

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**CORPORATE LEADERSHIP TEAM'S  
REPORT TO LICENSING AND PUBLIC PROTECTION COMMITTEE**

**12<sup>th</sup> June 2024**

**Report Title:** Proposed Consultation on Public Space Protection Order – Car Cruising

**Submitted by:** Service Director – Neighbourhood Delivery

**Portfolio:** Community Safety and Wellbeing (PH briefed 14/05/2024)

**Ward(s) affected:** ALL WARDS

<b><u>Purpose of the Report</u></b>	<b><u>Key Decision</u></b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<p>This report is to;</p> <p>Inform members of historical and current issues in relation to ‘car cruising’, methods that have been used to prevent this behaviour and the proposals to deter this behaviour in future. The report also seeks approval to conduct a 6 week public consultation on a proposed Public Space Protection Order (PSPO) before returning to the committee to feedback results.</p>			
<p><b><u>Recommendation</u></b></p> <p>That Committee considers the content of this report and gives approval for Officers of the Council to conduct a 6 week public consultation for a proposed PSPO for the Borough of Newcastle under Lyme.</p>			
<p><b><u>Reasons</u></b></p> <ul style="list-style-type: none"> <li>• Following ongoing reports of car cruising in identified locations across the Borough, the Council is seeking to use its powers to impose prohibitions to restrict car cruising.</li> <li>• The Committee is required to consider agreeing to the conditions of the order so that a formal consultation can be initiated.</li> </ul>			

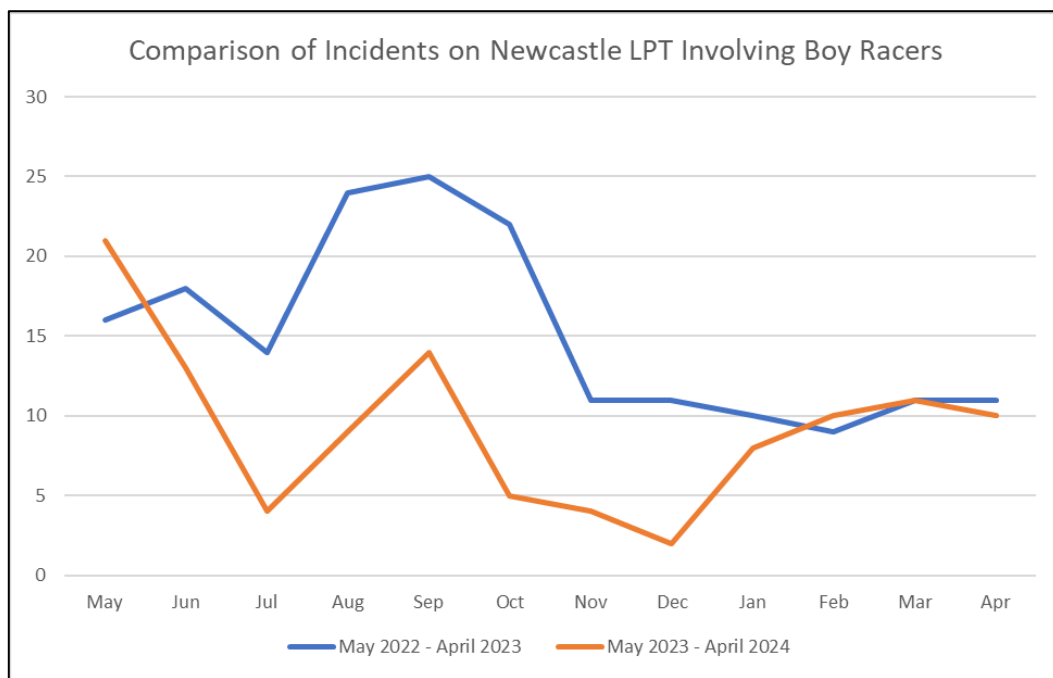
**1. Background**

1.1 A Public Space Protection Order is an order made under the Anti-Social Behaviour, Crime and Policing Act 2014 whereby this legislation allows for an order to identify a particular space or area to which it will be applied; and can make requirements, or prohibitions, or both within that space or area. This means that the Local Authority can, by virtue of the order, require people to do, or not to do specific things in that space or area. The Local Authority has the powers to grant the prohibitions/requirements where it believes that they are reasonable in order to reduce or prevent the unwanted issues. The order can be applied to specific people or everyone within an area and can apply at all times or within specific times. The

order can apply for a maximum of 3 years upon which the process of reviews and consultation must be repeated to check whether the issues are still occurring and the order is having the required effect. After the initial 3 years, the order can be extended for a further 3 years, and upon further reviews and consultation, can be extended more than once for further periods of 3 years.

- 1.2 This is the first application for a Public Space Protection Order in relation to ‘car cruising’. The application comes from persistent issues of ‘car cruising’ behaviour across the Borough despite alternative enforcement techniques being utilised. The Order replicates a similar PSPO implemented by Stockport Metropolitan Borough Council which looks to address car cruising behaviour. The draft order as shown in Appendix 1 to this report, shows the proposed area to be covered by the Public Space Protection Order.
- 1.3 Failure to comply with either a prohibition, or requirement stated within the order is a Level 3 offence. Upon summary conviction (offences heard within the Magistrates Court) defendants can face a fine. The defendant cannot be found guilty of an offence under a prohibition/requirement where the Local Authority did not have the power to include it in the order. The authority has the option to either prosecute or issue an FPN to discharge liability to convict (s67 & 68 of the ASB, Crime and Policing Act).

## 2. Issues



### 2.1

The above chart shows how partnership enforcement action had led to a downward trend in the number of incidents occurring, however it is clear that that incidents are once again on the increase.

The below table (2.1.1) shows the breakdown of incidents by policing area. We are now seeing increases in incidents in Chesterton and Holditch, Kidsgrove, Newcastle South (Clayton area) and also Madeley, Keele and Loggerheads.

Table 2.1.1

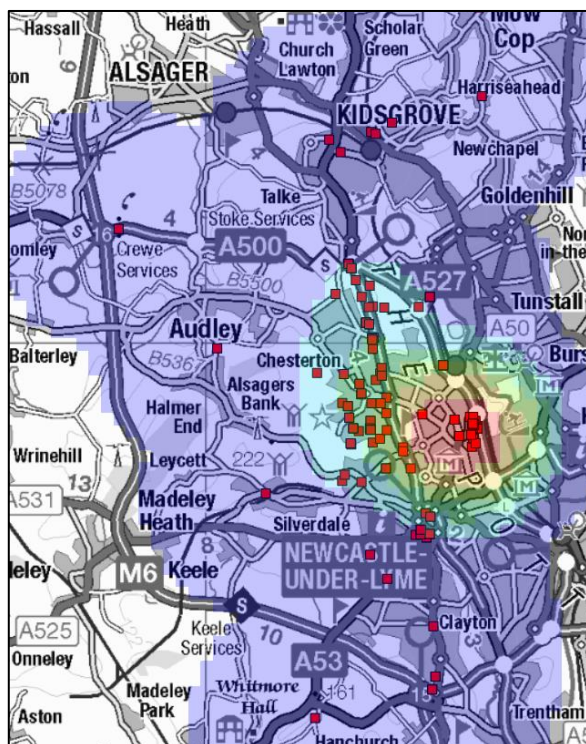
Neighbourhood	May 2022 - April 2023	May 2023 - April 2024	Total	% Change	Numerical Change
NB4 Newcastle North	141	30	171	-78.72%	-111
NB3 Chesterton & Holditch	24	59	83	145.83%	35
NB6 Newcastle Town	6	6	12	0.00%	0
NB5 Newcastle West	5	4	9	-20.00%	-1
NB0 Kidsgrove Parish	2	5	7	150.00%	3
NB7 Newcastle South	2	5	7	150.00%	3
NB1 Audley & Halmerend	2	1	3	-50.00%	-1
NB2 Madeley Keele & Loggerheads	0	1	1	100.00%	1
<b>Total</b>	<b>182</b>	<b>111</b>	<b>293</b>	<b>-39.01%</b>	<b>-71</b>

Table 2.1.2

Breakdowns the incidents by road/ area which demonstrates how this type of behaviour can occur across the whole of the Borough.

Street	May 2022 - April 2023	May 2023 - April 2024	Total
WOLSTANTON RETAIL PK	113	8	121
A500 FROM START OF WOLSTANTON SOUTH BOUND SLIP ROADS TO END OF SOUTH B	11	9	20
DALEWOOD RD	8	9	17
A34 RD	1	12	13
BEATA RD	0	13	13
TALKE RD	0	8	8
WESTON RD	4	4	8
A500 RD	2	3	5
CLAYTON RD	1	4	5
COALDALE RD	2	3	5
GRANGE LN	4	1	5
A34 TALKE ROUNDABOUT AT JUNCTION WITH A500 NORTH	0	4	4
LOWER MILEHOUSE LN	2	2	4
GOOSE ST	1	2	3
HOOTERS HALL RD	3	0	3
LONDON RD	2	1	3
LOOMER RD	2	1	3
MILLENNIUM WAY	3	0	3
REGINALD MITCHELL WAY	0	3	3

Map 1 – highlights visually how these are mapped across the Borough.



## 2.2 The proposed prohibitions are as follows:

- To participate in 'Car Cruising' anywhere in the geographical area within Newcastle-under-Lyme outlined in the map named Annex A. Participating in 'Car Cruising' means being the registered keeper or driver of, or being carried in or on a motor vehicle, when two or more vehicles (including motorbikes) being on a highway, or a publicly accessible place, at which any such vehicle, or occupant of a vehicle, performs any of the activities listed in the Schedule below.
- Schedule: The prohibited activities referred to in Clause 1 are:
  - Causing a danger to other road users including pedestrians or causing a significant risk of damage to property by either speeding or racing.
  - Driving in convoy while car cruising
  - Performing stunts while car cruising
  - Repeatedly sounding horns (as to cause significant public nuisance)
  - Playing music excessively loud (as to cause significant public nuisance)
  - Using foul or abusive language
  - Using threatening, intimidating behaviour towards another person, or
  - Causing obstruction on public highway, or a publicly accessible place, whether moving or stationary.
- To promote, organise, or publicise, via email, the internet, Facebook, Twitter or similar social media, or any publication or broadcast any 'car cruising' within the defined geographical area (as delineated on the map marked Annex A)
- Attending any meeting of two or more vehicles in a public space either as a vehicle owner, driver, passenger, or spectator and engaging in any activity that a reasonable person would consider to be 'car cruising'.

## 3. Recommendation

- 3.1 That the Public Protection and Licensing Committee considers the content of this report, and approves for Officers at the Council to initiate the 6 week public consultation for a proposed PSPO for the Borough of Newcastle-under-Lyme.

## 4. Reasons

- 4.1 Over the past few years we have seen a continual increase in 'car cruising' related issues. Places such as Asda Wolstanton, Lymedale Industrial Estate and A34 have all be subject to car cruising issues.

## 5. Options Considered

- 5.1 Do nothing – this option would not address the car cruising behaviour. We may also see an increase in problems due to other neighbouring authorities taking effective enforcement action.
- 5.2 Reduce the scale of the order – the proposed order would cover the whole of Newcastle-under-Lyme. This is a similar approach that has been adopted in other areas. Reducing the scale of the order may lead to car cruising in other areas.

- 5.3 Agree the order for consultation – this will allow effective enforcement from the Community Safety Partnership who will be able to enforce for a number of prohibitions associated with car cruising behaviour.

## 6. Legal and Statutory Implications

- 6.1 PSPOs can be challenged on the grounds that the Local Authority, under the legislation, did not have the power either to make or vary the Order or include particular prohibitions or requirements, or that proper processes had not been followed (as prescribed by the legislation). Challenges must be made to the High Courts within 6 weeks of the Order being made/varied and by an individual who lives in, regularly works in, or visits the restricted area. The High Court can quash, uphold or vary the PSPO and may decide to suspend the operation of the PSPO pending the verdict.

## 7. Equality Impact Assessment

- 7.1 An Equality Risk Assessment has been refreshed detailing how the PSPO will impact the community.

## 8. Financial and Resource Implications

- 8.1 Signage will be required on key entry points in and around the Borough. Signs will also be installed at hotspot locations.

## 9. Major Risks & Mitigation

- 9.1 We are aware that neighbouring authorities are exploring their own legal options around this problem. If we fail to put in our own appropriate measures to tackle the issue, then we may see an increase in this area as we see other areas initiating enforcement.

## 10. UN Sustainable Development Goals (UNSDG)



## 11. Key Decision Information

- 11.1 Not applicable.

## 12. Earlier Cabinet/Committee Resolutions

- 12.1 This is the first application for a PSPO in relation to 'Car Cruising'.

**13. List of Appendices**

**13.1** Appendix 1: Draft Public Spaces Protection Order

**13.2** Appendix 2: Map of proposed PSPO order.

**14. Background Papers**

**14.1** None.