

Report to:	Executive Cabinet Member - Deputy Leader.		
Date of meeting:	14.02.2022		
Report of:	Deputy Chief Executive & Director of Place Services	Report Number:	31426
Reporting Officer:	Emily Brook, Assistant Director Strategy and Partnerships	Telephone Number:	01204 332410
Contact Officer:	Chloe Poole, Community Safety Officer	Telephone Number:	
Report title:	Town Centre Public Spaces Protection Order Extension.		
Not confidential			
This report does not contain information which warrants its consideration in the absence of the press or members of the public.			
Purpose:	A Public Spaces Protection Order (PSPO) was introduced in Bolton Town centre on 19 th February 2019 under Section 59 of the Antisocial Behaviour Crime and Policing Act 2014, in response to a growing trend of antisocial behaviour. Under the Act there is a requirement to undertake a review of the order before an extension can be made. The report seeks approval to extend the current order, based on the review, with alterations to certain prohibitions.		
Recommendations:	<p>The Executive Cabinet Member is recommended to:</p> <ul style="list-style-type: none"> (i) Approve, in conjunction with the Assistant Director Strategy & Partnerships and the Borough Solicitor, the proposed extension of the Town Centre Public Spaces Protection Order (PSPO) under Section 60 of the Anti-Social Behaviour, Crime and Policing Act 2014 as detailed in Appendix 9. (ii) Authorise the Borough Solicitor to carry out all necessary legal formalities. 		
Decision:			
Background documents:	<ul style="list-style-type: none"> • Report to ECMES49/18, 09/07/2018, Town Centre Public Spaces Protection Order • Report to ESWPDG/06/18, Town Centre Public Spaces Protection Order • Report to ECMES/400, 14/09/2019, Town Centre Public Spaces Protection Order (PSPO) 		
Signed:	Leader/Executive Cabinet Member	Monitoring Officer	
Date:			

Consultation with other officers				
Finance	No			
Legal	Yes	13.01.22	Hamza Soren	
HR	No			
Procurement	No			
Climate Change	No			
Equality Impact Assessment	Yes	13.01.22	Rebecca Albrow	
(a) Post consultation reports Please confirm that the consultation response has been taken into consideration in making the recommendations.			Yes – Consultation responses have been taken into considerations in making the recommendations.	
Vision outcomes Please identify the appropriate Vision outcome(s) that this report relates or contributes to by putting a cross in the relevant box.			1. Start Well	
			2. Live Well	
			3. Age Well	
			4. Prosperous	√
			5. Clean and Green	√
			6. Strong and Distinctive	√

1. INTRODUCTION & BACKGROUND

- 1.1. The Anti-social Behaviour, Crime and Policing Act 2014 introduced several tools and powers for use by councils and their partners to address anti-social behaviour (ASB) in their local areas. Public Spaces Protection Orders (PSPOs) are one of the tools available under the Act which gives councils the authority to draft and implement PSPOs in response to particular issues affecting their communities, provided certain criteria and legal tests are met.
- 1.2. Councils can use PSPOs to prohibit specified activities, and/or require certain things to be done by people engaged in particular activities, within a defined public place¹. PSPOs differ from other tools introduced under the Act as they are council-led, and rather than targeting specific individuals or properties, they focus on the identified problem behaviour in a specific location. A single PSPO can be used to tackle a range of different antisocial behaviour issues.
- 1.3. PSPOs are aimed at ensuring public spaces can be enjoyed free from antisocial behaviour.
- 1.4. On 19th February 2019, Bolton Council introduced a Town Centre Public Spaces Protection Order following a public consultation. The order has remained in force for three years and is now subject to review. A copy of the current order and restricted area is attached at Appendix 2.
- 1.5. This report provides an update on the review of the PSPO with a recommendation to approve the proposed extension and alterations of the order following consultation.

2. A THREE-YEAR REVIEW

- 2.1. A Public Spaces Protection Order can last for up to three years, after which point it must be reviewed. If the review supports an extension and other requirements under section 60 of the act are satisfied, it may be extended for a further three years. There is no limit on the number of times an order may be reviewed and renewed.
- 2.2. Before the time when a Public Spaces Protection Order is due to expire, the local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent –
 - a) occurrence or recurrence after that time of the activities identified in the order, or
 - b) an increase in the frequency or seriousness of those activities after that time.
- 2.3. The local authority needs to be satisfied that there are no lesser restrictive measures which would achieve the objective. See appendix 3 for an Options Analysis which sets out the available options that have been considered for dealing with each of the behaviours identified as problematic in the town centre.

¹ Defined in the legislation as ‘any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission’.

- 2.4. Under Section 72 of the Anti-Social Behaviour Crime & Policing Act 2014, a Local Authority must carry out the necessary consultation and necessary publicity when deciding whether to extend the period for which the PSPO has effect or whether to vary or discharge the order.

3. **REVIEW METHODOLOGY**

- 3.1. The review of the existing PSPO looks to demonstrate whether it is necessary to extend the PSPO with the existing prohibitions or whether any of the prohibitions should be altered in light of current evidence and consultation and as such the review has sought to consider information from various sources including: GMP recorded incident data; reports, intelligence and information collected from key stakeholders including the Central Bolton Partnership group²; and a period of public consultation.
- 3.2. Of note, COVID 19 “lock down” restrictions were implemented nationally on 23/03/20 making it a requirement for people to “stay at home”. This continued in some form for the following months. Lockdown severely affected the footfall to the town centre and so a true reflection of the extent of the issues and impact of the PSPO within this time-period is not fully understood. The impact of Covid-19 has been a consideration during the review process.
- 3.3. **Greater Manchester Police (GMP) Recorded Incident Data**
The review of the PSPO includes an assessment of Police ASB data for Bolton Town Centre. Data has been taken for the time-period 19th February 2018 to 20th October 2021³.
- 3.4. In the 12-month period before the PSPO was introduced (19th February 2018 to 18th February 2019) there were a total of 480 recorded ASB incidents in the town centre area (Night-Time Economy: 229, Day Time Economy: 251).
- 3.5. In the 12-months that followed the introduction of the PSPO (19th February 2019 – 29th February 2020), there was a reduction in the number of reports to GMP, with a total of 454 ASB incidents.
- 3.6. Despite the reductions, there remains a clear ongoing issue with anti-social behaviour in Bolton town centre. Between 1st March 2020 and 20th October 2021 there were a total of 244 ASB incidents reported within the town centre during the day-time economy alone (before 6pm)⁴. This is despite Covid-19 lockdown restrictions and the drastically reduced footfall in the town centre.

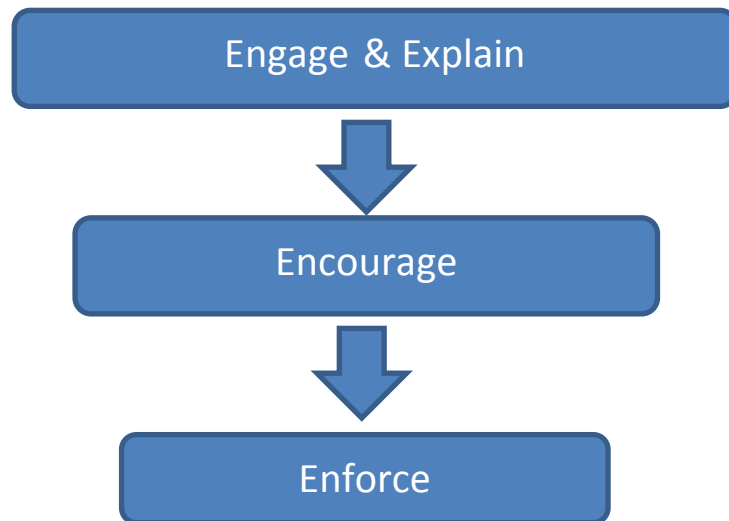
4. **APPLYING THE PSPO - A TIERED APPROACH**

- 4.1. The review considered the tiered approach to applying the PSPO, and this section of the report focuses on how the order is currently maintained.
- 4.2. A tiered approach to implementing the order is adopted in Bolton, and in most cases, early intervention and prevention is used to successfully educate and modify behaviour.

² Central Bolton Partnership is an alliance between Bolton Council, Greater Manchester Police, NCP and Town Centre Businesses (80) covering the daytime and night-time economy.

³ The search parameters include a combination of specific closing codes and key word searches for the K1T1 Bolton Town Centre beat. This time period incorporates the 12-month period before the introduction of the PSPO up to October 2021; with some additional caveats that apply.

⁴ The Civil Enforcement Officers predominantly work and therefore ‘enforce’ the PSPO, during the day time economy.



4.3. **ENGAGE & EXPLAIN** - Attempting to engage and understand the circumstance and need of an individual who is at risk of breaching a condition under the PSPO is always the first course of action. A person-centred approach allows an officer designated by the council to establish firstly that the individual concerned is indeed aware of the PSPO and the prohibitions in place, the circumstances of the breach and identify any support issues the individual may have.

4.4. This stage often includes:

- Establishing the personal circumstances of an individual (have they any support needs such as homelessness, do they come from out of borough; are they engaged with support services already; establishing the seriousness of the offence, any past history or repeated non-compliance);
- Establishing fully the circumstances around the breach (is the individual aware of the PSPO and consequence of breaching the prohibitions; exactly what did the behaviour entail; what was the impact and risk to themselves or other town centre users of their behaviour); and
- Offering support and directing outreach work to individuals identified as having complex needs such as rough sleeping.

4.5. **ENCOURAGE** – The aim of the PSPO is to ensure everyone can use and enjoy the public space free from antisocial behaviour and officers will seek compliance of the conditions within the PSPO and aim to prevent/divert any nuisance behaviour quickly and efficiently.

4.6. Civil Enforcement Officers have been deployed by the council to ensure the conditions within the PSPO are fully understood and adhered to. They have ongoing liaison with town centre stakeholders such as local businesses and town centre users, the Central Bolton Partnership Group and key stakeholders to promote the PSPO and raise awareness of the prohibitions. Crucially, their strong links and ongoing work with key partners such as drug and alcohol workers and the homeless welfare team, when engaging with individuals who are involved in antisocial behaviour in the town centre restricted areas, ensures they can effectively direct support to those in need, (See the begging section for further detail on the support services in place).

- 4.7. In some circumstances, for those who have complex needs and may not engage at first, the council officers and/or the Outreach Team continue to work with them, building up trust to find the most effective way into support services for them.
- 4.8. **ENFORCE** – Should prohibited behaviour continue despite previous warnings, advice and/or support, the officers designated by the council have the available option to administer enforcement, through the issuing of a Fixed Penalty Notice (FPN). This course of action will only be taken in relation to anyone he or she has reason to believe has breached the order and where it is considered necessary and proportionate, in line with the relevant legislation and council enforcement policies.
- 4.9. The PSPO is applied to everyone within the restricted area however the authorised officers have discretion to determine the approach 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, and ensure any action taken is proportionate to the detrimental effect that the behaviour is causing or can cause.
- 4.10. Bolton Council has seen a high number of incidents in the town centre associated to the behaviours under the current PSPO since its introduction. Between April 2019 to August 2021 there were 4,227 incidents linked to the PSPO prohibitions and which the authorised officers of the council were directly involved in:
- Initial engagement/ advice – 1318
 - Repeat Contacts (after initial contact, education or FPN) – 2821
 - Fixed Penalty Notice Issued – 88

PSPO activities April 2019 to August 2021			
PSPO Prohibition	Initial engagement/advice	Repeat contacts⁵	Fixed Penalty Notice Issued
Consumption of alcohol on street	91	14	5
Intoxicating substances	72	12	1
Antisocial Behaviour	39	15	3
Begging on street	772	2,758	71
Peddling/street trading	14	5	1
Soliciting for money in the street (commercial)	14	3	2
Soliciting for money in the street (charity)	12	2	0
Distribution of publicity materials	8	2	0
Obstructing the highway	1	0	0
Marking of surfaces	0	0	0
Use of amplifiers	20	4	3
Use of skateboards and scooters	25	0	0

⁵ 'Repeat Contacts' is the number of interactions after initial contact/education or after an individual has been issued with a fixed penalty notice.

Use of bicycles	250	6	2
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5. **CONSULTATION METHODOLOGY**

- 5.1 Under Section 72 of the Anti-Social Behaviour Crime & Policing Act 2014, a Local Authority must carry out the necessary consultation and publicity when deciding whether to extend, vary or discharge an existing PSPO.
- 5.2 Between the 16th November and 13th December 2021, the Council ran a public consultation, seeking to engage residents and stakeholders that access the town centre, in reviewing whether the current PSPO reduces anti-social / undesirable behaviour in Bolton town centre, making it a more attractive place to live, visit, work, study or do business in. In addition, participants were asked to reflect on whether an extension of the current PSPO should be implemented for a further three years.
- 5.3 Participants were surveyed using a questionnaire tool made up of open and closed questions, over a period of 4 weeks, providing respondents the opportunity to reflect and share their thoughts on the extension. The questionnaire was made available both digitally and offline, with the questionnaire being accessible on the Council's consultation web page, as well as in hard copy format, on request. An additional survey, using several questions from the original questionnaire, was distributed, targeting young people, specifically around the behaviour of non-motorised vehicles.
- 5.4 During that period a comprehensive communication plan was implemented to raise awareness of the proposal across the borough, with a strong emphasis on engaging local residents, businesses, young people and stakeholder partners. A range of means to reach out to potential respondents has been used to try and ensure effective consultation and ultimately enrich the information gathered.
- 5.5 Interested bodies and members of the public were invited to comment on the proposed extension of the PSPO in the following ways:
- A direct email was sent to key stakeholders including the Chief Officer of Police and Police & Crime Commissioner, the Vision Partnership and elected members and responses were invited via email, letter or via the questionnaire.
 - A link to the questionnaire was also sent to the Council's public consultation panel (eView) and to people who have signed up to receive consultation about Bolton town centre, amongst others.
 - The consultation was promoted via the council's social media pages (Twitter/ Facebook) with the potential of posts reaching 18,113 residents on Facebook and Twitter. 593 residents actively engaged in the posts throughout the consultation.
 - The consultation was promoted in the Bolton News and associated online coverage on their website and social media channels.
 - Large screens within the Market Place Shopping Centre have been utilised to promote the consultation.
 - Information and a link to the survey was promoted through the schools' extranet and a shortened version of the survey has been made available and promoted for young people to try and encourage an uptake in participation amongst this age group.
 - The survey has been discussed with the Youth Council and Bolton Sixth Form College have incorporated the consultation into their tutorial sessions with pupils and displayed a link to the

survey on screens around the college. The Council outreach team have also promoted the survey through their targeted outreach in the town centre, including the skate park area.

- h) Face to face engagement in the town centre was conducted throughout the consultation period with officers promoting the review of the PSPO and encouraging take up using mobile devices loaded with the survey. This was done on different days throughout the week and at the Winter Wonderland festivities to try and reach as wider audience as possible.
- i) A reference leaflet has been produced to support face to face engagement which includes a QR code to assist in accessing the survey and so people can complete the survey on their mobile device. A copy of the leaflet can be found at Appendix 5.
- j) On site notices have also been erected around the town centre to make town centre users aware of the review and signpost interested parties to the survey.
- k) The Deputy Leader conducted an interview on Bolton FM to raise awareness of the review of the PSPO and encourage town centre users to participate in the consultation exercise and give their views.

5.6 Full details of the consultation and a copy of the questionnaire is provided at Appendix 4 & 6.

5.7 Consultation Response

Throughout the consultation period the following responses were received:

- 126 completed electronic questionnaires from residents and stakeholders;
- 20 completed electronic youth questionnaires completed; and
- 4 separate email responses from stakeholder organisations (Greater Manchester Police, Public Health, Liberty and the Deputy Mayor for Police and Crime. Please refer to Appendix 7).

6. **HUMAN RIGHTS CONSIDERATIONS**

6.1 Under s.6 of the Human Rights Act 1998 it is unlawful for the council to act in a way that is incompatible with a Convention right.

6.2 During the extension process of a PSPO the Council is required to have particular regard to Articles 10 and 11 of the European Convention on Human Rights. The key Convention rights that can be engaged with the extension of the PSPO are:

- Article 8: right to respect for private and family life;
- Article 10: freedom of expression; and
- Article 11: freedom of assembly and association.

6.3 These Convention rights are “qualified rights” which means that they may be infringed by the council, but it will need to be proved that any infringement was intended to promote a specific legitimate aim. The infringement must be properly regulated by the law and must be necessary in a democratic society namely: in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. Any interference would have to be justified as proportionate and demonstrate that there are no lessor restrictive measures which would achieve the objective.

- 6.4 The council has had regard to the Human Rights Act and is of the opinion that the extension of the prohibition clauses, with amendments, would be a justified interference of articles 8, 10 and 11 of the Convention, where engaged, and balances the need to tackle the activities that are having a detrimental effect against the desire and entitlement of the public to use this public space. In response to the consultation response the prohibitions have been framed to ensure that they do not unnecessarily interfere with what would otherwise be legitimate and lawful activity.

7. **THREE YEAR REVIEW – FINDINGS**

- 7.1 This section of the report will provide a high-level overview of the consultation feedback, the human rights considerations and the council's decision for each of the prohibited activities. A more detailed breakdown of the comments received during the consultation are available at Appendix 4 & 7.

The proposed extension of the area covered by the PSPO:

- 7.2 Respondents were asked to reflect on whether they felt the PSPO covered the right areas of the town centre:
- 7.3 Plan 1 - Just under three-quarters (71%) of the 107 respondents from the main survey agreed that the PSPO area covered the appropriate locations in the town centre.
- 7.4 Plan 2 – Respondents to both surveys were asked whether the secondary PSPO area, which only applies to skateboards, scooters and bicycles, was appropriate. 68% of respondents agreed that the PSPO area applying to non-motorised vehicles, was appropriate. However, just under one-third of respondents disagreed (32%).

Bolton Council Response:

Plan 1 (main prohibition area) and Plan 2 (secondary prohibition area which applies only to skateboards, scooters and bicycles in the pedestrianised parts of the Town Centre) to remain unchanged as they reflect the main areas affected.

Prohibitions of the PSPO:

7.5 **Consumption of Alcohol on Street**

“All persons are prohibited from consuming alcohol or having an open alcohol container within the prohibition area after having been requested by an authorised officer to cease consumption or to hand over the container, unless subject to exemptions”.

Consumption of Alcohol – Questionnaire Results:

- 53% of respondents felt that the consumption of alcohol is a current problem in the prohibited area.
- Drinking alcohol was amongst the top three behaviours seen as having had the greatest reduction since the introduction of the PSPO (56%).
- 88% of respondents strongly agreed/ agreed that the alcohol condition within the PSPO should be extended for a further three years.

- 7.6 Bolton Public Health support the retention of the above prohibition, as a measure that supports reducing the impact of problematic drinking. Lead officers will ensure continued engagement with

the Public Health team to identify further opportunities to support individuals and how they can be supported into services.

- 7.7 The order provides a power to officers authorised by the council to reduce or prevent alcohol consumption in a public place, where this is linked to anti-social behaviour. The aim is to deter people or groups from acting in a manner which can have a detrimental effect on peoples' feelings of safety and the vibrancy of the town centre.
- 7.8 This prohibition aims to give immediate respite for town centre users by diffusing and diverting nuisance behaviour there and then, and ultimately preventing further occurrences.
- 7.9 The Civil Enforcement Officers have recorded a total of 110 engagements in relation to the 'Alcohol' requirement under the PSPO. This includes:
- Initial Engagement/ Advice Issued – 91
 - Repeat Contacts (after initial contact, education or FPN) – 14
 - Fixed Penalty Notices – 5
- 7.10 Out of a total of 110 engagements between April 2019 to August 2021 there have only been 5 instances where authorised officers have deemed it necessary to issue an individual with a fixed penalty notice (FPN). It is reasonable to conclude that the early intervention and engagement around this prohibition has been largely successful for the majority of people in preventing the need for further enforcement action.
- 7.11 Alcohol consumption continues to have a detrimental impact on the quality of life of those in the locality, and there is a continuing need to address this behaviour by the council and its partners. Numerous incident reports via the Central Bolton Partnership radio link provide examples of street drinking which have led to the verbal abuse of innocent passers-by, with concerning behaviour of intoxicated individuals witnessed by families and other town centre users.
- 7.12 The consumption of alcohol on street is clearly an ongoing issue within the town centre which needs continuing attention, and the council therefore considers that it is necessary to extend this particular condition for the next three years. Without the power available to the local authority around this prohibition, there is a risk that this behaviour will continue and potentially increase thereby impacting further on the communities' quality of life.
- 7.13 Human Rights Considerations - Any interference with the rights under articles 8, 10 and 11 is in accordance with the law and this prohibition is justified as it is proportionate and necessary for the prevention of disorder or crime.

Bolton Council Response:
Consumption of Alcohol on Street: This prohibition should remain in the order with no changes to wording.

7.14 **Intoxicating Substances**

"All persons are prohibited from ingesting, inhaling, injecting, smoking or otherwise using intoxicating substances within the prohibition area".

Intoxicating Substances – Questionnaire Results:	
•	60% of respondents believe drug taking is a current problem in the town centre area (seen as one of the top three problem behaviours, in the responses from the main survey).
•	42% of respondents feel the PSPO has helped to cut down drug taking in the prohibited area, while 51% believe the PSPO hasn't helped to address this issue.
•	92% agree that the condition within the PSPO should be extended for a further three years.

- 7.15 The inclusion of this prohibition within the PSPO gives authorised officers the additional tools to immediately engage individuals involved in the consumption of drugs/intoxicating substances in the town centre area, with the aim of swiftly preventing the associated impact of this behaviour on other town centre users.
- 7.16 When enforcing the PSPO prohibitions, attempting to engage and support disadvantaged individuals is the first course of action in an effort to gain an understanding of their circumstances and needs, and where required will focus on helping people to access support services. Officers ensure any action taken to address the nuisance behaviour is proportionate and balanced against the risks posed, either to an individual or the wider community.
- 7.17 There have been a total of 85 interactions by the civil enforcement officers in relation to this prohibition, with 72 initial engagements issued and a further 12 repeat contacts (after initial contact, education or FPN). There was one instance where officers deemed it necessary to progress to enforcement action and as such just 1 FPN has been issued under this prohibition in the lifetime of the PSPO (up until August 2021).
- 7.18 There have been numerous reports of drug use and concerning behaviour associated to individuals believed to be under the influence of intoxicating substances raised by town centre businesses and stakeholder to the Central Bolton Partnership.
- 7.19 As in the alcohol prohibition, it can be reasonably inferred that the early intervention approach of 'engage, explain and encourage' has been successfully applied in preventing an escalation of behaviour around this prohibition. It is clear however that this behaviour continues to have a detrimental impact on other town centre users, and much work is still needed to address this issue. 92% of respondents to the consultation agree that this prohibition should be extended.
- 7.20 Given that the ingesting, inhaling or injecting of intoxicating substances continues to be a problem in the town centre it is considered necessary to extend this prohibition for a further three years. Should this restriction not be extended, there is a risk that instances of this behaviour will continue or increase in nature.
- 7.21 Human Rights Considerations - Any interference with the rights under articles 8, 10 and 11 is in accordance with the law and this prohibition is justified as it is proportionate and necessary for the prevention of disorder or crime.

Bolton Council Response:

Intoxicating Substances: This prohibition should remain in the order with no changes to wording.
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7.22 Antisocial Behaviour

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

Antisocial Behaviour – Questionnaire Results:	
•	68% of respondents believe that Antisocial Behaviour is a current problem in the town centre prohibited area.
•	33% believe the PSPO has helped to reduce antisocial behaviour and 66% believe it hasn't.
•	92% of respondents to the main survey, agreed that the antisocial behaviour condition within the PSPO should be extended for a further three years.
•	7 out of the 20 young people who took part in the youth survey agreed that this condition should be extended.

7.23 The Impact of Antisocial Behaviour on other Town Centre Users - The consultation response clearly highlights that antisocial behaviour which is likely to lead to harassment, alarm or distress is clearly an ongoing concern within the town centre; with the majority of respondents to the main survey (92%) agreeing that this condition needs to be extended within the PSPO.

7.24 The Civil Enforcement Officers have recorded a total of 57 interactions with town centre users in relation to this prohibition between April 2019 and August 2021. This includes:

- Initial Engagement/Advice Issued – 39
- Repeat Contact (after initial contact, education or FPN) – 15
- Fixed Penalty Notices – 3

7.25 The first step available to an authorised officer is early intervention and prevention. The aim is to deter individuals and groups of people from behaving in an antisocial manner which can have a detrimental effect on peoples feeling of safety. Enforcement action focuses on managing persistent antisocial behaviour causing legitimate concern and as such, out of a total of 57 interactions, enforcement officers progressed to issuing a Fixed Penalty Notice on just three occasions. For all three Fixed Penalty Notices issued, the individuals involved were all known and had continued to breach the PSPO despite previous warnings/advice.

7.26 Human Rights Considerations - Any interference with the rights under articles 8, 10 and 11 is in accordance with the law and this prohibition is justified as it is proportionate and necessary as it is for the interests of public safety and prevention of disorder or crime.

Bolton Council Response:
Antisocial Behaviour: This prohibition should remain in the order with no changes to wording.

7.27 **Begging on the Street**

“All persons are prohibited from placing themselves in a position to beg or solicit money within the prohibition area”.

Begging on the Street – Questionnaire Results:	
•	86% of respondents felt that begging is a current problem in the town centre prohibition area.
•	69% of respondents felt that the PSPO has not helped to reduce begging in the town centre area, however 88% of respondents agree that the begging condition within the PSPO should be extended for a further three years.

- 7.28 Several comments were received as part of the formal consultation by people who had been detrimentally impacted by begging activity. It was seen as an ongoing problem, which would escalate even further if the PSPO was not extended.
- 7.29 Bolton Public Health support the retention of measures within the PSPO around begging.
- 7.30 Liberty raised the following points within their consultation response:
- This prohibition is a blanket ban that is not supported by evidence and is not needed. The PSPO doesn't define precisely the behaviour that is having the detriment effect on the community.
 - Begging is the consequence of poverty and deprivation, not antisocial behaviour. A blanket ban could have a harmful, unreasonable and disproportionate effect on the most vulnerable people in the area.
 - Criminalising begging may undermine the right to freedom of expression under Article 10 of the European Convention of Human Rights; and the right to respect for private life under Article 8.
 - A blanket ban on begging is potentially discriminatory. Highlighting well-established links between begging, homelessness and disability.
 - A blanket ban is likely to be ineffective and displace the problem.
- 7.31 A detrimental effect on the quality of life of those in the locality. The consultation response clearly highlights that begging which causes harassment, alarm or distress to other town centre users, is an ongoing concern.
- 7.32 Local authorities can and should consider the impact of the detrimental behaviour on vulnerable people, despite the fact that they may be less resilient or more easily upset than a "reasonably" or "ordinarily" robust person. The evidence collated includes particular concerns voiced by elderly town centre users and, in particular women, who may be being targeted by this activity.
- 7.33 There remains a clear and ongoing problem with begging in Bolton town centre. Between 1st March 2020 and 20th October 2021, despite Covid-19 and the associated restrictions there were a total of 36 begging incidents reported to GMP in the town centre neighbourhood.
- 7.34 Begging, and in particular aggressive begging, has been raised in recent months as an increasing issue of concern across Bolton. The Community Safety Partnership (CSP) has undertaken a review of its priorities for the next 3 years and aggressive begging has been included as a priority that the CSP should have greater focus on. As part of a strategic threat assessment, a public consultation was undertaken throughout September 2021 to seek citizens views on the areas of Community Safety that matter most to them - street begging featured as a public concern with regard to safety in the town.
- 7.35 As Covid-19 restrictions have been lifted and more people are frequenting Bolton town centre, and generally moving around the borough more freely, individuals have been drawn to carry out begging activity.
- 7.36 Aggressive begging can be frightening and intimidating particularly for older people and females, and the council has continued to receive several reports from individuals reporting aggressive begging practices in the town centre, in particular from town centre businesses.

- 7.37 Appendix 8 includes a series of statements provided by Town Centre businesses of their experiences of begging; and demonstrates a number of examples where begging has led to harassment, alarm and distress for town centre users.

Human Rights Considerations

- 7.38 As part of its formal response, Liberty highlighted concerns that this prohibition is a potential interference with Articles 8 and 10 of the European Convention of Human Rights.
- 7.39 Article 8 of the European Convention of Human Rights (ECHR) protects a persons' right to respect for their private and family life. This right extends to the protection of personal autonomy and can apply to activities conducted in public. Liberty argue that this is especially true of the homeless whose scope for private life is highly circumscribed. Any interference with this right must be 'in accordance with the law'.
- 7.40 They also make the point that begging is an expression of poverty and disadvantage and that criminalising this behaviour may undermine the right to freedom of expression under Article 10 of the convention.
- 7.41 The evidence base corroborates the risk of begging occurring/recurring. The nature and extent of the aggressive begging justifies that the prohibition is extended and altered to include harassment, alarm and distress. Alternative methods in addressing this behaviour have been considered in the options report at Appendix 3, however they would not be effective for the reasons stated. There are no existing byelaws to address this behaviour and the evidence indicates that the existing criminal/common law mechanisms are not being used and/or are inadequate such that a PSPO is required.
- 7.42 The council has considered the Human Rights Act and is of the opinion that the extension of the prohibition clauses, as amended, would be a justified interference of articles 8, 10 and 11 of the Convention where engaged, and balances the need to tackle the activities that are having a detrimental effect against the desire and entitlement of the public to use this public space. In response to the consultation the prohibition has been framed to ensure that it does not unnecessarily interfere with what would otherwise be legitimate and lawful activity.
- 7.43 The Local Authority are seeking to amend the wording of the begging prohibition to give clarity around the circumstance to which the prohibition will be applied i.e. when the behaviour [begging] has, or is likely to, lead to *harassment, alarm or distress*. The amendment to the wording will remove any inference of a 'blanket ban' on begging; and will allow sufficient foreseeability of the breadth and consequence of this prohibition.
- 7.44 The interference is in accordance with the law, is in the interests of public safety and for the prevention of disorder or crime and the prohibition, with alterations, is justified and proportionate and as a consequence is necessary in a democratic society.
- 7.45 In addition, the begging prohibition seeks to protect the private and family life of the town centre community who could otherwise be detrimentally affected by the begging behaviour, as they go about their day-to-day business.

- 7.46 A Proportionate Response - The PSPO aims to strike a fair balance between the interests of the community on one hand and the rights of the person believed to be at risk of breaching the conditions of the PSPO on the other. The local authority aims to do this by applying a tiered approach to enforcing the order and having a strong focus on trying to divert individuals away from the problem behaviour, providing warnings/advice and directing those in need into appropriate support services where possible (refer to section 4 for further information on the local approach to enforcing the PSPO).
- 7.47 In Bolton, a high proportion of those individuals involved in begging activity seek to present themselves to the public as homeless or rough sleeping. It is important to be clear that not all of those people who are in a position to beg in Bolton are rough sleeping. In reality, from regular active review of the cohort of people known to be involved in begging activity in Bolton, consistently around 80% are either not homeless or not rough sleeping. The majority are in relatively secure accommodation (with no current threat to loss of accommodation) with a further significant number in temporary supported accommodation settings. With a small number of exceptions, very few and on occasion none of those engaging in begging behaviour are actually rough sleeping at that time.
- 7.48 For those who do place themselves in a position to beg and are genuinely in need of accommodation or support, there is a strong support offer available. A coherent and managed pathway approach to addressing rough sleeping in Bolton looks to deliver a personalised/bespoke approach to individual cases. To assist with ensuring support is in place for those most in need, multi-disciplinary outreach is initiated throughout the week to engage and facilitate access to care.

Close and co-ordinated working between key agencies:

- ✓ Housing Options – Rough sleeping outreach team.
- ✓ Streetlife worker (Urban Outreach).
- ✓ Homeless and Vulnerable Adults Community Nursing Team (HVANT).
- ✓ Homeless Aid UK, street kitchen outreach.
- ✓ Achieve (addiction services) assertive outreach.

Supplemented work with Housing Options includes close liaison with:

- ✓ Town Centre Management Team and Regulatory Services civil enforcement officers.
- ✓ GMP – including the town centre Neighbourhood Policing Team.
- ✓ Community Safety Team.

- 7.49 Regular town centre ‘walk-about’ ensure those most at risk of breaching the PSPO through begging are engaged, facilitating engagement with a range of specialist support services.
- 7.50 In Bolton there is a real emphasis on key agencies working collectively and it is recognised that a ‘standard’ offer is not successful when considering individuals who have such great variation of need.
- 7.51 Regular operational multiagency meetings take place, chaired by the Town Centre Manager, and include Regulatory Services, Civil Enforcement Staff, officers from the local policing team, Urban Outreach, Substance Misuse Services, Mental Health Services, Housing Options and Community Safety (ASB Coordinator). The purpose of the group is to identify individuals that are begging, and identify what support is already being offered including whether they are in housing need. The group takes a person-centred approach and seeks to identify opportunities to engage/offer support, and if

begging activity continues and escalates, to coordinate appropriate enforcement action. During the pandemic the group was suspended due to work priorities, however, work is now underway to re-establish the group.

- 7.52 This approach demonstrates the local recognition that individuals involved in both rough sleeping and/or begging often have a combination of complex needs that require a coordinated multiagency approach to support them.
- 7.53 'Hope for Change Campaign'
In Bolton there is an emphasis on ensuring the right support is directed to where it is needed most. The Hope for Change campaign is an alternative giving campaign which is designed to take cash off the streets; and divert it to local services and charities who provide practical support to those begging along with raising awareness amongst the public about the reasons behind begging and a solution they can be part of – Hope for Change.
- 7.54 The original launch of the campaign was planned in 2020 however due to the Covid -19 pandemic this was rescheduled and in December 2021 an awareness raising events was held in which a mobile unit was situated on a busy town centre high street for two days, with staff on hand to raise awareness and promote the campaign. Officers from the outreach team, Housing Options, Bolton at Home and GMP offered advice on what the Hope for Change Campaign is and provided information on what support is currently available in Bolton to people who find themselves in a situation where they require housing/substance/alcohol/debt support.
- 7.55 The campaign is led by Bolton at Home with support from other partners including GMP, Bolton Council, Homeless Welfare, Achieve⁶ and Urban Outreach. People are encouraged to donate money via the online giving section on the Hope for Change website or via one of the locations where collection tubs are placed across the town. Any money collected is distributed equally to agencies who provide services to support these individuals.
- 7.56 The council and its' partners are clear that the town centre PSPO is not about targeting people based on the fact that they are homeless or rough sleeping. The prohibition is solely looking to address begging where it is considered to be having a detrimental effect on the communities' quality of life.
- 7.57 A decision to pursue enforcement action is based on consideration of individual case circumstances. An account is taken of the nature of the behaviour; their accommodation arrangements; any particular issues relating to health, wellbeing and vulnerability; and response to efforts to engage with outreach and offers of assistance. The issuing of FPN's is only done where it is considered both necessary and proportionate in accordance with the relevant legislation and council enforcement approach.
- 7.58 Out of a total of 3601 total interactions by the Civil Enforcement Officers in relation to begging, a total number of 71 Fixed Penalty Notices were issued (April 2019 to August 2021).

Activities of Begging under the Town Centre PSPO

PSPO Activities (April 2019 to August 2021)	Count
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⁶ Achieve – Substance misuse treatment and recovery service.

Initial Contact/Education	772
Number of Interactions after initial contact/education or been issued with a Fixed Penalty Notice	2,758
Number of Fixed Penalties issued	71
Number of Fixed penalties paid	2
Passed to legal for court proceedings	29

- 7.59 The PSPO and the additional power afforded to the council and its partners by having this tool available is clearly proving useful in helping to address this ongoing issue. In the 12-month period before the introduction of the PSPO, there were 71 reported incidents of begging to GMP in the town centre location (19th February 2018 to 19th February 2019). In the 12 months that followed (19th February 2019 to 29th February 2020) there was a notable reduction in reports, with 47 reports of begging received by GMP in the town centre area.
- 7.60 Whilst there is strong engagement by officers authorised by the council around this prohibition, there are a small number of persistent individuals who continue to beg despite warning and require repeat engagement to address ongoing concerns about their behaviour; and to direct them towards appropriate support and intervention opportunities.
- 7.61 The high number of interactions around this prohibition demonstrates clearly that this issue is an ongoing concern and one in need of continued focus. The local authority believes it necessary to extend the prohibition around begging to address the detrimental effect identified in relation to this behaviour; however, proposes to amend the wording to clarify that it is not the act of begging, but the impact, or likely impact, of harassment, alarm or distress to other town centre users that is the defining factor in the behaviour that the council believes to be unreasonable and seeks to challenge via the PSPO.
- 7.62 The council is confident in the positive efforts made to support individuals in need, including the help offered to vulnerable people in the borough. This includes those who are homeless and rough sleeping. It is felt an extension of this condition is both proportionate and necessary in providing an additional tool for officers in engaging individuals who often have multiple and deeply rooted issues; and in ensuring town centre users can continue to visit Bolton safe from antisocial behaviour.

Bolton Council Response:

Begging on the Street: The council proposes to amend the wording of this prohibition.

NEW WORDING: All persons are prohibited from placing themselves in a position to beg or solicit money in a manner which causes, or is likely to cause, harassment, alarm or distress within the Prohibition Area.

7.63 Peddling/Street Trading

“All persons are prohibited from peddling/trading goods within the prohibited area without an appropriate street trading license issued by the council”.

Peddling/ Street Trading – Questionnaire Results:

- 23% of respondents felt that this is a current problem in the town centre prohibition area
- 42% of people feel the PSPO has helped to cut down the amount of Peddling/ Street

Trading and 83% agree that this prohibition should be extended for a further three years.

- 7.64 Some respondents to the consultation exercise commented on a marked difference in street trading since the PSPO's introduction.
- 7.65 The aim of this prohibition is to deter unauthorised operators offering substandard products and to improve public confidence. The order provides a power to authorised officers to reduce or prevent illegal street trading that is continuing, occurring or recurring. It came into force as an issue of concern highlighted initially by the Central Bolton Partnership and Regulatory Services. Street pedlars in particular are an issue exacerbated during the council's programme of events which see an increase in visitors, e.g. the Food and Drink Festival and Winter Festival; and other high profile events such as Iron Man. A significant concern highlighted was that some of the products on offer for sale do not meet the appropriate product safety legislation.
- 7.66 Out of a total of 20 engagements by Civil Enforcement Officers around the street trading/peddling prohibition, there was just one instance where an individual has been issued with a Fixed Penalty Notice. The low number of Fixed Penalty Notices issued against this prohibition demonstrates a successful early intervention approach. Should this restriction not be extended for a further three years, there is a risk that there will be an increase in unauthorised street trading in the town centre. The Central Bolton Partnership support this as an ongoing prohibition, and this view is supported by 83% of respondents who believe the prohibition should be extended.
- 7.67 Human Rights Considerations - Any interference with the rights under articles 8, 10 and 11 is in accordance with the law and this prohibition is justified as it is proportionate and necessary as it is for the interests of public safety and prevention of disorder or crime.
- 7.68 An appropriate street trade license can be issued by the council on application and as such the order is considered proportionate in giving immediate respite through advice, warning or enforcement where necessary.

Bolton Council Response:

Peddling/Street Trading: This prohibition should remain in the order with no changes to wording.
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- 7.69 **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, seeking of a standing order or direct debit authority) within the prohibition area unless they are in possession of written authorisation from the council".
- 7.70 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:

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| <ul style="list-style-type: none"> • 46% of respondents felt this is a current problem in the town centre prohibition area. • 42% of respondents believe the PSPO has helped to reduce this problem • 87% felt that the prohibition should be extended for a further three years (65% strongly agree) |
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- 7.71 The aim of this prohibition is to deter unauthorised aggressive face to face marketing, including that which can result in people committing to future payments to financial institutions, particularly where this is directed at vulnerable individuals. The civil enforcement officers have recorded a total of 19 engagements in relation to this prohibition, with 2 fixed penalty notices issued.
- 7.72 Human Rights Considerations - Any interference with the rights under articles 8, 10 and 11 is in accordance with the law and this prohibition is justified as it is proportionate and necessary as it is for the interests of public safety and prevention of disorder or crime.
- 7.73 There is a risk that should this prohibition not be extended, that we will see a return of, and possibly an increase, in businesses' unauthorised soliciting for money in the town centre that is intimidatory or aggressive and leads to financial payments being made. Any organisation can request authorisation from the Council and as such it is considered that the extension of this prohibition is proportionate and just.

Bolton Council Response:

Soliciting for Money in the Street (Commercial): This prohibition should remain in the order with no changes to wording.
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7.74 **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 permission to carry out cash collections in the prohibition area should be obtained from the Council in advance".

Soliciting for Money in the Street (charity) – Questionnaire Results:
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| <ul style="list-style-type: none"> • 34% of respondents believe this is a current problem in the town centre prohibition area. • 43% believe the PSPO has helped to cut down this problem; and 76% of respondents agree that the PSPO prohibition should be extended for a further three years. • Of the 20 young people who completed the youth survey, 11 out of 20 agree this prohibition should be extended. |
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- 7.75 Any organisation can request authorisation from the council to carry out cash collections within the prohibition area for charity fundraising. The aim of the prohibition is to provide town centre visitors with the confidence that those individuals fundraising are working for legitimate organisations and that aggressive face to face fundraising is not employed.
- 7.76 Since the introduction of the PSPO, the council have been working closely with the Chartered Institute of Fundraising (CIOF), the professional membership body for UK Fundraising. Their role is to support national charities in their fund-raising efforts; and this includes ensuring minimum standards are met. CIOF approved fundraisers are permitted to attend a number of pre-approved town centre locations. A monthly report is provided to the council to ensure advanced notification of all charities who plan to visit which has proved extremely successful.
- 7.77 In addition, charities are also able to independently request permission from the council to conduct town centre cash collections, and a number of local charities have been granted permission since the introduction of the PSPO as part of event management plans.

- 7.78 Since the introduction of the PSPO (up until August 2021), the Civic Enforcement Officers have recorded 14 engagements with individuals soliciting for money for charitable purposes. There has been no occasion to progress to formal enforcement action which suggests the early intervention advice/warnings by the town centre officers and the close working with the Chartered Institute of Fundraising, are proving successful in addressing this issue and preventing an escalation or ongoing issue.
- 7.79 Human Rights Considerations - Any interference with the rights under articles 8, 10 and 11 is in accordance with the law and this prohibition is justified as it is proportionate and necessary as it is for the interests of public safety and prevention of disorder or crime.
- 7.80 The council considers that this prohibition is proportionate and should be maintained for a further three years. Any organisation can request authorisation from the Council. There is the risk that by removing this condition, we will see an increase in this unauthorised activity, particularly as footfall increases in the town centre following the relaxation of Covid-19 restrictions.

Bolton Council Response:

Soliciting for Money in the street (charity): This prohibition should remain in the order with no changes to wording.

7.81 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 permission from the council. Registered charities, registered political parties and religious organisations are exempt".

Distribution of Publicity Materials – Questionnaire Results:

- 15% of respondents felt that this was a current problem in the town centre
- 38% reported that the PSPO has helped to cut down this issue, and 32% felt it hasn't
- 74% of respondents agreed that this prohibition should be extended for a further three years (48% strongly agreeing).

- 7.82 It is difficult to quantify the true impact of this prohibition on the distribution of publicity materials, particularly when town centre footfall has been significantly impacted by Covid-19 and associated lockdowns. Despite this, there have been 10 instances where the civil enforcement officers have engaged/advised individuals around this prohibition (April 2019 to August 2021). There have been no instances where further enforcement action (by way of FPN) has been necessary.
- 7.83 The local authority has considered the feedback from the consultation exercise and an assessment of the current level of issue concludes that this prohibition is no longer required and should therefore be removed from the Town Centre Public Spaces Protection Order.

Bolton Council Response:

Distribution of Publicity Materials: This council propose to remove this prohibition from the Public Spaces Protection Order.

7.84 Obstructing the Highway

“All persons are prohibited from causing or permitting an obstruction on the carriageway of a street in the prohibition area having been requested to remove the obstruction from the carriageway by an authorised officer. This include A-Boards and other forms of unauthorised street advertisement unless they are in possession of written authorisation from the Council”.

Obstructing the Highway – Questionnaire Results:

- 22% of respondents felt that this behaviour is a current problem in the town centre prohibition area.
- 31% felt the PSPO hasn't helped to reduce the problem, and 40% felt it wasn't a problem anyway (29% believe it has help to cut down the problem).
- 79% of respondents agree that this prohibition should be extended (53% of those strongly agree).

7.85 In their formal response to the consultation, Liberty made the following observations about this prohibition:

- The condition is vague and widely drafted. It grants an excessively broad discretion to enforcement officers and could be used to wrongly target rough sleepers, whilst they are not causing nuisance or engaging in violent behaviours.
- The prohibition may undermine the right to respect for private life, and as such is a potential interference with Article 8 of the European Convention of Human Rights.
- It is also potentially discriminatory in relation to the links between begging, homelessness and disability.

7.86 'Initial Engagement/advice has been issued on one occasion in relation to this prohibition (April 2019 – August 2021) and as such there have been no instances where enforcement action has been required.

7.87 The local authority has reviewed the limited engagement relating to this prohibition to date and in an assessment of the current level of issue concluded that it should be removed from the Town Centre Public Spaces Protection Order.

Bolton Council Response:

Obstructing the Highway: The Council propose to remove this prohibition from the Public Spaces Protection Order.

7.88 Marking of Surfaces

“All persons are prohibited from directly marking surfaces such as walls or pavements with paints, chalks, or similar within the prohibition area unless they are in possession of written authorisation from the Council”.

Marking of Surfaces – Questionnaire Results:

- 11% of respondents felt this is a current problem in the prohibited area
- 29% felt the PSPO has helped to cut down this problem, and 23% believe it hasn't.
- 48% of respondents strongly agree this prohibition should be extended, and a further 21% agree.
- 11 out of the 18 young people who completed this question in the youth survey agree that this prohibition should be extended.

- 7.89 The aim of this prohibition is to discourage individuals from marking surfaces which could otherwise impact negatively on the 'look and feel', appeal and perception of the town centre area; and to reduce the cost of clean up to the council. The order provides a power to authorised officers to issue advice, warning or enforcement if needed. Individuals are able to request permission of written authority from the council.
- 7.90 To date, there have been no instances where officers have needed to use either advice/warning or enforcement action in relation to this condition (April 2019 to August 2021).
- 7.91 The local authority has reviewed the limited engagement relating to this prohibition to date and in an assessment of the current level of issue concluded that this should be removed from the Town Centre Public Spaces Protection Order.

Bolton Council Response:

Marking of Surfaces: The Council propose to remove this prohibition from the Public Spaces Protection Order.
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7.92 **Use of Amplifiers**

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

Use of Amplifiers – Questionnaire Results:

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| <ul style="list-style-type: none"> • 15% of respondents felt this is currently a problem in the prohibited area. |
| <ul style="list-style-type: none"> • 35% felt the PSPO has helped cut down this issue, and 22% felt it hasn't. 43% felt it wasn't a problem anyway. |
| <ul style="list-style-type: none"> • 66% agree that this prohibition should be extended (49% of those strongly agree). • 10 out of the 20 respondents to the youth survey disagree that the prohibition should be extended. 6 of the young people agree that it should. |

- 7.93 Liberty made the following observations about this prohibition as part of their formal response to the consultation:
- It risks breaching residents' rights under Article 11 of the European Convention of Human Rights, unreasonably restricting the civil liberties of residents. They site protestors being prevented from using a loudspeaker or microphone during a peaceful protest.
- 7.94 The prohibition around the use of amplifiers without written authority by the council was included within the PSPO following several complaints from businesses, visitors to, and staff based at, the Town Hall of loud music by street-based entertainers who use amplifiers to increase the level of sound. It was identified that certain individuals would remain in the same place for several hours, or the whole day, without moving location. Individuals and businesses reported that this was causing them nuisance and annoyance, particularly when this went on for prolonged periods of time.
- 7.95 Since the introduction of the PSPO (April 2019 to August 2021), the Civic Enforcement Officers have recorded a total of 24 engagements (verbal advice/warning) in relation to this prohibition, and just 3 fixed penalty notices issued.

- 7.96 Human Right Considerations - The consultation exercise highlighted concerns raised by Liberty that this prohibition will unreasonably restrict the civil liberties of residents, as it may lead to protesters being prevented from using a loudspeaker or microphone during a peaceful protest, for example.
- 7.97 The ASB, Crime and Policing Act 2014 requires the local authority to have particular regard to articles 10 & 11 of the European Convention of Human Rights when exercising the powers of a Public Spaces Protection Order. Article 10 protects the rights of everyone to freedom of expression. It includes the freedom to hold opinions and to receive and impart information and ideas without interference by public authority. Article 11 refers to the right to freedom of peaceful assembly and to freedom of association with others.
- 7.98 The Local Authority recognises such freedom of speech and assembly is an important fundamental right in any democracy. There is no attempt within the PSPO to limit or control this right. To clarify, the aim of this prohibition is to manage the noise nuisance associated with amplified music. This is not a general ban on music being played or protests being held. Authorised events wanting to use amplification will still be considered by the council, but this condition gives the council a tool to manage and reduce the annoyance and nuisance to other town centre businesses and workers around the use of amplification in particular. It is considered a proportionate and measured response to managing this nuisance behaviour.
- 7.99 Any interference with the rights under articles 11 is in accordance with the law and this prohibition is justified as it is proportionate and necessary as it is for the interests of public safety and prevention of disorder or crime.
- 7.100 The risk of not extending this prohibition for a further three years is that we see an increase in the nuisance associated to the use of amplification, particularly as the footfall to the town centre increases following the relaxation of covid-19 restrictions.

Bolton Council Response:

Use of Amplifiers: This prohibition should remain in the order with no changes to wording.
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7.101 **Use of Skateboards and Scooters and the Use of Bicycles**

“All persons are prohibited from using a skateboard or scooter within a specified part of the prohibition area (edged in red on plan 1 and plan 2)”.

Use of Skateboards and Scooters – Questionnaire Results:	
•	37% of respondents felt that the use of skateboards and scooters is a current problem in the prohibited area.
•	44% of respondents felt the PSPO hasn't helped cut down this problem, 27% believe it has and 29% that it wasn't a problem anyway.
•	52% of respondents strongly agreed that the prohibition should be extended, and a further 14% agreed.
•	10 out of 17 young people who completed the youth survey however disagreed that this prohibition should be extended. 7 agreed it should.

“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”.

Use of Bicycles – Questionnaire Results:
<ul style="list-style-type: none"> • 41% of respondents felt that this is a current problem in the prohibited area. • 40% of respondents felt the PSPO hasn't helped to cut down this issue, and 35% didn't think it was a problem anyway. • 65% of respondents agreed that this prohibition should be extended. 12 out of 18 young people, aged under 24 years, also agreed this condition should be extended.

7.102 Respondents to both surveys were asked whether the secondary PSPO area, the pedestrianised part of the town which only applies to skateboards, scooters and bicycles, was appropriate. 68% of respondents agreed that the PSPO area, applying to non-motorised vehicles was appropriate. However, just under one-third of respondents disagreed (32%).

7.103 Some respondents felt that the current prohibitions on cycling, skateboarding and scooter use should be lifted. Others felt that cycling, skateboarding and scooter use should be allowed in pedestrianised areas, as this was safer for them then using roads.

7.104 Use of Skateboards and Scooters

A total of 25 engagements in relation to the use of skateboards and scooters in the designated area have been recorded by the Civil Enforcement Officers (April 2019 to August 2021). It appears the warnings/advice has largely proved successful for this condition and acted as a deterrent for further escalations in behaviour.

7.105 Any interference with the rights under articles 8,10 and 11 is in accordance with the law and this prohibition is justified as it is proportionate and necessary as it is for the interests of public safety and prevention of disorder or crime.

7.106 The prohibition aims 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. This was co-designed, at the time, with young people and youth related organisations.

7.107 The Council propose to retain this prohibition within the order, with a small wording change to clarify that this prohibition only refers to the pedestrianised parts of the Town Centre.

Bolton Council Response:
<p>Use of Skateboards and Scooters: This prohibition should remain in the order with a small amendment to the wording.</p> <p>NEW WORDING: All persons are prohibited from using a skateboard or scooter within the pedestrianised zones of the Town Centre (specified in the Prohibition Area edged in red on Plan 1 and Plan 2).</p>

7.108 Use of Bicycles

The consultation response highlights this issue as an ongoing concern in the town centre area and the majority of respondents (65%) believe the prohibition should be extended. In particular, 12 out of 18 young people who responded to the youth survey agreed that this condition should be extended.

7.109 When the PSPO was introduced in 2019 council officers highlighted concerns with cycling through the main pedestrian areas within the town centre due to the injury this could cause to members of the public. They cited instances that have resulted in collisions between cyclists and pedestrians and several 'near misses'. One particular case resulting in a serious injury to an elderly person. 41% of respondents feel this is an ongoing problem in the town centre.

7.110 Since the introduction of the order, there have been 256 instances where the council civil enforcement officers have engaged individuals for riding a bicycle in the designated prohibition zone, and 2 instances where officers deemed it necessary to progress to a fixed penalty notice. Both individuals had been previously warned for breaching the condition and disregarded these warnings.

7.111 Any interference with the rights under articles 8,10 and 11 is in accordance with the law and this prohibition is justified as it is proportionate and necessary as it is for the interests of public safety and prevention of disorder or crime.

7.112 The aim of this prohibition is to improve public safety and confidence of safety within the pedestrianised zones. This is not a ban in the whole of the town centre, and there are alternative routes around the central pedestrianised shopping area that allow easy access, and cyclists can dismount and walk-through pedestrian areas. It appears the warnings/advice has largely proved successful for this condition and acted as a deterrent for further escalations in behaviour. The Council propose to retain this prohibition within the order, with a small wording change to clarify that this prohibition only refers to the pedestrianised parts of the Town Centre.

Bolton Council Response:

Use of Bicycles: This prohibition should remain in the order with a small amendment to the wording.

NEW WORDING: All persons are prohibited from cycling / riding a bicycle within the pedestrianised zones of the Town Centre (specified in the Prohibition Area edged in red on Plan 1 and Plan 2).

8. GENERAL FEEDBACK & COUNCIL RESPONSE

8.1 Residents were given the opportunity to further comment on the effectiveness of the current PSPO, the proposal to extend it for another three years and any alternatives that should be considered. The following table sets out feedback received and how the council proposes to mitigate any concerns.

Feedback received via the consultation	Response
Needs effective enforcement: There was a concern that the existing powers were	The Public Spaces Protection Order can be enforced by both authorised officers from the

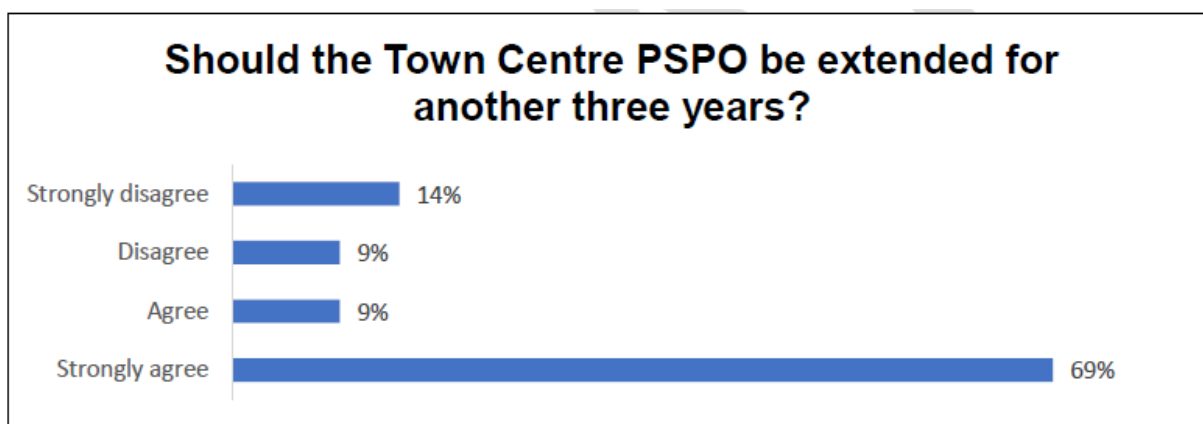
not being enforced, partially due to a lack of engagement officers, but also a perceived lack of will.	<p>Council and Greater Manchester Police.</p> <p>The council has invested in a civil enforcement resource and is committed, alongside its partners, to effective engagement in relation to raising awareness of the Public Spaces Protection Order and maintaining compliance against the prohibitions. A total of 4227 interactions have been recorded in relation to the PSPO by officers between April 2019 and August 2021. Council will continue to review resources, balanced with need and budgetary pressures.</p>
<p>Town Centre still feels unsafe/unpleasant: Despite the PSPO, visiting the town centre was seen as an unpleasant experience, with some respondents feeling unsafe, especially if alone or in the evening. This could be from various antisocial behaviours, incl. intimidation by beggars and concerns about people cycling/skateboarding in pedestrianised area.</p>	<p>The Local Authority recognises the need for a broad suite of interventions to improve feelings of safety within the town centre. The proportionate use of the PSPO allows the council to engage problematic behaviours and this will be complimented by a refreshed town centre strategy. The Town Centre has excellent CCTV coverage. Other projects to improve feelings of safety include; Best Bar None, 'Ask for Angela', 'Get Home Safe' and Taxi Marshals, particularly for the night-time economy.</p>
<p>It has helped improve the town centre: Others felt the PSPO has helped to make the town centre a nice and safer place to visit, as it helped to tackle antisocial behaviours.</p>	<p>The Local Authority notes this positive feedback.</p>
<p>Skatepark needs to become more friendly – have a graffiti wall (Youth survey response)</p>	<p>During the development of the skatepark the local authority in partnership with GMP, sought the views of a focus group of young people from YMCA and Bolton Lads and Girls Club to assist in the design of the space. A number of safety measures were incorporated into the design including council managed and monitored CCTV and enhanced street lighting. A new cultural strategy is being developed in Bolton and any feedback received through the consultation that can contribute to suggestions under this agenda will be fed into officers leading this work.</p>
<p>Alternative suggestions included...</p> <p>Tackling the root causes of behaviours rather than banning them or punishing people: Would welcome a much more person centred, Bolton Vision 2030 inspired approach to this. I think the council could invest in people and communities in a much better way.</p>	<p>Section 4 provides an overview of the Councils existing tiered approach to enforcing the PSPO. Lead officers will continue to engage with preventative and early intervention approaches to support a reduction in anti-social related issues.</p>

Directing people to other ways of helping: More needs to be done to educate the public to give money to charities rather than to individuals directly.

Section 7 provides information around 'Hope for Change' which is an alternative giving campaign introduced in Bolton. Going forward work is planned around publicising the campaign more widely.

9. **OVERALL AGREEMENT TO EXTEND THE PSPO**

- 9.1 Respondents to the survey were asked to reflect on whether or not they agreed that an extension to the current town centre PSPO should be granted for a further three years. Of the 124 responses received, 78% of residents and stakeholders strongly agreed/agreed with the proposed extension.



10. **POLICING FORMAL RESPONSE**

- 10.1 Greater Manchester Police formal response to the consultation:

Bolton district of GMP is very much in favour of renewing the PSPO. The order has proved to be both necessary and proportionate in dealing with a wide range of anti-social behaviours and allows us to work more effectively as a partnership by providing a clear framework around offences, responsibilities and potential enforcement options which are wider than if a PSPO did not exist. The PSPO has been particularly effective tool against begging in the town centre and clearly demonstrates the positive effect it can have than if a PSPO did not exist.

- 10.2 Deputy Mayor for Police and Crime - Support to the Council's proposal to extend the PSPO has been given by the Greater Manchester Mayor for Police and Crime.

11. **OPTIONS**

- 11.1 The Local Authority has a number of options available:

Option 1 - To allow the Town Centre Public Spaces Protection order to lapse on 19th February 2022.

This would remove the power afforded to the council and its partners under the Public Spaces Protection Order in addressing town centre related antisocial behaviour and would risk some of the activities recurring or increasing in frequency and severity.

Option 2 - To approve the proposed amendments to the Public Spaces Protection Order and extend for a further three years (the maximum allowed by law).

12. IMPACTS AND IMPLICATIONS:

12.1 Financial

12.1.1 The costs in reviewing the PSPO including the costs associated to the public consultation exercise have mainly related to staff time from various services and departments within the council.

12.1.2 An additional cost associated to the legal advice sought as part of the review has been absorbed into existing council budgets, and any further costs incurred as the PSPO is extended including legal work, signage and communication, will also be absorbed into existing budgets.

12.2 Legal

12.2.1 Section 66 of the Antisocial Behaviour, Crime and Policing Act 2014 allows for interested parties⁷ to challenge the validity of a Public Spaces Protection Order or a variation of a Public Spaces Protection Order. 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. Additionally, as with all orders and powers, the making of a PSPO can be challenged by judicial review on public law within three months of the decision or action subject to challenge.

12.2.2 The grounds on which an application under this section may be made are;

- a) that the local authority did not have the power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
- b) that a requirement under this power was not complied with in relation to the order or variation.

12.2.3 It is essential that the proposed extension is procedurally and legally robust. External counsel advice has been sought to ensure the requirements of the legislation are met and are giving due consideration to the freedoms permitted under articles 10 and 11 of the Humans Rights Act 1998 in the proposed extension of the PSPO.

⁷ "Interested parties" means an individual who lives in the restricted area, or who regularly works in or visits that area.

12.2.4 A thorough consultation exercise has been undertaken with key stakeholders, residents, business owners and the wider public; and a full Equality Impact Assessment has also been conducted (See Appendix 1).

12.2.5 The local authority must be satisfied that the PSPO continues to be used responsibly and proportionately, only in response to issues that cause antisocial behaviour, and only where necessary to protect the public.

12.3 HR

NONE

12.4 Climate Change

NONE

12.5 Other

NONE

13 EQUALITY IMPACT ASSESSMENT (EIA)

13.1 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.

13.2 Due to the nature of the proposals, it is possible that there could be some adverse impact for the following groups – young people, those with a disability and those of low socio-economic status. This analysis is set out in more detail in the full EIA (attached).

14 CONSULTATION

14.1 A full public and open consultation was undertaken as part of the review of the PSPO, running for a 4-week period from 16th November until 13th December 2021. Interested bodies and members of the public were invited to view the current PSPO and give their views on the proposed extension of the order. The consultation was made available on the council website and council officers conducted face to face engagement with town centre users to invite them to give their views on the consultation.

14.2 The consultation was promoted on social media, in the local press, Bolton FM, emailed to interested bodies and individuals and to people who had signed up to receive consultation regarding Bolton

town centre. An additional survey, using several questions from the original questionnaire, was distributed, targeting young people, specifically around the behaviour of non-motorised vehicles.

- 14.3 Interested parties were invited to complete an online questionnaire or provide their views by letter or email.
- 14.4 The results of the consultation have helped to ensure the impact of the proposed extension of the PSPO on all protected characteristic is fully understood; and has informed the full Equality Impact Assessment to ensure any potential negative impact can be mitigated.
- 14.5 See Appendix 4 and the body of the report for a full overview of the consultation methodology and consultation findings.

15 VISION 2030

- 15.1 Prosperous, Clean & Green, Strong & Distinctive – The Councils economic vision and ambition for Bolton with a vibrant town centre at its heart sits as the backdrop for the need of the Town Centre Public Spaces Protection Order (PSPO). The PSPO aims to assist in creating a welcoming town centre which can be enjoyed free from antisocial behaviour. It addresses nuisance behaviour which left unchecked would have a detrimental effect on the quality of life of those who live, visit or work in the area.

16 RECOMMENDATIONS

- 16.1 The Executive Cabinet Member is recommended to:
 - (i) Approve, in conjunction with the Assistant Director Strategy & Partnerships and the Borough Solicitor, the proposed extension of the Town Centre Public Spaces Protection Order (PSPO) under Section 60 of the Anti-Social Behaviour, Crime and Policing Act 2014 as detailed in Appendix 9.
 - (ii) Authorise the Borough Solicitor to carry out all necessary legal formalities.

APPENDIX 1

Equality Impact Assessment

Title of report or proposal:
Bolton Town Centre Public Spaces Protection Order (PSPO) - Extension

Directorate:	Chief Executive Department
Section:	Community Safety Services
Date:	10.01.2022

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.

By completing the following questions the three parts of the equality duty will be consciously considered as part of the decision-making process.

Details of the outcome of the Equality Impact Assessment must also be included in the main body of the report.

1. Describe in summary the aims, objectives and purpose of the proposal, including desired outcomes.

The Antisocial Behaviour, Crime and Policing Act 2014 provided Local Authorities with the power to introduce Public Spaces Protection Orders (PSPO) in order to deal with a particular nuisance or problem behaviour in a specifically defined area.

In February 2019 a PSPO was approved for Bolton Town Centre in response to a growing trend of antisocial behaviour.

A PSPO can be made for a maximum duration of up to three years, after which it may be extended if certain criteria are met. The Bolton Town Centre PSPO has now been in place for three years and the council proposes to vary and extend the order for a further three years... (See Appendix 2 for a copy of the existing PSPO).

Under section 60 of the Antisocial Behaviour, Crime and Policing Act 2014, the local authority must be satisfied on reasonable grounds that the extension of the PSPO is:

- necessary to prevent activity recurring;
- or there has been an increase in frequency or seriousness of the activity.

Objectives of the PSPO:

- To reduce anti-social behaviour, including alcohol related anti-social behaviour and the use of intoxicating substances
- To reduce 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 review the current Town Centre Public Spaces Protection Order (PSPO) for Bolton Town Centre; to extend for a further three years.

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 review of the existing Town Centre Public Spaces Protection Order.

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 – An extension to the additional powers afforded the council under the current PSPO which facilitates partnership enforcement activity to respond to those issues that are causing the greatest concern for members of the public and other key stakeholders within the town centre community. To provide an appropriate and robust response to antisocial behaviour related issues in the town centre.

The Town Centre PSPO facilitates a joined-up approach to addressing nuisance behaviours within the town centre. It enables more targeted intervention and through a partnership approach, aims to direct those with support needs into appropriate support.

The PSPO sends a clear message that certain behaviours will not be tolerated and helps reassure residents that unreasonable behaviour will be addressed. The order ultimately aims to reduce antisocial behaviour in the designated area, that is affecting the quality of life of the town centre community.

Negative impact – 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.

By the nature of the antisocial behaviour in the town centre, it is considered that the PSPO may have a disproportionate effect on certain people. Young people for example may be disproportionately affected by the prohibitions around non-motorised vehicles as those more likely to use skateboards and scooters. Or those from a lower socio-economic class may be more impacted by the prohibitions around begging.

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

Respondents to the consultation highlighted concerns around displacement of the town centre antisocial behaviour issues to other areas of Bolton. We have recently seen an increase in such behaviour in locations outside of the designated area, possibly due to a reduced town centre footfall under the covid-19 restrictions. Further investigation with partners will look to understand this trend and identify measures to mitigate this potential cumulative impact as required.

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

	If you are completing this form following consultation: List any adverse impacts identified from data or engagement	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
Race (this includes ethnic or national origins, colour or nationality, and caste, and includes refugees and migrants; and gypsies and travellers)	<p>The PSPO conditions will apply to anyone regardless of background if they are found to be in breach of the conditions within the area defined.</p> <p>A comprehensive communications plan was implemented to raise awareness of the proposals and consultation across the borough. The consultation exercise has not raised any concerns around Race with regards to potential adverse impacts.</p>		

<p>Religion or belief (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)</p>	<p>None of the conditions within the PSPO should have an effect on a person's ability to worship / follow religious beliefs.</p> <p>A comprehensive communications plan was implemented to raise awareness of the proposals and consultation across the borough. The consultation exercise has not raised any concerns around Religion or Belief with regards to potential adverse impacts.</p>		
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<p>Disability (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)</p>	<ul style="list-style-type: none"> • 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 enforcement by way of a fixed penalty notice is warranted. • There is the potential that a person with mental health problems refuse support offered as part of the engage/ educate/ support early intervention approach; and a potential for people with complex needs who experience multiple disadvantage (for example mental health needs, substance misuse, homelessness) to be adversely affected by the PSPO if appropriate support isn't offered. • In the public consultation exercise, a response received from Liberty outlined well documented links between 	<p>With the mitigations in place this action is justified for the purposes of reducing and/or preventing crime and disorder.</p>	<p>Civil enforcement officers will take into account any support requirements, including mental health consideration at the time of any enforcement action.</p> <p>To mitigate the risk of unnecessarily criminalising vulnerable people, a person-centred approach to support is taken in Bolton. Support to individuals identified as begging is not just in relation to accommodation. The nature of support offered is relevant to an individual person's needs; for example, mental health, substance misuse or other issues requiring support. This is demonstrated by the multi-disciplinary outreach commissioned to engage and support rough sleepers across Bolton.</p> <p>(See section 4 for an overview of the approach taken to enforcing the PSPO in Bolton).</p> <p>In Bolton, the context is that consistently around 80% of individuals begging are either not homeless and/or not rough sleeping and only a small proportion of those who are sleeping rough are engaged in begging activities. 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.</p> <p>For those individuals that do find themselves in a position to beg and are genuinely homeless/rough sleeping, Bolton' multiagency rough sleeping pathway takes a person-centred approach and includes a particular focus on addressing complex needs, including in particular mental health, substance misuse, harm reduction and chaotic lifestyles.</p> <p>The tiered approach to enforcing the PSPO in Bolton, including the preferred early-intervention and prevention approach to educate and modify behaviour, ahead of any</p>
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Sex / Gender	<p>Some of the activities the PSPO seeks to curtail are carried out predominately by men against women (e.g. begging), so they could be more adversely affected in terms of enforcing against breaches.</p> <p>The consultation exercise has not raised any concerns around sex/gender with regards to potential adverse impacts.</p>	<p>The conditions of the PSPO apply equally to both male and females.</p>	<p>In order to address any potential disproportionate effect of the PSPO on one sex/gender, further investigation will take place throughout the life of the order around the engagement/enforcement conducted in relation to males/females to inform any mitigation required going forward.</p>
Gender reassignment / Gender identity (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 their gender. A person does not need to be under medical supervision to be protected)	<p>None of the conditions within the PSPO should have an effect on a person's sexuality or sexual identity.</p> <p>The consultation exercise has not raised any concerns around gender reassignment/gender identity with regards to potential adverse impact of the PSPO.</p>		

<p>Age (people of all ages)</p>	<p>It is considered possible that younger people may be disproportionately affected by the prohibition around skateboarding and scooters as activities considered more likely undertaken by a younger age group.</p> <p>The two survey results shared the same responses, around the disagreement that the use of skateboards and scooters should be included in the proposed extension.</p> <ul style="list-style-type: none">10 out of 17 young people disagreed that the skateboard/ scooter prohibition should be extended.However, 12 out of 18 young people responding, agreed that the bicycle prohibition should be extended for a further 3 years. <p>68% of respondents agreed that the PSPO areas applying to non-motorised vehicles, was appropriate; however, just under one third of respondents disagreed (32%). It was also strongly opposed by Bolton Public Health who felt that the prohibitions relating to skateboards and</p>	<p>The local authority considers that the prohibitions that could potentially impact adversely on young people, namely the use of skateboards and scooters, are deemed appropriate and just.</p> <p>There is already provision for these activities within the town centre (dedicated Skate Park) and the council believe the prohibited use of these non-motorised vehicles in a pedestrianised area is proportionate in mitigating the risk of potential collision with pedestrians.</p> <p>Small children accompanied by, and appropriately supervised by their parents or guardians, would not be affected by these prohibitions (skateboards, bicycles and scooters).</p> <p>Young people (or any other resident) are able to use the dedicated Skate Park (this area is exempt).</p> <p>It is possible that both younger and older people will feel more intimidated when confronted by some of the town centre issues including begging</p>	<p>A shortened version of the consultation survey was produced to try and encourage take up by the younger age range, as we often receive a poor response rate by those under 24 years. We wanted to ensure their views are considered as part of the consultation exercise.</p> <p>Responses were received from individuals in all age categories:</p> <div><p>Respondents Age</p><table><thead><tr><th>Age Group</th><th>Percentage</th></tr></thead><tbody><tr><td>Under 24</td><td>17%</td></tr><tr><td>25-34</td><td>8%</td></tr><tr><td>35-44</td><td>25%</td></tr><tr><td>45-54</td><td>20%</td></tr><tr><td>55-64</td><td>17%</td></tr><tr><td>65-74</td><td>8%</td></tr><tr><td>75-84</td><td>5%</td></tr><tr><td>85+</td><td>1%</td></tr></tbody></table></div> <p>In order to mitigate any potential adverse impact on both elderly people and young people of the town centre antisocial behaviour itself; officers will engage with key stakeholders to deliver targeted messages to these groups which will look to reassure and educate. Key safety messages will assist in reducing the likelihood of being targeted, to identify antisocial behaviour and how to report it.</p>	Age Group	Percentage	Under 24	17%	25-34	8%	35-44	25%	45-54	20%	55-64	17%	65-74	8%	75-84	5%	85+	1%
Age Group	Percentage																				
Under 24	17%																				
25-34	8%																				
35-44	25%																				
45-54	20%																				
55-64	17%																				
65-74	8%																				
75-84	5%																				
85+	1%																				

Sexual orientation - people who are lesbian, gay and bisexual.	None of the prohibitions contained within the PSPO should be affected by a person's sexual orientation.		
Marriage and civil partnership (Only in relation to due regard to the need to eliminate discrimination)	None of the conditions within the PSPO should have an effect on a person's marriage or civil partnership.		
Caring status (including pregnancy & maternity)	<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.</p> <p>The consultation did not raise any concerns by parents about their children, or those who have caring status.</p>		

<p>Socio-economic</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>Breaches of the PSPO 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>Liberty raised concern that the PSPO could adversely affect those in deprivation: <i>Begging is the consequence of poverty and deprivation, not antisocial behaviour. A blanket ban could have a harmful, unreasonable and disproportionate effect on the most vulnerable people in the area.</i></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>Any disproportionate impact on individuals from a lower socio-economic status are justified as it is proportionate and necessary for the prevention of disorder or crime.</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>As a result of the review of the PSPO the Local Authority is seeking to alter the wording of the begging prohibition to give clarity around the circumstance to which the prohibition will be applied, i.e. when the behaviour [begging] causes, or is likely to cause harassment, alarm or distress. The amendment to the wording will remove any inference of a 'blanket ban' on begging; and will allow sufficient foreseeability of the breadth and consequence of this prohibition.</p> <p>The 'Hope for Change' campaign is an alternative giving campaign designed to take cash off the streets; and divert it to local services and charities who provide practical support to those begging along with raising awareness amongst the public about the reasons behind begging and a solution they can be part of. The PSPO is not about taking away the support for people who find themselves in a position to beg, but looks to direct the support available to those who need it most, in a more targeted way.</p> <p>Section 4 of this report refers to the tiered approach to applying the PSPO adopted in Bolton, which aims to encourage individuals to change their behaviour and access appropriate support services, ahead of enforcement.</p>
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Other comments or issues.	<p>While the PSPO is designed to prohibit certain activities it also enables people to feel that the town centre is a safe and welcoming place for all and therefore could have a positive impact for people from all protected characteristic group, particularly those with disabilities.</p>
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.	<p>Between 16th November and 13th December 2021, the Council ran a public consultation seeking to engage residents and stakeholders that access the town centre, in reviewing whether the current PSPO reduced antisocial/ undesirable behaviour in Bolton Town Centre, making it a more attractive place to live, visit, work and study or do business in, In addition participants were asked to reflect on whether an extension of the current PSPO should be implemented for a further three years. See body of the report for consultation findings.</p>

This EIA form and report has been checked and countersigned by the Directorate Equalities Officer before proceeding to Executive Cabinet 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"/>

Contact Officer

Name:	Chloe Poole
Date:	13.01.21

Directorate Equalities Lead Officer

Name:	Rebecca Albrow
Date:	13.01.21

APPENDIX 2 – Current PSPO

BOROUGH COUNCIL OF BOLTON

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

BOROUGH COUNCIL OF BOLTON (BOLTON TOWN CENTRE) PUBLIC SPACES PROTECTION ORDER 2019

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 it 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 which 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 Borough Council of Bolton (Bolton Town Centre) Public Spaces Protection Order 2019 (“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 within the Prohibition Area after having been requested by an Authorised Officer to cease consumption or hand over the container, unless subject to exemptions listed in section 5.

1.2 Intoxicating Substances

All persons are prohibited from, within the prohibition area, 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 peddling / trading goods within the Prohibition Area without an appropriate street trading licence 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 a 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 a 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 Area unless they are in possession of written authorisation from the Council.

1.12 Use of skateboards and scooters

All persons are prohibited from using a skateboard or scooter within a specified part of the prohibition area (edged in red on Plan 1 and Plan 2).

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

In this order:

- 2.1 “Authorised Officer” means a Police Constable, a Police Community Support Officer or an Officer of Bolton Council in possession of an authority to enforce this Order.
- 2.2 “Intoxicating substances” means substances with the capacity to stimulate or depress the central nervous system.
- 2.3 “Alcohol” has the meaning given by section 191 of the Licensing Act 2003.
- 2.4 “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 19th February 2019 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, a 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, a 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

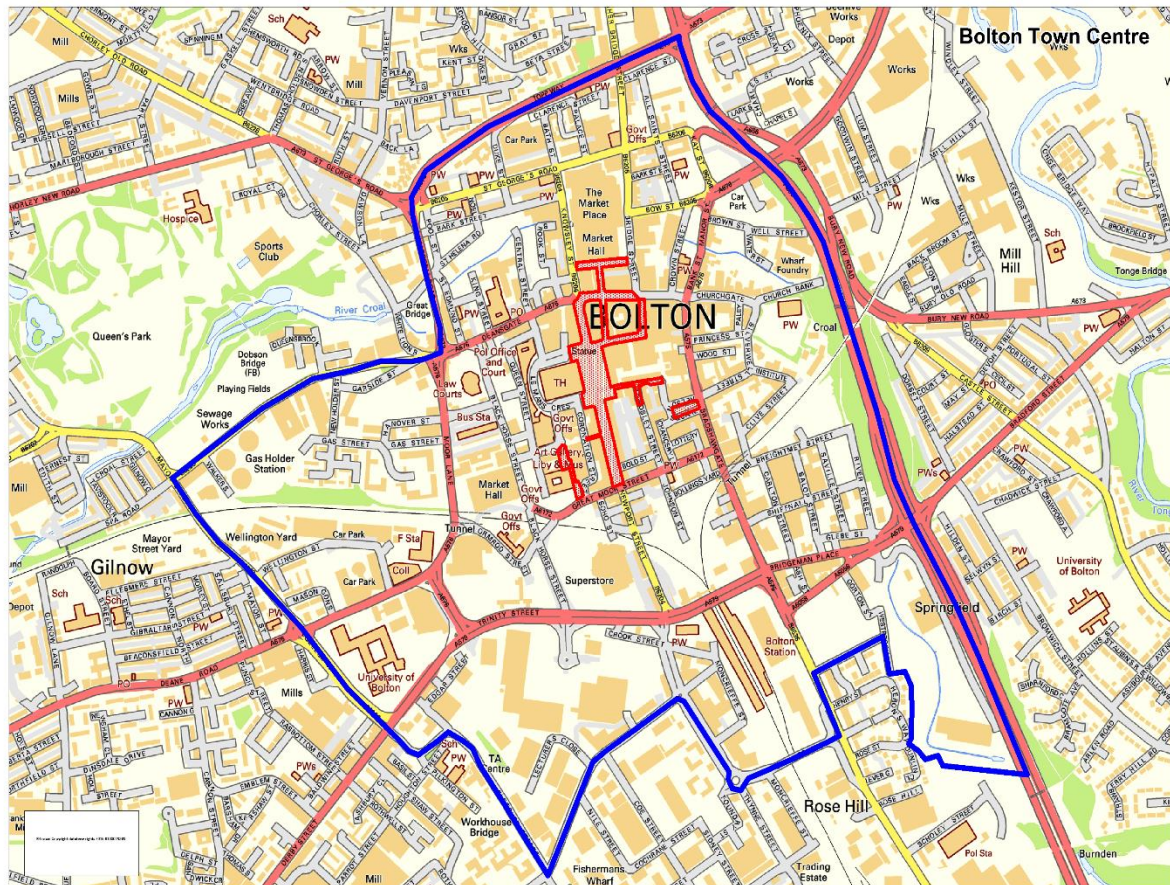
liability to conviction for the offence. However, if payment is not made within the required timescale, court proceedings can be initiated (prosecution for the offence of failing to comply with the Order).

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, 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).

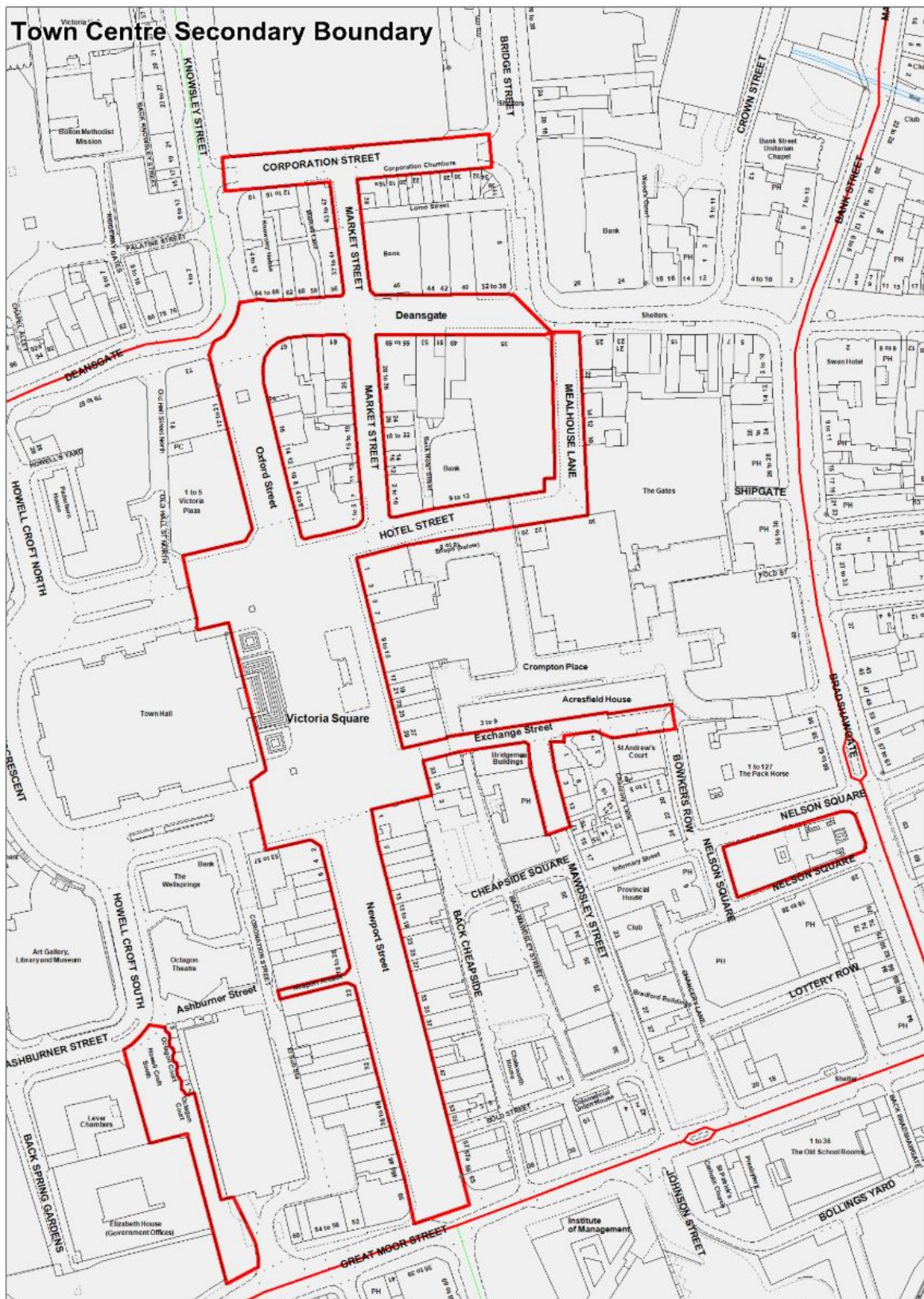
6. PROHIBITION AREA: PLAN 1

- 6.1 Plan 1 highlights the boundary of the Prohibition Area edged in blue, covering prohibitions 1.1 – 1.11 (inclusive). It also includes a secondary Prohibition Area edged in red, which only applies to prohibition 1.12 (skateboards and scooters) and 1.13 (use of bicycles).



7. PROHIBITION AREA: PLAN 2

7.1 Plan 2 highlights the secondary Prohibition Area edged in red, which only applies to prohibition 1.12 (skateboards and scooters) and 1.13 (use of bicycles).



Appendix 3 – Options Analysis

Issue	Option	When it can be used/ by who	Comments
Consumption of alcohol on street	No alternative tools/powers		Without a PSPO the preventive measure of tackling antisocial behaviour related the consumption of alcohol in the public space does not exist for the police or the council. The PSPO isn't a blanket ban and its use will be at the direction of authorised officers to deem if the consumption of alcohol may lead to antisocial behaviour.
Intoxicating Substances	Police offences - Drunk & disorderly, drunk & incapable Misuse of Drugs Act	Police power	The PSPO provides a preventive measure that allows earlier intervention due to dealing with the substance use rather than the outcome (disorderly or incapable behaviour) which would result in arrest. If this related to drugs, then the misuse of drugs act would be used by police officers rather than the PSPO.
Antisocial Behaviour	Civil Injunction Community Protection	Issued by a civil court to stop a person committing ASB. Applied for by Police or council, social landlords are restricted to housing related, issued by the court, can have both prohibitions and positive requirements. Issued by Police, Local Authority or	Used for continued incidents of antisocial behaviour. Prohibitions of Injunction more restrictive to the individual than PSPO and carries a more severe penalty on breach. Breach of PSPO can be dealt with immediately. Injunction is a process of warning, evidence gathering and application to the Court. Application to Court incurs legal expenses as does prosecuting a breach of Injunction.

	<p>Notice (CPN)</p> <p>Public order act</p>	<p>person designated by Local Authority. CPN issued if satisfied on reasonable grounds that</p> <ul style="list-style-type: none"> a. the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and b. the conduct is unreasonable. <p>Police Power largely addressing behaviour that would cause harassment, alarm or distress.</p>	<p>A warning has to be issued before the CPN.</p> <p>The PSPO signage provides warning regarding unreasonable behaviour in a designated area where complaints have been received and can be dealt with immediately if behaviour continues. Fine for breach of CPN is larger for both individuals and businesses on breach of CPN rather than PSPO.</p> <p>The advantage of the PSPO is that it offers a mechanism to the LA whereby there is an enforcement option that is not arrest and whilst tickets can be issued by police officers there is still a likelihood of arrest.</p>
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Begging on the street	Vagrancy Act	Police power	The advantage of the PSPO is that it offers a mechanism to the LA whereby there is an enforcement option that is not arrest which also encourages longer term partnership working with the individuals involved.
Peddling/street trading	<p>Street Trading Consent & Licence (Local Government (Miscellaneous Provisions) Act 1982)</p> <p>Peddling Certificate (Peddlers Act 1871)</p>	<p>Licensing Team, Regulatory Services.</p> <p>Police</p>	<p>Consented street trading is not permitted in any of the boroughs town centres. Enforcement of unlicensed trading is by way of prosecution, which is lengthy and requires significant evidence gathering. Itinerant traders have been found to be uncooperative and due to the roaming nature of the business, difficult to prosecute or locate. Prosecution is resource intensive tying up both officers and court time and doesn't prevent trading, which would continue. The PSPO encourages traders to not visit the town due to the penalty and supports local trade and shops.</p> <p>Peddlers are individuals that can trade across the country, by virtue of the certificate issued by their local Police force. This makes it difficult to deal with problematic individuals when the authorising authority isn't Bolton Police. The PSPO gives the Local Authority additional power to address any issues relating to peddling in the town centre and again encourages peddlars to not visit the town due to the penalty and supports the local trade and shops.</p>
Soliciting for money in the street (commercial)	No lesser restrictive alternative tools/powers		
Soliciting for money in the street	No lesser restrictive		

(charity)	alternative tools/powers		
Use of amplifiers	Environmental Protection Act 1990 – S80 Abatement Notice	Issued by Local Authority Authorised Officer if satisfied that the noise is prejudicial to health or a nuisance.	<p>Authorised Officer needs to assess the frequency, nature and duration of the nuisance and therefore it is usually necessary to complete diary sheets over a period of two weeks.</p> <p>Should the authorised officer be of the opinion that a statutory nuisance exists /is likely to occur or recur then they must serve an abatement notice. This is served on the person responsible. Failure to comply with an abatement notice is an offence which is liable to fine in the magistrates court on summary conviction.</p> <p>As any abatement notice is served on an individual responsible, once that responsible person has left that location if a new individual occupies the same location then the process would need to start again.</p> <p>This process is not only resource intensive but also slow for those affected by the noise and confusing for those considering using amplification.</p> <p>The PSPO would provide clear guidelines to all and provide quick remedy with few resource implications.</p>

Use of skateboards and scooters	No lesser restrictive alternative tools/powers		
Use of bicycles	Prohibition of cycling byelaw – The sign to diagram 951.	Highways Authority	As this is a moving traffic offence there is generally a requirement to install physical measures to prevent cyclists from using a route or rely on Police enforcement. Physically preventing access to cyclists is very difficult as you start to encroach on pushchairs/wheelchair use etc.



Town Centre - Public Spaces Protection Order Review

**Report by Consultation & Research Team
December 2021**

1. Background

The current Public Spaces Protection Order (PSPO) for Bolton town centre is due to expire in February 2022. Bolton Council propose to extend the PSPO for another three years (the maximum allowed by law), keeping all the current restrictions in place. As part of the review process, Bolton Council wanted to engage Bolton residents and stakeholders in a public consultation, enabling reflections to be made on whether the current restrictions should be extended for a further three years. The public consultation would also form part of a review the Council are undertaking of the PSPO, to ensure the prohibitions within the order remain proportionate and effective. The responses received as part of the consultation will be used alongside other information to help the Council decide whether to extend the Town Centre PSPO or not.

2. Methodology

Between the 16th November and 13th December 2021, the Council ran a public consultation, seeking to engage residents and stakeholders that access the town centre, in reviewing whether the current PSPO reduces anti-social / undesirable behaviour in Bolton town centre, making it a more attractive place to live, visit, work, study or do business in. In addition, participants were asked to reflect on whether an extension of the current PSPO should be implemented for a further three years.

During that period a comprehensive communication plan was implemented to raise awareness of the proposal across the borough, with a strong emphasis on engaging local residents, businesses, young people and stakeholder partners. An email was also distributed to all stakeholders, including the Vision Partnership and Elected Members. Supporting documentation was made accessible on the Council's consultation webpages and social media was heavily utilised throughout the period to share key messages about the consultation. The social media post had the potential of reaching 18,113 residents on Facebook and Twitter. 593 residents actively engaged in the posts throughout the consultation. Our analysis found that there was greater engagement on the Facebook platform, with engagement rising when residents shared the post. Greatest engagement took place between the hours of 9am – 10am and lunchtimes (mid-week), as well as on Sunday mornings.

In addition, 500 leaflets were distributed by the Community Safety Team, Civil Enforcement Officers and the Town Centre Marshalls as part of the face-to-face engagement with

members of the public (see Appendix A). Furthermore, the Engagement Team raised awareness through face-to-face activities in the town centre and with stakeholder partners. Participants were surveyed using a questionnaire tool made up of open and closed questions, over a period of 4 weeks, providing respondents the opportunity to reflect and share their thoughts on the extension. The questionnaire was made available both digitally and offline, with the questionnaire being accessible on the Council's consultation web page, as well as in hard copy format, on request. An additional survey, using several questions from the original questionnaire, was distributed, targeting young people, specifically around the behaviour of non-motorised vehicles.

*Copies of the questionnaires are included at the end of this document, located in Appendix B.

3. Consultation responses

A number of open-ended questions were included in the questionnaire to give respondents the opportunity to comment on the extension and comment on whether the PSPO area is geographically correct for the extension period.

Throughout the consultation period the following responses were received:

- 126 completed electronic questionnaires from residents and stakeholders
- 20 completed electronic youth questionnaires completed.
- 3 separate email response from stakeholder organisations (Greater Manchester Police, Bolton Public Health and Liberty). Please refer to Appendix C

Analysis notes

- Results are presented in the questionnaire format with 'Don't know' type responses removed unless stated.
- Comments have been categorised where feasible. Unless otherwise stated, categories with 10 or more responses are shown. Categories may overlap and a comment from one respondent included in multiple categories. A sample of comments [verbatim] are included in the report. Comments may be abbreviated so that only the relevant extract is included. One comment may be coded into multiple categories, and each category may only cover a certain aspect of the comment, for example a respondent may have made both positive and negative comments about the same aspect.
- Base: unless otherwise stated the base is the number of respondents to a particular question.

- Data has been validated where appropriate, e.g., comments moved into existing responses.

Digital survey responses

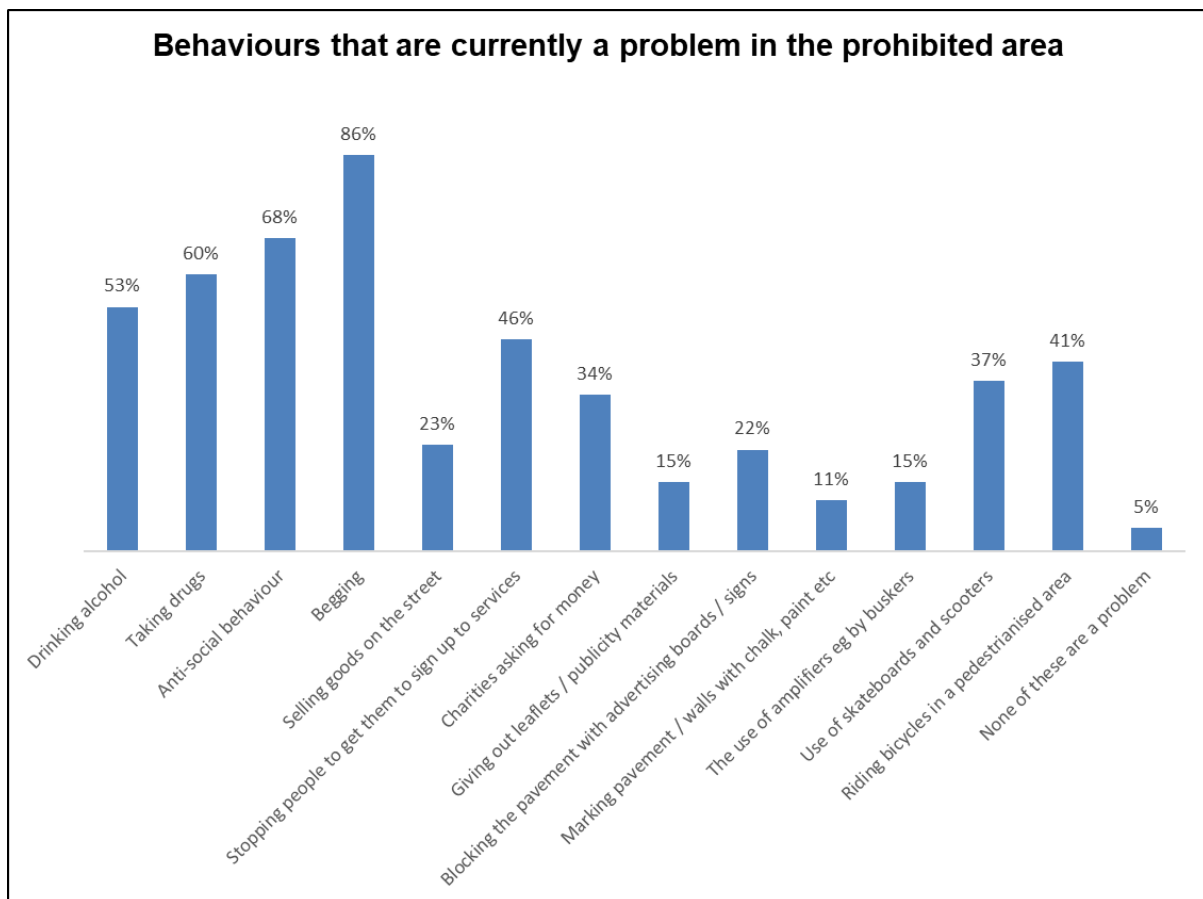
A total of 146 residents and stakeholders took part in the digital surveys, outlining their reflections on the proposed extension of the Town Centre Public Spaces Protection Order.

4a. 'Behaviours'

The current Town Centre PSPO aims to stop anti-social behaviour from all public areas within the boundary area. However, there are exemptions, for example skateboarding is allowed within the skate park and drinking alcohol is allowed within licensed premises such as pubs. As part of the consultation process the team wanted to ascertain to what degree stakeholders and residents felt that individual behaviours were still a problem and to what extent the current PSPO has helped reduce behavioural problems.

4b. Current problem behaviours

126 residents and stakeholders provided feedback on what behaviour areas they felt remained an existing problem within the Town Centre PSPO boundary. The top three problem areas identified were begging (86%), anti-social behaviour (68%) and drug taking (60%). The areas identified as having the least issues were walls and pavements being marked (11%), the use of amplifiers (15%) and leaflets/publicity material being distributed (15%). It should be noted that 5% of respondents felt that there were no behavioural concerns in the PSPO boundary.

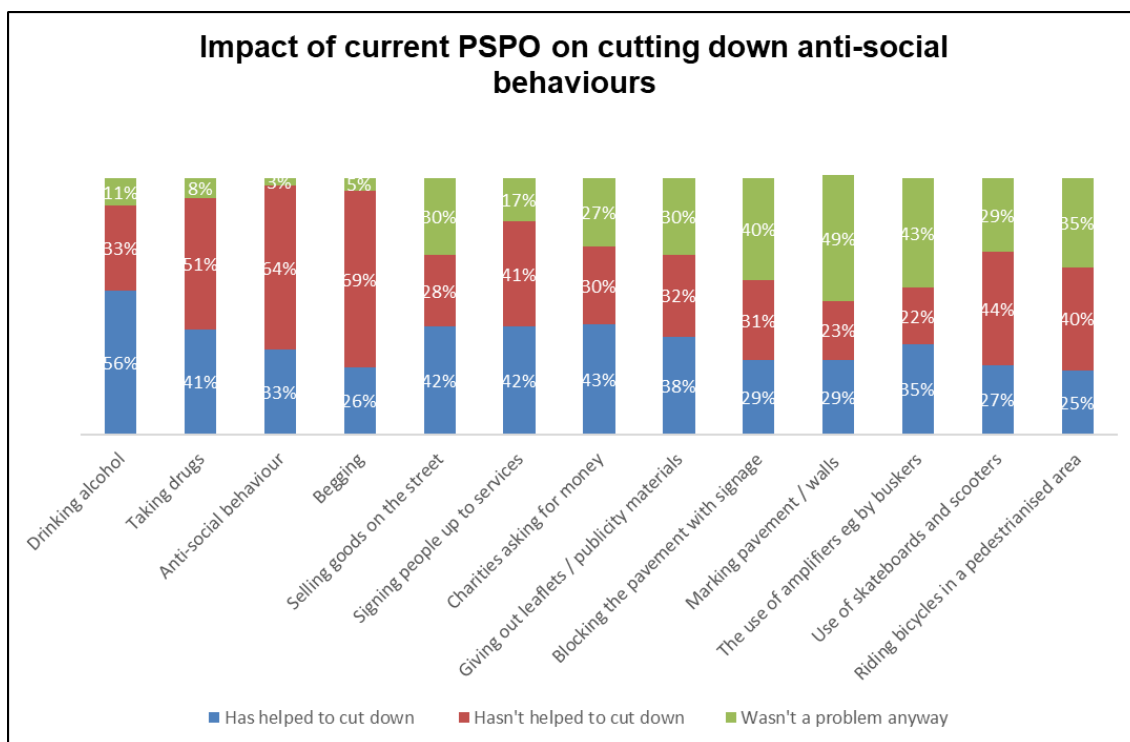


Base 126. (Dataset does not include the 20 young people who took part in the youth survey.)

4c. Impact of the current Town Centre PSPO

Residents and stakeholders were asked to identify the areas the current Town Centre PSPO has helped to reduce behavioural problems. Of the 13 behaviours outlined, the top three behaviours seeing the greatest reduction in anti-social behaviour are drinking alcohol (56%), charities asking for donations (43%) and both selling goods on the street and signing people up to services (42%).

Residents and stakeholders saw the least reduction in the following behaviours: begging (69%), anti-social behaviour (64%) and drug taking (51%). This shows a direct correlation with the existing problem areas identified.



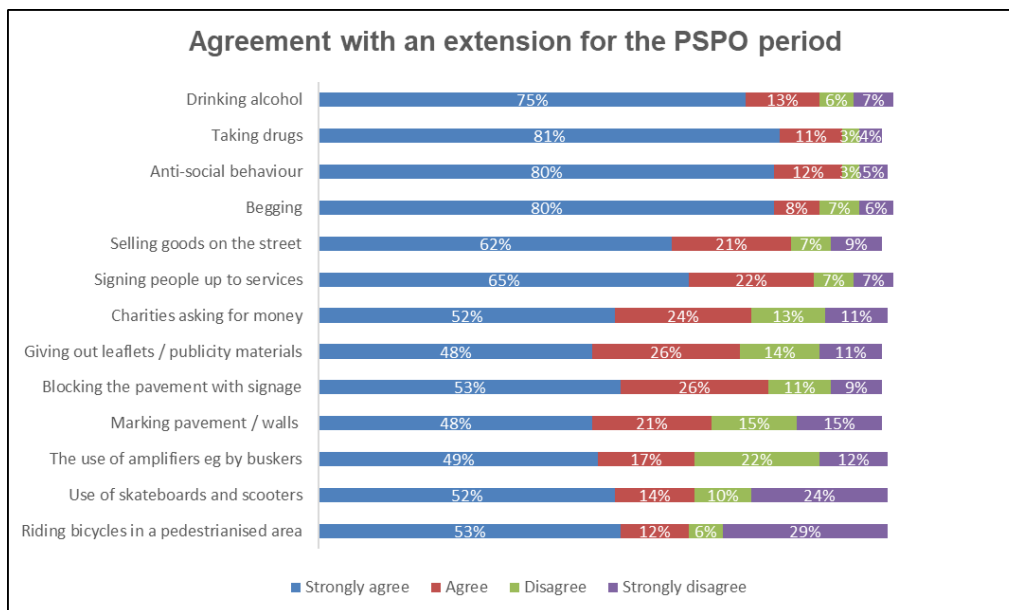
Base 108. (Dataset does not include the 20 young people who took part in the youth survey.)

4d. Agreement with proposed PSPO extension on specific behaviours

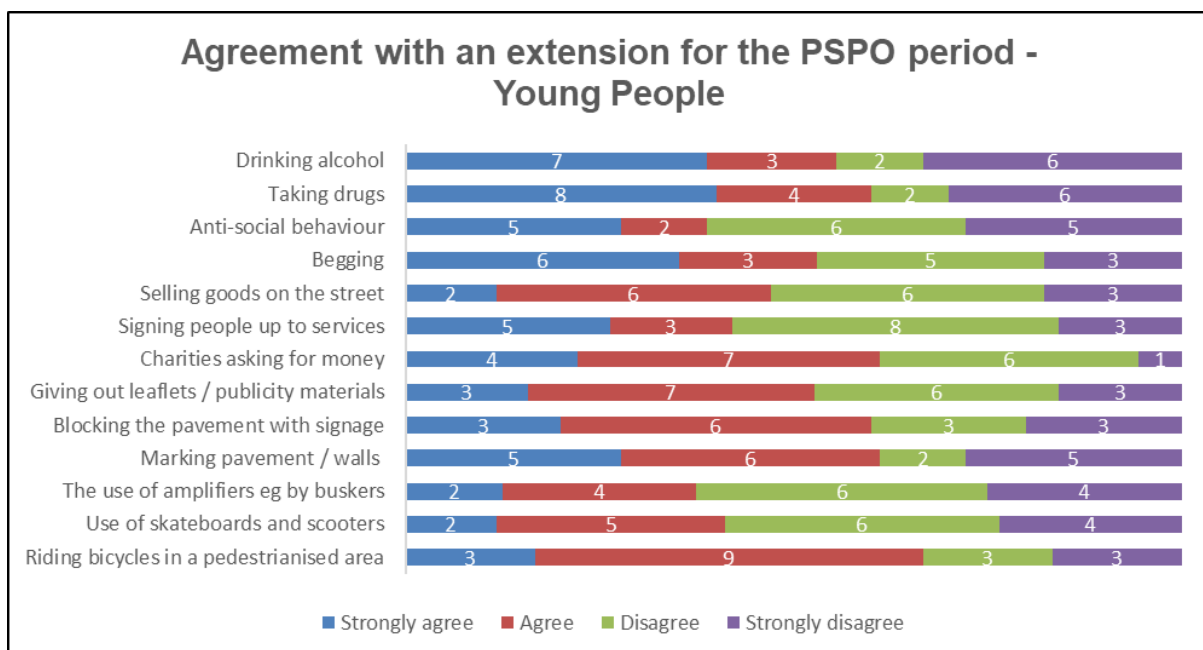
Residents and stakeholders were asked how strongly they agreed or disagreed, for each of the behaviour areas, that the current PSPO measures should be extended for a further three years. This question was asked to all participants, including the young people completing a shorter survey. Although there was some distinction between the two responding groups, there was an agreement that the PSPO should be extended to reduce drug taking. The two survey results also shared the same response, around the disagreement, that the use of amplifiers and the use of skateboards and scooters should be included in the proposed extension.

The main survey results outlined agreement that the extension should be put in place for the following top four areas: taking drugs (92%), anti-social behaviour (92%) drinking alcohol (88%) and begging (88%).

Young people, aged under 24 years, completing the shorter survey, outlined their top areas for extending the current PSPO as taking drugs, riding bicycles in a pedestrianised area (12 responses each) and charities asking for money and marking pavement / walls (11 responses each).



Base 122. (Dataset does not include the 20 young people who took part in the youth survey.)

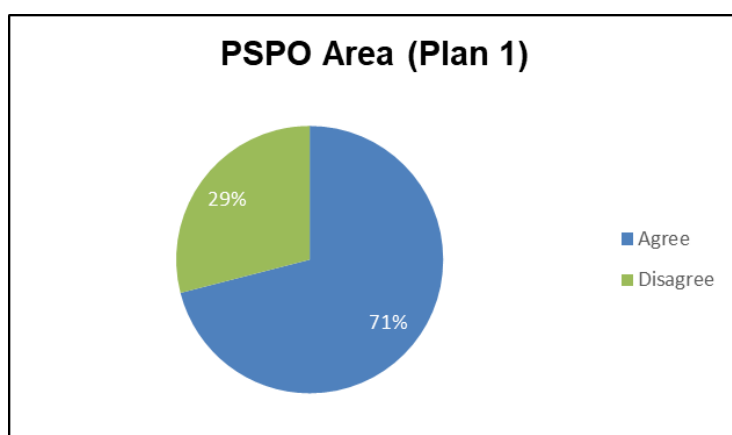


Base 20

5a. Primary PSPO area

Participants in the consultation were provided with a boundary map, highlighting the main prohibition PSPO area. The map illustrated the prohibition area as running from Topp Way, to the north of the Town Centre, between its junction with St Georges Road and A666. It incorporated (approximately) the town centre area which lies between A666 to the east and Mayor Street to the west. The most southerly point of the boundary map falls at Fletcher Street with the junction of Bridgeman Street.

Respondents, from the main survey, were asked to reflect on whether they felt the PSPO covered the right areas of the town centre. 107 responses were collated for this question. Just under three-quarters (71%) agreed that the PSPO area covered the appropriate locations in the town centre.

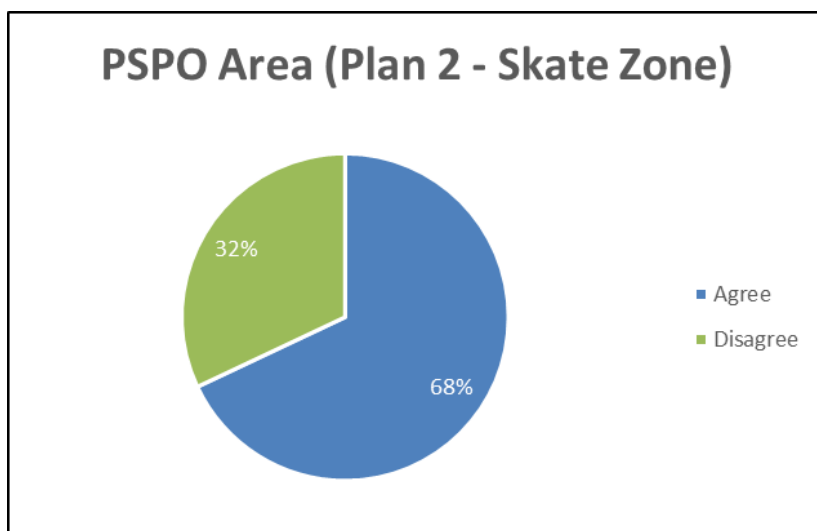


(Dataset does not include the 20 young people who took part in the youth survey.)

5b. Secondary PSPO area

Respondents to both surveys were asked whether the secondary PSPO area, an area of the town which only applies to skateboards, scooters and bicycles, was appropriate. 68% of respondents agreed that the PSPO area, applying to non-motorised vehicles was appropriate. However, just under one-third of respondents disagreed (32%) and was also strongly opposed by Bolton Public Health (refer to Appendix C)

"We feel the prohibition of the use of skateboards, scooters, and cycles at all times within the specified area is disproportionate as the use of a skateboard, scooter, or cycle is not in and of itself antisocial. Where skateboards, scooters, and cycles are used in a genuinely antisocial way, this can be more appropriately managed under the general antisocial behaviour prohibition, without inconveniencing responsible users".



5c. PSPO comments.

Respondents, including young people, were provided the opportunity to explain further which areas should be included or omitted from the proposed PSPO.

Comments were themed into three main categories, 'extending the exclusion zones', 'allowing non-motorised vehicles in all areas' (16 comments each) and 'extending the exclusion zone for begging' (14 comments).

Categorised comments - sample verbatim quotes

Extend exclusion zone – general

Respondents felt that the PSPO area should be extended to cover more / all of the borough.

"The PSPO needs to be extended by another half a mile in all directions"

"Trinity Retail Park, Moor Lane and the traffic lights at either end of Topp Way should be included."

"Include churchgate, historic area at risk of damage and many alleyways for antisocial behaviours"

"The whole of Bolton, not just the town centre."

"Extended to cover the new bus station right down to the train station."

"Everywhere frequented by pedestrians. Astley Bridge has severe problems with people cycling and using powered scooters (illegal anyway) on the pavements and nobody does anything."

Allow cycling / skateboarding / scooter use in all areas

Respondents felt that the current prohibitions on cycling, skateboarding and scooter use should be lifted, with some feeling that only irresponsible behaviour should be prohibited.

"A criteria of what is acceptable or what is deemed to be anti-social should be established that can enforce anti-social cycling rather than all cycling."

"Let people cycle and skateboard responsibly. We need to encourage active travel, not ban it."

"Bicycling and scooting should not be included full stop: you should be encouraging green forms of transport, not demonising them based on some 1960s attitude that walking and driving are the only ways to get ..."

"There shouldn't be a prohibition on cycling in this area at all."

"The areas covered are all wide enough for skateboards, scooters and bicycles to exist alongside pedestrians without conflict, so I can see no reason to ban any of these activities in pedestrian spaces provided they're done at a safe speed."

"I don't believe skateboards, scooters and bicycles should be prohibited in the town centre. It's often safer than riding on the busy roads around the town centre."

Extend exclusion zone – begging

Begging was seen as a particular problem. The current exclusion zone had effectively pushed some begging to other areas of the borough, and this could be tackled by extending the PSPO boundary.

"All of the main arterial routes, including main junctions into the town, especially the beggars, who also constitute a road hazard when constantly stood in the road."

"All the way across Bolton, on every main road in and out of the town centre, beggars are standing collecting money at traffic lights. Makes Bolton look like the ends of the earth."

"Every junction leading in and out of the town centre where beggars congregate at traffic lights."

"Needs to target beggars on roads where this has forced them."

"Traffic lights on the main junctions where the prohibition area ends have become home to beggars, risking their own and others lives, particularly at either end of Topp Way."

"You can spend millions upgrading the town centre but if you don't stop beggars at traffic lights around St Peters way you will never get the town on the Map. It is not good being stared at as a woman on your own and I feel threatened. I drive all over the NW and NE as far up as Newcastle and have only seen this once anywhere else with a drunk in Leeds. Please get these people included and move them on. It is a disgrace!"

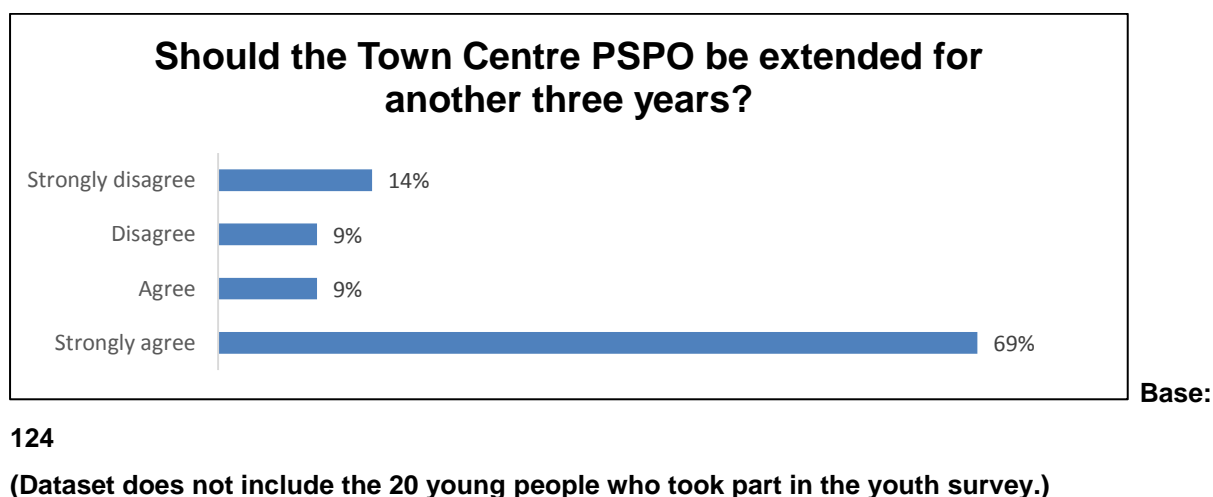
Other suggestions included extending the exclusion zone for cycling, skateboarding and scooter use, extending the exclusion zone for drugs and not having a PSPO at all.

Official responses [included in above coding]:

"I don't think scooters, skateboards and bikes should be prohibited." – local business

5d. Overall agreement to extend the current proposal

Respondents to the survey were asked to reflect upon whether or not they agreed that an extension to the current Town Centre PSPO should be granted for a further three years. Of the 124 responses received, 78% of residents and stakeholders strongly agreed/agreed with the proposed extension.



5e. PSPO resident and stakeholder comments

Residents were provided the opportunity to further comment on the effectiveness of the current PSPO, the proposal to extend it for another three years and any alternatives that should be considered. Responses were themed into the following five categories.

Rank	Category	Number of respondents
1	Begging still an issue	40
2	Need effective enforcement	39
3	Town centre still feels unsafe / unpleasant	32
4	Allow cycling / skateboarding / scooters	19
5	Helps improve town centre	16

Categorised comments - sample verbatim quotes

Begging still an issue: Begging was seen as an on-going problem, which would escalate even further if the PSPO was not extended.

See no difference the PSPO has made to begging. Seems to have got worse.

"Begging the biggest problem and agreeing whatever can be done because it is intimidating for older people."

"Never known a town to so bad for begging."

"Real begging problem outside Morrisons with one man in particular who pretends to be from the armed forces."

"Begging is the worst issue currently, beggars are stopping you and asking for money, some even follow".

Need effective enforcement: There was concern that the existing powers were not being enforced, partially due to a lack of enforcement officers, but also a lack of will. Respondents had reported incidents to officers on the ground who seemed to take no action.

"What would be useful is that if additional funding could be provided to police the issues."

"There needs to be more PSPO officers on duty and they need to cover seven days a week."

"More foot patrols are needed as well as CCTV and more signs."

"Reported an aggressive beggar to some officers on patrol and they just said "oh he's a regular" I asked what were they going to do about it, they just shrugged, walked away and started joking with another beggar."

"I don't feel that the order isn't being enforced enough."

"Enforcement is very weak and appears at times to be non existent. The same attention and vigour that is evident regarding issuing of car parking fines etc should be applied equally vigorously to antisocial behaviour etc which at present is certainly not the case."

"You need to get a real grip on the problem, not just play at it. It's pretty obvious that the current PSPO has no real power and no actual support from the Council - just another PR exercise."

Town centre still feels unsafe / unpleasant: Despite the PSPO, visiting the town centre was seen as an unpleasant experience, with some respondents feeling unsafe, especially if alone or in the evening. This could be from various anti-social behaviours, including intimidation by beggars and concerns about people cycling / skateboarding in pedestrianised areas.

"Work in the town centre and feel totally unsafe when leaving work at 6pm."

"If people don't feel safe being in town then businesses won't survive."

"I still do not feel safe to go into these areas alone."

"Drug users and alcoholics are now back sitting around the town centre on sleeping bags and socialising again every day in all weathers, it gives a bad impression of Bolton."

"No alternative, bad enough as it is".

"I was asked by a lady for money last week and felt intimidated. I was scared of being mugged. They target older people and now I do avoid Bolton because of this and go to Bury."

Allow cycling / skateboarding / scooters: Comments in this category were from respondents who felt that cycling, skateboarding and scooter use should be allowed in pedestrianised areas, as this was safer for them than using roads. Pedestrians should expect to share public space. However, segregated lanes were also suggested, as was targeting irresponsible use rather than a blanket ban.

"Can I ride my bike in town without dying please?...Are you suggesting that shooting up heroine in the middle of the street and riding a bike are the same thing?!"

"The prohibition on cycling is ill-thought out and contrary to a range of current government policies which focus around enabling active travel rather than restricting it."

"It restricts the safe use of cycles and scooters while being totally ignored by those who cycle or scoot dangerously."

"Scooters, skateboards and bikes should be catered for within these zones too by providing a specific lane, area or route for them to use through the town centre."

Helps improve town centre: Respondents felt that the PSPO helped to make the town centre nicer and a safer place to visit, as it had helped to tackle anti-social behaviours.

"Bolton has felt a much safer place since drinking has been stopped."

"Used to be an awful place to attempt to walk through, and work, before this order was put in place".

"Really noticed less groups hanging about nr the benches on bikes and skateboards. hadn't realised it was down to the order but must be. Definitely less people mithering trying to sell you stuff which can get really annoying so that is good."

Other comments included respondents who suggested that the PSPO should be extended to cover more / all of the borough, *"At least when people were begging in the town centre it was a well populated area, I feel much more unsafe where this happens when there are few others about"*.

Respondents also felt that other behaviours that the PSPO was designed to tackle were still an issue, namely cycling, skateboarding and scooter use, anti-social behaviour, drug use, alcohol misuse, selling and busking. *"My grandson 5 year old Narrowly avoided injury...from a cycle being ridden on the pavement at speed"*.

Others felt that the PSPO had helped to tackle key issues, *"I regularly visit the town centre and there's a noticeable difference in the number of people trying to sell you stuff or get you to sign up to different things."* In addition, some respondents felt that busking should be allowed

Alternative suggestions included tackling the root cause of behaviours, rather than banning them or punishing people; *"would welcome a much more person-centred, Bolton Vision 2030 inspired approach to this. I think the council could invest in people and communities in a much better way"*, and directing the public to other ways of helping *"more needs to be done to educate the public not to give money to these people but to donate to Urban Outreach"*

Official responses [included in above coding]:

"Town needs more enforcement officers visible to make shoppers & retailers feel more safe & have someone to contact & inform of problems"
- local business

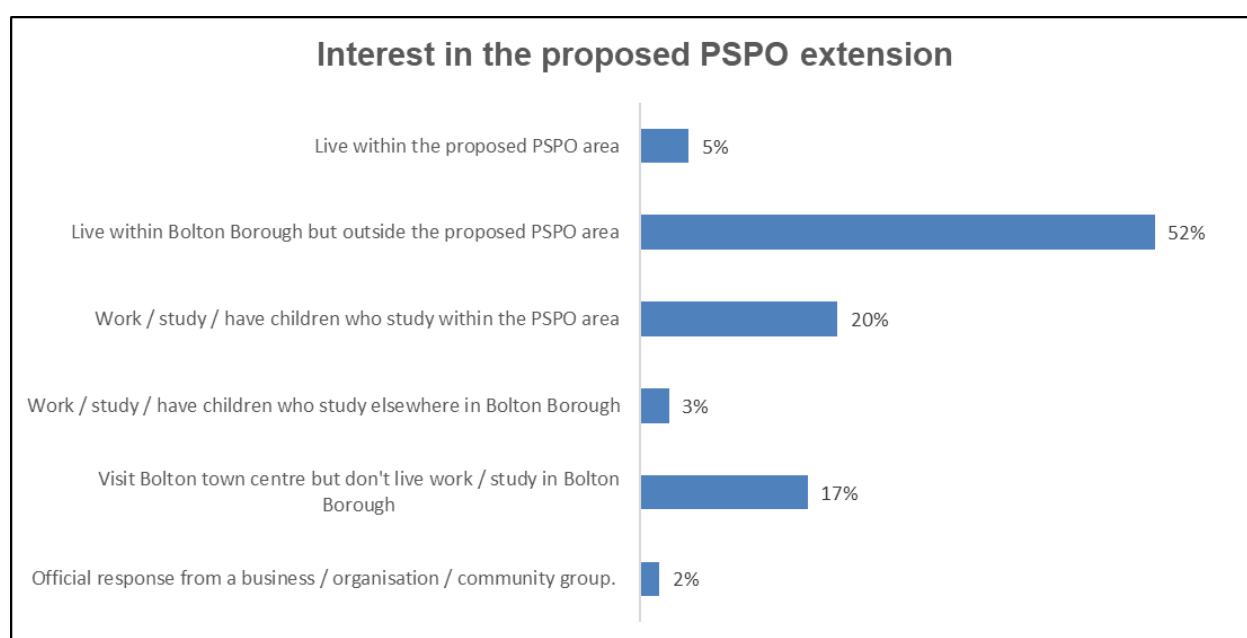
"Not entirely sure of the effect of the PSPO over the last three years. Safety seems to have decreased further, not improved" - Bolton Octagon

Youth survey response: Only one comment was received.

"Skatepark needs to become more friendly- have a graffiti wall"

6a. Respondent's interest in the extension proposal

Those taking part in the consultation were asked what their interest in the proposed extension is. Over half (52%) of respondents stated that they live within the borough of Bolton, but outside of the proposed PSPO area; 5% reside in the town centre PSPO area. One-fifth (20%) of respondents' work, study or have children that study in the proposed extension area.

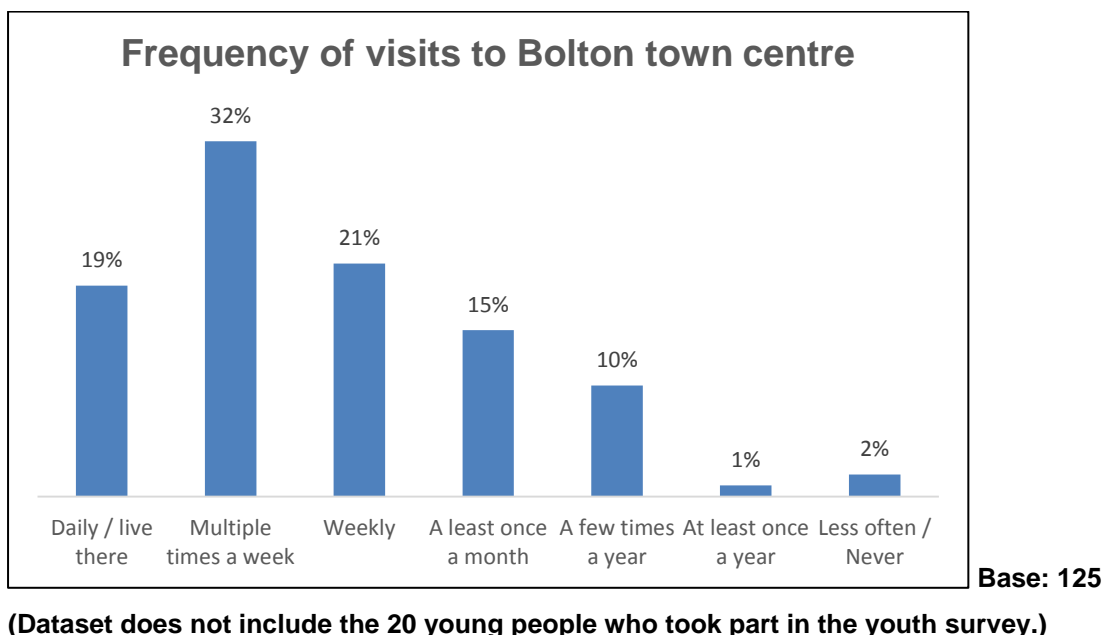


Base: 128

(Dataset does not include the 20 young people who took part in the youth survey.)

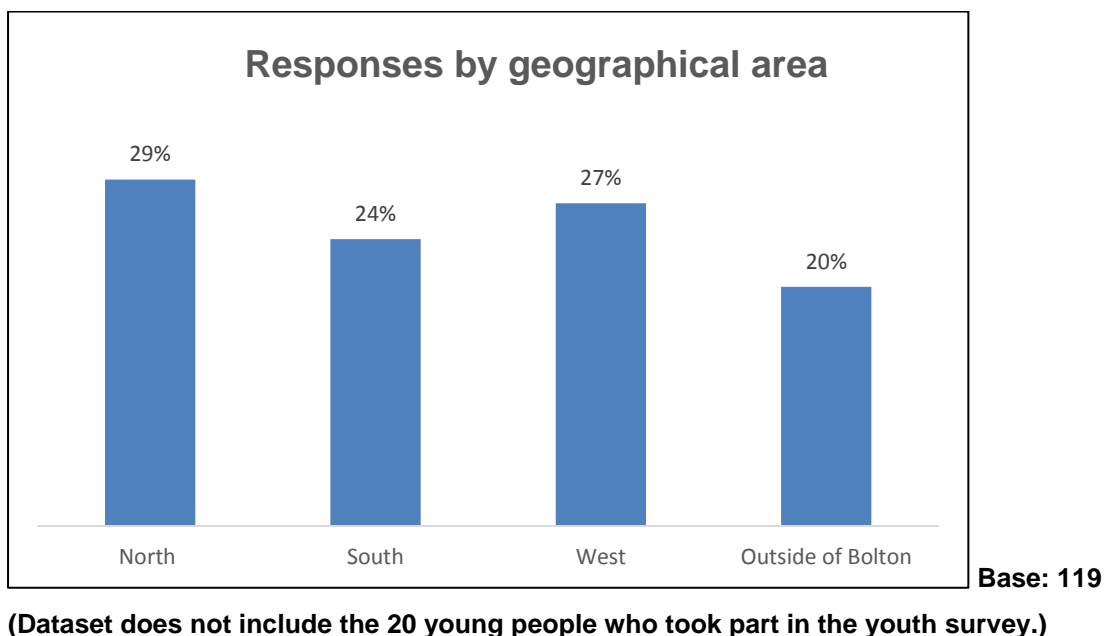
6b. Frequency of visits to Bolton town centre

Residents and stakeholders taking part in the consultation were asked to reflect upon how frequently they visit the town centre. Just under one-third (32%) of respondents are regular visitors to the town centre, accessing the site several times per week, with a further one-fifth (21%) accessing the town centre weekly. Just under one-fifth (19%) live in the town centre.



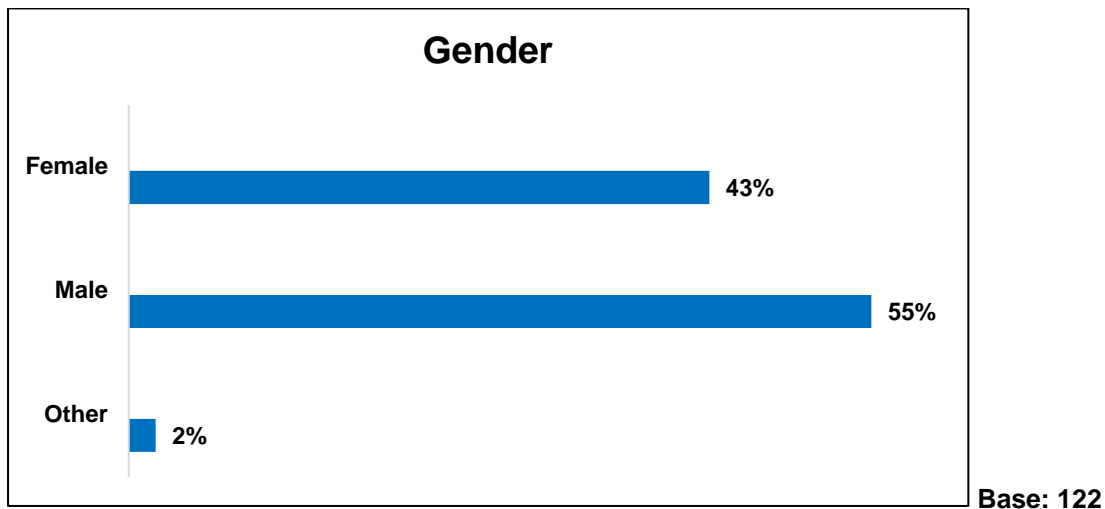
7a. Demographics: Geographical location

The table below outlines the demographics of respondents by geographical district. A total of 119 respondents provided their full postcode. Responses were equally received by residents and stakeholders across the borough. One-fifth of responses were also provided by visitors from outside the borough, predominantly from other districts within Greater Manchester.



7b. Gender

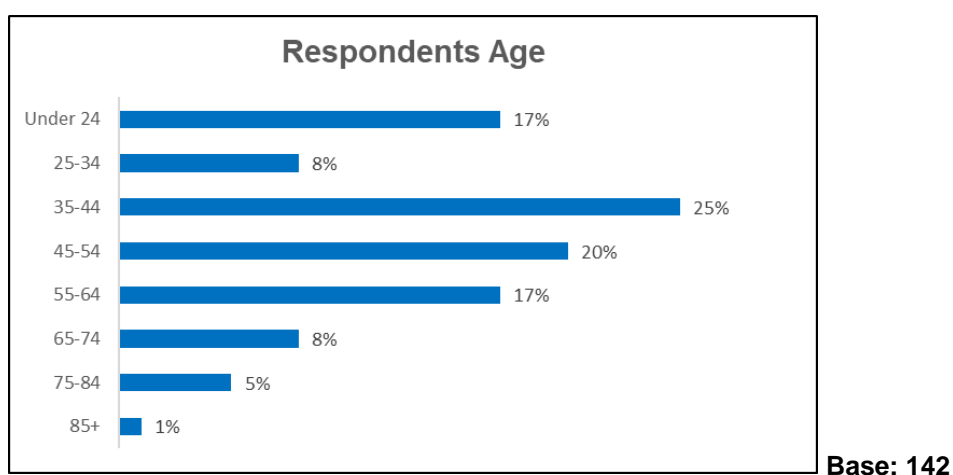
122 responses were received providing the respondent's gender. 53 respondents' identity as being female, 67 as male and 2 respondents identified as 'other'.



(Dataset does not include the 20 young people who took part in the youth survey.)

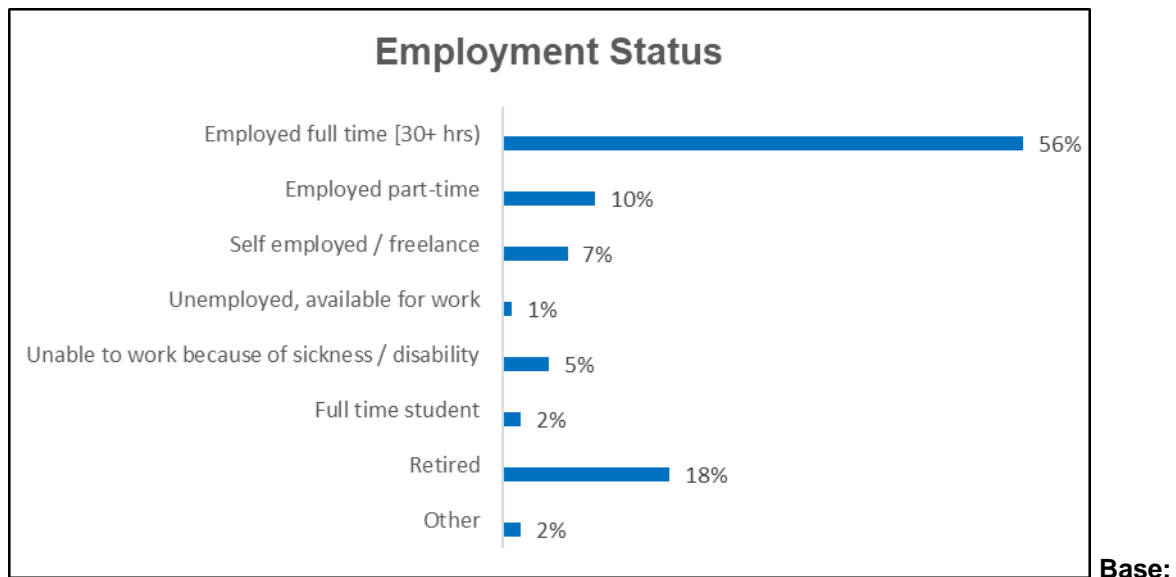
7c Age

Responses were received from individuals in all age categories, including 20 young people, under the age of 24 who took part in an additional survey. 17% of respondents were under the age of 24 years. 70% of respondents were aged between 35 – 64 years. 13% of responses were received from individuals above the age of 65 years.



7d. Employment Status

119 responses were from individuals in some form of employment. 87 (73%) of those responses were received from individuals in some form of employment. 21 (18%) respondents were retirees. Those who stated 'other', (2%), were employed.

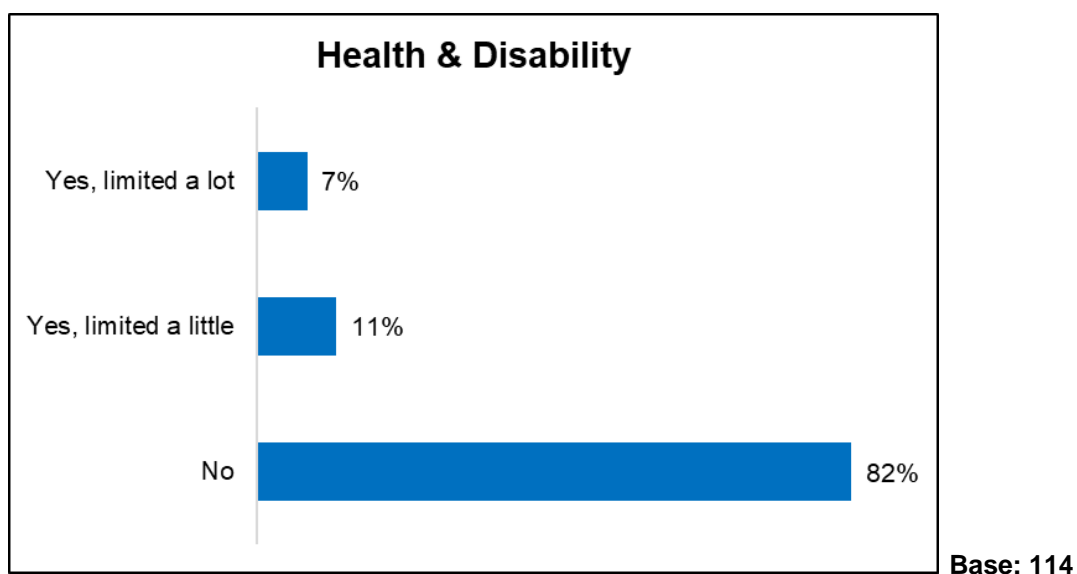


119

(Dataset does not include the 20 young people who took part in the youth survey.)

7e. Disability status

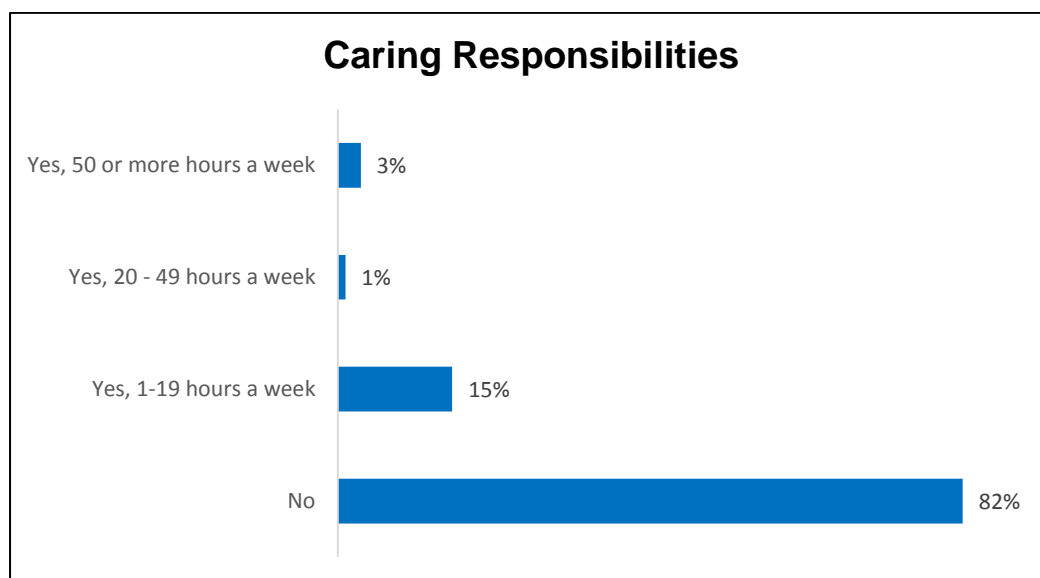
Just under one-fifth of respondents, who took part in the Town Centre PSPO consultation, have their day-to-day activities impacted due to a long-term physical or mental health condition or illness.



(Dataset does not include the 20 young people who took part in the youth survey.)

7f. Caring status

Just under one-fifth of respondents provide some form of caring responsibility to family members, friends, neighbours or others who need help because they have a long-term physical or mental ill-health / disability, or have problems relating to old age.

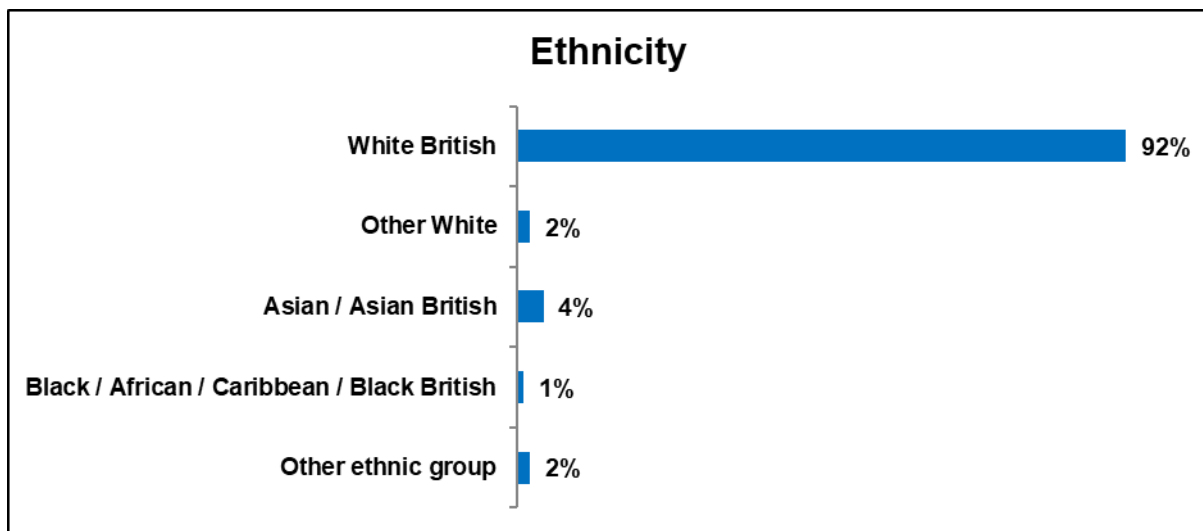


Base: 119

(Dataset does not include the 20 young people who took part in the youth survey.)

7g. Ethnicity

The majority of respondents, 105 (92%) taking part in the consultation identified as being as 'white British'. 9 (9%) of respondents identified as being from other ethnic communities.



Base: 114

(Dataset does not include the 20 young people who took part in the youth survey.)

APPENDIX 5 – TOWN CENTRE LEAFLET



**Proposed
Public Space
Protection
Order 2021
(PSPO)**



We are reviewing the Bolton Town Centre PSPO and are seeking feedback on extending the duration of the current PSPO.

Share your views at
www.bolton.gov.uk/consultations by
 12noon Monday 13th December 2021.



Public Space Protection Orders (PSPOs) are intended to deal with nuisance or problems in an area that have a detrimental effect on the local community and residents quality of life.








The PSPO aims to impose restrictions to reduce anti-social / undesirable behaviour in Bolton town centre, making it a more attractive place to live, visit, work, study or do business in.

If someone breaches a PSPO, they can receive the following penalties:

- A £100 fine on the spot, a Fixed Penalty Notice
- A fine of up to £1,000 if the charge goes to court.

We are looking to extend the duration of the PSPO. The current Order can be viewed online at bit.ly/3HhSFG0

The following activities are prohibited at all times:

- Consumption of alcohol on street
- Ingesting, inhaling, injecting, smoking or otherwise using intoxicating substances
- Anti-social behaviour
- Begging on the street
- Peddling / street trading
- Soliciting for money in the street (charity and commercial)
- Distribution of publicity materials
- Obstructing the highway
- Marking of surfaces such as walls or pavements
- Use of amplifiers/loudspeakers
- Use of bicycles, skateboards and scooter within a specified part of the Prohibition Area

Proposed Bolton Town Centre PSPO map



Blue Line: Boundary for all prohibited activities except bicycles, skateboards and scooters.

Red Line: Boundary for all prohibited activities including bicycles, skateboards and scooters.

APPENDIX 6 – Main Town Centre PSPO Questionnaire and Youth Questionnaire



Bolton town centre Public Spaces Protection Order [PSPO] Three year review

Please complete this questionnaire online if possible, by searching for 'bit.ly/3kloALG' or www.bolton.gov.uk/directory/13/consultations/category/195
If you can't view the supporting documents online please ring 01204 334875.

The current PSPO for Bolton town centre is due to expire in February 2022.
We propose to extend the PSPO for another three years [the maximum allowed by law], keeping all the current restrictions in place.

Public Space Protection Orders are intended to deal with a particular nuisance by imposing restrictions on certain antisocial behaviours. The PSPO is designed to make sure that people can use and enjoy public spaces in Bolton town centre without worrying about anti-social behaviour.

This public consultation forms part of a review we are undertaking of the PSPO to ensure the prohibitions within the order remain proportionate and effective. Consultation responses will be used alongside other information to help the council decide whether to extend the PSPO or not.

Please read the supporting documents for full details of the proposed PSPO before giving your views on the proposed extension.
They can be found online at: www.bolton.gov.uk/directory/13/consultations/category/195

Your responses - keeping your data safe

If you're responding as an individual you won't be identified in any report; your responses will be anonymised and grouped together with those from other people. All questions are optional, so please feel free to skip any that you prefer not to answer.
Reports may be made public. If you are responding in an official capacity your response may be published, but no personal details will be made public.

Any personal data you provide will be held securely, in line with our retention schedule and privacy policy, which can be found online: www.bolton.gov.uk/data-protection-freedom-information/privacy-notices

We use professional software called Snap Surveys to collect and process your data. As data processor, Snap Surveys Ltd. follow the UK General Data Protection Regulation [GDPR]. You can view their privacy policy online: www.snapsurveys.com/survey-software/privacy-policy-uk/

Bolton town centre Public Spaces Protection Order [PSPO] Three year review

Please complete this questionnaire online if possible, by searching for 'bit.ly/3kloALG' or www.bolton.gov.uk/directory/13/consultations/category/195
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Please read the supporting documents for full details of the proposed PSPO before giving your views on the proposed extension.
They can be found online at: www.bolton.gov.uk/directory/13/consultations/category/195

Your responses - keeping your data safe

If you're responding as an individual you won't be identified in any report; your responses will be anonymised and grouped together with those from other people. All questions are optional, so please feel free to skip any that you prefer not to answer.
Reports may be made public. If you are responding in an official capacity your response may be published, but no personal details will be made public.

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Behaviours

The current PSPO aims to stop anti-social behaviour from all public areas within the boundary shown on the maps. There are exemptions, for example skateboarding is allowed within the skate park and drinking alcohol is allowed within licensed premises such as pubs.

Please see the supporting documents for full details of the kinds of behaviour that are currently restricted, exemptions and maps of the area involved.

www.bolton.gov.uk/directory/13/consultations/category/195

We would always offer help to help those who are genuinely homeless or in need of support.

Q1 Which, if any, of these behaviours are currently a problem in the prohibited area of Bolton town centre?

The prohibited areas are shown on the maps. The behaviours listed are a summary of those included in the current PSPO

- | | |
|--|--|
| <input type="checkbox"/> Drinking alcohol on the street | <input type="checkbox"/> Giving out leaflets / publicity materials |
| <input type="checkbox"/> Taking drugs on the street | <input type="checkbox"/> Blocking the pavement with advertising boards / signs etc |
| <input type="checkbox"/> Anti-social behaviour | <input type="checkbox"/> Marking pavement / walls with chalk, paint etc |
| <input type="checkbox"/> Begging | <input type="checkbox"/> The use of amplifiers eg by buskers |
| <input type="checkbox"/> Selling goods on the street | <input type="checkbox"/> Use of skateboards and scooters |
| <input type="checkbox"/> Stopping people to get them to sign up to energy / broadband / tv etc | <input type="checkbox"/> Riding bicycles in a pedestrianised area |
| <input type="checkbox"/> Charities asking for money - cash, Direct Debit etc | <input type="checkbox"/> None of these are a problem |

Q2 Based on the amount of anti-social behaviour you're aware of in Bolton town centre, has the PSPO helped to cut down the following? Please select one response for each behaviour

The behaviours listed are a summary of those included in the current PSPO.

	Has helped to cut down	Hasn't helped to cut down	Wasn't a problem anyway	No opinion
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 etc	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Charities asking for money - cash, Direct Debit etc.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Giving out leaflets / publicity materials	<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 pavement / walls with chalk, paint etc	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The use of amplifiers eg by buskers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use of skateboards and scooters	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Riding bicycles in a pedestrianised area	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q3 How strongly do you agree / disagree that the current PSPO should be extended for another three years to continue to tackle the following behaviours? Please select one response for each behaviour

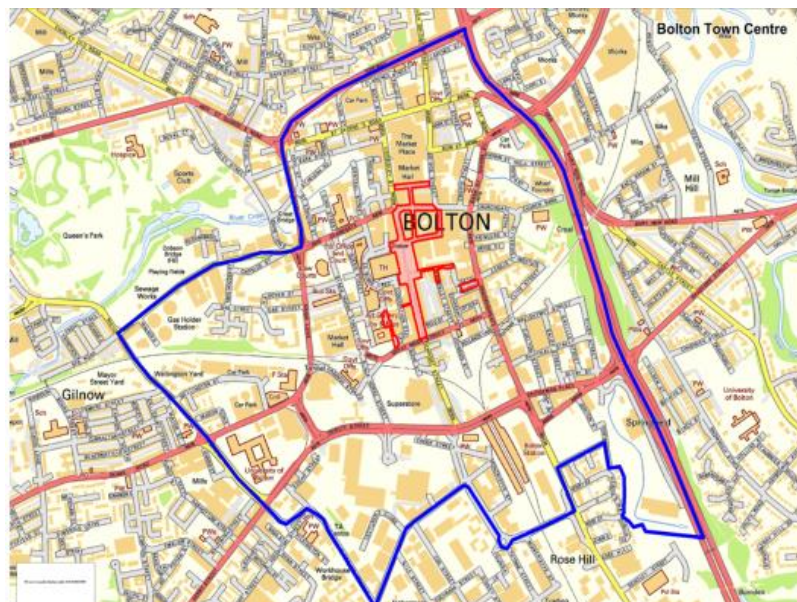
The behaviours listed are a summary of those included in the current PSPO.

	Strongly agree	Agree	Disagree	Strongly disagree	No opinion
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 etc	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Charities asking for money - cash, Direct Debit etc.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Giving out leaflets / publicity materials	<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 pavement / walls with chalk, paint etc	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The use of amplifiers eg by buskers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use of skateboards and scooters	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Riding bicycles in a pedestrianised area	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

PSPO area

Larger maps are included in the supporting documents: www.bolton.gov.uk/directory/13/consultations/category/195

Plan 1 highlights the boundary [shown in blue] of the main prohibition area. This area runs from Topp Way to the north of the Town Centre between its junction with St Georges Road and A666. It incorporates [approximately] the town centre area which lies between A666 to the east and Mayor Street to the west. The most southerly point of the boundary falls at Fletcher Street with the junction of Bridgeman Street.



Q4 Does the main PSPO [Plan 1] cover the right areas of the town centre?

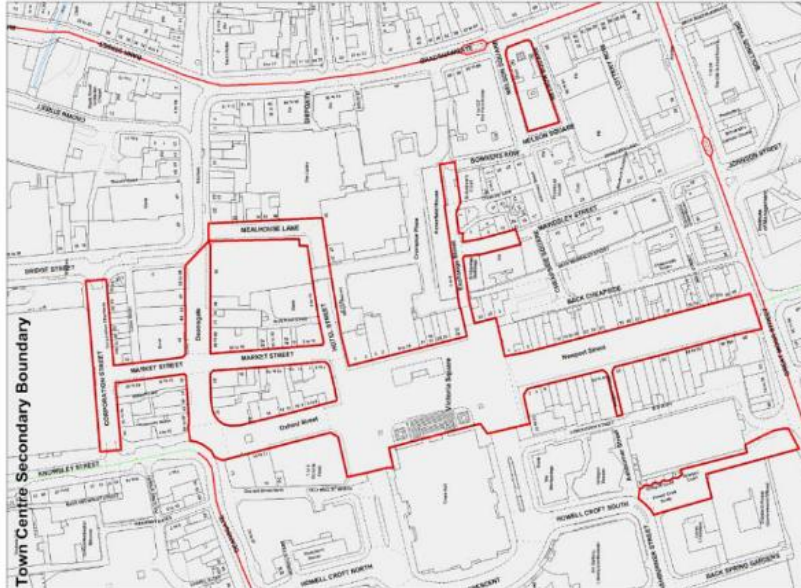
☐ Yes

☐ No

☐ No opinion

Plan 2 highlights the secondary Prohibition Area edged in red, which only applies to skateboards, scooters and bicycles.

This incorporates [approximately]: Corporation Street to the North of the prohibition area, Market Street, Deansgate - the area between its junction with Bridge Street and Knowsley Street, Oxford Street, Hotel Street, Mealhouse Lane, Victoria Square, Newport Street, Exchange Street, Nelson Square, Howell Croft South.



Q5 Does the secondary PSPO [plan 2] cover the right areas of the town centre?

This is where the use of skateboards, scooters and bicycles are prohibited

☐ Yes

☐ No

☐ No opinion

Q6 If you have answered 'no' to Q4 or Q5:

Please explain which areas should be included in or left out of the PSPO

Overall

Q7 How strongly do you agree / disagree that the current PSPO should be extended for another three years?

- ☐ Strongly agree ☐ Agree ☐ Disagree ☐ Strongly disagree ☐ No opinion

Q8 Please use this space for any comments about effectiveness of the current PSPO, the proposal to extend it for another three years and any alternatives that we should consider

Your interest

Q9 Which of the following best describes your interest in this matter?

- ☐ Live within the proposed PSPO area - please go to Q10
☐ Live within Bolton Borough but outside the proposed PSPO area - please go to Q10
☐ Work / study / have children who study within the PSPO area - please go to Q10
☐ Work / study / have children who study elsewhere in Bolton Borough - please go to Q10
☐ Visit Bolton town centre but don't live work / study in Bolton Borough - please go to Q10
☐ Official response from Parish / Bolton borough Councillor / Elected Member - please go to Q9b
☐ Official response from a business / organisation / community group. You must have their permission to submit an official response on their behalf - please go to Q9b
☐ None of the above - please go to Q9a

Q9a Please say what your interest is, then go to Q10

Q9b Please say which ward, business, organisation or community group you represent

Q9c Please say in what official capacity you are responding - then go to the end of the questionnaire

Q10 How often do you visit Bolton town centre?

Please include all visits, whether for work, shopping, leisure, study etc

- ☐ Daily / live there
- ☐ Multiple times a week
- ☐ Weekly
- ☐ A least once a month
- ☐ A few times a year
- ☐ At least once a year
- ☐ Less often / Never

About you

Your answers in this section help us to make sure that we are getting views from different types of people.

They will not be used to contact you.

Q11 Please give your full postcode

Q12 Are you ...?

- ☐ Female
- ☐ Male
- ☐ Other

Q13 Which most closely describes you?

- ☐ Employed full time [30 hours or more a week]
- ☐ Employed part-time [up to 30 hours a week]
- ☐ Self employed / freelance
- ☐ Unemployed, available for work
- ☐ Unable to work because of sickness / disability
- ☐ Full time student
- ☐ At home, looking after family
- ☐ Retired
- ☐ Other - please go to Q13a

Q13a If 'other' please explain

Q14 Which age group are you in?

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

Q15 Do you look after, or give any help or support to family members, friends, neighbours or others who need help because they have a long-term physical or mental ill-health / disability, or have problems relating to old age?

Please don't count anything you do as part of your paid employment.

- | | |
|--|--|
| <input type="radio"/> No | <input type="radio"/> Yes, 20 - 49 hours a week |
| <input type="radio"/> Yes, 1-19 hours a week | <input type="radio"/> Yes, 50 or more hours a week |

Q16 What is your ethnic group?

- | | |
|--|--|
| <input type="radio"/> White British | <input type="radio"/> Asian or Asian British |
| <input type="radio"/> White other | <input type="radio"/> Black, Black British, Caribbean or African |
| <input type="radio"/> Mixed or Multiple ethnic group | <input type="radio"/> Other ethnic group |

Q17 Are your day to day activities limited because of a long-term physical or mental health conditions or illness?

Long-term means something that has lasted or is expected to last 12 months or more.

- | | | |
|--|---|--------------------------|
| <input type="radio"/> Yes, limited a lot | <input type="radio"/> Yes, limited a little | <input type="radio"/> No |
|--|---|--------------------------|

**Thanks for your views. Please post your completed questionnaire to:
FREEPOST RTTT-YTEL-YSXS, Consultation & Research Team, 2nd Floor, Town
Hall, Victoria Square, Bolton, BL1 1RU**

Bolton town centre Public Spaces Protection Order [PSPO] Three year review Youth survey

The current PSPO for Bolton town centre is due to expire in February 2022.

We propose to extend the PSPO for another three years [the maximum allowed by law], keeping all the current restrictions in place.

Public Space Protection Orders are intended to deal with a particular nuisance by imposing restrictions on certain antisocial behaviours. The PSPO is designed to make sure that people can use and enjoy public spaces in Bolton town centre without worrying about anti-social behaviour.

This public consultation forms part of a review we are undertaking of the PSPO to ensure the prohibitions within the order remain proportionate and effective. Consultation responses will be used alongside other information to help the council decide whether to extend the PSPO or not.

For full details of the proposed extension, please see www.bolton.gov.uk/directory/13/consultations/category/195.

Your responses - keeping your data safe

You won't be identified in any report, your response is anonymous and will be grouped together with those from other people. Reports may be made public.
All questions are optional, so please feel free to skip any that you prefer not to answer.

Any personal data you provide will be held securely, in line with our retention schedule and privacy policy, which can be found here:

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Behaviours

The current PSPO aims to stop anti-social behaviour from all public areas within the boundary shown on the maps.

There are exemptions, for example skateboarding is allowed within the skate park and drinking alcohol is allowed within licensed premises such as pubs.

Please see the supporting documents for full details of the kinds of behaviour that are currently restricted, exemptions and maps of the area involved. www.bolton.gov.uk/directory/13/consultations/category/195

We would always offer help to help those who are genuinely homeless or in need of support.

- Q1** How strongly do you agree / disagree that the current PSPO should be extended for another three years to continue to tackle the following behaviours? Please select one response for each behaviour

The behaviours listed are a summary of those included in the current PSPO.

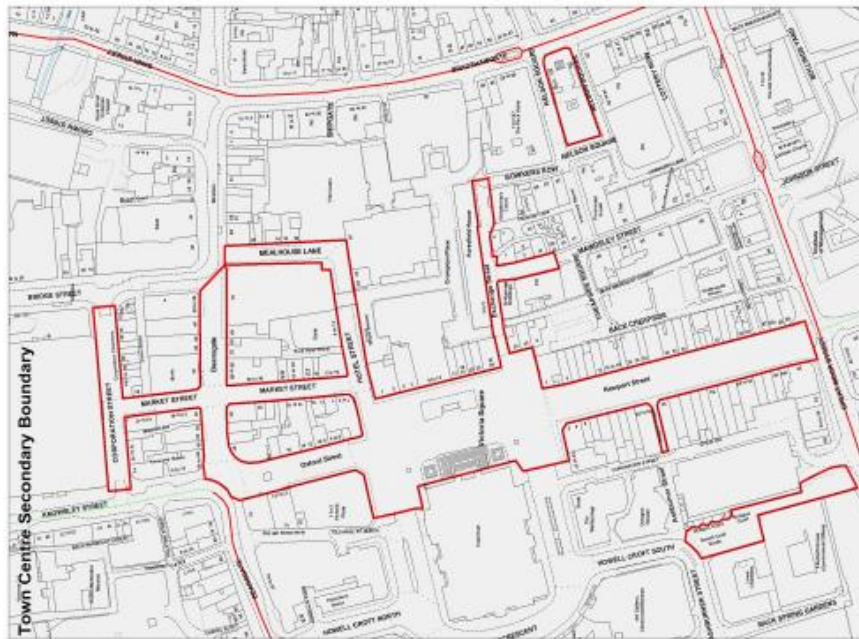
	Strongly agree	Agree	Disagree	Strongly disagree	No opinion
Drinking alcohol on the street	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Taking drugs on the street	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<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 etc	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Charities asking for money - cash, Direct Debit etc.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Giving out leaflets / publicity materials	<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 pavement / walls with chalk, paint etc	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The use of amplifiers eg by buskers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use of skateboards and scooters	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Riding bicycles in a pedestrianised area	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

PSPO area

Larger maps are included in the supporting documents www.bolton.gov.uk/directory/13/consultations/category/195

Plan 2 highlights the secondary Prohibition Area edged in red, which only applies to skateboards, scooters and bicycles.

This incorporates [approximately]: Corporation Street to the North of the prohibition area, Market Street, Deansgate - the area between its junction with Bridge Street and Knowsley Street, Oxford Street, Hotel Street, Mealhouse Lane, Victoria Square, Newport Street, Exchange Street, Nelson Square, Howell Croft South.




Q2 Does the secondary PSPO [plan 2] cover the right areas of the town centre?
This is where the use of skateboards, scooters and bicycles are prohibited

☐ Yes ☐ No ☐ No opinion

Q3 Please explain which areas should be included in or left out of the PSPO

Overall

Q4 Please use this space for any comments on the proposal to extend the current Town Centre PSPO.



Thanks for your views. Please click 'submit' to send your response to us

APPENDIX 7 - Formal responses to the Consultation

Formal responses

Greater Manchester Police

Bolton district of GMP are very much in favour of renewing the pspo. The order has proved to be both necessary and proportionate in dealing with a wide range of anti-social behaviours and allows us to work more effectively as a partnership by providing a clear framework around offences, responsibilities and potential enforcement options which are wider than if a PSPO did not exist. The PSPO has been particularly effective tool against begging in the town centre and clearly demonstrates the positive effect it can have

Public Health Team Response

December 2021

Bolton Council Public Health Department provides the following response in relation to the consultation regarding the extension to the existing Town Centre PSPO, due to expire in February 2022.

Overall the department is supportive of the intention of the PSPO in making Bolton town centre a greener, healthier and safer place for people of all ages and backgrounds to enjoy living, working and spending time. We would suggest that, rather than simply being 'rolled over' the contents and geographical scope of the PSPO are considered in the context of the substantial redevelopments which are planned and underway in the town centre to ensure that measures that are put in place are aligned with and support this future vision for the town centre.

Specific responses are provided to the following prohibited activities which are proposed to be extended in their current form.

Consumption of Alcohol on street and Intoxicating Substances

1.1 Consumption of Alcohol on street

All persons are prohibited from consuming alcohol or having an open Alcohol container within the Prohibition Area 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 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.

We strongly support the retention of the above, as they are measures that support reducing the impact of problematic drinking and substance use. We would want to ensure that links are made with access to support and recovery services where appropriate, for example individuals who are frequently in breach of these elements of the PSPO. The government's new substance misuse strategy, 'From harm to hope: a 10-year drugs plan to cut crime and saves lives.' (HM Gov., Dec 2021) creates the capacity for more specialist substance misuse services for people with co-occurring issues -including those experiencing or at risk of rough sleeping, to come online soon led by public health and key partners.

More specifically this includes nationally,

- at least 7,500 more treatment places for people who are either rough sleeping or at immediate risk of rough sleeping – a 33% increase on the current numbers (p9)
- (work with NHS England to explore opportunities) for better commissioning to make sure that there is locally joined-up service provision between specialist mental health services and substance misuse services for people with co-occurring issues including those experiencing rough sleeping (p37)

This will allow local authorities with specialist partners, to extend our work to provide specialist treatment and recovery services to people sleeping rough and offer help to people whose ability to engage in treatment is hampered by their need for support with their housing.

To do this we will continue investment in the rough sleeping drug and alcohol treatment grant (RSDATG) to improve services for people who sleep rough or are at risk of sleeping rough, building on substantial funding invested in 2020/21 and 2021/22, including a further investment of at least £15 million to expand the strategy this over the next three years. RSDATG will provide at least 7,500 more people who are either rough sleeping or at immediate risk of rough sleeping with treatment...(p38)

Therefore, any future PSPO should consider the aims of the national and local substance misuse strategy and work in conjunction with the local Public Health Team to understand the local provision being developed and how this can contribute to tackling the problem of misuse at its heart and consequential anti-social behaviour within the town centre.

Prohibition of use of skateboards, scooters and bicycles

1.12 Use of skateboards and scooters

All persons are prohibited from using a skateboard or Scooter within a specified part of the Prohibition Area.

1.13 Use of bicycles

All persons are prohibited from cycling/ riding a bicycle within a specified part of the Prohibition Area.

Emergency services are exempt.

We strongly oppose the retention of the above, as they are measures that do not support people to make journeys by active travel to or through the town centre. Alternative safe routes, separated from motor traffic, are not yet available for the large majority of cross-town routes, and people who use cycles as mobility aids may find difficulty parking further from their destination. We feel the prohibition of the use of skateboards, scooters, and cycles at all times within the specified area is disproportionate as the use of a skateboard, scooter, or cycle is not in and of itself antisocial. Where skateboards, scooters, and cycles are used in a genuinely antisocial way, this can be more appropriately managed under the general antisocial behaviour prohibition, without inconveniencing responsible users. Active travel has many health and climate benefits, and these vehicles pose substantially lower risk of personal injury or death than motor vehicles - which are also present in the town centre including in the specified area - due to their lower speed and weight.

This prohibition has the effect of restricting or discouraging active travel trips, and does not send out the message that the council is supportive of its greater use, an important element of the borough's recently launched Climate Strategy.

We also have also looked at examples of alternative provision across the country to support appropriate cycle and scooter and skateboard behaviour and would like to draw attention to the consultation lead officers to the following examples:

Mansfield District Council introduced a ban on cycling through parts of Mansfield town centre in 2016 effective 24 hours a day, similar to that in the Bolton order. Negative publicity included in 2017 when the Tour of Britain took place along one of the affected streets. Legal proceedings were commenced in the high court between six affected cyclists (supported by Cycling UK's Cyclists Defence Fund) and Mansfield Council in September 2016. The ban has now been relaxed.

Daily Telegraph 20th August 2017. *Tour of Britain being hosted in town that bans cycling.*
<https://www.telegraph.co.uk/news/2017/08/20/tour-britain-hosted-town-bans-cycling/>

Transport Network (2018). Mansfield relaxes ban on 'anti-social cycling'
<https://www.transport-network.co.uk/Mansfield-relaxes-ban-on-anti-social-cycling/14817>

Project in Leicester City Council whereby 'considerate cyclists welcome' signage has replaced PSPO signage to encourage positive cycling behaviour. The Public health Team are happy to facilitate a further discussion with colleagues within the city council and Bolton Council to help explore this methodology and positive impact on cycling behaviour

[Steps taken to try to stop inconsiderate and dangerous cycling in Leicester's pedestrian streets - Leicestershire Live \(leicesterm Mercury.co.uk\)](#)

Begging on the street

1.4 Begging on the street

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

We support the retention of measures restricting all persons placing themselves in a position to beg or solicit money within the Prohibition Area.

However, we also acknowledge that homelessness/housing support services are based in and around the town centre which often creates a focal point for vulnerable adults to congregate in the immediate town centre. Continued engagement is needed with this vulnerable group in order to minimise those begging, by such services as council homelessness support team/ urban outreach and street kitchen to provide continued holistic services for this group.

Peddling/street trading

1.5 Peddling/ street trading

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

We support the retention of measures restricting unlicensed street trading as this activity does not add to the amenity of the town centre and can involve substandard, counterfeit and even dangerous goods in scenarios agencies such as Trading Standards find it difficult to regulate.

General Summary from Public Health Team

In general we would support all other measures as provided in the PSPO order 2019 detail however, we would like to make the following comments about how to potentially improve the town centre public behaviour through other methods rather than PSPO conditions for the future taking a holistic Public Health approach..

- **Healthy high streets** can be considered an asset that promotes and improves the health of local residents and the wider local community. They feature good quality design and furniture, providing accessible, safe communal spaces that can be used to create healthier, safer and more cohesive local communities.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/699295/26.01.18_Healthy_High_Streets_Full_Report_Final_version_3.pdf
- For example, in Bolton town centre 'healthy high streets' could look like a creative space for performers or a non-drinking zone area where children and families from all communities feel safe and can enjoy food and entertainment representing our vibrant culture.
- **Crime and fear of crime can significantly affect footfall and contribute to high street degradation.** Crime Prevention through Environmental Design (CPTED) is an approach used to 'design out' crime. Its methods include; promoting local ownership, care and maintenance, improving natural surveillance, balancing access control with permeability (the ability to move freely), and maintaining local areas to prevent further destruction and criminal behaviour.
- **Business Improvement Districts' Contribution to Crime Reduction And The Challenges They Face In Addressing Levy Payers' Safety And Security Concerns** The_BID_Safe__Secure_Report.pdf (nbcc.police.uk)
- Not only do the majority of BIDs have the solid foundations of a Business Crime Reduction Partnership (BCRP) embedded into their 'safe and secure' models, the overall benefits they deliver far exceed traditional town centre approaches to crime reduction.
- Evidence from London Boroughs also showed that growing confidence of BID crime managers has led to an innovative and more holistic approach to crime reduction that incorporates the major societal issues e.g. investment in security improvements

The Public Health Team would like the opportunity to discuss some of these national initiatives further with the consultation leads, planning and town centre improvement colleagues, and how these methods could be considered to help achieve Bolton Town Centre's long term vision of the future.

LIBERTY

Bolton Council
Town Hall
Victoria Square
Bolton
BL1 1RU

LAWYERS

HEAD OF LEGAL
CASEWORK
Louise Whitfield,
Solicitor

Lana Adamou, Solicitor
Lara ten Caten, Solicitor
Megan Goulding,
Solicitor
Katy Watts, Solicitor

The solicitors employed by Liberty are individually authorised and regulated by the Solicitors Regulation Authority.

By email only to: community.safety.services@bolton.gov.uk and
hilary.fairclough@bolton.gov.uk

Our ref: 39/LC/HST

10 December 2021

Dear Madam or Sir

Public Spaces Protection Order Consultation - Bolton Council

We write in relation to Bolton Council's ('the Council') Consultation ('the Consultation') regarding the renewal of its Town Centre Public Spaces Protection Order dated 19 February 2019 (the 'PSPO'). For the reasons set out below, we ask that the Council drops its proposals to renew the PSPO, which contains prohibitions that target vulnerable individuals and unduly restrict civil liberties.

Our letter is based on information regarding the Consultation as set out on the Council's website,¹ as well as the PSPO itself.²

1. Background to Liberty's concerns

Liberty has been concerned about the impact of PSPOs since their inception and has successfully persuaded a number of local authorities not to pursue their proposed PSPOs. We are particularly concerned about the potential misuse of PSPOs, especially those that punish poverty-related behaviours, such as begging. For the reasons set out below, we are against the renewal of the PSPO.

¹ <https://www.bolton.gov.uk/downloads/file/3954/faq-accessing-support>, accessed 10 December 2021.

² <https://www.bolton.gov.uk/downloads/file/1917/bolton-town-centre-public-spaces-protection-order-2019>, accessed 10 December 2021.

2. Evidence

We are disappointed with the lack of evidence that has been published on the Council's website to support the PSPO and, in particular, the provisions that seek to criminalise poverty and inhibit the right to protest.

The Council is required by s. 60 of the Anti-social Behaviour, Crime and Policing Act 2014 (the 'Act') to be satisfied on reasonable grounds that the extension of the PSPO is necessary to prevent the occurrence or recurrence of the activities specified in the PSPO or to prevent an increase in the frequency or seriousness of those activities.

The Council cannot reasonably be satisfied of these conditions without first considering robust evidence on the situation in the area which will be covered by the renewed PSPO.

The Council's FAQ document states: *'The prohibitions included in the current PSPO are proportionate, based on evidence, consultation responses and analysis and we believe are necessary to address the issues of anti-social behaviour within the specified designated location'* (emphasis added).³ However, there is no such evidence on the Council's website. Rather, Bolton Council's Deputy Leader, Cllr Hilary Fairclough was recently reported as giving a number of concerning statements. Specifically, that "People begging on the streets can be intimidating to others and put people off visiting the town centre", that the Council will "crack down on anyone who comes into Bolton to exploit the generosity of our residents" and that the individuals prosecuted under the PSPO "have access to accommodation, regardless of any claims they might make".⁴ The Council appears to be using the PSPO to target and criminalise the poorest sector of its population in an attempt to socially cleanse the town. It is unclear what 'access to accommodation' means. A person who is sofa-surfing but destitute would seem to fall into this category. Such a person may have no option but to beg in order to support themselves. The Council's failure to publish evidence of a problem with the behaviours it seeks to criminalise is particularly concerning given how extensive the provisions of the PSPO are, and the broad range of behaviours it proposes to prohibit.

If the Council goes ahead with making this PSPO without sufficient evidence, it will be unlawful and vulnerable to challenge in the High Court.

Furthermore, we note that the Council carried out Equality Impact Assessment ('EIA') for the PSPO in March 2018.⁵ That EIA is flawed as it does not properly consider the impact of the prohibitions on disabled persons, in particular on those who have suffered trauma and/or have mental health problems.

The adverse impact of trauma on people's physical⁶ and mental health is well understood and recognised.⁷ There are well-established links between homelessness,

³ <https://www.bolton.gov.uk/downloads/file/3954/faq-accessing-support>, accessed 10 December 2021.

⁴ <https://www.bolton.gov.uk/news/article/1272/residents-urged-to-give-to-homelessness-charities-as-council-cracks-down-on-begging>, accessed 10 December 2021.

⁵ Equality Impact Assessment, Town Centre Public Spaces Protection Order (PSPO) dated 23/03/2018, accessed [here](#) on 10 December 2021.

⁶ [About the CDC-Kaiser ACE Study | Violence Prevention | Injury Center | CDC](#), accessed 10 December 2021.

⁷ <https://www.mind.org.uk/information-support/types-of-mental-health-problems/trauma/effects-of-trauma/#:~:text=had%20to%20say.%22-,Trauma%20and%20physical%20health%20problems,impact%20on%20your%20physical%20health.>, accessed 10 December 2021.

trauma⁸ and disability. There is therefore a risk that this PSPO will unlawfully discriminate against disabled people, including those living with mental health conditions. This is also recognised in the Rough Sleeping Strategy, which sets out as one of its goals to '*address associated issues such as substance misuse and mental health issues which frequently contribute to repeat homelessness*'.⁹ These complex issues are usually a result of trauma.¹⁰ Those who are living on the streets and living with trauma and/or mental health problems are precisely those who are the most vulnerable; they should not be targeted and risk having their rights infringed in this way.

The Council should conduct a further EIA before considering renewing the PSPO. If you contend that you have carried out a further EIA, addressing the concerns above, we request a copy of it.

3. General concerns

The presence of people living in the streets, who may be begging, is a symptom of poverty and of the detrimental impact of economic inequality and other factors, not the cause. The Council should liaise with local community partners to address the causes of homelessness; not extend a PSPO that simply moves the problem to neighbouring areas.

In addition, the PSPO provisions constitute a potential interference with Article 8 of the European Convention of Human Rights ('the Convention'). The Council is bound by s. 6 of the Human Rights Act 1998, under which it must not act in any way which is incompatible with any rights contained in the Convention. Article 8 of the Convention deals with the right to respect for private and family life. This right 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. Any interference with this right must be 'in accordance with the law', a concept which has been interpreted to mean that any relevant legal provision must be circumscribed with precision and allow sufficient foreseeability of its breadth and consequences. There is a clear risk that the vague terms included in the PSPO fail to satisfy this requirement and, therefore, are unlawful under Article 8 of the Convention.

4. Anti-social behaviour and begging

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

This prohibition is a blanket ban that is unsupported by evidence, is not needed and must be removed. This blanket ban would also prevent charitable acts: someone who

⁸

https://www.feantsa.org/download/feantsa_traumaandhomelessness03073471219052946810738.pdf, accessed 10 December 2021

⁹ Rough Sleeping Strategy August 2018 – Ministry of Housing, Communities and Local Government, page 44, accessed on 10 December 2021.

¹⁰ From enforcement to ending homelessness: guides (crisis.org.uk) pages 17-19, accessed 10 December 2021 here: <https://www.crisis.org.uk/ending-homelessness/resources-for-practitioners/housing-centre-guides/from-enforcement-to-ending-homelessness-guides/>.

is living in the streets should not be criminalised simply because they have accepted a sandwich or a cup of coffee from a passer-by or from a charity.

It is highly likely that a significant portion of, if not all, people begging in the PSPO area are doing so because they are in desperate need of financial help. No one in that situation should be fined and criminalised. Such behaviour is the inevitable consequence of poverty and deprivation, not anti-social behaviour.

A blanket ban on begging could have a harmful and disproportionate effect on the most vulnerable people in your area. A recent article published by Bolton News highlighted the increasing poverty rates in Bolton. It reported that *'Bolton's child poverty rate increased from 32.9 per cent in 2014/15 to 37 per cent in 2019/20'* and that in Bolton South East *'45 per cent of children [are] living in poverty'*.¹¹

The Home Office's guidance, 'Anti-social Behaviour, Crime and Policing Act 2014 – Anti-social behaviour powers – Statutory guidance for frontline professionals', revised in January 2021 (the 'Statutory Guidance'),¹² states that local authorities should define 'precisely' the behaviour that is having the detrimental impact on the community. This proposed prohibition fails to do this. Moreover, the provision contravenes the Statutory Guidance urging councils to *'consider carefully the nature of any potential Public Spaces Protection Order that may impact on homeless people and rough sleepers'*.¹³ The Statutory Guidance also emphasises that the prohibited behaviour itself must be unreasonable, and that PSPOs should only be used to address any specific behaviour which is within the control of the person concerned.¹⁴ Begging when in poverty is not in itself harmful or unreasonable, nor does that person have any other option where begging is their only means to provide for themselves.

Additionally, it is not reasonable (or efficient) to slap those who are begging with fines that they cannot afford to pay. Indeed, it would be particularly cruel and perverse for those caught begging in violation of the PSPO to have to pay a fine using the little money they might have saved from charitable donations. The only method of enforcing a PSPO is by way of a Fixed Penalty Notice (a 'FPN') of up to £100 or, upon prosecution, a fine of up to £1,000. A PSPO does not give council officers, police officers or Magistrates any other additional powers, for example powers to require engagement with substance misuse services. It is very concerning that, despite this, the Council is currently issuing fines and prosecuting individuals under the PSPO: in October, it was reported that nine individuals were prosecuted under the PSPO after failing to pay an FPN.¹⁵

Blanket bans on begging are also likely to be ineffective. As the Statutory Guidance suggests, *'introducing a blanket ban on a particular activity may simply displace the*

¹¹ <https://www.theboltonnews.co.uk/news/19323776.bolton-mp-raises-concerns-child-poverty-rates-bolton-soar/>, accessed 10 December 2021.

¹² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956143/ASB_Statutory_Guidance.pdf, page 65, accessed 10 December 2021.

¹³ Ibid.

¹⁴

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956143/ASB_Statutory_Guidance.pdf, pages 59 - 60, accessed 10 December 2021.

¹⁵ <https://www.bolton.gov.uk/news/article/1272/residents-urged-to-give-to-homelessness-charities-as-council-cracks-down-on-begging>, accessed 10 December 2021.

behaviour and create victims elsewhere'.¹⁶ This has been the experience of many other local authorities who have enacted similar provisions.

The prohibition on begging constitutes an interference with Articles 8 and 10 of the Convention and therefore the Human Rights Act 1998. The measure interferes with these rights in two ways. Firstly, begging is an expression of poverty and disadvantage. Criminalising this behaviour may undermine the right to freedom of expression under Article 10 of the Convention. Secondly, as outlined above, Article 8 of the Convention extends to the protection of personal autonomy and can apply to activities conducted in public. Begging is a form of interaction with others which falls within the scope of the right to respect for private life under Article 8. As such, its criminalisation may be unlawful owing to a breach of Article 8.

Indeed, in a recent case in the European Court of Human Rights (the 'ECtHR'), a blanket ban on begging such as the one you are consulting on was held to be unlawful.¹⁷ The court stated that the penalty given impaired the very "essence" of Article 8 and ultimately undermined 'human dignity'. In light of this judgment, it is highly likely that enforcement of this provision of the PSPO would amount to a breach of the Human Rights Act and be unlawful.

This is further supported by a recent case in which Liberty was involved. Liberty was instructed on behalf of a Poole resident in a statutory appeal before the High Court, challenging Bournemouth, Christchurch and Poole Council's PSPO which included a prohibition on begging (CO/2060/2018). Following the issuing of proceedings, BCP Council's officers recommended to BCP's Cabinet that it varied the order to remove the prohibitions relating to begging and rough sleeping. Notably, Council leader Vikki Slade expressed that people should be treated 'as humans' and 'not vermin'.¹⁸ Liberty agrees. BCP Council ultimately agreed to remove all offending provisions. In light of this, we urge the Council to reconsider its proposed renewal of the PSPO. If it decides to renew the begging provisions, it would be vulnerable to a similar legal challenge.

Furthermore, any blanket ban on begging is potentially discriminatory, as stated above. There are well-established links between begging, homelessness and disability. There is therefore a risk that this provision will unlawfully discriminate against disabled people.

5. Obstructing the highway

1.9 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.

We are concerned that this provision would grant an excessively broad discretion to enforcement officers and could be used to wrongly target those who are simply sleeping on the streets in the PSPO area, whilst not causing nuisance or engaging in violent behaviour.

¹⁶

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956143/ASB_Statutory_Guidance.pdf, page 61, accessed 10 December 2021.

¹⁷ *Lacatus v. Switzerland* (application no. 14069/15) [18.01.2021].

¹⁸ <https://www.bbc.co.uk/news/uk-england-dorset-54091770>, accessed 10 December 2021.

The Statutory Guidance states (emphasis added):

Public Spaces Protection Orders should not be used to target people based solely on the fact that they are homeless or rough sleeping, as this in itself is unlikely to mean that their behaviour is having an unreasonably detrimental effect on the community's quality of life which justifies imposing restrictions using a PSPO. Councils may receive complaints about homeless people, but they should consider whether the use of a Public Spaces Protection Order is the appropriate response. 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.

Councils should therefore consider carefully the nature of any potential Public Spaces Protection Order that may impact on homeless people and rough sleepers. It is recommended that any Order defines precisely the specific activity or behaviour that is having the detrimental impact on the community. Councils should also consider measures that tackle the root causes of the behaviour, such as the provision of public toilets.

The council should also consider consulting with national or local homeless charities when considering restrictions or requirements which may impact on homeless people and rough sleepers.¹⁹

In reference to the wording of the PSPO, the 'obstructing' condition is vague and widely drafted. These vague provisions could easily be interpreted to even cover someone sitting on the floor in Bolton town centre or surrounding streets.

The presence people living on the streets in an area is a *symptom* of poverty and of the detrimental impact of economic inequality and other factors, not the cause. A PSPO will do nothing to deal with the root causes of such problems, as the Statutory Guidance sets out that it should.²⁰ This provision is simply likely to move those living on the streets to a neighbouring area.

These provisions would also constitute a potential interference with Article 8 of the Convention, as explained in respect of prohibitions 1.3 and 1.4 above. There is a clear risk that the vague terms included in the proposed PSPO (i.e., 'causing or permitting an obstruction') will interfere with individuals' autonomy in an unlawful manner, rendering this prohibition void.

This provision is also potentially discriminatory for the same reasons as those set out above in respect of prohibitions 1.3 and 1.4, regarding links between begging, homelessness and disability. The Council must conduct a new EIA in respect of this prohibition to ensure compliance with the Equality Act 2010.

6. Use of amplifiers

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

¹⁹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956143/ASB_Statutory_Guidance.pdf, page 65, accessed 10 December 2021.

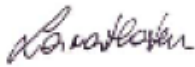
²⁰ Ibid.

This prohibition will unreasonably restrict the civil liberties of residents, as it may lead to protesters being prevented from using a loudspeaker or microphone during a peaceful protest, for example. This would risk breaching residents' rights under Article 11 of the Convention.

7. Conclusion

The proposed renewal of the PSPO in Bolton is not only potentially unlawful and unreasonable; it also constitutes a disproportionate interference with basic rights, including people's right to inherent human dignity. It adds nothing to the fight to alleviate poverty. We urge you to think again.

Yours faithfully



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BEV HUGHES
DEPUTY MAYOR
OF GREATER
MANCHESTER

Chloe Poole
Community Safety Officer
Bolton Metropolitan Borough Council
chloe.poole@bolton.gov.uk

3718722/cw/Chloe Poole
11th January 2022

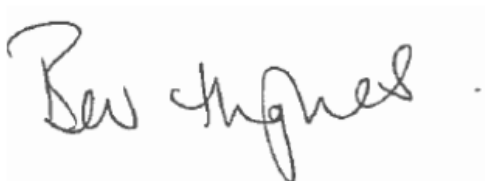
Dear Ms Poole

**SUBJECT: Bolton Metropolitan Borough Council Proposed Public Spaces
Protection Orders**

I write in response to Bolton Metropolitan Borough Council's proposed Public Space Protection Order for Bolton Town Centre.

Having reviewed the proposals with Greater Manchester Police, I would support the proposals to introduce the PSPO's outlined by Bolton Metropolitan Borough Council.

Yours sincerely

A handwritten signature in black ink that reads "Bev Hughes". The signature is written in a cursive, flowing style.

Rt. Hon Baroness Beverley Hughes
Deputy Mayor for Police and Crime

APPENDIX 8 – Statements taken from Town Centre Businesses

Statement 1:

(Criminal Procedure Rules, Part 27)

Statement of Witness
(Criminal Procedure Rules, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5b)

STATEMENT OF [REDACTED]

Age of Witness
(if over 18, enter "over 18") OVER 18

Occupation of Witness Security Officer

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated anything, which I know to be false, or do not believe to be true.

Dated: 20th December 2012

Signed [REDACTED]

I am the above named person and can be contacted on the details shown overleaf.

I am currently employed as a security officer by Kingdom Security who have the security contract for all Morrisons Supermarkets throughout all of England. At present I work at Bolton Town Centre Morrisons, Davies Street, Bolton and have worked here for just over a year. Prior to that I have been working in Bolton Town Centre as a security officer at various other businesses for the last 8.9 years.

Signed [REDACTED]

WITNESS STATEMENT

I would arrive at Mumsins for work at 0800 hours and leave work at 1400 hours, Monday - Thursday. I regularly experience beggars at the front entrance to the store. This is on a daily basis, and can have between one and five beggars at any one time. They can sit directly at the entrance door stand outside a few metres away. I know the majority of them by first name terms. Sometimes they can be very threatening towards me, more verbal abuse than actual physical threats. I monitor them throughout the day and witness them regularly harassing customers coming in and out of the store. They are mainly asking for spare change and can become abusive to customers if they refuse. This can be very intimidating, especially towards female customers on their own. Sometimes I find this behaviour distressing and alarming, watching the customers getting intimidated and frightened. A lot of the time I have to move the beggars away from the entrance and at times that can make me in fear of my own personal safety. I am willing to assist Bolton Council with any decisions they make.

Signed

Statement 2:

WITNESS STATEMENT

(Criminal Procedure Rules, Part 27)

Statement of Witness
(Criminal Procedure Rules, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5b)

STATEMENT OF [REDACTED]

Age of Witness
(if over 18, enter "over 18") over 18

Occupation of Witness ASSISTANT MANAGER.

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated anything, which I know to be false, or do not believe to be true.

Dated: 20th December 2021

Signed [REDACTED]

I am the above named person and can be contacted on the details shown next.

I am employed by Entwistle Green Estate Agents and work at their branch on 32 Deansgate, Bolton and have been for the past 7 years approx.

I have noticed a problem with beggars in the town centre of Bolton and has got progressively worse over the years.

I am in and out of the office 3 or 4 times a day conducting various appointments so I

Signed [REDACTED]

WITNESS STATEMENT

regularly come into contact with beggars daily. I seen them mostly outside Greggs Bakers Mark and Spencers, WH Smiths etc and Victoria Square. I have been regularly asked by them for spare change and also seen them ask older ladies who I would say are more vulnerable.

Their actions make Bolton an undesirable place to visit and I have been told my friends and family members that one of the reasons they don't frequent Bolton Town Centre for shopping is because of the beggars.

I personally find their behaviour harassing, alarming and distressing, as well as unsettling to other members of the public.

Bolton Town centre would clearly be a much nicer place to visit with less beggars on the streets and town centre shops.

Statement 3:

WITNESS STATEMENT

(Criminal Procedure Rules, Part 27)

Statement of Witness
(Criminal Procedure Rules, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5b)

STATEMENT OF [REDACTED]

Age of Witness

(if over 18, enter "over 18") OVER 18

Occupation of Witness ASSISTANT MANAGER

This statement (consisting of pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated anything, which I know to be false, or do not believe to be true.

Dated: 20TH December 2021

Signed [REDACTED]

I am the above named person and can be contacted on the details shown overleaf.

I work at Specsavers at Oxford Street in Bolton, part-time Wednesday to Saturdays normally.

I have worked for Specsavers for 20 years in Bolton town centre and know the area extremely well.

I would say over the last few years the problem with beggars in the town centre is getting increasingly worse.

The branch is situated on Victoria Square which has

has a large number of beggars. Most of them would just sit on the floor with a cup asking for any spare cash, but there are a couple that actively walk around with a cup and approach people. I go out for my lunch most days at work, so I have been approached lots of times when I am out on my own. At times I could be approached 3-4 times in a 5 minute walk to Market Place shopping centre. This makes me feel quite intimidated and scared by the ones that approach me. I would say their behaviour amounts to harassment which also makes me feel alarmed and distressed. I also lock up the branch at 7pm when its dark, and because I know there are beggars it makes me in fear of my safety. I also don't take the quickest route to my car after work, due to bad lighting and the fear of being approached. I have also been made aware of a male vagrant, who has exposed himself and urinated on the branch window which has been reported to the police and being dealt with. This is making the staff very uncomfortable during working hours. I am willing to assist Bolton Council with their decisions in relation to Town Centre Begging.

Statement 4:

WITNESS STATEMENT

(Criminal Procedure Rules, Part 27)

Statement of Witness

(Criminal Procedure Rules, r27.1(1);

Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5b)

STATEMENT OF [REDACTED]

Age of Witness

(if over 18, enter "over 18") over 18

Occupation of Witness Manager

This statement (consisting of [REDACTED] pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated anything, which I know to be false, or do not believe to be true.

Dated:

Signed [REDACTED]

I am the above named person and can be contacted on the details shown overleaf.

I am currently employed by ALPham's Travel, 9 Market Street, Bolton and have been working for over 25 years.

I would say that Bolton has a serious problem with town centre beggars. I regularly come into contact with them during my working hours Monday - Saturday 10am - 4pm. I come into contact with them more when leaving work and walking to the car park. I would

WITNESS STATEMENT

get approached by a beggar and they would ask me if I have any spare change. This makes me feel threatened, intimidated, and as a female extremely vulnerable. They don't necessarily threaten me as such, just more of their general appearance and requests that I find alarming and causes me distress.

During this time of year it can be dark at 4pm and I walk alone to my parked car.

I would go as far to say that I am approached by a beggar requesting money almost daily.

I speak to other staff at work and they have all said the same as me.

I would also like to say that when the Bolton Council Enforcement Officers, Clive and Julie, have left the town centre in the afternoon then we can sometimes see an increase in begging activity.

I am willing to assist Bolton Council with any activity they choose to make.

Statement 5:

WITNESS STATEMENT

(Criminal Procedure Rules, Part 27)

Statement of Witness
(Criminal Procedure Rules, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5b)

STATEMENT OF [REDACTED]

Age of Witness

(if over 18, enter "over 18") OVER 18

Occupation of Witness OPTICAL ASSISTANT

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated anything, which I know to be false, or do not believe to be true.

Dated: 20th December 2021

Signed [REDACTED]

I am the above named person and can be contacted on the details on the rear of this statement.

I am currently employed as an Optical Assistant by Clough's Opticians, 140 NEWPORT STREET, BOLTON and have worked there for approximately 2.5 years. I attend work full-time Monday to Saturday and go out for my lunch most days visiting various businesses in the town centre.

Over the past 2 years I have noticed a serious problem with beggars in Bolton Town Centre and has been.

WITNESS STATEMENT

increasingly getting worse with time.

The beggars generally sit and congregate drunkenly outside the Town Hall square and Morrisons where I tend to go for my lunch.

As a female I find them intimidating just from their very presence. When I walk past them I frequently get requests to hand over my cash.

It makes me feel very frightened, especially during the hours of darkness. I also feel annoyed and upset as well as pressured that I should hand over my money.

I would say it is on a daily basis that I see a beggar in Bolton Town Centre and regularly requests for money. This is clearly harassment towards me as well as causing me increasing amounts of distress. Sometimes I feel that I don't want to leave my place of work, or that I make a detour of my normal route so I don't have to encounter them.

I am willing to assist Bolton Council with any decision they make regards to Town Centre Begging.

Statement 6:

<p style="text-align: center;">STATEMENT OF WITNESS</p> <p style="text-align: center;"><i>(Criminal Procedure Rules, r. 16.2: Criminal Justice Act 1967, s. 9)</i></p>
<p>STATEMENT OF [REDACTED]</p> <p>Age of witness (if over 18, enter "over 18"): Over 18</p> <p>This statement (consisting of 1 page) is true to the best of my knowledge and <u>belief</u> and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.</p> <p>My name is [REDACTED], and I am the manager at Wilko, on Deansgate in Bolton town centre.</p> <p>Every day we have problems with beggars outside our store. They sit and stand in front of the entrance and display windows, and target customers and staff, asking for money, and food. Potential customers try to look in the display windows to see what we've got, but they can't see properly because there's a beggar sitting under the window, in the way, and who then demands money. We've noticed that this has a significant impact on our older female customers, who feel intimidated and frightened by this behaviour, and it deters them from coming into the <u>store</u>!, this is really bad for our brand.</p> <p>Some of these beggars go round to the back of the store, where our goods entrance is, and inject themselves with needles. Every day we find discarded needles and syringes in the back entrance, and sometimes human faeces as well.</p> <p>We're very grateful for the Councils efforts, and they come promptly if we call them, but it just seems to be ongoing. Even when they get moved on, they come back, or others appear.</p>

Statement 7:



STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16.2;
Criminal Justice Act 1967, s. 9)*

STATEMENT OF [REDACTED]

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of 1 page) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

My name is [REDACTED], and I work at Mathers of Lancashire, a photographic shop, on Market Street in Bolton town centre.

We have major problems with beggars outside our premises, particularly at weekends.

Our shop is opposite a bargain bakery shop, and this attracts a large number of female customers, and because of them, the beggars target them asking for money, seeing them as an easy touch. They seem to go for the older customers, and also the Asian ladies. You can see that these women are upset and intimidated by these approaches. There's one man, in a wheelchair, who gets really close up to pedestrians, and asks for money, he's very intimidating. We have been in the town centre for many years, and the beggar problem has got really bad in recent years, despite the Council trying to deter them.

Statement 8:

STATEMENT OF WITNESS <i>(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)</i>	
STATEMENT OF [REDACTED]	
Age of witness (if over 18, enter "over 18"): Over 18	
<p>This statement (consisting of 1 page) is true to the best of my knowledge and <u>belief</u> and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.</p>	
<p>My name is [REDACTED], and I work for Northern Trains as a member of the Barrier Staff, at Bolton Railway Station, in the town centre.</p>	
<p>During the course of my <u>duties</u> I constantly receive complaints by station users, about the beggars, who loiter at the two entrances to the station. There's usually one beggar on each entrance, either sitting or standing, and they deliberately challenge or approach people entering the station, asking for money. Customers then complain to myself and my colleagues, that they felt intimidated and unsafe by these approaches, and that they feel uncomfortable when approaching the station. I frequently go out and challenge the beggars, and ask them to move on, or stop approaching customers, but they usually refuse, and on many <u>occasions</u> they are abusive to myself and colleagues. They will move on if approached by the Police or Council Enforcement staff, but they usually <u>return again</u> within twenty minutes.</p>	
<p>I'm often uneasy with approaching some of these <u>people</u>, <u>because</u> they appear to be acting oddly, and I presume are under the influence of drugs or alcohol.</p>	

Statement 9:



STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16.2-
Criminal Justice Act 1967, s. 9)*

STATEMENT OF [REDACTED]

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of 1 page) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

My name is [REDACTED], and I am the manager at the Pound Bakery shop on Market Street, in Bolton town centre.

I've worked at this branch for five years now, and the problem with beggars in the town centre has got worse over the years. They sit outside the shop, at present they tend to target our older female customers, and the Asian ladies, they barge up to them, and ask for money or food, they sometimes ask customers to buy food for them, they always pick the expensive products, I'm not sure if they actually eat these things, or swop or sell them on. The customers find these actions really intimidating, and complain to us, or just don't come in the shop, so we lose business. We do get shoplifting by them as well.

We challenge them, and they can get aggressive, particularly when they seem to be under the influence of what we presume are drugs, like Spice. Our staff are all female, and feel really threatened by these people.

Statement 10:

STATEMENT OF WITNESS <i>(Criminal Procedure Rules, r. 16.2: Criminal Justice Act 1967, s. 9)</i>	
STATEMENT OF [REDACTED]	
Age of witness (if over 18, enter "over 18"): Over 18	
<p>This statement (consisting of 1 page) is true to the best of my knowledge and <u>belief</u> and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.</p>	
<p>My name is [REDACTED] and I am a manager at W H Smiths on Victoria Square, in Bolton town centre.</p>	
<p>We have major problems with beggars at the store. They tend not to hang around directly in front of the <u>store, but</u> stand and sit right next door at the front, which is where the cash machines are for the bank next door. In <u>fact</u> yesterday, we saw a beggar stand right behind an elderly gentleman who was using the cash machine, he got money out of the machine, the beggar asked for cash, the gentleman said that he hadn't got any, the beggar said that he'd just seen him take cash out, the gentleman said no again, and the beggar asked for change. One of my staff members went out at this <u>point, and</u> challenged the beggar who backed off.</p>	
<p>Some of the beggars shoplift in the store, usually chocolate, we are under instructions by our management, not to challenge them when this happens, and we have no backup, but we do try to stop them. They sometimes come back with the goods, and try to exchange them for cash, but they have no receipt. A staff member followed them after a recent raid, they went back to an open garage near the market, where there were <u>a number of</u> other beggars congregating, it seemed to be their base, they saw our staff member, and made it quite clear that he should move away.</p>	

Statement 11:



STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16.2-
Criminal Justice Act 1967, s. 9)*

STATEMENT OF [REDACTED]

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of 1 page) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

My name is [REDACTED], and I work as a security officer for Marks and Spencer, on Deansgate in Bolton town centre.

We have constant daily problems with beggars outside our store. They sit and stand in front of the entrances and display windows, and target customers and staff, asking for money, and food.

We regularly challenge them, and some can get abusive, they might move on for a short time, but then return later on. We call the Council Enforcement Officers on the radio, and they attend, and again they might move on, and stand outside someone else's entrance, but they always return.

We have a regular beggar called Beggar 14, who attends every day, and she can be helpful, because she knows where all of the beggars live, and when they shoplift, we can try and trace them. People think that the beggars are homeless, and that's what they tell people, but we know that most of them are living somewhere, and have an address.

Statement 12:



STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16.2;
Criminal Justice Act 1967, s. 9)*

STATEMENT OF [REDACTED]

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of 1 page) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

My name is [REDACTED], I live in Bolton, and I work as an Environmental Enforcement Officer for Bolton Council.

Because of my job, but also from observing and experiencing life in the town centre, I'm very aware of the problems caused by the beggars in the town centre, and on the traffic junctions.

I was off duty on Saturday 18 December 2021, and was buying eggs from a small holding in a semi-rural part of Stoneclough. I was talking to the small holder, and I mentioned that I'd recently driven over to Bury to start a hike from there, and how pleasant it was, and she suddenly launched into a diatribe about her friend who lived in Bury, had come into Bolton the previous Saturday (11/12) to do some Christmas shopping, and was totally appalled by the behaviour of beggars in the town centre, who repeatedly approached her, demanding money. She thought that she was going to be attacked and robbed, she'd never experienced this kind of behaviour. She announced that this kind of thing didn't happen in Bury, and she was never returning to Bolton.

Statement 13:



STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16.2;
Criminal Justice Act 1967, s. 9)*

STATEMENT OF [REDACTED]

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of 1 page) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

My name is [REDACTED], and I am the manager at Olympus Fish and Chip Restaurant, on Great Moor Street in Bolton town centre.

We have lots of problems with the beggars in the town centre, every day they hang around outside, and approach and pester our customers for cash when they either come into the restaurant or when they leave. In the better weather we have tables outside so that customers can enjoy the warmth, but the beggars come and pester the people sitting at the tables. We get a lot of older customers, and the beggars often target them, particularly the women, who can get very upset. I frequently have to escort older female customers from the restaurant to the car park, because they feel unsafe because of the beggars. I worry that this will deter customers from visiting us again.

I frequently challenge the beggars, and try to get them to move on, and stop pestering people, and while some do move on, for a short time, others can get very aggressive, and I feel threatened.

Statement 14:

<p style="text-align: center;">STATEMENT OF WITNESS</p> <p style="text-align: center;"><i>(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)</i></p>
<p>STATEMENT OF [REDACTED]</p> <p>Age of witness (if over 18, enter "over 18"): Over 18</p> <p>This statement (consisting of 1 page) is true to the best of my knowledge and <u>belief</u> and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.</p> <p>My name is [REDACTED], and my family own and work for R Allen Footwear, on Newport Street, Bolton, in the town centre.</p> <p>We have daily problems with beggars hanging around outside the shop, approaching our customers and <u>passer-by's</u>, and asking for money. Customers comment on this when they come inside, and are clearly unnerved by the experience, which affects their experience in the shop. We get a lot of older customers, because of the specialist shoe fitting service that we offer, and these customers in particular are distressed by the approaches. The beggars particularly seem to target older women. There's one beggar, who operates in a wheelchair, and he pushes himself right up close to people, and asks for cash, it really is intimidating.</p> <p>Further into the town centre the beggars sit and stand alongside the shops, and often put begging bowls/containers down, and they keep pushing those further out into the street, so that it disrupts the pedestrian flow, and forces people to stop, to try and get round them.</p> <p>I was driving home in the town centre last week, and the traffic flow was suddenly stopped, because the car in front had decided to stop, and give something to a beggar who had stepped out into the road.</p>

Statement 15:

STATEMENT OF WITNESS <i>(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)</i>	
STATEMENT OF [REDACTED]	
Age of witness (if over 18, enter "over 18"): Over 18	
This statement (consisting of 1 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.	
<p>I am employed as a Supervisor at Costa Coffee located on Trinity Retail Park, Bolton. I have worked for Costa Coffee for fourteen years and have been at this store since it opened nine years ago. Since this store opened the retail park has been plagued by beggars. None of the beggars who operated several years ago are still present and now there is a hard core of five or six males who tend to stand at traffic lights.</p> <p>The beggars will often stand outside costa and ask customers if they will buy them a drink. I have seen/heard this on about eight separate occasions. I have witnessed this when I have been collecting cups outside. I have also seen them take cigarette stubs from <u>ash-trays</u> outside. On about five occasions when I have been <u>present</u> they have asked for free drinks. They also ask to use the toilet and ask for an empty cup which I assume is used to hold money they obtain from begging. We used to have a merchandise stand in the window but <u>due to the fact that</u> items kept on being stolen by the beggars we have had to permanently move this inside the store.</p> <p>Approximately one year ago the previous manager had a run in with one of the beggars inside the store. The beggar became very aggressive and started abusing the staff member in front of the customers. The manager and customers were all very shocked about what they had witnessed.</p> <p>I see lots of beggars at traffic lights and to be honest this doesn't affect or intimidate me at all when I'm in my car.</p> <p>Signed: (witness)</p> <p>Date:</p>	

Statement 16:



STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16.2;
Criminal Justice Act 1967, s. 9)*

STATEMENT OF [REDACTED]

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of 2 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true. |

I am employed as a Manager and work at B&M Bargains, Central Retail Park, Bolton. I have held this position for two months and in addition to this I have worked at the store for two years.

Our store is frequently visited by six or seven different beggars. One beggar is Beggar 11 who sits outside our store on a daily basis. He does not cause me or my staff any problems and because of this we don't move him on. In fact, I actually prefer it when Beggar 11 is here as this stops other beggars from standing or sitting outside the shop. These other beggars tend to be aggressive and regularly ask customers for money. Beggar 11 is different. He just sits quietly outside and does not bother customers. He waits for customers to approach him and give him money.

There is one beggar who approached customers who arrive in cars. I have seen him approach cars with people in a knock on their windows and ask for money. I have also seen him try car door handles of empty cars. I contacted the Police on this occasion as I have done on several other occasions when there issues with the beggars.

In my opinion the beggars all work together. There is an old beggar who sits outside asking for money. I have seen this man apparently willingly give money to other beggars who have approached him. This seems to be organised.

Virtually everyday I am approached or made aware from staff members that there is a customer complaint about the conduct of beggars. Usually customers are unhappy about being approached for money. There is a store review on google stating that the store is nice but the shopping experienced is ruined by the amount of beggars outside.

All the beggars come into the store. They buy small things such as a packet of biscuits. I don't know if they shoplift as I have never observed them steal but I can say that several of my female staff have

complained about them after having been verbally abused by them. When this happens I can say that some of the staff are visually shaken after receiving such abuse. I also receive what I would describe as minor abuse. I am often told to "Fuck Off" but this doesn't affect me too much. The beggars know not to push me too far as this will result in a ban from the store.

A few days ago I came into work at 6.30am and saw a beggar asleep in front of the store. He had a pair of curtains as a blanket. There was a crack pipe, tin foil and needles by his bedding. I politely asked him to move but he refused to do so. I then had to put out some barriers as though to cordon him off from my customers. I telephoned the Police about this but they failed to attend.

There is a male and female beggar who come to the store together. I believe they are partners and that she has a sex offence conviction. I don't know how true this is but it unnerves me when they are around the store. The beggar who approached the cars is the worst. I have seen him become aggressive, raising his voice when the public refuse to give him money. He has also had a violent fight with another beggar who accused him of being on his patch. This was in sight of customers. Again the incident was of such a serious nature that I had to ring the Police who yet again failed to attend.

I live and shop in Wigan. There are beggars there but they are confined to one street. I have never seen beggars standing at traffic lights as they do in Bolton. When I drive home I always have my doors locked and I feel stressed if I am stopped opposite a beggar at traffic lights. Fortunately, I haven't been approached or had a knock on my window with a request for money.

Signed: (witness)

Date:

Statement 17:



STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16.2;
Criminal Justice Act 1967, s. 9)*

STATEMENT OF [REDACTED]

Age of witness (if over 18, enter "over 18"): Over 18

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I am employed as a Manager at Peacocks located on Trinity Retail Park, Bolton. I have worked at this store for fourteen years and for as long as I have worked here we have had problems with beggars. The main problem is that they often stand or sit outside the store and intimidate customers before they come in, asking them for money. This often happens at night during the winter time and its at night time that customers become more frightened. Home Bargains is the worst affected store for this and they are there on a daily basis. I would estimate there to be approximately ten beggars who visit the retail park. Most are males but there are a couple of females including Beggar 8. Another name I know is Beggar 6 and his girlfriend.

I have also witnessed them approaching cars, knocking on windows and asking the occupants for money. I usually take a break outside the front of the store so I am able to see what is happening. On occasions a beggar has asked me for money. Over the years I have worked here I would estimate that thirty different customers have made a complaint about their conduct – most frequently this is for intimidation while asking for money.

On my way home I pass several traffic lights which often have beggars standing at them. I become anxious if I stop opposite them at red traffic lights and just hope that I am not approached.

Signed: (witness)

Date:

Statement 18:



STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16.2:
Criminal Justice Act 1967, s. 9)*

STATEMENT OF [REDACTED]

Age of witness (if over 18, enter "over 18"): Over 18

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I am employed as a Supervisor at Next located on Trinity Retail Park, Bolton. I have worked at this store for fifteen years and I would estimate that we have been having problems with beggars for just over two years. They occasionally stand or sit outside the store. I regularly see four beggars including a female called Beggar 8 who regularly provides staff with information about who is shoplifting.

Some of the staff including myself ask the beggars to move but I know that some of them aren't comfortable with this through fear of being given a mouthful of abuse.

One of the beggars is a very tall man who has a tattoo under one of his eyes. I have seen this man approaching several cars and asking for money. He has also approached me on two occasions while I've been in my car and asked me for change. I just tell him that I don't carry cash and when I have said this he has become aggressive, raising his voice at me which I found to be unpleasant. This male regularly sits outside Sainsburys. He has been into Next and has asked me to charge his mobile phone and also to change coins into notes for him. The latter I refused to do. There is always a beggar who sits outside Home Bargains.

I'm unsure how the presence of the beggars is affecting business. Certainly it does not look good for Bolton especially when you see them standing at traffic lights. I genuinely feel sorry for some of them when they are standing in the pouring rain, especially two guys with dogs who are scruffy in appearance and are almost certainly truly homeless.

Signed: (witness)

Date:

Statement 19:

<p style="text-align: center;">STATEMENT OF WITNESS</p> <p style="text-align: center;"><i>(Criminal Procedure Rules, r. 16.2: Criminal Justice Act 1967, s. 9)</i></p>
<p>STATEMENT OF [REDACTED]</p> <p>Age of witness (if over 18, enter "over 18"): Over 18</p> <p>This statement (consisting of 1 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.</p> <p>I am employed as a Manager at Argos located on Trinity Retail Park, Bolton. I have worked at this store for three years and during this time I would say that we have always had a problem with beggars. I would say that there are five or so regulars who patrol the car park and stand at traffic lights in the vicinity of the retail park. Occasionally they stand outside the store, although they rarely enter and ask customers who are entering the store for either money or cigarettes. I have witnessed this on several occasions. I can see that the customers feel intimidated when they are approached. We always ask them to leave which they do but they always come back. I think they are an organised group deliberately targeting the elderly, preying on their vulnerability.</p> <p>I have also seen them harassing customers in cars and have heard them asking for money. In my opinion people don't want to be part of this and I honestly believe that this affects footfall in my store. People don't want to be approached and would sooner shop elsewhere for a <u>stress free</u> shopping experience.</p> <p>In addition to this I don't believe the beggars to be homeless as they portray themselves to be. The reason I say this is because of the clothes they wear which are often high value designer brands – clothes which a genuine homeless person would be able to afford.</p>

Statement 20:



STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16.2;
Criminal Justice Act 1967, s. 9)*

STATEMENT OF [REDACTED]

Age of witness (if over 18, enter "over 18"): Over 18

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I am employed as a Manager at Home Bargains located on Trinity Retail Park, Bolton. I have worked at this store since March 2021 but prior to this I worked at the store at Middlebrook, Bolton. We have a serious issue with beggars at my current store whereas we did not encounter any problems at Middlebrook.

There is one beggar called Beggar 12 who often sits outside the store. He does not cause any problems with staff or customers. Beggar 12 makes things out of paper and he "sells" them to customers for money. He never approaches the public for money and waits for them to offer money to him often for his paper creations. Apart from Michael there are I think six other beggars who patrol the area on a regular basis. My belief is that they all work in a team for the benefit of the group. They enter my shop often in pairs and shoplift. We do not have any security on at the shop and they take advantage of this. I don't know any of the beggar's names apart from a female called Beggar 13 who often chats to staff members. Sometimes we catch the beggars stealing and we take the stock from them. We don't call the Police anymore because they refuse to attend unless the stock is of high value. I have recently found a large bag full of hypodermic syringes outside the shop although I am unable to say who this was left by.

We regularly have two male beggars who sit outside the shop and ask customers for money when they come in. I have personally witnessed this and when they are asked to move on they challenge us and say they are doing nothing wrong. I have had several elderly female customers who have approached me in a distressed state saying that beggars have asked them if they could have the pound from their shopping trolley. The customers have told me that they have been frightened by them.

I have personal knowledge of beggars and the homeless as my sister works for the Salvation Army and I have accompanied her on drives around Bolton and Manchester. I can tell when a person is truly homeless and when a person is a beggar. The beggars I see in Bolton I would say are not homeless apart from Beggar 12 who has his bedding with him. The people you see at traffic lights are I would suggest not homeless. I can tell this by the way they dress with their relatively expensive clothes and shoes. The beggars I see at traffic lights in the town are often the same people I see outside and in my store. When I'm in my car I always hope

Statement 21:

147

STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16.2:
Criminal Justice Act 1967, s. 9)*

STATEMENT OF [REDACTED]

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of 1 pages) **is true to the best of my knowledge and belief** and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

I am employed as a Manager at TK Maxx located on Trinity Retail Park, Bolton. I have worked at this store for the past five years and for the past three of these I have become aware of the increasing numbers of beggars that operate on the park. I would say that there are seven beggars who "work" the car park. In fairness my store does not have a major problem with them as we have a security guard on permanently and they rarely sit outside or enter the store. One of our neighbouring stores Home Bargains does have a problem however, and I regularly see beggars outside.

I don't know any of the beggars by name. One of them is small with dark hair. I have witnessed them approaching customers asking for money and I have also seen them approaching cars and asking the occupants for cash. We keep our waste bins at the rear of the building. The fencing at the back has been damaged and the contents of the bins have been rummaged through. This has cost the company money to repair and tidy. Our security lights at the rear have also been damaged. I have asked the landlord to repair/replace them. I have also been made aware that needles have been found at the rear near to where the bins are located. I am unable to say if the damage/needles are the actions of the beggars but there is a strong possibility in my opinion that they are responsible.

I live in St Helens and although there are beggars in the town centre I have never seen any standing at traffic lights as they do in Bolton. I believe that the presence of them at traffic lights shows Bolton in a bad light.

Statement 22:

STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16.2;
Criminal Justice Act 1967, s. 9)*

STATEMENT OF [REDACTED]

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of 1 pages) **is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.**

I am employed as a Manager at Boots located on Trinity Retail Park, Bolton.

The beggars that we have in front of the store are getting to be a massive issue now. They sit outside the Store most days and ask customers for their small change, sometimes they can be quite intimidating and threatening especially to our elderly and vulnerable customers.

We have had a number of complaints and it is very off putting for our customers, at times this stops our customers from shopping here with us and is having a a detrimental affect on my trade.

It is very brand damaging for us, we are considered to be the best Health and Beauty retailer on the high street.

There are at least 4 of these people begging, they tend to spread each other about and place one in front of each shop in turn, they can be quite rude when they are not given any money.

The beggars at the traffic lights are just as intimidating too, waving their "homeless" signs at everyone, my customers do not need this.

Statement 23:

STATEMENT OF WITNESS <i>(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)</i>	
STATEMENT OF [REDACTED]	
Age of witness (if over 18, enter "over 18"): Over 18	
<p>This statement (consisting of 2 pages) is true to the best of my knowledge and <u>belief</u> and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.</p> <p>I am employed as a Manager by Iceland and work at the store located on Central Business Park, Manchester Road, Bolton. I have worked as a <u>Manager</u> here for three years.</p> <p>Shortly after I first started working <u>here</u> I realised we had a problem with beggars who used to set up camp outside the store. This would make the outside of the store look an eyesore and deter customers from window shopping and coming inside. They would stand outside and ask customers for money. The main offender at the time was a male called Beggar 9 who used to cause me and my staff all sorts of problems. Beggar 9 stopped begging about eighteen months ago. He would ask customers if he could return store trolleys so that he could pocket the trolley money. Several customers complained to me that his actions were intimidating as he wouldn't take no for an answer.</p> <p>I also recall that one Christmas a few years back Beggar 9 was bragging to my staff that he had made £200 begging in one day in addition to lots of food gifts. This really annoyed my staff who weren't making nearly as much money as that for working very hard. Shortly before he stopped begging he told me he knew which car I drove. I took this to be a threat and was a little concerned that my vehicle would be <u>damaged</u> but nothing ever happened.</p> <p>Another one of the beggars we have had problems with is Beggar 10 who used to sleep rough at the side of the building. He would defecate in the grids near to where he slept and also leave used syringes lying around from his drug taking. Beggar 10 was banned from the store a couple of weeks ago for spitting on the window following an altercation. We seldom have problems with beggars either inside or outside the store as they have all been banned for shoplifting. Iceland had to employ a Security Guard <u>in order to</u> deal with the numerous thefts that were taking place when the beggars used to frequent the store. Myself and my staff received verbal abuse on a regular basis around the time they were actively</p>	

coming into the store. I am also aware that the landlord has employed a night Security Guard with dog to patrol the area at night time due to the numbers of beggars who congregate in the area after dark.

On a couple of occasions customers have asked me to accompany them to their cars as they felt insecure with the beggars around. I was told that they felt intimidated and didn't want to engage with them as they often felt pressurised into handing over money. On one occasion a member of my own staff asked me to watch her to make sure she safely got into her car.

I receive deliveries to the store overnight. The delivery company operates from Warrington and I have received complaints that their drivers are being harassed by beggars when they carry out the deliveries. They have told me that their drivers don't feel safe and if this continues they will no longer be able to continue with the drops at night. If this happens this will cause me major problems and have an adverse affect on how I run the business.

I live out of town and I only see beggars at traffic lights in Bolton. As soon as I drive through Astley Bridge on my way into work I see beggars at several traffic lights. I am over six feet tall and nineteen stone. Despite this I feel intimidated and nervous if I stop at lights next to a beggar and always ensure that my car windows are closed.

Statement 24:



<p style="text-align: center;">STATEMENT OF WITNESS</p> <p style="text-align: center;"><i>(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)</i></p>
<p>STATEMENT OF [REDACTED]</p> <p>Age of witness (if over 18, enter "over 18"): Over 18</p> <p>This statement (consisting of 2 pages) is true to the best of my knowledge and <u>belief</u> and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.</p> <p>For the past two years I have been employed as a Security Officer by Sainsburys, working at the Trinity Street Store in Bolton. I am one of three Security Staff working here. I generally work the afternoon shift although there is some cross over with the other security staff and there are periods when two of us are on duty at any one time. Prior to working <u>here</u> I worked on Security at Wilkos in the town centre for twelve months where I experienced similar problems to those I face at Sainsburys.</p> <p>I see beggars being aggressive <u>on a daily basis</u>. I know some of them by name and I would estimate there to be eight in total. Two or three are females, Beggar 1 and Beggar 2 while the rest are males including Beggar 3, Beggar 4, Beggar 5, Beggar 6 and also Beggar 7 who recently died. Recently, three or four new faces have also turned up to join the others.</p> <p>Some of the things I witness are beggars approaching customers in cars asking them for money. This happens on numerous occasions. My security pod is directly adjacent to the main <u>doors</u> and I can see what is happening outside. Very often customers tell me they have been approached for money either while sat in their cars or returning their shopping trolleys. Many of the customers are elderly and shook up by the beggar's actions and frequently I am told that they will not be visiting the store again. This obviously affects the <u>companies</u> business.</p> <p>Located at the front of the store and to the side are the cash machines. Beggar 5 regularly stands near to the cash machines and asks people for money when they have made a withdrawal. Beggar 5 is a very tall man and very intimidating. He usually preys on loan females and becomes aggressive if they refuse to give him money. I have personally witnessed this on numerous occasions and have also been told by customers it has happened to.</p>

I receive verbal abuse on a daily basis, usually when I move the beggars on. I am regularly told to "Fuck off" or threatened with "I'll come back for you at the end of your shift". This verbal abuse often happens in front of customers who I can see are clearly disgusted and shocked by the threats. I used to feel really intimidated by this when I first started here but I've since become hardened to it and I have tended to become more annoyed that I have to take this abuse as part of my job.

I have also witnessed begging taking place on the petrol forecourt. They will often ask motorists who are fuelling their cars for change.

During my two years here I have called the police on at least a dozen occasions for the beggars who have been caught shoplifting and have become aggressive when we have requested our stock back. I try and prevent them from entering the store but sometimes this isn't possible as I might be away from my post.

Although I have never witnessed them taking drugs, I would say that I have dealt with them when they have been high on drugs. On these occasions they are unsteady on their feet and have slurred words. The biggest give away though is their eyes which I would describe as being "wild".

The beggars are verbally abusive on an almost daily basis but I have never witnessed any physical abuse towards me or any of the customers.

APPENDIX 9 – Proposed Draft Order

BOROUGH COUNCIL OF BOLTON

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTION 60

BOROUGH COUNCIL OF BOLTON (BOLTON TOWN CENTRE) PUBLIC SPACES PROTECTION ORDER 2022

This Order is made by the Borough Council of Bolton (“the Council”) in exercise of its powers under Section 60 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”).

The Council is satisfied on reasonable grounds that extending the period for which the order has effect is necessary to prevent occurrence or recurrence after that time of the activities identified in the order, or an increase in the frequency or seriousness of those activities after that time.

The Council hereby makes the following Public Spaces Protection Order which 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 Borough Council of Bolton (Bolton Town Centre) Public Spaces Protection Order 2022 (“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 within the Prohibition Area after having been requested by an Authorised Officer to cease consumption or hand over the container, unless subject to exemptions listed in clause 5.

1.2 Intoxicating Substances

All persons are prohibited from, within the prohibition area, 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 a manner which causes, or is likely to cause, harassment, alarm or distress within the Prohibition Area.

1.5 Peddling / street trading

All persons are prohibited from peddling / trading goods within the Prohibition Area without an appropriate street trading licence 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 a 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 a 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 Use of amplifiers

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

1.9 Use of skateboards and scooters

All persons are prohibited from using a skateboard or scooter within the pedestrianised zones of the Town Centre (specified in the Prohibition Area edged in red on Plan 1 and Plan 2).

1.10 Use of bicycles

All persons are prohibited from cycling / riding a bicycle within the pedestrianised zones of the Town Centre (specified in the Prohibition Area edged in red on Plan 1 and Plan 2).

2. DEFINITIONS

In this order:

- 2.1 “Authorised Officer” means a Police Constable, a Police Community Support Officer or an Officer of Bolton Council in possession of an authority to enforce this Order.
- 2.2 “Intoxicating substances” means substances with the capacity to stimulate or depress the central nervous system.
- 2.3 “Alcohol” has the meaning given by section 191 of the Licensing Act 2003.
- 2.4 “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 19th February 2022 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, a 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, a 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 Order).

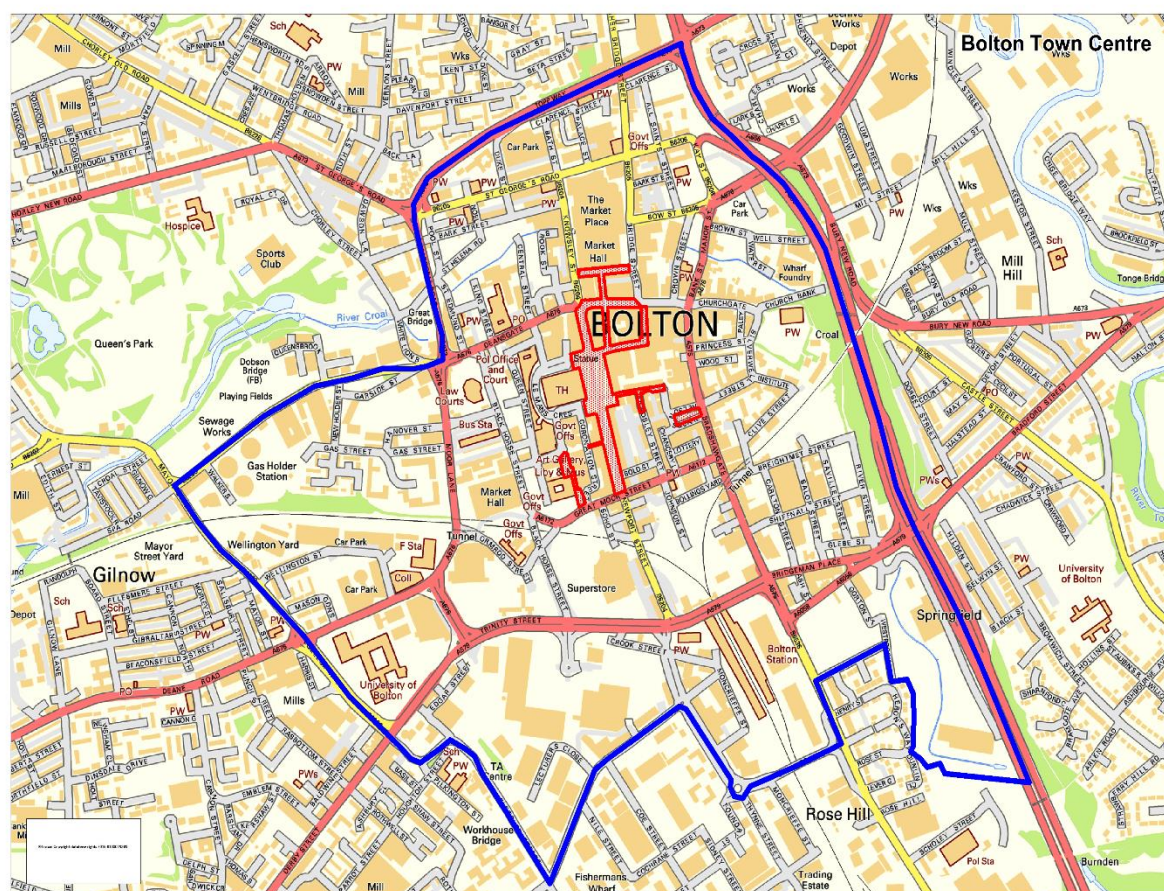
5. EXEMPTIONS

- 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 1.9; 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 highlights the boundary of the Prohibition Area edged in blue, covering prohibitions 1.1 – 1.08 (inclusive). It also includes a secondary Prohibition Area

edged in red, which only applies to prohibition 1.9 (skateboards and scooters) and 1.10 (use of bicycles).



PROHIBITION AREA: PLAN 2

- 6.2 Plan 2 highlights the secondary Prohibition Area edged in red, which only applies to prohibition 1.9 (skateboards and scooters) and 1.10 (use of bicycles).

