

## **Statement of Intention**

Public Space Protection Orders (PSPO) were introduced under the ASB, Crime and Policing Act 2014. Public Spaces Protection Orders 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.

## **Current Landscape**

**(For signage, please see appendix B)**

**(For Map of area covered, please see appendix C)**

The areas currently designated within the borough are listed below:

## **Active PSPOs**

- **Bury town centre (area within Jubilee Way, Peel Way, Angouleme Way and Derby Way)**

## **Prohibitions**

- The consumption of alcohol in this area is prohibited.
- The use of amplifiers or speakers in this area is prohibited.

## **Area covered**

Bury town centre - All streets and public areas within the following described boundaries.

- To the North, the full length of Peel Way (Inner Relief Road) to its junction with Jubilee Way in the West and its junction with Walmersley Road, Moorgate and The Rock in the East
- To the West, the full length of Jubilee Way from its junction with Peel Way to its junctions with Angouleme Way and Manchester Road
- To the South and East, the full length of Angouleme Way to its junction with Rochdale Road
- To the East, Rochdale Road to its junction with Derby Street
- The full length of Derby Street to its junction with Barlow Street

- The full Length of Barlow Street to its junction with The Rock
- The Rock from its junction with Barlow Street to Peel Way in the North

### **Exemptions**

PSPOs do not apply to licensed premises or registered clubs or places where the sale of intoxicating liquor has been authorised by club premises certificate, a temporary permission, or premises licence.

The following are not designated public places:

- Premises which hold a premises licence or club premises certificate authorising the sale or supply of alcohol and places within the curtilage of such premises
- Premises at any time where a valid temporary event notice is in force, during the period when alcohol is being sold or supplied and for a period of 30 minutes thereafter
- A place where facilities/activities relating to the sale or consumption of alcohol are for the time being permitted under permission granted under section 115E of the Highways Act 1980.

### **Overview and Threshold**

Public Spaces Protection Orders (PSPOs) are intended to deal with a nuisance or problem in a particular area that is detrimental to the quality of life for local people. They seek to impose conditions on the use of that area which apply to everyone. Only local authorities have the power to make PSPOs although they can be enforced by both the Police and/or council officers.

The terms of the PSPO (restrictions and / or requirements) are set by the Council. These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. A PSPO can restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour.

The local authority can make the order if satisfied on reasonable grounds that:-

- Activities carried out in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality OR
- it is likely that activities will be carried out in a public place within that area and they will have that effect; AND

- the effect or likely effect of the activities is or is likely to be of a persistent or continuing nature; is or is likely to be such as to make those activities unreasonable and justifies the restrictions imposed by the notice.

The Council can make a PSPO on any public space within its own area. The definition of public space includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, for example a shopping centre.

### Procedure for initiating a Public Space Protection Order

The case for placing conditions of use on a public space must be balanced and evidence based. This includes placing additional restrictions on an area, whether it be already covered by a PSPO currently or not.

Criminal, environmental or anti-social behaviour issues should be investigated and resolved through normal case work and partnership processes including referring to support agencies, warnings, acceptable behaviour contracts, mediation, restorative justice, tenancy action such as tenancy warnings, injunctions, exclusion orders or possession and other legal interventions such as community protection warnings, community protection notices and fixed penalty notices. Most cases where a PSPO is considered will have been discussed and progressed through multi agency meetings and a range of interventions should be considered and used where appropriate to address the issue before a PSPO is progressed.

Where previous interventions have failed to address the problem and the case officer feels a PSPO is necessary and proportionate, s/he will discuss the proposal for consideration of a PSPO with the ASB Officer and ASB Manager (or other Senior Officer within the Service if they are not available).

The ASB Officer or ASB Manager will then explore the option of a PSPO with Partner Agencies.

### **Evidence Gathering**

A core project group consisting of relevant partner agencies will be established to gather and evaluate the evidence relating to the existing PSPO's and also to consider requests for new PSPOs.

The following services are core members of the Project Group:

- Anti-Social Behaviour Team
- Greater Manchester Police
- Legal Services

Additional services will be invited to join discussions around new requests for PSPOs depending on the type of land and proposed restrictions under consideration. Examples could include:

- Housing Services
- Licensing
- Environmental Health – Neighbourhood Enforcement Team
- Council Highways Department
- Council Parks and Countryside Department
- Private Land owner

The Project Group evaluate the initial evidence available to support the case for a PSPO and take a view on whether to pursue the idea of a PSPO or look at other methods.

The project group will commission detailed analysis to enable them to determine if a PSPO is necessary and proportionate. Evidence to support a PSPO is likely to include some of the following although this not exhaustive:

- Police crimes and incidents
- Reports to relevant Council departments
- Diary sheets and / or witness statements
- Photographs / CCTV footage
- Other interventions used to address the problem

The Project Group will apply a two tier test to determine if a PSPO is justified:

1. Has the legal threshold for applying a PSPO been met?
2. Are there other interventions that could be used to resolve the issues that haven't been tried?

If there are further interventions available under point 2, the project group will discuss these with the case manager and progress the alternative action plan.

If both parts of the test are satisfied, the ASB Officer or ASB Manager will discuss further and prepare a report to SLT for approval and permission to produce a report for Council Cabinet members.

Once consent has been given to proceed (through Cabinet members) the project group will then draw up draft conditions and a communication and consultation plan.

### Consultation

It is a statutory requirement for the Council to consult with partners and other affected parties before making a PSPO. The consultation process will be coordinated by the ASB Officer or ASB Manager and supported by the project group. They will ensure that community representatives, relevant community groups, residents, elected members and other stakeholders are consulted as appropriate.

In addition, the owner or occupier of the land will be involved in the project group where appropriate.

Consultation will predominantly be done through an online survey but any residents and community groups in the affected area will receive paper copies of the survey if necessary.

Consultation responses will be considered by the Project Group and legal officers to assess:

- Whether to proceed with the PSPO in the light of responses
- Whether to amend the draft conditions in light of the responses

The project group's recommendation will be shared with the Senior Leadership Team. If they agree with the decision made, the group's recommendation will be shared with the Council's Cabinet Members for their consideration and approval.

### Funding (speak to group today)

The capital costs of making a PSPO will include the cost of signage and in the case of an order restricting access to an area, potentially the cost of physical gates.

The ASB Officer or ASB Manager will apply for the funding for signs and other associated costs to the Community Safety Partnership.

Funding for gates and the additional costs associated with orders restricting access will have to be provided by the individuals or community groups requesting the Order.

### Legal Process

Council Legal Team will be informed and consulted at necessary stages throughout the process to ensure government guidance is followed and legislation is followed accordingly.

### Publication

PSPOs must be published in accordance with government statutory regulations. The Anti-Social Behaviour Officer or ASB Manager will oversee the publication of the PSPO and work with the project group and the Council Communications Team to ensure it is published:

- On the Bury Council Website specific pages
- In the local press
- Via Social Media
- On signage, erected in the necessary area

### Enforcement

Enforcing a Public Spaces Protection Order (PSPO) typically involves the following steps:

*Designation* - The local authority identifies specific areas where a PSPO is needed to address anti-social behaviour or other issues affecting public spaces.

*Consultation* - Authorities consult with the community, stakeholders, and relevant agencies to gather input and assess the need for a PSPO.

*Drafting* - The PSPO is drafted, specifying prohibited activities or conditions within the designated area. This could include restrictions on alcohol consumption, dog control, or other behaviours causing harm.

*Approval* - The PSPO is formally approved by the local authority, and public notice is given to inform residents and users of the affected area.

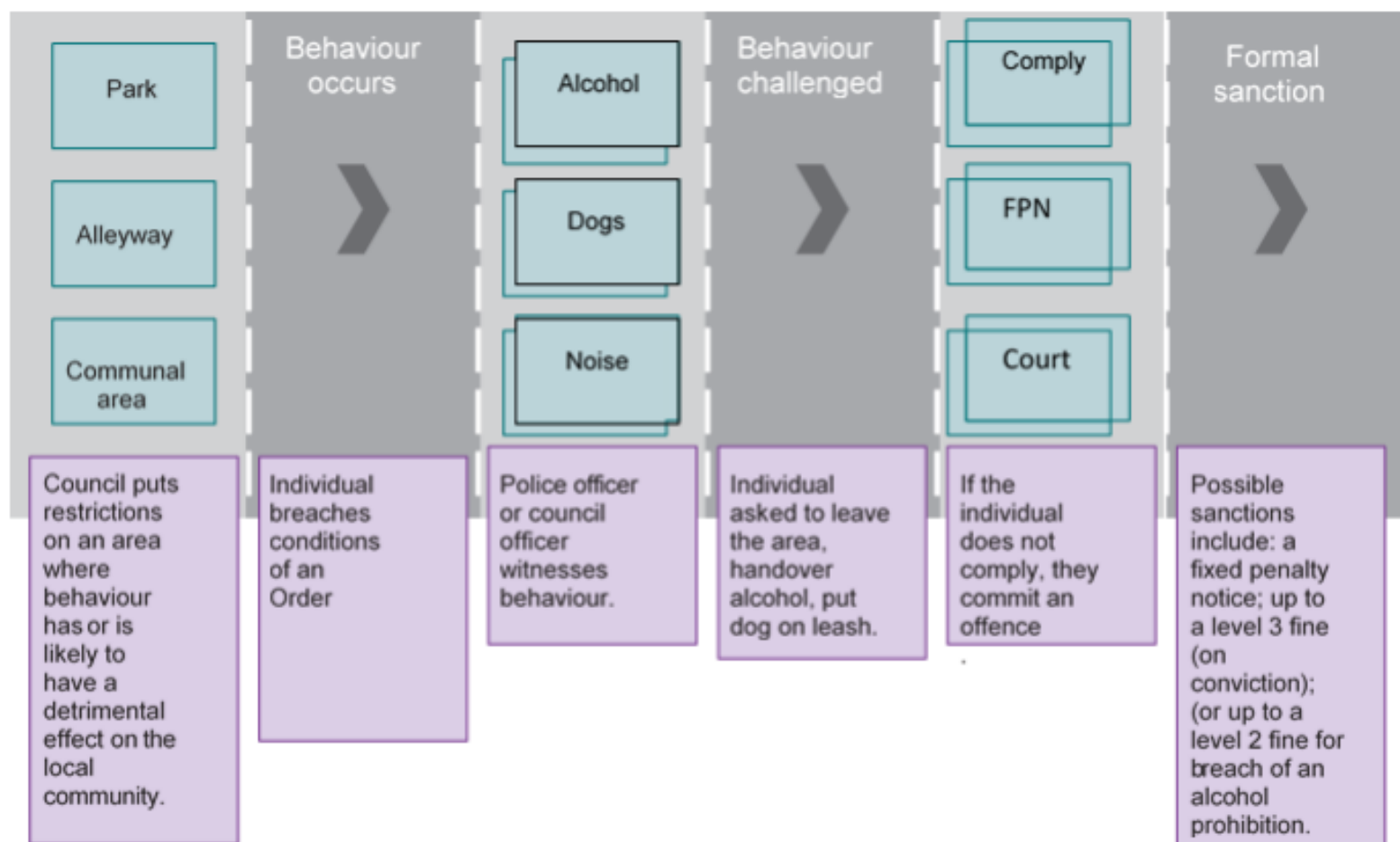
*Implementation* - Signs displaying the PSPO regulations are installed in the designated area, and information campaigns may be conducted to raise awareness.

*Enforcement* - Enforcement is carried out by authorised officers, such as the police or designated council officials. They may issue warnings, fixed penalty notices (FPN's), or take legal action against those violating the PSPO. Seizure of alcohol will be carried out by Greater Manchester Police. Open and closed

containers can be seized. With regards to the seizure of "Amplified Equipment", this can be carried out by Greater Manchester Police, Under the Police and Crime Evidence act 1984, Section 19 "Power of Seizure".

Review - Periodic reviews assess the effectiveness of the PSPO. Adjustments may be made based on changing circumstances or community needs.

## Public Space Protection Order



Purpose	Public Spaces Protection Orders 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.
Putting victims first	In deciding to place restrictions on a particular public space, consideration is required of the knock- on effects of that decision and ensure that this is a reasonable and proportionate response to incidents of ASB in the area.



	Introducing a blanket ban on a particular activity may simply displace the behaviour and create victims elsewhere. Consideration is also to be given to members of the public who need or want to use the space before implementing a Public Spaces Protection Order e.g. those who want access to a park due to not having a garden at their home.
Who can issue a PSPO?	Bury Council
Test	The legal tests focus on the impact that ASB is having on victims and communities. A Public Spaces Protection Order can be made by the Council if they are satisfied on reasonable grounds that the activity or behaviour concerned, carried out, or likely to be carried out, in a public space: 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.
Details	<p>Before making a PSPO the Council must consult with Chief Superintendent of GMP Bury. This is an opportunity for the police and Council to share information about the area and the problems being caused as well as discussing the practicalities of enforcement. In addition, the owner or occupier of the land should be consulted.</p> <p>Consultation is to take place with local community representatives through an open and public consultation to give the users of the public space the opportunity to comment on whether the proposed restriction or restrictions are appropriate, proportionate or needed at all</p> <p>The Council must carry out the necessary publicity and necessary notification in accordance with section 72(3) of the Anti-social Behaviour, Crime and Policing Act 2014 – this includes publishing the text of a proposed order or variation and publishing the proposal for an extension or variation. The Council must also publish information about the order in accordance with regulations made by the Secretary of State - this includes publishing the order as made, extended or varied on its website, and, where an order is discharged, publishing a notice on its website identifying the order which has been discharged and the date on which it ceases to have</p>

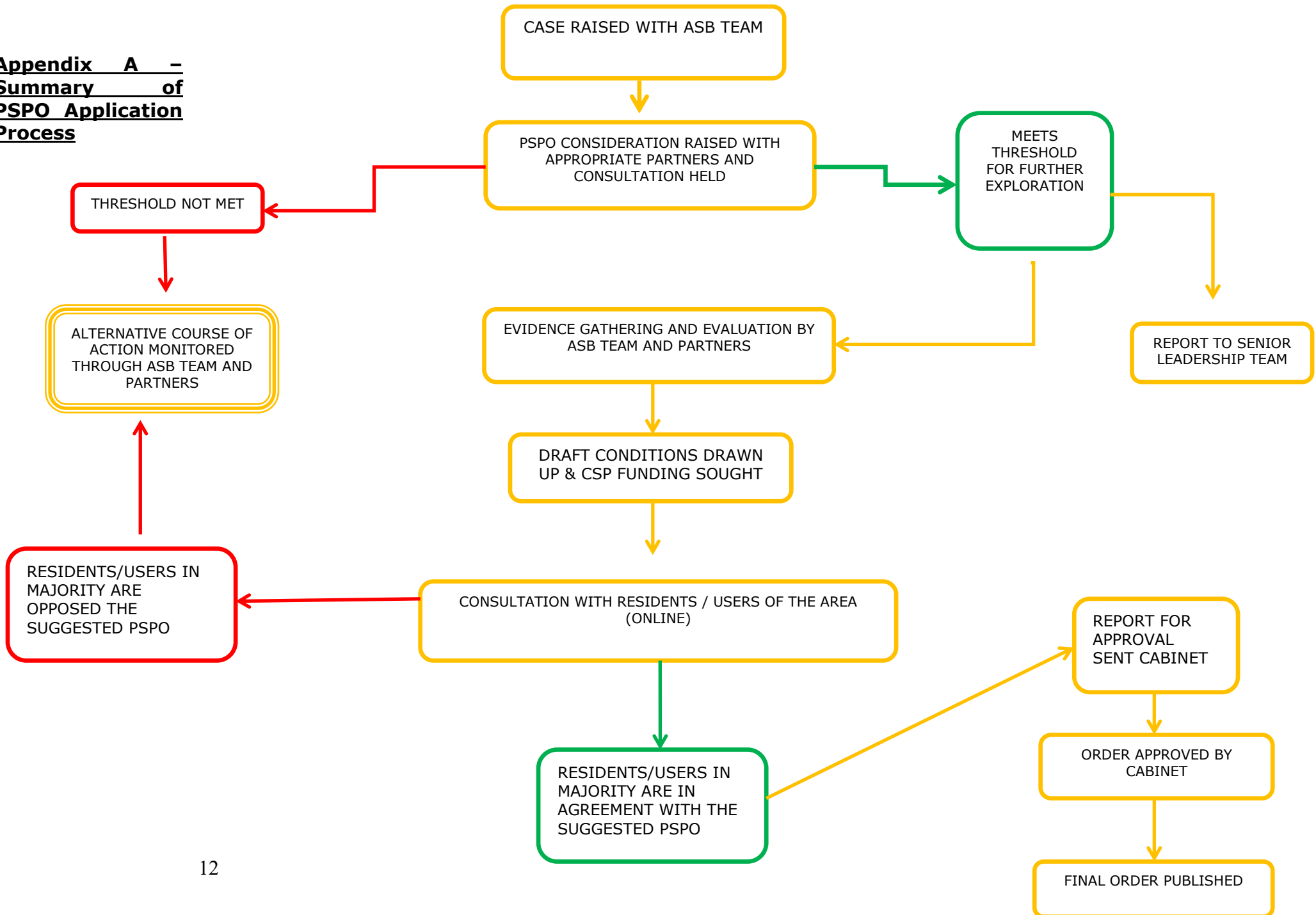
	<p>effect.</p> <p>Bury Council currently has 1 areas with an active PSPO.</p> <ul style="list-style-type: none"> <li>- Bury Town Centre</li> </ul> <p>A breach of a PSPO can result in prosecution or a Fixed Penalty Notice issued by any delegated officer of the Council or Police Officer. Further information on Bury Council's PSPOs can be found at: <a href="https://www.bury.gov.uk/index.aspx?articleid=11336">https://www.bury.gov.uk/index.aspx?articleid=11336</a></p>
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### **Expedited Public Spaces Protection Order (E-PSPO)**

Purpose	Expedited Public Spaces Protection Orders are intended to protect the public from harm that some protests in the vicinity of schools, vaccination centres and NHS Test & Trace (T&T) sites. They are intended to help ensure that both the public using services at these sites and the staff and volunteers providing these services, can do so free from intimidation, harassment and impediment of access or provision of services.
Putting victims first	Consideration should be given to how the use of this power might impact on the most vulnerable members of society, and is to be given to any risks associated with displacement, including to where people may be dispersed to.
Who can issue a E-PSPO?	<p>Bury Council.</p> <p>Local Authorities can make an Expedited Public Space Protection Order without prior consultation and with the consent of:</p> <ul style="list-style-type: none"> <li>- The Chief Superintendent of GMP Bury</li> <li>- For orders imposed in the vicinity of a school, a person</li> </ul>

	<p>authorised by the appropriate authority for the school in question</p> <ul style="list-style-type: none"> <li>- For orders imposed in the vicinity of a vaccination or NHS Test and Trace site, a person authorised by the appropriate NHS authority.</li> </ul> <p>An Expedited Public Spaces Protection Order can only be used when specific conditions are met and should not be used as a tool to deal with wider ASB or to stop non-disruptive or non-harmful protests.</p>
Test	<p>Activities that are part of the test for making an Expedited PSPO: be in the course of a protest or demonstration; be in a public space within the vicinity of a school, vaccine or NHS Test &amp; Trace site; has had or is likely to have the effect of harassing or intimidating staff or volunteers at the school or site, or persons using the services of the school or site; or impeding the provision of services by staff or volunteers at the school or site, or the access of persons seeking to use the services of the school or site; the effect is, or is likely to be, persistent or continuing in nature; and the effect is, or is likely to be, unreasonable.</p>
Details	<p>E-PSPOs can last for a period of up to 6 months. Restrictions and requirements will be determined on a case-by-case basis to determine if a blanket order for the site or whether restrictions targeted against certain behaviours by certain groups at certain times.</p> <p>The Council is required to carry out a consultation as soon as reasonably practicable after making an expedited order.</p> <p>Breach of these PSPO's is a criminal offence and will be action by GMP primarily. However Bury Council will be responsible for the review and any amendments needed to the PSPO's, in consultation from relevant partners.</p>

**Appendix A –  
Summary of  
PSPO Application  
Process**



# **PUBLIC SPACES PROTECTION ORDER**



**CONSUMING ALCOHOL IN  
THIS AREA IS PROHIBITED.**



**THE USE OF SPEAKERS OR  
AMPLIFIERS IS PROHIBITED.**

## **MAXIMUM FINE £1000**

**FAILURE TO COMPLY WITH THIS ORDER COULD LEAD TO A  
£100 FIXED PENALTY NOTICE OR PROSECUTION AND A  
FINE OF UP TO £1000 ON CONVICTION.**

This area is subject to a Public Spaces Protection Order (PSPO) pursuant to Part 4, Chapter 2 of the Anti-Social behaviour, Crime and Policing act 2014.

Pubs, restaurants, and off-licences do not form part of the PSPO. Areas covered by a 'Temporary Event Notice' or a 'local authority premises licence' are only exempted from the PSPO whilst speakers or amplifiers are being used.

## **Appendix C – PSPO Maps and Areas**

### **BURY TOWN CENTRE - ACTIVE**

