

**Decision Session - Executive Member for
Housing & Safer Neighbourhoods**

16 November 2015

Report of Assistant Director – Housing & Community Safety

**Introduction of a Public Space Protection Order (PSPO) within the
Groves**

Summary

The purpose of this report is to determine whether to introduce a PSPO within the Groves area, to combat the levels of anti social behaviour that is occurring. A petition was brought to the council from local residents highlighting this issue, and it was previously agreed in April to consult with residents more widely about the possibility of introducing a PSPO.

Recommendations

1. The Executive Member is asked to approve:

Option 1 – The introduction of a PSPO within the Groves, and setting the amount that is charged at £100, which would be reduced to £75 if paid within the first 14 days.

Reason: to ensure that the council actively addresses the issue of anti-social behaviour in our communities.

Background

2. The Anti-Social Behaviour, Crime and Policing Act 2014 came into force on the 20th October 2014 and changed the powers available to local authorities and the police to deal with anti-social behaviour in our communities.
3. The Act introduces a new power, a Public Spaces Protection Order (PSPO), which is granted by the Local Authority, but can be enforced by either the Local Authority or the Police. This replaced

the Designated Public Places Order, which had been in force previously.

4. The PSPO serves to protect a public space from persistent or continuing anti-social activity by individuals or groups that is having a detrimental effect on the quality of life of those in the locality. Such an order lasts for a period of up to 3 years, with provision for extensions for up to 3 years at a time. The process starts by way of consultation, and after this time, a decision is taken by a Local Authority to grant a PSPO. This new power replaces the previous gating orders, designated public place orders (relating to restrictions on alcohol consumption) and dog control orders.
5. If these new powers are not adhered to, then it is open to those with authority to deal to consider whether to prosecute for the breach, or whether to issue a Fixed Penalty Notice (FPN). The Act allows for Local Authorities to set a local level for FPNs to a maximum of £100.
6. Within the Groves area (see appendix1 for area covered) there have historically been sporadic issues with people drinking in the street, which has been linked to anti social behaviour. The Council and North Yorkshire Police (NYP) have worked together to tackle these problems, however the area has remained an issue at times. The numbers of incidents are detailed below

Alcohol Related ASB	2013/4	2014/5
All York	2347	1852
York Alcohol Reduction Zones	1040	1010
Union Terrace DPPO	207	80
The Groves	177	145
All ASB	2013/4	2014/5
All York	9421	9304
York Alcohol Reduction Zones	2289	2586
Union Terrace DPPO	345	225
The Groves	398	388

7. The proposed order would tackle problematic drinking in the area (see appendix 2 for the proposed PSPO), because;

The effect of the Order is to impose the following prohibitions at all times:

In the restricted area, shown edged in blue on the attached map, any person who continues to consume alcohol when asked not to consume alcohol commits an offence.

In the restricted area, shown edged in blue on the attached map, any person who fails to surrender any alcohol in their possession when asked to do so by a constable or an authorised person, commits an offence.

Options

8. **Option 1** – Authorise the introduction of the PSPO to allow NYP and CYC to allow Officers to require people who are drinking and causing a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and that they will have such an effect.
9. **Option 2** – Refuse the introduction of the PSPO, forcing the council and NYP to continue using the current enforcement powers.

Analysis

10. Option 1 will improve the range of powers that are available to the council and NYP. DPPO's such as the one in Walmgate, have been successful in reducing levels of ASB within their boundaries previously. One of the measures of success will be reduced numbers of incidents in the Groves area, as reported by the public. Additional Neighbourhood Enforcement Officers have been recruited and they have received training to allow them to enforce PSPO's across the city.
11. The Home Office Guidance makes it clear that evidence is required around alcohol related nuisance or annoyance to the public in the proposed PSPO area. It also makes explicit that evidence should be obtained from Police data and local residents. The figures as shown in Paragraph 5 show that there are problems occurring in the Groves and consultation has been carried with local residents to establish both the scale of the problem, and their support for the introduction of a PSPO.

12. As part of this process there will need to be a charge set in terms of any FPNs issued. The Act suggests a maximum limit of £100 with a provision for a reduction for early repayment; the council will be producing a separate report for the Executive Member which will detail the amounts charged for FPN's and other enforcement charges levied by the Community Safety Hub to ensure that consistent and equitable amounts are charged. To give an example of other authorities in North Yorkshire the level of fine has been set at £100 reduced to £60 in both Hambleton and Richmond Councils.
13. Option 2 will restrict the options available to challenge ASB in this area, and will reduce the levels of additional revenue that can be raised to continue to tackle ASB across the city.

Consultation

14. As part of the process the Council has sought views from local residents to determine whether they support the PSPO. People were asked to complete a short survey which was both placed on the council's website and paper copies were distributed through one of the local shops. A total of 91 responses were received. In relation to the question 'have you seen people drinking in public in the last 12 months in the Groves' 90% said yes, 1% said no and 9% did not answer this question.
15. To the question 'would you support the introduction of a PSPO in the Groves' 85% said yes, 4% said no, 1% had no opinion and 9% did not answer the question. (See appendix 3 for all additional comments provided for this question).
16. North Yorkshire Police and the Office of the Police & Crime Commissioner have been consulted on these proposals. North Yorkshire Police has commented 'due to ongoing issues involving ASB within the Groves and the time and effort that my teams spend within this area I would wholeheartedly support the introduction of the PSPO and believe that this would improve the quality of life of the community.' The Police and Crime Commissioner has further added 'The introduction of the Public Space Protection Order could prove a very positive step forward for local residents, and I support the police and council action. A PSPO will help to combat anti-social behaviour and improve the quality of life for residents and visitors to York'

Council Plan

17. The introduction of a PSPO in the Groves, strongly supports the priority within the new Draft Council Plan of 'A focus on Frontline Services.' To ensure that residents are protected from harm, with a low risk of crime.
18. Support services are available to those who need them (aim)
19. Residents are protected from harm, with a low risk of crime (aim)

Implications

20. The implications arising directly from this report are:
21. **Financial** – The sum of £100 is the maximum amount that can be set by way of FPN. Officers may choose to use this enforcement route rather than prosecute for the original offence in the court where a consequence for offenders is a criminal record. There is also a provision, for 2 amounts to be set, a lower amount should the FPN be paid within a specified period of less than 14 days, and the full amount if the FPN is paid within 14 days to the end period given for payment of the FPN. There is a cost in terms of signage, but this can be contained within existing budgets.
22. **Human Resources (HR)** – There are no HR implications.
23. **Equalities** – The decision to enforce the CPN and PSPO powers will be the individual officer's decision and the equalities impact will be considered by these officers on a case by case basis. Setting the limits for the FPN does not have an equalities impact.
24. **Legal** – The Council's Legal Services Department have given advice and training to officers in relation to the Act and in relation to the new PSPO powers, have assisted in the drafting of all of the paperwork required to deal with these powers. Legal Services have advised that firstly as these powers replace other powers used by the Local Authority, that the provisions of the Act should be utilised and secondly that if they are not, this could give rise to challenge from individuals seeking solutions to problems concerning anti-social behaviour.
25. **Crime and Disorder** – The income generated through the use of FPNs could increase resources or be used to prevent or reduce further Crime and Disorder in the City of York.

26. **Information Technology (IT)** – There are no IT implications.

27. **Property** – There are no property implications.

28. **Other** – There are no other implications.

29. **Risk Management**

30. There are potential risks to the local community if this report is not implemented..

Contact Details

Author:

Paul Morrison

Community Safety Manager
01904 555095

Chief Officer:

Steve Waddington

Assistant Director of Housing & Community
Safety

Rachel McKevitt

Senior Solicitor
01904 551043

**Report
Approved**



Date 27 October 2015

Specialist Implications Officers:

Financial: Isabel Jones, Accountant, 01904 551799

Wards Affected: Guildhall

For further information please contact the author of the report

Background Papers

Decision Session - Cabinet Member for Communities – 17 March 2015
[Report on Petition – Street Drinking in Lowther Street, Penley Grove Street, Townend Street and surrounding areas.](#)

Annexes

Annex 1 Map detailing boundaries of the Proposed PSPO

Annex 2 Proposed PSPO

Annex 3 Comments received from the question “Would you support the introduction of a PSPO?”

Annex 4 Community Impact Assessment (CIA)

Abbreviations:

ASB	Anti Social Behaviour
DPPO	Designated Public Places Order
FPN	Fixed Penalty Notice
NYP	North Yorkshire Police
PSPO	Public Space Protection Order