

EXTENSION OF OUR PUBLIC SPACES PROTECTION ORDER ON CAR CRUISING.

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Wards Affected: Burgess Hill wards of Dunstall, Franklands, Leylands, Meeds, St Andrews, Victoria, East Grinstead ward of Imberhorne, Hurstpierpoint and Downs, Twineham, Bolney
Key Decision: No
Report to: Scrutiny Committee for Community, Leisure and Parking
1 February 2023

Purpose of Report

1. To inform the Scrutiny Committee for Community, Leisure and Parking about proposals to extend our existing Public Spaces Protection Order (PSPO) around Burgess Hill for car cruising for a further three years and to also include two additional areas to the PSPO.

Summary

2. The existing PSPO which covers the six wards in Burgess Hill expires in April 2023. A map outlining the existing zone is at appendix 1. During November/December 2022 officers undertook public consultation on whether to extend the PSPO for a further 3 years. The consultation also proposed to include two additional areas where there have been recurring incidents of car cruising since the order was first made in 2020. The proposed new areas are shown at appendices 2 and 3. Following the closure of the public consultation on 22 December 2022, most respondents were supportive of the proposals. A summary of feedback can be found at appendix 4.
 3. **Scrutiny Committee for Community, Leisure and Parking is asked to recommend to Council that it:**
 - (i) **Note the contents of this report;**
 - (ii) **Agree to extend the existing PSPO for a further three years under the Anti-Social Behaviour, Crime and Policing Act 2014 for the prohibited activities outlined in the existing Order at appendix 5 within the area defined on the map at appendix 1;**
 - (iii) **Agree to implement the PSPO under the Anti-Social Behaviour, Crime and Policing Act 2014 for the prohibited activities outlined in the existing Order at appendix 5 within the two additional areas defined on the maps at appendices 2 and 3.**
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Background

4. The council adopted a PSPO to tackle car cruising in Burgess Hill in 2020 as this was an ongoing problem in the town, particularly (but not exclusively) in the Council's public car parks. 'Car Cruising' is defined as two or more motor vehicles (including motor bikes) being on a highway or a public place, where any such vehicle or occupant of a vehicle performs any of the prohibited activities. The prohibited activities are:

- causing danger or risk of injury to road users (including pedestrians) by speeding or racing;
 - causing damage or risk of damage to property;
 - speeding or racing;
 - performing stunts (including but not limited to performing a doughnuts maneuver drifting, skidding, handbrake turns, wheel spinning);
 - sounding horns or playing loud music so as to cause a nuisance;
 - revving of engines so as to cause a nuisance;
 - using foul or abusive language;
 - using threatening, intimidating or anti-social behaviour; or
 - causing obstruction on a public highway or publicly accessible place (whether moving or stationary)
5. The existing PSPO is due to expire in April 2023. In the two years prior to the order being made, 140 complaints were received in the Burgess Hill area. This compares with 38 in the PSPO area since the order was made. This suggests that the presence of such an order has been a deterrent.
6. It has always been recognised that the activities may move to other areas that are not covered within the designated PSPO area. Between May and July 2022 there have been 35 complaints and 4 'meets' in Job's Lane just off the A2300 outside Burgess Hill. More recently there have been reports of large 'meets' on the Birches Industrial Estate off Imberhorne Lane in East Grinstead of around 100-150 vehicles - this is thought to be a known group that have also caused problems in Crawley where there is an existing PSPO in place. In both areas, this behaviour has had a detrimental effect on nearby residents and caused local tensions. These two additional areas were included in the public consultation during November and December 2022.

Power to make orders

7. Under the Anti-Social Behaviour, Crime and Policing Act 2014, a PSPO is an enforceable form of bylaw with Fixed Penalty Notice Powers attached. A Council may make a PSPO if it is satisfied on reasonable grounds that the following two conditions are met:
8. The first condition is that:
- Activities carried on in a public place within MSDC's area have had a detrimental effect on the quality of life of those in the locality, or
 - It is likely that activities will be carried on in a public place within that area and that they will have such an effect.
9. The second condition is that the effect or likely effect of the activities:
- Is, or is likely to be of a persistent or continuing nature,
 - Is, or is likely to be, such as to make the activities unreasonable, and
 - Justifies the restrictions imposed by the notice

Consultation

10. The Council is required to consult with the community before putting in place any PSPO and a consultation was undertaken from 17 November to 22 December 2022. In total, 33 responses were received with most respondents supporting the proposals. A summary of the consultation is at appendix 4.
11. Two respondents were not supportive of the proposals. Feedback from those who were unsupportive included an objection to a blanket ban being imposed and a belief that car cruising is not a problem in Mid Sussex.
12. The Sussex Police and Crime Commissioner and the Chief Constable of Sussex Police are both fully supportive of the proposals as are relevant town and parish councils where the PSPO is proposed.

Partnership working

13. Officers have worked closely with Sussex Police and Crawley Borough Council (as known car cruising groups are travelling between Districts) including sharing relevant information and intelligence. Sussex Police have confirmed that they are willing to carry out enforcement measures in cases where they attend incidents where prohibited activities are occurring. The Mid-Sussex District Council (MSDC) anti-social behaviour team can also issue notices where they have evidence that offences have been committed.
14. Within MSDC, the Community Safety Team have been working with Legal Services on the proposed extension and consultation document. Parking Services are also supportive of the proposals.

Policy Context

15. This proposal supports the Council's corporate priority of supporting strong and resilient communities through effective enforcement of anti-social behaviour.

Other Options Considered

16. Officers have considered the option of letting the existing order lapse. This was rejected on the grounds that it could lead to car cruisers returning to Burgess Hill and causing problems for local residents and businesses and create additional burdens on ASB officers and Police to tackle the issue in the absence of this enforcement tool.
17. Officers have considered extending the PSPO to the existing area in Burgess Hill only, however, the inclusion of two small additional areas will not impact significantly on officers' time or costs and will help to mitigate the problem in these areas. Officers believe that the activities are likely to continue in these locations if the order is not implemented as outlined.

Financial Implications

18. Costs for any additional signage and advertising costs can be accommodated within existing budgets. Other financial implications are any associated enforcement costs and legal costs for non-payment of fines, although these are likely to be minimal. We can seek to recoup legal costs on conviction and income generated from fixed penalty notices can be held in reserve and/or reinvested in the service to help counter this.

Risk Management Implications

19. As previously indicated, it is recognised that car cruisers may move to other areas of Mid Sussex once the PSPO has been extended. However, it would not be practical or cost effective to implement this across the District and MSDC cannot justify the legal conditions to enforce a District wide PSPO. The Council, in partnership with Sussex Police will continue to monitor any reports of car cruising and take appropriate action if it becomes a continual problem elsewhere.
20. Workloads may increase for the Community Safety and Legal team in the event of any prosecutions for non-payment of fines. However, the commitment to partnership working with Sussex Police and using shared systems and resources to gather evidence will help to mitigate impact on officers' time.

Equality and Customer Service Implications

21. An equalities impact assessment is at Appendix 6.

Sustainability Implications

22. The proposal contributes to the United Nations sustainable development goal of making human settlements inclusive, resilient and sustainable. It specifically contributes towards target 11.7 to provide universal access to safe, inclusive, and accessible green and public spaces.

Background Papers

- Appendix 1 – Map of existing area
- Appendix 2 - Map of proposed additional area A2300 and Job's Lane
- Appendix 3 - Map of proposed additional area Birches Industrial Estate
- Appendix 4 – Summary of feedback
- Appendix 5 – Current Public Spaces Protection Order
- Appendix 6 – Equalities Impact Assessment