

# EXECUTIVE MEMBER DECISION



<b>REPORT OF:</b>	Executive Member for Neighbourhood and Prevention Services (Please Select) (Please Select...)
<b>LEAD OFFICERS:</b>	Director of Localities and Prevention
<b>DATE:</b>	<b>21st June 2018</b>

<b>PORTFOLIO/S AFFECTED:</b>	Neighbourhood and Prevention Services
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<b>WARD/S AFFECTED:</b>	Bastwell and Daisyfield	Little Harwood and Whitebirk
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<b>SUBJECT:</b>	<b>Public Space Protection Order extension for Bastwell Area and Robinson Street</b>
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## 1. EXECUTIVE SUMMARY

In October 2015 a Public Space Protection Order (PSPO) was supported by leadership and the ward councillors for the Bastwell area as part of a wider programme. The PSPO was implemented as residents were left feeling intimidated and frightened by the unauthorised use of bonfires and youths setting off fireworks in the areas. Blackburn with Darwen believes that this is a continuous problem around this time of year.

A multi-agency operation called 'Brightsparx' has been 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 has assisted Council officers and emergency services to work together gathering intel and taking appropriate action on the night.

A PSPO may not be valid for a period of more than 3 years, therefore in order to deal with the issues for 2018, the existing Order will need to be extended under section 60 of the ASB, Crime and Policing 2014.

*before the time when a PSPO 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:*

- occurrence or recurrence after that time of the activities identified in the order, or*
- an increase in the frequency or seriousness of those activities after that time.*

The PSPO has worked positively in the last 3 years as it provides additional powers to allow the emergency services to provide a targeted response and deploy staff to the sites, as well as giving the residents the confidence to report problems knowing that we can respond.

This operation has become established in this time and is fully supported by the PSPO, as one of the conditions is the confiscation of combustible materials which allows us to be proactive in responding to the local concerns.

It is therefore felt that if the PSPO was not extended the Brightsparx operation would not be as effective and it is felt that there would be a recurrence in the anti-social behaviour and the situation would revert back to how it was pre 2015 leaving the residents feeling vulnerable.

In order for us to continue this work we require approval to extend the existing PSPO for a further 3 years in line with statutory legal requirements and we would be required to:

- Consult with the local Police and other community representatives
- Erect notices on or adjacent to the land in relation to which the PSPO is made advising of the extension
- Publish the existing PSPO on the Council website

## **2. RECOMMENDATIONS**

That the Executive Member: approves the extension of the existing Bastwell and Robinson Street area (PSPO) 2015 for a further period of 3 years (Appendix A)

## **3. BACKGROUND**

PSPO's are designed to stop individuals or groups committing ASB in a public space. This power forms part of the tools and powers available to the Council by the Anti-Social Behaviour, Crime and Policing Act 2014. The new tools and powers have been approved by the Council Executive in August 2015 with delegated authority to the Executive Member and Director of Housing and Localities.

## **4. KEY ISSUES & RISKS**

The areas outlined in the attached Appendix A have reported high levels of ASB to include regular concerns around the use of fireworks and/or lighting of fires. This Order forms part of a range of prevention activity looking to address persistent ASB complaints.

## **5. POLICY IMPLICATIONS**

The Anti-Social Behaviour, Crime and Policing Act 2014 policy has been approved by the Council and authorises the use of PSPO's to assist in reducing ASB in public places.

## **6. FINANCIAL IMPLICATIONS**

There is no direct financial implication in applying for the Order. The Fixed Penalty Notice has been set and approved at £100 for those that breach the conditions within the prescribed area.

## **7. LEGAL IMPLICATIONS**

Legal have been consulted and have approved the conditions. Following the statutory notification period the Order will be approved and sealed and it will remain on register for public review.

## **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.

## 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 has been completed when implementing the existing order and the extension will be consulted with the local Police and relevant community representatives as part of the statutory legal process.

## 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.

<b>VERSION:</b>	<b>1.1</b>
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<b>CONTACT OFFICER:</b>	<b>Mariyam Emam</b>
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<b>DATE:</b>	21 <sup>st</sup> June 2018
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<b>BACKGROUND PAPER:</b>	Appendix A - Bastwell and Robinson Street area Public Space Protection Order (PSPO) 2015
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