

<b>Meeting:</b>	Executive
<b>Meeting date:</b>	2 December 2025
<b>Report of:</b>	Director of Housing and Communities
<b>Portfolio of:</b>	Executive Member for Housing, Planning & Safer Communities

## **Decision Report: Public Space Protection Order (PSPO) covering Union Terrace, Clarence Gardens and The Groves**

### **Subject of Report**

1. The purpose of this report is to consider the responses from a recent consultation process undertaken, as approved by the Executive Member for Housing, Planning and Safer Communities on 2 September 2025, and determine whether to re-introduce a PSPO covering Union Terrace, Clarence Gardens and The Groves.
2. The decision to undertake consultation regarding a potential PSPO was developed jointly in conjunction with North Yorkshire Police, and the process followed is in accordance with the guidance as set down by the Local Government Association available here:  
[https://www.local.gov.uk/sites/default/files/documents/10.21%20PSPO%20guidance\\_06\\_1.pdf](https://www.local.gov.uk/sites/default/files/documents/10.21%20PSPO%20guidance_06_1.pdf).
3. The recommendations and actions relating to the renewal of the existing PSPO and deeper consultation of further powers will contribute to the council's and its partners' collective commitment to making York's city centre and public spaces safe and welcoming for all.

### **Benefits and Challenges**

4. Union Terrace is a car park situated just outside the City Walls (the area within is also subject to a Public Space Protection Order). It is one of the main parking areas for coaches bringing visitors into the

city and as such is the first impression of the city for those visitors travelling by coach. A temporary accommodation hostel is situated adjacent to the car park and opposite the campus buildings of the University of York St Johns. This area attracts a high daily footfall throughout the year.

5. Feedback from university students, users of the car park and businesses in the area has been that people feel intimidated by the behaviour of groups who gather in Union Terrace.
6. Clarence Gardens is a park area situated close to the Union Terrace Car Park. It is opposite part of the university campus and is adjacent to the hospital. Issues of anti-social behaviour are also experienced along Clarence Street itself which runs alongside Union Terrace Car park and leads to Clarence Gardens.
7. Some of the same individuals who have caused issues at Union Terrace Car Park have also been responsible for issues within the gardens.
8. Numbers of calls for service to North Yorkshire Police in relation to issues in Union Terrace have been lower in recent times following intensive partnership working, part of which included the reinstatement in 2022 of the PSPO in this area (a PSPO has been in place here since 2014). This has been evident from the daily reviews of ASB Police Data by Police Officers in the Community Safety Hub (which is the routine catalyst for a decision to take multi-agency action within emerging hot spot locations). It is not possible to extract data from Police systems to evidence this due to the range of information included within the crime recording category of ASB. It should be noted that incidents tend to be seasonal and peak at times of highest footfall from the car park (Christmas Market and Summer Tourist Season). That said, there has not been an increase during the Summer 2025 which is likely to be a result of the ongoing partner actions delivered through the Problem Solving approach implemented in 2022. Whilst this may raise a question as to the need for a PSPO, based on direct volume of incidents, it should be noted that this PSPO is directly adjacent to the City Centre PSPO and therefore without it, there is likely to be displacement of anti-social behaviour from the City Centre into the area of Gillygate, Union Terrace and The Groves.

## Policy Basis for Decision

9. The renewal of the PSPO in the area, supports the priorities within the Council Plan 2023-27, One City For All as follows:
  - Build Community Pride
  - Make the City Centre Work for Everyone.
10. The report meets the core commitments in the Council Plan (Affordability Equalities, Climate Change and Health) by ensuring the city remains a safe place for all irrespective of their backgrounds; to ensure York is a city where people can have equal and safe access to health-generating spaces that they enjoy that along with other recently approved PSPOs (for example, street urination and dog fouling) to keep the city's streets clean and for everyone's enjoyment.

## Financial Strategy Implications

11. The cost of publicising the PSPO through notices, can be met within current budgets. The renewal does not change the amount of any Fixed Penalty Notice (FPN) at £100, which would be reduced to £75 if paid within the first 14 days.

## Recommendation and Reasons

12. It is recommended that, in accordance with Option 1 in paragraph 29, the Executive approve:
  - a) the reintroduction of the original PSPO within the city walls as follows:
    - seizing alcohol where it is associated with anti-social behaviour that is impacting on the quality of life for people in that area; and
    - the ability to disperse large groups of 3 or more people who are causing ASB.
  - b) a further detailed consultation relating to the following:
    - The ability to remove large groups of **2** or more people who are causing anti-social behaviour (as opposed to 3 or more as contained in the September report);

- c) Delegated authority for the Director of Housing & Communities to sign the PSPO on behalf of the Executive Member for Housing, Planning and Safer Neighbourhoods in conjunction with the Director of Governance and the Monitoring Officer Legal Services.

**Reason:** To ensure that the council actively addresses the issue of antisocial behaviour in York's communities.

## Background

- 13. 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.
- 14. 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.
- 15. 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. Orders may be reviewed and amended at any time should the circumstances or particular patterns of antisocial behaviour identify further suitable prohibitions.
- 16. Breaching the conditions of a PSPO is a criminal offence with the option for 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.

17. A Public Space Protection Order has been in place in this area since 2014, the latest of which expired in August 2025 and prior to that a Designated Public Place Order and Alcohol Exclusion Zones were used to deal with the anti-social behaviour associated with alcohol and groups causing a nuisance.
18. 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. It should be noted that the PSPO does not outright ban drinking alcohol in open spaces where it is happening responsibly or as part of open air events or within outdoor licensed spaces. However, the power can be applied provided there is anti-social behaviour associated with alcohol in any area where the order applies.
19. The Council currently has a citywide PSPO in place to tackle urination by individuals in the city and is also seeking to renew the City Centre PSPO banning antisocial behaviour associated with alcohol. This PSPO would support these orders and following the renewal in 2022, there is a seamless transition between the area covered by the city centre and that of the Union Terrace order to ensure that problems are not simply displaced to just outside the boundaries.
20. North Yorkshire Police supported the consultation to reintroduce the PSPO and have engaged in discussions with City of York Council to extend the scope of this order to address the following:
  - The ability to remove large groups of **2** or more people who are causing anti-social behaviour (as opposed to **3** or more as contained in the September report to be able to target a larger number of groups).
21. These wider powers are aimed to address an emerging trend in individuals from other towns and cities in the region travelling to York specifically to beg and often dealing drugs on the streets. This has been largely driven by those other towns and cities using their own PSPO powers to target these behaviours, this making York attractive to displacement of criminal and anti-social behaviour. The powers would not be used in relation to individuals from York or with a connection to York who find themselves on the streets. Use of the PSPO to deal with incoming individuals would form part of a package of interventions to address City Centre Crime and ASB that

would include education and support as well as enforcement, when deemed proportionate and necessary.

22. In order to implement any extension of the existing prohibitions, however, there has been some concern expressed by stakeholders around unequal treatment for homeless and rough sleeping people in particular. As such any widening of the PSPO requires further consultation with both stakeholders and support services to ensure that these views are fully considered and the needs of all groups impacted can be met.
23. This report therefore seeks to reintroduce the previous PSPO that has been in place since 2022 to allow for an immediate response over the Christmas and New Year period by the Police and council enforcement officers regarding ASB associated with intimidation and excessive consumption of alcohol. Further work will be carried out in early 2026 to look at the potential to expand the order ahead of the busy summer holiday period.

## **Consultation Analysis**

24. North Yorkshire Police and other services such as CYC's Resettlement Services have been consulted in relation to this Order and support the introduction of the PSPO.
25. As part of the process the council has sought views from local residents and businesses in relation to the PSPO. People were asked to complete a short survey which was placed on the council's website.
26. The council received 17 responses to the consultation survey. This is significantly lower than the consultation in 2022 but at that time there had been a substantial rise in complaints and incidents of antisocial behaviour in this location and there was a multi-agency problem solving process in place. This plan delivered a number of targeted initiatives in the area that substantially reduced the problems. The council is aware however that the issues linked to alcohol consumption and groups gathering in the location do still take place and cause concern for residents, local businesses, the police and council.
27. Eighty percent of respondents support the reintroduction of the PSPO banning alcohol consumption in the area and dispersal of groups of individuals associated with antisocial behaviour. It should

be noted that the PSPO does not prohibit responsible consumption of alcohol outdoors within the boundary of the order neither does it prohibit any gathering of people. For the order to be enforced, there must be antisocial behaviour committed and witnessed by the issuing officers.

- a) The figures for the potential prohibitions are listed in the table below:

Potential Exclusion	Support (%)	Oppose (%)
Drinking alcohol	80	20
Removal of groups of 3 or more persons committing anti-social behaviour	80	20

28. The written comments from the survey are contained in Annex B. Ward members were also consulted on as part of the process and gave the following comments requested that this PSPO should additionally cover:

- Taking drugs or any other psychoactive substance

In response, taking drugs/psychotic substances is a criminal offence which falls within the remit of the police and as such would not be added a PSPO.

## Options Analysis and Evidential Basis

29. **Option 1:** Approve the reintroduction of the PSPO within the area of Union Terrace, Clarence Gardens and the Groves to include:

- Banning consumption of alcohol
- The ability to remove large groups of 3 or more persons who are causing anti-social behaviour

behaviour and undertake the consultation on the extension of powers as outlined in recommendation b). **This option is recommended for the reasons outlined in the report.**

30. **Option 2:** Approve the reintroduction of the PSPO within the city walls to include:

- Banning consumption of alcohol
- The ability to remove large groups of 3 or more persons

where it is associated with anti-social behaviour that is impacting on the quality of life for people in that area and do not undertake the consultation on the extension of powers as outlined in recommendation b). This option is not recommended as the feedback from Police and first consultation outputs suggest there is support for the powers to be introduced.

31. **Option 3:** Decline the reintroduction of the PSPO for the area and any consultation on any extension of powers. This option is not recommended as this would go against the findings of the consultation and would oppose partner ambitions to ensure the city is safe. 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.

## Organisational Impact and Implications

32.

- **Financial**, The cost of undertaking the consultation can be met from within existing budgets.
- **Human Resources (HR)**, There are no Human Resources Implications
- **Legal**, The relevant legal powers are set out in the main body of the report.

The Council has power to introduce a PSPO subject to:

- a. compliance with consultation requirements, and
- b. being satisfied that the order is a proportionate response to the harm targeted and is consistent with the Public Sector Equality Duty under Section 149 of the Equality Act 2010.

The introduction of a PSPO is generally a quicker method of introducing measures to tackle anti-social behaviour, and multiple issues can be dealt with in a single PSPO. This is



therefore the preferred method of introducing these measures rather than revoking and introducing individual byelaws which deal with these behaviours, which can be a lengthy process.

The option to issue an FPN under the PSPO would result in a reduced administrative burden on the Council as well as a more proportionate approach from the offender perspective.

Per section 70 of the Anti-Social Behaviour, Crime and Policing Act 2014, where an existing byelaw prohibits an activity which is also regulated by a PSPO, the PSPO provision prevails, and the byelaw is of no effect for the duration of the PSPO in the area to which it relates.

It is recommended that the PSPO contain an option to both issue an FPN and/or seek a summary conviction, which could be reserved for the more serious offences or persistent offenders.

- **Procurement**, There are no procurement implications
- **Health and Wellbeing**, Public health supports the report and the recommended options.
- **Environment and Climate action**, The report has no climate change implications.
- **Affordability**, As outlined in the attached *Equalities Impact Assessment (EIA)* People on low incomes may spend more time in public spaces, so there is a small risk of disproportionate engagement by officers. This is mitigated through a support-first, proportionate approach.
- **Equalities and Human Rights**, A full EIA is attached at Annex A. The group with any meaningful risk is people who are homeless or rough sleeping, if enforcement is not used proportionately. Further EIAs will be produced for any expanded powers.
- **Data Protection and Privacy**, The data protection impact assessment (DPIAs) screening questions were completed for the recommendations and options in this report and as there is no personal, special categories or criminal offence data being processed to set these out, there is no requirement to complete a DPIA at this time. However, this will be reviewed following the approved recommendations and options from this report and a DPIA completed if required.

- **Communications**, We will work with other partners to raise awareness of changes to the PSPO, focusing primarily on digital channels where this information can be shared into other community groups and online spaces.
- **Economy**, the report's implications have a positive effect on the local economy, ensuring a safer street and trading environment for all residents and visitors.

## Risks and Mitigations

33. The risks of not implementing the recommendation in this report are summarised in Paragraph 29-31 above.

## Wards Impacted

34. Guildhall Ward.

## Contact details

For further information please contact the authors of this Decision Report.

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## **Background papers**

Combined Executive Member Decision Session 2<sup>nd</sup> September 2025

<https://modgov.york.gov.uk/documents/s185159/PSPO%20consultation%20report%20on%20Union%20Terrace%202025.pdf>

2022 PSPO Report:

<https://modgov.york.gov.uk/ieListDocuments.aspx?CId=932&MID=12752#AI62431>

## **Annexes**

- Annex A Map highlighting proposed area of PSPO
- Annex B List of comments received
- Annex C Equalities Impact Assessment (EIA)

## **List of Abbreviations Used in this Report**

ASB – Anti-social behaviour

CYC – City of York Council

EIA – Equalities Impact Assessment

FPN – Fixed Penalty Notice

NYP – North Yorkshire Police

PSPO – Public Space Protection Order

VAWG – Violence Against Women & Girls