



Consultation on the council's proposals to prohibit "car cruising" activities at Majuba.

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Closing date for completion Monday 26 April 2021

1. Introduction

Redcar and Cleveland council wants to know your views on its proposals to take new powers to tackle “car cruising” activities at Majuba car park and within the surrounding Coatham development area.

2. Background

Majuba Road car park is a seasonal long stay 307-space seafront car park located to the west of Redcar town centre. It is bounded by the former R-Kade and Mungle Jungle sites to the east, and by Redcar beach caravan park and the access road to Cleveland golf club to the west. Coatham common is located on the opposite side of Majuba Road, to the north.

Whilst there has been a long history of “car cruising” (see * below for definition) vehicle nuisance associated with Majuba car park, there has been a significant uptick in the number of reported incidents during the last three years, and particularly since mid-summer 2020:

- **All vehicle nuisance:** 14 (2018); 21 (2019); 53 (2020), including:
- **Racing, revving, doughnuts:** 10 (2018); 12 (2019); 42 (2020)
- **Beeping horns:** 0 (2018); 0 (2019); 12 (2020)
- **Loud music:** 0 (2018); 1 (2019); 10 (2020)

**“Car cruises” are where drivers meet on the public highway to race or show off their vehicles. A minority of these drivers perform dangerous stunts, speed and behave in an anti-social manner. The cruises can also attract large crowds who can also commit anti-social behaviour and risk being injured by cars driving dangerously.*

[Source: <https://west-midlands.police.uk/your-options/car-cruising>]

3. What are the proposed changes?

The council is proposing to take new powers available to it under the public spaces protection orders provisions of the Anti-social Behaviour, Crime and Policing Act 2014, to prohibit car cruising events at Majuba (see attached appendix one for location map).

4. The council’s current position

Under Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014 the council can, and does, issue Community Protection Notices, with the intention of stopping persons or legal entities such as businesses continuing with conduct which unacceptably affects victims and the community.

The council's antisocial behaviour team, and other authorised officers, will issue Community Protection Notices in circumstances where there are reasonable grounds to believe the subject's conduct:

- Is having a detrimental effect on the quality of life of those in the locality, and
- Is unreasonable, and
- The behaviour is of a persistent and continuing nature.

The council is required to follow the following procedure when issuing and enforcing Community Protection Notices:

- Give the subject a written warning stating a Community Protection Notice will be issued unless their conduct ceases to have the detrimental effect.
- Failure to heed a warning after sufficient time and where that effect continues, may then lead to the issue of a Community Protection Notice requiring them to stop their conduct.
- Failure to comply with a Community Protection Notice without reasonable excuse is a summary offence carrying a maximum penalty on conviction of a fine up to level 4 for individuals, or an unlimited fine in the case of a business or other body. Alternatively, an authorised person may issue a Fixed Penalty Notice (£100) conferring immunity from prosecution for that offence if paid within 14 days.

The council has issued written notices to offenders whose vehicles had been identified from CCTV footage.

Under Part 3 of the Anti-social Behaviour, Crime and Policing Act 2014 a police officer of at least the rank of inspector may authorise a Dispersal Order, requiring any person who has committed, or is likely to commit, ASB to leave a specified area and not return for up to 48 hours.

The local police inspector authorised a dispersal order 7pm-6am, Friday 3-Saturday 4 July 2020 due to the number of incidents of antisocial behaviour, including vehicles being driven in an antisocial and dangerous manner, and the likelihood similar incidents would happen [over the 3-4 July weekend] given the regularity of calls being received by Cleveland police at this time.

4. What this proposal would mean

The Antisocial Behaviour, Crime and Policing (2014) Act's public spaces protection order provisions provides the council with a powerful remedy it can use in placing controls on the use of public spaces, defined widely as any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission. The council

can use public space protection orders to prohibit a wide range of behaviours or place requirement on users of public spaces.

The council proposes, by means of a public spaces protection order, to impose the following conditions on the use of the land at Majuba (see map attached at appendix one):

- a. *In this area any person who continues to carry out activities from which they are prohibited commits an offence namely:*
 - i. *No person shall attend the area whether in control of a vehicle or otherwise by congregating or loitering around one or more stationary vehicles to watch, encourage, assist or participate in a car cruising event, where a car cruising event is a meeting of two or more motor vehicles (including motor cycles and quad bikes) for the purpose of socialising, display, comparison, promotion or any other purpose other than the legitimate use of the car park, the public highway or at any place to which the public has access within this area.*
 - ii. *No person shall race motor vehicles, nor shall they deliberately cause their vehicle to spin wheels so as to leave burnt rubber on the road surface.*
 - iii. *No person shall use their motor vehicle in a way which causes or is likely to cause danger, alarm, harassment, distress or nuisance to the public, including people living in the locality, in particular driving at excessive speed, racing, spinning wheels so as to leave burnt rubber on the road surface, or causing or permitting excessive amplified music or other noise from their motor vehicle, including by revving engines or sounding horns.*
 - iv. *No person shall act in such a way which causes or is likely to cause alarm, harassment, distress, or nuisance to the public, including people living in the locality, in particular shouting or swearing at, or abusing, threatening or otherwise intimidating (including by the use of sexual language or making sexual suggestions) another person, or by, dropping litter and urinating in public.*

The council's legal officers are satisfied the council can meet the prescribed tests justifying it in proceeding to test public support for the proposed order by undertaking the required consultation and notification activities, for the following reasons:

- the activities (vehicle nuisance) are, or are likely to be, unreasonable.
- restrictions proposed are justified to tackle these (vehicle nuisance) activities.

- the activities (vehicle nuisance) have had, or are likely to have, a detrimental effect on the quality of life of those in the locality.
- the activities (vehicle nuisance) are, or are likely to be, persistent or continuing in nature, as is evidenced by the upward trend in reports, particularly since mid-summer 2020.

As the new offences would be breaches of a PSPO, the council may issue a fixed penalty notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty. This fixed penalty must not be more than £100. The council accordingly intends to set the fine at £100 (£80 if paid within 10 days), in order to maximise the deterrent risk for offenders.

5. Why we are proposing to take these new powers?

The council is proposing to take these new powers, so it and its partners gain an additional enforcement tool enabling them to tackle car cruising and other vehicle nuisance issues, so likely resulting in a reduction in crime and antisocial behaviour incidents at Majuba car park in particular.

The proposed approach is likely to be more effective, timely and sustainable in the long run than existing enforcement approaches, such as the issuing of Community Protection Notices by authorised council officers, the authorising of Dispersal Orders by the local police inspector, and regular patrols by the police, because it will result in offenders receiving an immediate sanction.

7. What are other councils doing?

A number of local authorities across England have brought in public spaces protection orders prohibiting “car cruising” vehicle nuisance, and these have had significant success in reducing incidents. Examples include:

- Bradford, Milton Keynes, Scarborough and Tamworth (district-wide prohibitions) due to either the widespread nature of the problem or the desire to eliminate the possibility of car cruising and vehicle nuisance issues being displaced from one location to another within the local authority area.
- Stockport, West Suffolk (Stockport, Bury St Edmunds town centres).
- Gateshead (Mill Road car park).
- Ashfield (area around junction 27 of M1); Enfield (various A roads and retail parks); Mid-Sussex (Burgess Hill).

Some local authorities, when bringing in car cruising and vehicle nuisance public spaces protection orders have delegated enforcement to the local police force exclusively (Bradford, Gateshead, Mid Sussex), the rationale appearing to be the police being the only authority having the power to stop moving vehicles.

Others have delegated enforcement primarily to the local police, assisted by council enforcement officers (Ashfield, Milton Keynes).

For some other councils, enforcement of the order sits equally with the local police and council (Enfield, West Suffolk, Tamworth), or exclusively with the council's own enforcement teams (Scarborough).

The council's legal officers have reviewed the legal position in relation to whether the council's own enforcement team can enforce the proposed order. Their conclusion is that, whilst "authorised officers" have no legal powers to stop moving vehicles, this does not preclude them from taking enforcement action where offenders are on foot, where vehicles remain stationary, or where witness statements or CCTV footage are available.

Accordingly, the council will explore the scope for adopting a hybrid enforcement model, subject to proper risk assessments being undertaken, in consultation with Cleveland police.

8. Who are we consulting?

The council is required to meet consultation, notification, and publicity requirements, in making PSPOs, or when extending or varying them, to introduce new requirements and prohibitions on people using public spaces.

This consultation complies with the statutory consultation requirements as it involves all stakeholders who may be affected, including the following:

- Cleveland police* (*required*)
- *The office of the police & crime commissioner for Cleveland* (required)*
- *Residents living and businesses trading in surrounding locality (approximately 220 addresses having sightlines toward Majuba or on nearby highways (for example, Bridge Road and Lobster Road) on the way to the Majuba area have identified): required.*
- *Car park users (required).*
- *The Town Deal Board.*
- *The general public.*

This document will also be sent to elected members. Anyone can give their views during the six-week consultation period which runs from Monday 15 March to Monday 26 April 2021.

9. How can I comment on these proposals?

We would welcome your responses and suggestions about ways we could continue to tackle car cruising vehicle nuisance including through enforcement action. We

want to hear any comments you may have on any aspect of these proposals. Please respond using our on-line survey(s), by visiting:

<https://www.surveymonkey.com/r/S79ZDXB>

Paper copies are also available from the at the following libraries and council buildings:

- Redcar Library and Community Hub – Monday to Friday, 10am-2pm.

Alternatively, please contact:

Julian Feakes, prevention and partnership officer
Redcar & Cleveland council
Safer communities and compliance service
Director for growth, enterprise and environment
Redcar & Cleveland House
Kirkleatham Street
Redcar TS10 1RT

Telephone: 01642 776 948

E-mail : consultation@redcar-cleveland.gov.uk

10. What happens next?

Subject to the outcome of this consultation exercise, the council will give notice, for a period of 28 days (likely around 10 May-7 June 2021), of its intention to prohibit car cruising related vehicle nuisance activities at Majuba car park, Redcar, by exercising the council's powers under the public spaces protection provisions of the Anti-social Behaviour, Crime and Policing Act 2014.

After the consultation and notification periods have lapsed council executive management team members will consider all comments about these proposals received during the consultation and notification periods, before deciding whether to exercise the council's powers under the public spaces protection provisions of the Anti-social Behaviour, Crime and Policing Act 2014, to prohibit car cruising activities at Majuba, initially for a period of 18 months. The council currently aims to bring these powers into force 1 July 2021 onwards.

The council will review the order within 18 months of bringing it into forces to determine whether it is still required (and needs to be renewed or extended for a further three years), or whether it should also be varied (if renewed) to include other locations within the borough or the borough of Redcar and Cleveland as a whole, should significant displacement of the issue occur away from the Majuba area.

11. Where can I get more information?

During the course of this consultation, we will be collating all the views and comments we receive. Please contact the safer communities and compliance service based within neighbourhood and customer services.

Copies of this consultation document and other council documents can be obtained by contacting the Safer communities and compliance service or by emailing consultation@redcar-cleveland.gov.uk. This consultation document is also available on request in other formats.