



**Broxtowe
Borough
COUNCIL**

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTION 59

PUBLIC SPACES PROTECTION ORDER

BROXTOWE BOROUGH COUNCIL CHILWELL INCLUDING CHILWELL RETAIL PARK VEHICLE NUISANCE PUBLIC SPACES PROTECTION ORDER

THIS ORDER is made by Broxtowe Borough Council ("the Authority") because the Authority is satisfied on reasonable grounds that activities carried out or likely to be carried out in a public space:

- Have had or are likely to have a detrimental effect on the quality of life of those in the locality;
- Are or are likely to be, of a persistent or continuing nature;
- Are or are likely to be unreasonable; and
- Justify the restrictions imposed.

Namely the area in Chilwell including Chilwell Retail Park and all adopted roads within the area delineated in red on the attached labelled plan being the "Restricted Area".

The Authority is satisfied that the following activity has been or is likely to be carried out in the public space:

CAR CRUISING AND ASSOCIATED ACTIVITIES

1. RESTRICTIONS/REQUIREMENTS:

1.1 Subject to the exceptions at 1.2 any person is prohibited from participating in or being a spectator of car cruising and car cruising events including but not limited to the following activities:

- a. **Driving motor vehicles at excessive speed or accelerating aggressively;**
- b. **Racing motor vehicles;**
- c. **Wheel spins;**

- d. Stunts being performed in motor vehicles;
- e. Music being played on equipment installed in a motor vehicle that is audible outside the vehicle;
- f. Driving motor vehicles in a convoy of two or more vehicles, whether side by side or in single file;
- g. The promotion, publication or organising any car cruising or car cruising events to occur within the Restricted Area, by the internet, email, Facebook, Twitter or any other social media, hoardings, publications or adverts;
- h. **Repeatedly and inconsiderately** excessively revving engines;
- i. Congregation of two or more motor vehicles on Chilwell Retail Park;
- j. **Repeatedly and inconsiderately** sounding of a motor vehicle horn in such a manner that it causes or is likely to cause nuisance to persons in the locality;
- k. Causing an obstruction on a public highway or publicly accessible place, whether stationary or moving which causes or is likely to cause nuisance to persons in the locality;
- l. Creating a danger or risk of injury to road users and pedestrians;
- m. Using **threatening**, foul or abusive language;
- n. Creating public nuisance or annoyance;
- o. Using threatening, intimidating behavior towards another person; and
- p. Recording any of the activities on any device.

1.2 Exceptions – the restrictions in this Order to not apply to the following:

- a. A convoy of motor vehicles taking part in a funeral procession and associated congregation;
- b. Any activity that has been approved in advance by the Local Authority.

1.3 A person participates in car cruising if:

- a. They are the driver of a motor vehicle engaging in the car cruising activities; or
- b. They are a passenger in a motor vehicle engaging in the car cruising activities.

1.4 A person is a spectator of car cruising if they attend a meeting of two or more vehicles engaging in activities of car cruising.

2. PERIOD FOR WHICH THE ORDER HAS EFFECT

This Order will come into force on

and lasts until

At any point before the expiry of this period the Authority can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

3. WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

Under s.67 of the Anti-social Behaviour Crime and Policing Act 2014 it is an offence for a person without reasonable excuse, to do anything prohibited by this Order or fail to comply with a requirement of this Order.

A person guilty of an offence under s.67 of the Anti-social Behaviour Crime and Policing Act 2014 is liable on summary conviction to a fine not exceeding level three on the standard scale, up to £1,000 at the time this Order came into force.

The effects of s.67 of the Anti-social Behaviour Crime and Policing Act 2014 are appended to this Order.

4. FIXED PENALTY

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 21 days to pay the fixed penalty of £75. If you pay the fixed penalty in less than 14 days this will be reduced to £50. Payment of a fixed penalty within the aforementioned time frames discharges liability for the offence and you will not be prosecuted.

5. VALIDITY OF ORDERS

Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the Restricted Area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Authority.

Interested persons can challenge the validity of this Order on two grounds: that the Authority did not have power to make the Order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it, or vary it.

Dated

The Common Seal of
BROXTOWE BOROUGH COUNCIL
was affixed in the presence of :-

Proper Officer

Name _____

Position _____

Officer of the Council

Name _____

Position _____

DEFINITIONS

Motor Vehicle – a mechanically propelled vehicle intended or adapted for use on road and for the purpose of this Order includes motor cycles which are mechanically propelled vehicles, not being an invalid carriage, with less than four wheels.

Section 67 Anti-Social Behaviour Crime and Policing Act 2014

- (1) It is an offence for a person without reasonable excuse-
 - (a) To do anything that the person is prohibited from doing by a public spaces protection order, or
 - (b) To fail to comply with a requirement to which a person is subject under a public spaces protection order
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order
- (4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63)