

## **Appendix 2**

### **WEST LINDSEY DISTRICT COUNCIL**

#### **Anti-Social Behaviour, Crime and Policing Act 2014, section 59 Public Space Protection Order**

This order may be cited as the West Lindsey District Council – Gainsborough Town Council Land Public Space Protection Order 2019.

West Lindsey District Council (“the Council”), being satisfied that the conditions set out in Section 59(2) of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) have been met in relation to this order, namely that the Town Council have reported numerous problems being caused by the misuse of alcohol and recreational use of vehicle on its land. Also that the off lead exercising of dogs has caused concerns of fouling, safety and has prevented the full use of land for its proper purpose by other residents. Accordingly, these activities have had a detrimental effect on the quality of life of those in the locality, or it is likely that those activities will be carried out in the area and have such an effect. The Council is also satisfied that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, and these activities are unreasonable and justify the restrictions imposed by the notice, and that it is in all circumstances expedient to make this order for the purpose of reducing crime and/or anti-social behaviour in a public place.

The Council in exercise of its powers under Sections 59, 64 and 72 of the Act and under all other enabling powers, hereby makes the following order:

1. That within the boundaries of Gainsborough General Cemetery and North Warren Cemetery outlined in red in Schedule 3, dogs must be kept on leads at all times and the use of motor vehicles for recreational purposes will be prohibited.
2. Exemptions to this order are listed in Schedule 1

#### **Schedule 1**

Alcohol and recreational vehicle use as part of an event organised by or with the permission of Gainsborough Town Council will not be a breach of the PSPO.

#### **Schedule 2**

1. It is an offence for a person without reasonable excuse to fail to comply with this order.
2. A person found to be in breach of this order is liable on summary conviction to a maximum penalty of a level 3 fine or to a fixed penalty notice of £75.
3. An authorised officer will be an officer of the District council, or any other suitably trained person, to whom the council has delegated powers under this legislation to demand the surrender of alcohol and to issue fixed penalty notices. Warranted police officers and PCSOs in Lincolnshire are also authorised officers under this legislation.

#### **Schedule 3**

Found at the end of the proposed order.

The Order shall come in to operation on [            ] and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Councils statutory powers.

If any interested person requests to question the validity of this order on the grounds that the Council did not have the power to make the order or that a requirement under the Act has not been complied with, then he or she may apply to the High Court within six weeks from the date in which the order is made.

GIVEN under the Common Seal of West Lindsey District Council on the

..... Day of ..... 2017

The Common Seal of  
West Lindsey District Council  
was hereunto affixed  
in the presence of

**Authorised Officer**

**Schedule 3**

**Areas affected**

Gainsborough General Cemetery



North Warren Cemetery

