

Notice of:	EXECUTIVE
Decision Number:	EX38/2015
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:	5 th October 2015

PUBLIC SPACE PROTECTION ORDER- TOWN CENTRE AND PROMENADE

1.0 Purpose of the report:

- 1.1 To agree to implement a Public Space Protection Order (PSPO) covering the Town Centre and Promenade. 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 as outlined at Appendix 2a and Appendix 2b, to the Executive report, in terms of the 'Restricted Area' (the Town Centre and the Promenade).

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:

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

5.0 Background Information

5.1 The Executive is reminded that on 26th January 2015, 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 will be considered later in the year.

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)
- Hounds Hill Shopping Centre
- Visit Blackpool
- Pubwatch
- Blackpool Business Improvement District members.

The Consultation sought views on:

- Street Drinking
- Loitering Around Cash Machines/Shop Entrances (i.e. an extension of begging)
- Rag Mag Sellers / Purporting to be Collecting for a Charitable Cause
- Using legal highs
- Lucky charms / heather
- Engaging youths in card tricks etc.

The public consultation ran from 11th June to 31st 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 Borough.

A total of **1,062 responses** were received to the consultation, consisting of:

- 750 face-to-face interviews
- 134 online responses
- 178 paper returns, which included 16 completed surveys from local businesses after paper copies were distributed via the Blackpool Business Improvement District partnership.

5.7 The response to the consultation:

73% of respondents to the consultation visit Blackpool town centre at least once a week and the majority of people (81%) go shopping when in the town

- The following three anti-social behaviours are considered to be a very or fairly big problem in Blackpool town centre and the Promenade by at least three in five respondents:
 - People loitering around cash machines and shop entrances (71%)
 - People drinking in the street (68%)
 - People selling joke books or magazines not for legitimate charities (63%) .
- People selling 'lucky charms' or heather (56%), people engaging others in card scams and tricks (41%) and people using or smoking legal highs in public (40%) are, relatively, less of a problem
- Comments suggest people are fed up and in some cases intimidated by 'drunks' and 'beggars'
- There is a strong level of agreement for all protection orders proposed for Blackpool town centre and the Promenade – 87% strongly or tend to agree that the Council should prohibit drinking in the street and loitering around cash machines and shop entrances
- Indeed, there was general support in the subsequent comments for strong enforcement action to tackle these anti-social behaviour issues in Blackpool.

Attached is the consultation report, at Appendix 2c, to the Executive report, which deals with the responses comprehensively.

The Order identifies a 'restricted area' (based on the new Business Improvement District area – shown at Appendix 2b) and prohibits specified activities (Appendix 2a, to the Executive report) being carried out in the restricted area (prohibitions).

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.

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.

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.

The Order can be enforced by Police Officers, authorised Police Community Support Officers, Council Officers and other designated groups, including officers under the Community Safety Accreditation Scheme.

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.

5.8 Does the information submitted include any exempt information? No

5.9 **List of Appendices:**

Appendix 2a - Draft Public Space Protection Order
Appendix 2b - Restricted Area Plan
Appendix 2c- Consultation Report

6.0 **Legal considerations:**

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

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 Consideration will be given to the cost of required new signage 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: 11/2015

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: 25th September 2015 Date approved: N/A

17.0 Declarations of interest (if applicable):

17.1 None

18.0 Executive decision:

18.1 The Executive agreed the recommendation as outlined above namely:

To approve the Public Space Protection Order as outlined at Appendix 2a and Appendix 2b, to the Executive report, in terms of the 'Restricted Area' (the Town Centre and the Promenade).

18.2 Date of Decision:

5th October 2015

19.0 Reason(s) for decision:

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

19.1 Date Decision published:

6th October 2015

20.0 Executive Members in attendance:

20.1 Councillor Blackburn, in the Chair

Councillors Collett, Jackson, Kirkland, Smith, I Taylor and Mrs Wright

Apologies were received from Councillor Cain who was engaged elsewhere on Council business.

21.0 Call-in:

21.1

22.0 Notes:

22.1