
Meeting:	Combined Executive Member Decision Session
Meeting date:	02/09/2025
Report of:	Director of Housing & Communities
Portfolio of:	Executive Member for Housing Planning & Safer Communities

Decision Report - Request to consult about extending the current Public Space Protection Order at Union Terrace, Clarence Street Gardens and the Groves.

Subject of the report

1. This report is to agree to proceed to public consultations on the potential extension of a Public Space Protection Order (PSPO) to tackle the problems caused by groups of people within the area bordering Union Terrace, Clarence Street Gardens and the Groves see annex 1 for the full area.

Benefits and Challenges

2. Historically there have been incidents and reports of people street drinking around the car park at Union Terrace and Clarence Street Gardens.
3. Union Terrace car park is one of the principal coach stops for visitors to the city and this means that this area is often the first impression that people have of the city.
4. This led to the council introducing a PSPO in 2022. The area covered included the Groves to minimise the risk of the anti-social behaviour being displaced. The Order has allowed North Yorkshire Police (NYP) to remove alcohol and disperse groups without the need for more formal action to be taken, which NYP have advised is a useful tool to tackle ASB in the area.

5. During the course of the first three months of 2025, there were 27 incidents linked to the Union Terrace area, for a wide variety of reasons including violence, ASB and concern for safety.
6. 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.
7. North Yorkshire Police have also issued dispersal orders. 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.

Policy Basis for Decision

8. The extension of the PSPO in the area, supports the priority within the Council Plan 2023-27, One City For All:
 - Build Community Pride
 - Make the City Centre Work for Everyone

Financial Strategy Implications

9. The cost of undertaking the consultation exercise can be met within current budgets.

Reasons and Recommendations

10. It is recommended that the Executive Member approve the decision to consult with the public and partners on the extension of the PSPO which would ensure that the Council would have greater powers to deal with anti-social behaviour in these areas, including the following possible options the council could consider:
 - A ban on drinking alcohol within the area;
 - The ability to remove large groups of 3 or more people who are causing anti-social behaviour for the sites.

Background

11. 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.

12. 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 council to stop individuals or groups from carrying out acts of anti-social behaviour.
13. 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.
14. 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.

Consultation Analysis

15. North Yorkshire Police and some partner organisations have been consulted about this and support undertaking the wider consultation with residents to establish their views so that the Executive Member can make an informed decision.

Options Analysis and Evidential Basis

16. Options considered were
To consult on the extension of the PSPO which would ensure that the Council would have greater powers to deal with anti-social behaviour in these areas.
Not to consult on the extension of a PSPO which would restrict the Council's ability to tackle anti-social behaviour in the area

17. Option rejected was

Not to consult on the extension as will restrict the options available to challenge ASB in this area. It also increases the risks associated with visitors to the city who are using the car park.

Organisational Implications

- **Financial**, *There are no financial implications associated with this decision*
- **Human Resources (HR)**, *there are no HR implications*
- **Legal**, *there are no Legal implications with carrying out consultation with residents about whether they support a PSPO*
- **Procurement**, *there are no procurement implications*
- **Health and Wellbeing**, *there are no health and well being implications*
- **Environment and Climate action**, *there are no environmental or climate action implications*
- **Affordability**, *there are no affordability implications*
- **Equalities and Human Rights**, *An EIA will be carried out if there is support for the recommendations from the public consultation once it has been decided what s to be included*
- **Data Protection and Privacy** *there are no data protection issues with the consultation process*
- **Communications**, *there are no communication implications*
- **Economy**, *there are no economic implications*

Risks and Mitigations

There are no risks identified with this decision

Contact Details

Author:

Author's name - Paul Morrison
Title - Community Safety Manager

Chief Officer Responsible for the report:

Chief Officer's name – Pauline Stuchfield
Title – Director of Housing and Communities

**Report
Approved**



Date 20/08/25

Co-Author's Name
Title
Dept Name
Tel No.

Wards Affected: Guildhall

All

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For further information please contact the author of the report

Background Papers:

None

Annexes

Annex 1 – map highlighting proposed area of PSPO

List of Abbreviations Used in this Report

PSPO – Public Space Protection Order
NYP – North Yorkshire Police
FPN – Fixed Penalty Notice
ASB – Anti-social behaviour