

Notice of:	EXECUTIVE
Decision Number:	EX43/2018
Relevant Officer:	John Blackledge, Director of Community and Environmental Services
Relevant Cabinet Member:	Councillor Gillian Campbell, Deputy Leader of the Council (Tourism, Economic Growth and Jobs)
Date of Meeting:	8 October 2018

TOWN CENTRE AND PROMENADE PUBLIC SPACE PROTECTION ORDER

1.0 Purpose of the report:

1.1 To determine whether the current Public Spaces Protection Order (PSPO) should be:

- a) Extended in duration for 3 more years.
- b) Extended to cover a larger area (see map at Appendix 2a, to the Executive report).
- c) Amended by way of word changes to existing prohibitions particularly to strengthen powers and ensure suitable enforcement around begging.
- d) Amended to introduce other offences involving:

- Pedlars using and displaying goods on inappropriate sized trollies
- Glass products being used and discarded on the beach
- Street Performers causing nuisance and/or obstruction
- Unauthorised charity collections and awareness campaigns.

2.0 Recommendation(s):

2.1 To approve the amended Public Space Protection Order for the Town Centre attached at Appendix 2b, to the Executive report, for a period of three years starting from the 10 November 2018.

2.2 Subject to approval of 2.1, to delegate to the Head of Legal to seal and advertise the Order.

3.0 Reasons for recommendation(s):

3.1 The current Public Space Protection Order; implemented in 2015 has been a useful addition to the powers available to the Council in its endeavours to reduce the effects

of anti-social behaviour that has a direct impact on the tourist economy and the businesses of the town's traders.

A key issue identified in the operation of the existing Public Space Protection Order, both informally by responsible authorities and Councillors and within the formal consultation has been the issue of problematic and anti-social behaviour begging in the town centre and amendments are proposed to ensure this developing issue can be effectively addressed.

The proposed amendments have been supported by Council officers involved in enforcement and prosecutions. The amendments have also been supported by the consultation.

Acceptance of the extended Public Space Protection Order would ensure that Blackpool continues to be protected by the Public Space Protection Order as originally adopted, however this would have further weight as it incorporates the additional prohibitions. It is considered reasonable and proportionate and meets the requirements for such orders set out in 5.3.

3.2a	Is the recommendation contrary to a plan or strategy adopted or approved by the Council?	No
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3.2b	Is the recommendation in accordance with the Council's approved budget?	Yes
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3.3 Other alternative options to be considered:

Not to renew the Public Space Protection Order, which would limit the Council's powers to take enforcement action against anti-social behaviours in the town centre.

To renew the Public Space Protection Order without the extension of area which would continue to result in a displacement of anti-social behaviour.

To renew the Public Protection Order without the additional activities which would not allow enforcement action to be taken against some types of anti-social behaviour.

4.0 Council priority:

4.1 The relevant Council priorities are:

"The economy: Maximising growth and opportunity across Blackpool".

"Communities: Creating stronger communities and increasing resilience".

5.0 Background information

5.1 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 providing better protection for victims and communities.

5.2 Amongst these new tools and powers were Public Spaces Protection Orders (PSPO's), which were 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.

5.3 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.

5.4 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.

5.5 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.

5.6 Following an extensive period of consultation early in 2015, the Executive agreed on the 5 October 2015 to adopt a Public Space Protection Order for the town centre (decision EX38/2015 refers). The order was then sealed and came into force on the 10 November 2015 and will expire on the 10 November 2018.

- 5.7 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 at that point 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.
- 5.8 The Public Space Protection Order has provided clarity in terms of behaviours that are not acceptable and in the majority of cases once a warning has been issued the behaviours have ceased. Although, in some cases they have been displaced to either south or north areas of the Promenade or near to it for those who do not adhere to the instruction. Once implemented, the Public Space Protection Order has been used successfully on many occasions to address the issues it was designed to address. There have been successful prosecutions in the Magistrates' Court dealing with offenders that without the Public Space Protection Order would go unpunished for want of appropriate legislation to deal with them.
- 5.9 As a result of the prohibition and particularly in relation to "Gag Mag" sellers, a number of problematic individuals transferred to selling wristbands in support of a potentially misleading or unauthorised awareness campaigns or charity collections which is why this has been included in the proposed new order.
- 5.10 In relation to the prohibitions regarding glass on the beach. There was huge and overwhelming support for prohibiting glass products to be taken onto the beach which now forms part of the Order.
- 5.11 Throughout the life of the current Public Space Protection Order, officers have received and monitored feedback on the effectiveness of the order to ensure it fulfils its original purpose and remains appropriate. Feedback from Legal officers indicated that its wording prevented effective implementation through the Courts, particularly in respect of beggars. Furthermore, it was recognised by Public Protection officers that other problematic issues could benefit from being included within any amendments to the Public Space Protection Order. Again, Public Protection officers have also highlighted that the effectiveness of the order in the target area had resulted in a significant element of displacement of prohibited activities into the nearby areas not covered by the Public Space Protection Order.
- 5.12 In light of this feedback officers developed in conjunction with the Council's Legal team, a range of potential options for consultation for the renewal and potential extension of the order. Consultation took place between 7 June to 30 July 2018. The results of the consultation are presented at Appendix 2c, to the Executive report, and are broadly supportive of the amended approach.

5.13 The draft Public Space Protection Order has been amended after comments made during public consultation and notification of relevant bodies. Most noticeable is the input from some pedlars. Consequently, the Public Space Protection Order has been written in the terms that it is now presented to the Executive.

5.14 Does the information submitted include any exempt information? No

5.15 List of Appendices:

Appendix 2a: Map of Area

Appendix 2b: Proposed Public Space Protection Order

Appendix 2c: Consultation Responses

6.0 Legal considerations:

6.1 The process of renewing the Public Space Protection Orders is being conducted through an appropriate and due process.

6.2 Section 72 of the Anti-Social behaviour and Policing Act 2014 requires the Executive as decision maker to pay particular regard to rights of freedom of expression and freedom of assembly set out in articles 10 (the right to freedom of expression) and 11 (freedom of assembly and association) of the European Convention on Human Rights in considering the making any such order.

7.0 Human resources considerations:

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

8.0 Equalities considerations:

8.1 The aim is to ensure that the town centre is accessible to all.

9.0 Financial considerations:

9.1 The cost of implementing the order will be contained within existing budget.

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 Consultation has taken place both with responsible authorities and with the public as outlined in paragraph 5.10 above.

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: 20/2018

14.3 If a key decision, is the decision required in less than five days? No

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: 28 September 2018 Date approved:

17.0 Declarations of interest (if applicable):

17.1 None.

18.0 Executive decision:

18.1 The Executive agreed the recommendations as outlined above namely:

1. To approve the amended Public Space Protection Order for the Town Centre attached at Appendix 2b, to the Executive report, for a period of three years starting from the 10 November 2018.
2. To delegate to the Head of Legal to seal and advertise the Order.

18.2 Date of Decision:

8 October 2018

19.0 Reason(s) for decision:

The current Public Space Protection Order; implemented in 2015 has been a useful addition to the powers available to the Council in its endeavours to reduce the effects of anti-social behaviour that has a direct impact on the tourist economy and the businesses of the town's traders.

A key issue identified in the operation of the existing Public Space Protection Order, both informally by responsible authorities and Councillors and within the formal consultation has been the issue of problematic and anti-social behaviour begging in the town centre and amendments are proposed to ensure this developing issue can be effectively addressed.

The proposed amendments have been supported by Council officers involved in enforcement and prosecutions. The amendments have also been supported by the consultation.

Acceptance of the extended Public Space Protection Order would ensure that Blackpool continues to be protected by the Public Space Protection Order as

originally adopted, however this would have further weight as it incorporates the additional prohibitions. It is considered reasonable and proportionate and meets the requirements for such orders set out in 5.3.

19.1 Date Decision published:

9 October 2018

20.0 Executive Members in attendance:

20.1 Councillor Blackburn in the Chair

Councillors Benson, Cain, Campbell, Cross, Jackson, Kirkland, Smith, I Taylor and Mrs Wright

21.0 Call-in:

21.1

22.0 Notes:

22.1