

Title of Report	PUBLIC SPACES PROTECTION ORDER (PSPO) CASTLE DONINGTON 'CAR CRUISE'	
Presented by	Councillor Andrew Woodman Community Services Portfolio Holder	
Background Papers	<u>Anti-Social Behaviour, Crime and Policing Act 2014</u>	Public Report: Yes
		Key Decision: Yes
Financial Implications	To enable authorised staff to enforce the PSPO, required signage will be funded by the Community Safety Partnership budget and CCTV and ANPR camera will be funded by the Community Safety Partnership budget.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	Without the PSPO in force the Council has no legal enforcement powers to deal with the drivers of motor vehicles and spectators within the identified areas that commit anti-social behaviour and crime by the use of vehicles in such a way and the resultant impact on the community.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	To enable authorised staff to enforce the PSPO.	
	Signed off by the Deputy Head of Paid Service: Yes	
Purpose of Report	<p>For Cabinet to agree to the introduction of a PSPO prohibiting:</p> <ul style="list-style-type: none"> a) Any person participating in a Car Cruise b) Any person congregating for the purpose of being a spectator at a Car Cruise; and c) Any person allowing a vehicle, for which they are the registered keeper, to be used in a Car Cruise within a specified area within Castle Donington. <p>Definitions and details of the order are set out within the PSPO document within Appendix 1.</p>	
Reason for Decision	To put in place a PSPO which restricts the anti-social use of vehicles.	
Recommendations	<p>THAT CABINET:</p> <p>1) APPROVES THE INTRODUCTION OF THE PUBLIC SPACES PROTECTION ORDER AS SET OUT WITHIN APPENDIX 1.</p>	

	2) AGREES TO DELEGATE THE RENEWAL OF ANY FUTURE PSPO'S THAT DO NOT REQUIRE ANY AMENDMENTS FOLLOWING CONSULTATION, TO THE STRATEGIC DIRECTOR OF PLACE
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1.0 BACKGROUND

- 1.1 In 2014 the Government introduced legislation called the Anti-Social Behaviour, Crime and Policing Act ("the Act"). The Act created Public Spaces Protection Orders (PSPOs).
- 1.2 PSPOs are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. Local authorities may make a PSPO within the authority's area if satisfied, on reasonable grounds that two conditions are met:
- (1) The first condition is that—
 - (a) activities carried out in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
 - (b) it is likely that activities will be carried out in a public place within that area and that they will have such an effect.
 - (2) The second condition is that the effect, or likely effect, of the activities—
 - (a) is, or is likely to be, of a persistent or continuing nature,
 - (b) is, or is likely to be, such as to make the activities unreasonable, and
 - (c) justifies the restrictions imposed by the notice.
- 1.3 The proposed PSPO relates to an area in Castle Donington which was created by the construction of a new road which supported the industrial traffic getting around the village of Castle Donington without the need to drive through the village. It also supports the large industrial units created down at Arundale Avenue including the large distribution centre of Marks and Spencer.
- 1.4 Since the creation of this road there has been regular large and publicised (on social media sites) meetings of car enthusiasts who have taken to using this location to meet in the evenings and race along the new road from the main A50 roundabout. The events usually take place predominantly on Sunday evenings however this is variable.
- 1.5 Anywhere between 10 and 100 vehicles have been identified at any one time within this location and around double the number of spectators due to many people travelling in vehicles together.
- 1.6 The behaviour causes a list of issues that have fallen to the Council and the police to manage, including but not exclusive to:

- Noise disturbances from loud engines and racing and from music from the vehicles.
- Littering and damage to the roads and street furniture.
- Blocking of public roads to race which has caused disruption to HGV's being able to access the business premises.
- Dangerous driving and risk to other road users and members of the public using this area for its intended purposes.

1.4 The police have carried out numerous operations at this location and were successful in issuing several fixed penalty notices under the Covid Breach Legislation however this method isn't deemed sustainable or cost effective.

2.0 PROPOSED ORDER

2.1 The Proposed order is attached within Appendix 1.

3.0 POWER TO MAKE THE ORDER / RESTRICTIONS

3.1 A PSPO can:-

- (a) prohibit specified things being done in the restricted area,
- (b) require specified things to be done by persons carrying on specified activities in that area, or
- (c) do both of those things.

However, prohibitions or requirements can only be imposed if they are reasonable to impose in order—

- (a) to prevent the detrimental effect from continuing, occurring or recurring, or
- (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence, or recurrence.

4.0 DURATION OF ORDER

4.1 A PSPO may not have effect for a period of more than 3 years, unless extended under section 60 of the Act. Any extension cannot be for more than 3 years. Before the time when a PSPO is due to expire the local authority may extend the period for which it takes effect if it is satisfied on reasonable grounds that doing so is necessary to prevent (a) occurrence or recurrence after that time of the activities identified in the order, or (b) an increase in the frequency or seriousness of those activities after that time. Any extension of the order will be brought back before Cabinet in the same manner.

5.0 VARIATION / DISCHARGE OF THE ORDER

5.1 A Local authority has the power to vary a PSPO should it wish to either increase or reduce the restricted area or by altering or removing a prohibition or requirement or by adding a new one. A PSPO may also be discharged by the local authority should it wish at any point during the period of the PSPO.

6.0 CONVICTIONS / ENFORCEMENT OF THE ORDER

6.1 It is an offence for a person without reasonable excuse—

- (a) to do anything that the person is prohibited from doing by a PSPO, or
- (b) to fail to comply with a requirement to which the person is subject under a PSPO.

However, A constable or a person authorised by the local authority may issue a fixed penalty notice (FPN) to anyone he or she has reason to believe has committed an offence in relation to a PSPO. A FPN is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to a local authority specified in the notice.

The proposed PSPO will be managed predominantly by use of FPNs. However, where required (e.g. where the seriousness of the offending requires) there may be a need for perpetrators to be taken to Court for a breach. It will also be necessary to take persons that fail to pay the FPN to Court. This will be managed between the authorised officers and the Council's legal team.

6.2 Management and enforcement of the proposed PSPO will predominantly be completed with support of the local policing unit, however, there has also been agreement for the installation of an Automatic Number Plate Recognition (ANPR) camera and CCTV camera to be installed restricted area which will mean the PSPO can be enforced without the physical presence of officers.

7.0 CONSULTATION

7.1 The Act requires the Council to publish the proposed PSPO on its website and consult with the following:

- Chief Constable of Leicestershire Police;
- The Police and Crime Commissioner for Leicestershire;
- whatever community representatives the Council thinks it appropriate to consult; and
- the owner or occupier of land within the restricted area.

The Chief Constable of Leicestershire Police and the PCC for Leicestershire were provided with a personal copy. Copies were also provided to Castle Donington Parish Council and Leicestershire County Council. Copies were also posted on the areas affected and a public consultation was run on the Council's website.

8.0 CONSULTATION RESULTS

8.1 The PCC and the CC had no comment to make on the proposed order and were happy with its presentation at Cabinet.

8.2 The consultation was run publicly on the Consultation Hub on the Council's website. The consultation response was positive with 189 responses received in total.

- 8.2 There were 5 questions within the consultation with each having a free text box available to capture the qualitative responses.
- 8.3 The Final question was “Do you support the implementation of the Public Space Protection Order (PSPO) to ban the anti-social use of vehicles in castle Donington?” The overall response to this was 94.71% were in support. Of the 5.29% that answered no to this question, the free text box responses have been reviewed and of which none were deemed admissible enough for us to reconsider the application to cabinet.
- 8.4 A full copy of the report is included marked Appendix 2.

If the proposed PSPO is approved by Cabinet, the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 require the Council to publish the order as made on its website and cause to be erected on or adjacent to the public place to which the order relates such notice (or notices) as the Council considers sufficient to draw the attention of any member of the public using that place to the order and the effect of the order—. The cost of the signs will be funded by the Community Safety Partnership budget.

9.0 Recommendation

Considering the statements from the police, complaints received from the public, the videos taken from social media as well as the results from the public consultation, it is considered that the two conditions required for a local authority to make a PSPO (as set out at 1.2 above) are met. It is also considered that the prohibitions within the proposed PSPO are reasonable to prevent the detrimental effect car cruising is having on the quality of life of those in the locality.

It is therefore recommended that Cabinet approves the introduction of the PSPO as set out within Appendix 1.

Policies and other considerations, as appropriate	
Council Priorities:	- Our communities are safe, healthy and connected
Policy Considerations:	None identified.
Safeguarding:	Consulted with Safeguarding team, no identified concerns.
Equalities/Diversity:	Consulted with Equalities Officer, no identified concerns, EHRIA completed and filed.
Customer Impact:	None identified.
Economic and Social Impact:	Positive impacts on both.
Environment and Climate Change:	Positive impacts on both.
Consultation/Community Engagement:	Consulted with:- Castle Donington Parish Council Leicestershire Police LPU commander Office of Police and Crime Commissioner Public consultation via NWLDC website, including social media presence.
Risks:	Risks have been considered and none identified.
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