



Response from the British Motorcyclists Federation (BMF) to the Consultation launched by Newcastle-under-Lyme Borough Council on the Proposed Implementation of a Public Space Protection Order (PSPO) to Deliver Borough-wide Prohibitions on Car Cruising

The British Motorcyclists Federation (BMF) welcomes the opportunity to respond to the proposal by the Borough Council on the proposed implementation of Public Space Protection Order (PSPO) for car cruising following an increase in car cruising incidents across the borough.

The BMF is also a leading member of the **National Motorcyclists Council (NMC)** who broadly support the aims and objectives of the BMF. The BMF does not have any objections to this response being reproduced or attributed.

Summary of the BMF Position

- The BMF fully supports the need to address and tackle anti-social behaviour across all parts of society, in particular where such behaviour is causing a danger to road users, including pedestrians, or poses a significant risk to safety and/or of damage to property through, for example, speeding, racing, dangerous driving or the performing of stunts on the public highway. The BMF is also fully supportive of the Borough Council's stated intention to ensure that communities are able to enjoy living in a safe environment through the prohibition of anti-social and dangerous driving. As one of the largest motorcycle rider organisations in the UK, the BMF works very closely with a number of partners, including central and local government representatives, Ministers and international partners to improve road safety for the benefit of all road users.
- Whereas the BMF does not object to the Borough Council's plans to prohibit car cruising in public places across Newcastle-under-Lyme, following an increase in car cruising incidents across the Borough and a subsequent rise in complaints from residents and businesses, the BMF does have significant concerns that there may be wider unintended consequences and unexpected detriment to other law-abiding road

users, including motorcyclists, which may occur in addition to the desired effect of the policy under the Council's current PSPO proposals.

- The BMF therefore strongly recommends that the Borough Council carefully re-considers the breadth and effect of the proposed PSPO, as well as the specific need to implement a PSPO, and consults closely with all relevant stakeholders, including the local Police, so as to ensure that the design and evaluation techniques underpinning the Council's policy intent, and the specific prohibited activities to be included in any PSPO, deliver solely the intended outcome as set out by the Borough Council under the Consultation launched on 26 July 2024 i.e. **to implement a PSPO specifically to prohibit car cruising across Newcastle-under-Lyme**. Importantly, in adopting a collaborative and consultative approach with relevant stakeholders, including those who may be inadvertently affected by the proposed PSPO, the Borough Council should actively seek to avoid unexpected and unintended impacts on other legitimate and law-abiding road users as a result of the implementation of the proposed PSPO.
- The BMF is aware that the Police and Newcastle-under-Lyme Borough Council already have existing powers to tackle anti-social behaviours through a broad framework of legal powers and other tools set out in the Anti-Social Behaviour, Crime and Policing Act (2014), including the ability to issue, for example, Criminal Behaviour Orders and Community Protection Notices, as well as wider Civil Injunction and Dispersal Powers. It is not evident from the information provided by the Borough Council, as part of the current Consultation, whether other options to curtail car cruising across the borough have been considered before pursuing the implementation of a PSPO. Given that PSPOs represent the "nuclear" option, as they can significantly restrict what people can do and how they behave in public spaces, and given that the Borough Council's proposal is for the proposed PSPO to be in place for a 3 year period, it will be important for the Borough Council to ensure that any restrictions imposed through a PSPO are very tightly focused on specific behaviours and are proportionate to the detrimental effect that the behaviour is causing or can cause, and are strictly necessary to prevent it from continuing, occurring or recurring. It is also incumbent upon the Borough Council, under current official PSPO guidelines for councils, to ensure that their proposals to implement a PSPO are a reasonable and proportionate response to the problem of car cruising, or are needed at all, given other powers and tools available to the Borough Council and the Police to curb anti-social behaviour. The Borough Council also needs to demonstrate that by introducing a blanket ban on car cruising activity

across Newcastle-under-Lyme this will not simply displace the particular behaviour of car-cruising and create victims elsewhere who were never intended to fall under the PSPO restrictions; for example legitimate motorcycle club gatherings, charity motorcycle ride-outs, or indeed other legitimate motorcycle use across the borough, including the use of motorcycles and other powered two wheelers, for leisure, commuting and training purposes; where, for example, learner motorcyclists are regularly taken out on the public highway together in convoy with their official trainers and examiners to improve riding skills and for test purposes.

Consideration

In formulating this response, the BMF has considered the proposed plans and intended policy outcomes set out by the Newcastle-under-Lyme Borough Council as part of its public consultation.

The specific background and objectives of the proposed PSPO are set out on the Newcastle-under-Lyme Borough Council website and are stated as follows:

“Residents and other stakeholders are being asked for their views on plans to prohibit car cruising in public places across Newcastle-under-Lyme for a three-year period.

Newcastle-under-Lyme Borough Council has launched a consultation exercise on a draft public space protection order (PSPO) it has created following an increase in incidents across the borough and a subsequent rise in complaints from residents and businesses.

The proposed order - the first of its type in the Borough - prohibits any meeting of two or more motor vehicles, including motorbikes, on local roads or public spaces at all times where any such vehicle or occupant engages in any behaviour considered to be car cruising, including the following specific activities:

- Causing a danger to other road users, including pedestrians, or a significant risk of damage to property by either speeding or racing.
- Driving in convoy
- Performing stunts
- Repeatedly sounding horns
- Playing music excessively loud
- Using foul or abusive language

- Using threatening, intimidating behaviour towards another person
- Obstructing a public highway, or public place, whether moving or stationary
- Promoting, organising or publicising car cruising via e-mail, the internet, Facebook, X or similar social media, or any publication or broadcast.”

Conclusion

In considering Newcastle-under-Lyme Borough Council's proposals, and its stated intent to introduce a PSPO specifically to address the problem of car cruising across the borough, the BMF notes that the proposals as they stand appear to go further than the stated intent to simply address car cruising, and instead may also curtail the ability, for example, of two or more motorbikes from meeting on local roads or public spaces. As such, the specific activities to be prohibited, which the Borough Council has clearly set out to underpin the proposed PSPO, are in the view of the BMF, neither proportionate nor reasonable in their current form and are likely to result in unexpected and unintended impacts on other legitimate and law-abiding road users, such as motorcyclists. Newcastle-under-Lyme Borough Council must consider these issues carefully, including the concerns raised by the BMF, to ensure that law-abiding road users, including motorcyclists, going about their legitimate business are not adversely and unreasonably affected by the Borough Council's proposed PSPO. The Borough Council must also demonstrate that it has properly and openly consulted with all relevant stakeholders and fully taken into account responses received, in line with the legislative requirements under the Act, and that it has fully considered all other policy and enforcement options short of imposing a PSPO to achieve its stated intent to prohibit and curtail the identified problem of car cruising.

About the BMF

The BMF, formed in 1960, is one of the largest active motorcycling riders' groups in the world with around 214 affiliated motorcycle clubs giving the BMF a collective membership of over 65,000 riders. The BMF works closely with government Ministers and officials, and with numerous road safety organisations and other motorcycling and road transport organisations, to represent motorcyclist interests at local, national, and European level. Through its collaboration and joint-working with Government, and through its numerous road safety partnerships, the BMF aims to promote greater awareness of the benefits of motorcycling as an accessible, affordable, cleaner and greener transport option, whilst highlighting the significant contribution motorcycling can make to the achievement of Net Zero targets. The BMF also works to ensure that the needs and concerns of the motorcycling community and its 1.4 million

riders translates into effective safety improvements for motorcyclists in terms of wider government road policy and highway design.

The BMF is also a leading member of the National Motorcyclists Council (NMC), originally founded in the 1990s, which is the UK coalition of motorcycling representative organisations, representing a wide spectrum of motorcycle use from road riding, green roads riding, heritage motorcycling, motorcycle sport, motorcycle safety, the motorcycle trade and the service sector. NMC members work together on commonly held positions about issues where motorcyclists seek to change or influence government policy in order to help assure a positive and sustainable future for motorcycling. The NMC's membership comprise UK motorcycling representative organisations, plus the sport and road safety interests. NMC members represent around 200,000 individual riders via its member organisations. The NMC also has wider, longstanding partnerships with industry and riders' groups internationally.

British Motorcyclists Federation

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