

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

17 February 2022

Report of the Director of Environment, Transport and Planning

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

Summary

1. The purpose of this report is to agree to proceed to public consultations on the potential implementation of a Public Space Protection Order (PSPO) to tackle the anti-social behaviour associated with the excessive consumption of alcohol within the City Walls.

Recommendations

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

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

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

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

Background

3. The Anti-Social Behaviour, Crime and Policing Act 2014 came into force on the 20th October 2014 and changed the powers available to local

authorities and the police to deal with anti-social behaviour in our communities.

4. The Act introduced new powers, including, a Public Spaces Protection Order, which is granted by the Local Authority, but can be enforced by either the Local Authority or the Police. A PSPO will give the police and the council additional powers to stop individuals or groups from carrying out specific types of anti-social behaviour.
5. The PSPO serves to protect a public space from persistent or continuing anti-social activity by individuals or groups that is having a detrimental effect on the quality of life of those in the locality. Such an order lasts for a period of up to 3 years, with provision for extensions for up to 3 years at a time. The process starts by way of consultation, and after this time, a decision is taken by a Local Authority whether to grant a PSPO taking into account the responses to the consultation exercise. This power replaces the previous gating orders, designated public place orders (relating to restrictions on alcohol consumption) and dog control orders.
6. Breaching the conditions of a PSPO is a criminal offence with the option open to officers to issue a Fixed Penalty Notice (FPN) or to prosecute the breach in the Magistrates Court. Association of Chief Police Officers guidance indicates that all breaches of PSPO and non-payment of FPN rests with the Local Authority although the order will be enforced by both police and the council. Failure to pay a FPN within a given period is likely to lead to prosecution for the original offence.
7. PSPOs across the city were reviewed in December 2021 and analysis undertaken in relation to their effectiveness as a tool to tackle anti-social behaviour. The refresh of the Anti-Social Behaviour section of the Safer York Partnership Community Safety Strategy 2020-23 will incorporate specific guidance on how Public Space Protection Orders will be considered and used as part of a multi-faceted approach to tackling anti-social behaviour. This includes work delivered through the York BID Safe and Secure Sub Committee and Operation Erase (the multi-agency response to tackling weekend alcohol related antisocial behaviour).
8. City Centre Crime and Anti-social Behaviour is a priority within the Safer York Partnership Community Safety Strategy 2020-23. Positive perceptions of the city are important to York's status as a major tourist destination. The unique layout of the city with its compact mix of residential, commercial and licensed premises makes it difficult to avoid conflict between different user groups. This often results in perceptions

of the city being a safe place being more negative than the actual crime figures would suggest. A partnership approach between all key stakeholders in the city, including City of York Council and North Yorkshire Police has ensured that where issues arise, they are quickly addressed through a combination of enforcement and education.

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

Consultation

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

Options

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

Analysis

16. Option 1 – Guildhall Inner Ward - During the course of 2021 despite the restrictions in place for Covid-19 at different times of the year which reduced footfall across York there were 1044 incidents of anti-social behaviour reported to the Police. The table below compares with the previous two years. Of the 1044 ASB incidents in 2021, 1030 were alcohol related.

Guildhall Inner	2019	2020	2021
Total ASB	1464	1144	1044

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

Council Plan

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

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

20. Implications

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

Risk Management

21. There are no high risks identified.

Contact Details

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Chief Officer Responsible for the report:

James Gilchrist
Director of Environment, Transport and
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Report **Date** 8/02/2022
Approved

Wards Affected: Guildhall

Specialist Implications Officer(s)

Financial:
Patrick Looker
Finance Manager

Legal:
Sandra Branigan
Senior Solicitor

Wards Affected: Guildhall

For further information please contact the author of the report

Background Papers: None

Annexes

Annex 1 – Map highlighting proposed area of PSPO

List of Abbreviations Used in this Report

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