

Appendix A

CRAWLEY BOROUGH COUNCIL ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTION 59

Draft Car Cruising Public Spaces Protection Order 1 of 2018 (“Order”)

PUBLIC SPACES PROTECTION ORDER

This order is made by Crawley Borough Council (the ‘Council’) and shall be known as the Car Cruising Public Spaces Protection Order 1 of 2018.

PRELIMINARY

1. The Council, in making this Order is satisfied on reasonable grounds that:

The activities identified below have been carried out in public places 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 the notice.
2. The Council is satisfied that the prohibitions imposed by this Order are reasonable to impose in order 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 ACTIVITIES

4. The Activities prohibited by the Order are:
 - 4.1 Participation in car cruising or a car cruising event.
 - 4.2 Encouraging any other person to participate in car cruising or a car cruising event.
 - 4.3 Congregating to watch car cruising or be in attendance to watch a car cruising event.

4.4 Attending a car cruising event to supply or sell to those present any food, drink, goods or services.

4.5 Urinating in a public place whilst participating or attending a car cruising event.

THE PROHIBITION

5. A person shall not engage in any of the Activities anywhere on any public highway, car parks or any other land to which the public or any section of the public has access, whether on payment or otherwise, as of right or by virtue of express or implied permission within the borough of Crawley, and being the area edged in blue on the attached map labelled 'The Boundary line for PSPO'.
6. This Prohibition is subject to the Exceptions stated below.

THE REQUIREMENTS

7. A person who is believed to have engaged in a breach of this order or anti-social behaviour within the Restricted Area, is required to give their name and address to a police officer, police community support officer or other person designated by Crawley Borough Council.
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 a police officer, police community support officer or other person designated by Crawley Borough Council.

DEFINITIONS

9. In this Order, "car cruising" has the following meaning: where the drivers and/or any passengers of 2 or more motor vehicles (including motorcycles) congregate and any one or more of the following activities also occurs:
 - 9.1 Motor vehicles driven at excessive speed;
 - 9.2 Sudden or rapid acceleration or deceleration of motor vehicles (braking);
 - 9.3 Motor vehicles being raced against one another;
 - 9.4 Obstruction of the highway by motor vehicles (whether moving or stationary), including driving in convoy;
 - 9.5 Stunts (including but not limited to doughnutting, drifting, skidding, handbrake turns, wheel-spinning) being performed in motor vehicles;
 - 9.6 Sounding horns (so as to cause a nuisance);
 - 9.7 Causing or allowing loud amplified music or other very loud noise to be emitted from a motor vehicle or from a portable device;
 - 9.8 Revving of engines (so as to cause a nuisance).
- 10 In this Order, "car cruising event" has the following meaning: a gathering of people who have come together for the purpose of car cruising.

11 In this Order “Restricted Area” has the meaning set out in paragraph 5 above.

THE EXCEPTIONS

12 The prohibitions in this Order do not apply to any person travelling in, or standing to observe:

12.1 A convoy of motor vehicles taking part in a funeral procession;

12.2 Vehicles taking part in an event organised by the Royal Automobile Club or similar body, such as the annual Veteran Car Rally.

PERIOD FOR WHICH THIS ORDER HAS EFFECT

13. This Order will come into force at midnight on [] and will expire at midnight on [].

14. 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.

DATE AND DURATION OF THIS ORDER

15 This order shall come into force on [DATE] and shall have effect for a period of 3 years unless it is extended by the Council under section 60 of the Act.

WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

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 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 is liable on conviction in the Magistrates Court to a fine not exceeding level 3 on the standard scale

FIXED PENALTY

A Police Officer or Council 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

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 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.

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.

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.

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

The COMMON SEAL of CRAWLEY)
BOROUGH COUNCIL was hereunto affixed)
the day of)
2018 in the presence of:)