

<b>Classification:</b> Open	<b>Decision Type:</b> Non-Key
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<b>Report to:</b>	Cabinet	<b>Date:</b> 19 April 2023
<b>Subject:</b>	Bury Town Centre Public Spaces Protection Order	
<b>Report of</b>	Cabinet Member for Finance and Communities	

## Summary

This report outlines the application for a Public Spaces Protection Order (which will be referred to as a PSPO throughout this report). The PSPO if authorised will be a new application and will apply to Bury Town Centre only.

Bury Council and Greater Manchester Police have received complaints from members of the public and local businesses with regards to disturbances from Buskers in Bury Town Centre. In addition to this there are regular complaints from members of the public and TfGM regarding people who are drinking alcohol in open spaces, causing anti-social behaviour, harassment, and intimidation. Due to these complaints, investigations have been carried out and work with partners has been done, to come to the best resolution to enable members of the public to enjoy Bury Town Centre.

This report has been produced in conjunction with the Bury Business Improvement District (Bury BID) who endorse the recommendations.

## Recommendation(s)

- To continue the existing ban on alcohol consumption within Bury Town Centre whilst in a public space.
- To ban the use of any amplified sound equipment, speakers, microphones etc.
- Both these recommendations would be exempt if Bury Council give permission to any individual who is wanting to hold a specific event or festival.
- To delegate the authority to approve future Public Spaces Protection Orders to the Council's Chief Information Officer in consultation with the Director of Law & Governance and the Cabinet Member for Finance and Communities.

## Reasons for recommendation(s)

- I. The reason for the recommendation regarding the banning of consuming alcohol in a public place, is mainly due to the deterrent that it provides to members of the public who consider this to be acceptable behaviour.
- II. The reason for the recommendation to ban the use of amplified equipment in Bury Town Centre, is due to the disturbances that excessive noise has caused for residents and local businesses. The initial request put towards Bury Council was to ban busking altogether to try and rectify this problem. However, after discussions

with partners and looking at the impact on the community, it was agreed that busking brings positives as well as negatives, therefore the banning of amplified equipment was agreed as it is the volume of the busking that was reported as causing the most concern.

### **Alternative options considered and rejected**

When dealing with any anti-social behaviour it is important to consider all the tools and powers that are available to the Council to ensure appropriate action is taken. The alternative options that were considered but rejected were:

#### Civil Injunction

A Civil Injunction is an order that could be considered to deal with a certain individual that is causing harassment, alarm, or distress. This is a highly effective tool in most instances and if applied to this situation it could be useful to remove a prolific offender. However, this would only apply to the individual in question, meaning that other people causing the issues raised within this report would be able to continue and the same work would have to be repeated for each individual.

#### Community Protection Notice (CPN)

A Community Protection Notice was designed and implemented in 2014 to help assist with such issues that cause harassment, alarm, and distress within the community. This option was a viable option at the beginning of this process and has been used on a few occasions. However, as with the Civil Injunction this is an action that can only be used towards an individual and not to tackle a collective problem.

#### Acceptable Behaviour Contract (ABC)

An ABC is a low-level intervention that will still be used alongside the PSPO if these recommendations are approved. This is a non-enforceable contract between Bury Council and an individual which is voluntarily agreed. It is a way of an individual working with the Council to avoid any further actions being taken.

During the consultation process, the option to ban busking altogether was considered as this had been requested by some residents and businesses, however after assessing the situation and looking at the overall impact this would have it was agreed that this was not a viable option and for the members of the public who are socially and economically struggling, it would possibly have a detrimental effect on them.

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### **BACKGROUND**

Under the Anti-Social Behaviour act 2014 Bury Council are seeking to apply for an amendment to the Public Spaces Protection Order (PSPO) that is currently in place in Bury Town Centre.

From June 2021 to September 2022 evidence was received from various members of the public outlining the issues that they have experienced regarding the effect Busking has had on the quality of their life. This information was analysed by the ASB Team to determine the most appropriate course of action.

In response to the evidence received it was agreed that a review would be initiated of the current PSPO for Bury Town Centre which currently only prohibits the consumption of alcohol in a public place. After consulting with partners on this matter, a set of questions were drafted that would make up the contents of a public consultation, covering the area of Bury Town Centre only. These are included in Appendix 1.

Public consultation commenced on the 20th of September and lasted for 4 weeks. The Public Consultation covered all the business properties within The Millgate Shopping Centre, and The Rock Shopping Complex. The Consultation was extended to the residents who occupy the apartments with The Rock, and also the residents who occupy the flats based on The Old Rock. In addition to this a link to the consultation was advertised on Bury Council's social media pages.

Once completed the results of the consultation were published and was analysed by the ASB Team. A summary of the responses is included in Appendix 2.

There were 304 visitors to the online questionnaire, with 107 engaging and completing the form, and engagement rates of 48.1%. There were several questions on the questionnaire about different subjects in order to ensure that the consultation was not seen as leading respondents to focus only on the known issues of alcohol and busking and also to provide wider evidence to help with putting in place a PSPO which would address the needs of the wider user base.

### ***Alcohol Use in Public Spaces***

There are a number of areas within the borough in which any person who is reasonably believed to be, or have been, consuming alcohol may be required to not consume alcohol and to surrender anything in their possession for it to be disposed of. This includes Bury Town Centre.

This condition provides Bury Council and Greater Manchester Police the power to approach and request the confiscation of any open canister containing alcohol. It is intended to prevent members of the public becoming highly intoxicated whilst in a public area and to improve community safety for those visiting Bury Town Centre.

This order also assists other partners working within Bury Town Centre. For example, in instances where TfGM have experienced alcohol related anti-social behaviour this has been dealt with accordingly.

In terms of the responses to the consultation, the majority of respondents felt that drinking alcohol in the street was an issue in the town centre and was having a negative impact on their enjoyment. That said, less than half felt that the problem had got worse in the last three years which suggested that the current PSPO was having an impact on deterring people from drinking alcohol in public spaces.

There was a strong agreement that drinking alcohol in the public spaces within Bury Town Centre should be restricted and therefore this is included as a recommendation. This has also been endorsed by the Bury BID.

### ***Busking***

It was quite clear from the results that busking in Bury Town Centre was seen as an issue for many of the respondents, however there was also clear evidence that members of the public appreciated the fact that busking was part and parcel of the culture of Bury and that they wanted it to remain. With the split being roughly 50/50 further work was undertaken with stakeholders to agree the most appropriate recommendation in relation to busking. It was agreed that busking itself could be a positive for Bury Town Centre and has been shown to bring footfall to the centre due to the positive environment it creates. That said, it was agreed that for some this is perceived as a nuisance which needs to be addressed so that all who visit and live in Bury town centre can enjoy the experience.

Various recommendations were discussed, and it was agreed that the banning of busking would not be applied for. However, prohibiting the use of any speakers or amplified equipment would allow members of the public to enjoy their shopping experience without being affected excessively by the noise busking can create. This recommendation will still allow people to express themselves musically, with the noise levels being at a reasonable level.

It is noted that pubs, restaurants, and off-licences do not form part of the PSPO. Areas covered by a 'Temporary Event Notice' or a 'local authority premises licence' are only exempted from the PSPO whilst speakers or amplifiers are being used. This recommendation has been endorsed by the Bury BID as follows:

"Bury BID supports quality busking in the town centre however where buskers use amplification this can negatively impact on business operations in the vicinity, therefore Bury BID would support the request for buskers to perform without amplification in the town centre."

### ***Charity Collections (Chugging)***

Chugging was a topic that was discussed with partners, and it was agreed not to include this as part of the public consultation nor the PSPO application. Fundraisers working on behalf of charities to sign up for direct debit collections (chuggers) are not issued with a licence as they do not physically collect money. However, Licensing entered into a Site Management Agreement with the Public Fundraising Regulatory Association (PFRA) in January 2014 to regulate the number of fundraisers in the Town Centre at any time.

The agreement states the areas that can be used, the maximum number of fundraisers permitted in that area, the days and hours on which fundraising is permitted, the frequency per week that fundraisers may be in the town centre and states that only one charity is permitted per area on any one day.

As such, the Council receives regular notifications from the PFRA with a spreadsheet covering 4 weekly periods naming which charities will be in the Town Centre on a specified day. If a charity is collecting that is not named, they can be asked to leave the Town Centre. If a complaint is received regarding the conduct of a fundraiser this is passed to PFRA for them to action. At the present time, the Council's Licensing service are not aware of any

significant issue or complaints from members of the public regarding to chugging activities and as such the Council does not have any concerns with the agreement not being adhered to and it is due to be reviewed in 2023/24.

A draft signage of the proposed PSPO has now been created and is ready for use should the recommendations be approved. For reference it is included at Appendix 4.

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### **Links with the Corporate Priorities:**

This report primarily supports the LET'S principle of Locality and pursues the outcome for improved quality of life. Continuing to ban the consumption of alcohol will address issues of anti-social behaviour, harassment, and intimidation, and allow residents to use their local public spaces freely.

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### **EQUALITY ANALYSIS**

A full Equality Analysis was carried out and the full report is available.

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### **Environmental Impact and Considerations:**

There would be no carbon impact as a result of this decision.

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### **Assessment and Mitigation of Risk:**

This is covered in the Equality Impact Assessment.

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### **Legal Implications:**

The Anti-social Behaviour, Crime and Policing Act 2014 (the Act) introduced several new tools and powers for use by Councils including PSPOs. The Act provides a broad legal framework within which PSPOs can be implemented and is augmented by a "Statutory guidance for frontline professionals" (Revised in June 2022). The Council needs to be due regard to issues of proportionality in proceeding and needs to ensure that the proposed restriction is proportionate to the harm or nuisance being caused.

A PSPO can be made by the council if they are satisfied on reasonable grounds that the activity or behaviour concerned, carried out, or likely to be carried out, in a public space:

- has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

Before introducing, extending, varying or discharging a PSPO, there are requirements under the Act regarding consultation, publicity and notification. The publicity and notification aspects of this PSPO are included in this report.

Before making a Public Spaces Protection Order, the Council must consult with the police. The council must also consult whatever community representatives they think appropriate. It is strongly recommended that the council engages in an open and public consultation to give the users of the public space the opportunity to comment on whether the proposed restriction or restrictions are appropriate, proportionate or needed at all. The council should also ensure that specific groups likely to have a particular interest are consulted, such as a local residents association, or regular users of a park or those involved in specific activities in the area, such as buskers and other street entertainers.

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**Financial Implications:**

There are no financial consequences of implementing a public spaces protection order as the enforcement of it be within existing resources.

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

<b>Term</b>	<b>Meaning</b>
PSPO	Public Spaces Protection Order
ASB	Anti-Social Behaviour
CPN	Community Protection Notice
GMP	Greater Manchester Police
TfGM	Transport for Greater Manchester
ABC	Acceptable Behaviour Contract

## APPENDIX 1

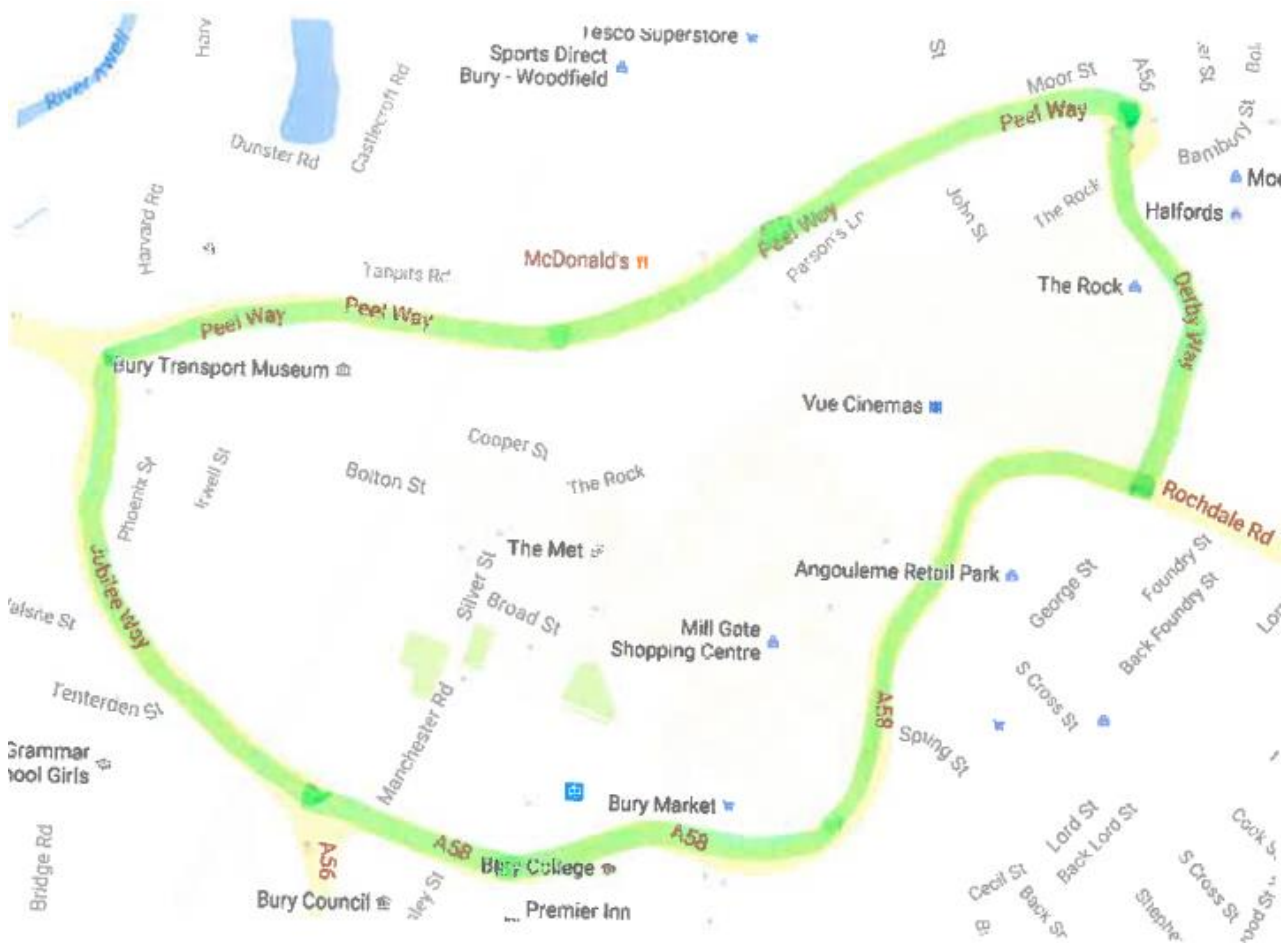
# PSPO Public Consultation Questions

## OVERVIEW

Please complete the following survey to give your views about the proposed variation and extension to the Public Space Protection Order (PSPO) in Bury Town Centre as shown below in the *public areas on the PSPO restricted area map*.

### Before you start

- ❖ Please see the Restrictive Area Map below which the proposed PSPO will Cover.



This survey should take you no longer than 15 minutes to complete.

If you require this survey in any other format, please contact us via 0161 253 5353, requesting to speak to Damian Miller, ASB Officer, Bury Council, or email: [d.r.miller@bury.gov.uk](mailto:d.r.miller@bury.gov.uk).

## BUSKING (priority)

Any member of the public will not be allowed to perform an act in the "PSPO Restricted area" to which it appears that they are attracting voluntary donations. Busking includes, but not limited to, Singing, playing an instrument, performing an act such as juggling, fire eating etc... There may be an exemption whereby people busk WITHOUT the use of any speakers or amplifiers.

Draft legal prohibition: No one at any time is allowed to busk. For the purpose of this order busking will be defined as any person performing an act in a public place for voluntary donations.

- ❖ Do you consider busking to be a problem in the public areas shown on the PSPO restricted area map?
  - YES
  - NO
  - DON'T KNOW
  
- ❖ Has this type of behaviour (busking) had a negative impact on you enjoying the public areas shown on the PSPO restricted area map?
  - YES
  - NO
  - DON'T KNOW
  - If yes, please give details of how this has affected you.....
  
- ❖ Do you think this busking, over the past 3 years has:
  - Improved
  - Worsened
  - Stayed the same
  - Don't know
  
- ❖ Do you think it is necessary to stop busking in the public areas as shown on the PSPO restricted area map?
  - YES
  - NO
  - DON'T KNOW
  
- ❖ If you have any additional comments about this subject, please let us know.
  - Please comment below.....

## **ALCOHOL** (priority)

You can only drink alcohol at a licensed premises. You must hand over an open container which has alcohol or looks like alcohol in it, when asked to do so by an authorised officer.

Draft legal prohibition: No person shall at any time consume alcohol in any public place other than at licensed premises or refuse to hand over an open container containing or purporting to contain alcohol, in their possession, save for those places identified by section 62 of the anti-social behaviour act 2014, when required to do so by an authorised officer.

- ❖ Do you consider drinking alcohol in the street, other than at licensed premises, to be a problem in the public areas shown in the PSPO restricted area map?
  - YES
  - NO
  - DON'T KNOW
  
- ❖ Has drinking alcohol in the street, other than at licensed premises, had a negative impact on you enjoying the public areas shown on the PSPO restricted area map?
  - YES
  - NO
  - DON'T KNOW
  - If yes, please give details of how this has affected you.....



- ❖ Has drinking alcohol in the street, other than at licensed premises, improved or worsened over the past 3 years?
  - IMPROVED
  - WORSENERD
  - STAYED THE SAME
  - DON'T KNOW
  
- ❖ Do you agree we should stop people drinking alcohol in the street, other than at licenced premises in the public areas shown on the PSPO restricted area map?
  - YES
  - NO
  - DON'T KNOW
  
- ❖ If you have any additional comments about this subject, please let us know
  - Please comment below.....

## **BEGGING** (optional)

No one at any time is allowed to beg for money. People who don't have a place to live and/or don't receive an income may have an excuse for breaking this rule.

Draft legal prohibition: No one at any time shall beg for money. ( Persons experiencing destitution, being defined as persons who do not have a fixed abode and/or do not receive an income will be considered to have a reasonable excuse for breaching this prohibition).

- ❖ Do you consider begging to be a problem in the public areas shown on the PSPO restricted area map?
  - YES
  - NO
  - DON'T KNOW
  
- ❖ Has this type of behaviour (begging) had a negative impact on you enjoying the public areas shown on the PSPO restricted area map?
  - YES
  - NO
  - DON'T KNOW
  - If yes, please give details of how this has affected you.....
  
- ❖ Do you think this begging over the past 3 years has:
  - Improved
  - Worsened
  - Stayed the same
  - Don't know
  
- ❖ Do you think it is necessary to stop begging in the public areas as shown on the PSPO restricted area map?
  - YES
  - NO
  - DON'T KNOW
  
- ❖ If you have any additional comments about this subject, please let us know.

- Please comment below.....

## **SKATEBOARDING** (optional)

No one shall at any time use a skateboard on the THE ROCK show red on the map. To annoy, scare or upset people.

Draft legal prohibition:

- ❖ No person shall at any time use a skateboard in the restricted area shown coloured red on the map.
- ❖ No person shall at any time use a bicycle, skateboard, scooter, or similar wheeled conveyance in such a manner that causes or is likely to cause nuisance, alarm, or distress.
- ❖ Do you feel that skateboarding is a problem in the area shown on the PSPO restricted area map?
  - YES
  - NO
  - DON'T KNOW
- ❖ Do you feel that the use of bicycles, skateboards, scooters, or similar wheeled transport used to annoy, scare, or upset people in the public areas shown in the PSPO restricted area map is a problem?
  - YES
  - NO
  - DON'T KNOW
- ❖ Has this type of behaviour had a negative impact on your enjoyment of the public areas shown in the PSPO restricted area map?
  - YES
  - NO
  - DON'T KNOW
  - If yes, please give details of how this has affected you....
- ❖ Has this type of behaviour (use of a bicycle, skateboard, scooter, or similar wheeled transport in such a manner that causes or is likely to cause nuisance, alarm, or distress) improved or worsened over the past 3 years?
  - IMPROVED
  - WORSENERD
  - STAYED THE SAME
  - DON'T KNOW
- ❖ Do you agree we should stop people from using a skateboard in the public areas shown in the PSPO restricted area map?
  - YES
  - NO
  - DON'T KNOW
- ❖ Do you think we should stop people at all times from using a bicycle, skateboard, scooter, or similar wheeled transport in such a manner that causes or is likely to cause nuisance, alarm, or distress?
  - YES
  - NO

- DON'T KNOW
- ❖ Please provide any additional comments you want to make about the proposal to stop people using a skateboard in the public areas shown in the PSPO restricted area map
  - Please comment below
- ❖ Please provide any additional comments you want to make about the proposal to stop people at all times from using a bicycle, skateboard, scooter, or similar wheeled transport in such a manner that causes or is likely to cause nuisance, alarm, or distress.
  - Please comment below...

### **ANY OTHER ISSUES** (optional)

Aside from what we are proposing, is there any other issues that you feel has a negative impact on Bury Town Centre, and a negative impact on your own personal experience when visiting Bury Town Centre.

## APPENDIX 2 - SUMMARY OF QUESTIONNAIRE RESULTS

- Q1 Has this type of behaviour (busking) had a negative impact on you enjoying the public areas shown on the PSPO restricted area map?
  - 50% answered NO
  - 48.1% answered YES
  - 1.9% answered DON'T KNOW
  
- Q2 Do you think this busking, over the past 3 years has:
  - 38.9% answered WORSENERD
  - 35.2% answered STAYED THE SAME
  - 16.7% answered DON'T KNOW
  - 9.3% answered IMPROVED
  
- Q3, do you think it is necessary to stop busking in the public areas as shown on the PSPO restricted area map?
  - 49.1% answered NO
  - 44.4% answered YES
  - 6.5% answered DON'T KNOW
  
- Q4, do you consider drinking alcohol in the street, other than at licensed premises, to be a problem in the public areas shown in the PSPO restricted area map?
  - 67.6% answered YES
  - 17.6% answered NO
  - 14.8% answered DON'T KNOW
  
- Q5 Has drinking alcohol in the street, other than at licensed premises, had a negative impact on you enjoying the public areas shown on the PSPO restricted area map?
  - 56.5% answered YES
  - 32.4% answered NO
  - 11.1% answered DON'T KNOW
  
- Has drinking alcohol in the street, other than at licensed premises, improved or worsened over the past 3 years?
  - 45.4% answered WORSENERD
  - 34.3% answered DONTKNOW
  - 19.4% answered STAYED THE SAME
  - 0.9% answered IMPROVED
  
- Do you agree we should stop people drinking alcohol in the street, other than at licenced premises in the public areas shown on the PSPO restricted area map?
  - 89.8% answered YES
  - 5.6% answered NO
  - 4.6% answered DON'T KNOW
  -
  
- Has this type of behaviour (begging) had a negative impact on you enjoying the public areas shown on the PSPO restricted area map?
  - 50.9% answered YES
  - 39.8% answered NO
  - 9.3% answered DON'T KNOW

- Do you think this begging over the past 3 years has
  - 65.7% answered WORSENERD
  - 19.4% answered DON'T KNOW
  - 14.8% answered STAYED THE SAME
  
- Do you think it is necessary to stop begging in the public areas as shown on the PSPO restricted area map?
  - 61.1% answered YES
  - 20.4% answered DON'T KNOW
  - 18.5% answered NO
  
- Do you feel that skateboarding is a problem in the area shown on the PSPO restricted area map?
  - 39.8% answered YES
  - 35.2% answered NO
  - 25% answered DON'T KNOW
  
- Do you feel that the use of bicycles, skateboards, scooters, or similar wheeled transport used to annoy, scare, or upset people in the public areas shown in the PSPO restricted area map is a problem?
  - 61.1% answered YES
  - 23.1% answered NO
  - 15.7% answered DON'T KNOW
  
- Has this type of behaviour had a negative impact on your enjoyment of the public areas shown in the PSPO restricted area map?
  - 50.9% answered YES
  - 38.9% answered NO
  - 10.2% answered DON'T KNOW
  
- Has this type of behaviour (use of a bicycle, skateboard, scooter, or similar wheeled transport in such a manner that causes or is likely to cause nuisance, alarm, or distress) improved or worsened over the past 3 years?
  - 50% answered WORSENERD
  - 27.8% answered DON'T KNOW
  - 22.2% answered STAYED THE SAME
  
- Do you agree we should stop people from using a skateboard in the public areas shown in the PSPO restricted area map?
  - 61.1% answered YES
  - 26.9% answered NO
  - 12% answered DON'T KNOW
  
- Do you think we should stop people at all times from using a bicycle, skateboard, scooter, or similar wheeled transport in such a manner that causes or is likely to cause nuisance, alarm, or distress?
  - 76.9% answered YES
  - 18.5% answered NO
  - 4.6% answered DON'T KNOW

# PUBLIC SPACES PROTECTION ORDER



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



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

## **MAXIMUM FINE £1000**

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

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

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