



**PUBLIC SPACES PROTECTION ORDER EXTENSION FOR CAR
CRUISING/ANTI-SOCIAL USE OF VEHICLES IN BURGESS HILL
& PROPOSAL TO INTRODUCE A PUBLIC SPACES PROTECTION
ORDER COVERING THE A2300/JOB'S LANE & BIRCHES
INDUSTRIAL ESTATE EAST GRINSTEAD**

CONSULTATION REPORT

January 2023

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Background

In 2020 Mid Sussex District Council (MSDC) introduced a Public Spaces Protection Order (PSPO) under sections 59-75 of the Anti-Social Behaviour, Crime and Policing Act 2014 in Burgess Hill to tackle the ongoing issue of anti-social use of vehicle activity (also known as car cruising) in the town. Offenders would be issued with fixed penalty notices and for persistent offenders, the council would be able to prosecute for breach of the PSPO and any person found guilty would be liable on summary conviction of a fine of up to £1,000. Since the Order was put in place, activities within the designated area have significantly reduced which suggests that the presence of such an order has been a deterrent. The current PSPO is due to expire in April 2023.

MSDC has consulted on extending the existing PSPO for a further three years and also to extend the designated areas to cover the A2300/Jobs Lane which falls just to the northwest of Burgess Hill and also the Birches Industrial Estate in East Grinstead. These two additional areas have been subject to car cruising activities in recent months and have caused local tensions.

A consultation was undertaken with residents and businesses in Mid Sussex to enable them to share their views on the proposals. This would enable the council and Police to assess the extent and significance of the problem as well as ensuring that any new measures are supported by local people and addresses relevant issues.

This report sets out the key findings from the PSPO consultation which ran for 5 weeks from 17th November 2022 to 22nd December 2022.

Methodology

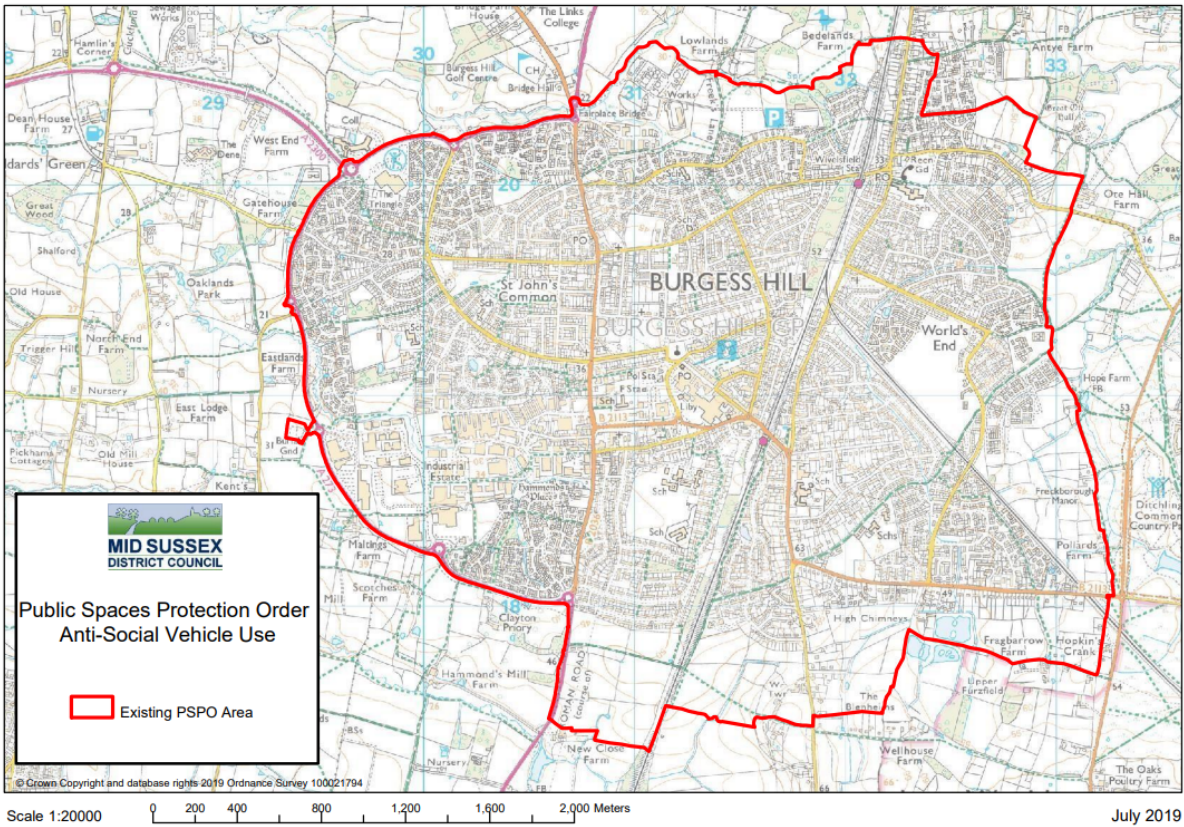
An online survey was created for residents & businesses. The Council used a number of promotional methods to ensure that as many people could respond as possible. The consultation was published on the MSDC website and promoted via social media. It was also promoted via the Police and relevant town and parish councils. A copy of the notice was in the Mid Sussex Times and displayed on local noticeboards close to where known activities had taken place.

Notices were also hand delivered in residential and industrial areas surrounding the areas where complaints had been received. Council staff spoke to local businesses in the areas under consultation.

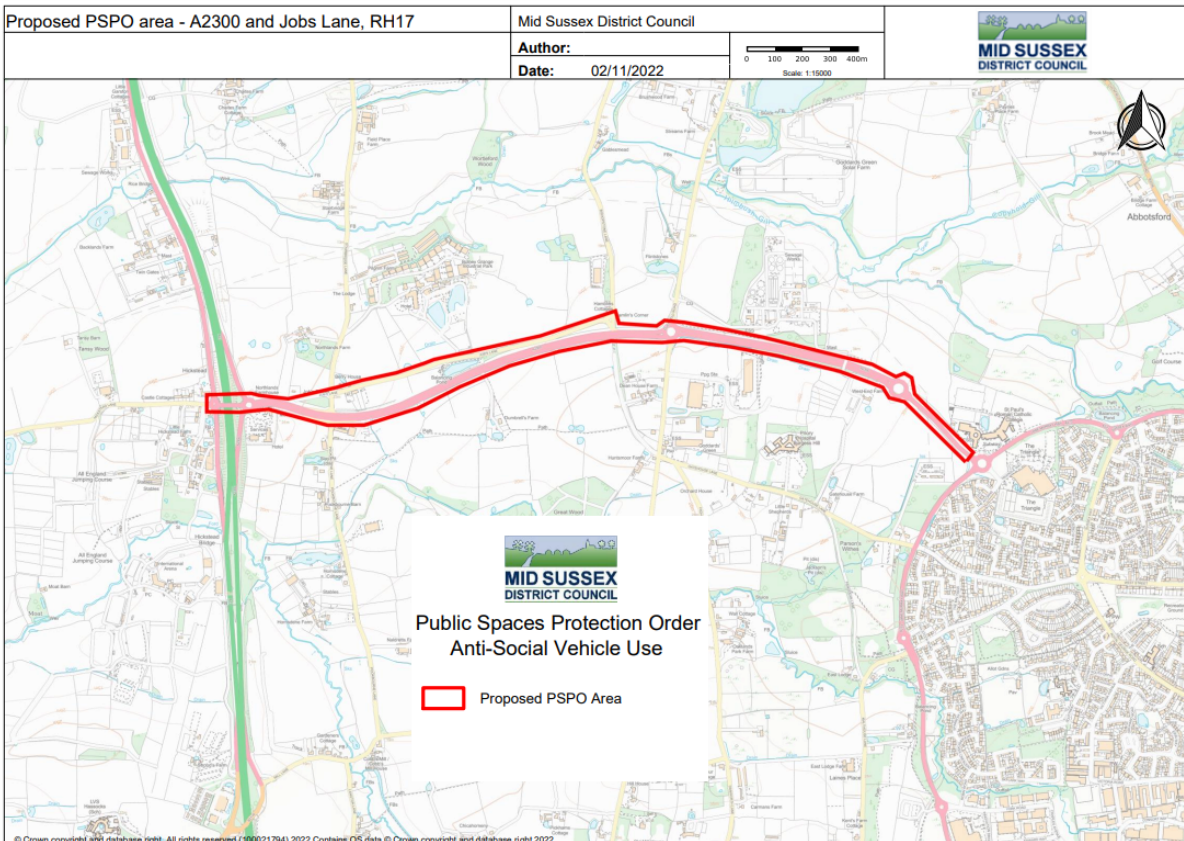
Sussex Police and the Sussex Police and Crime Commissioner were also consulted separately and both are fully supportive of the proposals.

A total of 33 responses were received from the consultation.

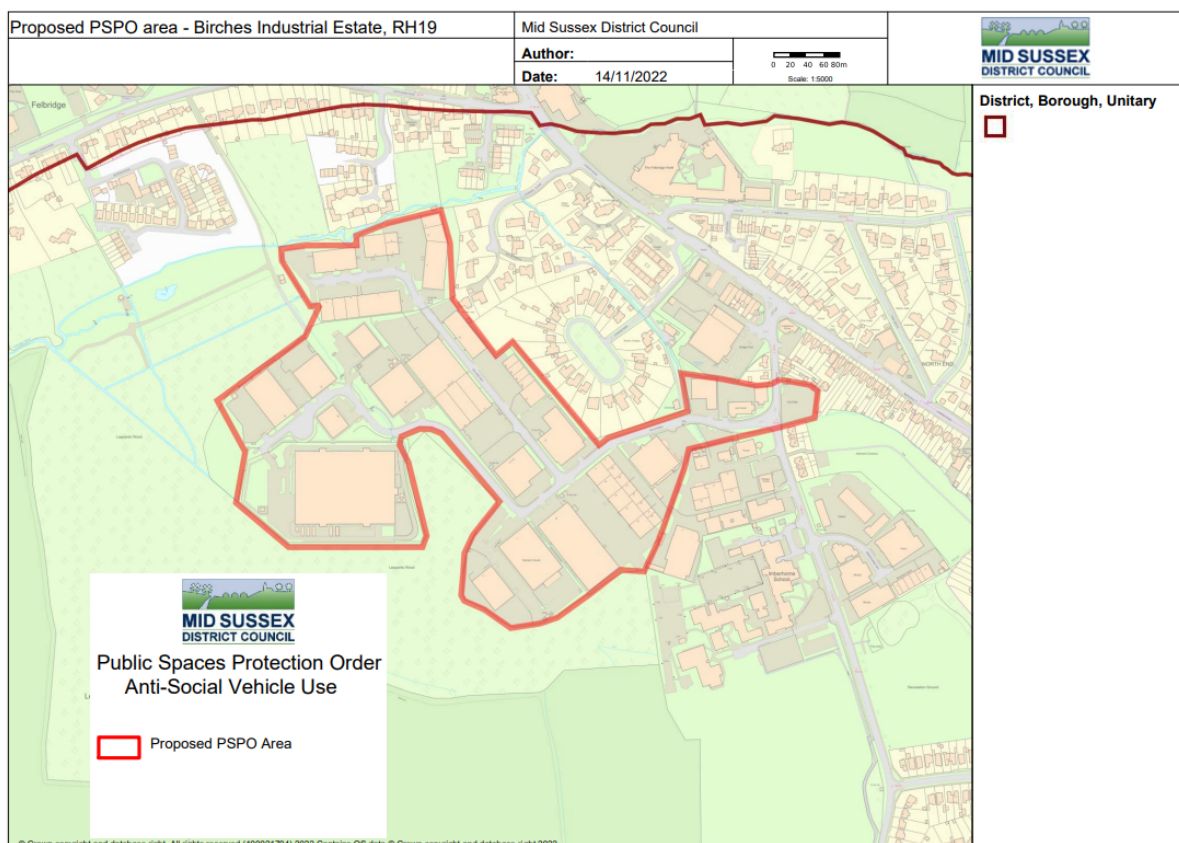
Defined Areas: Burgess Hill



A2300 and Jobs Lane



Birches Industrial Estate East Grinstead



Respondent Profile

The Sussex Police and Crime Commissioner and the Chief Constable of Sussex Police are both fully supportive of the proposals. This is in addition to the consultation responses. 29 responses to the consultation were from individuals and 4 were from parish or town councils. Burgess Hill and East Grinstead town councils are both supportive of the proposals. No responses from businesses were received.

Respondents were asked to provide their area of residence/business which allows for analysis of where responses are coming from and if there are any trends in particular areas. In total, 48% of respondents were from Burgess Hill, 27% from East Grinstead and 18% from one of the wards which fall within the A2300/Jobs Lane area (Hurstpierpoint and Sayers Common, Twineham or Bolney).

Table 1 Responses to the Consultation

Ward Area	Number	Ward Area	Number
Burgess Hill, Dunstall	5	East Grinstead, Imberhorne	7
Burgess Hill, St Andrews	4	East Grinstead (other)	2
Burgess Hill, Franklands	2	Bolney	2
Burgess Hill (not specified)	2	Jobs lane (ward not specified)	2
Burgess Hill, Leylands	1	Hurstpierpoint and Sayers Common	1
Burgess Hill, Meeds	1	Twineham	1
Burgess Hill, Victoria	1	Outside proposed area (Cuckfield/Haywards Heath)	2
Total	33		

Headline Results

- 67% of respondents said that they had experienced or been affected by anti-social use of vehicles in the designated areas since 2020.
- 81% of respondents were supportive of the proposals to extend the PSPO in Burgess Hill and a further 12% reported that this area was not applicable to them or they did not have a view.
- 72% of respondents were supportive of the proposals to introduce a PSPO on the A2300 and Jobs Lane with a further 21% reporting that this area was not applicable to them or they did not have a view.
- 60% of respondents were supportive of the proposals to introduce a PSPO on the Birches Industrial Estate with a further 33% reporting that this area was not applicable to them or they did not have a view.
- The biggest issues affecting residents are dangerous driving, noise and excessive speeding. Some residents also reported issues of intimidating or threatening behaviour.
- 6% of respondents did not support the proposal. Feedback from those who were unsupportive include an objection to a blanket ban being imposed on this activity and a belief that car cruising is not a problem in Mid Sussex.

Results of consultation

Table 2: Number of respondents who had been affected

	Yes	No	Not stated
In the past three years, have you experienced or been affected by anti-social use of vehicles in the areas indicated on the plans?	22	8	3

Table 3: Responses in respect of the proposal to extend the existing PSPO in Burgess Hill for a further three years

	Support Proposal	Do Not Support	Don't Know/Not Applicable
Do you support an extension of the existing PSPO to ban the anti-social use of vehicles in Burgess Hill?	27	2	4

Note that an option was offered to enter don't know/not applicable as respondents may not live or visit the other areas under consideration.

Table 4: Responses in respect of the introduction of a PSPO on the A2300/Jobs Lane

	Support Proposal	Do Not Support	Don't Know/Not Applicable
Do you support the implementation of a PSPO to ban the anti-social use of vehicles on the A2300 and Jobs Lane?	24	2	7

Table 5: Responses in respect of the introduction of a PSPO on the Birches Industrial Estate in East Grinstead

	Support Proposal	Do Not Support	Don't Know/Not Applicable
Do you support the implementation of a PSPO to ban the anti-social use of vehicles on the Birches Industrial Estate in East Grinstead	20	2	11

Conclusion

33 responses to the consultation were received. The feedback to the consultation shows that 81% of respondents support the extension of a PSPO in Burgess Hill, 72% support a PSPO on the A2300/Jobs Lane and 60% support a PSPO on the Birches Industrial estate. A smaller percentage did not give an opinion if it did not affect them and only two respondents did not support the proposals.

Most people reported issues around dangerous driving, noise and excessive speed although other issues were also reported including threatening behaviour, loud music, littering, damage to street furniture and anti-social parking.

Appendix 1**Consultation questions:**

Q1. Please indicate if you live in any of the following neighbourhood wards?

- -Bolney
- -Burgess Hill, Dunstall
- -Burgess Hill, Franklands
- -Burgess Hill, Leylands
- -Burgess Hill, Meeds
- -Burgess Hill, St Andrews
- -Burgess Hill, Victoria
- -East Grinstead, Imberhorne
- -Hurstpierpoint and Sayers Common
- -Twineham

Q2. If you live elsewhere, please indicate the town/village where you live?

Q3. In the past three years, have you experienced or been affected by anti-social use of vehicles in the areas indicated on the plans?

Q4. If "Yes", please describe how you have been affected

Q5. Do you support an extension of the existing PSPO to ban the anti-social use of vehicles in Burgess Hill? *(Yes/No/Don't know or n/a)*

Q6. If "No" or "Don't know" please state your reasons why?

Q7. Do you support the implementation of a PSPO to ban the anti-social use of vehicles on the A2300 and Jobs Lane? *(Yes/No/Don't know or n/a)*

Q8. If "No" or "Don't know" please state your reasons why?

Q9. Do you support the implementation of a PSPO to ban the anti-social use of vehicles on the Birches Lane Industrial Estate in East Grinstead? *(Yes/No/Don't know or n/a)*

Q10. If "No" or "Don't know" please state your reasons why?

Q11. Please use the space below to add any further information that you feel may be relevant?

MID SUSSEX DISTRICT COUNCIL

Anti-Social Behaviour, Crime and Policing Act 2014, Section 59-75

Car Cruising Public Spaces Protection Order 1 of 2023 (“Order”)

Mid Sussex District Council (“the Council”) in exercise of its powers under the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) hereby makes the following Public Spaces Protection Order.

1 General

- 1.1 This order shall come into operation on (.....) and shall have an effect for 3 years thereafter, unless extended by further orders under the Council's statutory powers.
- 1.2 In making this order, the council is satisfied on reasonable grounds that:
 - (a) the conditions set out in section 59(2) of the Act have been met, namely that the activities identified below have been carried on in a public place within the Council's area and have had a detrimental effect on the quality of life of those in the locality; and
 - (b) the conditions set out in section 59(3) of the Act have been met, namely that 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 these activities unreasonable and justifies the restrictions imposed.
- 1.3 This applies to all land:
 - (a) which is open to the air (including land which is covered but open to the air on at least one side);
 - (b) to which the public are entitled or permitted to have access (with or without payment); and
 - (c) which is outlined in red on the attached map (the Restriction Zone)
- 1.4 The Council is also satisfied that the prohibitions and requirements set out within this order are reasonable:
 - (a) to prevent the detrimental effect on the quality of life of those in the locality continuing, occurring or recurring; or
 - (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
- 1.5 In making this Order, the Council has had particular regard to the rights and freedoms of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights.

2 Definition of Car Cruising and Prohibited Activities

- 2.1 '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.
- 2.2 The "Prohibited Activities" are:
- a. causing danger or risk of injury to road users (including pedestrians) by speeding or racing;
 - b. causing damage or risk of damage to property;
 - c. speeding or racing;
 - d. performing stunts (including but not limited to performing a doughnuts maneuver drifting, skidding, handbrake turns, wheel spinning);
 - e. sounding horns or playing loud music so as to cause a nuisance;
 - f. revving of engines so as to cause a nuisance;
 - g. using foul or abusive language;
 - h. using threatening, intimidating or anti-social behaviour; or
 - i. causing obstruction on a public highway or publicly accessible place (whether moving or stationary)

3 Offence

- 3.1 A person who without reasonable excuse:
- a. Participates in Car Cruising or any activity prohibited by this Order; or
 - b. promotes, organises or publicises Car Cruising (including but not limited to via email, the internet, social media, or via any publication or broadcast medium) to take place; or
 - c. attends any meeting either as a vehicle owner, driver, passenger or spectator where a reasonable person would consider that Car Cruising was or is taking place;

on Land to which this Order applies commits an offence.

4 Penalty

- 4.1 In accordance with section 67 of the Act, a person commits an offence if at any time and without reasonable excuse they engage in any activity prohibited by this Order.
- 4.2 A Police Officer or Council Officer may issue a fixed penalty notice to any person they have reason to believe has committed an offence under this Order.
- 4.3 A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of the fixed penalty to the Council.

- 4.4 Where a person is issued with a fixed penalty notice under this Order, the amount of the fixed penalty shall be £100 (reduced to £60 if paid within 10 days). If the fixed penalty is paid within 14 days the offender will not be prosecuted.
- 4.5 A person who is guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1,000).

5 Appeals

- 5.1 Any challenge to this order must be made to the High Court by an interested person within six weeks from the date upon which the order is made. An interested person is someone who lives in, regularly works in, or visits the area.
- 5.2 In Accordance with section 66 of the Act, interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements, or that a requirement of the Act was not complied with.