



## **North Devon Council**

Report Date: Wednesday, 15 January 2025

Topic: Pannier Market Public Spaces Protection Order

Report by: Hannah Harrington, Place Manager (Town Centres)

### **1. INTRODUCTION**

- 1.1. The Council owns and operates Barnstaple Pannier Market, an iconic undercover market situated in the heart of Barnstaple town centre and contributing to the vitality of the town centre economy.
- 1.2. The Pannier Market contains a public right of way through the centre of the building, which has historically meant that the whole market hall has been permanently accessible at all hours.
- 1.3. This accessibility has enabled anti-social behaviour (ASB) to occur in the Pannier Market overnight. Such behaviour has included criminal damage, the consumption of alcohol and drugs, littering, urinating, defecating and ball games leading to damage.
- 1.4. The Anti-Social Behaviour, Crime and Policing Act (2014) created provision for Public Spaces Protection Orders (PSPO's) to be made, thereby enabling local authorities to seek to prevent or restrict behaviour which is having a negative effect on communal well-being.
- 1.5. On 31<sup>st</sup> January 2018, the Council made a PSPO, in relation to the Pannier Market for a period of one year, forbidding a number of activities in the 'Restricted Area.' In order to ensure compliance with the terms of the order, provision was made for the public highway between Butchers Row and Market Street to be closed from 18.00 hours until 5.00 hours the following day through the operation of barriers (doors).
- 1.6. On 16<sup>th</sup> January 2019, the PSPO made on 31<sup>st</sup> January 2018 was renewed for a period of 3 years by the Council, the PSPO having in effect ensured that the anti-social behaviour relating to the Pannier Market had ceased
- 1.7. On 12<sup>th</sup> January 2022, the PSPO made on 16<sup>th</sup> January 2019 was renewed for a period of 3 years by the Council, the PSPO having in effect ensured that the anti-social behaviour relating to the Pannier Market had ceased
- 1.8. This report sets out the rationale for the proposal that North Devon Council now makes a further PSPO in relation to the Pannier Market for a period of 3 years.
- 1.9. Due to a number of recent incidents of ASB in the market, and immediate vicinity, in the early morning the proposal includes an amendment to the closure times, which are currently 18:00 – 05:00 to 18:00 - 07:30 hours. The rationale for these proposed changes and the recent incidents are set out in Appendix E.

## 2. RECOMMENDATIONS

- 2.1. That North Devon Council makes a further Public Spaces Protection Order for a period of 3 years in relation to the Pannier Market, Barnstaple, as per the order attached at Appendix A.
- 2.2. To consider the outcomes of the Equality Impact Assessment as summarised in paragraph 6 of the report.

## 3. REASONS FOR RECOMMENDATIONS

- 3.1. To restrict the gathering of individuals who frequently, by their lifestyle, resort to anti-social activity in the Pannier Market when it is not in operation.
- 3.2. To improve the quality of life for all in the vicinity.

## 4. REPORT

- 4.1 Barnstaple Pannier Market, housed in an iconic red brick market hall on Barnstaple's Butchers Row, is a key attraction for the town and locality, forming the cornerstone of the retail and culture offer in the town centre. The market trades at least 5 days a week for most of the year, and in addition hosts monthly Sunday events.
- 4.2 As the building has been accessible at all hours, there has been a long history of anti-social behaviour in the building overnight. Prior to January 2018, such behaviour had intensified over the years, with winter months in particular seeing an unprecedented level of anti-social activity.
- 4.3 Such activity was logged by the Barnstaple CCTV team and the Pannier Market manager, and included regular instances of:
  - Drug and alcohol possession and consumption
  - Vandalism and graffiti
  - Arson (in winter 2015 a homeless man in his sleeping bag was set alight by youths)
  - Vomit, urination and defecation, on occasion blocking the small drain grates (causing flooding etc)
  - Ball games causing damage, and thrown objects causing damage
  - Lights turned on, the electrical system 'hotwired'
  - Rough sleeping
  - Alarm activation
  - Extensive littering including needles, broken glass etc
- 4.4 The Public Spaces Protection Order is a creation of the Anti-social Behaviour, Crime and Policing Act 2014 which, according to the statutory guidance, is "designed to stop individuals or groups committing anti-social behaviour in a public space." Under the provisions, local authorities may seek to prevent or restrict behaviour which is having a negative effect on the communal well-being

- 4.5 In pursuing a PSPO, the 2014 Act states that a local authority should be satisfied on reasonable grounds that two conditions are met:
- a) Activities carried on in a public place have had a detrimental effect on the quality of life of those in the locality
  - b) The effect of the activities is of a persistent or continuing nature, is such as to make the activities unreasonable, and justifies the restrictions imposed by the notice.
- 4.6 A PSPO may last for a period of up to 3 years. A PSPO may be extended (and more than once) if it deemed by the local authority to continue to be appropriate to do so.
- 4.7 The Anti-social Behaviour, Crime and Policing Act 2014 provides specifically for situations where a PSPO would restrict a public right of way, as would be the case in the Pannier Market. In such situations, the local authority is required to consider:
- The likely effect of making the order on the occupiers of premises adjoining or adjacent to the highway
  - The likely effect of making the order on other persons in the locality
  - Where the highway constitutes a through route, the availability of a reasonably convenient alternative route
- 4.8 The Anti-social Behaviour, Crime and Policing Act 2014 sets out some key requirements as to the process for making a PSPO, including carrying out necessary consultation, necessary publicity and necessary notification with regard to the proposed PSPO.
- 4.9 In the case of the Pannier Market, the proposed PSPO, attached at Appendix A, would prohibit certain activities. A plan of the area subject to the proposed PSPO is attached at Appendix B.
- 4.10 Prior to the introduction of the 1 year PSPO on 31<sup>st</sup> January 2018, North Devon Council took the following steps in arriving at the terms of the Order:
- (a) Collated evidence of incidents within the Pannier Market, attached at Appendix C.
  - (b) Considered the likely effect of making the order on the occupiers of premises adjoining or adjacent to the highway; and on other persons in the locality. With regard to the Pannier Market, it appears there are no other occupiers of premises directly adjacent to the right of way proposed to be restricted, as the area to be restricted falls only within the Pannier Market. However, for the avoidance of doubt and to ensure any effects of making an order are properly considered, North Devon Council has sought to understand any effects on occupiers and businesses in the vicinity through consultation.
  - (c) Considered reasonably convenient alternative routes. Access to the Butchers Row retail units and the retail and restaurant businesses on Market Street has been considered. All these premises are directly accessible by using Butchers Row or Market Street respectively. The plan at Appendix D indicates these locations and in addition, the walking routes to the nearest car parks, demonstrating the existence of convenient alternative routes.

(d) Notified and consulted with key stakeholders and the public for a period of 12 weeks on two separate occasions, and reviewed the consultation responses before finalising the terms of the PSPO.

4.11 In relation to the proposal to introduce a new PSPO, a 7-week consultation process was undertaken between Thursday 21 November 2024 and Thursday 9<sup>th</sup> January 2025. Key stakeholders including Devon and Cornwall Police, Barnstaple Town Council, traders, local businesses and public were all consulted. To date 45 responses have been received, 40 in favour of the proposal including from Devon and Cornwall Police and Barnstaple Town Council. The full consultation summary document will be published as a supplementary document to the Council agenda prior to the meeting.

4.12 One correspondent in the past has raised concerns as to the highway being obstructed by the doors or by the encroachment of stalls. It was accepted that this had inadvertently occurred on occasion and was rectified.

4.13 Moreover, there was a period during the first 'national lockdown,' which was put in place by the Government in an attempt to arrest the rapid spread of the Covid-19 virus, when the doors were left closed by the Council in response to the ministerial strategy that rough sleepers and vulnerable persons should be discouraged from congregating in street encampments. At the end of March 2020, the Council was compelled to close the Pannier Market for business during the day to ensure that the lockdown restrictions were effective; accordingly, the Council decided to protect the integrity of the building by leaving the gates closed on a 24 hour basis at the same time as utilising significant resources to accommodate rough sleepers.

4.14 The full closure ended on 5<sup>th</sup> May 2020. Since May 2020, the regime of closing the doors only between 6.00 pm and 5.00 am has been adhered to strictly.

4.15 The proposed PSPO reflects the considerations as outlined at 4.10, and the points made by consultees both previously and in relation to the current period of consultation. The absence of significant opposition to the proposal suggests that the public in general, and stakeholders such as the market traders in particular, are very comfortable with the existence of a new PSPO.

4.16 It has to be accepted that there is no recent evidence of anti-social behaviour which has taken place between 6.00 pm and 5.00 am in the Pannier Market, but it is submitted that this reflects the success of the existing and previous PSPO's in the prevention of such behaviour. By comparison, there is ample evidence that instances of public disorder and street drinking, in breach of the PSPO which applies to the town centre area, are rife and on the increase, and would inevitably transfer to the Pannier Market if the PSPO were not to be renewed. For example, data from the Street Marshal scheme 1 August 2023 – 12 November 2024 shows that the Pannier Market is the 3<sup>rd</sup> highest hotspot area for ASB in the town centre after the High Street and Bus Station.

In addition, NDC has conducted has issued 17 Community Protection Notices to prohibit individuals from possessing and consuming alcohol in the



town centre of Barnstaple. A further 7 Community Protection Notices were issued for non-compliance resulting in 3 prosecutions in 2024.

4.17 Due to a number of recent incidents of ASB in the market, and immediate vicinity, in the early morning the proposal includes an amendment to the closure times from 18:00 hours to 07:30 hours. These incidents are set out in Appendix E and confirm that the ASB is persistent and of a continuing nature and is having a negative effect on communal well-being.

4.18 Alternative options – there are few alternative options. Opportunities to subdivide the Pannier market and provide a corridor through the market were explored as part of the Future High Street Fund project. However, this was not supported by the wider public or traders.

## 5. RESOURCE IMPLICATIONS

5.1. There are no new resource implications from the renewal of the PSPO.

5.2. There is a wider public benefit to preventing the anti-social behaviour occurring in the Pannier Market, as public costs related to the impacts of 24/7 accessibility of the building – policing resources, cleaning, repairs etc – have largely been eradicated.

## 6. EQUALITIES ASSESSMENT

6.1. No impact is anticipated from the renewal of the PSPO, including the change of hours as it does not target any groups of people regarding protected characteristics and all members of the community are treated fairly and equally. To date no groups have been identified as being adversely affected.

6.2. The potential impact on all groups has been assessed through an Equalities Impact Assessment (Appendix F)

## 7. ENVIRONMENTAL ASSESSMENT

7.1. No environmental implications are anticipated as a result of the proposal.

## 8. CORPORATE PRIORITIES

8.1. What impact, positive or negative, does the subject of this report have on:

8.1.1. Improving customer focus: the PSPO addresses some of the key concerns that customers have around feelings of safety in Barnstaple Town Centre. The primary purpose of the PSPO is to act as a suitable deterrent to defined behaviours and thus improve feelings of safety.

8.1.2. Regeneration or economic development: The Pannier Market is a much loved, iconic building in the heart of Barnstaple attracting many visits both from locals and visitors each year thus contributing to the regeneration and economic development of the town.



## 9. CONSTITUTIONAL CONTEXT

The decision in respect of the recommendations in this report can be made pursuant to Article 4.2 of the Constitution.

## 10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report:

- Pannier Market Incident Log
- Consultation responses
- Anti-social behaviour, Crime and Policing act 2014

The background papers are available for inspection and kept by the author of the report

## 12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Hannah Harrington (Place Manager (Town Centres))