

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

19 May 2022

Report of the Director of Environment, Transport and Planning

**Consultation Outcome - Public Space Protection Order (PSPO) for
Union Terrace and Clarence Gardens**

Summary

1. The purpose of this report is to consider the responses from the recent consultation process and determine whether to introduce a PSPO for the Union Terrace and Clarence Gardens area. The decision to undertake consultation regarding a potential PSPO was developed jointly in conjunction with North Yorkshire Police.

Recommendations

2. The Executive Member is asked to **approve option 1** – The introduction of a PSPO within the Union Terrace and Clarence Gardens area to include:
 - Seizing alcohol where it is associated with anti-social behaviour (ASB) that is impacting on the quality of life for people in that area.
 - The ability to disperse large groups of 3 or more people who are causing ASB
 - Extending the area covered to include the area bordered by the railway line and River Foss, as indicated in the attached map at annex 1.
 - Setting the amount of any Fixed Penalty Notice (FPN) at £100, which would be reduced to £75 if paid within the first 14 days.
 - Delegated authority for the Director of Environment, Transport and Planning to sign the PSPO on behalf of the Executive Member for Housing and Safer Neighbourhoods in conjunction with Legal Services.

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

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 allow the police and the council to stop individuals or groups from carrying out acts of anti-social 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 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.
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. 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.
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 Gardens is a park, situated close to Union Terrace, and is adjacent to the hospital. Issues with Anti-Social Behaviour are also experienced along Clarence Street itself which runs alongside Union Terrace car park and leads to Clarence Gardens.
10. Some of the same individuals who have caused issues at Union Terrace have also been responsible for incidents within the park. ASB is also experienced in the wider area.

Consultation

11. 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 placed on the council's website. The council also publicised this across social media and through press releases to local media outlets.
12. The council received 168 responses to the survey.
13. In response to the question have you experienced ASB in Union Terrace or Clarence Street in the past 12 months:
 - 82% replied that they had;
 - 18% said that they had not.
14. In response to the individual questions to find out whether people supported the introduction of the PSPO and the specific prohibitions, 145 of the 168 answered this question and the answers were as detailed below:

Questions	Yes as a %	No as a %
A ban on drinking alcohol	90	10
The ability to remove large groups of 3 or more people who are causing anti-social behaviour	92	8

15. North Yorkshire Police support the introduction of the PSPO as well.

Options

16. **Option 1** – Authorise the introduction of the PSPO for the area as defined in the attached map at Annex 1, 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.
- The ability to disperse large groups of 3 or more people who are causing ASB
- Extending the area covered to include the area bordered by the railway line and river.
- Setting the amount of any Fixed Penalty Notice (FPN) at £100, which would be reduced to £75 if paid within the first 14 days.
- Delegated authority for the Director of Environment, Transport and Planning to sign the PSPO on behalf of the Executive Member for Housing and Safer Neighbourhoods in conjunction with Legal Services.

17. **Option 2** – Decline to introduce a PSPO for the area

Analysis

18. 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.
19. 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.
20. 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.
21. 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.
22. North Yorkshire Police have also issued dispersal orders for these two locations on 10 occasions during 2021. 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.

23. Because of the close proximity of Clarence 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 Gardens, there is a risk of simply displacing the problem to this area unless it is covered within the proposed PSPO.
24. People were invited to leave comments in the consultation regarding their thoughts and we received 87 responses. These are all attached as Appendix 2. One of the trends identified from residents were their concerns that the area was not large enough and could simply displace ASB to other areas. Following consultation with the multi-agency group tackling the issues on this area, it has been agreed to increase the area covered by the PSPO to reflect natural boundary lines such as the railway line and river so that people are aware as to whether they are within the area.
25. Option 2 - Failing to introduce a PSPO for this area will maintain the current status quo but will not provide the police and council with powers to challenge AS. It also increases the risks for residents, visitors and businesses who are affected by the impact of alcohol related behaviour
26. The current arrangements are not able to offer the Police the ability to tackle the sub criminal behaviour that is caused by groups of people in the area.

Council Plan

27. 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

28. Implications

- **Financial** – The cost of undertaking the introduction of the PSPO can be met from within existing budgets.
- **Human Resources (HR)** – None
- **Equalities** – The decision to implement a PSPO will need to take into account the consultation will need to take into account the Public

Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions).

- An Equalities Impact Assessment is attached as Annex 3.
- **Legal** – The relevant legal powers are set out in the main body of the report.
- **Crime and Disorder** – Anti-social behaviour is taking place and is having an impact on local residents going about their day to day business. Introducing the PSPO's will enable the council to reduce ASB 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

29. There are no high risks identified.

Contact Details

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Report Date 2/5/2022
Approved

Wards Affected: Guildhall

For further information please contact the author of the report

Background Papers: None

Annexes:

Annex 1 – Map showing proposed PSPO location
Annex 2 – Individual responses to the free text question in the consultation
Annex 3 – Equality Impact Assessment document

List of Abbreviations:

ASB: Anti-Social Behaviour
FPN: Fixed Penalty Notice
PSPO: Public Space Protection Order