

# ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

## SECTION 59 PUBLIC SPACES PROTECTION ORDER

### THE BEDFORD BOROUGH COUNCIL CYCLING CONTROL TOWN CENTRE PUBLIC SPACES PROTECTION ORDER 2016 AND VARIATION OF ORDER 2018

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The Bedford Borough Council Cycling Control Town Centre Public Spaces Protection Order (“the 2016 Order”) which was made by the Bedford Borough Council (‘the Council’) is hereby varied from 20<sup>th</sup> April 2018 to remove any discount for early payment of a fixed penalty notice. The Council is satisfied on reasonable grounds that activities carried out, or are likely to be carried out in a public space, namely in the main pedestrianised area of the town centre in Harpur Street, Silver Street, Midland Road and Allhallows as specified on the attached map by the grey diagonal shading (Appendix 1), where activities carried out:

- Are having 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 a public place within that area that will have such an effect
- The effect or likely effect of those activities is or will be persistent or continuing in nature, and
- Such as to justify the restrictions to be imposed.

The Council is satisfied that the following activities have been or are likely to be carried out in the public space:

#### CYCLING CONTROL AREAS

**The 2016 Order came into force on 15<sup>th</sup> May 2016 and applies restrictions to the main pedestrianised area of the Bedford town centre.**

**The variation of the 2016 Order came into force on 20<sup>th</sup> April 2018 and continues to apply the restrictions of the 2016 Order but removes the discount for early payment of any fixed penalty notice issued on or after 20<sup>th</sup> April 2018 by deleting the words “If you pay the fixed penalty within 8 days the amount to pay will be reduced to £50” from the paragraph entitled “FIXED PENALTY”**

#### a) RESTRICTIONS

No person shall cycle/ride bikes through the main pedestrian area of the town centre between the designated times (09:00hrs and 18:00hrs) as specified on the attached map by the grey diagonal shading (see Appendix 1).

#### b) PERIOD FOR WHICH THE ORDER HAS EFFECT

The 2016 Order came into force on 16th May 2016 for a period of three years until 15th May 2019.

**This present variation of the 2016 Order came into force on 20<sup>th</sup> April 2018 for the period from 20<sup>th</sup> April 2018 to 15<sup>th</sup> May 2019**

At any point before the expiry of the aforementioned periods the Council can review and vary the terms of the Order. As well as varying the Order the Council can also seek to discharge it at any time, subject to there being reasonable grounds to support such a decision.

#### c) WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

Section 67 Anti-Social Behaviour, Crime and Policing Act 2014 states:

- 1) It is an offence for a person without reasonable excuse:

- a) To do anything that the person is prohibited from doing by a public spaces protection order, or
  - b) To fail to comply with a requirement to which a person is subject under a public spaces protection order.
- 2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

Therefore where a constable or an authorised person reasonably believes that you:

- Are cycling through the main pedestrian area between the designated times (09:00hrs and 18:00hrs) as specified on the attached map by the grey diagonal shading (see Appendix 1).

The constable or an authorised person may require you to:

- Stop cycling through the main pedestrian area between the designated times (09:00hrs and 18:00hrs), in breach of the Order.

#### FIXED PENALTY

A constable or an authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 14 days to pay the fixed penalty of £75. If you pay the fixed penalty within 14 days you will not be prosecuted.

#### 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, (i) that the Council diode not have the power to make the order or to include particular prohibitions or requirements; or (ii) that one of the requirements of the legislation has not been complied with.

When 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.

Dated: 20th April 2018

The Common Seal of  
Bedford Borough Council  
was hereto affixed in the presence of



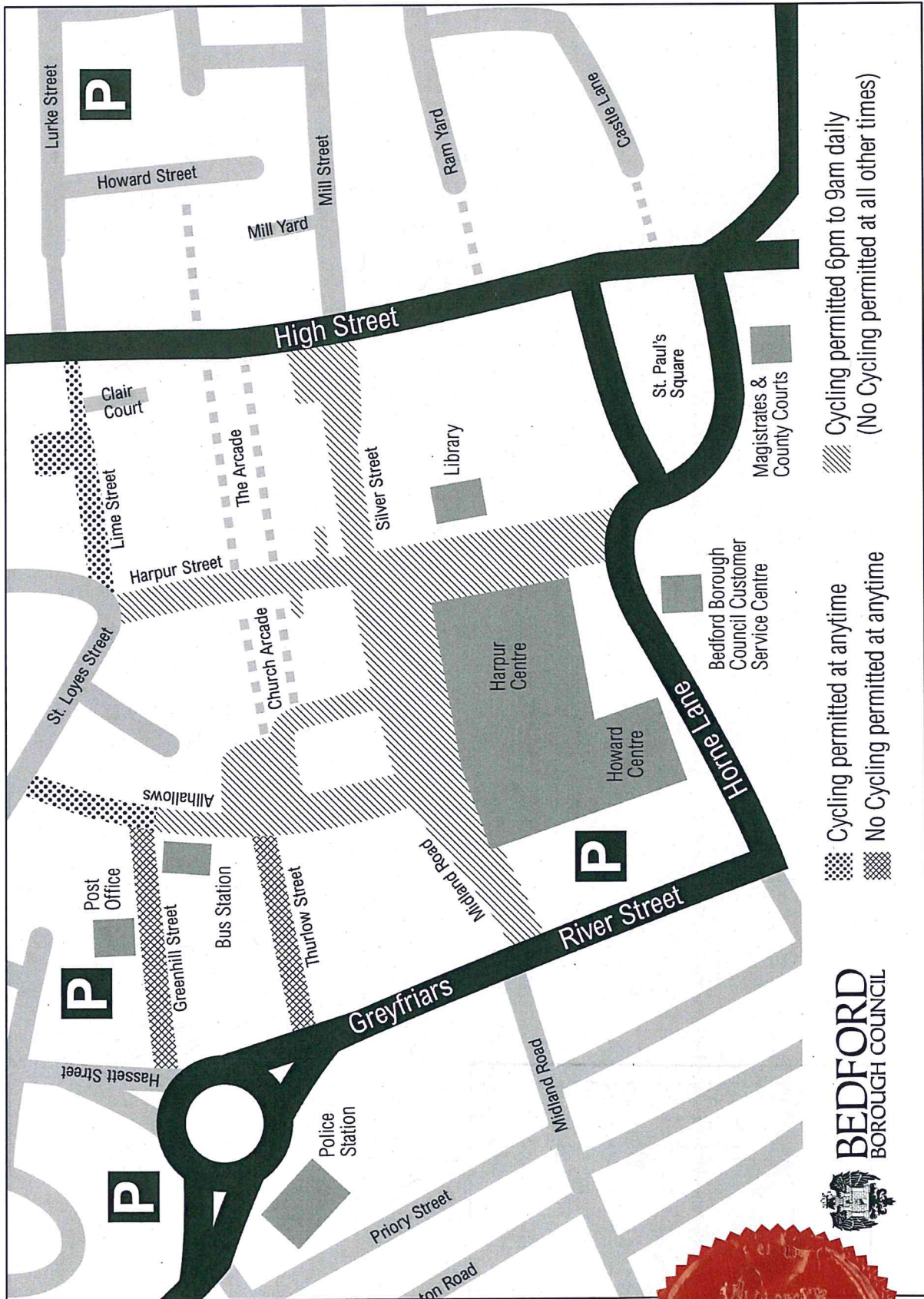
Signed: Barbara H. Morris  
BARBARA H. MORRIS  
Assistant Chief Executive (Law and Governance)  
Solicitor to the Council

Signed: Craig Austin

Director of Environment  
CLAUIG AUSTIN

THE BEDFORD BOROUGH COUNCIL Town Centre Public Spaces Protection Order (PSPO) 2016

APPENDIX 1



**BEDFORD**  
BOROUGH COUNCIL

*[Handwritten signature]*

AUTHORITY FOR EXECUTION		
COUNCIL COMMITTEE	MINUTE No.	DATE
<i>Executive</i>	<i>77-318</i>	<i>7-3-18</i>
DELEGATED POWER	By Whom Exercised	DATE
	OFFICERS INITIALS	DATE
ORIGINATED AND CHECKED BY	<i>DD</i>	<i>18-4-18</i>
APPROVED BY	<i>DD</i>	<i>18-4-18</i>