

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

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Portfolio:

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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.