

## **IMPLEMENTATION OF A PUBLIC SPACE PROTECTION ORDER (PSPO) FOR THE ANTI-SOCIAL USE OF VEHICLES IN BURGESS HILL**

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Wards Affected: Burgess Hill Wards of Dunstall, Franklands, Leylands, Meeds, St  
Andrews, Victoria and Hurstpierpoint and Sayers Common  
Key Decision: No  
Report to: Scrutiny Committee for Community, Customer Services and Service  
Delivery  
13 November 2019

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### **Purpose of Report**

1. To inform the Scrutiny Committee for Community, Customer Services and Service Delivery about proposals to implement a Public Space Protection Order (PSPO) for the anti-social use of vehicles in Burgess Hill (also known as car cruising).

### **Summary**

2. To combat the ongoing problem of car cruising and racing in Burgess Hill, the Council proposes to implement a PSPO to prohibit activities that are dangerous and have a negative effect on local residents and businesses. The Council has worked closely with Sussex Police in managing problems to date and in developing the PSPO, and will continue to work in partnership in identifying and taking action against offenders. A recent public consultation showed that 91% of respondents supported the proposal to implement the PSPO.

### **Recommendations**

3. **Scrutiny Committee for Community, Customer Services and Service Delivery is asked to recommend to Council that it:**
  - (i) **Note the contents of this report and agree to implement the PSPO under the ASBCP Act 2014 for the prohibited activities outlined in Appendix A within the area defined on the map at Appendix B;**
  - (ii) **Approve delegation of authority to specified officers to use those powers.**

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### **Introduction**

4. The Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP) received royal assent on 13 March 2014. The aim of the Act was to provide simpler and more effective powers to deal with anti-social behaviour (ASB), and to enable victims and communities to have more control over the way in which their complaints were handled.

5. Since the introduction of the legislation, MSDC has adopted a range of powers under the Act for issues such as the use of PSPOs for dog control. More recently, Cabinet agreed to expand the use of these powers on 11 February 2019 to help tackle persistent anti-social behaviour through the use of Community Protection Notices and the use of PSPOs for ongoing issues in public spaces such as the anti-social use of vehicles.

### **Background**

6. A PSPO is an enforceable form of bylaw with Fixed Penalty Notice powers attached. In addition to supporting existing bylaws they have the potential to enhance local control over a range of matters including Planning and Highways enforcement, Anti-Social Behaviour, Dog Management, and Parks and Waste Management for District Councils, thus returning greater control to Local Authorities.
7. Between November 2017 and June 2019, police data records show over 140 complaints/incidents of anti-social driving in Burgess Hill. Residents and local businesses have complained specifically about organised meets in the Town's car parks late in the evenings and the anti-social behaviour associated with these meets including speeding, careless driving and excessive noise. Some car parks have been target hardened with wooden posts which has prevented dangerous stunts such as hand brake turns and "doughnutting", although this has not prevented other anti-social behaviour.
8. In order to help address this issue, the Council is proposing to put in place a Public Space Protection Order (PSPO) on the anti-social use of vehicles, which will prohibit specific activities. The proposed PSPO is provided at Appendix A and, if adopted will be in effect for three years after such time the Council will review it and decide whether or not to extend this timeframe.

### **Power to make orders**

9. A Council may make a PSPO if it is satisfied on reasonable grounds that the following two conditions are met:
  - (a) The first condition is that:
    - i. Activities carried on in a public place within MSDC's area has had a detrimental effect on the quality of life of those in the locality, or
    - ii. It is likely that activities will be carried on in a public place within that area and that they will have such an effect.
  - (b) The second condition is that the effect or likely effect of the activities:
    - i. Is, or is likely to be of a persistent or continuing nature,
    - ii. Is, or is likely to be, such as to make the activities unreasonable, and
    - iii. 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 (both online and paper based) was undertaken with residents and businesses in Burgess Hill running from 24 July to 17 September 2019. In total 102 responses (100 residents and 2 businesses) were received with 91% of respondents – including both business responses, supporting the proposals.
11. Those who were not supportive of the proposals expressed the view that that people should not receive fines for simply meeting in car parks and showing off their cars. The PSPO does not propose that this in itself would be a prohibited activity, addressing this concern.
12. The Council has worked closely with Sussex Police on this issue over the past few months and the Police are supportive of the proposed PSPO to manage this problem.
13. The Council is intending to run a social media campaign once the PSPO has been adopted to highlight the impact of these activities to local communities and how local people can report concerns.

#### **Defined area of proposed PSPO**

14. A map of the proposed area is at Appendix B. It is proposed that all six wards of Burgess Hill, plus the car park at Burgess Hill burial ground, which falls within the ward of Hurstpierpoint and Downs are included within the proposed PSPO zone. Most of the incidents and complaints received to date have centred around the car parks in the Town Centre. Once moved on by the Police, the car cruisers have, however, tended to move to other areas of Burgess Hill such as the car park at Bedelands, Victoria Road Industrial Estate and the car park at Burgess Hill burial ground.

#### **Enforcement**

15. The Council will continue to work in partnership with the Police to enforcing the PSPO. As most of the activities take place in the evenings and at weekends the Council is reliant upon the police to take action where prohibited activities have been identified. Local residents and businesses will also be encouraged to report any ongoing concerns with information where perpetrators can be identified.

#### **Breaches and Fixed Penalty Notices**

16. A breach of the order is criminal in nature and could lead to a fine, via a fixed penalty notice of up to £100. If the fixed penalty is paid within 14 days the offender will not be prosecuted. Failure to pay may result in a prosecution and if found guilty lead to a fine of up to £1,000 and could result ultimately in a custodial sentence.

#### **Policy Context**

17. These proposals support the Council's corporate priority of supporting Strong and Resilient Communities through effective enforcement of Anti-Social Behaviour.

#### **Financial Implications**

18. Some initial costs will be incurred on signage on highways on entry to the PSPO zone and also in targeted areas where activities are known to occur. There will be minimal costs in relation to stationery to produce updated fixed penalty notices. It is envisaged that these costs can be accommodated within existing budget envelopes.

19. The main financial implications of using the additional powers are the associated enforcement costs, and any legal costs for non-payment of fines. Income generated from FPNs will be held in reserve and/or reinvested in the service to help counter this.

### **Risk Management Implications**

20. The implementation of the PSPO may increase the workloads of the Community Safety team and in some cases Legal Services. However, the commitment to partnership working with Sussex Police and using shared systems and resources to gather evidence will mitigate impact on officers.
21. It is possible that car cruisers may move to other areas of Mid Sussex once the PSPO is in place. It would not, however, be practical or cost effective at this stage to enforce this across the whole District and it has not to date been an issue outside of the identified area. The Council will continue to monitor any reports of car cruising once the PSPO is in place and take appropriate action if it becomes a continual problem elsewhere.

### **Equality and Customer Service Implications**

22. An equality impact assessment has been undertaken as part of the development of the Proposed PSPO. The Assessment concluded that there were with limited impacts of people with protected characteristics identified. The group identified through the assessment was children who may be at risk of being subject to enforcement action as fixed penalty notices can be issued to those from 10 years old. In reality, other methods will be used to manage minors who are involved in car cruising. This includes using powers on parents where appropriate, referrals into the REBOOT programme, which offers diversionary activities for youngsters involved in anti-social behaviour and consulting with the Youth Offending Service in all cases involving minors. Fixed penalty notices will be used as a last resort. AS such sufficient mitigation measures are in place.

### **Other Material Implications**

23. None

### **Background Papers**

Appendix A: MSDC Anti-Social Behaviour, Crime and Policing Act 2014, Section 59-75, Car Cruising Public Space Protection Order 1 of 2019

Appendix B: Map of proposed area of enforcement