

## MID SUSSEX DISTRICT COUNCIL

### Anti-Social Behaviour, Crime and Policing Act 2014, Section 59-75

#### Car Cruising Public Space Protection Order 1 of 2019 (“Order”)

Mid Sussex District Council (“the Council”) in exercise of its powers under the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) hereby makes the following Public Space Protection Order.

#### **1 General**

1.1 This order shall come into operation on (.....) and shall have an effect for 3 years thereafter, unless extended by further orders under the Council's statutory powers.

1.2 In making this order, the council is satisfied on reasonable grounds that:

- (a) the conditions set out in section 59(2) of the Act have been met, namely that the activities identified below have been carried on in a public place within the Council's area and have had a detrimental effect on the quality of life of those in the locality; and
- (b) the conditions set out in section 59(3) of the Act have been met, namely that effect or likely effect of the activities is, or is likely to be of a persistent or continuing nature; is, or is likely to be, such as to make these activities unreasonable and justifies the restrictions imposed.

1.3 This applies to all land:

- (a) which is open to the air (including land which is covered but open to the air on at least one side);
- (b) to which the public are entitled or permitted to have access (with or without payment); and
- (c) which is outlined in red on the attached map (the Restriction Zone)

1.4 The Council is also satisfied that the prohibitions and requirements set out within this order are reasonable:

- (a) to prevent the detrimental effect on the quality of life of those in the locality continuing, occurring or recurring; or
- (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

1.5 In making this Order, the Council has had particular regard to the rights and freedoms of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights.

#### **2 Definition of Car Cruising and Prohibited Activities**

- 2.1 'Car Cruising' is defined as two or more motor vehicles (including motor bikes) being on a highway or a public place, where any such vehicle or occupant of a vehicle performs any of the prohibited activities.
- 2.2 The "Prohibited Activities" are:
- a. causing danger or risk of injury to road users (including pedestrians) by speeding or racing;
  - b. causing damage or risk of damage to property;
  - c. speeding or racing;
  - d. performing stunts (including but not limited to performing a doughnuts maneuver drifting, skidding, handbrake turns, wheel spinning);
  - e. sounding horns or playing loud music so as to cause a nuisance;
  - f. revving of engines so as to cause a nuisance;
  - g. using foul or abusive language;
  - h. using threatening, intimidating or anti-social behaviour; or
  - i. causing obstruction on a public highway or publicly accessible place (whether moving or stationary)

### **3 Offence**

- 3.1 A person who without reasonable excuse:
- a. Participates in Car Cruising or any activity prohibited by this Order; or
  - b. promotes, organises or publicises Car Cruising (including but not limited to via email, the internet, social media, or via any publication or broadcast medium) to take place; or
  - c. attends any meeting either as a vehicle owner, driver, passenger or spectator where a reasonable person would consider that Car Cruising was or is taking place;

on Land to which this Order applies commits an offence.

### **4 Penalty**

- 4.1 In accordance with section 67 of the Act, a person commits an offence if at any time and without reasonable excuse they engage in any activity prohibited by this Order.
- 4.2 A Police Officer or Council Officer may issue a fixed penalty notice to any person they have reason to believe has committed an offence under this Order.
- 4.3 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 the fixed penalty to the Council.
- 4.4 Where a person is issued with a fixed penalty notice under this Order, the amount of the fixed penalty shall be £100 (reduced to £60 if paid within 10

days). If the fixed penalty is paid within 14 days the offender will not be prosecuted.

- 4.5 A person who is guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1,000).

## **5 Appeals**

- 5.1 Any challenge to this order must be made to the High Court by an interested person within six weeks from the date upon which the order is made. An interested person is someone who lives in, regularly works in, or visits the area.
- 5.2 In Accordance with section 66 of the Act, interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements, or that a requirement of the Act was not complied with.