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Our ref: 8976 LA1 DMBP MIQ HW/NS MATTER 5

**By e-mail only: idkemp@icloud.com**

15<sup>TH</sup> October 2020

Dear Sir/Madam

## **Development Management in Birmingham Plan Examination – October 2020 - Representations on behalf of Chief Constable of West Midlands Police in response to Inspector’s Matters, Issues and Questions**

### **MATTER 5 Homes and Neighbourhoods Policies Introduction, Background and Executive Summary**

We act for the Chief Constable of West Midlands Police (CCWMP) and are instructed to make representations on local development documents in respect of securing policy reference in such documents to matters including:

- Recognising the community need for securing safe environments with crime reduction made a priority;
- Requiring developers to demonstrate how proposals address community safety and crime prevention in Design & Access Statements, or other relevant planning application documents;
- Ensuring the timely and effective engagement of the police and other emergency services to ensure effective delivery of infrastructure projects required as a result of development growth with the recognition that the police are a social infrastructure delivery agency;
- In appropriate cases, seeking financial contributions towards the additional expenditure burden placed on West Midlands Police as a consequence of development proposals and growth; and
- Ensuring the timely and effective engagement of the police and other emergency services in the planning processes in relation to matters likely to affect crime and fear of crime.

The CCWMP has a statutory duty to secure the maintenance of an efficient and effective police force for its area and Birmingham City Council (BCC) is required by statute to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The CCWMP is grateful for the opportunity to comment further on the Development Management in Birmingham Plan (DMB) in response to the Inspector's Matters, Issues and Questions. We have previously made comments on the Publication Version Plan in February 2020.

Our letter of the 18<sup>th</sup> of February 2020 sets out in detail the CCWMP's comments on the DMB Publication Version and the issues raised in that letter of representation remain relevant to the DMB Plan examination. This letter of representation is in addition to the submissions made on behalf of the CCWMP on the 18<sup>th</sup> of February 2020 and focuses on the specific matters, issues and questions raised by the Inspector in the MIQ document, which are relevant to the CCWMP'S previous objections. For the avoidance of doubt, the comments made on behalf of the CCWMP in the letter of the 18<sup>th</sup> of February 2020 remain valid and in the interest of brevity are not repeated in detail herein.

In summary the comments are as follows:

- National and local planning policy and guidance supports reductions in crime, disorder, and fear of crime. Community safety and reducing crime are key considerations in the exercise of the duties of both the West Midlands Police and Birmingham City Council;
- As previously indicated the CCWMP welcomes the opportunity to become actively involved in the policy formulation process for the DMB and in the implementation and delivery of the policies once adopted;
- As indicated in the earlier letters of representation, the CCWMP **SUPPORTS** the objectives/ policies in the DMB that refer in their wording to safety and security, including crime, fear of crime and anti-social behaviour, namely: Objective 1.7, Policy DM2 Amenity, Policy DM14 Highway Safety and Access and Policy DM15 Parking and Servicing;
- The CCWMP welcomes the recognition in the Council's responses to the comments in relation to the Preferred Options consultation that some changes to the supporting text to policies is required, (for example in relation to Policy DM4 'Landscaping and trees', paragraph 2.40 of the supporting text now includes the suggested additions).The CCWMP still maintains however, that to carry weight and reflect the objectives of national policy, the changes recommended in the letter of representation dated 18<sup>th</sup> February 2020, should be made to the policy wording, rather than to the explanatory text.
- Notwithstanding the inclusion in some policies of the DMB to reference to safety and security themes, it is noted that other policies fail to contain explicit reference to safety. In the view of the CCWMP in the light of the re-emphasis in the recently updated PPG to supporting safe communities, this failure is inconsistent with national

policy, rendering the policies unsound. The CCWMP recommends additional wording to ensure that the DMB policies are consistent with national policy. The CCWMP therefore **OBJECTS** to:

- Policy DM10 Standards for Residential Development and considers that the policy should be amended to include reference to the need for residential development to consider crime prevention measures and to comply with 'Secure by Design' Standards to reduce crime, the fear of crime and anti-social behaviour.
  - Policy DM11 Houses in Multiple Occupation (HMO) and considers that the policy should be amended to include reference to the need to ensure that proposals for HMOs should not give rise to adverse cumulative impacts on safety, security and the fear of crime.
  - Policy DM13 Self and Custom Build Housing due to its omission of a reference to the need for residential development to comply with crime prevention measures, including 'Secured by Design' Standards.
- Without the changes to the document set out herein, the CCWMP considers the document to be unsound.

#### **Matter 5: Homes and Neighbourhoods Policies**

**Issue: are the individual policies clear, justified, and consistent with national policy and will they be effective?**

#### **Policy DM10 Standards for Residential Development**

Q 67 Is the weight of policy being applied to the Birmingham Design Guide? Do the Council's proposed modifications overcome this?

1. The Council is clearly attempting to give the Birmingham Design Guide the weight of policy which is wrong given the fact that the document is at an early stage of preparation, is yet to be subject to consultation and therefore carries very little weight. The Council does not propose to modify the Plan in response to the submissions made on behalf of the CCWMP in the representation letter dated 18<sup>th</sup> of February 2020. Accordingly, the CCWMP'S objections have not been overcome.

Q68 Should the Policy make reference to Secured by Design Standards?

2. The CCWMP contends that it is appropriate for this policy which requires all residential development to comply with various standards, to require development to comply with 'Secured by Design' standards in order to be consistent with national policy and guidance. In its response document (CSD6) the Council considers that Policy PG3 of the BDP already requires all new dwellings to create safe environments that design out crime and therefore the additions suggested on behalf of the CCWMP are not necessary.

3. The CCWMP refutes the Council's suggestion. The purpose of the DMB Plan is to provide detailed policies in relation to specific types of development. There should be specific reference in relevant policies of the DMB Plan to the need for all residential development proposals to demonstrate that appropriate measures have been put in place to minimise the risk of crime, fear of crime and anti-social behaviour. It should not be necessary to refer to other local plan documents. The objectives highlighted by the CCWMP are recognised as important in national policy and guidance and should be reflected in the DMB Plan policies which sets out detailed policies. The fact that another policy in another element of the local plan has a general policy which refers to safety considerations, is not a justification for the omission of a reference to 'Secured by Design' in Policy DM10. Safety issues, minimising crime and the fear of crime are very significant issues which are important to achieving sustainable development.
4. The CCWMP requests that the policy text of Policy DM10 should include the following wording:
  - **'All new development should include consideration of crime prevention measures and Secured by Design principles to reduce crime, the fear of crime and anti-social behaviour.'**

#### **Policy DM11 Houses in Multiple Occupation**

Q69. Is the Policy wording effective? Would the Council's suggested modification address the shortcomings in this respect?

5. The CCWMP maintains that the Policy wording at 'e' is not effective without the additions sought (referred to in paragraph 43 of the letter of representation dated 18<sup>th</sup> of February 2020). In the interests of consistency, the emphasis in national policy and guidance on the need to reduce crime and the fear of crime and anti-social behaviour, should be reflected in local policy. Whilst the Council's proposed modification to DM11(d) adds clarity, it does not address the shortcomings referred to by the CCWMP.
6. The Council's response to the previous representations in relation to this policy suggests that Policy PG3 of the adopted Birmingham Plan already states that new development '*....should create safe environments that design out crime*', and therefore the suggested addition to Policy DM11 is unnecessary. As indicated in paragraph 4.22 of the supporting text to Policy PG3, this policy sets the scene for how development should be brought forward, and further detail is envisaged in further guidance and advice. Paragraph 1.4 of the published version of the DMB states that the purpose of the DMB is to provide '*detailed*' management policies. The CCWMP contends that the inclusion of the suggested wording will add focus to the significance of the issue of minimising the risk of crime, fear of crime and anti-social behaviour, in accordance with the PPG.

7. The CCWMP therefore requests that the following additional wording is included within the policy as follows:

- '1. Proposals for the conversion of existing dwelling houses or the construction of new buildings to be used as Houses in Multiple Occupation (HMO) should protect the residential amenity and character of the area and will be permitted where they:
- e. would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, highway safety, **parking, safety and security, crime and the fear of crime.**'

Q70 Is criterion e of the Policy sufficiently clear and effective for Development Management purposes?

8. Without the additional wording suggested by the CCWMP, the Policy is not clear and effective for Development Management purposes as it omits any reference to safety and the cumulative impacts of crime and the fear of crime. The text of Policy DM11 does not refer to the requirements of Policy PG3 of the BDP so there is no link between the two policies. For Development Management purposes, criterion e is not clear about the significance of safety and reducing crime. This is a significant omission.

Q71 Should criterion e of the Policy include reference to safety, security and the fear of crime?

9. The CCWMP contends that criterion e should include reference to safety, security and the fear of crime in order to ensure that the policy is consistent with national policy and guidance and is clear and effective, particularly in the context of cumulative adverse impacts.

### **Policy DM13 Self and Custom Build Housing**

Q77. Should the Policy include reference to Secured by Design Standards?

10. The Council proposes no change to Policy DM13 in response to the representations made on behalf of the CCWMP in the letter dated 28<sup>th</sup> of February 2020. The CCWMP requests that the Policy should include reference to Secured by Design Standards in order to reflect national policy and guidance in relation to securing safe places.

11. The Council's reliance on Policy PG3 in the BDP in its response document (CSD6), fails to deal with the fact that the text of Policy DM13 makes no reference to safety or Secured by Design principles or indeed to Policy PG3 of the BDP. Nor does it specifically refer to Policy DM2 (f) of the DMB Plan. There is no reference to the

importance of Secured by Design standards at all, which is a significant policy omission. To make the Policy clear, consistent with national policy and therefore effective and sound, the CCWMP requests that an additional bullet point is added to the Policy as follows:

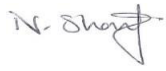
- **'...4. All new development should include consideration of crime prevention measures and Secured by Design principles to reduce crime, the fear of crime and anti-social behaviour.'**

## **Summary**

12. The CCWMP has a statutory duty to secure the maintenance of an efficient and effective police force in its area and the City Council has a statutory duty to consider crime and disorder and community safety in the exercise of its planning functions.
13. The CCWMP encourages the Council to ensure that the theme of community safety and crime prevention is given prominence in the Development Management in Birmingham Plan on the basis that improving community safety, reducing crime, fear of crime and anti-social behaviour are vitally important to the creation of sustainable communities, as set out in the NPPF and PPG in the light of this letter of representations and the letter dated the 18<sup>th</sup> of February 2020.
14. It is imperative that the ability of the West Midlands Police to continue to undertake their functions is fully taken into account in considering and formulating detailed policies in the future. The CCWMP suggests that in order to achieve the objectives and realise its strategy, the policies of the Development Management in Birmingham Plan must include greater reference to community safety, reducing crime, fear of crime and anti-social behaviour, as well as greater detail on measures aimed at designing out crime. Without these changes to the document, the CCWMP considers the document to be unsound.
15. Our Client would be grateful if these representations and suggested revised wording for the relevant policies referred to above and/or supporting text are considered by the Inspector in the Examination and could be reflected in the final version of the Development Management in Birmingham Development Plan.

We should be grateful if you would acknowledge receipt of this letter of representation.

Yours faithfully,



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Encl.

**APPENDIX 1: Letter of 19<sup>th</sup> October 2015**

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19<sup>th</sup> October 2015

Dear Sir/Madam

## Development Management Development Plan Document: Formal Representations on behalf of the Police and Crime Commissioner for West Midlands (PCCWM)

We act for the Police and Crime Commissioner for West Midlands (PCCWM), formerly known as the West Midlands Police Authority, and are instructed to make representations on local development documents in respect of securing policy reference in such documents to matters including:

- Recognising the community need for securing safe environments with crime reduction made a priority;
- Requiring developers to demonstrate how proposals address community safety and crime prevention in Design & Access Statements, or other relevant planning application documents;
- Promoting a safe and secure entertainment, leisure and evening economy;
- Ensuring the timely and effective engagement of the police and other emergency services to ensure effective delivery of infrastructure projects required as a result of development growth with the recognition that the police are a social infrastructure delivery agency;
- In appropriate cases, seeking financial contributions towards the additional expenditure burden placed on the PCCWM as a consequence of development proposals and growth;
- Ensuring the timely and effective engagement of the police and other emergency services in the planning processes in relation to matters likely to affect crime and fear



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of crime; and

- Ensuring the timely and effective engagement of the police and other emergency services in relation to Counter-Terrorism matters. For example, Counter Terrorism Security Advisors can give appropriate advice concerning Vehicle-Borne Devices (VBD) mitigation and the Crowded Place agenda (particularly in relation to shopping areas and the night-time economy).

In addition, you will appreciate that PCCWM has a number of properties across the West Midlands area and new development proposals should not impact upon their operational functionality.

Section 17 of the Crime and Disorder Act 1998 states, 'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area'.

The PCCWM clearly has a statutory duty to secure the maintenance of an efficient and effective police force for its area and, of course, the Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

To this end, we confirm we have already made representations on behalf of PCCWM in respect of the emerging local plan documents including the Birmingham Development Plan (BDP). We are grateful for the opportunity to comment on the initial ideas version of the Development Management Development Plan Document (DPD).

The PCCWM would welcome the opportunity to become actively involved in the policy formulation process for the DPD and in the implementation and delivery of the policies once adopted. The PCCWM would be pleased to meet with you to discuss any of the matters raised in this letter of representation.

This letter includes detailed justification and explanations for the need for, and importance of, appropriate crime prevention and safety policies.

In light of this, and the continued need for community safety, the PCCWM would wish to make the representations set out in the following paragraphs, many of which are a repetition of the general themes and areas of concerns previously raised in respect of the emerging planning policy documents.

## National Planning Policy Framework

1. The National Planning Policy Framework (NPPF), March 2012, paragraph 156 sets out the strategic priorities for local planning authorities when Plan-making, including, 'the provision of health, security, community and cultural infrastructure...' Security is therefore a national strategic planning objective for local authorities.
2. Paragraph 58 in subsection 7, Requiring Good Design, requires that planning polices and decisions should aim to ensure that developments '... create safe and secure environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion...'
3. Paragraph 69 in subsection 8, Promoting Healthy Communities, emphasises that planning policies and decisions should aim to achieve places which promote '... safe and accessible environments where crime and disorder, and



the fear of crime, do not undermine quality of life or community cohesion... and safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.'

4. Paragraph 17, requires local authorities, as one of their 'Core Planning Principles', to 'take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.' Included within this would inevitably be a requirement that local authorities ensure there are appropriate levels of police infrastructure to meet the needs of the community.
5. Paragraph 134 states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...'
6. It is therefore clear that the Framework requires local planning authorities to make provision for security issues and prioritise the need to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

## Planning Practice Guidance

7. Last year the government launched the web-based Planning Practice Guidance which is updated on an on-going basis. The section on 'Design', Paragraph 006 Reference ID: 26-006-20140306, requires a number of specified issues to be considered, these include: crime prevention; security measures; and safe, connected and efficient streets.
8. Paragraph 007 (Reference ID: 26-007-20140306) points out that good landscape design can help the natural surveillance of an area and enhance security. Paragraph 009 (Reference ID: 26-009-20140306) requires developments to promote public spaces and routes that are attractive, accessible, safe and uncluttered which work effectively for all users. It observes that space left without a function can detract from a place's sense of identity and can increase the likelihood of crime and anti-social behaviour occurring.
9. Paragraph 10 (Reference ID: 26-010-20140306) is sub-titled 'Planning should address crime prevention'. It states that 'Designing out crime and designing in community safety should be central to the planning and delivery of new development.' It emphasises that it is important that crime reduction-based planning measures are based upon a clear understanding of the local situation and consideration needs to be given to how planning policies relate to wider policies on crime reduction, crime prevention and sustainable communities.
10. Paragraph 10 suggests that local authorities may wish to consider how they will consult with their Police and Crime Commissioner on planning applications where they are Statutory Consultees and agree how they will work together on other planning matters. There is a requirement for the local planning authorities to work closely with the police force to analyse and share information and good practice.
11. Paragraph 011 (Reference ID: 26-011-20140306) sub-titled 'Planning should promote appropriate security measures' requires taking proportionate security measures to be a central consideration to the planning and delivery of new developments and substantive retrofits. Crime includes terrorism, and good counter terrorism protective security is also seen as good crime prevention.



## Technical Housing Standards Review

12. The importance the Government attaches to the need for issues of safety and security to be addressed was most recently highlighted on 27<sup>th</sup> March 2015, with the Technical Housing Standards Review and the publication of changes to the Building Regulations 2010, which came into force on 1<sup>st</sup> October this year. Part Q addresses the need for minimum levels of built security measures in the construction of new dwellings (including dwellings formed by a material change of use). Requirement Q1 of the Building Regulations includes detailed security requirements for doors and windows.

## Comments on the Development Management Development Plan Document (DPD)

### Comments on Proposed Policies

13. The National Planning Policy Framework (NPPF) highlights security infrastructure as one of strategic importance in paragraph 156. It would therefore be entirely appropriate that issues of safety and security are integral to the strategy within the DPD. It is extremely important to ensure that appropriate crime prevention measures are both funded and put in place to ensure the maintenance of effective levels of crime prevention. Clearly, success in this objective will contribute significantly to the attainment of many of the emerging Birmingham Development Plan, including: supporting regeneration, creating a family friendly destination, stimulating ongoing investment and mixed use development, improving connectivity, and helping improve the wellbeing of the citizens of the area.
14. The PCCWM therefore support the DPD objective 1. which seeks to ensure that '...development makes a positive contribution to community safety, health and well-being.'
15. The PCCWM welcome the reference within the proposed policy DM23 Design explanation that there is a need to consider crime and disorder. They support the statement that, '...This is an important policy, which is likely to contain several subsections addressing general design considerations such as ... crime and disorder...' The PCCWM would encourage reference being made to the requirement for proposals to meet 'Secured by Design' principles when considering specific design elements such as shop fronts, housing, tall buildings, hard and soft landscaping etc.
16. The PCCWM request that reference be made to the need to design out crime, and to introduce, where appropriate, additional measures and infrastructure – such as CCTV and/or lighting – to ensure the community feel safe during an extended business/leisure day. This would be particularly relevant when drawing up policy wording for Policy DM02 Sheesha Lounges and DM03 Restaurants/Cafes/Pubs.
17. The PCCWM request that Policies DM12 Houses in Multiple Occupation and DM13 Houses in Multiple Occupation – Article 4 Areas, address the need for appropriate crime prevention measures in terms of location, design, layout and other infrastructure to reduce crime and the fear of crime. An overconcentration of Houses in Multiple Occupation can potentially place increased pressure on police resources.



18. The PCCWM welcome the inclusion of Policy DM17 Planning Obligations and request that reference be made, either within the policy or within the supporting justification, to the potential requirement for contributions to be made towards Police infrastructure.
19. The PCCWM Senior Leadership Team and Local Policing Unit are likely to have detailed knowledge about site specific issues in respect of crime and safety. The PCCWM request that they are engaged in the ongoing DPD preparation process. Additionally, the centrally-based Crime Prevention Design Advisor team (CPDAs) have extensive knowledge of security measures and 'Designing Out Crime' and the PCCWM requests that they are also engaged in the ongoing DPD preparation process.

## Request for Additional Policies

### Listed Buildings and Conservation Areas

20. The PCCWM request that an additional policy be included in the DPD which will address the development management issues specific to Listed Buildings and Conservation Areas. Heritage Crime is a major safety and security problem for the PCCWM with, for example, the theft of lead flashing, cast-iron down pipes and other historic artifacts. The PCCWM request that a policy be introduced which would adopt a flexible approach in respect of replacement building materials lost or stolen from listed structures or those of historical interest.
21. The PCCWM are keen for the new policy to allow flexibility in the use of materials where appropriate. Instead of insisting in all cases on a like-for-like reinstatement of materials where they have been removed, consideration could be given to the use of alternative materials and/or artifacts which are less likely to be vulnerable to repeat theft. This approach would be a positive response aimed towards reducing heritage crime and the fear of crime.
22. Research in 2012 suggests that there are around 75,000 crimes affecting designated historic buildings and sites annually – around 200 a day. Offences range from damage to listed buildings and other sites, theft of artefacts, theft of metal, antisocial behaviour and damage to conservation areas. 18.7% of all listed buildings were physically affected by crime last year. That is over 70,000 listed buildings. Heritage crime generally is also a significant threat in conservation areas with an incidence rate of 14.9% last year.
23. The PCCWM request that a new development management policy should require consideration of:
  - the particular circumstances of a heritage environment, site context, and merits of the case. In particular whether repeat crime (such as theft of materials from a building) is highly likely.
  - the potential damage to an historic asset that may result from repeated theft of existing and subsequent like-for-like replacement materials. For example metal theft (roof, gutters and down pipes) from historic churches. And,



- the significance of that particular element of the building (to be re-instated in the event of theft) in terms of its contribution to the value of that particular heritage asset. For example the lead roof on one building may not be as important to the historic asset as another due to its size, aspect or prominence on the building.
24. There will be cases where the use of alternative materials is the most appropriate way of avoiding such crime. For instance if the site is open, has no defensible boundaries, is not subject to natural surveillance, poorly lit, and the design of the building offers offenders a number of potential routes up to the roof to target metal fixtures and fittings. This makes it difficult to install suitable measures to prevent access to the roof. Any defensive anti-climb measure, such as metal spikes, would potentially not be in keeping with the historic or architectural status of the site and would certainly not be aesthetically pleasing.
  25. The use therefore of replacement material (along with the installation of signage around the site indicating the material has been replaced by a 'no theft value' option) that proves valueless to any potential thief may be the only suitable measure, or an important part of a range of measures, to deter crime.
  26. The principle of this approach is accepted by English Heritage (the 3rd paragraph in Section 3 of the document 'English Heritage Guidance Note: Theft of Metal from Church Buildings' (2011)) states:

*"Every case is assessed on its merits, but we appreciate that there will be instances in which a change of material will be appropriate, especially when the area of roof is not visible from ground level. After a theft, the first priority must be to provide emergency cover whilst the permanent replacement is arranged. In some situations, a durable replacement such as terne-coated stainless steel, tiles or slates, rather than lead, might be the most prudent way to repair the building".*

27. Rather than seeking 'like for like' replacement, use of 'alternative' products available on the market, such as those produced by Rain Guard, might be accepted as a suitable alternative in appropriate instances. Replacement of stolen goods effectively by 'replica' products which visually match items stolen (with signage to indicate that they have no value), would prevent repeat theft and mean that the building owner was not vulnerable to this crime again.
28. The PCCWM request that the new policy includes reference to the favourable consideration of the use of approved 'alternative' materials to replace building materials and artefacts stolen to reduce crime and the fear of crime.

#### Maintenance following Completion of Development

29. The PCCWM request that a second additional policy be included in the DPD which will address the need for effective long-term measures and management to be in place to ensure the continued sustainability of development schemes on the short, medium and longer-term.



30. It is important that new developments should include a comprehensive maintenance programme to offer sustainability for buildings once they have been constructed, this might include, for example:
- The regular pruning and trimming of trees and bushes to encourage surveillance and prevent concealment (subject to the requirements arising from regulations in respect of trees in Conservation Areas or subject to Tree Preservation Orders (TPOs))
  - The removal of graffiti and signs of vandalism (Broken Windows Theory - links disorder and incivility within a community to subsequent occurrences of serious crime); and
  - Regular litter and waste patrols.
31. The PCCWM has evidence that in many cases two or three years after large-scale developments are operational, there are signs of graffiti and damage due to a lack of effective maintenance. This can quickly lead into the spiral of decline/neglect if not maintained quickly and effectively. The PCCWM believe the need to design out crime and ensure its continued maintenance in all new developments and redevelopments is a cornerstone to successful sustainable communities.

#### Automated Teller Machine Installations (ATMs)

32. The PCCWM request a third additional policy is included in the DPD which will seek to control the design and location of ATMs. Detailed information, set out below, has been provided by the PCCWM to explain why there is a need for a specific policy to address this escalating crime and safety issue through the planning system to try to better protect the safety and security of the community.
33. For some time the West Midlands' Police area, covering seven local authorities, has been the UK 'hot spot' for ATM crime, accounting for 31% of all 'cash in transit' robberies, where cash vans are attacked, either entering or leaving a bank with cash bags, or replenishing ATMs. Across the UK, including the West Midlands, there have been an increased number of physical attacks on ATMs, including the use of gas.
34. Nationally, since January 2014 there have been 717 attacks on ATM's with a loss of £6,915,270. Including:
- 82 attacks during replenishment with the loss of £1,346,400;
  - 77 'gas attacks' whereby gas is pumped into an ATM and then exploded remotely causing colossal damage and risk to life;
  - 137 'rip outs', 'ram raids' and attempt 'rip outs' where plant machinery, such as a fork lift truck, has been used to demolish part of the building then lift out the machines and place them onto get away lorries. High tension straps are also used to wrap around free standing ATM's and in turn affixed to a vehicle in order to tear it from its plinth;
  - Attacks using angle grinders, oxyacetylene equipment, and hydraulic cutting equipment often carried out by organised criminal gangs using increasing levels of violence with attacks on police officers attending the scenes not uncommon.



35. Both 'hole in the wall' and 'stand-alone' ATMs are often situated in night time economy areas where they can become 'crime-generators' with drunk/intoxicated people using cash machines vulnerable to becoming victims of attack and theft.
36. A significant proportion of street crime offences, such as personal robbery and snatch theft, are geographically connected to ATMs in Birmingham. The reasons for this are evident – potential victims are cash-rich when they have used an ATM and offenders can also identify and observe victims for future identity theft and credit card fraud.
37. Violent robberies of ATM replenishment staff are also a considerable problem in Birmingham and the West Midlands. As the number of ATM installations increase, the potential for this type of crime is ever increasing.
38. There is a particular concern where 'Hole in the Wall' ATMs are installed in retail premises, where an apartment or dwelling is above the shop. In the last 18 months the gas attacks on ATMs across the UK have become more sophisticated and serious, therefore there is a fear that residents will be injured or killed if this practice continues.
39. More recent statistics from August 2015 further confirm the increasing problem of ATM-related crime (statistics provided by the British Bankers' Association):
  - ATM attacks – overall ATM related attacks (physical and ATM replenishment) are up 6% compared to the same period in 2014. Replenishment incidents are up 21%;
  - Physical attacks against ATMs – incident numbers are up 4%, losses are almost double those for the same period in 2014. 28% of incidents resulted in a cash loss; and
  - Top locations for attacks – convenience stores (37%), petrol stations (10%) and branches (13%).
40. The West Midlands is one of the 4 police forces experiencing the greatest number of ATM's attacks in the country, the others being the Metropolitan Police, Greater Manchester and Avon & Somerset.
41. There are a number of different types of external ATM installations, including: through-the-wall; in columns/pods; and in public telephone kiosks etc. Each type of installation can bring different security issues and can require different measures to secure them.
42. The location of ATMs, and the physical security measures which are incorporated in and around them, can have a substantial impact on the safety and security of users and those who replenish ATMs. If an ATM is well-positioned and is protected by appropriate, risk-commensurate measures, it can reduce the opportunities for criminals to exploit and influence the selection of potential victims by offenders.
43. The PCCWM has identified a number of general 'good practice principles' which might be incorporated within a new Policy within the emerging DPD. Matters which should be considered when assessing the location of any proposed ATMs include the need to:



- Position ATMs to benefit from maximum levels of surveillance from surrounding buildings and busy pedestrian or vehicle thoroughfares;
  - Position in well-lit, open locations where users and replenishment teams can rapidly survey the immediate area;
  - Position as far as possible from doorways, recesses, passageways, secondary roadways, shrubbery, hoardings or other features that may provide potential hiding places for criminals to exploit or allow ATM users to be 'boxed-in';
  - Only install ATMs in areas served by wide footpaths or thoroughfares, free from street furniture and away from building entrance, in order to avoid funnelling pedestrians into close-proximity with ATM users;
  - Locate away from bus stops, public telephones, pedestrian crossing or other features where criminals may have a legitimate reason to gather or loiter;
  - Ensure that where ATMs are to be installed within the frontage of retail/commercial units the units themselves and any adjacent units, are in a good state of repair with an appropriate level of physical security;
  - Ensure cash-in-transit servicing vehicles are able to park within the immediate vicinity of the ATM and, where appropriate, dedicated parking spaces should be provided.
  - Ensure ATM servicing is able to take place in a secure area within the host building, away from the general public. Where this is not possible, such as in smaller retail units, the public should be excluded from the building while ATM servicing is carried out.
44. The points above give a brief overview of the generic criteria the PCCWM use to assess the locations of proposed ATMs. However, when their advice is sought on planning applications, it is always site specific and risk commensurate. As well as the above criteria, the PCCWM would also refer to local crime statistics and trends, Local Police Unit Neighbourhood Policing Teams and ATM Security Working Group Guidelines. The PCCWM are able to use all of this information to assess the risk and determine not only whether the location of a proposed ATM is appropriate, but also which, how many and in what combination physical security measures are required.
45. It is essential that the West Midlands Police Crime Reduction Unit/Crime Prevention Design Advisors are consulted on all ATM installations. The PCCWM requests that the Police Crime Prevention Design Advisor (CPDA) is consulted before any ATM installation and that this requirement be included in the Policy supporting text.
46. Whilst not strictly for inclusion within the planning policy itself, the PCCWM have suggested the following model planning condition which they recommend be used as the starting point for any ATM planning permission. This may be useful to have in mind when drawing up the





wording of the requested new policy in the DPD. It might also feed into a Supplementary Planning Document should one be considered necessary to effectively address the current and escalating safety and security issue presented by ATM installations.

47. The model conditions set out below include the most common types of physical security measures, which could be included, deleted or added to as appropriate on a case-by-case basis. A suggested informative is also provided to cover more detailed measures which are perhaps outside of the scope of the planning process (e.g. anchoring, alarming, bank note degradation systems etc.):
- A scheme shall be submitted for approval in writing by the local planning authority (LPA) within two months of the date of this decision, detailing the security measures to be adopted and therein maintained to the satisfaction of the LPA, including (add to or delete as appropriate)
  - Lighting should be provided to the area around the proposed ATM to an adequate and uniform level, to prevent any areas of pooling/shadowing.
  - Defensible space ground markings (e.g. 1m painted area or change in surface texture) should be employed and maintained at the front of the ATM to indicate that only one user at a time may enter the space.
  - The proposed ATM should be protected by a closed circuit television system that should view the area and the users of the ATM, but not the ATM keypad itself.
  - The ATM should be protected by anti-ram bollards, or similar, to deter against ram-raid type attacks.
  - Replenishment of the ATM should be carried out from a secure area inside the host building or while the public are excluded from the building (delete as appropriate).
  - A dedicated parking area should be provided for the cash-in-transit vehicle within the immediately vicinity of the ATM.

REASON: To reduce the risk of crime pursuant to (add Council Policy as appropriate) and the Council's duty under Section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions.

48. INFORMATIVE: ATM installers should always refer and adhere to the detailed best practice guidance produced by the ATM Security Working Group – a group that includes independent ATM deployers, financial institutions, insurers and others.
49. It is important that operators seeking retrospective planning permission are subject to the same minimum planning requirements. Some ATM companies appear to have a policy of installing their machines without first obtaining planning permission; this practice leaves the shopkeeper and wider community vulnerable to increased crime without the planning controls highlighted above.
50. The PCCWM believe planning policy control over the location and design of ATM installations and their surroundings is a vital tool for reducing crime and the fear of crime and improving community safety.



## Summary

51. The PCCWM has a statutory duty to secure the maintenance of an efficient and effective police force for its area and, of course, the Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties.
52. The PCCWM is keen that the theme of community safety and crime prevention is given prominence in the Development Management DPD, as improving community safety, reducing crime, fear of crime and anti-social behaviour are vitally important to the creation of sustainable communities. They therefore welcome the recognition in the DPD of the need to consider crime and disorder.
53. The PCCWM request that three additional policy areas be included in the DPD to address the need for the effective longer-term management of developments, the need to reduce Heritage Crime and the need to control the location and design of ATM installations to reduce crime and the fear of crime.
54. The PCCWM requests that relevant officers are invited to be involved in formulating appropriately worded policies and, following adoption, ensuring effective implementation of the DPD policies. Joint working in partnership with the police and other emergency services will help to ensure a sustainable plan which meets the requirements of the NPPF.
55. The request by the PCCWM to be actively involved in the on-going planning policy and development management process is in line with the Paragraph 10 of the national Planning Practice Guidance which states that there is a requirement for the local planning authorities to work closely with the police force to analyse and share information and good practice. It also suggests that local authorities may wish to agree how they will work together on planning matters.
56. Our client would be grateful if you could reflect these representations when preparing the detailed wording for the proposed policy areas. We would be delighted to meet with you to discuss my client's representations, if considered necessary.

We should be grateful if you would acknowledge receipt of this letter of representation.

Yours faithfully,

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