

APPENDIX D



CHESHIRE EAST BOROUGH COUNCIL PUBLIC SPACES PROTECTION ORDER

Cheshire East Borough Council [the Council] makes this Order under **Section 59 Anti-Social Behaviour, Crime and Policing Act 2014** [hereinafter referred to as the 'Act'], having consulted as required by **Section 72** of that **Act**.

This Order takes effect on 20th October 2020 and has a duration of three years.

It applies to the public places listed in the first column of the Schedule to this order, hereinafter referred to as 'the Restricted Areas' defined by section 59(4) of the Act as any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

The Council is satisfied on reasonable grounds that activities of a criminal nature, for example dwelling house burglaries, have been facilitated by use of a right of way within the Restricted Areas which have given rise to nuisance and complaint and have had a detrimental effect on the quality of life of those in the locality. Further, it is satisfied that, without restriction of the public right of way over a highway within the Restricted Areas the effect of these activities is or is likely to be of a persistent or continuing nature, is or likely to be such as to make the activities unreasonable, and the effect of the activities justifies the restrictions imposed.

Cheshire East Borough Council therefore has exercised its power under section 59(4) Anti-Social Behaviour, Crime and Policing Act 2014 to make this order to:

PROHIBIT

1. **Person(s)** exercising a public right of way over the highway(s) within the Restricted Areas described in the First Schedule and, in which, for the purposes of enforcement of this restriction, the Order authorises the installation of a gate, operated and maintained by the Council.

Save that exemptions to the restriction shall apply to:

- a. *All owners and occupiers of premises adjoining the Highway(s).*
- b. *Police, Fire and Rescue Services, and NHS Trust/Foundation staff when in exercise of their duties.*
- c. *Employees contractors or agents of statutory undertakers (providers of gas, electricity, water, or telecommunications services) in the exercise of their functions.*
- d. *Local Authority officers and their contractors or agents in the exercise of their functions.*

REQUIRE

2. **Person(s)** to use alternative routes for public passage as described in the Second Schedule to this order

In making this Order, the Council certifies that it has had particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention. Further, the Council certifies that it has had regard to Section 64 of the Act and complied with the additional requirements of, and restrictions imposed on, Public Safety Protection Orders which restrict public rights of way.

Failure without reasonable excuse to comply with the prohibitions or requirements imposed by this Order is an offence under **Section 67** of the **Anti-Social Behaviour, Crime and Policing Act 2014**. A person guilty of this offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale, namely **£1000.00**.

A constable or an authorised person may under **Section 68** of the **Anti-Social Behaviour, Crime and Policing Act 2014**, issue a fixed penalty notice to anyone he/she has reason to believe has committed an offence under **Section 67** of that Act in relation to this Order.

APPEALS

In accordance with section 66 of the Act, any interested person who wishes to challenge 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 may apply to the High Court within six weeks from the date upon which the Order or Variation is made.

Signed..... Position

Acting with the authority of Cheshire East Borough Council under section 101 of the Local Government Act 1972

Dated:.....

SCHEDULES

First Schedule Restricted area	Second Schedule Alternative routes for public passage	Gate Numbers	Grid Reference Finder
A length of highway which runs from Derby Street in a westwards direction to the rear of the properties 1-19 Chell Street (Gate 38), being its entire length.	Chell Street	Number of gates – 1 Gate number 38	53°06'10.7"N 2°27'17.7"W
<p>A length of highway which runs from Timbrell Avenue southwards alongside the western boundary of 35 Timbrell Avenue and the eastern boundary of 37 Timbrell Avenue (Gate 61) to the northern boundary of 132 Badger Avenue (Gate 59).</p> <p>A length of highway which runs in a eastwards direction to the rear of the properties 202-164 Badger Avenue and 35-3 Timbrell Avenue.</p> <p>A length of highway which runs from Timbrell Avenue in a southwards direction alongside the western boundary of 1 Timbrell Avenue and the eastern boundary of 3 Timbrell Avenue (Gate 60); and to the rear of the properties 156-132 Underwood Lane to Badger Avenue.</p>	Timbrell Avenue, Underwood Lane, Badger Avenue.	Number of gates – 3 Gate numbers 59, 60, 61	53°06'21.1"N 2°27'26.9"W 53°06'22.8"N 2°27'26.4"W 53°06'23.2"N 2°27'30.7"W
A length of highway which runs from Broom Street in a southwards direction alongside the western boundary of 40 Broom street (Gate 69) and to the rear	Broom Street	Number of gates – 6	53°06'17.2"N 2°27'26.5"W

<p>of the properties 42-46 Broom Street.</p> <p>A length of highway which runs from Newcastle Street in a northwards direction alongside the boundary of 35 Newcastle Street (Gate 70) and to the rear of the properties 52-48 Broom street.</p> <p>A length of highway which runs from Broom Street in a southwards direction alongside the western boundary of 30 Broom street (Gate 68) and the eastern boundary of 32 Broom street then continuing in an eastwards direction to the rear of the properties 30-8 Broom Street (Gate 67,66,65).</p>		<p>Gate numbers 65, 66*, 67, 68, 69, 70, 71</p> <p>*gate no 66 – the alleyway between 12/14 Broom Street is unadopted and not been included in the PSPO.</p>	<p>53°06'17.2"N 2°27'28.0"W</p> <p>53°06'17.2"N 2°27'29.6"W</p> <p>53°06'17.2"N 2°27'30.9"W</p> <p>53°06'16.0"N 2°27'30.7"W</p> <p>53°06'16.6"N 2°27'26.7"W</p>
<p>A length of highway which runs from Timbrell Avenue northwards alongside the eastern boundary of 34 Timbrell Avenue and the western boundary of 32 Timbrell Street (Gate 62)</p> <p>A length of highway which runs eastwards to the rear of the properties 43-13 Brooklands Grove and 32-2 Timbrell Avenue. (Gate 63)</p> <p>A length of highway which runs from Timbrell Avenue in northwards direction alongside the eastern boundary of 2 Timbrell Avenue, the western boundary of 156a Underwood Lane and to the rear of properties 156a – 168 Underwood lane (Gate 64)</p>	<p>Timbrell Avenue, Underwood lane, Brooklands Grove</p>	<p>Number of gates – 3</p> <p>Gate numbers 62, 63, 64</p>	<p>53°06'24.7"N 2°27'30.0"W</p> <p>53°06'23.3"N 2°27'26.3"W</p> <p>53°06'24.0"N 2°27'24.3"W</p>
<p>A length of highway which runs from a point approximately 4.5 metres west of its junction with Stamford Avenue westwards alongside the southern boundary of 36 Stamford Avenue (Gate 227) and to the rear of the properties 24-58 Gainsborough Road (Gate 221); and 20-2 Clifton Street to a point approximately 1.5 metres east of its junction with Clifton Street (Gate 223) (FY1266).</p> <p>A length of highway which runs from a point approximately 4 metres east of Clifton Avenue eastwards alongside the southern boundary of 11 Clifton Avenue (Gate 222) and to the rear of the properties 1-19 Clifton Street (FY1267).</p> <p>A length of highway which runs from a point approximately 3.5 metres south of its junction with Alton Street southwards alongside the properties 82/84 Alton Street (FY1268).</p> <p>A length of highway which runs from a point approximately 6.5 metres north of its junction with Clifton Street northwards alongside the eastern boundary of 19 Clifton Street to the rear of the properties 28-2 Stamford Avenue; and</p>	<p>Stamford Avenue, Alton Street, Clifton Avenue and Gainsborough Road</p>	<p>Number of gates – 8</p> <p>Gate numbers 221, 222, 223, 224, 225, 226, 227, 228,</p>	<p>53°05'35.8"N 2°26'59.2"W</p> <p>53°05'34.4"N 2°26'57.0"W</p> <p>53°05'34.9"N 2°26'56.9"W</p> <p>53°05'37.4"N 2°26'59.0"W</p> <p>53°05'37.9"N 2°26'56.3"W</p> <p>53°05'34.0"N 2°26'54.5"W</p> <p>53°05'36.8"N 2°26'54.0"W</p>

<p>from Clifton Street in a southwards direction alongside the eastern boundary of 20 Clifton Street and to the rear of the properties 34/36 Stamford Avenue (FY1269).</p> <p>A length of highway which runs from a point approximately 5 metres west of its junction with Stamford Avenue westwards alongside the northern boundary of 2 Stamford Avenue and to the rear of the properties 66-82 Alton Street (FY1270).</p>			
<p>A length of highway which runs adjacent to 2 Barker Street (Gate 190) westwards alongside the rear of the properties 38-70 Bedford Street and 15-9 Herbert Swindells Close (FY1282).</p> <p>A length of highway that runs from the rear of 101 Bedford Street (Gate 189) in an easterly direction to the rear of 70 Bedford Street and easterly boundary of 11 Herbert Swindells Close.</p>	Barker Street and Bedford Street	<p>Number of gates – 2</p> <p>Gate numbers 189, 190</p>	<p>53°05'09.7"N 2°26'27.6"W</p> <p>53°05'10.6"N 2°26'19.6"W</p>
<p>A length of highway which runs from Manning Street eastwards to the rear of 8-2 Bedford Street and 6, 7 and 8 Dario Gradi Drive (FY1283)</p>	Bedford Street, Gresty Road and Clair Street.	<p>Number of gates – 5</p> <p>Gate numbers 172, 189, 194, 198, 200</p>	<p>53°05'09.7"N 2°26'27.6"W</p> <p>53°05'10.6"N 2°26'19.6"W</p>
<p>A length of highway which runs from Chambers street eastwards alongside 58-60 Chambers Street (Gate 181) and to the rear of 16/18 Catherine Street (FY1277).</p> <p>A length of highway which runs from a point approximately 2.60 metres north of its junction with Catherine Street northwards and north-westwards alongside the eastern boundary of 2 Catherine Street (Gate 182) and the western boundary of 2a Catherine Street; and to the rear of the properties 82-40 South Street (Gate 183); 2-116 Catherine Street and 58-44 Chambers Street (FY1278).</p>	Chambers Street, Catherine Street and South Street.	<p>Number of gates – 3</p> <p>Gate numbers 181, 182, 183</p>	<p>53°05'15.2"N 2°26'18.0"W</p> <p>53°05'16.9"N 2°26'16.1"W</p> <p>53°05'07.7"N 2°26'12.9"W</p>
<p>A length of highway which runs from a point approximately 2.90 metres south of Laura Street southwards alongside the western boundary of 2 Laura Street and the eastern boundary of 4 Laura street; and to the rear of 160-170 Gresty Road (FY1284).</p> <p>A length of highway which runs from a point approximately 2 metres east of its junction with highway FY1286 on its north side and from its junction with highway FY1286 on its south side in a westwards direction to the rear of the properties 42-4 Laura Street and 24-2 Claughton Avenue (FY1285).</p>	Laura Street, Gresty Road, and Claughton Avenue.	<p>Number of gates – 2</p> <p>Gate numbers 359, 360</p>	<p>53°05'03.9"N 2°26'17.5"W</p> <p>53°05'05.5"N 2°26'11.9"W</p>

<p>Public footpath number 97, Macclesfield: from Vincent Street to Buckley Street, the length to be gated is approximately 31 metres.</p>	<p>Vincent Street, Brown Street and Buckley Street, Macclesfield</p>	<p>Number of Gates – 2 380, 381</p>	<p>53°15'16.6"N 2°07'39.2"W</p>
<p>A length of highway which runs from a point 12 metres north of Tynedale Avenue northwards alongside the properties 56 and 58 Tynedale Avenue to its junction with highway (FY1070) A length of highway (FY1070) which runs from a point 6.9 metres south of Lunt Avenue on the east side and 4.4 metres south of Lunt Avenue on the west side in a southwards direction alongside the properties 37 and 39 Lunt Avenue and continuing eastwards to the rear of the properties 15-37 Lunt Avenue and 46-58 Tynedale Avenue to a point 27 metres west of its junction with highway (FY1069). A length of highway (FY1069) which runs from a point 29 metres south of its junction with Lunt Avenue southwards to the rear of the properties 57-1 Ruskin Road and 223-225 Nantwich Road and 42-20a Tynedale Avenue. A length of highway (FY1072) which runs from a point 5.5 metres west of its junction with Ruskin Road westwards alongside the properties 31 and 33 Ruskin Road to its junction with highway (FY1069). A length of highway (FY1074) which runs from a point 6 metres east of its junction with Tynedale Avenue eastwards alongside 20a and 22 Tynedale Avenue to its junction with highway (FY1069). A length of highway (FY1071) which runs from a point 1.5 metres east of the rear boundary of 10-12 Smallman Road westwards to the rear of the properties 14-32 Smallman Road.</p>	<p>Lunt Avenue, Ruskin Road, Nantwich Road, Smallman Road, Carlisle Street.</p>	<p>Number of Gates - 5 Gate numbers 330, 331, 332, 334, 336</p>	<p>53°05'13.7"N 2°26'52.1"W 53°05'15.6"N 2°26'53.1"W 53°05'20.1"N 2°26'55.0"W 53°05'13.7"N 2°26'51.7"W 53°05'17.0"N 2°26'49.0"W</p>
<p>A length of highway which runs from a point 2.8 metres north of its junction with Bedford Street northwards alongside the properties 59 and 61 Bedford Street (FY1281).</p>	<p>Bedford Street, Gresty Road and Catherine Street</p>	<p>Number of Gates - 1 Gate number 176</p>	<p>53°05'11.8"N 2°26'20.8"W</p>
<p>A length of highway which runs south easterly from in between the rear of 24 St Anne's Road and side of 2 West Street down to its junction, whereby it runs north easterly in between the rear of properties on West street and Beech Street ending to the rear of West End Cottage and 19 Beech Street.</p>	<p>Beech Street and West Street, Middlewich</p>	<p>Number of Gates – 2 Gate numbers 382, 384</p>	<p>53°11'31.0"N 2°26'53.4"W</p>