

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

The Anti-Social Behaviour, Crime and Policing Act 2014 (‘the Act’)

1. *This Order shall come into operation on 26th November 2024 and will be in place for 3 years, thereafter, unless extended by further Orders under the statutory powers of Newcastle-under-Lyme Borough Council (hereby known as ‘the Council’).*
2. *This Order relates to the area comprising the Newcastle-under-Lyme Boundary, as edged red on the Map attached herewith and labelled ‘Annex 1’. The area included within the red edging on the Map labelled Annex 1 is hereby known as ‘the Restriction Zone’.*
3. *The Council is satisfied that the conditions set out in Section 59 (2) of the Anti-Social Behaviour, Crime and Policing Act 2014 (‘the Act’) have been met, namely that activities carried on in a public place within the Restriction Zone 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 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 from carrying out the following **Prohibited Activities** within the Restriction Zone, at all times: -

1. To participate in ‘Car Cruising’ anywhere in the Restriction Zone.

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 and mopeds) 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 danger or risk of injury to other road users (including pedestrians) by speeding or racing.
- b) Causing damage or risk of damage to property.

- c) Speeding or racing.
- d) Driving in convoy.
- e) Performing stunts (including, but not limited to, doughnuts, drifting, skidding, handbrake turns, wheel spinning, and wheelies).
- f) Repeatedly sounding horns (as to cause a public nuisance).
- g) Playing music excessively loud (as to cause a public nuisance).
- h) Using foul or abusive language.
- i) Using threatening, intimidating, or anti-social behaviour towards another person.
- j) Causing an obstruction on a public highway, or a publicly accessible place, whether moving or stationary.
- k) 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 Restriction Zone.
- l) 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 shall be liable on summary conviction to a maximum penalty of a Level 3 Fine on the standard scale or a Fixed Penalty Notice of £100.00.

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.

DEFINITION AND EXEMPTIONS

1. This Order may be cited as the 'Car Cruising Public Space Protection Order'.
2. 'Authorised Person' means a person authorised by the Council, which includes employees, partnership agencies, or contractors. Any such Authorised Person must produce their authorisation upon request.

RESTRICTIONS

1. The Council is satisfied that the conditions set out in Sections 59, 64, and 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this Order for the purposes of prohibiting Car Cruising in the Restriction Zone. The effect or likely effect of this is, or is likely to be, of a persistent or continuing nature, such as to make this unreasonable, and justifies the restrictions imposed by this Order.
2. It is an offence for a person without reasonable excuse to engage in the Prohibited Activities contained within this Order.
3. No person shall:
 - a. Obstruct any Authorised Person in the proper execution of their duties;
 - b. Obstruct any other person carrying out an act which is necessary to the proper execution of any contract associated with this Order;

Given under the Common Seal of Newcastle-under-Lyme Borough Council on the

26th day of November 2024

EXECUTED as a DEED by)
affixing the COMMON SEAL)
of THE BOROUGH COUNCIL)
OF NEWCASTLE-UNDER-LYME)
in the presence of:)



Councillor

Authorised Signatory

ANNEX 1

Map of the Restriction Zone

Newcastle-under-Lyme Borough Council Public Space Protection Order 1 of 2024 dated 26th November 2024

Annex 1



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