

Subject: Car Enthusiasts - Great Yarmouth Seafront

Report to: Housing and Neighbourhoods Committee 27<sup>th</sup> October 2016

Report by: Group Manager – Neighbourhoods & Communities

### **SUBJECT MATTER/RECOMMENDATIONS**

To give an update on the proposed multi-agency response to issue of car and motorbike enthusiasts causing anti-social behaviour along Great Yarmouth Seafront.

## **1. INTRODUCTION/BACKGROUND**

- 1.1 This report is an update on the issues and work detailed in the report to the Housing and Neighbourhoods Committee in September 2016 around the issues associated with car and motor bike enthusiasts on Great Yarmouth Seafront and provides a summary of the consultation undertaken to introduce a vehicle-related PSPO .
- 1.2 Vehicle rallies continue to be advertised and organised via social media however numbers of vehicles on Great Yarmouth Seafront are decreasing as the summer ends but it is expected that the 'events' will restart on a regular basis from Easter 2017.
- 1.3 The Council continues to work closely with the Police and Norfolk County Council Highways to tackle the issues and progress long-term solutions.

## **2. CURRENT ISSUES**

- 2.1 The Police have reported that the events are getting quieter and plan to reduce their presence on Great Yarmouth Seafront over the next month. They will continue to monitor facebook and other social media to identify potential meetings so they can provide a policing presence to deter future events.
- 2.2 There are concerns that the problems will re-occur from Easter 2017 and into next summer and a desire for the council and partners to be fully prepared for this.
- 2.3 The new Traffic Regulation Order is now in place and enforceable relating to the slow lane on Marine Parade, but due to working patterns of Civil

Enforcement Officers there is no enforcement beyond 4:30pm on a Sunday, when the majority of infringements occur.

### **3. PROGRESS ON THE CREATION OF A PUBLIC SPACE PROTECTION ORDER**

#### **3.1 Public Spaces Protection Order (PSPO)**

A public consultation based on anti-social behaviour associated with vehicles was held for 4 weeks, closing on 21 September. It was made available online and via hard copy.

#### **3.2 300 questionnaires were hand delivered to properties on South Beach Parade, Harbord Crescent, North Drive and the roads immediately behind North Drive.**

#### **3.3 149 responses were received, including a response from the Police. 136 respondees supported the creation of the Order.**

#### **3.4 A short breakdown of the responses received and a copy of the draft Order can be found in Appendix 1.**

#### **3.5 The multi-agency task group who have been meeting to tackle these issues met on 3<sup>rd</sup> October to review the consultation responses with advice from NP Law.**

#### **3.6 A number of comments related to the council's ability to enforce a proposed order. This has been recognised by the council and was identified at the last Housing and Neighbourhoods Committee. A separate piece of work is being undertaken by the Enforcement Board around developing the council's enforcement capacity and this should be considered in relation to the implementation of the PSPO.**

#### **3.6 A number of comments were received about extending the designated area. NP Law's advice suggested that this would result in starting another consultation process with residents/stakeholders within an extended area. The designated area would need to demonstrate sufficient evidence of the types of anti-social behaviour associated with this proposed PSPO. Existing powers should be called upon to look at isolated areas of speeding/rat runs by general road users. It was clear that the majority of reported ASB incidents have occurred within the designated zone. Should related ASB extend outside of this area then further consultation work will be undertaken to extend the zone.**

## **5. FINANCIAL IMPLICATIONS**

- 5.1 The Housing and Neighbourhoods committee has already approved the costs relating to the installation of signs to enable the PSPO to go live.
- 5.2 Further costs in relation to enforcement capacity will also need to be built in to council budgets enable the PSPO to be fully implemented.
- 5.3 Norfolk County Council is currently exploring the costs of a further TRO to tackle parking times within the designated area.

## **6. RISK IMPLICATIONS**

- 6.1 As stated in the September report on this issue there are a number of risks for the council relating to the issues relating to seafront car enthusiasts. There is a clear risk to the safety of the public should these unauthorised events continue and further incidents occur.
- 6.2 Whilst it is clear that there is multi-agency responsibility for the range of issues presented by car enthusiasts on a reputational level the council is seen as the place-leader for the borough as noted by the number of complaints the council has received to date.
- 6.3 The implementation of a PSPO and TRO will also carry risk implications for the council should they not be executed correctly. Central to this will be ensuring the staff that enforce the PSPO and TRO have the appropriate training, resources and support. There are a number of issues relating to safety that have been raised by relevant service areas in relation to this.
- 6.4 All of the above risks will need to be considered and mitigated against before a PSPO and new TRO comes into effect. This is currently being explored through the council's Enforcement Board.

## **7. CONCLUSIONS**

- 7.1 The consultation results will enable the council to progress the creation of a PSPO. An implementation plan will now be undertaken to ensure that this will be enforceable by Easter 2017. Success will be dependent on having staff in place and adequately trained to carry out adequate enforcement in the evenings and on weekends working alongside the Police.

## 8. RECOMMENDATIONS

8.1 The Housing and Neighbourhoods Committee is asked to note the content of the report and the progress of developing a PSPO and:

- a) Note the results of the consultation in relation to the PSPO.
- b) Receive a further report to approve the creation of the PSPO in conjunction with the work currently being undertaken by the Enforcement Board.

Area for consideration	Comment
Monitoring Officer Consultation:	
Section 151 Officer Consultation:	
Existing Council Policies:	
Financial Implications:	Costs relating to implementation of a PSPO.
Legal Implications (including human rights):	To ensure that the PSPO is drafted correctly under ASB legislation.
Risk Implications:	Considered in the report.
Equality Issues/EQIA assessment:	Equality issues considered as part of the creation of a PSPO and TRO.
Crime & Disorder:	Relates to the conventions of the ASB, Crime and Policing Act 2014 and the Council's obligations under the Crime and Disorder Act 1988.
Every Child Matters:	Not applicable.

**Appendix 1**  
**Car Enthusiasts – Great Yarmouth Seafront**  
**Report to Housing and Neighbourhoods – October 2016**

**Results of PSPO No 2 Consultation – Vehicle-Related Anti-Social Behaviour**

149 responses in total

82 received as hard copy responses as a result of direct mail drop to properties in proposed zone

66 online responses via Survey Monkey questionnaire

**Questions asked on the consultation and the results:**

**Question 1: Are you:**

A resident of the Borough of Great Yarmouth	138
A visitor to Great Yarmouth	6
A business owner in the Borough of Great Yarmouth	4
Answering on behalf of an organisation	1

**Question 2: Please give your postcode:**

87 of the respondents live in the proposed zone

20 live in the streets just outside the proposed zone

41 live in other parts of the district or other areas (Ipswich / Peterborough)

**Question 3: Have you seen vehicle-related anti-social behaviour on or near Great Yarmouth Seafront in the last 12 months?**

128 said yes

18 said no

5 left the answer blank

**Question 4: Finally do you support the creation of the Public Spaces Protection Order?**

136 said Yes

13 said No

Responses included

- requests from residents on Freemantle Road / Jellicoe Road to extend the proposed area to include the whole of Freemantle and Jellicoe Roads due to the problems of speeding and noisy vehicles in that area.
- Concern over who is going to enforce / effectiveness of Order if enforcement is not consistent and visible.
- Requests for speed bumps and cameras along the whole zone.
- Lots of support for trying something new in the area to tackle a long-standing issue.
- Residents appreciated that it extended along the whole seafront rather than just in a small area.
- One or two comments about trying to allow the drivers somewhere else to do their stunts and racing.

## Appendix 2

GREAT YARMOUTH BOROUGH COUNCIL

## PUBLIC SPACES PROTECTION ORDER No. 2 OF 2016

## GREAT YARMOUTH SEAFRONT – VEHICLE RELATED ANTI-SOCIAL BEHAVIOUR

**Version updated after partnership meeting 3 Oct 2016 – different to consultation copy**

1. This Order may be cited as the Great Yarmouth Borough Council Public Spaces Protection Order No. 2 of 2016.
2. The Great Yarmouth Borough Council (the “Council”) makes this Order under its powers contained in s59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”), being satisfied on reasonable grounds that the activities set out in paragraph 5 in the location described in paragraph 4 of this Order and marked on the plan contained in the schedule to 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 that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing anti-social behaviour in a public place.
3. This Order comes into force at midnight on \_\_\_\_\_ for a period of up to three years thereafter, unless extended by further order under the Council’s statutory powers.
4. This Order applies to any public place in that part of Great Yarmouth sea front shown outlined in red on the plan contained in the schedule of this Order (“the restricted area”). A public place is any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of

express or implied permission. This includes but is not limited to: car parks, sports fields and playing fields and their attached facilities, parks and recreation grounds, public highways including footway and verge, market places, esplanades, public open space land and communal open space owned by the council or other landowner.

5. Subject to paragraph 6 below any person is prohibited from personally carrying out or assisting or encouraging any other person to carry out any of the behaviours specified in (a) to (h) below at any time in the restricted area:
  - (a) Driving a motor vehicle ("motor vehicle" is defined in the schedule) at excessive speed causing or being likely to cause a nuisance to persons in the locality of the restricted area.
  - (b) When driving a motor vehicle causing repeated sudden and rapid acceleration or deceleration of the motor vehicle causing or being likely to cause a nuisance to persons in the locality of the restricted area.
  - (c) Racing other motor vehicles causing or being likely to cause a nuisance to persons in the locality of the restricted area.
  - (d) Performing stunts using a motor vehicle causing or being likely to cause a nuisance and/or danger to persons in the locality of the restricted area. Performing stunts includes but is not limited to doughnutting, drifting, handbrake turns, wheelies, wheel spins or any other motor vehicle related activities which cause or are likely to cause a nuisance and/or danger to persons in the locality of the restricted area. Descriptions of the activities of doughnutting, handbrake turns, drifting, wheelies and wheel spins are set out in the schedule.
  - (e) Sounding motor vehicle horns other than in accordance with the Highway Code in a manner causing or being likely to cause a nuisance to persons in the locality of the restricted area.



- (f) Playing amplified music in a motor vehicle or powered from a motor vehicle causing or being likely to cause a nuisance to persons in the locality of the restricted area.
- (g) During an activity specified in a to f above, using threatening and/or abusive language or otherwise intimidating another person causing or likely to cause a nuisance to persons in the locality of the restricted area.
- (h) Dropping litter from a motor vehicle.

6. An activity or behaviour which is authorised by the owner of that part of the restricted area where the activity or behaviour is taking place is not a breach of this Order.

7. Section 67 of the Act states that it is an offence for a person without reasonable excuse:

- (a) To do anything that the person is prohibited from doing by a public spaces protection order or,
- (b) To fail to comply with a requirement to which the person is subject under a public spaces protection order.

A person guilty of an offence under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A person does not commit an offence under section 67 of the Act by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

A fixed penalty notice could be issued for a breach of this Order which if it remains unpaid could lead to prosecution.

### Challenging the validity of orders

An interested person may apply to the High Court to question the validity of this Order and an interested person means an individual who lives in the restricted area or who regularly works in or visits that area. Any such interested person may apply to the High Court within six weeks from the date on which this Order was made on the grounds that the Council did not have the power to make the Order or to include particular prohibitions or requirements imposed by the Order or that a requirement under Chapter 2 of the Act was not complied with in relation to this Order.

### SCHEDULE

*(Plan showing the area covered by the Great Yarmouth Borough Council Public Spaces Protection Order No. 2 2016 outlined)*

#### Definition of Motor Vehicle:

The term 'motor vehicle' is defined in section 185(1) of the Road Traffic Act 1988 and section 136(1) of the Road Traffic Regulation Act 1984 as "a mechanically propelled vehicle, intended or adapted for use on roads".

#### Description of prohibited activities:

Doughnutting - driving around in a repetitive manner, for example in a figure of eight at the central reservations on the sea front.

Hand brake turns - using the handbrake to turn the vehicle.

Drifting - use of the accelerator when going into a bend causing the tail end of the vehicle to slide.

Wheel spins - use of the accelerator when the vehicle is stationary and before releasing the handbrake causing the wheels of the car to spin and noise and/or smoke to be produced. Or accelerating at speed which causes the wheels of the vehicle to spin in a manner a competent driver would expect not to happen in the normal course of driving.

Wheelies - A trick or manoeuvre whereby a bicycle or motorcycle is ridden for a short distance with the front wheel raised off the ground.

Dated .....

THE COMMON SEAL of Great Yarmouth Borough  
Council was hereunto affixed in the presence of

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Authorised Officer