

Draft Public Spaces Protection Order

Eastbourne Borough Council Anti-social Behaviour, Crime and Policing Act 2014 Part 4: Community Protection

Eastbourne Public Spaces Protection (Anti-social Driving) Order 2022

Eastbourne Borough Council (“the Council”), in exercise of its power under section 59(1) of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”), being satisfied that the conditions required by sections 59(2) and 59(3) of the Act have been met, and having complied with the requirements of section 72 of the Act, makes the following public spaces protection order (the “Order”):

Citation, commencement and application

1. This Order shall be known as the Eastbourne Public Spaces Protection (Anti-social Driving) Order 2022.
2. This Order shall come into force on [date] and shall have effect for a period of three years unless discharged under section 61 or extended under section 60 of the Act.
3. This Order applies from 1 April to 31 October in the areas detailed in the Schedule to this Order (“the Restricted Areas”).

Prohibited Activities

4. The Schedule to this Order has effect.
5. By this Order, a person shall be guilty of an offence if, in any of the Restricted Areas, and without reasonable excuse, he or she commits any of the activities specified in paragraph 6.
6. The activities prohibited by this Order are:
 - (i) Revving of engine(s) (as to cause public nuisance);
 - (ii) Repeated, sudden, or rapid acceleration (as to cause public nuisance);
 - (iii) Racing or speeding;
 - (iv) Performing driving stunts (including but not limited to performing doughnut manoeuvres, drifting, skidding, handbrake turns or wheel spinning);
 - (v) Sounding horns (as to cause public nuisance);
 - (vi) Playing music from a vehicle (as to cause public nuisance);
 - (vii) Making modifications to the vehicle in order for it to make excessive sound, including but not limited to the removal of exhaust silencers and using racing modes on public roads (as to cause public nuisance);
 - (viii) Driving on any public footpath, pedestrian or other area not designed for such motorised vehicles;
 - (ix) Causing damage or presenting a risk of damage to property whilst using a vehicle;
 - (x) Shouting or swearing at, or abusing, threatening, or otherwise intimidating (including by the use of sexual language or making sexual suggestions) another person from a vehicle;
 - (xi) Making abusive gestures to another person from a vehicle; and

- (xii) Causing obstruction on a public highway, whether moving or stationary, including in convoy.

Enforcement

- 7. A person guilty of an offence under paragraph 5 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Exception

- 8. The prohibition specified by paragraph 6(xii) shall not apply to any person driving a motor vehicle taking part in a funeral procession.

Validity

- 9. If any person who lives in or regularly works or visits the Restricted Areas wishes to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

GIVEN under the COMMON SEAL of EASTBOURNE BOROUGH COUNCIL
this day of 2022.

THE COMMON SEAL OF EASTBOURNE BOROUGH
COUNCIL

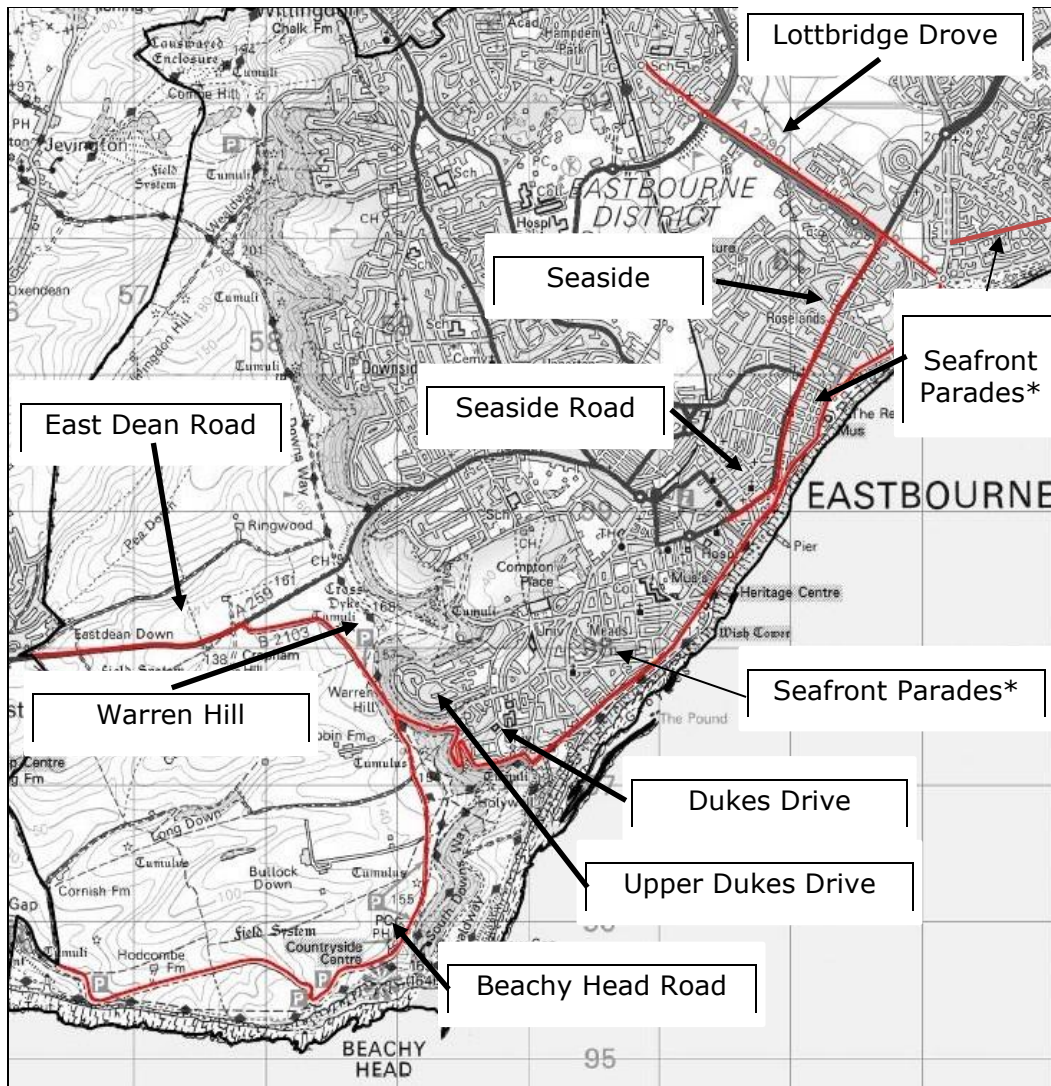
was hereunto affixed in the presence of:-

Authorised signatory.....

Print Name.....

Job Title.....

Appendix C / Schedule – Map of proposed restricted area [roads]



*Seafront Parades include – King Edward's Parade; Grand Parade; Marine Parade; Royal Parade; Prince William Parade.