

**Notice of a public  
Decision Session - Executive Member for Housing and Safer  
Neighbourhoods**

**To:** Councillor Craghill (Executive Member)

**Date:** Thursday, 17 February 2022

**Time:** 10.00am

**Venue:** The Snow Room - Ground Floor, West Offices (G035)

**AGENDA**

**Notice to Members – Post Decision Calling In:**

Members are reminded that, should they wish to call in any item\* on this agenda, notice must be given to Democracy Support Group by **4:00pm on Monday 21 February 2022.**

\*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Customer and Corporate Services Scrutiny Management Committee.

**Written representations in respect of items on this agenda should be submitted to Democratic Services by 5.00pm on Tuesday 15 February 2022.**

**1. Declarations of Interest**

At this point in the meeting, the Executive Member is asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which she may have in respect of business on this agenda.

- 2. Minutes** (Pages 3 - 12)  
To approve and sign the minutes of the meetings held on 2 August 2021 and 16 December 2021.

- 3. Public Participation**  
At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting. The deadline for registering at this meeting is at **5.00pm on Tuesday 15 February 2022.**

To register to speak please visit [www.york.gov.uk/AttendCouncilMeetings](http://www.york.gov.uk/AttendCouncilMeetings) to fill out an online registration form. If you have any questions about the registration form or the meeting please contact the Democracy Officer for the meeting whose details can be found at the foot of the agenda.

### **Webcasting of Public Meetings**

Please note that, subject to available resources, this public meeting will be webcast including any registered public speakers who have given their permission. The public meeting can be viewed on demand at [www.york.gov.uk/webcasts](http://www.york.gov.uk/webcasts).

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates ([www.york.gov.uk/COVIDDemocracy](http://www.york.gov.uk/COVIDDemocracy)) for more information on meetings and decisions.

- 4. Request to consult about the introduction of a Public Space Protection Order within the City Walls** (Pages 13 - 20)

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 anti-social behaviour associated with the excessive consumption of alcohol within the City Walls.

**5. Request to consult about the introduction of a Public Space Protection Order at Union Terrace and Clarence Street Gardens** (Pages 21 - 28)

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.

**6. Urgent Business**

Any other business which the Executive Member considers urgent under the Local Government Act 1972.

Democracy Officer:

Louise Cook

Contact details:

- Telephone – (01904) 551031
- Email [louise.cook@york.gov.uk](mailto:louise.cook@york.gov.uk)

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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## Coronavirus protocols for attending Committee Meetings at West Offices

If you are attending a meeting in West Offices, you must observe the following protocols.

**Good ventilation is a key control point, therefore all windows have been opened to allow adequate ventilation, they must be left as set prior to the start of the meeting.**

If you're displaying possible coronavirus symptoms (or anyone in your household is displaying symptoms), you should follow government guidance. You are advised not to attend your meeting at West Offices.

### Testing

The Council encourages regular testing of all Officers and Members and also any members of the public in attendance at a Committee Meeting. Any members of the public attending a meeting are advised to take a test within 24 hours of attending a meeting, the result of the test should be negative, in order to attend.

Test kits can be obtained by clicking on either link: [Find where to get rapid lateral flow tests - NHS \(test-and-trace.nhs.uk\)](https://www.nhs.uk/conditions/coronavirus/coronavirus-test-kits), or, [Order coronavirus \(COVID-19\) rapid lateral flow tests - GOV.UK \(www.gov.uk\)](https://www.gov.uk/order-coronavirus-rapid-lateral-flow-tests).

Alternatively, if you call 119 between the hours of 7am and 11pm, you can order a testing kit over the telephone.

### Guidelines for attending Meetings at West Offices

- Please do not arrive more than 10 minutes before the meeting is due to start.
- You are not required to wear a face covering whilst in West Offices. CYC supports the decision of those who wish to do so.
- Visitors to enter West Offices by the customer entrance and Officers/Councillors to enter using the staff entrance only.
- Ensure your ID / visitors pass and lanyard is clearly visible at all time and worn around the neck.
- Regular handwashing for 20 seconds is recommended.
- Please use the touchless hand sanitiser units on entry and exit to the building and hand sanitiser within the Meeting room.
- Bring your own drink if required.
- Only use the designated toilets next to the Meeting room.

### Developing symptoms whilst in West Offices

If you develop coronavirus symptoms during a Meeting, you should:

- Make your way home immediately
- Avoid the use of public transport where possible
- Follow government guidance in relation to self-isolation.

You should also:

- Advise the Meeting organiser so they can arrange to assess and carry out additional cleaning
- Do not remain in the building any longer than necessary
- Do not visit any other areas of the building before you leave

If you receive a positive test result, or if you develop any symptoms before the meeting is due to take place, **you should not attend the meeting.**

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City of York Council

Committee Minutes

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Meeting	Decision Session - Executive Member for Housing and Safer Neighbourhoods
Date	2 August 2021
Present	Councillor Craghill (Executive Member)

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### **1. Declarations of Interest**

The Executive Member was asked to declare, at this point in the meeting, any personal interests not included on the Register of Interests or any prejudicial or discloseable pecuniary interest that she might have in respect of the business on the agenda. None were declared.

### **2. Minutes**

Resolved: That the minutes of the previous meeting held on 15 April be approved and signed as a correct record by the Executive Member.

### **3. Public Participation**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

### **4. The Enforcement of the Minimum Energy Efficiency Standards Regulations within the Private Rented Sector in York**

The Executive Member considered a report that provided an update on progress of the Housing Energy Efficiency Programme, following on from the Executive Member Decision Session of 18 March 2021.

The Housing Standards and Adaptations Manager and the Head of Housing Delivery and Asset Management were in attendance to provide an update and answer any questions.

The Housing Standards and Adaptations Manager explained the background to the Energy Efficiency Regulations, the Energy Performance Certificates (EPCs), the Minimum Energy

Efficiency Standards (MEES) and the project, including the outcomes and future opportunities.

Key points arising from the presentation of the report included:

- Energy Efficiency Rating (EER) was shown on an A to G rating scale and was accompanied by a recommendation report that showed how to improve the dwellings energy efficiency.
- Since April 2020 it had been unlawful to rent out any residential property whose Energy Performance Certificate (EPC) did not meet an E as a minimum, unless they had a valid exemption in place.
- 12 regional partner authorities had been assisted with implementing processes and systems to ensure compliance with and enforcement of the MEES Regulation.
- A list of 315 properties with non-valid EPCs was compiled and from this initial list, further investigation showed that 123 had subsequently been found to have improved their EPC rating, 49 had left the private rented sector or had been let under a tenancy type not covered by the MEES Regulation, 9 properties had been referred for grant assistance and 5 were currently empty.
- 3 letting agents had amended/repared websites to include EPC data.
- Findings of the pilot project had been fed back to the Department of Business, Energy and Industrial Strategy (BEIS).
- BEIS were considering raising the minimum standards so that from April 2025 it would be unlawful to let a residential premises that did not reach a minimum energy efficiency standard of C on a new tenancy and from April 2028 to make it unlawful to let any residential property whose EPC did not meet a C.
- Additional external funding was being sourced to continue the project and to share experience and best practice with other regional councils.

The Executive Member noted that the pilot project had already brought about substantial improvements and knowledge across the private rented sector and she welcomed the energy performance improvements which would support the council's strategy to reduce carbon emissions and improve the health and financial circumstances of residents.



Officers were thanked for the work they had achieved so far and for the support they had offered to landlords to meet the increase in legal standards and the Executive Member:

Resolved:

- i. Noted the report and the possible implications of future Government proposals for the Council;
- ii. Supported the continuation of this project subject to the necessary external funding being available; and
- iii. Noted the future implications for carbon reduction and housing energy efficiency strategy development.

Reason: This work seeks to improve the health and wellbeing of our residents, reduce fuel poverty and reduce the carbon emissions from our housing sector, supporting the city's carbon neutral 2030 aspirations.

## **5. Update on the Housing Energy Efficiency Programme and grant application for the Sustainable Warmth Competition**

The Executive Member considered a report that provided an update on progress of the Housing Energy Efficiency Programme.

The Head of Housing Delivery and Asset Management was in attendance to provide an update and answer any questions. He highlighted the background to the programme and the improvements made under the Local Authority Delivery Programme round 1B (LAD1B) and the Local Authority Delivery Programme round 2 (LAD2) funding.

Key points arising from the presentation of the report included:

- LAD 1B funding would support, across the region, room in the roof insulation to 37 homes and cavity wall insulation to 60 homes.
- LAD 2 funding would support, across the region, room in the roof insulation to 81 homes, loft insulation and draft proofing to 100 homes and cavity wall insulation to 60 homes.
- All works would be undertaken in homes with occupants who were on low incomes to support fuel poverty and

improve health and wellbeing and help York to achieve its 2030 carbon neutral ambition.

- Working with partners within the region, officers anticipated that 450 energy efficiency home improvements would be supported through the LAD funding by the end of 2021.
- The Sustainable Warmth Competition grant had opened for applications, giving council's the opportunity to bid for funding by the 4 August 2021. If successful this would support further work to 380 homes in the region in the private, rented and homeowner sector and would be used to reduce the energy demand in each home.

The Executive Member was also informed of a further grant opportunity, the Social Housing Decarbonisation Fund. If successful, this would support the council's retrofit programme.

The Executive Member noted the challenges and welcomed the progress made to develop and expand the retrofit and energy efficient programmes in the city, which would support resident's energy bills, the city wide strategy to reduce carbon emissions, tackle fuel poverty and support retrofit, homeowners and tenants.

The Executive Member commended officers for the work already achieved by maximising the funding attained so far. She also welcomed the additional staff recruited to support the programmes and she

Resolved:

- i. Noted the implementation and delivery of the LAD1B funding and the successful application for LAD2 funding from TVCA including the tight timescales for delivery;
- ii. Noted the opportunity to reset the retrofit programme for Council– owned homes following the withdrawal from the WYCA Energy Accelerator project and to receive a further paper following officers consideration of the Social Housing Decarbonisation competitive funding round due to open in late Summer;
- iii. Supported the submission of a grant application of approximately £4.6m for the Sustainable Warmth competition as detailed in the report; and

- iv. Subject to receiving grant funding following the Sustainable Warmth Fund application, a report to be brought to Executive or Executive Member Decision Session to agree acceptance of funding and the procurement approach and contract award of a partner to deliver the programme.

Reason: To tackle fuel poverty and to meet the ambition of York being carbon neutral by 2030, to reduce energy demand as well as switching to greener forms of energy across all tenures.

Cllr Craghill, Executive Member

[The meeting started at 10.00 am and finished at 10.23 am].

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Meeting	Joint Budget Decision Session - Executive Member for Housing and Safer Neighbourhoods and Executive Member for Culture, Leisure and Communities
Date	16 December 2021
Present	Councillors Craghill (Executive Member for Housing and Safer Neighbourhoods) and Smalley (Executive Member for Culture, Leisure and Communities)

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In view of the changing circumstances around the Covid-19 pandemic, this meeting was held remotely. Any relevant decisions recorded in these minutes will be formally approved by the Chief Operating Officer, using his emergency delegated powers.

## **6. Declarations of Interest**

The Executive Members were asked to declare, at this point in the meeting, any personal interests not included on their Register of Interests or any prejudicial or discloseable pecuniary interests that they might have in respect of the business on the agenda. None were declared.

## **7. Public Participation**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

Cllr Fenton spoke on Agenda Item 3, Financial Strategy 2022/23 to 2026/27. He highlighted his support to the budget proposals, referencing the continued commitment to meet residents needs and the grant funding attracted to deliver energy efficiency improvements in Council housing, privately owned and rented housing in the city. He also welcomed the proposals outlined in the report to continue the Council's investment in York's libraries, leisure and cultural provision. He noted that ward grants had been well utilised throughout the pandemic and he welcomed the continued investment in communities, despite the significant pressures facing all Councils across the country.

## **8. Financial Strategy 2022/23 to 2026/27**

The Executive Members considered a report that provided background information for the overall Financial Strategy and presented the draft savings proposals, growth assumptions and capital schemes for the Housing and Safer Neighbourhoods and Culture, Leisure and Communities portfolios. The Decision Session also provided an opportunity for the Executive Members to obtain feedback in advance of the finalisation of the overall Financial Strategy which would be presented to Executive on 7 February 2022.

The Chief Finance Officer, the Finance Manager and the Director of Customer and Communities were in attendance to provide an update and answer any questions raised.

Officers informed the Executive Members that:

- The Council continued to face unprecedented financial challenges due to the impact of the Covid-19 pandemic, which had generated an in-year financial pressure, as noted to Executive in the latest Financial and Performance Monitoring reports.
- The provisional local government finance settlement for 2022/23 was due to be announced imminently by written statement and officers were still not aware if this would be a one-year allocation or a multi-year package, which further added to uncertainty and made long-term financial planning more complex meaning the overall Financial Strategy may be altered depending on the outcome of that settlement.

The Executive Members were informed of the key assumptions highlighted within the report and the additional £30k to support the creation of an Access Officer post to support the Strategic Review of City Centre Access and associated Action Plan. The Executive Members also noted that the annexes to the report outlined the detailed proposals for their portfolio's and also included a summary of the consultation responses received.

The Executive Members commended and thanked officers for the work undertaken to formulate the reports, despite the significant budget challenges and they each addressed the budget proposals that supported their portfolio areas.

The Executive Member for Housing and Safer Neighbourhoods noted the additional revenue funding to support children's and adult social care and she also welcomed the revenue to support the climate emergency, new skills and training, local communities, holiday hunger and the York Financial Assistance Scheme. Officers were also commended for organising the public consultation and the Executive Member thanked those that had been involved in the focus group that had allowed members of the public to take a more in-depth look into the Council's budgets.

Resolved:

- (i) That the feedback from consultation to date, as set out in Annex 3 to the report, be noted.
- (ii) That Option 1 be agreed and the following be retained for inclusion in the overall budget:
  - The 2022/23 revenue savings proposals for the Housing and Safer Neighbourhoods and Culture, Leisure and Communities portfolios, as set out in Annex 1 to the report;
  - The 2022/23 revenue growth proposals for the Housing and Safer Neighbourhoods and Culture, Leisure and Communities portfolios, as set out in Annex 2 to the report;
  - The new schemes for inclusion in the 2022/23 to 2026/27 Capital Programme, as set out in Annex 4 to the report.

Reason: To ensure that stakeholders have the opportunity to feed into the budget process in advance of the finalisation of the Financial Strategy 2022/23 to 2026/27.

Cllr Craghill, Executive Member for Housing and Safer Neighbourhoods

[The meeting started at 10.30 am and finished at 10.43 am].

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**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 within the City Walls**

**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 anti-social behaviour associated with the excessive consumption of alcohol within the City Walls.

**Recommendations**

2. The Executive Member is asked to approve:
  - (i) To agree that the council will undertake a 4 week consultation process with local businesses, residents and interested stakeholders to relating to a proposed PSPO within the City Walls

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<sup>th</sup> 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 from carrying out specific types 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 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 although the order will be enforced by both police and the council. Failure to pay a 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. This includes work delivered through the York BID Safe and Secure Sub Committee and Operation Erase (the multi-agency response to tackling weekend alcohol related antisocial behaviour).
8. City Centre Crime and Anti-social Behaviour is a priority within the Safer York Partnership Community Safety Strategy 2020-23. Positive perceptions of the city are important to York's status as a major tourist destination. 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 perceptions

of the city being a safe place being more negative than the actual crime figures would suggest. 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 combination of enforcement and education.

9. A previous Designated Public Place Protection Order had led to the creation of Alcohol Restriction Zones in much of the City Centre. This was replaced in 2017 by a Public Space Protection Order covering the area within the City Walls and extending to the Station Frontage. This PSPO expired in 2019 but due to the start of the pandemic and closure of the City Centre for much of 2020 and early 2021, the review of all PSPOs across the City was delayed until the end of 2021.
10. Anti-social behaviour levels in the city centre remained low whilst restrictions were in place but rose again as restrictions lifted. With the imminent lifting of all restrictions, combined with an increase in visits to UK destinations whilst some travel restrictions on foreign travel remain, it is anticipated that anti-social behaviour levels will increase over the spring/summer period 2022.
11. Following the expiry of the previous PSPO in the city centre, the police were utilising their dispersal powers where incidents of anti-social behaviour increased following the reopening of the city centre. This power requires the pre authorisation of an order by an Inspector. Therefore it does not enable an immediate reactive response to tackling alcohol related anti-social behaviour. 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. The key requirement is the associated anti-social behaviour and the power does not ban drinking alcohol in open spaces where it is happening responsibly.
12. A city centre PSPO would reintroduce
  - A ban on drinking alcohol in public places where it is associated with anti-social behaviour.

## **Consultation**

13. North Yorkshire Police support undertaking the consultation with businesses and key stakeholders. Ward Councillors have been advised regarding these requests, and they support the consultation.

## Options

14. **Option 1** – to consult with local businesses, residents and interested stakeholders on the introduction of the PSPO which would mean that the Council and Police would have greater powers to deal with anti-social behaviour in these areas.
15. **Option 2** – Not to consult on the introduction of a PSPO which would restrict the Council’s ability to tackle anti-social behaviour in the area

## Analysis

16. Option 1 – Guildhall Inner Ward - 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 1044 incidents of anti-social behaviour reported to the Police. The table below compares with the previous two years. Of the 1044 ASB incidents in 2021, 1030 were alcohol related.

<b>Guildhall Inner</b>	2019	2020	2021
Total ASB	1464	1144	1044

17. Whilst the figures have reduced year on year since 2019, it must be noted that for extensive periods of those year, COVID restrictions were in place that impacted particularly on the hospitality industry in the city.
18. Option 2 - will restrict the options available to challenge ASB in the city centre. It also increases the risks associated with visitors to the city who are affected by the impact of alcohol related anti-social behaviour.

## Council Plan

19. The introduction of a PSPO’s, 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**

## 20. 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 the business community, visitors and residents in the city centre. Undertaking this consultation will, subject to the outcome, enable the police and 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

21. There are no high risks identified.

## Contact Details

### Author:

Jane Mowat  
Head of Community Safety  
[jane.mowat@york.gov.uk](mailto:jane.mowat@york.gov.uk)

### Chief Officer Responsible for the report:

James Gilchrist  
Director of Environment, Transport and  
Planning

**Report**  **Date** 8/02/2022  
**Approved**

**Wards Affected:** Guildhall

### Specialist Implications Officer(s)

Financial:  
Patrick Looker  
Finance Manager

Legal:  
Sandra Branigan  
Senior Solicitor

**Wards Affected:** Guildhall

**For further information please contact the author of the report**

**Background Papers:** None

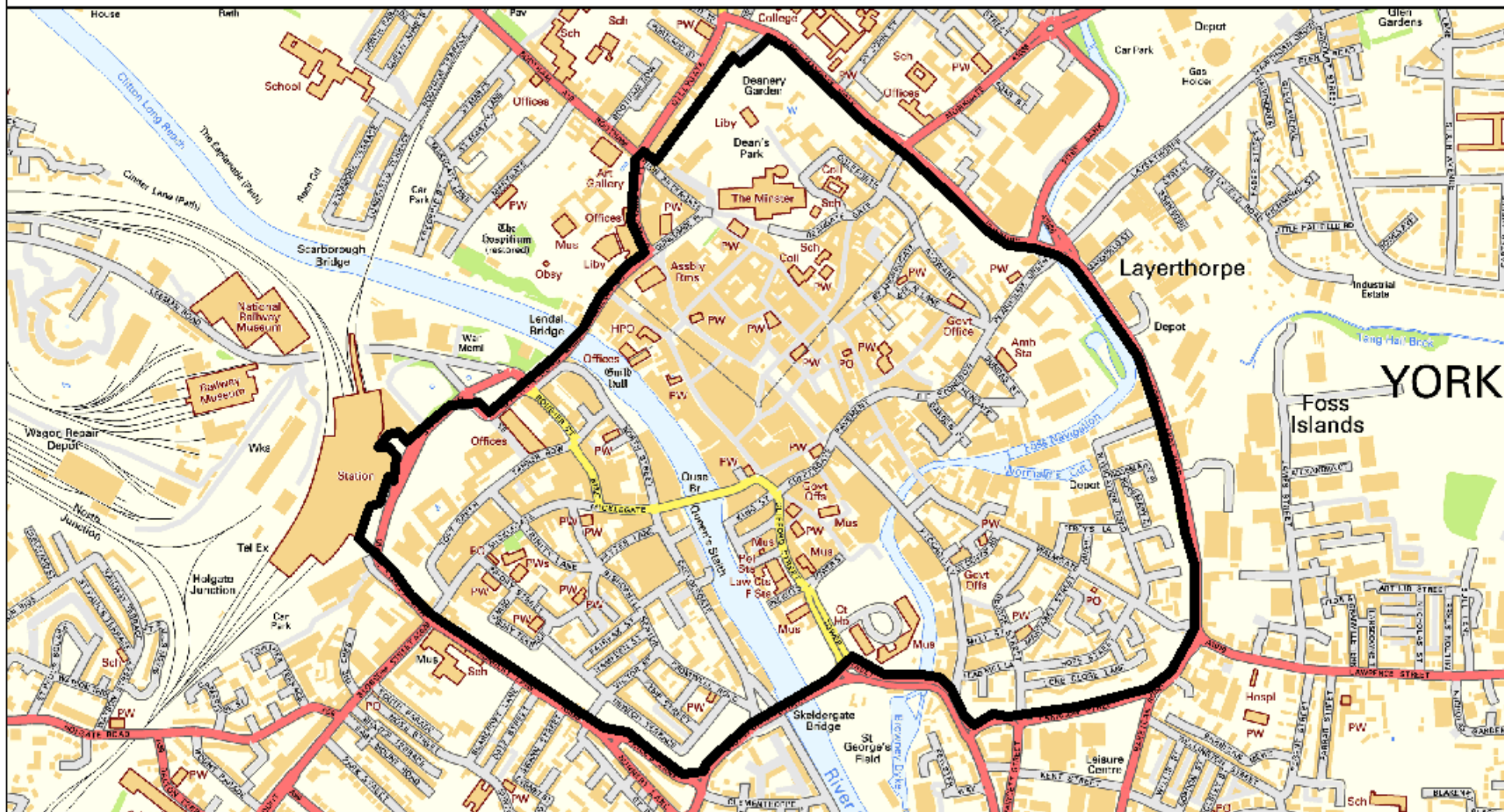
### Annexes

Annex 1 – Map highlighting proposed area of PSPO

### List of Abbreviations Used in this Report

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

### City Centre PSPO



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04/02/2022

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**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

### Author:

Paul Morrison  
Community Safety Manager  
[paul.morrison@york.gov.uk](mailto:paul.morrison@york.gov.uk)

### Chief Officer Responsible for the report:

James Gilchrist  
Director of Environment, Transport and  
Planning

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

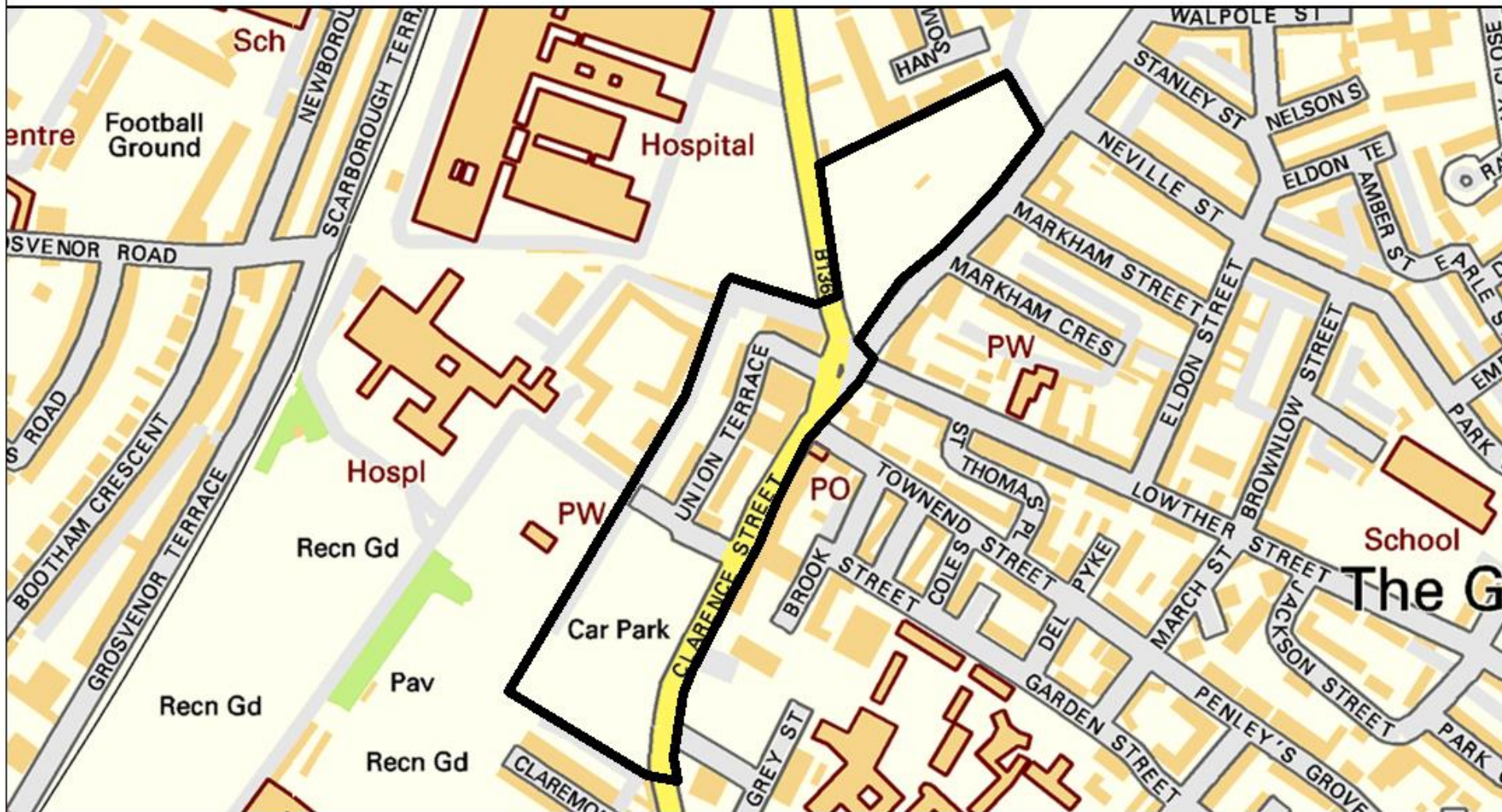
Annex 1 – Map highlighting proposed area of PSPO

## List of Abbreviations Used in this Report

PSPO – Public Space Protection Order  
FPN – Fixed Penalty Notice



### Union Terrace PSPO



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