



COUNCIL:

20 JULY 2022

Report of: Corporate Director of Place & Community

Relevant Portfolio Holder: Councillor Gareth Dowling

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**SUBJECT: ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014:
PUBLIC SPACE PROTECTION ORDER IN RESPECT OF PIMBO INDUSTRIAL
ESTATE**

Wards affected: Up Holland

1.0 PURPOSE OF THE REPORT

1.1 Following public consultation, to approve a Public Space Protection Order (PSPO) to deter organised car meets / car cruising on Pimbo Industrial Estate, Up Holland, West Lancashire.

2.0 RECOMMENDATIONS TO COUNCIL

2.1 That Council make the Public Space Protection Order as shown at Appendix 1 for a period of three years.

2.2 If the recommendation at 2.1 is approved, that Council approve a fixed penalty level of £100.00 for failing to comply with a PSPO, which is payable to the Council within a stipulated period of the fixed penalty notice being served, with no reduction for early payment of the penalty.

3.0 BACKGROUND

3.1 Members will recall the report of 15 December 2021, which is attached as Appendix 2 to this report. Following the easing of Covid restrictions, West Lancashire has seen a significant increase in pre-arranged car meets. One such popular location is Pimbo Industrial Estate. These car meets are arranged in

secret, online and happen without prior warning, making them difficult to pre-empt and police.

- 3.2 This has resulted in a request from Lancashire Constabulary to introduce a Public Space Protection Order (PSPO) to address the problem. The use of PSPOs is considered to be the best way of preventing future problems locally and has been adopted as best practice in other local authorities where similar problems exist.
- 3.3 The local Chief Inspector, on behalf of Lancashire Constabulary, has previously provided the Council with a detailed overview of incidents highlighting significant anti-social behaviour, the impact of the quality of life of local residents from noise and cars speeding on the routes to Pimbo and obvious concerns regarding the safety of those who attend, and to members of the local community who may be in the area at the time, including risk to life.
- 3.4 The Police support the application for a PSPO. Its implementation would provide the Police, and (should it be necessary) authorised Council Officers, the power to act quickly and stop these anti-social gatherings of car cruisers and racers who are causing, or likely to cause, nuisance, alarm or distress to local residents. This Order will therefore help to prevent excessive noise, danger to road users and pedestrians, risk of damage to private property, litter and any nuisance caused to any other person.

4.0 CONSULTATION RESPONSES

- 4.1 Council approved the recommendations in the report of 15 December 2021. A period of public consultation followed on the draft Order, which was carried out from 6 January 2022 13 February 2022 and sought views on unauthorised car meets and the proposed Order.
- 4.2 The consultation exercise was supported by a Council media release and promoted on the Council's social media platforms. A dedicated consultation page was also developed to provide full details of the draft PSPO and to capture responses.
- 4.3 The Police also hand delivered consultation letters [provided by the Council] to all businesses operating on Pimbo Industrial Estate, outlining the details of the proposed PSPO and where comments could be made.
- 4.4 A total of 68 responses were received. 56 responses supported the introduction of the PSPO, 8 were not supportive and 4 respondents indicating they were unsure. The introduction of a PSPO for Pimbo Industrial Estate was also endorsed by the Lancashire Constabulary Chief Constable and Up Holland Parish Council.
- 4.5 A redacted summary of responses to the survey questions are also shown in Survey Response Report which is provided at Appendix 3.

5.0 ISSUES

- 5.1 PSPOs are governed by the Anti-social Behaviour, Crime and Policing Act 2014 with consideration also be given to the Home Office's Statutory Guidance Document 'Anti-social behaviour powers: Statutory guidance for frontline professionals'.
- 5.2 A PSPO can be made by a local authority if it is satisfied on reasonable grounds that the anti-social behaviour is having or is likely to have a detrimental effect on the quality of life of those in the locality and the effects of the behaviour are, or are likely to be, of a persistent or continuing nature, such as to make them unreasonable and thereby justifying the restrictions/requirements of the PSPO.
- 5.3 Accordingly, a PSPO imposes conditions on the use of an area which can apply to everyone or can be targeted against certain behaviours by certain groups at certain times. They are designed to ensure the law-abiding majority can use and enjoy public spaces safe from anti-social behaviour.
- 5.4 A PSPO can be applied on any land which members of the public have access to including car parks, shopping centres and parks, and can last for a maximum of 3 years but can be shorter. The Council can extend the order by a further 3 years if necessary, but consultation will have to take place.
- 5.5 The conditions on a PSPO must be justified to address the anti-social behaviour concerned. Given the majority of respondents to the consultation supported the introduction of the PSPO, Members are recommended to approve recommendations contained in this report so that the Order can be determined and published. In accordance with available information, it is also proposed that Members make the Order for a period of 3 years.
- 5.6 Once the PSPO is approved it will come into effect on a date to be agreed and must be advertised on the Council's website and in prominent places within the area shown within the Order, including signage at appropriate locations within the mapped area. A specific date for the commencement of the Order is difficult to establish at this time, as the Order and other preparations outlined in this report will take some time to complete. However, the Order will be completed during the summer period and implemented thereafter.
- 5.7 Once the PSPO is in place, it is an offence to breach the terms of the Order without reasonable excuse. Failure to comply can be dealt with by either issuing a Fixed Penalty Notice (FPN) or by prosecution in the Magistrates Court. Depending on the behaviour, an enforcement officer (police officer, police community support officer, or a designated person) can decide if a FPN is suitable. Given the subject matter, it may also be necessary to consider existing Council policies in respect of issuing fines/prosecution of anyone under 18 years old.
- 5.8 The Police are keen to make use of the powers once in place, but stress that it will be used only in exceptional circumstances. It is expected that the Police

would undertake the enforcement in relation to breaches of the Order and issue the FPNs. A written agreement will therefore be established between the Police and the Council on the use and enforcement of the Order and any procedural requirements. There would be a financial and resource burden on the Council's Environment and Community Protection and Legal teams for those cases dealt with internally in terms of preparation Court files and prosecution. It is difficult to estimate the number of likely number of cases. However, desktop research for Local Authorities that have already implemented PSPOs for car cruising has revealed that prosecution cases following the issue of Fixed Penalty Notices are at a very low level.

6.0 SUSTAINABILITY IMPLICATIONS

- 6.1 A PSPO of this nature has the potential to impact upon the Community in the stated areas. It serves as a means to address crime or the fear of crime through the focus on any potential offences under the PSPO.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 There are some financial / resource implications arising from this report in respect of implementation of the Order and public signage, however this will be met using existing resources. A new PSPO for car cruising would potentially give an additional burden for the Council's Environment and Community Protection and Legal teams as outlined above. However, it is agreed that Lancashire Constabulary will be the primary enforcing agency for the proposed PSPO. At present, costs can be met by existing resources, but this may have to be reviewed if demand exceeds current expected levels. A further report will be presented to Members should this arrangement present any future risks to Council services.

8.0 RISK ASSESSMENT

- 8.1 The Council is not under a duty to introduce a PSPO in this case. However, due to the level of evidence and views provided by Lancashire Constabulary and responses obtained through the public consultation exercise, this matter is presented to Members as a means to address the concerns outlined in this report. The disruptive activities outlined in this report also present a risk of serious injury to persons and/or damage to property. There is also a corresponding risk that residents/businesses will continue to be affected. A reasonably enforced PSPO would help to reduce this risk.
- 8.2 A further risk is presented in that a PSPO could simply move problem elsewhere in the Borough. It is believed that there is a risk that Burscough Industrial Estate could be a potential target by organisers. However, no evidence currently exists of this issue and so a further report will be presented to Members should any displacement of the problem occur that needs to be addressed.

9.0 HEALTH AND WELLBEING IMPLICATIONS

- 9.1 The disruptive activities outlined in this report are believed to affect residents and businesses. A reasonably enforced PSPO would also help to reduce any associated stress, lack of sleep and/or potential injury by those affected by this problem and thereby help to protect peoples' health and wellbeing.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a direct impact on members of the public, employees, elected members and / or stakeholders, therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report

Appendices

- Appendix 1: Final Public Space Protection Order
- Appendix 2: Report to Council dated 15 December 2021
- Appendix 3: Public consultation response report
- Appendix 4: Equality Impact Assessment

**Appendix 1:
Public Space Protection Order**



WEST LANCASHIRE BOROUGH COUNCIL

SECTION 59, ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PIMBO INDUSTRIAL ESTATE PUBLIC SPACES PROTECTION ORDER 2022
("the Order")

West Lancashire Borough 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.

This Order may be cited as the Public Spaces Protection (Pimbo Industrial Estate) Order 2022.

The Council makes this Order, being satisfied on reasonable grounds that the activities set out at paragraph 1 in the location described in paragraph 2 of this Order have had or are likely to have a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried out within that area and have such an effect. The Council is also satisfied that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, and these activities are unreasonable and justify the restrictions imposed by the Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and / or anti-social behaviour in a public place.

This Order comes into force at midnight on **DATE** for a period of three years thereafter, unless extended by further orders under the Council's statutory powers.

The Council hereby requires by way of this Order that:

1. General Provisions

1.1. The activities described below are hereby prohibited as from the date of this Order.

1.2. Twenty-four hours a day, in the location described in paragraph 2 of this Order, anyone being the driver (or registered keeper) of a vehicle (motorised or otherwise) performs any of the following activities:

1.2.1. Revving of engine(s) (as to cause public nuisance);

1.2.2. Sudden and / or rapid acceleration (as to cause public nuisance);

- 1.2.3. Racing two or more vehicles;
- 1.2.4. Performing stunts, for example, but not limited to, "donuts" i.e. vehicles being made to spin in circles, vehicles skidding or being driven not in accordance with expected driving standards (as to cause public nuisance);
- 1.2.5. Sounding horns (as to cause public nuisance);
- 1.2.6. Playing music from a vehicle (as to cause public nuisance);
- 1.2.7. Using threatening and / or intimidating behaviour towards another person;
- 1.2.8. Causing obstruction on a public highway, whether moving or stationary, including driving in a convoy;
- 1.2.9. A vehicle being driven, not in accordance with expected driving standards, with the intention of setting a time over a "course" i.e. a section of highway or highways (as to cause public nuisance) (with the exception of vehicles responding to / dealing with an emergency).
- 1.2.10. Any activities similar to the above which cause harm, alarm or distress or have had or are likely to have a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried out within that area and have such an effect;
- 1.2.11. Persons gathering for social, charitable or other events where the landowner has no objections are permitted at all times subject to compliance with the above conditions.

2. Location

- 2.1. The land in relation to which the Order applies is that land within the boundary of the Council as set out and described in Schedule 1 and shown on the map edged red and marked "Plan A" in Schedule 2.

3. Penalty

- 3.1. It is an offence for a person without reasonable excuse to engage in an activity that is prohibited by this Order. A person found to be in breach of this Order is liable on summary conviction to a maximum penalty of a Level 3 fine or to a Fixed Penalty Notice up to £100.
- 3.2. The 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 a fixed penalty to the Council.
- 3.3. When a Fixed Penalty Notice is issued, no proceedings will be taken in respect of the offence before the end of the period of 14 days following the date of the Notice. If the person issued with the Fixed Penalty Notice pays the amount due within the 14 day period he may not be convicted of the offence.

3.4. Enforcement of the offence can be undertaken by either a Police Officer or an Authorised Officer of the Council.

4. Appeal

4.1. An Interested person may apply to the High Court to question the validity of:

4.1.1. This Order, or

4.1.2. A future variation of this Order.

4.2. "Interested Person" means an individual who lives in the restricted area or who regularly works in or visits that area. An Interested person may apply to the High Court within six weeks from the date in which the Order is made, on the grounds that:

4.2.1. The Council did not have the power to make the Order or variation, or to include particular prohibitions or requirements imposed by the Order (or by the Order as varied).

4.2.2. A requirement under Chapter 2 of the Act was not complied with in relation to the Order or variation.

DATED: **DATE**

SCHEDULE 1

The Order applies to all land and roads within the red boundary, indicated within the map, as detailed within Schedule 2.

SCHEDULE 2

This Order applies to the land shown edged red on the attached plan to this Schedule marked "Plan A".

