

Report to Cabinet

Subject: Approval to introduce a Public Space Protection Order in parts of Netherfield/ Colwick and Gedling Access Road

Date: 8th June 2023

Author: Head of Environment

Wards Affected: Colwick, Gedling, Netherfield, Porchester, Trent Valley

Purpose

To obtain member approval to introduce a Public Space Protection Order (PSPO) as shown at Appendix 1 lasting for 3 years, to prevent a wide variety of problems and community safety issues caused by car cruising in the Netherfield and Colwick areas as shown on the map at Appendix 2 to come into effect on 23 June 2023.

To obtain Member approval to fix the financial level of Fixed Penalties issued by the Council for failing to comply with Public Space Protection Orders at £100, payable within 14 days of service of the fixed penalty notice, with no option for reduced rate for early repayment.

Key Decision

This is not a key decision

Recommendation(s)

THAT:

Members approve the introduction of a Public Space Protection Order (PSPO), as shown at Appendix 1, lasting for 3 years, to prevent a wide variety of problems and community safety issues caused by car cruising in the Netherfield and Colwick areas as shown on the map at Appendix 2 to come into effect on 23 June 2023.

Members approve the fixing of the financial level of Fixed Penalties issued by the Council for failing to comply with Public Space Protection Orders at £100, payable within 14 days of service of the fixed penalty notice, with no option for reduced rate for early repayment.

1 Background

- 1.1 In recent months the affected wards have suffered significant nuisance from vehicles and people engaged in car cruising activities predominantly on the Victoria Retail Park in Netherfield, Mile End Road, Loop Road and the surrounding area. Since the area has been developed with the New Gedling Access Road and improvement to the Colwick Loop Road the Council have seen a further increase of incidents of car cruising and related problems to the council. Residents report large volumes of vehicles driving specifically to the area, driving in convoy, parking up revving engines, playing loud music and driving in a dangerous manner.
- 1.2 A variety of tactics are being used by the Nottinghamshire Police and Gedling Borough Council to try and stop the nuisance which is proving to be very staff intensive. The police have introduced a dedicated Police operation in order to address this issue.
- 1.3 Gedling Borough Council have recently installed a CCTV's camera on the Colwick Loop Road at the newly created junction near Sainsburys. There has also been four ANPR cameras recently installed on the Loop Road. This is being funded by the Safer Streets bid however there are still reports from the community that incidents are occurring.
- 1.4 A PSPO imposes conditions on the use of an area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces safe from anti-social behaviour. A PSPO can be applied on any land which members of the public have access to and includes car parks, shopping centres and parks. The PSPO can last for a maximum of 3 years but can be shorter. The council can extend the order by a further 3 years if necessary but consultation will have to take place. The conditions on a PSPO must be justified to address the anti-social behaviour concerned. A draft PSPO including proposed conditions is shown at Appendix 1 to this report. The conditions included are necessary to prevent anti-social behaviour caused by car-cruising and associated activities.
- 1.5 There has been a long history of issues in the area and a PSPO was previously made by Gedling Borough Council in 2018 this was for a duration of 3 years and expired in 2021. Prior to this there was an

injunction which had been obtained by Nottinghamshire County Council (as Highways Authority) which covered these areas and others in the County. Having the previous PSPO in place saw a significant reduction in the amount of incidents reported.

- 1.6 Before a PSPO can be granted a process of consultation is required. Gedling Borough Council carried out a consultation between 6th and 27th March 2023. The consultation was with the local community, residents and businesses, local councillors and the local police inspector. Following the 3 week consultation we received 14 responses from the community, all in support of the proposed PSPO, See appendix 5. There has also been some media coverage so news of our proposal has been widespread. Some feedback requested that we included other roads and locations however prior to having the consultation we had no data to suggest that there were other locations for car meets/ cruising. If this is the case we can look at the other areas separately.
- 1.7 If the PSPO is approved, it will be an offence to breach the terms of the PSPO without reasonable excuse. Failure to comply can be dealt with by either issuing a Fixed Penalty Notice (FPN) or by prosecution in the Magistrates Court. Depending on the behaviour, an enforcement officer (Police Officer, Police Community Support Officer, Council Officer Or A Designated Person) can decide if a FPN is suitable. As part of a previous report to Cabinet covering the introduction of the Anti-Social Behaviour, Crime and Policing Act 2014, delegation was given to Corporate Director authorising the issuing of fixed penalties for breaching PSPOs this has been further delegated to Senior Neighbourhood Warden.

2 Proposal

- 2.1 It is proposed that, having considered the consultation responses, Members approve the Public Space Protection Order in the terms as set out at Appendix A, covering the areas shown at Appendix 2, for a period of 3 years to take effect from 23 June 2023 to reduce the anti-social behaviour caused by car cruising and associated activities. Since the expiry of the previous PSPO and the recent developments with the new Gedling Access Road and improvement to the Colwick Loop Road the Council have started to receive an increase in complaints of anti – social behaviour caused by the activity of car cruising. In recent months, there has also been significant council and police resource put into trying to reduce the issues. Approval of the PSPO will therefore see a positive impact on the lives of local residents and reduce the burden on the council and police.
- 2.2 The introduction of the PSPO will reduce risk of collision to participants and residents. There have already been vehicles damaged by the activity of car cruising which has been reported in the media. Prior to going to

consultation Police data showed that since they started their dedicated operation titled, OP Triplefin in November 2022 there have been 12 warnings issued regarding the seizure of vehicles under section 59 of the Police Reform Act 2002, 11 drivers have been reported for traffic offences, 4 cars have been seized and there has been one arrest for drink driving. These figures are between November 2022 and the end of February 2023.

- 2.3 It is proposed that the level for fixed penalties issued for breach of a PSPO be set at £100. This is the maximum figure set out in the legislation. It is also proposed that there is no option for a reduced rate for early payments. Offenders will be given 14 days to pay the FPN. This is in line with the timings for payment of fixed penalties issued by the Council for other offences under this legislation such as breach of a Community Protection Notice. The £100 rate is also the same set by the council for breach of a Community Protection Notice. It is felt that the behaviour constituting a breach of the PSPO is complex in nature and will require such officer time as to justify the level of the charge.

3 Alternative Options

- 3.1 Members could approve a shorter term for the Public Space Protection Order but Officers feel that due to the history of the issues and the success of the previous PSPO 3 years is more suitable. It would also create further burden on the council should it need to be extended sooner than the end of 3 years.
- 3.2 Members could refuse to approve the Public Space Protection Order but this would have a negative impact on the local residents in the community who report the incidents to the police and council. It would also mean that the behaviour will continue and could lead to a serious incident/ fatality as the activity of car cruising also puts other road users and members of the public at risk.
- 3.3 Members could agree to alternative conditions in the PSPO however Officers feel the proposed conditions are reasonable and proportionate to address the issue and are also enforceable.
- 3.4 Members could also approve a fixed penalty level lower than £100 for failing to comply with the Public Space Protection Order but this would not reflect the gravity of the offence or the investigative time required in such matters. Members could decide on a reduced rate if payment is made within a specified period but this would not be in line with the council's current processes and procedures for the payment of FPN's for other offences under this legislation.

4 Financial Implications

- 4.1 There will be minimal financial implications for implementation of the PSPO as officers will adopt the enforcement duties into their day to day working practices. Further costs for signage (necessary in the locality covered) can be met through Community Safety funding. It is envisaged that the majority of any offenders will be dealt with by way of fixed penalty notices but if these remain unpaid there may be additional legal costs in bringing prosecutions to court against these offenders.

5 Legal Implications

- 5.1 The power for Local Authorities to make a PSPO is under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014. A PSPO can be made by a local authority if they are satisfied on reasonable grounds that the anti-social behaviour is having or is likely to have a detrimental effect on the quality of life of those in the locality. There is a statutory requirement to consult prior to introducing a PSPO and members should consider the responses to the consultation at Appendix 5 in coming to their decision.
- 5.2 Any challenge to the PSPO must be made to the High Court by an interested person within 6 weeks of the PSPO being made. An interested person is someone who lives in, regularly works in or visits the area covered by the order. So only those directly affected by the restrictions have the right to challenge the order.
- 5.3 Data sharing between Gedling Borough Council and Nottinghamshire Police will occur however there will be no implications under GDPR as compliance with the PSPO is a legal requirement and any sharing will be for the prevention and detection of crime and/or the apprehension of offenders.

6 Equalities Implications

There are no equalities implications arising from this report.

7 Carbon Reduction/Sustainability Implications

- 7.1 The PSPO will have a positive impact on emissions in the area as cars are currently meeting, revving engines, accelerating and allowing vehicle engines to idle. The PSPO will discourage car cruisers from the area and reduce car emissions in the wards listed.

8 Appendices

- 8.1 Appendix 1 – Draft Public Space Protection Order
- 8.2 Appendix 2 – Map of the location covered by the PSPO
- 8.3 Appendix 3 – Consultation letter
- 8.4 Appendix 4 – Consultation notice
- 8.5 Appendix 5- Results from consultation

9 Background Papers

- 9.1 Previous PSPO relating to the PSPO in place between 2018 and 2021
- 9.2 Recent posts in the Media.

10 Reasons for Recommendations

- 10.1 To improve the quality of lives and safety for local residents and road users. A PSPO will discourage car meets/ cruising and the associated anti-social behaviour such as noise, pollution, excess litter and dangerous driving. The steps taken so far by the Council and police have not been successful enough in addressing the issue.
- 10.2 To ensure the level of FPN is appropriate to the offending involved and to keep the time for payment of FPNs under this legislation in line with the council's current processes and procedures for the payment of FPNs.
- 10.2 To support the Council's commitment to reduce carbon emissions.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer