

North West Leicestershire District Council
Anti-social Behaviour,
Crime and Policing Act 2014
Part 4, Section 59

North West Leicestershire
Public Spaces Protection Order 2021
Vehicle Related Anti-Social Behaviour

This Order is made by North West Leicestershire District Council (“the Council”) in exercise of its powers under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”)

1. Duration

This Order shall come into operation on 15 June 2021 and shall have effect for a period of three (3) years thereafter, expiring on 14 June 2024 unless revoked, amended or extended by further orders under North West Leicestershire District Council’s (“the Council”) statutory powers.

2. The Restricted Area

The land in relation to which this Order applies (“the Restricted Area”) is that land in the area of North West Leicestershire District Council which is:

- a) Delineated and shown in black on the map at Schedule one to this Order; and
- b) Listed as one of the roads in Schedule two to this Order.

3. Persons to whom this Order applies

This Order applies to all persons within the Restricted Area at all times of the night and day.

4. The Activity

The Council is satisfied that the conditions set out in section 59 of the Act have been satisfied and that allowing a Car Cruise (as defined in Schedule 3 to this Order) within the Restricted Area (“the Activity”) has a detrimental effect on the quality of life of those in the locality. Further, the Council is satisfied that the effect of the Activity is, or is likely, to be persistent or

continuing in nature and is, or is likely, to be such as to make the Activity unreasonable and the effect of the Activity justifies the restrictions imposed.

5. Prohibitions

In pursuance of section 59 of the Act, the Council therefore prohibits the following within the Restricted Area:

- a) Any person participating in a Car Cruise (the Activity);
- b) Any person congregating for the purpose of being a spectator at a Car Cruise; and
- c) Any person allowing a vehicle, for which they are the registered keeper, to be used in a Car Cruise.

6. Offences

It is an offence for a person without reasonable excuse—

- a) to do anything that the person is prohibited from doing by this Order, or
- b) to fail to comply with a requirement to which the person is subject under this Order.

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

7. Fixed Penalty Notices

A constable or a person authorised by the Council may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence in relation to Order. This may, upon evidence from CCTV and/or ANPR, be sent to the registered keeper of the vehicle.

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 a fixed penalty to the Council.

Failure to pay a fixed penalty notice may lead to prosecution.

8. Appeals

Any challenge to this Order must be made in the High Court by an interested person within six weeks of the Order being made. An interested person is someone who lives in, regularly works in, or visits the Restricted Area. The grounds on which an interested person may apply to the High Court are Any such interested person may apply to the High Court within 6 weeks from the date on which this Order on the grounds that; interested persons can challenge the validity of this order on two grounds:

- a) That the Council did not have power to make the Order, or to include particular prohibitions or requirements imposed by the Order; or
- b) That the Council did not meet one of the requirements of Chapter 2 of Part 4 of the Act.

The right to challenge also exists where an Order is varied by The Council.

When such an application is made, the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or totality. The High Court also has the power to uphold the Order, quash the Order or vary the Order.

The COMMON SEAL of
NORTH WEST LEICESTERSHIRE
DISTRICT COUNCIL was affixed to this
Order in the presence of:-)



Authorised signatory

Schedule One – Map of Restricted Area



Schedule Two – Roads included in the Restricted AreaThe Restricted Area includes any part of the following roads within the area of Castle Donington, North West Leicestershire:

Sawley Junction
Trent Lane
Station Road
Broad Rushes
Arundel Avenue
West Meadow Rise
Short Lane
Western Relief Road
Hill Top
Diseworth Road

Schedule Three – Definitions

In this Order;

Car Cruise

1. "Car Cruise" means a congregation of the drivers and/or passengers of 2 or more motor vehicles (including motor cycles and quad bikes) at any time within the Restricted Area during which any such driver and/or passenger performs any of the activities set out at paragraph 2 below, so as, by such conduct, to cause any of the following:
 - (i) excessive noise of any kind;
 - (ii) danger to other road users and pedestrians;
 - (iii) damage or risk of damage to any property;
 - (iv) litter;
 - (v) any nuisance to another person not participating in the 'Car Cruise'
2. The activities referred to in paragraph 1, above, are:
 - (i) driving at excessive speed;
 - (ii) driving in convoy;
 - (iii) racing other motor vehicles (including motor cycles and quad bikes);
 - (iv) performing stunts in motor vehicles (including motor cycles and quad bikes) including but not limited to drifting, wheel spins, handbrake turns, wheelies ;

- (v) sounding horns or playing radios;
- (vi) dropping litter;
- (vii) shouting or swearing at, abusing or threatening or otherwise intimidating another person.

Participating in a Car- Cruise

- 3. A person participates in a Car Cruise when he is the driver of, or passenger in a vehicle, to which paragraphs 1 and 2 above apply and the term "participating in a Car Cruise" shall be interpreted accordingly.

Spectating at a Car Cruise

- 4. A person is a spectator at a Car Cruising event if he or she is within the Restricted Area for the purpose of observing Car Cruising.

Definitions

- 5. "Motor vehicle" means a mechanically propelled vehicle intended or adapted for use on roads.
- 6. "Drifting" means driving in such a manner as to cause the rear of the vehicle to slide
- 7. "Wheel spins" means using the accelerator to allow the wheels to spin while the car is stationary, producing noise and smoke; or accelerating at speed which causes the wheels to spin whilst failing to gain traction
- 8. "Handbrake turn" using the handbrake to bring the vehicle to an abrupt stop whilst turning the vehicle.
- 9. "Wheelies" means a manoeuvre where any vehicle is driven for a period of time with wheels not in contact with the ground