

# Joint Executive (Cabinet) Committee



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Recommendations of St Edmundsbury's Overview and Scrutiny Committee: 9 January 2019 – Public Space Protection Order, Bury St Edmunds – Addition of Condition</b>	
<b>Report No:</b>	<b>CAB/JT/19/012</b>	
<b>Report to and date:</b>	<b>Joint Executive (Cabinet) Committee</b>	12 March 2019
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<b>Purpose of report:</b>	On 9 January 2019, the Overview and Scrutiny Committee considered Report No: OAS/SE/19/005, 'Public Space Protection Order, Bury St Edmunds – Addition of Condition' and had made suggestions for further investigation and, where appropriate, for them to form part of the consultation that immediately	

followed. One of the Committee's recommendations, namely that the Order be expanded to include *idling of engines and associated equipment*, was not included in the subsequent consultation as, following advice from the Council's legal team, it was not felt appropriate for this order and should be explored through the Environmental Health and Planning regulation process.

These suggestions were reported to the Joint Executive (Cabinet) Committee on 22 January 2019, as part of the general report from the Committee's meeting held on 9 January 2019 (Report No: CAB/JT/19/001 refers). Now the period of consultation has concluded, the Committee has put forward the following recommendations, as amended following advice from the Council's legal team that was provided following the Committee's meeting.

<p><b>Recommendations:</b></p>	<p>It is <b><u>RECOMMENDED</u></b> that:</p> <p>(1) the addition of a new condition to the existing Public Space Protection Order (PSPO) for Bury St Edmunds town centre, the relevant restricted area of which as shown in Appendix C to Report No: OAS/SE/19/005, be approved, as set out below:</p> <p><i>No persons shall, within the restricted area:</i></p> <p><i>Gather in groups of two or more motor vehicles for purposes other than simply parking which will cause or is likely to cause harassment, alarm and distress to others by performing any of the activities listed below:</i></p> <p>(a) <i>Using a motor vehicle to race or perform stunts.</i></p> <p>(b) <i>Repeatedly sounding horns and/or revving engines (as to cause a public nuisance).</i></p> <p>(c) <i>Playing music excessively loud (as to cause a public nuisance).</i></p> <p>(d) <i>Using foul or abusive language.</i></p> <p>(e) <i>Using threatening, intimidating behaviour towards another person.</i></p> <p style="text-align: right;"><i>Continued over...</i></p> <p>(f) <i>Causing obstruction on a public highway, or a publicly accessible space, whether moving or stationary.</i></p> <p>(2) For clarification purposes, it be noted that the above additional condition to the PSPO will be operational for 24 hours a day.</p>
<p><b>Key Decision:</b></p> <p><i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i></p>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>
<p><i>The decisions made as a result of this report will usually be published within <b>48 hours</b> and cannot be actioned until <b>five clear working days of the publication of the decision</b> have elapsed. This item is included on the Decisions Plan.</i></p>	
<p><b>Consultation:</b></p>	<ul style="list-style-type: none"> <li>• See Report No: OAS/SE/19/005</li> </ul>

<b>Alternative option(s):</b>		• See Report No: OAS/SE/19/005	
<b>Implications:</b>			
Are there any <b>financial</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report No: OAS/SE/19/005	
Are there any <b>staffing</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report No: OAS/SE/19/005	
Are there any <b>ICT</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report No: OAS/SE/19/005	
Are there any <b>legal and/or policy</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report No: OAS/SE/19/005	
Are there any <b>equality</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> • See Report No: OAS/SE/19/005	
<b>Risk/opportunity assessment:</b> <i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>			
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
See Report No: OAS/SE/19/005			
<b>Wards affected:</b>		All Wards in Bury St Edmunds	
<b>Background papers:</b>		<p>9 January 2019: Report No: <a href="#">OAS/SE/19/005 Appendix A</a> , <a href="#">Appendix B</a> <a href="#">Appendix C</a> to the Overview and Scrutiny Committee: Public Space Protection Order, Bury St Edmunds – Addition of Condition</p> <p>22 January 2019: Report No: <a href="#">CAB/JT/19/001</a> to Joint Executive (Cabinet) Committee: Report of the St Edmundsbury Overview and Scrutiny Committee – 9 January 2019</p>	
<b>Documents attached:</b>		<b>Appendix 1:</b> Summary of Consultation Survey on Additional Condition for Public Space Protection Order	

## 1. Key issues and reasons for recommendation

### 1.1 Public Space Protection Order (PSPO) Bury St Edmunds – Addition of Condition (Report No: OAS/SE/19/005)

- 1.1.1 On 9 January 2019, the Committee had received this report, which presented a proposal for an addition to the current conditions to the existing town centre Public Space Protection Order (PSPO) in relation to non-congregation of vehicles to reduce incidences of anti-social behaviour.
- 1.1.2 Background to the existing PSPO and the proposal was outlined in Report No: OAS/SE/19/005. Appendices A, B and C attached to the report provided evidence to support the addition of a new condition to the existing PSPO, the draft PSPO Order and the map showing the restricted area, respectively. The proposed additional condition, which was subject to public consultation, was set out in the report.
- 1.1.3 Members had considered the report in detail and made the following suggestions for further investigation and, as appropriate, for them to form part of the consultation:
- (i) the proposal was for the additional condition to be operational between the hours of 6.00pm and 4.00am, which was based upon hours recommended by the Police as it was between these times that incidences previously reported were most prevalent. However, it was requested whether the additional condition should be operational for 24 hours a day;
  - (ii) in respect of part (a) of the proposed additional condition 'Using a motor vehicle to perform stunts', whether the word 'stunts' included the racing or sprinting of vehicles within this term or whether 'racing and / or sprinting' needed to be specifically included within this activity; and
  - (iii) in respect of part (b) of the proposed additional condition 'Repeatedly sounding horns and /or revving engines (as to cause public nuisance)', whether the words '.../idling engines and associated equipment' could be added to this activity, which was suggested following a discussion about apparently noisy refrigeration lorries idling in the early hours of the morning in the road in between the car parks at School Yard East and School Yard West.
- 1.1.4 In response to the above suggestions, the officers sought further advice following the meeting from the Council's legal team to ascertain the feasibility of and whether it was sufficiently proportionate to make the suggested changes detailed above. Whilst (i) and (ii) above were taken forward and formed part of the consultation, following advice received from the Council's legal team, (iii) above could **not** be included in the additional condition as any nuisance potentially caused by this activity is covered under separate Environmental Health and Planning regulations. This advice was provided following the Committee meeting and the Chairman was informed. The Chairman notified the Members of the Committee of the advice that it

was not appropriate to include the additional condition (iii) in the consultation.

- 1.1.5 The proposed additional condition to the PSPO for Bury St Edmunds town centre, as amended following consideration by the Committee and advice received from the Police and the Council's legal team, is set out below. The changes proposed since its initial consideration by the Committee are shown in bold/strikethrough, where applicable:

*No persons shall, within the restricted area:*

*Gather in groups of two or more motor vehicles for purposes other than simply parking which will cause or is likely to cause harassment, alarm and distress to others ~~between the hours of 6pm and 4am~~ by performing any of the activities listed below:*

- (a) Using a motor vehicle to **race or** perform stunts.*
  - (b) Repeatedly sounding horns and/or revving engines (as to cause a public nuisance).*
  - (c) Playing music excessively loud (as to cause a public nuisance).*
  - (d) Using foul or abusive language.*
  - (e) Using threatening, intimidating behaviour towards another person.*
  - (f) Causing obstruction on a public highway, or a publicly accessible space, whether moving or stationary.*
- 1.1.6 The above proposal was subject to public consultation from 16 January to 13 February 2019. A summary of the consultation results and statistics received is attached as Appendix 1 to this report. The results, which have not been reviewed by the Overview and Scrutiny Committee, have been very positive with 93.75% of the 33 respondents agreeing with the proposal.
- 1.1.7 The Overview and Scrutiny Committee has put forward recommendations, as amended. It should be noted that the Committee's recommendation to include 'idling engines and associated equipment' could not be included in this Public Space Protection Order but would be addressed via Environmental Health Regulations and, in the case of delivery vehicles, via Planning Regulations, as set out on page two of this report.