



Date of Meeting	19 th December 2017
Portfolio	Councillor Neil Emmott Portfolio Holder for Housing and Environment
Report Author	Mark Widdup
Public/Private Document	Public

Public Spaces Protection Order - Rochdale Town Centre (Outcome of Consultation)

Executive Summary

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.
 - 1.1 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.
 - 1.2 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.
 - 1.3 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 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.

Recommendation

2. Consider the outcome of the consultation which has been undertaken and the comments received from the consultees.
 - 2.1 Approve the amended list of prohibitions in the Public Spaces Protection

Order contained in Appendix 1 and confirm that a number of the proposed prohibitions mentioned in the draft Order should not be included as part of this Order. These are as follows; 'those under 18 in the area 11pm - 6am'; 'Unauthorised distribution of printed material/leaflets'; 'foul and abusive language'.

- 2.2 Approve in principle the suggested extensions to the geographical scope of the Order as detailed above and as set out in Appendix 2.
- 2.3 Delegate approval of the final legal Order and the final designated areas for each prohibition to the Director of Neighbourhoods in consultation with the Assistant Director (Legal, Governance and Workforce).

Reason for Recommendation

- 3. 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. The Council has undertaken a consultation exercise on a proposed Public Spaces Protection Order for Rochdale Town Centre which should be considered in determining if any amendments should be made to the original proposals.

Key Points for Consideration

- 4. 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.
 - 4.1 This however is a complex issue and the people concerned can range from a small number of genuinely 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 of some of our most vulnerable people. This practice could be directly exploitive of the most vulnerable people in our Borough.
 - 4.2 **Proposal**

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.
 - 4.3 Following a consultation process the Council should consider introducing a Public Spaces Protection Order to cover the following activities;

- Control of commercial or charity collection or soliciting for money in the street
- Consumption of alcohol on street
- Driving/ using a car in an anti-social manner
- Obstructing the highway/or loitering
- Anti-social parking
- Use of Skateboards, bicycles and scooters
- Begging on the Street

4.4 The detailed description of each of the above activities is attached in the Draft Order, which is attached as Appendix 1 of this report.

4.5 The Order would operate alongside existing enforcement activity for example littering and dog fouling and would also link closely with existing licensing policies.

4.6 **Why Rochdale Town Centre?**

The proposed area in question is Rochdale Town Centre. A revised map is attached as Appendix 2 to this report, which shows the proposed designated area to be included in the Order following the consultation process. The areas which have now been included in scope are set out in paragraph 5.4 of this report. 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 complement 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, 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.

4.7 Mindful of the Council's obligations to protect and support our most vulnerable people the Council has sought and received confirmation from Petrus that they will work positively together with the Council and other partners on this initiative and help provide a constructive alternative to vulnerable individuals and those with housing needs. This will include providing targeted resources to work alongside Council and GMP officers on the ground to offer assistance and advice.

4.8 **Alternatives Considered**

It is appropriate for the outcome of consultation to be reported back to Members. 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.

Costs and Budget Summary

5. There are no specific budgetary implications arising from this report.

Risk and Policy Implications

6. 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
 - 6.1 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.
 - 6.2 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.
 - 6.3 A full risk assessment will be undertaken prior to the proposed Order being implemented. This will involve joint meetings with GMP to ensure a co-ordinated approach in the Town centre.

Consultation

7. The Council is required under the legislation to carry out consultation and necessary publicity and notification before making a PSPO.
 - 7.1 The Council consulted with the Chief Officer of GMP, appropriate community representatives, and the owners or occupiers in the area to be designated. The Council provided the proposed wording of the Order and the proposed designated area to the consultees.
 - 7.2 During the consultation process the Council sought 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 consulted with the following stakeholders;
 - Chief Constable of GMP
 - Town Centre Businesses
 - Rochdale Town Centre Management Company
 - Rochdale Boroughwide Housing (Homelessness)
 - Internal Council Services
 - Groups who work with Individuals potentially affected by the Order
 - 7.3 **Summary of Outcome of Consultation**

There was a high level of interest generated through social media on the

original proposal. The majority of the coverage was focused on the proposed 'swearing ban' which was picked up by a number of TV programmes.

The media coverage can be summarised as follows;

- Social media activity on Twitter and Facebook
- Media Coverage in The Sun, Times, Mail and Express
- Five Live and The Wright Stuff
- Majority of the media stories focussed on proposed 'swearing ban'

7.4 The Council received 23 written comments in support of the proposed PSPO. These were received from local businesses including Louise Butterworth, Halifax Building Society, Greg Couzens, Jewellers (Yorkshire Street), Martin & Co, Yorkshire Bank, Butterworth Sports, Dental Practise, Boots, GMP, Exchange Shopping Centre, British Transport Police, Heritage Healthcare, Members of the Public, Charles Derby, LMS Property Management, TK Maxx, La Mancha, Marks and Spencers, Rochdale Town Centre Management.

7.5 The comments received in support of the proposal can be summarised as follows;

- All local businesses who responded where fully behind the proposal
- Suggestions on extending the Boundary of the PSPO
- Extend to include;
 - Rochdale Train Station and Metrolink
 - Dunelm, Brickcroft Club, B&M's and Iceland
 - Aldi and Central Leisure
 - Home Bargains and Central Retail Park

7.6 A revised map including these areas is attached as Appendix 2 of this report.

- GMP supported the PSPO but advised to drop the swearing ban given the issues with enforcement and that there is already legislation in place to deal with people/persons using foul and abusive language in a manner that causes or is likely to cause harassment alarm or distress.

7.7 The Council received 10 comments against the proposal. These were received from Labour Campaign for Human Rights, Liberty and various members of the Public.

The comments received against the proposal can be summarised into four main topics as follows;

- Criticism for targeting the most vulnerable
- Swearing ban not enforceable
- Criticism for not allowing unauthorised distribution of leaflets
- The PSPO goes against the European Convention on Human Rights

7.8 In addition to considering a Public Spaces Protection Order the Council has been proactive in stepping up its enforcement activity in Rochdale Town Centre. There has been a range of actions over the summer which include;

- Three Town Centre Wardens now appointed and operational

- Deployment of Wardens co-ordinated with GMP and PCSO's
- Operating up to 8pm
- High visibility in Town Centres engaging with local businesses
- Generating Fixed Penalty Notices for environmental offences
- Co-ordinated operations with GMP, Drug and Alcohol workers to tackle street beggars and street drinkers

7.9 Members should be aware that the vast majority of the issues raised by objectors to the draft Order related to the Prohibition of Begging in the Street;

- The key point made by objectors is that the 'ban on begging' would punish vulnerable members of society by imposing financial penalties they cannot afford and cruelly forcing them to use what little money they might have saved from the charity of others to pay a fine.
- Alternatively, many of the businesses and members of the general public who supported the proposed Order wish to see the number of beggars 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
- As detailed in Section 4 above the Council does acknowledge this is a sensitive issue which needs careful handling. However, evidence held by GMP and the Council suggests that the majority of people currently involved in begging in the Town Centre are not homeless and all are being offered support as detailed above.

7.10 A presentation has been done to Communities, Regeneration, Environment Overview and Scrutiny Committee at which the Members confirmed their full support for the amended Order.

Background Papers	Place of Inspection
8. Consultation responses	3 rd Floor, Number One Riverside, Smith Street, Rochdale
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