

Newcastle-under-Lyme Borough Council Public Space Protection Order 1 of 2024 ('Order')

Anti-social Behaviour, Crime and Policing Act 2014

Section 59

1. This order shall come into Operation on [INSERT DATE] and will be in effect for 3 years, thereafter, unless extended by further orders under the Council's statutory powers.
2. This order relates to the Borough of Newcastle-under-Lyme edged in red on the attached map (the Restriction Zone)
3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met, namely that activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality.
4. The 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 in all the circumstances expedient to make this order for the purpose of reducing crime and/or anti-social behaviour in a public place.

Newcastle-under-Lyme Borough Council in its exercise of its powers under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (the Act) and under all other enabling powers, having consulted as required by Section 72 of the act, hereby makes the following order.

The effect of the Order is to restrict persons within the highlighted area from carrying out the following **Prohibited Activities**, at all times.

1. To participate in 'Car Cruising' anywhere in the geographical area within Newcastle-under-Lyme as outlined in the map named Annex A. Participating in 'Car Cruising' means being the registered keeper or driver of, or being carried in or on a motor vehicle, when two or more vehicles (including motorbikes) being on a highway, or a publicly accessible place, at which any such vehicle, or occupant of a vehicle, performs any of the activities listed in the **Schedule** below.

SCHEDULE: The prohibited activities referred to in Clause 1 are:

- a. Causing a danger to other road users including pedestrians or causing a significant risk of damage to property by either speeding or racing.
- b. Driving in convoy while car cruising
- c. Performing stunts while car cruising

- d. Repeatedly sounding horns (as to cause a significant public nuisance)
 - e. Playing music excessively loud (as to cause a significant public nuisance)
 - f. Using foul or abusive language
 - g. Using threatening, intimidating behaviour towards another person, or
 - h. Causing an obstruction on a public highway, or a publicly accessible place, whether moving or stationary.
2. To promote, organise or publicise, via email, the internet, Facebook, Twitter or similar social media, or any publication or broadcast any 'car cruising' within the defined geographical area (as delineated on the map on Annex A).
 3. Attending any meeting of two or more vehicles in a public space either as a vehicle owner, driver, passenger or spectator and engaging in any activity that a reasonable person would consider to be 'car cruising'.

Offences and Penalty

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 on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice of £100.

Appeals

In accordance with Section 66 of the Act, any interested person who wishes to challenge the validity of this order on the grounds that the Council did not have the power to make the order, or that the requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the order is made.