

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SECTION 59

WIRRAL BOROUGH COUNCIL (ALABAMA WAY CAR PARK) PUBLIC SPACES PROTECTION ORDER 2024 ("Order")

Wirral Borough Council ("the Council") in exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") hereby makes the following Public Spaces Protection Order:

1. This Order relates to the area edged red on the plan in Schedule 1 ("the Restricted Area") which is Alabama Way Car Park.
2. Throughout the Order the term 'vehicle' and 'vehicles' includes car(s), other motor vehicle(s), motorbike(s), quad bikes(s), scrambler bike(s) and/or other 'off road' bike(s).
3. This Order comes into force on 22 August 2024 and will remain in force for a period of 3 years.
4. This Order is made because the Council is satisfied on reasonable grounds that the two conditions prescribed by section 59 of the Act are met, namely:

the Prohibited Activities carried out in a public place within the Restricted Area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place in the Restricted Area and that they will have such an effect; and

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 by this Order.

5. The Prohibited Activities imposed by this Order are ones that the Council has determined are reasonable to impose in order to prevent the detrimental effect continuing, occurring or recurring, or to reduce that detrimental effect or to reduce risk of its continuance, occurrence or recurrence.

6. The effect of the Order is to restrict persons within the Restricted Area from carrying out the Prohibited Activities, specifically identified within Schedule 2 of this Order.

7. In the Restricted Area, any person who fails to comply with the following requirement commits an offence:

(i) Where a person is in breach of any of the Prohibited Activities described in the Schedule, a police officer, community support officer or any officer of the Council authorised to issue fixed penalty notices for breaches of this Order may require that person to leave the _____ Restricted Area and remain outside the Restricted Area for 6 hours.

8. Any person guilty of an offence in the Schedule is liable, under section 67 of the Act, on summary conviction to a fine not exceeding level 3 on the standard scale or a fixed penalty notice of a maximum of £100.

9. Under section 66(1) of the Act an Interested Person may apply to the High Court to question the validity of this Order, or the validity of any variation of it, on the ground specified in section 66(2) of the Act, namely:

- a. that the Council did not have power to make this Order, or any subsequent variation of it, or to include particular prohibitions imposed by this Order (or any subsequent variation of it); or
- b. that a requirement under Chapter 2 of Part 4 of the Act was not complied with in relation to this Order, or any subsequent variation of it.

Under section 66(3) of the Act any application to challenge the validity of this Order, or any subsequent variation of it, must be made by an Interested Person within the period of 6 weeks beginning with the date on which this Order is made, or the date on which any subsequent variation is made.

"Interested Person" means an individual who lives in the vicinity of the Restricted Area or who regularly works in or visits that area.

10. The Order and plan are available for inspection on the Council's website.

SCHEDULE 1

Map of Restricted Area - Alabama Way Car Park

Schedule 2

Prohibited Activities

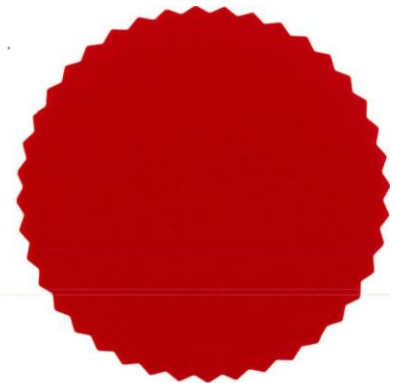
BY THIS ORER:

- 1) Being the Owner, Driver or otherwise being in charge of a motor vehicle and causing or allowing amplified music, or other noise to be emitted from that motor vehicle in a manner capable of causing a nuisance or annoyance to persons in the locality of the Restricted Area between the hours of 8pm and 8am
- 2) Using any item as a portable audio device in a manner capable of causing a nuisance or annoyance to persons in the locality of the Restricted Area between the hours of 8pm and 8am
- 3) Sounding motor vehicle horns other than in accordance with the Highway Code in a manner capable of causing a nuisance or annoyance to persons in the locality of the Restricted Area
- 4) Revving of motor vehicle engines in a manner capable of causing a nuisance or annoyance to persons in the locality of the Restricted Area
- 5) Repeated sudden or rapid acceleration or deceleration of motor vehicles in a manner capable of causing a nuisance or annoyance to persons in the locality of the Restricted Area
- 6) Being part of a group of two or more people surrounding or within one or more stationary vehicles between the hours of 8pm and 8am where such activity is capable of causing nuisance or annoyance to anyone in the locality of the Restricted Area.
- 7) Being verbally abusive, swearing at or intimidating or threatening any members of the public
- 8) Urination, defecation, spitting or littering at any time.

Dated 22/08/2024

THE COMMON SEAL OF
WIRRAL BOROUGH COUNCIL
was hereunto affixed in the presence of
was

L. Shaw



669323

HEAD OF LEGAL SERVICES