



Public Spaces Protection Order (PSPO)

Nuisance
vehicles 2021



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Consultation on Nuisance Vehicles Public Spaces Protection Order (PSPO)

1.0 Foreword

Kensington and Chelsea is a diverse and vibrant place, a unique corner of London that we want to make a brilliant place to live, work, visit and learn. From time to time, a small minority of people can act in a way that is antisocial towards others, affecting the quality of life for our residents.

A common complaint since 2014 has been about drivers using our streets like a racetrack, driving in an anti-social way, causing excessive noise for people living and working in Knightsbridge in particular.

We heard about how the noise was impacting residents and swiftly put in place a Public Space Protection Order – a local law to enforce against anti-social behaviour from nuisance drivers. I will be honest; it was a challenge to enforce at first. In the last year, new technology has made a huge difference. We became the first local authority in the country to trial acoustic cameras. During a three-month trial in 2020, the new technology helped us fine 163 drivers.

We are hearing though that nuisance driving is a problem for residents beyond Knightsbridge. As our current Public Space Protection Order approaches its expiry date, we're looking at how we renew it, and if we should extend our ability to enforce to the whole borough.

We want to hear your views on how we do this and if it's the right thing for you. Please have your say in this consultation so we can make sure our enforcement powers are fit for purpose and are working to tackle anti-social driving in Kensington and Chelsea.

Councillor Johnny Thalassites
Lead Member for Planning, Place and Environment

2.0 Introduction

2.1 The purpose of this consultation document is to:

- explain the background and purpose of a PSPO in helping to reduce antisocial behaviour (ASB) generated by nuisance vehicles in the borough
- explain the options available to the council and the restrictions that a PSPO would impose.
- provide an opportunity for all those likely to be affected to put their views and comments to the Council, so that they can be considered as part of any decision taken by the Council.

2.2 The nuisance vehicles PSPO fits with the priorities and commitments set out in the recently updated Council Plan. Specifically under Healthy, Clean and Safe Council priority, where we put in place new measures to protect

our streets and environment, including new wardens, CCTV, school streets, single borough parking permits and noise cameras.

- 2.3 In the Council Plan, one of the main cross cutting themes is Community Involvement. We continue to improve how we involve our communities in the decisions that matter to them. This includes our work with those most affected by the Grenfell tragedy; our forums for directly engaging with users of our services such as our tenants and leaseholders; our development of a new approach to partnering with our faith and voluntary and community organisations; and the launch of our representative Citizens Panel. During the pandemic the great civic spirit of our residents shone through, and so we will continue to work with them to create opportunities to enhance civic life thorough initiatives like City Living and Local Life and the Community Leadership Programme.

2.4 How to respond

We are keen to hear the views of those living and working in the borough, and our key stakeholders and partners.

You can respond to our consultation in a number of ways:

- Complete our online survey where you can provide details of your experience and/or views on our proposals. The survey can be found via this link: [Public Spaces Protection Order \(PSPO\) - Nuisance vehicles - Page 1 of 10 - Royal Borough of Kensington and Chelsea - Citizen Space \(rbkc.gov.uk\)](#)
 - You can call Streetline on **020 7361 3001 and provide your views.**
 - You can email the Council via the dedicated PSPO email pspo@rbkc.gov.uk
- When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

The consultation runs from 12th July until 22nd August 2021.

3.0 Background

- 3.1 In 2015, after consultation, the Knightsbridge PSPO (the Order) was introduced in an attempt to control the influx of noisy nuisance vehicles into this area of Hans and Brompton Ward. An Order lasts for three years and the current Order was consulted on and subsequently extended for a second three-year term in 2018. The current Order will expire on 25 November 2021. Details of the existing Order can be found in **Appendix 1** to this document.
- 3.2 The Council is now seeking to do two things.
1. To **extend** the existing Order so that it continues for another three years, until November 2024

2. To **expand** the existing Order to cover both the existing area and the rest of the borough, in effect to have a borough wide PSPO. This approach is being considered due to antisocial behaviour (ASB) caused by a minority of drivers, which has spread beyond the original PSPO area. This is partly caused by the 'displacement effect', created by the restrictions that exist in the current PSPO area.
- 3.3 In late September 2020 a three-month trial of two acoustic cameras was carried out within the existing PSPO area. The use of this technology provides an additional tool for Council Officers in obtaining evidence to support pursuing offenders. The Council is seeking to obtain more of these cameras, which can easily be switched from one location to another.
- 3.4 Alongside evidence provided by acoustic cameras the council receives a significant number of service requests from residents and people working across the borough, raising concerns about the ASB they experience as a result of nuisance vehicles impacting on the quality of their lives. A high-level summary of this evidence is available in Appendix 2.
- 3.5 Appendix 2 shows that in 2019/20 there were 161 incidents recorded. In 2020/21 this increased to 368.

4.0 Consultation

- 4.1 The 6-week consultation will consider whether there is a need to extend the existing PSPO and whether its further expansion is required. The Council has to meet certain statutory conditions in order for a PSPO to be created, varied, or expanded.
- 4.2 Section 59 (2) and (3) of the Antisocial Behaviour, Crime and Policing Act 2014 (the 'Act') clearly lays out the conditions for creating a PSPO. Both conditions have to be met for an PSPO to be created or varied to expand the area covered.

The first condition is that:

- (a) 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.

The second condition is that the effect, or likely effect, or the activities:

- (a) Is, or is likely to be, of a persistent nature,
- (b) Is, or is likely to be, such as to make the activities unreasonable, and
- (c) Justifies the restriction imposed by the notice

Section 60(2) of the Act lays down the conditions for extending a PSPO which is due to expire. The local authority can extend the PSPO for a period of no more than 3 years if satisfied on reasonable grounds that doing so is necessary to prevent:

- (a) occurrence or recurrence after that time of the activities identified in the order, or
- (b) an increase in the frequency or seriousness of those activities after that time.

4.3 Over the consultation period the Council will continue to collate relevant data in the form of complaints from the general public, and information gathered by acoustic cameras, and Council Officers when dealing with the issue of nuisance vehicles.

Consulting on extension and further expansion of the PSPO, and gathering further data, will ensure statutory conditions are met, and the views of affected local communities are listened to. It will also support a robust evidence base. Recommendations made will give the Council and the Police, the best opportunity to continue taking steps towards tackling this nuisance.

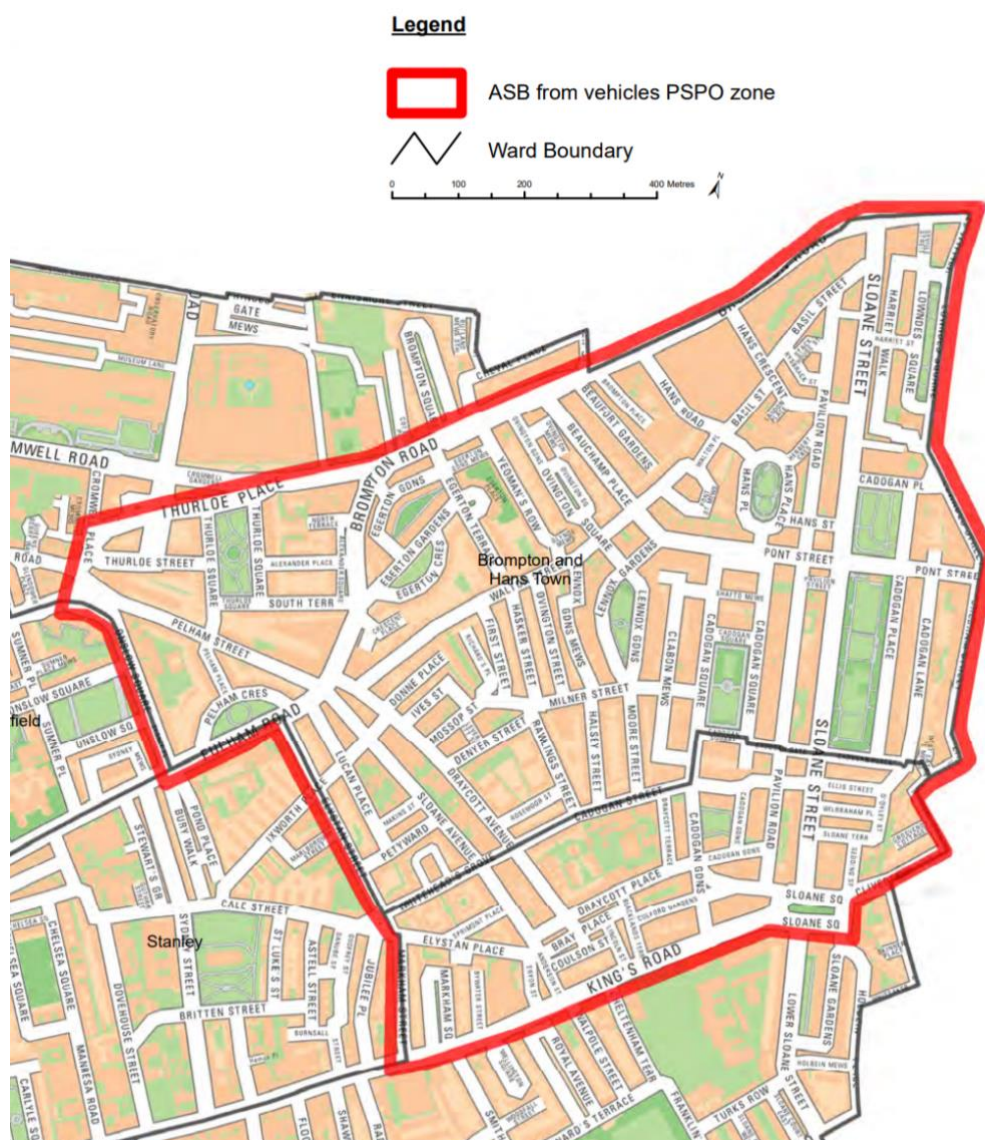
The consultation will be across the borough and there will be engagement with interested parties including relevant Residents' Associations, Metropolitan Police Service (MPS), Business Improvement Districts, other London Boroughs that border the RBKC, the London Pedicab Operators Association and other interested stakeholders.

5.0 Options being considered

A six-week consultation will take place enabling the Council to listen to the views of its local communities. There are three options being considered by the Council:

Option 1 – Extend the period of operation of the existing PSPO that covers the Knightsbridge area, for another three years to November 2024. This area shown below in Map 1 and also in Appendix One to this document has historically been the location where this ASB from nuisance vehicles is most prevalent. If this kind of ASB moves outside the boundaries of the current order, the Council and Police are unable to act.

PSPO Boundary



Option 2 – Extend the period of operation of the existing PSPO that covers the Knightsbridge area, as detailed above in Option 1 and in addition, further expand this PSPO to cover all 18 wards of the borough. This option has the benefit of providing the Council and the Police, the powers to tackle the ASB in the event of displacement. The acoustic cameras are demountable and therefore can be moved around the borough based on need.

The experience of the current order shows that the powers are effective in managing the problem. The issues do however move beyond the boundaries of the order. Therefore, being able to ensure the whole borough is included, gives the Council and Police, an opportunity to tackle the ASB, wherever it may occur.

Option 3 – Allow the existing PSPO in the Knightsbridge area to expire on its expiration date of 25 November 2021 and to address ASB activity through other potential forms of enforcement.

The problem with this option, is that no other suitable powers exist to tackle this specific ASB. The PSPO has been tailored to tackle the problems described in the order. Without the PSPO, the Council and Police would have no way of managing this ASB.

6.0 The effect of a PSPO

6.1 Restricted behaviours. The PSPO will prohibit the following behaviours:

Between the hours of 12 noon and 6am in the location(s) described in the Order anyone being the driver of a vehicle (motorised or otherwise) performs any of the following activities:

- (a) Revving of engine(s) (as to cause a public nuisance)
- (b) Sudden and/or rapid acceleration (as to cause a public nuisance)
- (c) Repeated sudden and/or rapid acceleration (as to cause a public nuisance)
- (d) Racing by two or more vehicles
- (e) Performing stunts (as to cause a public nuisance)
- (f) Sounding horns (as to cause a public nuisance)
- (g) Playing music from a vehicle (as to cause a public nuisance)
- (h) Using threatening, intimidating behaviour towards another person
- (i) Causing obstruction on a public highway, whether moving or stationary, including driving in convoy

'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'

7.0 Freedom of Information

The information you provide to the Royal Borough of Kensington and Chelsea will only be used to understand respondents' views on the Nuisance Vehicles Public Spaces Protection Order (PSPO).

Your postcode may be used to map responses and to better understand the views of people from different streets. Your information will only be used for the intended purpose, we will not collect any additional information about yourself, we will not share your data with other Council Departments and or external bodies. If we intend to use your information for any other purpose, we will normally ask you first. In some cases the Council may use your information for another purpose if it has a legal duty to do so, to provide a complete service to you, or if there is a risk of serious harm or threat to life.

The Council will retain your information in accordance with our retention schedule and it will be held securely. If you have any questions regarding your Data Protection rights, such as accessing your personal information, etc. or if you have a concern over the handling of your information, you can email consult@rbkc.gov.uk

For further details on how the council process your personal data please see our [Fair Processing notice](#)

Appendix 1

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PART4, SECTION 59

PUBLIC SPACES PROTECTION ORDER (PSPO) 2018

This Order may be cited as the Public Spaces Protection (Royal Borough of Kensington and Chelsea) Order 2018.

The Royal Borough of Kensington and Chelsea ("the Council") makes this Order, being satisfied on reasonable grounds that the activities set out at paragraph 1 in the location described in paragraph 2 of this Order have had or are likely to have a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried out within that area and have such an effect. The Council is also satisfied that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, and these activities are unreasonable and justify the restrictions imposed by the notice and that it is in all the circumstances expedient to make this Order for the purpose of reducing anti-social behavior in a public place.

This Order comes into force at midnight on 26 November 2018 for a period of 3 years thereafter, unless extended by further orders under the Council's statutory powers.

The Royal Borough of Kensington and Chelsea hereby requires by way of this Order that:

1. The activities described below are hereby prohibited as from the date of this Order.

Between the hours of 12 noon and 6am In the location described in paragraph 2 of this Order anyone being the driver of a vehicle (motorised or otherwise) performs any of the following activities:

- (a) Revving of engine(s) (as to cause a public nuisance)
- (b) Repeated sudden and rapid acceleration (as to cause a public nuisance)
- (c) Racing
- (d) Performing stunts (as to cause a public nuisance)
- (e) Sounding horns (as to cause a public nuisance)
- (f) Playing music from a vehicle (as to cause a public nuisance)
- (g) Using threatening, -intimidating behaviour towards another person and
- (h) Causing obstruction on a public highway, whether moving or stationary, including driving in convoy

'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

2. The land in relation to which this Order applies is that land in the area of the Royal Borough of Kensington and Chelsea namely which

- a) is delineated and shown in red on the map forming part of this Order,
and
 - b) is briefly described in the Schedule to this Order.
3. It is an offence for a person without reasonable excuse to engage in an activity that is prohibited by this Order. A person found to be in breach of this Order is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice up to £100.

Dated:

SCHEDULE

Including but not limited to: **Basil** Street, Beauchamp Place.' Beaufort Gardens, Brompton. Road, Egerton Gardens, Hans Road, Sloane Avenue, Sloane Street and Walton Street.

SEE MAP ATTACHED

CHALLENGING THE VALIDITY OF ORDERS

An Interested person may apply to the High Court to question the validity of-

- a) This Order, or
- b) A future variation of this Order.

•interested Person" means an individual who lives in the restricted area or who regularly works in or visits that area.

An Interested person may apply to the High Court within six weeks from the date in which the Order is made, on the grounds that:

- a) The Council did not have the power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
- b-) a requirement under Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 was not complied with in relation to the order or variation.

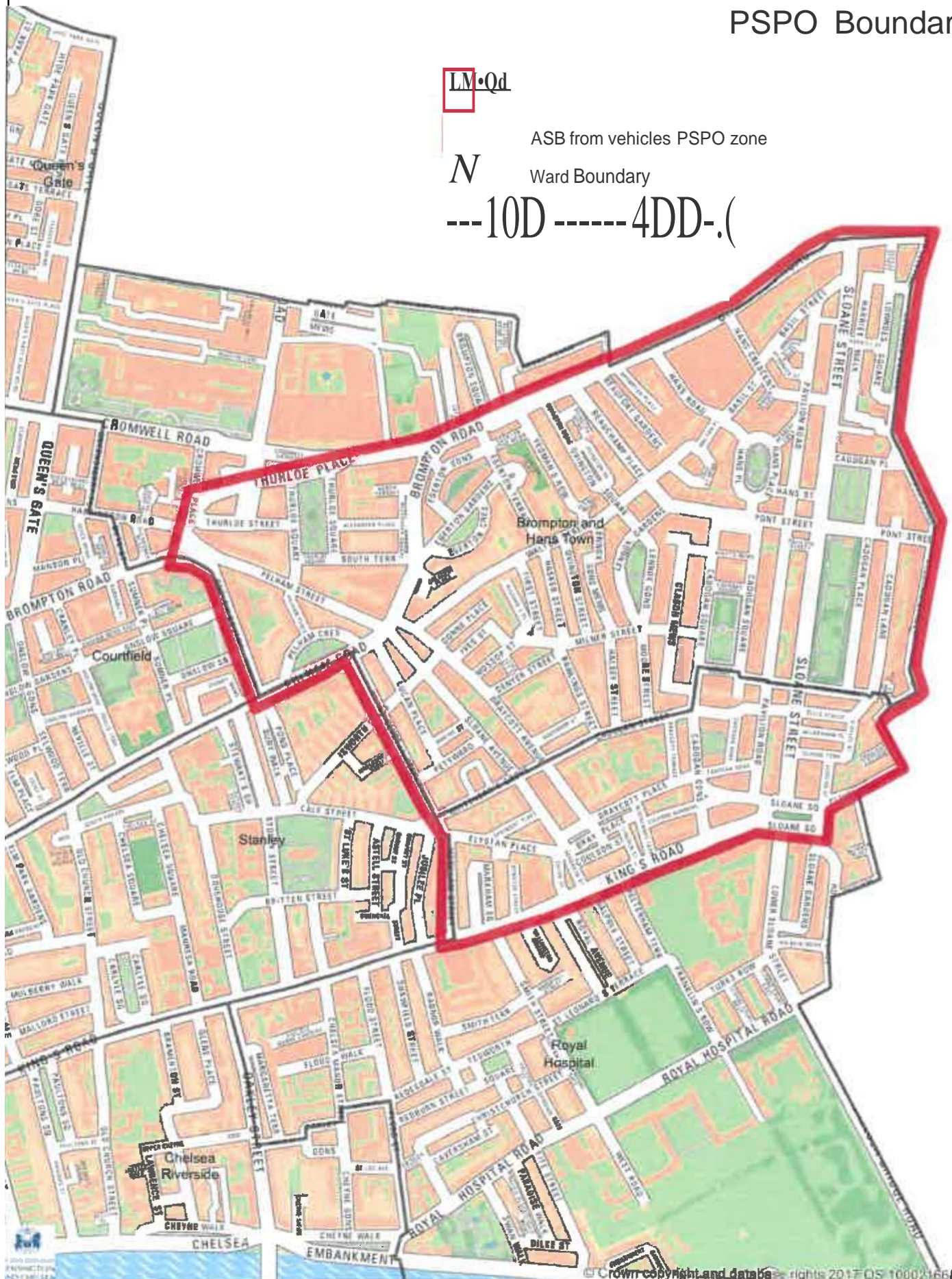
PSPO Boundary

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ASB from vehicles PSPO zone

N Ward Boundary

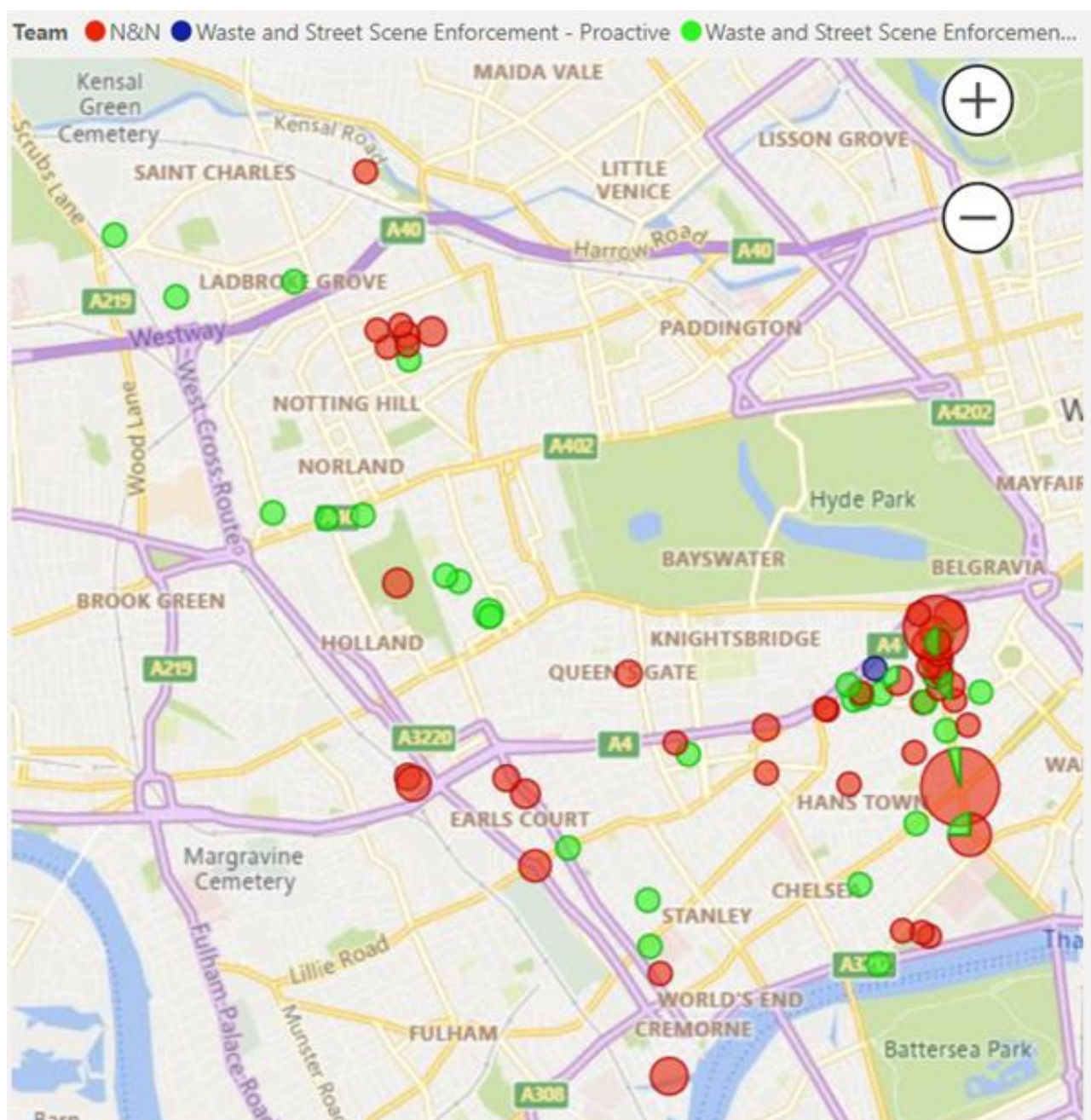
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Appendix 2 - Nuisance Vehicles Public Spaces Protection Order (PSPO) 2021

The following data provides information relating to incidents triggered by antisocial behaviour (ASB) from vehicles, recorded over the last two Council operating years (April – March).

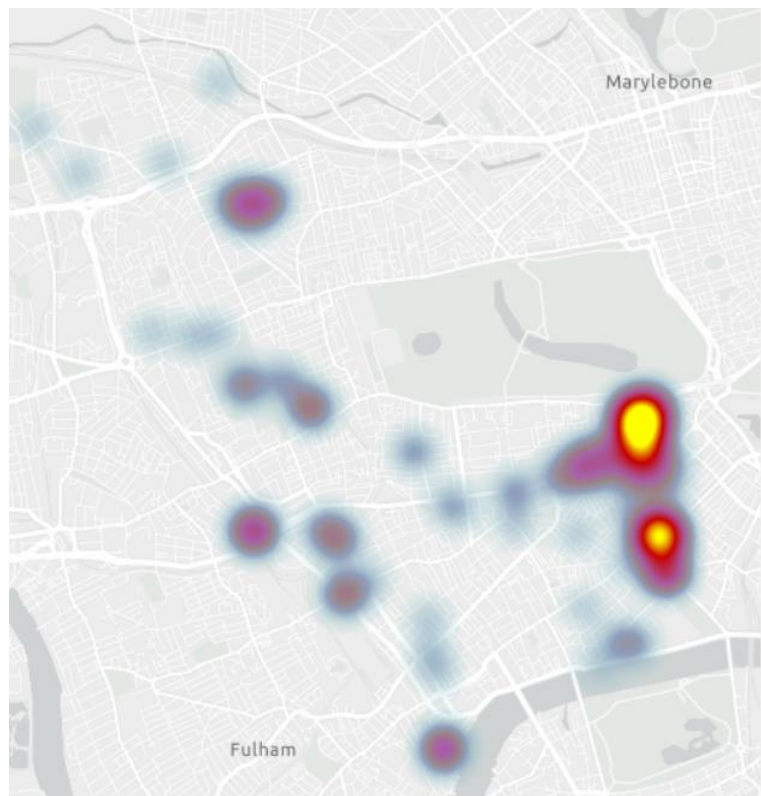
Street data map 01/04/2019 – 31/03/2020



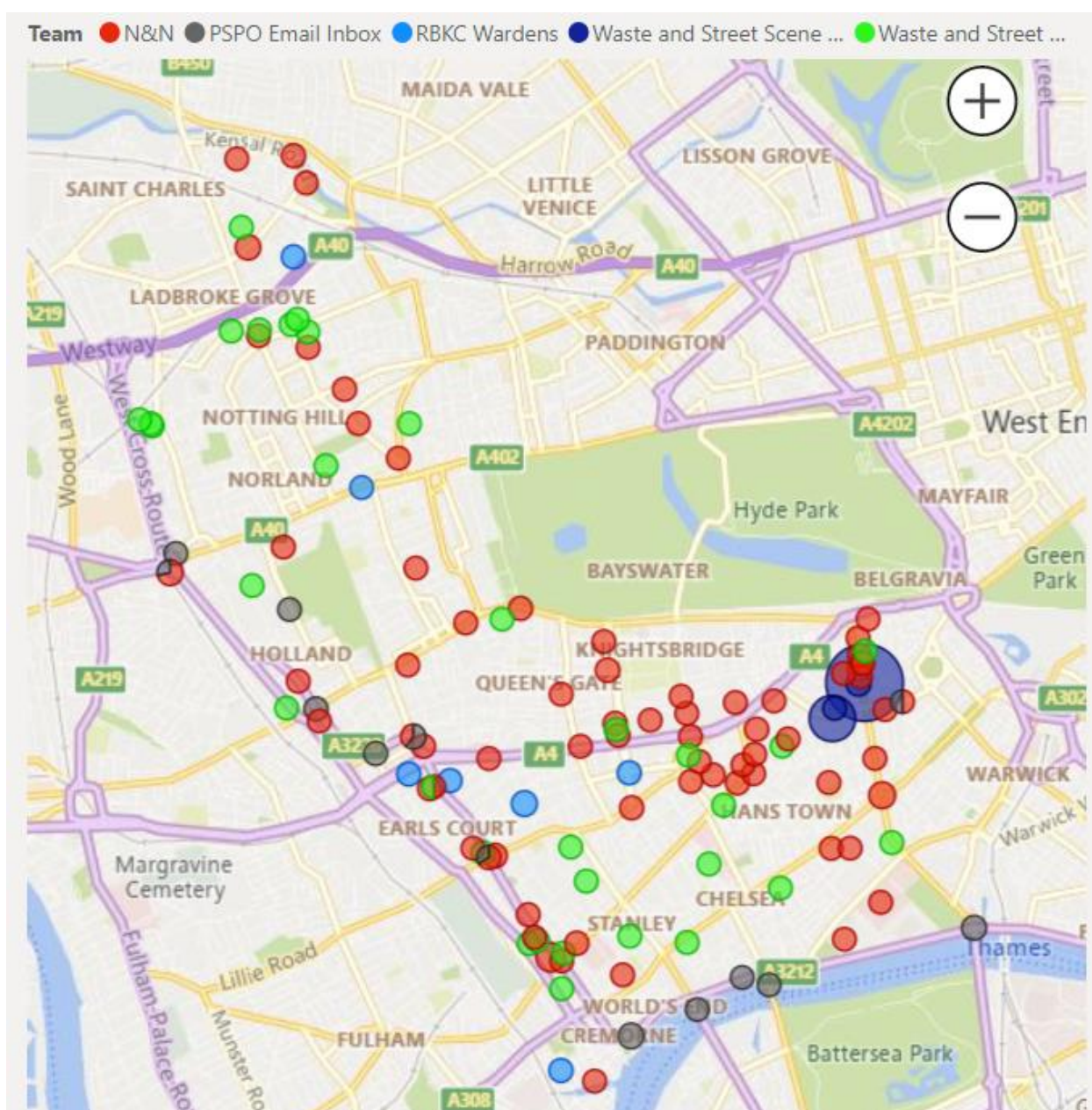
Street	No of incidents
Sloane Street	53
Lower Sloane Street	8
Cadogan Place	5
Lowndes Square	5
Warwick Road	5

Argyll Road	4
Hans Crescent	4
West Cromwell Road	4
Brompton Road	3
Colville Gardens	3
Hogarth Road	3
Kensington High Street	3
Ovington Gardens	3
Powis Square	3
Walton Place	3
Beckford Close	2
Cadogan Square	2
Colville Terrace	2
Cromwell Road	2
Launceston Place	2
Nevern Place	2
Stanhope Gardens	2
Beauchamp Place	1
Blenheim Crescent	1
Brewster Gardens	1
Carlton Tower Place	1
Cheltenham Terrace	1
Duchess of Bedford's Walk	1

Hot spot map 01/04/2019 – 31/03/2020



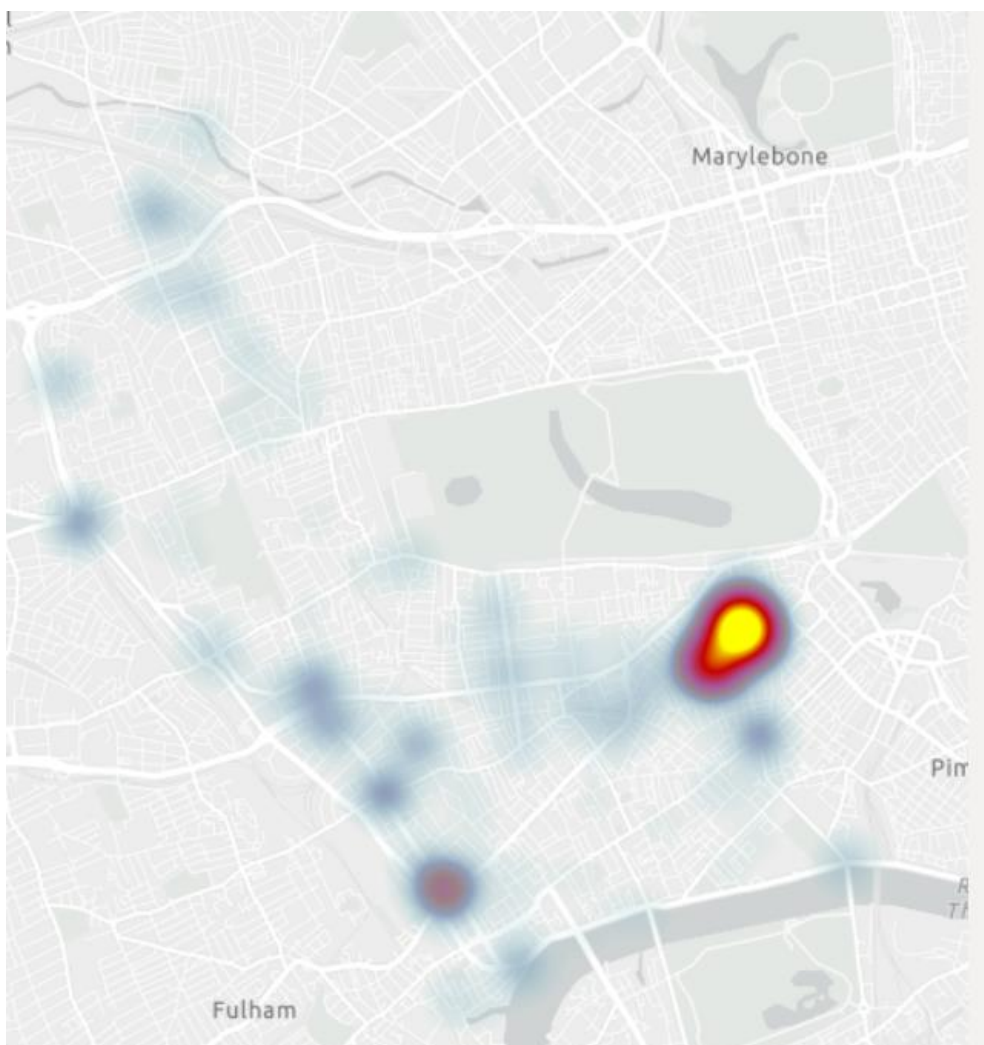
Street data map 01/04/2020 – 31/03/2021



Street	No of incidents
Sloane Street	135
Pont Street	54
Redcliffe Gardens	19
Queen's Gate	10
Holland Road	8
Earl's Court Road	7
Cheyne Walk	6
Chesterton Road	5
Pembroke Road	5
Chelsea Embankment	4
Cromwell Road	4

Fulham Road	4
Harington Gardens	4
Kensington High Street	4
Nevern Place	4
Exhibition Road	3
Hans Crescent	3
Walton Street	3
Warwick Gardens	3
Addison Road	2
Bevington Road	2
Bramley Road	2
Brompton Road	2
Burnaby Street	2
Cadogan Place	2
Cathcart Road	2
Child's Place	2
Collingham Road	2

Hot spot map 01/04/2020 – 31/03/2021



Acoustic camera enforcement statistics (trial 22/09/2020 – 23/12/2020)

Between September and December 2020, the Council trialled two acoustic cameras in the existing PSPO area. The following data shows the results.

Acoustic camera data

	Sep	Oct	Nov	Dec	Total
Triggers	97	835	720	296	1948
Actions	32	85	98	47	262
% actioned	33%	10.2%	13.6%	15.9%	13.4%

Enforcement actions

FPNs	14	40	59	31	144
Warnings	12	24	27	6	69
No further action (NFA)	6	21	12	10	49
Pending	0	0	0	0	0
Totals	32	85	98	47	262

On 3rd June 2021, one of the acoustic cameras was installed in Holland Park Avenue. As of 21st June 2021, the data from that camera is as follows:

- Total Triggers: **105**
- Triggers resulting in NFA: **99**
- Triggers likely to be a breach of PSPO conditions if one were in place: **6**