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Angela Hutchings
Chief Executive

AGENDA

**Policy and Scrutiny
Committee:**

ENVIRONMENT

Date and Time:

Wednesday, 23rd August 2023 at 7.00 pm

Venue:

Council Chamber

Membership:

**Councillors Thomas (Chairman), Ainsley, Campagna,
Edwards, Howlett, Lillis, J.A. Payne, Mrs J. Payne, Mrs J.
Thornton and Walter**

**Cabinet Member
attending:**

Councillor Savage – People & Community

Officers attending:

**Ann Horgan - Scrutiny Officer
Melanie Harris - Head of Environment**

Enquiries:

Loretta Hill – Ext. 2427

PART I

(Business to be taken in public)

- 1. Apologies**
- 2. Members' Interests**
- 3. Review of Public Space Protection Order (PSPO) – Roscommon Way**
A report is attached to assist the review.

Policy Scrutiny

Committee Meeting: ENVIRONMENT

Date: 23rd August 2023

Subject: Review of Public Space Protection Order

Report of the: Head of Licensing and Safer Communities

1. Purpose of Report

To review the Public Space Protection Order (PSPO) in the Roscommon Way area of Canvey Island.

2. Background

The Public Spaces Protection Order (PSPO) was granted and implemented in the Roscommon Way area of Canvey Island on 5 September 2022 for a period of 3 years. A caveat in the granting of the order stated that the PSPO will be reviewed at any point it was felt necessary at the Environment Policy and Scrutiny Committee.

The PSPO was implemented to tackle the following:

1. Driver engaging in, promoting, encouraging or assisting in the carrying out of any activity connected to the use of a motor vehicle which causes:
 - (i) Excessive noise
 - (ii) Danger to other road users (including pedestrians)
 - (iii) Damage or risk of damage to private property
 - (iv) Any public nuisance to another person
 2. Congregating or loitering as part of a group in one or more stationary vehicles.
 3. Engaging in, promoting, encouraging or assisting in activities or other vehicle related nuisance causing or likely to cause a danger to the public.
 4. Causing or permitting excessive amplified music or other noise from vehicles.
- Area Covered by the PSPO

The PSPO covers Roscommon Way and surrounding areas. Penalties for breaching the PSPO result in the issue of a fixed penalty notice not exceeding £100 to anyone he or she has reason to believe has committed an offence.

Failure without reasonable excuse, to comply with the prohibitions or requirements imposed by this Order is a summary offence under section 67 of the Antisocial Behaviour Crime and Policing Act 2014. A person guilty of an offence under section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1000).

3. Enforcing the PSPO

The Committee is reminded that one of the considerations in making this Order was that it would be a useful additional measure to tackle the persistent and unreasonable activities taking place in and around Roscommon Way.

Committee is reminded that enforcement of the order can be undertaken by

- Police Constables
- Police Community Support Officers and
- Council Officers.

Council staff and Police Community Support Officers do not have powers to stop vehicles. Therefore, only the police can enforce any breach of the PSPO at the roadside. If criminal offences have been committed, the police will follow the criminal law and report offenders for pre-existing criminal offences, for example, excessive speed, careless driving and excessive exhaust noise (which is a construction and use offence) under existing Road Traffic legislation.

The Council does not currently have officers to carry out enforcement of the order. The enforcement of the PSPO therefore falls entirely to Essex Police, within their current capacity and is subject to other policing priorities.

The Police have issued 23 Fixed Penalty Notices to date. However there continues to be complaints from members of the public at approximately the same level as before the Order was in place.

Chief Inspector Paul Hogben, Castle Point and Rochford district Commander Essex Police has accepted an invitation to attend the meeting of the Committee to assist the review.

There have been calls for larger signs to be placed in and around the area in an attempt to further deter the racing, but there are a number of loopholes that need to be met before Essex Highways will consider/grant permission for the placing of the signs.

4. Corporate Implications

4.1 Financial implications

There are no financial implications arising directly from this report. Any proposals from the Committee to change how the PSPO is enforced or its existence is advertised will need to be individually costed and funding identified either through exploration of and securing grant funding or as a separate growth bid which will be considered in the context of the Council's financial position and priorities at that time.

4.2 Legal Implications

The Solicitor to the Council is authorised in all appropriate cases and subject to being satisfied as to the evidence which is obtained to institute legal proceedings in respect of any matters relating to the functions undertaken by the Council, including those powers falling under the PSPO, where such legal action is necessary to protect the Council's interests or to achieve the objectives of the Council.

4.3 Human Resources & Equality Implications

4.3.1 There may will be an increase resource required to administer the FPNs.

4.3.2 Any increase in the number of fines which are unpaid and need to be taken forward for prosecution, will increase the workload of the Council's Legal Department. Potentially the Legal department may need to buy in additional support to deal with the additional workload.

5. Links to Council's priorities and objectives

5.1 This report is linked to the Council's Priority: People

6. Timescale for implementation and risk factors

6.1 The Council does not have officers to administer or directly enforce breaches of the PSPO and relies entirely on Essex Police for attendance in the area. There is a reputational risk if the response does not meet expectations due to other operational police demands.

Recommendation:

The Committee is asked to review the effectiveness of the PSPO to date and suggest possible resolutions if necessary.

Resolution required.

Report author:

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Head of Licensing and Safer Communities and Designated Officer for Safeguarding Children and Vulnerable Adults.

Background Papers

Report to July 2022 Cabinet and associated papers