



NORWICH City Council

Committee name: Cabinet

Committee date: 12/07/2023

Report title: **Vehicle anti- social behaviour Public Space Protection Order**

Portfolio: Councillor Jones, Deputy leader and cabinet member for housing and community safety

Report from: Interim executive director of housing and community safety

Wards: All wards

OPEN PUBLIC ITEM

KEY DECISION

Purpose

This report is seeking approval to make a Public Space Protection Order for the management of vehicle-related anti-social behaviour associated with car meets in public spaces within the Norwich City district boundary.

Recommendation:

It is recommended that:

- 1) Cabinet agree to the making of the Public Space Protection Order for the management of vehicle-related anti-social behaviour associated with car meets in public spaces within the Norwich City district boundary for a period of three years
- 2) the Public Space Protection Order, once made, be advertised in local media and on the Council website.

Policy framework

The council has five corporate priorities, which are:

- People live independently and well in a diverse and safe city.
- Norwich is a sustainable and healthy city.
- Norwich has the infrastructure and housing it needs to be a successful city.
- The city has an inclusive economy in which residents have equal opportunity to flourish.
- Norwich City Council is in good shape to serve the city.

This report meets the People live independently and well in a diverse and safe city corporate priority.

This report addresses the 'Take action against domestic abuse, hate crime and antisocial behaviour and regulate activity so our communities are places where residents feel safe' action in the Corporate Plan

This report helps to meet the Anti-social Behaviour adopted policy and the Safer Norwich Strategy 2023-26 of the Council

Public Space Protection Order legislative framework

1. The Anti-Social Behaviour, Crime and Policing Act 2014¹ provides local authorities with powers to make Public Space Protection Orders (PSPOs) to address and curtail activities having a detrimental effect on the quality of life of those in the community or any likely activity that would have such an effect.
2. A PSPO effectively prohibits specified things from being done or requires certain things to be done in an area covered by it, whilst ensuring that law-abiding members of the public can use and enjoy that area.
3. A PSPO may be made if the council is satisfied on reasonable grounds that three conditions are met:
 - (i) Activities carried on in a public place within the City boundary either have had, or it is likely that they will have, a detrimental effect on the quality of life of those in the locality;
 - (ii) It is likely that the detrimental effect will be persistent, and such as to make the activities unreasonable;
 - (iii) The effect, or likely effect, is such as to justify the restrictions imposed by the proposed PSPO.
4. The restrictions and requirements set by the council may:
 - (i) Be blanketed or targeted restrictions against certain behaviours by certain groups at certain times;
 - (ii) Restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour;
 - (iii) Be enforced by a police officer, police community support officer and council officers.
5. The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order:
 - (i) To prevent the detrimental effect referred to in 3(i) above;
 - (ii) To reduce the detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

¹ [Anti-social Behaviour, Crime and Policing Act 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2014/12/section/1)

6. A breach of a PSPO is a criminal offence. Enforcement officers can issue a Fixed Penalty Notice for up to £100. A breach may then be prosecuted on failure to pay the FPN with a possible fine up to Level 3 (£1000)
7. A PSPO can be made for a period of up to three years and can be renewed any number of times. A PSPO can also be reviewed and amended or withdrawn during the period of the order.

The need and justification for the PSPO

8. Anti-social behaviour associated with congregations of motor vehicles has been a problem in certain areas of Norwich for many years, indeed decades. The problem is not particular to Norwich. It is, and has been, an issue to varying degrees in other areas of the county and across the country.
9. The various types of nuisance (see p14) caused by some of the individuals involved in congregations of vehicles impacts on residents and other users of public spaces in terms of enjoyment of their homes and the public spaces.
10. In some cases the activities pose a risk of serious harm to other road users, pedestrians and users of the public space, those who gather to watch and the drivers and passengers themselves. Whilst there have not been any serious incidents or fatalities at informal car meets/car cruising events in Norwich to date the longer the issue persists the more likely it is a serious incident will occur.
11. There are currently PSPOs in place in Great Yarmouth (seafront), Kings Lynn (urban area of the town) aimed at addressing the problem of anti-social behaviour and nuisance related to congregations of motor vehicles.
12. The problem in Norwich has been evidenced through volume of calls for service to the police over many years (see Appendix A for recent data), and in more recent times by a resident petition to Norwich City Council, feedback from Members and public meetings with residents – including Police SNAP meetings.
13. The problem has been most persistent the Britannia Road area but is also significant in several other areas including Hall Road business and retail areas, St Saviours Street car park and Eaton Park car parks.
14. The problem behaviours reported include, but are not limited to:
 - Noisy modified exhausts
 - Excessive speeding and revving of engines
 - Stunts – dangerous acceleration and deceleration
 - Wheel spins
 - Loud music played from congregating vehicles – heard in residents' homes and gardens
 - Intimidating and threatening behaviour from some participants in the congregation
 - Litter and damage at locations
 - Obstruction of the highway
15. This demonstrates the persistent detrimental impact of the problem in relation to the requirements in para 3 and the reason for pursuing the PSPO.

16. The justification is further supported by the consultation responses detailed later in p26-32.
17. Over the years Norfolk Police have attempted to manage the problem using their existing resources, tools and powers. Whilst that has some impact the persistence of the problem gives reason to draw upon the additional powers the PSPO will provide as per para 5.
18. The specific behaviours and conditions included in the proposed PSPO have been drafted in consultation with Norfolk Police at an operational level and other local authorities across the county and country which have made similar PSPOs. The proposed PSPO is attached as Appendix B.
19. In making a PSPO the Council should have regard to displacement of the activities it is seeking to curtail. In the case of the problem the proposed PSPO is seeking to address this means consideration of displacement within Norwich and beyond.
20. To address the risk of displacing the unacceptable behaviour from the current main problem locations in Norwich to other locations within Norwich the proposed PSPO will cover the entire area within the Norwich City district boundary as per Appendix C. See also p21 regarding work with neighbouring districts.

Previous reports and other options

21. Other options for addressing the issue of anti-social behaviour associated with car meets were discussed with Cabinet members in January 2023. At that stage it was agreed to proceed with the consultation with the PSPO on the understanding that if the consultation was positive then the Council would proceed to make the order.
22. All partners and interested parties acknowledge that the PSPO is one of several tools that can be brought to bear to address the issue. Norwich City Council is fully engaged with emerging County-wide activity being led by Norfolk Police in partnership with other districts. The aim of this work is to coordinate action, develop a consistent approach where beneficial and share learning.

Consultation background

23. The creation or extension of a PSPO cannot take place until the necessary consultation, publicity and notification has taken place in accordance with section 72 of the 2014 Act and Home Office statutory guidance.² This means consulting with the police, Police and Crime Commissioner, community representatives and the owners or occupiers of land within the restricted area (to the extent that it is reasonably practicable); publishing the text of the proposed PSPO; and notifying Norfolk County Council.

²

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1146322/2023_Update_ASB_Statutory_Guidance_-_FINAL_1_.pdf

24. Statutory guidance highlights that, as the effect of PSPOs is to restrict the behaviour of everybody using the public place, the close or direct involvement of elected members will help to ensure openness and accountability. The guidance states this will be achieved where the decision is put to the Cabinet or full Council.
25. In addition, when considering making a PSPO, the council must consider any equality issues pursuant to its duty under section 149 of the Equality Act 2010. In line with this, an initial Equalities Impact Assessment (EqIA) was undertaken. A full EqIA was not required for the proposed PSPO as no potential adverse impacts in relation to any protected characteristic or vulnerable or disadvantaged groups were identified.

Consultation process and outcome

26. Norwich City Council undertook the recommended public consultation using the Get Talking (GTN) Norwich digital platform. The consultation ran from 8 February 2023 to 24 March 2023. The consultation was publicised on the Norwich City Council website, by press release (garnering an article in the Evening News) and via social media. Norwich City Council members were alerted to the consultation via e-Councillor bulletin.
27. The consultation consisted of a single open question for comments on the proposed PSPO with some basic accompanying information about the aims of the PSPO. A link to the LGA guidance on PSPOs was also provided along with the proposed PSPO. A map illustrating the city boundary – the extent of the proposed PSPO - was also included.
28. Respondents were also invited to mark on an interactive map any locations they have experienced vehicle nuisance associated with car meets.
29. The consultation received 154 responses to the main survey question and 55 responses to identifying problem locations on the map.
30. The locations highlighted in the mapping responses correspond to those most frequently raised by the police:
- Hall Road (White Lodge business area and Neatmarket)
 - Britannia Road
 - St Saviours St car park
 - Eaton Park
31. The GTN platform categorises the survey responses as Neutral, Mixed, Negative or Positive. These were then manually reviewed. The 154 responses were categorised as follows:

Positive	91	Any responses explicitly supporting the proposal
Neutral	30	General acknowledgement and agreement that the issue is a problem without explicitly stating support for the proposal

Mixed	18	Comments tended to be where there was some doubt about the practicality of implementing the PSPO.
Negative	15	Any response which explicitly opposed the proposal in any way

32. As can be seen a significant majority of respondents support the proposed PSPO.

33. The main theme to concerns raised were:

- Concern about the broad nature of the terms of the PSPO regarding congregations of vehicles.
- Suggestions that the Council and/or Police find a more suitable location for people to congregate.
- Uncertainty regarding the ability or willingness of Police and the Council to enforce the PSPO.

34. In response to those concerns it should be noted that:

- The PSPO is not intended to curb legitimate gatherings of people or vehicles – only where there is unreasonable anti-social behaviour occurring.
- There are numerous legitimate gatherings for car and motorcycle enthusiasts – formal and informal. The behaviours the PSPO aims to address are not legitimate or reasonable, or safe in many cases, and cannot be condoned or facilitated anywhere by Norwich City Council or the Police.
- The Council and Police have drawn up an enforcement agreement to clarify the focus of the enforcement and ensure the PSPO is used alongside existing tools and powers – see Appendix D.

35. The Chief Constable of Norfolk and the Police and Crime Commissioner were consulted with both confirming their support for the proposed PSPO.

36. Norfolk County Council were informed of the proposed PSPO. Norfolk County Council Highways service confirmed their support for the PSPO.

37. Norfolk Fire and Rescue Service, Norfolk Neighbourhood Watch and BRAKE- the road safety charity were also consulted. All were in support of the proposal.

Enforcement and management

38. As per the agreement reached with Norfolk Police breaches of the PSPO will primarily be witnessed and evidenced by the police.

39. In summary, the escalation and enforcement model is;

- Engage and educate - warning letter.
- Further breach – evidence and statements to Norwich City Council.
- Norwich City Council – Community Safety team to decide upon serving a Fixed Penalty Notice and any subsequent prosecution.

40. Once made, the Order will be publicised on the Council website, in the local

press and by social media. Signage will be placed at the main locations identified to date.

41. It is suggested that the use of the PSPO powers and the impact be informally reviewed by Norwich City Council and Norfolk Police after 12 months of implementation. Dependent on that informal review a formal review may be beneficial.

Implications

Financial and resources

42. The financial cost of managing the PSPO and any enforcement action including prosecution for breaches will be covered from the existing Safer Neighbourhood Initiative budget.
43. The staff resource required to manage the PSPO implementation and enforcement will be met within existing Community Safety team resources.

Legal

44. Section 17 of the Crime and Disorder Act 1998 requires local authorities to consider the crime and disorder implications of all their activities and functions and do all that they reasonably can to reduce these problems. The proposed PSPO contributes to that requirement.
45. NPLaw have advised on the principles and content of the proposed PSPO and subsequent management of the PSPO once made.

Statutory considerations

Consideration	Details of any implications and proposed measures to address:
Equality and diversity	N/A
Health, social and economic impact	Limited - but positive in respect of an increase in resident's being able to enjoy their homes and gardens and public spaces
Crime and disorder	See para.44 above. The Proposed PSPO supports the Norfolk County Community Safety Partnership - Safer Norfolk Plan 2021-24 priority of reducing anti-social behaviour. The proposed PSPO also supports the Reducing Neighbourhood Crime and ASB priority in the Safer Norwich Strategy 2023-26.
Children and adults safeguarding	No direct impact on safeguarding in terms of policies or duties
Environmental impact	Neutral

Risk management

Risk	Consequence	Controls required
Operational risk – the witnessing of breaches is primarily not within Norwich City Council is control - reliant on Norfolk Police	The PSPO is not used as frequently as intended due to resource demands or is used in a manner not intended.	Enforcement agreement in place between Norwich City Council and Norfolk Police (LOW RISK)
Financial risk - court costs for prosecution	Difficult to assess how often NCC may have to prosecute. Whether any costs are awarded to the council in a successful prosecution, and the amount of any award, are at the discretion of the court and will take into account the defendant's means. It is unlikely that the full costs of taking a prosecution will be awarded to the council.	Budget set aside to enable multiple prosecutions if need be – to emphasise the message that breaches will be prosecuted. [MED RISK]
Political/reputational risk – most significant reputational risk is NOT implementing the PSPO		

Other options considered

46. The proposed PSPO is an addition to existing tools and powers rather than a discrete alternative option. Options for physical crime/anti-social behaviour prevention measures at specific locations will continue to be considered by Norwich City Council and relevant partners.

Reasons for the decision/recommendation

47. Attempts to curb the anti-social behaviour associated with car meets in Norwich to date have been limited. Without additional action the problem is likely to persist. The proposed PSPO will strengthen the partnership response to this problem.
48. Norwich City Council are recommended to make the Car meets/vehicle nuisance anti-social behaviour Public Space Protection Order to strengthen the response to the identified problems.

Appendices:

Appendix A - Report of calls to service for police

Appendix B - Proposed Vehicle-related anti-social behaviour PSPO

Appendix C – Map of proposed PSPO area

Appendix D – Enforcement agreement- NCC and Police

Contact officer: Safer Neighbourhoods Coordinator

Name: Tim Bacon

Telephone number: 01603 989194

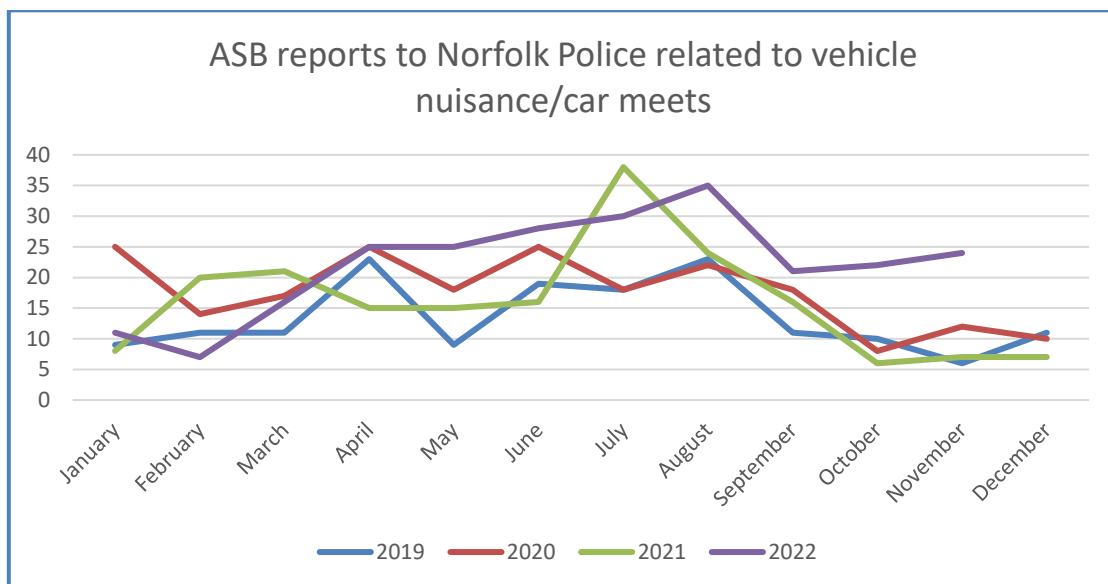
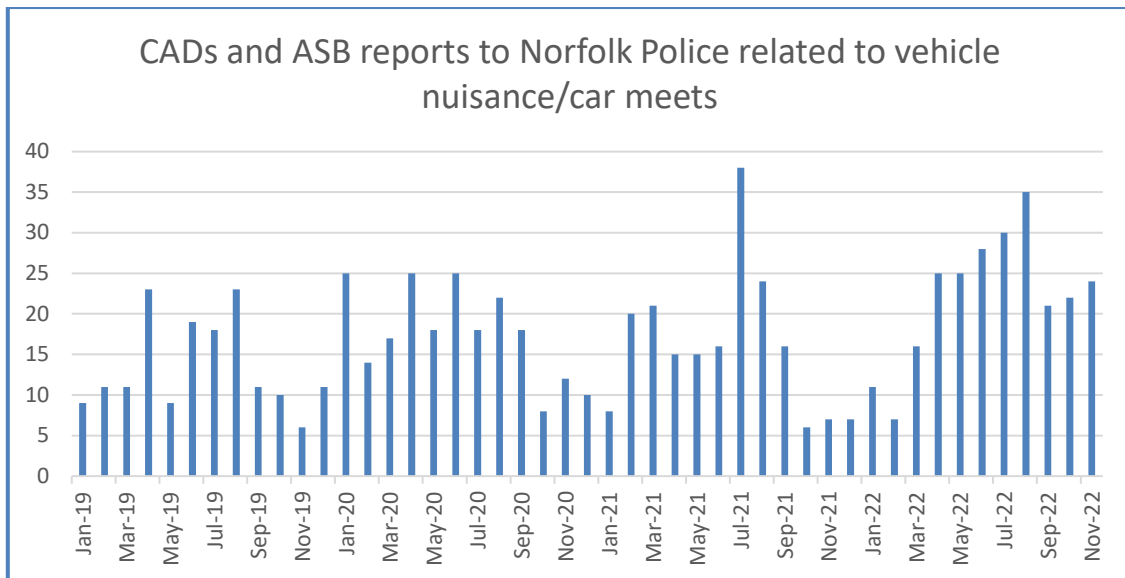
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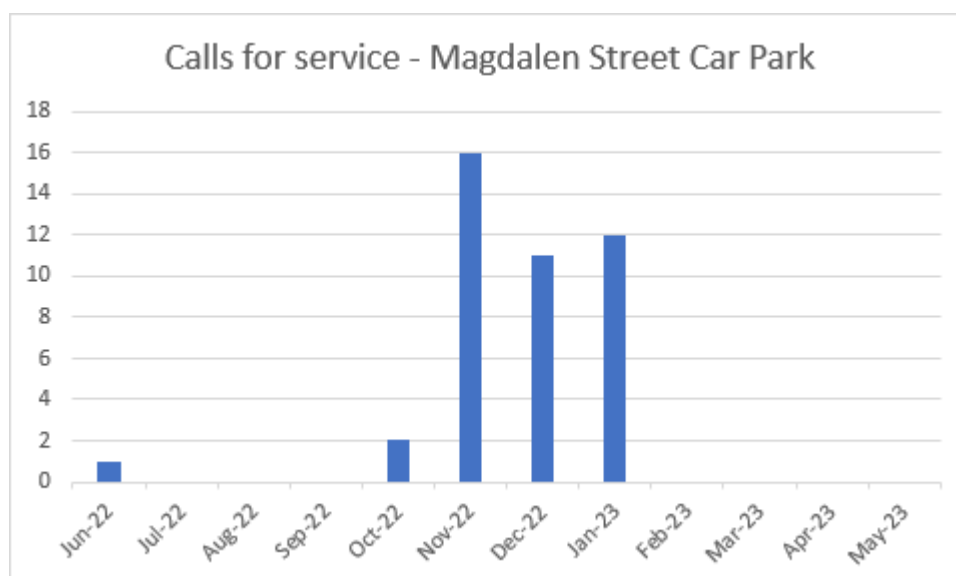
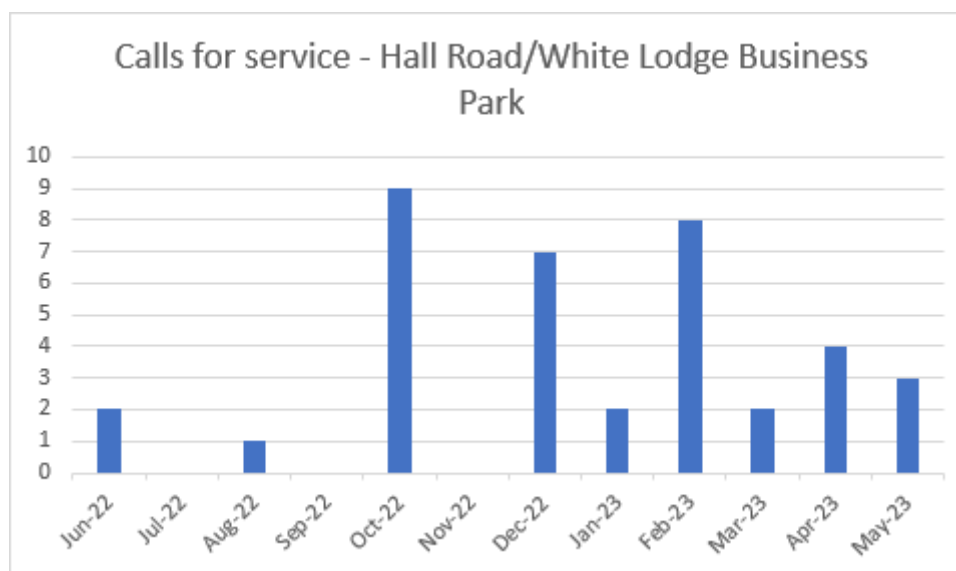
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Appendix A – calls for service to police

Reports of vehicle nuisance and ASB related to car meets - Norwich 2019-2022



Higher volume locations in Norwich 2022-23



Appendix A – Car meet - vehicle nuisance PSPO - Cabinet report 12 July 2023

The figures used were provided by Norwich North Safer Neighbourhood Team and Norwich Operational Partnership Team.

The reports include vehicle-related offences or behaviours and other ASB occurring in relation to gatherings of vehicles. There is no single definition or recording category so numbers are to some extent an estimate of the extent of the problem.

Work currently underway with Norfolk Police to develop a comprehensive county-wide approach to tackling this issue will include understanding what additional/better data the police may be able to provide in future.

Appendix B

NORWICH CITY COUNCIL

PUBLIC SPACES PROTECTION ORDER No. 1 OF 2023

VEHICLE RELATED ANTI-SOCIAL BEHAVIOUR

1. This Order may be cited as the Norwich City Council Public Spaces Protection Order No.1 of 2023.
2. The Norwich City Council (hereafter referred to as “the Council”) makes this Order under its powers contained in section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (hereafter referred to as “the Act”), being satisfied on reasonable grounds that the activities set out in paragraph 5 of this Order which are taking place or which are likely to take place in the locations described in paragraph 4 of this Order have had or are likely to have a detrimental effect on the quality of life of those in the locality. The Council is also satisfied 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, justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing vehicle related anti-social behaviour in a public place.
3. This Order comes into force at midnight on _____ for a period of up to three years thereafter, unless extended by further order under the Council’s statutory powers.
4. This Order applies to all public places within the Council’s administrative boundary which boundary is shown outlined in red on the plan attached to this Order and which satisfy the definition of public place set out in this paragraph (such public places being jointly “the restricted area” over which this Order has effect). A public place is any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission. Public places include but are not limited to the following examples: car parks (including those provided for customers of a business), sports fields and playing fields and their

attached facilities, parks and recreation grounds, public highways including footway and verge, footpaths and bridleways, public open space land and communal open space owned by the Council or other landowner.

5. Subject to paragraph 6 below, no person shall carry out or assist or encourage any other person to carry out any of the actions specified in 5(a) to (k) below at any time in any part of the restricted area:

5(a) Driving a motor vehicle at an excessive speed causing or being likely to cause a nuisance and/or a danger to persons in the locality of that part of the restricted area.

5(b) When driving a motor vehicle, causing repeated sudden and rapid acceleration and deceleration of the motor vehicle causing or being likely to cause a nuisance and/or a danger to persons in the locality of that part of the restricted area.

5(c) Racing with other motor vehicles, causing or being likely to cause a nuisance and/or a danger to persons in the locality of that part of the restricted area.

5(d) Performing stunts using a motor vehicle causing or being likely to cause a nuisance and/or a danger to persons in the locality of that part of the restricted area. "Performing stunts" includes but is not limited to doughnutting, drifting, handbrake turns, and wheel spins. Definitions of doughnutting, hand brake turns, drifting and wheel spins are set out in the Schedule to this Order.

5(e) Sounding motor vehicle horns (otherwise than in accordance with the Highway Code) in a manner causing or being likely to cause a nuisance to persons in the locality of that part of the restricted area.

5(f) Playing amplified music in or near or powered from a motor vehicle at an excessive volume, causing or being likely to cause a nuisance to persons in the locality of that part of the restricted area.

5(g) Causing rapid deceleration of a motor vehicle accompanied by the skidding of the motor vehicle, causing or being likely to cause a nuisance and / or a danger to persons in the locality of that part of the restricted area.

5(h)Excessively revving the engine of a motor vehicle, causing or being likely to cause a nuisance to persons in the locality of that part of the restricted area.

5(i)Congregating in a group of at least three persons in or around two or more stationary motor vehicles, causing or being likely to cause a nuisance to persons in the locality of that part of the restricted area.

5(j)Carrying out any action not specified in paragraphs 5(a) to 5(i) above which involves the use of a stationary or moving motor vehicle and which causes or is likely to cause a nuisance to persons in the locality of that part of the restricted area.

5(k)During an activity specified in paragraphs 5(a) to 5(j) of this Order using loud and/or threatening and/or abusive language causing or being likely to cause a nuisance to persons in the locality of that part of the restricted area.

6. An activity or behaviour which is authorised by the owner of that part of the restricted area where the activity or behaviour is taking place is not a breach of this Order.

7. Section 67 of the Act states that it is an offence for a person without reasonable excuse:

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

A person guilty of an offence under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A person does not commit an offence under section 67 of the Act by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

A fixed penalty notice can be issued for a breach of this Order which if it remains unpaid could lead to prosecution for the offence for which the fixed penalty notice was issued.

Challenging the validity of orders

Any interested person may apply to the High Court to question the validity of this Order and an interested person means an individual who lives in the restricted area or who regularly works in or visits that area. Any such interested person may apply to the High Court within six weeks from the date on which this Order was made on the grounds that the Council did not have the power to make the Order or to include particular prohibitions or requirements imposed by the Order or that a requirement under Chapter 2 of the Act was not complied with in relation to this Order.

SCHEDULE

Definitions: in this Order the following terms have the meaning given below.

“motor vehicle” means a mechanically propelled vehicle, intended or adapted for use on roads. This includes but is not limited to motorcars and motorcycles.

Doughnutting – means driving around a small area in a repetitive manner.

Hand brake turns - means using the handbrake to turn the vehicle.

Drifting – means use of the accelerator when going into a bend causing the tail end of the motor vehicle to slide.

Wheel spins means (1) use of the accelerator when the motor vehicle is stationary and before releasing the handbrake or brake, causing the wheels of the motor vehicle to spin and noise and/or smoke to be produced, and (2) accelerating at a speed which causes the wheels of the motor vehicle to spin in a manner a competent driver would expect not to happen in the normal course of driving

Wheelies – means a trick or manoeuvre whereby a motorcycle or other motor vehicle is ridden for a short distance with the front wheel or wheels raised off the ground.

(Plan showing the boundary of the NCC district to be placed here, prior to the seal. Plan to be marked as “Plan attached to Norwich City Council Public Spaces Protection Order No.1 of 2023”)

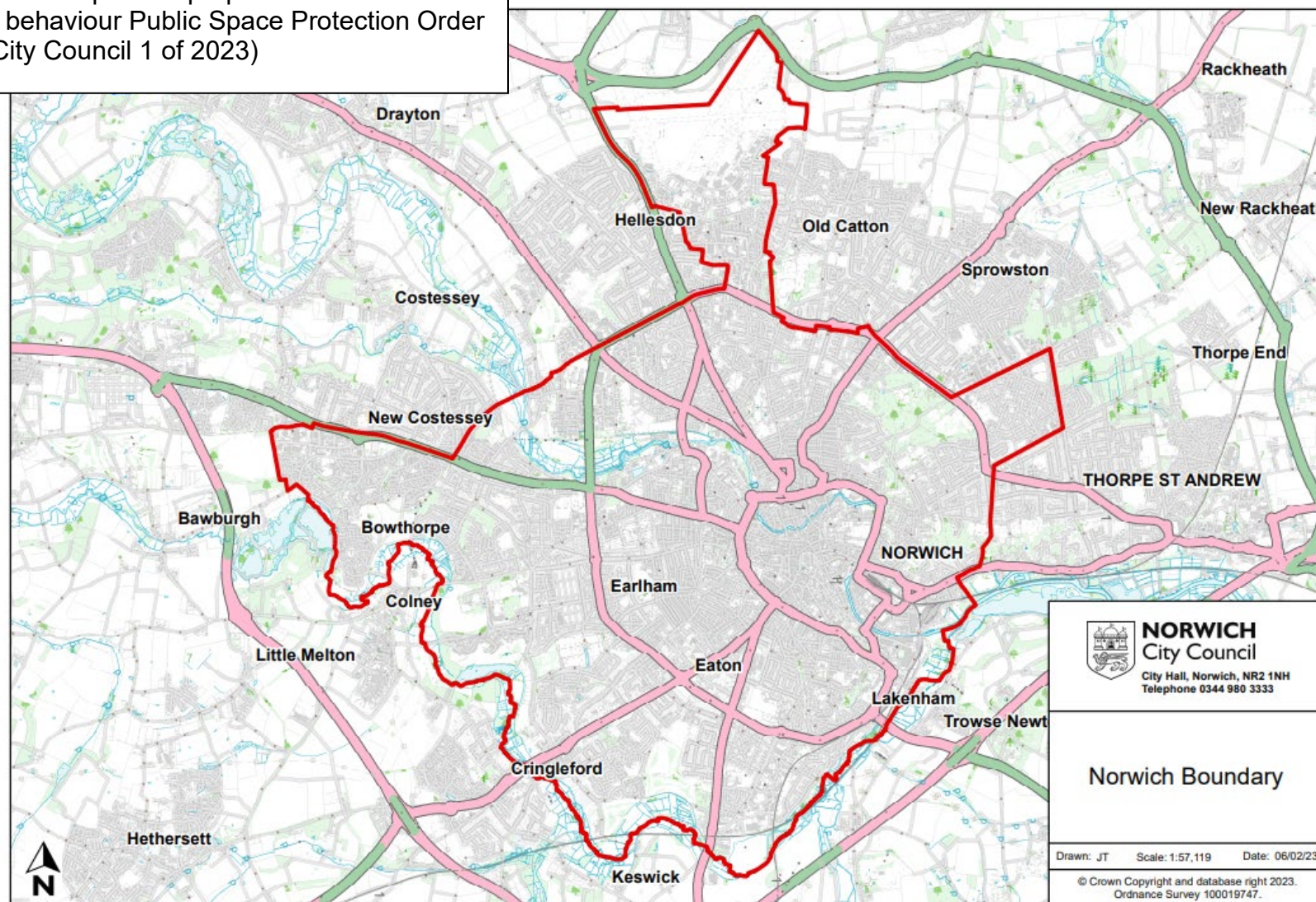
The Corporate Seal of the City Council of Norwich was hereunto affixed in the presence of

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Authorised Officer

Version 28.11.22 v2

Appendix C – map of the proposed vehicle-related anti-social behaviour Public Space Protection Order (Norwich City Council 1 of 2023)



Appendix D

Enforcement agreement – Norwich City Council and Norfolk Police

1. Witnessing and evidencing breaches

1.1 This document summarises the understanding between Norwich City Council and Norfolk Constabulary with regards to the implementation and enforcement of the Public Space Protection Order to address anti-social behaviour related to car meets (and cruises?) across the city.

1.2 Specifically, this covers the role of the police in witnessing and evidencing breaches of the PSPO.

2. Context

2.1 The PSPO will provide an additional power to assist in addressing the problem of anti-social behaviour associated with congregations of vehicles ('car meets') across the Norwich City Council area.

2.2 The powers within the PSPO will be utilised in conjunction with, or after, existing tools and powers have been used e.g. breaches of traffic law and public order offences.

2.3 Addressing the issue of anti-social behaviour associated with car meets (and cruises?) is one of many priorities for police in Norwich.

2.4 Therefore, the use of the PSPO powers will be primarily in the context of a reactive approach in response to calls from the public reporting nuisance associated with the congregation of vehicles. The principle being to respond to calls for service.

2.5 If data and intelligence indicate a more proactive approach may be beneficial at times then the Police and City Council will consider practical opportunities for some targeted activity.

3. Enforcement - witnessing breaches and providing evidence

3.1 Norfolk Police will adopt an educational approach to enforcement of the PSPO by issuing initial warnings to those in breach of the PSPO.

3.2 The warnings will consist of either:

An educational leaflet, distributed at the incident/time of the offence?, explaining why some of the behaviours associated with car meets is unacceptable and will be tackled This will be issued on behalf of the police and Norwich City Council including both organisations' logo.

or

A joint letter from Norfolk Constabulary and Norwich City Council

Vehicle-related anti-social behaviour PSPO

3.3 Norfolk Constabulary will maintain a register of warnings issued including details of the person in control of the vehicle at the time of the offence, details of the registered keeper of the vehicle and a summary of the offence?

3.4 Upon a further incident/offence involving vehicles and/or persons involved in a previous incident/offence police will provide Norwich City Council with evidence of the subsequent breach of the PSPO.

3.5 The evidence will include the following:

- i) MG11 witness statement including:
 - details of the specific behaviours and activities constituting the breach of the PSPO details of the person in control of the vehicle

and/or

- details of the registered keeper of the vehicle in question
- and/or
- details of any person present witnessed breaching the PSPO

ii) Body worn camera footage

iii) Details of any previous warnings

3.6 Police will submit the evidence to Norwich City Council within 14 days of the offence to enable time for Norwich City Council to consider issuing an FPN within a reasonable timeframe.

3.7 Norwich City Council will advise the police whether an FPN will be issued or not. If an FPN is not to be issued then Norwich City Council will provide feedback to Norfolk Police to explain why to help develop our shared understanding and expectations for future incidents.

3.8 The decision to prosecute a breach following failure to pay a FPN will rest with Norwich City Council.