

Cabinet – 22 March 2023

The use of Drones to deal with Off-road Vehicles

Portfolio: Councillor Perry – Deputy Leader & Resilient Communities

Related portfolios:

Service: Resilient Communities

Wards: All

Key decision: Yes

Forward plan: Yes

1. Aim

- 1.1 To tackle the major impact of off-road vehicles on the communities and environment of Walsall through intensive partnership efforts between Walsall Council and West Midlands Police.

2. Summary

- 2.1 Walsall Council is:

‘committed to developing a healthier, cleaner and safer Borough and creating an environment that provides opportunities for all residents, communities and businesses to fulfil their potential and thrive’.

Our communities rely on the authority and police colleagues to respond to their concerns in relation to antisocial behaviour (ASB) and crime. Using traditional methods of intervention to respond to the scourge of off-road vehicles creates significant challenges and causes frustration to enforcers and the communities affected.

- 2.2 On the 24 November 2022 the Economy, Environment and Communities Scrutiny Committee received a report which stated that that off-road vehicles are a significant cause of anti-social behaviour in Walsall causing fear, alarm and distress to communities, noise nuisance and a risk of serious injury for pedestrians and the drivers themselves. As a consequence of the issues raised, the Leader of the council gave a commitment to working in partnership with the Police to ensure this issue was tackled using drone technology and other resources.

The Overview and Scrutiny Committee subsequently made the following recommendation:

“The Committee recommends Cabinet to investigate the acquisition of a drone or drone service for community protection to use in conjunction with West Midlands Police.

3. Recommendations

- 3.1 That Cabinet note the content of the report and support the partnership approach to tackle this issue through enforcement, education and other security measures known as target hardening.

4. Report detail - know

Context

- 4.1 Walsall Police and the councils Community Protection team received over 800 complaints during 2022 regarding the inappropriate use of off-road vehicles. The complaints peaked in March and then again in August and affected almost all areas of Walsall.
- 4.2 Legislation is available to deal with offences including vehicle insurance, road safety, noise nuisance and anti-social behaviour but reliable evidence is needed in order to apprehend the rider/owner. The outcomes when the individuals are caught include prosecution, injunctive action or eviction and the crushing of the vehicle itself. The speed, manoeuvrability and size of some of the vehicles mean they can evade capture, be hidden, and replaced with relative ease.
- 4.3 On 12 December 2022, a meeting of senior managers within the council and police met to discuss the practicalities of implementing this operation. It was a very positive meeting and agreement was reached about an appropriate way forward working as a partnership to implement innovative working.
- 4.4 On 28 December following several days of nuisance caused by off road bikes consideration was given to the use of Public Space Protection Orders (PSPOs) or Injunctions similar to those used to restrict Unauthorised Encampments on certain council land to stop this ASB and nuisance. The evidence required to initiate such a course of action is being captured as part of the ongoing operations.

Matters considered as part of the partnership operation

- 4.5 This is not an issue that the police, council or other partners can work on in isolation but rather by working together, making the right investment, using the right tools and ensuring good communication, inroads can be made into preventing this dangerous behaviour.

- 4.6 Physical security of sites where the driving occurs can help reduce the access to sites but can have significant cost implications for the land owner. On public open spaces care needs to be taken not to over engineer solutions so as to prevent access to those with mobility difficulties or legitimate other users of sites.
- 4.7 Appropriately sited CCTV can identify times and dates that vehicles access sites and residents can act as eyes and ears for this intelligence also. Information ought to be made available to the public in order to inform them of the law around this matter, the best method to report incidents, the type of information needed and what the outcomes may be.
- 4.8 The use of drones is a complex matter and is controlled by the Civil Aviation Authority (<https://www.caa.co.uk/>) although misuse of drones is enforced by the Police. The Commission Implementing Regulation (EU) 2019/947 sets out three categories of flying:
- Open category is basic, low-risk flying and is the starting point for anyone flying a drone or model aircraft.
 - Specific category covers operations with a greater risk than those covered by the Open category, or where one or more elements of the operation fall outside the boundaries of the Open category.
 - Certified category covers operations that present an equivalent risk to that of manned aviation.

Drones used for the purposes of identifying and dealing with issues relating to Off-road Vehicles would fall into the Open Category or in certain circumstances the Specific Category. Training, risk assessment and in certain cases authorisation would be required from the CAA before the flying of drones would be able to commence.

- 4.9 The planned operations will involve collaborating with the West Midland Police Drones team and also the Transport for West Midlands Drone team but we will also include working with the National Police Air Service to use fixed wing aircraft on the operations.

Implementing the partnership operations

- 4.10 A police sergeant has been allocated to lead on this operation supported by the council's Community Safety and Healthy Spaces teams. Partner agencies such as Walsall Housing Group (WHG), Sustrans and the Canal and River Trust will also be involved to identify and target key hot spot locations or individuals who may be the source of the ASB and nuisance.
- 4.11 The first drone operation was conducted on Sunday, 29 January 2023. There were eight neighbourhood police from Blakenall, and Brownhills (two in plain clothes), two drone operators, two community safety staff and six Healthy Spaces staff.
- 4.12 The main sites tackled were in Pelsall, Goscote Valley and Bloxwich and Willenhall Memorial Park in the afternoon. The team viewed the excellent drone

footage from West Midlands Drone Unit and walked Goscote Valley to get an idea of the issue and the challenge of target hardening to stop access. No bikes were seen during the operation however, this was planned as a test exercise and will inform the next few operations that are planned so they are successful.

- 4.13 The value of the drone was clear to see the images were excellent and a site which would have taken staff a couple of hours to walk around and search was covered in a matter of minutes especially using the infrared capability on areas with canopy cover.
- 4.14 A further exercise was held on the 26 February 2023. The fixed wing (police plane) was used on this occasion and was pivotal for the success of the Operation providing the ability to track offenders over long distances or back to home addresses. Council staff fed live sightings from hot spot locations and with the fixed wing aircraft overhead police staff were able to direct their resources; approximately thirty staff in total, to precise locations. This methodology resulted in several arrests, five vehicle seizures, cannabis recovered and numerous other encounters and warnings issued. It also allowed significant amounts of intelligence to be gathered for use in further operations.
- 4.15 Similar exercises will be repeated during 2023 however the times and dates of these exercises will be kept discreet so that offenders do not deliberately avoid driving on the days in question leading to poor outcomes for the partnership.
- 4.16 Positive press and other media coverage will be organised following each operation.

Council Plan priorities

- 4.17 **People** - Encourage our residents to lead more active, fulfilling and independent lives to maintain or improve their health and wellbeing.

Many of the worst affected sites for off-road vehicle issues are on parks, open spaces, canal tow paths and similar areas. These are areas residents use for recreation and exercise. The proliferation of off-road vehicles stops people using these sites for the purposes intended.

- 4.18 **Internal focus** - Council services are customer focused effective, efficient and equitable.

Relying on traditional methods of dealing with matters such as Off-road Vehicles including writing letters, dropping off leaflets, foot patrols in targeted areas and erecting CCTV on lampposts has not proven to always be effective in reducing the problems being experienced. Embracing new technologies and utilising efficient and effective methods of working will improve the authority's response to concerns within its communities.

- 4.19 **Children** - Have the best possible start and are safe from harm, happy, healthy and learning well.

The types of vehicles used in this type of anti-social behaviour are attractive to children and young person's placing their lives and the lives of those around them at risk. These vehicles can be used in all forms of anti-social behaviour and mean children can move from place to place quickly for example in order to deliver illicit substances and become involved in other aspects of exploitation that they may otherwise not be subjected to. Living in an area where the noise and nuisance from these vehicles can be disturbing to children as well as other residents disturbing their peace and quiet and disturbing sleep.

- 4.20 **Communities** - Empower our communities so that they feel they are connected and belong in Walsall, creating safe and healthy places whilst building a strong sense of community.

A major issue with anti-social behaviour is it creates feelings of fear, alarm and distress. It makes people feel unsafe in their own homes and neighbourhoods and encourages criminals and others to take greater risks and become more confident in exhibiting this type of behaviour. Where people stop using parks and open spaces due to the fear of crime or harm these places become hot spots for illegal activity and residents lose the benefit of using them. The combined effects of stress and inactivity lead to poorer health outcomes. The sense of community can be lost as older people become resentful of younger people, neighbours become confrontational with each other and tensions around race, sex, and other defined characteristics also escalate.

Risk Management

- 4.21 The issue of anti-social behaviour and off-road vehicles will not 'go away' if public authorities do not have a strategy, work together and invest to tackle it. The risks associated with community tension and cohesion, dissatisfaction with the local environment and facilities need to be managed to prevent unrest within communities. Public authorities should always take steps to ensure their communities have faith that they will protect communities and bring offenders to justice when necessary. The potential for a serious injury or death caused by or happening to individuals involved in this behaviour is high.

Financial Implications

- 4.22 The monthly partnership operations described in this report will be managed within existing capacity. The operations will require staff to move away from other activity they would ordinarily undertake however anti-social behaviour and increasing the use of and enjoyment of open spaces is an important part of the team's role and so is justifiable in this context.
- 4.23 West Midlands Police have an allotted number of hours available to them for using the National Police Air Service and are expecting to make use of these hours for this operation. Once these hours are used the Police will consider how successful the operation has been and how best deploy their resources in future.

- 4.24 The West Midlands Police Drone unit do not charge for their services unless they are asked to work overtime. At present it is expected the all-out days will be planned in advance and Drone Operators will be available to attend. Should a request be made for their attendance outside of their usual working the police will consider whether overtime can be paid to allow this to happen.
- 4.25 Where sites require security works to prevent access by off-road vehicles there is a limited amount of operational budget available to allow these security measures to be implemented within existing budgets. This will be funded from existing budgets within Clean & Green. If in the event, expenditure for works exceeds the budget held a prioritisation exercise will be undertaken to decide which sites will be completed to ensure that expenditure is within budgets. There are a number of companies who regularly undertake site security work for the authority which will mean efficient and cost-effective measures can be put into place upon request.

Legal Implications

- 4.26 West Midlands Police Drone Unit and the National Police Air Service are both fully qualified, licensed and insured to undertake this work which minimises any risk of any adverse attention from the Civil Aviation Authority.
- 4.27 The Operation is intended to be overt and not directed at any specific individual therefore will not fall under surveillance controls contained within the Regulation of Investigatory Powers Act 2000.
- 4.28 Any enforcement taken as part of this Operation will be in line with Police Standing Operating Procedures and the Councils Enforcement Policy.
- 4.29 Public Space Protection orders or injunctions are also tools which can be used to tackle illegal use of land and anti-social behaviour. They do require a significant amount of evidence to be presented to Court and in the case of PSPOs public consultation prior to implementation. It is right to consider both these tools as part of this operation however they are not 'quick wins' and so consideration of their use ought to run alongside the interventions described earlier in this document.

Procurement Implications/Social Value

- 4.30 At present there are no procurement issues.

Property Implications

- 4.31 Consideration will need to be given to the appropriate security measures at some of the council's sites to prevent access to land by off-road vehicles.

Health and Wellbeing Implications

- 4.32 The mental health of residents blighted by noise, aggressive or anti-social behaviour and the fear of crime would be reduced if a more effective way of

dealing with the issue was embedded. Lack of access to green spaces and other communal areas because of the fear of these vehicles would improve if the matter was more effectively tackled increasing physical and mental health outcomes. Physical health would be improved by reduction in accident and injury caused by the riders of these dangerous machines.

Staffing Implications

- 4.33 Staff from within the local authority will contribute to the outcomes of the operation alongside Police colleagues. This will mean however diverting some staff away from their other day to day work to concentrate on this specific operation as required. Staff will receive time off in lieu for attendance at operations outside of their normal working hours.

Reducing Inequalities

- 4.34 Not applicable.

Climate Change

- 4.35 Tackling these vehicles may have an impact on emissions from the vehicles and use of council or police vehicles to patrol/chase or otherwise deal with the offenders. Fixed wing aircraft and associated emissions will be used efficiently and only as required.

- 4.36 ***Consultation***

Not applicable.

5. Decide

- 5.1 This report intends to provide reassurance that the issue is being taken seriously and plans have been implemented to ensure an effective operation undertaken.
- 5.2 It is acknowledged that no one agency can solve this issue on its own and the partnership are therefore coming together to tackle this problem collectively.
- 5.3 The promotion of this initiative to reassure communities is essential so that Walsall is seen as an authority committed to tackle the problem and not look the other way - by not acting the problem can only get worse and potentially need greater levels of investment at a later date.
- 5.4 Whilst the report concentrates on the use of drones to combat off-road vehicles if successful this resource could be considered for other areas of enforcement or promotional activity.

6. Respond

- 6.1 The Community Safety Team will continue to work with partners to implement a plan of activity for 2023 around Off-road Vehicles.

7. Review

- 7.1 The success of the scheme can be monitored through the number of deployments, the changes in complaint levels and anecdotal information from elected members and community groups, reductions in expenditure for damage caused, the number of vehicles seized, tenancies challenged, investigations undertaken, and cases prosecuted can be used as effective measurements.

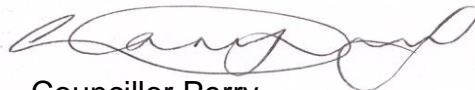
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10 March 2023



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