

The Royal Borough of Kensington and Chelsea

KEY DECISION

Report Title: Public Space Protection Order (PSPO) Nuisance Vehicles

Date: 22nd January 2025

Decision Maker	Leadership Team
Reporting Officer	Beau Stanford-Francis Executive Director for Environment and Neighbourhoods
Key Decision	KD1010576
Access to information	Public (Part A)
Wards	All

1. EXECUTIVE SUMMARY

- 1.1. This report seeks approval to renew the Council's Public Spaces Protection Order (PSPO) – Nuisance Vehicles, for a period of three years. The PSPO is designed to provide an enforcement mechanism to keep the borough's neighbourhoods peaceful and safe from noisy and nuisance driving.
- 1.2. A consultation seeking public view for the renewal of the PSPO for Nuisance Vehicles commenced on 28 October 2024 and was open for a period of four weeks. Over 93 per cent of respondents strongly supported the renewal of the PSPO to address anti-social driving and noisy vehicles.
- 1.3. Enforcement through the previous PSPO resulted in 577 fixed penalty notices being issued between November 2021 and October 2024, with 1,615 breaches.

2. RECOMMENDATIONS

- 2.1. That the Leadership Team:
 - (i) Approves the renewal of the Borough-wide PSPO for Nuisance Vehicles ('Vehicle' includes a pedal cycle, which includes a power assisted pedal cycle, or a pedal cycle in combination with a trailer constructed or adapted for carrying one or more passengers), for three years, expiring January 2028, prohibiting the following activities between the hours of 12 noon and 6am:

- Revving of engine(s) (as to cause a public nuisance)
 - Sudden and/or rapid acceleration (as to cause a public nuisance)
 - Repeated sudden and/or rapid acceleration (as to cause a public nuisance)
 - Racing by two or more vehicles
 - Performing stunts (as to cause a public nuisance)
 - Sounding horns (as to cause a public nuisance)
 - Playing music from a vehicle (as to cause a public nuisance)
 - Using threatening, intimidating behaviour towards another person
 - Causing obstruction on a public highway, whether moving or stationary, including driving in convoy
- (ii) Notes the analysis of stakeholder engagement report (Appendix One) demonstrating overwhelming support for the renewal of the PSPO for Nuisance Vehicles.

3. REASONS FOR DECISION

- 3.1. The PSPO has been a tool for the Council and police officers, in being able to tackle vehicle nuisance and anti-social behaviour (ASB) from the noise generated by inconsiderate drivers in the borough.
- 3.2. The consultation received 184 responses, that demonstrated overwhelming support for the renewal of the PSPO for nuisance vehicles, satisfying the relevant statutory conditions under the Anti-social Behaviour, Crime and Policing Act 2014.

4. BACKGROUND

- 4.1. The Royal Borough of Kensington and Chelsea introduced the Public Space Protection Order (PSPO) for Nuisance Vehicles in 2015, covering an area in Hans Town and Brompton ward. This was in response to complaints from residents about noisy and antisocial driving over the preceding five years. The PSPO prohibited eight specific nuisance behaviours, including revving of engines, rapid acceleration and racing. In 2021 The Council trialed the use of acoustic cameras in Knightsbridge and Brompton to support the enforcement of the PSPO for nuisance vehicles. This trial resulted in 144 Fixed Penalty Notices (FPNs) being issued in a three-month period. Following this trial, the wording of the order was amended to include the use of acoustic cameras as part of the order.

- 4.2. In 2021, the Council sought public view on amending the PSPO requirements and restrictions to cover the whole borough, as well as increasing the use of acoustic cameras to support enforcement. More than 93 per cent of respondents strongly supported a PSPO to address ASB from vehicles and over 84 per cent backed extending and expanding the PSPO to cover the entire borough and further use of the acoustic cameras. The PSPO for nuisance vehicles was subsequently amended and extended for a period of three years November 2021 – November 2024.
- 4.3. Nine acoustic cameras are in place across the borough as part of the PSPO for nuisance vehicles, supporting the enforcement.
- 4.4. From 26th November 2021 to 3rd October 2024 1,615 breaches of the PSPO – nuisance vehicles have been recorded, with 577 fixed penalty notices being issued.
- 4.5. The PSPO for nuisance vehicles expired on the 26th November 2024. For a PSPO to be created, varied or expanded, the council must meet certain statutory conditions under (Section 59 (2) and (3) of the Anti-social Behaviour, Crime and Policing Act 2014). The first condition is 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
 - it is likely that activities will be carried on in public place within that area and that they will have such an effect.
- 4.6. The second condition is that the effect, or likely effect, of the activities:
- is, or is likely to be, of a persistent or continuing nature,
 - is, or is likely to be, such as to make the activities unreasonable, and
 - justifies the restriction imposed by the notice.
- 4.7. The number of breaches of the borough-wide PSPO for nuisance vehicles demonstrated between 2021-24 (see 4.4) highlights the persistent and continuing nature of vehicle related anti-social behaviour.
- 4.8. Public consultation took place in October 2024 to establish if people in the borough found vehicle-related anti-social behaviour unreasonable and whether there was support to enable the Council to renew the restrictions and requirements of the 2021-24 PSPO, for a three-year period, from January 2025-2028.

5. CONSULTATION AND COMMUNITY ENGAGEMENT

- 5.1. It is a requirement of the Anti-Social Behaviour, Crime and Policing Act 2014 Section 72 to undertake necessary consultation before creating, extending, discharging a

PSPO. “The necessary consultation” means consulting with—

- (a) the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- (b) whatever community representatives the local authority thinks it appropriate to consult;
- (c) the owner or occupier of land within the restricted area;

5.2. There is no statutory requirement about the length of the public consultation process. However, a four-week public consultation was undertaken between 28th October 2024 and 24th November 2024.

5.3. The consultation was published on the Council’s consultation hub and promoted through Council e-newsletters including K&C Life newsletter (with around 15,000 subscribers) and social media channels.

5.4. Metropolitan Police Service (MPS), Mayor’s Office for Policing and Crime (MOPAC), businesses and the neighbouring boroughs of Hammersmith and Fulham and Westminster were also contacted and notified of the consultation.

5.5. There were 184 responses to the survey in the consultation, highlighting overwhelming support to renew the PSPO. Appendix One – Analysis of Stakeholder Engagement for PSPO Nuisance Vehicles, demonstrates to the Council that the statutory conditions under the relevant legislation for an order to be created have been met.

5.6. The tables below, highlight responses to the PSPO consultation questions.

Question: Do any of the following activities caused by a motor vehicle create undue noise, nuisance, annoyance, danger or harm to you or your property?

Revsing of engine

Option	Total	Percent
Yes, frequently	112	60.87%
Yes, occasionally	63	34.24%
No, never	7	3.80%
Not Answered	2	1.09%

Speeding

Option	Total	Percent
Yes, frequently	125	67.93%
Yes, occasionally	52	28.26%
No, never	4	2.17%
Not Answered	3	1.63%

Driving in convoy

Option	Total	Percent
Yes, frequently	45	24.46%
Yes, occasionally	71	38.59%
No, never	50	27.17%
Not Answered	18	9.78%

Racing

Option	Total	Percent
Yes, frequently	65	35.33%
Yes, occasionally	66	35.87%
No, never	41	22.28%
Not Answered	12	6.52%

Sudden/Rapid acceleration

Option	Total	Percent
Yes, frequently	114	61.96%
Yes, occasionally	60	32.61%
No, never	7	3.80%
Not Answered	3	1.63%

Idle engine (stationary vehicles)

Option	Total	Percent
Yes, frequently	109	59.24%
Yes, occasionally	43	23.37%
No, never	18	9.78%
Not Answered	14	7.61%

Performing stunts with motor vehicles

Option	Total	Percent
Yes, frequently	43	23.37%
Yes, occasionally	63	34.24%
No, never	64	34.78%
Not Answered	14	7.61%

Sounding horns (as to cause a public nuisance)

Option	Total	Percent
Yes, frequently	72	39.13%
Yes, occasionally	77	41.85%
No, never	20	10.87%
Not Answered	15	8.15%

Playing music (as to cause a public nuisance)

Option	Total	Percent
Yes, frequently	87	47.28%
Yes, occasionally	76	41.30%
No, never	13	7.07%
Not Answered	8	4.35%

Obstruction on a public highway

Option	Total	Percent
Yes, frequently	70	38.04%
Yes, occasionally	61	33.15%
No, never	33	17.93%
Not Answered	20	10.87%

- 5.1 Question: How often does this kind of antisocial behavior occur in the instance(s) you mentioned?

Option	Total	Percent
Daily (or more frequently)	93	50.54%
Weekly	49	26.63%
Fortnightly	12	6.52%
Monthly	12	6.52%
Less frequently	7	3.80%

Never	3	1.63%
Not Answered	8	4.35%

Question: Please indicate when antisocial behaviour caused by motor vehicles is an issue (more than one option could be chosen).

Option	Total
Weekday mornings (6am to 12 noon)	76
Weekday afternoons (12 noon to 6pm)	82
Weekday evenings (6pm to midnight)	143
Weekdays overnight (midnight to 6am)	94
Weekend mornings (6am to 12 noon)	65
Weekend afternoons (12 noon to 6pm)	96
Weekend evenings (6pm to midnight)	144
Weekends overnight (midnight to 6am)	109
Not Answered	9

Question: Overall, would you support the renewal of the PSPO for nuisance vehicles?

Option	Total	Percent
Strongly support	172	93.48%
Support	7	3.80%
Neither support nor oppose	2	1.09%
Oppose	1	0.54%
Strongly oppose	2	1.09%
Not Answered	0	0.00%

- 5.7. The summary findings of the consultation are set out below.
- 5.8. The most common antisocial activities caused by vehicles considered by respondents were:
- Speeding (68 per cent)
 - Sudden/rapid acceleration (62 per cent)
 - Revving of engine (61 per cent)
- 5.9. Frequency of all antisocial activities: A total of 51 per cent of respondents said antisocial activities caused by vehicles occurred daily or more.

5.10. Timings of antisocial activities:

- 78 per cent of responses indicated the evening (6pm to midnight) was the most common time for antisocial activities caused by motor vehicles weekdays and weekends.
- This was followed by 59 per cent of respondents who selected weekends overnight (midnight to 6am) and weekend afternoons (12 noon to 6pm) with 52 per cent.

5.11. Support of the PSPO:

- 97 per cent of respondents strongly supported or supported the renewal of the PSPO.

6. HUMAN RESOURCES AND EQUALITIES IMPLICATIONS

6.1. Equalities considerations have been reviewed (Appendix Two) with no issues identified that would have a negative impact on any group with protected characteristics.

6.2. Resources relating to the management and enforcement of the PSPO are currently being managed by existing officers within the Street Enforcement Team and the Noise and Nuisance service. Additional resources may need to be identified should there be an increase in demand for acoustic cameras relating to this PSPO.

7. LEGAL IMPLICATIONS

7.1. The statutory requirements to be met for the Council to make a PSPO have already been outlined above PSPO's are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone.

7.2. The validity of a PSPO can be challenged on two grounds:

- that the Council did not have the power to make the PSPO, or to include particular prohibitions or requirements; or
- that one of the requirements, for instance consultation, had not been complied with.

7.3. The maximum duration of a PSPO is 3 years unless extended. A PSPO can be extended more than once. Any extension may not be for a period of more than 3 years.

8. FINANCIAL, PROPERTY AND ANY OTHER RESOURCES IMPLICATIONS

- 8.1. The PSPO is jointly enforced by Council and Police Officers although only Police Officers have the legal powers to stop vehicles and to obtain personal details from alleged offenders. There are currently 9 acoustic cameras in place supporting the enforcement of the PSPO for nuisance vehicles.
- 8.2. Management and enforcement of the PSPO for nuisance vehicles is currently managed within the existing resources of the Noise and Nuisance and Street Enforcement Teams.
- 8.3. The net cost for the acoustic cameras, including data and maintenance have been met through the Neighbourhood Community Infrastructure Levy (NCIL) by wards that have requested the installation of cameras to tackle local nuisance.
- 8.4. No additional funding is required to extend the PSPO. The costs of the 3-year renewal of the Borough-wide PSPO for Nuisance Vehicles, expiring January 2028 will be contained within existing budgets. The costs of the 3-year renewal of the Borough-wide PSPO for Nuisance Vehicles, expiring January 2028, will be contained within existing budgets.

9. APPENDICES

- 9.1. Appendix One – Analysis of stakeholder engagement
- 9.2. Appendix Two - EqIA

Andrew Burton

Director for Highway and regulatory services

Contact officer(s): Tracy Umney, Project and Transformation Manager

Formal clearance requirements for all key decision reports

Cleared by Corporate Finance [LV}

Cleared by Director of Legal Services [MC]

Cleared by Director of Communications and Public Affairs [NT]