

Public Document Pack

To all Members of the

CABINET

AGENDA

Notice is given that a Meeting of the Cabinet is to be held as follows:

VENUE Room 7a and b, Civic Office, Waterdale, Doncaster, DN1 3BU
DATE: Tuesday, 17th October, 2017
TIME: 10.00 am

ITEMS

1. Apologies for Absence.
2. To consider the extent, if any, to which the public and press are to be excluded from the meeting.
3. Public Questions and Statements.

(A period not exceeding 20 minutes for questions and statements from members of the public and Elected Members to the Mayor of Doncaster, Ros Jones. Questions/Statements should relate specifically to an item of business on the agenda and be limited to a maximum of 100 words. As stated within Executive Procedure Rule 3.3 each person will be allowed to submit one question/statement per meeting. A question may only be asked if notice has been given by delivering it in writing or by e-mail to the Governance Team no later than 5.00 p.m. on Thursday, 12th October, 2017. Each question or statement must give the name and address of the person submitting it. Questions/Statements should be sent to the Governance Team, Floor 2, Civic Office, Waterdale, Doncaster, DN1 3BU, or by email to Democratic.Services@doncaster.gov.uk).

4. Declarations of Interest, if any.

Jo Miller
Chief Executive

Issued on: Monday, 9 October 2017

Governance Officer
for this meeting:

Andrea Hedges
01302 736716

5. Decision Record Forms from the meeting held on 3rd October, 2017 for noting (previously circulated).

A. Reports where the public and press may not be excluded

Rule 15 Urgent Decision

6. Transport for the North - Incorporation as a Sub-National Transport Body. *(Rule 15 Urgent Decision which by reasons of Urgency has not been included on the Forward Plan).* 1 - 10

Key Decision

7. South Yorkshire Municipal Waste Strategy Adoption. 11 - 40

Non-Key Decision

8. Doncaster Growing Together - Supporting people with Complex Lives: Proposed Doncaster Town Centre Public Spaces Protection Order. 41 - 126

Cabinet Members

Chair

Ros Jones, Mayor of Doncaster

Vice-Chair

Councillor Glyn Jones, Deputy Mayor

Councillor Nigel Ball

Councillor Joe Blackham

Councillor Rachael Blake

Councillor Nuala Fennelly

Councillor Chris McGuinness

Councillor Bill Mordue

Councillor Jane Nightingale

Portfolio Holder for:

Housing and Equalities

Public Health, Leisure and Culture

Highways, Street Scene and Trading Services

Adult Social Care

Children, Young People and Schools

Communities, Voluntary Sector and the Environment

Business, Skills and Economic Development

Customer and Corporate Services

To the Chair and Members of the Cabinet

TRANSPORT FOR THE NORTH - INCORPORATION AS A SUB-NATIONAL TRANSPORT BODY

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Blackham		Yes/No

EXECUTIVE SUMMARY

- 1 The report requests that the Council as Local Highway Authority gives formal consent to the establishment of Transport for the North (TfN) as a Sub - National Transport Body under section 102J of the Local Transport Act 2008.
- 2 Before the Secretary of State can make the Regulations he must obtain consent from each of the 19 Constituent Authorities and also consent to the granting of concurrent highway powers from each of the Highway Authorities within TfN's area.

EXEMPT REPORT

- 3 No

REASONS FOR URGENCY

- 4 DMBC (along with all the other Local Authority affected), only received the request for the formal Council consent on 22 September 2017. Due to the lateness of the request and the need to seek clarity on a number of complex legal, operational and constitutional issues there is no longer the ability to provide the 28 days' notice required for the Forward Plan. TFN have been advised by the Government that due to a lack of Parliamentary time it is not possible to delay this matter.

RECOMMENDATIONS

- 5 It is recommended that formal consent is approved under section 102J of the Local Transport Act 2008 to establish Transport for the North as a Sub-National Transport Body and giving TfN concurrent highway powers.
- 6 DMBC will establish in separate notification that the Combined Authority does not provide implied delegated representation at TFN in relation to matters affecting our statutory role as Highway Authority for the Metropolitan Borough of Doncaster. Any consents required in relation to Doncaster must be received from Doncaster MBC itself.

- 7 DMBC will also notify TfN, separately to this consent, that it must seek to represent all communities in its transport aspirations not just linking core cities and towns.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

- 8 Doncaster, as a member of the SCR, is a Constituent Authority of the TfN and supports the ambitions of the TfN transport agenda in addressing historic chronic underinvestment in transport infrastructure in the north. The establishment of TfN as a statutory body will enable the body to deliver its plan to deliver the improvements needed to truly connect the region with fast, frequent and reliable transport links, driving economic growth and creating a Northern Powerhouse.

BACKGROUND

Background to TfN

- 9 To address concerns about transport connectivity across the North, Local Transport Authorities and Local Enterprise Partnerships across the North of England came together in 2014 in partnership with the Department for Transport and the National Transport Agencies to form Transport for the North (TfN). Together they have developed an ambitious pan-northern transport strategy to drive economic growth in the North. The purpose of TfN is to transform the transport system of the North of England and the aim of TfN is to plan and deliver the improvements needed to truly connect the region with fast, frequent and reliable transport links, driving economic growth and creating a Northern Powerhouse.
- 10 Getting transport right is central to achieving the Northern Powerhouse ambition which is itself central to a successful UK industrial strategy. A world class transport system across the North will create a unified economic area, attracting new business, improving productivity in the North and thereby rebalancing the UK economy.
- 11 There has been long term underperformance of the Northern economy when compared with other parts of the UK. There is a significant economic performance gap between the North and the rest of the UK economy
- 12 The North has had no way of agreeing strategic priorities, with the responsibility for transport divided over many organisations at different geographical levels. This has made it hard to properly consider and prioritise the right strategic transport interventions to transform economic growth at the regional scale. As a result, the North has been unable to speak with one clearly evidenced voice to Government on its transport priorities in Spending Rounds or rail and road investment plans.
- 13 The ambition of TfN over time is to achieve significant devolution of transport responsibilities for the North of England and specifically to:
 - (a) Develop and deliver a multi-modal, integrated strategic transport plan that drives transformational economic growth in the North;
 - (b) Set the strategic outcomes, outputs and priorities for the North of

England's rail infrastructure and strategic road network; and

- (c) Determine specifications and contracts for future rail service franchises in the North of England.
- 14 In October 2016, with the agreement of the Constituent Authorities set out below, TfN submitted a proposal to the Secretary of State for Transport that TfN should be established as the first Sub-National Transport Body (STB) under the provisions of section 102E of the Local Transport Act 2008 as amended by the Cities and Local Government Devolution Act 2016.
- 15 The 19 Constituent Authorities of TfN are:
- Greater Manchester Combined Authority
 - Liverpool City Region Combined Authority
 - The Durham, Gateshead, Newcastle on Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority
 - Sheffield City Region Combined Authority
 - Tees Valley Combined Authority
 - West Yorkshire Combined Authority
 - Cumbria County Council
 - Lancashire County Council
 - North Yorkshire County Council
 - Blackburn with Darwen Borough Council
 - Blackpool Borough Council
 - Cheshire East Council
 - Cheshire West and Chester Council
 - Warrington Borough Council
 - The Council of the City of York
 - The East Riding of Yorkshire Council
 - Kingston upon Hull City Council
 - North Lincolnshire Borough Council
 - North East Lincolnshire Council

The Submission Proposal

- 16 The Proposal submitted by the Constituent Authorities requested the following powers and functions:
- (a) To prepare a Transport Strategy for the Combined Area in accordance with section 102I of the Local Transport Act 2008;
 - (b) To provide advice to the Secretary of State about the exercise of the transport functions in the Combined Area;
 - (c) To be a Statutory Partner with the Secretary of State in both road and rail investment processes and to be responsible for setting the objectives and priorities for strategic road and rail investments in the Combined Area;
 - (d) To be consulted in relation to rail franchise agreements for services to and from or within its area;
 - (e) To co-manage with the Secretary of State the TransPennine Express

and Northern Rail Franchises;

- (f) To co-ordinate the carrying out of specified transport functions that are exercisable by its different Constituent Authorities with a view to improving the effectiveness and efficiency of the carrying out of those functions;
 - (g) To promote and co-ordinate road transport schemes;
 - (h) To make proposals to the Secretary of State for the transfer of transport functions to TfN;
 - (i) To make other proposals to the Secretary of State about the role and functions of TfN;
 - (j) To undertake Smart Ticketing within the Combined Area;
 - (k) To promote and oppose local or personal bills in Parliament;
 - (l) To pay Capital Grants to support the funding and delivery of joint projects;
 - (m) To exercise powers to construct highways and to acquire land for that purpose under section 8(1), 24 and 239 of the Highways Act 1980 concurrently with local Highway Authorities
- 17 In carrying out these functions TfN will act as a Statutory Partner with the Secretary of State and will take devolved responsibilities from the Secretary of State. It will exercise a co-ordinating role in relation to specified transport functions

The Proposal also contained the following key provisions:

- (a) All Constituent Authorities will be entitled to appoint a representative to TfN, such representative to normally be the Elected Mayor, Chair, Leader or Member with delegated responsibility for transport;
- (b) Decisions will be expected to be unanimous but where voting is required votes will be weighted in accordance with the populations of the Constituent Authorities;
- (c) Decisions in relation to the Budget, the adoption of a Transport Strategy and the Constitution will require a Super Majority;
- (d) Funding will be provided by the Secretary of State and no decision to require financial contributions from Constituent Authorities can be made without the agreement of each Authority;
- (e) There will be appropriate mechanisms for Scrutiny of TfN's decisions;
- (f) Rail North Limited will be wholly owned by TfN;
- (g) A wider Partnership Board including representatives of government bodies and the LEPs will be set up to inform TfN's decision making.

The Secretary of State's Response

- 18 The Secretary of State has now formally responded to the Proposal and has indicated that he is minded to make Regulations creating TfN as the first Sub-National Transport Body with the following functions:
- (a) The preparation of a Northern Transport Strategy;
 - (b) The provision of advice on the North's priorities, as a Statutory Partner in the Department's investment processes;
 - (c) The coordination of regional transport activities, (such as smart ticketing), and the co-management of the TransPennine Express and Northern rail franchises through the acquisition of Rail North Ltd.

Regulations

- 19 Regulations have now been drafted which once they are passed will confer on TfN the majority of the functions and powers requested in the Proposal. Before the Secretary of State can make the Regulations he must obtain consent to the making of the Regulations from each of the 19 Constituent Authorities and also consent to the granting of concurrent highway powers from each of the Highway Authorities within TfN's area. The Authorities which are County Councils or Unitary Authorities are Highway Authorities but the Combined Authorities are not and in these areas the individual Highway Authorities are being asked to give their consent to the granting of highway powers within the Regulations.

Highway Functions

- 20 The highway powers which are contained in the Regulations are firstly the following powers of the Secretary of State in relation to the construction of trunk roads which may be delegated down to TfN:
- (a) Section 6(5) Highways Act 1980 (power to enter into agreements for works relating to trunk roads)
 - (b) Sections 105A – 105C Highways Act 1980 (functions relating to environmental impact assessments)
 - (c) Sections 239 to 240 and 246 Highways Act 1980 (powers to acquire land in connection with highways)
 - (d) section 250 Highways Act 1980 (powers relating to the acquisition of powers over land)
 - (e) Secondly the following powers under the Highways Act 1980 are conferred on TfN concurrently with the local Highway Authority.
 - (f) Section 8(1) (power to enter agreements with local highways authorities etc for doing certain works)
 - (g) Section 24(2) (power of local highway authority to construct new highways)

- (h) Section 25(i) (powers to enter into agreement for creation of footpath etc)
 - (i) Section 26 (i) (compulsory powers for creation of footpaths etc)
 - (j) Various functions in sections 239, 240, 246 and 250 relating to the acquisition of land for highway purposes
- 21 Importantly Regulations 14 and 15 taken together provide that TfN will not be able to exercise any of the highway powers which they hold concurrently with the Highway Authorities unless the manner in which it proposes to exercise the function has been approved by each of the Highway Authorities through whose area the highway will pass.
- 22 There is no intention that TfN will itself become a Highway Authority and as set out above the Regulations make it clear that before these powers may be exercised TfN will need to obtain the express consent of the relevant Highway Authority to the manner in which the powers would be exercised. These powers would therefore only be exercised in circumstances where all the local Highway Authorities consider that there would be a benefit in TfN carrying out the work.
- 23 It is intended that before TfN exercises any transport powers or functions it holds concurrently with any of the Constituent Authorities or Highway Authorities within the TfN area, TfN will enter into a written Protocol with the Constituent Authorities or the local Highway Authorities covering the way in which the functions will be exercised.

The Highways North Board

- 24 TfN will participate in the Highways North Board which will consist of the Members of TN along with representatives of the Department for Transport and Highways England. The role of the Board will be to make recommendations in respect of the future Roads Investment Strategy and competitive major roads funding programmes.

Consent to the Regulations

- 25 Regulations have now been drafted to create TfN as a Sub-National Transport Body. Before the Secretary of State may make these Regulations each of the Highway Authorities within the areas of the Combined Authorities which are Constituent Authorities must consent to the making of the Regulations. It is anticipated that the Secretary of State will send a letter to each of these Highway Authorities requesting formal consent to the making of the Regulations. It is understood that the letter will request a response before the end of October 2017

OPTIONS CONSIDERED

- 26 **Do Nothing**
Not providing consent to the establishment of Transport for the North as a Sub-National Transport Body under section 102J of the Local Transport Act 2008 and giving TfN concurrent highway powers, could critically delay the establishment of the body and risk delivery of the key investment on transport across the north.

REASONS FOR RECOMMENDED OPTION

- 27 The establishment of Transport for the North as a Sub-National Transport Body could significantly help the re-distribution of transport infrastructure investment from the south to the northern authorities, stimulating economic growth and employment creation.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

28

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>A modern effective transport network is vital to a thriving and resilient economy</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>A modern effective transport network is essential to active leisure and mobility</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>A modern effective transport network is essential to work and social accessibility</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>A modern effective transport network is vital to a resilient service provision</p>
	<p>Council services are modern and value for money.</p>	<p>A modern effective transport network is vital to a thriving and resilient economy</p>

	Working with our partners we will provide strong leadership and governance.	We will work with the statutory body for transport in the north seek much need improved transport infrastructure in the borough
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RISKS AND ASSUMPTIONS

- 29 Not providing consent to the establishment of Transport for the North as a Sub-National Transport Body under section 102J of the Local Transport Act 2008 and giving TfN concurrent highway powers, could critically delay the establishment of the body and risk delivery of the key investment on transport across the north

LEGAL IMPLICATIONS

- 30 S102J of the Transport Act 2008 provides that the Secretary of State may by regulations allow local authority functions in their area to be exercisable by a strategic Transport Body (TFN in our area). The consent of the Local Authority, the Secretary of State and TFN are required for this to occur and this report details the giving of consent by the Council.
- 31 As set out in Section 102J (5) (b) of the Transport Act 2008, the functions referred to in this report will be exercised by TFN concurrently with the Council. The Regulations which will be approved by Parliament after this consent are very clear that the functions can only be exercised by TfN with the consent of the Council for actions within our borough. The report is very clear that such consent must be exercised by Doncaster MBC itself, not others acting on its behalf.
- 32 The decision to consent is a significant one. Once the Strategic Transport Body has been established by regulations, withdrawal of an Authority would require the Secretary of State to exercise a power to make regulations to change its boundaries.

FINANCIAL IMPLICATIONS

- 33 There are no financial implications associated with this report.

HUMAN RESOURCES IMPLICATIONS

- 34 There are no HR implications to this report.

TECHNOLOGY IMPLICATIONS

- 35 There are no anticipated technology implications associated with this report. If as a result of implementing the recommended option, any ICT or technology requirements are identified, a business case should be submitted to the ICT Governance Board for approval and consideration of implications in respect of data and network security.

EQUALITY IMPLICATIONS

- 36 There are no Equality implications to this report.

CONSULTATION

- 37 The Mayor and Portfolio Holder for Highways, Street Scene and Traded Services have been consulted with regards to the proposal and contents of this report.

BACKGROUND PAPERS

- 38 None

REPORT AUTHOR & CONTRIBUTORS

Neil Firth Head of Service Major Project Transport and Housing
Telephone: 01302 735002
Email: neil.firth@doncaster.gov.uk

Lee Garrett Head of Service
Telephone: 01302 734499
Email: lee.garrett@doncaster.gov.uk

Peter Dale
Director Regeneration and Environment

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TO: THE MAYOR AND MEMBERS OF CABINET

SOUTH YORKSHIRE MUNICIPAL WASTE STRATEGY ADOPTION

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr McGuinness	All	Yes

EXECUTIVE SUMMARY

- 1 This report seeks approval for the adoption of the South Yorkshire Municipal Waste Strategy (SYMWS).
- 2 Barnsley, Doncaster, Rotherham MBC's and Sheffield City Council are all Unitary Councils in South Yorkshire. This means each of them has a statutory obligation to collect and dispose of municipal waste arising across South Yorkshire. The Authorities can choose how best to deliver waste services as long as they comply with legislation. Each Authority has their own waste strategy that has shaped their services up to now, however, all of these strategies would benefit from a review. It is important to review waste strategies regularly to reflect on achievements and progress towards any aims and objectives. It also allows for consideration of changes to legislation, government targets, local objectives, new technology and increased pressures on the service.
- 3 Austerity measures and budget cuts will undoubtedly continue to impact on local authority funding. Therefore, collaborative initiatives such as the SYMWS will allow for economies of scale, cost savings and improved efficiency across the four Authorities, minimising the impacts on council services.

EXEMPT REPORT

- 4 No

RECOMMENDATIONS

5. It is recommended that Cabinet approve:
 - i. The South Yorkshire Municipal Waste Strategy Vision:-
“To reduce, re-use, recycle, and recover energy from 95% of South Yorkshire’s waste”.

- ii. The adoption of the South Yorkshire Municipal Waste Strategy.
- iii. The Key Strategic Priorities, Strategic Outcomes, Outputs and give officers approval to implement the SYMWS.
- iv. The Director of Regeneration & Environment, in consultation with the Portfolio Holder, is delegated to make any changes to the strategy required following consideration by the other SY local authorities.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

- 6 Implementation of the SYMWS should have positive impacts for citizens and partners, for example, improved service through the use of technology will assist residents in reporting missed bin collections and other associated complaints.
- 7 Other positive impacts could include increased customer awareness and care when disposing of waste, leading to increased recycling rates across the region.
- 8 Any savings realised as a result of collaborative working will have a positive impact on budgets and services across the authorities. Some of the anticipated savings are identified later in this report.

BACKGROUND

- 9 Barnsley, Doncaster, Rotherham and Sheffield as Unitary Councils, have responsibility for both the collection and disposal of municipal waste in their areas. Their existing waste strategies (listed below) have served as guides to the development of current waste management policies and practices in the districts. These documents now require updating to reflect progress in waste management including: changes in legislation, advances in technology, budget pressures, public awareness and perceptions, increased housing numbers and associated impacts on waste arisings. These factors need to be considered and actions taken to manage waste over the longer term.
- 10 The existing waste management guidance documents are:
 - Barnsley Municipal Waste Management Strategy 2007 to 2030;
 - Doncaster Municipal Waste Management Strategy 2009 to 2025;
 - Rotherham Municipal Waste Management Strategy 2005 to 2020; and
 - Sheffield's Waste Management Strategy 2009-2020
 - Barnsley, Doncaster and Rotherham Joint Waste Plan 2012 to 2027
- 11 Working together towards an overarching strategy will allow for efficiencies, sharing of best practice and co-ordinated developments in infrastructure.
- 12 The aim of the SYMWS is to deliver:
 - Key stakeholder engagement
 - Consideration of engagement outcomes to inform strategy directions
 - Closer working relationships across South Yorkshire

- Improving efficiency and resources
 - Sharing of best practice
- 13 The SYMWS has been developed to build on the existing waste strategies. It provides a long-term direction of travel for the local management of waste. The priorities within the strategy have been subject to public scrutiny and consultation process and reflect the results of that process.
- 14 For the South Yorkshire region, the future of waste management will include continuing to build on the relationships already established and the progress made in moving waste up the waste hierarchy, where top priority is given to the prevention of waste followed by re-use, recycling, recovery (including energy recovery) and lastly disposal.
- 15 Through the SYWMS the South Yorkshire Councils are agreeing a vision:
- “To reduce, re-use, recycle, and recover energy from 95% of South Yorkshire’s waste”.**
- 16 To deliver this vision five priorities have been developed from the corporate plans across the region (see appendix 2). These priorities were subject to an eight week consultation during the summer of 2016 and are listed below in order of the importance to the residents of South Yorkshire.

Priority 1 - We aim to encourage and inspire children and adults across Barnsley, Doncaster, Rotherham and Sheffield to make less waste by reducing, re-using and recycling more.

Priority 2 – We will work hard to deliver and maintain a dependable and reliable service to all our customers.

Priority 3 –The four Councils will work together more closely to deliver value for money services.

Priority 4 – We will continue to explore how technology can be used to improve recycling and waste services.

Priority 5 – We will be pro-active to influence decision-making on waste at European, national and local level, to drive investment into infrastructure across the region.

17 Key Issues

17.1 Local Authorities are faced with ever-increasing challenges as they attempt to deal with escalating recycling and re-use targets (the Waste Framework Directive has a target of recycling 50% of household waste by 2020) customer expectations and reduction in landfill tonnages against a backdrop of severe public sector spending cuts.

17.2 All four Authorities have to comply with the same legislation and face austerity measures.

All four Authorities have a statutory duty to collect and dispose of household waste generated within their districts. Historically the authorities have developed their waste collection services in isolation and therefore all deliver their services in slightly different ways. It has been recognised that efficiencies can be made through collaborative working in service specific areas, investing in new technologies, and investigating new smart ways of working together.

When decisions are made at a local level, the nearest neighbours can see an adverse impact on their services. For example, a closure of a Household Waste Recycling Centre (HWRC), introduction of permit schemes or implementing a charge for a certain waste stream in one area can see an increase in use at another area's HWRCs. For these reasons, officers have worked together on the SYMWS as a stepping stone to try to ensure harmonisation across the region.

17.3 The neighbouring councils of Barnsley, Doncaster and Rotherham (BDR) have a history of working together to address waste management issues concerning recycling, cross boundary movements, capacity shortfalls, health and safety, fly tipping and public awareness campaigns.

17.4 Historically, Sheffield City Council has worked more independently on waste matters as their waste disposal solution is a long term integrated contract with Veolia which is due to expire in August 2036.

17.6 The scope of the SYMWS is restricted to Local Authority collected municipal waste including:

- Household waste collected at the kerbside (recycling, composting and residual)
- Local authority collected commercial waste
- Household Waste Recycling Centre (HWRC) waste
- Fly-tipping
- Clinical waste
- Household bulky waste
- Gulley emptying's
- Street cleansing wastes

17.7 The SYMWS is a high-level strategic document with the following deliverables:

- Key stakeholder engagement
- Consideration of engagement outcomes to inform strategy directions
- Closer working relationships across South Yorkshire
- Improving efficiency and resources
- Sharing of best practice

17.8 Some of the areas where the Authorities may work together could include:

- Joint procurement of goods and services
- Seeking funding for waste infrastructure, e.g. multi-material recycling facilities or Transfer Stations
- Collaborating on communications campaigns
- Working collaboratively on waste prevention and re-use initiatives

OPTIONS CONSIDERED

18 Option 1 - Do nothing and do not adopt a SYMWS

As there is no statutory requirement for Unitary Authorities to have a waste management strategy it would be possible not to review the waste management strategy for Doncaster or any of the other Partner Authorities.

As legislation has changed and austerity measures have been implemented driving a need for efficiencies since all four Strategies were produced, failing to review the Waste Management Strategies is not recommended.

19 Option 2 - Review the Waste Management Strategies individually

The individual Councils could review and update their Waste Management Strategies on an individual basis.

There is a risk that by doing this independently there may be an unforeseen negative impact on the nearest neighbours and there are opportunities for collaborative working which may be missed. This option is therefore, not recommended.

20 Option 3 - Using the Key Strategic Priorities developed from the current waste management strategies adopt a Joint Strategy

Option 3 is the recommended option.

REASONS FOR RECOMMENDED OPTION

21 This option will allow for the development of efficiencies when preparing the strategy document and may support collaboration through the process.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

22

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> 	<p>The SYMWS covers the waste and recycling service which is used by all households and many commercial operations within the Borough and therefore helps to maintain a thriving economy which</p>

	<ul style="list-style-type: none"> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	residents benefit from.
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	Dealing with waste appropriately safeguards the environment from fly tipping and environmental nuisance.
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	
	<p>Council services are modern and value for money.</p>	The SYMWS will provide opportunities for efficiencies through collaborative working.
	<p>Working with our partners we will provide strong leadership and governance.</p>	The SYMWS is a collaborative project ensuring the Authorities can establish greater links and improved governance.

RISKS AND ASSUMPTIONS

- 23 The SYMWS will outline a Headline Strategy. To protect the autonomy of the Partnership Councils it will be possible to develop individual action plans for certain aspects. It will be important to ensure that the individual action plans developed are consulted on between the partnership authorities and do not result in conflicts.
- 24 Failing to adhere to the Strategy could result in targets being missed and costs increasing.

LEGAL IMPLICATIONS

- 25 There is no statutory duty for Unitary Councils to produce a Waste Management Strategy.
- 26 Local Authorities have received encouragement from the government to promote collaboration and co-operation by working together, as evidenced by the Cities and Local Government Devolution Act 2016, which amended the Local Democracy, Economic Development and Construction Act of 2009

FINANCIAL IMPLICATIONS

- 27 The financial costs of producing the SYMWS are projected to be £41,000. This cost will be split equally across the four authorities.
- 28 The costs have been met from the Community Liaison and Education budget in Barnsley, Doncaster and Rotherham.
- 29 All new activities which have an impact on Doncaster need to be reported individually to ensure that any financial commitments can be met from existing Waste budgets or through additional budgets included in the Medium Term Financial Plan. The strategy recognises that all Councils need to identify savings and so any activities coming out of the strategy are likely to deliver savings to the Council. All decisions re additional costs or possible savings should follow the standard approval processes and adhere to Financial Procedure Rules.

HUMAN RESOURCES IMPLICATIONS

- 30 None

TECHNOLOGY IMPLICATIONS

- 31 None

EQUALITY IMPLICATIONS

- 32 An Equality Impact Assessment has been undertaken on the SYMWS.

CONSULTATION

- 33 Barnsley, Doncaster, Rotherham, and Sheffield Council's Waste Management Officers and Portfolio Holders have been consulted and the Priorities of the SYMWS were subject to an eight-week consultation period, the results of this consultation were built into the strategy and the action plans.

BACKGROUND PAPERS

34 List of Appendices Included

Appendix 1 Executive Summary of the SYMWS
Appendix 2 Key Priorities aligned with corporate priorities

35 Background Papers

SYMWS Technical Document
Consultation paper
Doncaster Waste Strategy and Action Plan (adopted 2009)

REPORT AUTHOR & CONTRIBUTORS

Lee Garrett
Head of Service Waste and Highways Infrastructure
Telephone: 01302 734499
Email : lee.garrett@doncaster.gov.uk

Beth Baxter
BDR Manager
Rotherham Metropolitan Borough Council
Telephone: 01709 255989
Email: Lisbeth.baxter@rotherham.gov.uk

Peter Dale
Director Regeneration and Environment

APPENDIX 1**South Yorkshire Municipal Waste Strategy 2017-2021****Foreword**

Our aim is to make South Yorkshire a thriving, prosperous and attractive place to live and work; driving future growth, jobs and success.

The four councils which make up South Yorkshire – Barnsley, Doncaster, Rotherham and Sheffield – are all working to the same goals to deliver high quality waste and recycling services for those who live, work, study, visit or conduct business within the region. Our aim is simple and challenging: by working together we intend to reduce, re-use, recycle and recover energy from 95% of South Yorkshire’s waste by 2021.

Improving and protecting the environment for future generations is a vital element of this vision. This is why first class waste and recycling services are critical. Barnsley, Doncaster and Rotherham have successfully worked together for more than 20 years. Expanding the partnership by working with Sheffield will enable us to take advantage of economies of scale and achieve efficiency savings.

A lot has been achieved already and we have been acknowledged as a beacon for best practice by others in the waste industry. An award-winning waste treatment plant turns leftover household waste from Barnsley, Doncaster and Rotherham into fuel. This is used at the Ferrybridge Multi-Fuel 1 facility which generates enough electricity to power 160,000 homes.

Sheffield with its own Energy Recover Facility (ERF) also has one of the UK’s largest and longest established District Energy Networks, providing heat and hot water to over 150 buildings, whilst also producing enough electricity for over 22,000 homes.

We want to do much more and we need to do it together with you, our residents and businesses. To meet this challenge we will do everything we can to help everyone in South Yorkshire do their bit.

We consulted with the public during 2016 on what our priorities should be for dealing with waste and recycling, and this strategy sets out how we will work together towards delivering our shared ambitions.

Insert pictures and signatures of The Mayor of Doncaster and the three Leaders.

Our South Yorkshire Municipal Waste Strategy

Our new South Yorkshire Municipal Waste Strategy builds on initiatives already being delivered across the region by the four Councils. It also supports the region's overall aim to make South Yorkshire a thriving, prosperous and attractive place to live and work.

By working with you we intend to reduce, re-use, recycle and recover energy from 95% of South Yorkshire's waste by 2021

We asked you to tell us what was most important to you so the strategy would reflect your views. The region has complex needs and this waste strategy sets out an ambitious approach to how we manage its waste in the future.

The table below summarises the South Yorkshire Municipal Waste Strategy delivery plan and the ambitions for the region. We will deliver the following:

- **Educate and inspire:** *The vision is to encourage and inspire children and adults across South Yorkshire to make less waste by reducing , re-using and recycling more*
- **A reliable service:** *Our vision is to work hard to deliver and maintain a dependable and reliable service to all our customers*
- **Work together:** *Our vision is that all four councils will work together more closely to deliver value for money services*
- **Utilising technology:** *Our vision is to continue exploring how waste technology can be used to improve recycling and waste services*
- **Influence decision making:** *Our vision is to be proactive to influence decision-making on waste at a European, national and local level, to drive investment into infrastructure within the South Yorkshire economy*

Include a map of South Yorkshire

<u>Strategic Priority 1</u> <u>Educate and Inspire</u>			<u>Strategic Priority 2</u> <u>A Reliable Service</u>			<u>Strategic Priority 3</u> <u>Working together</u>			<u>Strategic Priority 4</u> <u>Utilising technology</u>			<u>Strategic Priority 5</u> <u>Influencing decision making</u>		
The vision is to encourage and inspire children and adults across South Yorkshire to make less waste by reducing , re-using and recycling more			Our vision is to work hard to deliver and maintain a dependable and reliable service to all our customers			Our vision is that all four councils will work together more closely to deliver value for money services			Our vision is to continue exploring how waste technology can be used to improve recycling and waste services			Our vision is to be proactive to influence decision-making on waste at a European, national and local level and to drive investment into infrastructure within South Yorkshire.		
Strategic Outcomes – what we want to achieve			Strategic Outcomes– what we want to achieve			Strategic Outcomes– what we want to achieve			Strategic Outcomes– what we want to achieve			Strategic Outcomes– what we want to achieve		
<ul style="list-style-type: none"> Inspire people to reduce the amount of waste they produce Educate people to increase re-use levels Empower people to increase recycling Embed the waste hierarchy in our approach to managing South Yorkshire's waste Preserve resources for future generations Promote the responsible disposal of waste e.g. fly-tipping 			<ul style="list-style-type: none"> Maintain a scheduled collection rate above 99% across South Yorkshire Everybody in South Yorkshire understands our shared responsibilities for managing waste Deliver a more standardised service across South Yorkshire 			<ul style="list-style-type: none"> Create a strategic waste partnership across South Yorkshire by 2021 Deliver a best value waste service across South Yorkshire Seek and share best practice and knowledge across the four councils Engage with private and Third Sector partners to deliver value for money services Increase the opportunities for businesses, including Small, Medium Enterprises (SMEs, to access our commercial services 			<ul style="list-style-type: none"> 24/7 online customer access to core waste services Speed up communication between collection crews and customer services Using technology to support staff, customers and road users and protect property 			<ul style="list-style-type: none"> Ensure South Yorkshire remains a strategic leader in waste management Ensure that South Yorkshire's voice is heard at a regional and national level Support industry recognised organisations by sharing best practice 		
Strategic Outputs– How will we achieve it?			Strategic Outputs– How will we achieve it?			Strategic Outputs– How will we achieve it?			Strategic Outputs– How will we achieve it?			Strategic Outputs– How will we achieve it?		
	Start	End		Start	End		Start	End		Start	End		Start	End
Increase recycling by 10kg per household by 2021	April 2017	March 2021	Implement, publish and promote South Yorkshire's Waste Customer Charter by December 2017	April 2017	December 2017	Develop and annually review a knowledge bank capturing local and national best practice by December 2017	April 2017	December 2017	Real time collection information available to customers online by December 2021	April 2019	December 2021	Lobby central government on emerging waste policies and legislation	April 2017	December 2021
Reduce household waste by 2kg per household each year – year on year until 2021	April 2017	December 2021	Have a plan for how South Yorkshire can deliver a standardised service including materials, containers and collection frequency by December 2017	April 2017	December 2018	South Yorkshire Councils will sign up to a way of working together MoU (Memorandum of Understanding) by December 2017	April 2017	December 2017	On-going installation of GPS tracking, state-of-the-art camera systems and in-cab technology 100% all new and replacement collection vehicles	April 2017	December 2021	Seek to secure £5 million of external funding and investment for South Yorkshire by 2021 for use in infrastructure projects, e.g. Household Waste Recycling Centres	April 2017	December 2021
Deliver a targeted reduce, re-use, recycle campaign to at least 100,000 households across South Yorkshire each year	April 2018	December 2021	Produce and make available a commercial waste guide for businesses across South Yorkshire by March 2018	April 2017	March 2018	Deliver and implement a joint commercial plan which will save the Councils £2 million by December 2021	April 2017	December 2021	Invest in resources to drive improved use of new and existing technology for both staff and customers e.g. more online support	April 2018	December 2021	Provide resources for continuing professional development for industry-recognised bodies	April 2017	December 2021
Make available waste education resources for all Key Stage 2 and Key Stage 3 children in South Yorkshire by March 2018	April 2017	March 2018	Look at the possibility of a shared waste asset and resource plan by April 2018 to maintain a reliable and user friendly service for residents	April 2017	April 2018	Develop a joint calendar of events annually to ensure the best coverage of emerging best practice and developments in the sector with the least cost	April 2017	March 2021						
All of our actions, practices, policies and communications will be reviewed and written to uphold the principles of the waste hierarchy by December 2019	April 2017	December 2019				Support an additional 300 Small, Medium Enterprises across South Yorkshire to access appropriate and cost effective waste services by December 2021	April 2017	December 2021						

Table 1: South Yorkshire Municipal Waste Strategy strategic priorities

1. Why does South Yorkshire need a municipal waste strategy?

Barnsley, Doncaster, Rotherham and Sheffield are all unitary authorities which means they are responsible for all local government functions within their area. This includes the collection and disposal of household waste. A number of the Councils also offer an in house waste collection services to businesses. These services are essential in supporting healthy and attractive environments for us to live and work in. We want to work together to build a strong economy, a skilled workforce and attract infrastructure capital to the region.

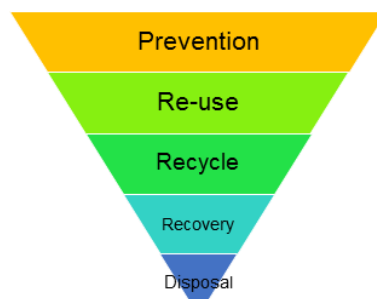
An important element in supporting the growth of the economy, housing developments and businesses will be waste collection and disposal.

Why waste matters

We all encounter waste on a daily basis. Everything we do produces waste, from our homes to businesses and where we shop. Waste presents both challenges and opportunities which we all need to consider. The South Yorkshire Municipal Waste Strategy sets out a framework for managing the waste the councils have a duty to collect, including waste from households and those businesses, offices and schools we provide services to.

Waste prevention through the waste hierarchy

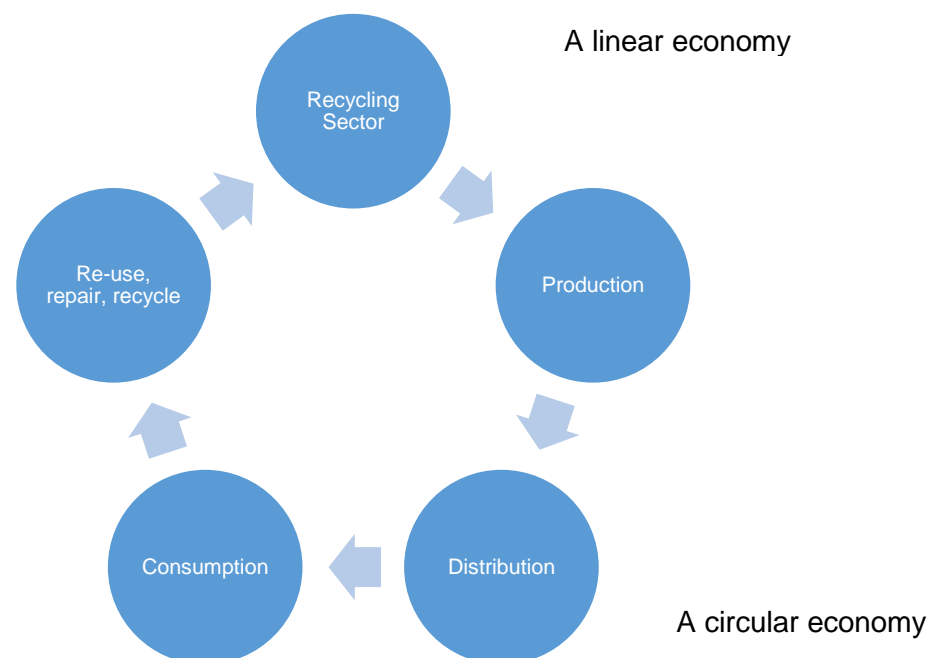
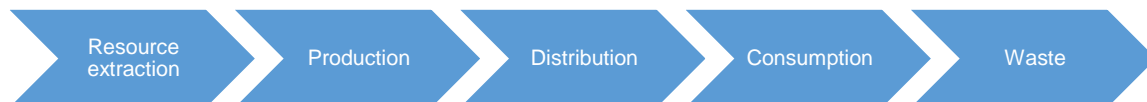
The waste hierarchy drives how we view, treat and dispose of waste. The hierarchy gives top priority to the prevention of waste followed by re-use, recycling, recovery (including energy recovery) and lastly disposal.



Focusing towards the top of the waste hierarchy not only limits the impact of waste on our climate and environment, but also saves money for local government and business, and creates new opportunities for our regional economy to grow. Through education we shall engage with communities to help reduce, re-use, recycle and compost as much as possible.

Understanding the role of waste in our economy

As we aim to move further up the hierarchy, the circular economy will be a driving force. Supported by industry experts and governments, the core vision of a circular economy is to shift from the traditional linear economy (make, use, dispose) to an economy in which resources are used for as long as possible – extracting the maximum value from resources whilst in use, then recovering and regenerating products and materials at the end of service life.



The move to a circular economy could present new opportunities for South Yorkshire. These include the growth and resilience of our economy, new job opportunities, and reducing waste through improved productivity and business design, which in turn addresses emerging issues of resource security and scarcity.

Protecting our communities through legislation

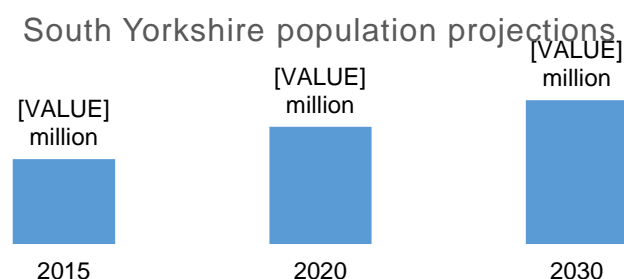
Our responsibilities for dealing with waste are governed by extensive legislation and regulation. Over the decades significant legislation such as the Environmental Protection Act 1990, the EU Waste Framework Directive 2008 and The Waste (England and Wales) (Amendment) Regulations 2012 have helped define how waste should be collected, handled and disposed of. In turn, this has helped generate waste reduction milestones, identify and minimise the risks that unregulated waste can pose to human and animal health (e.g. spread of foot and mouth), and protect the natural environment (e.g. land and water contamination) and the economy (e.g. the cost of food waste).

Protecting our communities from the irresponsible disposal of waste

The illegal disposal of waste has a big impact on our environment and public and animal health. The most common forms of uncontrolled waste disposal are dog fouling and fly-tipping. Fly-tipping is the illegal dumping of waste on land and ranges from 'black bag' waste to large items such as construction material, tyres, industrial waste and white goods (fridges, washing machines). The South Yorkshire Municipal Waste Strategy will help promote the responsible disposal of waste in our region and help reduce the millions of tax payers' money spent on cleaning up illegal waste.¹

Understanding our population now and in the future

South Yorkshire is home to an estimated 1.35 million people and we currently collect 15 million black and grey bins from more than 598,000 households each year, totalling more than 423,000 tonnes of household waste (based on 2016/17 figures). Following the national trend, our regional population is projected to increase bringing with it opportunities for new growth. Our waste service must be capable of meeting this growth in housing developments and associated planning, health and education services.



We need to continue to find ways to work together with partners to ensure a reliable and customer focused approach to meet the requirements of the population.

Protecting future generations

To ensure that future generations are able to meet their needs it is important to pursue sustainable practices now. One way this can be achieved is through the initial prevention of waste, by re-using and recycling to extract the maximum value from resources in line with the concepts of the waste hierarchy and the circular economy. These sustainable practices reduce our need to extract limited natural raw materials (e.g. oil for plastics) which is financially and environmentally costly.

¹ See the Litter Strategy for England at <https://www.gov.uk/government/publications/litter-strategy-for-england>

2. Delivering the strategy

Your views are important and they continue to be instrumental in developing the new South Yorkshire Municipal Waste Strategy.

During June and July 2016 we invited people living or working in the region to take part in the strategy consultation. Over a thousand people participated in the survey, with 89% of responses coming from local residents. The vast majority of participants strongly agreed with each of the priorities and Barnsley, Doncaster, Rotherham and Sheffield ranked the priorities in the same order of importance:

- Strategic Priority 1: Educate and inspire
- Strategic Priority 2: Deliver a reliable service
- Strategic Priority 3: Work together
- Strategic Priority 4: Utilise technology
- Strategic Priority 5: Influence decision making

We have taken your views on board and have outlined our ambitions for South Yorkshire over the next five years, including the actions we will take first and issues we will address over the longer term which can be seen in Table 1.

Our ambitions to reduce, re-use and recycle waste across South Yorkshire will be challenging but we know that it can be achieved if we work together.

Strategic Priority 1: **Educate and Inspire**

The vision is to encourage and inspire children and adults across South Yorkshire to make less waste by reducing, re-using and recycling more

South Yorkshire councils are committed to providing accessible information for all residents and local businesses in order to educate and inspire positive actions across the region.

Resources will be aimed at supporting people to make economical and sustainable choices. This could range from what materials can be recycled, to guidance on waste regulations and compliance for businesses.

We will deliver education in various ways including participating in national recycling schemes, running regional campaigns and targeting information at key specific groups.

To ensure that the information we deliver is always current we shall work together to share best practice, skills and resources.

Outcomes – What we want to achieve

- Inspire people to reduce waste
- Educate people to increase re-use levels
- Empower people to increase recycling
- Embed the waste hierarchy in our approach to managing South Yorkshire's waste
- Preserve resources for future generations
- Promote the responsible disposal of waste, e.g. fly-tipping

Outputs – How will we achieve it?

- Increase recycling by 10kg per household by 2021
- Reduce household waste by 2kg per household each year – year on year until 2021
- Deliver a targeted reduce, re-use, recycle campaign to at least 100,000 households across South Yorkshire each year
- Make available waste education resources for all Key Stage 2 and Key Stage 3 children in South Yorkshire by March 2018
- All our actions, practices, policies and communications will be reviewed and written to uphold the principles of the waste hierarchy by December 2019

Key performance Indicators – How we will measure our performance

- Monitor how many people visit the waste education resources pages of the BDR and South Yorkshire Councils' websites
- Compare recycling figures annually to track performance
- Engage with residents and businesses at campaign events
- Monitor and report fly-tipping incidents

Strategic Priority 2: **A Reliable Service**

Our vision is to work hard to deliver and maintain a dependable and reliable service to all our customers

A reliable service is important to us all – from ensuring bins are collected on their scheduled date to planning our service requirements appropriately and within budget.

To achieve this, we believe that everybody in South Yorkshire has a shared responsibility to manage waste. This is why we are going to produce a South Yorkshire Waste Customer Charter by the end of 2017.

We are also going to increase the opportunities for businesses to access our commercial services. In doing so we hope to assist more businesses to understand their waste responsibilities. We believe this assistance could help reduce the illegal disposal of waste (e.g. fly-tipping) that pollutes our environment.

Looking to the future, we understand that another way we can deliver a reliable service is through the standardisation of our services. This could include what we collect from our kerbside recycling schemes and our Household Waste Recycling Centres.

Outcomes – What we want to achieve

- Maintain a scheduled collection rate above 99% across South Yorkshire
- Everybody in South Yorkshire understands our shared responsibilities for managing waste
- Deliver a more standardised service across South Yorkshire

Outputs – How will we achieve it?

- Implement, publish and promote South Yorkshire's Waste Customer Charter by December 2017
- By December 2019 we will have a plan for how South Yorkshire can deliver a standardised service including materials, containers and collection frequency
- Produce and make available a commercial waste guide for businesses across South Yorkshire by March 2018
- Look at the possibility of a shared waste asset and resource plan by April 2018 to maintain a reliable and user friendly service for residents

Key performance Indicators – How we will measure our performance

- Number of bins collected (as a percentage)
- Record and monitor complaints and compliments from residents
- Record number of vehicle breakdowns
- Increase participation

Strategic Priority 3: Working Together

Our vision is that the four councils will work together more closely to deliver value for money services

We have identified that by working together we can achieve more. This approach has become even more important as councils strive to maintain services in the face of budget cuts from central government.

The South Yorkshire Municipal Waste Strategy 2017-2021 is the one step towards creating a formal waste partnership for South Yorkshire. By the end of 2021 we envisage that through working together we will be able to identify a significant decrease in our overall waste production.

We will also support our partners in the private and third sectors to process waste using the principles of the waste hierarchy.

Over the next five years we anticipate that working together will present greater economic savings. We also believe that our combined partnership will encourage investment opportunities from within and outside the region.

Outcomes – What we want to achieve

- Create a strategic waste partnership across South Yorkshire by 2021
- Deliver a best value waste service across South Yorkshire
- Seek and share best practice and knowledge across the four Councils
- Engage with private and third sector partners to deliver value for money services
- Increase the opportunities for businesses, including Small, Medium Enterprises (SMEs), to access our commercial services

Outputs – How will we achieve it?

- Develop and annually review a knowledge bank capturing local and national best practice by December 2017
- Signing up to a way of working together (Memorandum of Understanding) by December 2017
- Deliver and implement a joint commercial plan which will save the Councils £2 million by December 2021
- Develop a joint calendar of events, annually to ensure the best coverage of emerging best practice and developments in the sector for the least cost
- Support an additional 300 SMEs across South Yorkshire to access appropriate and cost effective waste services by December 2021

Key performance Indicators – How we will measure our performance

- Bottom quartile for collection and disposal cost, i.e. cost per household
- Bottom quartile for residual waste arisings, i.e. kg per household or kg per head
- We aim to assist 60 businesses each year

Strategic Priority 4: Utilising Technology

Our vision is to continue exploring how waste technology can be used to improve recycling and waste services

How we receive and look for information is changing. As a result, the councils will explore how technology can be used to improve our services, for example, how we receive and communicate information.

We will strengthen the link between our customer services and collection crews in order to deliver real time information to customers by 2021. We will do this by continuing to install GPS tracking systems and in-cab technologies to assist staff and inform residents.

Residents and business will be able to access core waste services online on days and times convenient to them. Through investment in new and existing technology we shall support residents and businesses.

Outcomes – What we want to achieve

- 24/7 online customer access to core waste services
- Speed up communication between collection crews and customer services
- Use technology to support staff, customers, road users and protect property

Outputs – How will we achieve it?

- Real time collection information available to customers online by December 2021
- On-going installation of GPS tracking, state-of-the-art camera systems and in-cab technology in 100% of new and replacement collection vehicles
- Invest in resources to drive improved use of new and existing technology for both staff and customers, e.g. more online support

Key performance Indicators – How we will measure our performance

- Use technology to monitor contracts
- We will monitor customer enquiries in accordance with council response times

Strategic Priority 5: Influencing Decision Making

Our vision is to be proactive to influence decision-making on waste at European, national and local level, to drive investment into infrastructure within the South Yorkshire economy

We wish to maintain our leadership as an advocate and frontrunner of innovation in waste management in order to drive investment into our region, bringing new opportunities and jobs.

We shall therefore work to ensure that our voices remain heard at a regional and national level.

By 2021 we aim to have secured external funding for use in developing public resources such as Household Waste Recycling Centres.

Outcomes – What we want to achieve

- Ensure South Yorkshire remains a strategic leader in waste management
- Ensure that the South Yorkshire voice is heard at a regional and national level
- Support industry recognised organisations by sharing best practice

Outputs – How will we achieve it?

- Lobby central government on emerging waste policies and legislation
- Seek to secure £5 million of external funding and investment for South Yorkshire by 2021 for use in infrastructure projects, e.g. Household Waste Recycling Centres
- Provide resources for continuing professional development for industry recognised bodies

Key performance Indicators – How we will measure our performance

- We will monitor staff in relation to achieving professional qualifications that will support our waste management services
- We will monitor and review the number of Continuous Professional Development events attended by staff
- We will monitor and review attendance at and contribution to public sector events

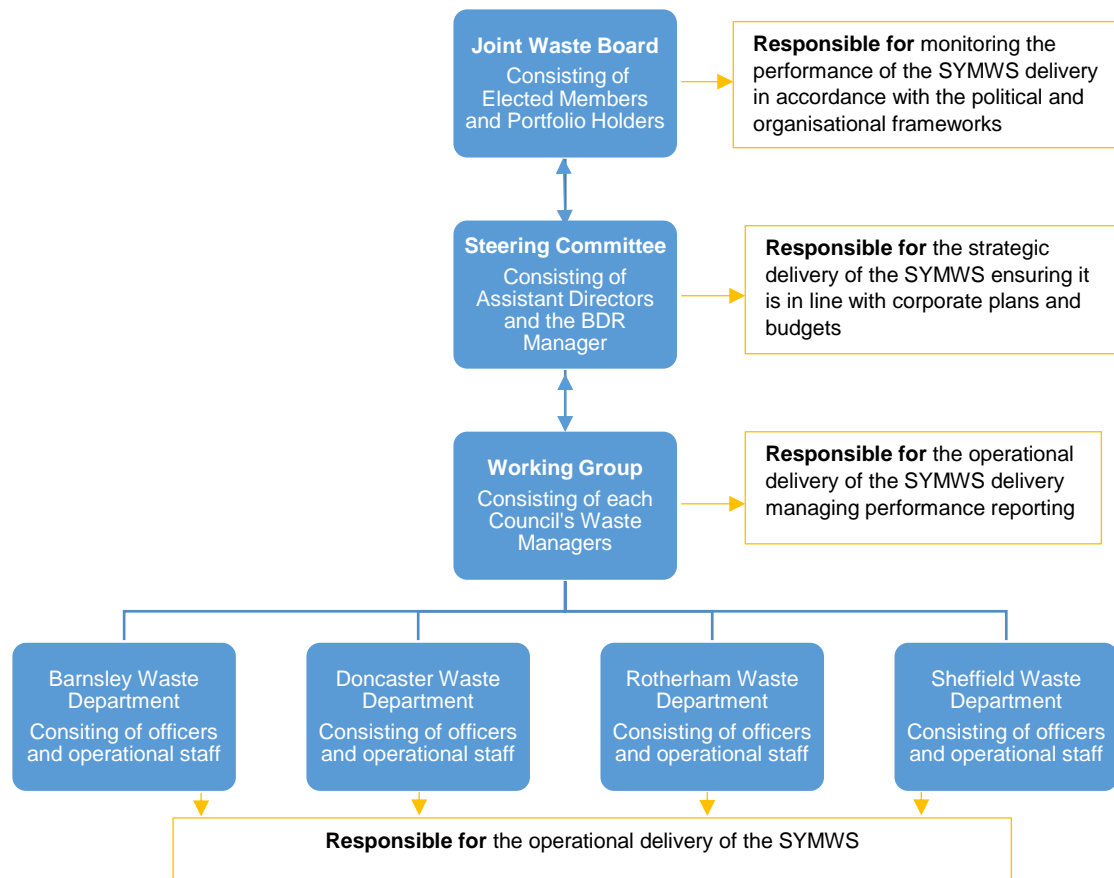
3. How will we make it happen?

Good governance and transparency are essential to the Councils' approach to improving public services. Local Councils are responsible for ensuring that the services they provide are conducted within the law and to proper standards. This ensures that public money is correctly accounted for and is used economically, efficiently and effectively.

To deliver these overarching principles the South Yorkshire Municipal Waste Strategy will be subject to performance monitoring and review. The monitoring will be conducted each year to measure the strategy's performance in delivering the joint outcomes and outputs (see Table 1) and each Council's individual action plans.

Monitoring our performance ensures all staff and councillors understand how their individual contributions are critical in guaranteeing an effective waste management service, continuous improvement and value for money for residents of Barnsley, Doncaster, Rotherham and Sheffield.

The flow chart below shows the governance behind the South Yorkshire Municipal Waste Strategy 2017-2021 (SYMWS) and its delivery, performance and review. The purpose of this structure is to ensure effective delivery and performance of the strategy.



The above governance structure only applies to the delivery of the South Yorkshire Municipal Waste Strategy. Each Council reserves the right to make decisions regarding changes to service delivery and will do so following their own individual Council procedures.

Contact us

If you need help understanding this document or require it in another language or format please contact;

Contact: BDR Team

Email: SYMWS@rotherham.gov.uk

Barnsley: 01226 770770

Doncaster: 01302 341628

Rotherham: 01709 336003

Sheffield: 0114 2734 567

Riverside House
Main Street
Rotherham
S60 1AE

Authorship

Rowena Machon MSc - Graduate Waste Strategy Assistant

Acknowledgments

Abigail Cox – Community Education Liaison Officer

Alistair Black - Waste Strategy Officer

Beth Baxter – BDR Manager

Eileen Brooks - Communication Specialist

Lee Richardson - Waste and Recycling Manager

Lynn Wigglesworth - Waste and Recycling Education Officer

Matt Bell - Head of Commercial and Support Services

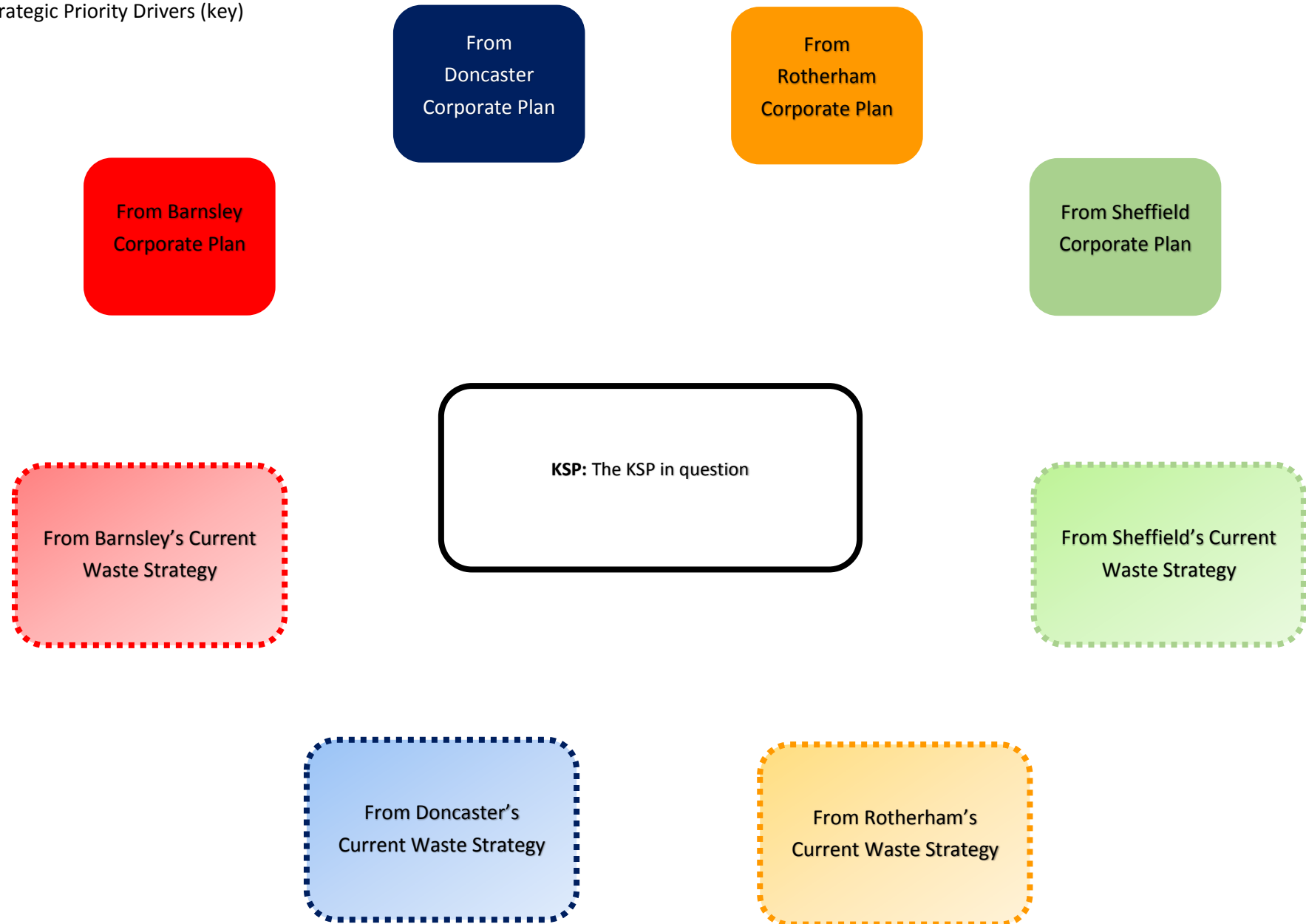
Paul Hutchinson – RMBC Waste Officer

Russell Flint - BDR Contract Compliance Officer

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APPENDIX 2
(Appendix 4 in the SYWS)

Key Strategic Priority Drivers (key)



Working with our partners we will provide strong leadership and governing

Every child making the best start in life

Every adult secure, responsible and empowered

A Strong community in a clean and safe environment

Strong and resilient communities

People achieving their potential

Thriving and vibrant economy

Tackling inequalities

Thriving neighbourhoods and communities

KSP A: We aim to encourage and inspire children and adults across Barnsley, Doncaster, Rotherham and Sheffield to make less waste by reducing, reusing and recycling more.

Increasing our recycling rate every year and working towards 45% by 2015

Ensure that all buildings where we work will have opportunity to recycle at least paper and card

Work to support schemes to divert waste from landfill through recycling and reuse

Promote waste prevention and reuse across all waste streams and material types

Invest in communications on waste and resources to support this strategy

Implement waste prevention initiatives

We will review incentivising waste prevention / reuse and greater participation

Waste prevention (minimisation) and awareness

Strong and resilient communities

All people in Doncaster benefit from a thriving and resilient economy
Working with our partners we will provide strong leadership and governing

Extending opportunity, prosperity and planning for the future

An in touch organisation

KSP B: The four Councils will work together more closely to deliver value for money services.

Work alone and with neighbouring authorities to procure and deliver the preferred waste treatment technology for the region
Continually monitor the implementation of the strategy using waste reduction and reuse targets, the statutory and aspirational recycling/composting targets and the actions outlined in the Action Plan

We will work with other local authorities in the region to plan for waste treatment facilities to reduce the use of landfill

We will seek opportunities to work in partnership with others in the pursuit of this strategy

Working in partnership to improve waste

Strong and resilient communities

Council services are modern and value for money

Running a modern efficient council

An in touch organisation

KSP C: We will work hard to deliver and maintain a dependable and reliable service to all our customers.

Continue to provide recycling/composting services and facilities through kerbside collections, HWRCs and Bring Sites. Rolling programme of improvements to ensure services and facilities are up-to-date and as convenient for use as possible

By 2009, segregated weekly collections for household waste rolled out across Barnsley

Working with local businesses and industry to explore opportunities for commercial waste recycling/composting

We will provide regular, convenient collection services so as to maximise the opportunities for separate collection of recyclable and compostable wastes

We will extend the coverage of recycling services so that all households have either a regular collection service or a convenient alternative arrangement

Service delivery

Short term strategy April (2004-2006) [Action Plan 2016-2018]

Long term strategy 2006 - 2020

By December 2010 households in Sheffield will have a new kerbside recycling service collecting more materials for recycling

Increase satisfaction with doorstep recycling to 60% by March 2011, and to 70% by 2015, whilst maintaining high satisfaction with refuse collection

Develop our network of recycling sites at supermarkets, local community centres and other communal areas with easy access for customers

We will evaluate opportunities to recycle other materials based on the carbon saving this would add compared to Energy Recovery and the financial cost of doing this

People achieving their potential

Council services are modern and value for money

Running a modern efficient council
A Strong community in a clean and safe environment

An in touch organisation

KSP D: We will continue to explore how technology can be used to improve recycling and waste services.

Consider all management solutions for residual waste

Explore opportunities to increase levels of reuse, recycling and composting for other waste streams, like litter bin waste, commercial waste, bulky collections, waste from municipal buildings
Seek a residual waste solution which moves waste up the hierarchy, is flexible, reliable, represents value for money and which achieves at least 10% recycling performance by separating materials for recycling or composting

Regional procurement Strategy
Non household municipal waste
Long term strategy 2006 - 2020

Work with Veolia to have the most efficient collections of household waste including lower carbon emission vehicles
Provide facilities and support to reduce the need for items such as batteries and small electrical items to be disposed of through the household waste collection service

Strong and resilient communities

People in Doncaster
Benefit from a high quality built and natural environment

Extending opportunity, prosperity and planning for the future

Strong economy
An in touch organisation

KSP E: We will be pro-active to influence decision-making on waste at European, national and local level, to drive investment into infrastructure within the Sheffield City Region economy.

Through our local Buy it Naked campaign we will encourage supermarkets to reduce packaging and provide facilities for recycling this so our residents don't have to take it home. We will lobby Government to take steps to reduce packaging to help our residents produce less waste. We will evaluate this though achieving our waste reduction target in Action 1

By working with Veolia we will seek a joined up approach to sharing waste treatment facilities, including our Energy Recovery Facility, to maximise the carbon saving for municipal waste

We will work with other local authorities and partners to ensure we manage the availability of landfill across the region up to 2020

Waste Management Sites DPDs will be used to allocate sites suitable for waste treatment and to devise polices for all other waste streams

Lobby government departments, agencies and other organisation, for the introduction of policies and financial arrangements which support the delivery of this strategy and its principles

In implementing the Strategy we will have regard to relevant national, regional and local guidance, policies, strategies and plans

Long term strategy 2006-2020

17th October 2017

To the Chair and Members of Cabinet

**RE: Doncaster Growing Together – Supporting people with Complex Lives:
Proposed Doncaster Town Centre Public Spaces Protection Order**

Relevant Cabinet Member(s)	Wards Affected	Key Decision
<ul style="list-style-type: none">• Cllr Ball• Cllr Blackham• Cllr Blake• Cllr McGuinness	Town Ward	Non-Key

EXECUTIVE SUMMARY

1. This report provides Cabinet with the outcome from a consultation on a proposed Public Spaces Protection Order (PSPO) for Doncaster Town Centre. This has generated a response from the Doncaster public, businesses and key stakeholders that is strongly in favour of all of the proposed prohibitions. The consultation also confirmed support for action to ensure issues of homelessness, rough sleeping and addiction are addressed.

The consultation responses make clear that whilst many people continue to enjoy the facilities of the town centre and want it to be a thriving place, there is a growing perception that some behaviours in the town centre are upsetting to visitors, residents and shoppers. These issues are also present in many other UK towns and cities and it is clear that in Doncaster there is strong support for action to both deal with the issues and ensure homeless and vulnerable people are effectively supported.

The report sets out proposed adjustments to prohibitions and the boundary to be covered which respond to issues raised in the consultation process and enable an effective response. The report confirms that implementation will be strongly focused on supporting people to access accommodation and support services – seeking to break the cycle they can be locked into.

The report recommends that Cabinet approve the revised Public Spaces Protection Order as set out in appendix 4 to this report.

EXEMPT REPORT

2. This is not an exempt report

RECOMMENDATIONS

3. That Cabinet
 - Note and consider the outcomes of a consultation on a proposed Public Spaces Protection Order for Doncaster Town Centre, and suggested amendments to the PSPO prohibitions and boundary which are a response to the consultation process;
 - Approve the introduction of the Public Spaces Protection Order for Doncaster Town Centre as set out in appendix 4 to this report.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. The consideration of a PSPO for Doncaster Town Centre is one part of a comprehensive plan of activity to support people with complex lives (including preventing and tackling homelessness and rough sleeping, drug and alcohol misuse, mental ill-health, offending and anti-social behaviour, begging). This, along with the related issue of the vibrancy of Doncaster Town Centre are key priorities within the Doncaster Growing Together four year Borough Strategy, approved by full Council on 21 September 2017.

BACKGROUND

5. Supporting people with complex lives and increasing the vibrancy of Doncaster's Town Centres are two major Mayoral, Council and partnership priorities. One is fundamental to how we support some of our most vulnerable, disconnected people and the other is crucial to Doncaster's economic growth.
6. The relationship between the two is completely intertwined. Town centres are often a gathering place for a transient community of people with complex lives and this in turn affects the attractiveness and economic prospects of our town centres, which are affected by begging, drug and alcohol misuse and anti - social behaviour. Feedback from businesses, town centre users and visitors has raised significant concerns about this.
7. The Doncaster Growing Together (DGT) strategy includes a key programme of work to support people with complex lives. This is focused on delivering a highly proactive approach to outreach, engagement, provision of stable accommodation and wrap around support to help people recover and integrate into society. This also includes a focus on preventative activity.
8. The DGT strategy also includes a comprehensive plan to improve Doncaster Town Centre, focused on improving the day to day user experience, economic vibrancy and events and animations.

9. A PSPO has been considered as one part of this wider plan. PSPOs are designed to stop individuals or groups of individuals committing anti-social behaviour in a public space. They provide additional powers for enforcement agencies to act to manage behaviours that are prohibited – to enable more effective management of the issues.
10. A PSPO would, if approved, in particular support efforts to help people with complex lives break a cycle of behaviour related to begging, drug and alcohol misuse and anti-social behaviour. This is a barrier to recovery and progression, can increase vulnerability and also impacts negatively on other town centre users and businesses.
11. In line with your steer as elected members, a key emphasis of the development of the proposed PSPO to date has been to ensure a focus on guiding people towards support services rather than the criminal justice system. The aim is not to criminalise homelessness or misfortune, which is counter-productive. The practical implementation of the prohibitions would be designed to ensure this approach.

CONSULTATION PROCESS

12. A PSPO consultation process started on 30 August 2017 and closed on 26 September 2017 – a total consultation of 28 days as required by the Crime and Disorder Act 2014. The Act sets out requirements for who should be consulted which includes the Police (as statutory consultees), community members with an interest and people who own or occupy land and property in the area.
13. The aim was for the consultation to meet these legal requirements and to go beyond this, to ensure engagement takes place with residents and stakeholders across Doncaster who have an interest in the PSPO and its impacts, to secure their views and perspectives.

The range of consultees included:-

- Statutory consultees
- Residents of the affected area
- All town centre businesses
- Business representatives (e.g. Market Traders Federation, Town Centre Business Forum, Chamber of Commerce, Pubwatch)
- Town Centre land and property owners
- Faith groups
- Community and voluntary organisations
- Transport operators
- Public service partners
- Creative and cultural partners

In addition there was an open invitation to all residents of Doncaster to have their say, responding to a notice published on the council website and promoted in the press and on social media.

14. The details of the prohibitions contained in the proposed PSPO for consultation are attached at **appendix 1**.

OUTCOME OF CONSULTATION PROCESS

15. Over the consultation period a total of 1216 responses were recorded in an electronic online survey. Of these, 137 responses were received in paper and electronic copy form and were input into the survey (originals retained for inspection). Therefore, the results of the online survey are a complete representation of all responses received.

16. Statutory responses were received from the Police, the Police and Crime Commissioner and British Transport Police. Key public services, faith groups, community and voluntary and business stakeholders also submitted specific responses.

17. The distribution of responses across broad types of respondent was as follows:

- Residents: 75.46%
- Business owners: 11.90%
- Others: 12.65%

18. Overall the consultation results demonstrated a very strong level of support for each of the proposed prohibitions. The results are summarised in the table below and illustrated in a series of charts at **appendix 2**.

Proposed prohibition (summary)	This should be prohibited	This should not be prohibited	Don't know	No Comment to make
1. Requesting money, donations or goods including through placing of hats, clothing or containers.	79.6%	17.79%	2.16%	0.45%
2. Loitering around pay machines (including banks, supermarkets) unless waiting to legitimately use them.	89.25%	8.60%	1.43%	0.72%
3. Returning to the Town Centre within 24 hours after being requested to leave by an authorised officer due to them behaving in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance.	84.41%	10.36%	4.32%	0.90%

4. Congregating in a group of three or more people and behave in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the Town Centre.	81.59%	12.73%	4.96%	0.72%
5. Consuming alcohol other than at licensed premises or being in possession of any opened vessel containing alcohol in any public place in the Town Centre.	85.65%	10.13%	3.14%	1.08%
6. Ingest, inhale, inject, smoke or otherwise use intoxicating substances within the Town Centre or possess any item that can be used to assist in the taking of intoxicating substances.	88.46%	8.39%	2.34%	0.81%
7. Urinating or defecating other than in public toilets.	93.30%	4.80%	1.00%	0.90%
8. Camping or sleeping overnight with or without a tent, or using a vehicle, caravan or any other structure in a public place.	74.53%	17.25%	6.78%	1.45%
9. Making approaches to people with the intention of entering into any arrangements which involve people making future payments for the benefit of charity, access to credit or other purposes – unless authorised by the Council.	88.74%	7.48%	2.79%	0.99%
10. Loitering, standing around, touch or interfere with any parking equipment, in the Town Centre.	85.29%	8.39%	4.87%	1.44%

19. Many respondents took time to express specific views and justifications for their responses, whether in support of the prohibitions or otherwise. This has created a rich range of views and perspectives and also many helpful suggestions for amendments and actions. An overview and illustration of the nature and balance of these responses is provided, listed by proposed prohibition and including general comments in **appendix 3** to this report.

20. Particularly strong and consistent themes within the responses were:

- a) Strong views were expressed about the current user/visitor/business experience of Doncaster Town Centre. This includes concerns about personal safety as a result of the issues the proposed PSPO is aiming to address, for example:

“I am very much supportive of the Council's intentions to make improvements to the town centre. As I have said before, I am Doncaster

born and bred and it would be great to see the town busy and vibrant once again without feeling intimidated or threatened by some individuals. I realise this is an issue faced by most towns and cities but feel the proposal goes some way to start to make things better.”

“People hanging around these places makes me feel unsafe for myself and my family”

“I feel very unsafe at times walking round Doncaster both during the day and evenings when meeting friends, going to work and shopping”

- b) A strong level of support for people who are homeless, begging, and addicted to drugs and alcohol with calls and specific proposals for action to deal with immediate and root causes. This included concerns about avoiding criminalising misfortune, for example:

“The town centre and public areas around the Minister have been much improved in recent years and it is important to create an atmosphere of a thriving, cosmopolitan and engaging community. Whilst the cycle, of gaining money, for some individuals through street requesting may be the only opportunity of financial benefit it is important that individuals should be given support through other means to sustain their lifestyles.”

“This should be prohibited as long as there are genuine places for rough sleepers to go and not just moved on or sent out of the town centre. Out of sight out of mind is not good enough. There for the grace of god go i, remember any one of us could fall on hard times especially in todays current state of the economy”

“Until there are adequate facilities in the town centre for homeless people to take refuge, all this will achieve is to push the homeless into the suburbs and villages across Doncaster. This does not solve the problem, it only moves it away from town centre, which is the only place that homeless can raise enough donations to survive. It is also the only place with adequate night-time shelter for homeless people in doorways, etc. These do not exist outside of town.”

- c) There were comments about specific prohibitions and suggestions for amendments that could enhance the impact and fitness for purpose of the order. This included an interpretation of one proposed prohibition as being targeted at busking, which was not the Council’s stated or implied intent, for example:

“With an exclusion of buskers whom have obtained a licence. Busking can add to the overall vibrancy of the town centre and can enhance the visitors experience.”

“vibrant town centres with buskers is cheerful and aids social cohesion. Don't throw the baby out with the bath water. Yes some folk are not to my taste but we're all humans, alive and contributing.”

“This prohibition would criminalise buskers who traditionally put out a hat, musical instrument case or similar to receive donations for performing music. Doncaster is well known for its vibrant cultural scene and is popular with buskers. The wording of this prohibition is too wide and should be changed so it doesn't criminalise a grassroots cultural activity that brings vibrancy to the city centre.....”

- d) There were comments and specific suggestions about the boundary covered by the proposed order, including concerns about potential displacement effects, for example:

“Can this be extended to Town Fields”

“Understand if someone is homeless need to sleep somewhere, but will this move people to outskirts of Town Centre instead of prohibited”

“Will this PSPO be spread to other locations like the Lakeside as I'm sure the problem will only be moved and not dealt with.”

“St James Street flats area, being very close to the designated Town Centre area, may suffer an influx of overnight sleepers”

- e) Concerns were also highlighted about how the order would be enforced if approved, for example:

“how will this be governed?”

“How is this enforceable, given that this behaviour is dependent on someone's interpretation of the above?”

21. The responses included representations from groups promoting civil liberties (Liberty, Manifesto Club, these are included in **appendix 3**) and a petition is being promoted by 'Keep Streets Live'. The proposed revisions made to prohibitions (set out below) include responses to issues raised in these submissions. These responses suggest that the Council may receive representation by petition and possible legal challenge to the introduction of a PSPO. The legal implications section of this report provides further detail on legal challenge.
22. More broadly, the consultation process has started to generate a valuable conversation with the public and stakeholders about important issues facing Doncaster and many other towns and cities across the UK. This will be important as the Council and other public services will need to work with a wide

range of stakeholders, businesses and local communities to address issues such as homelessness and related issues, which are predicted to continue to rise nationwide in the current policy climate.

REVISED PROHIBITIONS

23. Following careful review and consideration of the consultation results and responses, a revised set of prohibitions has been produced. These retain the original purpose and direction of the proposed order, with amendments to address key points of clarity and to respond to suggestions made in the consultation.
24. The proposed revised prohibitions are set out in the table below. These are shown alongside those used in the consultation for comparison purposes. **Appendix 4** (attached) details the full set of proposed revised prohibitions which are recommended for approval.

PROPOSED PROHIBITIONS (in consultation notice)	WHEN
<p>No person shall make any verbal, non-verbal or written request from a standing, sitting or lying down position for money, donations or goods, including the placing of hats, clothing or containers, in the Town Centre.</p> <p><u>Proposed amendment:</u> <i>No person shall beg by making unsolicited and/or unauthorised requests for money (whether expressly requested or impliedly requested by conduct) within the Town Centre. This shall include any verbal, non-verbal or written request from a standing, sitting or lying down position for money, donations or goods, including the placing of hats, clothing or containers.</i></p>	<p>At all times</p> <p><i>At all times (not including restriction on people who busk)</i></p>
<p>No person shall loiter around pay machines (including banks, supermarkets) unless waiting to legitimately use the machine for the purpose it is designed for.</p> <p><u>Proposed amendment:</u> <i>No person shall loiter, sit or lay on the floor or on temporary structures in or adjacent to doorways or around pay machines (including banks, supermarkets) in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the Town Centre.</i></p>	<p>At all times</p>

<p>No person shall, after being requested to leave by an authorised officer due to them behaving in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the Town Centre without reasonable excuse, remain or return to the Town Centre within a period of 24 hours.</p>	<p>At all times.</p> <p>In respect to those individuals who are rough sleeping this prohibition will only apply if they have access to alternative accommodation or have refused support.</p>
<p>No person shall congregate in a group of 3 or more people and behave in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the Town Centre.</p>	<p>At all times</p>
<p>No person shall consume alcohol in any public place in the Town Centre other than at licensed premises.</p> <p>No person shall be in possession of any opened vessel containing or purporting to contain alcohol in any public place in the Town Centre</p>	<p>At all times</p> <p>(Street markets /events/festivals will have obtained Temporary Event Notices, so will in effect be licensed premises for the time they are there)</p>
<p>No person within the Town Centre will ingest, inhale, inject, smoke or otherwise use intoxicating substances</p> <p>No person will possess any item that can be used to assist in the taking of intoxicating substances. This includes any device for smoking substances other than e-cigarettes, it also includes needles, except for those packaged and sealed by the manufacturer and stored in a hard case.</p> <p><u>Proposed amendment:</u> <i>No person within the Town Centre will ingest, inhale, inject, smoke or otherwise use intoxicating substances (substances with the capacity to stimulate or depress the central nervous system).</i></p> <p><i>No person will possess any item that can be used to assist in the taking of intoxicating substances. This includes any device for</i></p>	<p>At all times</p>

<p><i>smoking substances other than e-cigarettes, it also includes needles, except for those packaged and sealed by the manufacturer and stored in a hard case.</i></p>	
<p>No person shall urinate or defecate in any public place; this does not include public toilets.</p>	<p>At all times</p>
<p>No person shall stop or approach another person with the intention of asking that other person:</p> <p>(I) to enter into any arrangements which involve that other person making any future payment for the benefit of charitable purposes, or access to credit.</p> <p>(II) for any information to assist in that other person being contacted at another time with a view to making arrangements for that person to make any payment for the benefit of charitable or other purposes.</p> <p>(III) A person shall not encourage any person to do anything which would constitute a breach of this prohibition.</p>	<p>At all times</p> <p>This prohibition does not apply where the activities have been authorised by the Council in accordance with a scheme operated or expressly approved by it or covered by a licence</p>
<p>No person shall in the Town Centre camp or sleep overnight with or without a tent, or using a vehicle, caravan or any other structure [in a public place to which the public or a section of the public has or is permitted to have access, whether on payment or otherwise.</p> <p><u>Proposed amendment:</u> <i>No person shall in the Town Centre camp or sleep overnight with or without a tent, or using a vehicle or any other structure in a public place to which the public or a section of the public has or is permitted to have access, whether on payment or otherwise.</i></p>	<p>At all times unless with the prior written consent of the Council</p>
<p>No person shall, unless they have a parked vehicle in the location, without reasonable excuse, loiter, stand around, touch or interfere with any parking equipment, in the Town Centre without authorisation.</p> <p><u>Proposed amendment:</u> <i>No person shall, unless they have a parked vehicle in the location, without reasonable excuse, loiter near to, touch or interfere with</i></p>	<p>At all times</p>

<i>any parking equipment, in the Town Centre without authorisation.</i>	
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PSPO BOUNDARY – PROPOSED REVISIONS

25. The consultation survey included a map showing the proposed boundary of a PSPO that covered the town centre area (included in appendix 1 attached).
26. A number of responses were received that suggested the inclusion of other areas with the boundary. This included:-
- (a) The railway station concourse and platforms – requested by British Transport Police and Virgin Trains East Coast due to incidences of anti-social behaviour occurring in and around the station.
 - (b) The whole of Marshgate and its parking areas – for community/young persons safety reasons.
 - (c) The area around Town Fields, Town Fields Primary School, Elmfield Park, St James Street and residential areas off Thorne Road.
 - (d) St James Street, Balby Bridge area.
 - (e) Retail areas, including Wheatley Hall Road, Lakeside and Leger Retail Park.
 - (f) Racecourse (concerns relating to race meetings).
27. The proposed boundary changes relating to the train station concourse and platforms, Marshgate and also a small area to enable complete coverage of the Chappell Drive Wholesale Market are considered appropriate and helpful inclusions to the PSPO boundary. These are indicated in the map showing a revised boundary for the PSPO attached at **appendix 5**.
28. For the other areas, it is acknowledged that current concerns and possible displacement effects should be recognised and managed. However, these are not considered appropriate extensions of the Town Centre PSPO boundary, given the nature of the prohibitions involved.
29. Specific work will be undertaken, including work with local stakeholders and concerned residents to manage issues arising in these locations – with proactive plans put in place to identify and problem solve local issues. Specific and locally appropriate PSPO's could also be considered for these areas if necessary.

NEXT STEPS – IMPLEMENTATION IF APPROVED

30. If approved by Cabinet it is proposed that the PSPO will be implemented immediately following conclusion of the necessary call in period.
31. It is proposed that the initial stages of implementation will include raising awareness of the PSPO. A communications plan would support implementation, including notifying businesses, members of the public and stakeholders of the decision to implement a PSPO and further promotion of the services and support available to people who require this support. A list of frequently asked questions will be available to help inform people about the PSPO, what it means, what happens if the PSPO is breached and what should be done to direct people towards services and support.
32. Work is under way to develop a multi - agency approach to the implementation of the order. This will be a partnership approach to the management and enforcement of the PSPO, involving the Police, Police Community Support Officers, various Council teams, St Leger Homes and other housing and support services in the Complex Lives Alliance. Implementation actions will include coordinated patrols of a variety of staff including uniformed officers, and will focus on engagement and supporting people to access services, using legal enforcement as a last resort where necessary.
33. A key element of implementation will be to continue and strengthen the existing approach of assertive outreach work engaging and assisting vulnerable individuals to access services - this approach is currently being further strengthened through the Complex Lives Alliance.
34. Where formal enforcement is required for breaches of the PSPO, this will be undertaken by South Yorkshire Police and designated council officers with specific training and experience in enforcement work. The clear brief to all partners will be to work together with people with complex to break the cycle they can be locked into.
35. We will also be working closely with Town Centre businesses to support the aims and objectives of the PSPO as much as they can – for example by reporting and discouraging the prohibited actions near their businesses. This will be supported by press and PR work including use of social media where appropriate.

OPTIONS CONSIDERED

36. The option to pursue a Public Space Protection Order for Doncaster Town Centre has been carefully considered against other potential ways to approach the issues and concerns. The broad options considered have been:-
 - Tackle the issues facing people with complex lives without specific action to manage the disincentive of begging and breaking the cycle of behaviours that can be associated with it. This is not recommended.

- Pursue a PSPO as an isolated measure with an enforcement focus. This is not recommended.
- Consider a Town Centre PSPO as one part of a comprehensive approach to support people with complex lives and to effectively manage the town centre, with a specific focus on encouraging people toward support services. **This is the recommended option.**

REASONS FOR RECOMMENDED OPTION

37. The recommended option will provide the comprehensive approach needed to effectively support vulnerable people in the context of place. In this option, the PSPO will be positioned as one part of a wider model, with a specific emphasis on enabling people to break the cycle of behaviours they can be locked into.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <p><i>Mayoral Priority: Creating Jobs and Housing</i></p> <p><i>Mayoral Priority: Be a strong voice for our veterans</i></p> <p><i>Mayoral Priority: Protecting Doncaster's vital services</i></p>	<p>The recommended approach will work to integrate people with complex lives back in to the social and economic mainstream over time.</p>
	<p>People live safe, healthy, active and independent lives.</p> <p><i>Mayoral Priority: Safeguarding our Communities</i></p> <p><i>Mayoral Priority: Bringing down the cost of living</i></p>	<p>The recommended approach will directly impact on the health and independence of people with complex lives.</p>
	<p>People in Doncaster benefit from a high quality built and natural</p>	<p>The recommended approach will make a direct contribution the quality of the environment in Doncaster town</p>

	<p>environment.</p> <p><i>Mayoral Priority: Creating Jobs and Housing</i></p> <p><i>Mayoral Priority: Safeguarding our Communities</i></p> <p><i>Mayoral Priority: Bringing down the cost of living</i></p>	<p>centre.</p>
	<p>All families thrive.</p> <p><i>Mayoral Priority: Protecting Doncaster's vital services</i></p>	<p>The approach will connect to the operation of the Stronger Families model, which is the preventative level of work on complex lives.</p>
	<p>Council services are modern and value for money.</p>	<p>The approach will modernise and integrate the approach to supporting people with complex lives, reducing demand and costs of acute interventions.</p>
	<p>Working with our partners we will provide strong leadership and governance.</p>	<p>The approach will demonstrate the community leadership role of the council and stimulate a strong 'Team Doncaster' approach to commissioning and delivery.</p>

RISKS AND ASSUMPTIONS

38. The key risks and assumptions associated with the recommendations in this report are:-

- The real potential for escalation of concerns and risks facing people with complex lives and to the town centre unless positive and comprehensive action is taken. The comprehensive actions being taken including a PSPO would provide a response to manage that risk.
- The need to ensure effective multi-agency action to manage the implementation of the PSPO and to enable people to access support services. This will be managed through the implementation plan outlined in this report and through wider action to support people taken by the Complex Lives Alliance.

LEGAL IMPLICATIONS

39. Section 59 Anti-Social Behaviour Crime, and Policing Act 2014 (“the Act”) introduced the Public Space Protection Orders (Order). The Order deals with individuals or groups committing anti-social behaviour in a public place. The Council may make a public spaces protection order if it is satisfied on reasonable grounds that the activities carried on in a public place within the authority’s area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within the Council’s area and that they will have such an effect.

The Council must ensure that conditions are met before an Order can be made and Section 72(3) of the Act places a duty on Council’s to carry out the ‘necessary consultation’ and ‘necessary publicity and necessary notification before an order can be made. The consultation and publicity should comply with the terms of the Act which sets specific requirements as to the persons to be consulted and the nature of the consultation. From the information provided, consultation has been carried out as required by the Act.

40. An interested person may apply to the High Court to question the validity of the Order, i.e. an individual who lives in the restricted area or who regularly works in or visits the area. The grounds on which an application can be made to challenge the order are set out in Section 66(2) of the Act as follows;

(a) The local authority did not have the power to make the order, or to include particular prohibitions or requirements imposed by the order. The Act specifically gives the Council the power to make an order and the prohibitions are lawful – they are clear unambiguous. It is understood that after comments made during consultation, the prohibitions will be amended.

(b) That a requirement of the legislation was not complied with in respect of the order. The requirements of the Act have been followed in terms of the process that must be followed in making an order.

41. An application to challenge the order must be made within 6 weeks of the order being made and the High Court could suspend or quash the Order if they are satisfied that one of the grounds has been met.

An interested person may not challenge the validity of a public spaces protection order, or of a variation of a public spaces protection order, in any legal proceedings (either before or after it is made) except—

(a) under this section, or

(b) under subsection (3) of section 67 (where the interested person is charged with an offence under that section).

It is not considered that the validity of the order can be successfully challenged.

42. The decision maker must be aware of their obligations under the public sector equality duty (PSED) in s149 of the Equality Act 2010. It requires public authorities when exercising their functions to have due regard to the need to: eliminate discrimination, harassment and victimization; advance equality of opportunity; and foster good relations between people who share relevant protected characteristics and those who do not. The relevant protected characteristics under the Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnerships, but only in respect of eliminating unlawful discrimination. The decision maker must ensure that they have seen the due regard statement. The duty must be exercised in substance, with rigour, and with an open mind and is not a question of ticking boxes. It is for the decision-maker to decide how much weight should be given to the various factors informing the decision, including how much weight should be given to the PSED itself. The duty is a continuing one and there should be a record/audit trail of how due regard has been shown. It is not sufficient for due regard to be a “rear-guard action” following a concluded decision the decision maker must also pay regard to any countervailing factors and decide the weight to be given to these, which it is proper and reasonable to consider; budgetary pressures, economics and practical factors will often be important. The PSED has been amended following the consultation to address the concerns raised over the impact of those with a mental health disability.

FINANCIAL IMPLICATIONS

43. The costs of implementing a PSPO for Doncaster Town Centre will be met from existing budgets. No additional staff will be required as a result of the order as existing officers will be granted the additional powers. It is anticipated that any training required will be delivered in-house and the signage required to inform the public that the PSPO is in place will be of low value (less than £1k) and can be met from existing budgets.

HUMAN RESOURCES IMPLICATIONS

44. There are no direct HR implications arising from this report

TECHNOLOGY IMPLICATIONS

45. There are no direct ICT implications in implementing the recommendations detailed in this report. If as a result of implementing the recommendations, any ICT or technology requirements are identified, a business case should be submitted to the ICT Governance Board for approval and consideration of implications in respect of data and network security.

EQUALITY IMPLICATIONS

46. In carrying out consultation, the Council must be aware of its initial duties under the Equality Act. A 'protected characteristic' is defined in the Act as: age; disability; gender reassignment; pregnancy and maternity; race; (including ethnic or national origins, colour or nationality); religion or belief; sex; sexual orientation; marriage and civil partnership. The decision maker must ensure that adequate evidence, including that obtained from consultation has been considered to understand the effects of the decision to be made.
47. The consultation has given due regard to the Equalities Act 2010. Should a town centre PSPO be adopted, we will undertake an assessment of impacts. We will use the evidence from our consultation to identify the likely or actual effects on individuals, groups and communities in respect of the different protected characteristics. We look for opportunities to promote equality, as well as identifying any actual or potential adverse impact so that, where possible, it can be removed or mitigated
48. The Due Regard Statement is attached at **appendix 6**.

CONSULTATION

49. The consultation process involved has been described earlier in this report. This has complied with legal requirements and gone further to ensure opportunity to express a view and perspective has been widely offered.

CONCLUSION

50. Overall, Cabinet can be content that the consultation has generated significant public and business interest in an important issue. Cabinet can also be satisfied that the issues the proposed PSPO is seeking to address have had and would in future have a detrimental affect on the quality of life of those in the locality. The consultation has demonstrated a strong and broad base of support for the introduction of the PSPO for the Town Centre.
51. This support clearly comes with a call for this to be introduced as part of a wider package of action to engage with and support people in need. This is the approach to supporting people with complex lives that the Council has supported to date and which has been developed through the Complex Lives Alliance.
52. Cabinet can be assured that the overall approach the Council and partners are taking can demonstrate a strong commitment to supporting people to engage with support services, recover, and resettle in society. It aims to use the PSPO as one tool to enable that whilst at the same time improving the user experience of Doncaster Town Centre.

Appendices

Appendix 1 - Proposed Town Centre PSPO for consultation

Appendix 2 - Summary of consultation results charts

Appendix 3 - Overview and sample of consultation responses and comments

Appendix 4 – Proposed PSPO prohibitions - recommended for approval

Appendix 5 – Map showing proposed revised PSPO boundary - recommended for approval

Appendix 6 – Due Regard Statement

BACKGROUND PAPERS

None

REPORT AUTHOR & CONTRIBUTORS

Pat Hagan - Head of Localities and Town Centre

Scott Fawcus – Assistant Director Legal & Democratic Services



Contact: Pat Hagan

Telephone: 01302 737609

Email:

TowncentrePSPOconsultation@doncaster.gov.uk

Date: 30 August 2017

Dear Resident

Doncaster Town Centre Public Spaces Protection Order Consultation

Residents and businesses are encouraged to take part in a consultation on measures to tackle anti-social behaviour in Doncaster town centre.

The aim of the proposed Public Spaces Protection Order is to address a number of specific concerns related to begging and anti-social behaviour in the town centre and to encourage vulnerable people to access support and services, seeking to break the cycle of behaviour and vulnerability they can be locked into.

The consultation is open until 26th September and gives people the chance to have their say on the Public Spaces Protection Order (PSPO) the Council plans to introduce in Doncaster town centre.

If a PSPO is introduced, it would mean that the following acts would be prohibited;

1. Requesting money, donations or goods, including through placing of hats, clothing or containers;
2. Loitering around pay machines (including banks, supermarkets) unless waiting to legitimately use them;
3. Returning to the Town Centre within 24 hours after being requested to leave by an authorised officer due to them behaving in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance;
4. Congregating in a group of 3 or more people and behave in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the Town Centre;
5. Consuming alcohol other than at licensed premises or being in possession of any opened vessel containing alcohol in any public place in the Town Centre;
6. Ingest, inhale, inject, smoke or otherwise use intoxicating substances within the Town Centre or possess any item that can be used to assist in the taking of intoxicating substances;
7. Urinating or defecating other than in public toilets;
8. Camping or sleeping overnight with or without a tent, or using a vehicle, caravan or any other structure in a public place;
9. Making approaches to people with the intention of entering into any arrangements which involve people making future payments for the benefit of charity, access to credit or other purposes – unless authorised by the Council;
10. Loitering, standing around, touching or interfering with any parking equipment, in the Town Centre.

Paper copies of this document are also available at:

- Civic Office, Waterdale
- Central Library, Waterdale
- Tourist Information Centre, High Street

On behalf of Doncaster Council, I have enclosed details of the proposed Public Spaces Protection Order as well as notice of the consultation that is currently taking place. The Council will value your comments on the proposed PSPO, and invites you to contribute to the consultation process by using the enclosed form.

If you could return your comments by 26 September, after which time we will consider all comments received and determine whether to formally make the Public Spaces Protection Order.

Yours sincerely,

A handwritten signature in black ink that reads "Pat Hagan". The signature is written in a cursive style with a large initial 'P'.

Pat Hagan
Head of Localities and Town Centre

**Proposed Public Spaces Protection Order
Consultation Notice**

Highlighted Issue/s	Anti-social behaviour within Doncaster Town Centre
Area Affected (specific)	See attached map of affected area – referred to in the document as Town Centre
Background to the issue	<ul style="list-style-type: none"> • The aim of the proposed Public Space Protection Order is to address a number of specific concerns related to begging and anti-social behaviour in the Town Centre and to encourage vulnerable people to access support and services, seeking to break the cycle of behaviour and vulnerability they can be locked into. • In relation to homelessness, rough sleeping and begging, the Council and public service partners aim to provide support to people in these situations and has recently strengthened support systems in place across agencies with information, advice, guidance and outreach services. • The implementation of the proposed Public Space Protection Order would provide support to this effort, working in conjunction with the ongoing support available to remove barriers to positive engagement with services and to ensure people are offered positive routes out of their situation. • The suggested prohibitions have been developed following engagement with residents, visitors, local business and public services about the issues which they currently face. These include concerns about the welfare of vulnerable people and the feeling of safety, physical look and condition of the town centre. • The introduction of the order would enable effective action to be taken for the benefit of the vulnerable individuals and for residents, visitors and local businesses. • By not addressing these concerns effectively using available tools and powers, as set out by the Anti-social Behaviour Crime and Policing Act (2014), it is clear that there is risk to the reputation of the Town Centre, including loss of trade and attractiveness to new businesses, and subsequently a reduction in visitors/tourists to the area.

This issue is considered to be:

- Having a detrimental effect on the quality of life in the area
- Persistent and ongoing
- Unreasonable

The following conditions are proposed to tackle the issue through a Public Spaces Protection Order:

PURPOSE	PROPOSED PROHIBITIONS	WHEN
<ul style="list-style-type: none"> • The aim is to support vulnerable people to break the cycle of begging and to reduce the impact this has on the town centre offer. • People who make requests for money or donations in the Town Centre are less likely to access support services whilst they receive income from this to sustain their current lifestyles. • This also impacts on the vibrancy and attractiveness of the environment of the town centre to visitors and shoppers and businesses. • Enforcement action will primarily focus on helping people to change behaviour and access support services. 	<p>No person shall make any verbal, non-verbal or written request from a standing, sitting or lying down position for money, donations or goods, including the placing of hats, clothing or containers, in the Town Centre.</p>	<p>At all times</p>
<ul style="list-style-type: none"> • The aim is to stop people loitering around ATMs and pay machines, which has a detrimental effect on people’s feelings of safety and on the vibrancy of the Town Centre. • Enforcement action will primarily focus on helping people to change behaviour and access support services. 	<p>No person shall loiter around pay machines (including banks, supermarkets) unless waiting to legitimately use the machine for the purpose it is designed for.</p>	<p>At all times</p>
<ul style="list-style-type: none"> • The aim is to deter people from behaving in an anti-social manner which has a detrimental effect on people’s feelings of safety and on the vibrancy of the Town Centre. • Enforcement action will primarily focus on helping people to change 	<p>No person shall, after being requested to leave by an authorised officer due to them behaving in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within</p>	<p>At all times. In respect to those individuals who are rough sleeping this prohibition will</p>

<p>behaviour and access support services.</p>	<p>the Town Centre without reasonable excuse, remain or return to the Town Centre within a period of 24 hours.</p>	<p>only apply if they have access to alternative accommodation or have refused support.</p>
<ul style="list-style-type: none"> • The aim is to deter groups of people from behaving in an anti-social manner which can have a detrimental effect on people's feeling of safety and the vibrancy of the Town Centre. • Enforcement action will focus on managing anti - social behaviour causing legitimate concern. 	<p>No person shall congregate in a group of 3 or more people and behave in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the Town Centre.</p>	<p>At all times</p>
<ul style="list-style-type: none"> • The aim is to deter people from consuming alcohol on the streets other than at licensed premises and to prevent antisocial behaviour and impacts on the town centre related to this. • Enforcement action will primarily focus on helping people to change behaviour and access support services. 	<p>No person shall consume alcohol in any public place in the Town Centre other than at licensed premises.</p> <p>No person shall be in possession of any opened vessel containing or purporting to contain alcohol in any public place in the Town Centre</p>	<p>At all times</p> <p>(Street markets /events/festivals will have obtained Temporary Event Notices, so will in effect be licensed premises for the time they are there)</p>
<ul style="list-style-type: none"> • The aim is to deter people from consuming drugs/intoxicating substances and to prevent antisocial behaviour and impacts on the town centre related to this. • Enforcement action will primarily focus on helping people to change behaviour and access support services. 	<p>No person within the Town Centre will ingest, inhale, inject, smoke or otherwise use intoxicating substances.</p> <p>No person will possess any item that can be used to assist in the taking of intoxicating substances. This includes any device for smoking substances other than e-cigarettes, it also includes needles, except for those packaged and sealed by the manufacturer and stored in a hard case.</p>	<p>At all times</p>
<ul style="list-style-type: none"> • The aim is to deter people from behaving in an anti-social way which can cause public and environmental health problems, as well as difficulties for town centre 	<p>No person shall urinate or defecate in any public place; this does not include public toilets.</p>	<p>At all times</p>

<p>businesses/traders.</p>		
<ul style="list-style-type: none"> The aim is to deter unauthorised face to face fundraising and marketing, including that which can result in people committing to future payments to financial institutions (e.g. credit card companies or charities) 	<p>No person shall stop or approach another person with the intention of asking that other person:</p> <p>(I) to enter into any arrangements which involve that other person making any future payment for the benefit of charitable purposes, or access to credit.</p> <p>(II) for any information to assist in that other person being contacted at another time with a view to making arrangements for that person to make any payment for the benefit of charitable or other purposes.</p> <p>(III) A person shall not encourage any person to do anything which would constitute a breach of this prohibition.</p>	<p>At all times</p> <p>This prohibition does not apply where the activities have been authorised by the Council in accordance with a scheme operated or expressly approved by it or covered by a licence</p>
<ul style="list-style-type: none"> The aim is to deter camping and tented protests in the Town Centre which have in the past been linked to anti-social behaviour, disorder and drug use. Enforcement action will primarily focus on helping people to change behaviour and access support services. 	<p>No person shall in the Town Centre camp or sleep overnight with or without a tent, or using a vehicle, caravan or any other structure [in a public place to which the public or a section of the public has or is permitted to have access, whether on payment or otherwise.</p>	<p>At all times unless with the prior written consent of the Council</p>
<ul style="list-style-type: none"> The aim is to ensure effective provision of car parking in the Town Centre, which is vital to the economy and most important to vulnerable and disabled visitors. Vandalism and blockages of parking machines causes great frustration and expense to car park users and deters from the experience of using the Town Centre. 	<p>No person shall, unless they have a parked vehicle in the location, without reasonable excuse, loiter, stand around, touch or interfere with any parking equipment, in the Town Centre without authorisation.</p>	<p>At all times</p>

Additional notes and definitions for the purpose of the Order

- **Licensed premises** – Will include those involved in continental markets / beer festivals will have obtained Temporary Event Notices, so will in effect be licensed premises for the time they are there.
- **Intoxicating substances** –
 - (i) Substances with the capacity to stimulate or depress the central nervous system
 - (ii) Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation.

We would like to gather your feedback about the proposed PSPO. Please visit www.doncaster.gov.uk/towncentrePSPO or complete this short survey below and return this to:

Town Centre PSPO Consultation
FAO Pat Hagan
Floor 3, Civic building
Waterdale, Doncaster DN1 3BU

Or email to: TownCentrePSPOconsultation@doncaster.gov.uk

All surveys must be completed by Tuesday 26 September 2017

Please complete the following survey and give us your views about the proposed PSPO

Please supply your Postcode:

Are you? (please tick one):

A Resident

A Business

Other, please state

How often do you visit Doncaster town centre? (please tick one):

More than once a week

Once a week

Once a month

Less than once a month

Work in Town Centre

Please state how you feel about the following 10 proposed prohibitions:

1. Requesting money, donations or goods using hats, including through placing of hats, clothing or containers.

This should be prohibited

This should not be prohibited

Don't know

No comment to make

2. Loitering around pay machines (including banks, supermarkets) unless waiting to legitimately use them.

This should be prohibited

This should not be prohibited

Don't know

No comment to make

3. Returning to the Town Centre within 24 hours after being requested to leave by an authorised officer due to them behaving in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance.

This should be prohibited

This should not be prohibited

Don't know

No comment to make

4. Congregating in a group of 3 or more people and behave in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the Town Centre.

This should be prohibited

This should not be prohibited

Don't know

No comment to make

5. Consuming alcohol other than at licensed premises or being in possession of any opened vessel containing alcohol in any public place in the Town Centre.

This should be prohibited

This should not be prohibited

Don't know

No comment to make

6. Ingest, inhale, inject, smoke or otherwise use intoxicating substances within the Town Centre or possess any item that can be used to assist in the taking of intoxicating substances.

This should be prohibited

This should not be prohibited

Don't know

No comment to make

7. Urinating or defecating other than in public toilets.

This should be prohibited

This should not be prohibited

Don't know

No comment to make

8. Camping or sleeping overnight with or without a tent, or using a vehicle, caravan or any other structure in a public place.

This should be prohibited

This should not be prohibited

Don't know

No comment to make

9. Making approaches to people with the intention of entering into any arrangements which involve people making future payments for the benefit of charity, access to credit or other purposes – unless authorised by the Council.

This should be prohibited

This should not be prohibited

Don't know

No comment to make

10. Loitering, standing around, touching or interfering with any parking equipment, in the Town Centre.

This should be prohibited

This should not be prohibited

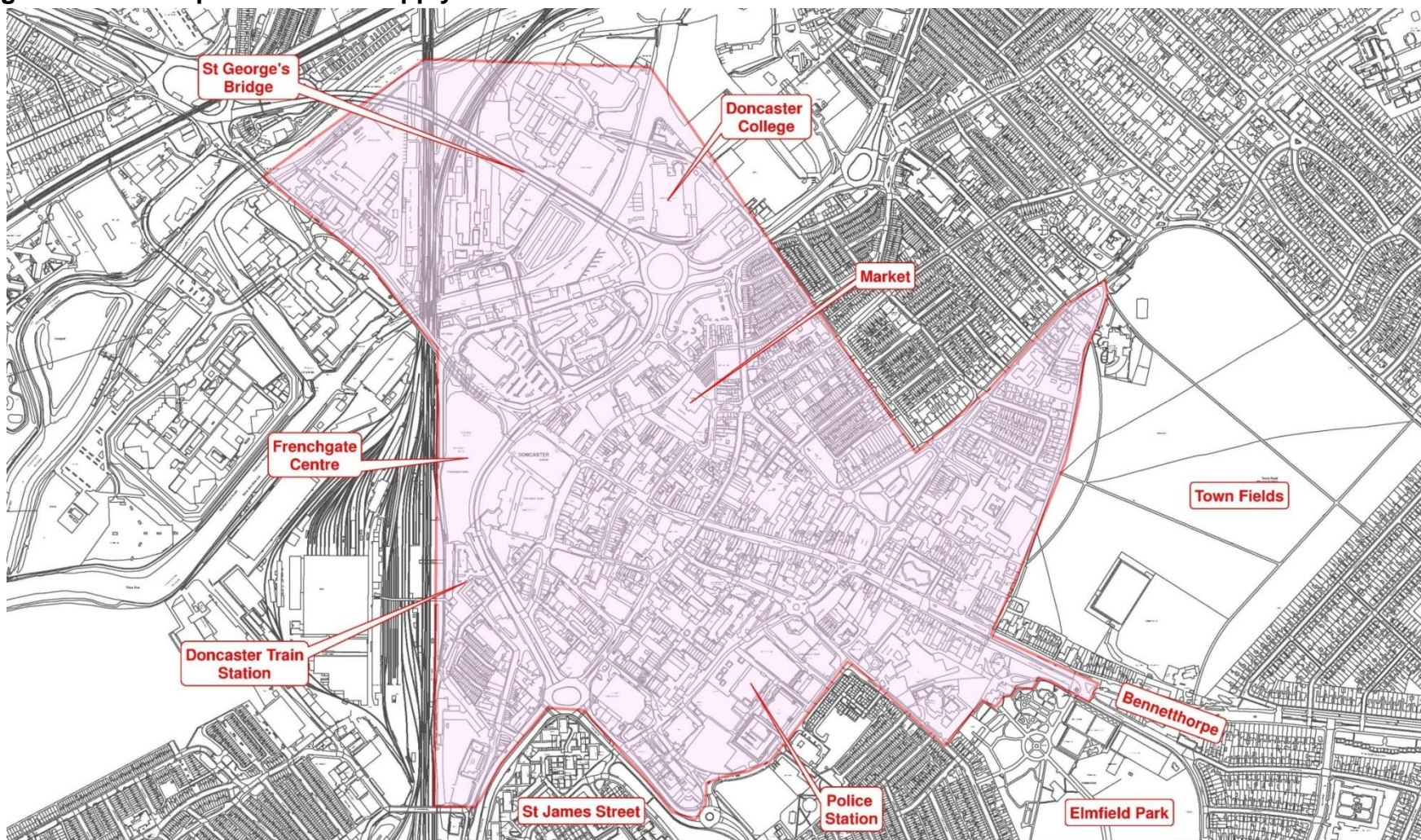
Don't know

No comment to make

Do you have any other general comments to make?

Thank you for completing our survey. Your views are much appreciated.

Designated area for prohibitions to apply – for consultation



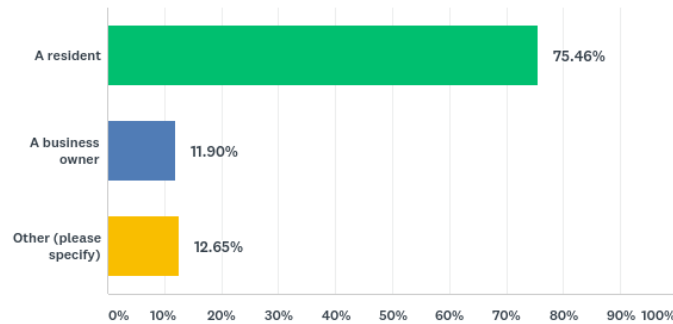
(c) Crown copyright. License Number 100019782. 2009.
 (c) Copyright GeoInformation Group 1997, 2002, 2005 and 2007.

Map Reference: Town Centre PSPO	Date : 29/08/2017	Scale : 1:4,500
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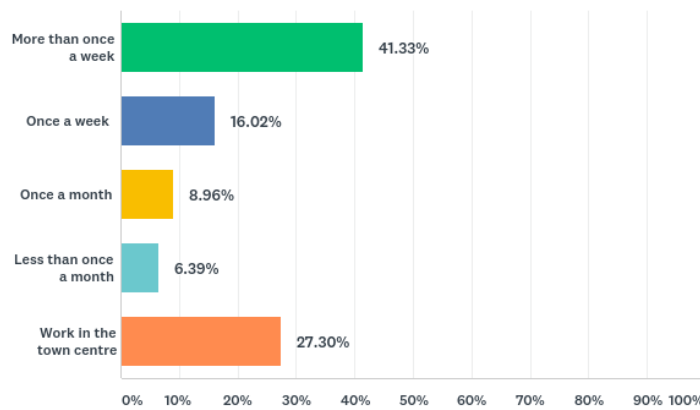


Summary of consultation results

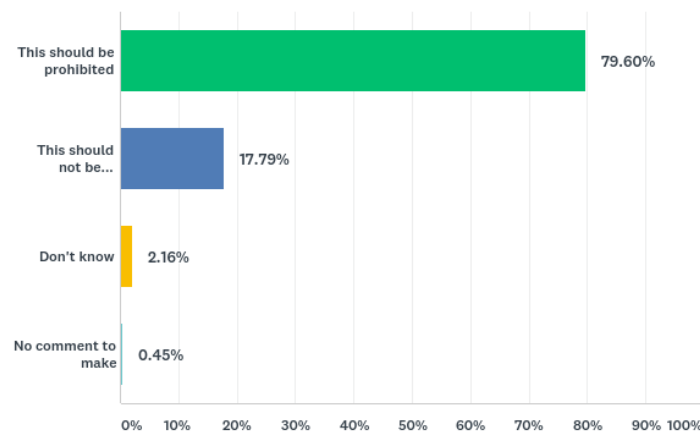
Q2 Are you:



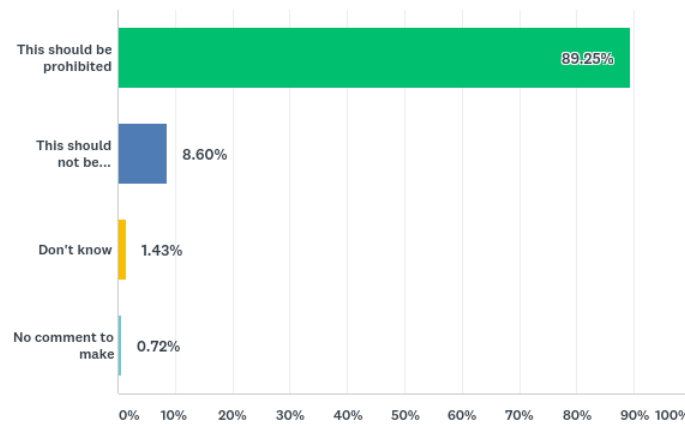
Q3 How often do you visit Doncaster town centre?



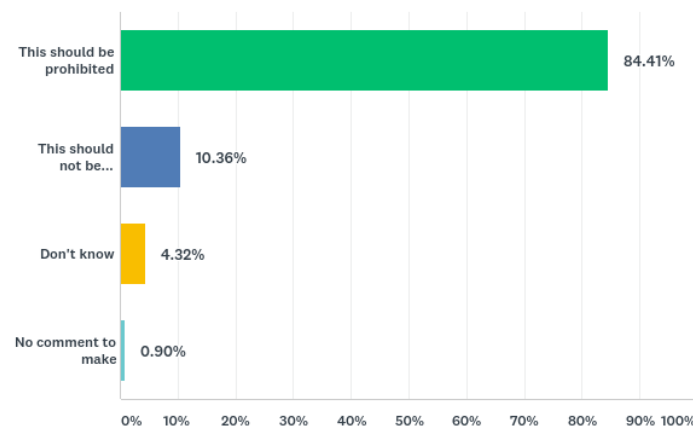
Q4 1. Requesting money, donations or goods including through placing of hats, clothing or containers.



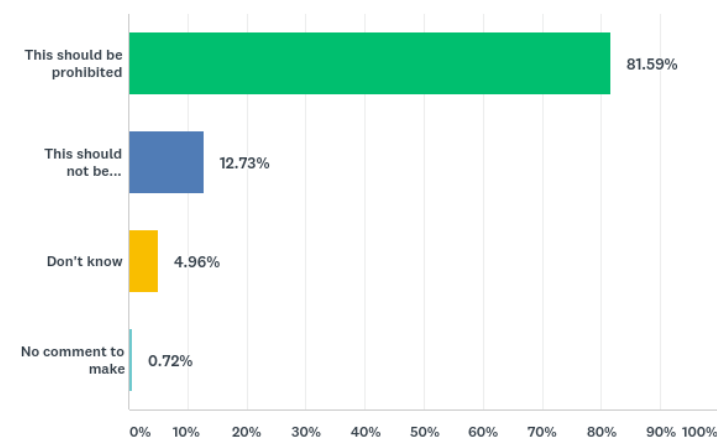
Q5 2. Loitering around pay machines (including banks, supermarkets) unless waiting to legitimately use them.



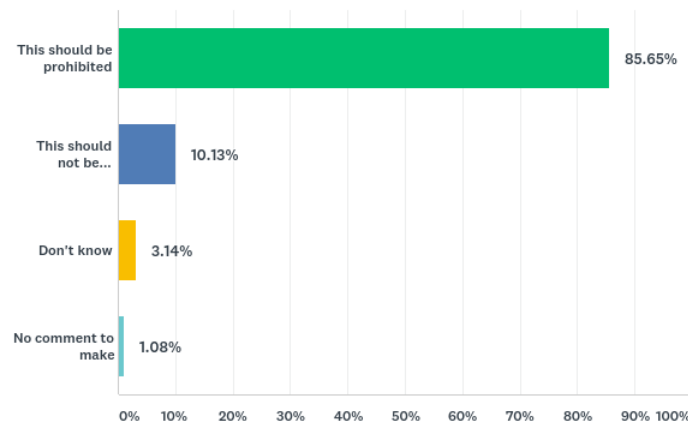
Q6 3. Returning to the Town Centre within 24 hours after being requested to leave by an authorised officer due to them behaving in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance.



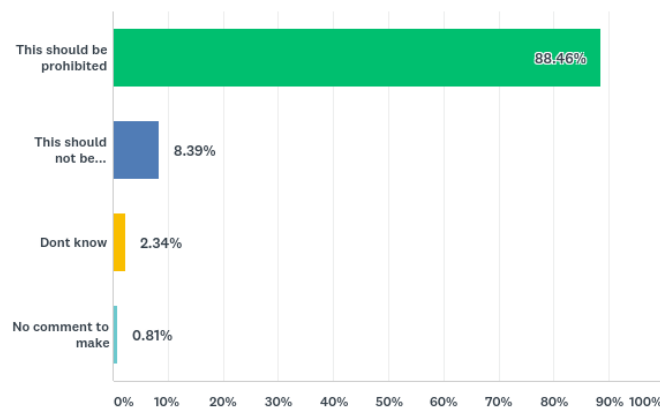
Q7 4. Congregating in a group of three or more people and behave in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the Town Centre.



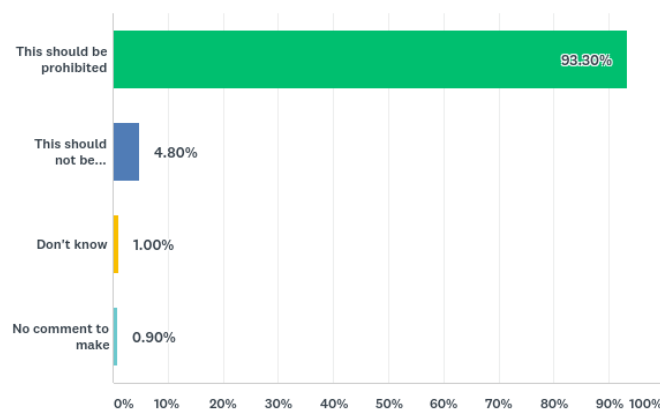
Q8 5. Consuming alcohol other than at licensed premises or being in possession of any opened vessel containing alcohol in any public place in the Town Centre.



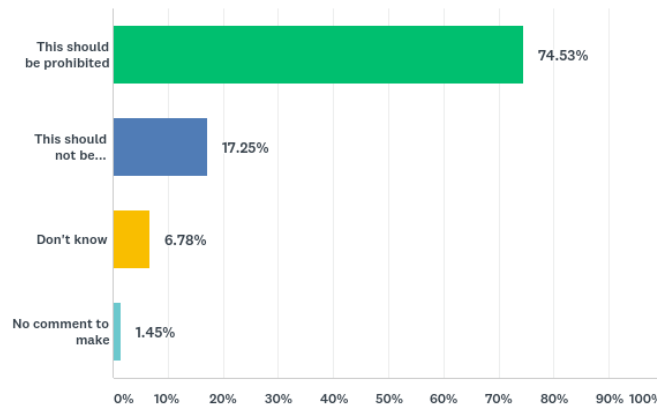
Q9 6. Ingest, inhale, inject, smoke or otherwise use intoxicating substances within the Town Centre or possess any item that can be used to assist in the taking of intoxicating substances.



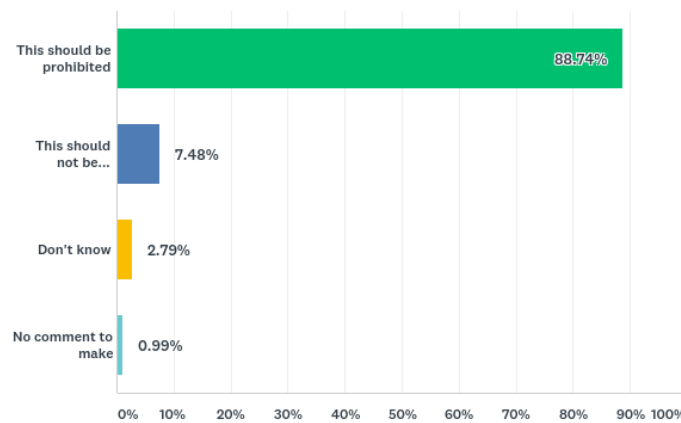
Q10 7. Urinating or defecating other than in public toilets.



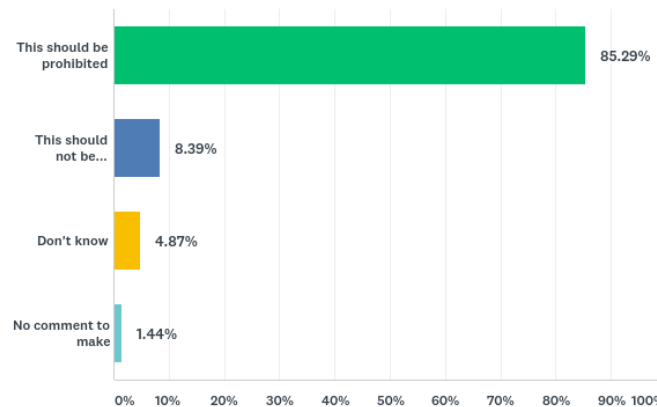
Q11 8. Camping or sleeping overnight with or without a tent, or using a vehicle, caravan or any other structure in a public place.



Q12 9. Making approaches to people with the intention of entering into any arrangements which involve people making future payments for the benefit of charity, access to credit or other purposes – unless authorised by the Council.



Q13 10. Loitering, standing around, touch or interfere with any parking equipment, in the Town Centre.



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- i) Overview and sample of consultation responses by prohibition**

- ii) Responses from Civil Liberties organisations**

i) **Summary of consultation responses**

More than 1200 residents, businesses and visitors to the town centre responded to this consultation. All respondents expressed a view as to their level of support for the proposed prohibitions and many respondents also took the time to provide detailed comments about individual prohibitions, to explain their reasoning, to express views, and to make suggestions and ideas. Each of the comments have been read and considered when making recommendations about the Public Spaces Protection Order to Cabinet.

In some cases this consideration has led to amendments to prohibitions and to the boundary, as set out in the main body of this report.

What was clear in the consultation was that certain themes and topics were emerging, and there was clearly a diverse range of views. As the main report says, whilst there was a very strong support for each of the prohibitions, many people also took time to express concerns about the plight of people who are genuinely in need and homeless.

We have provided below a sample of the comments offered under each prohibition, and general comments. This sample reflects a balanced and fair view of the nature of the responses received and is offered for illustrative purposes. Comments are included here as received – i.e. not edited.

Proposed Prohibitions (summary)

1. Requesting money, donations or goods including through placing of hats, clothing or containers.

Overview

79.6% of those who responded to the consultation agreed that this should be prohibited. Many of the comments that were received detailed real-life experiences of residents, visitors and businesses in the town centre. They also detailed how this made them feel.

However, many comments stated that this order shouldn't include busking, as they valued quality busking and that this added to the vibrancy and feel of the town centre. It was never the Council's intention to prohibit busking, however the consultation has shown that some people responding were not clear about this due to the drafting and possible interpretation of the proposed prohibition. Therefore a revised form of words for this prohibition has been recommended, which makes it explicit that busking, which adds to the vibrancy of the town centre will not be included in this prohibition and that the focus will be on reducing begging.

Respondents also stated under this question that those who are homeless and rough sleeping and do not have alternative accommodation should be able to have access to the help and support they need.

Sample of comments

a) Concerns about this issue and how it makes town centre users feel.

- *“I work in the Town Centre and become increasingly frustrated at the amount of people asking me for money on a daily basis. This can be from people begging or charities asking for donations. I would never give to charity to someone in the street for fear of them being bogus and would always donate on-line in any event. I feel that that by prohibiting individuals from asking for money of any kind would make the Town Centre a more pleasant experience!”*
- *“Concerns around this include seeing young children being encouraged to go up to 'strangers' and give money when they and their parents have no idea who that person is and what their actual situation is...scary”*
- *“IT would be good if this could stop, it does make you feel uneasy at times.”*
- *“Feel that you can't walk into town and have to cross over the road to avoid people begging.”*
- *“Very intimidating, make you feel vulnerable from the abuse if you do not give. Went to town august bank holiday and because refused to hand over money was followed into a pub, asking if we would buy jewellery to give them money then proceeded to walk around the pub asking others.”*
- *“I am fed up of trying to go into a shop and some charity is blocking the doorway asking for money. I am fed up of walking down the street in town and there are people stood in the middle trying to get your attention to buy something.”*
- *“It used to be lovely going into town but it now not safe, it is not safe even for me to walk to work anymore. The problem is escalating out of control and they are taking over the town.”*

b) Support for people who busk, and the need to retain quality busking to help the town centre

- *“With an exclusion of buskers whom have obtained a licence. Busking can add to the overall vibrancy of the town centre and can enhance the visitors experience.”*
- *“Use existing rules to deal with begging, there is no need to rid the street of artists, street performers, musicians etc. If someone is begging, what would be the point of fining them, they would probably have to beg more to pay the fine.”*

- *“Despite the delicate wording, you know as well as I that prohibiting the mentioned acts would instantly kill busking and street art in Doncaster. I think that is sick and intolerable. What has Doncaster council got against it's own culture. They should be ashamed.”*
- *This hasn't considered people who make their living performing and charities. What about street performers or charities who suggest a donation?*
- *“This isn't specific enough. Do you intend to ban buskers, charity workers, beggars, fly sales people?”*
- *“Buskers will come into this category, buskers should not be moved on as they entertain.”*
- *“This prohibition would, perhaps unintentionally, have the effect of criminalising buskers who traditionally put out a hat, musical instrument case or similar to receive donations for performing music. Doncaster is well known for its vibrant cultural scene and is popular with buskers. The wording of this prohibition is too wide and should be changed so it doesn't criminalise a grassroots cultural activity that brings vibrancy to the city centre.”*

c) Disagreement with prevention of begging, calls for support for people who do

- *“Additionally this proposal criminalises vulnerable and destitute people who will have no means of paying punitive fines which will drag them into the criminal justice system. The police already have powers to target people for begging and can use their discretion to target people who use intimidation or aggressiveness rather than people who sit passively collecting with a container without causing harm to other people. Instead of introducing this general and wide-ranging prohibition the council and police should target those whose behaviour is causing specific harm to others.”*
- *“I don't think it should be a punishable or prohibitible offence, emphasis on Council services should be placed on rehabilitation instead. What purpose does prohibition really serve as they would only move on to another area.”*
- *“I feel sad that people in Doncaster are that poor that they have no alternative but to beg for donations. It worries me that if they are criminalised for taking desperate action to feed and clothe themselves then what are we leaving these people with- very little. We need to be careful that we are not just sweeping the problem under the carpet so that it looks ok.”*

2. Loitering around pay machines (including banks, supermarkets) unless waiting to legitimately use them.

Overview

This prohibition was supported by nearly 89.25% of respondents. Comments included concerns about how they had either experienced this behaviour or

had witnessed it and found it intimidating. This included comments about how people who were elderly or vulnerable would find this very intimidating. Comments from a statutory consultee (SYP) stated that to ensure it was fully effective the drafting should be amended to include people loitering in doorways or on the street, which can be a key concern for traders, public and Police/enforcement and support agencies. This is reflected in the revised prohibition drafting.

There were also comments about how behaviours would be interpreted and how the prohibitions would be enforced,

These issues will be taken account of in the planning and implementation of the multi - agency support and implementation plan outlined in the main body of this report.

Sample of comments

a) Concerns about safety

- *“People hanging around these places makes me feel unsafe for myself and my family”*
- *“This needs to be banned as it's very intimidating.”*
- *“Will help to stop that feeling of unease when trying to access your own money”*
- *“Here people start to get aggressive if refused.”*
- *“Could see peoples pins or take money or card.”*
- *“Why should we have to put up with being harassed when we use these facilities. It's not just in town it has progressed to the Wheatley hall road shopping area.”*
- *“Homeless people are now getting into the habit of waiting near pay stations in car parks, offering to help use the machine. Dark nights are looming and this is not nice when you are on your own.”*
- *“Very intimidating, I have actually experienced this recently”*
- *“I don't feel safe using cash machines anymore. I work in a bank and I tell my customers to be careful and to put their money away before they leave our branch”*
- *“As a fit 40 something I find it awkward to use a machine in this situation never mind a more vulnerable person”*
- *“Crime prevention and piece of mind while using a machine.”*
- *“i recently had this happen to me when i was using payment machine to park my car and the man was so close to me i felt i had to give him a pound to get him away”*
- *“We agree with this on the basis that such activity increases fear of crime within the town centre. We are aware that many families are reluctant to bring*

their children into the town centre because it can feel unsafe, and this is especially the case in the early morning, at dusk and into the evening. We are keen to work with partners to make the town centre a much more family friendly place, as part of our expressed priorities about being a child and family friendly Borough. We also support this proposal because of our commitment to the welfare of our staff."

- *"Always feel unsafe when beggars are around. I will go inside my bank where they are not allowed, some beggars can be quite intimidating and abusive."*

b) Comments about effective management and enforcement

- *"We would wish to see Prohibition 2 changed to: No person shall loiter, sit or lay on the floor or on temporary structures in or adjacent to doorways, around pay machines (including banks, supermarkets) in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the Town Centre (SYP)"*
- *"How do you intend to determine whether someone is there legitimately? Innocent people could end up being harassed for going about their daily business."*
- *"This is a strange one. How can you police that? Surely there are laws in place already for that."*
- *"Should not be encouraged but this should not be used to criminalise homelessness"*
- *"How enforceable would this be?"*
- *"How do you intend to police this?"*

3. Returning to the Town Centre within 24 hours after being requested to leave by an authorised officer due to them behaving in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance.

Overview

84% of respondents stated their support for this prohibition, and some made suggestions for its extension geographically and in terms of time periods. There were also questions and concerns about how it would be enforced and interpreted and how behaviours would be defined in practice. These issues will be taken account of in the planning and implementation of the multi - agency support and implementation plan outlined in the main body of this report.

Sample of comments

a) Support for the prohibition

- *“I feel that by removing nuisance or unsavoury individuals from the town centre can only be a massive improvement and go some way to encouraging visitors back into the town centre which is becoming increasingly dilapidated. My opinion is that it is people making the town look unkempt, untidy and dirty rather than the place itself. I am Doncaster born and bred and it is upsetting to see its recent decline. I also often feel intimidated by some people who are either rough sleepers, street drinkers or drug users and do not feel safe. Good idea. Stop this antisocial behaviour and you will fix most of the problem.”*
- *“This should be backed up with a permanent ban for persistent nuisance. Please do not include buskers and other street entertainers.”*
- *“This is a good thing”*
- *“They need to be removed from the town centre, full stop.”*

b) Suggestions for extension of coverage and time periods

- *“Will this PSPO be spread to other locations like the Lakeside as I'm sure the problem will only be The problem is going to be displaced to other areas of Doncaster.moved and not dealt with”*
- *“Should be more than 24 hours. Can we issue permanent banning orders?”*
- *“I don't think 24 hours is long enough to make a difference. They will not care about not returning for a day and will simply try again tomorrow. I propose 7 days. This will make them think about what they are doing because they will be they bound to need something within that period that they wish they had (which they can obtain from the suburbs, so they are not restricted in that respect).”*
- *“i believe this should be 48 hours”*
- *“Minimum 28 days.”*

c) Concerns about enforcement arrangements

- *“It would depend what guidelines the authorised officer would have - very subjective”*
- *“I rarely see any authorised officers in the town centre! They should be permanently stationed on areas of concern such as Baxtergate!”*
- *“how will this be governed?”*
- *“But I can't imagine it being enforced.”*
- *“Who's going to enforce this no police in town and only ever see one council worker!!”*
- *“Who's going to enforce this”*

d) Questions about interpretation and definition

- *“Once again, the problem with this prohibition is that it brings a highly subjective element into the realm of criminal law. Causing alarm, harassment and distress to another person is already a criminal offence under existing powers which makes this prohibition unnecessary. Using vague terms that have a very subjective element could lead to people being banned from the town centre because, in the subjective opinion of an authorised officer, their behaviour was likely to cause undefined ‘annoyance’. This is a wide-ranging power with a very low evidential threshold which is far too open to misuse. Challenges to the actual use of such a law would be frequent, often successful, and would waste public money.”*
- *“Subjective decisions made by individuals, this is open to abuse. Laws already exist for criminal activity, harassment etc. Do we really need more rules?”*
- *“Would need clarity on how you’ll distinguish behavior as “likely to cause harassment, alarm, distress, nuisance or annoyance” in order to avoid profiling or stereotypes”*
- *“this depends on a lot clearer definition of causing or likely to cause harassment, alarm, distress, nuisance or annoyance, until this is clearly defined and approved with Doncaster’s residents it should not be prohibited. There should also be a far clearer definition of who is being annoyed with an assesment as to whether the annoyed has a just case for their annoyance”*

4. Congregating in a group of three or more people and behaving in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the Town Centre.

Overview

81.59% of respondents supported this measure, with comments showing clear concerns about unruly groups causing concern for shoppers, businesses and other town centre users.

There were also comments about interpretation of behaviours and how this would be enforced. These issues will be taken account of in the planning and implementation of the multi - agency support and enforcement plan outlined in the main body of this report.

Sample of comments

a) Concerns about groups gathering, safety fears

- *“Gangs of street drinkers, rough sleepers etc can often make me feel unsafe and I feel that by introducing such measures would go some way to start making improvements.”*
- *“Perception of groups gathering includes the feeling of unease and unrest. However from reading this more carefully i can see that this relates to the behaviour of groups rather than that a group exists. if enforced correctly i feel this will hopefully improve that feeling of safety within the town centre”*
- *“It doesnt matter if it is 1 person or 100 people causing nuisance, all should be taken to task and removed from the town centre. Please do not include street entertainers including buskers as this is not classed as a nuisance to the overall majority of residents of Doncaster.”*
- *“I visited Baxtergate last Wednesday at approx 10.30 am. At click corner a group of 6 homeless people were arguing and using foul language which could be heard miles away! Nowhere could I see any community officers or police officers. I could clearly see that members of the public were scared of this as they tried to walk past.”*
- *“I have a small child who finds this particularly distressing. I do feel this may alienate some different groups of individuals however, if anyone is likely to cause the abuse I agree.”*
- *“Doncaster Town centre is increasingly becoming an intimidating place, particularly in the day time with large groups of vulnerable people gathering around subway opposite Scott Lane, it makes Doncaster feel like a place I don't want to live in.”*
- *“They sleep in my doorway and try to gain access to the flats vomit urinate in doorway and building. Up to four sleep in doorway I have to wake them up to get past them 6.15am”*
- *“If the behaviour is really out of order then action should be taken.”*
- *“Various groups of abusive and threatening looking people during the day is menacing and intimidating. I daren't think what it is like at night”*

b) Concerns about judgements on behaviours and enforcement

- *“Far too subjective to be enforced without undue prejudice”*
- *“As long as there is a clear understanding of 'cause alarm... or annoyance' teenagers can be intimidating to older people if they are loud, even if they are harmless; wouldn't want to think groups of young people will be separated without justification as this is likely to cause bad feeling.”*
- *“Very difficult to manage - very subjective.”*
- *“This is an incredibly vague condition, especially since it will be interpreted on the say-so of council officers and will not pass through a court of law.”*

- *“This sort of behaviour is covered by public order and anti social behaviour legislation already - LA officers will likely not have skills or resources to effectively police such powers - orders in certain parts of the TC already exist allowing small groups to be moved on or minors sent home. The increase in powers seems excessive.”*
- *“Who's going to enforce this”*
- *“Would need clarity on how you'll distinguish behavior as "likely to cause harassment, alarm, distress, nuisance or annoyance" in order to avoid profiling or stereotypes”*
- *“Again it's a subjective judgement "likely to cause" cannot be defined and is open to abuse by "designated officers”.*
- *“Nuisance or annoyance to any person' is a very grey area. people should not be victimised.”*
- *“Outrageous. You're talking about making it an offence to congregate. This is a blatant abuse of peoples basic rights and very, very frightening. Expect years and years of strong social disobedience if this legislation is ever passed. The council will not win.”*
- *“People get annoyed by so many different things, to criminalise that would leave it open for people to be arrested for pretty much anything! I find people annoying who just go round shopping like zombies and not interacting with anyone, will they be getting arrested? Hope not.”*

5. Consuming alcohol other than at licensed premises or being in possession of any opened vessel containing alcohol in any public place in the Town Centre.

Overview

85.65% of respondents supported this prohibition, with comments expressing concern about open drug taking and impacts on town centre users, children, families and businesses.

There were also comments about displacement of behaviours and interpretation of the prohibition and how this would be enforced. These issues will be taken account of in the planning and implementation of the multi - agency support and enforcement plan outlined in the main body of this report.

Sample of comments

a) Support for preventing street drinking

- *“As a Doncaster resident I do not want to see individuals sat in doorways drinking alcohol becoming loud and often abusive. There are designated bars for that purpose. Some of the individuals who hang around the town centre is*

one of the reasons I choose not to visit the town centre on a weekend and would much rather travel to places like Meadowhall to avoid such a problem."

- *"There are plenty of pubs and bars in Doncaster so i agree that the consumption of alchol on any streets of Doncaster should be prohibited"*
- *"Unfortunately Doncaster's has a reputation for alcohol consumption in it's numerous pubs and clubs and this leads to consumption off licensed premises! Where are the authorised officers who should be policing this?"*
- *"There is no need to be doing this anywhere other than licensed premises. It is usually associated with loutish behaviour."*
- *"I totally agree with this. The Town Centre looks disgusting and attracts people to sit and drink on the streets. We live in a society where people know the rules but just do not care. This cannot continue to spiral out of control."*
- *"Very sensible. I am an infrequent visitor, but I see the same people in a drunken or intoxicated state congregating under the archway to the shopping parade near the Mansion House. They have claimed this space and make it feel very uncomfortable and threatening to pass through."*
- *"Intimidating and not wanting to see it. Worries me that my children or parents walk past and feel intimidated/scared to walk past."*
- *"Strongly agree"*
- *"Again, I regularly observe people walking around with cans and bottles of alcohol during day and night and leaving the rubbish on the streets. The licensing hours should be shortened not extended."*
- *"This is a definite no, I see them all the time drinking alcohol out of cans, even in the morning, people going about normal daily things should not have to put up with being asked for money for even more alcohol."*
- *"Been threatened by street drinkers loitering in pub car park and near doors had street drinkers using pub toilets and offending customers."*

b) Concerns about displacement and enforcement

- *"Will this PSPO be spread to other locations like the Lakeside as I'm sure the problem will only be moved and not dealt with"*
- *"Drinking in public should not be a crime in itself, since the majority of people who do this cause no harm. Drunken disorderly behaviour is already an offence and can be used against those who are causing harm."*
- *"St Mungo's notes that people sleeping rough may use alcohol and drugs to self-medicate for their mental health problems and they may also use substances to help them sleep and feel less cold. They note that people sleeping rough are more likely to have substance use problems if they have mental health problems. Again, this suggests that rough sleepers with mental health problems are more likely to breach the PSPO than rough sleepers who do not have a disability. • This will therefore target vulnerable members of society with financial penalties that they cannot afford. • Such a blunt*

provision is also likely to disproportionately affect young people who may not have money to socialise in a pub.”

- *“This seems too big of a task to enforce given the amount of bars and clubs around Doncaster centre.”*
- *“surely this is already an offence”*
- *“Isn't there already a law against this? Will this also apply to local businesses with outdoor seating?”*

6. Ingest, inhale, inject, smoke or otherwise use intoxicating substances within the Town Centre or possess any item that can be used to assist in the taking of intoxicating substances.

Overview

88.46% of respondents supported this prohibition, with comments evidencing clear concerns about drug taking on the street and the

There were also comments about displacement and about interpretation of the prohibition and how this would be enforced. These issues will be taken account of in the planning and implementation of the multi - agency support and enforcement plan outlined in the main body of this report.

In response to the issue of definition, intoxicating substances has been more clearly defined in the revised prohibition.

Sample of comments

a) Concerns about drug taking

- *“Definitely needs to be banned. I work in Baxter gate and I witness the ones begging openly taking drugs and inhaling drugs from home - made cans. School children are witness this everytime they pass normally in the doorway next to Caroline warehouse.”*
- *“I agree all should be prohibited but cigarette smoking should not be prohibited in open air spaces.”*
- *“Again this has been a common theme when I am with my daughter. On occasion we have observed distressing scenes in the middle of walkways (Marks and Spencer).”*
- *“Not fair on little children seeing or smelling. Children will ask questions.”*
- *“It is sometimes like a film of zombies visiting the town. When I walked through the town recently one doubled over outside primark and two laid out on steps between Silver Street and East Laithe Gate. Also walking home at 5pm (please see attached photo) these were on the end of Lawn Road.”*

- *“We have had on many occasions people outside our work place on [REDACTED] [REDACTED] as there is people injecting into there feet and not moving out of the way for you to get by. Countless women standing on the corners drinking, smoking one harassed my partner whilst he waited for me in the car outside work.*

b) Concerns about displacement

- *“Will this PSPO be spread to other locations like the Lakeside as I'm sure the problem will only be moved and not dealt with”*

c) Concerns about and interpretation/definition

- *“This measure fails to exempt tea, coffee and prescription items from the definition of ‘intoxicating substances’. The definition of intoxicating substances is substances which have a stimulatory or depressive effect on the central nervous system. Doncaster would be banning tea and coffee.”*
- *“Illegal drugs? This would be an offence under current law. Possessing an item that could be used to assist, is nonsense. An empty plastic bottle or bag can be seen to be an item that could be used for drugs, you can't criminalise people for carry an empty bottle.”*
- *“Prohibit illegal substances but not smoking legal substances ie tobacco.”*
- *“Without a good, workable definition of what is meant by "intoxicating substance", this will be impractical and expensive to implement.”*
- *“Authorised officers needed to monitor this and take appropriate action!”*
- *“Again, no new laws are needed to protect the public. A person walking through the town centre carrying drug paraphernalia would already be liable to a stop and search procedure on reasonable suspicion of drug possession. Why does the local government need more power in this area?”*

7. Urinating or defecating other than in public toilets.

Overview

93.3% of respondents stated their support for this prohibition. Comments included concerns about the issue and how this deters people from using the town centre. Many comments expressed a clear view that this was not acceptable behaviour.

Alongside this many respondents suggested a need for greater access to public toilets. The Council’s aim is to ensure that nobody is sleeping rough and needs access those facilities overnight for that reason, but will give consideration to a range of support and welfare needs for people in need as part of its work through the Complex Lives Alliance.

Sample of comments

a) Support for the prohibition and comments about its impact

- *“This should be prohibited without a doubt - it is an offence for animals to defecate in public areas and fines are regularly issued - the same should apply for humans! Utterly disgusting and I feel sorry for those staff who are left to clean it up.”*
- *“Without question this should be prohibited”*
- *“this should be strongly discouraged (how does this apply to a guardian with a small toddler who cannot wait for the toilet and utilises a convenient drain?)”*
- *“Whilst this is not acceptable, can we also speak with men who urinate and defecate who are not in the group of people we are discussing, but are out in the Doncaster night economy”*
- *“Certain areas of the town are disgusting most alleys, outside of B & M stores.”*
- *“This is disgusting. Last week I was shopping in town and it really rained a lot. All you could smell was urine which had been washed down from the rain. Awful. No wonder everyone is going to Meadowhall.”*
- *“Should be on the spot fine just like littering is in the town centre”*
- *“We frequently have to step over this to get into our office & it is abhorrent.”*

b) Concerns about access to public toilets

- *“But need more public toilets. Easily accessible in the Town Centre.”*
- *“We also need more public facilities. This is frustrating for all town centre users.”*
- *“need to ensure there are plenty of public facilities available particularly in the evenings”*
- *“The best solution is adequate provision of public toilets. Where there are no public toilets available then homeless people have no choice but to urinate in the street.”*
- *“The lack of public toilets needs to be address”*
- *“Please make public toilets accessible for all at all times. Increase the availability of public toilets. Make an allowances for people with disabilities, age, infirmity or medical conditions until there are more public toilets. Would this prohibition include a parent/carer assisting a toddler to pee behind a tree, down a drain or other secluded place outside. There cannot be a parent alive who has not had to hurriedly help a small child pee somewhere in public. Small children cannot wait.”*
- *“I fully agree that people should not toilet in public spaces but we do have a shortage of public facilities in Doncaster. To resolve these issues, I suggest having a goodwill contract with business and pubs that people are able to*

use the facilities (not all allow it). I have a weak bladder and have had accidents on many occasions because I have not been able to locate facilities that I can use on numerous occasions. Walking through town after wetting yourself is not very pleasant, and could be resolved by more people thinking less of profit and being more mindful.”

- *“If the council spent the money they are spending on these proposed draconian measures on providing adequate public conveniences open 24 hours per day, then I would back this measure.”*
- *“That would be good if there were more public toilets. You can't prohibit this if you don't provide enough loos! There should be more of them. And manned too!”*

8. Camping or sleeping overnight with or without a tent, or using a vehicle, caravan or any other structure in a public place.

Overview

74.53% of respondents supported this prohibition. Comments in support included concerns about the state the town centre can be left in, concerns about tented protests and the impact on businesses.

Many comments also raised concerns about people who may be homeless having access to somewhere to sleep, and support for their situation. In some cases respondents raised concerns about the drafting and coverage of the prohibition.

The prohibition makes clear that people who are rough sleeping will be dealt with in a way that helps them access support, and this and concerns people raised about access to accommodation and support are being addressed through the Complex Lives Alliance. The revised prohibition removes the reference to caravans, as being unnecessary for the purposes the council is seeking to address.

Sample of comments

a) Support for the prohibition

- *“I think this should extend to any time (not just overnight) as the number of people sleeping in”*
- *“the town centre during the day is excessive and reduces the attractiveness of Doncaster as a place to visit”*
- *“We agree with this proposal. When vulnerable people sleep out in the open or in tents they are quickly targeted and exploited by unscrupulous individuals. We know of examples of physical and sexual abuse and of robbery perpetrated against them. We are keen to play our part in the*

complex lives initiative to ensure that people are supported into safe accommodation which keeps them off the streets.”

- *“I know homelessness is an issue but there is no entitlement to sleep in our town centre. Think about the real poor people who are on very low wages and cope having to live, pay bills and survive in a poverty state.”*
- *“People sleep in my doorway and leave a mess of urine, faeces, drug needles and blood.”*
- *“I understand services are available giving people options if they want it”*
- *“Authorised officers needed to monitor this and take appropriate action!”*
- *“This should be discouraged from the onset. When the tents were on the old Civic Theatre site it became a no-go area for shoppers due to the intimidating behaviours.”*
- *“Include door ways”*
- *“I believe people on the street are offered some accommodation but decline it. They should be moved on”*
- *“Depends if there is an event. Festivals should be encouraged. Tent city should not. Nor should congregations of people sleeping rough”*

b) Concerns about need for support for rough sleepers

- *“This should be prohibited as long as there are genuine places for rough sleepers to go and not just moved on or sent out of the town centre. Out of sight out of mind is not good enough. There for the grace of god go i, remember any one of us could fall on hard times especially in todays current”*
- *“state of the economy and jobs insecurities for many of Doncaster's people.”*
- *“If they have nowhere else to sleep then what are they supposed to do? Worth saying I think if they choose to ignore the help provided, without valid reason, then I am less sympathetic.”*
- *“So where are these people going to sleep? If you push them out of the town centre are they going to have a divine revelation and realise they actually would prefer to sleep in a bed? You are pushing the problem out of town towards outlying areas. Not solving a problem”*
- *“More is needed to help the true homeless”*
- *“Especially in the park individuals have been known to pitch tents and sleep on the park benches.”*
- *“This would criminalise rough sleeping as a whole in the town centre. A homeless person could be fined on the first night they slept out in a public space. This punitive approach makes social destitution into a criminal offence.”*
- *“This prohibition targets highly vulnerable people including the homeless and the vulnerably-housed and creates an unnecessary and perverse criminal offence of ‘sleeping overnight’ in a public place. People sleep rough for a wide variety of reasons, many feel safer in the communal centre of a town*

than in certain hostels. It is inappropriate to create a criminal offence which has a disproportionately high impact on highly vulnerable people within the community. On the matter of tents and 'any other structures', once again the order is too wide ranging and potentially open to abuse to be helpful. Many people use structures or tents to take shelter from the elements and this prohibition could put vulnerable people at greater risk. This seems an entirely wrong-headed way of addressing the social complexities stemming from the rise in people who are homeless or vulnerably housed."

c) Concerns about displacement

- *"This simply displaces the issue into the surrounding residential and commercial areas. Also Town Fields will not be covered by this order or the street orders in Town Moor/Intake area."*
- *"Understand if someone is homeless need to sleep somewhere, but will this move people to outskirts of Town Centre instead of prohibited."*

d) Concerns about interpretation and appropriateness

- *"The proposal as it currently reads seems to target rough sleepers, gypsies and travellers. I believe that this proposal could constitute an unlawful interference with Article 8 (right to respect for private life, which extends to the protection of personal autonomy, including in public spaces) of the Human Rights Act 2000. The stated aim of this proposal is to 'deter camping and tented protests in the Town Centre which have in the past been linked to anti-social behaviour, disorder and drug use'. However, this is not reflected in the proposal itself, which criminalises all camping or sleeping overnight in a public place, even if there is no detrimental impact on the quality of life of local residents. This is a disproportionate measure, which could constitute an unlawful interference with Articles 9 and 10 of the Human Rights Act 2000. Similarly, I believe this proposal will disproportionately affect the gypsy and traveller community or others who are forced to sleep in a tent due to housing"*

9. Making approaches to people with the intention of entering into any arrangements which involve people making future payments for the benefit of charity, access to credit or other purposes – unless authorised by the Council.

Overview

88.74% of people stated support for this prohibition, with comments including concerns about the effect this has on people's enjoyment of visits to the town

centre. This included concerns about financial impacts in relation to credit, debt and providing personal details.

Some responses were concerned about the impact of this prohibition on charities and suggesting that the prohibition was not necessary as a legal measure.

Sample of comments

a) Negative impacts on the user experience of the town centre

- *“Another reason for not coming to Doncaster”*
- *“Cannot walk anywhere in town without being hassled especially around the Frenchgate centre, enough is far too much.”*
- *“Personally if I wanted to donate to charity I would do this by using their official website. I would never donate to someone in the street for fear of them being bogus. I feel that any charities who are collecting money would be better placed within the Frenchgate Centre.”*
- *“Doncaster MBC should severely restrict the licensing of charities who send teams of paid workers into the streets and door to door to sign people up for direct debits. It is very very annoying and the reason I no longer shop in the Town Centre if I can avoid it”*
- *“We all have access to the internet and can choose to set up a recurring payment to any charity we want to without the need to be approached in the town centre or any cold callers in any of our villages.”*
- *“Shoppers don't want to be accosted every few yards by these people. Authorised officers needed to monitor this and take appropriate action!”*
- *“This makes me feel really intimidated - like I'm being pressured into giving money- and if you do agree you have to give all your bank details to a complete stranger.”*
- *“Great idea! I often get stopped by charity walkers and/or credit sellers who have previously stopped me before. The 'Town Centre Experience' should be a pleasant one, instead of one that causes frustration. I envisage the Town Centre to be a place where you can go, meet friends, relax on sunny days and do all this without fear of being assaulted, asked for money all the time or seeing people toileting outside.”*
- *“This should be outlawed by the government and not left to councils to protect vulnerable people who are signed up to commitments they can't afford. It is encouraging people to get into debt and the state then has to pick up the bill when everything goes wrong.”*

b) Concerns about the effects on charities

- *“Although these companies and people are always in town, they do not bother me - most likely as I am not their target audience. Even so, I would just ignore them”*
- *“Chuggers should be banned full stop”*
- *“so basically nobody allowed to fund raise unless the council are getting their cut.”*
- *“The prohibition creates a criminal offence where one does not need to exist. If the behaviour of certain fundraisers causes concerns it can be dealt with using existing powers rather than creating new criminal offence.”*

10. Loitering, standing around, touch or interfere with any parking equipment, in the Town Centre.

Overview

85.29% of people supported this prohibition. Many comments related to concerns about fear and intimidation about this issue.

Comments in support included references to whether the prohibitions was required. These issues will be taken account of in the planning and implementation of the multi - agency support and enforcement plan outlined in the main body of this report.

Sample of comments

a) Support for the prohibition

- *“Authorised officers needed to monitor this and take appropriate action!”*
- *“██████ car park is now a no go area. Beggars are always sat right underneath it. This is so frustrating. When you finally find a parking space and the machine is out order because it has been tampered with. Doncaster has more people than I've seen elsewhere who sit beside or loiter around parking machines. You need to take away the opportunity to tamper with parking machines and you will take away the people who do it”*
- *“Depending on location can scare some people into not parking there.”*
- *“Across from my ██████████ there is a car parking pay machine. This is visited many many times during the day by homeless people checking it for money. In one way, it is the fault of who has used it last that they have left money in it but no one should be allowed to loiter around them. It is off putting for the users and is not nice when it is dark.”*
- *“Agreed, there are beggars/homeless that sit here. Makes me not want to get my purse out to pay and makes people feel nervous”*

- *“I have experienced myself can intimidate, especially women alone”*
- *“Sitting near pay machines also”*
- *“This is especially frightening for the elderly, anyone with children, the disabled and women. Unless parking or returning to a parked car there is no need for anyone to be loitering in a car park.”*
- *“Surely already an offence”*

b) Concerns about interpretation and enforcement/necessity

- *“I agree with this if the touching is to cause damage. However, I am visually impaired and I am a curious person (being autistic), so I often touch surfaces, explore buttons, touch pictures and objects etc. I would hate to think I'm going to get fined for being curious.”*
- *“I agree that wantonly damaging council or private property should be considered as criminal damage and that any individuals found to be guilty of this should be made to pay damages and cover the cost of repairs where possible. However, the lack of parking within walking distance and that doesn't require the crossing of busy roads is appalling and should be addressed.”*
- *“Laws already exist to protect this under auspice of criminal damage and theft. No new ones are required. I have to touch a parking meter to pay for my parking!”*

General comments from respondents (under that question on survey)

The survey respondents also provided general comments to summarise their views on the PSPO or to raise additional points.

Again, this demonstrated a balanced and varied set of opinions, reflecting the overall tone of the response to the consultation which was, as highlighted in the main report a support for the prohibitions, set alongside a strong sense of support for people who are homeless, rough sleeping and struggling with addiction and related issues.

This balance is addressed in the overall approach the Council and its partners are taking to the issue of support for people with complex lives, where the PSPO is just one part of a very comprehensive approach.

Sample of general comments

- *“I support the approach recommended here. I can feel from the proposal and the approach that there is a genuine concern for the vulnerable people who are currently in these difficult circumstances. I am pleased the consultation makes it a priority to help these people access the support they need, and*

break the cycle of behaviour and vulnerability that some of these individuals are locked into. To get to this position, I support the need for this Public Spaces Protection Order that helps to tackle the issues that make it difficult for these people to access the support. I support us dealing with these anti-social issues so we can better progress the positive agenda.”

- *“I agree with everything that has been proposed here, however I do not think your designated area for prohibitions to apply covers enough areas and it needs to be extended. An area of particular concern for me is the Town Field area, it has issues relating to drug use, prostitution and anti social behaviour all of which need to be dealt with.”*
- *“Always uncomfortable around Doncaster now especially Frenchgate needs sorting soon, owners of empty shops should be made to smarten premises because it makes out town look [REDACTED],”*
- *“Excellent idea to deal with the town centre but need to make sure that out of town doesn't suffer and the problems just get pushed to places like wheatley centre of lakeside.”*
- *“The content of the above prohibitions are far too subjective and judgemental and may lead to prejudicial profiling. Such should be revised to add more specific content.”*
- *“There are good honest people who are poor that struggle everyday to keep their jobs, homes and families together. They don't resort to begging, drug taking and wandering round our town so if they can do it, so can everyone else. Ive never met anyone who asked for help not get it if they go about it in the right way.”*
- *“I am very much supportive of the Council's intentions to make improvements to the town centre. As I have said before, I am Doncaster born and bred and it would be great to see the town busy and vibrant once again without feeling intimidated or threatened by some individuals. I realise this is an issue faced by most towns and cities but feel the proposal goes some way to start to make things better.”*
- *“Great that you are trying to improve the town centre”*
- *“Can this be extended to Town Fields”*
- *“Town has gone down hill for the last 18 months get worse, fed up seeing people slumped in door ways, vomit and stench of wee. I have to work in town and don't feel safe Shocking some days Please Please Sort it”*
- *“vibrant town centres with buskers is cheerful and aids social cohesion. Don't throw the baby out with the bath water. Yes some folk are not to my taste but we're all humans, alive and contributing.”*
- *“Please be careful not to abuse this legislation, if it is approved. We live in a free society. These people need help not to be marginalised. and targeted by 'the authorities'.”*
- *“These suggestions are all ill-conceived, vague, and under-researched. If implemented they would result in innocent and vulnerable people being*

accused of poorly defined infractions. Challenges to such prosecutions would cause a significant waste of time and public money. The blanked laws would also stifle the cultural activity in Doncaster. I suggest you research the legalities further. Try looking at Doncaster as a lively, bustling, and culturally vibrant place rather than as some kind of prison where every action needs to be policed.”

ii) Responses from Civil Liberties organisations

Consultation response from Liberty

Q1

Please supply your postcode

SW1P 2HR

Q2

Are you:

Other (please specify)

I am completing this survey on behalf of Liberty

Q3

How often do you visit Doncaster town centre?

Respondent did not answer this question

Please state how you feel about the following 10 proposed prohibitions:

Q4

1. Requesting money, donations or goods including through placing of hats, clothing or containers.

This should not be prohibited

Additional comments

As you are aware the council is bound by section 6 of the Human Rights Act 1998 not to act in any way which is incompatible with any rights contained in the Convention. The measure interferes with these rights in two ways: first, begging is arguably an expression of poverty and disadvantage and criminalising such conduct may undermine the right to freedom of expression under Article 10 of the Convention. Second, Article 8 of the Convention extends to the protection of personal autonomy and can apply to activities conducted in public; this is especially true of the homeless whose scope for private life is highly circumscribed. Begging is a form of interaction with others and, in our view, its

blanket and untargeted criminalisation falls within the scope of the right to respect for private life in Article 8.

Given the broad nature of the prohibition in question, such interference requires careful objective justification and, crucially, must be proportionate if the PSPO is to be lawful. We are concerned that your proposed PSPO is entirely disproportionate to the purported aims, for the following reasons.

The proposed blanket ban on begging is gravely concerning as it will target vulnerable members of society with financial penalties they cannot afford and that will result in them being unreasonably criminalised for non-payment.

Statutorily, PSPOs are only to be used to restrict activities which have a detrimental effect on the quality of life of local residents. The proposed blanket ban on begging is not limited to begging that can reasonably be perceived to be intimidating to members of the public but applies to all begging. There is a world of difference, in terms of detriment to the quality of life of those in the area, between someone begging in an intimidating manner and someone simply sitting on the street with a sign. There is no evidence that the Council has considered whether this blanket ban is the least intrusive way of achieving its aims.

The power for local authorities under section 59 to make PSPOs requires that local authorities only impose prohibitions or requirements that are reasonable to impose. It is clearly not reasonable to impose prohibitions or requirements that are sufficiently, and indeed more effectively, addressed by other powers. There is no evidence in the draft PSPO, the consultation information on the Council's website or in local press reports that the Council has considered whether the existing powers under the Vagrancy Act 1824 are adequate to address any problems relating to begging. There is a crucial distinction between the enforcement of the Vagrancy Act and PSPOs: prosecution for an offence under the Vagrancy Act can give rise to the imposition of a community sentence as an alternative to a fine or sentence of imprisonment, whereas prosecution for breach of a PSPO cannot, other than in the most exceptional circumstances. The Council does not have the power under the Act to introduce a PSPO until it has considered whether it would be reasonable to impose it.

Q5

2. Loitering around pay machines (including banks, supermarkets) unless waiting to legitimately use them.

This should not be prohibited

Q6

3. Returning to the Town Centre within 24 hours after being requested to leave by an authorised officer due to them behaving in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance.

This should not be prohibited

Additional comments

While understanding the Council's intention to restrict behaviour that is distressing to others, including such a subjective prohibition in the PSPO carries risks. How will the Council ensure that the PSPO is enforced consistently? There is no guidance about what behaviour these terms cover. It is equally unclear whether someone must actually cause harassment, alarm, distress, nuisance or annoyance or whether a risk that they will do so will be enough to breach the PSPO. Will a fellow member of the public need to make a complaint before someone is considered to have breached the prohibition? If so, will enforcement officers be obliged to consider whether the complaint is reasonable, and not malicious or overly sensitive, before enforcing the PSPO?

Vague powers pose a risk of unfairness and arbitrary enforcement. They leave residents and visitors unsure of whether they are in compliance with the PSPO, and therefore increase the risk of fines and criminal sanctions for behaviour carried on in good faith.

This prohibition appears to give a catch-all power rather than targeting specific nuisance behaviours. We are very concerned that such a loosely-worded power could be open to unfairness at best and, at worst, abuse as individual enforcement officers interpret the prohibitions in different ways. Individuals will be unable to predict whether or not their behaviour is lawful, and whether they are on the right side of the law. It is clearly not appropriate to use such vague and subjective terms as the basis for a new criminal offence. The rule of law and the Human Rights Act 1998 require clarity and certainty in legal measures that impact people's ability to go about their daily lives, and particularly those measures that carry criminal sanctions.

We are particularly concerned as to private enforcement of PSPOs where payment is determined by the number of fixed penalty notices that are issued. This makes vague prohibitions all the more concerning. Please confirm that you will not outsource enforcement of the PSPO, or that you will ensure that detailed guidance protects residents and visitors from heavy handed enforcement that is driven by a desire for profit rather than a desire to protect residents and visitors from anti-social behaviour.

The Human Rights Act also protects the right to freedom of expression under Article 10 of the Convention. The prohibition, as currently worded, risks a violation of that right. Under UK law, a person may express many opinions that may offend others before he or she commits a crime.

While the council has stated that this will only apply to rough sleepers if they have access to alternative accommodation or have refused support, this risks targeting vulnerable rough sleepers who due to mental health reasons may have refused support.

The Equality Act imposes a duty (the public sector equality duty) on local authorities to promote equality between people with a protected characteristic (which includes disability) and other people. A disability is a health condition that has a substantial and long-term effect on someone's ability to carry out normal day-to-day activities and encompasses mental as well as physical health.

Rough sleepers with mental health problems seem more likely to breach the PSPO than rough sleepers who do not have a disability: the behaviour of an individual who is suffering from a serious mental health issue can be alarming or distressing to another individual. However, it goes against the Equality Act 2010, as well as basic principles of fairness, that this should result in heavy fines or criminalisation of the individual who is suffering from mental health problems.

Q7

4. Congregating in a group of three or more people and behave in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the Town Centre.

This should not be prohibited

Additional comments

See comments under proposal 3.

Q8

5. Consuming alcohol other than at licensed premises or being in possession of any opened vessel containing alcohol in any public place in the Town Centre.

This should not be prohibited

Additional comments

St Mungo's notes that people sleeping rough may use alcohol and drugs to self-medicate for their mental health problems and they may also use substances to help them sleep and feel less cold. They note that people sleeping rough are more likely to have substance use problems if they have mental health problems. Again, this suggests that rough sleepers with mental health problems are more likely to breach the PSPO than rough sleepers who do not have a disability.

This will therefore target vulnerable members of society with financial penalties that they cannot afford.

Such a blunt provision is also likely to disproportionately affect young people who may not have money to socialise in a pub.

Q9

6. Ingest, inhale, inject, smoke or otherwise use intoxicating substances within the Town Centre or possess any item that can be used to assist in the taking of intoxicating substances.

This should not be prohibited

Additional comments

See comments under proposal 5.

Q10

7. Urinating or defecating other than in public toilets.

This should not be prohibited

Q11

8. Camping or sleeping overnight with or without a tent, or using a vehicle, caravan or any other structure in a public place.

This should not be prohibited

Additional comments

The proposal as it currently reads seems to target rough sleepers, gypsies and travellers. It is our view that this proposal could constitute an unlawful interference with Article 8 (right to respect for private life, which extends to the protection of personal autonomy, including in public spaces) of the Convention.

The stated aim of this proposal is to deter protests which have in the past been linked to anti-social behaviour, disorder and drug use, but this is not reflected in the proposal itself, which criminalises all camping or sleeping overnight in a public place, even if there is no detrimental impact on the quality of life of local residents.

This is a disproportionate measure, which could be vulnerable to challenge by members of the gypsy and traveller community or others who are forced to sleep in a tent due to housing problems and who will likely be rendered homeless or displaced as a result of this proposal.

Q12

9. Making approaches to people with the intention of entering into any arrangements which involve people making future payments for the benefit of charity, access to credit or other purposes – unless authorised by the Council.

This should not be prohibited

Q13

10. Loitering, standing around, touch or interfere with any parking equipment, in the Town Centre.

This should not be prohibited

Q14

Do you have any other general comments to make?

We consider that PSPOs are blunt powers that are too unspecific to target the behaviours that it purportedly seeks to address. They are also often too vague and likely to lead to uncertainty as to whether a person is behaving in a lawful manner or not – this is very dangerous.

We are particularly concerned as to private enforcement of PSPOs where payment is determined by the number of fixed penalty notices that are issued. This makes vague prohibitions all the more concerning. Please confirm that you will not outsource enforcement of the PSPO, or that you will ensure that detailed guidance protects residents and visitors from heavy handed enforcement that is driven by a desire for profit rather than a desire to protect residents and visitors from anti-social behaviour.

There is no indication in the draft PSPO, the consultation information on the Council's website or in local press reports that the Council has considered its public sector equality duty or competing interests of different segments of society in preparing the PSPO or the consultation as it is required to do under s. 149 Equality Act 2010.

If you contend that there was consideration of the Public Sector Equality Duty under s. 149 Equality Act 2010 then we request a copy of any equality impact assessment (or equivalent) carried out prior to the PSPO proposal being drafted.

We have been contacted by members of the public who disagree with the proposed PSPO and are very concerned by it.

Manifesto Club response

1 Please supply your postcode

WC1H 0NH

Q2 Are you:

Director, Manifesto Club (civil liberties group working on PSPOs)

Other (please specify):

Q3

How often do you visit Doncaster town centre?

Less than once a month

Please state how you feel about the following 10 proposed prohibitions:

Q4

1. Requesting money, donations or goods including through placing of hats, clothing or containers.

This should not be prohibited

Additional comments

This would prohibit all busking, as well as begging, and charity collecting of all kinds. This is extremely heavy handed and would have a deleterious effect on people's liberties and the quality of public spaces.

Q5

2. Loitering around pay machines (including banks, supermarkets) unless waiting to legitimately use them.

This should not be prohibited

Additional comments

It should not be a crime for a homeless person to stand near a cash machine. By doing this they are making the point that some people have money whereas they have none: it is an appeal for charity, not a threat. When it is a threat then there is legislation to deal with this.

Q6

3. Returning to the Town Centre within 24 hours after being requested to leave by an authorised officer due to them behaving in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance.

This should not be prohibited

Additional comments

This would give council officers dispersal powers, and the right to deprive people of their freedom of movement for 24 hours. Dispersal powers are highly problematic when used by the police, under far stricter conditions than these: it would be very worrying indeed for any council employee to have the rights to bar members of the public from the town centre.

Q7

4. Congregating in a group of three or more people and behave in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the Town Centre.

This should not be prohibited

Additional comments

This is an incredibly vague condition, especially since it will be interpreted on the say-so of council officers and will not pass through a court of law.

Q8

5. Consuming alcohol other than at licensed premises or being in possession of any opened vessel containing alcohol in any public place in the Town Centre.

This should not be prohibited

Additional comments

Drinking in public should not be a crime in itself, since the majority of people who do this cause no harm. Drunken disorderly behaviour is already an offence and can be used against those who are causing harm.

Q9

6. Ingest, inhale, inject, smoke or otherwise use intoxicating substances within the Town Centre or possess any item that can be used to assist in the taking of intoxicating substances.

This should not be prohibited

Additional comments

This measure fails to exempt tea, coffee and prescription items from the definition of 'intoxicating substances'. The definition of intoxicating substances is substances which have a stimulatory or depressive effect on the central nervous system. Doncaster would be banning tea and coffee.

Q10

7. Urinating or defecating other than in public toilets.

This should not be prohibited

Additional comments

The best solution is adequate provision of public toilets. Where there are no public toilets available then homeless people have no choice but to urinate in the street.

Q11

8. Camping or sleeping overnight with or without a tent, or using a vehicle, caravan or any other structure in a public place.

This should not be prohibited

Additional comments

This would criminalise rough sleeping as a whole in the town centre. A homeless person could be fined on the first night they slept out in a public space. This punitive approach makes social destitution into a criminal offence.

Q12

9. Making approaches to people with the intention of entering into any arrangements which involve people making future payments for the benefit of charity, access to credit or other purposes – unless authorised by the Council.

This should not be prohibited

Additional comments

This criminalises all unauthorised charity collection, which means that the council would control who can and cannot collect in public spaces. This is an unacceptable restriction on the public freedom to appeal to fellow citizens for charitable support for your cause.

Q13

10. Loitering, standing around, touch or interfere with any parking equipment, in the Town Centre.

This should not be prohibited

Additional comments

This clause is extremely vague and has a confusing grammatical construction. It would criminalise anybody 'standing around' in the town centre, which is akin to criminalising anybody doing anything except marching, head down, from shop to shop. One hopes that in any public place there would be people standing around, talking or watching the world go by. The council would be criminalising ordinary sociability.

Q14 Do you have any other general comments to make?

We have been campaigning against the over-use of PSPOs for the past three years, and this is one of the broadest and worst drafted

PSPOs we have seen. We hope the council reconsiders and significantly reduces the scope of these clauses. We would be very pleased to discuss the issue with the council if you would like this.

Consultation prohibitions with proposed amendments following consultation

The following conditions are proposed to tackle the issue through a Public Spaces Protection Order:		
PURPOSE	PROPOSED PROHIBITION	WHEN
<ul style="list-style-type: none"> The aim is to support vulnerable people to break the cycle of begging and to reduce the impact this has on the town centre offer. People who make requests for money or donations in the Town Centre are less likely to access support services whilst they receive income from this to sustain their current lifestyles. This also impacts on the vibrancy and attractiveness of the environment of the town centre to visitors and shoppers and businesses. Enforcement action will primarily focus on helping people to change behaviour and access support services. 	<p>No person shall beg by making unsolicited and/or unauthorised requests for money (whether expressly requested or impliedly requested by conduct) within the Town Centre.</p> <p>This shall include any verbal, non-verbal or written request from a standing, sitting or lying down position for money, donations or goods, including the placing of hats, clothing or containers.</p>	At all times (not including restriction on people who busk)
<ul style="list-style-type: none"> The aim is to stop people loitering around ATMS and pay machines, which has a detrimental effect on people's feelings of safety and on the vibrancy of the Town Centre. Enforcement action will primarily focus on helping people to change behaviour and 	<p>No person shall loiter, sit or lay on the floor or on temporary structures in or adjacent to doorways or around pay machines (including banks, supermarkets) in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the Town Centre.</p>	At all times

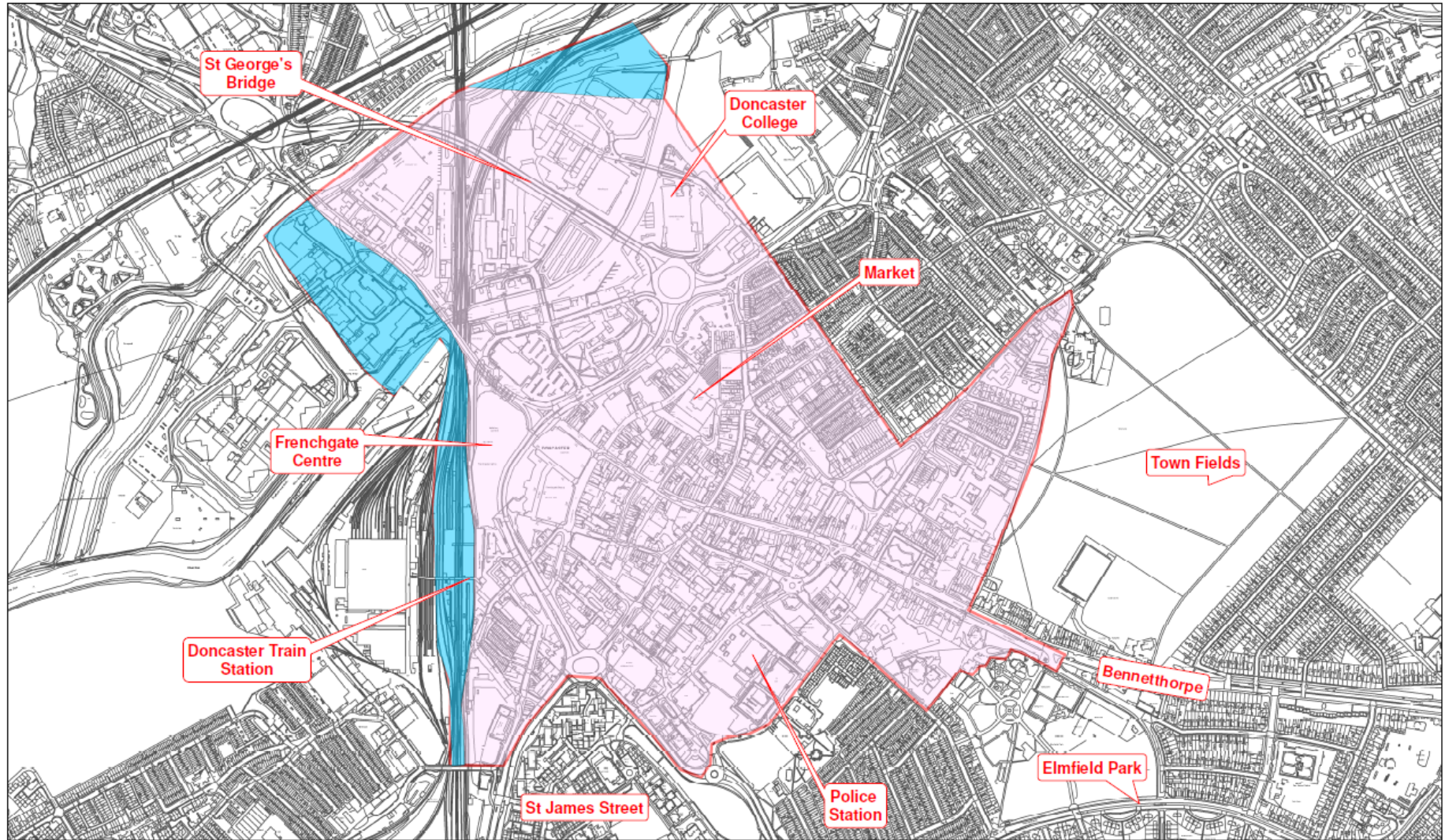
Appendix 4

<p>access support services.</p>		
<ul style="list-style-type: none"> The aim is to deter people from behaving in an anti-social manner which has a detrimental effect on people's feelings of safety and on the vibrancy of the Town Centre. Enforcement action will primarily focus on helping people to change behaviour and access support services. 	<p>No person shall, after being requested to leave by an authorised officer due to them behaving in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the Town Centre without reasonable excuse, remain or return to the Town Centre within a period of 24 hours.</p>	<p>At all times.</p> <p>In respect to those individuals who are rough sleeping this prohibition will only apply if they have access to alternative accommodation or have refused support.</p>
<ul style="list-style-type: none"> The aim is to deter groups of people from behaving in an anti-social manner which can have a detrimental effect on people's feeling of safety and the vibrancy of the Town Centre. Enforcement action will focus on managing anti-social behaviour causing legitimate concern. 	<p>No person shall congregate in a group of 3 or more people and behave in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the Town Centre.</p>	<p>At all times</p>
<ul style="list-style-type: none"> The aim is to deter people from consuming alcohol on the streets other than at licensed premises and to prevent antisocial behaviour and impacts on the town centre related to this. Enforcement action will primarily focus on helping people to change behaviour and access support services. 	<p>No person shall consume alcohol in any public place in the Town Centre other than at licensed premises.</p> <p>No person shall be in possession of any opened vessel containing or purporting to contain alcohol in any public place in the Town Centre</p>	<p>At all times</p> <p>(Street markets /events/festivals will have obtained Temporary Event Notices, so will in effect be licensed premises for the time they are there)</p>

<ul style="list-style-type: none"> • The aim is to deter people from consuming drugs/intoxicating substances and to prevent antisocial behaviour and impacts on the town centre related to this. • Enforcement action will primarily focus on helping people to change behaviour and access support services. 	<p>No person within the Town Centre will ingest, inhale, inject, smoke or otherwise use intoxicating substances (substances with the capacity to stimulate or depress the central nervous system).</p> <p>No person will possess any item that can be used to assist in the taking of intoxicating substances. This includes any device for smoking substances other than e-cigarettes, it also includes needles, except for those packaged and sealed by the manufacturer and stored in a hard case.</p>	<p>At all times</p>
<ul style="list-style-type: none"> • The aim is to deter people from behaving in an anti-social way which can cause public and environmental health problems, as well as difficulties for town centre businesses/traders. 	<p>No person shall urinate or defecate in any public place; this does not include public toilets.</p>	<p>At all times</p>
<ul style="list-style-type: none"> • The aim is to deter unauthorised face to face fundraising and marketing, including that which can result in people committing to future payments to financial institutions (e.g. credit card companies or charities) 	<p>No person shall stop or approach another person with the intention of asking that other person:</p> <p>(I) to enter into any arrangements which involve that other person making any future payment for the benefit of charitable purposes, or access to credit.</p> <p>(II) for any information to assist in that other person being contacted at another time with a view to making arrangements for that person to make any payment for the benefit of charitable or other purposes.</p> <p>(III) A person shall not encourage any person to do anything which would constitute a breach of this prohibition.</p>	<p>At all times</p> <p>This prohibition does not apply where the activities have been authorised by the Council in accordance with a scheme operated or expressly approved by it or covered by a licence</p>

<ul style="list-style-type: none"> • The aim is to deter camping and tented protests in the Town Centre which have in the past been linked to anti-social behaviour, disorder and drug use. • Enforcement action will primarily focus on helping people to change behaviour and access support services. 	<p>No person shall in the Town Centre camp or sleep overnight with or without a tent, or using a vehicle or any other structure in a public place to which the public or a section of the public has or is permitted to have access, whether on payment or otherwise.</p>	<p>At all times unless with the prior written consent of the Council</p>
<ul style="list-style-type: none"> • The aim is to ensure effective provision of car parking in the Town Centre, which is vital to the economy and most important to vulnerable and disabled visitors. • Vandalism and blockages of parking machines causes great frustration and expense to car park users and deters from the experience of using the Town Centre. 	<p>No person shall, unless they have a parked vehicle in the location, without reasonable excuse, loiter near to, touch or interfere with any parking equipment, in the Town Centre without authorisation.</p>	<p>At all times</p>
<p><u>Additional notes and definitions for the purpose of the Order</u></p> <p>i) Licensed premises – Will include those involved in continental markets / beer festivals will have obtained Temporary Event Notices, so will in effect be licensed premises for the time they are there.</p> <p>ii) Intoxicating substances –</p> <ul style="list-style-type: none"> • Substances with the capacity to stimulate or depress the central nervous system • Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation. 		

Proposed amendments to Boundary Map following consultation



EQUALITY, DIVERSITY AND INCLUSION

DONCASTER METROPLITAN BOROUGH COUNCIL

Due Regard Statement

How to show due regard to the equality duty in how we develop our work and in our decision making.

Due Regard Statement

A **Due Regard Statement** (DRS) is the tool for capturing the evidence to demonstrate that due regard has been shown when the council plans and delivers its functions. A Due Regard Statement must be completed for all programmes, projects and changes to service delivery.

- A DRS should be initiated at the beginning of the programme, project or change to inform project planning
- The DRS runs adjacent to the programme, project or change and is reviewed and completed at the relevant points
- Any reports produced needs to reference “Due Regard” in the main body of the report and the DRS should be attached as an appendix
- The DRS cannot be fully completed until the programme, project or change is delivered.

<p>1 Name of the ‘policy’ and briefly describe the activity being considered including aims and expected outcomes. This will help to determine how relevant the ‘policy’ is to equality.</p>	<p><i>Public Spaces Protection Order (Anti-Social Behaviour, Crime and Policing Act 2014)</i></p> <p><i>A Public Spaces Protection Order (PSPO) is an order that identifies a public place and prohibits specified things being done in the restricted area and/or requires specified things to be done by persons carrying on specified activities in that area.</i></p> <p><i>A PSPO is made by a Local Authority if satisfied on reasonable grounds that two conditions are met. Firstly, that (i) activities carried on in a public place within the authority’s area have had a detrimental effect on the quality of life of those in the locality; and (ii) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.</i></p> <p><i>The second condition is that the effect, or likely effect, of the activities is, or is likely to be of a persistent or continuing nature, such as to make the activities unreasonable, and therefore justifies the restrictions imposed by the notice.</i></p> <p><i>Implementation of a Public Space Protection Order which will prohibit activity as follows –</i></p> <ul style="list-style-type: none"> • <i>No person shall beg by making unsolicited and/or unauthorised requests for money (whether expressly requested or impliedly requested by conduct) within the Town Centre.</i> <i>This shall include any verbal, non-verbal or written request from a standing, sitting or lying down position for money, donations or goods, including the placing of hats, clothing or containers.</i> • <i>No person shall loiter, sit or lay on the floor or on temporary structures in or adjacent to doorways or around pay machines (including banks, supermarkets) in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the Town Centre.</i> • <i>No person shall, after being requested to leave by an authorised officer due to them behaving in a manner causing or likely to cause harassment, alarm, distress,</i>
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	<p><i>nuisance or annoyance to any person within the Town Centre without reasonable excuse, remain or return to the Town Centre within a period of 24 hours.</i></p> <ul style="list-style-type: none"> • <i>No person shall congregate in a group of 3 or more people and behave in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the Town Centre.</i> • <i>No person shall consume alcohol in any public place in the Town Centre other than at licensed premises.</i> • <i>No person shall be in possession of any opened vessel containing or purporting to contain alcohol in any public place in the Town Centre</i> • <i>No person within the Town Centre will ingest, inhale, inject, smoke or otherwise use intoxicating substances (substances with the capacity to stimulate or depress the central nervous system).</i> • <i>No person will possess any item that can be used to assist in the taking of intoxicating substances. This includes any device for smoking substances other than e-cigarettes, it also includes needles, except for those packaged and sealed by the manufacturer and stored in a hard case.</i> • <i>No person shall urinate or defecate in any public place; this does not include public toilets.</i> • <i>No person shall stop or approach another person with the intention of asking that other person:</i>
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	<p><i>(I) to enter into any arrangements which involve that other person making any future payment for the benefit of charitable purposes, or access to credit.</i></p> <p><i>(II) for any information to assist in that other person being contacted at another time with a view to making arrangements for that person to make any payment for the benefit of charitable or other purposes.</i></p> <p><i>(III) A person shall not encourage any person to do anything which would constitute a breach of this prohibition.</i></p> <ul style="list-style-type: none"> • <i>No person shall in the Town Centre camp or sleep overnight with or without a tent, or using a vehicle or any other structure in a public place to which the public or a section of the public has or is permitted to have access, whether on payment or otherwise.</i> • <i>No person shall, unless they have a parked vehicle in the location, without reasonable excuse, loiter near to, touch or interfere with any parking equipment, in the Town Centre without authorisation.</i> <p>The aim of the proposed Public Spaces Protection Order is to address a number of specific concerns related to begging and anti-social behaviour in the Town Centre and to encourage vulnerable people to access support and services, seeking to break the cycle of behaviour and vulnerability they can be locked into. In most cases this is directly linked to people who have very complex and unstable lifestyles – sometimes homeless, sleeping rough and often with drug and alcohol addictions, mental ill - health and offending behaviours.</p> <p>The main concern is for the welfare of people with complex and unstable lifestyles and the focus of the policy intent is to use the PSPO as one tool to encourage people in need to access support services. There is also a need to ensure that the Town Centre is a</p>
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		<p>welcoming and vibrant place for all Doncaster residents and visitors – we know this is a big concern for town centre users and for traders.</p> <p>The introduction of the order would enable effective action to be taken for the benefit of the vulnerable individuals and for residents, visitors and local businesses. This in turn will support wider work being undertaken promote vibrancy and the feeling of safety within the Town Centre.</p> <p>The order will be applied across the whole of the Town Centre as detailed in the map. The powers do not highlight one group over another, although it is considered that the order could impact on some groups with protected characteristics but with a clear intended focus to enhance support and improve outcomes for a group of people who are marginalised in society.</p>
2	Service area responsible for completing this statement.	<i>Communities Team, Adults Health and Wellbeing Directorate</i>
3	Summary of the information considered across the protected groups.	<p><i>Protected user groups as defined by the Equalities Act 2010 are: Age, Disability, Race, Gender, Sexual Orientation, Religion and Belief, Maternity and Pregnancy, Gender Reassignment, Marriage and Civil Partnership.</i></p> <p><i>The implementation of the PSPO will act as an additional tool to complement the existing Council and public service partners aim to provide support to people alongside recently strengthened support systems in place across agencies with information, advice, guidance and outreach services. Within the cohort of people with complex lives, mental ill health can be a common feature and young people and women can be especially vulnerable in these circumstances.</i></p> <p><i>At Doncaster Council, promoting equality of opportunity, eliminating discrimination and building cohesive, inclusive, vibrant and safe communities is about making life better for</i></p>

		<p><i>all. The introduction of the order would enable effective action to be taken for the benefit of the vulnerable individuals and for residents, visitors and local businesses regardless of membership within a protected group.</i></p> <p><i>Within the order it is clearly outlined when the prohibitions are to be in place and available for use. Officers using the powers within the order will make the informed decision on a case by case situation through use of clear engagement and taking into account any valid exemptions such as disability and / or medical related emergencies and in particular those linked to the prohibition around ‘ingest, inhale, inject, smoke or otherwise use substances’ which clearly states -</i></p> <p><i>‘Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation.’</i></p> <p><i>All designated officers with the responsibility to enforce the prohibitions within the order are trained in equality and diversity from induction and this is updated on a regular, if not annual basis. These include officers within Doncaster Council and officers from South Yorkshire Police.</i></p> <p><i>Homeless Statistics to July 2017</i></p>
<p>4</p>	<p>Summary of the consultation/engagement activities</p>	<p><u>Prior to consultation:</u> Business Forum and the wider Doncaster Growing Together (DGT) Town Centre Group including student engagement (consultation on town centre) The police and other public sector bodies; DCST, DMBC Enforcement, St Leger Homes Community Services and information gathered via the Business Forum Discussions with partners and businesses - DGT Previous engagement activities around the DGT Programmes – Complex Lives and Town</p>

		<p>Centre Improvement</p> <p>Consultation: A PSPO consultation process started on 30 August 2017 and closed on 26 September 2017 – a total consultation of 28 days as required by the Crime and Disorder Act 2014. The Act sets out requirements for who should be consulted which includes the Police (as statutory consultees), community members with an interest and people who own or occupy land and property in the area. The aim was for the consultation to meet these legal requirements and to go beyond this, to ensure engagement takes place with residents and stakeholders across Doncaster who have an interest in the PSPO and its impacts, to secure their views and perspectives. The range of consultees included:-</p> <ul style="list-style-type: none"> • Residents of the affected area • All town centre businesses • Business representatives (e.g. Market Traders Federation, Town Centre Business Forum, Chamber of Commerce, Pubwatch) • Town Centre land and property owners • Faith groups • Community and voluntary organisations • Transport operators • Public service partners • Creative and cultural partners <p>In addition there was an open invitation to all residents of Doncaster to have their say, responding to a notice published on the council website;</p>
5	Real Consideration:	<i>The introduction of Public Spaces Protection Orders is derived from Central Government legislation as part of the Anti-Social Behaviour, Crime and Policing Act – this is not a local decision. This order has replaced the Designated Public Place Orders, Gating Orders, and</i>

<p>Summary of what the evidence shows and how has it been used</p>	<p><i>Dog Control Orders.</i></p> <p><i>As previously documented, Doncaster already enjoys a wealth of established and robust multi-agency processes, all of which are victim-centred. Partners locally are confident that existing partnership resources and structures are already suitable to accommodate all required activity in respect of Public Spaces Protection Orders.</i></p> <p><i>In addition there has also been work with partners to establish a Complex Lives team which is a wrap round support service to ensure support is in place for vulnerable people (young people, mental ill health, drugs and alcohol addiction)</i></p> <p><i>The framework to accommodate the process of implementing a PSPO will operate within existing, robustly tested multi-agency mechanisms, which already take into account the individual requirements of victims, many of whom are vulnerable with complex needs, to ensure fair, accessible treatment and services</i></p> <p>Following consultation</p> <p><i>Overall the consultation results demonstrated a very strong level of support for each of the proposed prohibitions.</i></p> <p><i>Many respondents took time to express specific views and justifications for their responses, whether in support of the prohibitions or otherwise. This has created a rich range of views and perspectives and also many helpful suggestions for amendments and actions</i></p> <ul style="list-style-type: none"> • <i>Strong views about the current user/visitor/business experience of Doncaster Town Centre. This includes concerns about personal safety as a result of the issues the proposed PSPO is aiming to address.</i> • <i>A strong level of support for people who are homeless, begging, and addicted to drugs and alcohol with calls and specific proposals for action to deal with</i>
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	<p><i>immediate and root causes. This included concerns about avoiding criminalising misfortune.</i></p> <ul style="list-style-type: none"> • <i>Comments about specific prohibitions and suggestions for amendments that could enhance the impact and fitness for purpose of the order. This included an interpretation of one proposed prohibition as being targeted at busking, which was not the Council's stated or implied intent;</i> • <i>Comments and specific suggestions about the boundary covered by the proposed order, including concerns about potential displacement effects;</i> • <i>More broadly, the consultation process has started to generate a valuable conversation with the public and stakeholders about important issues facing Doncaster and many other towns and cities across the UK. This will be important as the Council and other public services will need to work with a wide range of stakeholders, businesses and local communities to address issues such as homelessness and related issues, which are predicted to continue to rise nationwide in the current policy climate.</i> <p><i>The consultation responses confirmed that the balance of the approach being taken is appropriate and necessary – in particular the emphasis on support for vulnerable people</i></p> <p><i>Following careful review and consideration of the consultation results and responses, a revised set of prohibitions has been produced. These retain the original purpose and direction of the proposed order, with amendments to address key points of clarity and to respond to suggestions made in the consultation.</i></p> <p><i>Implementing the PSPO may impact on vulnerable people and people with complex lives (mental ill health, homelessness, drug and alcohol related issues, though the clear emphasis is on enhancing support - The Doncaster Growing Together strategy is focused on delivering a highly proactive approach to outreach, engagement, provision of stable accommodation and wrap around support to help people recover and integrate into society.</i></p>
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		<i>A Public Spaces Protection Order would, if approved, in particular support efforts to break a cycle of behaviour related to begging, drug and alcohol misuse and anti - social behaviour. The aim is not to criminalise homelessness or misfortune, which is counter-productive. The practical implementation of the prohibitions will be designed to ensure this approach.</i>
6	Decision Making	<i>Reports have been to Cabinet in a decision making capacity throughout the whole process</i>
7	Monitoring and Review	<i>The responsibility for the monitoring and review of the arrangements will remain with the Head of Service for Localities and Town Centre in the first instance Regular updates will be delivered to elected members</i>
8	Sign off and approval for publication	<i>*To be completed following the approval to implement the PSPO*</i>