

COMMUNITIES SCRUTINY COMMITTEE TASK AND FINISH GROUP

TO EXAMINE ISSUES WITH CAR CRUISING IN PETERBOROUGH

**REPORT PRESENTED TO THE COMMUNITIES SCRUTINY
COMMITTEE – 8 MARCH 2022**

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1. INTRODUCTION

At the Full Council meeting of 21 October 2020, a motion presented by Cllr Coles was agreed requesting the formation of a Task and Finish Group to examine issues relating to car cruises in Peterborough.

The proposal to set up the Task and Finish Group was presented to the Adults and Communities Scrutiny Committee on 17 November 2020. The proposal was accepted, and the terms of reference agreed. Possible nominations to the Task and Finish Group were sought at the meeting to be confirmed following the meeting through the Group Secretaries.

The cross-party Task and Finish Group comprised of the following members:



Cllr Julie Howell – Chair
Green Party



Cllr Christian Hogg
Liberal Democrat



Cllr Samantha Hemraj
Labour



Cllr Oliver Sainsbury
Member of Group from May 2021
Conservative



Cllr Andy Coles
Member of Group from December 2020 to May 2021
Conservative

The Task and Finish Group would also like to thank Inspector Karl Secker – Cambridgeshire Constabulary and Sergeant Rob Reay – Cambridgeshire Constabulary for their input into this review.

Officers supporting the Task and Finish Group were:

- Rob Hill, Assistant Director, Community Safety
- Clair George – Head of Prevention and Enforcement Service
- Ian Phillips - Head of Communities and Partnerships Integration
- Adrian Chapman - Service Director, Communities and Partnerships.
- Paulina Ford, Senior Democratic Services Officer
- David Beauchamp, Democratic Services Officer

The Task and Finish Group wishes to thank all of the officers who have provided guidance and assistance in producing this report and for their hard work and support.

2. SUMMARY OF INTERIM RECOMMENDATIONS

1. That the Council shares this interim report with Cambridgeshire Police with a view to agreeing a memorandum of understanding guaranteeing support for the Council with the implementation of injunction(s), community protection orders or public space protection orders.
2. That the Chief Executive of Peterborough City Council and a member of the Council's cabinet agree to champion this issue and to engage with both Peterborough MPs and the Police and Crime Commissioner to secure their support in championing this issue.
3. That the Cambridgeshire and Peterborough Police and Crime Commissioner is asked to compile a report on how the police should tackle this issue.
4. That the council fully costs the financial implications of developing an injunction for car meets in Peterborough.
5. That the council fully costs the financial implications of introducing Community Protection Orders.
6. That the council fully costs the financial implications of developing measures to prevent car meets from taking place at Pleasure Fair Meadow car park, as part of the Woodston PSPO.
7. That the Highways Team produces detailed plans, with a clear indication of costs, of how it proposes to alter the layout of Stapledon Road to ensure it is no longer suitable for antisocial driving.
8. That the Task and Finish Group continues its work by exploring sources of funding that are available to reduce the funding burden on city finances.
9. That the Task and Finish Group makes a further attempt to engage the car cruise community.
10. That the council's planning department should actively consider whether future planning applications should consider measures that will prevent antisocial driving.

3. TERMS OF REFERENCE

Purpose

To make recommendations to the Committee to inform the development of initiatives that prevent, or mitigate the impacts of:

- Unauthorised car meets in Peterborough.
- Anti-social use of any motorised vehicle to the detriment of our residents.

Scope

Using a combination of reviewing good practice and learning from elsewhere, discussions with expert witnesses, research, analysis of data, and interviews with councillors, develop proposals that set out:

- i. all available powers that are able to prevent unauthorised, anti-social, dangerous car meets from taking place or continuing,
- ii. what other legislative powers may be obtained to help address this issue,
- iii. proposals for working with organisers to facilitate, where possible, safe events for static car meets that are lawful and non-disruptive to our residents,
- iv. advice and support to private landowners in the defence and protection of their property.

Reporting

The Scrutiny Task and Finish group will report to the Communities Scrutiny Committee.

Terms of Reference approved by the Adults and Communities Scrutiny Committee (now the Communities Scrutiny Committee) on 17 November 2020.

4. PROCESS AND METHODOLOGY USED FOR THE INVESTIGATION

4.1 Methodology

- Desktop research
 - Contact with other Local Authorities
 - Internet research
- Interviewing Key Witnesses / Stakeholders
- Local knowledge / information obtained by the Task and Finish Group members

4.2 Process

The timetable of the events leading to the production of this report are set out below:

Meeting Date	Items Discussed / Guests Attending
22 December 2020	First meeting to scope the review, discuss if any co-opted members were required and appoint a Chair for the group.
16 February 2021	Meeting with officers to discuss current legislation and local powers, current car cruising hotspots and events. Identification of key stakeholders and any key witnesses.
11 March 2021	Presentation of evidence requested at the previous meeting, discussions with police on their powers and current issues around car cruise events, and whether a car cruising injunction could be put in place. Discussions on how to engage with organisers of car cruising events and feedback from local residents affected by them.
20 January 2022	Part 1. Evidence Gathering Session with local residents. Part 2. Formulating conclusions and recommendations.
14 February 2022	Discuss conclusions and recommendations and review draft interim report.

4.3 Key Witnesses / Expert Advisers interviewed

- Inspector Karl Secker – Cambridgeshire Constabulary
- Sergeant Rob Reay – Cambridgeshire Constabulary
- Five residents

The Task and Finish Group would like to thank everybody who assisted them during the investigation for their support and openness. This assistance was appreciated.

5. BACKGROUND

Car cruising and anti-social driving on public and private roads and car parks is not a new issue and has been happening within Peterborough for decades. Over recent years, the numbers of people taking part, either as active participants or as spectators, has been steadily growing, causing an increased nuisance for residents impacting their quality of life.

This nuisance is not limited to occasional screeching of tyres or sounding of horns. It is a chronic noise nuisance, that can last from 9pm until 3am on any day of the week, but particularly at weekends.

It is crucial to make a distinction between car cruises and other anti-social use of vehicles. Car cruises are generally unauthorised events that anyone may attend to meet other car enthusiasts. These events are often organised in public or private places (typically car parks) without permission. Those who attend do so principally to socialise with other enthusiasts and to look at their cars. These events are generally described as 'static', which means there is no driving. Drivers are expected to park and turn their engines off. However, the events are not subject to health and safety risk assessments, no one is generally 'in charge' of ensuring the event is safe, no toilet facilities are provided, and litter is often left behind. Although car cruises can generate a lot of noise, this is usually when cars join or leave the event, or when loud music is played.

Contrast this with anti-social use of vehicles. Unfortunately, after attending unauthorised car cruises at one location in the city, it has become commonplace for a number of drivers to relocate to a different part of the city, where they undertake street racing and various forms of stunt driving. Not only does this activity present an immediate threat to the lives of other road users and any pedestrians or bystanders, the noise and the strong smell of burning rubber that is generated when cars are 'drifted' can carry for over a kilometre and can cause great distress to any residents living nearby. This distress can range from chronic lack of sleep and stress due to the noise to frustration at being unable to open any windows due to the stench of burning rubber.

Further to this, where antisocial driving has taken place, it has become increasingly common for damage to nearby buildings to occur, which means the activity has an impact even when it takes place adjacent to buildings that are unoccupied (such as in the late evenings).

The issue is not unique to Peterborough, with many parts of the country also experiencing significant problems. Events tend to be publicised via social media with named venues and dates. Occasionally, participants are encouraged to meet in a particular location, when they

will then be given further instructions on where the meet is being held. Mobile phones and applications such as WhatsApp are sometimes used in an attempt to keep the location of the meet a secret until the last moment.

Councils across the country have attempted to deal with these issues with varying degrees of success. On occasion, a serious incident has acted as a catalyst for agencies to address the problems. Some councils have used physical measures at frequently used locations, whilst others have turned to enforcement action to prevent car meets from taking place, for example, with the use of injunctions or Public Space Protection Orders (PSPOs).

Injunctions may only be granted through the courts (subject to evidence and proof that clearly demonstrates the need for action). It can be very expensive to pull together the necessary casework. One local authority estimated that the legal fees alone amounted around a £100k, although this did cover several other district councils. It should be noted that so-call 'blanket injunctions' that prevent 'persons unknown' from gathering, have recently been challenged through the High Court.

Data supplied by Cambs Police indicates that there are currently two 'hotspot' locations for car cruises and one hotspot location for antisocial driving in Peterborough. This data is based on 'calls for service' from members of the public and local councillors:

- **Orton Southgate Industrial Estate** (Stapledon Road, Holkham Road, Newcombe Way) - Orton Waterville ward
 - 1/1/2019-31/12/2020 - 65 calls
- **Pleasure Fair Meadow Car Park** – Fletton and Stanground Ward/Fletton and Woodston ward
 - 1/1/2019-31/12/2020 – 21 calls
- **Vivacity Car Park, Hampton** - Hamton Vale ward
 - 1/1//2019-21/12/2019 - 43 calls

Calls for service were also received for Royce Road, Greyhound Stadium and parts of Werrington. There were also complaints about Brotherhood Retail Park where people experienced antisocial behaviour due to weekly car cruises and antisocial driving. However, since ANPR (automatic number plate recognition) cameras were installed allowing minimum time after 8pm, the police report no calls for service.

The Council's Prevention and Enforcement Service also receives complaints direct from the public. Between 1/1/2021-10/2/22 there were 28 reports about antisocial behaviour connected with car cruises and antisocial driving as follows:

- Pleasure Fair Meadow = 13
- Stapledon Rd/Orton = 8
- Vivacity Fitness/Krispy Kreme in Hampton = 3
- Shrewsbury Ave/Oundle Rd = 2
- Werrington car park/skate park = 2

6. FINDINGS AND CONCLUSIONS

The Task and Finish Group gathered evidence from a range of stakeholders: Cambs Police, residents, business owners and ward councillors. The group also reached out to the organisers of the car cruises. Regrettably, however, they declined to communicate with the Council.

As a consequence of these evidence-gathering sessions, the following conclusions were reached:

- While car cruises need not necessarily lead to antisocial behaviour, the organisers of these events appear not to wish to assume full responsibility for ensuring the events are safe or orderly. While we acknowledge that they do discourage participants from behaving antisocially, their refusal to organise professional, permitted events (with all the necessary paperwork and risk assessments, etc. that legitimate events require) means they are unable to control how participants behave.
- Once a car cruise ends for the evening, it is common for a substantial number of drivers to drive to another location where they participate in driving that is antisocial and dangerous. It is these 'auxiliary' events that generate most of the complaints from residents. These are also the events where accidents are more likely to occur. While one could say that this is not the fault of those organising the car cruises, it is clear to the Task and Finish Group that cruise events tend to be followed by such 'after parties' although there have been many instances of antisocial driving at the locations mentioned that have not been preceded by a car cruise.
- The negative impact of this antisocial behaviour on residents cannot be understated. The annoyance, distress, and frustration that residents report is not the result of an isolated screech of a tyre or beep of a horn. It is now common for the noise and the smell to start from around 9pm and finish at around 3am on Friday, Saturday and Sunday nights, and on some weekday nights too (particularly since the start of the pandemic when the roads became quieter). The noise is chronic and relentless, pausing only when the drivers need to change their shredded tyres. Residents report an inability to sleep, to concentrate on tasks, to carry on conversations or to hear the

television or radio over the noise of screeching tyres. In the Summer months, the noise also prevents residents from enjoying their gardens in the evening. The combination of smell and noise mean residents cannot open their windows to ventilate their homes.

- Residents also express concern for bystanders who watch the antisocial driving, as well as those law-abiding motorists who may be using the public highway at the same time as the antisocial drivers. Residents are aware that there have been several serious accidents at Stapledon Road, and express distress and concern about this. While residents are terribly angry with the drivers, they do not wish anyone to be hurt.
- Residents report difficulty getting through to the police on 101 to report incidents. The introduction of Cambs Police's live web chat facility has been very helpful, as it means residents no longer have to wait for the phone to be answered (call centre operatives tend to answer requests to chat within moments). However, residents report that police operators rarely understand the problem and often tell residents that they cannot send units to the scene as they are dealing with other emergencies. Some residents say they have given up reporting incidents to the police, as they do not believe anything will be done.
- While the live chat on the Cambs Police website is useful, this has recently been moved without warning and some residents have had difficulty finding it. It would be helpful if Cambs Police would publicise the new location of the live web chat facility.
- Cambs Police say they do not have the resources to answer all calls for service that relate to dangerous driving. This is despite the police having a range of powers to enable them to deal with the activity if they choose to do so.
- Business owners feel that this it is a problem that must be addressed. Even those not directly affected by the noise and smell (as they are not in their building at night when the activity takes place), complained of excessive litter that they must clear away at their own expense on Monday mornings.
- Some business owners complained of damage to their property. One business owner describes coming to work every Monday to find windows to their premises have been broken by the antisocial activity over the weekend (small stones thrown up by the cars as they skid outside the premises). All mentioned the amount of debris and litter on the street after every weekend meet, as well as structural damage.
- Business owners reported receiving a letter from the landowner telling them that the council would be installing traffic calming measures to prevent antisocial driving. Frustration that this has yet to happen was expressed.
- Several business owners were critical of the police, saying that on the occasions when the police do attend, they sit in their cars and do nothing, chat to the drivers, etc.

- Several business owners complained that those gathered at the car meets use their business's skips as toilets. Several lamented what a lovely place this once was to work, but is now unpleasant, due to the litter and debris associated with the antisocial driving.
- All the business owners that were spoken to said they are happy with the suggestion of traffic calming measures as a preferred option.
- Several business owners mentioned that the police had told them that they could do nothing as Stapledon Road is a private road. This, however, is not correct. The car park in the middle of the road is private, but the road itself, where the driving takes place, is a public highway.
- Several business owners mentioned that they have sympathy with young people who have nothing to do of an evening and expressed a wish that a facility might be provided where they could undertake this activity more safely.
- Several business owners suggested that CCTV would be effective, as the cars that are driven antisocially often have false number plates and are not legally road worthy. One spoke of a car driving on its wheel rims, which is a motoring offence. Some business owners have invited the police to review their CCTV footage, but to date the police have not done so.

Key Themes:

There are two key themes that have been identified namely, a) law enforcement to punish those drivers breaking the law and b) restricting access to hot spot areas where car meets/anti-social driving takes place.

The Task and Finish group notes that:

- Both public and private land is being used for car cruises and for antisocial driving. While the Council may be able to implement highway adaptations to deter antisocial driving, it should be noted that it cannot prevent access to private car parks or other land.
- While the group believes that no single organisation can be responsible for dealing with the impact of car cruises and anti-social driving, support from Cambridgeshire Police is essential.
- Regrettably, there is no identified land which the council owns where car cruises can take place at night which would not disturb residents.
- The defence of car parks and other spaces can be effective, but the following factors must be considered: a) cost b) legitimate access and c) displacement of the activity to

another location.

Enforcement

Police Enforcement Powers

In the past, the police have occasionally used the Anti-Social Behaviour, Crime and Policing Act 2014 to issue 'dispersal orders' when they have been made aware of planned and spontaneous car meets. The issuing of dispersal orders depends upon the ability of the police to enforce the order and the likely impact on the community of the order being enforced.

Where the police know of a planned event, Neighbourhood Police Officers will attempt to identify the organiser and engage with them ahead of the event. This is an attempt to build a picture of what is planned and so the police can make an informed decision on whether measures will be implemented to prevent the event's occurrence.

Should the police be notified of a spontaneous event, they may attend depending on the risk assessment of both the event, and the other calls requiring attendance at that time. Attendance will involve officers engaging with the organiser and attendees and dealing with any offences that are immediately apparent, if proportionate and necessary.

The police encourage the public to report antisocial driving but asks them to be mindful that they may not attend immediately or at all due to the demands placed on the police service by higher-risk calls. However, the police say that every call and report will add strength to the longer-term work that is ongoing across the constabulary, and therefore they encourage reporting of such events as and when they happen.

Injunctions – against person unnamed

Legislation states that under Section 1 of the Anti-Social Behaviour, Crime and Policing Act 2014 injunctions cannot be used against persons unnamed. Therefore, councils must resort to using injunctions under the Section 222 of the Local Government Act 1972. This means a local authority must be the lead agency on an taking an injunction, rather than the police.

Several authorities around the country have used LGA Section 222 injunctions to prevent the anti-social behaviour associated with car meets. Most of these injunctions have been successful in tackling the issues to date. However, a recent legal challenge to the use of 'person unnamed' injunctions was recently upheld by the High Court. This was in turn challenged by several local authorities and, consequently, the Court of Appeal ruled that the

High Court was wrong in its decision. The decision to permit use of 'person unnamed' injunctions could yet be further challenged at the Supreme Court. The council is awaiting clarification on the current legal position.

Any injunction must be evidence-led, with a detailed evidence pack developed to support the injunction, including calls for service, number of events, and the impact of events on individuals, local businesses and the wider community.

Estimated costs for a LGA Section 222 injunction vary depending on the area covered and number of authorities involved. The cost to Peterborough could be as much as £100k in legal costs and costs associated with evidence-gathering.

Conditions included in several local authorities' injunctions have included

- Prohibiting participating in a 'car cruise event'
- Prohibiting the promotion, organisation and publicising of a car cruise event.

Conditions attached to a LGA Section 222 injunction could include power of arrest, penalties or the seizure of assets.

Other local authorities suggest that the timescale for implementation of a LGA Section 222 injunction is around one year. This is how long it takes to obtain the initial injunction, which is then subject to review every couple of years. Other local authorities also state that the success of such injunctions is down to a multi-agency approach to enforcement, with regular meetings taking place between partner organisations, and a firm commitment to undertake weekend actions.

Pros - area wide, consistent message, provides a clear basis to tackle the problems

Cons - expensive, commitment required from all agencies to enforce actively and routinely

Public Space Protection Orders

Under the Anti-Social Behaviour, Crime Policing Act 2014, Local Authorities can use Public Space Protection Orders (PSPOs) to impose restrictions and requirements deemed appropriate to stop individuals committing anti-social behaviour in public open spaces.

Peterborough currently has three PSPOs in place, which cover the city centre, Millfield and Woodston. Authorised officers from Peterborough City Council, police constables and Police

Community Support Officers (PCSOs) can all enforce PSPOs.

The penalty for breaches of a PSPO is a Fixed Penalty Notice (FPN) of £100 (those who do not pay the FPN will be prosecuted). Individuals who persistently breach a PSPO could be issued with a Community Protection Notice, Community Behaviour Order or a civil injunction.

Several local authorities are using PSPOs to tackle the issue of car cruising. Some PSPOs are district-wide while other focus on a particular location. Local authorities can attach various conditions to a PSPO. E.g.:

- Prohibit participation in car cruise events anywhere in the geographical area.
- Prohibit the promotion or organisation via email, the internet, social media, etc. or any publication or broadcast car cruise event within a defined geographical area.
- Prohibit attendance of any meeting of two or more vehicles in a public space, as a vehicle owner, driver, passenger or spectator
- Prohibit engagement in any activity that a reasonable person would consider to be car cruising.

PSPOs can be enforced at the time of the offence or afterwards (if evidence is collected by an authorised officer or if the offence is captured on CCTV). Although district wide PSPOs can be granted, these are still dependent on police officers attending the location at the time of the offence to gather evidence if no CCTV cameras covering the location.

It is recognised that PSPOs covering an individual location can result in movement of the problem to another location. For example, if a PSPO was introduced in Pleasure Fair Meadow car park it is possible the car meet could be displaced to another city centre car park.

As with an injunction, a PSPO must be evidence-led, and legal challenges could be made. The cost of implementing a PSPO is significantly less than an injunction as the local authority makes the order and the only costs involved are officer time and signage. PSPOs take approximately six months to implement, and a six-week education phase is required before enforcement commences.

Local authorities which have seen a reduction in vehicle nuisance through the implementation of a PSPO, have stated that a multi-agency approach is required with a firm commitment from all agencies including the police to enforce. This could include collecting evidence at the time of the offence, or the police providing the council with vehicle details if an offence is captured

on CCTV. Some authorities have wider agreements in terms of issuing Community Protection Notices (see below) for consistent breaches for those organising events. They also commit resources to dedicated weekends of enforcement.

Some local authorities publish the number of FPNs they have issued on social media, including on car club pages.

Pros – PSPOs can be inexpensive

Cons - PSPOs require multiagency commitment for active enforcement and can lead to displacement of the problem.

Community Protection Notices (CPN)

Community Protection Notices (CPNs) can be issued by councils or the police to any person aged 16 or over, or a business or organisation, found to be committing antisocial behaviour which is impacting negatively on the quality of life of people living in the local community.

Initially, a written warning must be issued, informing the perpetrator of a problem with their behaving behaviour. A request that the behaviour stops is accompanied by an explanation of what will happen if the behaviour continues. If the behaviour continues, a CPN can be issued, which will require them to either stop it, or to take reasonable steps to avoid it.

A breach of a CPN is a criminal offence. The use of a CPN in relation to car cruises would be to target those responsible for organising events or repeat perpetrators of vehicle nuisance.

Pros - Inexpensive, targets individuals rather than blanket coverage

Cons - Enforcement required, cost associated with the gathering of evidence and issuing of the CPN.

Physical Measures – restricting access to hot spot areas

Adaptations

The Task and Finish group identified various hot spot locations where anti-social driving often takes place. This is usually late at night and causes disruption for residents due to the excessive noise caused by cars driving aggressively and performing stunts, often at speed. The group assessed the benefits of road adaptations which would make the area less desirable for anti-social driving. Subject to funding, schemes could be developed as part of other programmes of works.

It was noted by the group that certain hot spot locations are owned by private companies and managed by an agent who would be responsible for the introduction of any physical measures. Where a hot spot location is a mix of public highway and private land, preventative measures should be installed simultaneously to have maximum impact.

Pros – Physical measures prevent events from taking place in a certain area

Cons - Costs, can lead to displacement

Dedicated areas for car cruising events

The group discussed the possibility of dedicating a piece of land for the use of car cruise events away from a residential area. Initial discussions suggest this is not a possibility due to lack of land and other issues such as insurance and liability.

7. INTERIM RECOMMENDATIONS

The Task and Finish Group makes the following recommendations:

1. That the Council shares this interim report with Cambridgeshire Police with a view to agreeing a memorandum of understanding guaranteeing support for the Council with the implementation of injunction(s), community protection orders or public space protection orders.
2. That the Chief Executive of Peterborough City Council and a member of the Council's cabinet agree to champion this issue and to engage with both Peterborough MPs and the Police and Crime Commissioner to secure their support in championing this issue.
3. That the Cambridgeshire and Peterborough Police and Crime Commissioner is asked to compile a report on how the police should tackle this issue.
4. That the council fully costs the financial implications of developing an injunction for car meets in Peterborough.
5. That the council fully costs the financial implications of introducing Community Protection Orders.
6. That the council fully costs the financial implications of developing measures to prevent car meets from taking place at Pleasure Fair Meadow car park, as part of the Woodston PSPO.
7. That the Highways Team produces detailed plans, with a clear indication of costs, of how it proposes to alter the layout of Stapledon Road to ensure it is no longer suitable for antisocial driving.
8. That the Task and Finish Group continues its work by exploring sources of funding that

are available to reduce the funding burden on city finances.

9. That the Task and Finish Group makes a further attempt to engage the car cruise community.
10. That the council's planning department should actively consider whether future planning applications should consider measures that will prevent antisocial driving.

8. FINANCIAL IMPLICATIONS

The recommendations of the final report will have financial implications. At this interim stage, the financial implications have yet to be fully costed.

9. LEGAL IMPLICATIONS

Although the current recommendations in the report do not have any direct legal implications, the exploring an injunction and a public space protection order to cover Pleasure Fair will be undertaken in full consultation with our legal department.

10. LIST OF BACKGROUND PAPERS AND RESEARCH SOURCES USED DURING THE INVESTIGATION

None

11. APPENDICES

None

Further information on this review is available from:

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