

# Public Document Pack

## Executive Member Decisions

Friday, 21st September, 2018  
Time Not Specified

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### AGENDA

**Executive Member Decisions for week ending 21st September 2018**      **2 - 7**

Date Published: Date Not Specified  
Harry Catherall, Chief Executive

# EXECUTIVE MEMBER DECISION



<b>REPORT OF:</b>	Executive Member for Neighbourhood and Prevention Services (Please Select) (Please Select...)
<b>LEAD OFFICERS:</b>	Director of Localities and Prevention
<b>DATE:</b>	<b>21st June 2018</b>

<b>PORTFOLIO/S AFFECTED:</b>	Neighbourhood and Prevention Services
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<b>WARD/S AFFECTED:</b>	Bastwell and Daisyfield	Little Harwood and Whitebirk
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<b>SUBJECT:</b>	<b>Public Space Protection Order extension for Bastwell Area and Robinson Street</b>
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## 1. EXECUTIVE SUMMARY

In October 2015 a Public Space Protection Order (PSPO) was supported by leadership and the ward councillors for the Bastwell area as part of a wider programme. The PSPO was implemented as residents were left feeling intimidated and frightened by the unauthorised use of bonfires and youths setting off fireworks in the areas. Blackburn with Darwen believes that this is a continuous problem around this time of year.

A multi-agency operation called 'Brightsparx' has been set up in line with the PSPO to help tackle the issues around unsupervised bonfires and irresponsible firework use prior to and on Bonfire night. This front line operation has assisted Council officers and emergency services to work together gathering intel and taking appropriate action on the night.

A PSPO may not be valid for a period of more than 3 years, therefore in order to deal with the issues for 2018, the existing Order will need to be extended under section 60 of the ASB, Crime and Policing 2014.

*before the time when a PSPO is due to expire, the local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent:*

- occurrence or recurrence after that time of the activities identified in the order, or*
- an increase in the frequency or seriousness of those activities after that time.*

The PSPO has worked positively in the last 3 years as it provides additional powers to allow the emergency services to provide a targeted response and deploy staff to the sites, as well as giving the residents the confidence to report problems knowing that we can respond.

This operation has become established in this time and is fully supported by the PSPO, as one of the conditions is the confiscation of combustible materials which allows us to be proactive in responding to the local concerns.

It is therefore felt that if the PSPO was not extended the Brightsparx operation would not be as effective and it is felt that there would be a recurrence in the anti-social behaviour and the situation would revert back to how it was pre 2015 leaving the residents feeling vulnerable.

In order for us to continue this work we require approval to extend the existing PSPO for a further 3 years in line with statutory legal requirements and we would be required to:

- Consult with the local Police and other community representatives
- Erect notices on or adjacent to the land in relation to which the PSPO is made advising of the extension
- Publish the existing PSPO on the Council website

## **2. RECOMMENDATIONS**

That the Executive Member: approves the extension of the existing Bastwell and Robinson Street area (PSPO) 2015 for a further period of 3 years (Appendix A)

## **3. BACKGROUND**

PSPO's are designed to stop individuals or groups committing ASB in a public space. This power forms part of the tools and powers available to the Council by the Anti-Social Behaviour, Crime and Policing Act 2014. The new tools and powers have been approved by the Council Executive in August 2015 with delegated authority to the Executive Member and Director of Housing and Localities.

## **4. KEY ISSUES & RISKS**

The areas outlined in the attached Appendix A have reported high levels of ASB to include regular concerns around the use of fireworks and/or lighting of fires. This Order forms part of a range of prevention activity looking to address persistent ASB complaints.

## **5. POLICY IMPLICATIONS**

The Anti-Social Behaviour, Crime and Policing Act 2014 policy has been approved by the Council and authorises the use of PSPO's to assist in reducing ASB in public places.

## **6. FINANCIAL IMPLICATIONS**

There is no direct financial implication in applying for the Order. The Fixed Penalty Notice has been set and approved at £100 for those that breach the conditions within the prescribed area.

## **7. LEGAL IMPLICATIONS**

Legal have been consulted and have approved the conditions. Following the statutory notification period the Order will be approved and sealed and it will remain on register for public review.

## **8. RESOURCE IMPLICATIONS**

There are no resource implications as a direct result of the Order. The Police will be the primary body responsible for the application and enforcement of the conditions.

## 9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

## 10. CONSULTATIONS

Consultation has been completed when implementing the existing order and the extension will be consulted with the local Police and relevant community representatives as part of the statutory legal process.

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

<b>VERSION:</b>	<b>1.1</b>
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<b>CONTACT OFFICER:</b>	<b>Mariyam Emam</b>
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<b>DATE:</b>	21 <sup>st</sup> June 2018
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<b>BACKGROUND PAPER:</b>	Appendix A - Bastwell and Robinson Street area Public Space Protection Order (PSPO) 2015
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**Blackburn with Darwen Borough Council -  
Bastwell & Robinson Street area  
Public Space Protection Order (PSPO) 2015**

This order may be cited as the Blackburn with Darwen Borough Council – Bastwell and Robinson Street area Public Space Protection Order (PSPO) 2015

Blackburn with Darwen Borough Council ("the Council"), being satisfied that the conditions set out in Section 59(2) and 59(3) of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") have been met in relation to the area as described in Schedule 1 of this order ("the area"), namely that activities in public spaces within the area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried out within that area and have such an effect. The Council is also satisfied that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, and these activities are unreasonable and justify the restrictions imposed by the notice and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

The Council in exercise of its powers under Sections 59(2) and 59(3) of the Act and under all other enabling powers, hereby makes the following order:

1. The collection and/or lighting of combustible materials including bonfires is prohibited in any public space within the area marked red on the attached plans 1 and 2.
2. No person may discharge light or discharge fireworks of any description on public land within the area marked red on the attached Plan 1 and/or Plan 2 without the express written permission of the owner.
3. No person may act or incite others to act in an anti-social manner likely to cause harassment, alarm or distress to any person in any public space within the area marked red on the attached Plan 1 and/or Plan 2.

**SCHEDULE 1**

The areas are those indicated as shown on the attached map being:

1. Land at the junction of Robinson Street and Philips Road, Blackburn on the attached Plan 1.
2. Any public space within the area marked red on the attached plan 2.

**SCHEDULE 2**

1. It is an offence for a person without reasonable excuse to engage in activity that is prohibited by this order.
2. A person found to be in breach of this Order is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice up to £100.

The Order shall come into operation on 30<sup>th</sup> October 2015 and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council's statutory powers.

If any interested person requests to question the validity of this order on the grounds that the Council did not have the power to make the order or that a requirement under the Act has not been complied with, then he or she may apply to the High Court within six weeks from the date in which the order is made.

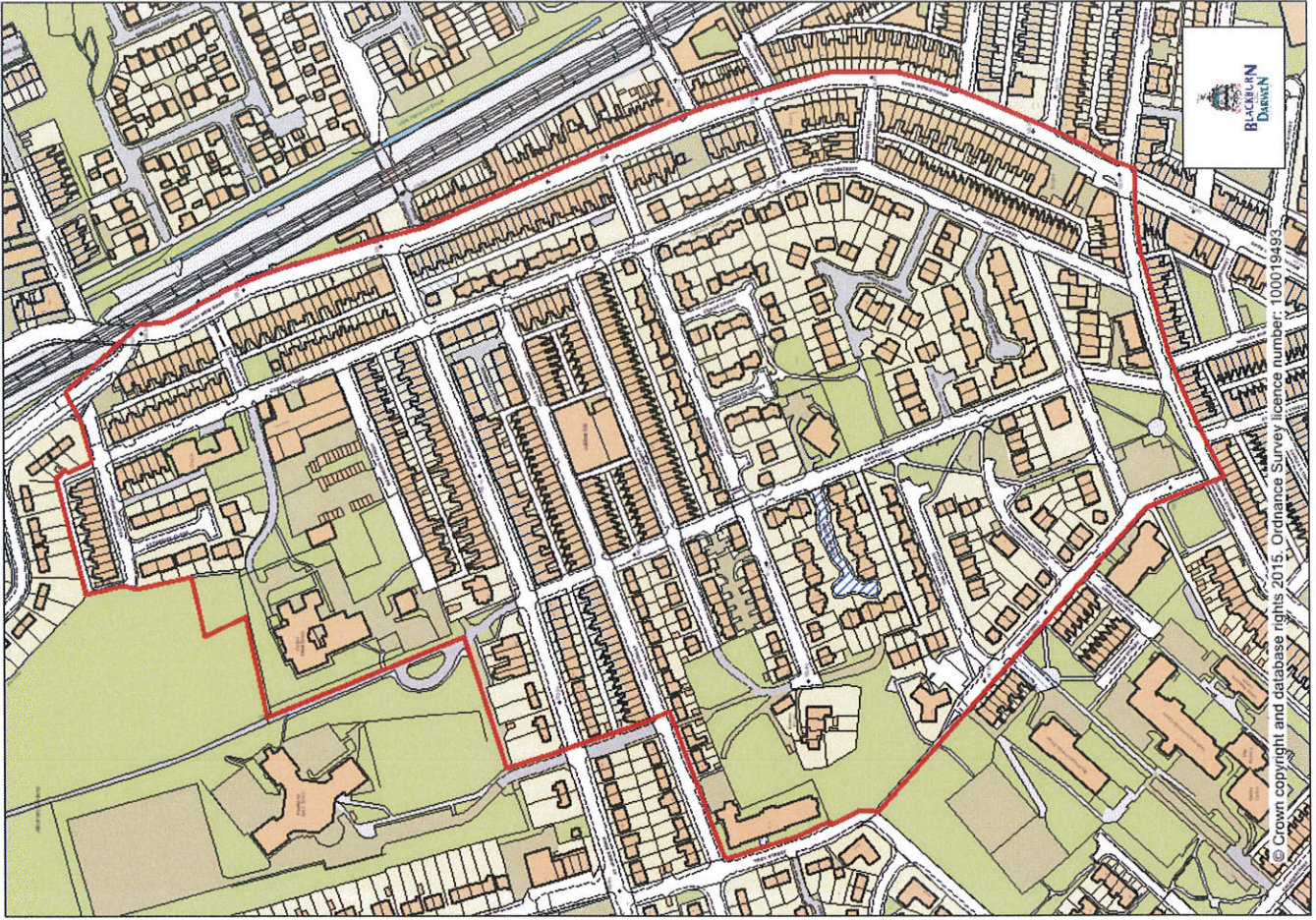
GIVEN under the Common Seal of Blackburn with Darwen Borough Council on the  
..... day of ..... 2015

*Sian Roxborough*  
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} Was hereunto affixed  
} In the presence of

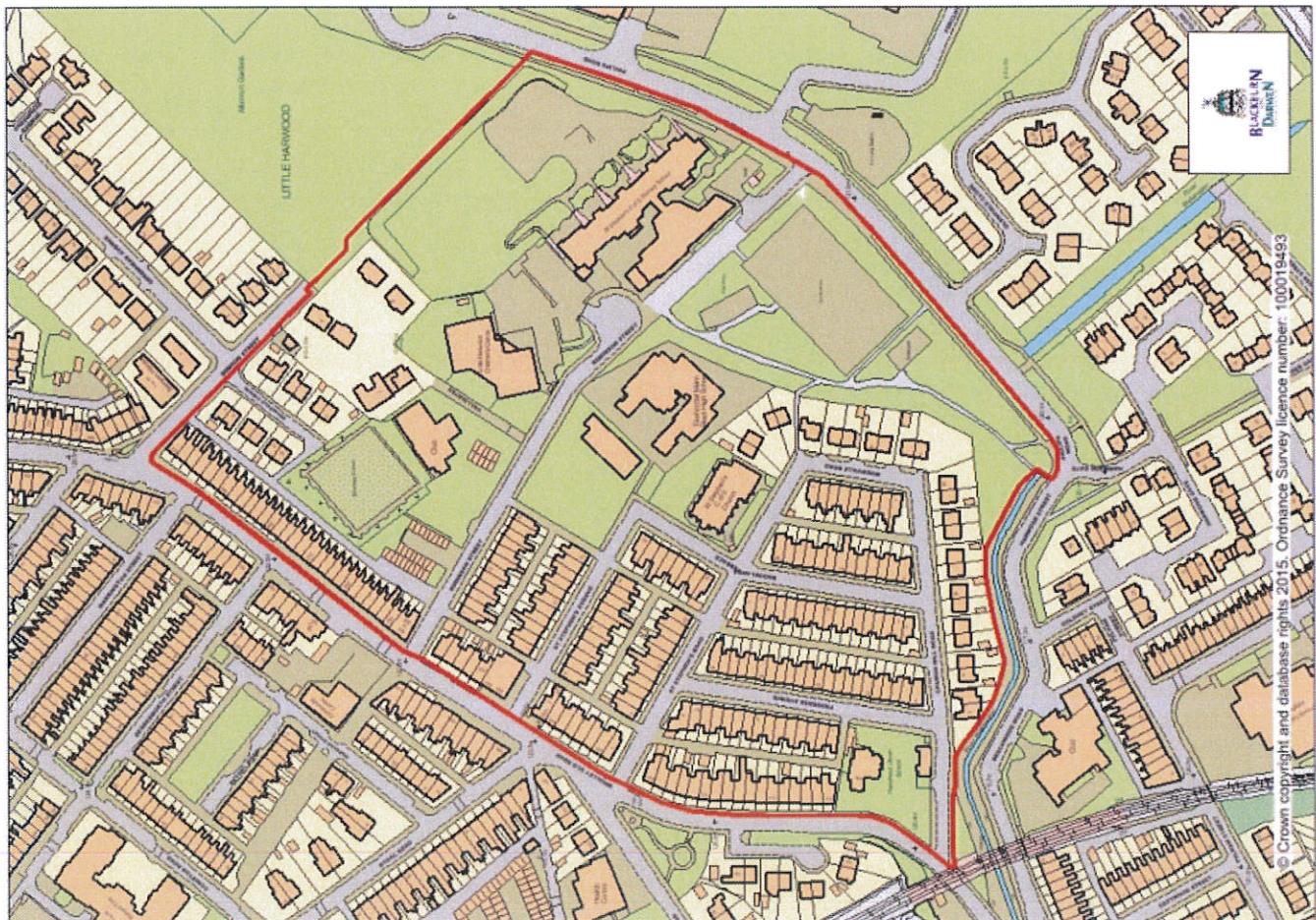


**Sian Roxborough Council Solicitor  
Authorised Officer**

PLAN 2



PLAN 1



## EQUALITY IMPACT ASSESSMENT CHECKLIST

***This checklist is to be used when you are uncertain if your activity requires an EIA or not.***

An Equality Impact Assessment (EIA) is a tool for identifying the potential impact of the organisation's policies, services and functions on its residents and staff. EIAs should be actively looking for negative or adverse impacts of policies, services and functions on any of the nine protected characteristics.

The checklist below contains a number of questions/prompts to assist officers and service managers to assess whether or not the activity proposed requires an EIA. Supporting literature and useful questions are supplied within the [EIA Guidance](#) to assist managers and team leaders to complete all EIAs.

<b>Service area &amp; dept.</b>	Community Safety	<b>Date the activity will be implemented</b>	29/10/2018
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<b>Brief description of activity</b>	Extension of the Public Space Protection Order for Bastwell area
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<b>Answers favouring doing an EIA</b>	<b>Checklist question</b>	<b>Answers favouring not doing an EIA</b>
<input type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Change to existing Council policy/strategy	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	Does the activity impact negatively on any of the protected characteristics as stated within the Equality Act (2010)?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No <input type="checkbox"/> Not sure	Is there a sufficient information / intelligence with regards to service uptake and customer profiles to understand the activity's implications?	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	<b>Does this activity:</b> Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Reduce equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Foster poor relations between people who share a protected characteristic and those who do not <i>(i.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	<input checked="" type="checkbox"/> No
<b>FOR =</b>	<b>TOTAL</b>	<b>AGAINST =</b>

**Will you now be completing an EIA?**

Yes

No

The EIA toolkit can be found [here](#)

<b>Assessment Lead Signature</b>	Mariyam Emam
<b>E&amp;D Lead Signature</b>	Gwen Kinloch
<b>Date</b>	08/08/2018