

The Anti-social Behaviour, Crime and Policing Act 2014

The Public Spaces Protection Order (inappropriate and inconsiderate vehicle use) - (Borough Council of King's Lynn and West Norfolk) 2019

The Borough Council of King's Lynn and West Norfolk ("the Council") hereby makes the following Order:

This Order comes into force on **2nd April 2019** for a period of 3 years.

This Order is made by the Borough Council of King's Lynn & West Norfolk ("the council") in exercise of its powers under Section 59 and Chapter 2 of Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act"). The council is satisfied that the activities, namely:

- Inappropriate and inconsiderate vehicle use causing vehicle related Anti-Social Behaviour

Occurring within King's Lynn ("the public place") has had a detrimental effect on the quality of life of those in the locality and that such activities are;

- (a) is, or is likely to be, of a persistent or continuing nature,
- (b) is, or is likely to be, such as to make the activities unreasonable, and
- (c) justifies the restrictions imposed by the notice.

1. DURATION OF THE ORDER

This Order comes into force on 2 April 2019 for a period of 3 years, unless extended by further orders under the council's statutory powers.

2. THE RESTRICTED AREA

2.1 – King's Lynn

This order relates to all public space shown within the restricted area shown in **Schedule 1** defined by the red border including the highway and highway boundary which the red border runs through and, to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of expressed or implied permission.

Schedule 1 covers the Town of King's Lynn

3. THE RESTRICTIONS

A person may not carry out, assist or encourage, any of the activities below, at any time within the restricted area

- a. driving a motor vehicle at excessive speed

- b. driving a motor vehicle causing sudden and/or repeated acceleration and deceleration
- c. racing other motor vehicles or street racing or gathering for the purpose of street racing.
- d. performing stunts in or on a motor vehicle (*including, but not limited too; dough-nutting, handbrake turns, J – turns, drifting, wheel spinning/burnouts, wheelies*)
- e. repeatedly or continuously rev the engine of a motor vehicle unnecessarily while motor vehicle is stationary
- f. unnecessarily sounding the horn of a motor vehicle
- g. while in a public car park, play amplified music in or powered from a motor vehicle which can be heard beyond the boundaries of the car park which causes or is likely to cause a nuisance
- h. enter any public car park within schedule 1 by persons in motor vehicles between the hours of 7pm and 6am for the purpose of vehicle display or racing
- i. throws down, drops or otherwise deposits litter from a motor vehicle and leaves it
- j. using threatening/abusive/intimidating language or behaviour associated with the use of a motor vehicle

4. DEFINITIONS

- Public space - for the purposes of this order is defined as per section 2.1 above
- Motor Vehicle - for the purposes of this order is a motor vehicle as defined by the Road Traffic Act 1988.
- Emergency Vehicle - for the purposes of this order as defined by the Road Traffic Act 1988
- Vehicle Horn - for the purposes of this order as defined by the Highway Code (latest edition), Road Traffic Act 1988 & Control of Pollution Act 1974 Part 3, Section 62 (2(a))
- The registered keeper of the vehicle for the purpose of **paragraph 3.f, g & j** of this Order shall be taken as the person in whose name the vehicle was registered with the DVLA.

5. EXEMPTIONS

Anti-social Behaviour, Crime and Policing Act 2014

Section 3.a & b. does not apply to emergency vehicles

Section 3.f. permitted use of a vehicle horn as set out within the Highway Code or Control of Pollution Act 1974 (*emergency vehicles and Ice Cream vans*)

Section 3.i - The registered keeper of the vehicle shall not be liable for an offence where vehicle is –

- a) A public service vehicle
- b) A licensed hackney carriage or private hire vehicle and;

the person acting in the contravention under this section is a passenger in that vehicle.

6. Offence of failing to comply with order - Anti-social Behaviour, Crime and Policing Act 2014 – Chapter 2 Section 67

- (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 the 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.

7. Fixed penalty notices - Anti-social Behaviour, Crime and Policing Act 2014 – Chapter 2 Section 68

- (1) A constable or an authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 63 or 67 in relation to a public spaces protection order.
- (2) 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 a local authority specified in the notice.

8. WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER

It is an offence for a person who, without reasonable excuse, does anything that the person is prohibited from doing by this order or fails to comply with a requirement of the order. A person guilty of an offence is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Pursuant to section 68 of the Anti-Social Behaviour, Crime and Policing Act 2014:

- (i). A constable or an authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 63 in relation to a public spaces protection order.
- (ii). 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 a local authority specified in the notice.

9. **RIGHT TO APPEAL**

Any interested person wishing to challenge the validity of this order must do so within 6 weeks beginning with the date on which this order is made or, if applicable, varied. An application under section 66 Anti-social Behaviour, Crime and Policing Act 2014 is to the High Court.

Guide to schedule 1 - includes all road and public space within schedule 1 from the outer edge of the red boundary line.

A47 - entire length from the East Side of the A47 Great River Ouse Bridge to the East side of the Constitution Hill Roundabout (*including the roundabout and grass verges to the outer highway boundary*).

Saddlebow Road - from the southern junction of the Saddlebow flyover to the Southern side of the Maple Road junction (*including grass verges of the outer highway boundary*).

Saddlebow Industrial Estate – all roads (*namely Maple Road, Rowan Road and Larch Road*) and public open space within the outer edge of the red boundary line.

Hardwick Narrows – from the East side of the train line from where the train line passes under the Southern side of the A47 to the southern side of the Hardwick Narrows Industrial Estate boundary, from this point turning East to the Puny Drain. From the Puny drain turning North along the Puny Drain to the Southern side of the Hardwick Narrows Industrial Estate boundary. From this point turning East and following the Southern side of the Hardwick Narrows Industrial Estate boundary to where it reaches the East side of the A10 at the southern exit point of the lay-by.

A10 – from the Southern exit point of the lay-by to the Junction of the Hardwick Roundabout (including lay-by and the grass verges to the outer highway boundary).

Hardwick Roundabout/Constitution Hill roundabout – all roads including slip roads.

A149 - entire length from North Junction of the Hardwick Roundabout to the North Junction of the Knights Hill roundabout (*including the roundabout and grass verges to the outer highway boundary*).

A148 - entire length from the East Junction on the Knights Hill roundabout to the A1078 at Wootton gap (*including the grass verges to the outer highway boundary*).

A1078 - entire length from Wootton Gap to the corner to the West Junction of Cross Bank Road (*including the grass verges to the outer highway boundary*).

Cross Bank Road – entire length from the West junction of the A1078 to the junction of the unmade road/end of tarmac including the entire length of St Edmunds Terrace (*including the low water mark to the West Side of Cross Bank Road and the grass verges to the East Side of Cross Bank Road*).

Great River Ouse – from the unmade road/end of tarmac at Cross Bank Road to East side of the A47 Great River Ouse Bridge (*from the low water mark of the East bank of the Great River Ouse*)

Dated this 29th day of March 2019

THE COMMON SEAL of)
THE BOROUGH COUNCIL OF)
KING'S LYNN AND WEST NORFOLK)
was hereunto affixed in the)
presence of)

Duly authorised signatory

Schedule 1

