

Report to Cabinet



Date of Meeting	March 2021
Portfolio	Cabinet Member for a Safer and Inclusive Community
Report Author	Safer Communities Manager
Public/Private Document	Public

Rochdale Town Centre Public Space Protection Order

Executive 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 Space Protection Orders (PSPOs) are one of these tools.
- 1.2 The Act gives Councils the authority to implement Public Space Protection Orders (PSPOs) in response to the particular issues affecting their communities, provided certain criteria and legal tests are met.
- 1.3 Councils can use Public Space 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 legislation provides for restrictions to be placed on behaviour that apply to everyone in that locality, with the possible use of exemptions. Breach of a Public Space Protection Order (PSPO) without a reasonable excuse is an offence.
- 1.5 Orders can be introduced in a specific public area where the local authority is satisfied on reasonable grounds that certain conditions have been met. This being that behaviour being restricted:
 - has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
 - is, or is likely to be, persistent or continuing in nature;
 - is, or is likely to be, unreasonable; and
 - justifies the restrictions imposed.

- 1.6 On the 23 July 2018, Rochdale Borough Council introduced the 'Rochdale Town Centre Public Spaces Protection Order 2018' following a public consultation. The Order remains in force for three years subject to any variation or extension of the Order. A copy of the Order is attached as **Appendix 1**.
- 1.7 A copy of the restricted area for this PSPO can be found in **Appendix 2**.
- 1.8 Members are asked to approve the commencement of the process to extend and vary the existing Rochdale Town Centre Public Spaces Protection Order.
- 1.9 Subject to a public consultation and the undertaking of an Equality Impact Assessment (EIA), it is proposed that the restrictions of the current PSPO will be extended for an additional three years and varied.
- 1.10 The proposed variations to the Rochdale Town Centre Public Spaces Protection Order can be found in **Appendix 3**. Please note: it is proposed that the PSPO restricted area remains unchanged and therefore will remain as illustrated in Appendix 2.
- 1.11 A further report will be produced for Members following the undertaking of the public consultation and full Equality Impact Assessment (EIA) to help inform the final decision as to approve the proposed extension and variation, or not.

Recommendation

- 2.1 Members are asked to approve the commencement of the process to extend and vary the Rochdale Town Centre Public Spaces Protection Order 2018. This will include the following:
- Ensuring the Council is satisfied that the criteria for an extension and a variation has been met;
 - The undertaking of a public consultation;
 - The undertaking of an Equality Impact Assessment (EIA);
 - A further report being submitted to Members to help inform the final decision as to approve the extension and variation or not.
- 2.2 Alternative recommendations:
- Members could agree to commencing the process to decide whether the existing PSPO should be extended, with the restrictions remaining unchanged, subject to the necessary consultation, EIA and legal thresholds being met;
 - Members could agree to discharge the PSPO or let the current PSPO lapse following the 23 July 2021.

Reason for Recommendation

- 3.1 Public Space 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 (ASB).
- 3.2 A Public Space Protection Order (PSPO) can be made for a maximum duration of up to three years. After which it may be extended if certain criteria under section 60 of the Act are met. This includes that the extension is necessary to prevent activity reoccurring and/or there has been an increase in frequency or seriousness of the activity.
- 3.3 A prohibition or requirement of a PSPO can also be altered, removed or a new one added. Under Section 61(1)(b) of the Act a prohibition or requirement in a PSPO can be altered or removed or a new one added. If the variation makes a prohibition or requirement more extensive or adds a new one, the variation is only permitted if it meets the criteria in Section 59(5). Section 59(5) states as follows –
- (5) The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order –
- (a) to prevent the detrimental effect referred to in subsection (2) from continuing, occurring, reoccurring or
- (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
- 3.4 Following a recent review of Police ASB data for Rochdale Town Centre, GMP Rochdale analysts stated that *“overall ASB incidents have reduced significantly over the reporting period from 50 in 2018 to 7 in 2020 (up to 28th October 2020). Only 3 of the incidents in 2018 referred to beggars, however there were five in 2019 & 2020. Although it is positive that demand has reduced due to a police presence in the town centre, it is assessed that there are still incidents occurring that are not being reported to the police.”* In addition to this, GMP identified a number of repeat locations, these being in the following areas:

STREET	2018	2019*	2020**
Yorkshire Street (general)	11	4	0
Regal Moon	4	4	0
Broadfield Park	4	0	0
Packer Street (general)	3	1	0
Asda	3	1	0
Cashino Gaming	3	0	0
Aldi	0	2	1
St Chad's Church	3	0	2

*Only 11 months of data available

** Data up to 28th September 2020

Table 1

3.5 With regards to the above data and analysis, the time frame of 1 January 2018 to 24 October 2020 was collated, however seven major factors affect the direct year on year comparisons. This being:

- Data from 2018 was collated from Opus (previous GMP police system).
- Data from 1/1/19 - 30/6/19 was collated from the then 'Opus' system and 1/8/19-31/12/19 from the IOPS system (new GMP police system).
- During this transition there has been some challenges in producing data reports.
- COVID 19 "lock down" restrictions were implemented nationally on 23/3/20 and continued in some form to the end of the recording period, which severely affected the populations "normal" daily routines and had a particularly significant impact on the night time economy.

3.6 Notwithstanding the above factors, and whilst there appears to be a decrease in police recording, Rochdale Borough Council (RBC) has seen a high number of incidents associated with the current PSPO and wider anti-social behaviour within the town centre.

3.7 Between July 2018 and March 2020, there were 539 incidents linked to the restrictions of the existing PSPO that authorised officers of the Council (Town Centre Enforcement Wardens) were directly involved in. The following table shows a breakdown of these incidents:

Types of work	Number of incidents 2018	Number of incidents 2019	Number of incidents 2020	Total number of incidents
Homeless related incident	5	11	10	26
Dispersal of beggars	5	190	104	299
Vehicle incident	0	1	5	6
ASB incident*	7	11	15	33
Drug related incident	1	8	3	12
Alcohol related incident	3	40	20	63
Other**	20	30	50	100
Overall	41	291	207	539

Table 2

* ASB Incidents causing harassment, alarm and distress.

** Inclusive of PSPO restrictions such as soliciting for money and obstructing/loitering in the highway.

3.8 Out of the 539 incidents the Town Centre Wardens were actively involved in, there have been 42 Fixed Penalty Notices (FPNs) issued. These are broken down as follows:

Soliciting of money – 3
Consumption of alcohol – 4
Anti-Social Parking – 4
Begging – 31

- 3.9 In addition to the above RBC data, the previously RBC commissioned CCTV Service have provided further data that illustrates ongoing problems within the town centre associated with anti-social behaviour that the current PSPO aims to tackle. Between 1 August 2018 and 30 November 2020, there have been 817 incidents and/or events linked to the current PSPO. The following table provides an overview of these incidents:

Types of Incident	Number of incidents from Aug. 2018	Number of incidents 2019	Number of incidents to Nov 2020	Total number of incidents
Alcohol Related	12	64	30	106
Public Order	18	55	24	97
Street Begging	22	95	42	159
Anti-Social Behaviour	10	30	27	67
Concern for Welfare	16	39	44	99
Drug Related	18	48	32	98
Observations Request*	61	49	50	160
Footage Produced	7	16	8	31
Overall	164	396	257	817

Table 3

*live CCTV coverage of anti-social behaviour, including those associated with the PSPO.

- 3.10 On 1 December 2020 RBC brought the CCTV Monitored Service in-house. A review of the incidents logged by this service shows that there have been 349 CCTV 'events' that further illustrates ongoing ASB issues within the town centre. The following table shows the breakdown of 349 CCTV recorded incidents relevant to the PSPO between December 2020 and February 2021:

CCTV Events (Dec 2020 - Feb 2021)	Total
Alcohol Related	12
ASB	73
Observation Requests*	243
Public Order	7
Street Begging	12
Drug Related	2

Table 4

*live CCTV coverage of anti-social behaviour, including those associated with the PSPO.

- 3.11 There is no specific data clearly shown within the above data tables concerning the use of skateboards, bicycles and scooters acting in an anti-social manner. However following a deep dive of Town Centre Enforcement Warden incidents logs, there is one reference concerning skateboarders, acting anti-socially within the PSPO restricted area. Given the low number in reports, and the fact that these reports have decreased in number since the introduction of the PSPO, it is reasonable to assume that the PSPO and the specific restriction currently in place has reduced the number of such anti-social behaviour incidents occurring. Should the proposed extension and variation of the current PSPO not include skateboards, bicycles and scooters

then there is a risk that these issues will begin to emerge as an ASB issue again; as experienced prior to 23 July 2018.

- 3.12 Following a review of RBC enforcement logs, evidence shows that the introduction of the PSPO has resulted in the dispersal of individuals who engage or permit the collection or soliciting of money within the town centre. Since the introduction of this restriction there have only been three FPNs issued. With the exception of these, there has been a positive improvement within the town centre which is further supported by anecdotal information provided by local businesses and the Business Improvement District (BID). Given the low number of reported incidents, it is reasonable to conclude that the introduction of this restriction within the PSPO has had a positive impact within the restricted area. There is a risk that should this restriction not be extended, then there will likely be an increase in those that knowingly cause or permit the collection or soliciting of money without the appropriate authorisation.
- 3.13 Whilst alcohol related anti-social behaviour has been a prominent issue within the various databases for the duration of the current PSPO, there have only been four FPNs issued to individuals who refused to hand over an open alcohol container when required to do so by an authorised officer. Given the high number of reports, it is reasonable to conclude that the warnings issued in alcohol related incidents have been sufficient and had the desired effect to reduce the need to issue further FPNs. Given that alcohol related anti-social behaviour has continued to be a problem within the town centre it would be considered necessary to extend this particular restriction for the next three years, otherwise the town centre will likely see an increase in this particular ASB impacting the quality of life of those in the locality.
- 3.14 Driving or using a car in an anti-social manner has not been a prominent issue since the introduction of the PSPO. RBC Community Safety have records relating to organised car events (often referred to as 'car cruises') which have attempted to take place within the borough of Rochdale. The PSPO has deterred, and continues to deter, individuals from driving or using a car in an anti-social manner within the PSPO restricted area. There is a risk that the activity associated with anti-social driving prior to the introduction of the PSPO, particularly around the Packer St and Town Hall area, will reoccur should this restriction not be extended.
- 3.15 Data associated with obstructing the highway or loitering has been difficult to quantify given that, following a review of RBC incidents logs, such incidents have been recorded along with other anti-social behaviours and been categorised as general ASB. An example being that an incident has been recorded under a general 'anti-social behaviour' log however the details of the incident refers to individuals obstructing the highway on Yorkshire Street. Following a detailed review of Town Centre Enforcement Warden logs there have been 23 recorded incidents involving 'groups' obstructing the highway.
- 3.16 Between July 2018 and March 2020, there are further incidents recorded under 'gangs' which describe groups loitering and obstructing the highway. None of these incidents have progressed to the issuing of a FPN. It is

reasonable to conclude that this particular PSPO restriction has had a positive impact on the town centre and, whilst the data in the previous tables doesn't highlight this as a prominent issue, there are supporting records throughout the timeframe reviewed which would support the need to extend this restriction.

- 3.17 In relation to anti-social parking, there are 16 reports detailed within the Town Centre Enforcement logs during the PSPO period. There have been four FPNs issued for those breaching this PSPO restriction. Following a detailed review of the incident logs, the location of this offence tends to be in and/or around The Butts and the Esplanade. Should this restriction not be extended then there is a risk that such behaviour would reoccur.
- 3.18 The Council has an 'Educate, Engage & Enforce' approach to applying the restrictions of the PSPO. The issuing of FPNs are only done so where it is necessary and proportionate in accordance with the relevant legislation and Council enforcement policies. In terms of begging, the 31 FPNs have been issued to individuals who have a known fixed abode. Those that are begging and are rough sleeping, or known to be street homeless, are not prosecuted.
- 3.19 Any individual found to be breaching the PSPO restriction for begging are first referred to supporting agencies, such as Petrus and Sanctuary Trust, and also provided with a 'support card'. The support card assists with awareness raising and also provides information about the PSPO; what the restrictions are, where support can be found and what the consequences are for breaching the PSPO. The support card can be found in **Appendix 4**.
- 3.20 To assist with ensuring support is in place for those at risk of breaching the PSPO, particularly begging, RBC Community Safety commissions an Outreach Worker from a charitable organisation called Petrus. This Rochdale based charity provides residential and day support services to people who are homeless or in housing need. The Petrus Outreach Worker has been specifically commissioned to work directly alongside RBC Town Centre Enforcement Wardens to ensure appropriate support is offered to those found to be begging within the PSPO restricted area.
- 3.21 The Petrus Outreach Worker also works in partnership with RBC Place Base colleagues, RBC Homelessness Service and GMP Officers and staff. This is to ensure there are effective links between enforcement and support concerning the most complex and vulnerable individuals in the town centre of Rochdale. Amongst numerous responsibilities, the Petrus Outreach Worker assists by:
- Offering support and outreach work to individuals with complex needs such as substance misuse and mental health issues.
 - Identifying issues of homelessness in the town centre and ensuring that appropriate referrals and support are in place.
 - Engaging with town centre stakeholders such as the Town Centre Management Company, Rochdale Business Improvement District (BID) and Town Centre businesses on matters concerning homelessness.

- 3.22 In addition, the Petrus Outreach Worker links in with other statutory and non-statutory services, accommodation services, supported housing and landlords, and other local Voluntary, Community, Faith and Social Enterprises (VCFSEs), to adopt a holistic approach to supporting the more complex and vulnerable individuals whom frequent the Town Centre and are found to be begging. The following table shows a breakdown of the support offered to those that presented as homeless and/or begging between Feb 2020 and Feb 2021:

Type of Support/Outcome	Total
Begging-declined support	138
Referrals for housing	32
Homelessness assessments	170
Health referrals	36
Benefit support	16
General support	112
Long term housing support	15
Telephone support	143

Table 5

- 3.23 In addition to this specialist commissioned service, the RBC Town Centre Enforcement Wardens and Petrus Outreach Worker form part of a multi-agency approach to ASB and community safety issues affecting Rochdale Town Centre. The below model illustrates how the two roles integrate in the wider partnership approach:

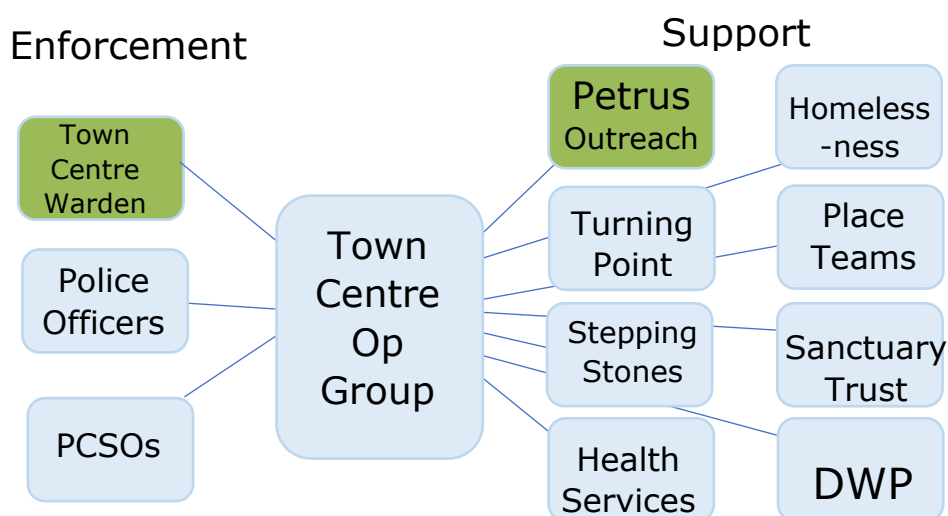
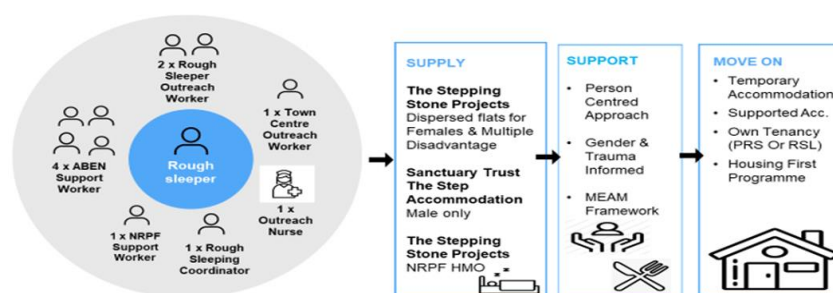


Image 1

- 3.24 As part of our holistic approach to support, the Petrus Outreach Worker is integrated within our local Rough Sleeper & “A Bed Every Night” (ABEN) Partnership Model. The below illustrates the current model:

Rochdale Rough Sleeper & ABEN Partnership Model



Model produced by Homelessness Manager, Strategic Housing, RBC.

Image 2

- 3.25 During Covid-19, and despite the national lockdown restrictions, there have been a high number of ASB incidents within the town centre of Rochdale as illustrated within the above-mentioned tables.
- 3.26 During Covid-19 there has been a significant drop in the number of visitors within the town centre however ASB reports remain disproportionately high; particularly for some of the PSPO restrictions. When appropriate, the ambition will be to rebuild and support the local economy, residents and businesses to return to a state of new normality and prosper. Tackling ASB within the town centre will need to be considered a priority as part of this approach.
- 3.27 The PSPO enables RBC and partners to deal with the identified behaviour that could have, and had, a detrimental impact on the quality of life of those in the locality. Furthermore, the PSPO can help people to feel that the town centre is a safer and more welcoming place for all and therefore could have a positive impact for people from all protected characteristic groups. Tackling anti-social behaviour makes people feel safe and helps to improve the quality of life for everyone that lives, works or visits the borough.
- 3.28 It is reasonable to conclude that such recorded ASB related incidents had, and continue to have, a detrimental effect on the quality of life of those in the locality. In most cases, the data illustrates that such problems that led to the introduction of the current PSPO are continuing in nature and remain persistent. Where incidents have reduced, since the introduction of the PSPO in 2018, an extension of relevant restrictions should be implemented to prevent the issues reoccurring for the next three years.

Key Points for Consideration

- 4.1 Public Space Protection Orders (PSPOs) can 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.

- 4.2 It is recognised that a PSPO has the potential, if mitigating factors are not put in place, to adversely affect disabled people with mental health issues and also people with complex needs who experience multiple disadvantage. Research by the Mental Health Foundation (<https://www.mentalhealth.org.uk/statistics>) shows that adults with drug dependence are twice as likely as the general population to be using psychological therapy and there is a considerable link between homelessness and mental health problems.
- 4.3 A public consultation was conducted in 2017 for the current PSPO and responses from local businesses supported the proposal and also suggested extending the boundary of the PSPO. Many of the businesses and members of the general public who supported the Order wished to see the number of people begging in Rochdale Town Centre reduced as they felt it had a negative impact on the image of the Town and adversely affected business by putting people off coming into the town centre.
- 4.4 Objectors to the proposals highlighted that the 'ban on begging' would punish vulnerable members of society by imposing financial penalties they cannot afford. Evidence held by GMP and the Council suggested that the majority of people involved in begging in the Town Centre were not homeless, may have been victims of modern slavery and all were being offered support. There was an acknowledgement that this is a complex issue which needed careful handling and mitigating factors put in place to ensure that those who need support are signposted to services and not unnecessarily criminalised.
- 4.5 To mitigate the risk of unnecessarily criminalising vulnerable people, a support worker from Petrus, which is a support service for people in housing need, has been working with the Town Centre Enforcement Wardens to offer support and outreach to individuals with complex needs. This includes substance misuse and mental health issues, issues of homelessness and vulnerability. Those with complex needs are signposted to appropriate services, where they can access appropriate support using the principles of 'Good Help' adopted by the RBC Place Based Team.
- 4.6 In addition, work has taken place directly with Place Base Team, RBC Homelessness service, Police Officers, Police Community Support Officers (PCSOs), Adult Services, Health and third sector organisations such as Petrus and Sanctuary Trust to ensure there are effective links between enforcement and support for vulnerable individuals with complex needs in the Town Centre.
- 4.7 The PSPO is not targeted at any individual or group but instead seeks to tackle defined anti-social behaviour in a specific location. It is however identified that people from some protected characteristic groups may be disproportionately affected by the PSPO. A period of consultation is proposed to gather the views of those who will potentially be affected and to ensure that the impact on all protected characteristics is fully understood. The results of the consultation will inform the full Equality Impact Assessment (EIA) and the associated action plan will ensure any identified negative impact is mitigated.

- 4.8 There is a potential differential impact for people within some of the protected characteristic groups. Within the protected characteristic of Age, there is a potential positive impact on older people due to a greater feeling of safety within the town centre as a result of a decrease in anti-social behaviour. However, there may be a negative impact on younger people as they are more likely to be impacted by the order specifically around the prohibition of using a skateboard in the restricted area.
- 4.9 Without mitigating factors, there is potential for a negative impact for disabled people, due to the potential link between people who are homeless, drug dependency and mental health issues but there may be a positive impact for disabled people due to a greater feeling of safety within the town centre as a result of a decrease in anti-social behaviour. It is recognised that there may be an overall positive impact for protected characteristic groups due to an increased feeling of safety within the town centre as a result of a decrease in anti-social behaviour.
- 4.10 Consideration should also be given regarding the Greater Manchester Police and Crime Plan which sets out 3 main priorities. These are:
1. Keeping people safe
 2. Reducing harm and offending
 3. Strengthening communities and places
- 4.11 The Plan highlights that “intervention in reducing crime at the root cause is better than tackling it when it has become too difficult to manage. Protecting the vulnerable in society is important.” The plan states a commitment to developing a sustainable, local solution to protecting public spaces and places. [police-and-crime-plan-standing-together.pdf \(greatermanchester-ca.gov.uk\)](https://www.greatermanchester-ca.gov.uk/police-and-crime-plan-standing-together.pdf)
- 4.12 As part of the statutory responsibility to reduce crime and anti-social behaviour, the Rochdale Community Safety Plan sets out how the borough can be a safe and welcoming place for everyone. A key priority is that everyone will be able to enjoy themselves in town centres. A measure of success is that vulnerable individuals in town centres are able to access services and support packages, which highlights the local approach and commitment to the principles of ‘good help.’
http://democracy.rochdale.gov.uk/documents/s69151/8571_RSCP_CommunitySafetyPlan_2019-2022_V2_LR.pdf
- 4.13 With regards to emerging issues, consideration should be given to the increasing popularity of electric scooters (commonly referred to as ‘e-scooters’) and their usage in the public realm. This could be a potential emerging concern for the town centre however there is no data available to determine whether this is, or will be, an emerging anti-social behaviour concern. It is something that may need to be reviewed in the future.

Costs and Budget Summary

- 5.1 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'.
- 5.2 Such a challenge will be heard in the High Court and will likely require external counsel. This will likely result in the Council incurring additional legal costs.

Risk and Policy Implications

- 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'; a person living in, working in or regularly visiting the area.
- 6.2 The grounds for such a challenge can be: (a) that the local authority did not have power to make the order or variation, 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.
- 6.3 The existing town centre PSPO was subject to such a High Court challenge by an interested person, in conjunction with the campaigning group, Liberty. The challenge was based around concerns that the PSPO would criminalise people who were vulnerable, specifically people presenting as homeless, with poor mental health and with drug and alcohol addiction problems. The challenge was subsequently withdrawn.
- 6.4 In light of this it is essential that the extension to the existing PSPO is procedurally and legally robust. Officers will undertake a rigorous consultation exercise with key stakeholders, residents, business owners and the wider public in Rochdale.
- 6.5 A comprehensive Equality Impact Assessment (EIA) will also be completed, informed by the findings of the consultation exercise.
- 6.6 The Council has undertaken an Equality Impact Assessment Initial Screening exercise concerning the proposed extension of the current 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 protected characteristic groups due to an increased feeling of safety within the Town Centre as a result of a decrease in anti-social behaviour.
- 6.7 The Equality Impact Assessment Initial Screening form is attached in **Appendix 5**.
- 6.8 If following consultation, the Council is minded to include a prohibition on begging, then careful consideration should be given to the wording of such a

prohibition to ensure it does not disproportionately impact certain members of the public.

Consultation

- 7.1 The PSPO is not targeted at any individual or group but instead seeks to tackle defined anti-social behaviour in a specific location. People from some protected characteristic groups could be disproportionately affected by the PSPO and so a period of consultation is proposed to gather the views of those who will potentially be affected by the PSPO, and to ensure that the impact on all protected characteristics is fully understood.
- 7.2 The results of the consultation will inform the full Equality Impact Assessment and the associated action plan will ensure any identified negative impact is mitigated.
- 7.3 The consultation will be published on the RBC Consultation Hub webpage, it is also proposed that all businesses and residents within the area of the PSPO will receive a letter to ask for their comments. The key stakeholders such as Petrus, Sanctuary Trust, Rochdale Boroughwide Housing, Action Together, Rochdale Sixth Form and Hopwood Hall Colleges will be directly involved in the consultation.

Background Papers	Place of Inspection
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8. None.	None.
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For Further Information Contact:	Safer Communities Manager Director of Neighbourhoods
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Appendix 1 - Rochdale Town Centre Public Space Protection Order 2018

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

ROCHDALE BOROUGH COUNCIL

NOTICE OF PUBLIC SPACES PROTECTION ORDER

ROCHDALE TOWN CENTRE PUBLIC SPACES PROTECTION ORDER 2018

Rochdale Borough Council ('the Council') in the exercise of its powers pursuant to Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 ('the Act') and of all other enabling powers being satisfied that the conditions as set out in Section 59 of the Act have been met hereby makes the following Order:-.

1. This Order applies to the public spaces described in the Schedule to this Order and shown hatched in red on the plans annexed to this Order ('the Restricted Area'). The effect of the Public Spaces Protection Order will be to impose the following restrictions within the described within the Schedule ('the Restricted Area') and plan:-
2. **Control of commercial or charity collection or soliciting for money in the street**

No person shall at any time engage in or knowingly cause or permit the collection or soliciting of money (commercial or charity and whether by way of immediate payment or the seeking of a standing order or direct debit authority) unless they are in possession of a written authorisation for Face to Face Fundraising issued by the Council.

3. **Consumption of alcohol on street**

No person shall at any time continue to drink alcohol or refuse to hand over an open alcohol container when required to do so by an Authorised Officer.

4. **Driving or using a car in an anti-social manner**

No person in charge of a motor vehicle shall allow, cause or permit the:

- I. Running of the engine in such a manner that causes or is likely to cause a noise nuisance
- II. Playing of music in the motor vehicle at such a level that causes or is likely to cause a nuisance
- III. Behaving in a way likely to cause harassment, alarm or distress to any person present at the time of the behaviour including an Authorised Officer
- IV. Driving the vehicle in a manner that causes or is likely to cause harassment alarm or distress to, any person including an Authorised Officer.

5. Obstructing the highway or loitering

No person shall cause or permit an obstruction on the carriageway of a street after having been requested to remove the obstruction from the carriageway by an Authorised Officer.

6. Anti-social parking

No person or registered keeper of a motor vehicle shall park in such a manner that the side of the vehicle is adjacent to another motor vehicle parked parallel to the traffic direction.

7. Use of Skateboards, bicycles and scooters

- I. No person shall at any time use a skateboard in the restricted area shown coloured red on the plan
- II. No person shall at any time use a bicycle, skateboard, scooter or similar wheeled conveyance in such a manner that causes or is likely to cause, nuisance, alarm or distress.

8. Begging

No person shall at any time place themselves in a position to beg.

- 9.** A person shall be guilty of an offence if he/she does not comply with an instruction given by an authorised person, not to consume alcohol or to surrender alcohol or container for alcohol, within the Restricted Area.

- 10.** Any person who, without reasonable excuse, fails to comply with the requirements of Part 3 of this Order commits an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

- 11.** Any person who, without reasonable excuse, fails to comply with the requirements of Parts 1, 2, 4, 5, 6, 7 and 8 of this Order commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- 12.** The Order shall be cited as the Rochdale Town Centre Public Spaces Protection Order 2018. The Order shall take effect on 23rd July 2018 and will be in force for 3 years subject to any variation or extension of the Order.

THE COMMON SEAL of

THE ROCHDALE BOROUGH COUNCIL

was hereunto affixed in the presence of :
Authorised Signatory

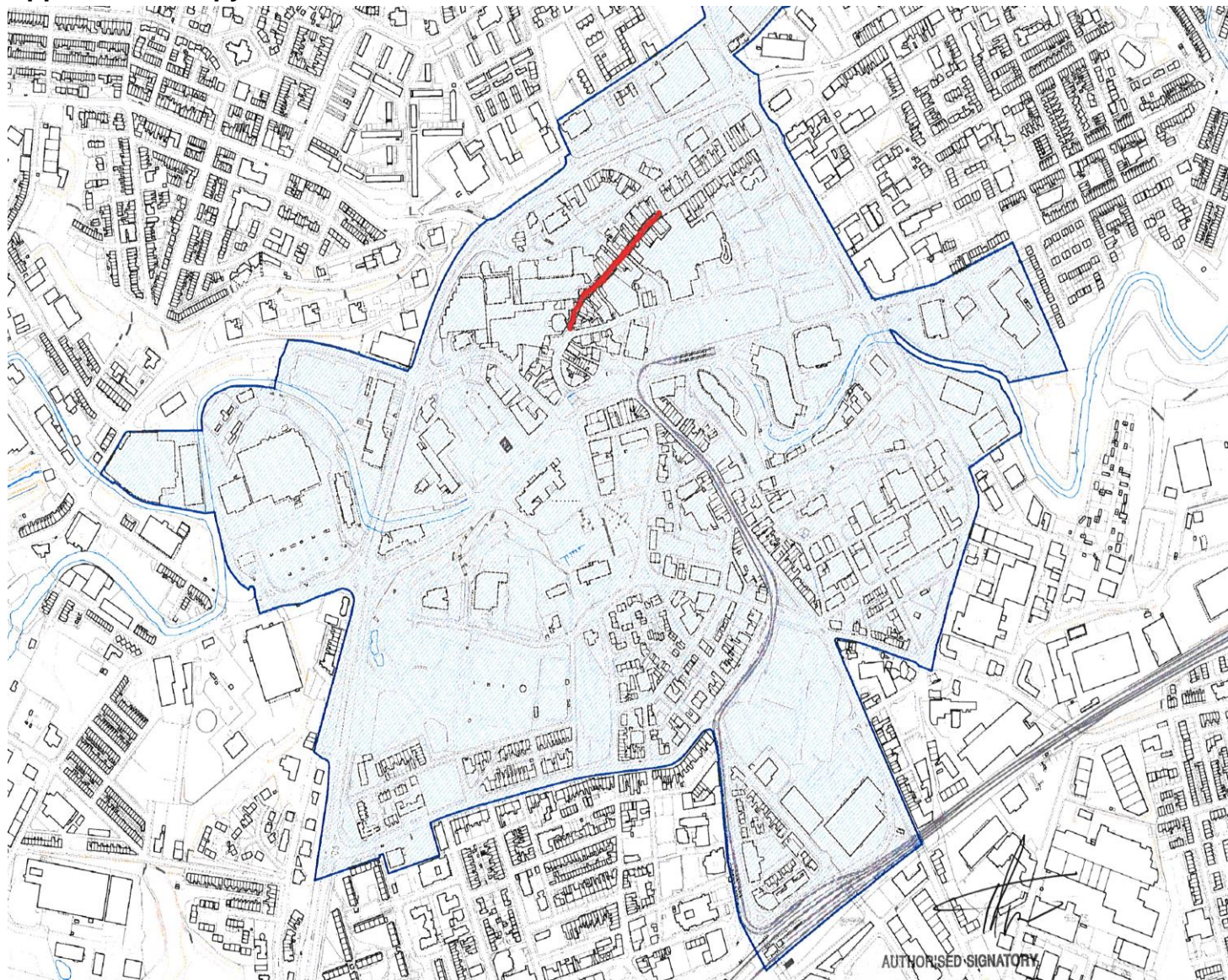
A handwritten signature in black ink, consisting of a stylized 'A' followed by a horizontal line and a small loop.

SCHEDULE

RESTRICTED AREA

All that land in Rochdale Town Centre comprising 89.29 hectares and which for the purpose of the identification is shown edges in blue on the attached plan

Appendix 2 - Copy of the PSPO restricted area



Appendix 3 – Proposed changes to the Rochdale Town Centre Public Spaces Protection Order

(N.B. changes are marked in red)

Current Prohibition	Proposed Prohibition	Reason for Variation
<p>Control of commercial or charity collection or soliciting for money in the street</p> <p>No person shall at any time engage in or knowingly cause or permit the collection or soliciting of money (commercial or charity and whether by way of immediate payment or the seeking of a standing order or direct debit authority) unless they are in possession of a written authorisation for face to face fundraising issued by the Council.</p>	<p>Control of commercial or charity collection or soliciting for money in the street</p> <p>No person shall at any time engage in or knowingly cause or permit the collection or soliciting of money for commercial or charitable purposes and whether by way of immediate payment or the seeking of a standing order or direct debit authority unless they are in possession of a written authorisation for face to face fundraising issued by the Council.</p>	<p>For greater clarification and to ensure the prohibition is confined to charitable/commercial collection of money, rather than begging</p>
<p>Consumption of alcohol on street</p> <p>No person shall at any time continue to drink alcohol or refuse to hand over an open container when required to do so by an Authorised Officer.</p>	<p>Consumption of alcohol on street</p> <p>No person shall at any time consume alcohol in any public place other than at licensed premises or refuse to hand over an open container containing or purporting to contain alcohol, in their possession, save for in those places identified by section 62 of the Anti-social Behaviour, Crime and Policing Act 2014, when required to do so by an Authorised Officer.</p>	<p>To comply with the provisions in the Anti-social Behaviour, Crime and Policing Act 2014</p>

<p>Driving or using a car in an anti-social manner</p> <p>No person in charge of a motor vehicle shall allow, cause or permit the :</p> <ul style="list-style-type: none"> i) Running of the engine in such a manner that causes or is likely to cause a noise nuisance ii) Playing of music in the motor vehicle at such a level that causes or is likely to cause a nuisance iii) Behaving in a way likely to cause harassment, alarm or distress to any person present at the time of the behaviour including an Authorised Officer iv) Driving the vehicle in a manner that causes or is likely to cause harassment, alarm or distress to any person including an Authorised Officer 	<p>No change</p>	
<p>Obstructing the highway or loitering</p> <p>No person shall cause or permit an obstruction on the carriageway of a street after having been requested to remove the obstruction from the carriageway by an Authorised Officer</p>	<p>Obstructing the highway or loitering</p> <p>No person shall obstruct, cause or permit an obstruction on the highway, without reasonable or lawful excuse, either by way of a vehicle or any other object, after having been requested to leave or remove the obstruction from the</p>	<p>Amendment covers loitering on and obstructing the highway (includes both the carriageway and footway) with either a vehicle or an object, but does not prevent lawful use of the highway.</p>

	highway by an Authorised Officer	
Anti-social parking No person or registered keeper of a motor vehicle shall park in such a manner that the side of the vehicle is adjacent to another motor vehicle parked parallel to the traffic direction	Remove in its entirety	No longer required in light of the amendments to the above prohibition
Use of skateboards, bicycles and scooters i) No person shall at any time use a skateboard in the restricted area shown coloured red on the plan ii) No person shall at any time use a bicycle, skateboard, scooter or similar wheeled conveyance in such a manner that causes or is likely to cause nuisance, alarm or distress	No change proposed unless following consultation there is a need to include electric bicycles and scooters	
Begging No person shall at any time place themselves in a position to beg.	No person shall at any time beg for money. Persons experiencing destitution, being defined as persons who do not have a fixed abode and/or do not receive an income will be considered to have a reasonable excuse for breaching this prohibition	Home Office guidance makes it clear that Councils should carefully consider the nature of any potential PSPO that may impact on homeless people and rough sleepers and that any Order precisely defines the activity/behaviour that is having the detrimental impact on the community. The wording of this restriction is subject to change depending on the outcome of the consultation.

Public spaces protection order (PSPO)

What is the Rochdale town centre
PSPO? Where can I get support?

Consequences

If you do things that are not allowed,
this can mean:

Alcohol being confiscated
- your drinks can be taken off you

Fixed penalty fines up to £100
- you can be made to pay a fine

Prosecution leading to fines of up to £1000

In addition to this PSPO, further action can be taken to
address anti social behaviour with criminal behaviour
orders and civil injunctions

- you can be banned from the area.

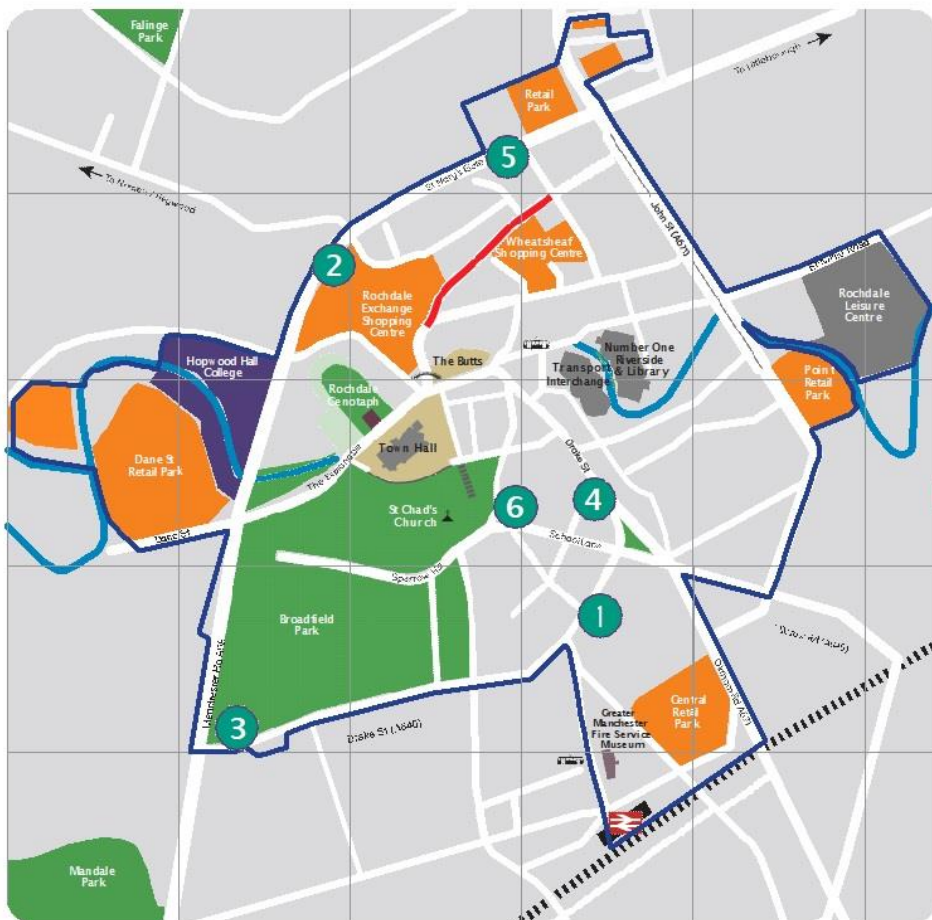
Prohibitions
Within this area the
following apply:



For full details of the PSPO visit:

rochdale.gov.uk/pspo

PSPO order area



- The PSPO is applied in the area inside the dark blue line
- Skateboards cannot be used in the red line area



Support Services

- 1 Petrus**
(homelessness service)
73 Great George Street
☎ 01706 526289
- 2 Sanctuary Trust:**
(homelessness service)
Drake Street
☎ 01706 649988
- 3 Homelessness service:**
St Alban's House
Drake Street
☎ 0800 027 7769
- 4 Renaissance:**
Drake Street
☎ 01706 924884
- 5 Salvation Army:**
31 Market Place
St Mary's Gate
☎ 01706 715624
- 6 Rochdale Drug Service:**
13 St Chad's Court
☎ 01706 676500



Phone numbers you can call for help

- Shelter Helpline**
☎ 0344 515 1640
- MIND Helpline**
☎ 01706 752338
- Bond Board Private Rented Accommodation**
☎ 01706 342 404
- Turning Point**
☎ 0300 555 0234
- Citizens Advice**
☎ 0300 3309 073
- The police, non-emergency**
☎ 101
- Rochdale Borough Council**
☎ 01706 647474

Appendix 5 - Equality Impact Assessment Initial Screening Form

Stage 1: Initial Screening
Directorate: Neighbourhoods
Service: Community Safety
Officer completing EIA: Sarah Cross
Other officers involved in completing EIA:
Date of Assessment: 22/02/2021
Name of policy to be assessed: Renewal of the existing Public Space Protection Order (PSPO) – Rochdale Town Centre
Is this a new or revised policy? New <input type="checkbox"/> Revised <input checked="" type="checkbox"/>
What is the purpose of the policy? In October 2014 the Antisocial Behaviour, Crime and Policing Act was introduced across England and Wales. This allowed local authorities to apply for Public Space Protection Orders (PSPOs). PSPOs deal with a particular nuisance or problem in an area that negatively affects the local community's quality of life by imposing restrictions on certain behaviours. The Rochdale town centre PSPO aims to create a welcoming environment for shoppers, visitors and businesses and to tackle antisocial behaviours. https://www.legislation.gov.uk/ukpga/2014/12/contents The current PSPO, which came into force on 23 rd July 2018 for a period of 3 years prohibits the following activities: <ul style="list-style-type: none">• Drinking alcohol on the street.• Driving or using a car in an antisocial manner.• Obstructing the highway or loitering.• Antisocial parking.• Using a skateboard in the restricted area.• Begging on the street.• Using a bicycle, scooter or other wheeled vehicle in a way that may cause nuisance, alarm or distress.• Commercial and charity collections and soliciting for money in the street The current PSPO is due to end on 23 rd July 2021 and in order to extend this there is a requirement to review and publicly consult on the order. http://www.rochdale.gov.uk/anti-social-activity/public-spaces-protection-orders

Are there any other objectives?

To embed the principles of 'good help' and create a partnership approach with place based colleagues, RBC Homelessness service, GMP, Adult Services, Health and voluntary sector organisations such as Petrus and Sanctuary Trust to ensure there are effective links between enforcement and support for vulnerable individuals with complex needs.

Who is likely to benefit from the policy (key stakeholders)?

- GMP – due to reduced demand
- People who are signposted to support from services rather than engaging in antisocial behaviour
- Residents who live within the Town Centre
- Town Centre businesses
- Town Centre visitors

Is the policy relevant to equality?

Yes ☒ No ☐

(Answer yes if you think that the policy has equality considerations for example it has the potential to affect groups in different ways. If you have answered yes, proceed to question 1. If you answered no, move to the sign off section as no further assessment is required)

What information do you have to inform this initial assessment?

(List or attach existing data that will help in identifying the potential impact of this policy for example previous consultation; research or practical guidance or any evidence or information that you already have about how this proposal might affect equality in any of the areas covered by the protected groups)

Demographic Data

- Census 2011 (demographic data)
<https://www.ons.gov.uk/census/2011census/2011censusdata/2011censusdatacatalogue>
- Rochdale Borough Profile – (Equality Data)
<http://www.rochdale.gov.uk/pdf/2018-07-27-equality-and-diversity-data-v1.pdf>

Local Context

A public consultation was conducted in 2017 for the original PSPO, responses from local businesses supported the proposal and suggested extending the boundary of the PSPO. Many of the businesses and members of the general public who supported the Order wished to see the number of people begging in Rochdale Town Centre reduced as they felt it had a negative impact on the image of the Town and adversely affected business by putting people off coming into the town centre. Objectors to the proposals highlighted that the 'ban on begging' would punish vulnerable members of society by imposing financial penalties they cannot afford. Evidence held by GMP and the Council suggested that the majority of people involved in begging in the Town Centre were not homeless, may have been victims of modern slavery and all were being offered support. There was an acknowledgement that this is a sensitive issue which needed careful handling and mitigating factors put in place to ensure that those who need support are signposted to services and not unnecessarily criminalised.

We know that the PSPO has the potential, if mitigating factors are not put in place, to adversely affect disabled people with mental health issues and also people with complex needs who experience multiple disadvantage. Research by the Mental Health Foundation (<https://www.mentalhealth.org.uk/statistics>) shows that adults with drug dependence are twice as likely as the general population to be using psychological therapy and that

there is a considerable link between homelessness and mental health problems. To mitigate the risk of unnecessarily criminalising vulnerable people, over the past 3 years of the current PSPO a support worker from Petrus, which is a support services for people in housing need, has been working with the Town Centre wardens to offer support and outreach to individuals with complex needs such as substance misuse and mental health issues, to identify issues of homelessness in the town centre and ensure that vulnerable residents, with complex needs are signposted to services, where they can access appropriate support using the principles of 'Good Help'. This post was commissioned by Community Safety, on behalf of the Rochdale Safer Communities Partnership (RSCP). In addition work has taken place directly with Place Based colleagues, RBC Homelessness service, Police Officers, Police Community Support Officers (PCSOs), Adult Services, Health and third sector organisations such as Petrus and Sanctuary Trust to ensure there are effective links between enforcement and support for vulnerable individuals with complex needs in the Town Centre.

<https://goodhelp.org.uk/2020/12/good-help-in-rochdale-seven-reasons-why-the-project-is-working-in-the-era-of-covid/>

Whilst the PSPO is designed to prohibit certain activities it also enables people to feel that the Town Centre is a safe and welcoming place for all and therefore could have a positive impact for people from all protected characteristic groups, tackling anti-social behaviour makes people feel safe and helps to improve the quality of life for everyone that lives, works or visits the borough.

Strategic Context

The GM Police and Crime Plan sets out 3 main priorities which are:-

1. Keeping people safe
2. Reducing harm and offending
3. Strengthening communities and places

The Plan highlights that 'intervention in reducing crime at the root cause is better than tackling it when it has become too difficult to manage. Protecting the vulnerable in society is important.' The plan states a commitment to developing a sustainable, local solution to protecting public spaces and places.

[police-and-crime-plan-standing-together.pdf \(greatermanchester-ca.gov.uk\)](#)

The Rochdale Community Safety Plan sets out how the borough can be a safe and welcoming place for everyone. A key priority is that everyone will be able to enjoy themselves in the town centres. A measure of success is that vulnerable individuals in town centres are able to access services and support packages, which highlights the local approach and commitment to the principles of 'good help.'

http://democracy.rochdale.gov.uk/documents/s69151/8571_RSCP_CommunitySafetyPlan_2019-2022_V2_LR.pdf

Next Steps

The PSPO is not targeted at any individual or group but instead seeks to tackle defined antisocial behaviour in a specific location, however people from some protected characteristic groups may be disproportionately affected by the PSPO and so a period of consultation is proposed to gather the views of those who will potentially be affected by the PSPO and to ensure that the impact on all protected characteristics is fully understood. The results of the consultation will inform the full EIA and the associated Action Plan will ensure any identified negative impact is mitigated.

The consultation will be published on the RBC Consultation Hub webpage, it is also proposed that all businesses and residents within the area of the PSPO will receive a letter to ask for their comments. The key

stakeholders such as Petrus, Sanctuary Trust, Rochdale Boroughwide Housing, Action Together, Rochdale Sixth Form and Hopwood Hall Colleges will be directly involved in the consultation.

What is the potential impact that the policy could have with regard to the protected characteristics?

(Identify whether the policy has the potential to impact in a positive or negative way or not at all. For negative impacts use the impact table to calculate a score based on the likelihood that an impact will occur and what the actual impact might be then determine whether it is a High priority (H), Medium priority (M) or Low priority (L))

There is a potential differential impact for people within some of the protected characteristic groups, within the protected characteristic of Age, there is a potential positive impact on Older people due to a greater feeling of safety within the Town Centre as a result of a decrease in anti-social behaviour, however there may be a negative impact on Younger people as they are more likely to be impacted by the order specifically around the prohibition of using a skateboard in the restricted area. There is potential for a negative impact for disabled people, due to the potential link between people who are homeless, drug dependency and mental health issues but there may be a positive impact for disabled people due to a greater feeling of safety within the Town Centre as a result of a decrease in anti-social behaviour. It is recognised that there may be an overall positive impact for protected characteristic groups due to an increased feeling of safety within the Town Centre as a result of a decrease in anti-social behaviour. Where both a positive and negative impact has been identified the Impact Score in the table below is in relation to the Negative Impact.

	Positive Impact	Negative Impact	Impact Score (1-16)	Impact priority (H/M/L)	Neutral Impact
Age Younger People (Negative Impact) Older People (Positive Impact)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6	M	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	12	H	<input type="checkbox"/>
Gender Reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>
Marriage or civil partnership	<input type="checkbox"/>	<input type="checkbox"/>			<input checked="" type="checkbox"/>
Pregnancy or maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>
Religion or belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>
Sex	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>
Sexual orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>
Serving / ex serving members of the armed forces	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>
Carers	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>

3. Do any of your negative impact scores identify as high priority on the impact table?

Yes ☒ No ☐

If you identify a negative impact as being **HIGH PRIORITY** you must complete a full EIA (stage 2 onwards)

4. How will you minimise/remove any negative impact that identifies as medium or low?

The PSPO is not targeted at any individual or group but instead seeks to tackle defined antisocial behaviour in a specific location, however people from some protected characteristic groups may be disproportionately affected by the PSPO and so a period of consultation is proposed to gather the views of those who will potentially be affected by the PSPO and to ensure that the impact on all protected characteristics is fully understood. The results of the consultation will inform the full EIA and the associated Action Plan will ensure any identified negative impact is mitigated.

The consultation will be published on the RBC Consultation Hub webpage, it is also proposed that all businesses and residents within the area of the PSPO will receive a letter to ask for their comments. The key stakeholders such as Petrus, Sanctuary Trust, Rochdale Boroughwide Housing, Action Together, Rochdale Sixth Form and Hopwood Hall Colleges will be directly involved in the consultation.

5. Is a full EIA required?

Yes ☒ No ☐

Lead Officer Signature:		Date:
Approver Signature		Date: