

BROXBOURNE BOROUGH COUNCIL

PUBLIC SPACES PROTECTION ORDER No.3 OF 2020

VEHICLE RELATED ANTI-SOCIAL BEHAVIOUR

1. This Order may be cited as the **Borough of Broxbourne Public Spaces Protection Order No.3 of 2020.**
2. The Borough of Broxbourne (the "Council") makes this Order under its powers contained in s.59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act"), being satisfied on reasonable grounds that the activities set out in paragraph 5, in the location described in paragraph 4 of this Order and marked on the plan contained in the schedule to this Order have had or are likely to have a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried out within that area and have such an effect. The Council is also satisfied 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 anti-social behaviour in a public place.
3. This Order comes into force at midnight on 30 July 2020 for a period of up to three years thereafter, unless extended by further order under the Council's statutory powers.
4. This Order applies to all land in the Borough of Broxbourne to which the public or any section of the public has access, on payment or otherwise, as of right by virtue of expressed or implied permission.
5. The activities described below are hereby prohibited as from the date of this Order, in the locations described in the Schedule of Restricted Areas.

This Order prohibits anyone being the driver of a motorbike, quad bike, scrambler, mini-moto or any other mechanically propelled vehicle to act in a manner deemed by an Authorised Person to be anti-social and is or is likely to be causing nuisance, alarm, harassment or distress to any other person.

Including anyone being the driver of a motor vehicle performs any of the following activities:

- (a) Revving of engine(s) (as to cause a nuisance);
- (b) Repeated sudden and rapid acceleration (as to cause a nuisance);
- (c) Racing;

- (d) Performing stunts (as to cause a nuisance);
- (e) Sounding horns (as to cause a public nuisance);
- (f) Playing music in a motor vehicle (as to cause a public nuisance); and
- (g) Using threatening, intimidating behaviour towards another person.
- (h) Dropping litter from a motor vehicle.

6. Section 67 of the Act states that 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.

A person guilty of an offence under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A person does not commit an offence under section 67 of the Act 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.

A fixed penalty notice could be issued for a breach of this Order which if it remains unpaid could lead to prosecution.

### CHALLENGING THE VALIDITY OF ORDERS

An interested person may apply to the High Court to question the validity of this Order and an interested person means an individual who lives in the restricted area or who regularly works in or visits that area. Any such interested person may apply to the High Court within six weeks from the date on which this Order was made on the grounds that the Council did not have the power to make the Order or to include particular prohibitions or requirements imposed by the Order or that a requirement under Chapter 2 of the Act was not complied with in relation to this Order.

### SCHEDULE OF RESTRICTED AREAS

- (a) All public rights of way, footpaths, pavements, roads and grass verges adjacent to carriageways.
- (b) All pedestrianised areas
- (c) All parks, open spaces and children's play areas
- (d) All sports fields
- (e) All town greens
- (f) All cemeteries

- (g) All parts of the Lee Valley Regional Park within the Broxbourne Borough Council district
- (h) All allotments
- (i) All public car parks

#### DESCRIPTION OF PROHIBITED ACTIVITIES

Riding a motorbike, quad bike, scrambler, mini-moto or other mechanically propelled vehicle in a manner deemed by an Authorised Person to be anti-social and is or is likely to be causing nuisance, alarm, harassment or distress to any other person.

Doughnutting - driving around in a repetitive manner, for example in a figure of eight

Hand brake turns - using the handbrake to turn the vehicle.

Drifting - use of the accelerator when going into a bend causing the tail end of the vehicle to slide.

Wheel spins - use of the accelerator when the vehicle is stationary and before releasing the handbrake causing the wheels of the car to spin and noise and/or smoke to be produced.

Revsing of engine(s) (as to cause a nuisance);

Repeated sudden and rapid acceleration (as to cause a nuisance);

Racing;

Performing stunts (as to cause a nuisance);

Sounding horns (as to cause a public nuisance);

Playing music in a motor vehicle (as to cause a public nuisance); and

Using threatening, intimidating behaviour towards another person.

Dropping litter from a motor vehicle.

Dated 30 July 2020

THE COMMON SEAL of the Borough of Broxbourne

Council was hereunto affixed in the presence of

*M. Beaber*

Authorised Signatory

