

Proposed Declaration of a Public Space Protection Order in Birmingham City Centre to Control anti-social behavior in respect of cycling and the use of other propelled transport in predominantly pedestrian areas within Birmingham City Centre.

1. Introduction

Birmingham City Council's Regulation and Enforcement Division is consulting on the proposal to introduce a Public Space Protection Order (PSPO) for New Street, High Street and Centenary Square, Birmingham. This includes its adjacent streets, as highlighted on the attached map. This is to enhance public safety and address anti-social behavior in respect of irresponsible and dangerous use of bicycles skateboarding, manual scooters, E-bikes and E-scooters in the pedestrian areas. The area specified in this proposed PSPO is pedestrianised and has high footfall at peak times.

In responding to this consultation, please recognise the Council is under a duty to deal with anti-social behavior as well as seeking to create a welcoming and positive impression for those working, living, or visiting Birmingham city centre. We would welcome any suggestions on alternative solutions or different conditions for the proposed PSPO.

The **restricted area** covers all "public place" meaning any place to which the public or any section of the public has access, paid or otherwise, as of right or by virtue of express or implied permission. This includes public highway, private forecourts, and car parks.

THE PUBLIC SPACES PROTECTION ORDER PROHIBITS THE BELOW ANTI-SOCIAL BEHAVIOUR IN THE FOLLOWING PROPOSED TERMS:

- Any person entering the pedestrian zone shown in the map, riding, cycling, skateboarding, riding a manual scooter or using an E-bike or E-scooter, within the restricted area must not ride in a dangerous careless or inconsiderate manner and/or in a manner that is likely to cause, harassment, alarm or distress to any pedestrian. This includes but is not limited to, aggressive riding, riding at speed, weaving between pedestrians or performing stunts.
- The condition of the bicycle/scooter must comply with **The Pedal Cycles (Construction and Use) Regulations 1983, The Electrically Assisted Pedal Cycle Regulations 1983 (as amended) and The Road Vehicle Lighting Regulations (1989).**

Any person may push and walk alongside their bicycle, manual scooter, E-bike, or E-scooter through the restricted area.

Exemption: An exemption will apply to any of the emergency services carrying out their duties where there is a necessity to ignore the PSPO, or a police community support officer or authorised officer of the council that is enforcing this PSPO.

The consultation will run from the 20th of December 2024 until the 31st of January 2025.

A local authority can make a PSPO if satisfied, on reasonable grounds, that there are a number of activities carried out, or are likely to be carried out in a public space in 'the restricted area shown on the map that have had, or are likely to have, a detrimental effect on the quality of life of those in the locality. The effect or likely effect of these activities is of a persistent or continuing nature such, as to make these activities unreasonable, and justifies the restrictions imposed in this order. (Anti-social Behaviour Crime and Policing Act 2014 (for full details see www.legislation.gov.uk)

As part of the strategy to create a safe environment within the city centre for businesses, residents and visitors, one of the issues raised was the use of cycles and other self-propelled transport eg e bikes and scooters in areas of high pedestrian use. The reports included anti-social behavior observed such as moving too fast, near misses and collisions.

A cabinet report was introduced to establish if there was a desire to consult with the public about restricting certain activities when using wheeled transport in some locations within designated areas of the city centre.

Enforcement days and some reporting activities were undertaken to determine if a problem had occurred.

It is recognised that mixed feelings surround this issue and that there will not be 100% agreement. Some cycling groups have already utilised media outlets to try and curtail any consultation regarding this subject, citing such programmes as active travel etc. However, the Councils travel plans and active travel includes walking, cycling and public transport. Government guidance on these matters indicates that pedestrians should be given higher regard due to the safety implications where mixed road use is allowed. This is supported by recent changes to the highway code.

For this reason, the consultation seeks views to determine how best to tackle the anti-social behavior observed in the city centre.

2. Investigations and Previous Interventions

Intervention days were undertaken to identify the problem and inspect the standard of the bicycles being ridden. During the course of one of the exercises in August 2024, 17 bicycles were seized due to poor maintenance or through adaptation of the bicycles. Later checks on the e bikes seized revealed some had been adapted to reach speeds of 60mph; others did not have working brakes.

Over a five-day period in September 2024, local officers were asked to record incidences within the zone prescribed of poor riding behaviors. The incidences recorded are highlighted below. The enforcement exercises were successful, and there are less instances of poor riding. However, there is now concern that when the police and other agencies are present, some of the cyclists will find alternative routes to use.

Examples of the types of activities this PSPO is seeking to restrict.

- 1) A number of bikes riding recklessly at 14:00 hours New St outside Tesco almost hitting a pedestrian. Three or two caught on CCTV.
- 2) A Pedestrian bike almost hit a pedestrian whilst standing outside cashpoint and New Street.
- 3) Delivery on bikes waving through heavy pedestrian traffic on New Street.
- 4) An illegal bicycle with spare batteries weaving in and out of pedestrian areas on New Street and up to Centenary Square
- 5) Delivery electric bicycle riding at speed on New Street, coming close to vehicles and members of the public.
- 6) Two school children on bicycles driving at speed in New Street near Tim Hortons and Starbucks, almost hitting pedestrians.
- 7) Male cycling at speed along New Street, causing pedestrians to jump out of the way.
- 8) Illegal delivery bicycle heading towards HSBC on New Street.
- 9) Delivery bicycle riding past Starbucks through heavy pedestrianised area
- 10) Delivery bicycles with extra batteries, weaving in and out of pedestrians down a road off Temple Street.
- 11) Delivery bicycle rider with face covered weaving, in and out of public towards Victoria Square.

In addition:

E Bicycles adapted to go faster than the permitted restricted top speed;
Bicycles and scooters with brakes in poor condition or not working;
No lights.

Complaints:

“There are gangs wearing ski masks, teenagers wearing balaclavas on bikes with large speaker systems.”

“I would like to make a complaint about rogue cyclists in the City Centre. Over the past few years, I have noticed an increase in people racing around Town on bikes. I feel very strongly that they are a danger and menace to pedestrians, especially children, animals and the elderly. On numerous occasions I have felt threatened by these Cyclists and feel lucky that no-one has ridden into me yet.”

3. Impact of Intervention

The Council is proposing a Public Space Protection Order (PSPOs) covering the highlighted area on the map below. This aims to restrict the antisocial behavior causing harassment, alarm or distress. The PSPO is designed to provide a swift enforcement approach to the offending individuals and ensure they are dealt with immediately. The powers can be provided to a range of officers and once identified, the offenders will be subject to immediate enforcement action as well as retrospective enforcement action. The impact of this proposal will be to enforce responsibility and ensure that enforcement can be delivered by a number of different services.

4. What is a Public Space Protection Order?

Public Space Protection Orders (PSPOs) were introduced under the Anti-Social Behavior Crime and Policing Act 2014. This power gives the local authority the ability to be able to impose conditions on the use of a particular geographical area to tackle anti-social behavior that affects the quality of life of those who live or work in the locality. Anti-social behavior is defined as any activity that causes harassment, alarm or distress.

What happens if someone does not comply with requirements of a PSPO?

It is a criminal offence to breach the requirements of a PSPO. This may result in a Fixed Penalty Notice (FPN) being issued by a police officer or council officer. If the FPN is not paid, the offence may be reported to the magistrate's court and a person can be fined up to £1,000.

A breach occurs when a person without reasonable excuse:

- does anything that they are prohibited from doing by a PSPO
- fails to comply with a requirement of a PSPO

It is the intention that the proposed PSPO will be in place for a period of 3 years.

5. Consultation

This public consultation invites views on the proposed PSPO from people with an interest in the affected area. This will include identifying people who reside in the area, work in the area, visit the area to access services in the area and people who pass through and visit the area. While all views are welcome, more weight will be given to those who are directly affected by the behaviors complained of and by the proposed prohibitions and restrictions.

We are now at the consultation phase for these Orders, which will conclude on the 31st of January 2025.

The Council will consult with West Midlands Police, Local Community Safety Partnership, and community representatives the local authority thinks appropriate, owners and occupiers of land within the restricted area. In addition, there will be an online survey.

A copy of the proposed prohibitions, along with a map of the geographical areas that the Order will apply to, can be found at section 7 below.

Should any person have difficulty in accessing services on-line or attending any of the consultation events provision will be made for any person who may need additional support in making their views heard. Please contact 0121 303 9367 for any help with consultation or any questions.

6. Following Consultation

The responses to the consultation exercise will be considered and a decision made on whether to implement a Public Space Protection Order. In making any decision, particular regard will be had to rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the Convention. Convention has the meaning given by section 21(1) Human Rights Act 1998.

For further information, please visit:

<https://www.legislation.gov.uk/ukpga/2014/12/part/4/chapter/2>
<<https://www.legislation.gov.uk/ukpga/2014/12/part/4/chapter/2>>

Or contact: tradingstandards@birmingham.gov.uk

7. Map of proposed area:

