

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
PUBLIC SPACE PROTECTION ORDER

NORTH EAST DERBYSHIRE DISTRICT COUNCIL

Vehicle Nuisance

Protection Order No. 2 of 2023

1. This Order shall come into operation on 22nd September 2023 and shall have effect for a period of 3 years thereafter, unless extended by further orders under NORTH EASTDERBYSHIRE District Council's ("the Council") statutory powers.
2. **The Restricted Area** – this Order relates to all land;
 - a) in the administrative area of the Authority shown edged red on the map at Schedule 1 of this Order, and
 - b) to which the public are entitled or permitted to have access (with or without payment)
3. **The Activity** – the Council is satisfied on reasonable grounds that there are a number of activities, carried out or likely to be carried out in the public space, namely the Restricted Area, that have had, or are likely to have, a detrimental effect on the quality of life of those in the locality. The effect or likely effect of these activities is of a persistent or continuing nature such as to make these activities unreasonable, and justifies the restrictions imposed by this order.
4. **Prohibited Activities** - In exercise of its powers under sections 59 and 64 of the Act and subject to the exception at paragraph 5 below, any person is prohibited from participating in or being a spectator of a car cruising event (as defined in Schedule 2 of this Order) including but not limited to the following activities:
 - i) Performing stunts using a motor vehicle (including but not limited to performing doughnuts, drifting, skidding, handbrake turns and wheel spinning)
 - ii) Causing a danger or risk of injury to road users (including pedestrians) by speeding or racing in a motor vehicle
 - iii) Causing an obstruction on a public highway, whether moving or stationary, including driving in convoy in a motor vehicle

iv) Causing or allowing loud amplified music, or other loud noise to be emitted from a motor vehicle or from a portable device (so as to cause a nuisance)

v) Promoting, publicising or organising any car cruise or car cruising event to occur within the Restricted Area by the internet, social media, email, hoardings, publications or adverts

vi) Sounding motor vehicle horns other than in accordance with the Highway Code in such a manner as to cause a nuisance to persons in the locality of the Restricted Area

vii) Revving of motor vehicle engines so as to cause a nuisance to persons in the locality of the Restricted Area

5. **Exception** - An activity or behaviour which is authorised by the owner of that part of the Restricted Area where the activity or behaviour is taking place is not in breach of this Order

6. **Failure to comply with this Order – Criminal Offence** – Any person failing to comply with this Order will be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale pursuant to section 67 of the Act. Alternatively a Fixed Penalty Notice may be issued by an Authorised Officer or Constable.

7. **Appeals** – if any interested person wishes to question the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with, then they may apply to the High Court within 6 weeks of the date this Order is made.

EXECUTED AS A DEED

by affixing the common seal of

North East Derbyshire District Council

hereto in the presence of:-

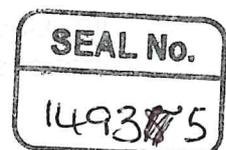
N. Barker

~~Chair~~/Councillor NIGEL BARKER

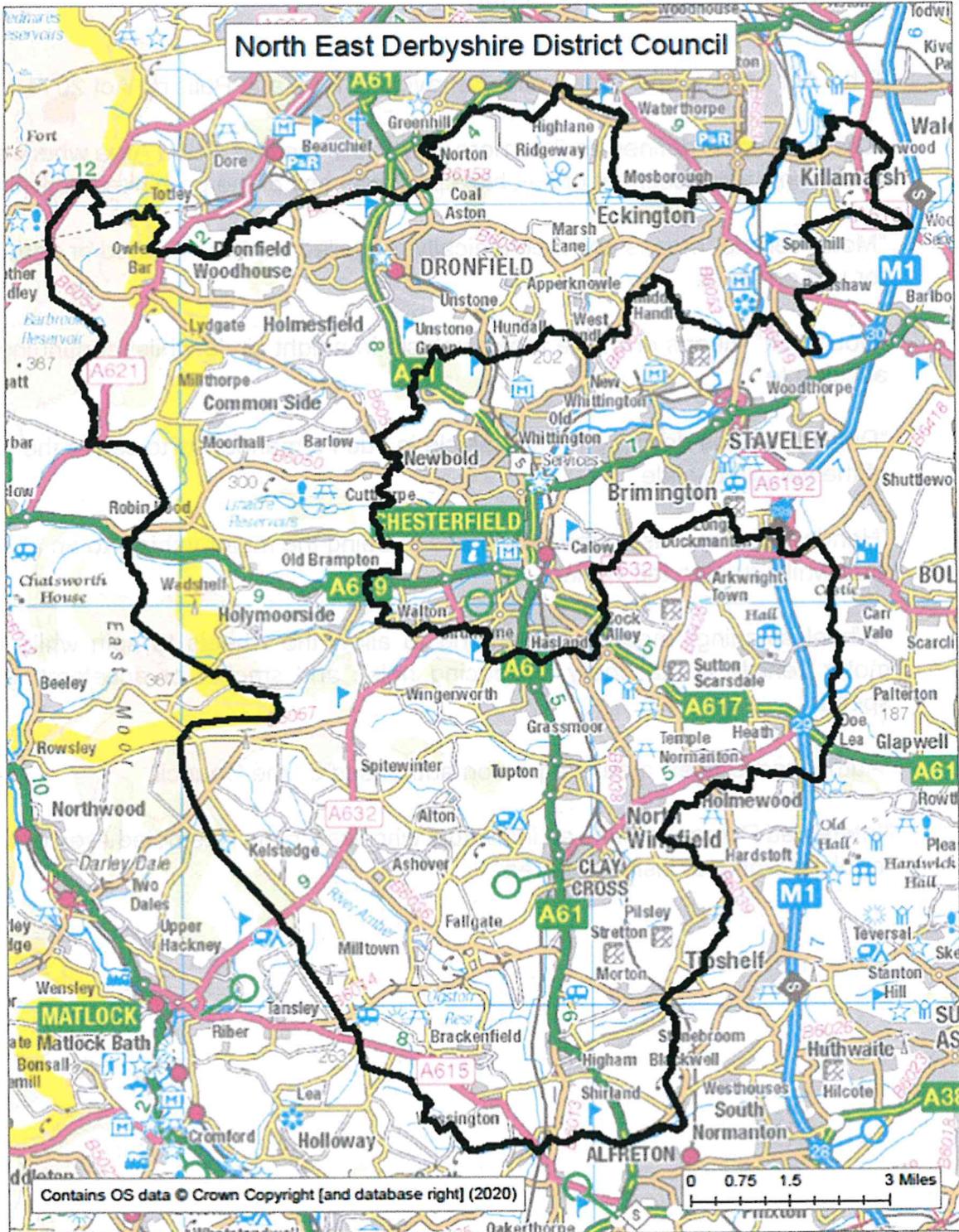
USA Ingram

Authorised Signatory
USA INGRAM

CHARTERED LEGAL EXECUTIVE



SCHEDULE 1 – the Restricted Area



N. Barber
Chair/Councillor
NIGEL BARBER

SEAL No.
14935

Lisa Ingram
Authorised Signatory
LISA INGRAM
CHARTERED LEGAL EXECUTIVE

SCHEDULE 2 – Definitions

Definitions for the Purpose of this Order:

“The Act” means the Anti-Social Behaviour Crime and Policing Act 2014

“Car cruising” is defined as 2 or more vehicles in the Restricted Area where any such vehicle or occupant of a vehicle performs any of the prohibited activities

“Motor vehicle” means any mechanically propelled vehicle intended or adapted for use on roads

“Doughnut” means driving a motor vehicle in a tight circle whilst continuing to accelerate

“Drifting” means driving a motor vehicle in such a manner as to cause the rear of the vehicle to slide

“Handbrake turns” using the handbrake to bring the motor vehicle to an abrupt stop whilst turning the vehicle

“Wheel spinning” means accelerating to allow the wheels to spin while the motor vehicle is stationary, producing noise and smoke; or accelerating at speed

“Authorised Officer” means a person authorised by the Council

“Interested Person” means an individual who lives in the Restricted Area or who regularly works or visits that area.