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| Meeting: | Executive |
| Meeting date: | 2 December 2025 |
| Report of: | Director of Housing and Communities |
| Portfolio of: | Executive Member for Housing, Planning & Safer Communities |

Decision Report: Public Space Protection Order (PSPO) within the City Walls

Subject of Report

1. The purpose of this report is to consider the responses from a recent consultation process undertaken as approved by the Executive Member for Housing, Planning and Safer Communities on 2 September 2025 and determine whether to re-introduce a PSPO within the city walls.
2. The decision to undertake consultation regarding a potential PSPO was developed jointly in conjunction with North Yorkshire Police, and the process followed is in accordance with the guidance as set down by the Local Government Association available here:
https://www.local.gov.uk/sites/default/files/documents/10.21%20PSP%20guidance_06_1.pdf
3. The consultation undertaken covered a wider set of powers regarding begging and loitering, however it has been recognised that the limited form of consultation is only considered sufficient for renewal of existing powers. It does not provide sufficient information and evidence at this stage for example, to provide a robust Equalities and Human Rights assessment and any associated mitigations relating to vulnerable groups of people who may be affected by the changes.
4. The recommendations and actions relating to the renewal of the existing PSPO and deeper consultation of further powers will contribute to the council's and its partners' collective commitment to

making York's city centre and public spaces safe and welcoming for all.

Benefits and Challenges

5. The unique layout of the city with its compact mix of residential, commercial and licensed premises makes it difficult to avoid conflict between different user groups. This often results in negative perceptions of the city being a safe despite the actual crime figures being lower than other cities. A partnership approach between all key stakeholders in the city, including City of York Council and North Yorkshire Police has ensured that where issues arise, they are quickly addressed through a holistic approach of education, support and enforcement.
6. The city centre faces different issues to many other areas across the city, including large number of groups of people travelling into the city to enjoy the hospitality offer, but also street drinking and begging. This often creates behaviour which residents, local businesses and visitors find intimidating, and the city's spaces appear to be unsafe.
7. Within this context, York BID has again been awarded Purple Flag status for the city Centre, which is given in recognition of those cities and town centres that demonstrate the ability to manage their evening and night time economy, ensuring that they are creating an environment which is both safe and vibrant. The BID lead on the strategic priority of keeping the City Centre Safe in the Safer York Partnership Community Safety strategy, which is overseen by the Community Safety Partnership Board. This PSPO also supports other key initiatives such as Violence Against Women and Girls (VAWG), the Serious Violence Duty and York BID's Choose Respect not Regrets campaign. It also supports the Government's desire to create safer cities.
8. On 5 November 2025, the Secretary of State wrote to Police and Crime Commissioners, Deputy Mayors for Policing and Crime and Local Authority Leaders regarding the launch of a 'Winter of Action' in Town Centres, focusing on retail crime, street crime and antisocial behaviour and night-time economy safety and VAWG. This National Campaign emphasises the requirement for Cities and Towns to utilise all tools and powers available to tackle crime and antisocial behaviour and therefore supports the need for further

consultation with a view to strengthening the powers contained within the PSPO.

9. The Council currently has a citywide PSPO in place to tackle street urination, and this PSPO would support and extend this tool to tackle wider aspects of ASB.

Policy Basis for Decision

10. The extension of the PSPO in the area, supports the priorities within the Council Plan 2023-27, One City For All as follows:

- Build Community Pride
- Make the City Centre Work for Everyone

11. The report meets the core commitments in the Council Plan (Affordability Equalities, Climate Change and Health) by ensuring the city remains a safe place for all irrespective of their backgrounds; to ensure York is a city where people can have equal and safe access to health giving spaces that they enjoy that along with other recently approved PSPOs (for example, street urination and dog fouling) to keep the city's streets clean and for everyone's enjoyment.

Financial Strategy Implications

12. The cost of publicising the PSPO through notices, can be met within current budgets. The renewal does not change the amount of any Fixed Penalty Notice (FPN) at £100, which would be reduced to £75 if paid within the first 14 days.

Recommendation and Reasons

13. It is recommended, that in accordance with Option 1 in paragraph 31, the Executive approve:
 - a) the decision to reintroduce the original PSPO which is a ban on drinking alcohol in public within the area;
 - b) a further detailed consultation relating to the following:

- The ability to remove large groups of 2 or more people who are causing anti-social behaviour (originally 3 in the September 2025 report but reduced due to consultation feedback);
 - Begging, no person shall make any verbal, non-verbal or written request for money, donations or goods, including the placing of hats, clothing or containers so as to cause or is likely to cause harassment, alarm, distress, nuisance or annoyance.
 - No return within 24 hours if asked to leave. No person shall, after being requested to leave by an authorised officer due to them behaving in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the city Centre without reasonable excuse, remain or return to the city Centre within a period of 24 hours.
 - Loitering, no person shall loiter, sit or lay on the floor or on temporary structures in or adjacent to doorways or around pay machines (including banks, supermarkets) in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the City Centre.
- c) Delegated authority for the Director of Housing & Communities to sign the PSPO on behalf of the Executive Member for Housing, Planning and Safer Neighbourhoods in conjunction with the Director of Governance and the Monitoring Officer.

Reason: To ensure that the council actively addresses the issue of antisocial behaviour in York's communities and is able to deliver the requirements of the Government's Winter of Action Campaign.

Background

14. The Anti-Social Behaviour, Crime and Policing Act 2014 came into force on the 20 October 2014 and changed the powers available to local authorities and the police to deal with anti-social behaviour in our communities.
15. The Act introduced new powers, including, a Public Spaces Protection Order, which is granted by the Local Authority, but can be enforced by either the Local Authority or the Police. A PSPO will allow the council to stop individuals or groups from carrying out acts of anti-social behaviour.

16. 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 power replaces the previous gating orders, designated public place orders (relating to restrictions on alcohol consumption) and dog control orders. Orders may be reviewed and amended at any time should the circumstances or particular patterns of antisocial behaviour identify further suitable prohibitions.
17. Breaching the conditions of a PSPO is a criminal offence with the option for officers to issue a Fixed Penalty Notice (FPN) or to prosecute the breach in the Magistrates Court. Association of Chief Police Officers guidance indicates that all breaches of PSPO and non-payment of FPN rests with the Local Authority. Failure to pay an FPN within a given period is likely to lead to prosecution for the original offence.
18. A Public Space Protection Order has been in place in the city centre since 2022 which expired in August 2025 and prior to that a Designated Public Place Order and Alcohol Exclusion Zones were used to deal with the anti-social behaviour associated with alcohol and groups causing a nuisance. Prior to the introduction of the PSPO in the city centre, these previous legislative powers referenced above combined with police utilising their dispersal powers were used, as incidents of anti-social behaviour increased after the Coronavirus Pandemic. The Police Dispersal Power requires the preauthorisation of an order by an Inspector and does not enable an immediate reactive response to tackling alcohol related anti-social behaviour.
19. The PSPO enables police officers to seize alcohol where it is associated with anti-social behaviour that is impacting on the quality of life for people in that area. It should be noted that the PSPO does not outright ban drinking alcohol in open spaces where it is happening responsibly or as part of open air events or within outdoor licensed spaces. However, the power can be applied

provided there is anti-social behaviour associated with alcohol in any area where the order applies.

20. North Yorkshire Police supported the consultation to reintroduce the PSPO and have engaged in discussions with City of York Council to extend the scope of this order to address a wider range of issues, which have required detailed consideration which extended beyond the original renewal date. These wider issues were included in the consultation and did receive support from residents and businesses, these were as follows:

- The ability to remove large groups of 2 or more people who are causing anti-social behaviour (originally 3 in the September 2025 report but reduced due to consultation feedback);
- Begging, no person shall make any verbal, non-verbal or written request for money, donations or goods, including the placing of hats, clothing or containers so as to cause or is likely to cause harassment, alarm, distress, nuisance or annoyance.
- No return within 24 hours if asked to leave. No person shall, after being requested to leave by an authorised officer due to them behaving in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the city Centre without reasonable excuse, remain or return to the city Centre within a period of 24 hours.
- Loitering, no person shall loiter, sit or lay on the floor or on temporary structures in or adjacent to doorways or around pay machines (including banks, supermarkets) in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the City Centre.

21 These wider powers are aimed to address an emerging trend in individuals from other towns and cities in the region travelling to York specifically to beg and often dealing drugs on the streets. This has been largely driven by those other towns and cities using their own PSPO powers to target these behaviours, this making York attractive to displacement of criminal and anti-social behaviour. The powers would not be used in relation to individuals from York or with a connection to York who find themselves on the streets. Use of the PSPO to deal with incoming individuals would form part of a package of interventions to address City Centre Crime and ASB that would include education and support as well as enforcement, when deemed proportionate and necessary.

- 22 In order to implement such an extension of the existing prohibitions, however, there has been some concern expressed by residents and stakeholders around unequal treatment for homeless and rough sleeping people in particular. As such any further widening of the PSPO requires further consultation with both stakeholders and support services to ensure that these views are fully considered and the needs of all groups impacted can be met.
- 23 This report therefore seeks to reintroduce the PSPO that has been in place since 2022 to allow for an immediate response over the Christmas and New Year period by the Police and council enforcement officers regarding anti-social behaviour associated with intimidation and excessive consumption of alcohol. Further work will be carried out in early 2026 to look at the potential to expand the order to tackle a wider range of issues as outlined in the September report, and ahead of the busy summer holiday period.
- 24 During the course of the first seven months of 2025, there were 573 incidents within the city walls, relating to violence, ASB and concern for safety. Whilst these figures are relatively low compared to other cities, both the council and the police are keen that York retains its low crime status and that fear of crime for residents, visitors and businesses is reduced. The order provides for an immediate response to issues of anti-social behaviour impacting on the quality of experience for all users of the city centre.

Consultation Analysis

- 25 North Yorkshire Police and partner organisations such as York BID, CYC's Resettlement Services and Licensing have been consulted in relation to this Order and support the introduction of the PSPO. Respondents have advised that there has been an increase in people arriving from other areas where PSPOs are in place.
- 26 As part of the process the Council has sought views from local residents and businesses to support the PSPO. People were asked to complete a short survey which was placed on the council's website.
- 27 The council received 77 responses to the survey. People were invited to leave comments in the consultation regarding their thoughts and 33 responses were received. Whilst this is consistent with the response to the previous single item PSPO in 2022 (78 responses and 36 comments), it is not considered sufficient to

justify the expansion of the prohibitions and it is therefore acknowledged that to do this would require a more extensive consultation process in 2026.

28 In response to the question 'have you experienced ASB within the city centre in the past 12 months?' the following responses were received:

- 81% replied that they had;
- 19% said that they had not.

29 The figures for the potential prohibitions are listed in the table below

| Potential Exclusion | Support (%) | Oppose (%) |
|---|--------------------|-------------------|
| Drinking alcohol | 88 | 12 |
| Taking drugs or other psychoactive substances | 93 | 7 |
| Harass or cause alarm or distress to anyone | 90 | 10 |
| Make verbal insults, including sexualised comments and gestures | 88 | 12 |
| Engage in antisocial behaviour or obstruct public footpaths and highways while in groups of 2 or more people | 90 | 10 |
| Put up temporary structures such as tents and other structures without the permission of the council | 77 | 23 |
| Sell (or attempt to sell) or distribute merchandise or printed material without having a | 90 | 10 |

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| valid permit or consent | | |
| Sell goods or collect money on behalf of a registered charity without a valid permit | 88 | 12 |

30 The written comments are contained in Annex B.

Options Analysis and Evidential Basis

31. **Option 1:** Approve the reintroduction of the PSPO which is a ban on drinking alcohol in public within the area and undertake the consultation on the extension of powers as outlined in recommendation b). **This option is recommended for the reasons outlined in the report.**
32. **Option 2:** Approve the reintroduction of the PSPO within the city walls to include seizing alcohol where it is associated with anti-social behaviour that is impacting on the quality of life for people in that area and do not undertake the consultation on the extension of powers as outlined in recommendation b). This option is not recommended as the feedback from Police and first consultation outputs suggest there is support for the powers to be introduced.
33. **Option 3:** Decline the reintroduction of the PSPO for the area and any consultation on any extension of powers. This option is not recommended as this would go against the findings of the consultation and would oppose partner ambitions to ensure the city is safe. Failing to introduce a PSPO for the city centre will maintain the current status quo but will not provide the police and council with powers to challenge ASB in the city centre. It also increases the risks for city centre residents, visitors and businesses who are affected by the impact of alcohol related behaviour.

Organisational Impact and Implications

- 34.
- **Financial,** The cost of undertaking the consultation can be met from within existing budgets.
 - **Human Resources (HR),** There are no Human Resources Implications

Legal, The relevant legal powers are set out in the main body of the report.

The Council has power to introduce a PSPO subject to:

- a. compliance with consultation requirements, and
- b. being satisfied that the order is a proportionate response to the harm targeted and is consistent with the Public Sector Equality Duty under Section 149 of the Equality Act 2010.

The introduction of a PSPO is generally a quicker method of introducing measures to tackle anti-social behaviour, and multiple issues can be dealt with in a single PSPO. This is therefore the preferred method of introducing these measures rather than revoking and introducing individual byelaws which deal with these behaviours, which can be a lengthy process.

The option to issue an FPN under the PSPO would result in a reduced administrative burden on the Council as well as a more proportionate approach from the offender perspective.

Per section 70 of the Anti-Social Behaviour, Crime and Policing Act 2014, where an existing byelaw prohibits an activity which is also regulated by a PSPO, the PSPO provision prevails, and the byelaw is of no effect for the duration of the PSPO in the area to which it relates.

- It is recommended that the PSPO contain an option to both issue an FPN and/or seek a summary conviction, which could be reserved for the more serious offences or persistent offenders
- **Procurement,** There are no procurement implications
- **Health and Wellbeing,** Public health supports the report and the recommended options.
- **Environment and Climate action,** The report has no climate change implications.
- **Affordability,** As outlined in the attached Equalities Impact Assessment (EIA) People on low incomes may spend more time in public spaces, so there is a small risk of disproportionate engagement by officers. This is mitigated through a support-first, proportionate approach.

- ***Equalities and Human Rights***, A full EIA is attached at Annex A. The group with any meaningful risk is people who are homeless or rough sleeping, if enforcement is not used proportionately. Further EIAs will be produced for any expanded powers.
- ***Data Protection and Privacy***, The data protection impact assessment (DPIAs) screening questions were completed for the recommendations and options in this report and as there is no personal, special categories or criminal offence data being processed to set these out, there is no requirement to complete a DPIA at this time. However, this will be reviewed following the approved recommendations and options from this report and a DPIA completed if required.
- ***Communications***, We will work with other partners to raise awareness of changes to the PSPO, focusing primarily on digital channels where this information can be shared into other community groups and online spaces.
- ***Economy***, the report's implications have a positive effect on the local economy, ensuring a safer street and trading environment for all residents and visitors.

Risks and Mitigations

35. The risks of not implementing the recommendation in this report are summarised in Paragraph 31-33 above.

Wards Impacted

36. Guildhall Ward

Contact details

For further information please contact the authors of this Decision Report.

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| Report approved: | Yes |
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Background papers

Combined Executive Member Decision Session 2nd September 2025
<https://democracy.york.gov.uk/documents/s185157/PSPO%20consultation%20report%20on%20city%20walls%20final%20version.pdf>

2022 PSPO Report:
<https://modgov.york.gov.uk/documents/s159037/Report.pdf>

Annexes

- Annex A Map highlighting proposed area of PSPO
- Annex B List of comments received
- Annex C Equalities Impact Assessment (EIA)

List of Abbreviations Used in this Report

ASB – Anti-social behaviour
CYC – City of York Council
EIA – Equalities Impact Assessment
FPN – Fixed Penalty Notice
NYP – North Yorkshire Police
PSPO – Public Space Protection Order
VAWG – Violence Against Women & Girls