

## THE COUNCIL OF THE CITY OF GLOUCESTER

### MORETON STREET/ MELBOURNE STREET WEST FOOTPATH PUBLIC SPACES PROTECTION ORDER 2024

The Council of the City of Gloucester ("the Council") of Herbert Warehouse The Docks Gloucester GL1 2EQ in exercise of its powers under Section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 ("the Act") **HEREBY MAKES** the following Order:

#### CITATION, COMMENCEMENT AND DURATION

1. The Order may be cited as The City of Gloucester Moreton Street/Melbourne Street West Public Spaces Protection Order 2024 ("the Order")
2. This Order is made on the    day of November 2024 and shall have effect for a period of 3 years thereafter unless extended, varied or discharged by further order(s) under the Council's statutory powers.

#### AREA TO WHICH THE ORDER APPLIES

3. This Order applies to the footpath at Moreton Street to Melbourne Street West which is marked by a red line on the map attached at appendix 2 ("the footpath")

#### STATUTORY CONDITIONS

4. The Council is satisfied on reasonable grounds that the activities outlined below when carried out on the footpath which is a public place:
  - a) Have had a detrimental effect on the quality of life of those living in the locality or
  - b) It is likely that the activities will be carried out in a public place within that area and that they will have such an effect and
  - c) The effect, or likely effect of the activities:
    - (i) Are, or are likely to be, persistent or continuing in nature
    - (ii) **Are**, or are likely to be unreasonable and
    - (iii) Justify the restrictions imposed.
5. The Council is satisfied that it is reasonable to impose the restriction outlined below to reduce the detrimental effect and to reduce the risk of its continuance, occurrence or reoccurrence having had particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights.

#### ACTIVITIES

6. Anti-social behaviour and alleged drug dealing

**RESTRICTION**

- 7. The public right of way over the footpath shall be restricted at all times to all persons with the exception of those persons listed in appendix 1.

**PENALTY**

- 8. (a) Any person who, without reasonable excuse, fails to comply with this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000)

(b) The Council may serve that person a notice offering him the opportunity of discharging any liability to conviction of an offence under Article B(a) above by payment of a fixed penalty in the amount of £80.

**GENERAL PROVISIONS**

- 9. The Order hereby authorises the installation of lockable gates at both ends of the footpath to enforce the restriction of the public right of way.
- 10. The responsibility for the maintenance and operation of the gates shall be with The Council of the City of Gloucester whose offices are at Bearlands, Shire Hall, Westgate Street, Gloucester, GL1 2TB under the supervision of the Community Wellbeing Team {01452 396396}

**THE COMMON SEAL** of the )  
**COUNCIL OF THE CITY OF** )  
**GLOUCESTER** affixed hereto )  
this day of November )  
2024 is authenticated by the )  
undersigned a person )  
authorised by the said Council )  
to act for that purpose )

## **Appendix 1:**

The public right of way over the highway shown in the attached plan shall be restricted at all times except for those persons listed below:

- a) Owners or occupiers of premises adjacent to or adjoining the highway affected by this order and who have been provided with a key by the Council.
- b) Fire brigade, Police or NHS staff when in the exercise of their duties.
- c) 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.
- d) Council staff and authorised contractors when in the exercise of their duties.
- e) Persons using the highway with the permission of or on the direction of a duly authorised Council officer in this regard.

Appendix 2

