



Officer Key Decision Report

**Report of the Corporate Director of
Children, Young People and
Community Development**

**Lead Member – Cabinet Member for
Safer Communities, Jobs & Skills
(Councillor Harbi Farah)**

Public Spaces Protection Order (PSPO) Nuisance Vehicles– Scope, Outcome of Consultation and Proposals for Extension

Wards Affected:	All
Key or Non Key Decision	Key
Open or Part/Fully Exempt (If exempt, please highlight relevant paragraph of Part 1 Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	<p>Six</p> <p>Appendix 1: PSPO Notice Nuisance Vehicles Extension.</p> <p>Appendix 2: Vehicle Nuisance Data</p> <p>Appendix 3: PSPO Nuisance vehicles consultation March 2025</p> <p>Appendix 4: Raw Data PSPO Nuisance Vehicles April 2025.</p> <p>Appendix 5: Equality Assessment after consultation - Nuisance Vehicle 2025</p> <p>Appendix 6: Police Support</p> <p>Additional Evidence – Police Enforcement</p> <p>Additional Evidence – Police Statistics</p>
Background Papers	None
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1.0 Purpose of the Report

- 1.1 Brent Council is committed to maintaining a clean and safe environment and it is the Council's responsibility to address a range of environmental quality issues, including anti-social behaviour (ASB).
- 1.2 The Anti-Social Behaviour, Crime and Policing Act 2014 sets out the tools and powers available for tackling ASB. Public Spaces Protection Order (PSPOs) are one of the tools available under the 2014 Act. These are wide-ranging and flexible powers for local authorities, which recognise that councils are often best placed to identify the broad and cumulative impact that ASB can have on communities. The Act gives councils the authority to implement PSPOs in response to the particular issues having a detrimental effect on the quality of life of those in the locality, or (b) is likely to have such an effect provided certain criteria and legal tests are met. A breach of a PSPO without a reasonable excuse is an offence. This gives councils the ability to enforce with Fixed Penalty Notices (FPN's) or prosecution.
- 1.3 The Council has effectively utilised PSPO powers in order to control street drinking since 2017, including powers implemented to support enforcement work around Wembley Stadium, primarily on event days. The power is to address a nuisance having a detrimental impact on the community.
- 1.4 On 1st April 2023 the Council made a decision to introduce a Public Space Protection Order for Nuisance Vehicles. The Public Space Protection Order was in effect from the 20th April 2023 for a period of 2 years. The existing PSPO prohibits the following activities:
 - A) Revving of Engine(s) as to cause a public nuisance
 - (B) Repeated Sudden and rapid acceleration (as a public nuisance),
 - (C) Racing
 - (D) Performing stunts (as to cause a public nuisance)
 - (E) Without lawful authority or reasonable excuse wilfully causing obstruction on a public highway, whether moving or stationary, including driving in a convoy
 - (F) Any vehicle driving over Footways, Footpaths and Verges without reasonable or lawful excuse (Illegal Crossovers)
- 1.5 From March 2024 – February 2025 there were 562 recorded ASB incidents categorised as Nuisance Vehicles /Inappropriate Use. This was a 2.2% increase from the previous 12 months (March 2023 – February 2024 which recorded 550 incidents) - Appendix 2. The council has seen an increase in complaints related to

nuisance vehicles especially around Revving of Engine(s) and Performing stunts to cause a public nuisance. This has precipitated consideration of the powers currently available to police and the Council to address the issues that these vehicles cause. The police have used Section 59 of the Police and Reform Act 2002 which allows an officer to seize and remove a vehicle within 12 months, if that driver is dealt with again for antisocial use of a motor vehicle which he or she believes is being driven inconsiderately or carelessly and causing, or is likely to cause, alarm, distress or annoyance to members of the public. Community Protection warning/ Notices under the ASB Crime and Policing Act 2014 were also used to address ASB.

- 1.6 This report sets out the rationale for an extension of three years, the borough-wide PSPO in relation to nuisance vehicles. It also outlines the outcome of a recent consultation process that supports the PSPO extension and process for implementation.

2.0 Recommendations

- a) To note feedback on the proposed extension of the Public Spaces Protection Order (PSPO) for Nuisance Vehicles as set out in the report.
- b) To note the outcome of the recent consultation process, indicating significant support for extension.
- c) Consider and approve, having consulted the Cabinet Member for Safer Communities, Jobs & Skills, the extension of the PSPO for Nuisance Vehicles as detailed within Appendix 1 of the report

3.0 Detail

Contribution to Borough Plan Priorities and Strategic Context

- 3.1 PSPO Nuisance Vehicle will ensure thriving communities in Brent addressing incidents of noise pollution affecting the quality of life of residents. A robust process will be in place to enforce on modified exhaust cars known to cause loud noise and racing by the deployment of acoustic and ANPR Cameras. In addition, this will ensure collaboration and partnership working in tackling antisocial behaviour as problem-solving approach to hotspots locations, ensuring ASB powers are integrated within this approach to provide trust and confidence to individuals in the community

Background

- 3.2 The [Anti-Social Behaviour Crime and Policing Act 2014](#) permits local authorities to implement a Public Space Protection Order (PSPO) within the authority's area to deal with a particular nuisance or problem that is, or is likely to have a detrimental effect on the quality of life for those in the locality. This power lasts up to three years before requiring a review and has been adopted by many local authorities in the UK. Prior to the expiry of the PSPO, the local authority may review and extend the PSPO.

- 3.3 On 1st April 2023 the Council made a decision to introduce a Public Space Protection Order for Nuisance Vehicles. The Public Space Protection Order was in effect from the 20th April 2023 for a period of 2 years. The existing PSPO prohibits the following activities:
- (A) Revving of Engine(s) as to cause a public nuisance
 - (B) Repeated Sudden and rapid acceleration (as a public nuisance),
 - (C) Racing
 - (D) Performing stunts (as to cause a public nuisance)
 - (E) Without lawful authority or reasonable excuse wilfully causing obstruction on a public highway, whether moving or stationary, including driving in a convoy
 - (F) Any vehicle driving over Footways, Footpaths and Verges without reasonable or lawful excuse (Illegal Crossovers)
- 3.4 In recent years, the Council has experienced a significant increase in incidents captured on CCTV relating to street racing and driving in a dangerous way. Also, complaints vehicles causing excessive noise on the streets have also increased. These activities have resulted in inappropriate use of vehicles; thus, the council is considering the extension of the PSPO under the same prohibitions implemented as above.
- 3.5 The past 24 months in particular has seen an increase in enquiries on anti-social behaviour related to the use of vehicles in comparison to previous years. For example, data gathered between the months from March 2024 – February 2025 indicated there were 562 recorded - an increase of 2.2% from the previous 12 months (March 2023 – February 2024). Reports range from racing, driving in a convoy, performing wheel spins and anti-social driving across the borough. The most frequent day of the week for nuisance vehicle incidents occurs on Saturdays, with 24% of all Nuisance Vehicle incidents occurring on that day. This is a change from the previous year when Sunday was the most frequent day. This might be due to the large number of Sunday incidents being recorded between midnight and 1am, so overlapping with Saturday evening. The peak hour for Nuisance Vehicle incidents in 2024/25 was 10pm, and there was a sharp drop in the early hours. A breakdown of this data is provided in Appendix 2.
- 3.6 The Police are increasingly using their powers under Section 59 of the Police and Reform Act 2002 to address the issue in the form of careless or inconsiderate driving. These powers allow an officer to seize and remove a vehicle that he or she believes is being driven inconsiderately or carelessly and is causing, or is likely to cause, alarm, distress or annoyance to members of the public. However, the police cannot seize a vehicle under this provision without first warning the driver that the vehicle will be seized if the driving persists. The PSPO will aim to stop the antisocial use of vehicles to cause nuisance to the community.
- 3.7 Within the year, approximately 400 vehicles have attended “car meets” either to ‘drifting’ or to spectate. 2 ANPR CCTV cameras have been deployed roundabouts between Central Way & McNicholl Drive and McNicholl Drive & Willen Field Road to capture these nuisance behaviours. The drivers causing a nuisance were issued Fixed Penalty Notices (FPNs) as well as Community Protection Warnings (CPWs) and Section 59s from the police, while spectators captured on CCTV were also

issued CPWs and Section 59s for attending the organised events. A total of 28 Fixed Penalty Notices were issued also, 1 for wilfully causing obstruction on the highway and 27 for vehicles driving over footways, footpaths and verges.

- 3.8 In addition, due to the car meets on Central Way and McNichol Drive, the ASB team and Metropolitan Police have organised days of action, met with relevant stakeholders within the Council (Healthy Streets and Parking team) to advocate for traffic calming measures within these hotspots. High Friction Anti-Skid Road Surfacing was implemented at Healthy Streets and Parking to deter and reduce the anti-social behaviour in these locations. This has decreased car meets at these locations. There are some hotspots in other parts of the borough such as Wembley Park which have seen a higher proportion of modified exhaust cars which have been attributed to noise pollution.
- 3.9 To assist in the management of nuisance vehicles we are bidding for 2 ANPR CCTV and 2 Acoustic Cameras that would be part of the Council's CCTV network, deployed to hotspot areas when needed.

4.0 Consultation with Ward Members & Stakeholders

- 4.1 In accordance with legislative requirements, an eight-week consultation process relating to the potential extension of the PSPO Nuisance Vehicle took place between 27th January 2025 – 16th March 2025 with a further extension for 2 weeks which ended on 21st April 2025. The details of the consultation were published on the Council's website in accordance with the legal guidance under the Anti-Social Behaviour, Crime and Policing Act 2014. The consultation was shared through Brent's *Have Your Say* webpage. The link was shared with 57 Councillors, 8 registered housing providers, all schools, Ace Café (car and bike enthusiasts), 22 Safer Neighbourhood Teams /Police and Safer Neighbourhood Members Board. Brent Communication team also shared the link via the Brent Council's social platforms such as Facebook, WhatsApp. Lastly the Chief Inspector Brent Neighbourhoods & Partnership was also consulted (Appendix-6)

Consultation outcome

- 4.2 186 respondents participated in the consultation to extend the PSPO. About 90 % of all responses strongly agreed or agreed with all prohibitions consulted on while 7.5 % of all responses strongly disagreed or disagreed with the proposals for nuisance vehicles, with 1.5% neither agreeing nor disagreeing with the PSPO. A full breakdown of data is provided in Appendices 3 and 4.
- 4.3 Further detailed on the consultation outcome found set out in Appendix 3 which gives the breakdown on age, ethnicity, religion, gender, disability, sexual orientation and gender identity.
- 4.4 The most responses came from Wembley, Willesden, Kingsbury and Kenton and Kilburn, the fewest were from Harlesden.

Comments

- 4.5 The majority of respondents submitted supportive comments around the proposed extension of the PSPO and expressed a view that it would help tackle nuisance vehicle from loud cars, cars revving and racing along major roads, particularly late at night. Cars drifting on the roundabouts near Lakeside Drive NW10 are a real nuisance. Cars also race up and down the A40 at night. The noise is disruptive, especially in the evening. Also, some of the driving habits are dangerous, more so at nighttime.
- 4.6 A full break down of all comments received is provided in Appendix 4. Based upon the outcome of the consultation process, it is recommended that the proposed extension of the PSPO be implemented.

5.0 Scope and Implementation Timeline

- 5.1 It is proposed that the PSPO extension will continue from May 2025 subject to approval. Relevant PSPO signages are already affixed across Brent however an overlay with designs informing the public of the prohibitions are place.

6.0 Financial Considerations

- 6.1 The approximate cost of affixing the overlay across the borough will be £4,000 - 6,000 and will be met from existing budgets within the Community Development service budget. There is potential to generate some income from fines and prosecutions but there is no baseline to project this annually at this stage.
- 6.2 As part of existing duties of the Neighbourhood Patrol team and MET Police, enforcement will be undertaken, with no extra budget required.
- 6.3 Should the PSPO not be extended, there is an estimated cost of £2,000 to remove the current signs affixed across the borough.

7.0 Legal Considerations

- 7.1 Under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), a local authority may make a PSPO in the areas where a particular nuisance or problem occurs which is detrimental to local community's quality of life. In order to issue a PSPO, the council must be satisfied on reasonable grounds that the two statutory conditions set out in s59 (2) and s59 (3) are met and that the restrictions are reasonable and proportionate.
- 7.2 For a PSPO to be implemented, the Council must be satisfied on reasonable grounds that the two statutory conditions are met and that it is reasonable and proportionate for the restrictions. The first condition Section 59 (2) of the 2014 Act is that:
- a) the 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.

7.3 The second condition Section 59(3) of the 2014 Act states that is that 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.

7.4 The reasonableness requirement is set out in section 59(5) of the 2014 Act which provides that the only prohibitions or requirements that may be imposed are ones that are reasonable for the specified objectives of the PSPO that are:

- a) to prevent the “detrimental effect” referred to in section 59(2) of the 2014 Act from continuing, occurring or reoccurring, or
- b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

S59(6) provides that a prohibition or requirement may be framed-

- a) so as to apply to all persons, or only persons in specified categories, or to all persons except those in specified categories;
- b) so as to apply at all times, or only at specified times, or at all times except those specified;
- c) so as to apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified

Pursuant to s60 a public spaces protection order may last upto 3 years, unless extended. In order for a PSPO to be extended the following applies:

(2) Before the time when a public spaces protection order is due to expire, the local authority that made the order may extend the period for which it has effect 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.

(3) An extension under this section—

- (a) may not be for a period of more than 3 years;
- (b) must be published in accordance with regulations made by the Secretary of State.

7.5 The Home Office statutory guidance for frontline professionals (The Home Office Guidance) (pg. 64) states; “these orders can restrict what people can do and how they behave in public spaces. It is important that the restrictions imposed are focussed on specific behaviours and are proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring”.

7.6 Before deciding to make the PSPO, the council must comply with certain statutory requirements relating to publication, consultation, notification and information in respect of the extension of PSPO in the relevant areas. In addition, the council will

need to evidence that it has given regard to statutory guidance issued by the Secretary of State.

- 7.7 PSPOs, may be challenged within six weeks of being made by way of an application to the High Court. The Court may suspend the operation of the PSPO or any of the prohibitions imposed by it until the determination of the proceedings. Should the Court be satisfied the council erred and the applicant has been substantially prejudiced by that failure, it may quash the Order or any of the prohibitions imposed by it.
- 7.8 Breach of a PSPO is a criminal offence, subject to a fixed penalty notice (of up to £100) or prosecution and a fine of up to £1,000 (Level 3 of the Standard Scale).
- 7.9 Once approved, the PSPO must be published on the council website and notices erected publicising the fact that the PSPO has been made and its effect.
- 7.10 When considering the Human Rights Act the council must balance the rights and freedoms of individuals, in relation to the proposed restrictions imposed, against the needs of the wider community.
- 7.11 Article 10 of ECHR (Freedom of Expression) states the following:
1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
 2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.
- 7.12 Article 11 of ECHR (Freedom of assembly and association) states the following:
1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.
 2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

8.0 Equity, Diversity & Inclusion (EDI) Considerations

- 8.1 The public sector equality duty, as set out in section 149 of the Equality Act 2010, requires the council, when exercising its functions, to have “due regard” to:
- a) the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act,
 - b) to advance equality of opportunity and
 - c) foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 8.2 Consideration must also be given as to how the proposals contained within this report might impact adversely on those persons with protected characteristics as set out in the Equalities Act 2010 and whether there should be any mitigated actions proposed in relation to any potential adverse impacts of such proposals.
- 8.3 The implementation and policing of a PSPO must be in accordance with the Equality Act 2010. There will be no discriminatory policing of this order in line with our Public Sector Equality duty.
- 8.4 An Equality Impact Assessment has been undertaken and is attached at Appendix 5.

9.0 HR & Property Considerations

- 9.1 Under section 68 of the 2014 Act, a police constable or a person authorised by the local authority that made the PSPO may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67 of the 2014 Act (as described in the previous paragraph) in relation to a PSPO. Under section 68(2) of the 2014 Act, a fixed penalty notice (FPN) is a notice offering the person to whom the FPN is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to a local authority specified in the FPN.
- 9.2 Brent Police and Brent Council Staff will jointly enforce against prohibitions A, B, C, D & E as referenced in Appendix 1, while the Council Neighbourhood Patrol officers will be the lead agency to enforce against prohibitions F.

10. Climate Change and Environmental Considerations

As set out within the main body of the report.

11. Communication Considerations

- 11.1 A communications exercise and awareness with residents will also be undertaken across the borough to outline the Brent enforcement policy. Enforcement will be

data driven and targeted in hotspot areas as outlined in the report. Use of surveillance assets such as ANPR and Acoustic Cameras to monitor nuisance vehicles will be an integral approach in enforcement of the PSPO.

- 11.2 The communication awareness and campaign will focus on the scope of the order, behaviours to be prohibited and the policing approach to address these behaviours.

Report sign off:

Nigel Chapman

Corporate Director for Children, Young People &
Community Development