

The Anti-Social Behaviour, Crime and Policing Act 2014

Public Space Protection Order:

Inappropriate and Inconsiderate Vehicle Use

Fakenham Order: NNDC054

North Norfolk District Council 2024

North Norfolk District Council ("the Council") hereby makes the following Order:

This Order comes into force on 20th August 2024 for a period of 3 years.

This Order is made by North Norfolk District Council ("the council") in exercise of its powers under Section 59 and Chapter 2 of Part 4 of the Anti-social Behaviour Crime and Policing Act 2014 ('the Act'). The council is satisfied that the activities, namely:

- Inappropriate and inconsiderate vehicle use causing vehicle related Anti-Social Behaviour

Occurring within Cromer ("the public place") has had a detrimental effect on the quality of life of those in the locality and that such activities are:

- a) is, or is likely to be, of a persistent or continuing nature,
- b) is, or is likely to be, such as to make the activity unreasonable, and
- c) and the restrictions imposed by this notice are justified.

1. DURATION OF THE ORDER

This Order comes into force on 10th August 2024 for a period of 3 years, unless extended by further orders under the council's statutory powers.

2. THE RESTRICTED AREA

2.1-Cromer

This order relates to all public space shown within the restricted area shown in **Schedule 1** defined by the red boarder and hatching including the highway and highway boundary which the red boarder runs through and, to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of expressed or implied permission. **Schedule 1** covers the Town of Cromer all land within.

3. THE RESTRICTIONS

A person may not carry out, assist, or encourage, any of the activities below, at any time within the area covered by this Public Space Protection Order:

- a) a motor vehicle at excessive speed
- b) driving a motor vehicle causing unnecessary and/or repeated acceleration and deceleration.

- c) racing other motor vehicles or street racing or gathering for the purpose of street racing.
- d) performing stunts in or on a motor vehicle (examples include, but not limited to; dough-nutting, handbrake turns, J - turns, drifting, wheel spinning/burnouts, wheelies).
- e) repeatedly or continuously rev the engine of a motor vehicle unnecessarily while the vehicle is stationary.
- f) unnecessarily sounding the horn of a motor vehicle.
- g) while in a public car park, play amplified music in or powered from a vehicle which can be heard beyond the boundaries of the car park, or which causes or is likely to cause a nuisance to others.
- h) enter any public car park within schedule 1 by persons in motor vehicles between the hours of 7pm and 6am for the purpose of vehicle display or racing.
- i) throws down, drops or otherwise deposits litter from a motor vehicle and leaves it.
- j) using threatening/abusive/intimidating language or behaviour associated with the use of a vehicle.

4. DEFINITIONS

- Public space - for the purposes of this order is defined as per section 2.1 above
- Motor vehicles - for the purposes of this order is a motor vehicle as defined by the Road Traffic Act 1988
- Emergency Vehicle - for the purposes of this order as defined by the Road Traffic Act 1988
- Vehicle Horn - for the purposes of this order as defined by the Highway Code (latest edition), Road Traffic Act 1988 & Control of Pollution Act 1974 Part 3, Section 62 (2(a))
- The responsible person for a breach of the order which has occurred under the terms of paragraph **3.f.g & i** shall be, either the person responsible for the offence or the registered keeper/owner of that vehicle (registered keeper is whom the vehicle is registered by the DVLA).

5. EXEMPTIONS

Anti-social Behaviour, Crime and Policing Act 2014

Section 3.a & b does not apply to an emergency vehicle which at that material time is being used in the course of its operational duty.

Section 3.f. permitted use of a vehicle horn as set out within the Highway Code or Control of Pollution Act 1974 (emergency vehicles and Ice Cream vans)

Section 3.i - The registered keeper of the vehicle shall not be liable for an offence where the vehicle is either a -

- a) A public service vehicle or other form of public transport i.e. community bus/transport.
- b) A licensed hackney carriage or private hire vehicle and the person acting in the contravention under this section is a passenger in that vehicle.

6. Offence of failing to comply with order - Anti-social Behaviour, Crime and Policing Act 2014 - Chapter 2 Section 67

(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 the 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.

7. Fixed penalty notices - Anti-social Behaviour, Crime and Policing Act 2014 -Chapter 2 Section 68

(1) A constable or an authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 63 or 67 in relation to a public spaces protection order.

(2) 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 a local authority specified in the notice.

8. WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER

It is an offence for a person who, without reasonable excuse, does anything that the person is prohibited from doing by this order or fails to comply with a requirement of the order. A person guilty of an offence is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Pursuant to section 68 of the Anti-Social Behaviour, Crime and Policing Act 2014:

- i. A constable or an authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 63 in relation to a public space's protection order.
- ii. A fixed penalty notice is a notice offering the person to whom it is issued the of discharging any liability to conviction for the offence by payment of a fixed penalty to a local authority specified in the notice.

9. RIGHT TO APPEAL

Any interested person wishing to challenge the validity of this order must do so within 6 weeks beginning with the date on which this order is made or, if applicable, varied. An application under section 66 Anti-social Behaviour, Crime and Policing Act 2014 is to the High Court.

Date this of August 2024

THE COMMON SEAL of NORTH

NORFOLK DISTRICT COUNCIL

Was hereunto affixed in the

presence of

Duly Authorised Signatory