

Report to: Cabinet

Date: 19 March 2009

Subject: Off Road and Nuisance Motor Vehicle Strategy

Report of: Executive Director - Environmental Services

Contact officer: Ian Harrison 827915

Purpose / summary: To inform Cabinet of the developing off road and nuisance motor vehicle strategy to address the problems associated with their use.

Alternative options considered and reason for selecting the one recommended: Not to develop an off road motor vehicle strategy

Recommendation / decision: That Cabinet notes the contents of this report.

Risks / Implications:

Financial:	None
Staffing:	None
Policy:	
Equal Opportunities - Has a Diversity Impact Assessment been conducted?	Yes
Wards affected:	All

Property Implications – Does the proposal involve a reduction, addition or change to the Council’s asset base or its occupation?

No

If yes, have the property implications been agreed with the Corporate Property Officer?

Does this proposal have significant implications for the Council and the local population?

A diversity impact assessment is not necessary at this stage, however, equality and diversity implications have been considered when producing this report.

Does this proposal involve a new policy or procedure or significant changes to an existing policy or procedure?

A diversity impact assessment has been undertaken and is attached as an appendix to this report.

Has the Service Director - Borough Solicitor confirmed that the recommendations within this report are lawful and comply with the Council's Constitution? **No ***

Has the Service Director - Corporate Services confirmed that any expenditure referred to within this report is consistent with the Council's budget? **No ***

Are any of the recommendations within this report contrary to the Policy Framework of the Council? **No ***

* delete which applicable

For Cabinet reports only :

Categorisation of the report:	X
Discussion leading to a decision	
Monitoring	
Sharing for corporate understanding	

	X
Discussion	
Decision	
Information	

Tracking/Process:

	Consultation	Ward Members	Partners
Panel	Overview & Scrutiny	Cabinet	Council
Cabinet 24.2.09			

There are no Background Papers to this Report within the meaning of Section 100D of the Local Government Act 1972.

Proper Officer M. Kimber

Date 24 February 2009

1. **Background:**

- 1.1 Wigan, like other Borough's within Greater Manchester suffers from a high number of complaints from the community regarding off road use of motor cycles and other vehicles; and also anti social use of vehicles on estates and other roads.
- 1.2 Wigan has, more than most other boroughs, large tracts of flat open land which is favoured by 'novice' riders, explaining why many parents take their children to those locations to 'learn' to ride motor cycles. Many stripped down motor cycles are ridden by young riders who also favour this type of terrain. This creates a difficult 'enforcement' problem for police.
- 1.3 The Council and Local Agencies have previously worked together through the Community Safety Partnership, including the provision of specialist equipment for the police, to address these issues with some success. However the problems persist and there is a need to develop this work to improve its effectiveness.

2. **Information:**

- 2.1 During the period January – to September 2008 (inc.) Greater Manchester Police recorded 7365 complaints involving the anti social use of motor cycles and mini moto's of which 829 related to Wigan Borough. Many people suffer from this form of nuisance and do not report the incidents to police.
- 2.2 From 1 January to 30 September 2008, two fatalities were recorded within Greater Manchester involving the use of off road and nuisance motorcycles, both were in this borough. The first involving off road riding in Pennington Country Park, the second using a previously stolen motor cycle on the streets of Pemberton.
- 2.3 Between 1 May and 28 October a total of 8 motor cycles were seized in the Borough, during this period 615 associated incidents were reported to police. Many of these reports are made using the 999 system.
- 2.4 Greater Manchester Fire and rescue Service (GMFRS) spend a considerable amount of time attending burned out motor cycles and also are utilised recovering injured riders form difficult terrain when the ambulance staff are unable to reach them. The attendance of an appliance at these incidents reduces the service's ability to attend more serious incidents such as house fires where persons may be trapped.

3. **Proposal:**

- 3.1 With a view to strengthening the response to the problems caused by off road vehicles a partnership steering group has been established to formulate a co-ordinated strategy to reduce the problem. The key aims of the group are as follows:-

- To reduce the danger to the public and riders of illegal off-road motorbikes / mini motos / quad bikes / other vehicles.
- To reduce the nuisance caused by these vehicles used on and off roads in an anti social manner.
- To educate our communities regarding correct reporting procedures.
- To reassure our communities that action will be taken whenever possible against perpetrators and that all other methods to reduce the problem will be considered.
- To manage community expectations as to what we can do to reduce the problems.

3.2 The steering group which comprises a wide range of officers from Council Departments and partners have developed a strategy and action plan focussed on three key elements, Education, Engineering and Enforcement.

3.3 Education - Activity will be undertaken aimed at education for all sectors of the community, victims, offenders, witnesses and those who knowingly or unwittingly assist people using vehicles off road which cause a nuisance. Including the following elements:-

- Effective communication of initial reporting process to be used by the community i.e. call GMP on 0161 872 5050 to report all incidents
- Provide contact number for respective Neighbourhood Policing Team for ongoing problems
- Road Safety Group – provide casualty reduction literature, school / college sessions, motor cycle workshops, rider training
- Trading Standards - provide advice to traders re selling motor cycles / Inspect suspicious vehicles
- Inform parents and guardians of riders of the requirement to have all driving documents when using a motor vehicle on a road
- Advise land owners that authorised use of their land for motor cycling events is governed by legislation, i.e. restricted to 14 days events per year; also, they should have public liability insurance in the event that a rider be injured on their land
- Work with young persons including the provision of Compulsory Basic Training for riders
- GMFRS will distribute letters and posters to petrol outlets advising of the need to be over the age of 16 yrs to be served to deter young persons seeking to buy petrol for their motor cycles

3.4 Engineering - Methods to restrict access to other land / foot paths / bridleways etc will be examined on a case by case basis and implemented where appropriate. This might also extend to engineering solutions to reduce vehicles speed on roads where intelligence points to a need. However the following points will need to be born in mind:-

- The Disability Discrimination Act (DDA) precludes the erecting of certain barriers which hitherto would have been an option to reduce motor cycle access. (guidance awaited from DEFRA on this aspect)

- Users of 4x4 vehicles can consider fencing or barriers to be a 'challenge' resulting in sections damaged / torn out of the ground.
- To enable enforcement under the provisions of section 59, Police Reform Act signage acting as a 'first warning' may be appropriate in specific Locations.
- Signs will only be placed in hotspot areas as part of an intelligence led problem solving package.

3.5 Enforcement - There are various pieces of legislation which have a role to play in addressing these issues some specifically aimed at the off road nuisance aspects. For example, Section 59 police Reform Act 2002, which provides a power to seize vehicles in certain circumstances.

3.6 There are also a range of other enforcement interventions which could be used to address these problems. Collectively these include the following:-

- The Police Reform Act provides uniformed police officers and designated PCSO's with powers to deal with persons using mechanically propelled vehicles in an anti-social manner, either on or off road.
- The officer must have reasonable grounds for believing that a vehicle is being used in a manner which contravenes section 3 or section 34 of the Road Traffic Act 1988 (careless and inconsiderate driving and prohibition of off-road driving),
AND
- Is causing, or is likely to cause, alarm, distress or annoyance to members of the public.
- Persons reported for riding / driving a motor vehicle under the above circumstances could be invited to enter into a Good Behaviour Agreement.
- The Road Traffic Act 1988 provides police with the power to seize motor vehicles used on a road without the required documents.
- Breach of legislation relating to petrol sales to persons under the age of 16.
- Breach of WALH Tenancy Agreements in respect of storing dangerous items (fuel / mini moto's).

4. Methodology

4.1 To ensure our collective resources are used in the most effective way, a common, intelligence led, process to identify hot spot locations has been implemented following National Intelligence Model and Problem Solving best practice which will be co-ordinated by the respective Neighbourhood Policing Teams (NPT).

4.2 Information from any source, including the public or Elected Members, received by Environmental Services Neighbourhood Team Officers will be forwarded initially to the NPT on whose area the problem lies for any action deemed appropriate.

- 4.3 We will use existing problem solving methods to deal with these issues with the following key steps:-

Scanning – spotting problems using knowledge, basic data and electronic maps

Analysis – using experience, hunches and I.T. to dig deeper into problems' characteristics and underlying causes

Response – devising a solution, working with the community, wherever possible

Assessment – looking back to see if the solution worked and what lessons can be learned

- 4.4 Progress of the work being undertaken will be monitored within the PACT process and the Partnership response managed through the PACT Officer Group. Where appropriate, and if thought necessary, taken forward to the PACT Area Managers Group

5. Conclusion:

- 5.1 Although we have achieved some notable successes in dealing with individual problems in the past the problems experienced by our communities as a consequence off the illegal and anti social use of off road motor cycles and other vehicles are persistent and difficult for any single agency to resolve.
- 5.2 Through co-ordinating our responses to these issues more effectively and embedding it clearly within existing processes and structures we should be able to increase our effectiveness in resolving these problems.

Diversity Impact Assessment form

Section: Neighbourhood Services

Policy/Service Area: Community Safety

Person Completing Form: Ian Harrison

Date: 24.02.09

Do any of the below groups suffer specific disadvantage (please indicate)

	Yes	No		Yes	No
Race		x	Disability		x
Ethnicity		x	Gender		x
Age		x	Religion		x
Class	x		Sexual Orientation		x

Is there evidence of disadvantage or associated problems?

There is clear evidence based on recent analysis that some of the more deprived communities of the Borough suffer disproportionately and repeatedly from the effects of off road motorcycle and other motor vehicle nuisance.

How was the information collected and/or who have you consulted with?

Data collected from reported incidents of vehicle nuisance to the police – feedback from Crime and Disorder partners and the community

Action Plan – *What specific actions are planned to tackle any disadvantage identified?*

By prioritising action on hotspot areas we will automatically address those areas who suffer the greatest level of victimisation.

Is the policy in line with current equality legislation and relevant codes of practice?

Yes

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Timescale	
Responsibility	Sustainable Communities
Comments	

Are the actions specified included in any other documents/plans?

Departmental Service Plan	
Section/Team Plan	
Other (Specify)	

Date for further review	January 2010
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