

EXECUTIVE MEMBER DECISION



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

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 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 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 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 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.

VERSION:	1
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CONTACT OFFICER:	Victoria Holmes
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DATE:	20 th October 2020
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BACKGROUND PAPER:	Appendix A (Final Order)
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