

APPENDIX THREE
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING
ACT 2014
DRAFT 06 JANUARY 2016
THE MAYOR AND COMMONALTY AND CITIZENS OF
THE CITY OF LONDON

The Public Space Protection (Portsoken) Order 2016

Made - - - - - *[date of making]*

[Coming into force in accordance with article 1(2)]

Whereas—

- (1) the Anti-social Behaviour, Crime and Policing Act 2014 authorises the making of a public spaces protection order prohibiting or requiring specified things being done or to be done by persons in a public place;
- (2) the Court of Common Council [*or the Policy & Resources Committee*] of the City of London assembled on [*insert date of meeting*] is satisfied that in the judgement of the Court [*the creation in the City of London of a new square in the Ward of Portsoken*] shall facilitate unreasonable activities of a persistent or continuing nature that but for this Order will be carried on in that place and effect a detrimental quality of life for those living, working and visiting the locality;
- (3) having consulted with their Commissioner of the City of London Police;
- (4) having consulted with the occupiers of premises adjoining or adjacent to the highway on the likely effect of making the order;
- (5) considering the likely effect of making the order on other persons in the locality;
- (6) taking into account the availability of a reasonably convenient alternative route across the Aldgate Square to the west adjacent to the Order land;
- (7) the City of London having notified and informed potentially affected persons of the proposed order, and where it may be inspected, and having considered representations made in response to that notification;
- (8) being content the restrictions and prohibitions in the Order are justified by the unreasonable nature of the activities;
- (8) resolving to renew its consideration of the utility and proportionality of the prohibitions and restrictions no later than [*three years from the date this order is made*]:

Now, therefore, the Common Council of the City of London make the following Order in exercise of powers conferred by sections 59, 63, 64 of the Anti-social Behaviour, Crime and Policing Act 2014:

Citation, commencement, extent and cessation

- 1.—(1) This Order may be cited as the Public Space Protection (Portsoken) Order 2015.
- (2) This Order comes into force on [*on the day following the day on which the Town Clerk confirms it.*]
- (3) This Order shall extend to the eastern edge of the public highway on Aldgate Square adjacent to the western churchyard of the Church of St Botolph without Aldgate, Aldgate High Street,

being the land more particularly delineated and designated by Schedule 1 and show edged red in the plan in that Schedule.

(4) This Order ceases to have effect on [*three years from the date this order is made*].

Interpretation

2.—(1) In this Order, unless the context otherwise requires:-

“authorised person” means a person present in the restricted area for a lawful purpose authorised by and acting on behalf of the Lord Bishop of London, the City Surveyor, the Commissioner of the City of London Police, the London Fire Brigade or the London Ambulance Service;

“barriers” means the barriers or gates erected in pursuance of article 6 of this Order at the locations shown on the plan in Schedule 2;

“Convention” has the meaning given to it by section 21(1) of the Human Rights Act 1998;

“Council” means the Common Council of the City of London;

“hours of darkness” has the meaning given to it by section 329 of the Highways Act 1980 (the time between half an hour after sunset and half an hour before sunrise);

“restricted area” means the land designated by article 1(3) of this Order;

“Schedule” means a Schedule to this Order;

“utility worker” means person exercising a power of a highway authority under the Highways Act 1980 or of an undertaker within the meaning of the New Roads and Street Works Act 1991.

Persons in the Restricted Area During Periods When Barriers are Closed

3.—(1) A person is prohibited from entering or remaining in the restricted area during the period identified in article 3(2) unless—

- (a) a police officer or an authorised person consents (generally or specifically) to him entering or remaining in the restricted area for a determinate period of time; or
- (b) the person has a reasonable excuse for so doing.

(2) Article 3(1) applies during periods when the barriers are closed.

Penalty

4. A person in breach of the prohibition in article 3(1) is guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Proportionality

5.—(1) Without prejudice to the generality of article 3(1)(b), for the purposes of considering the question of whether a person has a reasonable excuse for having entered or remained in the restricted area in breach of a prohibition in Article 3 of this Order, a police officer or an authorised officer of the Council must take into account all the circumstances including that person’s Convention rights having particular regard to Article 10 (freedom of expression and information) and Article 11 (freedom of peaceful assembly and freedom of association with others) of the European Convention of Human Rights.

Barriers across the highway

6.—(1)For the purposes of giving effect to the prohibition in article 3 the Council may erect install, operate and maintain barriers preventing public access and egress to the public highway in the locations identified in the plan in Schedule 2 being:—

- (a) between the locations marked A and B;
- (b) between the locations marked C and D;
- (c) between the locations marked E and F;
- (b) between the locations marked G and H; and
- (b) between the locations marked I and J.

(2) The barriers in erected pursuant to article 6(1) may be operated to restrict access to and egress from the restricted area within the hours of darkness.

(3) An officer of the City of London Police or an officer authorised by the City of London Corporation may operate the barriers.

(4) Any person may operate the barriers in the case of any emergency or apprehended emergency.

Exemptions

7.—(1) The prohibition in this Order does not apply to any authorised person or utility worker acting in the course of their duties.

Temporary effect of Order and transitional provision

8.—(1) The cessation of the effect of the Order by virtue of article 1(4) does not affect the lawfulness of anything done in reliance on it before it ceases to have effect.

[Date]

[Attestation clause]

Explanatory Note

This Order imposes a general prohibition on persons remaining within the defined area in Schedule 1 during periods when barriers controlling access and egress to the main thoroughfare are closed.

Article 1 sets out the citation, commencement, extent and cessation of the Order.

Article 2 provides defined terms.

Article 3 sets out the prohibition and the provision made to ensure that prohibition does not apply to persons with a reasonable excuse or consent for being within the restricted area.

Article 4 specifies that breach of the prohibition in Article 3 is a summary offence.

Article 5 sets out that all the circumstances are to be relevant to the question of whether a person has a ‘reasonable excuse’ including Articles 10 and 11 of the European Convention on Human Rights.

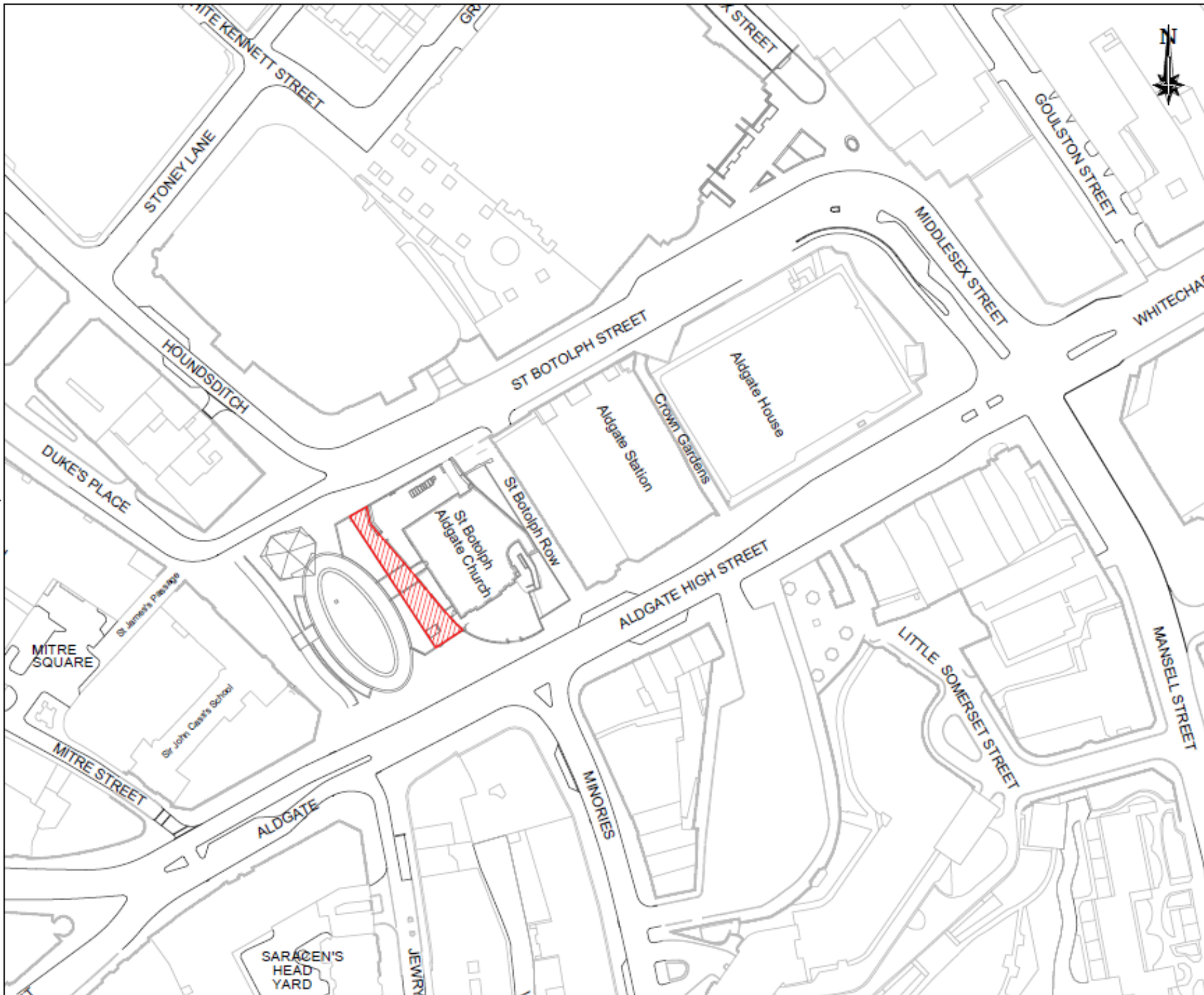
Article 6(1) authorises the erection of barriers across the public highway.


Article 6(2) provides that the barriers may be closed within the hours of darkness or for temporary periods.

Article 6(3) and (4) describes the persons that may operate the barriers, including in case of emergency.

Article 7 provides that authorised persons and utility workers are exempt from the prohibition in the Order

Schedule 1 (Land subject to PSPO / Restricted Area)



 Proposed PSPO area



| Rev No | Date | Description | By |
|----------|------|-------------|----|
| Revision | | | |

ALDGATE GYRATORY

Proposed PSPO
Western Space

Highway Design AND CONSTRUCTION

Consultant of the Local Development
PO Box 270
Goulston Street
London
EC2P 2JD
Tel: 020 7466 3030



CITY OF LONDON

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|--------------|---|
| SHEET 1 of 1 | <p>This plan is submitted to the Council for its consideration and approval. It is the responsibility of the applicant to ensure that the information provided is accurate and complete. The Council is not responsible for any errors or omissions. The Council reserves the right to refuse to approve any plan that does not comply with the relevant legislation.</p> |
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Schedule 2 (Location of Gates / Barriers)

