



Best Practice Guidance Notes

Helping to Combat Mini Motor Nuisance

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Mini Motos

This paper aims to draw up the procedures for Street Wardens to deal with the anti social use of mini (hereafter referred to as 'mini moto's') and scrambler motorbikes in Torbay. It is recommended that these procedures be adopted by the Street Wardens, Park Wardens and the Police, so as to ensure a corporate approach to dealing with similar problems.

Whether they are electric or petrol driven, mini moto's and scrambler bikes are classed as motor vehicles and fall under the classification of either a moped or motorbike. They are illegal to use one on roads, footpaths, housing estates, car parks, bridleways, playing fields, country parks, public parks or any public open space and riders would find themselves committing offences in respect of:

- licence offences
- insurance
- road tax
- number plates
- lights
- horn
- helmet
- speedometer
- riding without due care and attention
- riding off road

The penalties for riding a mini moto- or scrambler bike on otherwise than private land are as follows:

- Points on the licence (can lead to disqualification from driving)
- Fines
- Seizure of the bike

Due to the nature of the problem, options for Street Wardens driven initiatives to address this issue are limited. However Street Wardens work in the heart of communities where the use of mini motorbikes is considerable.

Their involvement in dealing with the illegal and nuisance riding of mini moto's and off road bikes relies on two general aspects: patrolling and communications. Through these two activities, Street Wardens will form a crucial cog in the system and will assist other agencies in their strategies, be it from an education, prevention or enforcement point of view.

Education

a) Literature

The Police have designed and printed information leaflets and posters to be given to members of the community, informing them of the safety, legal and nuisance aspects of using mini motorbikes.

Street Wardens to distribute leaflets to the community with the newsletters whenever possible

b) Community

Whenever there is a community event, Street Wardens should check whether covering the issue of mini moto's is needed. If it is, Wardens should either have posters available or invite guests to provide information on the issue (e.g. the Police Road Casualty Reduction Officer)

- Write article in newsletter repeating the message
- Raise awareness of the issue at community events

c) Visit

Whenever a case has been highlighted where the rider lives in a Street Warden area, Street Wardens will visit the rider and/or their parent to inform them of the risks and potential consequences of riding such bikes without the landowner's permission. This visit will be recorded as an early intervention. The Street Wardens will emphasise the fact that this behaviour is anti social and that it may be contravening the Road Traffic Act 1988. Details of the visit will need to be kept, as a Section 9 witness statement may be required at a later stage. This information will be passed onto the local NBM for their attention.

When talking to riders, Park Wardens will emphasise the message about the anti social nature of riding such bikes. Park Wardens will need to pass on any information on the rider and/or the bike they have to the local NBM or Street Warden is applicable.

Prevention

a) Location Identification

Through their patrols Street Wardens will be able to monitor and identify sites preferred by users of mini moto's and scrambler bikes. All records should be kept on Flare.

- Monitor incidents and locations known to be used
- Identify locations which may become used for this activity

b) Information Exchange

Depending on the nature of the land used for mini moto's or scrambler bikes, Street Wardens will have to liaise with different agencies and/or departments.

- If on the highway, contact the Police
- If on parks, land belonging to the Council, contact Parks department
- If on private land, contact the owner, as they may have given permission

c) Physical Prevention

Where premises have been identified and information referred to Park Wardens, they will make every effort to prevent further occurrence, by making physical improvements, such as gates or fences.

Enforcement

Recording data

The Police will respond differently to the same problem, according to personnel and local procedure. Street Wardens need to be clear as to the tactic the Police will adopt, in order to submit the best information for enforcement action.

Seizure of a bike is possible regardless who the rider is. A warning under Section 59 of the Police Reform Act will be active on both the rider and the bike. It is therefore very important that a good description of the bike is available. It is also important to record the circumstances of the incident as accurately and detailed as possible.

- Street Wardens to record details of the bikes: colour, type (scrambler, mini moto, etc.), whether there are any stickers or patterns that would single them out
- Street Wardens to record details of the riders: name, address, age, ethnic appearance, colour of helmet, clothing
- Street Wardens to record the circumstances of the incident, date, time, location, what was said, by whom, whether there are independent witnesses, how this incident was causing a nuisance

Street Wardens should record the details on Flare.

a) Information exchange

Under Section 115 of the Crime & Disorder Act, Torbay Council are able to share information with the Police, if it is to prevent crime and disorder. Any information can be shared by phone on 08452 777444 or sent by email to SWDinteloffice@devonandcornwall.pnn.police.uk

- Street Wardens to contact the Police Community Support Officers or Neighbourhood Beat Manager whenever they have some information to pass to the Police
- Street Wardens to contact Neighbourhood Managers for the relevant housing association when dealing with offenders on their property
- If asked under Section 115 of the Crime & Disorder Act 1998, Street Wardens will share information in writing with the Police

b) Statements

In cases where Street Wardens have provided information to other agencies to help enforcing powers to deal with mini moto's and scrambler bike, it may be necessary to provide witness statements.

- Street Wardens to provide Section 9 statements if required by the Police, highlighting the circumstances of the incident, who was responsible, etc.
- Street Wardens may be required to attend Court to provide evidence towards prosecution

c) Action

The Police will take action following the information provided by Street Wardens on riders and their bikes. The Road Traffic Act enables the Police to prosecute a rider for document offences or driving without due care, while the Police Reform Act gives powers to confiscate vehicles used in an anti social manner. Warnings under Section 59 of the Police Reform Act can only be made by a constable in uniform, this includes Police Community Police Officers. If details of a rider get to the police, the local NBM will send a warning letter to the rider or their family.

If following this intervention there are further reports of the same bike and/or rider being used in an anti-social manner, the local NBM will seize the bike under Section 59 of the Police Reform Act 2002.

To maximise the effect of this process action will have to be carried out within seven days of the report being made.

If the riding of the bike is done with the permission of the landowner and there is a potential issue of noise nuisance, the Police, Park Warden or Street Warden will refer the case to the Environmental Protection team of Torbay Council.

d) Feedback

In cases where Street Wardens have provided the Police with information on mini and scrambler bikes riders, the Police will inform the relevant warden of the action taken. This will not only improve partnership working but also enable the wardens to monitor whether an intervention has been effective and assist the Police in taking swifter action.

This protocol will be reviewed after one year, following an evaluation of the actions taken. The following data will be collated and analysed

- No. of posters and leaflets distributed by each department
- No. of sites identified
- No. of sites where physical improvements have been made to address the problem
- No. of disclosures made to the Police
- No. of warnings sent to the perpetrators
- No. of prosecutions taken forward
- No. of bikes confiscated
- No. of complaints related to mini moto / scrambler activity

Protocol read and approved by

Signed	Name	Agency / Department	Date
	Frances Hughes	Environment Services	
	Ian Williams	Cultural Services	
	Mark Backhouse	Neighbourhood Delivery Inspector, Police	

Incident Recording Sheet

Incident Recording Sheet				
Date of incident:			Time of incident:	
Location of incident:	Landowner:		Street Warden:	
	Permission Y N			
Description				
Bike type	Bike Colour	Sticker / pattern	Registration / Chassis No.	Make
Rider				
Gender	Age	Ethnic Appearance	Helmet description	Clothing
Address				
Circumstance of incident				
What happened?	What was said, by whom?	Details of other witnesses	Was the incident causing a nuisance? How?	

Appendix 1: Actions and Outcomes

Action	Anticipated Outcome
Education	
Distribute leaflets and put posters up	Increased public awareness of the issue
Write article in all newsletters repeating the message	Increased public awareness of the issue
Raise awareness of the issue at community events (literature, stands, guests)	Increased public awareness of the issue
Inform parents / riders of the health risks and potential consequences of activity	Early intervention to deter behaviour
Prevention	
Monitor incidents and locations with regular joint patrols	Increased visibility (deterrent) Increased understanding of the problem
Identify potential new sites through regular joint patrols	Increased visibility (deterrent) Increased understanding of the problem
Report incidents to the relevant agency	Greater ability to put in place measures to prevent incidents from occurring

Action	Anticipated Outcome
Physical improvements to premises	Decreased access to sites
Enforcement	
Recording data accurately	Identification of patterns, offenders and repeat offenders Better evidence recording mechanism
Sharing information / logging intelligence	Identification of patterns, offenders and repeat offenders Better evidence recording mechanism Community intelligence reported
Presenting evidence	Identification of patterns, offenders and repeat offenders Better evidence recording mechanism Community intelligence reported Positive action rate increased
Informing of action	Improved monitoring of interventions Improved partnership working Improved effectiveness of process

Appendix 2: Flowchart

