

THURSDAY 17 MARCH 2016

REPORT OF THE PORTFOLIO HOLDER FOR COMMUNITIES AND PUBLIC HEALTH**ASB, CRIME AND POLICING ACT - PUBLIC SPACE PROTECTION ORDER
CONSIDERATION 2****EXEMPT INFORMATION****PURPOSE**

To consider proposals for Public Space Protection Orders (PSPO) in relation to car cruising/boy racers and vehicle related nuisance

RECOMMENDATIONS

- That Cabinet approve the progression to public consultation and submission to the Healthier and Safer Scrutiny Committee on 21st April 2016 for a PSPO covering the whole of the Borough of Tamworth on land which the public have vehicular access (as per the PSPO process agreed by Cabinet in June 2015)

OR

- That Cabinet defer the agreement for public consultation pending discussion and the Healthier and Safer Scrutiny Committee

OR

- That Cabinet request further options be considered by the Police prior to considering consultation for a PSPO

EXECUTIVE SUMMARY

Public Space Protection Orders can only be implemented by Local Authorities, working in collaboration with partners they are used to tackle all matters relating to anti-social behaviour in particular areas. Orders can be enforced by the Police and designated officers.

The Tamworth Community Safety Partnership have received requests via the Police, for the consideration for the implementation of a Public Space Protection Order to tackle incidents of car cruising and other vehicle nuisance of which there have been increasing concerns since August 2015. The request has been made to cover all public highways, car parks and all other land to which the public has access with the landowners' permission in the administrative area of Tamworth Borough Council. This is permitted within the Anti-Social Behaviour Crime and Policing Act 2014.

The Partnership have also taken the opportunity to address issues of unauthorised vehicle repairs or storage on publically accessible land which cannot be dealt with through the existing environmental legislation where this activity causes danger or detriment to the amenities.

The Suggested order is as follows:-

- a) No person shall engage in, promote, encourage or assist in the carrying out of any car cruising* event in or on public highways, car parks and all other land to which the public has access in the Borough of Tamworth (without the express permission in writing obtained prior to any such event) causing or likely to cause
- Excessive noise
 - Danger to other road users (including pedestrians)
 - Damage or risk of damage to private property
 - Litter
 - Any nuisance to another person not participating in the car cruise

** A congregation of the drivers of 2 or more motor vehicles (including motor cycles) on the highway or at any place to which the public have access and performs any of the following activities;*

- *Driving at excessive speed*
- *Driving in convoy*
- *Racing other motor vehicles*
- *Sounding horns or playing radios*
- *dropping litter*
- *shouting or swearing at, or abusing, threatening or otherwise intimidating (including by the use of sexual language or making sexual suggestions) another person,*

- b) No person shall congregate or loiter as part of a group around (or in) one or more stationary vehicles at any time where such activity may be associated with or likely to cause noise, harassment, alarm or distress
- c) No person shall engage in, promote, encourage or assist in activities of 'doughnutting', drifting or other vehicle related nuisance causing or likely to cause danger to the public
- d) No person shall cause or permit excessive amplified music or other noise from vehicles such as to cause or be likely to cause alarm, harassment or distress as a result of a gathering in or around one or more vehicles on any public road or land to which the public has access in Tamworth
- e) No person shall undertake ongoing vehicle repairs or renovation or store unroadworthy vehicles or those declared SORN on publically accessible car parks or highways likely to cause a danger or nuisance to the public except in the course of their own business on their own land or with the express permission of Tamworth Borough Council or relevant landowner

Lead agency: Staffordshire Police

Evidence

Police have reported ongoing callouts and concerns with regard to an increase in car related nuisance and gatherings around Tamworth.

The calls have been largely related to gatherings on the open car park around industrial estates and around the many roundabouts in Tamworth. The cut throughs around the estates and the wider road on the B5000 in Glascote are particular hotspots as well as around the McDonalds in Watling Street.

These gatherings are a danger to the wider public and road users and cause noise and wider environmental issues such as littering. The concern for passengers and (the predominantly) young drivers is also paramount – the risks of loss of control of vehicle providing danger to themselves and others.

The use of public road for racing, doughnutting and drifting also causes surface damage.

Between August 2015 – January 2016, Tamworth Police recorded 32 incidents of vehicle nuisance, racing and noise concerns to which resources were deployed.

Tamworth Police report that the temporary closure of McDonalds at Ventura Park has seen a drop in ASB in that area however this area has traditionally been the central focus for these perpetrators to meet up

These calls have been made from varying different people in different areas (in close proximity to each offence location) so it is evidenced still that the problem is wide spread over the whole town and affecting numerous members of the community as before.

Other Options

Surrounding Districts have successfully gained High Court injunctions to prevent the type of vehicle nuisance. This has led to an increase in related issues due to the dispersal of vehicles from as far as Birmingham, Dudley and Walsall.

The cost to the Police and Local Authorities for the implementation of a high court injunction was around £50,000.

The implementation of a PSPO to address the nuisance and safety concerns caused by such inconsiderate and Anti-Social Behaviour will provide a cost effective and simpler solution to the issues faced by the Police effectively meaning that anyone found to be causing nuisance on any publically accessible land is subject to an immediate penalty.

The use of such a PSPO will be the first in the country.

It's effectiveness to allow Police and other delegated officers to issue immediate Fixed Penalties to anyone causing vehicle related nuisance is aimed a deterrent. The Police are able to seize vehicles or pursue prosecution, but in some instances this is not effective. It is felt that an immediate use of a Fixed Penalty and/or prosecution for breach of a PSPO will also allow agencies to add further criminal behaviour orders and sanction to prevent recurrence.

The order will cover all publically accessible areas (including private land) and will address issues reported on public car parks and on car parks owned by supermarkets and business owners.

It is proposed that the publicity and requirement for signage will be in the form of lamppost stickers and awareness campaigns by the Police and the wider Community Safety Partnership.

During the consultation phase relevant business owners such as McDonalds, who are fully supportive of the approach and other relevant businesses/shops will be approached for some funding as appropriate or to endorse the order with in-store information and signage.

Do Nothing

Whilst Tamworth Police are able to respond to calls as necessary from the public and deal with cars/issues as they find, immediate sanction is not currently available.

There is concern that the use of High Court Injunctions by neighbouring districts will increase concerns in Tamworth.

LEGAL/RISK IMPLICATIONS BACKGROUND

All legal risks covered by legislation and agreed process

Cost of signage (maximum £500) will be met from existing Community Safety Budgets. Sponsorship will be sought as necessary

SUSTAINABILITY IMPLICATIONS

All Public Space Protection orders are initially valid for a period of up to three years. The effectiveness can be reviewed at any time and decisions made to renew any orders as required.

BACKGROUND INFORMATION

A Public Space Protection Orders (PSPO) is a measure to stop individuals or groups committing ASB in public places. The local authority will identify the area that is to be covered by the order – known as the 'restricted area'.

The PSPO can:

- Prohibit specified things being done in the area
- Require specified things to be done in the area

The prohibitions or requirements can be framed so that they:

- Apply to all persons, or only persons in specified categories, or to all persons except those in specified categories
- Apply at all times, or only at specified times, or at all times except those specified
- Apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified

The process is outlined in the Cabinet report of 18 June 2015.

If after consideration, areas are to be subject to a PSPO, Cabinet is to agree a statutory 28 day consultation (as outlined under the PSPO Guidelines 2014), the results of which will be

discussed at Scrutiny for sign off and implementation.

The first PSPO was agreed at Dosthill Park, commencing 1st December 2015. To date no further complaints have been received regarding incidents of ASB

REPORT AUTHOR

Jo Sands, Interim Head of Community Safety
Inspector Jason Nadin

LIST OF BACKGROUND PAPERS

Cabinet Report 18 June 2015

APPENDICES

This page is intentionally left blank