

## DRAFT FOR CONSULTATION

### **Anti-Social Behaviour, Crime and Policing Act 2014**

### **The Colchester Borough Council Vehicular Nuisance**

### **Public Space Protection Order 2022**

The Colchester Borough Council (“the Council”) makes this order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, having consulted as required by section 72.

The order takes effect on \_\_\_\_\_ and has a duration of 3 years, unless extended by further orders under the Council's statutory powers.

This order relates to the whole of the Colchester Borough Council District as shown edged red on the attached plan (the restricted area)

The Council makes the Order, being satisfied on reasonable grounds, that the following activities have been carried out in the restricted area which have had a detrimental effect on the quality of life of those in the locality.

The Council is also satisfied that the effect, or likely effect of these activities is, or is likely to be, of a persistent or continuing nature and these activities are unreasonable and justify the restrictions imposed by the notice.

#### **The activities carried out are as follows:**

**“Car cruising”** Drivers and/or any passengers of 2 or more motor vehicles (including motorcycles) are congregating and conducting any one or more of the following activities:

- a. Motor vehicles being raced against one another by two or more vehicles
- b. Motor vehicles driven at excessive speed
- c. Repeated sudden or rapid acceleration or deceleration of motor vehicles (braking) (as to cause a public nuisance)
- d. Revving of engine(s) (as to cause a public nuisance)
- e. Performing stunts (including but not limited to dough-nutting, drifting, skidding, handbrake turns, wheel-spinning) being performed in motor vehicles (as to cause a public nuisance)
- f. Sounding horns (as to cause a public nuisance)
- g. Causing or allowing loud amplified music or other very loud noise to be emitted from a motor vehicle or from a portable device (as to cause a public nuisance)
- h. Causing obstruction on a public highway, whether moving or stationary, including driving in convoy

#### **The Council therefore under section 59(4) prohibits:**

1. Engaging in, promoting, encouraging, or assisting in the carrying out of any activity connected to the use of a motor vehicle including but not limited to a

“car cruising” event (see definition) in or on a public highway, public car park or any other land to which the public has access in the Colchester Borough Council district area (Restricted Area) and which causes or is likely to cause harassment, alarm, or distress.

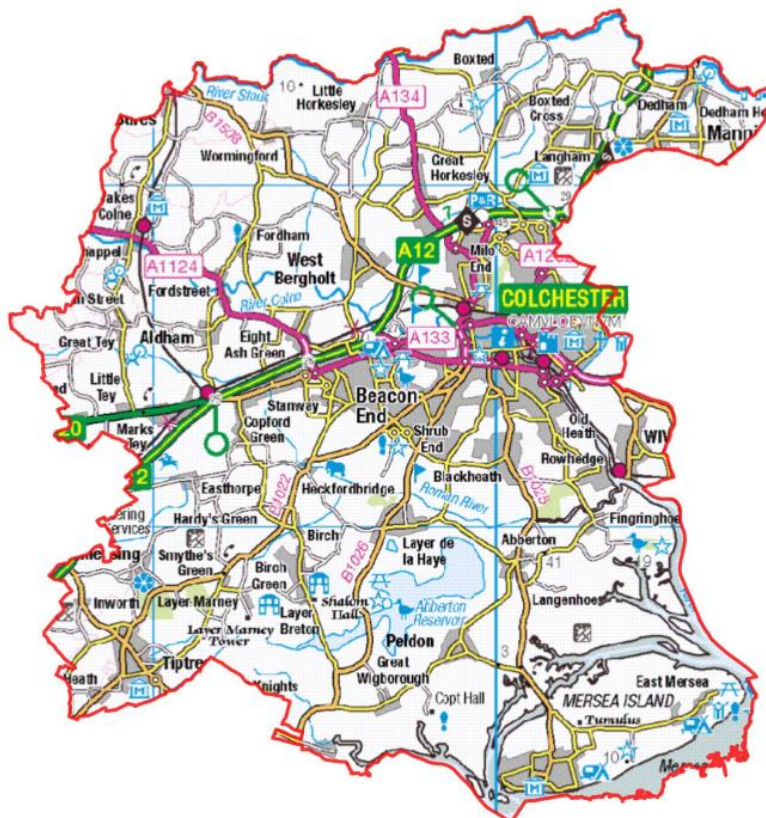
2. Congregating or loitering as part of a group surrounding or within one or more stationary vehicles at any time where such activity causes noise, exhaust fumes, harassment, alarm, or distress
3. Participating or attending in a car cruising event to supply or sell to those present any food, drink, goods or services, except at an organised professional event
4. Causing or permitting excessive amplified music or vehicular noise, and/or excessive emissions of exhaust fumes where such activity causes harassment, alarm, or distress

“**Vehicle**” includes a pedal cycle, which includes a power assisted pedal cycle, or a pedal cycle in combination with a trailer, constructed or adapted for carrying one or more passengers.

A '**car cruising event**' means a gathering of people who have come together for the purpose of car cruising.

### Restricted Area

The activities described above are hereby prohibited across the entire Colchester District.



Failure without reasonable excuse to comply with the prohibitions or requirements imposed by this Order is a summary offence under section 67 of the 2014 Act.

Any person guilty of an offence under sections 67 is liable on a summary conviction to a fine not exceeding level 3 on the standard scale.

A constable or an authorised person may under section 68 of the 2014 Act issue a Fixed Penalty Notice to anyone he or she has reason to believe has committed an offence under section 67 in relation to this order. Persons who breach this Order, shall when ordered to do so by an authorised person disperse either immediately or by such time as directed.

Signed

By authority of the Colchester Borough Council under section 101 of the Local Government Act 1972

**This order is not yet made, and any comments should be addressed to the Community Safety Team via our [online form](#) or by emailing [safer.colchester@colchester.gov.uk](mailto:safer.colchester@colchester.gov.uk). by Monday 5<sup>th</sup> September 2022**