

**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.

Guildhall Inner	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.

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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