

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**REPORT TO LICENSING AND PUBLIC PROTECTION COMMITTEE**

**29 OCTOBER 2024**

**Report Title:** Public Space Protection Order - Car Cruising - consultation results

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

**Portfolios:** Community Safety and Wellbeing

**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"/>
To advise the Licensing and Public Protection Committee on the results of the consultation on the proposed Car Cruising PSPO, and to seek approval to implement the Order.	
<b><u>Recommendation</u></b>	
That the Licensing and Public Protection Committee :-	
<ol style="list-style-type: none"> <li>1. receive the report and note the results of the consultation</li> <li>2. approve the implementation of the ‘Car Cruising’ Public Space Protection Order (PSPO)</li> </ol>	
<b><u>Reasons</u></b>	
To enable reasonable and proportionate enforcement action to be taken in relation to an identified issue with car cruising in the Borough.	

**1. Background**

1.1 In June 2024, Licensing and Public Protection Committee were presented with a report in relation to historical and current issues across the Borough in regards to ‘car cruising’. A draft Public Space Protection Order was presented to the Committee (Appendix 1) for their consideration. The report also highlighted alternative measures that have been used to deter and prevent this behaviour from occurring and sought approval to conduct a 12 week public consultation on the proposed PSPO.

1.2 This is the first application for a Public Space Protection Order in relation to 'car cruising'. The application is as a result of 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.

## 2. Consultation results

2.1 The consultation ran from 16<sup>th</sup> July until 2<sup>nd</sup> October 2024.

2.2 A total of 98 responses were received from local respondents (ST postcodes) as part of the consultation. A full copy of the report can be found at Appendix 2.

2.3 The following table shows that 66% of local respondents (ST5 and ST7 postcodes) were in favour of the PSPO, and 57% of respondents from all ST postcodes were in favour. There is a clear majority of local respondents in favour of the PSPO.

2.4 The below table shows the breakdown of the responses to the consultation:

	<b>Responses</b>	<b>Yes</b>	<b>No</b>	<b>Don't know</b>
<b>Borough (ST5 or ST7) respondents</b>	79	66%	30%	4%
<b>All ST postcodes</b>	98	57%	40%	3%
<b>Other/no postcodes</b>	62	37%	60%	2%

2.5 There were a number of respondents from outside the sub-region who responded to the consultation but as they are not local to the area, it is considered that less weighting should be given to these responses. A significant number of these referred to motor cycling or being a motor cyclist.

## 3. Officer response to consultation results and comments

3.1 It is clear from the consultation results that there is a clear majority of local respondents in favour of the PSPO.

3.2 There is a concern from national motorcycling organisations and individuals in relation to how the proposed PSPO would impact the motor cycling community with particular interest in the impact this would have on charity ride outs and events.

3.3 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.

3.4 The purpose of the proposed 'Car Cruising' PSPO is to target those who are acting in an anti-social manner, as prescribed in the Order. Officers would look to enforce this order in scenarios where harassment, alarm or distress was being caused as a direct result of 'car cruising.' There is no intention for Staffordshire Police or the Local Authority to target lawful, organised activity.

3.5 The Order will be enforced by Staffordshire Police, who will respond to incidents and calls in relation to 'car cruising' and utilise the power as and when they deem necessary. Staffordshire Police state:

*'The Newcastle-under-Lyme local policing team and Newcastle-under-Lyme Borough Council advises that the purpose of this local authority order is to target those that use their vehicle in an anti-social manner.'*

*Officers are looking to challenge those that persistently have a negative impact on our communities, not those that are using vehicles for charity and legitimate purposes. Those that are taking part in charity ride-outs or similar would not fall under the remit of the order.*

*Like with any legislation, officers can use their discretion around enforcement. Giving advice and information would be an option for officers before considering the issuing of any fines.'*

## **5 Recommendation**

**5.1 That the Committee receive the report and note the results of the consultation;**

**5.2 That the Committee approve the implementation of the 'Car Cruising' Public Space Protection Order.**

## **6 Reasons**

6.1 To enable reasonable and proportionate enforcement action to be taken in relation to an identified issue with car cruising in the Borough.

## **7 Options Considered**

**7.1** Do nothing – this option would not address the car cruising behaviour. There may also be an increase in problems due to other neighbouring authorities taking effective enforcement action.

**7.2** Remove reference to motorbikes in the Order – whilst it is noted that the majority of car cruising incidents relate to cars, motorbikes have been present in engaging in the anti-social behaviour that presents as ‘car cruising’ and therefore Officers would support this reference remaining in the Order.

## **8 Legal and Statutory Implications**

**8.1** 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.

## **9 Equality Impact Assessment**

**9.1** An Equality Impact Assessment has been updated in relation to enforcement activities undertaken by the Council.

## **10 Financial and Resource Implications**

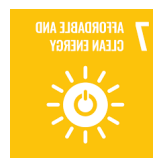
**10.1** There are no additional financial or resource implications directly relating to this report.

## **11 Major Risks & Mitigation**

**6.1** It is recognised that neighbouring authorities are exploring their own legal options around this problem. If the Council fails to put in appropriate measures to tackle the issue, then there may be an increase in this area as other areas initiate enforcement.

## **12 UN Sustainable Development Goals (UNSDG)**

**12.1** The proposal contributes towards the following UNSDGs:



**13 One Council**

Please confirm that consideration has been given to the following programmes of work:

One Commercial Council

One Digital Council

One Green Council

Consideration has been given to all of three elements of One Council – however this matter does not directly link with any of these programmes.

**14 Key Decision Information**

**14.1** Not applicable.

**15 Earlier Cabinet/Committee Resolutions**

14.1 Car Cruising PSPO – Licensing and Public Protection Committee June 2024.

**16 List of Appendices**

**16.1** Appendix 1 – copy of the draft ‘car cruising’ Public Space Protection Order.

**16.2** Appendix 2 – copy of the Consultation Results.

**17 Background Papers**

**17.1** None