

# Public Document Pack

## Officer Decisions

Friday, 31st July, 2020  
4.00 pm

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### AGENDA

1. **Town Centre and Townsmoor Public Space Protection Order**  
**TownsmoorPSPOv1** **2 - 14**  
**EIAChecklist Townsmoor**  
**Appendix A - Draft Order**  
**Appendix B - Evidence for Town Centre and Townsmoor PSPO**

Date Published: 31<sup>st</sup> July 2020  
Denise Park, Chief Executive

## Delegated Officer Decision (from Executive/Council/Committee)



**BLACKBURN**  
with  
**DARWEN**  
BOROUGH COUNCIL

**REPORT OF:** Executive Member for Adult Services and Prevention

**LEAD OFFICERS:** Director of Adults and Prevention

**DATE:** Friday, 31 July 2020

**PORTFOLIO(S) AFFECTED:** Adult Services and Prevention

**WARD/S AFFECTED:** Blackburn Central;

### **SUBJECT:**

Town Centre and Townsmoor PSPO

### **1. EXECUTIVE SUMMARY**

To approve the implementation of this order

### **2. RECOMMENDATIONS**

#### **2. RECOMMENDATIONS**

That the Executive Member notes the following:

- 1) Notes the use and commencement of a Public Space Protection Order (PSPO) FOR Blackburn Town Centre and the Townsmoor are (as outlined in Appendix A – Draft Order). Based on statistical data the recommendation is to consult on the following prohibitions:
  - Begging
  - Misuse of wheeled conveyances
  - Use of illicit, psychoactive and intoxicating substances in public
  - Urinating and defecating in public spacesAnd also note that
- 2) The final wording and conditions of the order will be within the remit of the Director of Adults & Prevention under the Scheme of Delegation, in accordance with the Public Space Protection Order powers to enable Officers to undertake any required enforcement in accordance with legislative powers.

### **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 further prohibitions have now been put forward that would support agencies to tackle 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 will consult with a wide range of stakeholders to include agencies, retailers and residents. All the consultees will be asked to provide their view on the challenges and on proposed conditions before a final Order is proposed. This will be subject to statutory consultation before being enacted

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

Blackburn with Darwen has one of the highest percentages of young people compared to other areas of its size. 42% of children in the borough have been referred to Children's services which is double the national average. Over recent months we have been examining the prevalence of Anti-Social Behaviour (ASB) and crime related incidents that have been reported in Blackburn and Darwen in order to direct local community safety partnership activity to those areas.

Despite a reduction in ASB being recorded in Blackburn with Darwen this was not a significant reduction, more substantial reductions were seen in other areas across East division. It showed an increase in Youth related violence over a two year period with wards with a great volume recorded in Shear Brow, Wensley Fold, Shadsworth in Blackburn and Sudell ward in Darwen.

The team, working with young people have co-developed and jointly designed interventions, one of these successful programmes is the Re-connect project which was relaunched in April. In total 20 young people have been referred via the police and 10 ABC's are ongoing.

To date 252 actions have been recorded for ASB issues, with 11 CPW presented to adults who have caused ASB in the locality, this is in addition to the enforcement specifically targeting around the begging operation.

Ongoing engagement continues with Blackburn College Safeguarding Hub to address concerns around the campus and links have been made with the Engage Team around CSE.

Integrated work continues with Youth Offending Team, Youth Service. Together Housing and Blackburn Youth Zone.

This summer the Home Office invited bids from each OPCC in a commitment to deliver a new £11m Early Intervention Youth Fund. Following this announcement by the Home Secretary the fund was doubled and £22m was made available for two years. Blackburn with Darwen CSP has submitted four bids and awaits the decision to be announced by mid November 2018.

#### **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 council's enforcement policy. The legislation authorises the use of PSPS'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. This will support the enforcement of the order in addition to the ability of approved council officers 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 the wider council policy.

#### **7. LEGAL IMPLICATIONS**

1. The Order should be made in accordance with s59 Anti-Social Behaviour Crime and Policing Act 2014 which requires that a PSPO can only be made if there is evidence of the following two matters so that the local authority can be satisfied on reasonable grounds that they have enough evidence and have reached the correct threshold:
  - activities carried on in a public place within the authority's 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 on in a public place within that area and that they will have such an effect.

- the effect, or likely effect, of the activities— is, or is likely to be, of a persistent or continuing nature and is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the notice.
2. Failure to comply with such orders are criminal offences with a fine of a maximum of £1000 or if it is consumption of alcohol its £500 maximum fine. Alternatively a fixed penalty notice can be given. The statutory limit of the fixed penalty is £100 so it cannot be increased but could be reduced if appropriate. (section 68 subsection 6 of the Act)
  3. The process under the legislation requires an investigation and gathering of evidence to support the two conditions, followed by the publication of the proposals plus a consultation of the Chief Officer of Police and the local policing body, land owners within the restricted area and appropriate community representatives.
  4. After the consultation period and publication the Order and supporting evidence is submitted to Legal Services for approval before final approval by The Director of Adults and Prevention.
  5. In making the decision the Director of Adults and Prevention must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention and this should be seen to have been considered in the course of the decision making. (Section 72 subsection 1 )
  6. Following the publication period the Order will be signed and sealed by the Council Solicitor/Head of Legal Services and the Order will be kept on the public register and published on the Council's website

Legal will be consulted and required to approve the conditions to include objective assessment of the proportionality of any conditions put forward. Following the statutory notification period the order will be sealed by the borough's solicitor, a register will be maintained for public view and a copy of the sealed order will be uploaded to the council website.

## 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 with council officers from the Community Safety and Public Protection teams and or agencies acting on our behalf.

## 9. EQUALITY AND HEALTH IMPLICATIONS

**Please select one of the options below.**

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.

## 10. CONSULTATIONS

Informal consultation with stakeholders has begun to include local councillors, businesses and officers. The approval of this report will allow formal consultation to take place with the public and agencies to include the office of the police and crime commissioner and constabulary. Based on their feedback and the statistical information supporting the order the final conditions will be put to statutory consultation prior to the orders enactment and published on the council's website. Subject to no material objections the order can then be sealed.

## 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 in the Summary of Decisions published.

<b>CONTACT OFFICER:</b>	Mark Aspin, Ailsa Smith, , mark.aspin@blackburn.gov.uk, ailsa.smith@blackburn.gov.uk
<b>DATE:</b>	
<b>BACKGROUND PAPER:</b>	Appendix A (Draft Order) Appendix B (Evidence for Town Centre and Townsmoor PSPO) Appendix C – Checklist

## 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 checked="" 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>(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 =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>	21/01/2020

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

Notice is hereby given that Blackburn with Darwen Borough Council (“the Council”) in exercise of its powers under Sections 59(2) and 59(3) of the Act and under all other enabling powers, proposes to make the following order:

1. Persons will not drink alcohol (unless in an otherwise lawful premises),
2. Persons will not ingest, inject, smoke or otherwise use intoxicating substances within the area marked red on the plan. *Intoxicating substances being defined as substances with the capacity to stimulate or depress the central nervous system or psychoactive substances - but does not include tobacco or prescription medication*
3. No persons shall urinate or defecate in any public place (other than a public toilet).
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 person shall, at any time, use a skateboard, bicycle, kick scooter or other similar wheeled conveyance in an anti-social manner, causing harassment, alarm or distress
6. No persons shall, at any time, use a skateboard or kick scooter within the area marked blue on the map, namely Cathedral Square.
7. No persons shall act or incite others to act in an anti-social manner likely to cause harassment, alarm or distress to any person in a public space within the area marked red.

The draft of the proposed order is set out below. Further details and reasons for making the order may be inspected during normal office hours at the Community Safety Partnership office, Old Town Hall, Blackburn, by prior arrangements. The proposed order is also published on the Council’s website [www.blackburn.gov.uk](http://www.blackburn.gov.uk)

If you wish to make representations concerning the proposed order, you should send them in writing to Community Safety Partnership, Floor L, Tower Block, Blackburn, BB1 7DY to arrive on or before [INSERT DATE] (please quote the name of the PSPO in your correspondence)

Please note that all representations may be considered in public by the Council and could become available for public inspection.

Dated this day [INSERT DATE]

**Blackburn with Darwen Borough Council - Town Centre and Townsmoor  
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 person shall, at any time, use a skateboard, bicycle, kick scooter or other similar wheeled conveyance in an anti-social manner, causing harassment, alarm or distress within the Prohibition Area marked red on the plan.
6. No persons shall, at any time, use a skateboard or kick scooter within the area marked blue on the map, namely Cathedral Square.
7. 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. “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.
3. “Alcohol” has the meaning given by section 190 of the Licensing Act 2003.
4. “Kick Scooter” means “ conveyance consisting of a footboard amounted on two wheels and a long steering handle, propelled by resting one foot on the footboard and pushing the other against the ground, or any variation of the same designed or adapted for a similar purpose whether having a handle or otherwise.

### SCHEDULE 1

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

### SCHEDULE 2

It is an offence for a person without reasonable excuse to engage in activity that is prohibited by this order.  
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.

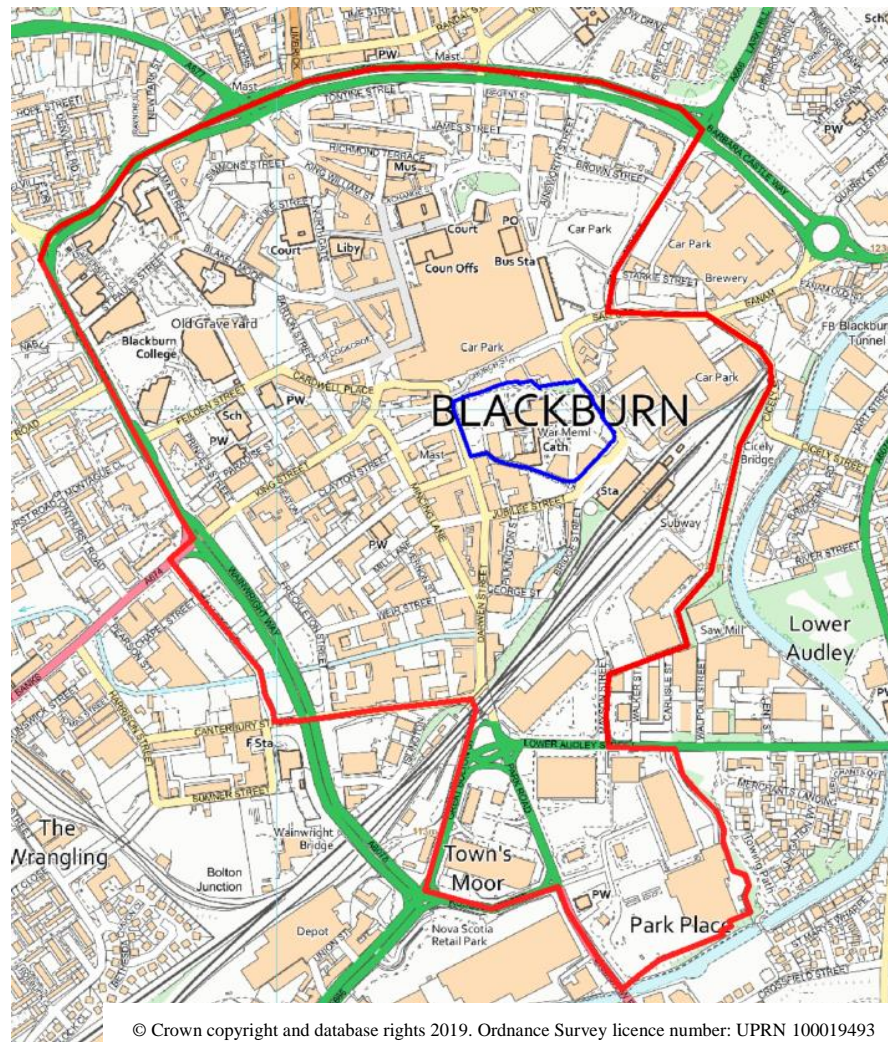
The Order shall come into operation on [ ] and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council’s statutory powers.

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**





## Evidence for Town Centre and Townsmoor PSPO

Outlined below is each prohibition with details of any evidence available to support the proposals.

Evidence has been collated via a number of sources, namely the Mall security staff and Town Centre security, Police and local businesses within the area.

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### Prohibitions:

1.

- Persons will not ingest, inject, smoke or otherwise use intoxicating substances within the area marked red on the plan. Intoxicating substances being defined as substances with the capacity to stimulate or depress the central nervous system or psychoactive substances - but does not include tobacco or prescription medication*

Operation Eden was set up to address community concerns raised regarding Blackburn Town Centre being subjected to an increase in incidents of Public Order, Theft, Begging, Drug Use and Juvenile Nuisance. The operation has allowed for figures relating to the consumption of intoxicating substances (including alcohol) to be collated

There have also been numerous reports that directly involved the consumption or distribution of intoxicating substances within the area from Town Centre and mall staff.

Current available figures relating directly to intoxicating substances within the Town Centre and Townsmoor areas are as follows:

<b>Source of Logs</b>	<b>Period</b>	<b>Number of Logs</b>
Mall Security	September 2019 – October 2019	87
Police – Op Eden	May 2019 – July 2019	22
Police logs (i.e. calls to 101, 999)	January 2019 - November 2019	72
		<b>181</b>

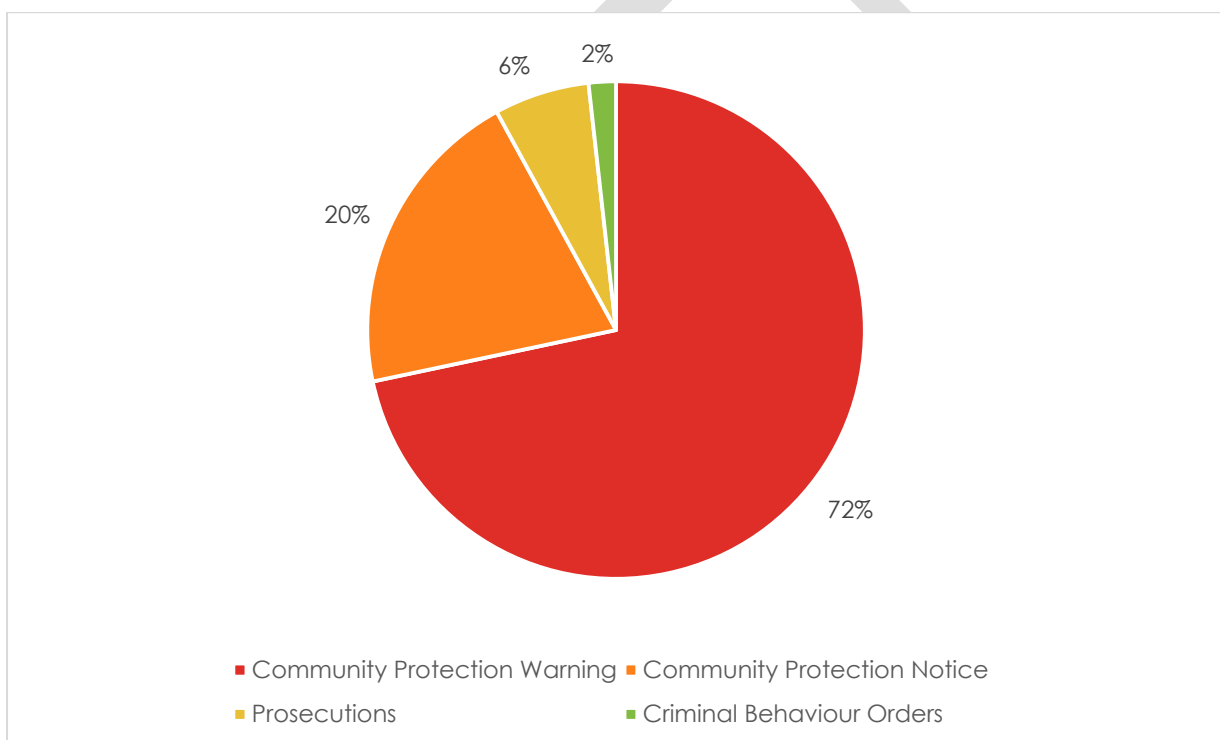
In addition to Operation Eden, The Spice Operation has been running since May 2018 and was put in place to address the rising issues of Spice use in Blackburn Town Centre and Townsmoor area. The operation has specifically targeted the behaviour

which is associated with this type of substance misuse. This behaviour includes intoxication in public places, locally known as Spice Zombies, intimidation by users towards businesses, staff, shoppers and the connected begging activity by users.

It is to be noted that whilst the operation has been in place to target antisocial behaviour, officers have also used the operation to engage with complex individuals in order to offer support around addressing substance misuse, accommodation issues, accessing the correct benefits and reconnecting individuals with families. The Community Safety Team have used their connections with local service providers to achieve these aims.

In order to address persistent ASB, Community Protection Warnings and Notices have been utilised.

Since the operation began in May 2018 the following actions have been taken:



It is of note that all of those prosecuted were in receipt of benefits and were all in accommodation. The court's decision was that the individuals were not vulnerable and were engaging in ASB which was negatively affecting the area.

The PSPO will continue to be used to target these behaviours whilst attempting to support the individual

2.

2. *No persons shall urinate or defecate in any public place (other than a public toilet).*

This issue has been escalating over recent months and there have been numerous reports of people using areas of the town centre to urinate and/or defecate. In particular, the King William Street and Lord Street areas are highly affected. Businesses and town centre/Mall staff have raised serious concerns about the number of times they have had to cleanse an area and the significant health risk this poses. Figures over the past month are as follows:

<b>Source of Logs</b>	<b>Period</b>	<b>Number of Logs</b>
Mall Security	September 2019 – October 2019	16
Police – Op Eden	May 2019 – July 2019	1
Total including Police logs	1 Police log January 2019 - November 2019	<b>18</b>

3.

3. *No persons shall, whilst in the Prohibition Area, place themselves in a position that implies they are begging for money or attempting to solicit.*

Although street begging has reduced over the past year by 55%, begging within the town centre and the Townsmoor area, remains an ongoing issue with 25 known offenders currently operating within the area

Their actives and conduct towards members of the public, along with the other prohibitions noted above, have contributed to a reduced footfall within the town centre of approximately 7000 people a week

Prolific offenders are well known to officers within the area and often have access to or have been offered, suitable accommodation as well as having benefits in payment. This prohibition will be used to target any known offenders who are believed to be begging under these circumstances. In conjunction with this, the Town Centre Offender Panel will continue to look at individuals from both an engagement and enforcement perspective. The Public Space Protection Order will provide a valuable enforcement route / tool in managing these individuals when engagement options are unsuccessful.

On 24<sup>th</sup> November 2018 a well-known beggar and drug user was found deceased outside a Boots shop on Townsmoor Retail Park. Andrew Davie had been known in

the area for busking and begging and was found in a position outside that implied he had been begging. He was found to have taken a cocktail of drugs.

By extending the prohibition area, specifically for prohibitions 1 and 2, we can target vulnerable beggars and drugs users in other areas outside of the town centre where we know them to frequent. This enables us to engage with this cohort and to offer targeted support where it is most needed.

Within the last month the number of incidents involving begging are as follows:

Source of Logs	Period	Number of Logs
Mall Security	September 2019 – October 2019	11
Police – Op Eden	May 2019 – July 2019	35
Total including Police logs	5 Police logs January 2019 - November 2019	51

#### 4 & 5.

4. *No person shall, at any time, use a skateboard, bicycle, kick scooter or other similar wheeled conveyance in an anti-social manner, causing harassment, alarm or distress, and*
5. *No persons shall, at any time, use a skateboard or kick scooter within the area marked blue on the map, namely Cathedral Square.*

We have received verbal complaints from Town Centre Manager, Clare Turner advising that businesses are concerned about the activities of young people in the cathedral square area of the town centre. These complaints relate to young people skateboarding at speed outside of businesses and causing damage to business property. We have received one email as evidence regarding this issue. In the previous 12 months, there have been two police logs regarding bikes causing a nuisance.

Clare has requested that all skateboards be banned from the Cathedral Square area. The area is predominately a public area with seating and open spaces but does contain an office block as well as several restaurants, a hotel, Blackburn Cathedral and the Cathedral grounds. The proposed area for this is marked blue on the draft PSPO

#### 6.

6. *No persons shall act or incite others to act in an anti-social manner likely to cause harassment, alarm or distress to any person in a public space within the area marked red.*

Blackburn Town Centre is split into three separate policing area codes ED06, ED09 and ED16.

The police "Morse" data base has been utilised to obtain data regarding all reports of town centre anti-social behaviour reported to the police between the 1st January 2019 and the 1st November 2019.

The three areas have been checked for incidents recorded under the category of Nuisance.

Between the dates searched there have been 341 reports of nuisance behaviour for the 10 month period searched.

Using key words within the nuisance reports the following data has been obtained.

<b>Key Word Referenced</b>	<b>Number of Logs</b>
Drunk	36
Drugs	16
Intoxicated	10
Fight	9
Cycle or Bike	2
Swearing	8
Alcohol	6
Spice	5
Begging	4
Skateboarding	2
Urinating	1

Police Logs ASB	17
Mall Security Logs ASB	153
Op Eden ASB logs	235
<b>Total</b>	<b>401</b>

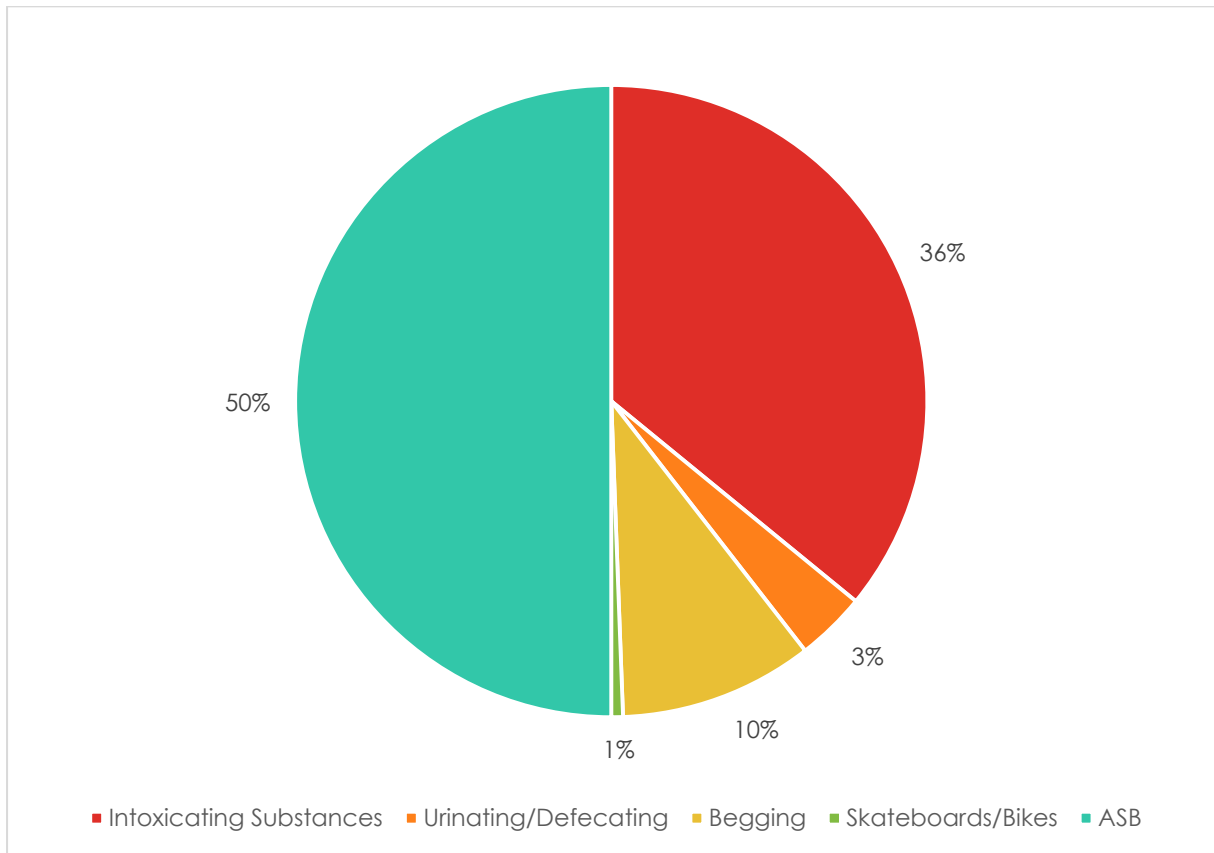
Gathering the data in total and deduction reports/incidents per category, the total number of ASB reports for the period noted in each

table above is 401.

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Total:

This graph demonstrates the total number of incidents reported over the periods noted in each table.



It appears evident from the data that these prohibitions are required to prevent the ongoing anti-social behaviour occurring daily within the Town Centre and Townsmoor areas. In addition to enforcement, the order will allow officers to actively target the most vulnerable with a view to engaging them in positive activities and support mechanisms.