

Delegated Officer Decision (from Executive/Council/Committee)



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 7th 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.

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DATE:	
BACKGROUND PAPER:	Appendix A (Draft Order) Appendix B (Evidence for Town Centre and Townsmoor PSPO) Appendix C – Checklist