

Milton Keynes Council

Anti-social Behaviour, Crime and Policing Act 2014, Part 4, Section 59

Milton Keynes Public Space Protection Order 2018 Vehicle Related Anti-Social Behaviour

This Order may be cited as the **Milton Keynes Public Space Protection Order No.1.**

This Order is made by Milton Keynes Council ("The Council") under the Anti-social Behaviour Crime and Policing Act 2014 ("the Act")

1. The land in relation to which this Order applies ("the restricted area") is that land in the area of the Borough of Milton Keynes which is:
 - a) Delineated and shown in black on the map at schedule 1 to this Order, and;
 - b) Described in schedule 2 to this Order.
2. The Council is satisfied that the 2 conditions below have been met, in that:

Condition one

- (a) Activities set out below carried out on/ in the Borough of Milton Keynes, have had a detrimental effect on the quality of life of those in the locality, and;
- (b) it is likely that these activities will be carried on in the public place and that they will have such an effect.

Condition two

- (a) That the effect, or likely effect of the activities 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 Order.

3. This Order comes into force at midnight on 21st January 2020 for a period of up to 3 years thereafter, unless extended by further order made under the Council's statutory powers.

Prohibition Highway and Motor Vehicle misuse

4. Subject to paragraph 7 below any person is prohibited from congregating for the purpose of being a participant or spectator in car cruising activity; being
 - a. Driving a motor vehicle (defined at Schedule 2) at excessive speed or in a manner causing or being likely to cause a nuisance to persons in the locality of the restricted area.
 - b. Revving of the engine of a motor vehicle a manner causing or being likely to cause a nuisance to persons in the locality of the restricted area.
 - c. While driving, sudden or rapid acceleration of a motor vehicle in a manner causing or being likely to cause a nuisance to persons in the locality of the restricted area.
 - d. Driving motor vehicles in a convoy in such a manner causing or being likely to cause a nuisance to persons in the locality of the restricted area.
 - e. While driving a motor vehicle, racing other motor vehicles, causing or being likely to cause a nuisance to persons in the locality of the restricted area.
 - f. Leaving the engine of a stationary motor vehicle to run idle in a manner such as to cause or to be likely to cause a nuisance to persons in the locality of the restricted area.
 - g. Performing stunts using a motor vehicle in a manner causing or being likely to cause a nuisance to persons in the locality of the restricted area. Stunts include but are not limited to; Handbrake turns; drifting; wheelies; wheel spins and doughnuts (a description of each is contained in Schedule 2)
 - h. Sounding motor vehicle horns other than in accordance with the Highway Code in such a manner causing or being likely to cause a nuisance to persons in the locality of the restricted area.
 - i. Playing amplified music from or powered by a motor vehicle causing or being likely to cause a nuisance to persons in the locality of the restricted area.
 - j. Causing obstruction on a public highway, whether moving or stationary causing or being likely to cause a nuisance to persons in the locality of the restricted area.

5. Nuisance is defined as including but not limited to any of the following consequences:

- i) Excessive noise;
- ii) Danger or risk of injury to road users (including pedestrians);
- iii) Damage or significant risk of damage to property;
- iv) Significant risk of harm;
- v) Significant public nuisance; or
- vi) Significant annoyance to the public.

6. The Council therefore under section 59 (4) prohibits:

- 1. Participating in car cruising activity as a passenger or driver of a vehicle within the area designated in the Public Spaces Protection Order
- 2. Congregating in the area to spectate cruising activity undertaken by vehicles in the area designated in the Public Spaces Protection Order.

7. An activity or behaviour which is authorised by the owner of that part of the restricted area where the activity or behaviour is taking place is not in breach of this Order.

Penalty

8. 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.

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.

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.

Fixed Penalty Notices

9. A constable or a Council officer may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence in relation to this public spaces protection order.

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.

Failure to pay a fixed penalty notice may lead to prosecution

Appeals

10. 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 restricted area. 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 Milton Keynes Local Authority did not have power to make the order, or to include particular prohibitions or requirements.
- b) That Milton Keynes Local Authority did not meet one of the requirements of the legislation; for instance, consultation has not been complied with.

The right to challenge also exists where an order is varied by Milton Keynes Local Authority.

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.

The Common Seal of Milton Keynes Local Authority was affixed in the presence of



.....
Katrina Hulatt
Head of Legal Services Principal Solicitor

.....
Date



243309

Schedule One – Restricted Area



[Handwritten signature]



243309

This Order applies to any public place within Milton Keynes as shown outlined in black in the plan.

Schedule Two – definitions

In this Order;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads

“Drifting” means driving in such a manner as to cause the rear of the vehicle to slide

“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

“Handbrake turn” using the handbrake to bring the vehicle to an abrupt stop whilst turning the vehicle.

“Wheelies” means a manoeuvre where any vehicle is driven for a period of time with wheels not in contact with the ground

“public place” means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission. This includes but is not limited to; car parks; sports fields; playing fields; parks; recreations grounds; public highways including verges and footways; public open space land and communal land whether council owned or owned by any other landowner.

“Interested person” means an individual who lives in the restricted area or who regularly works in or visits that area.