

ORDER
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
SECTION 59

PUBLIC SPACES PROTECTION ORDER

This Order is made by the Southend-on-Sea City Council (the 'Council') and shall be known as the Public Spaces Protection Order (Car Cruise) No1 of 2023

PRELIMINARY

1. The Council, in making this order, is satisfied on reasonable grounds that
the activities identified below have been carried out in public spaces within the Council's area and have had a detrimental effect on the quality of life of those in the locality,
and that
the 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 the activities unreasonable and
justifies the restrictions imposed by this Order.
2. The Council is satisfied that the prohibitions imposed by this Order are reasonable to impose to prevent the detrimental effect of these activities from continuing, occurring, or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence, or recurrence.
3. The Council has had regard to the rights and freedoms set out in the European Convention on Human Rights. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary, and proportionate.

THE PROHIBITION

4. Any person attending a Car Cruise as a driver, passenger or spectator is prohibited from engaging in the activities in paragraphs 6i-6xii within the Restricted Area as shown edged red on the map referred to as 'Restricted Area' annexed at Schedule 1.

5. This Prohibition is subject to the Exceptions in paragraph 10.

THE ACTIVITIES

6. The activities prohibited by this Order are:
 - i Excessive noise of any kind including but not limited to Horns, music, or noise from vehicle modifications such as to cause, or is likely to cause harassment, alarm or nuisance
 - ii Conduct that causes or is likely to cause danger to road users and pedestrians
 - iii Conduct that causes or is likely to cause damage or risk of damage to any property
 - iv Conduct that causes or is likely to cause Public Nuisance
 - v Driving at excessive speed
 - vi Driving in convoy such as to cause or is likely to cause Public Nuisance
 - vii Racing other Motor Vehicles
 - viii Performing stunts in Motor Vehicles
 - ix Dropping litter
 - x Shouting, swearing, abusing, or otherwise intimidating another person
 - xi Parking and exiting motor vehicle whilst left in a non-designated parking space
 - xii Inhalation of nitrous oxide.

THE REQUIREMENTS

7. A person who is believed to have engaged in a breach of this Order or anti-social behaviour within the Restricted Areas, is required to give their name and address to an Authorised Officer.
8. A person who is believed to have engaged in a breach of this Order, or in anti-social behaviour within the Restricted Area, is required to leave the area if asked to do so by an authorised officer and not to return for a specified period not exceeding 48 hours.
9. A person must clear up his/her belongings and/or litter if asked to do so by an Authorised Officer.

THE EXCEPTIONS

10. Nothing in this order applies to emergency services vehicles.
11. Nothing in paragraph 6 of this order shall prohibit events or activities that are being held with written consent from the Council.

OTHER

12. This Order applies to public places within the Council's area and is limited to the Restricted Area.

13. The effect of the Order is to impose the prohibitions and requirements detailed herein, at all times, save where specified exemptions apply or where the express permission of the Council has been given on the use of the relevant Restricted Area.

DEFINITIONS

14. For the purpose of this Order the following definitions will apply.

‘Activities’ means the prohibited activities listed in paragraph 4 above and/or failing to adhere to the Code referred to in paragraph 4(iv) and (viii) above.

‘Authorised Officer’ means a police officer a police community support officer or a person authorised in writing by the Council.

‘Car Cruise’ A congregation of the drivers and/or passengers of 2 or more Motor Vehicles with the intent of discussing and/or showing off their vehicles.

‘Interested Person’ means an individual who lives in the Restricted Areas or who regularly works in or visits that area.

‘Public Nuisance’ refers to behaviour where a person:

(a)

- (i) Does an act, or
- (ii) Omits to do an act

(b) The person’s act or omission;

- (i) Creates a risk of, or causes, serious harm to the public or a section of the public, or
- (ii) Obstructs the public or a section of the public in the exercise or enjoyment of a right that may be exercised or enjoyed by the public at large

‘Motor Vehicle’ means a mechanically propelled vehicle intended or adapted for use on roads including but not limited to cars, motorbikes and quadbikes.

‘Restricted Area’ has the meaning given by section 59(4) of the Anti-Social Behaviour, Crime and Policing Act 2014 and for the purposes of this Order the Restricted Area is shown edged red on the Map annexed at Schedule 1

‘Public place’ means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

PERIOD FOR WHICH THIS ORDER HAS EFFECT

15. This Order came into force at midnight (00:00) on 2023 and will expire at 23:59 on 2026.

16. At any point before the expiry of this three-year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time. The Council may extend this Order more than once.

WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

17. Section 67 of the Anti-Social Behaviour, Crime and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse –
 - a. To do anything that the person is prohibited from doing by a public space’s protection order, or
 - b. To fail to comply with a requirement to which the person is subject under a public space’s protection order.
18. A person guilty of an offence under section 67 is liable on conviction in a Magistrates Court to a fine not exceeding level 3 on the standard scale.

FIXED PENALTY

19. An Authorised Officer may issue a fixed penalty notice to anyone he or she believes has committed an offence under section 67 of the Anti- Social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £100. If you pay the fixed penalty within the 14 days, you will not be prosecuted.

APPEALS

20. Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in or visits the Restricted Area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.
21. 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 one of the requirements of the legislation has not been complied with.
22. When an application is made, the High Court can decide to suspend the operation of the Order pending the Court’s decision, in part or in totality. The High Court has the ability to uphold the Order, quash it or vary it.

Dated.....

THE COMMON SEAL of SOUTHEND ON SEA)
CITY COUNCIL was pursuant to a resolution)
of the Council hereunto affixed to this Deed in the)
presence of:-)

Proper Officer of the Council

Section 67 Anti-Social Behaviour, Crime and Policing Act 2014

(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 a 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

Schedule 1 to this Order

Maps of the Restricted Areas referred to as: