



# RECORD OF DECISION TAKEN UNDER DELEGATED POWERS OUTLINED IN THE CONSTITUTION – Part 3 Section 16

|                               |                               |
|-------------------------------|-------------------------------|
| DELEGATED<br>OFFICER DECISION | Sayyed Osman                  |
| TAKEN BY:                     |                               |
| PORTFOLIO                     |                               |
| AREA:                         | Adult Services and Prevention |

**SUBJECT: Public Space Protection Order – Bastwell & Robinson Street**

## 1. DECISION

1. 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).*

2. 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.*

3. Due to persistent issues with fireworks being used in a dangerous manner and unauthorised bonfires being set, a PSPO was introduced in the Bastwell and Robinson St areas in October 2015.

4. Further to the implementation of the PSPO in 2015, a multi-agency operation called 'Brightsparx' was set up in line with the PSPO to help tackle the issues around unsupervised bonfires and irresponsible firework use prior to and on Bonfire night. This front line operation assisted Council officers and emergency services to work together gathering intel and taking appropriate action on bonfire night.

In 2018, the PSPO was extended for a further 3 years as it was felt that if the PSPO was not extended, the Brightsparx operation would not be as effective which would lead to recurrences of anti-social behaviour, with the situation reverting back to how it was pre-2015 which ultimately left the local residents feeling vulnerable.

Following consultations, the PSPO was then extended in 2018 for a further 3 years and it has shown to have worked positively. It provides additional powers to the emergency services to provide a targeted response

and supports the multi-agency Brightsparx Operation. However, even with the successes of the PSPO, there no doubt continues to be a problem relating to dangerous use of fireworks and unauthorised fires in the Bastwell and Robinson Street areas (see attached appendix 1 – Evidence Report).

5. The current PSPO expires on 30<sup>th</sup> October 2021, but can be renewed before expiry for a period of up to three years.

6. 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.*

7. The results of the consultation are attached (see attached appendix 2 – Consultation report). The results were favourable.

8. I am satisfied on reasonable grounds that the anti-social behaviours the Bastwell Street and Robinson Street PSPO was intended to mitigate are likely to continue after the expiry of the current PSPO.

9. Section 72 of the ASBCP 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.

## **2. RECOMMENDATIONS**

That the Delegated Officer:

- Approves the extension of the current PSPO which is due to expire on the 30<sup>th</sup> October 2021, for a further period of 3 years.

## **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 30<sup>th</sup> October 2015, following consultation with residents and members, a Public Space Protection Order came into effect for a period of 3 years, to address the high levels of anti-social behaviour in the Bastwell &

Robison St area in relation to the use of fireworks and the setting of fires around the summer months and October/November months, in and around bonfire night.

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. The collection and/or lighting of combustible materials including bonfires is prohibited in any public space within the area marked red on the attached Plan 1 and/or Plan 2
2. No person may discharge light or discharge fireworks of any description on public land within the area marked red on the attached Plan 1 and/or Plan 2 without the express written permission of the owner.
3. No person may act or incite others to act in an anti-social manner likely to cause harassment, alarm or distress to any person in any public space within the area marked red on the attached Plan 1 and/or Plan 2 (see attached appendix 3 – Current PSPO and maps).

The PSPO was renewed in 2018 under identical terms, subject to favourable consultation. As part of the process to renew the Public Space Protection Order, Blackburn with Darwen Council consulted with stakeholders including the emergency services and the public.

The current PSPO expires on the 30<sup>th</sup> October 2021. The legislation allows for the order to be renewed before the time it is due to expire 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.*

Consultation have 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 2015 and the subsequent renewal made in 2018. This was a statutory consultation. The results of the consultation were favourable and can be found in the attached (see attached appendix 2 – Consultation Report).

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**

The areas outlined in appendix 3 have high levels of ASB and/or persistent issues around the use of fireworks/lighting of fires. The Order forms part of a range of preventative measures looking to address persistent ASB concerns.

#### 5. OPTIONS CONSIDERED AND REJECTED

None

#### 6. 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:

|                 |          |
|-----------------|----------|
| <b>VERSION:</b> | <b>1</b> |
|-----------------|----------|

|                              |   |
|------------------------------|---|
| <b>CONTACT OFFICER:</b>      |   |
| <b>DATE:</b>                 |   |
| <b>BACKGROUND DOCUMENTS:</b> | Appendix 1 – Evidence Report<br>Appendix 2 – Consultation Report<br>Appendix 3 – Current PSPO and areas<br>Appendix 4 – Draft PSPO Extension 2021 |

Signed:



**Director Sayyed Osman**

**Date: 28/10/21**