

THURSDAY 24<sup>TH</sup> MARCH 2022

**REPORT OF THE ASSISTANT DIRECTOR - PARTNERSHIPS**

**RENEWAL OF VEHICLE WIDE NUISANCE VEHICLE PUBLIC SPACE PROTECTION ORDER**

**EXEMPT INFORMATION**

None

**PURPOSE**

To consider extension of the Borough Wide Nuisance Vehicle Public Space Protection Order and support delegation to the Portfolio Holder for implementation

**RECOMMENDATIONS**

It is recommended that Scrutiny Committee

1. Approve delegation to the Portfolio Holder Voluntary sector, Town Centre, Evening economy & Community Safety for the extension of the of the Borough Wide Nuisance Vehicle Public Space Protection Order (as attached)

**EXECUTIVE SUMMARY**

Processes for the consideration of Public Space Protection Orders (PSPOs), implemented under the Anti-Social Behaviour, Crime and Policing Act 2014, were approved at Cabinet on 18 June 2015.

The following conditions must be met before making the order:

- Activities carried out in a public place within the local authority's area have a detrimental effect on the quality of life of those living in the locality **OR**
- It is likely that activities will be carried out in a public place within the area that will have such an effect

The effect, or likely effect of the activities:

- Is, or is likely to be, of a persistent or continuing nature **OR**
- Is, or is likely to be, such as to make the activities unreasonable *and* justifies the restrictions imposed by the order

All PSPOs can be put in place for a maximum of three year with the option to :-

- To extend for a further specified period of time on expiration if the order continues to meet criteria above
- To discharge the existing order as no longer needed

## **Borough Wide Vehicle Nuisance PSPO**

The authority to undergo public consultation for the above order was approved by Cabinet in April 2016

Following public consultation, implementation of the order was delegated to the Portfolio Holder by Scrutiny for a period three years until 30 April 2019 and subsequently extended in March 2019 for a further 3 years until 30 April 2022.

## **PSPO Expiry**

The current order expires on 30<sup>th</sup> April 2022 and Staffordshire Police has requested that the order is extended for a further 3 years as an effective deterrent and to allow the issue of a FPN by officers as necessary.

On renewal in 2019, Police had reported that since the start of the PSPO there has been a significant reduction in vehicle related ASB, particularly in the town centre and Ventura park areas.

At this time and since the relaxing of Covid restrictions, Police are reporting a rise in concerns at Ventura (especially ASDA) with vehicles causing a general nuisance on the car park causing safety issues for their staff and customers.

A car meet that takes place throughout the year on the car park nearest to the skate park has caused some concerns for the Police with some damage to police vehicles and surrounding property. It is considered that the extension to the PSPO would continue to support an effective way to disrupt and challenge concerns.

The legislation also currently extends on occasion to members of the travelling community with regard to vehicle related ASB and has been used effectively to tackle some vehicle related issues around dangerous car repairs.

It is considered that the PSPO is an extremely useful deterrent and it would be concerning if there was nothing in place for those who wish to engage in anti-social and dangerous vehicle activity will become aware and raise the risk of an increase once more at a time.

The PSPO has been a tremendous asset and its threat alone has significantly improved the life of many members of our community.

Neighbouring forces have injunctions in place and removal of the PSPO would potentially increase the risk of displacement.

To date four fixed penalties have been issued over the life of the order, with the Police and Council officers alerting and warning others of the possibility of penalties to deter and resolve issues.

In accordance with the The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014, the Council's

constitution and process agreed, the Infrastructure, Safety and Growth Scrutiny Committee is invited to consider this order and approve delegation to the Portfolio Holder for implementation. The updated PSPO will continue to be displayed on the Council's website.

## **OPTIONS CONSIDERED**

All options and evidence has been considered as per and the process and proposals contained within the executive summary.

The cessation of the order will remove the power of Police and partners to effectively tackle vehicle related nuisance as defined.

## **RESOURCE IMPLICATIONS**

The use of Public Open Space Protection Orders requires enforcement resource and can be enforced by Police officers and other Council officers as designated by Tamworth Borough Council.

The Order can be enforced by the Police, delegated officers and Community Wardens (when patrolling) and will continue to be monitored over the next three years

All other recommendations will be subject to continued review by the Tamworth Community Safety Partnership as issues present.

## **LEGAL/RISK IMPLICATIONS BACKGROUND**

All legal risks covered by legislation and agreed process

## **SUSTAINABILITY IMPLICATIONS**

Ongoing review

## **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 was outlined and agreed at Cabinet on 18 June 2015.

If after consideration, areas are to be subject to a PSPO, Cabinet agreed to a statutory 28 day consultation (as outlined under the PSPO Guidelines 2014), the results of which will be discussed at Scrutiny for delegated approval to the Portfolio Holder for implementation

#### **REPORT AUTHOR**

Jo Sands, Assistant Director - Partnerships

#### **LIST OF BACKGROUND PAPERS**

#### **APPENDICES**

Appendix 1– Updated PSPO