



City of Westminster

Cabinet Member Report

Meeting or Decision Maker:	Cabinet Member for Children and Public Protection
Date:	16 January 2025
Classification:	General Release
Title:	Renewal of Nuisance Vehicle Public Space Protection Orders 2024
Wards Affected:	Knightsbridge & Belgravia; St James
Policy Context:	Contributes to the delivery of the council's priorities under the Fairer Environment theme to encourage a cleaner, safer Westminster
Key Decision:	No
Financial Summary:	Less than £10,000
Report of:	Executive Director Environment & Communities

1. Executive Summary

- 1.1. On 30 December 2021 the Cabinet Member gave approval to create a new Public Space Protection Orders (PSPO) to address vehicle related ASB in Westminster. The order is valid for 3-years and is due to expire on 30 December 2024.
- 1.2. This paper makes recommendations to renew the order for a further 3-year period commencing on 31 December 2024 and expiring on 30 December 2027.

2. Recommendations

That the Cabinet Member for Children and Public Protection

- 2.1. Approves the renewal of the Public Space Protection Order to tackle anti-social vehicle use until 23:59hr on the 30 December 2027 on the same terms

3. Reasons for Decision

- 3.1. Powers to create PSPOs came into force in October 2014. The Anti-Social Behaviour, Crime and Policing Act 2014 states that a local authority may establish a PSPO if satisfied on reasonable grounds that the activity or behaviour concerned, carried out, or likely to be carried out, in a public space:
 - a) has had, or is likely to have, a detrimental effect on the quality of life of those in the locality.
 - b) is, or is likely to be, persistent or continuing in nature.
 - c) is, or is likely to be, unreasonable; and
 - d) justifies the restrictions imposed.
- 3.2. As the order is due to expire shortly, a new order has been drafted and put out to public consultation and the Cabinet Member must consider the outcome of that consultation and EQIA and agree whether to renew the orders for a further 3-years.

4. Alternative options considered

- 4.1. Take no action. The current nuisance vehicle PSPO will expire on 30 December 2024.
- 4.2. Not having valid PSPOs in place, will have a detrimental impact on Police and Council officers' ability to tackle anti-social driving in the West End and Knightsbridge area of the borough.

5. Background, including Policy Context

- 5.1. The Police and Council work together to tackle anti-social behaviour. PSPOs are an effective tool to deal with nuisance or problems in an area that are detrimental to the local community's quality of life.

- 5.2. A PSPO works by imposing conditions on the use of that area, which apply to everyone. A PSPO is designed to ensure that residents and visitors can use and enjoy public spaces without experiencing anti-social behaviour.
- 5.3. In accordance with s60 (2) of the Anti-Social Behaviour Crime and Policing Act 2014 (the Act), a PSPO cannot have effect for a period of more than 3 years, unless extended under s60 (2). This section permits a local authority to extend a PSPO where it is satisfied on reasonable grounds that doing so is necessary to prevent an occurrence or recurrence of the activities identified in the order, or an increase in the frequency or seriousness of those activities after that time.

Nuisance Vehicle Order

- 5.4. The introduction of the PSPO for nuisance vehicles has enabled the Police and council to take effective enforcement action against drivers engaging in anti-social behaviour.
- 5.5. These PSPO enable the Council and the Police to take enforcement action in the designated area on any of the activities described below between the hours of 12 noon and 6 am:
- Reving of engine(s) (as to cause a public nuisance)
 - Sudden and/or rapid acceleration (as to cause a public nuisance)
 - Repeated sudden and/or rapid acceleration (as to cause a public nuisance)
 - Racing by two or more vehicles
 - Performing stunts (as to cause a public nuisance)
 - Sounding horns (as to cause a public nuisance)
 - Playing music from a vehicle (as to cause a public nuisance)
 - Using threatening, intimidating behaviour towards another person; and
 - Causing obstruction on a public highway, whether moving or stationary, including driving in a convoy
- 5.6. The Nuisance from Vehicles PSPO, alongside proactive policing operations, has proven an effective tool in the enforcement of nuisance relating to car meets in two key locations.
- 5.7. Since 2021, 204 Fixed Penalty Notices (FPNs) have been issued for breaches of the PSPO. The payment rate is healthy, though this may be partially due to the maximum FPN for a PSPO being £100 (other FPNs, such as those for fly tipping can be £600).
- 5.8. Evidence relating to nuisance vehicles and car meets primarily relates to the locations where we have carried out enforcement and policing operations over the last three years – Waterloo Place/Park Lane and

Exhibition Road. Media reports, policing operations and WCC statements have focused on these locations throughout the PSPOs existence.

- 5.9. As part of the public consultation to renew the PSPO, respondents were asked to say to what extent, if at all, each of the prohibited activities listed in 5.5 were a problem in their area. Each of the issues was a net problem, with speeding, revving of engine(s) and idling engines the biggest issues (see table 1 below)

Table 1 -% Concern over nuisance vehicle activities (n = 209-219)

Issue	Very or Fairly Big Problem	Not a Very Big Problem or Not a Problem at All	Net Problem
Speeding	87	11	77
Reving of engine(s)	87	10	77
Idle engine	83	14	69
Playing music	79	18	61
Obstruction	76	19	57
Sounding horns	73	23	50
Racing	68	23	45
Stunts	66	24	42
Driving on convoy	54	33	21

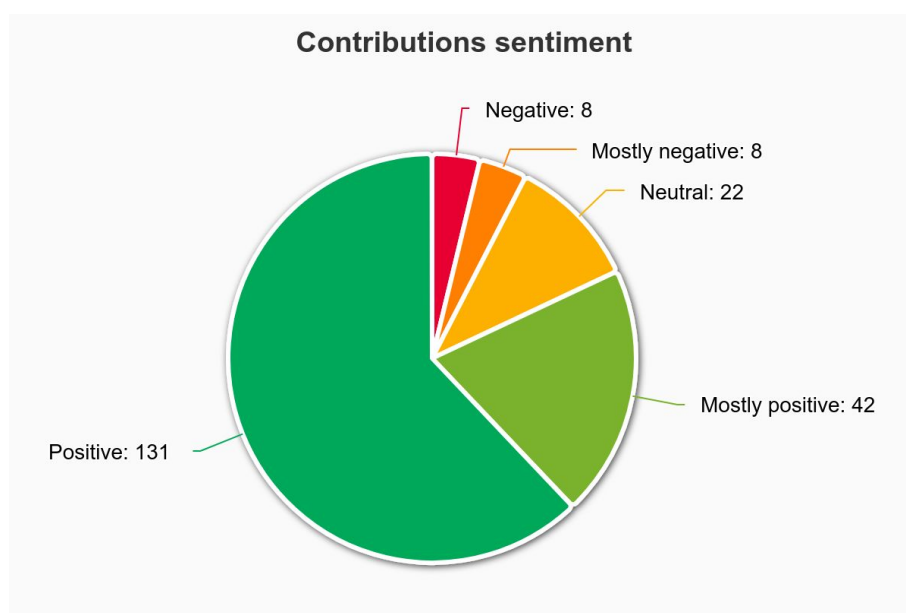
6. Proposals

- 6.1. A briefing was presented to the Cabinet Member in October 2024, which outlined the proposed timeline for renewing the PSPO for nuisance from vehicles.
- 6.2. The briefing proposed renewing the Order as currently defined.
- 6.3. Before introducing a PSPO, the council must consult with the police and with any partners and stakeholders that they think appropriate. In addition, the owner or occupiers of any land affected should be consulted.
- 6.4. The public consultation took place for a period of 4-weeks from 8 November to 4 December 2024. The consultation received 219 responses via the CommonPlace platform. Respondents were generally positive about the impact the Orders would have on their quality of life. A summary of consultation responses can be found in section 7 below, with full details in Appendix 3.

- 6.5. It is proposed that the Nuisance Vehicle Order is renewed until December 2027, the maximum duration that a PSPO can be applied for (3-years). At any point before the expiry of a PSPO it can be extended for a further period of up to three years, and the terms can also be varied, subject to further consultation.
- 6.6. To introduce a PSPO the new Order must be published in accordance with regulations made by the Secretary of State and must: identify the activities having the detrimental effect, explain the potential sanctions available, and specify the period for which the PSPO has effect. A copy of the proposed order can be found in Appendix 1.
- 6.7. A Police Constable, Police Community Support Officer, Law Enforcement Officer, or other authorised person may issue a fixed penalty notice (FPN) of up to £100 to those who fail to comply with the Order. An FPN will only be issued if an individual continues to breach the Order after being asked to desist by an authorised person. Individuals will have 14 days to pay the fixed penalty of £100 (reduced to £70 if paid within 10 days).

7. Consultation

- 7.1. Launching on 8 November, a public consultation has been running on the Council’s CommonPlace platform and ended on 4 December, a period of 4-weeks in excess of the statutory requirement of a minimum of 2-weeks.
- 7.2. The consultation was promoted by email to 11,900 people registered on CommonPlace, with 87% successfully delivered. 1,381 people visited the site with 305 people responding.
- 7.3. 82% of respondents the consultation rated the impact of the proposals as having or likely to have a significant or moderately positive impact on their quality of life, compared to just 8% rating the proposals as having or likely to have a significant or moderately negative impact on their quality of life.



- 7.4. The full results are available in Appendix 3.

- 7.5. It is specified within the legislation that before making a PSPO the council must consult with the chief of police for the area. This consultation has taken place and police have confirmed they are in support of the proposed Orders.

8. Financial Implications

- 8.1. In enacting the original order in 2021, two acoustic cameras were purchased at a cost of c. £17,000 each to assist with enforcement. The ongoing maintenance costs of these cameras is £7,980 + VAT per quarter.
- 8.2. In addition to these costs new signage may be required, estimated to be less than £10,000. This will be funded from existing revenue budgets.
- 8.3. The orders will be enforced by the Metropolitan Police and the council's City Inspectors using acoustic noise monitoring cameras. The income from any Fixed Penalty Notices issued will contribute towards these costs.

9. Legal and Governance Implications

- 9.1. PSPOs took effect from 20 October 2014 under the Anti-Social Behaviour, Crime and Policing Act 2014 ("the 2014 Act") enabling the Council to follow prescribed procedures to seek to declare a PSPO.

- 9.2. PSPOs are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone.

- 9.3. The Statutory Guidance issued in July 2014 gives guidance on the applicable test for the making of a PSPO, the Guidance provides that:

"The test is designed to be broad and focus on the impact anti-social behaviour is having on victims and communities. A PSPO can be made by the Council if they are satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space;

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed".

- 9.4. It is an offence for a person, without reasonable excuse, to:

- (i) do anything that the person is prohibited from doing by a PSPO.
- (ii) fail to comply with a requirement to which the person is subject under a PSPO.

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

9.5. The validity of a PSPO can be challenged on two grounds:

- (i) that the Council did not have the power to make the PSPO, or to include particular prohibitions or requirements; or
- (ii) that one of the requirements, for instance consultation, had not been complied with.

The High Court can suspend the operation of the PSPO in part or in whole as well as uphold the PSPO, quash it, or vary it.

9.6. The maximum duration of a PSPO is 3 years unless extended. A PSPO can be extended more than once. Any extension may not be for a period of more than 3 years.

10. Climate Impact

10.1. The PSPO prohibits a number of behaviours that have a negative impact on the environment and contribute to climate change:

- **Idling** - Idling engines can cause significant air pollution. An idling engine burns fuel less efficiently and can produce up to twice the emissions of a car that is moving. It generates unnecessary sulphur dioxide, particulate matter and nitrogen oxide into the atmosphere.
- **Speeding** - when vehicles travel at higher speeds, they demand very high engine loads, which requires more fuel and leads to high CO2 emission rates. Therefore, speeding and global warming are directly connected.
- **Rapid Acceleration** - the Environmental Protection Agency (EPA) estimates that aggressive driving, which includes rapid acceleration, can lower your mileage by 10% to 40% in stop-and-go traffic.
- **Revvng** - revving the engine unnecessarily consumes more fuel because, when the engine runs at higher RPMs, it burns fuel at a faster rate, reducing fuel efficiency. Over time, this can result in higher fuel costs and increased environmental impact due to greater emissions.

11. Equalities Implications

11.1. An Equality Impact Assessment (EQIA) has been undertaken (see Appendix 2).

11.2. The Council is aware that the order may disproportionately affect young males and Muslims from the Middle East, Gulf and Arab States. However, enforcement of the order is neutral to these factors as it is initiated consequent to the triggering of acoustic CCTV cameras in the designated area.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:

Adam Taylor, Community Safety Manager | ataylor3@westminster.gov.uk

APPROVED BY

Title	Date sent	Date approved
Executive Director for Environment & Communities	26/11/2024	29/11/2024
Finance Manager, PPL	10/12/2024	20/12/2024
Principal Legal Officer, Legal	10/12/2024	20/12/2024
Portfolio Advisor, Governance		20/12/2024

APPENDICES

- Appendix 1 – Draft Nuisance Vehicle PSPO
- Appendix 2 – Equality Impact Assessment
- Appendix 3 – Summary of Public Consultation Results

BACKGROUND PAPERS

None

For completion by the **Cabinet Member for Cabinet Member for Children and Public Protection**

Declaration of Interest

I have no interest to declare in respect of this report

Signed: Aicha Less Date: 16 January 2025

NAME: Cllr Aicha Less

State nature of interest if any:

(N.B: If you have an interest, you should seek advice as to whether it is appropriate to make a decision in relation to this matter)

For the reasons set out above, I agree the recommendation(s) in the report entitled

Renewal of Nuisance Vehicle Public Space Protection Orders 2024 and reject any alternative options which are referred to but not recommended.

Signed: Aicha Less

Cabinet Member for Children & Public Protection
16 January 2025

Date: _____

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Monitoring Officer and Section 151 Officer (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the

criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.