

Public Document Pack

Officer Decisions

Friday, 1st December, 2023
10.00 am

AGENDA

1. **Blackburn Town Centre and Townsmoor**
 - OD - Blackburn Town Centre and Townsmoor 2 - 18
 - OD - Blackburn Town Centre and Townsmoor APP A
 - OD - Blackburn Town Centre and Townsmoor APP B
 - OD - Blackburn Town Centre and Townsmoor APP C
 - OD - Blackburn Town Centre and Townsmoor APP D
 - OD - Blackburn Town Centre and Townsmoor APP E

Date Published: Friday 1st December 2023
Denise Park, Chief Executive

Agenda Item 1

**RECORD OF DECISION TAKEN UNDER
DELEGATED AUTHORITY FROM
EXECUTIVE/COUNCIL/COMMITTEE
DELEGATED POWERS OUTLINED IN
THE CONSTITUTION**



DELEGATED OFFICER DECISION TAKEN BY:	Strategic Director of Adults and Health
DELEGATED BY:	Council (date of delegation)
IN CONSULTATION WITH:	Chief Officer
PORTFOLIO AREA:	Adult Services and Prevention

SUBJECT: Blackburn Town Centre and Townsmoor

1. DECISION

That the Strategic Director of Adults and Health approves the extension of the current Blackburn Town Centre and Townsmoor Area Public Space Protection Order (PSPO), which is due to expire on the 7th December 2023, under the powers set out in the Anti-Social Behaviour, Crime and Policing Act 2014. This is to continue to tackle ongoing anti-social behaviour which occurs in the town centre.

2. REASON FOR DECISION

The constitution gives to the Strategic Director Adults and Health the following delegated power:

(a) To exercise all relevant powers under the Anti-Social Behaviour, Crime and Policing Act 2014 (except where such powers are exercised by the Director or Place).

Under the Anti-Social Behaviour Crime and Policing Act 2014 section 59 (1), a PSPO can only come into being if there is evidence of the following two matters so that the local authority can be satisfied on reasonable grounds that they have reached the correct threshold:

(a) 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.

(b) 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.

Due to persistent issues of begging, street drinking and general anti-social behaviour in Blackburn Town Centre, a PSPO was introduced in the Town Centre and Townsmoor Retail Park areas in December 2020.

The current PSPO expires on 7th December 2023, but can be renewed before expiry for a period of up to three years.

Before the time when a Public Spaces Protection Order 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:

- (a) Occurrence or recurrence after that time of the activities identified in the order, or
- (b) An increase in the frequency or seriousness of those activities after that time.

Following a two week consultation period with statutory partners no objections or further recommendations were made.

I am satisfied on reasonable grounds that the anti-social behaviour which the Town Centre and Townsmoor PSPO was intended to mitigate are likely to continue after the expiry of the current PSPO.

Attached is a statistical report of crime and ASB within the current PSPO area - Appendix A

3. BACKGROUND

The Anti-Social Behaviour, Crime and Policing Act 2014 provided Local Authorities with the power to tackle anti-social behaviour using Public Space Protection Orders. PSPO's are designed to stop individuals or groups committing ASB in a public space. The legislation allows for a PSPO to run for a period of up to three years. The tools and powers were approved by the Council Executive in August 2015 with delegated authority to the Executive Member and Strategic Director of Adults and Health.

On 7th 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 substances in a public place
- General anti-social behaviour as defined under section 5 of the ASB Crime and Policing Act 2014
- Littering

This order expired on the 7th July 2019. As the Order proved effective, further conditions were added in order to create a more robust Public Space Protection Order. On 7th December 2020, following consultation with residents, businesses and members, a new Public Space Protection Order came into effect for a period of 3 years, to address the high levels of anti-social behaviour in the Town Centre and Townsmoor Retail Park area of Blackburn; this included persistent street drinking and associated anti-social behaviour, individuals placing themselves in a position to beg, drug use and intoxication and public urination/defecation.

The PSPO enabled the Council to exercise its powers under Sections 59(2) and 59(3) of the Act and under all other enabling powers, to make the following order:

1. No persons shall consume alcohol or have an open alcoholic container within the Prohibition Area after having being 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.

(See attached Appendix B – current PSPO and map)

The current PSPO expires on the 7th December 2023.

Consultation has been made with members, stakeholders, emergency services and residents. Consultees were asked to provide their view on the proposed renewal of the Order in identical terms to the original Order made in 2020. This was a statutory consultation.

Renewal of the existing PSPO will make it an offence for a person without reasonable excuse to engage in activity that is prohibited by this Order. 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.

4. KEY ISSUES AND RISKS

There are no identified risks associated with the renewal of this order.

5. FINANCIAL IMPLICATIONS

There are no financial implications associated with the renewal of this order. There are already signs in place therefore there would be no cost incurred to renew the order.

6. LEGAL IMPLICATIONS

Section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 states that a Local Authority 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. In this case, the Order is not of a type that is likely to prevent anyone from exercising their freedom of expression nor assembly.

Following the statutory consultation, the renewed Order will be approved and sealed and it must remain on file and be published on the Council website.

Breach of a PSPO is a criminal offence. An individual can be issued with a fixed penalty notice of £100 fine on the spot which must be paid within 14 days; or on summary conviction to a fine not exceeding level 3 (£1000) on the standard scale. Offences relating to the drinking of alcohol are liable to fine not exceeding level 2 on the standard scale (£500).

7. RESOURCE IMPLICATIONS

There are no resource implications as a direct result of the renewal of the Order for the Local Authority. Lancashire Constabulary will remain as the primary body responsible for the enforcement of the conditions.

8. OPTIONS CONSIDERED AND REJECTED

None

9. CONSULTATIONS

As part of the statutory legal process, a 2-week consultation period ran from Friday 21st August 2020 to Friday 4th September 2020. This was conducted in order to invite the view of interested parties around the implementation of the PSPO. Statutory and public consultees, including the local Policing body and the Police and Crime Commissioner were consulted, as were relevant community representatives, local residents and the owners and occupiers of the land within the Proposed PSPO Area.

Once again as part of the legal process to extend the order a statutory consultation was ran from Thursday 2nd November 2023 to Thursday 16th November 2023. Consultation has been made with members, stakeholders, emergency services and residents. Consultees were asked to provide their view on the proposed renewal of the Order in identical terms to the original Order made in 2020.. The results of the consultation were favourable.

(See attached Appendix C – Consultation email)

(See attached Appendix D – Consultation responses and replies)

10. DECLARATION OF INTEREST

All Declarations of Interest of the officer with delegation and any Member who has been consulted, and note of any dispensation granted should be recorded below:

VERSION:	1
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CONTACT OFFICER:	Hasan Jasat
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DATE:	
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BACKGROUND DOCUMENTS:	Appendix A – Statistical Report Appendix B – Current PSPO Appendix C – Statutory Consultation email Appendix D – Consultation Responses and Replies. Appendix E – Draft Extension PSPO
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Blackburn with Darwen:

Blackburn Town Centre – Crime and anti-social behaviour
overview for Public Space Protection Order

Author Adara Ashley (Partnership Intelligence Analyst)

Date 28th September 2023

GPMS OFFICIAL

(For addressees only – not for further dissemination without consultation)

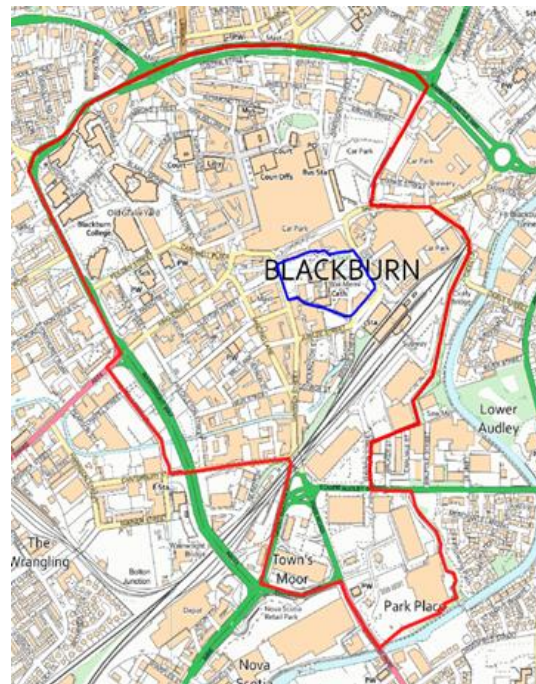


Blackburn Town Centre – Overview of crimes and anti-social behaviour incidents for Public Space Protection Order

Incident data extracted from force systems – Covering December 2020 to August 2023. Class codes used: All ASB: 470 Personal, 471 Nuisance, 472 Environmental.

Offence data extracted from Connect, for all crimes recorded from December 2020 to August 2023.

Data extracted for the current PSPO area within Blackburn town centre – shown outlined in red below:



Overview:

Anti-social behaviour:

From December 2020 to August 2023 there have been **1,500** ASB incidents recorded within the current PSPO area.

- 79.3% of all ASB incidents were recorded under the call class “Nuisance”, 20% under “Personal” and 0.7% were “Environmental”.

The table below provides a breakdown of the number of incidents per month for each of the years in the period:

Year/Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2020	-	-	-	-	-	-	-	-	-	-	-	38	38
2021	45	42	35	44	44	55	62	51	51	49	47	63	588
2022	45	39	58	51	58	54	50	53	57	48	49	31	593
2023	33	26	46	34	38	31	38	35	-	-	-	-	281
Total	123	107	139	129	140	140	150	139	108	97	96	132	1,500

Crime:

From December 2020 to August 2023 there have been **4,056** crimes recorded within the current PSPO area.

The table below provides a breakdown of the number of crimes recorded per month for each of the years in the period:

Year/month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2020	-	-	-	-	-	-	-	-	-	-	-	58	58
2021	84	68	105	104	150	94	154	165	149	152	148	116	1,489
2022	112	99	163	155	135	118	105	137	123	145	130	102	1,524
2023	97	142	127	108	104	124	154	129	-	-	-	-	985
Total	293	309	395	367	389	336	413	431	272	297	278	276	4,056

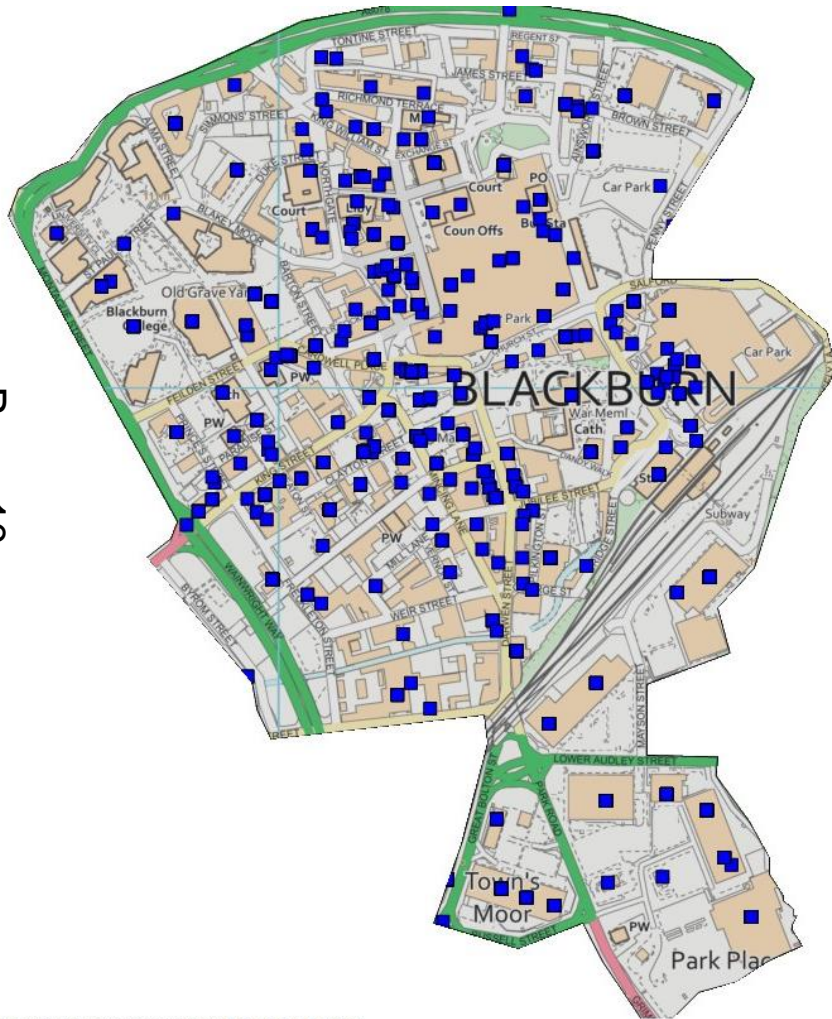
Theft offences accounted for 38% of all crime recorded within the PSPO area in Blackburn town centre, followed by violence against the person offences (30%) and public order offences (10.5%).

The table below illustrates the breakdown of all crime recorded from December 2020 to August 2023 by crime category.

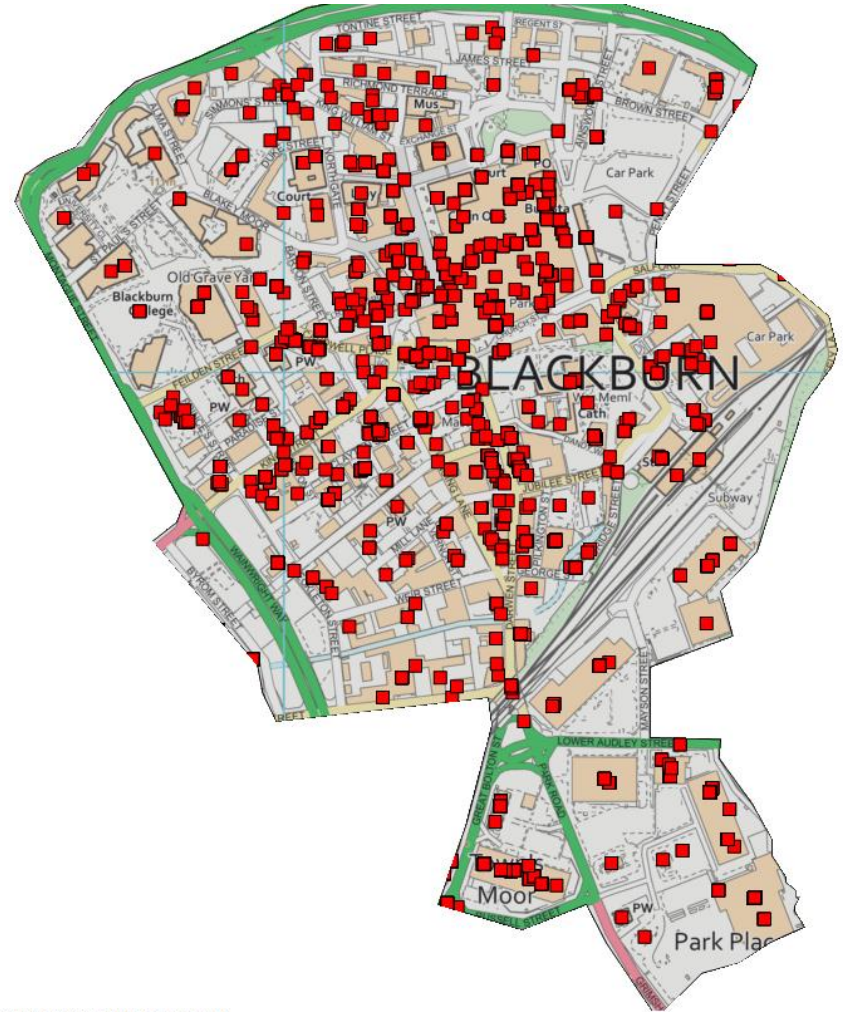
Crime group	Number of offences
THEFT	1,540
VIOLENCE AGAINST THE PERSON	1,218
PUBLIC ORDER OFFENCES	427
ARSON AND CRIMINAL DAMAGE	280
BURGLARY	122
DRUG OFFENCES	111
VEHICLE OFFENCES	106
SEXUAL OFFENCES	90
MISCELLANEOUS CRIMES AGAINST SOCIETY	64
ROBBERY	52
POSSESSION OF WEAPONS	45
OTHER	1
Total	4,056

Location maps:

Maps of ASB incidents (1st map, blue dots) and crime (2nd map, red dots) in Blackburn town centre PSPO area: December 2020 – August 2023.



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**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 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 [7th December 2020] 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
7th day of December 2020

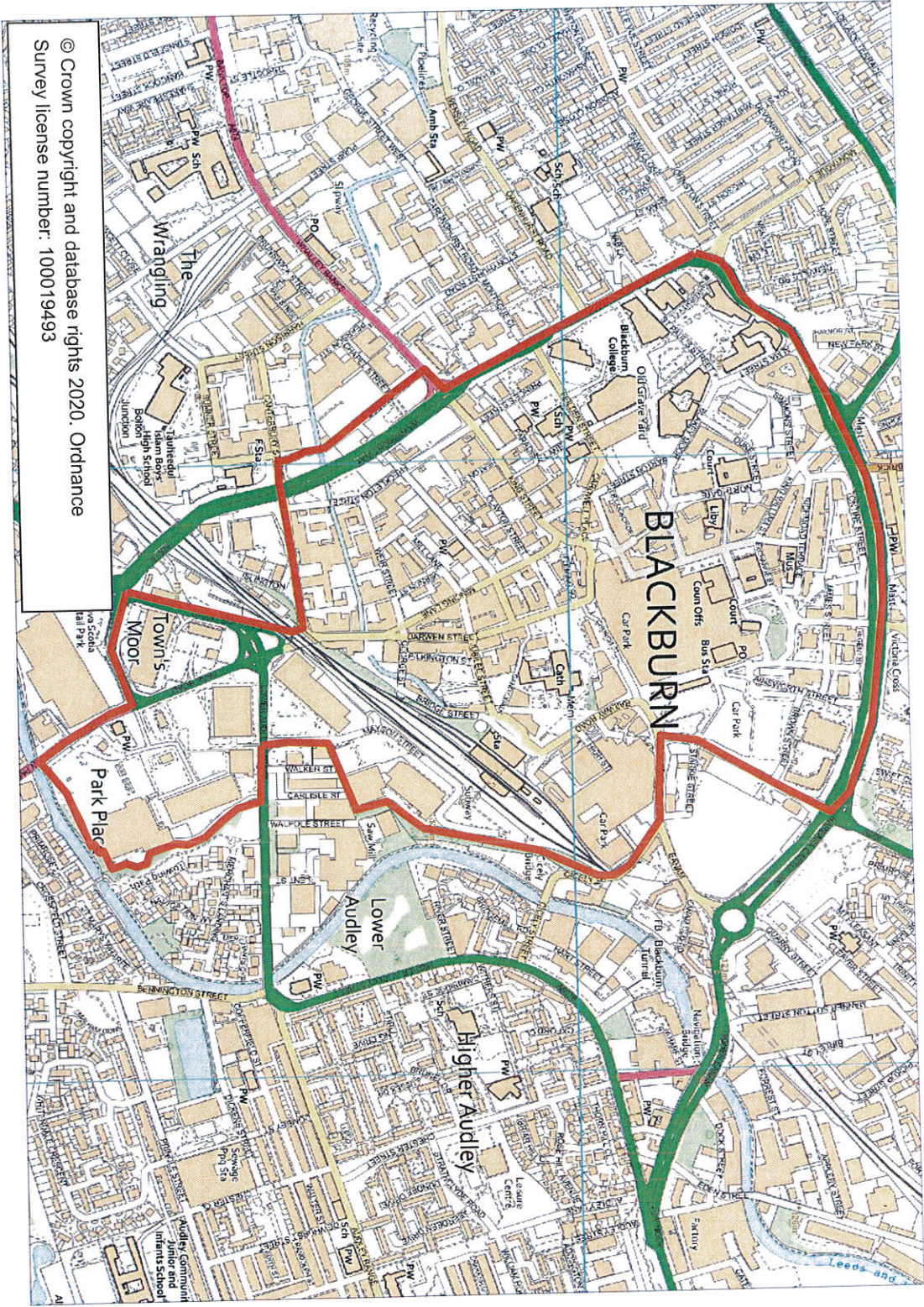
THE COMMON SEAL of the
Blackburn with Darwen Council }
Was hereunto affixed }
In the presence of }

Authorised Officer

EMD 23/11/2020



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Hasan Jasat

Andrea Rigby; Emma Coster; Phil Riley; john.phillips@btp.police.uk; catherine.price@newground.co.uk; Shelagh Lyth; Richard Brown; + 26

2 02/11/23

PSPO Consultation - Blackburn Town Centre & Townsmoor



2020 Original Blackburn Town Centre PSPO.pdf
.pdf File



Extension order - Blackburn TC Draft PSPO order 2023 (Renewal).pdf
.pdf File

Dear All,

As you may be aware, a PSPO is being sought to be extended under section 60 subsection 2 of the Anti-social Behaviour, Crime and Policing Act 2014 because the Council is satisfied on reasonable grounds that an extension is necessary to prevent the occurrence or recurrence of the activities identified in the 2020 Order.

This correspondence forms part of the statutory process that we need to undertake in order to extend the order.

Please find enclosed a copy of the current public notice as well as the draft extension order which outlines the conditions and includes a map indicating the locations affected.

The consultation period starts on 2nd November 2023 and will end on 16th November 2023.

Please note that any representations should be made in writing and in the manner outlined in the Notice.

Please can I request that you forward to your colleagues and contacts where relevant only.

If you have any queries, please do not hesitate to contact myself or Margaret Fish via email (Margaret.Fish@blackburn.gov.uk)

Kind Regards

Hasan Jasat

Community Safety Officer
Adults, Neighbourhoods & Community Protection
Floor 3, Old Town Hall, Blackburn, BB1 7DY
Blackburn with Darwen Borough Council
Email: Hasan.Jasat@blackburn.gov.uk

Blackburn Town Centre and Townsmoor PSPO Consultation responses:

<p>Blackburn Youth Zone (Town Centre Partner): We have reviewed our end and feel the order can disproportionately affect young people who simply use the street and public open spaces to socialise. This (may) impinge on two of their Human Rights. - Article Ten (freedom of expression) and Article Eleven (Freedom of Assembly and Association).</p> <p>Our hope is that young people posing no threat or problem will not routinely be moved on (a common problem when these are granted and a misconception.) If they are doing nothing wrong, they have every right to associate.</p> <p>I have spoken to M.L (Ex Police who works for BYZ) , who advised there is little point in making a formal challenge to the PSPO as these have only been upheld twice in the last two years for England.</p> <p>We would be happy to be a part of any dialogue with multi-agency partners' problem-solving efforts in this area and also facilitate this with young people.</p>	<p>Community Safety Team Response: Hope you're well! Thank you for forwarding the response on behalf of Blackburn & Darwen Youth Zone. I appreciate the time taken to review the proposed extension order and providing your views. We understand your views around the common misconception of youths congregating but posing no threat being challenged or routinely moved on however the order specifically states the conditions we can enforce action on which are the following:</p> <ol style="list-style-type: none">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. <p>We can assure you any groups of youth will not be prosecuted based on the fact of being within a group unless they or any persons breach any of the conditions mentioned above – PSPO's are not designed to prevent social gatherings rather designed to prevent ASB and anything that could possibly effect the quality of life on the community.</p> <p>We hope this answers your queries and resolve any issues you may face.</p> <p>If you have any further questions or would like to speak further in more detail please let me know.</p>
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**Blackburn with Darwen Borough Council - Town Centre and Townsmoor
Public Space Protection Order (PSPO) 2023 First Extension
(under section 60 (2) of Public Space Protection Order (PSPO) 2015)**

This order may be cited as the Blackburn with Darwen Borough Council – Town Centre area Public Space Protection Order (PSPO) 2023 First Extension (hereafter referred to as Extension Order -1 2023)

ON 7th December 2020 The 2020 Order was made on the grounds that the Council was satisfied that the conditions set out in Section 59(2) and 59(3) of the Act had been met in relation to the Prohibition Area, namely that activities in public spaces within that 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.

AND he Council was also satisfied that the effect, or likely effect, of the activities was, or is likely to be, of a persistent or continuing nature, and these activities were unreasonable and justify the restrictions imposed by the notice and that it was in all the circumstances expedient to make the 2020 Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

This Extension Order -1 2023 is now made under section 60 subsection 2 of the Act because the Council is satisfied on reasonable grounds that an extension is necessary to prevent the occurrence or recurrence of the activities identified in the 2020 Order, or to prevent an increase in the frequency or seriousness of those activities after that 2020 order expires. The effect of this Extension Order – 1 2023 is to extend the period for which the 2020 Order has effect.

The Council in exercise of its powers under Sections 60 (2) and 59 (2) and 59(3) of the Act and under all other enabling powers, make the following provisions of the Extension Order -1 2023 which apply to the Prohibition Area unless otherwise specified and to which the sanctions set out in Schedule 2 apply:

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

- a. “The Act” means the Anti-social Behaviour, Crime and Policing Act 2014
- b. “Alcohol” has the meaning given by section 190 of the Licensing Act 2003
- c. “ 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.
- d. “The Council” means Blackburn with Darwen Borough Council
- e. “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.
- f. “The 2020 Order” means The Blackburn with Darwen Borough Council - Town Centre and Townsmoor Public Space Protection Order (PSPO) 2020
- g. “Extension Order -1 2023” means the Blackburn with Darwen Borough Council - Town Centre and Townsmoor Public Space Protection Order (PSPO) 2023 First Extension
- h. “The Prohibition Area” is defined in Schedule 1

SCHEDULE 1

The Prohibition Area is any publicly accessible place within the area shown edged red on the attached map.

SCHEDULE 2

1. It is an offence for a person without reasonable excuse to engage in activity that is prohibited by this Extension Order -1 2023.
2. Pursuant to s67 of the Act, a person found to be in breach of this Extension Order -1 2023. is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice up to £100.

This Extension Order -1 2023. shall come into operation on [] and shall have effect for a period of 3 years thereafter, unless extended further under the Council’s statutory powers.

Any interested person may question the validity of this Extension Order -1 2023 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 by making an application 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 2023

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

Authorised Officer

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