



EXECUTIVE MEMBER DECISION

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| REPORT OF: | Executive Member for Neighbourhood and Prevention Services (Please Select) (Please Select...) |
| LEAD OFFICERS: | Director of Localities and Prevention (Please Select) |
| DATE: | 25 March 2019 |

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| PORTFOLIO/S AFFECTED: | Neighbourhood and Prevention Services |
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| WARD/S AFFECTED: | Little Harwood |
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| SUBJECT: | Public Space Protection Order |
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1. EXECUTIVE SUMMARY

This is a New application for the consideration of a Public Space Protection Order (PSPO) to be granted within the Laburnum Road bridge area of the Little Harwood Ward of Blackburn.

This area currently has an existing Gating Order obtained under the Neighbourhood Clean Act of 2005 – Scheme number 122 of 2014.

This new PSPO application will revoke and replace the existing Gating order, and also in addition will add prohibitions that can be enforced in deterring and preventing crime and disorder and anti-social behaviour (ASB) around this location.

Retaining the existing Gate is essential in maintaining order, this measure alone will not combat the problems being experienced within the area, which is why it is proposed to include a number of prohibitions within this Public Space Protection order to help further enforce and protect using this additional PSPO tool under the Anti-Social Behaviour, Crime and Policing Act of 2014.

An initial consultation was conducted with 280 households within the immediate affected area of Laburnum Road bridge locality, which received a 14% response with no objections to the proposal.

- ***Please refer to the Statistical graph and summary at Appendix C***

Following this an additional 'options consultation' was carried out and the results from this consultation showed that the majority are for option A which is the permanent closure of the gate restricting public access at all times.

- ***Please refer to the summary at Appendix D***

The Executive Member is asked to consider the completion of the PSPO, subject to which, the Council would be required to :-

1. Erect notices on the public place location to which the order refers to
2. Publish the order on the Councils website
3. Conduct a statutory consultation

RECOMMENDATIONS

That the Executive Member :-

Approves, subject to drafting by the Council solicitor, the use of the Public Space Protection Order for the listed area to allow the continued closure of the highway through the use of the alley gate, and approves the proposed prohibitions listed to help prevent anti-social behaviour within the locality and protect the local community.

Following the statutory consultation, authorises the Council Solicitor to execute the PSPO and apply the Council seal with or without amendments following consultation.

- ***Please refer to the map at Appendix A which outlines the specific proposed PSPO area and boundaries***

2. BACKGROUND

This built up residential community has suffered persistent ongoing crime and ASB since 2014 which has adversely affected their quality of life to their own detriment.

Numerous complaints by concerned local residents and Community Connectors / Councillors originally led to the existing Gating Order being approved and installed.

This action in conjunction with Rail Track alterations to the bridge area, the installation of a CCTV camera and local Police patrolling on a regular basis sought to remedy the anti-social behaviour problems.

More targeted Policing patrols and the Community Safety Team's use of ASB and Policing Act enforcement powers through the issuing of Community Protection Warning Notices to identified offending vehicle owners have further sought to remedy the more recent problems.

Direct regular contact between the Community Safety Team and local residents, and a recent local Community Meeting at Little Harwood Community Centre has again sought to remedy the problems and ease the negative impact on the residents.

Unfortunately although problems did quieten down for a short while, and the Community Protection Warning Notices were successful in deterring those targeted vehicles from returning to the area, ASB problems and complaints have continued, and it was feared by residents that these would worsen as the summer months and better weather came, which they have.

The Community Safety Team have over a period of time but more specifically since October 2016 collected a wealth of evidence of noise nuisance, fire setting, vehicle nuisance, suspected drug abuse and dealing, violence and threatening behaviour.

It should be noted that since March 2017 the Police have received 44 complaints or incident reports of anti-social behaviour from the Laburnum Road / Gladstone and Blakewater residents who form part of the immediate problem bridge area.

This severely impacts upon the already depleted Police resources and portrays some of the problems faced by residents.

For these reasons, it is thought necessary, proportionate and entirely justifiable to add prohibitions to this PSPO to help reduce or eliminate ASB, provide the Council and Police with more enforcement options, and deter would be offenders away from the local area to protect the Community and raise

public confidence.

These added prohibitions or conditions attached to the PSPO will help the Police and the Local Authority enforce against individuals who persist in causing ASB breaching the conditions set, which in turn will hopefully reassure the local residents and raise public confidence improving the quality of life for the community.

Quite often individuals are witnessed within the area being anti-social but not committing any criminal offences preventing the Police from making arrests or issuing summonses or penalty notices.

Including prohibitions within this order will in itself make it an offence to breach these conditions allowing the Local Authority to issue Fixed Penalty Notices or prosecute for any breaches, allowing the Council to better protect the community and deal with individuals more expediently and robustly.

PSPO's are designed to stop individuals or groups from committing ASB in a public place under the Anti-Social Behaviour and Policing Act of 2014.

The proposed Prohibitions that would be enforced throughout the prohibited area set out in the Order at Appendix B will be :-

- 1. To restrict public right of way at all times over the highway on Laburnum Road leading to Whalley New Road as outlined in map below, by all persons except for those listed in Schedule 2. The Order authorises the installation of gates which will enforce the access restriction. The gate delineated in red within the attached plan shall remain in place for all purposes of this Order. This Public Space Protection Order will revoke and replace the existing Gating Order.***
- 2. No person, whilst within the prohibited area delineated in red, may act or incite others to act in a manner likely to cause alarm, harassment or distress to any person therein.***
- 3. Any person in breach of the aforementioned conditions will be liable to a fine or penalty as described in Schedule 3.***

3. KEY ISSUES & RISKS

The primary purpose of the Public Space Protection Order is to revoke and replace the existing Gating Order and to allow the addition of the above mentioned prohibitions that would be able to be enforced.

The Public Space Protection Order would exist for a period of up to 3 years with a potential to be reviewed if necessary.

The PSPO will grant both the Council and Police extra enforcement powers through enforcement of the prohibitions listed with options to issue Fixed Penalty Notices or prosecute persons breaching these prohibitions.

It is strongly believed that these prohibitions alone once publicised throughout the local community and the threat of fines or prosecution will in itself deter and disrupt persons causing ASB within this immediate area.

However as previously stated other options have been tried and tested and so far failed, so this is a last resort to try and help keep the faith of the community and stamp out the persistent ASB affecting residents lives.

There will be no cost for the erection of the gate as this is already installed and up and running.

General maintenance will be through the Council's primary maintenance contract and any deliberate damage or environmental damage will be financed via the Community Safety Team budget.

4. POLICY IMPLICATIONS

The Anti-Social behaviour enforcement policy was approved in November 2015 which authorises the use of PSPO's to assist in reducing ASB and Crime in public places.

An updated revised version of the Community Safety ASB enforcement policy is currently going through the Senior Policy Team at this time.

5. FINANCIAL IMPLICATIONS

The only financial implications would be any future criminal damage or environmental damage to the existing gate, and any costs incurred during the process of prosecuting offenders who breach the prohibitions.

6. LEGAL IMPLICATIONS

Legal services will be required to draft and approve the final Order and seal the PSPO's and maintain a register for public view.

7. RESOURCE IMPLICATIONS

The co-ordination of the work required will be undertaken by the community safety team.

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)*

8. CONSULTATIONS

An initial and options consultation has been completed with residents.

On approval, the PSPO will be advertised on the council website with notifications being posted locally for 14 days. This will form part of the statutory consultation.

To date there have been no concerns or objections raised from those households consulted, however we have received a very late objection from a nearby local shopkeeper.

This objection is geared towards the locking times of the gate only as he believes the gate should be locked at 10pm rather than 8pm daily as he feels this is having an unfair effect on his dessert business which closes at 10pm, even though the gating order was long established before he even

opened his business.

It has been explained to him that he would be given an opportunity to make his representations during the next final consultation process, and he was asked to provide the Community Safety Team with a detailed email explaining his thoughts and representations, which he has failed to do to date.

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 as detailed in the attached briefing paper. 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.

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| CONTACT OFFICER: | Mariyam Emam |
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| DATE: | 25 March 2019 |
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| BACKGROUND PAPER: | Copy of proposed red lined mapped PSPO area - Appendix A Copy of Draft order - Appendix B Summary of initial consultation - Appendix C Summary of additional Options consultation - Appendix D |
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