



Title: Proposed Public Spaces Protection Order - Rochdale Town Centre

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Report to: Cabinet

Date: 6 March 2017

Cabinet Member: Cabinet Member for Housing and Environment

Director: Director of Neighbourhoods

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Key Decision: No

Comments from Statutory Officers:

Monitoring Officer: Yes
Section 151 Officer: Yes

1. Purpose of Report

- 1.1 Members are asked to consider whether a Public Spaces Protection Order (PSPO) under Part 4, Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 should be introduced in Rochdale Town Centre.
- 1.2 The purpose of the proposed Order is to assist the Council and its Partners to provide an appropriate and robust response to anti-social behaviour issues in Rochdale Town Centre.

2. Recommendation

- 2.1 Members are asked to approve the development of a Public Spaces Protection Order under Part 4, Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 as detailed in Paragraph 4.10 and Appendix 1 of this report, as a basis for consultation with the stakeholders set out in Paragraph 4.8.
- 2.2 Members are asked to approve, as a basis for consultation, Rochdale Town Centre as the 'Prohibition Area' where the Order will apply.
- 2.3 Members are asked to approve the proposed consultation process, which is detailed in Paragraph 4.6 to 4.8 of this report.

3. Reason for recommendation

- 3.1 The Council is satisfied on reasonable grounds that the specific activities described in the proposed PSPO are being carried out in Rochdale Town Centre and will continue to have a detrimental effect on the quality of life of those people in the locality. This would include shoppers and the owners of local businesses.

- 3.2 The Council is satisfied that the effect of the activities described in the proposed PSPO is of a persistent nature, are unreasonable and fully justify the restrictions being imposed by the proposed PSPO.
- 3.3 The Council and its Partners are investing significant resources in the Borough and more specifically into Rochdale Town Centre. The Town Centre has seen major physical regeneration with the development of a new Transport Interchange, Metrolink, Number One Riverside, a River Re-Opening Scheme plus many other public realm improvements.
- 3.4 The Town Centre is set to undergo a further transformation with the development of the Riverside Retail and Leisure Development which is due to start on site in 2017.
- 3.5 In addition to the physical regeneration, it is also critical that the Council and its Partners work in a co-ordinated way to deal with the various anti-social behaviour issues facing the town centre.

4. Background

- 4.1 Public Spaces Protection Orders (PSPOs) are intended to deal with a particular nuisance or problem in a particular 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 designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.
- 4.2 A PSPO can cover multiple restrictions. A single Order can prohibit activities such as the drinking of alcohol and begging. Council officers, and other groups the council may designate, but principally police officers and PCSOs, can undertake enforcement. The police will additionally have the power of detention.
- 4.3 For example, the Council has seen an increase in the number of instances of street begging, particularly in Rochdale Town Centre. This has attracted negative media coverage and impacts on the Borough's reputation. In addition, town centre businesses have requested the Council consider a PSPO in order to proactively deal with a range of anti-social behaviour issues, which they consider are negatively affecting trade.
- 4.4 The Council is acutely aware of the need and obligations under legislation and its own policies to protect and support the most vulnerable people in our Borough. This includes the number of homeless people who often sleep rough and are forced into begging in order to make ends meet. It will be essential that the Council maintains support for these individuals and is clear on the package of help and support we can provide.
- 4.5 The Council currently works with a number of partners both statutory and voluntary to provide help and support for vulnerable households and in particular those that are at risk of homelessness. This includes direct support available at Petrus Hub on George Street, specialist housing for people with complex issues at Redfearn House and emergency accommodation for people at risk of sleeping rough at Sanctuary Trust and Leopold Court. Services do not only provide access to housing but also the help and support people will need to live independently.

- 4.6 This however is a complex issue and the people concerned can range from genuine homeless individuals, people simply looking to solicit money to fund their lifestyle and at the extreme end of the spectrum, begging supported by serious organised crime, which can be linked to modern day slavery and exploitation.

Consultation

- 4.7 The Council is required under the legislation to carry out consultation and necessary publicity and notification before making a PSPO.
- 4.8 As a minimum the Council must consult with the Chief Officer of GMP, appropriate community representatives, and the owners or occupiers in the area to be designated. The Council would need to publish the proposed wording of the Order and the proposed designated area.
- 4.9 During the consultation process the Council will seek comments on whether a PSPO is required, the proposed wording of the Order and the proposed area to be designated (i.e. Rochdale Town Centre). The Council will consult with the following stakeholders;
- Chief Constable of GMP
 - Town Centre Businesses
 - Rochdale Town Centre Management Company
 - Rochdale Boroughwide Housing (Homelessness)
 - Internal Council Services (e.g. Adult Care, Environmental Management)
 - Individuals potentially affected by the Order e.g. people known to GMP/Council who may be involved in anti-social behaviour

Proposal

- 4.10 The proposed Public Spaces Protection Order will give the Council, supported by GMP, the relevant powers of enforcement needed to tackle the issues specific to the local area and make our community a safer, more pleasant place for anyone who visits, lives or works in our town centre. The Council, taking joint responsibility with GMP, is committed to improving the quality of life for residents, businesses and visitors to the town centre.
- 4.11 Depending on the outcome of the consultation the Council will consider introducing a Public Spaces Protection Order to cover some or all of the following activities;
- Control of commercial or charity collection or soliciting for money in the street
 - Consumption of alcohol on street
 - Those under 18 in the area 11pm - 6am
 - Driving/ using a car in an anti-social manner
 - Obstructing the highway/or loitering
 - Anti-social parking
 - Unauthorised distribution of printed material/leaflets
 - Use of Skateboards, bicycles and scooters
 - Begging on the Street
 - Foul and abusive language
- 4.12 The detailed description of each of the above activities is attached in the Draft Order, which is attached as Appendix 1 of this report.

- 4.13 The Order would operate alongside existing enforcement activity for example littering and dog fouling and would also link closely with existing licensing policies, for example, face to face fund raisers (commonly known as ‘Chuggers’).

Why Rochdale Town Centre?

- 4.14 The proposed area in question is Rochdale Town Centre. A map is attached as Appendix 2 to this report, which shows the proposed designated area to be included in the Order. There are key reasons why the Council and its Partners wish to designate Rochdale Town Centre and these include the following;

- there is a concentration of anti-social behaviour issues in the town centre, during the day and night time;
- the Order would support the ongoing policy to support and enhance the town centre through regeneration, investment and improved management;
- it will compliment the new enforcement strategy which is due to be approved and reinforces the commitment the Council and its Partners has in dealing with anti-social behaviour in Rochdale Town Centre;
- major investment has gone into Rochdale Town Centre as described in Paragraph 3.3 above. This Order will provide an opportunity to address a range of anti-social issues prior to the completion of the new ‘Riverside’ Retail and Leisure Development in 2019.

5. Alternatives considered

- 5.1 The Council could choose not to implement a PSPO and continue to experience the range of anti-social behaviours within our Town Centre. This would not address the effect the anti-social behaviour is having on the town centre businesses and the reputational damage it is having on our Borough.

6. Financial Implications

- 6.1 There are no direct financial implications arising from this report.

7. Legal Implications

- 7.1 It is important for the Council to deal with the proposed introduction of Public Spaces Protection Orders in a sensitive and measured way and given the potential impact on the homeless community, giving full consideration to its duties under legislation and local policy and in accordance with the prescribed procedures for consultation, publication and implementation

- 7.2 The Council must have regard to Articles 10 and 11 of the European Convention on Human Rights, which provide for the right for lawful freedom of expression and freedom of assembly, ensuring that the making of a public spaces protection order is not used to stop reasonable activities where no anti-social behaviour is being committed.

- 7.3 The Public Spaces protection Order will be considered giving full attention to Part 4, Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.

8. Personnel Implications

- 8.1 There are no direct personnel implications arising from this report.

9. Corporate Priorities

- 9.1 This report seeks to deliver improvements to the Council's three key priorities of People, Place and Prosperity. Residents, business owners and visitors should expect the Council and its Partners to deal with anti-social behaviour in its Town Centre and no-one should feel intimidated or unsafe when in the Town Centre. Rochdale Town Centre continues to undergo significant physical investment and it is considered important to deal with the range of anti-social behaviours in order to improve the Place. The Council is committed to supporting Town Centre businesses and is increasing the enforcement activity in the Town Centre, which will improve the reputation of the Town centre as a safe and secure place to visit.

10. Risk Assessment Implications

- 10.1 A full risk assessment process will be undertaken as part of the consultation process as the scope of the proposed PSPO becomes clearer.
- 10.1 It will be important to develop the proposed PSPO in line with the legislation, which could be subject to challenge.

11. Equalities Impacts

- 11.1 Workforce Equality Impacts Assessment

There are no (*significant*) workforce equality issues arising from this report.

- 11.2 Equality/Community Impact Assessments

A full Equality/Community Impact Assessment will be undertaken following the consultation process and once the scope of the proposed PSPO has been defined.

ROCHDALE BOROUGH COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PART 4, SECTION 59 DRAFT PUBLIC SPACES PROTECTION ORDER

Rochdale Borough Council in exercise of the power under Section 59 of The Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), being satisfied that the conditions set out in Section 59 of the Act have been met, makes the following order:

Rochdale Borough Council (referred to hereafter as “the Council”) hereby makes the following Public Spaces Protection Order (PSPO) that applies to any place to which the public have access within the area shown on the plan (Appendix 2) (the Prohibition Area) unless otherwise specified

1.

a) Control of commercial or charity collection or soliciting for money in the street

Any person is prohibited, at any time, when within the Prohibition Area from, engaging in or knowingly causing or permitting 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.

b) Consumption of alcohol on street

Any person within the Prohibition Area is prohibited from, at any time, consuming alcohol or having an open alcohol container after having been requested by an Authorised Officer to cease consumption or hand over the container, unless subject to exemptions listed in item 4.1 below.

c) Those under 18 in the area 11pm - 6am

Any person present between the hours of 11pm and 6am (“the relevant hours”) in public areas of the Prohibition Area (being an area to which the public ordinarily have access between those times whether or not a business owner can exclude access) and being unable to provide evidence that they are 18 or over, must leave the Prohibition Area or return to and remain in that person’s place of residence if such residence is situated within the Prohibition Area, and any such person shall not again be present in the public area for the duration of the relevant hours.

Any person subject to a requirement under this provision to leave the area must comply with any such direction forthwith. No person shall knowingly or recklessly cause, permit or encourage any such person subject to a direction under this provision to fail to comply with such a direction.

d) Driving/ using a car in an anti-social manner

A person in charge of a motor vehicle in the Prohibition Area must not allow, cause or permit the:

- Running of the engine in such a manner that causes or is likely to cause a noise nuisance;
- Playing of music in the motor vehicle at such a level that causes or is likely to cause a nuisance;
- 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)
- Driving the vehicle in a manner that causes or is likely to cause harassment alarm or distress to any person (including an Authorised Officer)

e) Obstructing the highway/or loitering

Any person is prohibited from causing or permitting an obstruction on the carriageway of a street in the Prohibition Area after having been requested to remove the obstruction from the carriageway by an Authorised Officer.

f) Anti-social parking

Any person/ registered keeper of a motor vehicle in the Prohibition Area is prohibited from parking such that the side of the vehicle is adjacent to another motor vehicle parked parallel to the traffic direction (the Double Parking Prohibition)

g) Unauthorised distribution of printed material/leaflets

Any person is prohibited from distributing free printed matter in the Prohibition Area without being in possession of an authorisation from the council.

h) Use of Skateboards, bicycles and scooters

(a) Any person is prohibited from, at any time, using a skateboard, within that part of the Prohibited Area (to be determined following consultation),

(b) Any person is prohibited from, at any time using a bicycle, scooter or similar wheeled conveyance in such a manner that causes, or is likely to cause, nuisance, alarm or distress, within that part of the Prohibition Area (to be determined following consultation)

i) Begging on the Street

Any person on a street in the Prohibition Area is prohibited from, at any time, placing themselves in a position to beg or solicit money.

j) Foul and abusive language

Any person in the Prohibition Area is prohibited from swearing, or shouting, in a manner that causes or is likely to cause harassment, alarm or distress to any person present at the time (including an Authorised Officer)

2. Definitions

- a) Authorised Officer means a Police Constable, a Police Community Support Officer or an Officer of Rochdale Borough Council in possession of an authority to enforce this Order
- b) Plan means the plan annexed to this order as Appendix 2 to this report.
- c) Carriageway means “The part of a road intended for vehicles rather than pedestrians”
- d) Scooter means “conveyance consisting of a footboard mounted on two wheels and a long steering handle, propelled by resting one foot on the footboard and pushing the other against the ground” or any other variation of the same designed or adapted for similar purpose, whether having a handle or otherwise.

3. Period for which the order has effect

This Order shall come into force on a date to be determined following consultation and remain in place for a period of three years.

4. What happens if you fail to comply with this order?

If a person does anything that is lawfully prohibited by this Order, or fails to do something lawfully required by it, he/she commits an offence under Section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 punishable by a Level 3 fine being the sum of £1000, Alcohol will be punishable by a Level 2 fine being the sum of £500, on the date of this Order unless he/she has a reasonable excuse save that consumption of alcohol is not an offence unless the requirements of clause 4.1 (a) have been complied with.

4.1 If an Authorised Officer reasonably believes that a person is, or has been, consuming alcohol in the area covered by this Order or intends to consume alcohol in such a place or is in possession of an open container of alcohol in such place, the Officer may:

- a) require the person not to consume alcohol and
- b) require the person concerned to surrender anything in his possession which is, or which the Officer reasonably believes to be, alcohol or a container of alcohol.

5. Exemptions

A prohibition in this Order on consuming alcohol does not apply to licensed premises as defined in section 62 of the Anti-Social Behaviour Crime and Policing Act 2004.

Signed:

Dated:

Information (not part of the Order)

1. FIXED PENALTY

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. A person committing an offence will have 14 days to pay the fixed penalty of £100.00, failing which you may be prosecuted.

Appeals

Any challenges to this order must be made in the high court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When application is made, the High Court can decide to suspend the operation of the order pending the Courts decision, in part or in totality. The High Court has the ability to uphold the order, quash it, or vary it.