

Notice of:	EXECUTIVE
Decision Number:	EX1/2024
Relevant officer:	Lisa Arnold, Assistant Director Community and Environmental Services
Relevant Cabinet Member:	Councillor Paula Burdess, Cabinet Member for Community Safety, Streetscene and Neighbourhoods
Date of meeting:	22 January 2024

PUBLIC SPACE PROTECTION ORDER FOR GREEN SPACES, PARKS AND CEMETERIES

1.0 Purpose of the report:

1.1 To present the Blackpool Council Public Space Protection Order for Green Spaces, Parks and Cemeteries for approval.

2.0 Recommendation(s):

2.1 To approve the restrictions under a new Public Space Protection Order attached at Appendix 2b, to the Executive report, in Blackpool's Parks, Green Spaces and Cemeteries with effect from 1 February 2024.

2.2 Subject to approval of 2.1 above, to authorise the Head of Legal Services to seal the Order.

3.0 Reason for recommendation(s):

3.1 To give increased enforcement options to officers of the local authority and Police to deal with nuisance and anti-social behaviour in parks, green spaces and cemeteries across Blackpool.

The proposed Public Space Protection Order would restrict

- Dogs off leads near council owned water bodies of Blackpool
- Illegal or unauthorised camping including the use of tents/caravans
- People causing harassment, alarm, distress or vandalism
- People causing anti-social behaviour
- Substance and alcohol misuse

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

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

4.0 Other alternative options to be considered:

4.1 To not support the content of the proposed PSPO, reducing the enforcement options available to both Lancashire Police and local authority officers in dealing with nuisance and antisocial behaviour.

5.0 Council priority:

5.1 The relevant Council priority is:

- 'The economy: Maximising growth and opportunity across Blackpool'
- 'Communities: Creating stronger communities and increasing resilience'

6.0 Background and key information:

6.1 Public Spaces Protection Orders (PSPOs) are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area, which apply to everyone. They are intended to help ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

6.2 Local councils are responsible for making PSPOs. Given that these orders restrict what people can do and how they behave in public spaces, it is important that the restrictions imposed are focused on specific behaviours and are proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.

6.3 Across Blackpool, a number of different PSPOs are in operation to tackle anti-social behaviour locally.

6.4 Public consultation regarding the proposed PSPO was undertaken by Infusion Research from the 19th June 2023 – 28th August 2023 running for a total of 10 weeks.

6.5 This consultation offered an opportunity for visitors to Blackpool's parks, green spaces and cemeteries to tell the Council about their experiences and concerns whilst visiting these areas allowing the Council to review the current controls in place and to determine whether or not a PSPO should be considered.

6.6 A total of 1,483 responses were received to this consultation. 1,440 responses were collected through an open access online survey, 41 responses collated from face-to-face engagement work in Stanley Park and 2 email responses were sent into Blackpool Council. Furthermore, initial consultation has taken place with the Police, via the Chief Inspector for the Blackpool area and formal consultation with Lancashire Constabulary and other statutory consultees, including but not limited to, National Probation Service (NPS), Lancashire Fire and Rescue, Integrated Care Board (ICB) and the Office of the Police Crime Commissioner will take place with the final proposed draft, prior to implementation. A copy of the full public consultation report can be found at Appendix 2a, to the Executive report. A summary of the findings is outlined below.

6.7 The consultation found the following proportions of respondents in agreement with the proposed introduction of the protection orders. The table below includes those respondents who said they ‘strongly agreed’ and ‘tended to agree’ with each proposal:

Parks and green spaces	% of agreement
To give police and council officers powers to deal with anti-social behaviour, including alcohol-related anti-social behaviour	97.8%
To give police and council officers powers to deal with substance misuse, including use of cannabis	95.8%
To give police and council officers powers to deal with unauthorised vehicles driving within the area	94.3%
Commercial activities such as group fitness training; commercial dog walking and training or exercising of horses/ponies to be regulated by the local authority	65.8%
The use of remote controlled water, air or land based vehicles to be banned	58.6%
Illegal or unauthorised camping including the use of tents/caravans and other vehicles to be banned	83%
Dogs on leads near council owned water bodies in Blackpool	82.8%

Cemeteries	% of agreement
To give police and council officers powers to deal with anti-social behaviour, including alcohol-related anti-social behaviour	97.7%
To give police and council officers powers to deal with substance misuse, including use of cannabis	96.5%
To give police and council officers powers to deal with unauthorised vehicles driving within the area	94.8%

* responses from those who chose the ‘don’t know/no opinion’ were omitted from the calculations

6.8 Almost 1,000 people who responded to the consultation, stated that they had personal experience of the issues they had highlighted. Another 300 said they had heard about the issues that they were highlighting from neighbours, friends, family and the media.

- 6.9 The problem of most concern which was reported by respondents was 'dogs off-lead focusing on the impact to wildlife'. Comments from a significant proportion of respondents have asked for better enforcement including CCTV, more park wardens and a better police presence.
- 6.10 Following results of the public consultation, the proposals are to include additional powers to deal with the following via one PSPO that covers all areas:
- Dogs off leads near council owned water bodies of Blackpool
 - Illegal or unauthorised camping including the use of tents/caravans and other vehicles
 - People causing harassment, alarm, distress or vandalism
 - People causing anti-social behaviour
 - Substance and alcohol misuse
 - Unauthorised vehicles driving within the area
- 6.11 The proposals do not include regulation or enforcement regarding the use of remote controlled vehicles or commercial activities due to the lack of support for this, as outlined within the public consultation.
- 6.12 Following consideration of the issue by the Climate Change and Environment Scrutiny Committee, the Public Space Protection Order (Appendix 2b, to the Executive report) has been drafted by Blackpool Council's Legal Department and shared with partners for comment prior to being presented to this meeting of the Executive for approval, before implementation from the 1 February 2024.
- 6.13 The proposals will cover the parks, green spaces and cemeteries outlined in the draft Public Space Protection Order. Signage would be erected in these locations to inform the public of the PSPO relevant to that area. Additional signage would be placed at key points along the waterbody perimeters to ensure dog walkers are aware of the 'dogs on leads' restriction within these areas.
- 6.14 Does the information submitted include any exempt information? No

7.0 List of appendices:

- 7.1 Appendix 2a – PSPO Consultation Report;
7.2 Appendix 2b – Draft PSPO

8.0 Financial considerations:

8.1 Finance is available within existing budgets for the installation of appropriate signage. No additional resources are available to carry out additional enforcement, however frontline officers across the Council and police would be given these additional powers as part of their existing roles.

9.0 Legal considerations:

9.1 The Anti-social Behaviour, Crime and Policing Act 2014 provides a broad legal framework within which PSPOs can be implemented. Orders can be introduced in a specific public area where the local authority is satisfied on reasonable grounds that certain conditions have been met.

10.0 Risk management considerations:

10.1 Not applicable.

11.0 Equalities considerations and the impact of this decision for our children and young people:

11.1 A separate process is in place whereby any proposed enforcement action against a Blackpool child or young person is reviewed by a multi-agency panel chaired by the Assistant Director of Children's Services to ensure a proportionate response is taken

12.0 Sustainability, climate change and environmental considerations:

12.1 Not applicable.

13.0 Internal/external consultation undertaken:

13.1 Significant consultation has been undertaken with members of the public as outlined within the report. Furthermore, consultation will take place with our partners including Lancashire Constabulary, Lancashire Fire and Rescue, Integrated care board and probation before implementation. A total of 1,483 responses were received to this consultation. 1,440 responses were collected through an open access online survey, 41 responses collated from face-to-face engagement work in Stanley Park and 2 email responses were sent into Blackpool Council. Furthermore, initial consultation has taken place with the Police, via the Chief Inspector for the Blackpool area and formal consultation with Lancashire Constabulary and other statutory consultees, including but not limited to, National Probation Service (NPS), Lancashire Fire and Rescue, Integrated Care Board (ICB) and the Office of the Police Crime Commissioner will take place with the final proposed draft, prior to implementation. This consultation confirmed that the implementation should go ahead and no further changes to the proposed PSPO were required.

14.0 Background papers:

14.1 None.

15.0 Key decision information:

15.1 Is this a key decision? Yes

15.2 If so, Forward Plan reference number: 31/2023

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

15.4 If **yes**, please describe the reason for urgency:

16.0 Call-in information:

16.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

16.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

17.0 Scrutiny Committee Chair consultation (where appropriate)

Date informed: 12 January 2024

Date approved:

18.0 Declarations of interest (if applicable):

18.1 None.

19.0 Summary of Discussion:

19.1 Ms Lisa Arnold, Assistant Director for Community and Environmental Services, presented the report to the Executive. Ms Arnold outlined that the proposed PSPO would provide the power to take action on behaviours outlined at paragraph 3.1 of the report which impacted on other uses of Green Spaces, Parks and Cemeteries. The proposals were proportionate and the broad principles had been supported in the public consultation exercise.

The Executive expressed broad support for the principles behind the Public Space Protection Order and the need to ensure Parks, Green Spaces and Cemeteries were accessible to all communities and that local authority enforcement and Police the tools to deal with nuisance and anti-social behaviour. The Executive noted the need to ensure that those visiting cemeteries were not impacted by such behaviours.

20.0 Executive decision:

20.1 The Executive agreed the recommendations as outlined above namely:

1. To approve the restrictions under a new Public Space Protection Order attached at Appendix 2b, to the Executive report, in Blackpool's Parks, Green Spaces and Cemeteries with effect from 1 February 2024.
2. To authorise the Head of Legal Services to seal the Order.

21.0 Date of decision:

21.1 22 January 2024

22.0 Reason(s) for decision:

22.1 To give increased enforcement options to officers of the local authority and Police to deal with nuisance and anti-social behaviour in parks, green spaces and cemeteries across Blackpool.

The proposed Public Space Protection Order would restrict

- Dogs off leads near council owned water bodies of Blackpool
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- People causing anti-social behaviour
- Substance and alcohol misuse

23.0 Date decision published:

23.1 23 January 2024

24.0 Alternative Options Considered and Rejected:

24.1 The Executive noted that it could choose to agree to not support the content of the proposed PSPO, but that this option would not be desirable as it would reduce the enforcement options available to both Lancashire Police and local authority officers in dealing with nuisance and anti-social behaviour.

25.0 Executive Members in attendance:

25.1 Councillor Williams, in the Chair

Councillors Benson, N Brookes, Burdess, Farrell, Hugo, M Smith and Taylor

Apologies were received from Councillor Hobson, who was elsewhere on official Council business.

26.0 Call-in information:

26.1

27.0 Notes:

27.1 The following Non-Executive Members were in attendance: Councillors Hunter, Marshall and M Scott.