



Policy and Scrutiny Committee

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Title:	Nuisance noisy vehicles and car meets
Report of:	Calvin McLean – Director, Public Protection & Licensing
Cabinet Member Portfolio	Communities and Regeneration
Wards Involved:	Principally St James's and Knightsbridge & Belgravia
Policy Context:	Noise
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1. Executive Summary

This report outlines the issue of nuisance caused by noisy vehicles and car meets in Westminster. Whilst we receive sporadic reports about noisy vehicles and car meets (groups of car owners meeting up at a specific location) across Westminster, we know that this is an issue that our residents and businesses regularly report to their Ward Members, often relating to individual vehicles. Evidence points towards infrequent car meets being a particular issue in some hotspot locations. RBKC have responded to similar issues with a PSPO and the use of acoustic cameras, an approach we wish to follow.

This report outlines the enforcement options for both Council and Police, including: limitations of current legislation; the current evidence picture; the experience of the Royal Borough of Kensington & Chelsea; current activity to mitigate the issues in Westminster; and a proposed plan of action for hotspot locations and asks whether the Committee supports this proposed approach, given the constraints identified in the report.

In March 2021 the Metropolitan Police (MPS) produced an Car Meet Police response (MPS) in relation to policing car meets at Waterloo Place, one of our hotspots, which includes a number of short, medium and long term responses from the MPS and WCC, including many of the approaches discussed in this report.

This issue has been regularly reported back to Cllr's Acton and Hyams as part of their oversight of PPL activity under the Communities and Regeneration Portfolio.

2. Key Matters for the Committee's Consideration

- Does the committee support the current approach to enforcement given the legislative constraints?
- Does the committee support the potential use of a PSPO as an additional tool to enforce the issues?
- Does the committee support the use of acoustic cameras to support the above?

3. Background

3.1. Noise from vehicles – background and enforcement

There is currently limited legislation available to Local Authorities to enforce vehicle noise. Statutory nuisance legislation (Environmental Protection Act 1990) does theoretically allow enforcement of traffic/vehicle noise however it is generally superseded by other primary legislation and considered by local councils an ineffective tool for dealing with moving traffic due to the need to witness the noise and also identify which vehicle it originated from.

Ordinarily, vehicle noise (from exhausts) should be enforced by the Police or Vehicle Inspectorate under The Road Vehicles (Construction and Use) Regulations 1986, with the current legal noise limit for new cars within the EU area being 74dB (though through modification there are ways of getting around this). In addition, noise emissions from existing vehicles are checked during an MOT annually. However, the existing legislation is limited, and it is virtually impossible for the police to enforce the noise regulation as they either don't have the dedicated equipment¹ or the expertise or both. In addition, the measurement procedure is very precise, cannot accurately be performed at the roadside (meaning the police would need a reason to seize the vehicle) and this approach is resource intensive.

¹ Only one police force out of 16 responses to a national survey has the specific equipment to measure vehicle noise

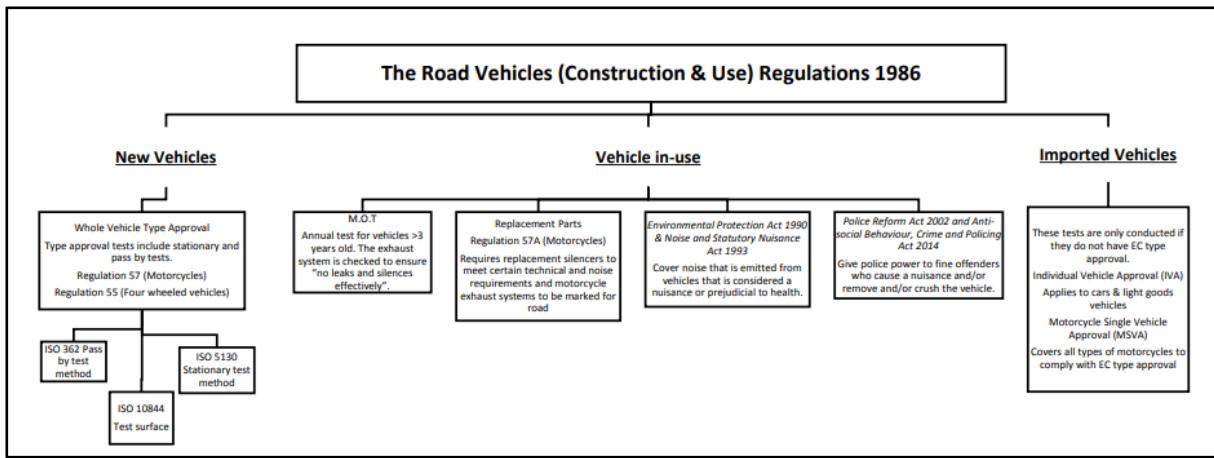


Figure 1. Current UK legislative framework to control and mitigate noise from motor vehicles²

3.1. Current enforcement tools

As evidenced above enforcement tools specifically relating to noise emitted by vehicles are ineffective. Therefore, local authorities and Police tend to rely on other pieces of legislation to deal with vehicles causing noise nuisance, focused more on the nuisance and/or relating to the manner in which the vehicle is being driven.

For local authorities the alternative enforcement options are limited, though RBKC have shown that in conjunction with the use of policing powers there is the ability to provide a comprehensive toolkit of enforcement options and that a joined-up approach is likely to be the most effective. As previously stated, the Road Vehicles (Construction and Use) Regulations 1986 requires specific equipment and expertise to enforce, and therefore is rarely used however the following powers in conjunction with use of a Public Spaces Protection Order (PSPO) and acoustic cameras have been shown to impact on the issue of nuisance noise –

Section 59 Police Reform Act 2002

Police have powers under Section 59 of the Police Reform Act 2002 to seize a vehicle where they believe it is being used in a manner causing or likely to cause alarm, distress, or annoyance to the public and contravenes Section 3 (careless / inconsiderate driving). Traditionally, use of this power requires significant police resource to gather evidence and enforce, though using CCTV and body worn cameras it has been discussed as a potential enforcement tool in relation to Westminster's hotspots. Often a warning highlighting this power can be enough to persuade vehicle owners to comply.

Section 35 Dispersal ASB, Crime and Policing Act 2014

Police can implement a dispersal zone where they have reasonable belief that use of such a power will reduce the likelihood of crime or disorder taking place. This

² [2019 report on Roadside Vehicle Noise Measurement prepared for DfT March 2019](#)

power has been successfully used in RBKC in relation to supercars and is in the toolkit of options for the MPS to use in Waterloo Place.

3.2. Capturing evidence – noise and related issues

To identify the scale of the issue of vehicle noise, we regularly review the number of complaints/issues reported to both WCC and the MPS.

Westminster categorises noise complaints in several different ways and people wishing to report noise nuisance can choose at point of contact which type of noise to report. As noise from vehicles is not a statutory nuisance there is not currently a specific reporting category for vehicles. Therefore, to identify vehicle noise complaints in Westminster we undertake a manual search of a data extract from Uniform, our line of business system. The period most recently extracted covered May 2020 – October 2020, and a key word search is used to identify complaints relating to cars.

Of 11767 noise complaints, 60 appeared to relate to noise from vehicles, with a further 52 relating to music coming from vehicles, some of which may have related to the plethora of unlicensed music events (UMEs) seen in the latter half of 2020. Of the 60 vehicle related noise complaints, over a third (22) related to Waterloo Place or Carlton House Terrace, consistent with our understanding of the hotspot for vehicle related noise and car meets.

Similarly, there is no specific category of reporting noisy vehicles to the police, with the most likely proxy being vehicle nuisance/improper use. For the period December 2019 to November 2020 there were 528 reports of vehicle nuisance across Westminster. With no detail to this data, we are unable to examine how many of these related to noisy vehicles, however the locations with the highest number of calls were Knightsbridge & Belgravia (99), Strand & Whitehall (54) and Mayfair & St James's (49) – locations that include our known hotspots.

More recently, as we have started gathering evidence to support further enforcement action, we know that between January 2020 and the end of May 2021 police had received 80 reports of vehicle nuisance specific to Waterloo Place/Carlton House Terrace. In addition to noise reports the MPS and our own ASB caseworkers have been obtaining victim impact statements from residents and businesses in Waterloo Place.

The relative lack of formal noise complaints around noisy vehicles may relate to one or all of the following scenarios:

- It is a type of noise that some/many of our residents expect/are used to and only in key locations such as Waterloo Place do residents/businesses report this issue.
- The lack of a dedicated reporting category might dissuade reporting of the issue altogether.

- Residents/businesses are aware it is an issue that may be better investigated by the police as the dangerous driving/anti-social driving may be more concerning than the noise alone.

3.3. Key locations/type of activity

It is important to differentiate between the different types of activity which may lead to vehicle noise affecting our residents and businesses.

Individual vehicles - In most circumstances vehicle noise from unmodified vehicles, including mopeds and motorbikes cannot be deemed a nuisance. There are also other factors that may increase the impact of noise from vehicles, relating to the urban environment, such as building height, road surface and lack of ambient noise (very much linked to the night-time but also the significant reduction in vehicle traffic witnessed in 2020 during the pandemic).

Car Meets – Car meets generally involve groups congregating in a set location to show off their vehicles. It should be noted that car meets may be perfectly legitimate, however some can involve dangerous driving, including excessive speed and dangerous manoeuvres such as ‘doughnuts’ and burn outs. Though once the preserve of out-of-town retail parks and industrial units, we have evidence of these meets taking place in Westminster, most commonly Waterloo Place and Exhibition Road. Footage we have seen shows the potential for serious accidents and injuries/death is ever present when these events take place. These meets or ‘cruising’ events have a large social media presence.

3.4. Car meets in Westminster

Car clubs/car meets have been identified as a particular nuisance in Westminster, particularly in relation to specific locations and at specific times of day. Historically we were aware of a group known as the Piccadilly Boy Racers³ who for at least the last five years have driven into Westminster, often on a Sunday afternoon, to show off their vehicles to members of the public and supposedly raise money for charities. They would use Waterloo Place to park up and display their vehicles. Whilst this group would cause congestion in the West End as they moved in procession, and there was some suggestion of noise nuisance in the Waterloo Place area, there is nothing to suggest anything more untoward was happening.

More recently we have become more aware of car meets taking place late at night in both the Waterloo Place (and West End) and Exhibition Road areas. These car meets cause residents, us and the police more concern, as in addition to vehicles travelling into Westminster en-masse we have evidence of dangerous driving, along with the noise nuisance heightened by these events taking place in the early hours.

³ [‘Secret’ boy racer society clog up Piccadilly Circus](#)

It is believed that some or all these groups originate in East London and also travel onto other locations as well as Westminster, in the same night.



*Video footage of a car meet in
Waterloo Place – 25th April
2021*

We believe that the hotspot locations of Waterloo Place and Exhibition Road are used as they present a wide road space along with obstacles, which provide a perfect space to undertake dangerous manoeuvres such as doughnuts and sudden acceleration as well as the associated noise nuisance.

3.5. WCC approach to date

WCC are working closely with the MPS (both local officers and the Roads and Transport Policing Command) to ensure a comprehensive enforcement plan for our hotspot locations, as well as securing evidence to support a PSPO. However, given our limited powers at present, enforcement has relied on the MPS to take action in the first instance.

Example - On 25th April, MPS were made aware of a car meet taking place in Waterloo Place. Through use of the MPS CCTV in the area, 32 vehicle registrations were captured. 30 vehicle owners were sent warning letters whilst 2 are currently being prosecuted for dangerous driving. Since this date there have been no further car meets at this location.⁴

With the ultimate threat of seizing these often very expensive and/or highly personalised vehicles (through Sec 59 of the Police Reform Act 2002) it is hoped this may dissuade a number of this group from returning. Indeed, a comprehensive communications campaign between ourselves and the MPS is another tool in alerting those who would want to travel into Westminster and cause nuisance that they ultimately risk having their car seized, if not there and then at a later date.

Use of acoustic cameras to gather evidence of noise nuisance and dangerous driving would still be used in conjunction with other approaches such as police dispersal powers, evidence capture via body warn cameras and potential design-out solutions⁵.

3.6. Measures taken in other boroughs - RBKC

Our neighbouring borough, Royal Borough of Kensington & Chelsea (RBKC) have reported anti-social behaviour and noise issues linked to supercars over at least the last 6-7 years, particularly in the Brompton and Hans Town Ward which borders

⁴ However Waterloo Place was the location for a series of vehicle led Palestinian protests on the weekend of 14/15/16th May 2021

⁵ City Highways have also been engaged in conversations, particularly around Waterloo Place (hotspot 1)

Westminster (Knightsbridge and Belgravia Ward). Issues experienced by residents and businesses related to noise, revving of engines, racing and other anti-social activities. These issues were generally experienced in the Summer months and linked to visitors from the Middle East coming to London post-Ramadan and bringing their high-performance vehicles with them. These issues received significant local and national press coverage.

Enforcement action with the police had been undertaken for some time but with limited impact on the issue. However, the evidence gathered, showing a significant and sustained impact of supercars and their drivers on residents and the locality allowed RBKC to introduce a RBKC PSPO in 2015. The PSPO prohibited several activities relating to the driving of vehicles within a designated geographical zone (Brompton and Hans Town ward specifically). It is worth noting that according to the team that implemented the PSPO, RBKC received hundreds if not thousands of complaints about super cars in one ward alone.

The RBKC PSPO has the following conditions -

- Revving of engine(s) (as to cause a public nuisance)
- Repeated sudden and rapid acceleration (as to cause a public nuisance)
- Racing
- 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

Enforcement of this PSPO has been carried out with the Police in conjunction with other activity and enforcement has generally been contained to dedicated operations which continue to be undertaken, however these are understandably resource intensive.

Following further complaints around anti-social activities by drivers of high-performance vehicles RBKC commenced a pilot using acoustic cameras that record exhaust noise above a certain limit. Offending drivers are enforced against with the potential for Fixed Penalty Notices to be issued and prosecution along with the potential for vehicles to be seized through applications to court.

Given that vehicle noise is not a statutory nuisance, the RBKC pilot does not specifically enforce against exhaust noise but is used as a tool against the requirements of the PSPO. The RBKC cameras record noise above 80dB, higher than the legal limit.

There has been some concern that the PSPO and Acoustic Camera enforcement would displace activity into Westminster, especially as the key RBKC hotspot directly borders Westminster. Between May and October 2020 there were 7 complaints relating to Knightsbridge and Belgravia with some of these relating to

our Exhibition Road hotspot. As last year was somewhat an anomaly, we will need to continue to monitor this potential displacement.

3.7. WCC proposed actions

In addition to the continuation of the partnership work and development of an operational plan between ourselves and the MPS we are currently gathering evidence to support a PSPO for the Waterloo Place and Exhibition Road locations. We have also had approval to purchase two acoustic cameras to support evidence gathering and existing enforcement approaches. We have sought the advice of RBKC and will continue to work closely with them on the issue of noise nuisance from vehicles.

3.7.1. PSPO

Following discussions with RBKC and the MPS regarding their approach to noise nuisance from vehicles, we were asked to investigate replicating their approach through making a PSPO to restrict similar activities in our hotspot locations. Working closely with the MPS, we have collected statements and other evidence and provided those to legal services, who are currently drafting the PSPO for sign off and consultation. PSPOs relating to car meets of 'cruises' are a relatively common approach to the problem with a number of boroughs across the UK having them in place⁶. A PSPO would allow WCC to take enforcement action and/or support further action by the MPS.

For a PSPO to be made, we must be satisfied on reasonable grounds that we have met the statutory test provided for in the Act. This test states that:-

1. the activities carried out 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 a public place within our area and that they will have such an effect.
2. the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature,
3. is, or is likely to be, such as to make the activities unreasonable;
4. and justifies the restrictions imposed by the order.

It is important to highlight the need for these activities to be of a persistent nature, which makes a PSPO unsuitable for individual incidents of noise nuisance. The impact of a PSPO is also limited by the ability to enforce prohibited activities. As we have seen from both RBKC and WCC, enforcement can be heavily reliant on a significant number of police officers to be available and the ability to react quickly to incidents.

⁶ Thurrock, Stockport, Trafford, Tamworth, Huntingdonshire, Enfield, Sandwell, Barking & Dagenham and Broxtowe Council

Currently apart from some footage and a handful of complaints, there is limited evidence to support extending the PSPO to Exhibition Road, however there is provision within the legislation to include likely displacement.

PSPO timeframes

Current timeframes for a PSPO are as follows:

Milestone Name	Planned Delivery Date	Forecast Delivery Date	RAG
Evidence for PSPO Gathered	04/06/21	04/06/21	Delivered
Acoustic Cameras Installed	17/09/21	30/07/21	On track (see earlier delivery date)
Policy and Scrutiny	06/07/21	06/07/21	On track
Decision to Consult (Key Decision)	13/07/21	13/07/21	On track
Consultation Go Live ⁷	21/07/21	21/07/21	On track
Results of Consultation Published	29/10/21	29/10/21	On track
Key Decision	02/11/21	02/11/21	On track
PSPO Go Live	09/11/21	09/11/21	On track

Table 1 – Current PSPO delivery timeframe

It is anticipated that any consultation will potentially identify other locations of concern to residents, and we would endeavour to gather evidence around the issues in any additional hotspots.

3.7.2. Acoustic cameras

Between 23rd September and 23rd December 2020 RBKC carried out their own pilot using acoustic cameras as a tool to enforce against their PSPO. The pilot was deemed a success (see appendix 1) and whilst initially rented, RBKC have gone on to purchase acoustic cameras and are currently looking to use them to gather evidence to justify geographical extension of their existing PSPO.

Whilst the option to enforce using these cameras is not currently open to WCC as we have no PSPO in place, we did consult with RBKC on the use of these cameras to gather evidence of breaches to support justification of a PSPO. They have confirmed it was considered (subject to cost) and that this would allow the gathering of data to show volume of breaches though not allow us to identify vehicle keepers through the DVLA (for this to happen an offence must be proven).

⁷ It is Council practice to not consult in August due to the likely unavailability of potential respondents. Hence the consultation period is longer than the usual 6 week period in order to maximise responses.

RBKC and the police have also been able to use the acoustic cameras to capture incidents of dangerous driving which the police are able to enforce⁸. Conversations with police around implementing a similar process in Westminster have been positive.

It is important to note that whilst acoustic cameras can be used as an enforcement tool, it is not necessarily the most effective enforcement tool at present. RBKC have advised that the process of enforcement is entirely manual and takes considerable officer time due to having to individually review all potential breaches and the volume of vehicles breaching the noise limits set (likely at a cost higher than the money retrieved through FPNs). Currently we do not have any dedicated resource available to carry out this activity.

There are some mitigations against this, in that Westminster is unlikely to see the same volume of vehicles as RBKC and the option is there to increase the trigger level of the cameras to capture only the very noisiest of vehicles. As evidenced by RBKC Enforcement Statistics enforcement is an entirely subjective matter based on the evidence and not all vehicles that have breached the decibel limit in RBKC have been warned or issued FPNs (approximately 10-15% of breaches result in further action).

We have been able to identify capital funds for the purchase of two acoustic cameras, and we have obtained the necessary waiver⁹ from our procurement team in order to progress this. We propose that these cameras be piloted in the known hotspot locations to initially gather evidence to support enforcement activity, to support police operations and to provide any evidence of driving offences to the MPS to prosecute or warn vehicle owners (something that RBKC also does with their cameras).

The cameras are mobile (though there are installation costs every time they are moved) and so if evidence identifies other hotspots we can move them to support further evidence capture.

Table 1 (below) shows the cost of two acoustic cameras (both capital and revenue costings) without the installation cost as this is site specific (estimated at around £2-5k depending on location).

Should the pilot be successful and additional cameras be purchased, additional capital funds will need to be sought.

Item	Yr 1	Yr 2	Y3	Total
2 x Acoustic Cameras	34,200	0	0	34,200
Quarterly Service Fee @ £1,995	7,980	7,980	7,980	23,940
Annual Calibration	4,750	4,750	4,750	14,250

⁸ RBKC identify the incidents and supply footage to the police.

⁹ 24Acoustic are the only known company to produce a commercial product in the market.

Totals:	46,930	12,730	12,730	72,390
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Table 2 – costings for purchase of two cameras

3.7.3. Highways schemes

One of the potential solutions to be explored, particularly at Waterloo Place would be a Highways scheme that redesigned the space to reduce the opportunity to carry out some of the most anti-social aspects of the car meets, by raising and narrowing the entrance. However, this would only be a partial solution and would not necessarily stop car meets from attending the location. In addition, this scheme alone would cost around £800,000, which falls outside of current budgets. Given the cost of such schemes it is not recommended that they alone be used to reduce or remove the impact of car meets.



Figure 2 – Proposed Waterloo Place highways scheme (sketch)

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact Alex Juon - 07890380509
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APPENDICES:

For any supplementary documentation; especially from external stakeholders or documents which do not fit this template.

1. RBKC Enforcement Statistics

Camera Enforcement Statistics RBKC (Trial 22nd Sept to 23rd Dec 2020)

	September	October	November	December	Totals
Triggers	97	835	720	296	1948
Actions	32	85	98	47	262
%	33.0%	10.2%	13.6%	15.9%	13.4%
FPNs	14	40	59	31	144
Warnings	12	24	27	6	69
NFA	6	21	12	10	49
Pending	0	0	0	0	0
Totals	32	85	98	47	262

2. Car Meet Police response (MPS)

Short Term

- MO8 have four (4) dedicated vehicles tasked with attending car meets Fri – Sun evenings. Funding has been authorised for the weekends of 26-28th March, 2-4th April and 9-11th April for an additional four (4) cars. The unit is not dedicated solely to AW so can be deployed elsewhere. MO8 have a dedicated OP to tackling these car meets based on the Intel they have.
- GSZ have a tasking, on their internal transfer, to respond to any gatherings of cars on WATERLOO PLACE to record all vehicles VRM's and the actions of the vehicles. This footage is to be sent to NPT who will crimint the footage and forward to MO8 who will summons the registered keeper and prosecute for any offences and issue S.59 notices.
- AW400 has a briefing pack on Box that has been updated with victim personal statements (VPS) to support authorisation of a S.35 dispersal. The pack also

includes the details of the MO8 unit who are to be contacted through the control room.

- WEPT have been requested to assist with both engaging with the participants of the car meet and carrying out enforcement and also gathering BWV to assist with issuing S.59 notices.

Medium Term

- NPT is engaged in taking VPS from local residents and businesses in order to support both the S.35 order and to assist Westminster City Council evidence the need for a PSPO for the area. WCC are holding a meeting on 18th March regarding PSPO and enforcement cameras.
- Install temporary speedbumps on the carriageway leading to CARLTON HOUSE TERRACE to deny the area for drag racing and tyre burnouts.
- A Design Out Crime officer is attending WATERLOO PLACE on 25th March to carry out an EVA on the surrounding area and report findings.

Long Term

- Acoustic Cameras are to be sourced by WCC if cost is not prohibitive and will be installed in the area. These are not permanently fixed and could be relocated to other areas on WCCV if the need arose. PSPO to be considered by WCC dependant on the potential offences caught on the Cameras and necessity of PSPO to deal ie: no legal framework under existing legislation (driving or C&U/ Sec 59 offences)
- WCC have already commissioned a remodelling of WATERLOO PLACE which is to raise the entry walkway and narrow the entrance to the carriageways. The plans have been drawn up but at present there is no timeline for when this will happen due to cost.
- Continuation of Short and Medium term plans.

BACKGROUND PAPERS

This section is for any background papers used to formulate the report or referred to in the body of the report.

1. Atkins Jacobs joint venture – Task 696 – [Roadside Vehicle Noise Measurement](#). Prepared for the Department of Transport, March 2019
2. [RBKC PSPO](#)