74 (1) of the 2014 Act, "public place" means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

The Council is satisfied that activities have been carried out in the Restricted Area which have had a detrimental effect on the quality of life of those in the locality. Further, it is satisfied that the effect of these activities is or is likely to be of a persistent or continuing nature, is or is likely to be such as to make the activities unreasonable and justifies the restrictions imposed by this order.

The Council therefore under section 59(4) prohibits within the Restricted Areas:

1. Walking a dog off a lead within the orange hatched area,
2. Walking a dog off a lead after 9am on any day within the black hatched area,
3. Dogs being within the red blocked area,
4. An individual walking 5 or more dogs at one time.

Assistance dogs, as defined by the Equality Act 2010 are exempt from any restrictions within this Public Spaces Protection Order.

"assistance dog" means—

- (a) a dog which has been trained to guide a blind person;
- (b) a dog which has been trained to assist a deaf person;
- (c) a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;
- (d) a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind;

Failure without reasonable excuse to comply with the prohibitions and requirements imposed by this PSPO is a summary criminal offence under section 67 of the 2014 Act except in respect of the prohibition relating to the consumption of alcohol. A person guilty of an offence under section 67 of the 2014 Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).

A constable or authorised person may under section 68 of the 2014 Act issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under sections 63 or 67 of the 2014 Act in relation to this PSPO.

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 restricted 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, for instance consultation, has not been complied with.

Where 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



Director of Public Places on behalf of Chelmsford City Council

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Dated: 27th October 2023