

# Public Document Pack

## Executive Member Decisions

Friday, 27th November, 2020

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### AGENDA

1. **Public Space Protection Order Blackburn Town Centre and Townsmoor**  
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**Appendix 1 - Town Centre and Townsmoor PSPO**  
**EIA Checklist - Town Centre and Townsmoor PSPO**

Date Published: 27<sup>th</sup> November 2020  
Denise Park, Chief Executive

## EXECUTIVE MEMBER DECISION



<b>REPORT OF:</b>	Executive Member for Adult Services and Prevention
<b>LEAD OFFICERS:</b>	Director of Adults and Prevention (DASS)
<b>DATE:</b>	<b>31 October 2020</b>

**PORTFOLIO/S AFFECTED:** Adult Services and Prevention

**WARD/S AFFECTED:** Blackburn Central

**SUBJECT: Public Space Protection Order Blackburn Town Centre and Townsmoor**

### 1. EXECUTIVE SUMMARY

#### Background:

The Police, Crime and Anti-Social Behaviour Act 2014 provided Local Authorities with the power to tackle anti-social behaviour using Public Space Protection Orders. On 7<sup>th</sup> July 2016, following consultation with residents and businesses, Blackburn with Darwen Council established a Public Space Protection Order to tackle problems affecting Blackburn town centre. Under the conditions of this Order the issues addressed were:

- The use of intoxicating and/or psychoactive substances in a public place
- General anti-social behaviour as defined under section 5 of the ASB Crime and Policing Act 2014
- Littering

The legislation allows for the orders to run for a period of up to 3 years. The order has now expired providing opportunity to review the local picture, see if there is still necessity for such an order and if so, what conditions could help manage any current challenges.

This process has been completed, to include consultation on draft prohibitions as per the statutory process.

The final prohibitions as detailed below and attached at appendix 1. These are supported by partner agencies and the wider public consulted as part of the process. When sealed the Order will support the work of the constabulary, the council and partners in tackling current and future challenges in Blackburn Town Centre to include Townsmoor. The conditions are:

1. No persons shall consume alcohol or have an open alcohol container within the Prohibition Area after having been requested by an Authorised Officer to cease consumption of alcohol or hand over the container (unless in an otherwise lawful premises).

2. No persons shall ingest, inject, smoke or otherwise use intoxicating substances within the Prohibition Area.
3. No persons shall urinate or defecate in any public place (other than a public toilet) within the Prohibition Area.
4. No persons shall, whilst in the Prohibition Area, place themselves in a position that implies they are begging for money or attempting to solicit.
5. No persons shall act or incite others to act in an anti-social manner likely to cause harassment, alarm or distress to any person within a public space within the Prohibition Area.

## **2. RECOMMENDATIONS**

That the Executive Member:

- 1) Approves the use and commencement of a Public Space Protection Order (PSPO) for Blackburn Town Centre and the Townsmoor area as detailed in appendix 1.

## **3. BACKGROUND**

The Police, Crime and Anti-Social Behaviour Act 2014 provided Local Authorities with the power to tackle anti-social behaviour using Public Space Protection Orders. On 7<sup>th</sup> July 2016, following consultation with residents and businesses, Blackburn with Darwen Council established a Public Space Protection Order to tackle problems affecting the town centre. Under the conditions of this Order the issues addressed were:

- The use of intoxicating and/or psychoactive substances in a public place
- General anti-social behaviour as defined under section 5 of the ASB Crime and Policing Act 2014
- Littering

The legislation allows for the orders to run for a period of up to 3 years. The order has now expired providing opportunity to review the local picture, see if there is still necessity for such an order and if so what conditions could be applied to help manage any current challenges.

This process has been completed and changes to the prohibitions have now been put forward that would support agencies to tackle new current and future challenges in Blackburn Town Centre to include Townsmoor.

As part of the process to introduce a new Public Space Protection Order, Blackburn with Darwen Council has consulted with a wide range of stakeholders to include agencies, retailers and residents. All the consultees have been asked to provide their view on proposed conditions with the final order proposed taking account of this.

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

The scale and nature of Anti-Social Behaviour was noted in the February Executive member report where agreement to pursue a further order was reached. This includes regularly reported concerns around the consumption of intoxicating substances in public, aggressive begging and urinating and defecating in public.

Conditions related to the use of wheeled conveyance have been withdrawn based on feedback from the consultation.

The order forms part of the prevention activity that will help address these persistent ASB concern and is well supported by businesses who operate in the area to which the order will apply.

## 5. POLICY IMPLICATIONS

The Anti-social Behaviour, Crime and Policing Act 2014 gives amongst other powers the ability to enact public space protection orders as detailed in the councils enforcement policy. The legislation authorises the use of PSPO's to assist in the management of ASB concerns in public places.

The Council and local business improvement district have an agreement with the constabulary around additional policing in this area necessary given the ongoing challenges with behaviour in the town centre.

This will support the enforcement of the order and provide approved council officers with the ability to issue Fixed Penalty Notices and Summons for breaches.

## 6. FINANCIAL IMPLICATIONS

The cost of new signage is estimated at £600 given the area to which an order will apply has increased since the previous PSPO hence more signs will be required.

The fixed penalty notice remain at £100 for those that breach the conditions within the prescribed area in line with wider council policy.

## 7. LEGAL IMPLICATIONS

Legal have reviewed the evidence justifying the conditions to be taken forward within the order.

The conditions relating to wheeled conveyances originally proposed have been withdrawn.

The remaining conditions have been agreed as proportionate and necessary.

## 8. RESOURCE IMPLICATIONS

## 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 with statutory stakeholders has been completed. Feedback has been taken on board from the constabulary, Police and Crime Commissioners Office, local councillors, businesses and officers.

Consultation with the wider public has been completed, following the advertisement of the order on the council's website for the required period.

The conditions of the order have been amended based on this feedback and the statistical information supporting the order originally presented.

No material objections were made in relation to the retained conditions. The representations made resulted in the removal of conditions relating to wheeled conveyances.

## 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</b>
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<b>CONTACT OFFICER:</b>	Victoria Holmes
<b>DATE:</b>	20 <sup>th</sup> October 2020
<b>BACKGROUND PAPER:</b>	Appendix A (Final Order)

**Blackburn with Darwen Borough Council - Town Centre and Towns Moor  
Public Space Protection Order (PSPO) 2020**

This order may be cited as the Blackburn with Darwen Borough Council – Town Centre area Public Space Protection Order (PSPO) 2020

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 which applies to any place to which the public have access within the area shown and edged red on the plan ( the Prohibition Area) unless otherwise specified:

1. No persons shall consume alcohol or have an open alcohol container within the Prohibition Area after having been requested by an Authorised Officer to cease consumption of alcohol or hand over the container (unless in an otherwise lawful premises).
2. No persons shall ingest, inject, smoke or otherwise use intoxicating substances within the Prohibition Area.
3. No persons shall urinate or defecate in any public place (other than a public toilet) within the Prohibition Area.
4. No persons shall, whilst in the Prohibition Area, place themselves in a position that implies they are begging for money or attempting to solicit.
5. No persons shall act or incite others to act in an anti-social manner likely to cause harassment, alarm or distress to any person within a public space within the Prohibition Area.

**Definitions**

In this order

1. “ Authorised Officer” means a Police Constable, a Police Community and Support Officer or an Authorised Officer of Blackburn with Darwen Borough Council in possession of an authority to enforce this order.
2. “Alcohol” has the meaning given by section 190 of the Licensing Act 2003

3. “Intoxicating substances” means substances with the capacity to stimulate or depress the central nervous system or psychoactive substances. It does not include tobacco or prescription medication.

**SCHEDULE 1**

The Prohibited areas are those indicated as shown on the attached map being: Any public space within the area marked red on the attached plan.

**SCHEDULE 2**

1. It is an offence for a person without reasonable excuse to engage in activity that is prohibited by this order.
2. Pursuant to s67 of the Act, 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 [ ] 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.

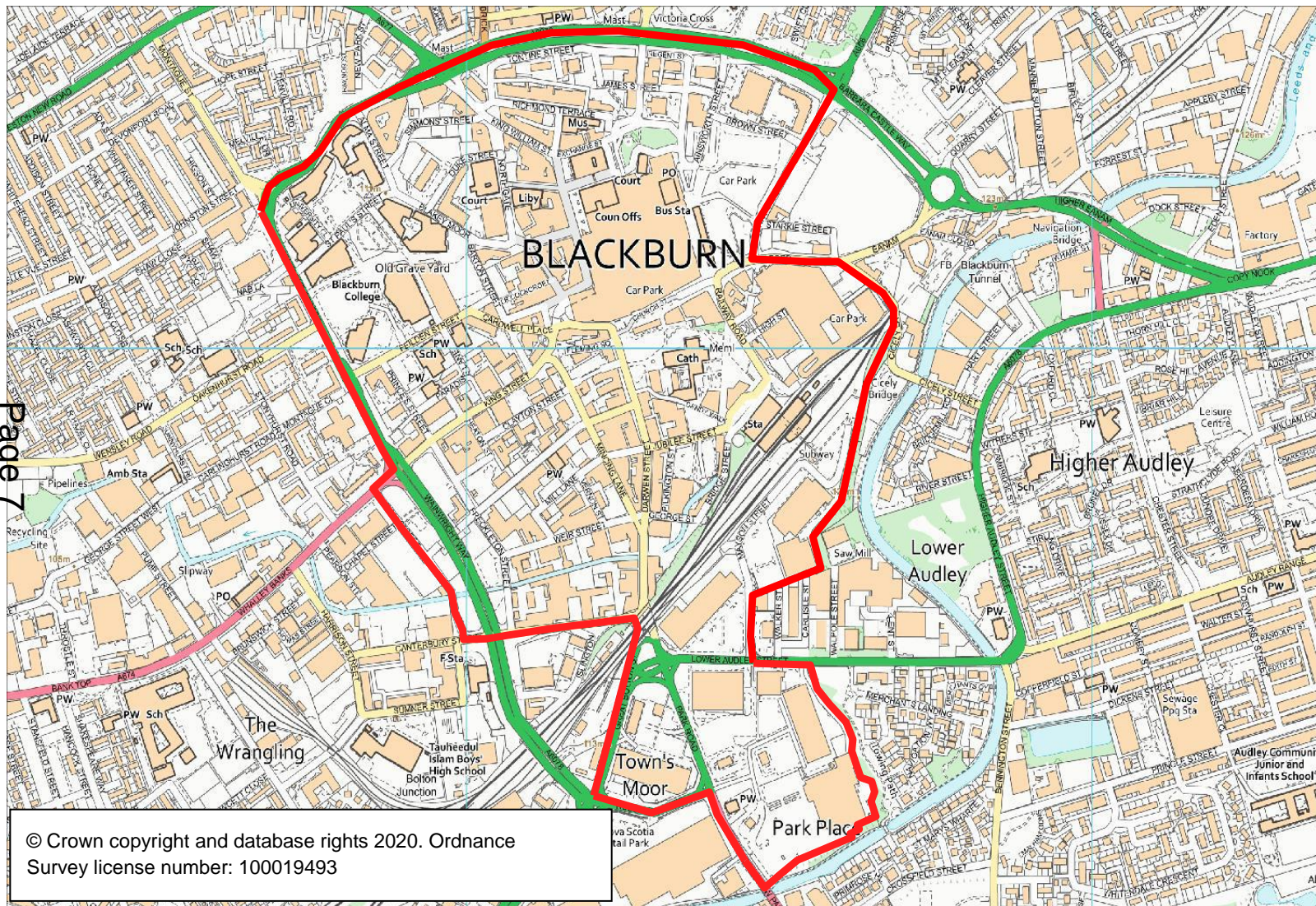
GIVEN under the Common Seal of Blackburn with Darwen Borough Council on the

.....day of ..... 2020

THE COMMON SEAL of the       }  
Blackburn with Darwen Council       }  
Was hereunto affixed       }  
In the presence of

**Authorised Officer**







## 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>	Adults, Neighbourhoods & Community Protection	<b>Date the activity will be implemented</b>	asap
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<b>Brief description of activity</b>	Public Space Protection Order for the town centre and Townsmoor area
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Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Change to existing Council policy/strategy - Budget changes	<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.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)	<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.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)	<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.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)	<input checked="" type="checkbox"/> No
<b>FOR = 0</b>	<b>TOTAL</b>	<b>AGAINST = 6</b>

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

☐ Yes

☒ No

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

<b>Assessment Lead Signature</b>	Victoria Holmes
<b>Checked by departmental E&amp;D Lead</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Date</b>	13/11/2020