

**Report to:** Executive Cabinet Member  
Environmental Services

**Date:** 14<sup>th</sup> January 2019

**Report of:** Director of Place **Report No:** ECMES/400

**Contact Officer:** Assistant Director  
Neighbourhoods & Regulatory Services **Tele No:** 01204 331008

**Report Title:** **Town Centre Public Spaces Protection Order (PSPO)**

**Non-Confidential:** **(Non-Confidential)** This report does **not** contain information which warrants its consideration in the absence of the press or members of the public.

**Purpose:** To provide an update on the findings of the public consultation and to recommend that the council implements a Public Spaces Protection Order (PSPO) for Bolton Town Centre under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014. The purpose of the Order is to assist the Council and its partners to provide an appropriate and robust response to anti-social behaviour related issues in the town centre.

**Background Doc(s):**

- Report to ECMES49/18, 09/07/2018, Town Centre Public Spaces Protection Order
- Report to ESWPDG/06/18, 25/04/18, Town Centre Public Spaces Protection Order

**Appendices / Attachments**

Appendix 1: Draft Public Spaces Protection Order: Bolton Town Centre  
Appendix 2: Public consultation results & copy of questionnaire  
Appendix 3: Consultation responses from Liberty and Bolton CVS  
Appendix 4: Equality Impact Assessment

**Recommendations:** The Executive Cabinet Member is requested to:

- (i) Approve, in conjunction with the Director of Place, the implementation of a Public Spaces Protection Order under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 as detailed in Appendix 1.
- (ii) Authorise the Borough Solicitor to carry out all necessary legal formalities.
- (iii) Request a further report to consider the impact and effectiveness of the order once it has been in effect for 12 months.

**Decision:**

**Signed:**

\_\_\_\_\_  
Leader / Executive  
Member

\_\_\_\_\_  
Monitoring Officer

**Date:**

**Summary:**

On the 9<sup>th</sup> July 2018 approval was given for the council to implement a public consultation exercise to seek views on a proposed Public Spaces Protection Order (PSPO) for Bolton Town Centre.

The net outcome of the consultation was an overwhelming support for the PSPO across all proposed prohibitions (see Appendix 1 for details of the draft order). As a result, the council is proposing the introduction of a PSPO for the next 3 years covering the following:

- Consumption of alcohol on street
- Intoxicating Substances
- Anti-social Behaviour
- Begging on the street
- Peddling / street trading
- Soliciting for money in the street (commercial)
- Soliciting for money in the street (charity)
- Distribution of publicity materials
- Obstructing the highway
- Marking of surfaces
- Use of amplifiers
- Use of skateboards and scooters
- Use of bicycles

PSPOs are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. The prohibitions included in the PSPO are proportionate, based on evidence, consultation responses and analysis and are necessary to address the issues within the specified designated location.

The report seeks approval to:

- (i) Approve, in conjunction with the Director of Place, the implementation of a Public Spaces Protection Order under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 as detailed in Appendix 1.
- (ii) Authorise the Borough Solicitor to carry out all necessary legal formalities.
- (iii) Request a further report to consider the impact and effectiveness of the order once it has been in effect for 12 months.

## **1. INTRODUCTION & BACKGROUND**

- 1.1 On the 9<sup>th</sup> July 2018 approval was given for the council to implement a public consultation exercise to seek views on a proposed Public Spaces Protection Order (PSPO) for Bolton Town Centre.
- 1.2 This report details the findings from the consultation and the implications it has on the proposed draft Order. It also sets out recommendations for the Executive Cabinet Member.

## **2. CONSULTATION METHODOLOGY**

- 2.1 Interested bodies and members of the public were invited to comment on the proposed PSPO in the following ways:
  - a) The draft PSPO and a questionnaire was made available on the council's website (with a paper version available on request)
  - b) The consultation was promoted via the council's social media pages (Twitter / Facebook)
  - c) A direct email was sent to a list of stakeholders (including statutory: Chief Officer of Police and Police & Crime Commissioner) and responses were invited via email, letter or via the questionnaire
  - d) A direct email with a link to the online questionnaire was sent to the council's public consultation panel (eView) and to people who had signed up to receive consultation about Bolton town centre
  - e) There were three mentions in the Bolton News (including a double page feature) and associated online coverage on their website and their social media channels
  - f) There were several meetings held during the consultation period e.g. Greater Manchester Police, GM Cycling and Walking Commissioner and Central Bolton Partnership (business representatives in Bolton Town Centre)
- 2.2 The consultation ran for a six-week period from the 9 July until 17 August 2018. Full details of the consultation and a copy of the questionnaire is provided at Appendix 2.

## **3. COUNCIL'S RESPONSE TO THE CONSULTATION**

- 3.1 The council would like to thank all those that have taken part in the public consultation and contributed to these proposals. This exercise has been important to understand the public strength of feeling and has helped shape the council's approach to responding to behaviours that are having a detrimental impact in the town centre.
- 3.2 The net outcome of the consultation was an overwhelming support for the PSPO across all proposed prohibitions. As a result, the council is proposing the introduction of a PSPO. The full order is available at Appendix 1.
- 3.3 The introduction of the PSPO will impact on the lives of people who live, work and visit the town centre. The proposed restrictions will impact positively on people whose protective characteristics are impacted upon by the anti-social behaviour the order is designed to address. The aim is for the PSPO to deter people from engaging in the restricted activities. Whilst the PSPO is designed to prohibit certain activities it is also designed to enable people to feel that the place where they live, work or visit, is a safe and welcoming place. The PSPO could therefore have a positive impact for the area.

3.4 PSPOs are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. The prohibitions included in the PSPO are proportionate, based on evidence, consultation responses and analysis and are necessary to address the issues of anti-social behaviour within the specified designated location.

#### **4. SUMMARY OF CONSULTATION RESPONSES**

4.1 This section provides a high-level overview of the consultation feedback and sets out the council's response to each prohibition. A more detailed breakdown of the comments received during the consultation is available at Appendix XX.

4.2 A total of 268 responses were received to the questionnaire. Formal responses were also received from Bolton CVS, and Liberty (Protecting civil liberties / Promoting human rights). These are provided in full at Appendix 3. In addition, over a hundred comments were received via social media in response to council posts and media coverage.

#### **The area proposed for coverage by the PSPO:**

4.3 Over four-fifths (82%) of respondents to the questionnaire agreed that Plan 1 in the proposal covered the correct area of the town centre, 9% disagreed and 9% were unsure.

4.4 Over two-thirds (70%) of respondents to the questionnaire agreed that Plan 2 in the proposal covered the correct area of the town centre, 14% disagreed and 17% were unsure.

#### **The behaviours which the PSPO proposes to limit:**

##### Consumption of alcohol on the street

4.5 The majority of questionnaire respondents were in favour of prohibiting people '*consuming alcohol or having an open alcohol container within the prohibition area*' being included within the PSPO.

##### **Consumption of alcohol on the street - Questionnaire results:**

- **51% of respondents felt that this was a 'major' problem (96% said it was a problem)**
- **79% 'strongly' agree that it should be included in the PSPO (92% agree)**

4.6 Respondents commented on concern for visitors' safety, dislike of seeing drunken behaviour and of seating in the town centre being taken up by drunks. The number of people drinking on the street was felt to deter visitors and be bad for the reputation of the town.

4.7 However, there was also concern that Bolton should be helping those who drank on the street and some commented that drinking was all part of a vibrant town or not an issue.

4.8 Bolton CVS suggest the establishment of a 'Heart of Bolton' team which would provide a range of day-time, weekend and night-time outreach interventions in Bolton Town

Centre. They also suggest safe-spaces for people under the influence of intoxicating substances to go where they can be away from harm and receive support.

**Bolton Council Response:**

Consumption of alcohol on street: This prohibition should remain unchanged and be included in the PSPO.

- 4.9 The consultation response clearly highlights this issue is a concern. The order provides a power to authorised officers to reduce or prevent alcohol consumption in a public place that is continuing, occurring or recurring. The order will be used where alcohol consumption in a public place causes, or is likely to cause, anti- social behaviour. The aim is to deter individuals and groups of people from behaving in an anti-social manner which can have a detrimental effect on people’s feeling of safety and the vibrancy of the Town Centre.
- 4.10 Where required, action will focus on helping people to change behaviour and access support services. The council has recently awarded the contract for the provision of substance misuse treatment and recovery service to Greater Manchester Mental Health NHS Foundation Trust. This service is known as ‘Achieve’, which includes Bolton Assertive Outreach and Complex Lifestyles service, and will play an important role in how individuals with substance misuse problems will be supported. Authorising officers will be made aware of this service and how individuals can seek support.

Begging on the street

- 4.11 Most questionnaire respondents were in favour of prohibiting people ‘*placing themselves in a position to beg and solicit money*’ being included within the PSPO.

Begging on the street - Questionnaire results:

- **79% of respondents felt that this was a ‘major’ problem (95% said it was a problem)**
- **75% ‘strongly’ agree that it should be included in the PSPO (89% agree)**

- 4.12 Several comments were received by people who had been affected by beggars within the town centre; some said it was annoying, others said in some cases they were made to feel intimidated or threatened, and felt they were specifically targeted because of a vulnerability, e.g. elderly. Businesses sometimes had beggars entering their workplace asking staff for money. Many people felt the situation was getting worse in Bolton.
- 4.13 There were also comments from individuals who were concerned about the rising number of beggars in the town centre and suggested support should be given rather than moving them on.
- 4.14 Bolton CVS raised the following points about begging in their response to the consultation:
- There are people begging on the streets of Bolton who are genuinely in need and incredibly vulnerable. A report produced by Homeless Link includes some considerations that could influence Bolton’s offer of support.
  - Bolton partners could explore what a ‘pay it on’ campaign and ‘alternative giving’ initiatives could look like for Bolton, co-designed with people with lived experience of street-begging.
- 4.15 Liberty raised the following points within their consultation response:

- Criminalising begging may undermine the right to freedom of expression under Article 10 of the European Convention on Human Rights
- The wording '*placing themselves in a position to beg and solicit money*' is too vague to be enforceable

<b>Bolton Council Response:</b>
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Begging on the Street: This prohibition should remain unchanged and be included in the PSPO.
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- 4.16 The consultation response clearly highlights this issue is a concern. The context in Bolton is that a high proportion of instances of begging activity, the individuals involved seek to present their circumstances to the public as being homeless and rough sleeping. Where someone is identified as sleeping rough, appropriate assistance is offered and provided. Bolton has a strong offer in place to support those in these circumstances.
- 4.17 It is noted that of the 40 or 50 individuals identified as being involved or suspected of involvement in begging activity, consistently around 80% are either not homeless and/or not rough sleeping and only a small proportion of those who are rough sleeping actually engage in begging activity. Whilst a further small proportion may be in precarious accommodation arrangements, a significant proportion of those engaged in begging activity are known to have secure accommodation and be in receipt of appropriate benefits.
- 4.18 Decisions to pursue enforcement action are based on consideration of individual case circumstances. An account is taken of the nature of their behaviour; their accommodation arrangements; access to sources of income; any particular issues relating to their health, wellbeing and vulnerability; and response to efforts to engage with outreach and offers of a range of assistance.
- 4.19 The Council is confident in the positive efforts made to support individuals in need including the help offered to vulnerable individuals including those with housing needs. Decisions to pursue enforcement action are taken carefully in all individual cases, are not pursued as first resort and parallel offers of support and assistance are maintained throughout.
- 4.20 The Council is aware of the need and obligations under legislation and its own policies to protect and support the most vulnerable people in the borough. This includes those who are homeless and sleep rough. The Council currently works with several partners both statutory and voluntary to provide help and support for vulnerable households and in particular those that are at risk of homelessness. The Council's approach is set-out in the Homelessness Strategy Statement 2017 – 2021 (and supporting documents).
- 4.21 The Central Bolton Partnership lead and manage a multi-agency group (including Police, Community Safety Services, Housing Options and Urban Outreach) to specifically tackle rough sleeping and the issue of on-street begging in and around the town centre. The group monitors a list of individuals and actively seeks to engage individuals through regular on-street outreach involving the Council's Help for Single Homeless service, Vulnerable and Homeless Community Nursing team, and Urban Outreach Streetlife service. There is regular liaison and information / intelligence sharing through this multi-agency group.
- 4.22 Consultation findings and detailed responses from organisations like CVS, highlight that the public do want to see a balanced approach between enforcement and support.

The council is confident that there is a robust supportive multi-agency response in place.

- 4.23 CVS suggested that Bolton partners could explore what a ‘pay it on’ campaign and ‘alternative giving’ initiatives could look like for Bolton, co-designed with people with lived experience of street-begging. This is something that the council is considering as part of its overall strategy to prevent and reduce begging in the town. This will be assessed alongside the implementation plans for the PSPO.

#### Anti-social Behaviour

- 4.24 Most questionnaire respondents were in favour of the ‘*prohibition of behaving in a way which causes or is likely to cause harassment, alarm or distress to the public*’ being included in the PSPO.

<u>Anti-social Behaviour - Questionnaire results:</u>
<ul style="list-style-type: none"><li>• <b>69% of respondents felt that this was a ‘major’ problem (98% said it was a problem)</b></li></ul>
<ul style="list-style-type: none"><li>• <b>90% ‘strongly’ agree that it should be included in the PSPO (95% agree)</b></li></ul>

- 4.25 Several comments were received by people who had been affected by anti-social behaviour in the town centre and who felt it needed to be addressed due to it having a detrimental impact on the town as a place to visit and work. Town centre businesses said they received complaints about anti-social behaviour and people feeling unsafe in the town.
- 4.26 Others said they had not experienced any adverse effects from this sort of behaviour and felt that the definition of anti-social could differ from person to person.
- 4.27 In the response from Bolton CVS they strongly advocate for an effective prevention offer that provides person centred community approaches to address social and anti-social behaviour issues in Bolton Town Centre and all other areas of Bolton.
- 4.28 Liberty felt that the current wording of this provision is open to arbitrary enforcement, is overbroad and disproportionate, and could therefore be in breach of Articles 8 and 10 of the European Convention on Human Rights.

<b>Bolton Council Response:</b>
Anti-social Behaviour: This prohibition should remain unchanged and be included in the PSPO.

- 4.29 The consultation response clearly highlights this issue is a concern. Section XX of this report sets out the enforcement framework for how the PSPO will be implemented, adopting a tiered approach. This means that the first step available to an authorised officer will be early intervention and prevention. The aim is to deter individuals and groups of people from behaving in an anti-social manner which can have a detrimental effect on people’s feeling of safety and the vibrancy of the Town Centre. Enforcement action will focus on managing anti - social behaviour causing legitimate concern.

#### Intoxicating Substances

- 4.30 The majority of questionnaire respondents were in favour of prohibition of the ‘*use of intoxicating substances*’ being included in the PSPO.



### Intoxicating Substances - Questionnaire results:

- **69% of respondents felt that this was a 'major' problem (97% said it was a problem)**
- **90% 'strongly' agree that it should be included in the PSPO (95% agree)**

- 4.31 Respondents felt that drug taking had become more apparent in recent years, and that it was done openly and had become the 'norm'. They felt unsafe and found the associated behaviour aggressive, intimidating and distressing. It deterred them from shopping all together or in certain streets, and they felt that it deterred visitors and gave Bolton a bad name. Business suffered because of shop lifting, abuse, plus the cost of extra cleaning and security.
- 4.32 Other respondents had not seen drug taking, felt it was not a major issue and that we should be more tolerant. They suggested that those who took drugs were vulnerable, in need of our support and should remain visible.
- 4.33 There were also concerns that the PSPO would simply shift these issues to the surrounding areas.

#### **Bolton Council Response:**

Intoxicating Substances: This prohibition should remain unchanged and be included in the PSPO.

- 4.34 The consultation response clearly highlights this issue is a concern. The aim is to deter people from consuming drugs/intoxicating substances and to prevent antisocial behaviour and impacts on the town centre related to this. Appropriate action will focus on helping people to change behaviour and access support services.
- 4.35 Where required, action will focus on helping people to change behaviour and access support services. The council has recently awarded the contract for the provision of substance misuse treatment and recovery service to Greater Manchester Mental Health NHS Foundation Trust. This service is known as 'Achieve', which includes Bolton Assertive Outreach and Complex Lifestyles service, and will play an important role in how individuals with substance misuse problems will be supported. Officers working on the PSPO will be made aware of this service and how individuals can seek support.

#### Soliciting for Money in the Street (Commercial)

- 4.36 The majority of respondents were in favour of people being prohibited from soliciting money for commercial purposes (e.g. energy, broadband, tv) within the prohibition area unless they have authorisation from the council.

### Soliciting for money in the street (commercial) - Questionnaire results:

- **61% of respondents felt that this was a 'major' problem (92% said it was a problem)**
- **64% 'strongly' agree that it should be included in the PSPO (89% agree)**

- 4.37 Respondents found this behaviour annoying and off-putting; deterring them from shopping in certain areas or visiting the town centre altogether as they were constantly stopped by people trying to sell in an aggressive or over-familiar manner.

**Bolton Council Response:**

Soliciting for money in the street (commercial): This prohibition should remain unchanged and be included in the PSPO.

- 4.38 The consultation response clearly highlights this issue is a concern. The aim is to deter unauthorised aggressive face to face marketing, including that which can result in people committing to future payments to financial institutions. Any organisation can request authorisation from the council.

Soliciting for Money in the Street (Charity)

- 4.39 Over four-fifths of respondents were in favour of people being prohibited from soliciting money for charities within the prohibition area unless they have authorisation from the council.

**Soliciting for money in the street (charity) - Questionnaire results:**

- **58% of respondents felt that this was a 'major' problem (90% said it was a problem)**
- **58% 'strongly' agree that it should be included in the PSPO (86% agree)**

- 4.40 Respondents found this frustrating and embarrassing and felt that those soliciting could be rude and intimidating. They were deterred from shopping / visiting the town centre by people who pestered them for donations and blocked their path or followed them, making them feel uncomfortable. There was concern about the legitimacy of charities and whether these were genuine.

- 4.41 However, there were also concerns that applying the PSPO would affect the income of charities or place unnecessary burdens on them in terms of applying for a license. It was felt by some that bucket collections should not be banned.

- 4.42 Bolton CVS believe that where licenses are issued for charity collection Bolton based organisations or those organisations with a Bolton based offer should have first refusal on the licence and be prioritised, particularly where this is aligned to a local event or fundraiser.

**Bolton Council Response:**

Soliciting for money in the street (charity): This prohibition should remain unchanged and be included in the PSPO.

- 4.43 The consultation response clearly highlights this issue is a concern. The aim is to provide residents with the confidence that those individuals fundraising are working for legitimate organisations and that aggressive face-to-face fundraising is not employed. Any organisation can request authorisation from the council.

Riding Bicycles in Pedestrianised Areas

- 4.44 Over four-fifths of respondents were in favour of prohibiting cycling / riding a bicycle within a specified part of the prohibition area.

### Riding bicycles in pedestrianised areas - Questionnaire results:

- **50% of respondents felt that this was a 'major' problem (86% said it was a problem)**
- **60% 'strongly' agree that it should be included in the PSPO (82% agree)**

- 4.45 Respondents agreeing felt that cycling was dangerous in a pedestrianised zone, a number had experienced or seen near misses with pedestrians or felt that cyclists didn't care about other users. Comments were also received around bikes being used by bag snatchers or being a particular danger to small children and people with mobility issues or disabilities.
- 4.46 There were concerns about lack of enforcement of current orders, and if included in the PSPO would this make any difference.
- 4.47 Respondents disagreeing with the ban felt that cycling wasn't an issue as there were so few of them or felt that they did not cause any problems. They felt the policy would penalise those who could not afford other forms of transport and suggested that cycling should be encouraged as a green and healthy form of transport. There was also a feeling that cycling should not be associated with anti-social behaviour.
- 4.48 Bolton CVS recognises that certain modes of transport can cause frustration and a challenge for other users of public spaces and can also be used to support criminal behaviour (e.g. mobile phone theft) but felt this could be addressed by using pavement features and street furniture to reduce speeds or have clearly designated areas.
- 4.49 Members of the Youth Council explained that bikes were a cheap mode of transport for young people and they would not feel safe cycling around the outskirts of the town centre after dark, preferring to go through the centre.
- 4.50 The Greater Manchester Cycling and Walking Commissioner requested the council consider the option of shared space for both pedestrians and cyclists (especially on the route between Great Moor Street and Deansgate) explaining that this had been successfully implemented elsewhere.

#### **Bolton Council Response:**

Riding bicycles in pedestrianised areas: This prohibition should be included in the PSPO, but an exemption made for emergency services.

- 4.51 The consultation response clearly highlights this issue is a concern. Where bicycles, shoppers, families with young children, elderly or vulnerable persons are present there is a potential for collision which could result in devastating consequences. The aim is to improve public safety and improve public confidence of safety within pedestrian zones. This is not a ban on cyclists in the whole of the Town Centre. There are alternative routes around the central shopping area (pedestrianised area) that allow easy access and cyclists can dismount and walk through pedestrian areas.

#### Using Skateboards or Scooters

- 4.52 Over four-fifths of respondents were in favour of people being prohibited from the use of skateboards or scooters in a manner which causes a nuisance.

**Using skateboards or scooters in a manner which causes a nuisance -  
Questionnaire results:**

- **45% of respondents felt that this was a 'major' problem (83% said it was a problem)**
- **55% 'strongly' agree that it should be included in the PSPO (87% agree)**

4.53 Respondents agreeing felt that skateboarding was dangerous in a pedestrianised area, especially for those with mobility issues or disabilities. Some suggested that mobility scooters should be subject to control as they could be just as dangerous as other scooters.

4.54 Respondents disagreeing with the ban said skateboarders had been encouraged into Bolton by the skate-park, that the policy targeted the young, that there was little skateboarding in the area anyway and that skateboarding should not be classed as anti-social behaviour. There was also comments regarding people walking through the skate-park as a cut-through; that this was unfair on the young people and that something should be done to stop it.

**Bolton Council Response:**

Using skateboards or scooters in a manner which causes a nuisance: This prohibition should remain unchanged and be included in the PSPO.

4.55 The consultation response clearly highlights this issue is a concern. The aim is to improve public safety, improve public confidence of safety and reduce costs relating to the damage of street furniture. There is a dedicated provision within the Town Centre where skateboards and scooters can be used. Consultation highlighted that there was an issue with pedestrians walking through the skatepark. The council will commit to reassessing options to prevent pedestrians cutting through the skatepark to ensure this is a safe free zone for skateboards and scooters.

Use of Amplifiers

4.56 Over two-thirds of respondents were in favour of people being prohibited from using a loudspeaker or amplification by electronic means within the prohibition area.

**Use of amplifiers (e.g. by buskers) - Questionnaire results:**

- **26% of respondents felt that this was a 'major' problem (70% said it was a problem)**
- **37% 'strongly' agree that it should be included in the PSPO (67% agree)**

4.57 Questionnaire respondents agreeing felt that over-loud music was annoying, that it was a form of begging and that amplification made it difficult to hear the singer. It also affected people working in offices or other businesses, especially as in most cases they had to endure loud repetitive music for long periods of time.

4.58 Respondents who disagreed with the ban felt that busking was entertaining / cultural, added to the character of the town and was not anti-social, that any ban on amplification should apply to piped music / events run by the council and suggested that amplified busking was better than acoustic busking.

- 4.59 Liberty, in their response to the consultation, explained that Article 10 of the European Convention on Human Rights protects the right to freedom of expression and Article 11 protects the right to freedom of assembly. They are concerned that participants in protests or demonstrations could fall within the remit of the PSPO and felt that the use of loudspeakers and amplifiers is a crucial aspect of any demonstration.

**Bolton Council Response:**

Use of amplifiers: This prohibition should be included in the PSPO but amended to include an option to seek authorisation.

- 4.60 The consultation response clearly highlights this issue is a concern. The aim is to control the noise nuisance associated with amplified music. Authorised events wanting to use amplification will still be considered by the council, but this will be managed to reduce the annoyance and nuisance to town centre businesses and workers.

Peddling / Street Trading

- 4.61 Over four-fifths of respondents were in favour of people being prohibited from peddling / trading goods without an appropriate license within the PSPO area.

**Peddling / Street Trading - Questionnaire results:**

- **34% of respondents felt that this was a 'major' problem (90% said it was a problem)**
- **45% 'strongly' agree that it should be included in the PSPO (86% agree)**

- 4.62 Respondents suggested that goods were of low-quality impacting on public perceptions of product safety.

**Bolton Council Response:**

Peddling / Street Trading: This prohibition should remain unchanged and be included in the PSPO.

- 4.63 The consultation response clearly highlights this issue is a concern. The aim is to deter unauthorised operators offering substandard products and improve public confidence. The order provides a power to authorised officers to reduce or prevent illegal street trading that is continuing, occurring or recurring. The order is proportionate in giving immediate respite through advice, warning and enforcement.

Obstructing the Highway

- 4.64 Over three-quarters of questionnaire respondents were in favour of people being prohibited from obstructing the carriageway with A-boards and other forms of unauthorised street advertisement.

**Obstructing the highway - Questionnaire results:**

- **24% of respondents felt that this was a 'major' problem (74% said it was a problem)**
- **39% 'strongly' agree that it should be included in the PSPO (77% agree)**

- 4.65 Respondents felt that A-boards got in the way, particularly for those with mobility issues or disabilities who already dodged existing street furniture. Mobility scooters had to swerve to avoid them, causing issues for pedestrians.

- 4.66 Respondents opposing the suggested prohibition felt that A-boards were a legitimate way of promoting business and that trade would suffer if they were banned.
- 4.67 Liberty said that it was unclear what was meant by ‘obstructing’ the highway, that the provision was too vague to be enforceable and might be used to wrongly target rough sleepers who may be sitting or sleeping within the PSPO area.

**Bolton Council Response:**

Obstructing the highway: This prohibition should be included in the PSPO but amended to include an option to seek authorisation.

- 4.68 The consultation response clearly highlights this issue is a concern. It is essential for many people, including the visually impaired, those with mobility issues, wheelchair users and parents or carers with pushchairs to have a clear route along a pavement / pedestrian walkway, especially in a busy Town Centre environment. Negotiating past shop premises too often involves running the risk of injury due to advertisement boards being unnecessarily displayed on the pavement. This prohibition is not aimed at rough sleepers. Any individual identified as sleeping rough will be offered support from on-street outreach involving the Council’s Help for Single Homeless service, Vulnerable and Homeless Community Nursing team, and Urban Outreach Streetlife service.

Distribution of Publicity Materials

- 4.69 Over three-quarters of questionnaire respondents were in favour of people being prohibited from selling or distributing any materials for commercial gain within the prohibition area unless they have the appropriate permission from the council or are exempt.

**Distribution of publicity materials - Questionnaire results:**

- **21% of respondents felt that this was a ‘major’ problem (76% said it was a problem)**
- **27% ‘strongly’ agree that it should be included in the PSPO (69% agree)**

- 4.70 Respondents commented that this was an unnecessary nuisance and that it increased littering. However, some respondents felt that this ban was too draconian, suggested any ban should apply to the council too, that this was vital way for business to increase trade, that leaflets were useful and informative.
- 4.71 Members of the Youth Council said that this would prohibit them from handing out promotional material around Youth MP Elections, teenage markets and promoting campaigns. They were concerned this would stop the voice of the young people of Bolton being heard.

**Bolton Council Response:**

Distribution of publicity materials: This prohibition should remain unchanged and be included in the PSPO.

- 4.72 The consultation response clearly highlights this issue is a concern. The distribution of publicity materials leads to littering and undermines efforts to keep the town clean and tidy. The aim is to control and reduce the level of litter in the town centre. The order provides a power to authorised officers to issue advice, warnings and enforcement. Any individual or group can request authorisation from the council.

## Marking of Surfaces

- 4.73 Over three-quarters of questionnaire respondents were in favour of people being prohibited from directly marking surfaces such as walls or pavements with paints, chalk or similar, within the prohibition area.

Marking of surfaces - Questionnaire results:
<ul style="list-style-type: none"> <li>• <b>15% of respondents felt that this was a ‘major’ problem (56% said it was a problem)</b></li> </ul>
<ul style="list-style-type: none"> <li>• <b>39% ‘strongly’ agree that it should be included in the PSPO (77% agree)</b></li> </ul>

- 4.74 Liberty, in their consultation response, express surprise that the council believes something so trivial as marking a surface with chalk could ever create a detrimental impact or be sufficiently serious as to warrant the imposition of a criminal sanction.

<b>Bolton Council Response:</b>
Marking of surfaces: This prohibition should be included in the PSPO but amended to include an option to seek authorisation.

- 4.75 The consultation response highlights this issue is a concern. The aim is to discourage individuals from marking surfaces and reduce the cost of clean-up. The order provides a power to authorised officers to issue advice, warnings and enforcement. Any individual or group can request authorisation from the council.

## General Feedback & Council Response

- 4.76 The following table sets out general feedback received and how the council proposes to mitigate any concerns with the PSPO.

Feedback received via the consultation:	Response:
<b>General comments relating to the enforceability of the prohibition, e.g. the wording was too broad and vague.</b>	Section 5 of this report details how the enforcement of the PSPO will be carried out. This includes the development of a Memorandum of Understanding and joint training between enforcing agencies to ensure there is consistent and fair application of the enforcement action.
<b>The council should be supporting those who have alcohol and substance misuse problems.</b>	The council has recently awarded the contract for the provision of substance misuse treatment and recovery service to Greater Manchester Mental Health NHS Foundation Trust. This service is known as ‘Achieve’, which includes Bolton Assertive Outreach and Complex Lifestyles service, and will play an important role in how individuals with substance misuse problems will be supported. Officers working on the PSPO will be made aware of this service and how individuals can seek support.
<b>Prevention and early intervention approaches should be used before formal enforcement action is taken.</b>	Section 5 of this report details how the enforcement of the PSPO will be carried out. Authorising officers will use a tiered approach recognising that a desired outcome can often be achieved by education and awareness raising without the need for formal sanctions.

## **5. ENFORCING THE ORDER**

- 5.1 Engagement with Greater Manchester Police (GMP) has taken place at a local level and they are fully supportive of the aims and objectives of the PSPO. Initial feedback was received about how the order would be enforced. Agreement has been made to formally set out roles and responsibilities (including the coordination of enforcement) between the council and Greater Manchester Police, via a Memorandum of Understanding. Joint training will be developed for all authorised officers to ensure understanding and consistent application of the enforcing approach.
- 5.2 Upon implementation, the PSPO will be applied to everyone within the designated area without discrimination of any kind. The authorised officers will have discretion to determine whether enforcement action is required. They will consider the needs of the individual and their personal circumstances in order to make an informed decision as to the appropriate action to take, they will also ensure that any action taken is proportionate to and balanced against the risks posed, either to an individual or the wider community, e.g. seriousness of offence, any past history, repeated non-compliance.
- 5.3 From a Local Authority perspective, enforcement of the PSPO will be carried out by appropriately trained authorised officers employed by Bolton Council. The officers will be clearly visible in the Town Centre demonstrating an official presence to the business community and visitors. Authorising officers will implement due-diligence when executing their duties and will reserve the right to exercise discretion when evaluating each situation under investigation.
- 5.4 A tiered approach to enforcing the order will be adopted. In most cases, early intervention and prevention will be used to educate and modify behaviour. This may apply if it is evident that an individual is obviously unaware that an order is in force prohibiting their activities. In such situations, authorising officers will opt to engage and educate rather than enforce, however, should prohibited activities persist beyond this point officers will have the available option to administer enforcement, either via a formal warning or the issuing of a Fixed Penalty Notice (FPN).
- 5.5 Fixed Penalty Notices (FPN) will be the preferred choice of sanction should enforcement actions be necessary, however, for more serious infringements where disruptive or uncooperative behaviour is encountered, officers have the option of bypassing the FPN process, and subsequently reporting offenders for summons.
- 5.6 FPNs form part of a wider enforcement strategy, designed to address all aspects of crime. They will be used to ensure that resources are focused on priority areas and that an appropriate balance is struck between resources devoted to fixed penalties and those spent on prosecutions, both for non-payment of fixed penalties and for more serious incidents. However, in order to achieve lasting behaviour change, it is essential that they are used as part of a procedure that also includes education and engagement.
- 5.7 The fixed penalty notice policy has been developed in such a way as to be consistent with the principles of necessity and proportionality when making an enforcement decision. Therefore, fixed penalty notices will normally be used:
- to deal quickly and simply with less serious offences
  - to divert less serious cases away from the court process
  - to deter repeat offences



- 5.8 Fixed penalty notices should not be used as a revenue generator for the council, as this practice undermines public confidence and support for a fair system. Fixed penalty notices will only be issued when it is proportionate and in the public interest to do so.
- 5.9 Breach of a Public Space Protection Order carries a fine (FPN) of £100, which must be paid within 14 days. Failure to pay the penalty charge within the specified timescale will result in the full facts being reported to the Councils Legal Services Department, with a view to Prosecution. The maximum fine available to the Magistrates Court is £1,000. Defendants may also face the prospect of added court costs, and if convicted, they will obtain a criminal record for the offence.

## **6. IMPLEMENTATION PLAN**

- 6.1 Once the proposal has been agreed, as a minimum it is proposed that the Order take effect once the legal challenge timescales have expired (6 weeks) and once all legal requirements have been met. This will allow the council and its partners to implement the following:
- a) Review authorising officers and amend the scheme of delegation as required.
  - b) Develop and a joint Memorandum of Understanding between the council and police for how the PSPO will be enforced, including roles and responsibilities.
  - c) Develop appropriate training for authorising officers
  - d) Further engage with town centre businesses to identify resourcing for enforcement
  - e) Develop appropriate signage and communications
  - f) Draft an information leaflet which will be used by authorising officers to raise awareness of the order, including forming part of an informal education-based approach.
  - g) Key officer group to convene to coordinate the implementation and delivery of the PSPO
  - h) Reassess options to prevent pedestrians cutting through the skatepark to ensure this is a safe free zone for skateboards and scooters.
- 6.2 The public will be notified of the PSPO coming into effect through advertisement in the local press, the council's website and social media accounts. There will be a period of awareness raising that will take place by authorised officers to promote the PSPO's aims and objectives.
- 6.3 A progress report will be produced 12-months after implementation to assess impact and effectiveness of the PSPO.

## **7. IMPACTS AND IMPLICATIONS:**

### **Financial**

- 7.1 The costs in preparing the PSPO at this stage have mainly related to staff time from various services and departments within the council. Further costs will be incurred as the implementation of the PSPO begins. This includes; legal work, signage, and communication, which can be absorbed by existing budgets.

- 7.2 The main cost associated with this order is the resourcing of the enforcement. The council has held various engagement events with local businesses who are in principle committed to supporting the resourcing of the enforcement offer of the PSPO.

### **Legal**

- 7.3 PSPOs can be challenged under the Act on the grounds that the local authority did not have the power either to make the Order or include particular prohibitions or requirements, or that proper processes had not been followed as prescribed by the legislation.
- 7.4 Any challenge to the PSPO 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. This right to challenge also exists where an order is varied by a council. Additionally, as with all orders and powers, the making of a PSPO can be challenged by judicial review on public law grounds within three months of the decision or action subject to challenge.

### **HR**

- 7.5 A review of authorising officers will be undertaken, and the scheme of delegation will be amended, as required.

### **Alternative Option**

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

## **8. CONSULTATION**

- 8.1 Over the summer of 2018, consultation took place regarding a proposed PSPO for Bolton town centre. Interested bodies and members of the public were invited to view the proposals online and complete a survey or to respond by letter or email. The consultation was made available on the council website, promoted on social media and in the local press, emailed to interested bodies and individuals including the council's public consultation panel [eView] and to people who had signed up to receive consultation regarding Bolton town centre. The consultation period ran from the 9 July until 17 August 2018. See body of the report and Appendix 2 for consultation findings.

## **9. EIA**

- 9.1 Under the Equality Act 2010, the Council must have due regard to:

- Eliminating unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act;
- Advancing equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Fostering good relations between people who share a protected characteristic and people who do not share it.

9.2 Although it is not a specific requirement of the legislation to conduct an Equality Impact Assessment (EIA) when implementing a PSPO, guidance recommends that this assessment is undertaken. It is therefore important to consider how the proposals contained within this report may positively or negatively affect groups with protected characteristics. To support this analysis, the EIA has been updated following the consultation, and is available under Appendix 4.

9.3 The EIA looks at the anticipated (positive and/or negative) impacts of the proposals on people from Bolton's diverse communities, and whether any group (or groups) is likely to be directly or indirectly differentially affected. This assessment has supported the council in balancing the interests of different parts of the community and provides further evidence that the restrictions being proposed are justified.

9.4 At this stage, it is not anticipated that the proposals will have a significant disproportionate impact on any of Bolton's diverse groups.

## **10. RECOMMENDATIONS**

10.1 The Executive Cabinet Member is recommended to:

- a) Approve, in conjunction with the Director of Place, the implementation of a Public Spaces Protection Order under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 as detailed in Appendix 1.
- b) Authorise the Borough Solicitor to carry out all necessary legal formalities.
- c) Request a further report to consider the impact and effectiveness of the order once it has been in effect for 12 months.

# APPENDIX 1

## ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTION 59

### DRAFT PUBLIC SPACES PROTECTION ORDER: BOLTON TOWN CENTRE

This Order is made by the Borough Council of Bolton (“the Council”) in exercise of its powers under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”).

The Council is satisfied that there is anti-social behaviour of a persistent or continuing nature being carried out, or it is likely that such activities will be carried out within the area to which this order applies. This is having or is likely to have a detrimental effect on the quality of life of those in the locality and the effect of these activities is of a persistent or continuing nature, such as to make the activities unreasonable. As such the Council is satisfied that the conditions set out in the Act have been satisfied and that in all circumstances it is just and expedient to make this Order.

The Council hereby makes the following Public Spaces Protection Order (PSPO) that applies to any place to which the public have access within Bolton Town Centre as shown edged in blue on the attached plan (“Prohibition Area”). This Order may be cited as the Bolton Town Centre Public Spaces Protection Order (“the Order”).

#### **1. PROHIBITED ACTIVITIES**

The activities which are prohibited at all times by this Order are:

##### **1.1 Consumption of alcohol on street**

All persons are prohibited from, within the Prohibition Area, consuming alcohol or having an open alcohol container after having been requested by an Authorised Officer to cease consumption or to hand over the container, unless subject to exemptions listed in section 5.

##### **1.2 Intoxicating Substances**

All persons are prohibited from, ingesting, inhaling, injecting, smoking or otherwise using Intoxicating Substances within the Prohibition Area.

##### **1.3 Anti-social Behaviour**

All persons are prohibited from behaving in a way which causes or is likely to cause harassment, alarm or distress to a member or members of the public within the Prohibition Area.

##### **1.4 Begging on the street**

All persons are prohibited from, placing themselves in a position to beg or solicit money in the Prohibition Area.

##### **1.5 Peddling / street trading**

All persons are prohibited from, within the Prohibition Area, peddling / trading goods without an appropriate street trading license issued by the Council.

## **1.6 Soliciting for money in the street (commercial)**

All persons are prohibited from engaging in or knowingly causing or permitting the collection or soliciting of money (whether by way of immediate payment or the seeking of a standing order or direct debit authority) within the Prohibition Area unless they are in possession of written authorisation from the Council.

## **1.7 Soliciting for money in the street (charity)**

All persons are prohibited from engaging in or knowingly causing or permitting the collection or soliciting of money (whether by way of immediate payment, seeking of a standing order or direct debit authority, or the selling of goods for a charitable purpose) within the Prohibition Area unless they are in possession of written authorisation from the Council. Appropriate permissions to carry out cash collections in the Prohibition Area should be obtained from the Council in advance.

## **1.8 Distribution of publicity materials**

All persons are prohibited from selling or distributing any materials for commercial gain within the Prohibition Area unless they have the appropriate prior permission from the Council. Registered charities, registered political parties, and religious organisations are exempt.

## **1.9 Obstructing the highway**

All persons are 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. This includes A-boards and other forms of unauthorised street advertisement unless they are in possession of written authorisation from the Council.

## **1.10 Marking of surfaces**

All persons are prohibited from directly marking surfaces such as walls or pavements with paints, chalk or similar, within the Prohibition Area unless they are in possession of written authorisation from the Council.

## **1.11 Use of amplifiers**

All persons are prohibited from using a loudspeaker or amplification by electronic means on the public highway, within the Prohibition unless they are in possession of written authorisation from the Council.

## **1.12 Use of skateboards and scooters**

All persons are prohibited from, within the Prohibition Area, using a skateboard or Scooter in such a manner that causes, or is likely to cause, danger or damage, or give reasonable grounds for annoyance or nuisance to another person.

## **1.13 Use of bicycles**

All persons are prohibited from cycling / riding a bicycle within a specified part of the Prohibition Area (edged in red on Plan 1 and Plan 2). Emergency services are exempt.

## **2. DEFINITIONS**

- 2.1 In this Order public place means any place to which the public or any section of the public has access, on payment or otherwise, as of right by virtue of express or implied permission.
- 2.2 “Authorised Officer” means a Police Constable, a Police Community Support Officer or an Authorised Officer of Bolton Council in possession of an authority to enforce this Order.
- 2.3 “Intoxicating Substances” means substances with the capacity to stimulate or depress the central nervous system.
- 2.4 ‘Alcohol’ has the meaning given by section 191 of the Licensing Act 2013.
- 2.5 “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**

- 3.1 This Order shall come into force on a date to be determined and shall remain in place for a period of three years, unless extended by further orders under the Council’s statutory powers.

## **4. WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER**

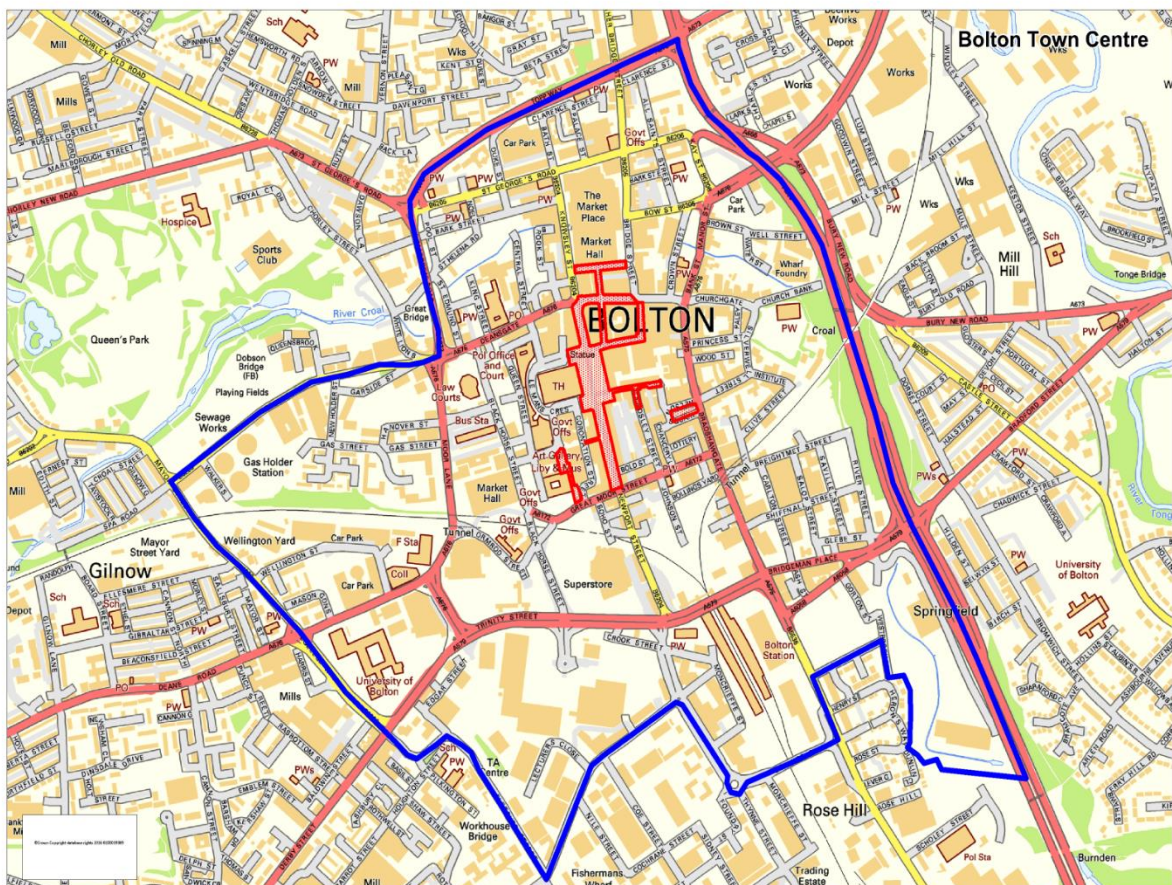
- 4.1 It is an offence under the Act for a person without reasonable excuse to engage in activity that is prohibited by this Order.
- 4.2 In accordance with section 63 of the Act, any person found to be in breach of this Order by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 2 fine or to a Fixed Penalty Notice (£100).
- 4.3 In accordance with section 67 of the Act, any person found to be in breach of this Order other than by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice (£100).
- 4.4 Depending on the behaviour in question, the enforcing officer could decide that a fixed penalty notice would be the most appropriate sanction. This can be issued by an Authorised Officer. In making the decision to issue a fixed penalty notice, the Authorised Officer should consider that if issued, payment would discharge any liability to conviction for the offence. However, if payment is not made within the required timescale, court proceedings can be initiated (prosecution for the offence of failing to comply with the Public Spaces Protection Order).

## 5. EXEMPTIONS

- 5.1 Exemptions shall apply in cases where the Intoxicating Substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation.
- 5.2 For the avoidance of doubt, an exemption shall apply if the consumption of alcohol is on premises or public spaces licensed under the Licensing Act 2003, or where the consumption of alcohol is authorised by virtue of section 115E of the Highways Act 1980.
- 5.3 Prohibition 1.12; The use of skateboards and scooters does not apply to the dedicated skate park located at Great Moor Street (corner of Dawes Street).

## 6. PROHIBITION AREA: PLAN 1

- 6.1 Plan 1 (below) highlights the boundary of the Prohibition Area edged in blue, covering prohibitions 1.1 – 1.12 (inclusive). It also includes a secondary Prohibition Area edged in red, which only applies to prohibition 1.13 (use of bicycles).

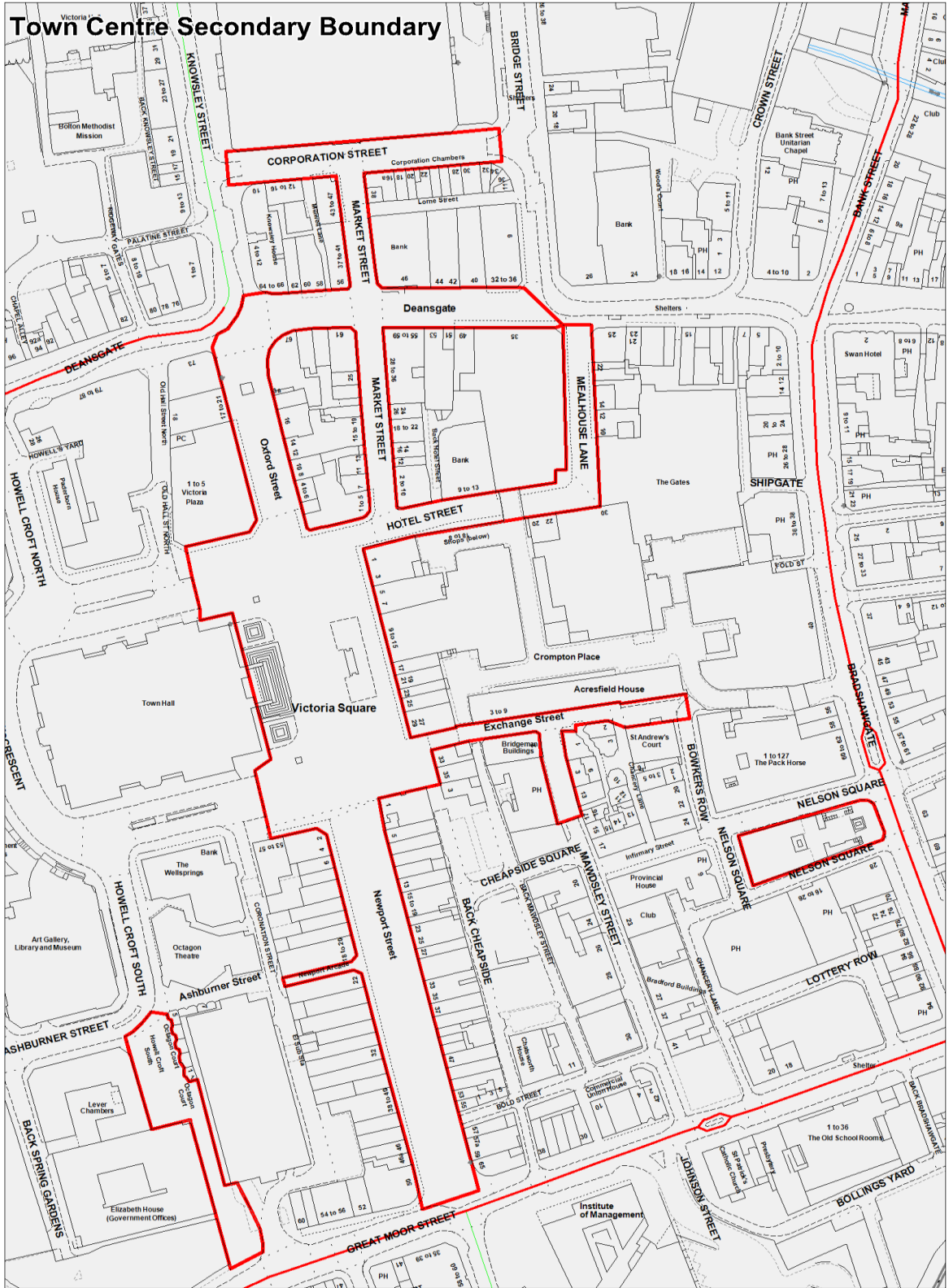


**7. PROHIBITION AREA: PLAN 2**

- 7.1 Plan 2 (page 25) highlights the secondary Prohibition Area edged in red, which only applies to prohibition 1.13 (use of bicycles).



# Town Centre Secondary Boundary



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## APPENDIX 2: PUBLIC CONSULTATION RESULTS

### Introduction and methodology

Over the summer of 2018, consultation took place regarding a proposed Public Spaces Protection Order [PSPO] for Bolton town centre.

Interested bodies and members of the public were invited to comment on the proposed PSPO in the following ways:

- The draft PSPO and a questionnaire was made available on the council's website (with a paper version available on request)
- The consultation was promoted via the council's social media pages (Twitter / Facebook)
- A direct email was sent to a list of stakeholders and responses were invited via email, letter or via the questionnaire
- A direct email with a link to the online questionnaire was sent to the council's public consultation panel (eView) and also to people who had signed up to receive consultation about the Bolton town centre
- Three mentions in the Bolton News (including a double page feature) and associated online coverage on their website and their social media channels
- A number of meetings were held during the consultation period e.g. Greater Manchester Police, GM Cycling and Walking Commissioner and Central Bolton Partnership (business representatives in Bolton Town Centre)

The consultation period ran from the 9 July until 17 August 2018.

A copy of the questionnaire is included at the end of this section.

### Response

A total of **268** responses were received to the questionnaire.

Respondents were asked to tick a box that most closely described their interest in this issue:

- 51% Live in the borough
- 29% Work / study within the proposed PSPO
- 13% Visitor to Bolton town centre
- 3% Work / study in borough
- 2% Represent an organisation \*
- 1% Live within the proposed PSPO

\* organisations who responded to the questionnaire include:

- Age UK
- Specsavers
- Bolton Visionplus Ltd
- Bolton Youth Council
- Emmanus Bolton

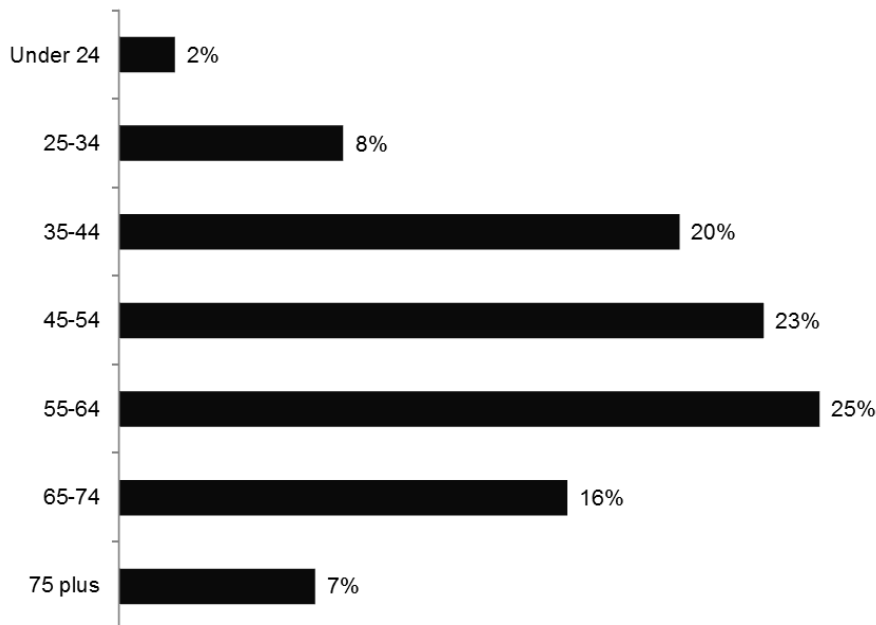
- Market Place Shopping Centre
- MhIST
- Octagon Theatre
- University of Bolton
- Westgrove
- Yates – Stonegate Pub Company

Formal responses were also received from Bolton CVS, and Liberty (Protecting civil liberties / Promoting human rights). These are provided in full at the end of this section.

In addition, over a hundred comments were received via social media in response to council posts and media coverage.

### Respondent Demographics

- 51% were Female and 49% were Male
- The age range of respondents was as follows:



- In terms of ethnic group: 94% of respondents were White British, 4% Asian / Asian British, 1% Other White and 1% were of mixed / multiple ethnic group.
- Respondents were asked whether their day to day activities were limited because of a health problem or disability which has lasted or expected to last at least 12 months.
  - 7% answered 'Yes limited a lot'
  - 11% answered 'Yes limited a little'
  - 82% answered 'No'
- The majority of respondents (78%) visited the town centre at least once a week, with almost a third (31%) visiting daily.

## Questionnaire responses

### 1. The location

Q: Does the main proposed PSPO [plan 1] cover the right areas of the town centre?



Base: 265

Over four-fifths of respondents agreed that Plan 1 in the proposed PSPO [showing the boundary of the prohibition zone] covered the correct area of the town centre with 9% disagreeing.

Respondents were asked to explain their answer. A total of 158 comments were received. These comments have been coded and categorised.

#### Why do you say this?

Category	Number of respondents
Covers areas where most ASB is	50
Correct area - not explained	32
Covers busiest areas	31
Should cover a larger area / will displace ASB elsewhere	23
A PSPO is unnecessary	11

*Table includes categorised comments with 10 or more respondents in category*

#### Sample comments - Verbatim extracts

##### Covers areas where most anti-social behaviour takes place

Respondents felt that the proposed PSPO covered the areas that were most in need of protection.

- *Biggest problems are in this area.*
- *Covers the areas that I have observed anti-social behaviour.*
- *Where nuisance is greatest*
- *Areas that I have experienced the issues highlighted*
- *Areas are where anti-social behaviour seems to happen the most*
- *The planned area covers the central part of Bolton town centre where these issues are most likely to occur*
- *Were the majority of the aggressive begging / ASB takes place.*
- *Main town centre which this covers needs to be cleared of undesirables.*
- *Areas outside the town centre are less likely to be affected by anti-social behaviour.*

##### Correct area - not explained

Respondents felt that the area covered was correct but didn't clarify why that was.

- *Checked the areas on the map and seem correct to me.*
- *Whole of town centre*

- *Covers the right area in the town centre.*
- *I looked at the plan*
- *It seems to cover things*

### **Covers busiest areas**

Respondents felt that the suggested zone covered the main areas of the town centre, where the majority of people visited.

- *Plan 1 covers the area most frequented by the general public*
- *Area that has the highest density of people walking around.*
- *High profile area, heavy footfall, frequented by Bolton residents regularly, for shopping, amenity, business, leisure, and regularly by visitors from outside Bolton. Bolton is largely judged on its town centre, which the plan outlines clearly and accurately.*
- *Covers all areas of town where people should be able to shop or socialise without being harassed by begging or intimidated by drunken/drug behaviour*
- *Looks to cover the main parking and foot traffic areas*
- *Covers most of the town centre where people come to work and shop*
- *It is the most used areas by shoppers and families*
- *It's a big enough area and covers the most important parts of town*

### **Should cover a larger area / will displace ASB elsewhere**

Concerns that the area was not large enough, or that it would simply displace anti-social behaviour into other areas of the borough.

- *I fear it will displace undesirable activity onto Tonge Moor road,*
- *a lot of anti-social behaviour happens just on the outskirts of town and the order or certain parts of the order should include other areas of Bolton*
- *Would like to see this in effect throughout town centre*
- *It should cover the whole of Bolton not be so selective.*
- *It should be for the whole of Bolton as it is not only in the Town centre we have beggars or People taking drugs.*
- *Need to include Bromwich Street and Queens Park as the areas feed into town centre drinking then antisocial behaviour*
- *It covers all Bolton town centre which is good, but concerned that the PSPO will just push the issues out to other towns in the borough, which we are increasingly seeing as it is.*
- *Bolton is more than the town centre.*
- *I think you need a large area to cover otherwise these type of people would congregate on the boundaries*

### **Unnecessary**

Respondents felt that the PSPO was not required, either because the issues were not sufficiently serious to merit sanctions, could be dealt with under existing legislation or should not be restricted.

- *I disagree in principle to PSPO*
- *Not sure it's needed. What evidence is there for its implementation?*
- *Why should the town centre have this? Is this another way of not policing.*
- *Incredibly oppressive*
- *Could end up being used unnecessarily*

**Q: Does the secondary proposed PSPO [plan 2] cover the right areas of the town centre? [This is the area where cycling would be banned.]**



Base: 263

Over two-thirds of respondents agreed that Plan 2 [the secondary prohibition area] in the proposed PSPO covered the correct area of the town centre with 14% disagreeing.

Respondents were asked to explain their answer. A total of 146 comments were received. These comments have been coded and categorised.

**Why do you say this?**

Category	Number of respondents
Area should be pedestrian only / covers areas where most issues are / will improve safety	62
Should encourage activities not ban	21
Covers busiest areas	17
Correct area - not explained	13

*Table includes categorised comments with 10 or more respondents in category*

**Sample comments - Verbatim extracts**

**Areas should be limited to pedestrians / covers areas where most issues are / will improve safety**

Respondents felt that the central area should be pedestrianised and not used by cyclists or scooters. They suggested that the area was that in which most of the anti-social behaviour took place, and that the PSPO could improve safety.

- *Victoria Square should be for pedestrians only...when walking in the area you do not expect or anticipate anyone other than pedestrians accessing the area. Biggest problems are in this area.*
- *Not having to worry about cyclists weaving in and out of pedestrians would be a big relief.*
- *These areas are more pedestrianised and cyclists can pose a danger to people on foot.*
- *Cycling in pedestrianised areas is inconvenient for foot traffic and dangerous to boot.*
- *Cycling/skating should be banned to enable the safe travel of pedestrians in particular children who should be able to run around safely*
- *The main problem area for me is the town square being used as a cut through by "casual" cyclists.*
- *Many times I've seen some near misses with adults on bikes going way too fast for the area, bikes belong on the road not the pavements*
- *Because I have nearly been bumped into more than once on the town hall square by a cyclist, so as the ban covers other areas as well I think that is good*
- *Since the use of a cycle bell is not enforceable it seems, having someone approach from behind is most disconcerting.*

- *To encourage footfall pedestrians need to know there are safe*

### **Should encourage activities not ban**

Respondents felt that whilst reckless behaviour might be curtailed, rather than banning cycling and skateboards, the council should actively encourage exercise.

- *I'm not sure banning cycling anywhere is the answer, cycling should be encouraged, why not try and create a culture of cycling lanes, Cambridge & Amsterdam do it well for instance*
- *Goes completely against the regional and national policies to encourage cycling as a method to reduce congestion and make a healthier population. Is there just a perceived problem with cyclist or is there an actual accident record. What should really be done is a clampdown on reckless cycling and not stopping responsible cyclists who ride with respect to other users. What is the point of having a new cycling hub at the Interchange when it is not possible to cycle to it?!!*
- *Enforcement should focus on when people cycle in a way that is threatening or endangering others, not all cycling. This sends out completely the wrong message at a time the council should be encouraging active transport, and indeed has this written into a number of Council & GM policies to which it is a signatory. Newport Street is even on the beeline map. Newport St/ Victoria Square/ Oxford St & Deansgate are useful linking routes that make avoid the inner highway box which is not cycling friendly. Other councils which have introduced PSPOs to ban cycling have received bad publicity.*
- *Cycling should be being encouraged not banned. If there are areas where cycling is clearly not appropriate, then alternative routes must be clearly marked*
- *I don't think cycling should be banned at all in the town centre, it should be promoted as a healthy choice on how to get about the town centre-*

### **Covers busiest areas**

Respondents felt that the suggested zone covered the main areas of the town centre, where the majority of people visited.

- *Areas of high foot fall where nuisance is greatest*
- *It covers the areas where I have noted the problems*
- *Because these are very busy public realm areas with lots of pedestrians*
- *This designated area covers the significant foot fall in pedestrians. So a significant leverage in risk to pedestrians and young families by use of pedal cycles would be likely to be supported by this proposal.*
- *No reason for them to be ridden through the centre with the amount of people of foot there.*

### **Correct area – reasons not explained**

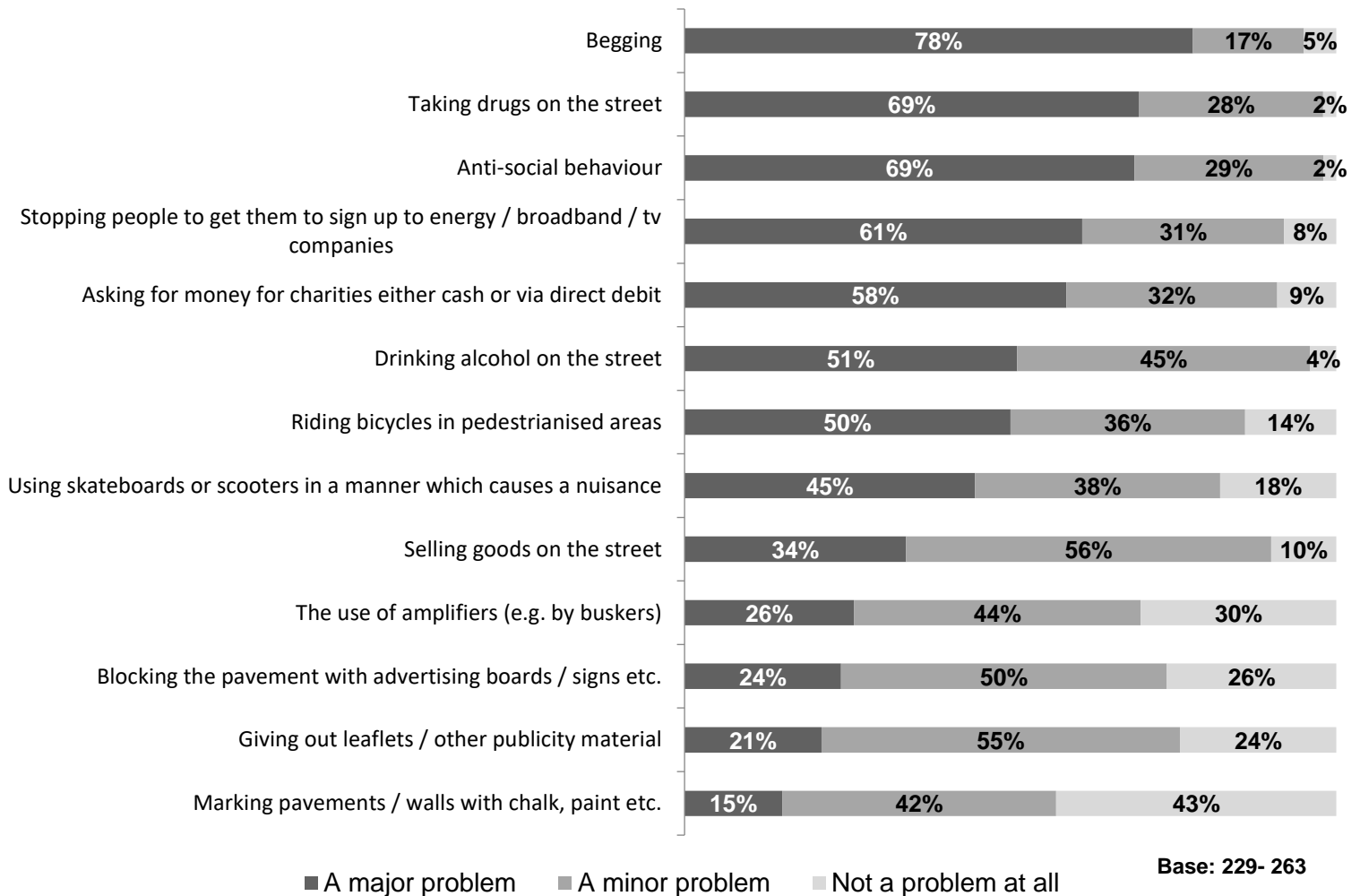
- *Area appears to be appropriate*
- *Looks right*
- *Satisfactory*



## 2. The behaviours

### Q: How much of a problem are the following within the town centre?

Respondents were provided with a list of behaviours that are currently included in the proposed PSPO and asked to state how much of a problem they thought they were. The results are displayed in the chart below.



The behaviours that respondents felt were most problematic in the town centre were:

- Begging (78% feeling this was a 'major' problem / 95% saying it was a problem)
- Taking drugs in the street (69% feeling this was a 'major' problem / 98% saying it was a problem)
- Anti-social behaviour (69% feeling this was a 'major' problem / 99% saying it was a problem)

The behaviours that were considered to be less problematic in the town centre were:

- Marking pavements / walls with chalk, paint (15% feeling this was a 'major' problem / 57% saying it was a problem)
- Giving out leaflets / other publicity material (21% feeling this was a 'major' problem / 76% saying it was a problem)

- Blocking the pavement with advertising boards / signs etc. (24% feeling this was a 'major' problem / 74% saying it was a problem)

Respondents were asked if they had been affected by any of this behaviour. A total of 198 comments were received. These comments have been coded and categorised.

### How have you been affected by any of this behaviour?

Category	Number of respondents
Affected by begging	81
Affected by chuggers / sign-ups	60
Frequently affected	58
Feel unsafe / intimidated	55
Nuisance / unpleasant	54
Affected by people misusing alcohol / drugs	39
Affected by cycling / skateboarders / scooter users	34
Deters visitors / Avoid TC / certain areas / bad for town	25
Minor / no problem	21
Affected by ASB	19
Just saying affected, not explained	16
Equality issues - good and bad	14
Affects business / work	13
Concerned about homelessness etc.	10

*Table includes categorised comments with 10 or more respondents in category*

### Sample comments - Verbatim extracts

#### Affected by begging

Respondents described how they had been approached by beggars.

- *Getting out of hand now as there are too many beggars. Feeling sorry I used to give them food but there are too many now and you feel embarrassed walking past when they are asking for money or food. Should be able to shop in town centre without being pestered.*
- *The whole of Bolton has an issue with pro beggars who aren't homeless.*
- *Have been abused by beggar's when I refused to let them have any money*
- *Have been approached for money on numerous occasions. The sight of beggars has increased and blights the atmosphere*
- *Pestered daily by beggars, aggressive beggars entering our workplace and asking staff for money*
- *Aggressive and persistent begging at car parks particularly at entrances and near pay machines*
- *I am bus station staff I see we are getting the major problem traveling through our building begging*
- *Begging is aggressive in Bolton more so than Manchester.*
- *Begging is constant throughout the town centre which is why shoppers don't come there*

#### Affected by chuggers / sign-ups

Respondents explained the issues they had with chuggers and being asked to sign up for tv packages or energy contracts.

- *Chuggers are a daily annoyance why are they in the bus station now when you are being stopped and prevented catching your bus?*
- *Constantly get stopped by people asking who supplied my gas and electric. These people need to be banned.*
- *Being accosted by charities and other leaflet distributors - energy companies etc.*
- *Mainly from energy firms and charities blocking all paths in the centre so you have no choice but to walk past them*
- *Have had to avoid people asking me to sign up for charities*

### **Frequently affected**

Respondents felt that the instances of anti-social behaviour were now regular aspect of the town centre.

- *Yes every day as I work in the town centre*
- *Constantly mithered by chuggers/charity /tv etc.*
- *Every time I go into town centre get asked for money,*
- *See people begging daily*
- *Yes on a daily basis*
- *It is slightly annoying being stopped by charities every time you pop out of the office to get some dinner*

### **Feel unsafe / intimidated**

Respondents described how they felt scared or intimidated by the behaviours the PSPO would seek to address.

- *Don't feel safe in the town centre*
- *I am increasingly frustrated by the inability to walk from A to B without being made to feel uncomfortable or intimidated in my home town.*
- *Beggars now approach you in the street feels like you are being ambushed, not good for a lone female.*
- *People do not feel safe going in to the Town centre anymore and it is a shame as Bolton used to be a thriving Town centre.*
- *I have also witnessed very threatening behaviour towards older people.*
- *If I am in town late in the evening (after a concert or show) and on my own I can feel intimidates or nervous if people are drunk or behaving oddly.*
- *I work as a store manager in town and I would say 70% of the complaints I receive are about anti-social behaviour or feeling unsafe in the town centre.*
- *The team have received threats of violence and the verbal abuse has been dreadful. We have had to invest in body-cams for the team to record the incidents they are having to deal with.*

### **Nuisance / unpleasant**

Respondents felt that the behaviours were annoying or off-putting, not all felt that this was a major issue.

- *Yes, but not in any major way. They are mostly just a nuisance I would prefer to live without.*
- *My patience often wears thin when asked if I'd like to sign up to DD with street vendors on commission with different charities. A lot of it is so in your face.*
- *Direct debits are frustrating too.*
- *Have been embarrassed by any type of begging/asking to sign up to charities*
- *I am just offended by it but luckily have not been injured by it*
- *Just found the behaviour disturbing.*

### **Affected by people misusing alcohol / drugs**

This category includes people who had particular issues with those who abused drugs and alcohol.

- *Most of the seating areas are taken up by people drinking alcohol or drug users.*
- *The drugs is a massive issue ... drinking alcohol needs to be addressed in taxis as they are coming into town with it.*
- *Drug and alcohol abuse people are having to steal to get money to feed their habit all of which means an increased threat to the store.*
- *Stinks of weed, hate walking around town smelling it.*

### **Affected by cycling / skateboarders / scooter users**

Respondents described how they felt in endangered by non-pedestrians.

- *I was nearly run over by a cyclist on the pavement whilst walking out of the town hall he was very offensive and threatened me*
- *We have spells of cyclists and skateboarders using public pathways in the town cent which is dangerous due to the speed and manor the ride/skate.*
- *Dodging skateboarders and bicycles in pedestrian areas*
- *I regularly have to dodge bikes and know people who have been hit by a bike. It has become quite dangerous.*
- *Have witnessed skateboarders charging around the town centre, cyclists riding through the town centre on pedestrianised areas*

### **Deters visitors / Avoid town centre / certain areas / bad for town**

Respondents said that the prevalence of these behaviours deterred visitors.

- *Casts the town in a poor light - puts me off visiting.*
- *It has put me off coming into the town centre, if it can be avoided.*
- *To an extent that we rarely come into the town centre*
- *It makes me less likely to bring my family into town. Middlebrook has less of it, and Manchester has it, but is better so you take it. Bolton isn't worth putting up with putting up with ASB*

### **Minor / no problem**

This category included respondents who felt that there were no particular issues.

- *The drunks aren't drinking on the street. I go into Bolton fairly often in the day time (commuting, mostly) and can't say that I've noticed any of the other things as particular issues.*
- *Yes, but not seriously so*
- *Occasionally*
- *Only go into town during the day - not experienced much anti-social behaviour*

### **Affected by ASB**

General antisocial behaviour in included here.

- *Seen a fair amount of aggressive anti-social behaviour*
- *Having my workplace (public building) directly affected by the behaviour ...by those involved in anti-social behaviour.*
- *General anti-social behaviour has steadily increased and got worse*

### **Just saying affected, not explained**

Respondents indicated that they had been affected but didn't clarify how. Generally, just answered 'yes'.

## **EIA - good and bad**

Most respondents in this category felt that the behaviours the PSPO would seek to address cause particular problems for certain categories of people, but some felt that the PSPO would demonise groups.

- *I recently turned 65 years of age and I always feel I need to be on my guard whenever I am in the town centre, no matter what time of day.*
- *They are polite enough, but their direct approach is intimidating as a lone female.*
- *Have seem inconsiderate behaviour cause distress to families and elderly people, which is sometimes accompanied by abuse*
- *As a visually impaired person I feel unsafe when there are people riding bikes and skateboards in pedestrian areas,*
- *I am elderly and disabled ..... an 'easy' target!*
- *I am a wheelchair user and can't move as fast as people walking. I am constantly bombarded with requests from charities or "chuggers" following me down the street as they see me as an easy target and block my way.*
- *Associating children riding around on a board or a bike with this is totally wrong.*

## **Affects business / work**

Respondents described how their own business or place of work had been affected.

- *Our business has been targeted with theft, staff members have been abused and it has been vandalised on numerous occasions.*
- *Amplified music is a massive problem as the music is so loud. Particularly bad when trying to hold interviews/meetings in the offices.*
- *I work as a store manager in town and I would say 70% of the complaints I receive are about anti-social behaviour or feeling unsafe in the town centre. The out of control drug/Alcohol abuse in the town centre makes the shop I work in a target every day for shoplifting and we have one of the worse amount of incidents recorded in the business which consists or more than 600 stores. It also means that often my staff are verbally abused/ threatened in their place of work on several occasions I too have been threatened.*
- *The drug taking and anti-social behaviour also cause nuisance with my working day/environment*
- *Drugs, ASB and Begging affect our business location on a daily basis... Our Cleaners have to attend after these confrontations and/or incidents to make sure that these areas that have been involved are clean and back to standard for public visits.*

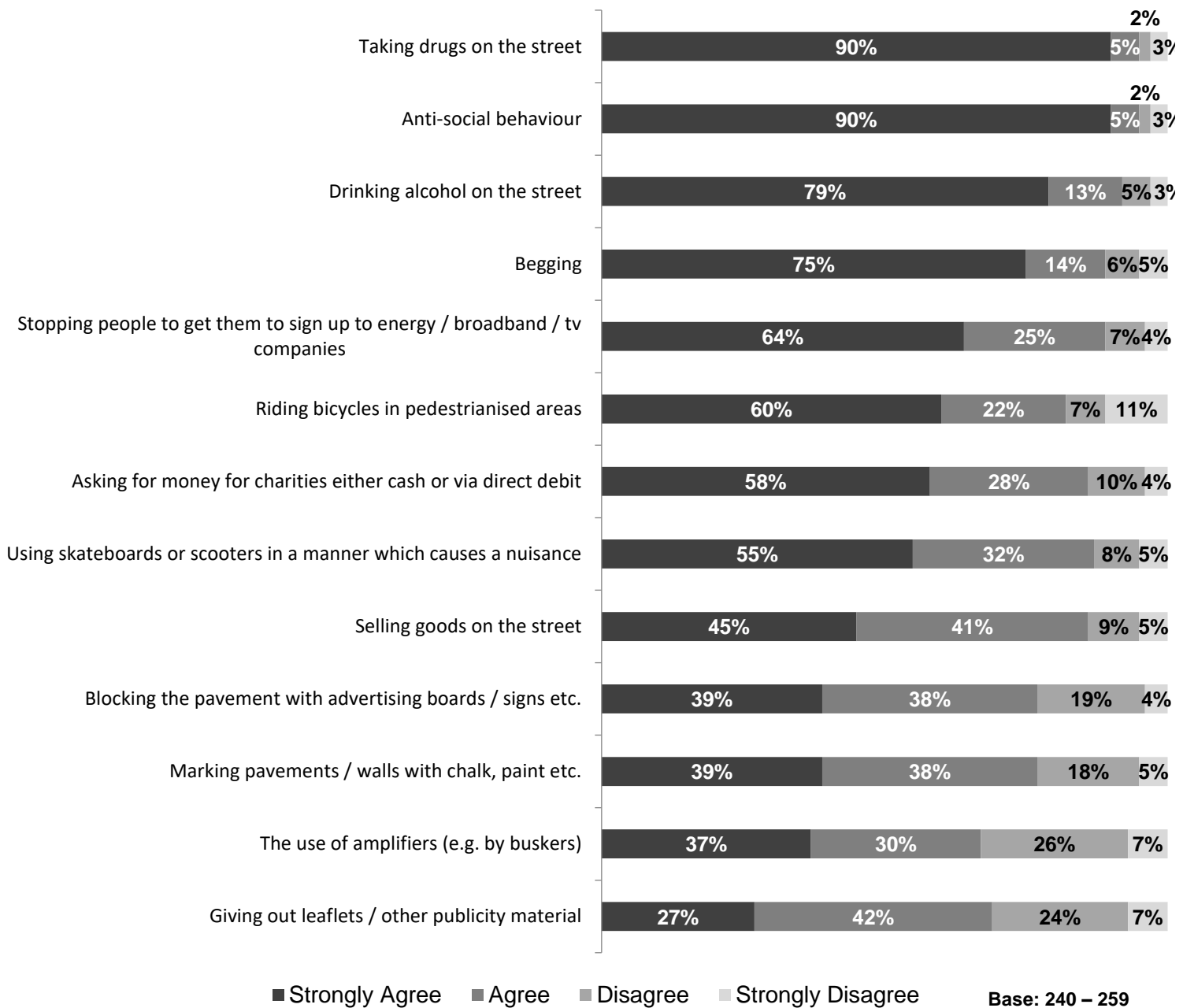
## **Concerned about homelessness etc.**

Respondents raised concerns about the issues that caused the behaviours.

- *Beggars unfortunately as sign of the times and it would be better if we could get them off the street by helping them rather than forcing them off.*
- *I have sympathy with the poor that are begging so if the Council can help to alleviate the stress & issues the poor are going through I think this will help the Council long term in terms of its image*
- *My concerns ... relates to imposing sanctions on our most vulnerable within our society, who are already marginalised and oppressed by society. We need to be protecting our vulnerable residents of Bolton, investing in preventative and supportive services to help people make positive changes to their lives.*

## **Q: Do you agree / disagree that a PSPO should be applied to prevent people from doing the following on the streets within the areas marked on the maps?**

Respondents were provided with a list of behaviours that are currently included in the proposed PSPO and asked to state how strongly they agreed or disagreed with each one being included in the PSPO. The results are displayed in the chart below.



The behaviours with most agreement that should be included in the PSPO were:

- Taking drugs in the street (90% strongly agree/ 95% agree)
- Anti-social behaviour (90% strongly agree / 95% agree)
- Drinking alcohol on the street (79% strongly agree / 92% agree)
- Begging (75% strongly agree / 89% agree)

The behaviours with less agreement were:

- Giving out leaflets / other publicity material (27% strongly agree / 69% agree)
- The use of amplifiers (e.g. by buskers) (37% strongly agree / 67% agree)
- Marking pavements / walls with chalk, paint etc. (39% strongly agree / 77% agree)
- Blocking the pavement with advertising boards / signs (39% strongly agree / 77% agree)

Respondents were asked if they had any comments around these behaviours and why they agree / disagree that they should be in the PSPO. A total of 133 comments were received. These comments have been coded and categorised.

### Any comments / why do you agree or disagree that they should not be allowed?

Category	Number of respondents
Behaviours bad for town centre	57
Begging annoying / bad for town centre	23
Busking okay / livens up town centre	19
Substance misuse annoying / bad for town centre	19
Cycling okay	16
ASB annoying / bad for town centre	13
Don't criminalise vulnerable / offer support	13
PSPO unnecessary	12
Leafleting / A boards okay	12
Chuggers / sign-ups / charity annoying / bad for town	11
Equality issues	10

*Table includes categorised comments with 10 or more respondents in category*

### Sample comments - Verbatim extracts

#### Behaviours bad for town centre

Many respondents felt the behaviours the PSPO sought to address gave the town a bad image or put people off visiting. However, this was difficult to fully quantify and there is overlap in respondents saying that specific behaviours were bad for the town centre.

- *No bikes on the grounds of safety and no alcohol, drugs or anti-social behaviour because it gives the town centre a bad image.*
- *General public who go to town centre should not fear being confronted by any of the anti-social behaviour listed above*
- *It's ruining our town. It makes us look like we will tolerate anything.*
- *It's about time we sorted our town centre before it's too late to get people to visit*
- *They should not be allowed as it makes the experience of shopping in Bolton town centre very disagreeable.*
- *Walking around the town centre of Bolton should be a pleasurable experience without the hindrance of undesirable distractions.*
- *If Bolton wants to regain its popularity as a good place to shop / visit the, these issues should be addressed*
- *Its intimidating, numerous people I know have stopped coming into Bolton to shop, preferring Wigan, Bury & Trafford centre*
- *All these behaviours are driving people from the Town Centre giving an advantage to out of Town Centre and on-line Shopping and are diminishing the quality of life for people in Bolton if we cannot use our own Public Spaces confidently.*
- *The town centre is not a nice place to visit*

### **Begging annoying / bad for town centre**

Respondents described their dislike of begging, and how it was bad for the image of the town centre

- *People begging on the precinct do make the area feel rather threatening especially late afternoon and evening on the way home from work.*
- *I have experienced being harassed by people begging as early as 6.45 in the morning. I sometimes take alternate routes to avoid these experiences*
- *There is also the issue that a lot of the people begging claiming to be homeless will not accept food / drink and only want money which to me says that they are only doing it for money. I have even seen them get off a bus together then agree to meet up again to go home then take their coats off and put in their rucksacks showing dirty/ripped clothes underneath the coats. There is also another person who when you see her has different expensive trainers on every day.*
- *If people are begging who are not homeless then agree they should not be doing this*

### **Busking okay / livens up town centre**

Respondents felt that buskers helped to give the town character and were welcome.

- *The busking in the town centre is very entertaining and should be encouraged*
- *Amplifier should not be over loud but a bit of music gives the town appeal*
- *Buskers / amplifiers do not seem to be much of a problem at present and is occasionally drowned out by the Council's own amplifiers/speakers!*
- *Buskers fine as entertaining*

### **Substance misuse annoying / bad for town centre**

Respondents described how they felt about people who were misusing alcohol and / or drugs.

- *I don't want to see people walking around with cans of beer or cider or sitting on a form.*
- *People drinking and taking drugs in the town centre is not good for the image of Bolton - it gives people a bad impression. Also, for children in the summer holidays it can be scary*
- *Drinking ... and drug taking are a major problem in Bolton*
- *Drunk/drugged up people are becoming an increasing problem in the town centre - i consider myself to be street-wise and able to look after myself but there have been several instances over the last 12 months when i have felt unsafe in broad daylight.*

### **Cycling okay**

This category covers respondents who felt that cycling should not be subject to a PSPO.

- *It comes down to people being respectful and mindful of pedestrians, when it comes to cyclists. There are a minority of cyclists who do cause a problem.*
- *Why have a go at cyclists they are not a drain on the NHS and promote a healthier lifestyle unlike those fast food junkies munching their way between pound shops!*
- *Why is it not just riding bicycles in a way that causes a nuisance?*
- *Either bike lanes on the precinct or signs to ask people to dismount and push so not a ban but clear facilitation of bikes across centre but clear*

### **ASB annoying / bad for town centre**

Respondents described how seeing anti-social behaviour made them feel, or that they felt anti-social behaviour covered most issues.

- *I agree with tackling anti-social behaviour*
- *In my view there is no problem with drinking per se, only the behaviour that follows, which is covered by the anti-social behaviour element.*



- *Anti-social behaviour...spoils the town as a place to visit or work*

### **Don't criminalise vulnerable / offer support**

Respondents felt that the Council and other public bodies should help those who were exhibiting the behaviours the PSPO sought to address.

- *Help people using drugs / alcohol / begging - don't victimise them.*
- *I do not believe placing sanctions, criminal records and fines are an appropriate and effective way of dealing with these issues, the issue here should be about breaking down barriers to housing, work, community engagement, meaningful lives and contributing to your community. We should be protecting our most vulnerable not ostracising and marginalising vulnerable people.*
- *It is essential that better solutions are found, than simply banning in the town centre area. You need to ensure that effective preventative services are funded and accessible with street-based outreach connecting to a diverse offer in Bolton.*

### **PSPO unnecessary**

Respondents felt that a PSPO was too draconian, and that existing legislation could be used where necessary.

- *Where is the evidence-base showing that a high number of people see these behaviours as anti-social? I would suggest that most people consider them an annoyance at most?*
- *I wonder who considers these things so serious they need a law to ban them?*
- *A PSPO is not required to tackle behaviour that is liable to cause actual harm.*

### **Leafletting / A boards okay**

Respondents felt that leafletting was acceptable, although a few raised the issue of littering. Respondents felt that businesses might suffer if they were unable to promote their services.

- *I am not sure giving out leaflets would warrant such an order though.*
- *Local retailers should have the ability to street market- leaflets etc. and use A boards to promote offers. Retail is suffering enough in the town without restricting our ability to market in quieter periods. I believe that if you trade from the town centre the PSPO should not apply to them for street marketing and that there should be implied consent in these situations.*
- *I don't have a problem with people giving out leaflets as they usually just hand you the leaflet and don't try to engage you in conversation, although it can be a problem when people take a leaflet and then just drop in on the floor.*

### **Chuggers / sign-ups / charity annoying / bad for town centre**

Respondents described issues with chuggers, other forms of charity collections and energy / tv / broadband sign-ups.

- *The Town centre is a Place for People to Shop meet friends have Lunch and to Feel safe and not Mithered by ... people trying to get you to change your Broad band, [or] Energy.*
- *Charities: I do not appreciate being asked to have a chat to hear a guilt trip story*
- *I think that stopping people to get them to sign up to stuff ... can be a nuisance and some form of regulation should occur and if complaints are made that particular company / charity should be stopped from doing so in Bolton.*

### **Equality Impact Assessment**

Respondents felt that the behaviours which the PSPO sought to address could affect particular groups.

- *Fed up of people on bicycles almost hitting my small children as they can't see them walking behind adults.*
- *I would not condemn very young children with their parents for riding scooters or bicycles in pedestrian areas, but this should be supervised properly.*
- *Beggars can be perceived be a threat to single people particularly elderly and particularly women*
- *Young people are an important part of our society. Banning skateboards and scooters is just targeting the youth for being young.*

### Other comments

**Q: Are there any other activities that should be included in the PSPO? Please describe them and say why you think they should be included.**

Most of the comments related to activities that were already included in the proposed PSPO, or that are already prohibited, primarily dropping litter. The following table shows other activities suggested for inclusion by five or more respondents.

Category	Number of respondents
Dogs - uncontrolled / aggressive / all	7
Electric scooters	6
Groups	6
Loud / rowdy behaviour	6

*Table includes categorised comments with 5 or more respondents in category*

### Sample comments - Verbatim extracts

#### **Dogs - uncontrolled / aggressive / all**

Respondents were concerned about the use of aggressive dogs or felt that dogs should be excluded altogether.

- *Use of threatening and aggressive dogs*
- *Behaviour of Dogs in the town centre.*
- *Dogs must be kept on leashes.*

#### **Electric scooters**

Concerns about the use of electric scooters in pedestrianised areas.

- *Reckless use of mobility scooters. These often travel too fast.*
- *Mobility scooters that can go over walking pace*

#### **Groups**

Respondents felt that large groups should be dispersed.

- *Gathering of groups. They should be moved along. No reason why they should become a blockage to others/shoppers. Doesn't help retailers either.*
- *Dispersal of large groups which can be intimidating*

#### **Loud / rowdy behaviour**

Concerns over loud behaviour – shouting and agitation.

- *Excessive noise from pubs etc. should be restricted.*

- *The disturbance of a complete street with the screaming and shouting and threatening by people in rented property*
- *I find groups of people shouting to each other, in shops or across roads , anywhere in fact, very disturbing*

**Q: Can you think of any alternatives to the PSPO?**

<b>Category</b>	<b>Number of respondents</b>
More police / enforcement officers / enforce existing legislation	31
More support / things to do - for people causing problems	13
More punishment	12
Encourage positive behaviour	10

*Table includes categorised comments with 10 or more respondents in category*

**Sample comments - Verbatim extracts**

**More police / enforcement officers / enforce existing legislation**

Respondents suggested that the behaviours could be tackled by a stronger police presence, that more enforcement officers were needed, or that existing legislation already covered the undesirable behaviours.

- *Employ more police officers to enforce existing laws.*
- *More police presence which would be an obvious deterrent.*
- *Stronger enforcement of existing laws.*
- *Dedicated Town Centre PCSO's continually patrolling a small area.*
- *Make a commitment to have a constant presence for 6 -12 months and there will be some successes with people deciding this life is no longer for them.*

**More support / things to do - for people causing problems**

Respondents suggested that those who were causing issues should be helped and supported, rather than punished.

- *Greater support for people with substance misuse problems.*
- *More outreach workers*
- *More affordable housing, hostels, crisis housing, supporting people with tenancies and life challenges rather than eviction. More youth engagement services, and youth friendly spaces in Bolton to avoid people using scooters in such a manner in the town centre. Invest in more mentoring schemes, budding up schemes, develop drug and alcohol services with emphasis on helping people to initially engage*
- *Develop some proper strategies to deal with homelessness. The PSPO is simply moving beggars to another area.*

**More punishment**

Respondents felt that anti-social behaviour should be punished more severely.

- *Arrest them all for begging and if they are on benefits threaten to stop the benefits if they are aerated again due to this undeclared income.*
- *Police actually arresting people even if it is just minor crime for drug taking etc, they should be disrupting these people's lives*
- *Photograph, name and shame around town and in local papers to say these people are on benefits and they do not need to beg!!!*

## Encourage positive behaviour

Respondents suggested that good behaviour should be encouraged, rather than legislating against poor behaviour.

- *For cyclists in pedestrian areas, put up signs asking them to slow down*
- *A strong preventative support offer that connects peer support to those committing anti-social behaviour will have stronger and more effective longer-term outcomes.*
- *Try finding out what people would like to see in the town centre so that people can engage in a positive an inclusive way in their local spaces instead of encouraging a desire to ban everything and everyone who we don't personally like.*

**Q: Please use this space if you want to make any other comments about the proposed PSPO.**

Category	Number of respondents
Good plan	25
Enforcement / cost concerns	22
Unnecessary / against PSPO	13
Council should support people	12

*Table includes categorised comments with 10 or more respondents in category*

## Sample comments - Verbatim extracts

### Good plan

Respondents felt that the PSPO was a good idea and should be implemented.

- *The proposed plan is well thought out. Once implemented it should make a significant difference to public experience of visits to town centre.*
- *I hope all of the proposals are agreed upon and implemented in the fullest.*
- *A good idea, at last action is being taken against these groups.*
- *Excellent idea I really hope we can implement in our town centre asap*
- *It's been a long time coming and I would welcome it completely*
- *About time.*
- *It will be welcomed by me as there are a lot of unsavoury characters hanging around the town centre.*
- *It's a must if we are to attract people back into the town.*
- *It's a good plan. If it's never been done before, trial it and improve from there.*

### Enforcement / cost concerns

Concerns were expressed about the difficulties of implementing the PSCO; the cost and resources involved.

- *Who will enforce the power of the PSPO?*
- *The highest standard of training for 'Enforcement Officers' is a requirement.*
- *This will only work if it is enforced, who will enforce it and how?*
- *Will be useless if there is no one to enforce it...The council and the police do not have the staff the capacity or the interest to actually enforce this. It is therefore a paper exercise and a waste of time and money.*
- *A good initiative as long as it is carried out effectively.*
- *Needs to be resourced - powers are great but need people to enforce.*
- *With limited resources, these 'anti-social' behaviours will, in reality, go largely unchallenged by the Council or the Police. It will most likely be more damaging to Bolton*

*Council's reputation in the long run as the Council will probably be shown to be largely toothless in respect to this.*

### **Unnecessary / against PSPO**

Respondents felt that the PSPO was not required and should not be implemented.

- *Disgraceful; a lazy desire to deal with the consequences of lack of direction and support by the Council, rather than dealing with the causes, dressed up as a consultation.*
- *I just want us to value the lives of everyone in our borough. Often those that are causing the most difficulty for public services are the ones that need the most help. Deficit language and exclusionary draconian solutions are not the way that things are done in Bolton.*
- *I'm not entirely sure where you get the idea that such an order is necessary. There are plenty of existing legal routes to address criminal behaviour if it occurs in this area.*
- *Ignore the baying voices that would ban vibrancy and youth, criminalise poverty and cyclists, and demonise anyone outside the Marks and Spencer target market. Ditch this offensive PSPO idea, particularly as it fails to meet Home Office guidance.*

### **Council should support people**

Respondents felt that the Council and other authorities should support people rather than simply legislating against them.

- *Stop running away from your social responsibilities and show empathy to your residents, instead of blanket bans*
- *A firm stance must be taken but also backed up with alternatives for people where they can seek help and assistance*
- *As long as people's vulnerabilities are taken into account when the order is being enforced I agree with the PSPO.*
- *I think in terms of begging, the issue of increased homelessness in Bolton needs to be addressed, the problem will just be moved elsewhere and these people need help and support..*

## Proposed Public Spaces Protection Order [PSPO] for Bolton town centre

### Background

Please read through the proposed PSPO Order for full details of the proposed PSPO before completing this questionnaire.

If the PSPO is granted, the restrictions would apply to all areas within the boundary that the public have access to.

Exemptions are detailed in the full report, but in brief:

- the skate park would be exempt from the skateboarding ban;
- pubs and other licensed premises would be exempt from the alcohol ban;
- street trading; asking the public for money or distributing leaflets and other publicity materials would only be allowed with appropriate authorisation. Registered charities, political parties and religious organisations would be able to distribute publicity materials without a license.

### The location

The proposed PSPO aims to stop people taking part in anti-social behaviour within all public areas of the town centre.

Please see the full report for maps and details of the proposed locations.

Q1 Does the main proposed PSPO [plan 1] cover the right areas of the town centre?

- Yes  No  Not sure

Q2 Why do you say this?

Q3 Does the secondary proposed PSPO [plan 2] cover the right areas of the town centre? [This is the area where cycling would be banned.]

- Yes  No  Not sure

Q4 Why do you say this?

## The behaviours

Please see the report for full details of the kinds of behaviour that wouldn't be allowed within the proposed PSPO.

The PSPO would attempt to stop anti-social behaviour from all areas within the boundary that the public have access to.

**Q5** How much of a problem are the following within the town centre? [Please select one response for each behaviour.]

	A major problem	A minor problem	Not a problem at all	Not sure
Drinking alcohol on the street	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Taking drugs on the street	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Anti-social behaviour	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Begging	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Selling goods on the street	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Stopping people to get them to sign up to energy / broadband / tv companies etc	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Asking for money for charities: either cash or via Direct Debit	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Giving out leaflets / other publicity material	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Blocking the pavement with advertising boards / signs etc	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Marking pavements / walls with chalk, paint etc	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The use of amplifiers (e.g. by buskers)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Using skateboards or scooters in a manner which causes a nuisance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Riding bicycles in pedestrianised areas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Q6** How have you been affected by any of this behaviour?

**Q7 Do you agree / disagree that a PSPO should be applied to prevent people from doing the following on the streets within the areas marked on the maps? [Please select one response for each behaviour.]**

	<b>Strongly agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly disagree</b>	<b>Not sure</b>
Drinking alcohol on the street	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Taking drugs on the street	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Anti-social behaviour	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Begging	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Selling goods on the street	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Stopping people to get them to sign up to energy / broadband / tv companies etc	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Asking for money for charities: either cash or via Direct Debit	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Giving out leaflets / other publicity material	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Blocking the pavement with advertising boards / signs etc	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Marking pavements / walls with chalk, paint etc	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The use of amplifiers (e.g. by buskers)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Using skateboards or scooters in a manner which causes a nuisance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Riding bicycles in pedestrianised areas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Q8 Please use this space for any comments around these behaviours, and why you agree or disagree that they should not be allowed?**



**Other comments**

**Q9** Are there any other activities that should be included in the PSPO? Please describe them, and say why you think they should be included.

**Q10** Can you think of any alternatives to the PSPO?

**Q11** Please use this space if you want to make any other comments about the proposed PSPO.

**Q12** Which of the following best describes your interest in this issue?

- |   |   |
|---|---|
| <input type="radio"/> Live within the proposed PSPO         | <input type="radio"/> Work / study in borough   |
| <input type="radio"/> Live in the borough                   | <input type="radio"/> Represent an organisation |
| <input type="radio"/> Visitor to Bolton town centre         | <input type="radio"/> Other                     |
| <input type="radio"/> Work / study within the proposed PSPO |   |

**Q13** If other, please describe.

**Q14** How often do you visit Bolton town centre? Please include all visits, whether for work, shopping, leisure, study etc.

- |   |   |
|---|---|
| <input type="radio"/> Daily             | <input type="radio"/> Monthly             |
| <input type="radio"/> 4-5 times a week  | <input type="radio"/> 3 or 4 times a year |
| <input type="radio"/> 2-3 times a week  | <input type="radio"/> Twice a year        |
| <input type="radio"/> Weekly            | <input type="radio"/> Once a year         |
| <input type="radio"/> 2-3 times a month | <input type="radio"/> Less often / Never  |

**About you.** These questions are entirely optional. Your answers will be used to see if there are any differences between different types of people

Please feel free to skip any that you prefer not to answer.

**Q15 Are you...?**

- Female
- Male

**Q16 How old are you?**

- Under 18
- 18 - 24
- 25 - 34
- 35 - 44
- 45 - 54
- 55 - 64
- 65 - 74
- 75 - 84
- 85 or older

**Q17 What is your ethnic group?**

- White British
- Other White
- Mixed / multiple ethnic groups
- Asian / Asian British
- Black / African / Caribbean / Black British
- Other ethnic group

**Q18 Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?**

Please include problems related to old age

- Yes, limited a lot
- Yes, limited a little
- No

**Q19 Are you responding on behalf of an organisation?**

- Yes
- No

**IF you are responding on behalf of an organisation, please give their details below.**

<b>Q20 Name of organisation you represent</b>	
<b>Address</b>	
<b>Postcode</b>	
<b>Tel No:</b>	
<b>Email</b>	

**Thanks for completing this questionnaire. Please now send it to:  
Freepost RTTT-YTEL-YSXS, Consultation and Research Team, 2nd Floor, Town  
Hall, Victoria Square, Bolton, BL1 1RU  
YOU DO NOT NEED A STAMP**

Bolton Council  
Victoria Square  
Bolton  
BL1 1RU

Liberty House  
26-30 Strutton Ground  
London SW1P 2HR

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Debalena Dasgupta, Solicitor  
Lara ten Caten, Solicitor

By post and email to [consultation@bolton.gov.uk](mailto:consultation@bolton.gov.uk)

17 August 2018

Dear Madam / Sir

### Proposed Public Spaces Protection Order

We write in response to your consultation on a potential Public Spaces Protection Order ('PSPO') for Bolton Town Centre. For the reasons set out below, Liberty is opposed to the PSPO. We are concerned about the potential for misuse of PSPOs, especially those that target rough sleeping and begging and those that would undermine freedom of expression.

#### 1. Begging on the street

As you will be aware, Bolton Council ('the Council') is bound by section 6 of the Human Rights Act 1998 not to act in a way which is incompatible with any rights contained in the European Convention on Human Rights ('the Convention'). Provision 1.4 of the Council's draft PSPO interferes with Convention rights in two ways. First, begging is arguably an expression of poverty and disadvantage and criminalising such conduct may undermine the right to freedom of expression under Article 10 of the Convention. Second, Article 8 of the Convention extends to the protection of personal autonomy and can apply to activities conducted in public. This is especially true of the homeless whose scope for private life is highly circumscribed. Begging is a form of interaction with others and, in our view, its blanket and untargeted criminalisation falls within the scope of the right to respect for private life in Article 8.

Provision 1.4 of the proposed PSPO prohibits any person from "*placing themselves in a position to beg or solicit money*". First, this provision is too vague to be enforceable. What precisely does "placing themselves in a position to beg or solicit money" mean? How can it clearly be distinguished from, for example, sitting on the floor in a public area, perhaps with a dishevelled appearance? Second, it is incredibly broad and amounts to a blanket ban on begging. Given the broad nature of the prohibition in question, such interference requires careful objective justification and, crucially, must be proportionate if the PSPO is to be lawful. The proposed ban on begging is gravely concerning as it will target vulnerable members of society with financial penalties they cannot afford and that will result in them being unreasonably criminalised for non-payment.

We are concerned that your proposed PSPO is entirely disproportionate to the purported aims. Section 59 of the Anti-Social, Behaviour, Crime and Policing Act 2014 ('the Act') provides that PSPOs can be put in place only to prevent activities that have had or are likely to have a detrimental effect on the quality of life of those in the locality. The proposed blanket ban on begging is not limited to begging that can reasonably be perceived to be intimidating or aggressive but applies to all begging. There is a world of difference, in terms of detriment to the quality of life of those in the area, between someone begging in an intimidating manner and someone simply sitting on the street with a sign or an upturned hat. If the prohibition is only intended to cover certain types of begging, then it should explicitly say so. If, on the other hand, the Council truly believes that all begging is so detrimental to the quality of life of the community that it should be banned under threat of criminal sanction then this PSPO amounts to an attempt at social cleansing, and is very difficult to justify under both the Act and the Statutory Guidance accompanying it.

Furthermore, the power under s. 59 of the Act requires that local authorities only impose prohibitions or requirements that are reasonable to impose. It is clearly not reasonable to impose prohibitions or requirements that are sufficiently, and indeed more effectively, addressed by other powers. There is no evidence that the Council has properly considered whether the existing powers under the Vagrancy Act 1824 are adequate to address any problems relating to begging. There is a crucial distinction between the enforcement of the Vagrancy Act and PSPOs: prosecution for an offence under the Vagrancy Act can give rise to the imposition of a community sentence as an alternative to a fine or sentence of imprisonment, whereas prosecution for breach of a PSPO cannot, other than in the most exceptional circumstances. The Council should conduct proper scrutiny of all alternative options before proceeding with the proposed PSPO.

## **2. Obstructing the highway**

It is unclear what is meant by "obstructing" in provision 1.9 of the Council's draft PSPO. This provision is too vague to be enforceable and might also be used to wrongly target rough sleepers who may be sleeping or sitting around the PSPO area.

Section 59 of the Act provides, inter alia, that PSPOs can be put in place only to prevent activities that have had or are likely to have a detrimental effect on the quality of life of those in the locality. Rough sleeping does not amount to anti-social behaviour or to a nuisance or disorder: it is the result of poverty and is likely to be outside of the control of the person affected. The Statutory Guidance to the Act clearly advises against such targeting:

Public Spaces Protection Orders should not be used to target people based solely on the fact that someone is homeless or rough sleeping, as this in itself is unlikely to mean that such behaviour is having an unreasonably detrimental effect on the community's quality of life which justifies the restrictions imposed. These Orders should be used only to address any specific behaviour that is causing a detrimental effect on the community's quality of life which is within the control of the person concerned<sup>1</sup>.

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<sup>1</sup> Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers - Statutory guidance for frontline professionals, updated December 2017, p. 51.

Any prohibitions targeting rough sleeping would, as with begging, constitute interferences with Articles 8 and 10 of the Convention. If this prohibition is not intended to target rough sleepers, then it should explicitly say so.

### **3. Anti-social behaviour**

The Statutory Guidance states that “*councils should ensure that the Order is appropriately worded so that it targets the specific behaviour or activity that is causing nuisance or harm and thereby having a detrimental impact on others’ quality of life*”. Moreover, the Director of Place’s report to the Council’s Executive Cabinet Member for Environmental Services dated 9 July 2018 acknowledges that PSPOs “are effective” where “they are targeted at specific behaviours”<sup>2</sup>.

Provision 1.3 of the Council’s draft PSPO is too vague to be said to be targeting a specific behaviour or activity. No examples are given as to what conduct could be deemed to cause harassment, alarm or distress, which leaves residents and visitors at risk of being inadvertently criminalised. As this provision fails to target a specific behaviour or activity, it should not be included in the PSPO.

Further, this proposal contains no objective and enforceable standard by which alleged anti-social behaviour can be measured. Will a member of the public need to make a complaint before someone is considered to have breached the prohibition? If so, will enforcement officers be obliged to consider whether the complaint is reasonable, and not malicious or over-sensitive, before enforcing the PSPO? As the proposal stands, the Council would give its officers an overbroad and disproportionate discretion, which runs the serious risk of arbitrary enforcement.

The current wording of this provision is therefore open to arbitrary enforcement, is overbroad and disproportionate, and could be in breach of Articles 8 and 10 on that basis.

### **4. Marking of surfaces**

As indicated above, the relevant statutory framework requires the Council to be satisfied, on reasonable grounds, that the activities which are to be prohibited by the PSPO have had or are likely to have a detrimental impact on the quality of life of the residents of Bolton and that it is reasonable to impose a PSPO in response. We are surprised that the Council believes that something so trivial as marking a surface with chalk (which can easily be removed) could ever create sufficient detrimental impact or be sufficiently serious as to warrant the imposition of a criminal sanction.

### **5. Use of amplifiers**

As above, Article 10 of the Convention protects the right to freedom of expression. Article 11 protects the right to freedom of assembly. These rights, taken together, protect the rights of the people of Bolton to gather together for peaceful protests and demonstrations. The Council is therefore legally bound to facilitate peaceful protest and not to take steps which would lead

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<sup>2</sup> Director of Place’s report to the Council’s Executive Cabinet Member for Environmental Services dated 9 July 2018, p. 9.

to any unlawful and disproportionate interference with protest rights. Such interference would leave the Council vulnerable to legal challenge.

Provision 1.11 of the Council's draft PSPO, as drafted, is a blanket ban on any use of "*loudspeaker or amplification by electronic means on the public highway*". This goes even further than the highly controversial Police Reform and Social Responsibility Act 2011; although that Act grants the power to prevent the use of amplification in Parliament Square, the power is discretionary and does not amount to a blanket ban<sup>3</sup>.

We are concerned that participants in protests or demonstrations could fall within the remit of the PSPO. The use of loudspeakers and amplification in the modern age is a crucial aspect of any sizeable demonstration. When competing with traffic and other noise, and if unable to use any form of loudspeaker or amplification, assembled demonstrators will simply be unable to hear any speakers or leaders. They will therefore be unable to participate effectively in the demonstration. Similarly, protestors will be unable audibly to communicate their views to bystanders and/or the targets of the demonstration (if, for example, it takes place outside the Town Hall). The PSPO would therefore be a significant interference with Article 10 and 11 rights in Bolton.

## 6. Conclusion

Whilst we appreciate that the proposal is still at an early stage, we are concerned that the PSPO severely limits personal autonomy and freedom of expression/assembly and will have a disproportionate effect on vulnerable people in Bolton. Liberty therefore urges the Council to reconsider its proposals.

Yours sincerely



**Rosie Brighthouse**  
**Solicitor**  
**LIBERTY**

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<sup>3</sup> As confirmed by the Court of Appeal in *R (on the application of Gallastegui) v Westminster City Council and Others* ([2013] EWCA Civ 28), see paragraph 19.



**Our organisation and what we do:**

Bolton CVS is a charity limited by guarantee and the local infrastructure organisation for the voluntary and community sector in Bolton, supporting the 1,561 groups and organisations that exist to ‘do more good’ across the borough. Our work spans support around governance, volunteering, compliance and development and our skilled team have been offering this support in the borough for more than 28 years.

Bolton CVS manage a community hub in the heart of Bolton, with 12 community based organisations as tenants and with 26,471 visits to our space last year, we understand and value the role of the Bolton Town Centre offer. This consultation response aims to outline our considerations around the proposals made by Bolton Council on the Public Space Protection Order for Bolton Town Centre.

**Our response to the consultation:**

This consultation response aims to provide constructive feedback that can be considered and further developed. As an organisation, we’d welcome discussion on any or all aspects of our response and look to ways to identify voluntary and community sector provider solutions to some of the challenges identified.

There are a range of ideas proposed to support Bolton Council in their decision making following the response to individual questions.

**1. The location:**  
**a) The proposed PSPO aims to stop people taking part in anti-social behaviour within all public areas of the town centre.**  
**Does the main proposed PSPO [plan 1] cover the right areas of the town centre?**

→ Bolton CVS does not have a view on the geographical dissection of the Town Centre.

**1. The location:**  
**b) Does the secondary proposed PSPO [plan 2] cover the right areas of the town centre? [This is the area where cycling would be banned.]**

→ Bolton CVS would recommend that where any of the Town Centre has a partial or full exclusion for any mode of transport, that this is considered in line with accessing other transport options (i.e. trains and bus interchange and cycle parking/skateboarding spaces). In response to promoting physical activity Bolton Council must ensure that its messages are not lost through its Town Centre approach and a safe and accessible alternative should be provided with clearly marked areas where any exclusions do exist, in line with the Greater Manchester ‘Bee Lines’ initiative and Bolton Vision 2030.

## 2. Problems within the Town Centre:

	A major problem	A minor problem	Not a problem	Not sure.
Drinking alcohol on the street.	.	.	.	.
Taking drugs on the street.	<b>As an organisation, Bolton CVS does not have a direct impact from these issues, however people accessing our services and support have fed back about:</b> - <b>Street begging.</b> - <b>Drug use in and around the Bolton Hub.</b> - <b>Street alcohol use.</b> - <b>Being asked to sign up to different types of organisations.</b>			
Anti-social behaviour.				
Begging.				
Selling goods on the street.				
Stopping people to get them to sign up to energy / broadband / tv companies etc.				
Asking for money for charities: either cash or via Direct Debit.				
Giving out leaflets / other publicity material.				
Blocking the pavement with advertising boards / signs etc.				
Marking pavements / walls with chalk, paint etc.				
The use of amplifiers (e.g. by buskers).				
Using skateboards or scooters in a manner which causes a nuisance.				
Riding bicycles in pedestrianised areas.				

## 3. Do you agree / disagree that a PSPO should be applied to prevent people from doing the following on the streets within the areas marked on the maps?

- ➔ Bolton CVS strongly advocates for an effective prevention offer that provides person centred community approaches to address social and anti-social behaviour issues in Bolton Town Centre and all other areas of Bolton.
- ➔ Bolton CVS wants to see a collaborative and preventative borough response that effectively connects to the voluntary and community sector and enables people to access the right support at the right time, including day and night time outreach.
- ➔ Bolton CVS believes that where licences are issued for charity collection, Bolton based organisations or those organisations with a Bolton based offer, should have first refusal on the licence and be prioritised, particularly where this is aligned to a local event or fundraiser.
- ➔ Bolton CVS recognises that certain modes of transport can cause frustration and challenge for other users of public spaces and can be used to support criminal behaviour (mobile phone theft for example). This can be addressed by using pavement features, obstructions and chicanes that can reduce speeds of alternative forms of transport in clearly designated 'cycling/skating' lanes, deliberately designed running alongside pedestrian walk ways.
- ➔ Bolton CVS believes that increased policing patrols and the presence of teams (*including volunteer teams*) in Bolton Town Centre that can direct and divert people into services and support will have a positive impact on anti-social behaviour.



#### 4. Other comments:

### Ideas from Bolton CVS to strengthen the approach and offer in Bolton

#### Focus on people and prevention:

Bolton has committed to a person-centred and prevention agenda through the development of the Health and Social Care Locality Plan and Bolton's Vision 2030. It is essential that the borough prioritises interventions and funding for organisations that connect with the most vulnerable in the borough.

There must be a focus on ensuring that Bolton develops and delivers 'peer-led' interventions to motivate and challenge individuals which can be led by experienced voluntary and community sector groups and organisations. Those peers should be individuals who've had experience of the issues that you're trying to support people to address.

In addition, the borough's narrative and approach shouldn't criminalise behaviour and recognise the genuine challenges of people and communities. Jon Sparkes, Chief Executive of Crisis, the national charity for homeless people was quoted in the Guardian on 3<sup>rd</sup> March 2018 as saying:

*"There seems to have been a bit of an open season with people trying to adopt approaches which are somehow seeking to 'other' people on the street, for example by referring to 'aggressive begging' or 'clearing the streets' and so on.*

*It's important to say that not all homeless people are begging and not all people begging are homeless. But there are people who are doing both and frankly if someone has got to the point in their life where they are begging then there is an issue to be concerned about and dealt with rather than looking at aggressive ways of removing people."*

There is a perception and narrative that begging is connected to low level and organised crime and in some cases this may be true. There are also people on the streets of Bolton who are genuinely in need and incredibly vulnerable. Partner organisations must ensure that the borough approach includes activities that counteract both.

Homeless link is the national membership charity for organisations working directly with people who become homeless in England. They work to make services better and campaign for policy change that will help end homelessness.

In December 2016, they produced a report: '*Responses to begging: Case Studies of local responses*' which includes some considerations and thoughts that could influence the support offer which aligns to this approach from Bolton Council and its partners: <https://www.homeless.org.uk/sites/default/files/site-attachments/Responses%20to%20Begging%20Dec2016.pdf>.

### ***Establish a 'Heart of Bolton' Team***

Bolton could consider establishing a 'Heart of Bolton' team which is delivered through a collaborative of voluntary and community sector organisations that will provide a range of day-time, weekend and night-time outreach interventions in Bolton Town Centre.

The whole focus of the 'Heart of Bolton' team would be on assistance, care and compassion; building relationships with a range of audiences who access the town centre including shoppers, those deemed 'in need', commercial and community partners. The team would provide information and a customer service offer to visitors, shoppers and staff and additionally direct people who may require additional support to the most appropriate services that would be able to help; offering to walk and/or transport people to service access points.

The team could undertake a 'diversionary' function and would have absolutely no enforcement responsibilities and would be the first line in Bolton's commitment to Person and Community Centred Approaches in the Town Centre, in line with Bolton's Vision 2030.

For safety and connectivity, the team would be connected by radio and other ways to key agencies including the Police, Bolton Council Enforcement Officers and other Town Centre teams such as the retail and night-time economy radio/security network.

This team would have a core employed staff to manage recruitment, selection and training of Bolton volunteers as well as the ability to co-ordinate activities and participate in strategic and operational engagement to further improve Bolton's Town Centre offer.

It is also important to connect this offer to what exists and everything that is already funded, but this would be in addition to what already exists to better connect the offer, and not a replacement for what exists.

### ***Safe-spaces***

It is widely recognised that there are a range of issues presented by street-drinking and drug use and it is essential to address these issues. A range of towns and cities nationally have implemented 'wet-spaces' which can provide a space for targeted interventions.

Alcohol Policy UK undertook an evaluation of a 'wet centre' for street drinking in Liverpool in 2016: <http://www.alcoholpolicy.net/2016/06/evaluation-liverpool-wet-centre-street-drinkers.html> which has some interesting findings.

It could be useful to consider introducing a space that is comfortable, safe and provides somewhere for people under the influence of intoxicating substances as this reduces the opportunity for risk, threat and harm to others in a semi-controlled environment that can easily be managed and policed with the right support.

Ultimately, a safe space could be directly aligned to Bolton's harm reduction offer and dual-diagnosis work through existing substance misuse and mental health programmes and initiatives.

### ***Displacement and safeguarding***

It is important to consider the impact of where the PSPO will displace the current issues. There is a risk that issues that are moved on inadvertently make areas of Bolton that are already deemed to be 'not safe', more unsafe for residents and create new social issues and anti-social behaviour.

A strategic solution must be implemented to understand the impact of displacement and what solutions are needed to address the root cause.

### ***'Pay it on' and 'alternative giving'***

It is important that Bolton's partners explore what a 'pay it on' campaign and 'alternative giving' initiatives could look like for Bolton, co-designed with people with lived experience of street-begging.

There are a range of initiatives delivered locally and nationally, however it is important that Bolton designs an approach with local charities and local people if it is decided that this is an appropriate approach for the borough, using learning from other areas and their local evaluations.

### ***Physical activity***

Whilst it is recognised that some modes of transport can inadvertently impact individuals in an anti-social way, as a borough we must ensure that our strategies align. Through making any area of Bolton an exclusion zone for any mode of transport, including cycling, it cuts across the 'Get Active' message championed by Bolton Council and local partners.

The borough focus must promote positive and inclusive cycling, skateboarding, roller-skate and scootering across all areas of our borough and not create exclusion zones. The focus must be to educate all residents in how to cycle, roller-skate, scooter and skateboard respectfully and safely in all areas of the borough.

### ***No Wrong Door***

There is a need for Bolton to foster a 'No Wrong Door' approach so that people aren't turned away from services or support due to reasons such as previous behaviour or intoxication. There is a need to provide a strong, effective and experienced local staff support team to be able to manage those cases and provide that one-to-one intervention when needed.

### ***Social Value***

Bolton can maximise the borough's approach to Social Value through exploring potential solutions including;

- ➔ Employability solutions (including apprenticeships) for marginalised and excluded communities; particularly through recruiting those with offending history and history of substance use.
- ➔ Creating and supporting effective inclusion and volunteering programmes that focus on the strengths and assets of individuals with lived experience that can utilise their skills to provide peer support.

### **Contact information**

For further information and to explore any of the ideas included within this submission from Bolton CVS, please contact:

Darren Knight  
Chief Executive  
[darren@boltoncvs.org.uk](mailto:darren@boltoncvs.org.uk)  
01204 546 012

## EQUALITY IMPACT ASSESSMENT

<b>Title of report or proposal:</b>
<b>Town Centre Public Spaces Protection Order (PSPO)</b>

<b>Department:</b>	PLACE
<b>Section:</b>	Community Safety Services
<b>Date:</b>	17/09/2018

Public sector bodies need to be able to evidence that they have given due regard to the impact and potential impact on all people with 'protected characteristics' in shaping policy, in delivering services, and in relation to their own employees.

Under the Equality Act 2010, the council has a general duty to have **due regard** to the need to:

1. **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act;
  2. **advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
  3. **foster good relations** between people who share a protected characteristic and people who do not share it.
1. **Describe in summary the aims, objectives and purpose of the proposal, including desired outcomes.**

The main aim of this proposal is to reduce and prevent anti-social behaviour in the Town Centre.

Objectives:

- To reduce anti-social behaviour, including alcohol related anti-social behaviour and the use of legal highs.
- To reduce begging, in particular aggressive begging
- To reduce problematic street pedlars and unregulated street trading activities that are not contributing to the local economy and are a risk to consumers.
- To reduce and manage commercial and charity collections and chuggers (individuals paid by charities to raise funds on their behalf) to ensure they are legitimate and sound
- To reduce littering and damage within the town centre.
- To reduce behaviours causing nuisance and annoyance that are persistent and unreasonable.

Purpose: To introduce a Public Spaces Protection Order (PSPO) for Bolton Town Centre.

Outcomes: A safe town centre that contributes to Bolton Council's Corporate Plan, the Town Centre Master Plan and the Vision 2030.

**2. Is this a new policy / function / service or review of existing one?**

This is a new policy responding to a rise in anti-social issues within the town centre.

**3. Who are the main stakeholders in relation to the proposal?**

Visitors to Bolton Town Centre  
Central Bolton Partnership / Business Bolton / Businesses  
Transport Providers / Transport for Greater Manchester  
Town Centre residents  
Greater Manchester Police  
Greater Manchester Deputy Mayor for Policing & Crime  
Elected Members  
Various council departments  
Community & Voluntary Sector organisations

**4. In summary, what are the anticipated (positive or negative) impacts of the proposal?**

Positive impact – increased and improved partnership enforcement activity to respond to those issues that are causing the greatest concern for members of the public and other key stakeholders.

Negative – A possible perception that the council, and its partners, are being overly zealous in the use of powers that will aim to unreasonably control public spaces. This perception possibly extends to the council targeting those that are already vulnerable in society.

**5. What, if any, cumulative impact could the proposal have?**

In developing these proposals discussions have taken place with the council lead for the Homelessness Action Plan. Although this proposal does not aim to address homelessness it may have a positive impact in increasing the number of beggars (who are legitimately homeless) into appropriate support services.

There could be a displacement of the issues identified in to other areas of Bolton. This was highlighted within the consultation as a concern for some respondees. Research highlights that where displacement takes place this is normally not to the same levels as those experienced in the original problematic area. Monitoring will be carried out to assess any displacement.

6. With regard to the stakeholders identified above and the diversity groups set out below:

	Is there any potential for (positive or negative) differential impact? Could this lead to adverse impact and if so what?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group, or for any other reason? Please state why	Please detail what actions you will take to remedy any identified adverse impact i.e. actions to eliminate discrimination, advance equality of opportunity and foster good relations
<b>Race</b> (this includes ethnic or national origins, colour or nationality, and caste, and includes refugees and migrants; and gypsies and travellers)	The PSPO prohibitions will apply to anyone regardless of their background and appropriate enforcement action may be taken if they are found to be in breach of the order in the defined area.		
<b>Religion or belief</b> (this includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief)	None of the conditions within the PSPO should have an effect on a person's ability to worship / follow religious beliefs. There are safeguards within some of the prohibitions that make exemptions for religious organisations, e.g. the distribution of publicity materials.		
<b>Disability</b> (a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities)	Those with disabilities could be positively impacted under these proposals. Consultation findings confirm this with those who have a visual impairment feeling unsafe in pedestrian areas where there are cyclists and skateboards, and A-board style advertising. This order would hope to have a positive impact. People with disabilities may feel more vulnerable when confronted by beggars / aggressive individuals under the influence of alcohol or drugs / street sellers and chuggers. The consultation findings confirm this with wheel chair users		Mental health considerations will be considered by officers at the time of any enforcement action. Appropriate training will be delivered to enforcement staff.

	<p>experiencing that they are an easy target. This order would hope to have a positive impact.</p> <p>Anyone regardless of their personal characteristics could be subject to penalties arising from the PSPO if they are found to be in breach of its conditions. The threshold is if the serving officer deems the behaviour to be a breach of the conditions and feels that a fixed penalty notice is suitable. There is a chance that the policy may adversely affect those with mental health issues.</p>		
<b>Sex / Gender</b>	<p>Some of the activities the PSPO seeks to curtail are carried out predominately by men (e.g. begging) so they could be more adversely affected in terms of enforcing against breaches.</p> <p>Consultation findings highlight that females are adversely impacted by many of these behaviours and the order would hope to achieve a positive impact by addressing those that target females in this way. In particular elderly and lone females have raised concerns about their perceptions of feeling unsafe, including being targeted, in the town centre.</p>	The conditions of the PSPO apply equally to both male and females.	
<b>Gender reassignment / Gender identity</b> (a person who's deeply felt and individual experience of gender may not correspond to the sex assigned to them at birth, they may or may not propose to, start or complete a process to change	None of the conditions within the PSPO should have an effect on a person's sexuality or sexual identity.		

<p>their gender. A person does not need to be under medical supervision to be protected)</p>			
<p><b>Age</b> (people of all ages)</p>	<p>The prohibition relating to skateboards and scooters (and to a lesser degree cycling) is likely to impact more on young people than other age groups. This order would therefore have an adverse impact on this group.</p> <p>Consultation feedback highlights that young people cycle through the square as this a quicker and a more safer route for them and by not doing this they are jeopardising their own personal safety as there is a perception that other routes are less safe.</p> <p>Elderly people (particularly females) feel more vulnerable when confronted by beggars / aggressive drunks / drug users and this is evidenced within the consultation findings.</p>	<p>Prohibitions that impact adversely on young people, e.g. skateboards and scooters, are deemed appropriate and just as there is already provision for these activities within the town centre (dedicated Skate Park).</p> <p>Small children accompanied by and appropriately supervised by their parents or guardians would not be affected by this proposal (skateboards, bicycles and scooters). Comments under the consultation did not want to see small children adversely impacted by these proposals.</p>	<p>The PSPO conditions can be applied to anyone over the age of 10. However, when serving a FPN against a minor, the Council will need to inform the Youth Offending Service (YOS) and the legal guardian of the young person.</p> <p>Young people can use the dedicated Skate Park (this area is exempt). The consultation findings highlighted that although there are signs at the skate park informing people not walk across the site these are often being ignored leading to near misses between skate park users and pedestrians cutting through. Bolton Council will assess options to improve the safety of skatepark users.</p>
<p><b>Sexual orientation</b> - people who are lesbian, gay and bisexual.</p>	<p>None of the conditions within the PSPO should have an effect on a person's sexuality.</p>		
<p><b>Marriage and civil partnership</b> (Only in relation to due regard to the need to eliminate discrimination)</p>	<p>None of the conditions within the PSPO should have an effect on a person's marriage or civil partnership.</p>		



<p><b>Caring status</b> (including pregnancy &amp; maternity)</p>	<p>None of the conditions within the PSPO are specifically targeted towards those who are pregnant or undertaking maternity leave. Although, pregnant women may feel more vulnerable when confronted by aggressive drunks / drug users / beggars and possibly more vulnerable with cyclists / skateboard users going past them in pedestrian areas. This order would seek to have a positive impact on this group.</p> <p>Consultation findings highlight that parents have concerns for the safety of their small children due to cyclists not seeing them behind their parents. This order would seek to have a positive impact on this group.</p>		
<p><b>Socio-economic</b></p>	<p>Some of the proposals could have a negative impact on those who are less affluent in society and may have complex needs.</p> <p>Conversely, although this proposal does not aim to address homelessness it may have a positive impact in increasing the number of beggars (who are legitimately homeless) into appropriate support services.</p> <p>More generally, breaching prohibitions could result in a fine which some individuals may struggle to pay. However, the primary purpose of the proposed PSPO is to act as a suitable deterrent to such behaviours and therefore avert the need for such fines.</p>		<p>The body of the report highlights the measures the council and its partners take to support those that have complex needs.</p>

<p><b>Other comments or issues.</b></p>	
<p><b>Please provide a list of the evidence used to inform this EIA, such as the results of consultation or other engagement, service take-up, service monitoring, surveys, stakeholder comments and complaints where appropriate.</b></p>	<p>Over the summer of 2018, consultation took place regarding a proposed Public Spaces Protection Order [PSPO] for Bolton town centre. Interested bodies and members of the public were invited to view the proposals online and complete a survey or to respond by letter or email. The consultation was made available on the council website, promoted on social media and in the local press, emailed to interested bodies and individuals including the council's public consultation panel [eView] and to people who had signed up to receive consultation regarding Bolton town centre. The consultation period ran from the 9 July until 17 August 2018. See body of the report for consultation findings.</p>

# Bolton Council

**This EIA form and report has been checked and countersigned by the Departmental Equalities Officer before proceeding to Executive Member(s)**

Please confirm the outcome of this EIA:

No major impact identified, therefore no major changes required – proceed	<input type="checkbox"/>
Adjustments to remove barriers / promote equality (mitigate impact) have been identified – proceed	<input checked="" type="checkbox"/>
Positive impact for one or more groups justified on the grounds of promoting equality - proceed	<input type="checkbox"/>
Continue despite having identified potential for adverse impact/missed opportunities for promoting equality – this requires a strong justification	<input type="checkbox"/>
The EIA identifies actual or potential unlawful discrimination - stop and rethink	<input type="checkbox"/>

## Report Officer

Name: Rafael Martinez

Date: 17/09/2018

## Departmental Equalities Lead Officer

Name: Donna Cooper

Date: 21/09/18