

Broadland Environmental Excellence Policy Development Panel

Agenda

Members of the Broadland Environmental Excellence Policy Development Panel

Cllr Sue Catchpole (Chairman)
Cllr Paul Auber
Cllr Calix Eden
Cllr Mark Goodman
Cllr Shelagh Gurney
Cllr Ken Kelly

Cllr Jess Royal (Vice-Chair)
Cllr Kenneth Leggett MBE
Cllr Paul Newstead
Cllr Grant Nurden
Cllr Emma Tovell

Date & Time:

Thursday, 12 October 2023 at 6.00 pm

Place:

Upper Yare - Horizon Centre, Peachman Way, Norwich, NR7 0WF

Contact:

Jessica Hammond, tel 01508 505298
Email: committee.bdc@southnorfolkandbroadland.gov.uk
Website: <http://www.southnorfolkandbroadland.gov.uk/>

Public Attendance:

If a member of the public would like to attend to speak on an agenda item, please email your request to committee.bdc@southnorfolkandbroadland.gov.uk, no later than 5.00pm Monday, 9 October 2023.

AGENDA

1. **Declarations of Interest** (Pages 3 - 5)
To receive declarations of Interest from Members (guidance attached).
2. **Apologies for absence**
To report apologies for absence and to identify substitute members.
3. **Minutes** (Pages 6 - 8)
To confirm the minutes from the meeting of the Environmental Excellence Policy Development Panel held on 9 February 2023.
4. **Public Space Protection Order - Vehicle-related anti-social behaviour** (Pages 9 - 18)

Interests Flowchart

The flowchart below gives a simple guide to declaring an interest under the code.

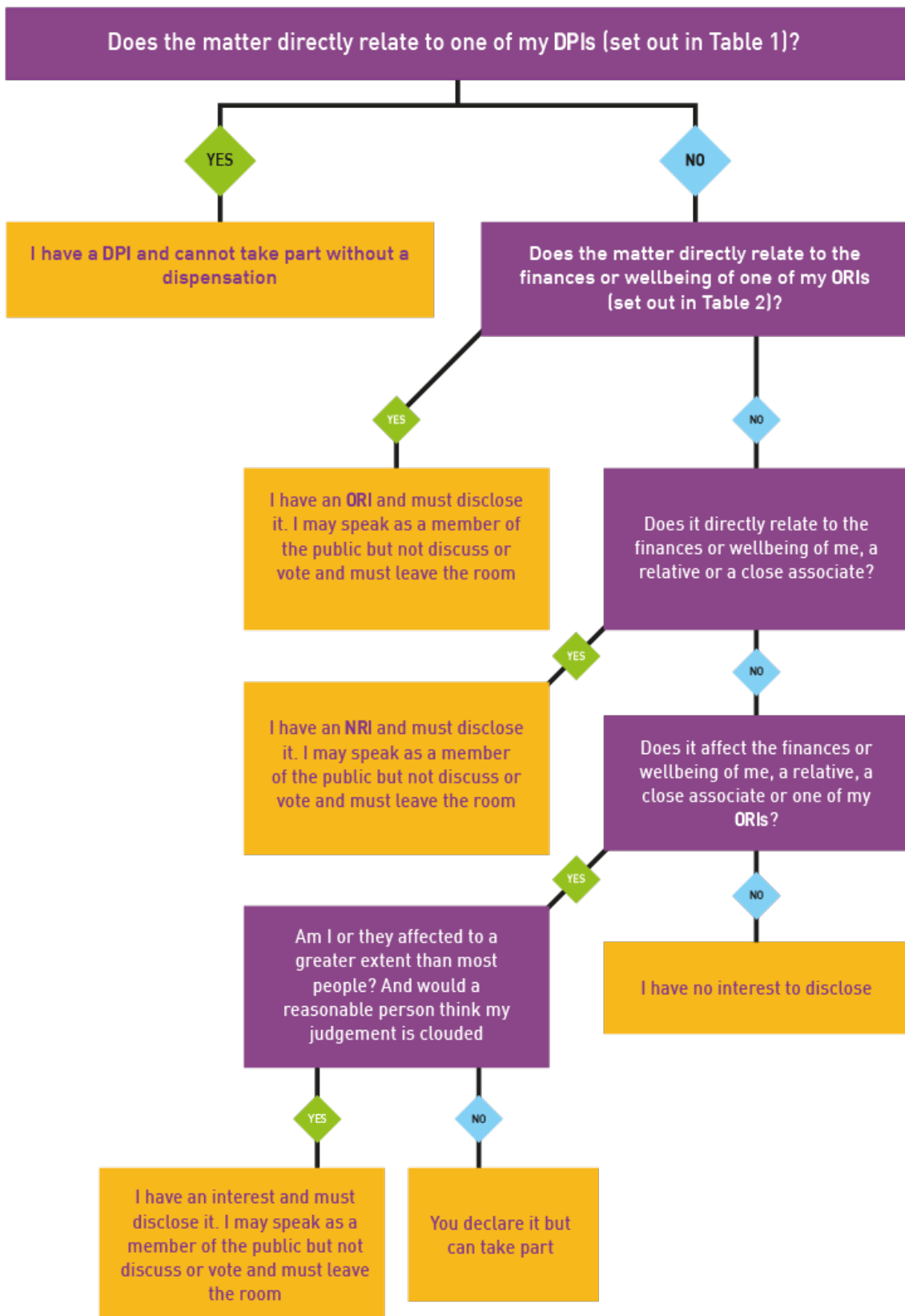


Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the

[Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012.](#)

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

<p>You must register as an Other Registrable Interest :</p> <ul style="list-style-type: none"> a) any unpaid directorships b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management
--

Agenda Item 3



BROADLAND ENVIRONMENTAL EXCELLENCE POLICY DEVELOPMENT PANEL

Minutes of a meeting of the Broadland Environmental Excellence Policy Development Panel of Broadland District Council, held on Thursday, 9 February 2023 at 6.00 pm.

Committee Members Present: Councillors: K Kelly (Chairman), N Brennan (Vice-Chair), D Britcher, J Davis, J Fisher, G Nurden and J Ward

Apologies for Absence: Councillors: A Crotch

Cabinet Member in Attendance: Councillor: J Leggett

Officers in Attendance: N Howard (Assistant Director for Regulatory) and J Hammond (Democratic Services Officer)

16. DECLARATIONS OF INTEREST

No declarations of interest were received.

17. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr A Crotch.

18. MINUTES

The minutes of the meeting held on 8 December 2022 were confirmed as a correct record and signed by the Chairman.

19. REGULATION OF INVESTIGATORY POWERS ACT (RIPA) POLICY

The Assistant Director for Regulatory introduced the report, which sought approval to adopt the proposed updated Regulation of Investigatory Powers Act (RIPA) Policy.

Members were informed that the Council conducted a range of investigatory activities for which it last updated its Regulation of Investigatory Powers Policy in 2015. The policy now required updating to reflect both legislative and organisational changes. The amended RIPA Policy also updated officer details and responsibilities relating to:

- Senior Responsible Officer, position held by the Assistant Director for Regulatory
- RIPA Coordinator, position held by the Community Safety Interventions Lead
- Appointment of officers to grant authorisations under Sections 28 and 29 of RIPA
- Authorising officers to present RIPA cases to justices of the peace under Section 223 of the Local Government Act 1972

The proposed updated Policy aimed to ensure that any surveillance activities undertaken by the Council were compatible with the human right to privacy by ensuring compliance with the requirements of RIPA, the Investigatory Powers Act 2016 (IPA), the European Convention on Human Rights and the Human Rights Act 1998. Members were advised that officer guidance was being prepared to support the updated RIPA Policy going forward. Covert surveillance falling under the Acts that may be authorised by local authorities was restricted to:

- Directed surveillance
- The use of covert human intelligence sources (e.g. undercover officers or informants).

The Assistant Director for Regulatory explained that the Council did not plan to undertake covert surveillance, if it was needed for a specific case the Council would engage Trading Standards to carry out the surveillance.

- Communications data (e.g. telephone calls, email, social media, website communication, etc)

The Investigatory Powers Commissioner's Officer (IPCO) and the Investigatory Powers Tribunal (IPT) were responsible for providing independent oversight over how covert activities were used under both RIPA and IPA.

One member highlighted that third party contractors may be required to carry out RIPA activity on behalf of the Council, for example the Anglia Revenue Partnership (ARP) investigating benefit fraud. It was queried whether these contractors would have to abide by the Council's RIPA Policy. The Assistant Director for Regulatory explained that contractors such as the ARP would have their own RIPA Policies in place. It would be for the Council to put controls in place as part of the contract to ensure alignment of policies.

Members highlighted that the wording regarding the expiration or cancellation of authorisations from Justices of the Peace or Magistrates was not clear, as it implied that authorisations could not expire, only be cancelled. The Assistant Director for Regulatory clarified that this related to instances when the authorised activity was no longer required. The authorisation needed to be cancelled when no longer required as it did not automatically expire before the duration set by the JP/Magistrate. He agreed to review the wording and make it clearer where possible.

Regarding CCTV cameras on waste vehicles, members queried how this impacted a person's expectation of privacy in a public place. The Assistant Director for Regulatory explained that as the CCTV on the waste vehicles was not intended for investigatory surveillance, but to ensure safety, it did not fall under the RIPA Policy. He confirmed that recordings were not retained unless a significant incident had occurred. Members further questioned whether recordings would fall under RIPA if they were used in a complaint, e.g., if a bin was not emptied. The Assistant Director for Regulatory advised members that the recording would not fall under the RIPA Policy even if used for a purpose it was not intended for.

One member questioned the impact of the RIPA Policy on elected members carrying out their role in the community. Members were assured the duties they carried out as local representatives did not fall under RIPA guidelines.

It was then

RESOLVED

To recommend to Cabinet that it approves, with any necessary amendments, the proposed Regulation of Investigatory Powers Policy and Guidance and agrees to adopt the Policy and Guidance.

(The meeting concluded at 6.44 pm)

Chairman



**Environmental Excellence Panel
12 October 2023**

Public Space Protection Order – Vehicle-related anti-social behaviour

Report Author(s):

Teri Munro
Community Safety Officer
teri.munro@southnorfolkandbroadland.gov.uk

Nick Howard
Assistant Director Regulatory
nick.howard@southnorfolkandbroadland.gov.uk

Portfolio:

Environmental Excellence

Ward(s) Affected:

All Wards

Purpose of the Report:

This report presents a proposed new vehicle-related anti-social behaviour restrictions Public Space Protection Order under the Anti-social Behaviour, Crime & Policing Act 2014. This follows a period of formal public consultation.

Recommendations:

1. To recommend that Cabinet recommends to Council, the approval of the Public Space Protection Order as proposed in paragraph 4.6 and Appendix 1 over the geographical areas identified in Appendix 2 for a period of three years.

1 SUMMARY

- 1.1 A Public Space Protection Order is the mechanism by which the Council can incentivise people to behave responsibly and, if they commit defined types of vehicle-related anti-social behaviour without reasonable excuse, enables enforcement for non-compliance. Public Space Protection Orders have a maximum duration of three years.
- 1.2 Vehicle-related anti-social behaviour is a significant environmental concern and nuisance for residents. The report recommends that Panel supports the new Public Space Protection Order to apply to the whole Broadland District Council administrative area under the Anti-social Behaviour, Crime & Policing Act 2014, requiring persons not to commit defined types of anti-social behaviour as the drivers or passengers of a vehicle, or in specified circumstances if they are part of a gathering of people associated with vehicles. The restrictions would apply to land forming a public highway and to publicly accessible places, which would include for example retail parks as these have proven attractive to such activities.

2 BACKGROUND

- 2.1 A Public Space Protection Order (PSPO) is the principal measure available to councils to combat vehicle-related anti-social behaviour by irresponsible participants. These have been made by councils across the country.
- 2.2 Sometimes high numbers of vehicles (50 to over 100) have been involved in various locations across the district. Anti-social behaviours witnessed have included:
 - a) Drag-style street racing posing risk of injury to spectators and crashes. At times this has involved illegal road closures.
 - b) Stunt driving, doughnuts, burn-outs, and 'drifting'.
 - c) Excessive engine revving causing engines to back-fire, illegal exhausts (excessive noise), and excessive noise from stereos.
 - d) Vehicles being driven in race-style 'circuits' along town and village routes.
- 2.3 Locations have included Rackheath industrial estate, Broadland Gate / Business Park (multiple locations), Dussindale, Sprowston retail park, and Horsford.
- 2.4 The Council is familiar with making public space protection orders, having recently renewed one in relation to dog fouling, but it has not previously made one to tackle vehicle-related anti-social behaviour.
- 2.5 Formal consultation has identified that a substantial majority of respondents favour the Council imposing restrictions on anti-social behaviours associated with vehicles. Elected members have expressed support for necessary and proportionate controls to be brought into effect.

- 2.6 Before making a Public Space Protection Order the Council must also be satisfied that the activity has a detrimental effect on the quality of life of those in the locality (or it is likely that activities will take place and have such an effect); is (or is likely to be) persistent or continuing in nature; is (or is likely to be) unreasonable and justifies the restrictions being imposed. The Council must formally consult with the local police and local communities on the proposal to introduce an order. Public Space Protection Order must by law have a limited duration.

3 CURRENT POSITION/FINDINGS

- 3.1 Our market towns and villages are for everyone to live in or visit and feel safe with the expectation that everyone, whether they are residents, business owners or visitors, behave in a way that does not negatively affect others. Unfortunately, residents have been reporting being disturbed regularly in the evenings and into the night-times by anti-social behaviours associated with vehicles. This has caused residents for example to:

- a) Move indoors from their gardens, keep doors and windows closed during warmer, dry weather,
- b) Receive litter thrown onto their gardens or driveways, and/or
- c) Feel unsafe in some areas due to gatherings of vehicles and people.

Outside of market towns and villages, the affected retail parks and business outlets have reported issues of vehicles being used to intimidate other car park users, of littering and damage to surface areas.

- 3.2 Experiences of vehicle-related anti-social behaviours including some of those listed in paragraph 2.2 have been reported by local communities and elected members in various parts of the district.
- 3.3 While most people responsibly enjoy driving or being driven in vehicles and associated socialising, there are some people who do not have sufficient concern for anti-social impacts on others to moderate their own behaviours. Bad behaviours have a tendency to escalate amongst a small minority of drivers, passengers and people gathering at informally organised events.
- 3.4 Over the past twelve months the Council and local police teams have engaged in numerous reports and incidents of vehicle-related anti-social behaviour, either on the public highway or involving gatherings at retail parks and similar places. In some instances, road traffic offences have been committed and appropriate police action has been taken. More widely, it has proven necessary to issue informal and formal warnings, and in some instances to take formal action after monitoring local incidents of concern and reassure local communities as to the care being taken to protect them. Without a Public Spaces Protection Order creating specific offences, there are limited circumstances where a fixed penalty notice may be offered, or the council or police being able to prosecute in appropriate cases. Public consultation has confirmed that formal action would have the support of the majority of those who responded.

- 3.5 It should be noted that whilst the owners and managers of retail parks and similar locations do not invite, encourage or condone their use for vehicle-related gatherings, this does not deter up to several hundred people or more from gathering, typically during evenings and weekends.
- 3.6 A public space protection order allows the council to post signage to discourage anti-social behaviour, to issue fixed penalty notices or prosecute people who behave in ways that contravene its requirements.

4 PROPOSED ACTION

- 4.1 A public space protection order can run for a period of up to 3 years. The Public Spaces Protection Order has been drafted as presented in Appendix 1 is made, with a duration for a period of 3 years. The requirement for a further such Order will be then considered in good time to with a view to future decisions provided for under the Anti-social Behaviour, Crime & Policing Act 2014.
- 4.2 A formal consultation has operated from 1st August 2023 until 29th September 2023. Parish and Town Councils were consulted with letters sent via emails. The Police, Police & Crime Commissioner and Norfolk Highways were consulted via posted letter and the public consultation was carried out via the Councils website.
- 4.3 No objections were raised against the proposed Public Space Protection Order from any formal consultee. The final position summarising the public response to the consultation will be reported verbally by officers, however at the time of preparing this report the substantial majority of respondents were in favour of the Council making the Public Spaces Protection Order as proposed.
- 4.4 The specific contents of responses from town and parish councils will be reported verbally by officers because at the time of preparing this report the public consultation was still open.
- 4.5 Final responses received from the Police Crime & Commissioner, Norfolk Constabulary and/or Norfolk Highways will similarly be reported verbally by officers.
- 4.6 Following the closure of the consultation period, and having considered the responses received, it is proposed that the Public Space Protection Order is made as set out in Appendix 1.
- 4.7 With the introduction of a new public space protection order, Council officers and local policing teams will monitor and respond to potential significant events and incidents where vehicle-relate anti-social behaviour may arise based on previous experiences. Officers will endeavour to inform and where necessary educate drivers, passengers and other participants where it proves necessary, and they will robustly investigate when individuals are identified as committing anti-social behaviour posing significant potential impacts on the local community.

5 OTHER OPTIONS

- 5.1 The Council could decide to not to approve a Public Spaces Protection Order for the purposes of formally tackling and regulating vehicle-related anti-social behaviours. This would leave the council with limited sanctions or deterrents to deal with irresponsible drivers, passengers and participants. This option is not recommended due to the scale of public concern about the issue, the potential for serious consequences either befalling participants or innocent members of our local communities, and the importance of safeguarding community spaces of Broadland for the peaceful and safe enjoyment of residents.

6 ISSUES AND RISKS

- 6.1 **Resource Implications** – Permanent public signage will be required as none is in place. Monitoring and enforcement in partnership with local policing teams is business as usual for the Council's Regulatory services.
- 6.2 **Legal Implications** – The legislation establishes a particular process for adoption of a Public Space Protection Order. The Public Spaces Protection Order as proposed is a readily administered legal sanction available to local authorities to tackle irresponsible vehicle-related anti-social behaviours with a straightforward enforcement process.
- 6.3 **Equality Implications** – No equality implications have been identified.
- 6.4 **Environmental Impact** –The proposed Public Space Protection Order would have a positive environmental impact by establishing clear regulatory offences and penalties, encouraging vehicle drivers and others to keep our open spaces peaceable and safe, and contributing to cleaner neighbourhoods and environments.
- 6.5 **Crime and Disorder** – The proposed Public Space Protection Order will encourage responsible drivers and other participants in vehicle-related activities by providing an easily administered enforcement sanction against defined anti-social behaviours.
- 6.6 **Risks** – Public Space Protection Orders are made under the Anti-social Behaviour, Crime & Policing Act 2014. Isolated individual anti-social acts and offences under the orders can be difficult to witness however a public spaces protection order provides practical tools and enables local policing and regulatory teams to maintain public safety and order. Having the order in place would allow the Council to advertise the behavioural requirements and penalties for a driver, passenger or other participant, and to legitimately raise the profile of the authority in the area by regular high visibility patrolling.

7 CONCLUSION

- 7.1 The adoption of the Public Space Protection Order as proposed will deter vehicle-related anti-social behaviour offences and enable enforcement under specific legal requirements. This will protect the environment, safety and wellbeing of our

residents and the quality and cleanliness of Broadland's open spaces for legitimate use by all.

8 RECOMMENDATIONS

- 8.1** To recommend that Cabinet recommends to Council, the approval of the Public Space Protection Order as proposed in paragraph 4.6 and Appendix 1 over the geographical areas identified in Appendix 2 for a period of three years.

Background Papers

None

Appendices

Appendix 1 – Proposed Broadland District Council Public Space Protection Order

Appendix 2 – Area Map to which the Proposed Broadland District Council Public Space Protection Order would apply.

Anti-social Behaviour, Crime & Policing Act 2014

Public Spaces Protection Order

(Vehicle Related ASB) (the 'Order')

This Order may be cited as Broadland District Council, Public Spaces Protection Order (Vehicle Related ASB) Number XX of 20XX

Broadland District Council exercises its powers under Section 59 and 72 of the Anti-social Behaviour, Crime & Policing Act 2014 (the 'Act') and under all other enabling powers, hereby makes the following Order:

1. The Order shall come into operation on XXX and shall have an effect for 3 years thereafter, unless extended by further Order under the Councils' statutory powers.
2. The Order relates to the whole of the Broadland District as shown on the attached plan ('the restricted area').
3. Broadland District Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met, namely, that anti-social behaviour and/or criminal activities have been carried out within the restricted area due to vehicular nuisance. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within the restricted area and have such effect.
4. Broadland District Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is expedient to make this Order for the purposes of reducing crime and/or anti-social behaviour in a public place.

Prohibitions

Any person(s) (by definition includes the driver, rider, or registered keeper of a mechanically propelled vehicle, who at the time of the offence was in control of the mechanically propelled vehicle; or in a position to control its' use within the restricted area) are prohibited from:

- a. Congregating or loitering as part of a group around (or in) one or more stationary vehicles at any time where such activity causes or is likely to cause noise, harassment, alarm, distress, or detrimental impact.
- b. Engaging in, promoting, encouraging and/or assisting in the carrying out of any activity connected to the use of a mechanically propelled vehicle including but not limited to a car cruising event* (see definition below); in or on a public highway, public car park and other land to which the public has access (whether by payment or otherwise) in the Broadland District Council area (the restricted area) which causes or is likely to cause harassment, alarm or distress or detrimental impact due to any of the following activities, namely:
 - I. Sounding horns or playing loud music which causes a nuisance.
 - II. Revving engines which causes a nuisance.

- III. Causing danger to other road users (including pedestrians).
 - IV. Causing damage or risk of damage to private property.
 - V. Speeding or racing.
 - VI. Performing stunts (including but not limited to performing doughnuts, skidding, drifting, handbrake turns, wheel spinning, burn outs).
 - VII. Being verbally abusive, swearing and/or intimidating (including the use of sexual language or making sexual suggestions) to another person.
 - VIII. Causing an obstruction of a public highway or publicly accessible place (whether moving or stationary).
- c. Engaging in, promoting, advertising, encouraging, or assisting in activities or other mechanically propelled vehicle related nuisance causing or likely to cause danger to the public.
 - d. Promoting, organising, advertising, or publicising the occurrence of car cruising* (including but not limited to via email, the internet, social media, or via any publication or broadcast medium).
 - e. Attends any meeting or gathering either as a mechanically propelled vehicle owner, driver, passenger, or spectator where any reasonable person would consider that the car cruising or gathering is likely for the purposes listed at a(i) to (VIII) was or is taking place on land to which this Order applies, commits an offence.

**The definition of car cruising includes 'a congregation of the drivers of 2 or more motor vehicles (including mopeds, motorcycles, trikes, and quadbikes, whether intended or adapted for use on a road) on the public highway or at any place to which the public has access, whether by payment or otherwise.*

It is the act of drivers meeting on the public highway or a publicly accessible place. It can either be planned or unplanned, with the intention to race or perform stunts (as outlined above).

Behaviour includes but is not restricted to:

- Obstructing highways, residential or business properties.
- Dangerous or inconsiderate driving.
- Creating excessive noise via engine, horn, or amplified music.
- Littering.
- Verbal abuse, swearing and/or intimidating member of the public.

Fixed penalty notices and offences

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
2. In accordance with Section 67 of the Act, a person found to be in breach of this Order is liable to be issued with a Fixed Penalty Notice of £100 or on summary conviction to a maximum penalty of a level 3 fine.

Appeals

1. In accordance with Section 66 of the Act, any interested person who wishes to challenge the validity of this Order may apply to the High Court within six (6) weeks

from the date upon which the Order is made. Any such challenge must be on the grounds that (1) the Council did not have the power to make the Order or to include particular prohibitions or requirements; or (2) that in making the Order, the Council failed to comply with a requirement under the Act.

Appendix (attached):

A map showing the restricted area edged in red.

Given under the Common Seal of Broadland District Council

On the XXXX day of XXX 20XX

**THE COMMON SEAL of
Broadland District Council**

Was hereunto affixed in the

Presence of:

.....Authorised Officer

DRAFT

