

SOUTH STAFFORDSHIRE COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE – 28 MAY 2024

KEY DECISION – CAR CRUISING MITIGATION REPORT ON A449 AND A460

REPORT OF COUNCILLOR ROGER LEES BEM, LEADER OF THE COUNCIL

PART A – SUMMARY REPORT

1. SUMMARY OF PROPOSALS

- 1.1 This report explores options available to prevent car cruising on the A449, A460 and surrounding roads in South Staffordshire. **(See Appendix 1 for the SWOT analysis of enforcement options).**
- 1.2 This report recommends the preferred joint option of the Council and Staffordshire Police which is a Public Spaces Protection Order alongside Section 59 of the Police and Reform Act 2002.
- 1.3 This report seeks approval for the commencement of the preferred option including the collection of data from Staffordshire Police, the preparation of the documentation for the Public Spaces Protection Order and the installation of signage for the Section 59 enforcement.

2. SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	One of the priority outcomes in the Community Safety Partnership Plan is to reduce anti-social behaviour which encompasses car cruising causing alarm and distress to residents due to noise, crowds of people gathering and vehicles travelling at high speeds. Another priority is to reassure residents that South Staffordshire is a safe place to be when out and about during the day and after dark. Measures which will deter and/or prevent car cruising will provide South Staffordshire Council with the legislative power to fine drivers or to take individuals who breach the measures to court and face large fines or custodial sentences. This contributes to the Council Plan's aim of continuing to make our district safe and residents feel safe.

	Has an Equality Impact Assessment (Equal) been completed?	
	Yes	The EqlA for an enforcement proposal to stop car cruising has been completed in draft form, but once the measure has been approved, the EqlA can be finalised and scrutinised by the Equality and Diversity Group. (See Appendix 2)
	Has a Data Protection Impact Assessment been completed?	
	No	People's personal information will only be gathered if they don't comply with the law, and this will depend on the measure to be implemented to stop car cruising. Data may vary depending on enforcement measure used.
SCRUTINY POWERS APPLICABLE	Yes	The Constitution and associated protocol provides that front line Councillors, the Monitoring Officer and the Section 151 Officer will have five clear working days following dispatch of a notification of a proposed decision in which to call in for scrutiny, decisions proposed by the Cabinet or its members. In accordance with the provisions of the Constitution and associated protocol, any two or more members wishing to request that this proposed decision should be called in for scrutiny should do so by giving notice to the Corporate Director of Governance either by e-mail or in writing before the end of the fifth day specifying the reason or reasons therefore. The Corporate Director of Governance will then call in the proposed decision and arrange for it to be considered by the Overview and Scrutiny Committee/relevant Scrutiny Panel. A copy of such notice must also be sent to the Lead Cabinet Member either by email or in writing by the end of the fifth day. This proposed decision will be confirmed and implemented or, where appropriate, referred to the Council for consideration at its next meeting, on or after the date to be notified upon circulation of the minutes of the meeting of the Cabinet, unless called in for scrutiny by that date.
KEY DECISION	Yes	The enforcement will cover 2 or more wards.
DECISION ROUTE/TIMELINE	OVERVIEW AND SCRUTINY: May 28 th 2024	

TARGET COMPLETION/ DELIVERY DATE	Details: July 2024	
FINANCIAL IMPACT	Yes	The Locality Deal Fund, which is administered by the Office of the Police Fire & Crime Commissioner, is aligned to the Community Safety Plan. It's proposed the finances to meet the costs of the application for the High Court Injunction; the consultation for the Public Spaces Protection Orders; the publicity and raising awareness of the enforcement; the signage and the costs of prosecution at court will be available through this route.
LEGAL ISSUES	Yes	There are a number of legal routes that could be adopted to seek to deter/stop car cruising in the district. The potential legal risks and challenges are identified in the SWOT analysis at appendix 1.
STRATEGIC RISK	Yes	If an enforcement measure is not put into place, then car cruising will continue unabated causing a nuisance and danger to those who take part, observe or live close to the meet.
OTHER IMPACTS, RISKS & OPPORTUNITIES including climate impacts and health impacts if applicable	The Community Safety Partnership is working with partners to make South Staffordshire safer. This includes increasing reassurance levels of residents, especially after dark.	
IMPACT ON SPECIFIC WARDS	Yes	Localities 2 and 3 are where the stretches of road are located.

PART B – ADDITIONAL INFORMATION

2. BACKGROUND TO THE CAR CRUISING IN SOUTH STAFFORDSHIRE

- 3.1 Car cruising on the A449 and A460 has increased over the last 18 months and there has been an increase in reports to Staffordshire Police. The route for car cruising includes A449 from the M54 island to the Coven Islands and along the M54 link and New Road, Featherstone to the A460 and then along to the M6 junction 11. There is easy access to these locations and a quick getaway along the main roads and motorway networks (**See map at Appendix 3**). Recently these locations have been discussed at the Police led Problem Solving Group meeting as one of the top locations for calls to Staffordshire Police.
- 3.2 The West Midlands Police Car Cruising Team lead officer was consulted by Staffordshire Police and South Staffordshire Council in early 2023 for an initial discussion about enforcement options and both the High Court Injunction and Public

Spaces Protection Orders were highlighted as enforcement options for the issue in South Staffordshire.

- 3.3 During 2023 partnership campaigns along these routes have been happening in South Staffordshire with the Staffordshire Police - Operation Bormas Team, Central Motorway Policing Group, the force Road Safety Team and neighbouring police forces which has resulted in the seizure of vehicles, arrests of drivers and the temporary displacement of car cruisers from the affected areas.
- 3.4 Over the past 6 months South Staffordshire Local Policing Team Designated Lead for car cruising, PC Wayne Green, has been engaging with residents who live on the affected roads and with residents in the surrounding vicinity too, to collect statements from those who can hear the vehicles, witness the high speeds, and see the congregation of spectators on these main roads. He will be providing an impact statement from Staffordshire Police for evidence required for the enforcement action to be implemented.
- 3.5 A meeting has been held recently on January 12th, 2024, with other Staffordshire authorities (Lichfield, Tamworth, Cannock, Stafford), Staffordshire Police, West Midlands Police, West Mercia Police to discuss how they are tackling car cruising. Cannock Chase Council has had an Injunction in place for several years but has recently reviewed it and are now investigating alternative approaches.
- 3.6 The Black Country Consortium Interim Injunction was allowed to continue following the hearing at the High Court on Wednesday 20 December 2023, Her Honour Judge Kelly ordered that a final hearing will take place on Tuesday and Wednesday 27 and 28 February 2024, in the High Court of Justice, Birmingham.
- 3.7 South Staffordshire Local Policing Team is currently using Section 59 of the Police Reform Act 2002 (**see Appendix 4**) which gives Police the power to seize vehicles being used in a manner which causes alarm, distress or annoyance. The signs have been removed in several locations and in absence of the signage enforcement can't take place plus the process of ensuring drivers are aware of the enforcement action prior to the seizure of their vehicles needs to be robust.
- 3.8 Further information is outlined in this report about the different enforcement options available to South Staffordshire Council and partners to stop car cruising in a specific area of the district.

3. OPTIONS TO STOP CAR CRUISING

- 4.1 Section 59 signage has been installed on the A449, A460 and New Road to alert drivers of the legislation.
- 4.2 Staffordshire Police has raised awareness via the following post to residents on Facebook and X (formerly Twitter).

“The signs warn motorists that a Section 59 notice is in force. This gives our officers authority to seize vehicles being driven in an anti-social manner in the area. They are located from the A449/M54 junction to the island junction with Brewood Road, on the north and southbound carriageways”.

- 4.3 The process is that signage is installed in a specific area. A driver/rider causing nuisance, alarm or distress is either stopped by a police officer or a letter sent to the registered keeper from the police to inform them that they were within a Section 59 area.
- 4.4 If that same driver/rider or registered keeper is in the area for a second time, causing nuisance, alarm or distress and stopped by a police officer their vehicle can be seized and confiscated for a period of 28 days. If the vehicle is not claimed by the 28th day from seizure it will be disposed of.
- 4.5 Unfortunately, out of the several locations only one set of signs remain. Although vehicles can be seized and impounded the process needs to be robust and drivers made aware of the legislation in place along the stretch of road prior to seizure as the enforcement can be legally challenged. Although quick to put into place it's not a quick fix in terms of the enforcement.
- 4.6 A High Court Injunction will forbid anyone who is a driver, rider or passenger in or on a motor vehicle to participate in gatherings within specified locations in South Staffordshire where some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.
- 4.7 The Injunction has a Power of Arrest attached to it which gives the police the power to arrest anyone who breaches it. Breach of an injunction is a contempt of court and if proved the court has the power to impose a sentence of imprisonment, a fine, or an order seizing a person's assets.
- 4.8 Staffordshire Police has a Single Point of Contact, PC Wayne Green, who has been engaging with residents. Several residents have asked to instigate the ASB Case Review process, but following engagement by PC Green these residents were happy to provide a statement which will form part of the evidence to support the enforcement measure application.
- 4.9 Engagement and communication with the public is important to inform residents and to obtain feedback. All community engagement, community awareness and feedback to the engagement will be included in the application to the court.
- 4.10 Although the power of arrest gives police the power to arrest and bring offenders before the court in 24 hours, should there be multiple arrests the police suggest this is unworkable due to the number of officers required. If there are multiple offenders taking them to court will be resource intensive to the Council's Solicitor and cost approximately £1000 per visit. The initial application costs will be between £10,000 – 15,000 and signage costs will be significant too. The length of time the Injunction is in place for is up to 3 years and decided by the court.

- 4.11 The Anti-social Behaviour Crime and Policing Act 2014 provided a new range of tools and powers for local authorities and the Police to tackle anti-social behaviour. The Act introduced wider discretionary powers to address any particular nuisance or problem that is detrimental to the local community's quality of life and one of these powers is the authority to create Public Space Protection Orders (PSPOs).
- 4.12 A PSPO is designed to address anti-social behaviour in local areas and is adaptable to meet local need. It allows prohibitions or requirements to be made at a local level, in response to complaints from a range of sources including the public, businesses, Parish Councils and local Councillors. The breach of a Public Spaces Protection Order, the prohibitions or requirements outlined within the order, becomes a criminal offence and offenders are then liable to a Fixed Penalty Notice or prosecution through the Magistrates court with a fine of up to £1000.
- 4.13 The process is to consult with landowners, neighbouring authorities, businesses, parishes, councillors, partners and residents to ask for their feedback or any objections to a Public Space Protection Order on land on which anti-social behaviour is occurring and is having a detrimental effect on their quality of life.
- 4.14 Publicity about the Public Spaces Protection Order is provided in the local press, on local social media and through parish councils to the wider community for any feedback to be taken into consideration by the District Council.
- 4.15 The Chief Executive of the District Council signs off the Public Spaces Protection Order which is in force for up to 3 years.
- 4.16 Although there is a risk of legal challenge to making the Public Spaces Protection Order once served by the Council it is in place for up to 3 years. Enforcement is immediate due to signage explaining the unacceptable behaviour with a Fixed Penalty Notice of £100. If unpaid or if the driver is caught in the location again, then the offender is prosecuted with a fine of up to £1,000. Although this is the Council Solicitor's time (if taken to prosecution) it is envisaged that the Fixed Penalty is a deterrent. Also, it is resource intensive during the consultation with residents and the local community, it does mean that all interested parties have been contacted, are reassured that enforcement is in place and know the conditions of the Public Spaces Protection Order.
- 4.17 A Community Protection Notice is another tool and power within the Anti-social Behaviour Crime and Policing Act 2014 for local authorities and the Police to tackle anti-social behaviour. It deals with unreasonable, ongoing problems or nuisances which negatively affect the community's quality of life.
- 4.18 The process is to serve a Community Protection Warning on the person causing the nuisance behaviour, which is any individual over the age of 16, who is in or on a vehicle which is causing alarm and distress. The Community Protection Warning outlines the behaviour and asks the person responsible to take reasonable steps to ensure that it does not occur again. If it does occur again, then a Community

Protection Notice is served including a requirement to stop doing something, to start doing something, and/or to take reasonable steps to avoid further anti-social behaviour.

- 4.19 Any person may appeal this notice by application to the magistrates' court within 21 days.
- 4.20 If a Community Protection Notice is breached it then becomes criminal offence which will result in the local authority issuing a Fixed Penalty Notice of £100 or the option to prosecute through the court. The court can fine up to £2,500 if convicted.
- 4.21 Although the initial cost of implementing the Community Protection Notice is low, there isn't a public consultation required and residents for added reassurance. Other road users are not aware of any enforcement in place.

5. IMPLICATIONS IF NOTHING IS DONE.

- 5.1 South Staffordshire residents have been contacting Staffordshire Police for over 18 months to report car cruising on the A449 and A460. Residents will not feel safe and will continue to request a review of anti-social behaviour by the Community Safety Partnership.
- 5.2 South Staffordshire Community Safety Partnership Plan outcomes include a reduction of 2% in anti-social behaviour and reassurance to residents that South Staffordshire is a safe place. This has been measured through engagement with residents through the residents' survey and local surveys who record that 88% of residents felt safe in their local area in the day and 67% felt safe after dark (responses to the 2022 residents' survey).
- 5.3 Without the implementation of enforcement legislation there will not be a legislative power for South Staffordshire Council, Staffordshire Police and partners to deter car cruising and address the issue.

6. CONCLUSION:

- 6.1 Whilst each option has a range of strengths and weaknesses, opportunities and threats, in consultation with Staffordshire Police and other Police Forces (Greater Manchester Police), the preferred option is to progress the Public Spaces Protection Order.
- 6.2 Staffordshire Police agree that the Section 59 of the Police and Reform Act 2002 will assist in providing a deterrent due to seizure of vehicles and help in behaviour change.
- 6.3 The Community Safety Partnership are in support of the Public Spaces Protection Order as impacts of car cruising are felt by partners too.

7. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

7.1 The draft EqIA is attached at Appendix 2.

8. PREVIOUS MINUTES

8.1 None

9. BACKGROUND PAPERS

9.1 None

10. APPENDICES

Appendix 1 – SWOT analysis of enforcement options

Appendix 2 – Draft Car Cruising EqIA 2024

Appendix 3 – Map of enforcement area for car cruising in South Staffordshire

Appendix 4– Section 59 of the Police Reform Act 2002 information

11. RECOMMENDATIONS

11.1 This report seeks approval for the Community Wellbeing and Partnership Officer in conjunction with Staffordshire Police to commence the preparation of the documentation for the preferred option of the Public Spaces Protection Order including the collection of data from Staffordshire Police, appropriate public consultation and written communications to residents and the installation of signage for the Section 59 enforcement.

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