

**Public**

**HUNTINGDONSHIRE DISTRICT COUNCIL**

**Title/Subject Matter:** Proposed Public Space Protection Orders for St Neots

**Meeting/Date:** Licencing and Protection Committee - Wednesday 22<sup>nd</sup> March 2017

**Executive Portfolio:** Councillor Ryan Fuller, Executive Member for Housing and Regulatory Services

**Report by:** Community Resilience Manager

**Ward(s) affected:** St Neots Eaton Ford, St Neots Priory Park and St Neots Eaton Socon

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**Executive Summary:**

The Anti-Social Behaviour, Crime and Policing Act received royal ascent on 13<sup>th</sup> March 2014 and the legislation within the Act became available for use in October 2014. The Act was as a result of a reform of the previous tools and powers available and was designed to put victims at the heart of the response to anti-social behaviour and give professionals the flexibility they need to deal with any given situation. Within the Act, one of the powers available is the Public Space Protection Order (PSPO). The PSPO replaces the Designated Public Place Order (DPPO) that was available within the Anti-Social Behaviour Act 2003 and is designed to stop individuals or groups committing anti-social behaviour in a public space. Local Authorities have the ability to issue PSPOs if the test has been met and following consultation.

The term 'boy racer' has many definitions but for the purposes of this report and in-line with the nature of the problem that is trying to be addressed, 'boy racer' means - 'A motorist who drives an automobile that has been modified with aftermarket body kits, audio system and exhaust system, usually in an unlawful manner'.

Following frequent complaints over a number of years from residents of St Neots about the alarm, harassment and distress caused by 'boy racers', two PSPOs are being proposed for two areas of St Neots. Residents report that groups of 'boy racers' regularly congregate in the areas of Riverside Car Park, the Market Square and the industrial areas where they rev their engines, play loud music from their stereos, screech their tyres and perform stunts. These incidents can be a daily occurrence and start from 9pm and continue until the early hours of the morning. If approved, the PSPOs will prohibit certain activities and will be enforceable by Police Officers, Police Community Support Officers and Officers delegated by Huntingdonshire District Council. Those who breach the PSPO risk being issued with a Fixed Penalty Notice (FPN) of £100 or a fine not exceeding Level 3 (£1,000) on prosecution.

**Recommendation(s):**

**That the Licencing and Protection Committee approve the implementation of two Public Space Protection Orders under the Anti-Social Behaviour, Crime and Policing Act 2014, for the area of St Neots in response to persistent complaints of the anti-social behaviour cause by 'boy racers'. The first Order will cover Riverside Car Park, the Market Square and the areas in-between and the second Order will cover Little End and Howard Road Industrial Estates and Colmworth Business Park. The Orders commence on 1<sup>st</sup> April 2017 for a period of 3 years**

## **1. WHAT IS THIS REPORT ABOUT/PURPOSE?**

- 1.1 This report seeks to obtain the approval of the Licencing and Protection Committee for the implementation of two Public Space Protection Orders, from here on referred to as 'Orders', in St Neots. The Orders are being proposed in response to persistent complaints from residents of 'boy racers' congregating and causing alarm, harassment and distress to those in the vicinity.
- 1.2 The first Order proposed will cover the areas of the Riverside Car Park, the Market Square and the area in between. The second Order will cover Little End and Howard Road Industrial Estate and Colmworth Business Park. The areas have been identified following complaints to the District Council and calls for service to the Constabulary, consideration has also been given to the possibility of displacement of the problem. Both Orders propose the following prohibitions:
1. Persons not to use a vehicle in a manner likely to cause alarm, harassment or distress;
  2. Persons not to gather in their vehicles or park their vehicles in groups of two or more for the purposes of congregating;
  3. No person shall use their vehicle to cause unreasonable levels of noise including the noise from engines and exhausts and the playing of music from car stereos;
  4. Persons not to drive their vehicles in an anti-social manner.

## **2. WHY IS THIS REPORT NECESSARY/BACKGROUND**

- 2.1 Complaints about the problems associated with 'boy racers' in St Neots have been reported to both Huntingdonshire District Council and Cambridgeshire Constabulary since 2005. The majority of the complaints arise from groups of drivers regularly congregating in the Riverside Car Park for long periods of time and causing a disturbance by revving their engines, loud noise from modified exhausts and music from stereos.
- 2.2 The Huntingdonshire Community Safety Partnership has previously responded to these issues by funding the installation of a rising bollard at the entrance to the car park that closed automatically at midnight and re-opened again at 6am each day. During the time that the bollard was in place, incidents of vandalism were experienced due to users of the car park not reading the signage and finding that they were unable to exit the car park. Incidents involving the 'boy racers' did reduce whilst the bollard was in situ but unfortunately it had to be removed as a result of necessary flood alleviation works to the car park.
- 2.3 More recently, residents have again started to report incidents of anti-social behaviour involving vehicles in the Riverside Car Park. In response to the reports, working in partnership with the Constabulary, all residents living in the surrounding properties have been issued with log sheets as well as visits to those who have directly reported an incident. The Police have carried out targeted patrols based on the information provided and where appropriate issued warnings of vehicle seizure under Section 59 of the Police Reform Act 2002. In March 2015, the Police also utilised their powers available under the

Anti-Social Behaviour, Crime and Policing Act 2014 and issued a Dispersal Power preventing vehicles from congregating in the Riverside Car Park for a period of 48 hours.

- 2.4 During the period 22<sup>nd</sup> January 2014 – 11<sup>th</sup> December 2016 a total of 43 incidents of 'boy racer' activity in the St Neots were reported to the Police, these are broken down as follows:

| <b>Location</b>            | <b>Number of Reported Incidents</b> |
|----------------------------|-------------------------------------|
| Riverside Car Park         | 29                                  |
| High Street/ Market Square | 3                                   |
| Colmworth Industrial Areas | 11                                  |

- 2.4.1 Huntingdonshire District Council, Cambridgeshire Constabulary and a number of other partner agencies use a shared case management system to record and monitor complaints of anti-social behaviour, the system is called ECINs. An ECINs case for 'boy racer' activity in the St Neots area was opened on 18<sup>th</sup> March 2015 and has 42 entries. The entries relate to calls for service and the action taken in response to the call.
- 2.5 Many of the residents effected by the 'boy racers' are older people, living alone who may be vulnerable. Although initial complaints are received, the reason given for not wanting to pursue a complaint is for fear of reprisals as in the past; those reporting incidents to the Police have been targeted.
- 2.6 Following a meeting held at Riverside Car Park on 21<sup>st</sup> October 2016 between Ward Members, residents and representatives from the Constabulary and District Council, a manually operated barrier has been installed at the entrance to the car park. It is intended that the barrier will be locked between midnight and 6am so will help address the issues that are occurring in the car park but not in the other areas identified. As the location of the incidents reported has demonstrated, there is a possibility of displacement of this issue and therefore it is proposed that two Orders are implemented. The first Order proposed is to cover the areas of Riverside Car Park, the Market Square and areas in between the two (Map contained at Appendix A). The second Order proposed is for the areas of Little End and Howard Road Industrial Estates and Colmworth Business Park (Map contained at Appendix B). It is proposed that both Orders consist of the same prohibitions; these are detailed at 1.2 of this report. The prohibitions proposed relate to the nature of the complaints that have been received to date and if implemented intends to put a stop to this form of anti-social behaviour.
- 2.7 For a Public Space Protection Order to be considered the behaviour being restricted has to:
- be having, or be likely to have, a detrimental effect on the quality of life of those in the locality;
  - be persistent or continuing in nature; and
  - be unreasonable

It is felt that based on the persistent nature of this issue, the test for an Order has been met. A breach of a PSPO is a criminal offence and can be enforced by Police Officers, Police Community Support Officers and delegated Officers of the Local Authority. Huntingdonshire District Council also proposes to utilise the CCTV cameras that it has in place to enforce the Order covering the Riverside Car Park and Market Square. If breached, Officers have the ability to issue a Fixed Penalty Notice of £100 that will be payable within 14 days of issue and non-payment or prosecution may result in a fine of up to Level 3 (£1,000).

- 2.8 The legislation requires the Local Authority proposing a PSPO to consult with the Police, Police and Crime Commissioner, other relevant bodies as well as those who may be affected by the implementation of an Order. This consultation has been carried out and is detailed further at point 8 of this report. The process adopted by Huntingdonshire District Council requires that following consultation, proposed PSPOs must be considered for implementation by the Licensing and Protection Panel, hence the submission of a report to this Panel.

### **3. OPTIONS CONSIDERED/ANALYSIS**

- 3.1 Since first receiving complaints about 'boy racer' activity in the St Neots area in 2005, a number of initiatives have been tried. This includes the installation of a rising bollard at the entrance to Riverside Car Park, targeted patrols by the Police utilising their powers under Section 59 of the Police Reform Act 2002 to seize vehicles used in an anti-social manner as well as the implementation of the Dispersal Power available under the Anti-Social Behaviour, Crime and Policing Act 2014 on two separate occasions and covering the Riverside Car Park to prevent the nuisance caused by 'boy racers'. Despite the use of these interventions, the problems continue to occur on a regular occasion causing alarm, harassment and distress to those in the vicinity.

- 3.2 It is therefore felt necessary to consider the implementation of a Public Space Protection Order to cover the areas where the majority of the issues are occurring. To avoid displacement, a Public Space Protection Order is also thought necessary for the industrial areas of St Neots. If approved, the Orders would commence on 1<sup>st</sup> April 2017 and remain in place for 3 years after which time and following consultation, there is the option to renew the Orders for up to a further three year period.

### **4. KEY IMPACTS/RISKS? HOW WILL THEY BE ADDRESSED?**

- 4.1 By implementing a Public Space Protection Order that covers the Riverside Car Park, there is a risk of displacement of 'boy racer' issues to other areas of the town. Having considered the location of the incidents reported and to mitigate the risk of displacement, a second Order is proposed for the industrial areas of St Neots, this being Little End and Howard Road Industrial Estates and Colmworth Business Park. If both Orders are implemented on 1<sup>st</sup> April 2017, there is a possibility of displacement to other areas in St Neots or to other parts of the District. This will therefore be monitored from the date of implementation and will be a standing agenda item on each of the area based Problem Solving

Groups that meet monthly. These groups will monitor any displacement and agree the most appropriate action to be taken.

## **5. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION**

- 5.1 Prior to presentation of this report to the Licencing and Protection Committee, a consultation process was conducted as required within the legislation. The results of the consultation are contained at point 8 of this report. Following approval of the Public Space Protection Orders by this Panel the proposed implementation date is 1<sup>st</sup> April 2017 for a period of three years. In preparation of the commencement, signage will be erected within the identified areas notifying members of the public of the Orders and of the consequences should a breach occur. The press will also be notified and provided with a copy of the Orders. As required by the legislation, a copy of the approved Orders will be displayed on the Huntingdonshire District Council website.
- 5.2 If approved by the Committee at their meeting on 22<sup>nd</sup> March 2017, the Orders will be considered to be effective from 1<sup>st</sup> April 2017 and from this date; Officers will be responsible for enforcing the prohibitions that are in place.

## **6. LINK TO THE CORPORATE PLAN**

- 6.1 One of the strategic priorities and objectives of the Corporate Plan 2016 – 18 is Enabling Communities. The aim of the Enabling Communities strand of the Plan is to make Huntingdonshire a better place to live, to improve health and well-being and for communities to get involved with local decision making. Part of the work programme includes:

- Ensuring that our streets and open spaces are clean and safe; and
- Working closely with partner agencies to reduce crime and anti-social behaviour

- 6.2 Huntingdonshire District Council has the ability to make Public Space Protection Orders under the Anti-Social Behaviour, Crime and Policing Act 2014. Following persistent complaints from the community to both the District Council and the Police, it is felt that two Orders are necessary to address the 'boy racer' activity that is occurring. Should the Orders be approved, the District Council will be actively working to achieve their priorities and objectives as set out within the Corporate Plan.

## **7. CONSULTATION**

- 7.1 For a Local Authority to issue a Public Space Protection Order they must first consult with the Chief Constable for the local Police and the Police and Crime Commissioner. In addition, the owner or occupier of the land should be consulted as well as whatever community representatives is felt is appropriate. In proposing the implementation of two Public Space Protection Orders in St Neots, the Community Team at Huntingdonshire District Council has conducted a consultation with the following:

**Riverside Car Park, the Market Square and areas in-between:**

- Owners/ managers of the Ambience Café, Riverside Car Park
- All residential properties in The Paddock
- All residents of Park View and Cavendish Court
- All residential properties and businesses in the Market Square, St Neots
- All residential properties and businesses (both sides of the road) located on the B1428 between The Bridge House, St Neots and the junction with the B1043 and Cambridge Street.
- Chief Constable Alec Wood, Cambridgeshire Constabulary
- Police and Crime Commissioner Jason Ablewhite
- St Neots Town Council
- Economy, Transport and Environment at Cambridgeshire County Council
- District Council Ward Members for this area

**Industrial Areas:**

All residential properties and businesses in the areas of:

- Little End Road Industrial Estate, St Neots
- Howard Road Industrial Estate, St Neots
- Colmworth Business Park, St Neots
- Chief Constable Alec Wood, Cambridgeshire Constabulary
- Police and Crime Commissioner Jason Ablewhite
- St Neots Town Council
- Economy, Transport and Environment at Cambridgeshire County Council
- District Council Ward Members for this area

- 7.2 The consultation was carried out for a period of 28 days commencing on Monday 16<sup>th</sup> January 2017. A total of 13 individual responses and 1 response on behalf of a residents association were received for the Riverside Car Park and Market Square Order and 3 responses were received in relation to the proposed Order for the industrial areas.
- 7.3 The community consultation results suggests that there is overwhelming support for the proposed Order covering Riverside Car Park and the Market Square with all consultees reporting that they are regularly affected by the activities of the 'boy racers'. In the case of the proposed Order for the industrial areas, the three responses received related to inappropriate and unsafe parking of vehicles by customers or employees of the business units throughout the area, no responses related to 'boy racer' activity.
- 7.4 The proposal of both Orders received the support of St Neots Town Council at their Full Council meeting held on 26<sup>th</sup> January 2017 and support has also been received from the Ward District Councillors. A response to the consultation has not been received from the department of Economy, Transport and Environment at Cambridgeshire County Council.

## **8. RESOURCE IMPLICATIONS**

- 8.1 Public Space Protection Orders can be enforced by Officers of the Constabulary as well as delegated Officers of the District council. In submitting their comments as part of the consultation, the Constabulary have considered the resource implications relevant to them. In terms of the District Council, the Community Team has recently undergone a restructure resulting in the creation of four officer posts and one senior post of Community Protection and Enforcement Officers. This is an increase in the resource that was previously available to respond to issues of this kind and these Officers will have delegated authority to enforce the Orders.
- 8.2 It has also been agreed that the District Council owned CCTV camera located in the Riverside Car Park will also be used to enforce the Order covering that area. This may result in Fixed Penalty Notices being served retrospectively should a delegated Officer on viewing the footage, believe that the Order has been breached.
- 8.3 Considering the pattern of events following the implementation of the Huntingdon Town Centre PSPO, it is believed that the Orders may be resource intensive initially but through effective enforcement of the prohibitions in the first few months, it is likely that the demand will subside.

## **9. OTHER IMPLICATIONS**

- 9.1 This is the first Public Space Protection Order proposed in Cambridgeshire that relates to the issues surrounding 'boy racer' activity. By implementing the two Orders in St Neots, we may raise expectations within other communities across the District that PSPOs may also be implemented within other areas. It is therefore important to reiterate that the District Council is keen to use the tools and powers available to them where evidence suggests that there is the need and that there may be alternative interventions that can be tried to avoid the need for an Order.

## **10 REASONS FOR THE RECOMMENDED DECISIONS**

- 10.1 Public Space Protection Orders are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. The number of complaints received by the Police and District Council as well as the positive support received through the consultation process, that suggests that the activities carried out by the 'boy racers' are significantly affecting those in the surrounding community. The behaviour is causing alarm, harassment and distress and many of the victims are older or vulnerable residents of our community. A number of initiatives have been tried but unfortunately have not prevented the continued occurrence of this behaviour. Following a thorough consultation



process, approval is therefore sought from the Licencing and Protection Panel for the implementation of two Public Space Protection Orders for the area of St Neots commencing on 1<sup>st</sup> April 2017 for a period of 3 years and made up of the following prohibitions:

1. Persons not to use a vehicle in a manner likeley to cause alarm, harrassment or distress;
2. Persons not to gather in their vehicles or park their vehicles in groups of two or more for the purposes of congregating;
3. No person shall use their vehilce to cause unreasonable levels of noise including the noise from engines and exhausts and the playing of music from car stereos;
4. Persons not to drive their vehicles in an anti-social manner.

## **11. LIST OF APPENDICES INCLUDED**

Appendix A – Map detailing the area to be covered by the proposed Public Space Protection Order for Riverside Car Park, the Market Square and areas in-between.

Appendix B – Map detailing the area to be covered by the proposed Public Space Protection Order for Little End and Howard Road Industrial Estate and Colmworth Business Park.

Appendix C – A copy of the Public Space Protection Order proposed for Riverside Car Park, the Market Square and areas in-between.

Appendix D - A copy of the Public Space Protection Order proposed for Little End and Howard Road Industrial Estates and Colmworth Business Park.

## **BACKGROUND PAPERS**

- Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers – Statutory guidance for frontline professionals – July 2014.

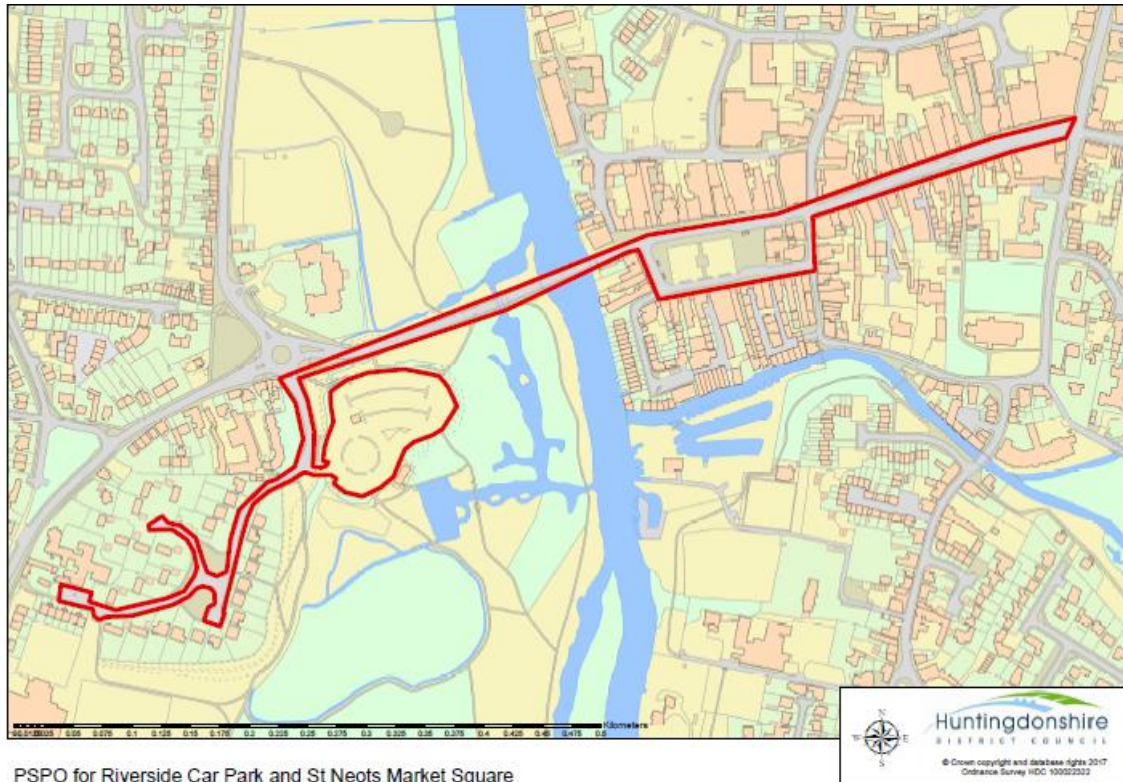
## **CONTACT OFFICER**

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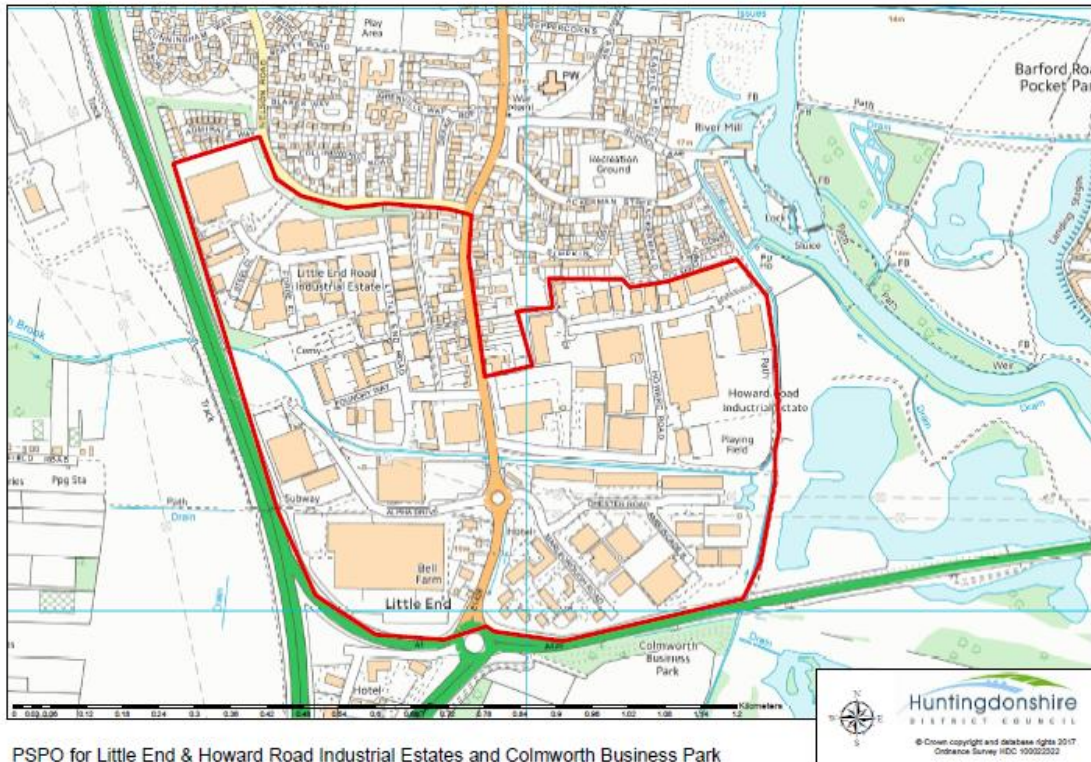
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**Appendix A** – Map detailing the area to be covered by the proposed Public Space Protection Order for Riverside Car Park, the Market Square and areas in-between.



PSPO for Riverside Car Park and St Neots Market Square

**Appendix B** – Map detailing the area to be covered by the proposed Public Space Protection Order for Little End and Howard Road Industrial Estate and Colmworth Business Park.



PSPO for Little End & Howard Road Industrial Estates and Colmworth Business Park

**Appendix C** – A copy of the Public Space Protection Order proposed for Riverside Car Park, the Market Square and areas in-between.

**Huntingdonshire District Council**  
**Anti-Social Behaviour, Crime and Policing Act 2014**  
**The Huntingdonshire District Council (Riverside Car Park, Market Square and adjacent areas) Public Spaces Protection Order 2017**

Huntingdonshire District Council (“the Council”) makes the following Order under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.

The Order takes effect on 1<sup>st</sup> April 2017 for a period of 3 years.

This Order applies to the public space , known as the Riverside Car Park, Market Square and adjacent areas, St Neots (“The Designated Area”) and is shown edged in red on the plan attached at Schedule 1 to the Order.

**The following prohibitions are imposed:**

1. Persons not to use a vehicle in a manner likely to cause alarm, harassment or distress;
2. Persons not to gather in their vehicles or park their vehicles in groups of two or more for the purposes of congregating;
3. No person shall use their vehicle to cause unreasonable levels of noise including the noise from engines and exhausts and the playing of music from car stereos;
4. Persons not to drive their vehicles in an anti-social manner.

The Council is satisfied that activities have been carried out in this Designated Area that have had a detrimental effect on the quality of life of those in the locality. Furthermore, it is satisfied that the effect of these activities is likely to be of a persistent or continuing nature, and is of such as to make the activities unreasonable and the effect justifies the restrictions imposed.

The Council makes this Order because people have been using their vehicles in an anti-social manner in the Designated Area causing alarm, harassment and distress to the local community.

These activities have given rise to nuisance and complaint to both the Council and the Police from local residents .

**Offence:**

Failure without reasonable excuse to comply with the prohibitions or requirements imposed by this Order is a summary offence under Section 67 of the 2014 Act.

**Penalty:**

A person guilty of an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A constable or an authorised person may under Section 68 of the 2014 Act issue a fixed penalty notice of £100 to anyone he has reason to believe has committed an offence under Section 67 in relation to this Order.

Dated.....

The Common Seal of  
Huntingdonshire District Council  
was affixed in the presence of

.....  
Authorised Signatory

**Appendix D** - A copy of the Public Space Protection Order proposed for Little End and Howard Road Industrial Estates and Colmworth Business Park.

**Huntingdonshire District Council  
Anti-Social Behaviour, Crime and Policing Act 2014  
The Huntingdonshire District Council (Little End and Howard Road Industrial  
Estates and Colmworth Business Park, St Neots) Public Spaces Protection Order  
2017**

Huntingdonshire District Council ("the Council") makes the following Order under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.

The Order takes effect on 1<sup>st</sup> April 2017 for a period of 3 years.

This Order applies to the public space , known as Little End and Howard Road Industrial Estates and Colmworth Business Park, St Neots ("The Designated Area") and is shown edged in red on the plan attached at Schedule 1 to the Order.

**The following prohibitions are imposed:**

1. Persons not to use a vehicle in a manner likely to cause alarm, harassment or distress;
2. Persons not to gather in their vehicles or park their vehicles in groups of two or more for the purposes of congregating;
3. No person shall use their vehicle to cause unreasonable levels of noise including the noise from engines and exhausts and the playing of music from car stereos;
4. Persons not to drive their vehicles in an anti-social manner.

The Council is satisfied that activities have been carried out in this Designated Area that have had a detrimental effect on the quality of life of those in the locality. Furthermore, it is satisfied that the effect of these activities is likely to be of a persistent or continuing nature, and is of such as to make the activities unreasonable and the effect justifies the restrictions imposed.

The Council makes this Order because people have been using their vehicles in an anti-social manner in the Designated Area causing alarm, harassment and distress to the local community.

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