



Ashford Borough Council

The Anti-Social Behaviour, Crime and Policing Act 2014

Part 4, Section 59

Public Spaces Protection Order

2023 – Gating of Churchyard Passage

Ashford Borough Council (the Council) in exercise of the power under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) being satisfied that the conditions set out in section 59 of the Act have been met, namely anti-social behaviour has occurred in the area and has had a detrimental effect on the quality of those in the locality makes the following order:

1. The order shall come into operation on 14 August 2023 and shall have effect for 3 years, unless extended by further orders.
2. This order relates to the public footpath which leads from Churchyard Passage at its junction with the High Street and as shown edged blue on the attached map (the restricted area).
3. The effect of this order is to restrict the public right of way over the restricted area between the hours of 9:15pm Thursday to 6am Friday, 9:15pm Friday to 6am Saturday and 9:15pm Saturday to 6am Sunday.
4. The alternative route for pedestrians will be along Tufton Street into Bank Street and then into the pedestrianised High Street. This is shown on the map with a red dotted line.
5. Any person who, without reasonable excuse, fails to comply with the requirements of this order commits an offence and shall be liable to a Fixed Penalty Notice of £100 or on summary conviction to a fine not exceeding level 3 on the standard scale.

6. Any challenges 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 directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

7.

Interested persons can challenge the validity of this order on two grounds:

- a) That the Council did not have power to make the order, or to include particular prohibitions or requirements
- b) That one of the requirements of the legislation, for instance consultation, has not been complied.

Where an application is made in 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:

Assistant Director of Safety and Wellbeing on behalf of Ashford Borough Council.

Dated: 14 August 2023

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A street plan of the restricted area edged in blue.

The red dotted line shows the alternative route.

