

Title of Report	PUBLIC SPACES PROTECTION ORDER (PSPO) - CAR CRUISERS	
Presented by	Councillor Michael Wyatt Community Services PH Briefed <input type="checkbox"/>	
Background Papers	<u>Anti-Social Behaviour, Crime and Policing Act 2014</u>	Public Report: Yes
		Key Decision: No
Financial Implications	Officers will adopt the enforcement powers and administrative duties into their day to day working practices. Additional camera and signage to be funded from existing budget allocation.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	S.59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) allows Local Authorities to make Public Spaces Protection Orders (PSPOs) to address anti-social behaviour in a public place. The creation of PSPOs is not reserved to Council under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and therefore it is an executive function, which means that Cabinet is the appropriate body to consider this matter. Once made, the PSPO is enforceable by way of a Fixed Penalty Notice for first offences or for second offences and/or non-payment of FPNs, by way of prosecution. Enforcement decisions will be made in accordance with the Council's General Enforcement Policy.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	The PSPO will be managed within existing resources, in line with the Council's current enforcement policies.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To obtain member approval for a PSPO lasting for three years, to prevent car cruising in the Castle Donington areas as shown on the map detailed within Appendix 1.	

Reason for Decision	The affected areas have suffered significant nuisance from vehicles and people engaged in car cruising activities during the last eight years. An order will help to control anti-social behaviour caused by car cruising and associated activities which has a detrimental effect on the quality of life of those in the locality.
Recommendations	<p>THAT CABINET:</p> <p>1) APPROVES THE INTRODUCTION OF THE PUBLIC SPACES PROTECTION ORDER AS SET OUT WITHIN APPENDIX 1.</p> <p>2) DELEGATES AUTHORITY TO THE DIRECTOR OF COMMUNITIES TO VARY THE ORDER OR DISCHARGE THE ORDER AT ANY POINT DURING THE THREE YEAR PERIOD OF THE ORDER.</p> <p>3) APPROVES THE FINANCIAL LEVEL OF FIXED PENALTIES ISSUED BY THE COUNCIL FOR FAILING TO COMPLY WITH PSPO ORDERS AT £100, PAYABLE WITHIN 14 DAYS OF THE SERVICE OF THE FIXED PENALTY NOTICE, WITH NO OPTION FOR REDUCED RATE FOR EARLY REPAYMENT</p> <p>4) DELEGATES AUTHORITY TO THE DIRECTOR OF COMMUNITIES IN CONSULTATION WITH THE SECTION 151 OFFICER TO AMEND THE FINANCIAL LEVEL OF THE FIXED PENALTY FOR FAILING TO COMPLY WITH A PSPO.</p>

1.0 BACKGROUND

- 1.1 Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) allows Local Authorities to make Public Spaces Protection Orders (PSPO) to address anti-social behaviour in a public place.
- 1.2 These orders allow local authorities to put controls in public places 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 Castle Donington relief road, which opened in 2020 supported industrial traffic bypassing the village of Castle Donington. It also supported the large industrial units created at Arundel Avenue including the large distribution centre of Marks and Spencer.
- 1.4 Since the creation of the relief road, there has been regular large and publicised (on social media sites) meetings of car enthusiasts who use this location to meet in the evenings and race along the new road from the main A50 roundabout. The events predominantly take place on Sunday evenings, however, this is variable. During 2024 reports of car cruises have been received on an almost weekly basis and as such the behaviour is persistent.
- 1.5 There have been identified anywhere between 10 and 100 vehicles at any one time within this location and around double the number of spectators due to many people travelling in vehicles together.
- 1.6 This behaviour causes a list of issues that have fallen to the Council and the police to manage. Including but not exclusively:
- 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.
- 1.7 Leicestershire Police has carried out numerous operations at this location and has been successful in issuing several fixed penalty notices under the Covid related legislation. However, this method is not deemed to be a sustainable or cost-effective solution.
- 1.8 In 2021, Cabinet granted a PSPO relating to car cruising activity within a defined area of Castle Donington. The order has had a positive impact on road safety and local communities. The PSPO ended on 14 June 2024. The defined area was smaller than the proposed PSPO which would apply to the whole of Castle Donington.
- 1.9 Since April 2024, car cruising reports to the police and public complaints have risen around the Castle Donington area, specifically Arundel Avenue and Diseworth Road.
- 1.10 Leicestershire Police continues to monitor compliance and collate evidence. The Community Safety team has issued warning letters and advice letters in relation to the previous PSPO.
- 1.11 Given the number and frequency of reports received relating to car cruising and the negative impact the behaviours are having on the community, it is considered reasonable to introduce a PSPO.

2.0 PROPOSED ORDER

2.1 A PSPO order allows for the Council to:

- (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) does both of those things.

The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order:

- (a) to prevent the detrimental effect referred to in subsection (2) (see paragraph 1.2 above) from continuing, occurring or recurring, or
- (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence, or recurrence.

2.2 Given that car cruising incidents continue to occur, it is proposed to introduce a further PSPO. The extent of this is detailed at Appendix 1. The activities covered by the proposed PSPO are:

- 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.

2.3 The area covered by the PSPO is detailed within the map at Appendix 1.

2.4 Once the PSPO is approved it will come into effect immediately. The order must be advertised on the Councils website and in prominent places within the designated area.

2.5 The order may not have effect for a period of more than three years, unless extended under section 60(2) of the Act. Before the time when the PSPO is due to expire the Council may extend the period for which it takes effect if it is satisfied there are reasonable grounds to do so. Any extension of the PSPO will be brought back before Cabinet in the same manner.

2.6 The Council has the power to vary the PSPO should it wish to either increase or reduce the restricted areas or by altering or removing a prohibition or by adding a new one. The PSPO may also be discharged by the Council at any point during the period or at the end of the PSPO if the grounds for making the PSPO no longer exist. It is recommended that delegation be given to the Director of Communities to vary or discharge the PSPO.

2.7 The Council has the power to amend the financial level of the fixed penalty. It is recommended that delegation be given to the Director of Communities in consultation with the Section 151 officer to amend the level of the fixed penalty.

3.0 ENFORCEMENT

- 3.1 The majority of patrols and monitoring will be carried out by Leicestershire Police, however, an Automatic Number Plate Recognition (ANPR) camera and Close-Circuit television (CCTV) camera funded and monitored by the Council has been installed which will mean the PSPO can be enforced without the physical presence of an officer.
- 3.2 The proposed PSPO will be enforced predominantly by use of warning letters and fixed penalty notices (FPNs) where someone is found to be in breach of the PSPO. However, the Council may decide to prosecute breaches or non-payment of a FPN. Cases will be considered in line with the Council's General Enforcement Policy..

4.0 CONSULTATION

- 4.1 The Act requires the Council to publish the proposal on its website and consult with the following:
- Chief Constable of Leicestershire Police
 - The Police and Crime Commissioner for Leicestershire
 - Whatever community representatives the Local Authority considers appropriate
 - The owner or occupier of the land within the restricted area
- 4.2 A public consultation process commenced on 3 May 2024 and ended on 1 June 2024. The consultation was posted on the Council's website. In addition, a targeted consultation was carried out contacting Leicestershire Police, the Office of the Police and Crime Commissioner for Leicestershire and Castle Donington Parish Council.
- 4.3 The consultation response was positive with 78 responses received in total. 91% of respondents said that they support the proposal to implement a PSPO to ban the anti-social use of vehicles within the defined area of Castle Donington. 90% said they considered car cruising to be either a big or very big problem in the area.
- 4.4 Leicestershire Police and Castle Donington Parish Council have confirmed by email their support for the proposed PSPO.
- 4.5 A consultation summary is included at Appendix 2.

5.0 IMPLEMENTATION PROCESS

- 5.1 Before the order is made, Castle Donington Parish Council and Leicestershire County Council must be notified. Both Castle Donington Parish Council and Leicestershire County Council have been notified of the proposed order.
- 5.2 Any challenge to the PSPO must be made to the High Court by an interested person within six weeks of the PSPO being made. An interested person is someone who lives in, regularly works in or visits the area covered by the PSPO. So only those directly affected by the restrictions have the right to challenge the PSPO.
- 5.3 Once a PSPO is approved it will come into effect immediately and must be advertised on the Council's website and signage placed in prominent places within the area shown at Appendix 1.

Policies and other considerations, as appropriate	
Council Priorities:	Communities and housing
Policy Considerations:	Anti-social behaviour Policy
Safeguarding:	Not relevant
Equalities/Diversity:	Equality Impact Assessment completed
Customer Impact:	Enforcement of the PSPO will have a positive impact on residents and businesses located within the restricted area.
Economic and Social Impact:	Enforcement of the PSPO will have a positive impact on residents and businesses located within the restricted area.
Environment, Climate Change and Zero Carbon:	Reducing or eliminating car cruising will have a positive environmental impact.
Consultation/Community/Tenant Engagement:	Castle Donington Parish Council Leicestershire Police – NWL neighbourhood policing commander Office of Police and Crime Commissioner Public consultation via the Council's website, including social media presence. Castle Donington Schools
Risks:	Risks have been considered and none identified
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