

SCARBOROUGH BOROUGH COUNCIL

THE SCARBOROUGH PUBLIC SPACES PROTECTION ORDER 2018

**THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
(PART 4 CHAPTER 2 SECTIONS 59-75)**

The Scarborough Borough Council ('the Council') in exercise of its powers under the Anti-social Behaviour, Crime and Policing Act 2014 ('the Act') hereby makes the following Public Spaces Protection Order ('the Order').

PART 1 – GENERAL

- 1.1 This Order comes into force on 9 July 2018 for a period of 3 years.
- 1.2 This Order applies to all Land-
- (a) which is open to the air (including land which is covered but open to the air on at least one side);
 - (b) to which the public are entitled or permitted to have access (with or without payment); and
 - (c) which is outlined in red on the plan attached as the Schedule to this Order.
- 1.3 Before expiry of this Order the Council may extend, vary or discharge it in accordance with the provisions of the Act.
- 1.4 In making this Order the Council is satisfied on reasonable grounds that-
- (a) the activities covered by this Order have been carried on in a public place within the Council's area and have had a detrimental effect on the quality of life of those in the locality; and
 - (b) 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.
- 1.5 The Council is also satisfied that the prohibitions and requirements set out within this Order are reasonable-
- (a) to prevent the detrimental effect on the quality of life of those in the locality continuing, occurring or recurring; or

(b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

1.6 In making this Order the Council has had particular regard to the rights and freedoms of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights.

Penalty

1.7 A person who is guilty of an offence under Part 2 of this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

1.8 A constable or Authorised Person may issue a fixed penalty notice to any person they have reason to believe has committed an offence under this Order.

1.9 Where a person is issued with a fixed penalty notice for an offence under this Order, the amount of the fixed penalty is £100.

1.10 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 the fixed penalty to the Council.

1.11 Where a person is issued with a fixed penalty notice under this Order-

(a) no proceedings may be taken for the offence before the end of the period of 14 days following the date of the notice;

(b) the person may not be convicted of the offence if the person pays the fixed penalty in full before the end of that period.

Definitions

1.12 An "Authorised Person" means a person authorised in writing by the Council to enforce, and issue fixed penalty notices under, this Order.

1.13 "Car Cruising" is defined as two or more motor vehicles (including motorbikes) being on or in a highway or a Public Place, where any such vehicle or occupant of a vehicle performs any of the Prohibited Activities.

1.14 A person "Participates in Car Cruising" where they are the driver of, or are being carried in (or on) a motor vehicle in circumstances where Car Cruising is taking place.

1.15 The "Prohibited Activities" are:

- (a) causing danger or risk of injury to road users (including pedestrians);
- (b) causing damage or risk of damage to property;
- (c) speeding or racing;
- (d) performing stunts;
- (e) sounding horns or playing music so as to cause a nuisance;
- (f) using foul or abusive language;
- (g) using threatening or intimidating behaviour; or
- (h) causing obstruction (whether moving or stationary).

PART 2 – CAR CRUISING

Offence

2.1 A person who without reasonable excuse-

- (a) Participates in Car Cruising; or
- (b) promotes, organises or publicises Car Cruising (including but not limited to via email, the internet, social media, or via any publication or broadcast medium) to take place; or
- (c) attends any meeting either as a vehicle owner, driver, passenger or spectator where a reasonable person would consider that Car Cruising was or is taking place;

on Land to which this Order applies commits an offence.

PART 3 – DISPENSATIONS

- 3.1 The Council may, upon written application, grant a written dispensation in relation to any one or more of the Prohibited Activities for a specified event to take place on Land to which this Order applies.
- 3.2 Before granting such a dispensation the Council must consult with and take proper account of the views and requirements of the North Yorkshire Police.
- 3.3 Where a dispensation is granted, that dispensation may be subject to any conditions the Council deems to be reasonable and appropriate in the circumstances.

Date: 2nd JULY 2018

The **COMMON SEAL** of the
SCARBOROUGH BOROUGH COUNCIL

was hereunto affixed on the
15th AUGUST 2018



in the presence of:-

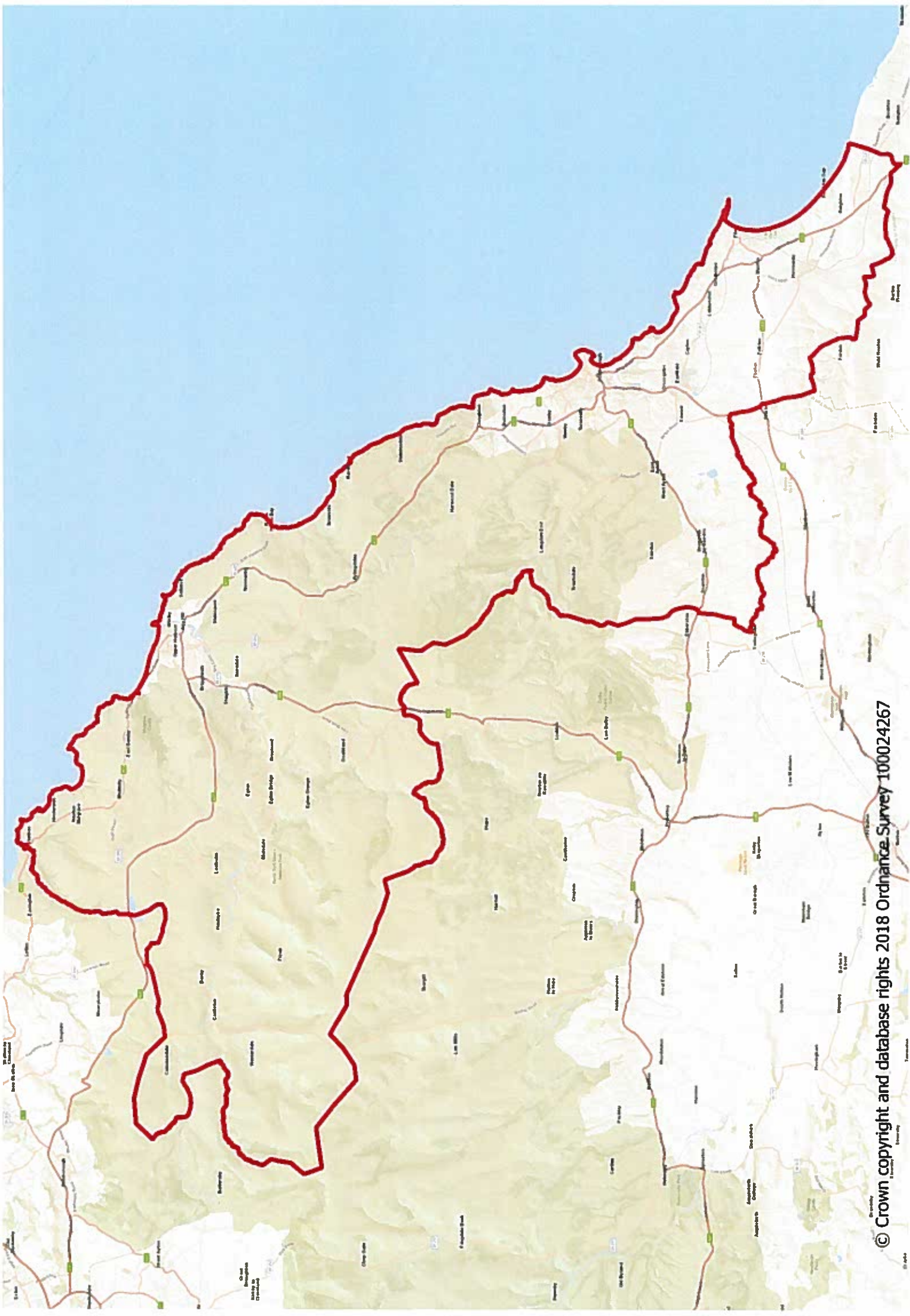
14368

A handwritten signature in black ink, appearing to read 'Rebecca Jackson'.

Authorised Signatory

Rebecca Jackson, Solicitor
Legal Services Manager

SCHEDULE



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