

MIDDLESBROUGH COUNCIL

**ENVIRONMENT SCRUTINY PANEL
13 JUNE 2017**

**FINAL REPORT
OF THE ENVIRONMENT SCRUTINY PANEL
NO BALL GAMES SIGNS POLICY**

PURPOSE OF THE REPORT

1. To present the final report of the Environment Scrutiny Panel following its investigation into the Council's current 'No Ball Games' Signs Policy.

AIMS OF THE INVESTIGATION

2. On 7 July 2016, the Panel determined its Work Programme for the 2016/17 Municipal Year, selecting topics for investigation following consideration of the summary of the Environment, Property and Commercial Services Outcome Delivery Plan for 2015 – 2018, which underpins the Council's Strategic Plan 2016 – 2020, and hearing from the Director of Environment, Property and Commercial Services, the Head of Environment Services and the Property Services Manager, who provided an overview of key issues facing the Service in the year ahead.
3. The Panel identified the topic of No Ball Games signs for inclusion in its Work Programme, to be undertaken as a 'short review', as the Council's Policy on No Ball Games Signs has not been revisited for many years.
4. The Panel wished to ascertain the Council's current position in relation to its policy on No Ball Games signs and to ensure that there is an appropriate mechanism for dealing with complaints in relation to all aspects of anti-social behaviour, including ball games nuisance, which meets the needs of the local community.

TERMS OF REFERENCE

5. The terms of reference for the Scrutiny Panel's investigation were as follows:-
 - a) To examine the Council's current policy on No Ball Games signs.
 - b) To determine whether the Council's current policy and procedures remains effective.

BACKGROUND INFORMATION

6. The Panel held meetings on 9 February and 9 March 2017 and was provided with information by the following:-

- G Field – Director: Environment and Commercial Services.
- K Garland – Head of Environment Services.
- J Parry – Environment Services Manager.
- W Langley – Service Performance Officer, Environment Services.
- J Pearce – Community Safety Officer, Community Safety.
- G French – Middlesbrough & South Area Manager, Thirteen Housing Group.

7. Setting the Scene

- 7.1 The Council's policy in relation to No Ball Games Signs was last reviewed in 1997 when the Council's Highways and Transportation Committee recommended that requests for such signs are dealt with as a community issue and that it is emphasised that Councils do not have powers to enforce the signs.
- 7.2 Given the current lengthy procedure for dealing with No Ball Games signs requests, the Panel considered it appropriate to review the current policy and procedures.

8. Environment Services

- 8.1. At its meeting on 9 February 2017, the Panel received information in relation to the Council's current policy and procedures regarding No Ball Games signs.
- 8.2. The Council's current policy has not been reviewed since 1997 and the current process for dealing with requests is lengthy. Requests for signs are required to be made in writing to Environment Services and sites are initially inspected by a Highways Inspector to ascertain whether the application for a sign is appropriate and should proceed. Signs are only permitted on public highways and if the Highways Inspector determines that an application can proceed, further steps are taken to deal with the request at the applicant's local Community Council, where consideration is given to the request by the local community. The Community Council Secretary informs the local Ward Councillors and applicant of the date of the Community Council meeting when the application is to be considered. Residents living in the vicinity where the proposed sign is to be sited are also informed of the meeting and may attend to support or object to the application. Should the applicant fail to attend the meeting, the request will not be considered.
- 8.3. The Community Council Secretary informs Environment Services of the outcome and, where a request is approved, the appropriate next steps are followed for the sign to be sited.
- 8.4. The Panel heard that No Ball Games signs are not legally enforceable and that some neighbouring Local Authorities no longer erect the signs as they feel the signs set false expectations for residents.
- 8.5. The exact number of No Ball Games signs in Middlesbrough is not known as organisations/individuals other than the Council have also put up signs. At the time of writing this report, no signs have been erected by the Council since September 2015,

when three out of nine sign requests were approved. From September 2015 to date, there are 31 requests outstanding.

- 8.6. When a complaint is received by Environment Services in relation to ball games nuisance, a referral is made to the Community Safety Team who contact the complainant to assess whether an anti-social behaviour element exists. Where it is found that there is no anti-social behaviour element to the complaint, this tends to resolve the issue without a request for a No Ball Games sign being processed.
- 8.7. Information was provided to the Panel in relation to advice provided on Tamworth Borough Council's website about dealing with ball games nuisance at a local level, which the Panel found useful.

9. Community Safety

- 9.1. At its meeting on 9 March 2017, the Panel was presented with further information in relation to No Ball Games signs from the perspective of the Council's Community Safety Team.
- 9.2. The Panel was advised that playing ball games is not considered to be anti-social behaviour in itself, however, if a person causes, or was likely to cause, harassment, alarm or distress to one or more persons not of the same household as the person playing with the ball, then consideration can be given to dealing with the nuisance under current legislation (Anti-Social behaviour, Crime and Policing Act of 2014).
- 9.3. Each report of ball game nuisance is dealt with on an individual basis and assessed by a Neighbourhood Safety Officer. The Community Safety Team has produced a leaflet entitled 'Guidance on Football Nuisance' (attached at **Appendix 1**) which is provided to all parties involved where the behaviour is deemed not to be anti-social. The leaflet offers advice for players of ball games, parents, residents, spectators and passers-by. It emphasises that young people have the right to play safely in their own neighbourhood, near to home, but that it is important to respect other residents' right to a peaceful environment and that everyone should be treated with respect. It also outlines applicable laws regarding damage to property, what action can be taken and helpful contact numbers.
- 9.4. The leaflets have been in use since 2014 and have resulted in a significant reduction in repeat complaints, although the initial number of complaints has remained fairly static between 2013 – 2016, with 31 complaints received in 2016. Complaints tend to be seasonal and increase during the summer and school holidays.
- 9.5. The Panel heard that where a nuisance complaint is deemed to be anti-social behaviour, Neighbourhood Safety Officers provide appropriate advice and support to the complainant and will take enforcement action against any person identified as a perpetrator of nuisance and will liaise with Police in relation to criminal matters. In addition, priority is given to repeat and vulnerable complainants.
- 9.6. Opinion in relation to the benefit of No Ball Games signs is divided between the Neighbourhood Safety Officers. Whilst all Officers acknowledge the signs can raise

expectations of residents in terms of enforcement, half of the Officers feel that the signs can act as a deterrent in some locations and that they receive fewer ball games complaints as a result.

10 Thirteen Group

- 10.1 The Middlesbrough and South Area Manager, Thirteen Group, also attended the Panel's meeting on 9 March 2017 to provide information on how Thirteen Group deals with issues arising from ball games disputes and the use of 'No Ball Games' signs.
- 10.2 The Panel was informed that Thirteen Group manages more than 11,500 properties in Middlesbrough, currently owned by four landlords within the group. Thirteen Group owns approximately 500,000 square metres of open, maintained land in Middlesbrough, with Erimus Housing being the largest of the landlords in terms of stock and also the main land owner of property curtilage and communal areas, for which it has responsibility for the maintenance and management of these spaces.
- 10.3 None of the landlords within the Thirteen Group has a specific 'No Ball Games' policy and, at the present time, there is no handbook for tenants. However, Thirteen Group's Anti-Social Behaviour policy was reviewed in June 2016 and states "The Group expects its tenants to take their own reasonable steps to resolve issues between themselves – such as neighbour disputes, parking issues, young children playing, etc (although this is not a definitive list). Advice may be given where it is not a matter for the Group to be involved."
- 10.4 Where a resident reports a problem relating to ball games, this is investigated to establish the level of nuisance involved. If the reported behaviour constitutes anti-social behaviour (such as damage, harassment or alarm being caused), appropriate steps are taken to deal with the issues within current housing legislation and the Group's tenancy agreements. Where perpetrators of the nuisance are not tenants of the Thirteen Group, referrals are made to the appropriate channels such as the Local Authority's Community Safety Team or local Community Police.
- 10.5 Since April 2016, the Group has recorded ten cases of anti-social behaviour where an element of the complaint includes the playing of ball games, or damage caused by a football.
- 10.6 In relation to the use of No Ball Games signs, the Panel heard that there are a number of old signs in-situ, mainly from Tees Valley Housing, but no new signs have been erected for at least two years in Middlesbrough. The Group intends to remove the signs in due course as part of its wider brand signage programme.
- 10.7 The Group's standard tenancy agreement includes a section on Nuisance, Discrimination and Other Harassment which includes a reference to playing football close to someone else's home. It is a wide definition but allows Thirteen to deal with

complaints in a reasonable and proportionate manner. (A copy of this is attached at **Appendix 2.**)

11. For further information in respect of the Scrutiny Panel's investigations and findings, please see the attached **Appendices 3 and 4** – extract of minutes of panel meetings.

CONCLUSIONS

12. The Scrutiny Panel reached the following conclusions in respect of its investigation:-

1. The Panel acknowledges that the Council's current policy and procedures in relation to dealing with requests for No Ball Games signs has not been reviewed since 1997. Since that time, a range of legislation has been introduced that assists local authorities and Police in dealing with anti-social behaviour.
2. The Panel recognises that not all complaints in relation to ball games nuisance constitutes anti-social behaviour and considers that the current approach being taken by the Council's Community Safety Team, to deal with such issues at a local level, is robust and meets the needs of the local community and should continue.
3. The Council's 'Guidance on Football Nuisance' leaflet has been used by the Council's Community Safety Team since 2014 to assist in addressing complaints in relation to ball game nuisance (where there is no element of anti-social behaviour), within the community. Since the leaflet has been used, Neighbourhood Safety Officers noted a reduction in repeat complaints. The Panel considers that the leaflet should be made widely-available.
4. The Panel feels that the approach taken by the Thirteen Housing Group in relation to No Ball Games signs and the way in which associated complaints are dealt with, mirrors the Council's approach.
5. In line with the Government's drive to reduce childhood obesity through a range of factors including the promotion of healthy eating and increased physical activity/exercise to be supported by parents and carers, the Panel welcomes children having the opportunity to exercise and play safely within their own communities, near to their own homes, providing that they are respectful of other people and their property.
6. The Panel acknowledges that, in some locations, No Ball Games signs can act as a deterrent, however, the signs have no legal powers and are not legally enforceable. The signs can create false expectations for residents.
7. The Panel recognises the excellent work being undertaken by the Council's Community Safety and Neighbourhood Safety Teams in relation to dealing with complaints of anti-social behaviour. On hearing the evidence, the Panel believes there are robust mechanisms in place for complaints relating to all aspects of anti-social behaviour, including ball game nuisance, which meets the needs of the local community.

8. The Panel notes that no signs have been erected since September 2015 and that no requests have been processed since that time, with 31 signs requests currently outstanding.

RECOMMENDATIONS

13. As a result of the information received, and based on the above conclusions, the Environment Scrutiny Panel makes the following recommendations for consideration by the Overview and Scrutiny Board:-
 1. That the Council ceases to process any new requests for 'No Ball Games' signs, based on the following reasons:-
 - a) The Panel considers the current process for dealing with No Ball Games signs to be confusing and resource-intensive.
 - b) The current process is outdated and the introduction of legislation since 1997, the last time that the No Ball Games policy was reviewed, has enabled the Council to establish robust mechanisms for addressing complaints relating to all aspects of anti-social behaviour, including ball games nuisance, which meets the needs of the local community. The Panel feels confident that any such complaints will be dealt with appropriately.
 2. The Panel recognises that, in some locations, the signs may act as a deterrent and, as such, considers that existing signs should remain in-situ and that any requests for signs to be removed should be dealt with on an area by area basis with the involvement of the Neighbourhood Safety Officer and the local community. The Panel feels it is important for Ward Councillors and Community Councils to convey this message at a local level.
 3. Government Guidance on tackling childhood obesity includes encouraging increased physical activity outside of school to be supported by parents and carers. The Panel acknowledges this and welcomes the opportunity for children to be able to exercise and play safely within their own communities near to their own homes providing that they are respectful of other people and their property. The Panel considers that the Community Safety Team's leaflet 'Guidance on Football Nuisance' is a useful tool to assist in resolving disputes regarding ball games nuisance and offers advice on how all parties can compromise and live together peacefully. Therefore, the Panel recommends that the leaflet should be made more widely available, including being placed prominently on the Council's website and distributed to all Community Councils and Ward Councillors.
 4. The Panel has concerns regarding the 31 requests for No Ball Games signs that are currently outstanding since September 2015. The Panel, therefore, requests that the Service Area revisits each outstanding request to check whether the details have been passed to the Community Safety Team for assessment and whether the residents/applicants making the request have been contacted and made fully aware of the process. The Panel also requests that the Service Area provides a report to the

Environment Scrutiny Panel, at the earliest opportunity, including the following information:-

- a) How the 31 outstanding requests have been dealt with.
- b) What stage of the process each request has reached.
- c) The reasons why the request has not been progressed.

ACKNOWLEDGEMENTS

14. The Environment Scrutiny Panel would like to thank the following people for their assistance with its work:-

- G Field – Director: Environment and Commercial Services.
- K Garland – Head of Environment Services.
- J Parry – Environment Services Manager.
- W Langley – Service Performance Officer, Environment Services.
- J Pearce – Community Safety Officer, Community Safety.
- G French – Middlesbrough & South Area Manager, Thirteen Housing Group.

BACKGROUND PAPERS

15. The following sources were consulted or referred to in preparing this report:-

- Reports to, and minutes of, the Environment Scrutiny Panel meetings held on 9 February and 9 March 2017.
- Report to, and minute of, the Highways and Transportation Committee held on 21 January 1997.
- Tamworth Borough Council – advice on anti-social ball games.
- Middlesbrough Council's leaflet: 'Guidance on football nuisance'.
- Thirteen Group – standard tenancy agreement in relation to Nuisance, Discrimination and Other Harassment.

COUNCILLOR DENISE ROONEY - CHAIR OF ENVIRONMENT SCRUTINY PANEL - 2016/17

The Membership of the Scrutiny Panel for 2016/17 is as follows: Councillors: D Rooney (Chair), T Higgins (Vice-Chair), Biswas, Cole (until 27 February 2017), Coupe, Dean, Goodchild, Saunders and Uddin.

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