

COMMUNITY SAFETY PARTNERSHIP

REPORT

Subject: Public Spaces Protection Order- Thames Ward

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Summary

The issue of antisocial vehicle use, sometimes described as 'street racing' has been a persistent issue in Choats Road in Thames Road and surrounding roads. This issue has been the subject of numerous complaints from local residents and businesses. The activity draws large crowds, sometimes up to hundreds of spectators and vehicles which block the road and leave large amounts of rubbish and other debris. The activity is complained about by local residents who can hear the noise from the vehicles at an intrusive level in their homes.

Public Spaces Protection Orders are made under the Antisocial Behaviour Crime and Policing Act 2014 and can prohibit a wide range of behaviours. It is proposed that the Council implements a Public Spaces Protection Order which prohibits people from engaging in antisocial vehicle use and also from being a spectator to this activity.

This Order would provide the Council and the police with additional powers to deal with this activity. Neighbouring Local Authorities have used public Spaces Protection Orders to deal with this behaviour and have been effective.

The Group is asked to:

1. Consider the proposal regarding the implementation of a Public Spaces Protection Order to tackle the issue of antisocial behaviour connected to vehicles in Thames Ward.

1. Public Spaces Protection Orders- The Legislation

- 1.1 The Antisocial Behaviour Crime and Policing Act 2014, set out several fundamental changes to the legislation related to antisocial behaviour.
- 1.2 In summary, the act aimed to simplify the legislation related to addressing antisocial behaviour, since the introduction of the Crime and Disorder Act 1998, by reducing the numbers of powers to just six:
- Civil Injunctions
 - Criminal Behaviour Orders
 - Community Protection Notices
 - Closure Orders
 - Public Space Protection Orders
 - Dispersal Powers
- 1.3 A local authority can make a Public Spaces Protection Order if it is satisfied that two conditions are met:
- First condition – Activities carried out on a public place within the local authority's area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and they will have such an effect.
 - Second condition – That the effect of the specified activities is or is likely to be of a persistent or continuing nature, is or is likely to be unreasonable and justifies the restrictions imposed by the notice.
- 1.4 The order identifies the area that the restriction applies and prohibits specific things from being done, and/or requires specific things to be done by persons carrying out specified acts in that area. For example, a Public Space Protection order can include such activities as:
- Drinking alcohol in a specified public place
 - Control of dogs in a specified public place
 - Playing loud music in a specified public place
 - Parking inconsiderately near a school
 - Persistent disturbance from motor vehicles driving inconsiderately to the detriment of local people.
- 1.5 The breach of the order is an offence, discharged by the local authority through a fine. These will be issued through the Council's Enforcement Service and can also be issued by Police and Police Community Support Officers.
- 1.6 The order is for a period of no more than 3 years. However, there is provision to extend the order, both in terms of the time and the area that it covers.
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- 1.7 Local Authorities across England and Wales have been introducing Public Spaces Protection Orders. One of the key challenges has come from human rights campaigners who argue that these types of controls impacts disproportionately on protected rights. These include Article 8, the right to a private and family life, Article 10 the right to freedom of expression and Article 11 the Freedom of assembly and association.

2. A Council Wide Framework

- 2.1 Barking and Dagenham is seeing significant changes socially, economically, and demographically. These changes both increase opportunity for our current and future residents and business, but also increase behaviour that can have a detrimental effect on the quality of life in our town centres and residential areas.
- 2.2 Public Space Protection Orders provide a valuable tool by placing a framework in an area which controls behaviour which has been evidenced as a significant nuisance to local people. As such, Public Space Protection Orders are a key part of our enforcement activity, as set out in our Enforcement Policy. They support our aim to change behaviour, increase civic pride, alongside an ability to deal with matters quickly.
- 2.3 Public Spaces Protection Orders are a useful tool that provide the Council with the ability to control activities that cause persistent antisocial behaviour to local communities.
- 2.4 Several council departments have been looking at the possibility of introducing these orders for a range of different issues, across different areas of the borough.
- 2.5 A formalised council approach for the introduction of Public Spaces Protection Orders was agreed by Cabinet on the 15 November 2016.
- 2.6 To ensure that Barking and Dagenham has a robust and responsive process that minimises delay, the following principles in relation to the Introduction of a Public Spaces Protection Order were agreed:
- Principle 1 – for an application for a Public Spaces Protection Order, there needs to be a clear evidence base that the nuisance is a persistent nuisance in the defined area. Evidence will need to be gathered through statistical data and/or resident’s survey feedback to demonstrate this.
 - Principle 2 – There needs to be a period of consultation of no less than one month prior to the creation of an Order. Consultation must include council and partnership services as well and the public, specific interested bodies and ward councillors. This will take place through a range of communication sources, including the council’s Community and Voluntary Sector portal, Safer Neighbourhood Ward Panels and Public Notices.
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- Principle 3 – The Public Spaces Protection Order must be supported by the Police. In addition, the Public Spaces Protection Order must be endorsed by the LBBB Community Safety Partnership (CSP) Board. The membership includes the relevant Cabinet Member and senior representatives from the 6 co-operating authorities: the Local Authority, Police Service, NHS, National Probation Service, Fire Authority and Transport for London. The CSP Board meetings are open to the public, enabling public participation. The CSP Board would also be responsible for review applications.
 - Principle 4 – The final report seeking formal adoption of a Public Spaces Protection Order must be signed off by the relevant Strategic Director and the Director of Law and Governance, or their authorised nominees. That final report must include consideration of the Human Rights convention in adoption and be accompanied by an Equality Impact Assessment.
 - Principle 5 – Once adopted there must be signage around the area defined by the Public Spaces Protection Order, clearly identifying the order and the relevant restrictions.

3. The Evidence for a Public Spaces Protection Order for Street Racing

- 3.1 The area effected by antisocial vehicle use is shown on the map marked as appendix 1. The area shown in the inner circle is the area where the antisocial behaviour has persistently occurred and the wider area is the proposed area for the Public Spaces Protection Order. This area is a 'public place' as defined by the Act. It is an area to which the public have access, although the ownership of the roads is varied and the ownership is also indicated on appendix 1.
- 3.2 The activity occurring in this location is antisocial behaviour connected with vehicle use in Thames Ward. Many vehicles arrive in the area in the evenings and race or watch others racing on the roads in the area. People who attend also watch or participate in 'drifting' which is the practice of steering a vehicle through water. Photographs of the size of the gatherings of vehicles is shown as appendix 2.
- 3.3 This issue, sometimes described as 'street racing' has been a persistent issue in this area and one which has been the subject of numerous complaints from residents and businesses. The police have reports about this issue on their intelligence (CRIMINT) system dating back to 2008. By November 2015 this issue was the largest generator of ASB calls to the police that year.
- 3.4 The activity is causing significant nuisance to the residents of Scrattons Farm estate and the area of Thames Ward including Great Galley Way due to the noise from the vehicles. The land around Choats Road and Halyard Road is largely undeveloped and sound of the activity travels across the open land to the
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residential premises some distance away.

- 3.5 The businesses in the areas are the most persistent complainants due to the disruption this causes to their businesses. The businesses are largely 24 hour operations and have difficulties getting through the vehicles to access their premises and are concerned about the health and safety of their employees who have to navigate through the activity. The businesses also complain about the noise and the rubbish left by those who engage in the activity. Choats Road and Halyard Street are frequently littered with cans and food waste as these are large scale social events. The roads are also littered with parts from vehicles which have been involved in collisions.
- 3.6 The EL2 bus route travels through Choats Road. Transport for London have reported concerns from their drivers about their safety during 'events'.
- 3.7 There have been 2 recent significant incidents connected to this behaviour: on the 27 September, a male who was riding a motorbike was seriously injured when his motorbike collided with a vehicle turning out of Halyard Street. The motorcyclist was riding only on his rear wheel immediately before the collision and could not see the vehicle, which hit the motorcyclist head on. On the 10 October 2016 police vehicles attempted to disperse the crowds gathered in Halyard's Street. The police vehicles and police officers had missiles thrown at them by the crowd and were forced to retreat. On this date the helicopter had to be deployed to assist police officers on the ground and central police units were called in from other areas to assist.
- 3.8 From November 2016 to January 2017 the police and Council have been running operations to close roads in the Choats Road area to reduce issues. While these operations have been successful in reducing the impact of the antisocial behaviour use these operations cannot be run every night and therefore there are still issues with antisocial behaviour use when the road closures are not in place. The road closures are also resource intensive and limit the police's ability to respond to other issues. Therefore, the road closure tactic, while effective, is not a sustainable solution to this issue.

4. Proposal and Issues

- 4.1 That the Safer Stronger Communities Select Committee consider the proposed Public Spaces Protection Order a draft of which can be found at appendix 3.
- 4.2 That comments on this proposed order are made to the Community Safety Partnership to assist the Community Safety Partnership decision on implementation of this Order.

5. Options Appraisal

- 5.1 Other work to tackle the issue of antisocial vehicle use has been taken. This work includes:
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- CCTV deployed to the area to assess whether this deterred street racing in the area. The CCTV was in place for over a month in September 2015 and there was no reduction in the activity.
 - Overt filming authority of vehicles involved in the behaviour. This did not deter the behaviour as many of the vehicles either removed or obscured their vehicle registration number plates and the riders of motorbikes would ride up to police vehicles making their tyres 'smoke' to obscure the riders and bait police.
 - Options for changing the road layout were explored in September 2015. This area is a regeneration area and therefore the current road layout is not permanent. Choats Road was assessed as not suitable for raised tables or other traffic calming measures.
 - Following exploring other ways of dealing with the issue the police initiated Operation Nova. Operation Nova was a large-scale operation which mobilised the entire Neighbourhood Policing Team across the Borough along with all available pan-borough officers and staff, as part of a joint operation with the Council. On the 13/14th November 2015 Operation Nova began a week earlier than planned, following intelligence of a large-scale road racing event called 'Shutdown Dagenham'. The Council put in place road closures which allowed access to the area to be controlled. Police Officers took details of vehicles attempting to attend the location to race or watch and dispersal powers were used. Over the 4-week operation, over 500 vehicles were stopped under the Road Traffic Act within the Dispersal Zone area, and over 200 people were issued with Dispersal Notices.
 - Following Operation Nova there was a steep reduction in street racing, with no reports about this activity being received from mid-December 2015 to April 2016. Complaints about cars and motorbikes gathering in this location started again in April 2016. A further Operation Nova was initiated starting on the 21 October 2016.

5.2 Further changes to the road layout have been considered and while these are likely to occur in the future this behaviour is causing significant nuisance and action needs to be taken to deal with this issue as soon as possible.

5.3 While the police and the Council could continue to run operations like Nova without the implementation of a Public Spaces Protection Order the increase in issues in this area is considered to have been impacted on by the use of this tool in other areas. Thurrock, Newham, Southend and Westminster have all used Public Spaces Protection Orders to combat this issue which has resulted in huge reductions of street racing in these areas. It is likely that without such an order in Thames Ward the police and council will have to continue to run these operations which is resource intensive.

5.4 The proposed Public Spaces Protection Order would make gathering for the purpose of watching street racing a prohibited activity. This option would provide

the opportunity to issue a financial penalty to those people watching, which would have a positive impact on disrupting this activity.

- 5.5 The public have an expectation that the Council and the police will use all the powers available to them to respond to concerns.

6. Consultation

- 6.1 The Community Safety Partnership on the 14 September 2016 looked at the issue of Public Spaces Protection Orders. The Community Safety Partnership agreed that a PSPO responding to the issue of street racing in Thames Ward is an order which should be consulted on with the public.
- 6.2 Public consultation was undertaken via the Council's consultation portal. This consultation was open from the 14 November 2016 to Monday 19th December 2016. 900 premises in the area affected by this behaviour were written to on the 18th November 2016 making them aware of the public consultation and asking them to give their views. The police also emailed their contacts on the 11 December 2016 to alert them to the consultation. The consultation was also raised at Scrattons Farm Residents Meeting on the 25 October 2016.
- 6.3 32 responses to the public consultation were received. 31 (96.8%) of these responses supported the making of a Public Spaces Protection Order to deal with antisocial vehicle use in Thames Ward. A full breakdown of the consultation responses can be found at appendix 3.
- 6.4 The results of the consultation were taken to Safer Stronger Select Committee on the 7 February 2017. SSCSC were in agreement with the making of a Public Spaces Protection Order to deal with this issue.

7. Financial Issues

- 7.1 There are limited financial issues. The making of a Public Spaces Protection Order in this area would require the Council to erect signage to publicise the order. This work would have an approximate cost of 5,000.

8. Legal Issues

- 8.1 Details of the legislation under which Public Spaces Protection Orders are made are found in Section 1 of this report and the governance framework that the Council has adopted is found in Section 2.

9. Other Issues

Risk Management

- 9.1 The proposed Public Spaces Protection Order is to provide greater powers to deal with antisocial vehicle use and therefore limit this activity and the associated
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risks. The making of the order carries the risk of an individual or group taking the Council to judicial review, however this risk has been mitigated by the consultation on this proposal and the opportunity given to the public to challenge this order.

- 9.2 The risk of not putting in place a Public Spaces Protection Order to deal with this issue is that the activity continues, with the associated risks to public safety, of public nuisance and a loss of confidence from the community that we effectively deal with antisocial behaviour.

Contractual Issues

- 9.3 No contractual issues.

Staffing Issues

- 9.4 No staffing issues.

Corporate Policy and Customer Impact

- 9.5 The Council has a clear vision of 'One borough; one community; London's growth opportunity'. Dealing effectively with antisocial behaviour is important part of creating a cohesive community. Therefore, the proposal of providing greater powers to deal with antisocial fits with the Council's vision and expectations of our communities.

Safeguarding Children

- 9.6 Safeguarding children is a priority throughout work to tackle crime and antisocial behaviour and has been considered throughout these proposals. Antisocial vehicle use is predominately an activity which is engaged in by adults although children and young people are attracted to this which carries significant risks. Therefore, the proposals to provide additional powers to deal with this behaviour and keep roads safe is one which would positively impact on our safeguarding duties in respect of children.

Health Issues

- 9.7 An individual has already been seriously injured while engaging in antisocial vehicle use in this area. Therefore, it is considered that having greater powers to deal with this activity would have a positive impact on health. The noise and rubbish caused by the activity is also reported by complainants to have a negative impact on residents and their health and wellbeing. Therefore, this would also be positively impacted on by the proposals.

Crime and Disorder Issues

- 9.8 The crime and disorder issues in relation to this issue are contained in the body of this report.
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Property / Asset Issues

9.9 No property/asset issues

List of appendices:

9.10 Appendix 1- Map of area

9.11 Appendix 2- photograph of motor vehicle meeting

9.12 Appendix 3- Consultation Summary

9.13 Appendix 4- Draft Public Spaces Protection Order
