

North West Leicestershire District Council
Anti-Social Behaviour, Crime and Policing Act 2014
Part 4, Section 59
Public Spaces Protection Order

Notice is hereby given that North West Leicestershire District Council in exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) proposes to make the following Order:

Residential Bins on the Highway

1. Duration

This Order shall come into force on **11/08/2024** and shall have effect for a period of three years thereafter, expiring on **10/08/2027** unless extended by further orders under the Council’s statutory powers.

2. The Restricted Areas

The Order relates to all residential premises in the areas marked red on the attached plan and commonly known as:

- Berrisford Street, Coalville
- Margaret Street, Coalville
- Melbourne Street, Coalville
- Bridge Road, Coalville
- Adam Morris Way, Coalville
- William Bees Road, Coalville
- Mantle Lane, Coalville (House numbers 4-30)

“the Restricted Areas”

3. Persons to whom this Order applies

This Order applies to all Relevant Persons(*) in a position to control residential premises located within the Restricted Areas.

4. The Activity

Waste bins left out on the highway for prolonged periods of time (“the Activity”).

The Council is satisfied that the Activity causes obstructions to pedestrians and an increase of litter and waste in the Restricted Areas and therefore has had a detrimental effect on the quality of life of those in the locality, is unreasonable, and justifies the restrictions being imposed.

5. Requirements/Prohibitions

- 5.1 Each Relevant Person is required to ensure that all household waste stored at Residential Premises(*) and/or presented, or to be presented, for collection from Relevant Premises shall be contained in receptacles provided by the Council.

5.2 Relevant Persons are prohibited from storing receptacles outside the boundary of Relevant Premises other than between **noon the day before collection is due, and noon on the day after collection.**

5.3 Each Relevant Person shall have an equal and separate responsibility in relation to the above requirement at 5.1, and the prohibition at 5.2, whether physically present at the Relevant Premises at the relevant time or not.

6. Offences

Any person failing to comply with this Order will be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale, pursuant to section 67 of the Act.

No person shall be guilty of an offence under this Order if that person demonstrates that he or she has taken all such steps as were reasonably available to that person to secure compliance, provided that proof of the same lies with that person.

7. Fixed Penalty Notices

A constable or a person authorised by the Council may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence in relation to Order.

A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the Council.

Failure to pay a fixed penalty notice may lead to prosecution.

8. Definitions – for the purpose of this Order:

“Relevant person” means any person residing in, whether permanently, or temporarily, by legal right or simple occupation at any premises situated in the Restricted Areas. Further, any owner or managing agent of any premises let on a periodic tenancy and situated in the Restricted Areas.

“Relevant premises” refers to residential premises within the Restricted Area.

“The Act” refers to the Anti-Social Behaviour, Crime and Policing Act 2014.

“The Council” is North West Leicestershire District Council.

9. Appeals

If any interested person questions 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, then he or she may apply to the High Court within 6 weeks of the date that this Order is made.

The right to challenge also exists where an Order is varied by the Council. When such an application is made, the High Court can decide to suspend the operation of the Order pending the Court’s decision, in part or totality. The High

Court also has the power to uphold the Order, quash the Order or vary the Order.