

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

17 February 2022

Report of the Director of Environment, Transport and Planning

**Request to consult about the introduction of a Public Space Protection
Order at Union Terrace and Clarence Gardens.**

Summary

1. The purpose of this report is to agree to proceed to public consultations on the potential implementation of a Public Space Protection Order (PSPO) to tackle the problems caused by groups of people at Union Terrace Car Park and Clarence Gardens. (See Annex 1)

Recommendations

2. The Executive Member is asked to approve:
 - (i) To agree that the council will undertake a 4 week consultation process with local residents and interested stakeholders relating to a proposed PSPO for Union Terrace and Clarence Gardens.

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

- (ii) To receive a further report at the end of the consultation which makes recommendations as to whether to introduce a PSPO taking into account the responses to the consultation.

Reason: The Council will need to have due regard to the results of the public consultation exercise and legal criteria in making a decision

Background

3. 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.

4. 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 give the police and the council additional powers to stop individuals or groups carrying out specific types of antisocial behaviour.
5. 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 whether to grant a PSPO taking into account the responses to the consultation exercise. This power replaces the previous gating orders, designated public place orders (relating to restrictions on alcohol consumption) and dog control orders.
6. Breaching the conditions of a PSPO is a criminal offence with the option open to 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 whilst the order is enforced by both police and local authority. Failure to pay an FPN within a given period is likely to lead to prosecution for the original offence.
7. PSPOs across the city were reviewed in December 2021 and analysis undertaken in relation to their effectiveness as a tool to tackle anti-social behaviour. The refresh of the Anti-Social Behaviour section of the Safer York Partnership Community Safety Strategy 2020-23 will incorporate specific guidance on how Public Space Protection Orders will be considered and used as part of a multi-faceted approach to tackling anti-social behaviour. PSPO is just one of many tools and powers available to tackle issues of antisocial behaviour. It is not used in isolation but rather forms part of an overall multi-agency problem solving approach. In relation to this location, a multi-agency problem solving group has been convened to develop an action plan focused on tackling all of the antisocial and criminal behaviour being experienced in this area.
8. Union Terrace is a car park situated just outside of the city walls, and is one of the main parking areas for coaches bringing visitors to the city. There is also a homeless hostel next to the car park. It is opposite part of

the campus buildings at the University of York St Johns. This means that there is a high footfall in the locality on a daily basis.

9. Clarence Street gardens is a park, situated close to Union Terrace, and is adjacent to the hospital. Some of the same individuals who have caused issues at Union Terrace have also been responsible for incidents within the park.
10. Possible options that the council could consider introducing as part of a PSPO include;
 - A ban on drinking alcohol in both areas where it is associated with antisocial behaviour;
 - The ability to remove large groups of 3 or more people who are causing anti-social behaviour for both sites;

Consultation

11. North Yorkshire Police support undertaking the consultation with residents.

Options

12. **Option 1** – to consult on the introduction of the PSPO which would ensure that the Police and Council would have greater powers to deal with anti-social behaviour in these areas.
13. **Option 2** – Not to consult on the introduction of a PSPO which would restrict the ability of the Police and Council to tackle anti-social behaviour in the area

Analysis

14. Option 1 – During the course of 2021 despite the restrictions in place for Covid-19 at different times of the year which reduced footfall across York there were 528 incidents of crime and anti-social behaviour reported across both Union Terrace and Clarence Street.
15. Of these 180 were reports of ASB and crime that were related to alcohol. The figures show that 129 of these reports were in Union Terrace, and 51 were linked to Clarence Street.

16. Safer York Partnership and North Yorkshire Police have visited local residents and business owners to discuss their concerns and to encourage people to report issues and incidents to ensure that we have accurate figures.
17. Healthmatic who operate the Council's Public Toilets have advised that they have had lots of issues within the toilets which are situated in the car park, and have had to close the toilets regularly because of damage.
18. North Yorkshire Police have also issues dispersal orders on 10 occasions. These are short term solutions that for a period of 24 or 48 hours allow the police to ask people to leave an area because of anti-social behaviour. They are approved by an Inspector or a more senior officer.
19. Because of the close proximity of Clarence Street Gardens to Union Terrace and the fact that some of the individuals who are causing issues at Union Terrace have also been named in incidents within Clarence Street Gardens, there is a risk of simply displacing the problem to this area unless it is covered within the proposed PSPO.
20. Option 1 – will enable local residents to respond to the consultation to help inform how the proposed PSPO should be taken forward.
21. Option 2 - will restrict the options available to challenge ASB in this area. It also increases the risks associated with visitors to the city who are using the car park.
22. The current arrangements do not provide the police and council with all the available powers to tackle antisocial behaviour in the area.

Council Plan

23. The introduction of PSPO's in these areas, supports the priority within the Council Plan 2019 – 23, Making History, Building Communities. To ensure that residents have safer communities and culture for all.

**Good Health and Wellbeing
Safer Communities and Culture for All**

24. Implications

- **Financial** – The cost of undertaking the consultation can be met from within existing budgets.
- **Human Resources (HR)** – None
- **Equalities** – There are no equalities implication arising from the decision to consult, a full EIA will be carried out following the consultation should the outcome be to bring forward a PSPO.
- **Legal** – There are no Legal implications to undertaking the consultation with residents and stakeholders.
- **Crime and Disorder** – Anti-social behaviour is taking place and is having an impact on local residents experience of their local neighbourhood. Undertaking this consultation will, subject to the outcome, enable the police and council to reduce antisocial behaviour in the locality.
- **Information Technology (IT)** – There are no IT implications.
- **Property** – There are no property implications.
- **Other** – There are no other implications.

Risk Management

25. There are no high risks identified.

Contact Details

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Director of Environment, Transport and
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Report
Approved



Date 8/02/2022

Specialist Implications Officer(s)

Financial:
Name Patrick Looker
Title Finance Manager

Legal:
Name Sandra Branigan
Title Senior Solicitor

Wards Affected: Guildhall

For further information please contact the author of the report

Background Papers: None

Annexes

Annex 1 – Map highlighting proposed area of PSPO

List of Abbreviations Used in this Report

PSPO – Public Space Protection Order
FPN – Fixed Penalty Notice