

Wards Affected:

All Wards

PUBLIC SPACE PROTECTION ORDER - CAR CRUISING

Responsible Cabinet Member: Councillor O'Neil, Cabinet Member for Health and Wellbeing

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Executive Summary:

Car Cruising is an unregulated activity that has grown both nationally and locally. Car enthusiasts gather to exhibit and drive their cars, sometimes in a dangerous manner. These events are unregulated and pre-planned, usually via social media. In Milton Keynes there have been regular car cruise events which can attract in excess of 1000 cars. This gives rise to complaints of associated anti-social behaviour from residents including excessive noise and dangerous driving activities.

This consultation is intended to gain public opinion on whether Milton Keynes Council should introduce a Borough wide Public Space Protection Order to tackle the anti-social use of vehicles, which will allow this particular form of anti-social behaviour to be more effectively controlled.

1. Recommendation(s)

- 1.1 That the proposed Public Space Protection order be published for public consultation for a period of 12 weeks.
- 1.2 That the consultation outcomes and any other relevant material be reported to the Cabinet for consideration

2. Issues

- 2.1 The Anti-Social Behaviour, Crime & Policing Act 2014 introduced Public Space Protection Orders (PSPO), which are intended to provide the means of preventing individuals or groups committing anti-social behaviour in a public space. The power to make the order rests with local authorities in consultation with the Police and other relevant bodies who may be affected.
- 2.2 Milton Keynes is a location that attracts car cruise events owing to its close proximity to the national motorway network, and due to its unique road layout. These events provide a platform for car enthusiasts to gather in their vehicles, which are often modified.
- 2.3 These unregulated events are pre-planned via social media and can attract up to 1,000 vehicles at a time. There were several notable weekend events throughout the summer of 2018, which led to numerous complaints from local residents concerning excessive vehicle noise, racing on the public highway, drifting, doughnuts and burnouts, where drivers spin wheels to create smoke and noise.

2.4 There has been a significant impact on local residents and businesses evidenced by the volume of calls as well as individual community impact statements.

2.5 Community safety is a major concern as participants of these car cruise events have, on occasions, taken it upon themselves to close a road to facilitate racing, and large crowds gather to watch events in close proximity. There have also been episodes where cars have been driven through pedestrian underpasses.

3. **Consultation**

3.1 This consultation is intended to gain public opinion on whether Milton Keynes Council should introduce a Borough wide PSPO to tackle the anti-social use of vehicles, also known as car cruising. Before introducing a PSPO, local authorities are obliged to consult with the local chief officer of police; the police and crime commissioner; owners or occupiers of land within the affected area where reasonably practicable, and appropriate community representatives. Any county councils (where the Order is being made by a district), parish or community councils that are in the proposed area covered by the PSPO must be notified.

3.2 Questions will be asked to ascertain whether those completing the survey have experienced or been affected by the anti-social use of vehicles in Milton Keynes, what they perceive the scale of the nuisance to be and whether they support the implementation of a PSPO to tackle the issue. The consultation also gives respondents the opportunity to object and state their reasons why. To obtain a balanced view, the consultation will be widely publicised to ensure maximum participation of those potentially affected and those who participate in the events.

3.3 The consultation will consist of an online survey; however paper copies will be available upon request. The survey will be promoted through the Council's communications team and extended to residents, visitors and businesses. Further promotion will be via the SaferMK partnership and via the Parish Councils to maximise participation.

4. **Implications**

4.1 Resources

Milton Keynes Council and TVP are working in partnership at these events to provide reassurance and protect the public. This is proving to be resource intensive and additional funding has to be provided to ensure that there are adequate resources available.

The Act provides that Fixed Penalty Notices can be used to address a breach of a PSPO. If the consultation process supports the need for a PSPO then TVP will issue the fixed penalty notice.

If the consultation process supports the need for a PSPO, appropriate signage must be displayed in accordance with the Act. All signage on adopted highways must be undertaken by the authority's service contractor Ringway.

4.2 Legal

The Anti-social behaviour, Crime and Policing Act 2014 (“the Act”) makes provision for the Local Authority to make a PSPO if certain conditions are met. Those conditions are:

- (a) activities carried on in a public place within the authority’s area have had a detrimental effect on the quality of life of those in the locality; and
- (b) the effect of these activities is likely to be of a persistent or continuing nature, is likely to make the activities unreasonable, and justifies the restrictions imposed by the order.

A PSPO lasts for a period of three years, which may be extended by a further three years before it expires. It is proposed that the PSPO would prohibit a number of actions that fall under the act of “displaying” at these car cruise events. Breach of the PSPO is enforceable by the issue of a fixed penalty notice (FPN) and these FPNs can be issued by Police Officers, Police Community Support Officers, and designated Council Officers.

A breach of a PSPO can be dealt with through the issuing of a fixed penalty notice of up to £100, or a level 3 fine (max £1000) (on prosecution).

In establishing a PSPO, appropriate signage must be displayed in accordance with the requirements of the Act on entry points to the public area and within the said area.

The proposal to make a PSPO will be subject to a period of 12 weeks public consultation before being approved by Cabinet. Under section 72(4) of the Act, local authorities must consult with:

- (a) the Chief Officer of Police, and the local policing body, for the police area that includes the restricted area;
- (b) any community representatives the local authority considers it appropriate to consult; and
- (c) the owner or occupier of the land within the restricted area.

4.3 Equality and Diversity

When introducing an Order, the Council must comply with the requirements of the public sector equality duty under the Equality Act 2010. An assessment has been conducted which has concluded that the proposed Order will not have a disproportionate impact of any group of people with one or more protected characteristics.

Under section 72 of the Anti-social Behaviour, Crime and Policing Act 2014, the Council is required to have regard to Articles 10 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms (as defined in the Human Rights Act 1998) in deciding whether to make, extend, vary or discharge a PSPO. These provide for rights of association and rights of expression, which will be documented when the PSPO is considered.

	Equalities/Diversity	X	Sustainability	X	Human Rights
	E-Government		Stakeholders	X	Crime and Disorder

Annex A Proposed Public Space Protection Order

Annex B Consultation survey