

Anti-social Behaviour, Crime & Policing Act 2014

Public Spaces Protection Order

(Vehicle Related ASB) (the 'Order')

This Order may be cited as Broadland District Council, Public Spaces Protection Order (Vehicle Related ASB) Number XX of 20XX

Broadland District Council exercises its powers under Section 59 and 72 of the Anti-social Behaviour, Crime & Policing Act 2014 (the 'Act') and under all other enabling powers, hereby makes the following Order:

1. The Order shall come into operation on XXX and shall have an effect for 3 years thereafter, unless extended by further Order under the Councils' statutory powers.
2. The Order relates to the whole of the Broadland District as shown on the attached plan ('the restricted area').
3. Broadland District Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met, namely, that anti-social behaviour and/or criminal activities have been carried out within the restricted area due to vehicular nuisance. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within the restricted area and have such effect.
4. Broadland District Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is expedient to make this Order for the purposes of reducing crime and/or anti-social behaviour in a public place.

Prohibitions

Any person(s) (by definition includes the driver, rider, or registered keeper of a mechanically propelled vehicle, who at the time of the offence was in control of the mechanically propelled vehicle; or in a position to control its' use within the restricted area) are prohibited from:

- a. Congregating or loitering as part of a group around (or in) one or more stationary vehicles at any time where such activity causes or is likely to cause noise, harassment, alarm, distress, or detrimental impact.
- b. Engaging in, promoting, encouraging and/or assisting in the carrying out of any activity connected to the use of a mechanically propelled vehicle including but not limited to a car cruising event* (see definition below); in or on a public highway, public car park and other land to which the public has access (whether by payment or otherwise) in the Broadland District Council area (the restricted area) which causes or is likely to cause harassment, alarm or distress or detrimental impact due to any of the following activities, namely:
 - I. Sounding horns or playing loud music which causes a nuisance.
 - II. Revving engines which causes a nuisance.

- III. Causing danger to other road users (including pedestrians).
 - IV. Causing damage or risk of damage to private property.
 - V. Speeding or racing.
 - VI. Performing stunts (including but not limited to performing doughnuts, skidding, drifting, handbrake turns, wheel spinning, burn outs).
 - VII. Being verbally abusive, swearing and/or intimidating (including the use of sexual language or making sexual suggestions) to another person.
 - VIII. Causing an obstruction of a public highway or publicly accessible place (whether moving or stationary).
- c. Engaging in, promoting, advertising, encouraging, or assisting in activities or other mechanically propelled vehicle related nuisance causing or likely to cause danger to the public.
 - d. Promoting, organising, advertising, or publicising the occurrence of car cruising* (including but not limited to via email, the internet, social media, or via any publication or broadcast medium).
 - e. Attends any meeting or gathering either as a mechanically propelled vehicle owner, driver, passenger, or spectator where any reasonable person would consider that the car cruising or gathering is likely for the purposes listed at a(i) to (VIII) was or is taking place on land to which this Order applies, commits an offence.

**The definition of car cruising includes 'a congregation of the drivers of 2 or more motor vehicles (including mopeds, motorcycles, trikes, and quadbikes, whether intended or adapted for use on a road) on the public highway or at any place to which the public has access, whether by payment or otherwise.*

It is the act of drivers meeting on the public highway or a publicly accessible place. It can either be planned or unplanned, with the intention to race or perform stunts (as outlined above).

Behaviour includes but is not restricted to:

- Obstructing highways, residential or business properties.
- Dangerous or inconsiderate driving.
- Creating excessive noise via engine, horn, or amplified music.
- Littering.
- Verbal abuse, swearing and/or intimidating member of the public.

Fixed penalty notices and offences

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
2. In accordance with Section 67 of the Act, a person found to be in breach of this Order is liable to be issued with a Fixed Penalty Notice of £100 or on summary conviction to a maximum penalty of a level 3 fine.

Appeals

1. In accordance with Section 66 of the Act, any interested person who wishes to challenge the validity of this Order may apply to the High Court within six (6) weeks

from the date upon which the Order is made. Any such challenge must be on the grounds that (1) the Council did not have the power to make the Order or to include particular prohibitions or requirements; or (2) that in making the Order, the Council failed to comply with a requirement under the Act.

Appendix (attached):

A map showing the restricted area edged in red.

Given under the Common Seal of Broadland District Council

On the XXXX day of XXX 20XX

**THE COMMON SEAL of
Broadland District Council**

Was hereunto affixed in the

Presence of:

.....Authorised Officer

DRAFT