

# **Report title: Borough Wide Public Spaces Protection Order 2024**

**Report to:** Cabinet members

**Date of meeting:** 19th March 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. Councils can use Public Spaces Protection Orders (PSPOs) to prohibit specified activities, and/or require certain things to be done by people engaged in particular activities, within a defined public area. PSPOs differ from other tools introduced under the Act as they are council-led, and rather than targeting specific individuals or properties, they focus on the identified problem behaviour in a specific location.

1.4 The suggested restrictions of this Public Spaces Protection Order (PSPO) are to prohibit the following:

* **Consumption of alcohol in public areas, away from licensed premises**
* **Use of mechanically propelled vehicles**

1.5 It is proposed that the PSPO is borough wide as shown in **appendix 1**, **section 1.**

1. **Recommendations**

2.1 Members are asked to approve the proposed Public Spaces Protection Order, as per the draft in **appendix 1, section 2.**

2.2 Members are asked to approve the commencement of a public consultation for a period of 12 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 Following a recent review of Police ASB data in relation to off road bikes, there is a wide spread issue across the borough. The table of statistics in **appendix 2, section 1**, breaks down the reported incidents from each area/ township across the borough.

3.2 The nuisance that is caused by mechanically propelled vehicles varies, however the loud noises that these vehicles generate is probably the most aggravating factor that we have seen across reports. Another recurring issue is the damage that these vehicles cause to public land. Often, we are made aware of paths and parks that are no longer able to be used as intended due to the damage that they have caused. These issues demonstrate the detrimental effect that this behaviour can have on people’s quality of life.

3.3 There have been a total of 326 reported incidents recorded between January 2023 and December 2023 relating to nuisance from mechanically propelled/off road vehicles, as in addition to the 310 different incidents recorded by the Police, Rochdale Borough Councils Community Safety team received 16 additional reports which have been recorded on Community Safety’s case management system REACT. An example of a report that has been received by the council can be seen in **appendix 2, section 2.**

3.4 The bar chart captured in **appendix 2, section 3**, demonstrates that although usage of off road motor vehicles does increase significantly in the summer months, it is a problem throughout the whole year, with consistently high numbers of reports month on month.

3.5 The bar chart that can be seen in **appendix 2, section 4**, illustrates the most popular times of day nuisance from off road vehicles is generally reported, with it significantly increasing from around 15:00 – 20:00.

3.6 The statistics seen in **appendix 2, section 5,** details any incident recorded across the Rochdale Borough involving alcohol from January 2023 through to December 2023. For the incident to have been included in the statistics, it would have had to be recorded as ‘Anti-social’ upon closure meaning other incidents involving alcohol, such as domestic incidents, may not be included, even if they took place in the public domain.

3.7 A pie chart seen within **appendix 2, section 6**, shows that a significantly large proportion of the incidents were recorded in Rochdale North. There are however still a significant number of incidents recorded across the other 4 townships, demonstrating the need for this order to be made borough wide. The significant increase in reporting within Rochdale North is down to this area incorporating Rochdale town centre which holds a significantly larger night time economy.

3.8 The boroughs of Rossendale and Oldham, which border the Rochdale borough to the north and south east, have successfully implemented Public Spaces Protection Orders with alcohol and mechanically propelled vehicle prohibitions which are now being proposed by ourselves. A map detailing the areas covered by these PSPOs can be seen within **appendix 2, section 7.**

3.9 The council intends to adopt an engagement approach to dealing with certain offences under the PSPO. This will include referring individuals breaching the alcohol restriction to support services such as Turning Point and Petrus should it be deemed necessary.

## **Alternatives considered**

4.1 The following alternative options are available for members to consider

* Members could decide not to proceed with the PSPO in its entirety.
* Members could agree to proceed with a select number of the proposed prohibitions.

4.2 Other powers that are available to the council and police to enforce on anti-social behaviour relating to the proposed prohibitions have been considered however these are not seen as being as effective as what the proposed PSPO would be. Community protection notices could be issued to perpetrators of the ASB however this is not a quick solution as they can take a lengthy time to process and are time consuming to manage. Civil injunctions are also a tool which are able to be utilised however these are also a lengthy process to obtain given the council has to provide substantial evidence and attend court. Both of these which have been considered also fail to provide a real deterrent due to a lack of public knowledge around their existence, whereas the PSPO will be heavily publicised through signs, meaning more people are likely to take notice. The alternatives considered are also not targeted towards a certain group of people and are not blanket across the borough.

## **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 from the Community Safety team will be able to enforce the proposed borough wide PSPO should they be in a position to however this will mainly be within their normal tours of duty.

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 an order be made, adequate signage will need to be displayed across the borough to ensure members of the public are aware that it is in place. Signage will most likely include large signs for areas such as moorland and vast open spaces and smaller signs for places such as Rochdale town centre or residential areas.

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 Both 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 will be collected and returned to the council upon payment.

## **Legal**

7.1 The power to make a PSPO is detailed in section 59 the Anti-social Behaviour, Crime and Policing Act 2014.

7.2 The legislation provides for restrictions to be placed on behaviour that apply to everyone in that locality. Breach of a Public Space Protection Order (PSPO) without a reasonable excuse is an offence.

7.3 Orders can be introduced in a specific public area where the local authority is satisfied on reasonable grounds that activities carried out in a public place or witihin the authority’s area have had a detrimental effect on the quality of life of those in the locality and the effect is likely to be persistent or continuing in nature

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 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.

7.6 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.

7.7 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.

7.8 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 PSPO. Enforcement of the order will be carried out within existing staffing with support from Greater Manchester Police.

**9. Sustainability impact**

9.1 The Council has undertaken a sustainability initial screening exercise concerning both prohibitions of the proposed Public Space Protection Order. 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 RBC webpage, it is also proposed that area forums across the borough, leisure clubs and other groups of individuals will be approached for their comments. Consultation questions can be seen within **appendix 3.**

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 district commander for GMP Rochdale, Danny Inglis.