

# **Report title: Rochdale Town Centre Public Spaces Protection Order Renewal 2024**

**Report to:** Cabinet members

**Date of meeting:** 28th May 2024

**Cabinet Portfolio Holder:** Janet Emsley

**Report of:** Charles Cordingley

**Public or private:** Public

**Key Decision?** Yes

**Published on the Forward Plan:** Yes

## **Report summary**

1.1 The Anti-Social Behaviour, Crime and Policing Act 2014 introduced a number of tools and powers for use by Councils, and partners, to address anti-social behaviour (ASB) in their respective areas. Public Spaces Protection Orders (PSPOs) are one of these tools.

1.2 The Act gives Councils the authority to implement Public Spaces Protection Orders (PSPOs) in response to the particular issues affecting their communities, provided certain criteria and legal tests are met.

* 1. A Public Spaces Protection Order (PSPO) was approved and implemented in Rochdale town centre in 2017, to address a number of behaviours which the council felt needed controlling. This PSPO was then varied and extended in 2021.

1.4 The Act gives Councils the authority to implement Public Spaces Protection Orders (PSPOs) in response to the particular issues affecting their communities, provided certain criteria and legal tests are met.

1.5 The current restrictions of the town centre Public Spaces Protection Order (PSPO) prohibit the following:

* Drinking alcohol on the street.
* Driving or using a car in an antisocial manner.
* Obstructing the highway or loitering.
* Begging on the street in a way that is likely to cause intimidation or harassment.
* Using a bicycle, scooter or other wheeled vehicles in a way that may cause nuisance, alarm or distress.
* Commercial and charity collections and soliciting for money in the street.

1.6 It is proposed that should an extension be granted, the above prohibitions will stay the same, with the exception of the removal of the alcohol prohibition as this is included in the proposed **borough wide** PSPO, which is currently at consultation stage. The detailed prohibitions along with proposed changes can be seen in **appendix 1, section 1.**

1. **Recommendations**

2.1 Members are asked to approve the proposed extension and variation to the Rochdale town centre Public Spaces Protection Order, as per the draft Order in **appendix 1, section 2.**

2.2 Members are asked to approve the commencement of a public consultation for a period of 2 weeks, to begin as soon as possible.

2.3 Members should also note that a further report will be produced following the outcome of the public consultation and full Equality Impact Assessment (EIA) to help inform the final decision.

1. **Reason for recommendation**

3.1 Tackling anti-social behaviour within Rochdale town centre is a key priority of the Council’s Community Safety team. The recommendation to extend the current PSPO will ensure Greater Manchester Police and Rochdale Borough Council officers retain additional powers to ensure repercussions for those who are found to be in breach.

3.2 The order currently provides reassurance to the public that action is able to be taken to tackle these issues should they arise at any point. The existing order works well, giving officers additional powers to enforce upon problematic individuals found to be in breach, whilst also providing a strong deterrent for anti-social behaviour. The order is well publicised across the area and the majority of regular visitors are aware of it being in place. The current staged re-opening of the town hall is expected to generate a significantly higher number of visitors to the town centre over coming months, which could contribute to an increase of Anti-social behaviour. This is a further reason that it is felt an extension to the order is required.

3.3 There are a number of enforcement options currently utilised by officers in relation to the PSPO. Upon first contact with an individual, a warning is issued should somebody be found to be in breach. Should further action be needed, a Fixed Penalty notice (FPN), Community Protection Notice Warning (CPNW) or Community Protection Notice (CPN) could be issued. For more serious offenders, action is considered up to a Civil Injunction or Criminal Behaviour Order (CBO).

3.4 It is not always suitable in some instances to issue a fixed penalty notice to some individuals who breach the PSPO, this could be due to a number of reasons. For example, officers will not issue an FPN to anybody that is of no fixed abode or is deemed to be vulnerable, because of this, in the vast majority of occasions it is deemed more suitable for officers to utilise their power of the Community Protection Notice Warning (CPNW) in relation to breaches of the PSPO.

3.5 On some occasions, the threat of receiving a fine is enough for somebody to move on and cease acting in an anti-social manner. Officers within Community Safety routinely carry a fixed penalty notice machine whilst patrolling within the town centre which is visible to members of the public, demonstrating that the powers can be used should they need to be.

3.6 A copy of the signage displayed for the current order can be found in **appendix 1, Section 3.** The signs clearly outline what the prohibitions are along with the area in which they are enforceable. Please note that a revised sign will be completed should it be agreed to vary and extend the current order due to the removal of the alcohol prohibition.

3.7 A recent review of Greater Manchester Police Data in relation to Begging across Rochdale town centre, revealed 65 reports of begging were recorded between July 2021 and March 2024. This is alongside 76 reported incidents of begging recorded by the Community Safety team within the same period. A full breakdown of all incidents in relation to breaches of the PSPO can be seen in **appendix 1, section 4.**

3.8 The table seen within **appendix 1, Section 5** shows the statistics around each enforcement power utilised by the Council’s Community Safety team within the town centre since the PSPO was extended in July 2021, until March 2024.

3.9 In the first instance when coming across an individual in breach of the PSPO, advice is passed by officers which mostly results in the behaviour being rectified straight away. It is only if the behaviour is persistent that extra enforcement work is carried out. Should the behaviour persist past this warning, the general enforcement route for officers can be seen in **appendix 1, section 6.**

3.10 Beyond the first warning stage, it has only been necessary to take it to the next stage of a Community Protection Notice Warning Notice on 19 occasions within the time frame specified, and officers have only had to take it beyond that on a further 6 occasions to a Community Protection Notice. Only on one occasion has further formal action been suitable, when a Criminal Behaviour Order has been deemed necessary for being in breach of the PSPO, which is currently being worked on by officers in the Community Safety team.

3.11 These figures demonstrate that although formal powers are able to be used when needed, the PSPO is mostly a preventative tool which is utilised by officers to positively engage with individuals in breach, which mostly results in an immediate cease in the behaviour being displayed.

3.12 The council adopts an engagement approach to dealing with the offences under the PSPO. This includes referring individuals breaching certain restrictions to support services such as Turning Point and Petrus should it be deemed necessary. Should any enforcement action be taken at any point, the process is also complimented with this action.

3.13 Discretion is applied in some occasions when officers deal with individuals breaching the PSPO. For example when somebody is found to be in breach, should the individual not have known that the PSPO is in place, the officer will explain the prohibitions and request that the individual ceases the behaviour they are engaging in and that they move on.

3.14 In addition to this support, the Council’s Community Safety team commissions an outreach worker from the charitable organisation Petrus. The Rochdale based charity provides support services to those who are homeless or in need. Both Community Safety Officers and the Petrus outreach worker feed into a meeting held every three weeks, which is designed to discuss incidents which occur within the town centres and ensure vital information is shared between services. The model in **appendix 1, section 7,** illustrates how the two roles integrate amongst other services across the borough.

3.15 A lack of Rochdale Borough Council statistics for the vehicle/wheeled conveyance prohibitions and the commercial/charity collection prohibitions, is due to officers adopting an engagement approach to these matters and applying discretion when dealing with those found in breach. As a result of this, matters don’t go past the first warning stage and therefore no details are taken for this to be recorded. The PSPO is only utilised as a preventative measure in regards to these matters.

3.16 In a recent survey undertaken by the Rochdale Business Improvement District across businesses within the town centre, data showed that 82% of people who responded thought that there was a problem with begging and rough sleeping in the borough. 48% of responses mentioned that ‘crime and general safety’ was generally poor within Rochdale town centre.

## **Alternatives considered**

4.1 The following alternative options are available for members to consider

* Members could decide to discharge the PSPO in its entirety and let it lapse on the 22nd July 2024.
* Members could agree to commencing the process to decide whether the existing PSPO should be extended, with the changes proposed, subject to the necessary consultation, EIA and legal thresholds being met;

## **Key information**

5.1 The Rochdale town centre PSPO is enforced by staff members based within the Community Safety & Resilience Service. This function forms one part of a number of wider responsibilities of their role whilst also being responsible for individual township areas.

5.2 Officers adopt an engagement approach to dealing with the PSPO within the town centre and conduct regular patrols during the working week to ensure any breaches are monitored and dealt with accordingly.

1. **Finance**

6.1 Section 66 of the Anti-social Behaviour, Crime and Policing Act 2014 (ASBCPA) allows for PSPOs to be challenged via a statutory appeal by an ‘interested person’.

6.2 Such a challenge will be heard in the High Court and will likely result in the Council incurring additional legal costs.

6.3 Another cost of the implementation of this order will be the production of signage. Should the PSPO be varied and extended, existing signage will need to be swapped to reflect the changes to the current prohibitions. The signage includes large A3 signs and smaller A4 signs which are currently displayed across the town centre.

6.4 Any financial implications that arise will be contained within existing budget resources as previous, however this will be monitored and any budget pressures which arise will be reported at the earliest opportunity.

6.5 Rochdale Borough Council and Greater Manchester Police can issue fines in relation to a Public Spaces Protection Order, to the monetary value of £100. This money is collected and returned to the council upon payment.

## **Legal**

7.1 The legal test for making a PSPO is detailed in section 59 the Anti-social Behaviour, Crime and Policing Act 2014, which states that a local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met:

1. The first condition is that—

(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.

2. The second condition is 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.

7.2 The legislation provides for restrictions to be placed on behaviour that apply to everyone in that locality, provided it is reasonable to impose them to prevent the detrimental effect from continuing, occurring or recurring, or reduce the detrimental impact or the risk of its continuance, occurrence or recurrence. Breach of a Public Space Protection Order (PSPO) without a reasonable excuse is an offence.

7.3 These provisions also apply to extension and variation of orders.

7.4 In deciding whether to make a PSPO, a local authority must consult with the police, community representatives and the owners of any land within the restricted area, as per section 72 of the Act.

7.5 The planned public consultation on this matter is set to run from 29th May 2024 until 12th June 2024, a period of 2 weeks. The reason for the 2 week consultation is to ensure the PSPO can be renewed before it expires on the 22nd July. This consultation period is in line with the statutory guidance for frontline professionals (Chapter 2.5).

7.6 A local authority must also have regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention – as detailed in section 21(1) of the Human Rights Act 1998.

7.7 Section 66 of the Anti-social Behaviour, Crime and Policing Act 2014 (ASBCPA) allows for PSPOs to be challenged via a statutory appeal by an ‘interested person’; a person living in, working in or regularly visiting the area.

7.8 The grounds for such a challenge can be: (a) that the local authority did not have power to make the order, or to include particular prohibitions or requirements imposed by the order; or (b) that a requirement under the statute was not complied with in relation to the order.

7.9 A comprehensive Equality Impact Assessment (EIA) will be updated, following the findings of the consultation exercise.

## **Human resource**

8.1 There are no human resource implications in relation to the proposed extension of the PSPO. Enforcement of the order will be carried out within existing staffing allocation.

**9. Sustainability impact**

9.1 The Council has undertaken a sustainability initial screening exercise concerning each prohibition of the current PSPO. This exercise has identified that there is a potential differential impact for people within some of the protected characteristic groups. It is recognised that there may be an overall positive impact for certain protected characteristic groups however a negative impact on others.

##  **Other considerations (corporate priorities, risks)**

10.1 The consultation will be published on the Council’s webpage, it is also proposed that groups of individuals within the town centre will be approached for their comments through actively engaging in the area, which includes approaching all businesses face to face. Consultation will also take place with charitable organisations and other groups which have an interest in Rochdale town centre. Consultation questions can be seen within **appendix 2.**

10.2 So far, consultation has taken place with Councillor Janet Emsley who is the portfolio holder for Community Safety who are leading on this piece of work. Councillor Emsley is in full support of this being brought before cabinet.

10.3 Consultation has also taken place with the director of Public Health and Communities Kuiama Thompson as well as the Chief inspector for neighbourhoods Jennifer Partington.