

North Tyneside Council

Report to the Deputy Mayor and the Director of Commissioning and Asset Management

Date: 30 January 2023

Title: Policy of Prohibited Activities Relating to Land Owned, Controlled, or Managed by North Tyneside Council

Portfolio(s): The Elected Mayor

Cabinet Member: Dame Norma Redfearn

Report from Service Area:

Commissioning and Asset Management

Responsible Officer:

Niall Cathie – Strategic Property Manager

(Tel:07897 436413)

Wards affected:

All Wards

PART 1

1.1 Executive Summary:

This report asks the Deputy Mayor, in consultation with the Director of Commissioning and Asset Management and the Assistant Chief Executive, to approve the formal adoption of a new borough wide Policy that outlines various activities that will be prohibited on land owned, controlled, or managed by the Authority.

It is hoped that this Policy will be seen by residents and visitors to the borough as a way of ensuring that the Authority's parks, beaches, and other open spaces are enjoyable and safe places to visit.

The report further asks the Director of Commissioning and Asset Management to authorise the publication of the Policy, subject to the prior approval of its formal adoption by the Deputy Mayor.

1.2 Recommendations:

It is recommended that:

1. the Deputy Mayor, in consultation with the Director of Commissioning and Asset Management and the Assistant Chief Executive, approves the formal adoption of the Policy by the Authority as detailed in Section 1.5 of this report; and,
2. the Director of Commissioning and Asset Management authorises the publication of the Policy, subject to the prior approval of its formal adoption by the Deputy Mayor.

1.3 Forward Plan:

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 25 November 2022.

1.4 Council Plan and Policy Framework

This report relates to the following priority in the 2021-2025 Our North Tyneside Plan:

A Secure North Tyneside

We will work with Northumbria Police to prevent and tackle all forms of anti-social behaviour.

1.5 Information:

1.5.1 Background

At its meeting held on 21 February 2022, Cabinet authorised the Director of Commissioning and Asset Management to develop and draft a new borough wide Policy setting out various activities to be prohibited on land owned, controlled, or managed by the Authority and that is accessible to the public.

This followed a rise in the number of Members Enquiries and complaints from members of the public received by the Authority about perceived inappropriate activities taking place in these locations.

An officer working group was subsequently established to shape the Policy to cover the locations detailed below:

- Beaches.
- Parks and country parks.
- Incidental areas of open space including the wagonways and bridle paths.
- Designated wildlife sites.

The following activities of concern were then considered in relation these locations, taking into consideration a number of key questions:

- The release of balloons and sky lanterns.
- Camping.
- Bonfires (unless a as part of a professional event authorised by the Authority).
- Unauthorised firepits.
- The release of fireworks (unless a as part of a professional event authorised by the Authority).
- The riding or racing of quadbikes, motorbikes, and mopeds.
- Intrusive metal detecting involving digging on land.

Key Questions:

- Can the activity disturb wildlife?
- Can the activity damage the environment?
- Can the activity reduce the value of an asset?
- Can the activity be considered as anti-social or cause a nuisance to the general public?

Where there were positive answers to any of the key questions in relation to any of the listed activities in respect of each location, then the working group considered it appropriate that these should become prohibited activities.

As a result of this work, the draft Policy provided at Appendix 1 was completed and presented to the Strategic Property Group for consideration at its meeting held on 15 June 2022. At the meeting, the Group endorsed the draft Policy and gave clearance for officers to undertake a public consultation process in advance of it being considered for formal adoption by the Authority.

1.5.2 Public Consultation

A 6-week public consultation process started on 15 August 2022, and as a result of which the Authority received a total of 578 responses, with the majority being in support of the Authority adopting the Policy as drafted.

A summary of the consultation feedback is provided at Appendix 2.

1.5.3 Current Position

The consultation feedback was reported to the Strategic Property Group on 16 November 2022, when officers were given further clearance to take the necessary steps to obtain formal approval to the adoption and publication of the Policy as drafted.

This report now proposes that the formal adoption and publication of the Policy is dealt with in accordance with the following delegations that were agreed by Cabinet in February 2022:

1. for the Deputy Mayor, in consultation with the Director of Commissioning and Asset Management and the Assistant Chief Executive, to approve the formal adoption of the Policy by the Authority; and,
2. for the Director of Commissioning and Asset Management to publish the Policy, subject to the approval of its formal adoption by the Deputy Mayor.

The publication of the Policy will be via the Authority's website on the Business/Property page and Residents/Community Living page, together with appropriate covering information.

1.5.4 Potential Enforcement

The Authority's Parks, Beach and Wagonway Wardens will be advised of the Policy and will be able to report any breaches of the Policy to the Strategic Property Team. Officers will then have regard to the Authority's Enforcement Policy and Code for Regulators and the circumstances surrounding the breach before enforcement action is considered.

Breaches of the Policy could either result in a warning being issued to an individual or enforcement action being taken through the civil courts or potentially through the Magistrates' Court. In either case, court action would only be taken if it was considered a proportionate step to take and being in the public interest. Enforcement action through the Courts will always be the last resort.

1.6 Decision options:

The following decision options are available for consideration by the Deputy Mayor and the Director of Commissioning and Asset Management, as applicable:

Option 1

The Deputy Mayor may approve the formal adoption of the Policy, in which case the Director of Commissioning and Asset Management may then approve the publication of the Policy.

Option 2

The Deputy Mayor may not approve the formal adoption of the Policy in which case it will not be published.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reason:

The formal adoption and publication of the Policy is considered to be the best way to potentially reduce the number of unwelcome activities that take place on land owned, controlled, or managed by the Authority.

1.8 Appendices:

Appendix 1 – Draft Policy of Prohibited Activities Relating to Land Owned, Controlled, or Managed by North Tyneside Council.

Appendix 2 – Consultation Research Report

Appendix 3 – Equality Impact Assessment.

1.9 Contact officers:

Niall Cathie – Strategic Property Manager – Tel 07897 436413

David Mason – Senior Manager Capital Strategy and Planning

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author and on the Authority's website:

[Cabinet Report Minutes 21 February 2022 – CAB98/22](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no finance and resource implications arising from this report other than a potential reduction in officer time dealing with enquiries from members of the public wishing to carry out activities which will no longer be permitted on land owned, controlled, or managed by the Authority.

2.2 Legal

The Policy will be monitored alongside other policies such as the Authority's Enforcement Policy and there may be occasions when repeated anti-social behaviour in open spaces requires consideration to Public Space Protection Orders being made either for a specific area or areas in the borough, or indeed the whole of the borough.

As stated in the report, there may be occasions when the Authority may, as a last resort, have to take action through the Courts to tackle individuals who do not adhere to the Policy and continue to act in an anti-social manner. Of course, any decision to prosecute will be taken on a case-by-case basis and having regard to the Authority's policies on enforcement.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

On 19 December 2021, the Strategic Property Group, which provides robust governance to all strategic property matters, confirmed its support for the principle of implementing a Policy prohibiting certain activities on land that the Authority owns, controls, or manages. The membership of the group includes the Elected Mayor, Cabinet Members, Directors, and Senior Officers.

2.3.2 External Consultation/Engagement

Northumbria Police were consulted and were found to be in support of the Authority's proposal to implement the Policy as it was considered this would be an effective way to reduce the number of anti-social activities which may require the intervention of the police service.

The draft Policy was subject to an appropriate period of public consultation.

2.4 Human rights

Human Rights issues were taken into consideration when formulating the Policy, such as the right to assembly and association.

2.5 Equalities and diversity

An Equality Impact Assessment (EIA) was undertaken in advance of the public consultation process to ensure that people with protected characteristics had an equal opportunity to know about and take part in the public consultation. The EIA was updated following the consultation to ensure that regard had also been given to potential impacts during the promotion and implementation of the proposed policy

2.6 Risk management

There are no risk management implications directly arising from this report.

2.7 Crime and disorder

It is considered that the implementation of the Policy will assist in the reduction of the number of anti-social activities taking place on land owned, controlled, and managed by the Authority.

2.8 Environment and sustainability

It is considered that the implementation of the Policy will assist in the reduction of the number of activities taking place on land owned, controlled, and managed by the Authority and which can potentially harm the environment.

PART 3 - SIGN OFF

- Chief Executive
- Director(s) of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Assistant Chief Executive