

COMMUNITES SCRUTINY PANEL

DATE	22 nd July 2021
REPORT OF	Lisa Arthey – Director of Children’s Services
SUBJECT	Review of Motorcycle Nuisance in Parks and Open spaces across North East Lincolnshire
STATUS	Open

CONTRIBUTION TO OUR AIM

This report contributes to the Council’s strategic aims; four outcomes which benefit the people in North East Lincolnshire, namely

- Feel Safe and are Safe.
- Enjoy Good Health and Well-being.
- Benefit from Sustainable Communities.
- Enjoy and benefit from a Strong Economy.

The Council as a responsible authority has duties under the Crime and Disorder Act 1998 to take an active role in reducing crime and disorder in the local area as part of the statutory Community Safety Partnership (CSP) arrangements.

Having effective and robust arrangements in place to tackle anti-social behaviour, supporting victims, and assisting in bringing perpetrators to justice through multi-agency enforcement activity is paramount to creating an environment where residents ‘Feel safe and are safe’ and ‘enjoy good health and well-being’.

EXECUTIVE SUMMARY

This report gives an overview of the current concerns around the illegal use of motorcycles in parks and open spaces, and the arrangements that are in place and planned, to tackle motorcycle related anti-social behaviour (ASB) across North East Lincolnshire.

The report also provides statistical information around motorcycle related ASB and describes measures in place and planned activity moving forward.

A multi-agency approach continues to be taken to deal with motorcycle related ASB which varies from traditional enforcement under the Road Traffic Act to the use of Smart Water sprays, potential seizure of vehicles as permitted by section 59 of the Road Traffic Act, and where financially viable the use of hard landscaping or barriers.

RECOMMENDATIONS

The Communities Scrutiny panel are asked to note the following actions that were presented to the Portfolio Holder for Environment and Transport at the meeting held on the 16th June 2021:

1. For Humberside Police Operation Yellowfin to be supported through partnership working in the focused reduction of nuisance motorcycles on the

streets, parks and open spaces in North East Lincolnshire.

2. For a pilot scheme to be developed and delivered until 31 March 2022 under Operation Yellowfin utilising section 59 of the Police Reform Act and sections 34 and 37 of the ASB Crime and Policing Act. This warning the public that any vehicles causing ASB can be seized without warning.
3. For this pilot scheme of enforcement to be targeted in areas identified through current data on motorcycle ASB, these being Immingham, Nunsthorpe, Cleethorpes Sea front, Peoples Park and through funding from the Home Office in relation to Safer Streets 2 an area of the West March.
4. For a joint communications plan to be developed across NELC and Humberside Police and for this to be both portfolio holders for both Environment and Transport and Safer and Stronger Communities.

MATTER(S) FOR CONSIDERATION

1. BACKGROUND AND ISSUES

Vehicle related Anti-Social Behaviour (ASB) particularly the illegal use of motorcycles in parks and open spaces in North East Lincolnshire continues to be a priority for the Community Safety Partnership and Council.

Historically there has been success with a Police operation known as Operation Yokohama, where trained Police officers riding off road motorcycles were able to pursue offenders, and this led to a significant number of vehicles being recovered and a decrease in offending. For safety reasons, due to the risk around pursuit, this operation was discontinued so enforcement has had to take a different track. This has largely been through the development of intelligence as to who the offenders are, where the motorcycles are stored, and the serving of notices under section 59 of the Road Traffic Act which warns that a vehicle may be seized if further used illegally in described circumstances.

Humberside Police and the NELC Anti-Social Behaviour Team work together collaboratively to try to address the problems associated with vehicle related ASB and have explored a range of methods and actions to prevent, deter and restrict opportunities for illegally motorcycles to be ridden.

To assess the scale of the problem, research of Police logs has been carried out over a six-month rolling period for all motorcycle related reports concerning identified parks and open spaces throughout North East Lincolnshire, these areas have also been considered by the NELC Anti-Social Behaviour Team.

It is a fact that many of the reports about nuisance motorcycles are concerning illegal activity on streets and roads throughout the borough so the Police and NELC response has to take this into account when considering any coordinated activity and this is reflected in the suggested options to address the wider issue.

During the reporting period from the beginning of October 2020 through to the end of April 2021 there were a total of 169 reports recorded by Humberside Police regarding illegal use of motorcycles on the parks and open spaces. During the same period there were 326 reports of illegal use on public roads and on private or business properties.

The top 6 locations for reports of nuisance motorcycles in parks and open spaces over the recording period were:

- South Ward = Bradley Playing Fields: 11 reports
- Park Ward = Peoples Park: 10 reports:
- Scartho Ward = Quantock Park: 7 reports
- Hainton and Heneage Ward = Weelsby Woods: 7 reports
- South Ward = Barrett's Recreation Ground: 6 reports
- Humberston and New Waltham Ward = Humberston Fitties area including foreshore: 5 reports.
- West Marsh Ward = Boulevard Park: 2 reports

Operation Yellowfin is the current initiative aimed at tackling nuisance motorbikes. The Grimsby West Policing Team are the lead for Operation Yellowfin within the borough which is led by Police Inspector Martin Hopper. North East Lincolnshire is seen as an example of best practice within Humberside Police as Yellowfin is a partnership initiative.

This year to date 43 vehicles have been seized within the Grimsby West area and 18 further warnings have been given to irresponsible drivers.

The following wards indicate where the offenders have had their vehicles seized.

- South Ward- 19
- West Marsh Ward - 8
- Scartho Ward - 3
- Immingham Ward - 4
- Wolds Ward - 4
- Freshney Ward - 3
- Yarborough Ward – 2

2. RISKS AND OPPORTUNITIES

The ongoing risk is in relation to a failure to address any upsurge in vehicle related ASB could have an adverse effect on the Council's reputation to act. This would impact on local residents who may feel that local parks and open spaces are not safe and pleasant places to visit. The Partnership action identified in this report will mitigate this reputational risk.

The opportunity presented is to take pro-active action now to enhance the use of Operation Yellowfin supported by greater intelligence, Smart Water DNA sprays and the seizure of vehicles using section 59 of the Road Traffic Act, supported by positive targeted communications.

The Council and wider Partnership approach to ASB also meets the requirements of the Equality Act 2010 and the General Data Protection Regulations 2018.

The opportunities are listed as below.

Physical/Hard Landscaping. The ASB Coordinators from the ASB Team were tasked to consider each of the parks and green spaces in their geographical areas of responsibility to consider whether solutions such as motorcycle barriers, fencing and hard landscaping might be possible to deter access by riders.

From a purely technical point of view, it would be possible to restrict access to some of the areas however the cost would prove prohibitive. The more pertinent issue to overcome is the fact that if areas were fenced and gated it might lead to some members of the community being unable to access these areas. To illustrate this many mobility scooters are now of such a size that access through a motorcycle might be impossible, in a similar way parents with double buggies would potentially be excluded, this could lead to challenge and might be described as discriminatory.

As an example of work that has already been done on a similar issue, there have been problems with nuisance motorcycles on Bradley Pitches over a period of years. There have been discussions meetings and site visits between residents, elected members, Humberside Police Lincolnshire Housing Partnership and NELC Officers. Over a period of time, chicane type barriers and low-level fences have been installed, to little real effect. At one-point consideration was given to erecting secure fencing and barriers, this was quoted at a cost of £250,000 but would still have had the access issues described so this was not progressed.

If hard landscaping and entrance barriers are considered this would need formal feasibility studies and planning and rights of way considerations to address. The type of barriers and fencing used would need to be of a type that would not affect the aesthetic appeal or ambience of some of the boroughs most popular open spaces.

Operation Yellowfin as mentioned previously, is the Humberside Police response to the issue of nuisance motorcycles and has progressively seen improving results which has led to the seizure and destruction of a number of motorcycles. The use of Operation Yellowfin is a priority for Humberside Police and increased use of this operation in conjunction with other measures such as greater intelligence research, Smart water DNA sprays and clear signage to be erected in hotspot areas will bolster this operation greatly.

Research - The partnership analyst produces detailed research on Operation Yellowfin Police logs to assist the Police and the Local Authority to direct resources toward the areas of highest demand and identify potential risks. Continued research and proactive activity is considered a very effective way of addressing these problems.

Smart Water DNA Sprays – Several Smart Water spray kits have been purchased and supplied to be used by Police Officers in connection with Operation Yellowfin. This spray which is invisible to the naked eye is extremely difficult to remove and traces will remain on the clothing and skin of riders, also on their motorcycle. The intention is that Police Officers will be deployed to choke points where they will be close to riders entering or egressing an area and can spray the rider and their motorcycle. In conjunction with intelligence to identify suspects. These individuals, when visited will be unable to deny their involvement as the spray shows up under ultraviolet light. The Police will then be able to take evidence against the rider and,

where authorised seize the vehicle.

Section 59 of the Road Traffic Act – This legislation is already used to good effect by the Police, but it does have a drawback in that at present the first step is only a warning. This section allows the Police to give drivers a warning if they are reported to have used their vehicle in a manner which causes "alarm, distress or annoyance". If reported to have done so again within a year the police have the right to confiscate the vehicle with any escalation or continuance of anti-social behaviour to be monitored and evidenced prior to court proceedings.

Section 34 and 37 of the ASB Crime and Policing Act.- this legislation (34) allows a police inspector to authorise a dispersal zone within an agreed geographical area for no more than 48 hours with (37) being the power to seize articles that are used to cause this ASB, alarm, harassment and distress, an article can legally be construed as a motorcycle. This legislation will back up Section 59 to allow motorcycles to be seized immediately without warning.

Following national success elsewhere, a trial is planned for North East Lincolnshire where signs will be erected warning drivers that their vehicle may be seized if used in the prescribed circumstances under section 59. In the area where these signs are erected no further warning will be necessary and vehicles may be seized immediately. If successful it is anticipated that this would be extended to various locations throughout the borough and the parks and open spaces would form part of this extension. The pilot will run within the Nunsthorpe estate, Cleethorpes Sea Front, Immingham Town and around Peoples Park. This will be supported by a strong and robust partnership media campaign.

Local Authority ASB Team Enforcement - In conjunction with Humberside Police Neighbourhood Policing Teams and Social Housing Providers, the ASB Team can issue Community Protection Warnings (CPW) to riders to impose further conditions to prevent further ASB and can also work with the housing providers to support tenancy related sanctions in order to minimise the effect on the surrounding community. When non-compliant, the individual can receive a Community Protection Notice (CPN), followed by a Fixed Penalty Notice and be summonsed to court. In more serious cases a Civil Injunction can also be considered.

3. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

The failure to effectively tackle and reduce vehicle related anti-social behaviour in North East Lincolnshire may cause reputational issues for the Council and wider agencies resulting in a lack of community confidence and reluctance for businesses to invest in the area. Positive Communications are considered where appropriate to demonstrate the success of the multi-agency arrangements.

The NELC ASB Coordinators have contacted the identified community groups within their areas of geographical responsibility and engaged with the wider Neighbourhood Watch network through the Neighbourhood Watch Coordinator to identify issues and areas of concern. The concerns largely mirror what is shown in the Police data, there is a significant public concern about this issue and there is a perception from some, that not enough is being done to tackle the problem. Moving forward it is recommended that the community consultation undertaken as part of

the Community Safety Partnerships Annual Joint Strategic Intelligence Assessment (JSIA) includes questions around nuisance motor vehicles in order to reach a wider section of the community.

4. FINANCIAL CONSIDERATIONS

Any costs around current delivery will be met within Service budget envelopes. Wider decisions around design out measures such as barriers, landscaping and fencing would be taken on a case-by-case basis and subject to approval via a capital application utilising the Council's Business Development Group process.

5. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

There is no direct climate change or environmental implications arising from this report.

6. FINANCIAL IMPLICATIONS

There are no direct financial implications

7. LEGAL IMPLICATIONS

There are no legal implications for NELC, this is a Humberside Police led operation of enforcement supported by NELC

8. HUMAN RESOURCES IMPLICATIONS

There are no Human Resources Implications.

9. MONITORING COMMENTS

In the opinion of the author, this report does not contain recommended changes to policy or resources (people, finance or physical assets). As a result, no monitoring comments have been sought from the Council's Monitoring Officer (Chief Legal Officer), Section 151 Officer (Director of Finance) or Strategic Workforce Lead.

10. WARD IMPLICATIONS

Vehicle related ASB has the potential to impact all wards across North East Lincolnshire

This pilot will be initially be in operation within the wards of Croft Baker, Immingham, West Marsh, Park and South ward.

11. BACKGROUND PAPERS

There was petition sent in by Mr Daniel Westcott in relation to nuisance motor vehicles within the Park ward area, especially near to Peoples Park.

12. CONTACT OFFICER(S)

Paul Caswell, Head of Service Young and Safe
(Including statutory Youth Offending Service)

Paul Condon, ASB Team Manager, Safer NEL

LISA ARTHEY
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