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TRAFFORD COUNCIL

AGENDA PAPERS MARKED 'TO FOLLOW' FOR BUDGET EXECUTIVE

Date: Wednesday, 22 February 2017

Time: 6.00 p.m.

Place: Committee Rooms 2 and 3, Trafford Town Hall, Talbot Road, Stretford
M32 0TH

AGENDA	PART I	Pages
8.	IMPLEMENTATION OF A PUBLIC SPACES PROTECTION ORDER (PSPO) FOR TRAFFORD PARK IN RELATION TO CAR CRUISERS	1 - 16

To consider a report of the Executive Member for Communities and Partnerships.

THERESA GRANT
Chief Executive

Membership of the Committee

Councillors S.B. Anstee (Chairman), Mrs. L. Evans, M. Hyman, J. Lamb, P. Myers, J.R. Reilly and A. Williams (Vice-Chairman).

Further Information

For help, advice and information about this meeting please contact:

Jo Maloney,
Tel: 0161 912 4298
Email: joseph.maloney@trafford.gov.uk

Executive - Wednesday, 22 February 2017

This agenda was issued on Wednesday 15th February 2017 by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford, Manchester, M32 0TH

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TRAFFORD COUNCIL

Report to: Executive
Date: 22 February 2017
Report for: Information
Report of: Executive Member Communities and Partnerships

Report Title

Implementation of a Public Spaces Protection Order (PSPO) for Trafford Park in relation to Car Cruisers

Purpose of Report

To advise Members of the making of a PSPO covering parts of Trafford Park. This report details the reports received, actions taken to date and the consultation process undertaken with the public and stakeholders prior to the making of the PSPO.

Recommendations

That Executive notes the making of a Public Spaces Protection Order for a period of three years for that area of Trafford Park as set out in the attached draft order.

Contact person for access to background papers and further information:

Name: Liz Baxter
Extension: x3434

Background Papers: N/A

Finance Officer Clearance (type in initials)...NB.....
Legal Officer Clearance (type in initials)...JL

[CORPORATE] DIRECTOR'S SIGNATURE



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To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.

Implications:

Relationship to Corporate Priorities	The PSPO supports the corporate priority of keeping Trafford the safest borough in Greater Manchester and the Safer Trafford strategic priorities of increasing community confidence and leading through innovation and collaboration.
Financial	The main financial considerations relate to a potential reduction in demand on police and Council services.
Legal Implications:	The main legal implications are set out in the body of the report
Equality/Diversity Implications	An Equality Impact Assessment has been completed and is attached at Appendix 3
Sustainability Implications	There is the possibility that the PSPO may displace the problem elsewhere. The development of a GM wide strategy for tackling car cruising forms part of the

	current GM Police and Crime plan and our colleagues across GM are aware of the action being taken in Trafford. Single Points of contact have also been established within the Council and GMP to liaise with other GMP divisions and Local Authorities. We will also feedback to the GM leaders forum to ensure all LA's are sighted on this action.
Resource Implications e.g. Staffing / ICT / Assets	There is strong Partnership commitment to support the publication and implementation of the PSPO. GMP and wider Safer Trafford Partnership team resources may be required.
Risk Management Implications	None
Health & Wellbeing Implications	The PSPO will reduce the risk of members of the public coming to harm
Health and Safety Implications	See above

1. Background

- 1.1 There has been a car racing group called "Trafford Car Cruisers" who frequent the Trafford Park area. The police have historically dealt with this via Dispersal Orders and moving the drivers on where possible. The "Max Power" events are arranged via social media and people from across the North West travel to attend. Greater Manchester Police have issues with policing this as the races typically occur on Friday and Saturday evenings at peak times for other crimes and anti-social behaviour. They do not have the resources to allocate to this activity. Some races occur mid-week and during the day but the nuisance is less prevalent at these times.
- 1.2 The Boroughs of Stockport and Wigan in Greater Manchester have both had similar problems and there was a substantial piece of work carried out by three Councils and the police in collaboration in the West Midlands in 2014 to resolve their illegal car cruise issues. This resulted in a large scale Injunction which also covered "persons unknown". However this was a very costly approach to the problem and cost in the region of £200,000 with legal and officer costs etc.

- 1.3 Once in the Trafford Park area attendees engage in races along straight roads, drifting and skidding at roundabouts and carrying out doughnut spins on open land. In 2013 a fatal road traffic collision occurred when one of the attendees of a meet rode his motorcycle at speed along Westinghouse Road, Trafford Park and collided with an HGV. On 1st April 2016 a motorcyclist racing another vehicle broke his leg.
- 1.4 A historical log of all police incidents since August 2014 including where Dispersal powers have been used was collated. There were 22 dispersal orders authorised in 2016 and a total of 77 recorded incidents related to Max Power events where the police have attended. Each Dispersal Order requires an in depth report from an Inspector or above and they must be satisfied on reasonable grounds that the use of those powers in the locality during that period is necessary for the purpose of removing or reducing the likelihood of;
- (a) Members of the public in the locality being harassed, alarmed or distressed, or
 - (b) The occurrence in the locality of crime or disorder.
- Max Power events have become a weekly occurrence and are a massive drain on police resources. Both the area Inspector and the Traffic Network Inspector are in regular communication with the Community Safety Team and are both of the opinion that a PSPO is needed as a mechanism to enable officers to act swiftly without the need for a dispersal order which is time consuming to complete.
- 1.5 The events are attended by hundreds of people at any one time and this elevates the risk to both those attending, members of the public and business users of Trafford Park. Due to the nature of Trafford Park and the number of HGV and other large vehicles requiring access we are unable to put in speed bumps etc which would alleviate the nuisance and cause the drivers to move elsewhere.
- 1.6 **Appendix 1** shows a number of photographs from various locations in the area which highlight both the number of vehicles and the number of pedestrians and the issues this causes.
- 1.7 This issue has also been discussed in the Safer Trafford Partnership meetings over the course of several months. It is seen as a major problem by the Police Command Team at Stretford. A specific operation to tackle the large numbers of vehicles and their associated problems has been set up involving GMP Traffic Division and the Urmston Neighbourhood Policing Team as well as

Police Cadets and Special Constables. The Council CCTV cameras do not cover the locations being used, but consideration is being given to improve CCTV coverage in Trafford Park.

2. The Legislative context

2.1 The Anti-Social Behaviour, Crime and Policing Act was introduced in 2014. It introduced the concept of PSPOs which are designed to replace the previous Designated Public Places Orders such as the one currently in place for drinking alcohol in public places in Trafford.

2.2 A local authority may make a PSPO if it is satisfied that two conditions have been met;

1 – a) that activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

2 – the effect, or likely effect, of the activities;

- a) is, or is likely to be, of a persistent or continuing nature,
- b) is, or is likely to be, such as to make the activities unreasonable, and
- c) justifies the restrictions imposed by the notice.

2.3 An order can be made for up to three years after which it can be extended if the problem still exists. Breach of the order without reasonable excuse would be a criminal offence, subject to a fixed penalty notice or prosecution. On summary conviction, an individual would be liable to a fine not exceeding level 3 on the standard scale (currently set at £1,000).

2.4 The order must identify the public place to which it applies and this is referred to as "the restricted area." It can prohibit specified things being done in the area and/or require specified things to be done by persons carrying on specified activities in that area. The only prohibitions or requirements that may be imposed are ones that are reasonable to either;

- a) prevent the detrimental effect from continuing, occurring or recurring or
- b) reduce that detrimental effect or reduce the risk of its continuance, occurrence or recurrence.

3. The consultation process undertaken and results

- 3.1 A public consultation has been completed as required by the legislation. All the findings and results can be made available to Executive members on request. An on-line public survey ran from 27th May until 30th July 2016 and there were 281 respondents. The earlier responses consisted mainly of businesses and members of the public. All of the businesses in the locality were written to asking for their opinion and inviting them to take part in an on-line survey. Whilst the survey was completed anonymously, on scrutiny, it is apparent from the comments made that the initial responses were from businesses and members of the public whilst the latter responses came from car cruisers themselves. This has meant that there is a large disparity in the survey results as respondents are either strongly in favour of the PSPO or strongly against.
- 3.2 Once the Trafford Park cruisers became aware of the consultation and advertised this on their Facebook page they asked members to respond to the consultation. 45% of responders claimed to be local residents, 25% claimed to be visitors and 20% claimed to work in the area or said that they were from a business or representative of a local community or voluntary group.
- 3.3 The majority of responders claim to be regular visitors to the park. The responses of those who feel unsafe demonstrate the strength of their feeling and experiences. For example, one respondent commented "Depending on the day of the week and the time of the day I won't go into Trafford Park on a Sunday due to the amount of cruising, drifting etc going on" Another states "The Car cruise can be a very intimidating place with the high speed vehicles and large groups of people". Yet another said "At cruise times it's a no go area".
- 3.4 A number of questions were asked about specific types of behaviour to try and gauge if they were an issue. Answers to these questions appear to have been heavily influenced by the Cruiser Group. There were therefore two types of responses to these questions, those who feel intimidated and harassed by the sheer numbers in attendance and those who are in favour and who do not see it as an issue.
- 3.5 Responses from representatives of the Trafford Partnership were overwhelmingly in support of making the order and extracts from these are shown below;
- Inspector Stuart Smith GMP – 'This year alone there have been numerous complaints about anti-social 'max power' behaviour from various different informants, each raising concerns about safety, security and general blocking of roads making driving sometimes impossible: This illegal event is no longer sporadic and is now becoming an established and dangerous problem. The anti-social manner of the driving effects people working and travelling through Trafford Park and causes a danger to road users.'

GMP have attempted to prevent and disrupt this activity by the use of Traffic legislation and s59 Police Reform Act 2002, however to date the anti-social driving persists. The PSPO is needed as the level of police staffing required to police these events is becoming more difficult to maintain.

Rob McDonagh GMFRS Station Manager – ‘Max Power events are a drain on GMFRS resources. The events have the following impacts:

- Danger to public safety
- High risk of RTCs
- Anti-social behaviour

GMFRS has attended several incidents over the last 12 months as a direct result of Max Power events at the Trafford Centre. These incidents have ranged from small incidents such as minor collisions, to much more serious incidents where we have had to extricate people from vehicles.’

Guy Darragh, Senior Economic Growth Officer of Trafford Council – ‘The Economic Growth team very much welcomes the application to prevent car cruising in the Trafford Park area. Trafford Park is a key business location that is home over 1,000 businesses employing an estimated 35,000 people. It is essential to the future image, growth and prosperity of the area that anti-social behaviour is properly addressed. We are aware of the inconvenience to businesses that this activity is causing and its danger to other road uses, particularly HGV drivers who need to access business properties.’

Steve Wakefield, Terminal Manager of Manchester Freightliner Limited – ‘Freightliner have been experiencing nuisance for several months from up to 200 cars congregating around the roundabout at the junction of Westinghouse Road and Europa Gate. This also includes the approach to our site and MIFT, DBS, Expo Logistics etc. This is generally on a Friday evening starting at around 2100 until after midnight, but sometimes during the week. They use the roundabout for ‘drifting’ their cars and apply water, oil and stones from the roundabout to aid them. They also use Westinghouse Road as an ‘American style’ drag track where they race their vehicles against each other. The biggest concern is that either themselves or legitimate users (like our staff who have a shift change-over at 2200) of the roadway will be involved in serious accident (there has already been a fatality involving a motorbike). The civil police as well as BTP are involved in on-going monitoring of the situation but appear to be having little success.’

3.6 Examples of the responses from those not in favour of the order are set out below:

“Car cruises are a way of making communities all over the country come together. We work hard to build our cars, so why shouldn't we be allowed to show them off? If local authorities do not like us doing this, then give us somewhere to do it, charge entry of £1 a car and donate to charity like air ambulance.”

“Something to do with my friends, meeting up with friends you wouldn't otherwise get to see, meeting new people with the same interests. Lots of people turn up but only a handful of any go beyond what the law states, only a handful make sudden changes in speed and yes they should be dealt with accordingly. Trafford council, if you plan on banning people visiting the area, then you should think about arranging activities for people aged 17-50+ for a Friday night, there is nothing to do in Trafford at that time. Not everyone wants to go to Manchester town centre and get drunk beyond belief. Car cruise meets in this area have never bothered anyone in a negative way other than it taking a few lorry drivers a night a few seconds longer to get through a road, and if any are blocked, cars have been moved as quickly as possible as it is not people's motives to cause a problem. The car meets are held there specifically because the traffic rate on those roads is a lot less than any main roads/ town centre roads surrounding them. As I said, money should be put forward for other things to do for Trafford's population if you plan on banning people driving cars on empty roads with people they know. Some people like going to the pub with their friends, we like being in and talking about cars with our friends. It's a hobby; most of the cars at the cruises will be in better condition than someone who has no interest in cars vehicle as we are constantly on top of maintenance etc. I trust you understand my argument here. Just a hobby.”

“This has affected me in no way as I can only see a small minority of users turn up to do these things most are just car enthusiasts meeting up too chat and admire their hard earned and worked on cars in a secluded area to cause as little nuisance as possible instead of stopping this they should make an organised weekly place for people to admire each other's cars and enjoy there hobby”

- 3.6 Only 30% of responders supported the use of a PSPO but this result appears to be heavily influenced by the Cruiser Group. The overall analysis of the survey still shows that a major problem exists which cannot be controlled or dealt with using traditional methods. The implementation of a PSPO will not necessarily solve the problem but it will allow the police to take appropriate action at an earlier stage which will assist in preventing the gathering of large numbers of vehicles or crowds of people. On occasions there have been as many as 200 vehicles and 500 persons in attendance

4 The making of the Order

- 4.1 The legislation requires that as part of the consultation exercise preceding the making of a PSPO that the Council consults with the Police. In this instance the Police were supportive of the making of the PSPO and the terms of the PSPO have been endorsed by the Police.
- 4.2 The authority to issue an order under the Anti-Social Behaviour Crime and Policing Act 2014 is delegated to the Corporate Director for Transformation and resources. In accordance with the powers delegated to her the making of the PSPO was agreed by the Corporate Director on 31 January 2017.
- 5. Recommendations**
- 5.1 It is recommended that the Executive notes the making of a Public Spaces Protection Order for a period of three years for that area of Trafford Park as set out in the attached order.
- 6 Media Communications**
- 6.1 A communication strategy is to be developed in conjunction with Communications Team which will include publishing the order on the council, Greater Manchester Police (GMP) and Trafford Partnership websites. The council is required to erect notices setting out the extent and effect of the order in the affected area so that members of the public become aware of it.
- 6.2 Single points of contact in GMP and the council have been designated and will liaise with other GMP Divisions and other councils to ensure if there is any displacement of the nuisance we are working in a joined up manner and this will be dealt with swiftly. GMP will enforce the order in conjunction with the Safer Trafford Integrated Partnership Team.

APPENDIX 1 – Photographic Evidence







APPENDIX 2 – Proposed PSPO

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SECTION 59

TRAFFORD BOROUGH COUNCIL (TRAFFORD PARK) PUBLIC SPACES PROTECTION ORDER 1 OF 2016 (“Order”)

Trafford Borough Council (“the Council”) in exercise of its power under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) hereby makes the following order:-

1. The order is made on (Date) and shall have effect for a period of three years thereafter, unless extended by further orders under the Council’s statutory powers.
2. The order relates to that part of Trafford Park as shown edged in RED on the attached plan (“the Restricted Area”).
3. The effect of the order is to restrict persons within the Restricted Area from carrying out the prohibited activities, specifically identified within the schedule to this Order, at all times.
4. The Council is satisfied that the conditions set out in Section 59 of the Act namely that the Prohibited Activities carried out within the Restricted Area have had a detrimental effect on the quality of life of those in the locality or will have such an effect and that the effect or likely effect of the Prohibited Activities will be of a persistent or continuing nature such as to make the Activities unreasonable and justifies the restrictions imposed by this Order.
5. The Order and plans are available for inspection on the Council’s website and also at the offices of the Community Safety Team, Stretford Police Station, Talbot Road, Stretford M32 0XB (add Website address)
6. If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirements of the Act have not been complied with in relation to this Order, he/she may apply to the High Court within six weeks from the date on which this Order is made.

Interpretation

In this Order, except where the context otherwise requires:-

“the Council” means the Council of the Borough of Trafford

“Interested person” means an individual who lives in the restricted area or who regularly works in or visits that area.

Schedule

Restricted Area

That part of Trafford Park shown edged in RED on the attached plan to this Order

Prohibited Activities

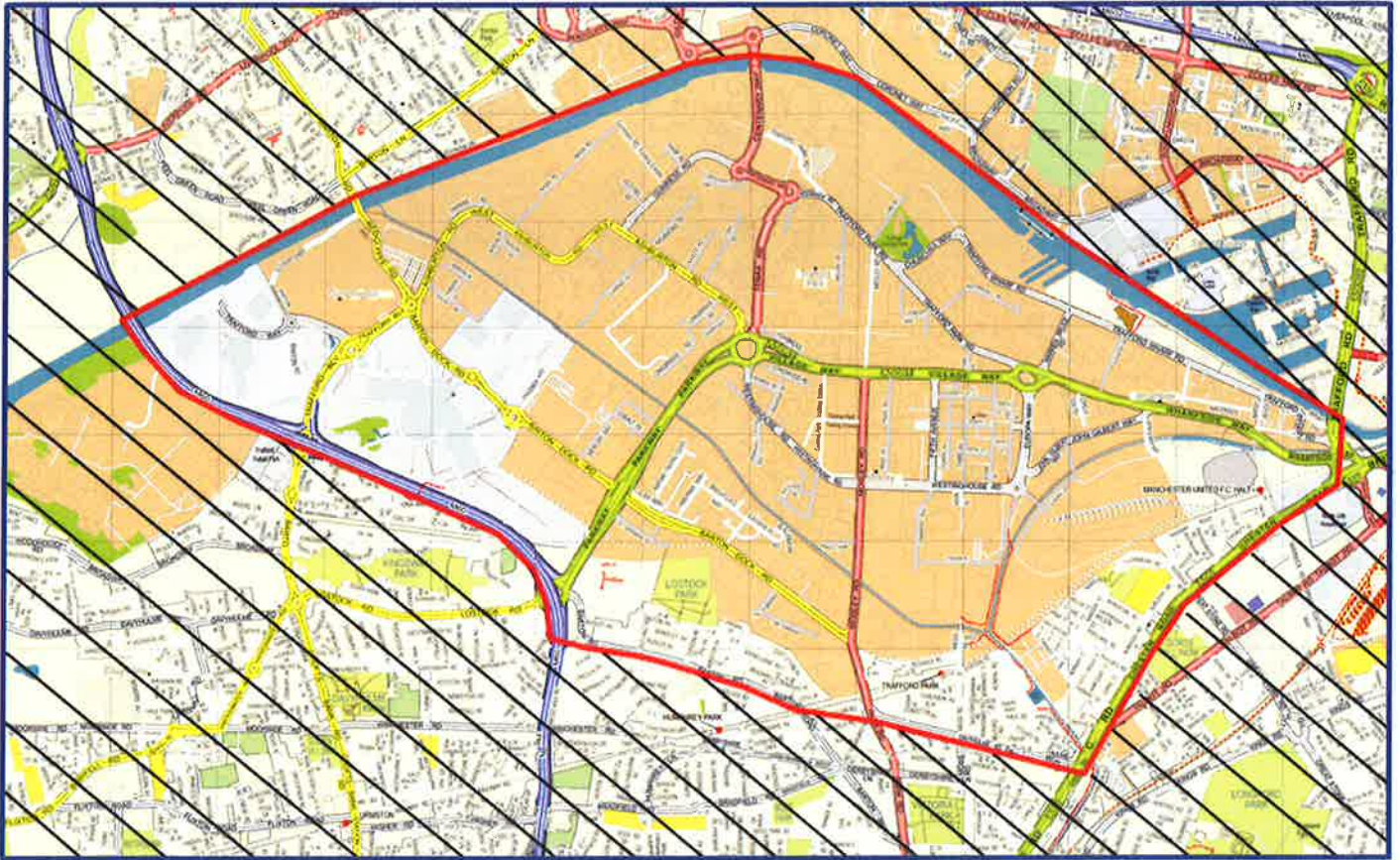
1. Anyone participating in, being the driver of, or being carried in or on, a motor vehicle which performs any of the following activities;

- [a] excessive revving of the engine
- [b] Speeding
- [c] Sudden or rapid unnecessary acceleration or deceleration
- [d] Driving in a convoy
- [e] Racing
- [f] Leaving the engine of a stationary vehicle to run idle (in a manner that causes a public nuisance)
- [g] Performing stunts
- [h] Sounding a horn (in a manner that causes a public nuisance)
- [i] Playing music (in a manner that causes a public nuisance)
- [j] Causing an obstruction on a public highway, whether moving or stationary, which causes or is capable of causing, any of the following;
 - [i] Excessive noise,
 - [ii] Danger or risk of injury to road users (including pedestrians),
 - [iii] Damage or significant risk of damage to property,
 - [iv] Significant risk of harm,
 - [v] Significant public nuisance, and
 - [vi] Significant annoyance to the public.

Penalty

Any person who, without reasonable excuse, fails to comply with this Order shall be liable on summary conviction to a fine not exceeding level 3 (£1,000) on the standard scale.

Dated



The land in relation to which this order applies is known as Trafford Park – which is delineated and shown in red on the above map forming part of this order and is bounded by the Manchester ship canal from its junction with the M60 Motorway to its junction with Trafford Road, Trafford Road, Chester Road, Davyhulme Road East, Melville Road, Barton Road and the M60.

