

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



<b>DELEGATED OFFICER DECISION TAKEN BY:</b>	Strategic Director of Adults and Health
<b>DELEGATED BY:</b>	Council (date of delegation)
<b>IN CONSULTATION WITH:</b>	Chief Officer
<b>PORTFOLIO AREA:</b>	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 21<sup>st</sup> August 2020 to Friday 4<sup>th</sup> 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 2<sup>nd</sup> November 2023 to Thursday 16<sup>th</sup> 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:

<b>VERSION:</b>	<b>1</b>
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<b>CONTACT OFFICER:</b>	<b>Hasan Jasat</b>
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<b>DATE:</b>	
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<b>BACKGROUND DOCUMENTS:</b>	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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