

Officer Non Key Executive Decision

Relevant Chief Officer (Decision Maker): Alan Cavill
Relevant Cabinet Member (for consultation purposes): Cllr Gillian Campbell
Report Author (Officer name and title): Jonathan Horrocks
Implementation Date of Decision:

TITLE: Arnold Avenue Scheme

1.0 Purpose of the report:

- 1.1 To consider the authorisation of advertisement of a proposal to make the Borough of Blackpool Arnold Avenue Public Spaces Protection Order 2017 (the 'PSPO') as attached

2.0 Recommendation(s):

- 2.1 That the proposed PSPO is published and statutory notification of the proposal is given

3.0 Reasons for recommendation(s):

- 3.1 It appears that the statutory conditions are met in relation to the public place that would be affected by the proposed PSPO and having considered the matters set out in s64 and all other considerations that it is appropriate to proceed

- 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:

Alternative options are considered to run alongside successful PSPO's for gating alleys.

Supporting options are always considered and include Operation Forager for Burglary (that uses data mapping to predict burglary and theft), overt and covert operations to tackle fly tipping and environmental crime, additional Policing and ASB tools and powers.

Not to make the proposed PSPO but the proposal is to ameliorate the detrimental effect on the quality of life of the those in the locality caused by the activities

Only to employ other supporting options but this proposal is to achieve improvement of the detrimental effect of the activities

4.0 Council Priority:

4.1 The relevant Council Priority is :

- Safeguard and protect the most vulnerable
- Expand and promote our tourism, arts, heritage and cultural offer
- Improve health and well-being especially for the most disadvantaged
- Attract sustainable investment and create quality jobs
- Improve housing standards and the environment we live in by using housing investment to create stable communities
- Create safer communities and reduce crime and anti-social behaviour

5.0 Background Information

5.1 The Council may make a public spaces protection order if it is satisfied on reasonable grounds that two conditions are met:

1 .(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

(b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

and

2.that the effect or likely effect of the activities –

(a)is or is likely to be of a persistent or continuing nature

(b)is or is likely to be such as to make the activities unreasonable and

(c) justifies the restrictions imposed by the notice

In addition the following must be considered when a proposed order restricts the public right of way over a highway:

(a)the likely effect of making the order on the occupiers of premises adjoining or adjacent to the highway

(b) the likely effect of making the order on other persons in the vicinity

(c)where the highway constitutes a through route, the availability of a reasonably convenient alternative route

Evidence about activities carried on in the public space specified in the proposed PSPO has been obtained and shows that in the previous 12 months the following have occurred :

9 incidents of crime and anti-social behaviour including; ASB (5), Violence (1), Criminal

Damage (2) and Burglary (1). There have also been 2 incidents of fly tipping.

On the basis of this information, it is considered that the first condition is satisfied (1(a)) and that the second condition is met.

The highway that would be affected by the proposed PSPO is a through route but the alternative route would be over adopted and lit highway. For most highway users there would be no impact if the PSPO were made and it is considered that the PSPO would have no significant increase on distances in any circumstances.

There are no known health or mobility issues of adjoining occupiers that would be affected by proposed PSPO and it is considered that the PSPO would ameliorate the ongoing situation for the adjoining and adjacent occupiers. It is not considered that the proposed PSPO would be prejudicial to other persons in the locality, apart from the slight increase in distance in a few circumstances as referred to above.

All representations in response to the required notification and publication of the proposal will be considered.

It is considered that the proposed PSPO should be proposed for a period of three years. Having regard to the legislation and the statutory guidance and the Convention rights, it is considered that the proposed PSPO would be appropriate and proportionate

Does the information submitted include any exempt information? No

List of Appendices:

N/A

6.0 Legal considerations:

6.1 Anti-social Behaviour, Crime and Policing Act 2014, particularly Part 4, Chapter 2

Key provisions are set out above.

The Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights.

Before making a public spaces protection order a local authority must consult as required by sections 64 and 72 of the Act of 2014.

The Government has produced Statutory Guidance for Frontline Professionals Statutory Instrument 2014/2591

7.0 Human Resources considerations:

7.1 N/A

8.0 Equalities considerations:

8.1 All equality considerations are made following the consultation period.

9.0 Financial considerations:

9.1 The finance of each scheme is agreed prior to consultation through Liz Woods from Democratic Governance.

10.0 Risk management considerations:

10.1 The consequence of the decision not being taken may mean the continuation of crime and ASB in that locality, and therefore public complaints to the Council.

11.0 Ethical considerations:

11.1 The proposed actions would support the Council's core values, morals and beliefs, as well as the Council's priorities.

12.0 Internal/ External Consultation undertaken:

12.1 Internal consultation is carried out within BSafe, the Community Safety Team, and externally to the members of the BSafe Strategic Partnership. It also takes place with the Council's Transportation division. Externally, the scheme would be advertised in Your Blackpool which goes to all residents and businesses across the town, as well as mounting copies of the proposal on lamp posts in the locality and letters of the proposal through the doors of all owners and occupiers of land within the restricted area. It also takes place with the Chief Officer of Police. Community representatives are also consulted as appropriate.

13.0 Decision of Chief Officer

13.1 To authorise the Director of Governance and Regulatory Services to advertise the proposal to make the Borough of Blackpool **Arnold Avenue** Public Spaces Protection

Order 2017 (the 'PSPO') as attached

14.0 Reasons for the Decision of the Chief Officer

14.1 It appears that the statutory conditions are met in relation to the public place that would be affected by the proposed PSPO and having considered the matters set out in s64 and all other considerations that it is appropriate and proportionate to proceed