

HARTLEPOOL BOROUGH COUNCIL

PARKS & OPEN SPACES PUBLIC SPACES PROTECTION ORDER 2021

THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 (PART 4 CHAPTER 2
SECTIONS 59-75)

Hartlepool Borough Council ('the Council'), in exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ('the Act') and under all other enabling powers hereby makes the following Public Spaces Protection Order:

1. This Order may be cited as the "Hartlepool Borough Council (Parks and Open Spaces) Public Spaces Protection Order 2021" ('the Order') and applies to the public places described in the Appendices to the Order ("the restricted areas").
2. In making this Order the Council is satisfied on reasonable grounds that:-
 - (i) activities carried on in a public place within the authority'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 they will have such an effect;
 - (ii) the effect, or likely effect, of the 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 the Order.
3. The Council is also satisfied that the prohibitions and requirements set out within this Order are reasonable:-
 - (i) to prevent the detrimental effect on the quality of life of those in the locality continuing, occurring or recurring; or
 - (ii) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
4. This Order comes into force on 1st April 2021 and shall have effect and remain in force for a period of three years from that date.
5. Before the expiry of this Order the Council may extend, vary or discharge it in accordance with the provisions of the Act.

6. The effect of the Order is to impose the following prohibitions and/or requirements in the restricted areas at all times detailed below:-

- (i) It will constitute an offence should any person use a skateboard, bicycle or scooter in a manner likely to cause annoyance, nuisance or damage in any area identified in Appendix A.
- (ii) It will constitute an offence should any person camp or otherwise stay overnight in any area identified in Appendix A unless authorised.
- (iii) It will constitute an offence should any person fish in the areas, and the times, identified in Appendix B.
- (iv) It will constitute an offence for any person to use an unauthorised mechanically propelled vehicle (MPV) in any area identified in Appendix A.

The following lists MPV's that are included in this order, but this list is intended to be indicative, not exhaustive;

- Motorbikes (road going and off road) Including mini "pee-wee" bikes
- Scooters
- Quad Bikes and mini quad bikes
- Motor Cars

The following MPV's are exempt from the Order:

- Vehicles for use by a person with a mobility impairment, and being used by someone with a mobility impairment.

7. PENALTY

7.1 Any person who fails without reasonable excuse to comply with any of the requirements or prohibitions at articles 6 (i), 6(ii), 6(iii), 6(iv) in this Order shall be liable on summary conviction to a fine not exceeding level 3 (currently £1000) on the standard scale.

8. FIXED PENALTY

8.1 A constable, Police Community Support Officer or authorised person of the Council may issue a fixed penalty notice to any person he or she believes has committed an offence. A person committing an offence will have 14 days to pay the fixed penalty of £100 (reduced to £75 if paid within 7 days), failing which they may be prosecuted.

8.2 A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the Council.

8.3 Where a person is issued with a fixed penalty notice under this Order:-

(a) no proceedings may be taken for the offence before the end of the period of 14 days following the date of the notice; (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

9. APPEALS

9.1 Any challenge to this Order must be made to the High Court by an interested person within 6 weeks of it being made or varied. 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 right to challenge.


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

(i) that the Council did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the Order; or

(ii) that a requirement under the legislation for the making or varying an Order has not been complied with.

9.3 When an application is made, the High Court can decide to suspend the operation of the Order, or any of the prohibitions or requirements imposed by the Order, until the final determination of the proceedings.

9.4 The High Court has the ability to uphold the Order, quash it or vary it.

Signed	
Name	TONY HANSON
Date	1 st April 2021

Parks and Open Spaces Public Spaces Protection Order

It will constitute an offence should any person use a skateboard, bicycle or scooter in a manner likely to cause annoyance, nuisance or damage in any area identified below unless authorised.

It will constitute an offence should any person camp or otherwise stay overnight in any area identified below unless authorised.

It will constitute an offence for any person to use an unauthorised mechanically propelled vehicle (MPV) in any area identified below.

Parks

Rossmere Park

Ward Jackson Park

Seaton Park

Summerhill

Burn Valley Gardens

Recreation Grounds

Central Park Recreation Ground

Dodds Field recreation Ground

Foggy Furze Recreation Ground

Grayfields Recreation Ground

King George V Recreation Ground

Rift House Recreation Ground

Rossmere Way Recreation Ground

Appendix B

It will constitute an offence should any person fish in the areas, and the times, identified below.

1. When the parks detailed below are closed to the public: -

Rossmere Park

Ward Jackson Park

Seaton Park

Summerhill

Burn Valley Gardens

2. At all times: -

Warrior Drive pond

