

Appendix 2 – PSPO Vehicle Related Anti-Social Behaviour Supporting Evidence

This paper details information provided by the police as part of their request for ECDC to consider a PSPO to tackle vehicle related anti-social behaviour.

Below, the police have set out what enforcement powers they currently have available, along with the reasons why these interventions are not proving effective to tackle vehicle related anti-social behaviour:

Community Protection Warning / Community Protection Notice / Community Behaviour Order:

East Cambs neighbourhood policing team have a log of registration numbers from vehicles that have been seen at the location. The registered keepers of the vehicles are sent a warning letter to say that if they are seen at the location again, they will receive an official Community Protection Warning (CPW) and if this is breached it is escalated to a Community Protection Notice (CPN) for which they can be arrested if breached and then a Criminal Behaviour Order (CBO) which, if breached can result in a prison sentence. So far there have only been 2 people that have received a CPW.

On one occasion, officers attended but had to retreat as the people involved in the car meet started throwing rocks at the police vehicles.

CPW's have been issued to the organisers of the car meets before the meetings have happened. This was successful but we are reliant on intelligence.

There have also been pre-emptive dispersal orders put in place which were widely advertised. This was also reliant on intelligence and is not a permanent solution.

When police have managed to obtain details of owners of vehicles, a CPW has been issued rather than a section 59 warning (due to lack of reasonable grounds to believe). This is just a warning, and the data is recorded to evidence a breach so a CPN can be issued. The issue is, that police do not always attend so the warning could be breached without police knowing. Police have to evidence at least two breaches of the CPW and remind the offender of the conditions before it can be stepped up to a CPN. If a CPN is breached a CBO can be issued on application by the police to the magistrate's court. This is a lengthy process and could take months. The magistrate will need evidence of numerous breaches of the CPN before a CBO is granted.

Power to Disperse and Exclude Persons From an Area Sections 34 to 42 of the Anti-social Behaviour, Crime and Policing Act 2014:

This power can be authorised by an Inspector or above if that are satisfied that on reasonable grounds that it may be necessary in a locality for the purpose of removing or reducing the likelihood of: members of the public in the locality being harassed, alarmed or distressed, or the occurrence in the locality of crime or disorder, may authorise, for a period not exceeding 48 hours, the use of the powers to: disperse members of the public, and remove young people to their homes.

The threshold for this is high as Human rights article 11 the right to freedom of assembly come into play. This has been used once before when there was intelligence that an event at the location was pre-planned. All other options need to be explored before this can be authorised.

Using a Motor Vehicle in a Manner Causing Alarm, Distress or Annoyance - Sections 59 and 60 of the Police Reform Act 2002, Police (Retention and Disposal of Motor Vehicles) Regulations 2002.

This can be used, however, there needs to be reasonable grounds to believe (higher threshold of suspicion) that the offence has been committed and a lot of the time, the reports are that residents can hear the noise rather than see it, so no vehicle details are available.

Having a PSPO in place would help as a preventative measure as there would be signage in the locations and the prohibitions would be widely advertised. If registration numbers are obtained, the evidence threshold for enforcing a PSPO and issuing an FPN is lower than issuing a section 59. In the first instance, a section 59 warning must be served before any further action can be taken. A PSPO fixed penalty notice would be a more immediate and impactful solution that can be issued at the time of police attending.

Dangerous Driving. Section 2 Road Traffic Act 1988 OR driving without due care and attention. Section 3 Road Traffic Act 1988.

Police can enforce this and effect arrest. However, the officer would need to witness the offence and deem the driving to fall far below the standard expected of a competent and careful driver, and where it would be obvious to a competent and careful driver that the driving is dangerous. There are risks of motorcyclists failing to stop for police. Police resourcing to be in hotspot areas to enforce this.

Meetings were held with local councillors, Cambridge County Council Highways, representatives of the owner of Elean Business Park and East Cambs District Council Community Safety Partnership. Options were discussed as follows:

Rumble Strips: Rumble strips are evidentially suboptimal in reducing speeds, speeding over them reduces the vibratory effect. They generate considerable noise disruption where employed – an unwanted by product.

Speed humps or cushions: Speed humps or cushions work best as part of a system of road safety improvements or as part of a series deployed together. The area of highway identified to install the speed humps is too short a distance to be truly effective as a speed reduction measure, the recommended distance is around 150metres for a pair. It is possible they could be avoided altogether thereby proving to be ineffective. There would be a resultant increase in vehicular noise which will be intolerable to residents. Speed humps or vertical features installed on a roundabout would be a significant departure from standards. The risk of a vehicle toppling over because of speeding over the feature is high and would subject the designer, installer, and commissioner of the works at risk from litigation.

Anti-Skid: Anti-skid surfacing is generally applied where there is a high risk of a vehicle travelling at speed at or on approaches to a pedestrian crossing or other hazard. Anti-skid is expensive to install and maintain, in some cases it can accelerate the degradation of the highway especially in areas where there is already some structural weakness or where the surface is prone to experiencing heavy, frequent loads such as those due to HGV vehicle movements near a business park. Roundabouts generally have an element of high skid resistance, this wears over time, however. Investigating the surface of the roundabout proved difficult, our maintenance team don't have a record of the surface type used because the roundabout itself is relatively small and therefore insignificant from a network management perspective. Without coring or scrim, it's impossible to tell if the roundabout was initially constructed with a high skid resistance (I suspect not). Regardless of that fact we would be spending a lot of money on a surface that hasn't resulted in an accident.

CCTV Cameras: Expensive to install and replace if vandalised which is a real risk given the type of activity taking place. There are specific laws around video capture and data processing which we could fall foul of. Any incidences that are filmed could not be reacted to immediately as the system would need to be monitored

24/7, a capability that we do not have.

Signage: There is no legally prescribed sign that could be used to deter racers. Signage would be ineffective.

Gate or barrier: A physical gate or barrier could be installed, preventing access to the highway after the nearby businesses have closed for the day. A series of keys could be distributed to the local businesses requiring access, and a security guard could be employed between the businesses to manage the barrier/gate. This would require a TRO and suitable construction.

Replacement of roundabout with Junction: Suggestion to remove the roundabout altogether and replace with a junction setup. Conceivably could stop 'donuts' around the now non-existent roundabout, however, will not prevent a determined individual from drifting through junction as the junction will have to be sufficiently wide to accommodate articulated lorry traffic.

Removing highway rights: Removal of highway rights reverts the underlying land to their respective owners. The liability is then moved from highways, and private landowners will therefore be free to determine their own response to the anti-social behaviour. As part of the process to 'Stop up' the highway it must be proven that the highway no longer serves a purpose. The fact that the public utilise the route to access their places of work prejudices the process because the highway is very obviously used.

Ely leisure park has put in speed calming measures due to continuous anti-social driving.

East Cambs neighbourhood police team have carried out regular patrols in the problem areas and have managed to disperse some small car meets.

In addition to the interventions listed above, which have been provided by the police, the Council is also aware of the following interventions that have either been considered or explored:

- Gates have been installed to limit access to Elean Business Park however this has resulted in the issue being displaced to the nearby roundabouts and entrance to the site.
- The introduction of security patrols and/or body cameras for staff at Elean Business Park could make staff vulnerable to abuse, and is reliant on their organisation's policies, health and safety, and data protection protocols. Also, this measure is not deemed practical when there are large car gatherings because off staff safety and camera footage may not be able to catch in detail the offences due to the large scale. Low quality footage of the body worn camera may fail to capture registration numbers.
- Mobile cameras are an expensive measure, not just to set up but running costs, and such a measure would not be feasible for the whole district and may not capture the details required to enforce due to varying degrees of footage quality.
- A countywide injunction was explored by the police however the High Court deemed it inappropriate to restrict a whole county when there was not enough evidence to do so and due to the practicalities and cost effectiveness of implementing the injunction; and a districtwide injunction is usually, but not exclusively, issued to a person, where as a PSPO is focused on an area, plus an injunction requires an application to court which has cost implications.
- Noise cancelling fencing is an expensive measure that wouldn't be able to be used on every road affected.
- A County wide PSPO was explored however it was deemed that there was not enough evidence across the county to support the approach. The National direction is that PSPOs are managed and enforced by the Local Authority that manages the area in which there is a PSPO in place. In 2020 A Memorandum of Understanding was signed by each Local Authority stating they all agreed to manage PSPOs with the support of Cambridgeshire Constabulary.