

Southend-on-Sea Borough Council

Agenda
Item No.

Report of

To

Cabinet

On

21st March 2023

Report prepared by: Simon Ford, Head of Community Safety

Title of Report

The Council's response to the Southend car cruise PSPO public consultation
Relevant Scrutiny Committee Policy and Resources
Cabinet Member: Councillor Martin Terry

1. Purpose of Report

To provide Cabinet with a response to the public consultation findings regarding proposals for a car cruise PSPO, location shown on the plan at Appendix 1.

2. Recommendations

- 2.1 Note the response to the Consultation set out at Appendix 2 and summarised in section 5 of the report.
- 2.2 Agree to implement the draft Public Spaces Protection Order (Car Cruise PSPO) No 1 of 2023 .

3. Background

- 3.1 Southend, in particular the central stretch of the seafront, has for many years been a desired destination for car enthusiasts who will flock from miles around to come and show their vehicles and meet with likeminded enthusiasts. This is in the form of driving around the central stretch of seafront in a loop or by parking up in often large numbers and freely walking around and viewing other vehicles / chatting with other enthusiasts.
- 3.2 On 11th April 2018, the Council were granted a High Court injunction against car cruising in the city and certain types of anti-social behaviours (ASB) associated with some cruises and vehicle activity. This injunction is valid until 11th April

2023. Alongside the evidence of continuing issues with ASB at car cruises and in order to be more efficient and robust with the enforcement process, the Council agreed to proceed with a public consultation on the proposal to introduce a PSPO for car cruising in Southend. The public consultation took place over a four-week period commencing 14th February 2022. Summary findings from the consultation are detailed at **5.6**. The full consultation results are attached at **Appendix 2**.

- 3.3** Since the relaxation of Covid 19 restrictions, enthusiasts started to return to car cruising in the city and a number of large cruise events were held from mid-2021 going through to the end of 2022. These events have increased the demand on the Community Safety Unit and Essex Police due to the occurrence of some extreme ASB occurring at them which has included - visitors and public lining the street whilst anti-social driving has occurred including burn outs, wheel spins and racing. There has been significantly increased vehicle noise including revving, use of horns and loud music noise and general ASB including alcohol consumption, use of nitrous oxide, shouting, swearing and parking violations. On some occasions, some of these cruises have led to large scale disorder occurring in the area including fighting and bottles being thrown at Police officers.
- 3.4** Due to the number of issues that have occurred at previous cruises, Community Safety Unit and Essex Police factor every known cruise into their “Business as usual” operations to provide visibility and education around ASB with a response plan should large scale ASB and disorder occur. Extra Community Safety patrol officers are resourced with an extra CCTV operator often being used to solely monitor the cameras that cover the cruise area. Essex Police draw on traffic units from outside Southend and utilise extra officers through the summer months based “Op Union” to assist. It is envisaged that the newly acquired CCTV mobile vehicle will also be utilised for future car cruise events.
- 3.5** In response to increased demand on Community Safety resources across the city, the Council has provided additional funding over the last three years (**awaiting confirmation for 23/24**) to support the Council’s Community Safety Unit (CSU) during the summer season. Additional funding provides the CSU to deploy extra private security contractors to work under the CSU team, ensuring more patrol visibility to the site. However, demand on the team – City wide remains extremely high with uncertainty on the additional funding that has been provided in previous years.
- 3.6** Introducing a PSPO will provide a more efficient, tried and tested mechanism to replace the existing injunction to address ASB occurring at car cruises. It will give powers to both Police and Community Safety Officers (and / or other designated council officers) to address anti-social behaviour associated with car cruises in the city, namely :-

1. Excessive noise of any kind including but not limited to Horns, music, or noise from vehicle modifications such as to cause, or is likely to cause harassment, alarm or nuisance
2. Conduct that causes or is likely to cause danger to road users and pedestrians
3. Conduct that causes or is likely to cause damage or risk of damage to any property

4. Conduct that causes or is likely to cause Public Nuisance
5. Driving at excessive speed
6. Driving in a convoy such as to cause or is likely to cause Public Nuisance
7. Racing other Motor Vehicles
8. Performing stunts in Motor Vehicles
9. Dropping litter
10. Shouting, swearing, abusing, or otherwise intimidating another person
11. Parking and exiting motor vehicle whilst left in a non-designated parking space
12. Inhalation of nitrous oxide.

4. Reasons for Recommendations

- 4.1** As a location, Southend has seven miles of coastline with the longest pier in the country, blue flag beaches and a number of visitor attractions including Adventure Island, amusement arcades, a number of public houses, cafes and restaurants. Since the start of 2022, the Police have implemented 1 Dispersal Order to deal with car cruise-related ASB. The introduction of a PSPO targeted at behaviours associated with car cruises and ASB there (as listed at 2.2) would be an asset to tackle the current challenges as it is a more efficient, tried and tested mechanism with an improved list of ASB behaviours from the previous injunction which has been amended from learnt experiences since its original introduction.
- 4.2** The proposed area to be considered for this PSPO is the whole city of Southend. (See **Appendix 1**)
- 4.3** Attached at **Appendix 5** is an evidence report which shows a summary of the ASB and crime statistics covering car cruises in the city of Southend and demonstrates the problems experienced since the introduction of the car cruise injunction in April 2018, and the detrimental impact the conducts have on members of the public that are in the area when the events take place.
- 4.4** In 2022 there were 13 car cruise events, and at one the events in April, there was significant ASB witness and reported, to the extent that Essex Fire and Rescue were unable to attend a nearby fire incident due to crowds obstructing carriage way.

5. Consultation

- 5.1** Before implementing a PSPO, consultation must take place. On the 15th of February 2023 an email was sent to the Police, Fire and Crime Commissioner including a copy of the order and asking for their comments on the proposal. Their full written response is included at page 7 of **Appendix 2**. The response supports the proposed order and the substantial benefits it offers and acknowledges that it enables a stronger working partnership between Essex Police and the Council in addressing problem behaviours at car cruise events. It requests consideration on two of the proposed restrictions.
- 5.2** The first of which is littering. As highlighted in the response there are existing enforcement powers within the Environmental Protection Act 1990. Specifically,

there are two offences that overlap with the proposed Order. These are leaving litter (S.87) and littering from a vehicle (S.88A). The enforcement for leaving litter is very similar to enforcement of a PSPO, where a Fixed Penalty Notice (FPN) of up to £100 is issued to the offender, and if it is not paid within 14 days then the person may be prosecuted and received a fine up to level 4 on the standard scale (currently £2500).

- 5.3** The offence of littering from a vehicle has a different enforcement process, to enable civil enforcement of debt recovery for non-payment of FPNs. However, the Community Safety Accreditation Scheme (CSAS) powers do not extend to enable the Council's Community Safety Officers to enforce under this section.
- 5.4** If implemented the PSPO would supersede these offences. It would also enable uniformity of enforcement, and consolidation of information on the restricted behaviours. Being able to enforce all the anti-social behaviour at car cruise events under the same legislation simplifies enforcement both in issuing tickets and the back-office requirements of prosecution. Additionally, the PSPO signage sets out the legislation and the restricted behaviours. By including littering in the Order, it enables the behaviour to be included in the signage, media release, and other associated publicity to act as a deterrent to those partaking in the events.
- 5.5** The second restriction requesting consideration is the consumption of nitrous oxide, specifically the challenges of enforcement. For this behaviour, enforcement will only take place where the consumption has been directly witnessed by an authorised officer or reliable witness, such as a CCTV operator.
- 5.6** A public consultation ran from the 14th of February 2023 to the 14th of March 2023 asking those who live, work, or visit Southend for their views and comments on the proposed order, and their experiences with anti-social behaviour. The results are set out in **Appendix 2**.
- 5.7** 269 people completed the public consultation, the vast majority of which agreed with the proposal, with 74% stating the supported the PSPO, and 73% stating the agreed with the area it is to cover. The majority of participants set out that the proposed restricted behaviours had detrimentally impacted (to varying extents) their quality of life within the city.
- 5.8** There was an open question for participants to include any additional comments on the proposed order, which 158 people chose to respond in. A recurring comment was that car cruise events should not be banned, but regulated and supported. For avoidance of doubt, no aspect of this proposal is to prevent or prohibit car cruise events from occurring, but instead to enable robust and rapid enforcement against those who engage in anti-social behaviour at the events. For those who enjoy attending car cruises, and behaviour appropriately, this order should only help improve the experience.

6. Issues to consider with PSPO introduction

Resourcing

- 6.1** The introduction of a PSPO to replace the existing car cruise injunction will be more efficient for the physical process undertaken when an offence occurs and needs to be addressed. It should however be noted that with the offences amended based on learnt experience and the easier process to address, there may be a significant increase in car cruise offences that are actioned by the issuing of an FPN. If an FPN isn't paid, a prosecution file will need to be created and submitted which could significantly increase demand on background processes – **it is recommended that this situation is reviewed for Community Safety Unit resources and capacity.**

Actual enforcement approach

- 6.2** Equally significant, is how operationally the PSPO will be enforced. Car cruise events can attract hundreds of enthusiasts to the area and has resulted in large scale disorder occurring with threats of violence against uniformed officers. Whilst Community Safety is important, so too is the safety of the team tasked with enforcement. It is recommended that Officers continue to work with the Police to agree on a joint approach to enforcement which will ensure the safety of the community at large as well as the Community Safety Officers tasked with enforcement.
- 7. Corporate Implications** - Contribution to the Southend 2050 Road Map: Safe and Well agenda and activity plan (keeping people safe).
- 7.1 Financial Implications** – If a PSPO is introduced it is not expected that there will be a direct need for increased resources to enforce it but however, it is recommended that the Community Safety Unit Resources are reviewed against the potentially significant increase in prosecution files as outlined in **6.1**.
- 7.2 Legal Implications** – The introduction of a PSPO requires (by law) wide stakeholder consultation. If the order is breached an offender is liable for a fine and potential prison sentence if failure to pay fine. SCC already has an internal administration system in place to manage fines.
- 7.3 People Implications** – Nil impact expected.
- 7.4 Property Implications** Nil
- 7.5 Equalities and Diversity Implications** – Equality assessment attached at **Appendix 6**
- 7.6 Risk Assessment** –Attached at **Appendix 7**
- 7.7 Value for Money** - potential reduction in costs associated with crime and Anti-Social Behaviour.
- 8.0 Background Papers** – initial report to Cabinet in January 2023. (Appendix 3)

APPENDIX 1 – Map of proposed PSPO area.

APPENDIX 2 –Consultation results

APPENDIX 3 – January 2023 Cabinet report proposing public consultation.

APPENDIX 4 – Draft Public Spaces Protection Order (Southend City wide car cruise)
No 1 of 2023

Appendix 5- Evidence report

Appendix 6- Equality Analysis

Appendix 7- Risk Assessment