

Use of ASB Tools and Powers – A Case Study

In April 2018, a multi-agency meeting was held by the Head of Environmental Health for Birmingham City Council to identify possible solutions to a long standing ASB problem. The case involved the misuse of off-road vehicles on private land on the Bromsgrove side of the West Hills, Hopwood boundary with West Heath.

This issue had created substantial concern and regular noise nuisance for residents. There had been confrontations with local ramblers using the right of way across the land and substantial demand had been placed on policing teams on both sides of the border, alongside Elected Members and council officers for a number of years. In 2018, a petition of 106 names was submitted and the local MP had been involved on multiple occasions to try and seek a resolution. In some cases, there had been a considerable impact on the physical and mental health of some of the residents.



Evidence of off-road vehicle use



Unauthorised Access point from A441



Resident's image of vehicles being off-loaded

BDC Community Safety Project Officer, Dave Rischmiller attended the multi-agency meeting and identified that the use of ASB legislation in the form of the Community Protection power could be an appropriate resolution for the situation and took responsibility for progressing this. An initial site visit highlighted that access to the land was being gained through four breaks in the hedgerow boundary of the land. Despite an initial letter to the landowner, followed by a CPW then a CPN they continued to ignore any requests to communicate to resolve the problem.

Prior to initiating prosecution for breach of the CPN, which is a criminal offence, Dave Rischmiller identified and directly contacted the Senior Head of Property Management of the Landowner bringing to his attention to the impending prosecution. He was advised that due to the lack of response, the option to appeal had expired and there was the potential of an unlimited fine, works carried out in default as well as substantial negative publicity.

Recognising that the Council was taking the matter very seriously on behalf of local residents, it was made clear that their neglect had left them with few options other than to secure their boundary. The landowner then moved quickly to communicate and initiated the necessary works as required in the original CPN. This notice also obliges them to regularly inspect the works for effectiveness and maintain them as necessary as an ongoing commitment.

Residents were kept informed throughout the process and were very happy with the outcome of the case. This study shows that robust and efficient use of appropriate ASB powers can bring to an end years of nuisance suffered by a large number of residents. This use of ASB legislation was also very effective in reducing considerable repeat demand on various public agencies, allowing them to divert their time and efforts to addressing other issues.