

The Anti-social Behaviour, Crime and Policing Act 2014

Swale Borough Council

Elm Grove / Coombe drive Sittingbourne– Alleyway Restriction

In exercise of its powers under sections 59 and 60 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) Swale Borough Council hereby makes the following Order.

Swale Borough Council (“the Council”) is satisfied that the conditions set out in section 59 of the Act have been met in the public area of the alleyway between Elm Grove and Coombe Drive , Sittingbourne, in that residents in the locality are affected by activities such as vandalism and anti-social behaviour including youth nuisance and high levels of environmental crime. These activities have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried out within that area and have such an effect.

The Council is 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 this Order and that in all the circumstances it is expedient to make this Order for the purposes 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. This Order relates to the public right of way as detailed in Schedule 1 (‘the Highway’).
2. The Highway shall be restricted at all times except to those persons listed in Schedule 2.
3. This Order authorises the installation of gates which will enforce the access restriction as detailed in Schedule 1. The gates shall be maintained and operated by the Council via the Community Safety Team (Tel: 01795 417099). The gates are to be operated by keyholders.
4. The alternative routes for vehicular / pedestrian access are detailed in Schedule 3.
5. Any person found on the Highway will be in breach of this Order and liable to pay a fine or penalty as described in Schedule 4, unless that person is listed in Schedule 2

This Order shall come into force on xx xxx 2023 and shall have effect for a period of three years thereafter, unless extended by further orders under the Council’s statutory powers.

Schedule 1

The length of the Highway as shown on the attached map shaded red (appendix 1). The gates will be installed at the points marked by gate symbol.

Schedule 2

Access along the Highway shall not be restricted to:

- A) Owners / occupiers of premises adjacent to or adjoining the Highway affected by this Order.
- B) The Fire Brigade, Police, NHS Trust or Foundation staff when in the exercise of their duties.
- C) Employees, contractors or agents of statutory undertakers in relation to gas, electricity water or telecommunications apparatus as defined in the Telecommunications Act 1984 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 its authorised contractors when in the exercise of their duties.
- E) Persons using the Highway with the permission of a duly authorised Council Officer.

Schedule 3

The alternative routes for vehicular and pedestrian access are along Elm Grove, Woodberry Drive Coombe Drive Sittingbourne.

Schedule 4

1. It is an offence under section 67 of the Act for a person without reasonable excuse to do anything that is prohibited by 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 up to £100.

Right of Appeal

If any interested person wishes to question the validity of this Order on the grounds that the Council did not have the power to make the Order or that any requirement of the Act has not been complied with, 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 Swale Borough Council on the19th.....day of May 2023

THE COMMON SEAL of Swale Borough Council}

Was hereunto affixed in the presence of }

Appendix 1

Alleyway adjacent to Elm Grove and Coombe Drive bordering the railway line

