

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

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

**Date:** Thursday, 19 May 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 23 May 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 17 May 2022.**

**1. Declarations of Interest**

At this point in the meeting, the Executive Member is asked to declare any disclosable pecuniary interests or other registerable interests she might have in respect of business on this agenda, if she has not already done so in advance on the Register of Interests.

**2. Minutes**

(Pages 1 - 12)

To approve and sign the minutes of the meeting held on 17 February 2022 and 17 March 2022.

### **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 17 May 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. Consultation Outcome - Public Space Protection Order (PSPO) within the City Walls** (Pages 13 - 36)

The purpose of this report is to consider the responses from the recent consultation process and determine whether to introduce a PSPO within the city walls. The decision to undertake consultation regarding a potential PSPO was developed jointly in conjunction with North Yorkshire Police.

**5. Consultation Outcome - Public Space Protection Order (PSPO) for Union Terrace and Clarence Gardens** (Pages 37 - 68)

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.

**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 مہیا کی جاسکتی ہیں۔ (Urdu)**

** (01904) 551550**

City of York Council

Committee Minutes

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Meeting	Decision Session - Executive Member for Housing and Safer Neighbourhoods
Date	17 February 2022
Present	Councillor Craghill (Executive Member)

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## 9. 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 interests that she might have in respect of the business on the agenda. None were declared.

## 10. Minutes

Resolved: That the minutes of the previous meetings held on 2 August 2021 and 16 December 2021 be approved and signed as a correct record by the Executive Member.

## 11. Public Participation

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

Cllr Fitzpatrick spoke on both agenda items. She agreed with a potential Public Space Protection Order (PSPO) within the City Walls but did not agree that a PSPO should be introduced around Union Terrace car park and Clarence Gardens. She highlighted her reasons for this and felt criminalising people who may require help for alcohol related illnesses or addictions was not the answer. She noted the options within the report and suggested that a third option, to look into rehabilitation programmes, should also be considered. She also suggested that lobbying take place for proposed funding for drug rehabilitation and supporting addictions. She noted that residents were concerned that the PSPO could negatively affect streets where they resided. She

welcomed involvement from Ward Members and confirmed she would work closely with officers, partners and agencies to address the issues within the Guildhall Ward.

## **12. Request to consult about the introduction of a Public Space Protection Order within the City Walls**

The Executive Member considered a report that sought agreement to proceed to public consultation on the potential implementation of a Public Space Protection Order (PSPO) to tackle the anti-social behaviour (ASB) associated with the excessive consumption of alcohol within the City Walls.

The Head of Community Safety was in attendance to present the report and she confirmed that:

- The Anti-Social Behaviour, Crime and Policing Act 2014 included the power to issue a PSPO as part of a mechanism to approach anti-social behaviour.
- A PSPO served to protect a public space from persistent or continuing anti-social activity by individuals or groups that had a detrimental effect on the quality of life of those within that locality.
- ASB levels were likely to increase in the city centre following the lifting of Covid restrictions.
- Officers had worked with the police to consider alternative approaches and had utilised police dispersal powers.
- The PSPO would only apply to the drinking of alcohol where ASB was present.
- The consultation would allow local residents and businesses to input into the process and raise any concerns.

The Executive Member emphasized that York city centre was generally a very safe and welcoming place but that there were concerns about the behaviour of a minority, which was often related to excessive consumption of alcohol. It was noted that a PSPO was one of many tools available to tackle issues of ASB and was not used in isolation, but formed part of a multi-agency delivery plan.

In answer to questions raised, officers confirmed the public consultation would begin in March, would be widely publicised and that the results would inform how the proposed PSPO should be taken forward, if a PSPO was the preferred option.

Resolved:

- (i) That Option 1 be agreed. To consult with local businesses, residents and interested stakeholders on the introduction of a Public Space Protection Order (PSPO) within the City Walls, which would mean that the council and the police would have greater powers to deal with anti-social behaviour in these areas.

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

- (ii) That 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, be received at a future Decision Session – Executive Member for Housing & Safer Neighbourhoods.

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

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

The Executive Member considered a report that sought agreement to proceed to public consultation 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.

The Community Safety Manager was in attendance to provide an update and he confirmed that:

- Union Terrace car park was located just outside the City Walls and was a main parking area for coaches bringing visitors to the city.
- Clarence Gardens was a park, situated close to Union Terrace and the hospital.
- Some of the same individuals who had caused issues at Union Terrace had also been responsible for incidents within the park.
- The PSPO could include a ban on drinking alcohol in both areas, where it was associated with ASB and could have the ability to remove large groups of 3 or more people who were causing ASB.
- In 2021 there had been 528 incidents of crime and ASB reported across both Union Terrace and Clarence Street. Of these incidents, 180 were reports of alcohol related ASB and crime.
- The public toilets in Union Terrace car park were regularly damaged and officers continued to work with the police.
- The homeless hostel within this area would not be affected.

In answer to questions raised, it was confirmed that:

- The consultation would include Union Terrace Car Park, Union Terrace, Clarence Street and Clarence Gardens.
- Introducing a PSPO could result in displacement but should this occur, an overall multi-agency problem solving approach would create the resources and powers to tackle all aspects of ASB.
- The multi-agency problem solving group had developed an action plan focused on tackling anti-social and criminal behaviour experienced in this area and Ward Members had been invited to attend meetings of the multi-agency problem solving group.
- The council's directorate of Public Health would apply for government funding to support rehabilitation and substance misuse.
- The options listed within paragraph 10 of the report were suggested prohibitions that could be put in place.



- The results of the consultation would inform how the proposed PSPO should be taken forward.

The Executive Member noted that a PSPO was just one of the many powers available to tackle issues of ASB and that a PSPO was not used in isolation but was part of an overall multi-agency problem solving approach.

Resolved:

- (i) That Option 1 be agreed. To consult with local businesses, residents and interested stakeholders on the introduction of a Public Space Protection Order (PSPO) for Union Terrace, Union Terrace Car Park, Clarence Street and Clarence Gardens, which would ensure that the police and the council would have greater powers to deal with anti-social behaviour in these areas.
- (ii) That a 4 week consultation process be undertaken and that the options within paragraph 10 of the report be referenced.

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

- (iii) That 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, be received at a future Decision Session – Executive Member for Housing & Safer Neighbourhoods.

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

Cllr Craghill, Executive Member

[The meeting started at 10.05am and finished at 10.35am]

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Meeting	Decision Session - Executive Member for Housing and Safer Neighbourhoods
Date	17 March 2022
Present	Councillor Smalley, Executive Member for Culture, Leisure and Communities (Substitute for Councillor Craghill)
Apologies	Councillor Craghill (Executive Member for Housing and Safer Neighbourhoods)

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#### **14. 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 interests that he might have in respect of the business on the agenda. None were declared.

#### **15. Minutes**

Resolved: That the minutes of the previous meeting held on 17 February 2022 be deferred until the next meeting, to allow the Executive Member for Housing and Safer Neighbourhoods to approve them.

#### **16. Public Participation**

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

Cllr Pavlovic spoke on Agenda Item 4, Retrofit Programme – Home Upgrade Grant (HUG) and Social Housing Decarbonisation Fund (SHDF) funding and an update on the development of a Retrofit Action Plan.

He thanked officers for preparing a clear and informative report and although he welcomed the grant funding that had been made available to support a programme of retrofitting for a small number of homes, he raised some concerns. He addressed the unprecedented increases in fuel bills, the inflationary pressures and the higher food costs that would leave some residents facing significant financial strain and

increased levels of ill health. He felt that the cost of living crisis needed to be addressed quickly, to avoid poor outcomes particularly for those on low wages or unwaged, including pensioners, who could be left making a choice between “heat or eat”. He highlighted that 2500 council houses were below an Energy Performance Certificate (EPC) band C rating and noted that these households required help. He felt that the retrofit plans and funding available needed to be significantly increased to make more homes energy efficient.

**17. Retrofit Programme – Home Upgrade Grant (HUG) and Social Housing Decarbonisation Fund (SHDF) funding and an update on the development of a Retrofit Action Plan**

The Executive Member considered a report that provided an update on the successful outcome of the BEIS Home Upgrade Grant (HUG) and Social Housing Decarbonisation Fund (SHDF) grant submissions and the development of a Housing Retrofit Action Plan.

The Head of Housing Delivery and Asset Management, the Housing Standards and Adaptations Manager and the Director of Housing, Economy and Regeneration confirmed:

- Since the launch of the retrofit programme there had been significant progress in developing plans to reduce carbon emissions within the housing sector in York and the sub-region.
- Over £5.5m government grant funding had been secured to target energy inefficient homes and support low income households, across all tenures, with upgrades to Energy Performance Certificate (EPC) band C or above.
- The significant retrofit works and funding opportunities outlined within the report were being delivered alongside the development of a Housing Retrofit Action Plan. This would build on the Climate Change Strategy, by developing a number of housing initiatives to support the city’s ambition of being carbon neutral by 2030.
- The Housing Retrofit Action Plan included stock model exercises to provide energy bill and carbon savings analysis and mapping, which would provide more information about retrofit interventions within social housing and homeowners across the city.

- Further work was proposed to explore the possibility of a “comfort charge” to resource higher cost and/or a greater number of Housing Revenue Account (HRA) retrofit interventions. This approach would ensure that tenants retained a proportion of their expected energy bill saving, with the remainder paid as a service charge to provide the council with a revenue stream to repay the capital works investment.
- Heat pumps worked well to decarbonise homes, however, many homes required further insulation works to ensure the heat pump could work effectively and efficiently whilst not significantly increasing heating costs. A study would be commissioned to analyse whether a property was heat pump ready or to identify the required works to improve the thermal efficiency of the home so that a heat pump could be installed.
- Referral routes for council tenants at risk of fuel poverty would be explored alongside the integration of retrofit measures into ‘business as usual’.
- Local Authority Delivery (LAD) 1B and LAD2 had been delivered since July 2021 and due to supply chain capacity issues, the delivery deadline had been extended to 30 June 2022.
- Due to the timescales involved in delivering the grant funded works, it was proposed that a procurement exercise be undertaken in order to secure a delivery partner by May 2022 for the LAD3, SHDF and HUG programmes.
- It was proposed that the current ‘Standards and Adaptations’ Team be re-named as the Healthy and Sustainable Homes Service.

In response to matters raised under Public Participation, officers agreed that the number of residents at risk of severe financial stress and ill health from an inability to sufficiently heat their home would increase significantly due to the global fuel and cost of living rises. It was acknowledged that the HRA did not have the capacity to solve the retrofit problem for the whole city and diverting funding from other revenue streams could have a negative impact on other health and social issues. It was noted that the Housing and Community Safety Policy and Scrutiny Committee would be reviewing the impact of the cost of living crisis both on fuel poverty and the HRA income streams.

Officers were thanked for their report and the Executive Member commended the funding achieved and the progress made so far. He acknowledged the importance of maximising the use of available budgets to ensure that the retrofit works not only resulted in reduced carbon emissions but also sought to reduce energy bills for residents. He noted the challenges faced and welcomed the creation of the Healthy and Sustainable Homes Service. He agreed it better reflected the intentions of the team to support residents to live in healthier homes.

Resolved: That the following be noted and approved:

- i. The offer of grant funding of £343k under the BEIS's Social Housing Decarbonisation Fund, which alongside Housing Revenue Account (HRA) funding will deliver retrofit works to 28 council homes.
- ii. The further offer of grant funding under the BEIS's Home Upgrade Grant ("HUG") scheme. The grant of £497k will enable the council and its consortia partners of Harrogate Borough Council, Selby District Council and Craven District Council to support homeowners living in homes not connected to the mains gas network, to benefit from the installation of much needed energy efficiency measures.
- iii. The current Energy Company Obligation statement will be amended in order to maximise the benefits of the funding streams when the new scheme launches in the new financial year.
- iv. The procurement of a new retrofit delivery partner to undertake improvement works in accordance with the grant offers under the HUG programme with delegated authority to the Corporate Director of Place (in consultation with the Director of Governance and S151 Officer) to take such steps as are necessary to procure, award and enter into the resulting final contract(s). This programme of works will be added to the existing procurement of a partner to deliver works under LAD3 and SHDF in line with previous Executive approvals.
- v. The progress be noted and the proposed timetable of the Housing Retrofit Action Plan, including the commissioning of two key pieces of research which will form the evidence base for the council's approach to retrofit in the city.

- vi. The proposal to undertake further due diligence around “comfort charges” in order to improve the energy efficiency of our residents homes alongside generating a revenue stream to support further investment in retrofit works within council homes.
- vii. The proposal to undertake further heat pump programme feasibility analysis, including consideration of the key deployment issues highlighted.

Reason: To tackle fuel poverty and to support our ambition of York being carbon neutral by 2030 by improving the energy performance of some of our poorer performing council homes to both reduce residents’ energy bills and to reduce energy demand as well as switching to greener forms of energy across all tenures.

- viii. The changes to the Housing Standards and Adaptations Team, including the change of service name to Healthy and Sustainable Homes Service.

Reason: To reflect the focus of the council to provide a range of services aimed at helping residents remain healthy, safe and warm in their own homes.

Cllr Smalley, Executive Member

[The meeting started at 10.00am and finished at 10.22am].

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## 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) within the City Walls

#### Summary

1. The purpose of this report is to consider the responses from the recent consultation process and determine whether to introduce a PSPO within the city walls. 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 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.
  - 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 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.

## **Consultation**

12. 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.
13. The council received 78 responses to the survey. People were invited to leave comments in the consultation regarding their thoughts and we received 36 responses. These are all attached as Annex 2.

14. In response to the question have you experienced ASB within the city centre in the past 12 months:

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

15. In response to the individual question to find out whether people supported the introduction of the PSPO 93% of those who answered the question did support this.

### Options

16. **Option 1** – Authorise the introduction 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
- 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 – 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

19. Whilst the figures have reduced year on year since 2019, it must be noted that for extensive periods of these years, COVID restrictions were in place that impacted particularly on the hospitality industry in the city.

20. Option 2 - 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.

### **Council Plan**

21. The introduction of a PSPO, 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**

### **22. Implications**

- **Financial** – The cost of undertaking the consultation 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 the business community, visitors and residents in the city centre. Implementing the PSPO 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

23. 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 Approved  Date 04/05/2022

**Specialist Implications Officer(s)** List information for all

**Wards Affected:** Guildhall

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

**Background Papers:** None

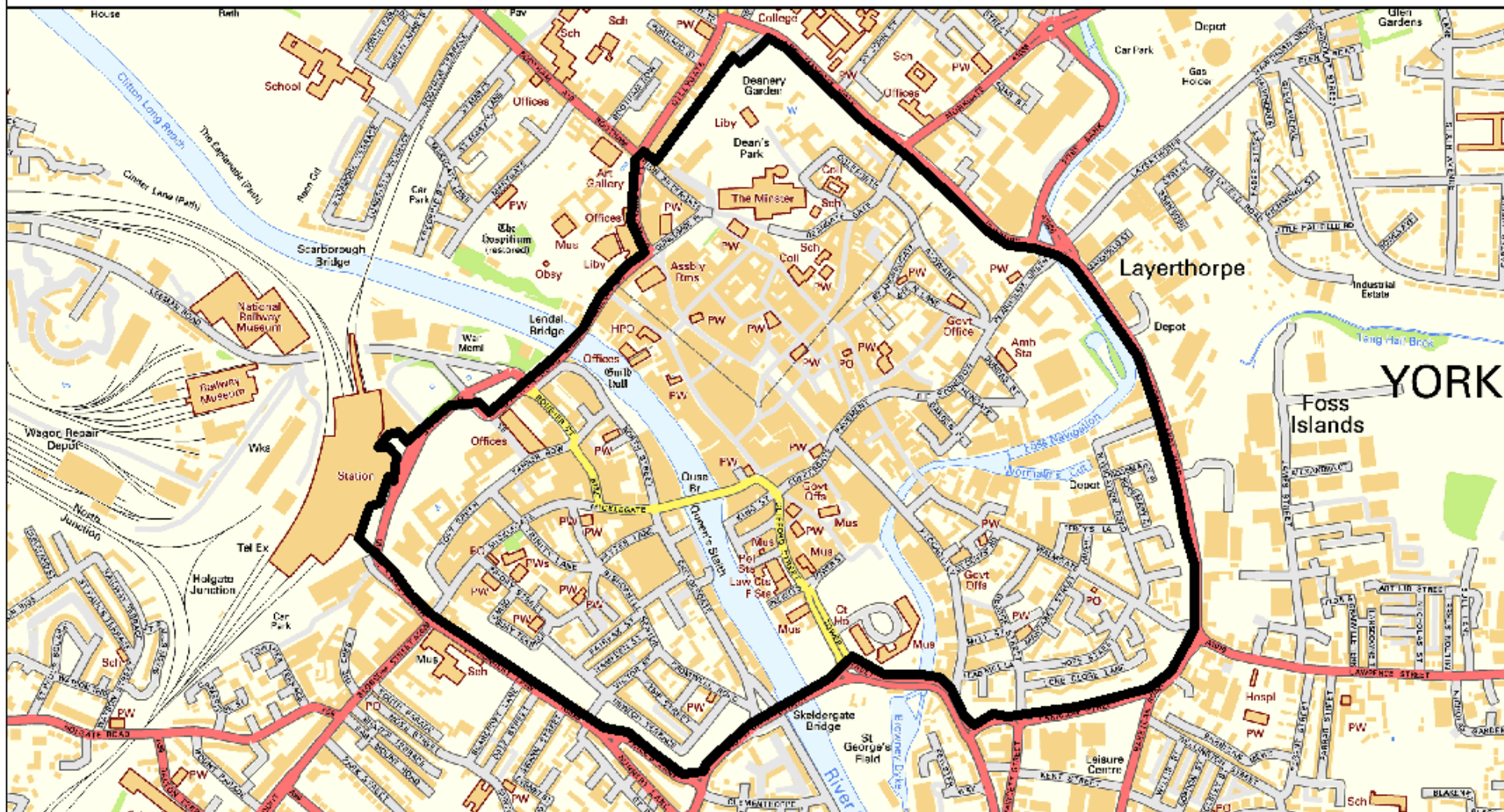
## Annexes

Annex 1 – Map highlighting proposed area of PSPO  
Annex 2 – List of free text responses  
Annex 3 – Equality Impact Assessment of the PSPO

## Abbreviations used in this report

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

### City Centre PSPO



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04/02/2022

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## Public Space Protection Order for York City Centre

**Is there anything else you would like to say about the potential PSPO at York City Centre?****Answered 36****Skipped 42**

Responses	Tags
<p>1</p> <p>Apr 16 2022 11:04 PM</p> <p>We need to tackle anti-social behaviour. York no longer feels safe/pleasant for families on a Saturday afternoon</p>	
<p>2</p> <p>Apr 14 2022 11:12 AM</p> <p>Having PSPO you need to have enough people to enforce it and that doesn't fall solely on the Police' shoulders. Alcohol retailers should have a levy added to rent to pay for enforcement officers and s more joined up way of working so everyone can enjoy the city centre nightlife without the masses of stag and hen dos plaguing the city</p>	
<p>3</p> <p>Apr 14 2022 08:07 AM</p> <p>Unnecessary</p>	
<p>4</p> <p>Apr 10 2022 06:23 PM</p> <p>I don't see how fining people will help, I see the people causing the most disruption in the centre are actually more the hoards of people who've been drinking in bars or day trippers coming from the station...you shouldn't fine the poorer people who may buy alcohol from the shops to drink outdoors whilst the rest of society are allowed to freely get drunk and be rowdy and cause loads of mess etc. Some people also like to get outdoors and like say buy cheaper alcohol than in bars, a blanket rule would disadvantage people who are not necessarily causing any disturbance. Just increase police ability to deal with the people who are a nuisance, I see them stood in the streets in town watching it all go on, so they should have better confidence to tackle people not have to waste their time handing out fines for just drinking as that's bit necessarily the issue, it's people with dominating personalities that need to be addressed.</p>	
<p>5</p> <p>Apr 08 2022 04:56 PM</p> <p>It would help if the Council didn't allow so many bars in the first place!</p>	

- 6 Apr 08 2022 04:48 PM Needs to work in partnership with responsible drinking in pubs hotels clubs
- 7 Apr 08 2022 12:18 PM While I don't have an issue with people drinking outside in designated areas (e.g. outdoor seating belonging to a bar) its the non-designated areas that I have an issue with and is the reason I try and avoid town on Fridays or weekends - especially with my children - due to the amount of street drinkers ranging from the homeless to teenagers to hen/stag dos wandering around town and the often anti-social and boisterous behaviour that accompanies it.
- 8 Apr 08 2022 12:04 PM men urinating in streets
- 9 Apr 08 2022 11:54 AM Total city centre alcohol ban and Zero tolerance on any anti-social behaviour is needed.
- 10 Apr 06 2022 10:40 PM We completely avoid the town centre on Friday nights and all day on Saturdays now after family members were racially abused. The hen parties are worse than the stags. So many loud, abusive drunks in the town centre when locals are out on a Saturday afternoon with their kids. Why are the pubs being allowed to persist in serving people who are so drunk they can barely stand up? We don't feel safe in the town centre on a weekend.
- 11 Apr 06 2022 08:34 PM As a York resident I avoided York city centre as a family with you g children after 2pm on a weekend due to the large hen and stag weekend visitors. I've witnessed antisocial behaviour by individuals and groups, often as a result of early drinking. On one occasion I was visiting with my children we witnessed a mature woman, drunk, urinating in the garden at Judges lodgings, whilst we were eating lunch. When visiting the city, we often see vomit on the streets. York is spoilt by such behaviours.
- 12 Apr 06 2022 08:26 AM There needs to be some responsibility shared for litter created by fast food and other outlets in the city
- 13 Apr 05 2022 05:29 PM I am concerned that the focus of enforcement should not disproportionately target those who are rough sleeping.

- 14 Apr 05 2022 11:36 AM Obviously there has been a quieter period during the periods of 'lockdown' but street drinking and anti-social behaviour has been noticeable in the city centre streets for some years. I have personally witnessed appalling behaviour near McDonald's on Blake Street and have been assaulted on Ouse Bridge near North Street (on the second occasion I was even in a car - a drunken thug beating the bonnet of my car!) While I support the proposal of a PSPO in the city centre I fear it might have the effect of driving the troublemakers to areas outside the zone eg: Tower Gardens. More needs to be done to counter the ASB of people with ingrained drink and drugs addictions and 'moving them on' is not a solution. It's just moving the problem.
- 15 Mar 31 2022 06:21 PM Why does it not include Gillygate and Bootham? Anti social behaviour, encouraged by anti social businesses is a problem in this area. People, well dressed and well to do, can be seen using Gillygate as a toilet on weekends. Banging windows, fighting, and singing at 3.30 am is normal and common. IS the aim of this only to support business in the city centre and not residents of Gillygate/Portland Street and Bootham? You either bring in powers to target homeless people in Union Terrace or in the retail area of the centre but ignore residents? The area is ignored. Please sort the pollution here, make life better for residents by instructing pubs to stick to their license obligations and sort our anti social businesses who park all weekend, work on Sundays and overnight disturbing sleep, if you get any with the singing and violence.
- 16 Mar 28 2022 10:46 PM I would make more visits to the city centre if I knew there was something in place to make it safe for families to go into at weekends
- 17 Mar 28 2022 05:43 PM Great idea. Drunk, out of control people are unfortunately why we don't come into the centre more on an evening.
- 18 Mar 28 2022 05:31 PM Extent of PSPO should cover riverside areas north to Scarborough Bridge and south to Millennium Bridge as in summer can be dangerous place for people to out drinking in groups.
- Having said that I'm \*assuming\* the PSPO is intended to cover alcohol misuse but you haven't actually made clear in this survey (or the Clarence St one I just completed) what behaviours you're actually proposing to control/restrict within the area!! Bit of a failure of communication/consultation there!

- 19 Mar 28 2022 05:27 PM Totally agree with this, too many drunks and druggies in York begging and causing a nuisance
- 20 Mar 28 2022 03:14 PM Anti social behaviour in relation to alcohol means that I do not want to go into city centre on a weekend afternoon or evening.
- 21 Mar 28 2022 02:58 PM Residential areas in bishophill are plagued with anti social behaviour, alcohol and drug taking. Playground by the walls full of syringe packets and broken bottles. Streets around priory street, fetter Lane also littered with these. Drunk screaming and open drug dealing at night time!
- 22 Mar 28 2022 01:39 PM This is essential as the centre has become very intimidating and I no longer invite guests to visit the centre of York, especially at weekends or when the races are on.
- 23 Mar 28 2022 01:08 PM The city centre on a Sat can be very unpleasant and intimidating for families. I try not to take my children into the city centre on Saturdays because of the drunken unpleasant behaviour that can be witnessed widely. The drinking starts early and spreads onto the streets from lunchtime. If I do take my children into the city centre I try to take them in on Sunday mornings. However that can be equally unpleasant. There can vomit, human faeces and litter left over the Saturday night before. It would be lovely if York can refocus itself to becoming a family friendly city rather than a venue for drunken hen and stag nights. More seating is needed in the city centre plus a child friendly focus area. e.g. a play area . street cleanliness needs also to be much improved. Particularly on a Sunday morning.
- 24 Mar 28 2022 10:34 AM How does this affect family-orientated activities such as Food & Drink Festival and mulled wine stalls at Christmas Market etc. Certainly issues with large groups drinking in the day in the city centre and deterring families (mine included) from wishing to be in the centre.
- 25 Mar 28 2022 10:31 AM York has become a loud, aggressive place for families to visit on weekends and in the evening. Scenes of drunk, fouled mouthed jobs, hen parties and intimidating large groups are common and certainly not condusive for families.

- 26 Mar 28 2022 10:28 AM Issues put locals and tourists alike off from visiting the city centre.
- Examples  
From non-homeless 'homeless' community:  
Begging, drug use, drinking on the street, intoxicated and abusive behaviour.
- From evening pub and club users:  
Drunkenness, loud, egregious and abusive behaviour, urinating and vomiting in the street.
- 27 Mar 28 2022 08:00 AM We have constant feedback from our guests (especially overseas visitors) about the negative perception of the city that alcohol related antisocial behaviour leaves. Some regular guests will no longer visit York at weekends. In addition, we are residents of the city and also avoid patronising city centre business at weekends.
- 28 Mar 28 2022 07:03 AM We used to go into the centre of York frequently, just a no go zone now especially when our grandchildren are with us ,just a playground for drunks now, so sad as a lovely city, ruined just so the bars can make a fat profit.
- 29 Mar 27 2022 08:39 PM How will it be enforced? If it is not patrolled and enforced people will ignore it.
- 30 Mar 26 2022 02:26 PM Would this tackle parities of drunken hen and stag groups as I think they are more of a problem? I think it's people visiting York to drink excessively that makes the city centre so unwelcoming to others on weekends
- 31 Mar 25 2022 06:01 PM Please enforce it as the status quo puts me off going to town on a Saturday which I feel is not fair
- 32 Mar 25 2022 05:27 PM Groups of people should be monitored entering the city from the train station
- 33 Mar 25 2022 04:05 PM Needs to seriously tackle drunks on Friday and Saturday nights as they pose a big risk to road users and normal pedestrians/families. Always having near misses on my bike and have people trying to rugby tackle me off which makes me drive a car instead

- 34 Mar 25 2022 12:44 PM it should cover Exhibition Square and the Museum Gardens
- 35 Mar 25 2022 12:23 PM This needs to target the problem of anti social behaviour, banning dogs from an area is not helpful to anyone, the council needs to realise that they have for too long promoted York as a party city and now you are seeing the consequences, deal with the important stuff first !
- 36 Mar 25 2022 11:56 AM Consideration of ways to better regulate street buskers who play too loudly, out of hours, in earshot of another busker etc. The current self regulation does not consider the noise impact on local residents nor the entertainment value for the locals and visitors. There are plenty of good buskers on Davygate and Parliament Street, but at other locations there are often issues as indicated.

**City of York Council  
Equalities Impact Assessment**

**Who is submitting the proposal?**

<b>Directorate:</b>	Place		
<b>Service Area:</b>	Safer York Partnership		
<b>Name of the proposal :</b>	PSPO's to be introduced in Union Tce and City Centre		
<b>Lead officer:</b>	Paul Morrison		
<b>Date assessment completed:</b>	2 <sup>nd</sup> May 2022		
<b>Names of those who contributed to the assessment :</b>			
<b>Name</b>	<b>Job title</b>	<b>Organisation</b>	<b>Area of expertise</b>
Jane Mowat	Head of Community Safety	CYC	
Lee Pointon	NYP Inspector	North Yorkshire Police	
James Ford	Changing Lives Manager	Changing Lives	

**Step 1 – Aims and intended outcomes**

<b>1.1</b>	<b>What is the purpose of the proposal?</b> Please explain your proposal in Plain English avoiding acronyms and jargon.
	To introduce a Public Space Protection Order to stop issues with street drinking and the anti-social behaviour that goes with it in the city centre and Union Terrace and surrounding areas.
<b>1.2</b>	<b>Are there any external considerations?</b> (Legislation/government directive/codes of practice etc.)
	.The Anti-Social Behaviour, Crime and Policing Act 2014. Public Sector Equality Duty under Section 149 of the Equality Act 2010
<b>1.3</b>	<b>Who are the stakeholders and what are their interests?</b>
	Local residents – who want to be able to move through the city centre and Union Terrace areas without fear and feeling intimidated. Residents of Changing Lives on Union Terrace – who want to be able live quietly without being targeted. Street drinkers – who want to have a place to drink with other members of the community



1.4	<b>What results/outcomes do we want to achieve and for whom?</b> This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.
	<p>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.</p> <p>Good Health and Wellbeing</p> <p>Safer Communities and Culture for All</p>

## Step 2 – Gathering the information and feedback

2.1	<b>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights?</b> Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.	
	<b>Source of data/supporting evidence</b>	<b>Reason for using</b>
	Working group made up of Council Officers, Partner agencies, and voluntary sector partners	To establish the scale of the problem and whether the introduction of PSPO's would be proportionate and support reducing the issues in the area
	Meeting with local residents association	To determine whether local residents support the issues and whether they were concerned about being marginalised
	Undertook a survey of local residents including asking for details about protected characteristics	To understand whether these residents had different thoughts on the subject because of their lived experiences

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### Step 3 – Gaps in data and knowledge

<b>3.1</b>	<b>What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.</b>	
	<b>Gaps in data or knowledge</b>	<b>Action to deal with this</b>

### Step 4 – Analysing the impacts or effects.

<b>4.1</b>	<b>Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.</b>		
<b>Equality Groups and Human Rights.</b>	<b>Key Findings/Impacts</b>	<b>Positive (+) Negative (-) Neutral (0)</b>	<b>High (H) Medium (M) Low (L)</b>
<b>Age</b>		<b>0</b>	<b>L</b>
<b>Disability</b>	From conversations with NYP Officers and Voluntary groups there is an increased number of individuals involved who are likely to be qualify as disabled under the Equality Act. However the impact would be similar for all parties	<b>-</b>	<b>L</b>

<b>Gender</b>		0	L
<b>Gender Reassignment</b>		0	L
<b>Marriage and civil partnership</b>		0	L
<b>Pregnancy and maternity</b>		0	L
<b>Race</b>		0	L
<b>Religion and belief</b>		0	L
<b>Sexual orientation</b>		0	L
<b>Other Socio-economic groups including :</b>	<b>Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?</b>		
<b>Carer</b>		0	L
<b>Low income groups</b>	Some members of this community are either currently homeless or have been previously been homeless	-	L
<b>Veterans, Armed Forces Community</b>	There is a higher level of homelessness amongst armed forces veterans, so they may be more likely to become involved.	-	L
<b>Other</b>			
<b>Impact on human rights:</b>			

List any human rights impacted.			
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**Use the following guidance to inform your responses:**

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p><b>High impact</b> (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p><b>Medium impact</b> (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p><b>Low impact</b> (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

### Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	<p><b>Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?</b></p>
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The Council, North Yorkshire Police and voluntary partners recognise that the introduction of the PSPO is only one tool to tackle the increasing issues of ASB in these areas. We are committed to providing support and advice to people involved, both from a health perspective as well as about accommodation if appropriate.

The council are looking at a stepped approach to enforcement to ensure that good practice is followed, and has established a multi-agency meeting to ensure that the numbers of people who may receive Fixed Penalty Notices are kept as low as possible.

### Step 6 – Recommendations and conclusions of the assessment

6.1	<p><b>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</b></p>
<p>- <b>No major change to the proposal</b> – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.</p>	

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

**Important:** If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

<b>Option selected</b>	<b>Conclusions/justification</b>
No major change to the proposal	<p>Residents, voluntary groups and partner agencies have all been consulted to minimise the risk of unlawful discrimination.</p> <p>The Council will continue to provide support and assistance to people who are drinking and causing ASB in these areas, both from within the council and through partners such as Salvation Army and Changing Lives.</p>

**Step 7 – Summary of agreed actions resulting from the assessment**

<b>7.1 What action, by whom, will be undertaken as a result of the impact assessment.</b>			
<b>Impact/issue</b>	<b>Action to be taken</b>	<b>Person responsible</b>	<b>Timescale</b>

**Step 8 - Monitor, review and improve**

<b>8.1</b>	<b>How will the impact of your proposal be monitored and improved upon going forward?</b> Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?
	<p>We will need to undertake a review of the PSPO's after 3 years. This will ensure that we can monitor residents and organisations thoughts about the process once it is in place.</p> <p>This review will also allow the council to review the impact on protected characteristics where we have that information.</p>





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**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

### 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 2/5/2022

**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

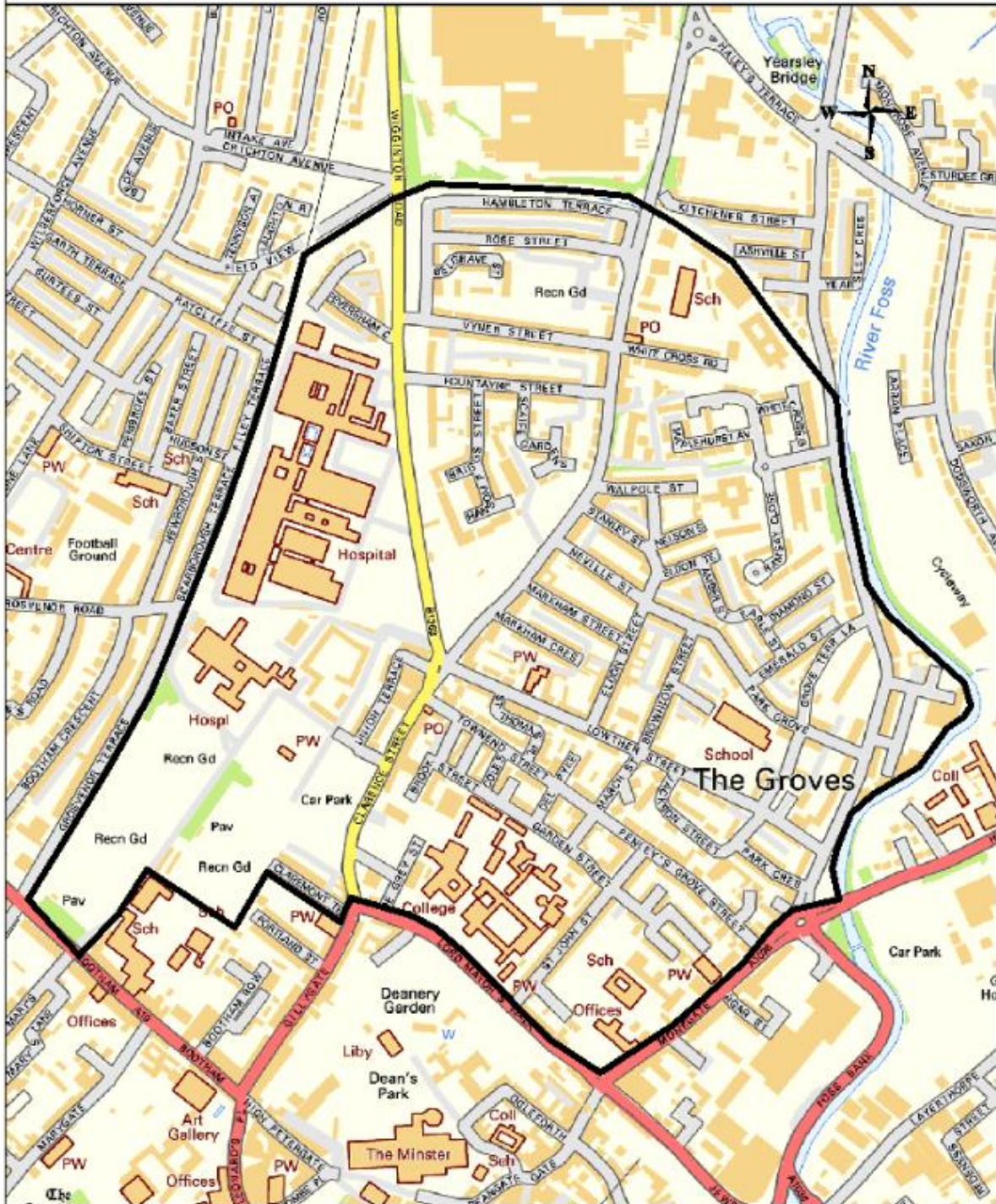
FPN: Fixed Penalty Notice

PSPO: Public Space Protection Order

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### The Groves PSPO - May 2022



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Business Intelligence Hub  
Created 11/05/2022

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Ordnance Survey 100020818

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## Public Space Protection Order for Union Terrace and Clarence Street

**Is there anything else you would like to say about the potential PSPO at Union Terrace or Clarence Street?****Answered 87****Skipped 81**

Respondents	Response Date	Responses	Tags
1	Apr 19 2022 02:26 AM	I've witnessed some shocking and disturbing scenes on Clarence street due to certain individuals especially on my way to work in the past and have actually had to go home because of being induced into panic attacks by individuals who are clearly inebriated. I just hope they don't congregate around outside the londis shop instead. I had to tell a group not long ago to pick their dirty needles up. It's vile and needs to be stopped.	
2	Apr 18 2022 10:14 PM	What concerns me is that living on a street behind Clarence St means that anti social behaviour could be pushed onto my street & in to The Groves. As a person who appreciates the positive changes in the area since the through road closure I would not like the anti social behaviour to be pushed in now we are improving so much.	
3	Apr 18 2022 09:42 PM	I'm very concerned that the introduction of the PSPO on the proposed area will just displace the current high levels of antisocial activity to the adjacent residential streets. The proposed area covered ends right at the entrance to Markham Crescent, which has suffered hugely in the past year or so from antisocial behaviour including alcohol-related violence and intimidation. The PSPO should also include all residential streets adjacent to the proposed zone, particularly Markham Crescent, and should also cover the children's playground at Clarence Gardens (I think it only covers the gardens as proposed?). I also think that additional action needs to be taken against the sources of antisocial behaviour within this zone: the off-licence on the corner of Clarence Street and Townend Street literally profits off anti-social behaviour, supplying visibly drunk people with cheap alcohol that they then drink almost immediately outside. That needs to be part of the solution too.	

- 4 Apr 18 2022 09:28 PM I am concerned that Clarence St gardens and the neighbouring streets would be become the new drinking venue for street drinkers, which would be a terrible development for what is currently a lovely community space for families and older people. I would like to see the gardens and the streets off Haxby Rd included in any PSPO. The alleyways are at particular risk of antisocial behaviour as we have recently experienced on Markham Crescent/Markham St.
- It would also be worth examining the supply of the alcohol being consumed on Clarence St - it is illegal to supply alcohol to intoxicated individuals and everyone knows exactly which off-license shop is supplying cheap alcohol to individuals who are already intoxicated - I regularly see people leaving Diamond Mini Market with alcohol they should not have been sold. I urge the Council to consider what it can do within its licensing powers in relation to Diamond Mini Market in particular but also other off-trade licensed premises in the vicinity.
- In addition, I would like to highlight that I see it as inappropriate that Diamond Mini Market has a City of York Council-awarded alcohol license when it is so close to housing for vulnerable individuals, many of whom may be battling alcohol addiction.
- 5 Apr 18 2022 07:52 PM I think the area is too small and assume people will just move a few streets away to outside the pspo area, so the problem will just move rather than go away. Drinking alcohol in itself isn't a problem, it's only if people are becoming loud and offensive, which could be for other reasons, like waiting outside the homeless shelter.
- 6 Apr 18 2022 07:25 PM Unfortunately if you only use this power on these two streets it will just make the drinkers move up into the groves , as someone who works in a shop in the groves we already have enough problems with some of these people eg . Sitting round shop drinking ,needles left around shops ,trying to steal from shops and scaring away the customers ,I think you also need to consider the other streets around the groves area as well
- 7 Apr 18 2022 06:21 PM Look down the road into the groves they also congregate there on the benches on a morning

- 8 Apr 18 2022 05:13 PM Sometimes behaviour is very clearly anti-social, but there is a lot that is intimidating or difficult but harder to define (eg groups of people congregating in bus shelters) - would that be covered? It often deters us from walking down that stretch of road, and my mum has been unable to catch a bus home from visiting us at times as it hasn't felt safe to use the bus stop. [ Also, the drinking and blatant drug dealing often spills over in to Bootham Park.
- 9 Apr 18 2022 04:41 PM It should extend into Bootham Park and include the Groves and other streets off Haxby Road opposite Clarence gardens including Markham Crescent and Street - otherwise you will just push the problem onto those roads instead
- 10 Apr 18 2022 04:26 PM Expand the area to cover the whole of the Groves. The current area will only relocate the issues/groups into the neighbouring streets in the Groves.
- 11 Apr 14 2022 11:16 AM Potential idea is that Arlight or whatever they are now called, take more responsibility of their residents, and give sanctions to those breaching such
- 12 Apr 12 2022 09:46 PM This is having a detrimental effect with vulnerable people I work with, both young and old, this also affects the staff.
- 13 Apr 11 2022 09:50 AM Urgently needed. Constant hassle from drunk/drugs/changing lives people to shop keepers, people at bus stop, cyclists, pedestrians. I hate going past them. Feel intimidated Scared to go past them Foul mouthed. Abusive Need something to make the area safe again for people to walk in.
- 14 Apr 09 2022 06:34 PM Anything to reduce the potential threat to vulnerable people will be welcomed. I have witnessed and intervened in stopping anti social behaviour and threatening behaviour towards a vulnerable person.
- 15 Apr 08 2022 05:25 PM stop allowing cheap booze shops to set up outside homeless shelters. diamond mine serves anyone no matter how drunk, or if they are street drinking on the street .it`s cruel to people trying to fix their lives having these shops right outside. it`s the same on walmgate.
- 16 Apr 08 2022 02:52 PM It can't come soon enough nothing but trouble ever since changing lives opened it certainly changed the lives of local people

- |    |                         |   |
|----|-------------------------|---|
| 17 | Apr 08 2022<br>02:33 PM | Just been to Union Terrace. Three piles of human faeces there. Syringes always in the Clarence street park, along with broken glass where bottles have been smashed Often see these people urinating in public. So loud as gangs can be heard shouting where they can get their next fix. Absolutely disgusting   |
| 18 | Apr 08 2022<br>12:22 PM | A lot of tourists park or are dropped off around Union Terrace and street drinking / ASB gives a very bad first impression. Its also not nice for locals, students or visitors to the hospital to have to witness who also pass through this area.  |
| 19 | Apr 08 2022<br>12:02 PM | Very unpleasant walking children to and from school in this area.   |
| 20 | Apr 07 2022<br>02:40 PM | I attend st johns university and as a young woman who has to walk to and from the bus stop along Clarence street to the university, I find this very daunting. The groups of males that are very likely to say something to you, or shout or ask for something is intimidating and there is nothing I feel I can do about it. It's even scarier when it's darker in winter. I would feel much safer with more lighting and possibly something to prevent the groups sitting in the doorways of the unattended houses along there. |
| 21 | Apr 07 2022<br>08:46 AM | I believe a ban would simply push the same behaviours into the groves area. Which is already a blind spot due to the road being blocked to through traffic.   |
| 22 | Apr 07 2022<br>12:27 AM | It is unnerving and off putting when you wish to access the businesses on Clarence St   |
| 23 | Apr 06 2022<br>10:31 PM | There are issues nearly every night near the bus stops near Union Terrace. It's really unpleasant waiting for a bus when there are groups of drunks hanging around there and the off-licence nearby (not the Co-Op they avoid there). It's not fair on NHS staff finishing a shift.   |
| 24 | Apr 06 2022<br>09:50 PM | Close down the homeless hotel   |
| 25 | Apr 06 2022<br>08:35 PM | Groups of drinkers regularly use the bus shelters to carry out their gatherings, & also the area near the health Centre next to the college   |

26	Apr 06 2022 08:23 PM	Pointless unless other intervention is in place to help the people gathering to drink etc
27	Apr 06 2022 07:57 PM	I feel it should cover the whole area up to the end of the Nestle factory and across to Wigginton Road as I feel the individuals causing the problem will congregate further up the road, possibly by the allotments on Wigginton Terrace, or they might move onto the park or on Wigginton Road. They are not going to stop drinking or the anti social behaviour, it will just move further up the road.
28	Apr 06 2022 07:43 PM	I think changing lives attracts this sort of behaviour
29	Apr 06 2022 06:47 PM	Stop drug dealing in Clarence garden
30	Apr 06 2022 04:47 PM	The question says Ban on Drinking Alcohol when it's only if they are causing trouble ? So that is misleading if it is true ?
31	Apr 05 2022 05:26 PM	I am concerned about the impact this would have on residents at Changing Lives, Union Terrace. As homeless people, often with dependencies on drugs or alcohol and/or serious mental health issues, this PSPO could serve to further criminalise an already vulnerable group. I would encourage a through Equality Impact Assessment and close working with CYC homeless services and Changing Lives to manage this.
32	Apr 05 2022 11:26 AM	I have witnessed street drinkers, sometimes alone and sometimes in groups. Sometimes noticed them approaching members of the public or loudly remonstrating with each other. I have also noticed anti-social behaviour in residential neighbourhoods, such as leaving 'empties' of bottles and cans on people's doorsteps.
33	Apr 04 2022 04:36 PM	Will this just move the problem to a different area?

- 34 Mar 31 2022 06:10 PM Instead of always thinking anti social behaviour is related to the homeless shelter why not look at the drunken and anti social behaviour of students, pub goers and stag and hen parties on Gillygate. Or pubs playing music far too loud and encouraging drunken parties? I've lived in the Gillygate/Union Terrace area for 15 years and trust me, this is the bigger problem. Walk along at night and look. See the doorways used as a toilet by well dressed gents or ladies from hen parties. If having the ability to move on groups of 3 and means more PSO support for residents long after tourists have left then by all means. If not, it makes life harder for those already living hard lives and does little to make life better for residents.
- 35 Mar 30 2022 09:01 AM Quite often there are groups hanging out in empty shop doorways on that street that I often encounter with my children. Whilst a ban on drinking and large groups is helpful to UT and Clarence Street, my fear is they will be pushed down into the groves area which is quieter and more residential. Should this ban be put in place, it would need to be regularly patrolled so that the groups of people in question don't just cause the same issues in another area, as that is not an answer. Perhaps providing them with voucher incentives to leave the area and/or attend local groups/schemes in the area and in town. Predominantly the people who hang out here are from the hostel, so if the hostel can be involved - ie put on groups, activities- in conjunction with the mental health service also on Clarence Street- to provide a positive alternative the problem can be tackled rather than just shifted elsewhere.
- 36 Mar 30 2022 12:09 AM Walking through this area as a resident is an unpleasant daily experience due to the rude aggressive groups who congregate there, and who also seem to make it their mission to litter the place with beer cans and ring pulls. Any action taken to solve this situation is welcome
- 37 Mar 29 2022 10:37 PM It has been expressed that moving on anti social behaviour in this area moves it to other areas such as the Groves.
- 38 Mar 29 2022 07:29 PM Just that I hope that after putting it in place, there are enough resources to make sure that people adhere to it.
- 39 Mar 29 2022 06:36 PM I would like the PSPO to also be on Markham Crescent, given what has happened on the street over the last year.



- 40 Mar 29 2022 04:15 PM I understand the rationale for this order and support exploration of measures to make the area safer for my young children. However I would like the council to address the underlying issue here - which is that there is a small population of vulnerable, unwell, adults in York living in abject poverty who need holistic care and support to improve their quality of life. I do not think these people want to sit at the bus stop/park all day drinking cider - but what are the other options available to them? The council has a opportunity here to show compassion to them, and passion for improving the city for everyone. I worry that this order will just grant permission to move people along - and then where do they go?
- 41 Mar 29 2022 03:54 PM Yes, I live on Markham Crescent, where there has been a significant amount of anti social behaviour in recent months leading to two deaths in one of the properties, one of which has resulted in murder charges. I am hugely concerned that this proposed PSPO ends on Haxby Road. As residents we have been told by the police that the issues in our street may well have resulted from people being moved from other areas. I am very concerned that the PSPO does not cover a large enough area and will simply result in the problem being moved closer to the residential areas and closer to the children's playpark. I would welcome a PSPO but would invite consideration to it covering a much larger area.
- 42 Mar 28 2022 08:06 PM There's also a big drug problem on Union Terrace with people injecting at the back of the recycling area and Bootham park hospital grounds. More community policing of the area is needed and to provide more support for the residents in that area with addiction problems that are causing the antisocial behaviour.
- 43 Mar 28 2022 06:01 PM The anti social behaviour I have experienced on Clarence Street has been from lone drunk men very early in the morning when it is still dark (I have to go down this street while walking to work) - I feel completely helpless while using the street but I don't know whether this behaviour is associated with Union Terrace or not (the man whose behaviour put me in most fear this year had actually been following me since Haxby Road)
- 44 Mar 28 2022 05:26 PM Totally agree with this, too many drunks and druggies in York begging and causing a nuisance.

45	Mar 28 2022 03:52 PM	This is an area frequented by inpatients and visitors to York hospital and the presence of drunks can be intimidating and frightening.
46	Mar 28 2022 01:36 PM	Public signage to say that closed circuit tv cameras were being used might help.
47	Mar 28 2022 11:09 AM	I walk through this area most days, often in the evening. I would say almost every time I see small groups associated with the Arc Light, drinking beer tins and vodka. They are often there drinking even in the morning. I am of course supportive of rehabilitation, but I see the same people there after all these years so I am unconvinced that they are recovering. It is one of many factors that brings the area down.
48	Mar 28 2022 10:28 AM	My concern over introducing a PSPO would be that the problem/issues would move out of that area into a neighbouring area such as The Groves (where I live).
49	Mar 25 2022 04:03 PM	Usually people riding anti socially in the area which causes big risks for other road users
50	Mar 24 2022 10:11 AM	We have small children and a reduction in antisocial behaviour would be very beneficial to their lives as well.
51	Mar 24 2022 08:05 AM	Anti social behaviour on Union Terrace is shocking, happens on a daily basis intimidating residents, passers by and tourists coming off coaches to the car park. The area behind Changing Lives is particularly bad, urinating, drug taking and dealing, fights, drinking and the litter left behind is appalling. Changing Lives should be held to account, admittedly not all are their residents but they are in the area because of Changing Lives residents. A PSPO is one of the many tools to address this problem, please introduce this as a matter of urgency.
52	Mar 23 2022 06:30 PM	Can't we extend the ban on public drinking to outside the city centre? <input type="checkbox"/> The Diamond Mine shop was so obviously opened to cater for the alcoholics who stay at the homeless place on the car park. We have enough alcohol shops and it should never have been opened.
53	Mar 22 2022 02:00 PM	Groups from the homeless centre sitting in shop door ways

54	Mar 20 2022 10:49 PM	The closer of the groves to though traffic has increased crime and made it difficult to catch people involved in crime .
55	Mar 20 2022 08:16 PM	Since the introduction of the homeless shelter, my children are abused daily with junkies waiting from their hit at boots. Then targeted for money at home time
56	Mar 20 2022 07:33 PM	Would be very welcome as most days it's intimidating to walk past the shops n Clarence Street due to certain groups of people congregating in the bust stops. Very sad state they are often in and I know they need help but we should feel safe walking the streets any time of day
57	Mar 20 2022 06:38 PM	I have found this area very intimidating with groups around bus stops, drinking, verbal aggression and groups blocking the pavements. I have seen drugs being exchanged.
58	Mar 20 2022 12:42 PM	The solution to the problem lies to a great extent within the control of the management of Changing Lives.
59	Mar 20 2022 03:40 AM	Talk to the Arclight people first..... this is the wrong way to go about things.
60	Mar 19 2022 11:11 PM	Loud music being played. Suspect drug dealing is occurring daily
61	Mar 19 2022 07:00 PM	We have found syringes on our street. You can't walk past the bus stop without getting shouted at as there are drunk people sat there. Many of the doorways have a drunk/ drug user sat in them shouting aggressively. Pensioners can't use the bus stop safely. drunks sit on the door of the food takeaway and won't let people in. Very intimidating. My child is terrified of walking near. Problem is from Changing Lives - Fewer problems when it was managed by Arc Light.
62	Mar 19 2022 02:48 PM	Largely students live on this street and it is unfair to bad alcohol and groups. If it is causing an issue those affected should rethink about where they live and talk to those causing the disturbance instead of secretly banning alcohol
63	Mar 19 2022 02:46 PM	The gatherings tend to be outside the homeless centre and can be quite intimidating when walking past them

- 64 Mar 19 2022 02:09 PM You can sometimes get just 2 people who are drinking alcohol and can be very intimidating
- 65 Mar 19 2022 01:22 PM The problem is because of the Arclight centre. Where else are people supposed to go? It's better that they gather in this area, away from the city centre and family places
- 66 Mar 19 2022 12:29 PM Have witnessed fighting and abuse being given. There is also drug dealing along with the excess daytime alcohol consumption of large groups from the homeless shelter. Doesn't create a good impression for visitors to York who use the car park and my wife who works at the hospital finds it unsafe at times walking at night.
- 67 Mar 19 2022 11:46 AM These issues can also affect Gillygate
- 68 Mar 19 2022 11:41 AM I see the same group of drinkers most days. They have not caused me any particular concern. However, it would be great if something could be done to help them as they seem to spend most of the day sitting and drinking in the bus stop or at the toilets in the coach park. I have not seen them threaten or attack anyone so I am more concerned to see some way to help them address their health problems.
- 69 Mar 19 2022 11:33 AM I think this may be part of a solution for the anti social behaviour in the area which is caused by people who are largely alcohol dependent. Some also suffer from poor mental health. Improved provision of services for these people would also improve the situation.
- 70 Mar 19 2022 09:31 AM Please just do something it's horrific walking through the down and outs, they stand right outside the place they love that's helping them rehabilitate under a sign that says no street drinking, the police need to be more proactive
- 71 Mar 19 2022 08:49 AM Similar measures elsewhere have helped move problems into this area. Moving problems from one street to another is no solution.
- 72 Mar 19 2022 12:36 AM You'll just move the problem somewhere else. It should be extended to cover the groves

73	Mar 18 2022 10:31 PM	The people I see in the area who are most likely to be impacted on by the PSPO are a small group of the local drunks who keep each other company in the bus shelters and doorways. If you move them on then where are they supposed to go?
74	Mar 18 2022 10:25 PM	We need safe neighbourhoods please
75	Mar 18 2022 08:27 PM	I find this area sometimes a bit intimidating, but I wouldn't want any solution to just shift the problem elsewhere.
76	Mar 18 2022 08:12 PM	I have been stood at the bus stops, some can be quite intimidating.
77	Mar 18 2022 06:48 PM	The people who sit in bus stops and drink alcohol have no where to go to socialise it would be wise I think to provide an area where they can go
78	Mar 18 2022 05:04 PM	Where will they go? Where are they moved on to? If The Groves it is hard to support the move - a case of not in my street. Needs to be part of bigger better plan to provide alternative space/place for support.
79	Mar 18 2022 02:31 PM	They would need to ensure that the problem is not just moved to Clarence Gardens and other streets nearby too.
80	Mar 18 2022 10:15 AM	I think the PSPO for this area is a great idea and possibly long overdue - I live nearby and have done for many years now and frequent the area, but find myself trying to avoid it as much as possible more and more often due to the issues that the area has with anti-social behaviour for various reasons. I find alternative routes now as I feel more and more unsafe walking through the area on my own as time goes on.
81	Mar 18 2022 03:39 AM	make the street safe
82	Mar 17 2022 09:51 PM	It needs to be extended into the bowls park as that already has the same issues and will only get worse if the PSPO comes into force

- 83 Mar 17 2022 07:28 PM It seems that Changing Lives and its residents is the hub of the anti-social behaviour. It was a pub it would have its licence revoked. Perhaps the council could also look at the effect the organisation is having on its neighbours.
- 84 Mar 17 2022 07:24 PM Littering is the biggest bug bear. I've suggested more bins but that won't work as rubbish is left feet away from existing bins. The litterers have no pride or investment in the local area. They constantly argue and shout amongst themselves with no respect for anyone around them.
- 85 Mar 17 2022 07:15 PM I would fully support this PSPO. As a resident of Union Terrace I feel it would significantly improve the quality of life for local people.
- 86 Mar 17 2022 06:01 PM The anti social behaviour is constant and out of hand and blighting our daily lives. Drug taking, drinking to excess, shouting, fighting, urinating all in public. There has been damage to cars and threatening behaviour. A PSPO helps tackle this behaviour alongside other measures, such as intervention and support with addiction issues.
- 87 Mar 17 2022 01:15 PM ASB has always been an issue around here, but has been particularly bad in the last two years since lockdown and has definitely affected my mental health. Changing Lives, although well meaning, do nothing whatsoever to minimise the obvious impact their residents have on the local area. As I type this there are ten drunk males standing on the corner of UT and CS, most of whom are Changing Lives residents, shouting and smoking weed. It's intimidating for pedestrians, especially lone female students of which there are plenty round here. I've lost count of the number of times I've seen people cross the street to avoid the drinkers. At its worst the situation can get completely out of control. Without intervention I worry there will be some sort of tragedy.

**City of York Council  
Equalities Impact Assessment**

**Who is submitting the proposal?**

<b>Directorate:</b>	Place		
<b>Service Area:</b>	Safer York Partnership		
<b>Name of the proposal :</b>	PSPO's to be introduced in Union Tce and City Centre		
<b>Lead officer:</b>	Paul Morrison		
<b>Date assessment completed:</b>	2 <sup>nd</sup> May 2022		
<b>Names of those who contributed to the assessment :</b>			
<b>Name</b>	<b>Job title</b>	<b>Organisation</b>	<b>Area of expertise</b>
Jane Mowat	Head of Community Safety	CYC	
Lee Pointon	NYP Inspector	North Yorkshire Police	
James Ford	Changing Lives Manager	Changing Lives	

**Step 1 – Aims and intended outcomes**

<b>1.1</b>	<p><b>What is the purpose of the proposal?</b> Please explain your proposal in Plain English avoiding acronyms and jargon.</p>
	<p>To introduce a Public Space Protection Order to stop issues with street drinking and the anti-social behaviour that goes with it in the city centre and Union Terrace and surrounding areas.</p>
<b>1.2</b>	<p><b>Are there any external considerations?</b> (Legislation/government directive/codes of practice etc.)</p>
	<p>.The Anti-Social Behaviour, Crime and Policing Act 2014. Public Sector Equality Duty under Section 149 of the Equality Act 2010</p>
<b>1.3</b>	<p><b>Who are the stakeholders and what are their interests?</b></p>
	<p>Local residents – who want to be able to move through the city centre and Union Terrace areas without fear and feeling intimidated. Residents of Changing Lives on Union Terrace – who want to be able live quietly without being targeted. Street drinkers – who want to have a place to drink with other members of the community</p>



1.4	<b>What results/outcomes do we want to achieve and for whom?</b> This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.
	<p>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.</p> <p>Good Health and Wellbeing</p> <p>Safer Communities and Culture for All</p>

## Step 2 – Gathering the information and feedback

2.1	<b>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights?</b> Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.	
	<b>Source of data/supporting evidence</b>	<b>Reason for using</b>
	Working group made up of Council Officers, Partner agencies, and voluntary sector partners	To establish the scale of the problem and whether the introduction of PSPO's would be proportionate and support reducing the issues in the area
	Meeting with local residents association	To determine whether local residents support the issues and whether they were concerned about being marginalised
	Undertook a survey of local residents including asking for details about protected characteristics	To understand whether these residents had different thoughts on the subject because of their lived experiences

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### Step 3 – Gaps in data and knowledge

<b>3.1</b>	<b>What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.</b>		
	<b>Gaps in data or knowledge</b>	<b>Action to deal with this</b>	

### Step 4 – Analysing the impacts or effects.

<b>4.1</b>	<b>Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.</b>			
	<b>Equality Groups and Human Rights.</b>	<b>Key Findings/Impacts</b>	<b>Positive (+) Negative (-) Neutral (0)</b>	<b>High (H) Medium (M) Low (L)</b>
	<b>Age</b>		<b>0</b>	<b>L</b>
	<b>Disability</b>	From conversations with NYP Officers and Voluntary groups there is an increased number of individuals involved who are likely to be qualify as disabled under the Equality Act. However the impact would be similar for all parties	<b>-</b>	<b>L</b>

<b>Gender</b>		0	L
<b>Gender Reassignment</b>		0	L
<b>Marriage and civil partnership</b>		0	L
<b>Pregnancy and maternity</b>		0	L
<b>Race</b>		0	L
<b>Religion and belief</b>		0	L
<b>Sexual orientation</b>		0	L
<b>Other Socio-economic groups including :</b>	<b>Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?</b>		
<b>Carer</b>		0	L
<b>Low income groups</b>	Some members of this community are either currently homeless or have been previously been homeless	-	L
<b>Veterans, Armed Forces Community</b>	There is a higher level of homelessness amongst armed forces veterans, so they may be more likely to become involved.	-	L
<b>Other</b>			
<b>Impact on human rights:</b>			

List any human rights impacted.			
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**Use the following guidance to inform your responses:**

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p><b>High impact</b> (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p><b>Medium impact</b> (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p><b>Low impact</b> (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

### Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	<p><b>Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?</b></p>
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The Council, North Yorkshire Police and voluntary partners recognise that the introduction of the PSPO is only one tool to tackle the increasing issues of ASB in these areas. We are committed to providing support and advice to people involved, both from a health perspective as well as about accommodation if appropriate.

The council are looking at a stepped approach to enforcement to ensure that good practice is followed, and has established a multi-agency meeting to ensure that the numbers of people who may receive Fixed Penalty Notices are kept as low as possible.

### Step 6 – Recommendations and conclusions of the assessment

6.1	<p><b>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</b></p>
<p>- <b>No major change to the proposal</b> – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.</p>	

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

**Important:** If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

<b>Option selected</b>	<b>Conclusions/justification</b>
No major change to the proposal	<p>Residents, voluntary groups and partner agencies have all been consulted to minimise the risk of unlawful discrimination.</p> <p>The Council will continue to provide support and assistance to people who are drinking and causing ASB in these areas, both from within the council and through partners such as Salvation Army and Changing Lives.</p>

**Step 7 – Summary of agreed actions resulting from the assessment**

7.1	What action, by whom, will be undertaken as a result of the impact assessment.		
Impact/issue	Action to be taken	Person responsible	Timescale

**Step 8 - Monitor, review and improve**

8. 1	<p><b>How will the impact of your proposal be monitored and improved upon going forward?</b> Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?</p>
	<p>We will need to undertake a review of the PSPO's after 3 years. This will ensure that we can monitor residents and organisations thoughts about the process once it is in place.</p> <p>This review will also allow the council to review the impact on protected characteristics where we have that information.</p>