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| Report to: | EXECUTIVE |
| Relevant Officer: | John Blackledge, Director of Community and Environmental Services |
| Relevant Cabinet Member: | Councillor Gillian Campbell, Cabinet Member for Housing, Public Safety and Enforcement |
| Date of Meeting: | 26 th January 2015 |

PUBLIC SPACE PROTECTION ORDERS

1.0 Purpose of the report:

- 1.1 To agree in principle to proceed with public consultation on the implementation of two Public Space Protection Orders (PSPO's); one for the town centre and promenade and one for the parks, recreation grounds. These new Orders give Blackpool Council an opportunity to implement new rules concerning what the authority expects in terms of behaviour in the town centre and in the parks/recreation grounds across the Borough.

2.0 Recommendation(s):

- 2.1 That the Council begins a 12 week public consultation from the 15th May 2015.
- 2.2 To authorise the Director of Community and Environmental Services, following consultation with the relevant Cabinet Member, to agree the details of the proposals for consultation including the definition of the areas and activities to be covered in line with the principles outlined in this report.

3.0 Reasons for recommendation(s):

- 3.1 In order that the Council can introduce the Public Space Protection Orders which give the Council 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 consult on the introduction of the orders which would mean that the Council would not have greater powers to deal with anti-social behaviour in those areas.

4.0 Council Priority:

4.1 The relevant Council Priority is:

“Create safer communities and reduce crime and anti-social behaviour”

5.0 Background Information

5.1 On 20th 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.

5.2 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.

5.3 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.

5.4 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 had 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.

- 5.5 Local authorities, when considering implementing a Public Space Protection Order, must have particular regard to the rights of freedom of expression and the rights of assembly before making an order.
- 5.6 In terms of any consultation, local authorities must consult with the Chief Officer of Police, the Police and Crime Commissioner, whichever community representatives the local authority deems appropriate and, as far as is practicable, with the owner or occupier of the land in question.
- 5.7 The local authority must also inform the County Council and any Parish or Community Council (this applies only where appropriate so doesn't apply in Blackpool) before making any Order. The Order must identify the public space as a 'restricted area' and must prohibit specified activities being carried out in the restricted area (prohibitions), or require specified things to be done by persons carrying out specific activities in that area (requirements), or both.
- 5.8 Any prohibition or requirement 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.
- 5.9 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.
- 5.10 A Public Space Protection Orders 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.
- 5.11 The orders can be enforced by Police Officers, authorised PCSOs, Council Officers and other designated groups, including officers under the Community Safety Accreditation Scheme.
- 5.12 Before making the order the local authority must notify potentially affected people of the proposed order, inform those persons of how they can see a copy of the proposed order, notify them of how long they have to make representation, and consider any representations made.

- 5.13 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 visits that area.
- 5.14 As previously reported, the two Public Space Protection Orders sought are for the town centre and promenade, and the parks.
- 5.15 Town Centre and Promenade
It is proposed that the Council considers implementing a Public Space Protection Orders to cover the following anti-social behaviour, which will support the current efforts to clean up the town centre and promenade:

Street Drinking

Currently Blackpool has in place a Designated Public Place Order ("DPPO") in relation to street drinking. The Designated Public Place Order allows open alcohol containers to be seized but do not prevent drinking on the street. An offence is only committed if a person refuses to handover the alcohol.

According to the police, in 2013-14, of all assaults, domestic assaults, sexual offences and rape, 60% were alcohol related. Of particular note were assaults and domestic assaults with both crime categories featuring alcohol as a factor in over 60% of incidents. Arguably, this shows that people are much more likely to engage in violent behaviour when they are under the influence of alcohol, perhaps because their inhibitions are lower and their tolerance levels are reduced. Groups of people drinking in the street can provide an opportunity for violence to break out.

The police also believe that street drinking also causes anti-social behaviour issues with groups frequently congregating in particular areas such as car parks, in the town centre or on the promenade. These groups can often be intimidating to passers-by, may damage property that does not belong to them, or they may cause a litter nuisance or urinate in the street.

In attempting to change the negative perceptions of Blackpool, targeting street drinking may help reduce the visibility of stag and hen parties who carry inappropriate items or wear inappropriate clothes, reducing their impact on families with younger and children. Prohibiting people from drinking in the street would encourage them to remain inside bars and clubs where they are less likely to clash with non-drinkers.

Loitering Around Cash Machines/Shop Entrances (i.e. an extension of begging)

Groups of young people frequently tend to congregate around shop entrances, particularly those that sell alcohol and cigarettes such as Tesco Express, Co-Op etc. The majority of the people who the police come across in these specific locations are either begging or targeting vulnerable individuals who use the cash points. Similarly to the street drinkers, these groups can often cause anti-social behaviour such as litter nuisance, and can have a negative effect on businesses through intimidation of their customers.

Rag Mag Sellers / Purporting to be Collecting for a Charitable Cause

According to the police over the past 12 months, this area has proved difficult and often challenging to deal with. There are a significant number of individuals in the town centre and main arterial routes who constantly flout the law and often expose vulnerabilities in officer knowledge/skills. Whilst a lot of work has been undertaken to get on top of these individuals, the number of complaints received from both the public and the business premises continually grows. The main offenders are well organised and play one agency off against another. Offenders are often seen obstructing the highway, being aggressive in their approach to the public, refuse to take no for an answer and target vulnerable individuals.

The police have reported that last year, a well know respected military charity in the town centre has been targeted by sellers of wristbands (in connection with the armed forces). These have been by way of threats and damaging signs erected outside of premises warning the public of bogus collectors. Other areas in both Lancashire and the North West are being harassed by the wrist band sellers and this has resulted in concerns being raised to the Chief Constable.

Using legal highs

This is a growing area of concern according to the police. Whilst a Public Space Protection Order cannot apply to businesses in the area, it is possible to prevent use of these substances in public areas. People may be more likely to use a legal high when already under the influence of alcohol as perceptions are that they are not a 'hard' drug. Using legal highs at the same time as alcohol can often contribute to increasingly aggressive behaviours which may add to the levels of violence mentioned above. Legal highs are often difficult to Police because they are sometimes easily available as household items such as washing detergent. Use of legal highs may lead to increased accident and emergency admissions, and their consequences are resource intensive for Police and other agencies such as the nightsafe haven bus. Again, this may have a detrimental effect on the Blackpool economy due to a visitor having a bad experience in being a victim of violence or anti-social behaviour at the hands of somebody who is under the influence of a legal high.

Lucky charms / heather

This is a similar problem caused by the rag mag sellers as above. Visitors and residents can feel intimidated or harassed when being approached for money.

5.16 Parks /Recreation Grounds

The byelaws adopted by Blackpool Borough Council in 1974 mirrored the old Blackpool byelaws for parks which were adopted in 1875 and contain some archaic language such as: 'A person shall not in the pleasure ground beat, shake, sweep brush any .. drugget,' and another byelaw stipulates that people 'should not bring into parks cattle, goats, beasts of burden ...'.

It would be appropriate to modernise the provisions. It is proposed to consult on Public Space Protection Orders for these areas in relation to activities that are considered to meet the statutory conditions set out above as appropriate and this could be done in updated terms. A byelaw that prohibits, by the creation of an offence, an activity regulated by a public spaces protection order is of no effect in relation to the restricted area during the currency of the order.

The overall objective is to assist the authority in providing parks which offer a safe and friendly environment for the residents and visitors of the town.

5.17 Does the information submitted include any exempt information? No

5.18 **List of Appendices:**

None

6.0 Legal considerations:

6.1 Referred to in section 5 of this Report. Statutory Guidance has been issued: Reform of anti-social behaviour powers.

6.2 The process of implementing Public Space Protection Orders is being conducted through an appropriate and due process, with the Council's Legal Services team playing a central role.

7.0 Human Resources considerations:

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

8.0 Equalities considerations:

8.1 The consultation process will include an Equalities Impact Analysis. The introduction of Public Space Protection Orders will contribute to making Blackpool a safer place by promoting the message and enforcement of appropriate standard of conduct and behaviour.

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. There is also the cost of advertising the order.

10.0 Risk management considerations:

10.1 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.

11.0 Ethical considerations:

11.1 As outlined in the Background Information section.

12.0 Internal/ External Consultation undertaken:

12.1 It is proposed that town wide consultation will take place with relevant partners, the Police Crime Commissioner, residents, businesses and community groups.

13.0 Background papers:

13.1 Home Office website Guidance
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final__2_.pdf

Anti-social Behaviour and Policing Act 2014
<http://www.legislation.gov.uk/ukpga/2014/12/contents>

14.0 Key decision information:

14.1 Is this a key decision? No

14.2 If so, Forward Plan reference number:

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: N/A 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