


Burnley Town Centre Public Space Protection Order

REPORT TO EXECUTIVE

	DATE	21/09/2022
	PORTFOLIO	Community & Environmental Services
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PURPOSE:

- 1. To seek approval to extend the Public Spaces Protection Order (PSPO) for the Town Centre in accordance with the current legislation (s60 Anti-Social Behaviour, Crime and Policing Act 2014).

RECOMMENDATION:

- 2. That authority is granted;
 - (1) To renew the Public Space Protection Order (PSPO) for Burnley Town Centre (as outlined in Appendix 1 Map of PSPO area.
 - (2) To implement the Order attached at Appendix 2.
 - (3) In agreement with the Public Space Protection Order powers to enable Officers to undertake any required enforcement in accordance with legislative powers.

REASONS FOR RECOMMENDATION:

- 3.1 The existing Order has been in place since the 9th November 2019 and as outlined in the Act has a duration of 3 years, at which point it must be reviewed.
- 3.2 Key Stakeholder consultation has been undertaken during August 2022 with residents, town centre business and community partners. The Consultation has determined that there is support for the continuation of the Order and, to maintain the prohibitions as ascribed in the original Order. These Conditions have been deemed relevant by key stakeholders to be retained for the town centre.
- 3.3 It has also been established, through this process of review and consultation, that there was opportunity and need to extend the range of the current order to

address issues relating to the night-time economy. This will provide officers with increased tools to deal with alcohol and substance fuelled anti-social behaviour in the town centre.

SUMMARY OF KEY POINTS

4 Background:

The Police, Crime and Anti-Social Behaviour Act 2014 provided Local Authorities with the power to tackle anti-social behaviour using Public Space Protection Orders. On 9th November 2019, following consultation with residents and businesses, Burnley Council established a Public Space Protection Order to tackle problems affecting the town centre. Under the conditions of this Order the issues addressed were:

- Town Centre begging
- Unsolicited charity collection and face to face sales.
- Misuse of bicycles and skateboards
- Urinating and defecating in a public space
- Unaccompanied under 16's in the town centre after 11pm

Under the terms of the legislation the term of an order is 3 years, after which point it must be renewed to stay in effect.

5 Use and Enforcement

Since the renewal of the order in November 2019, its impact has been affected by the nature of the Covid 19 lockdown. As life has returned to normal in the town centre the challenges addressed by the PSPO have too.

In early 2022 the Order was used in conjunction with serious ASB in the town centre with the use of prohibitions relating to the misuse of bicycles and unaccompanied young people in the town centre.

The order has, in conjunction with intensive work from outreach agencies, also formed part of a push to reduce begging in the town centre. Individuals were identified and engaged with by outreach officers and offered assistance and access to services. Of over 15 individuals spoken to over a 3 month period all bar 2 engaged with services or stopped begging. 2 prosecutions are being processed where engagement has failed and activity has persisted.

The prohibition that deals with the management of face to face sales and charity collections has been effectively used to deal bogus charity collectors.

With the renewal and expansion of the PSPO Council Officers are working with Police to improve understanding of the powers available and the protocols in place. Work will be undertaken to ensure those powers that will benefit officers working in the night-time economy are fully utilised.

6 Existing Prohibitions:

Town Centre Begging remains a priority for town centre partners and is dealt with through an established multi-service Town Centre Offender Panel that looks at individuals from both an engagement and enforcement perspective. The Public Space Protection Order provides a valuable enforcement route / tool in managing these individuals when engagement options are unsuccessful. The power has been successfully used to disrupt the activity of town centre beggars as well as providing background to Criminal Behaviour Orders for the most persistent offenders.

Unsolicited charity collections and persistent face to face sales are an issue that results in regular complaints to the Council. This power can be used to manage both charities and companies there with permission, and those without. The Council has developed a town centre user code of conduct for charity collectors and face to face sales. This prohibition will form the enforcement tool to ensure the code of conduct is adhered to.

A common feature of anti-social behaviour committed in the town centre is the use of bicycles in an anti-social way. The power has been used by police to seize bicycles used in this way and work with parents to address this behaviour. The issue remains a concern to residents and one that affects the way people feel in the shared space of the pedestrianised zone.

People defecating or urinating in public is an issue that affects both the night-time economy and in areas associated with rough sleeping. Complaints are received from businesses that are affected by this activity taking place near their premises.

Unaccompanied under-16s in the town centre after 11pm. Burnley has a busy night-time economy that has a range of pressures for the police to deal with. In a time when safeguarding concerns surround such issues as child sexual exploitation and alcohol related problems this condition aims to reduce the vulnerability of young people in this environment.

7 New Prohibitions

In 2020 the borough-wide Designated Public Place Order, which provided designated officers the powers to deal with alcohol, expired. By including the prohibition managing the consumption of alcohol on the street these powers will be reintroduced within the confines of the town centre where the vast majority of alcohol related disorder occurs.

As with alcohol, a feature of ASB related to the town centre's night-time economy is often its connection to the misuse of other intoxicating substances. The use of nitrous oxide has been identified as of particular concern to night-time economies across the country.

The council receives complaints, both as part of the daytime and night-time economies about the use of amplifiers in the town centre. This can be either using portable amplification systems, or from cars.

Street trading, especially that under a pedlars licence can be difficult to manage and generates complaints to the Council. As with the charity collections, such activities will be subject to the Council's Town Centre Code of Conduct.

There has been a small increase to the area covered by the prohibition, to include areas on Trafalgar Street, Manchester Road Train Station, and the current cinema site.

8 Consultation

As part of the process to extend the Public Space Protection Order, Burnley Council has consulted with a wide range of stakeholders. Agencies, retailers and residents have been consulted on their support for the Order, and for their views on the appropriateness of potential conditions within the Order.

9 Future Use

Through the local community safety networks and the MATAC meeting there is strong coordination between agencies and businesses. The Order will continue to provide a structure for enforcing against recognised town centre nuisances with its increased effectiveness based on improved communication. The establishment of the BID (Business Improvement District) has further improved the existing structures in place such as the Town Centre Offender Panel, an improved Town Centre Code of Conduct, and a dedicated multi-agency officer working group dedicated to the night-time economy. Monitoring of the Order will be undertaken by the MATAC to ensure effectiveness.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION:

10 Both the Council and the Police can enforce these powers within existing resources. The existing signage will be replaced to reflect updated order.

POLICY IMPLICATIONS

11 N/A

DETAILS OF CONSULTATION:

12 Details of consultees:

- Residents via the Council Website
- Burnley Improvement District
- Burnley Community Safety Partners

BACKGROUND PAPERS

13 N/A

FURTHER INFORMATION

PLEASE CONTACT:

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ALSO:

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