

Report to:	EXECUTIVE
Relevant Officer:	John Blackledge, Director of Community and Environmental Services
Relevant Cabinet Member:	Councillor Gillian Campbell, Deputy Leader of Council (Tourism, Economic Growth and Jobs)
Date of Meeting:	7 th March 2016

PUBLIC SPACE PROTECTION ORDER FOR PARKS AND GREEN SPACES

1.0 Purpose of the report:

- 1.1 To agree to implement a Public Space Protection Order (PSPO) covering the Parks and green spaces. This new Order prohibits certain behaviours and creates criminal offences for persons who choose not to comply with the Order.

2.0 Recommendation(s):

- 2.1 To approve the Public Space Protection Order for Parks and Green Spaces set out in Appendix 5a.

3.0 Reasons for recommendation(s):

- 3.1 To give the Council and Police greater powers in relation to dealing with anti-social behaviour in public spaces.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

Not to approve the proposed order although it should be noted that in relation to managing the types of behaviour causing concern to local residents and visitors alike, Public Space Protection Orders provide new powers that were not previously available.

4.0 Council Priority:

4.1 The relevant Council Priority is:

“Communities: Creating stronger communities and increasing resilience”

5.0 Background Information

5.1 The Executive is reminded that on 26th January 2015 (Decision EX2/2015 refers), approval was given to enter into a twelve week public consultation in relation to the implementation of two Public Space Protection Orders; the town centre/promenade and parks/open spaces. In relation to the latter, the results of the consultation relating to the parks/open spaces were to be considered subsequent to the completion of the process in relation to the town centre.

5.2 In October 2014, the Government implemented the Anti-Social behaviour and Policing Act 2014 (“the Act). The purpose of the Act is to give local authorities and the Police more effective powers to tackle anti-social behaviour (ASB), providing better protection for victims and communities.

5.3 Amongst these new tools and powers are Public Spaces Protection Orders (PSPO's), which are designed to stop individuals or groups committing anti-social behaviour in a public space. It is for each individual Council to determine what behaviour(s) they want to make the subject of a Public Space Protection Order.

5.4 Public Space Protection Orders will provide Councils with a flexible power to implement local restrictions to address a range of anti-social behaviour issues in public places in order to prevent future problems.

5.5 Local authorities can make an order as long as two conditions are met:

First condition:

- Activities carried out in a public space within the local authority’s area have a detrimental effect on the quality of life of those in the locality, or
- It is likely that activities will be carried out in a public place within the area that will have such an effect.

Second condition:

The effect or likely effect of the activities:

- Is, or is likely to be, of a persistent or continuing nature;
- Is, or is likely to be, such as to make activities unreasonable;
- Justifies the restrictions imposed by the notice.

5.6 The Council has engaged in a 12 week consultation exercise with:

- the Chief Officer of Police;
- the Police Crime Commissioner;
- the owners or occupier of the land in question (as far as is practicable);
- Friends of the Parks groups;
- Visit Blackpool;
- Elected Members.

The Consultation sought views on:

- Regularity of visits to Parks;
- Use of Parks;
- Problems in Parks;
- Issues that impact on visitors;
- Proposed regulation;
- Severity of issues;
- Opinion on proposals.

5.7 The Public Space Protection Order public consultation ran from 11 June to 31 August 2015. Residents and stakeholders could have their say in a number of ways:

1. An open-access online survey was developed and hosted on the Council's website. This was widely promoted through Council social media accounts, the Your Blackpool resident newspaper, the Council for Voluntary Services e-newsletter and press releases.
2. Paper questionnaires were distributed to all libraries and children's centres in the Borough. This enabled those without access to the internet to have their say.
3. Pro-active engagement with residents was undertaken through face-to-face interviews in Blackpool town centre and a range of parks across the Blackpool.

5.8 A total of **1,062 responses** were received to the Public Space Protection Orders consultation, consisting of:

- 750 face-to-face interviews;
- 134 online responses;
- 178 paper returns.

5.9 ***The response to the consultation:***

- 61% of consultation respondents visit a local park at least once a week with 27% of those visiting almost every day;
- Of those who do visit a local park, 74% do so for recreational activities, 37% go to walk a dog, 12% for events, 10% for sport and 1% for other reasons.

The issues expressed as being of the greatest concern relate to substance misuse, including alcohol (47%) and people causing harassment alarm of distress or vandalism (44%). The percentages relate to people seeing these issues as very big or fairly big problems. However, in terms of addressing the issues, 78% of people believe that action should be taken against people causing or involved in these issues, with 86% of people over 65 strongly or tending to agree with action being taken.

When people were asked about commercial activities, driving or the use of remote controlled (water, air or land) items, these were not seen as a particular problem. However, in all cases more people than not believe that these activities should be regulated or licensed. In terms of commercial activities and driving in parks, these clearly require regulating. However, use of remote control items would require to be considered on a case by case basis and related to whether the use of the item constituted anti-social behaviour or causes harassment, alarm or distress.

The consultation gave people the opportunity to suggest anything else which they consider to be a problem in the Borough's parks. Dog fouling and dogs off leads dominated many of the comments, however these are covered by the current Dog Control Order which will expire in 2017/18 and a new Public Space Protection Order will be created to deal with these issues.

Attached is the Consultation Report at Appendix 5b, which deals with the responses comprehensively.

5.10 Any prohibitions or requirements must be reasonable in order to prevent the detrimental effect from occurring or reoccurring, or must reduce the detrimental effect or reduce the risk of its occurrence, reoccurrence or continuance.

- 5.11 A prohibition or requirement may be framed so that it applies to all persons, persons fitting specified criteria, or to all persons except those in specified categories. It can be applicable at all times, or only at specified times, or at all times except those specified.
- 5.12 A Public Space Protection Order can be made for a maximum of three years. The legislation provides they can be extended at the end of the period, but only for a further period of up to three years. However, orders can be extended more than once. Local authorities can increase or reduce the restricted area of an existing order, amend or remove a prohibition or requirement, or add a new prohibition or requirement. They can also discharge an order but further consultation must take place for varying or discharging orders.
- 5.13 The Order can be enforced by Police Officers, authorised Police and Community Support Officers, Council Officers and other designated groups, including officers under the Community Safety Accreditation Scheme.
- 5.14 Any interested person can challenge the validity of a Public Space Protection Orders in the High Court but the challenge must be made within six weeks. An ‘interested person’ means an individual who lives in the restricted area or who regularly works or visit that area.
- 5.15 Appendix 5a details the proposed Public Space Protection Order for Parks and Open Spaces, which relate to the following:
- Engaging in Anti-social Behaviour , Vandalism or Causing Harassment, Alarm or Distress;
 - Consumption of alcohol in a public place;
 - The Use of Psychoactive Substances (known as ‘legal highs’);
 - Carrying out Regulated Activities without permission (commercial activities etc).

5.12 Does the information submitted include any exempt information? No

5.13 **List of Appendices:**

Appendix 5a – Draft Public Space Protection Order for Parks and Open Spaces
 Appendix 5b - Consultation Report

6.0 Legal considerations:

6.1 The process of implementing Public Space Protection Order is being conducted through an appropriate and due process. Counsel's opinion has been sought on the wording and validity of the Public Space Protection.

7.0 Human Resources considerations:

7.1 The implementation will be by authorised staff within the Council, Police Community Support Officers and the Police.

8.0 Equalities considerations:

8.1 The aim is to ensure that Parks are accessible to all.

9.0 Financial considerations:

9.1 Consideration will be given to the cost of new signage if required, although under the new legislation signage is whatever the authority deems appropriate.

10.0 Risk management considerations:

10.1 Authorised officers will need to have completed appropriate training in order to be able to issue fixed penalties.

11.0 Ethical considerations:

11.1 The management of Public Space Protection Orders will be subject to the current Performance Management arrangements within the division, with performance benchmarking as part of the process.

12.0 Internal/ External Consultation undertaken:

12.1 Town wide consultation has taken place with relevant partners, the Police Crime Commissioner, residents, businesses and community groups.

13.0 Background papers:

13.1 None

14.0 Key decision information:

14.1 Is this a key decision?

Yes

- 14.2 If so, Forward Plan reference number: 16/2015
- 14.3 If a key decision, is the decision required in less than five days? N/A
- 14.4 If **yes**, please describe the reason for urgency:
- 15.0 Call-in information:**
- 15.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No
- 15.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

16.0 Scrutiny Committee Chairman (where appropriate):

Date informed: 26th February 2016 Date approved: N/A

17.0 Declarations of interest (if applicable):

17.1

18.0 Executive decision:

18.1

18.2 Date of Decision:

19.0 Reason(s) for decision:

19.1 Date Decision published:

20.0 Executive Members in attendance:

20.1

21.0 Call-in:

21.1

22.0 Notes:

22.1