

SWOT analysis of the enforcement options for car cruising

Strengths	Weaknesses
<p>High Court Injunction</p> <ul style="list-style-type: none"> • Power of arrest gives police the power to arrest suspects and bring them before the court within 24 hours. • Penalties ranging from a fine to imprisonment or an order to have their assets seized. • The injunction will include a driver, rider or passenger in or on a motor vehicle. • Three-year legislation. • Save lives. <p>Public Spaces Protection Order</p> <ul style="list-style-type: none"> • Immediate issue of a Fixed Penalty Notice (FPN) of £100. (In the upcoming changes from the Criminal Justice Bill Criminal Justice Bill: Anti-social behaviour - GOV.UK (www.gov.uk) the FPN is proposed to increase to £500). • Prosecution with a fine of up to £1000. • Served by the Local Authority (In the upcoming changes from the Criminal Justice Bill Criminal Justice Bill: Anti-social behaviour - GOV.UK (www.gov.uk) powers will be extended to the Police to serve Public Spaces Protection Orders too). • The PSPO will include a driver, rider or passenger in or on a motor vehicle. • Three Year legislation. • Save lives. <p>Community Protection Notice</p> <ul style="list-style-type: none"> • Immediate Community Protection Warning (CPW) letter sent to anyone in or on a vehicle that is causing harassment, alarm or distress whether they are the driver, rider or passenger. • Immediate escalation to a Community Protection Notice (CPN) if the CPW is breached. 	<p>High Court Injunction</p> <ul style="list-style-type: none"> • Logistics for the police if there are multiple arrests. • Very detailed court bundle and initially there are multiple visits to court, for reviews, before it's granted. Initial costs to secure injunction estimated in the region of £10- 15,000 if dealt with in-house, more if externalised. • Risk of legal challenge to the making of the order • A large proportion of South Staffordshire Council Solicitor's time – resource implications for the Council. • Breach of injunction will be resource intensive and costly to enforce (requiring barrister to attend court at approx £800 to £1200 per visit) • Costs of signage will be significant. <p>Public Spaces Protection Order</p> <ul style="list-style-type: none"> • Risk of legal challenge to the making of the order • Resource intensive consultation required before making the order • Timescales through the Magistrates Court. • South Staffordshire Council's Solicitor's time should any go to prosecution. • Costs of signage will be high. <p>Community Protection Notice</p> <ul style="list-style-type: none"> • Officer time in relation to the consultations • South Staffordshire Council's Solicitor's time should any go to prosecution. • Notice can be appealed to Magistrates Court involving further officer time.

<ul style="list-style-type: none"> • Fixed Penalty Notice (FPN) issued on breach of a CPN. • Prosecution following a FPN • CPNs are in place for 12 months • Save lives. <p>Section 59 of the Police Reform Act 2002</p> <ul style="list-style-type: none"> • Vehicles will be seized and impounded. • Fine of £100. • Time limited to reclaim vehicle. • Inconvenience to drivers/riders. • A person cannot appeal a Section 59. (A formal complaint can be made to the Chief Constable about the officer and ask them to consider possibly overturning the warning). 	<p>Section 59 of the Police Reform Act 2002</p> <ul style="list-style-type: none"> • Signage costs will be high. • Spectators are not included in this enforcement
<p>Opportunities</p>	<p>Threats</p>
<p>High Court Injunction</p> <ul style="list-style-type: none"> • Make the residents feel safer and reduce their experience and perception of anti-social behaviour as being an issue in the district. • Engage with as many people as possible to inform them of the impending High Court Injunction and publicise the scheme to any interested parties. • The Injunction includes spectators too. <p>Public Spaces Protection Order</p> <ul style="list-style-type: none"> • Make the residents feel safer and reduce their experience and perception of anti-social behaviour as being an issue in the district. • Engage and consult with residents, landowners, partners, neighbouring authorities and police forces and any other interested parties for feedback. • • The PSPO behaviour can include spectators too. <p>Community Protection Notice</p> <ul style="list-style-type: none"> • Make the residents feel safer and reduce their experience and perception of anti-social behaviour as being an issue in the district. • Community Protection Warning letters and Community Protection Notices can be served on spectators too. 	<p>High Court Injunction</p> <ul style="list-style-type: none"> • Relationship with neighbouring authorities and police forces due to displacement of car cruisers. • High court costs to apply for injunction. • Costs of taking individuals to court for breach of injunction. • A person may be able to make an appeal about the decision if they think there's been a serious mistake. They will have to get permission to make the appeal and there's usually a fee. <p>Public Spaces Protection Order</p> <ul style="list-style-type: none"> • High Court challenge. • An "interested person" (who lives in the restricted area or regularly works in or visits it) may apply to the High Court to question the validity of the PSPO within 6 weeks of the date the PSPO is made or varied. This also includes an interested person who has been charged with failing to comply with a PSPO, but alleges that the Council did not have the power to include a particular prohibition or requirement in a PSPO. <p>Community Protection Notice</p> <ul style="list-style-type: none"> • Appeals from individuals against the Notice can be made through the Magistrate's Court within 21 days of the notice being served.

Section 59 of the Police Reform Act 2002

- It's a quick implementation with the installation of signage.
- Make the residents feel safer and reduce their experience and perception of anti-social behaviour as being an issue in the district.

Section 59 of the Police Reform Act 2002

Potential challenge at High Court.