

PUBLIC SPACES PROTECTION ORDER 2023

MEDWAY COUNCIL

Anti- Social Behaviour Crime and Policing Act 2014

1. Notice is hereby given that Medway Council ("the Council") hereby makes the following Public Spaces Protection Order under Section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 ("the Act"). The Council has complied with the statutory requirements of Section 72 of the Act and undertaken the necessary consultation.
2. The Order may be cited as the Medway Public Spaces Protection Order 2023 - Nuisance Vehicles -Medway.
3. The Order takes effect on [insert date] and will remain in force for three years thereafter.
4. This Order applies to the land described in Schedule 1 ("the Restricted Area") and as shown edged red on the attached plan ("the Order Map").
5. The effect of the Order is to prohibit and/or restrict the activities listed in this Order and to impose specific positive requirements.
6. The Council is satisfied that the activities listed in this Order have been carried out within the Restricted Area and that they have a detrimental effect on the quality of life of those in the locality. The effect of the activities is of a persistent or continuing nature and is such as to make the activities unreasonable and justifies the prohibitions, restrictions and requirements imposed by this Order.
7. **Use of motor vehicles for Racing or Exhibition**

'Highway' has the meaning given by Section 328 of the Highways Act 1980.

'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.

'Landowner' means an individual or entity having legal ownership of land. The term landowner may also include all forms of collective ownership including joint tenants, tenants in common and life tenants.

'Motor Vehicle' means a mechanically propelled vehicle intended or adapted for use on the roads as defined in Section 185(1) of the Road Traffic Act 1988 and Section 136(1) of the Road Traffic Regulation Act 1984.

"Keeper" in relation to a motor vehicle mean the person by whom the vehicle is kept at the time when the offence in question occurs, which in the case of a registered vehicle is to be presumed, unless the contrary is proved, to be the registered keeper.

'Registered Keeper' in relation to a registered vehicle, means the person in whose name the vehicle is registered.

'Registered Vehicle' means a motor vehicle which is for the time being registered under the Vehicle Excise and Registration Act 1994.

'Land Other Than a Road' has the meaning set out in Section 192(1) of the Road Traffic Act 1988 and also includes any footpath, bridleway, byway open to all (BOAT), restricted bridleway, green lane, permissive path, pavement or footway.

Exemptions will apply to service vehicles for the purpose of maintenance and repair of the Restricted Area, mobility vehicles being used by disabled persons, disabled blue badge holders and to persons with lawful permission to use any part(s) of the Restricted Area.

Persons will not enter the Restricted Area in motor vehicles for any of the activities or purposes outlined in this Order unless:

- a) it is in a public place that is appropriately licenced and insured for the activities or purposes set out in this Order and
- b) written authority has been obtained from the Landowner, or their authorised agent, granting access to the land for the activities or purposes set out in this Order and
- c) the said activities are carried out within the hours of 8am to 6pm Monday to Sunday and in such a way as to not cause alarm harassment or distress to members of the public

Restrictions

- 7.1) Persons will not enter the Restricted Area in Motor Vehicles for the purpose of engaging in Motor Vehicle exhibition and racing or any other purpose as listed below
- 7.2) Persons will not enter the Restricted Area with others for the purpose of preparing Motor Vehicles for exhibition or racing.
- 7.3) Persons will not attend or gather in the Restricted Area for the purpose of watching Motor Vehicles being exhibited or raced.
- 7.4) Any person being a Registered Keeper of a Motor Vehicle will not perform any of the following activities in the Restricted Area
 - a) Driving in convoy

- b) Racing
- c) Performing Stunts
- d) Revving Engines
- e) Wheel spins
- f) Burnouts
- g) Recording any of the listed activities on any device
- h) Congregating to spectate the listed activities
- i) Engaging in any other activity that a reasonable person would consider to be "car cruising"

7.5) Persons will not use any other vehicle, whether by trailer or not, within the Restricted Area to transport any Motor Vehicle for the purpose of using that Motor Vehicle or facilitating its use by another on any Land Other Than a Road unless it is with the permission of the Landowner or someone authorised by the Landowner to grant such permission, and such use is not nor would not be in contravention of the Town and Country Planning Act 1990.

8. **Positive Requirements**

'Authorised Officer(s)' means a Police Officer, Police Community Support Officer or an authorised Council Officer.

- 8.1) Persons within the Restricted Area will, on the request of an Authorised Officer:
- a) Cease and remove any obstruction from the Highway, whether moving or stationary, including driving in convoy
 - b) Where persons have entered land within the Restricted Area for any of the activities or purposes outlined in this order and have written authority from the Landowner or someone authorised by the Landowner to grant such permission they shall immediately produce such written authority for inspection on request by an Authorised Officer.

9. **Offences**

A person commits an offence where they:

- 9.1) Fail without reasonable excuse to comply with a prohibition or restriction imposed by paragraph 7 of this Order
- 9.2) Fail to comply with a request from an Authorised Officer under paragraph 8 of this order

An offence under paragraph 9.2 is a summary offence under Section 67 of the Act. A person guilty of an offence under Section 67 is liable on summary conviction to a fine

not exceeding level 3 on the standard scale, or, if in receipt of a Fixed Penalty Notice, to a penalty of a maximum of £100.00

Executed as a Deed by affixing)
the common seal of Medway)
Council was hereunto)
the presence of:-)

Authorised signatory



Schedule 1- RESTRICTED AREA

The land identified by the map below being the areas to which this Order applies is the Local Government Area known as Medway

CHALLENGING THE VALIDITY OF THE ORDER

'Interested Person' means an individual who lives in the Restricted Area or who regularly works in or visits the Restricted Area

An Interested Person may apply to the High Court to question the validity of:

- (a) This order or
- (b) A future variation of this order

An Interested Person may apply to the High Court within six weeks from the date on which the Order is made on the grounds that:

- (a) The Council did not have the power to make the Order or the variation or to include particular prohibitions, restrictions or requirements imposed by the Order (or by the Order as varied) or
- (b) A requirement under Chapter 2 of the Anti-Social Behaviour Crime and Policing Act 2014 was not complied with in relation to the order or the variation.