

**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: Safer Streets 4 PSPO – Audley & Queen’s Park – Blackburn Central

1. DECISION

1. The constitution (page 95) gives to the Strategic Director of Adults and Health the following delegated power:

13.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 (the Act) section 59 (1) (a) Public Space Protection Order (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. Under s64 (1) of the Act where a PSPO is likely to restrict a public right of way over a highway the Council must consider the likely effect of making the order on the occupiers of premises adjoining or adjacent to the highway and the likely effect of making the order on other persons in the locality and in a case where the highway constitutes a through route, the availability of a reasonably convenient alternative route.

The Council has considered this in making the Order and identified alternative routes.

Also under s64 (2) before making such an order a local authority must—

(a) notify potentially affected persons of the proposed order,

(b) inform those persons how they can see a copy of the proposed order,

(c) notify those persons of the period within which they may make representations about the proposed order, and

(d) consider any representations made.

Potentially affected persons is defined as occupiers of premises adjacent to or adjoining the highway, and any other persons in the locality who are likely to be affected by the proposed order.

This requirement is in addition to the consultation. Each of those potentially affected persons has been notified by letter sent to each affected household adjoining the highways affected and they were given the opportunity to make representations.

3. Pennine Lancashire Community Safety Partnership has been successful in securing £750,000 from the Home Office Safer Streets Project to tackle acquisitive crime and anti-social behaviour (ASB) in hotspot areas. Three Lower Layer Super Output Areas (LSOA's) across the Pennine footprint have been identified in Blackburn with Darwen which suffer from the highest number of acquisitive crime and ASB. See Appendix H to find how these areas have been identified. Funding provisions include costs for alley gating where it is felt this will aid in reducing acquisitive crime and ASB and as such, £52,000 of the funding secured has been allocated to this purpose.

In order to install alley gates, the council are required to seek a Public Space Protection Order. Further to consultation with ward members, partners and residents, 10 gate schemes requiring 22 gates have been identified as necessary to reduce and prevent acquisitive crime and ASB. See Appendix I – Crime Statistics with Alley Gate focus.

The schemes detailed below have been gone through a public consultation with a 100% positive response rate from residents. Partner consultation has also taken place with concerns raised around bin collection services however a proposed solution that exists with existing alley gate schemes is to use a single collection point at either end of the alley (most accessible). This was proposed by the environment team having already implemented this elsewhere.

The proposed schemes are as follows:

- Audley Range and Walter Street (31 – 61)
- Audley Range and Copperfield Street
- Audley Range and Walter Street (1 – 29)
- Walter Street (2 – 36) and Dickens Street
- Copperfield Street and Dickens Street
- Walter Street (38 – 72) and Cromwell Street
- Lincoln Road
- Randolph Street and Walter Street (74 – 106)
- Winchester Street and Pringle Street
- Chester Close and Pringle Street

The following are appended to this report:

Appendix A - Blackburn Safer Streets 4 Alley Gates. 10 Locations

Appendix B – Consultation Letter

Appendix C – Local Consultation Responses

Appendix D – Website Publish

Appendix E – Email Consultation to Partners

Appendix F – Draft PSPO

Appendix G – Representations

Appendix H – Environmental Visual Audit

Appendix I – Crime Statistics with Alley Gate Focus

Duration of orders

It is proposed that the duration of the Order should be the maximum three years as permitted by section 60 subsection 1 of the Act.

2. REASON FOR DECISION

That the Delegated Officer:

- Approves one PSPO that includes all 10 proposed gating schemes

3. BACKGROUND

1. Pennine Lancashire Community Safety Partnership has been successful in securing £750,000 from the Home Office Safer Streets 4 Project to tackle acquisitive crime and anti-social behaviour (ASB) in hotspot areas. Three identified LSOA's across the Pennine footprint have been identified in Blackburn with Darwen which suffer from the highest number of acquisitive crime and ASB. An Environmental Visual Audit and relevant police data was used to identify these areas.
2. Funding provisions include costs for alley gating where it is felt this will aid in reducing acquisitive crime and ASB and as such, £52,000 of the funding secured has been allocated to this purpose.
3. Further to consultation with ward members, partners and residents, 10 gate schemes requiring 22 gates have been identified as necessary to reduce and prevent acquisitive crime and ASB.
4. The primary purpose of the PSPO is to reduce crime and anti-social behaviour where it is associated with the use of an alleyway. The schemes detailed below have not been objected to by members all of whom have been consulted.
5. Consultation have been made with members, stakeholders, emergency services and residents. Consultees were asked to provide their views 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 report and appendices

The 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. It is proposed that this will be enforced by Police Community Safety Officers handing out Fixed Penalties in the first instance

4. KEY ISSUES AND RISKS

The areas outlined in the attached report have high levels of ASB and/or persistent issues around the use of alley ways. The Order forms part of a range of preventative measures looking to address persistent ASB concerns.

5. FINANCIAL IMPLICATIONS

There is £52,000 identified in the Safer Streets Fund 2022-23 2023-24 Grant Agreement between the Home Office and BwD for the installation of alley gates and the provision of keys

6. LEGAL IMPLICATIONS

The 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.

Section 72 of the Anti-Social Behaviour Crime and Policing Act 2014 (the Act) 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.

Under section 66 of the Act a person can challenge the validity of the Order at the High Court if they think they can prove that the local authority did not have power

- to make the order,
- to include particular prohibitions or requirements imposed by the order or

if they think that they can prove that a requirement under Act was not complied with in relation to the order or variation.

7. RESOURCE IMPLICATIONS

It is not envisaged that these additional gates will have any further significant impact on officer time than the existing gates already do.

8. OPTIONS CONSIDERED AND REJECTED

None

9. CONSULTATIONS

See attached report

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:	Muddassir Shah
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DATE:	18/05/2023
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BACKGROUND DOCUMENTS:	There are no other relevant documents – contact Muddassir Shah if further information is needed – Muddassir.Shah@BLACKBURN.GOV.UK
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