

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**

<b>Relevant Cabinet Member(s)</b>	<b>Wards Affected</b>	<b>Key Decision</b>
<ul style="list-style-type: none"> <li>• Cllr Ball</li> <li>• Cllr Blackham</li> <li>• Cllr Blake</li> <li>• Cllr McGuinness</li> </ul>	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.

<b>PROPOSED PROHIBITIONS (in consultation notice)</b>	<b>WHEN</b>
<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**

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**Email:**

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**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 26<sup>th</sup> 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,



**Pat Hagan**  
**Head of Localities and Town Centre**

## Proposed Public Spaces Protection Order

### Consultation Notice

<b>Highlighted Issue/s</b>	Anti-social behaviour within Doncaster Town Centre
<b>Area Affected (specific)</b>	See attached map of affected area – referred to in the document as Town Centre
<b>Background to the issue</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>

**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:**

<b>PURPOSE</b>	<b>PROPOSED PROHIBITIONS</b>	<b>WHEN</b>
<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• This also impacts on the vibrancy and attractiveness of the environment of the town centre to visitors and shoppers and businesses.</li> <li>• Enforcement action will primarily focus on helping people to change behaviour and access support services.</li> </ul>	<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"> <li>• 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.</li> <li>• Enforcement action will primarily focus on helping people to change behaviour and access support services.</li> </ul>	<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"> <li>• 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.</li> <li>• Enforcement action will primarily focus on helping people to change</li> </ul>	<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>

## Appendix 1

<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"> <li>• 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.</li> <li>• Enforcement action will focus on managing anti - social behaviour causing legitimate concern.</li> </ul>	<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"> <li>• 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.</li> <li>• Enforcement action will primarily focus on helping people to change behaviour and access support services.</li> </ul>	<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"> <li>• 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.</li> <li>• Enforcement action will primarily focus on helping people to change behaviour and access support services.</li> </ul>	<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"> <li>• 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</li> </ul>	<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"> <li>• 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)</li> </ul>	<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"> <li>• 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.</li> <li>• Enforcement action will primarily focus on helping people to change behaviour and access support services.</li> </ul>	<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"> <li>• 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.</li> <li>• 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.</li> </ul>	<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](http://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](mailto: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**

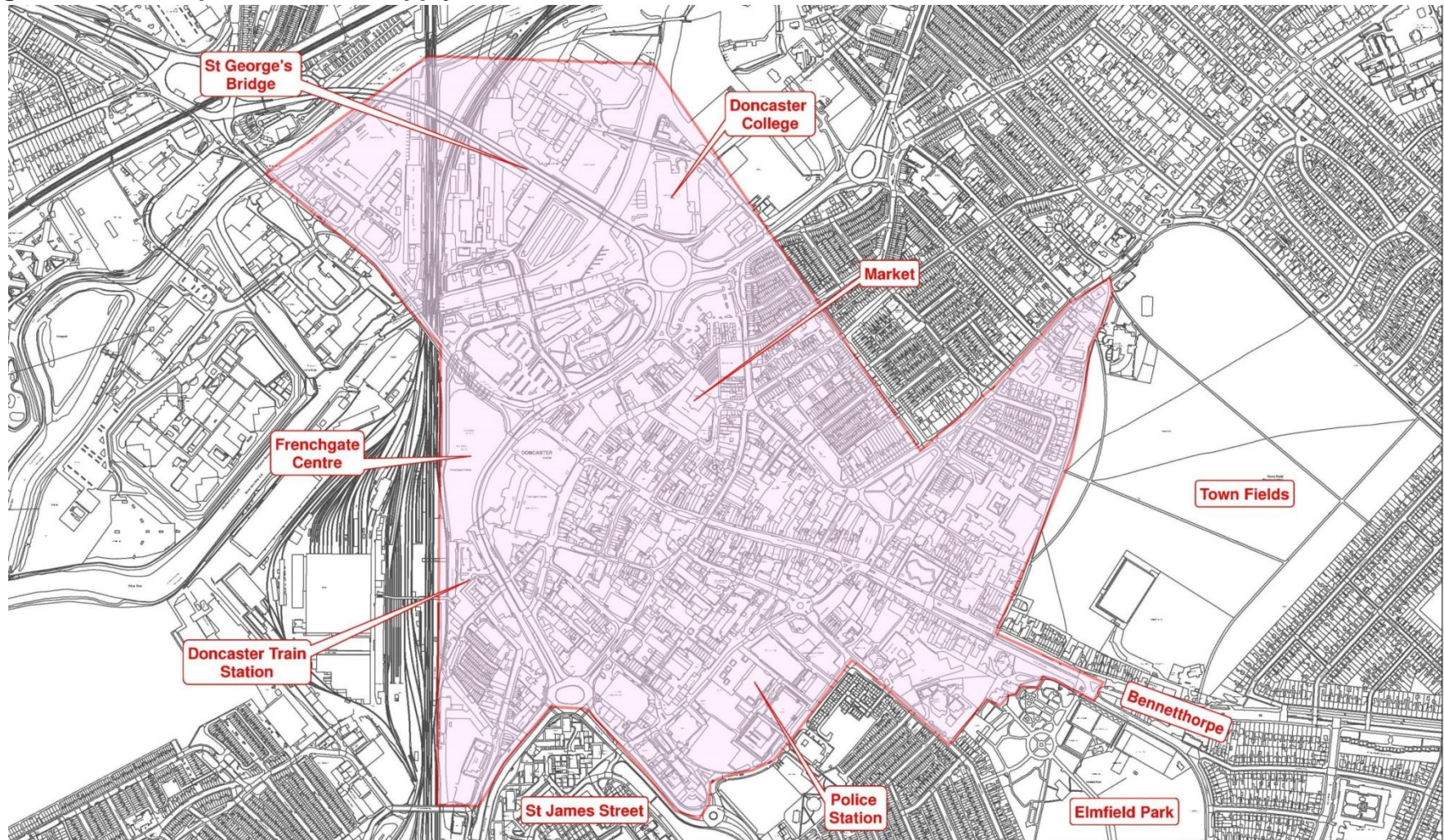
**No comment to make**

**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



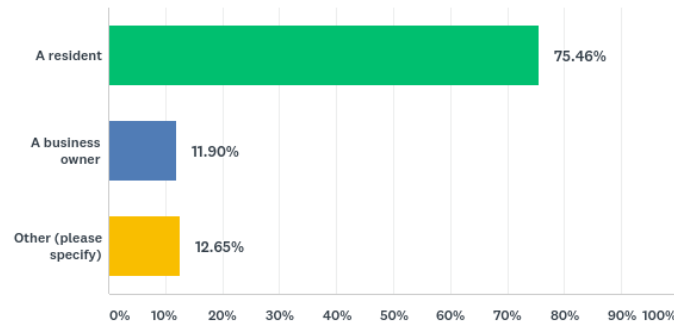
(c) Crown copyright. License Number 100019782. 2009.  
 (c) Copyright GeoInformation Group 1997, 2002, 2005 and 2007.

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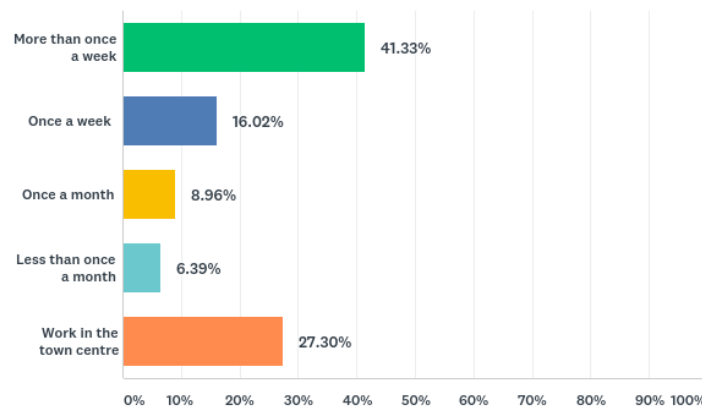


Summary of consultation results

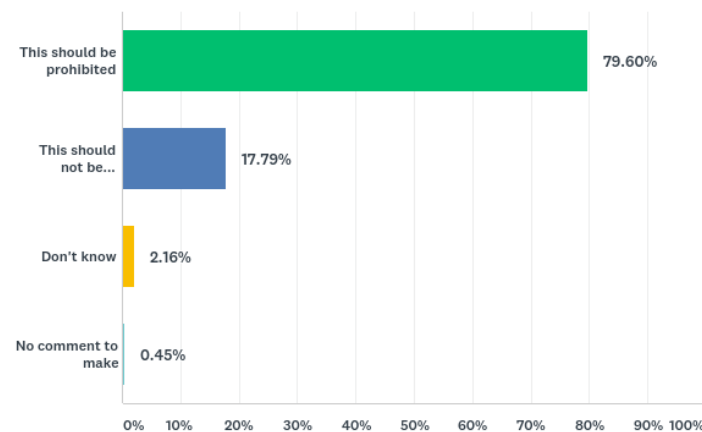
Q2 Are you:



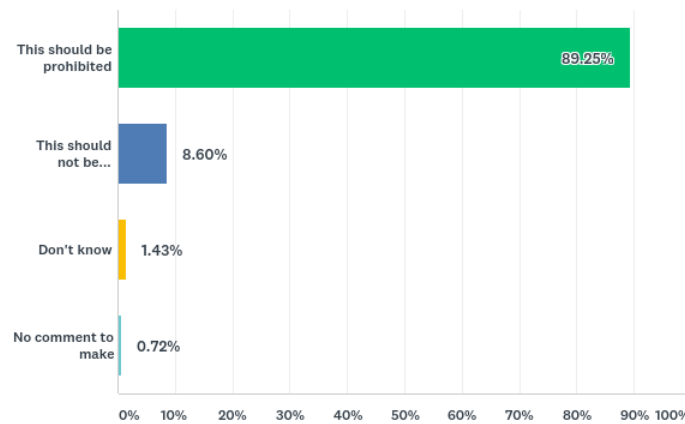
Q3 How often do you visit Doncaster town centre?



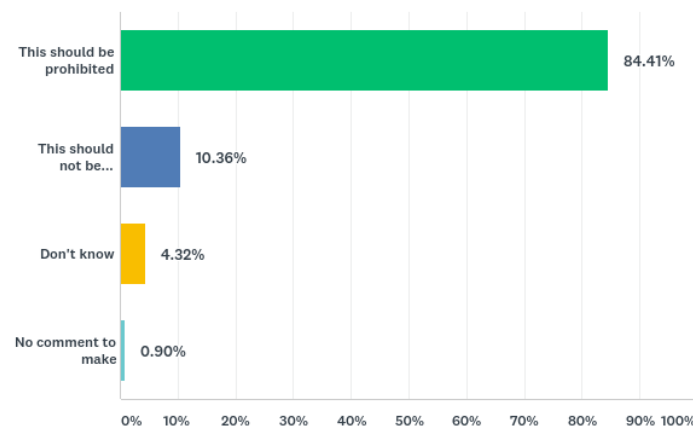
Q4 1. Requesting money, donations or goods including through placing of hats, clothing or containers.



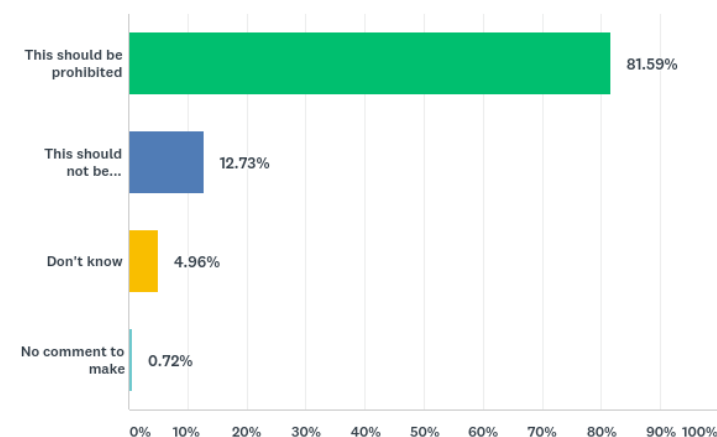
Q5 2. Loitering around pay machines (including banks, supermarkets) unless waiting to legitimately use them.



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.

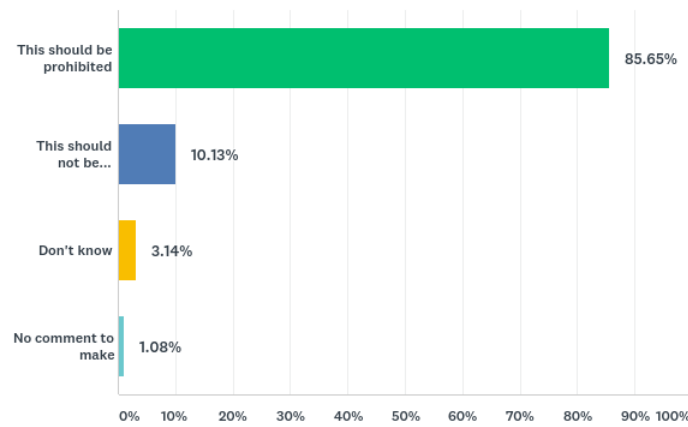


Q7 4. Congregating in a group of three or more people and behave in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the Town Centre.

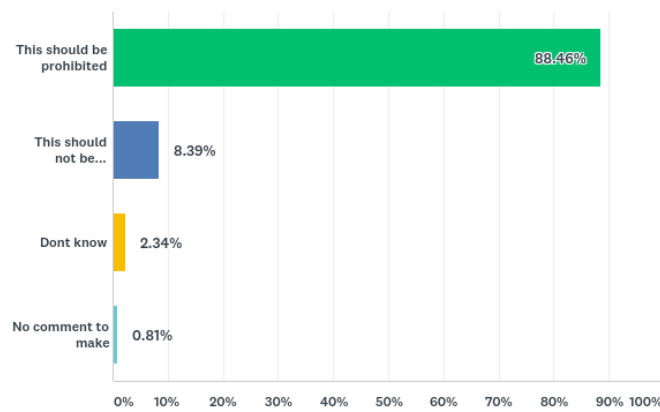




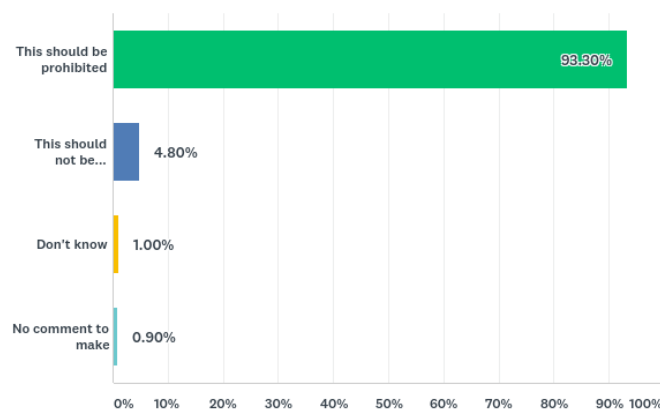
Q8 5. Consuming alcohol other than at licensed premises or being in possession of any opened vessel containing alcohol in any public place in the Town Centre.



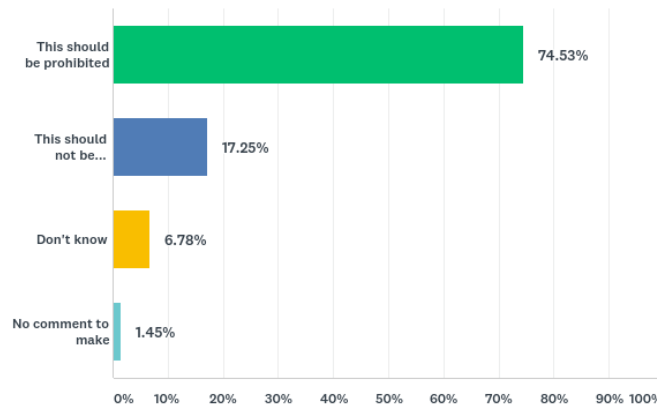
Q9 6. Ingest, inhale, inject, smoke or otherwise use intoxicating substances within the Town Centre or possess any item that can be used to assist in the taking of intoxicating substances.



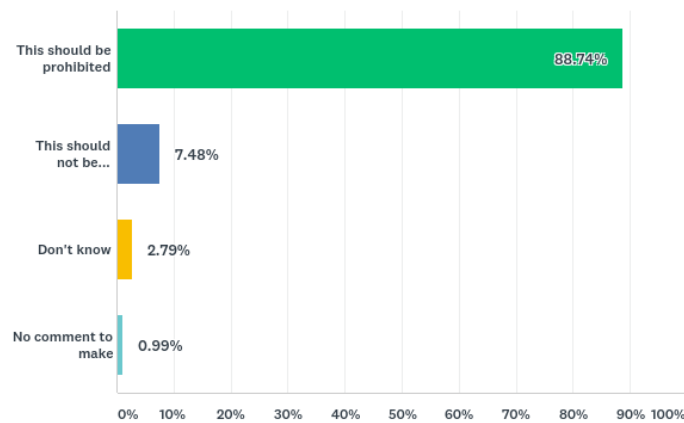
Q10 7. Urinating or defecating other than in public toilets.



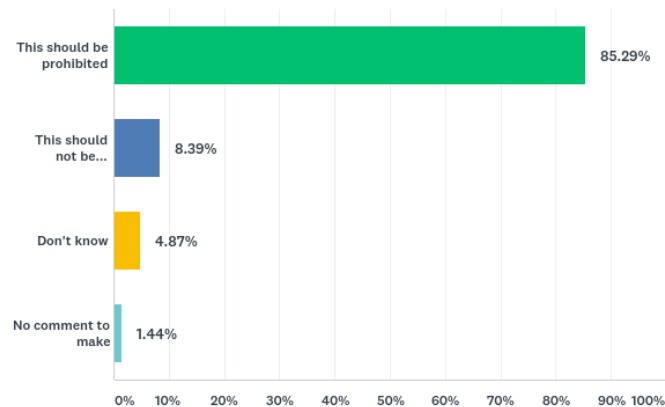
Q11 8. Camping or sleeping overnight with or without a tent, or using a vehicle, caravan or any other structure in a public place.



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"> <li>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.</li> <li>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.</li> <li>This also impacts on the vibrancy and attractiveness of the environment of the town centre to visitors and shoppers and businesses.</li> <li>Enforcement action will primarily focus on helping people to change behaviour and access support services.</li> </ul>	<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"> <li>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.</li> <li>Enforcement action will primarily focus on helping people to change behaviour and</li> </ul>	<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

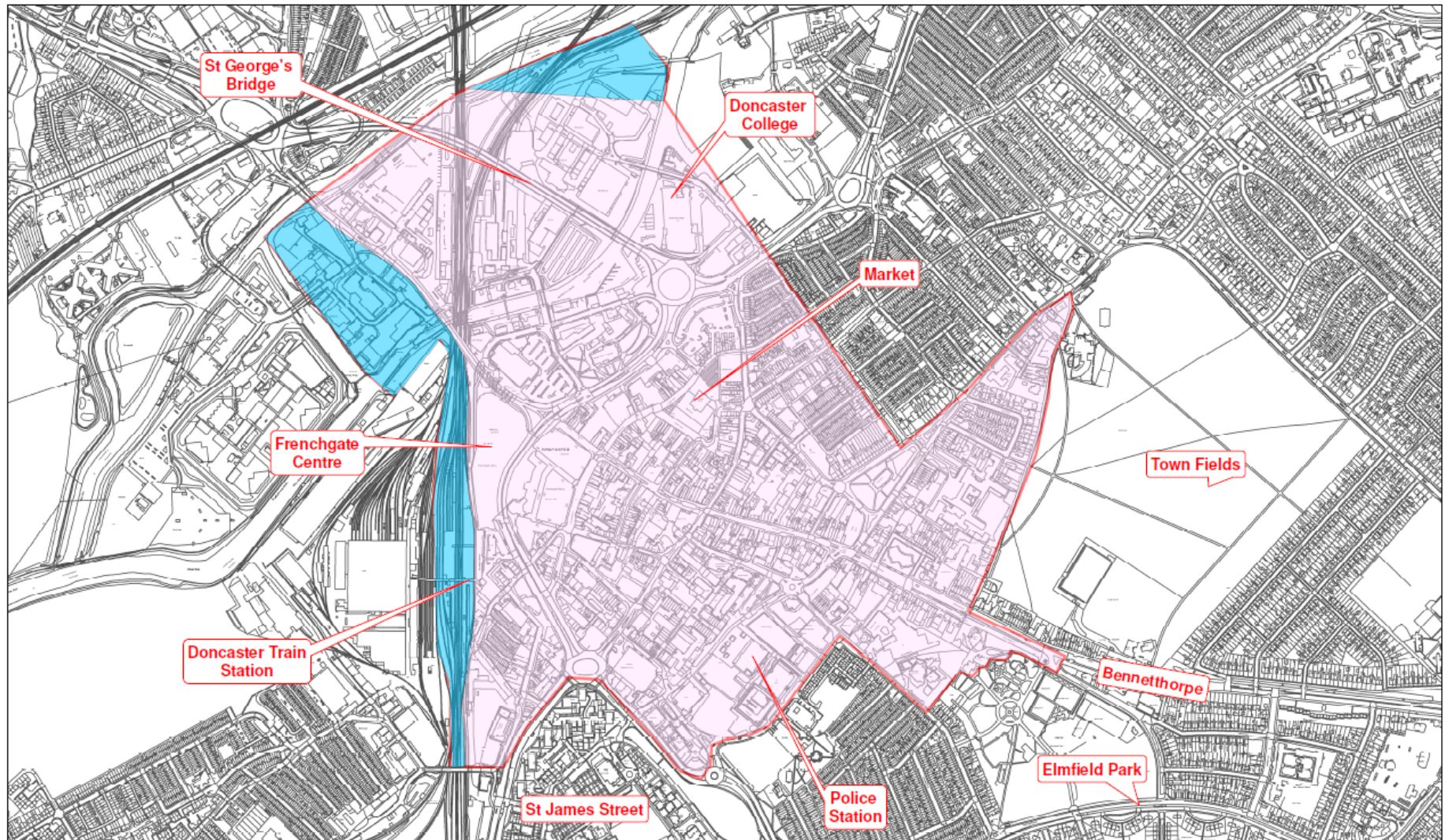
<p>access support services.</p>		
<ul style="list-style-type: none"> <li>• The aim is to deter people from behaving in an anti-social manner which has a detrimental effect on people's feelings of safety and on the vibrancy of the Town Centre.</li> <li>• Enforcement action will primarily focus on helping people to change behaviour and access support services.</li> </ul>	<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"> <li>• 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.</li> <li>• Enforcement action will focus on managing anti-social behaviour causing legitimate concern.</li> </ul>	<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"> <li>• 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.</li> <li>• Enforcement action will primarily focus on helping people to change behaviour and access support services.</li> </ul>	<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"> <li>• 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.</li> <li>• Enforcement action will primarily focus on helping people to change behaviour and access support services.</li> </ul>	<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"> <li>• 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.</li> </ul>	<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"> <li>• 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)</li> </ul>	<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"> <li>• 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.</li> <li>• Enforcement action will primarily focus on helping people to change behaviour and access support services.</li> </ul>	<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"> <li>• 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.</li> <li>• 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.</li> </ul>	<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><b><u>Additional notes and definitions for the purpose of the Order</u></b></p> <p><b>i) Licensed premises</b> – 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><b>ii) Intoxicating substances</b> –</p> <ul style="list-style-type: none"> <li>• Substances with the capacity to stimulate or depress the central nervous system</li> <li>• 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.</li> </ul>		

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><b>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.</b></p>	<p><b><i>Public Spaces Protection Order (Anti-Social Behaviour, Crime and Policing Act 2014)</i></b></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"> <li>• <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></li> <li>• <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></li> <li>• <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></li> </ul>
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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"> <li>• <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></li> <li>• <i>No person shall consume alcohol in any public place in the Town Centre other than at licensed premises.</i></li> <li>• <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></li> <li>• <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></li> <li>• <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></li> <li>• <i>No person shall urinate or defecate in any public place; this does not include public toilets.</i></li> <li>• <i>No person shall stop or approach another person with the intention of asking that other person:</i></li> </ul>
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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"> <li>• <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></li> <li>• <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></li> </ul> <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	<b>Service area responsible for completing this statement.</b>	<i>Communities Team, Adults Health and Wellbeing Directorate</i>
3	<b>Summary of the information considered across the protected groups.</b>	<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><b>4</b></p>	<p><b>Summary of the consultation/engagement activities</b></p>	<p><b><u>Prior to consultation:</u></b>          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><b>Consultation:</b>  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"> <li>• Residents of the affected area</li> <li>• All town centre businesses</li> <li>• Business representatives (e.g. Market Traders Federation, Town Centre Business Forum, Chamber of Commerce, Pubwatch)</li> <li>• Town Centre land and property owners</li> <li>• Faith groups</li> <li>• Community and voluntary organisations</li> <li>• Transport operators</li> <li>• Public service partners</li> <li>• Creative and cultural partners</li> </ul> <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	<b>Real Consideration:</b>	<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><b>Summary of what the evidence shows and how has it been used</b></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><b><i>Following consultation</i></b></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"> <li>• <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></li> <li>• <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></li> </ul>
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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"> <li>• <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></li> <li>• <i>Comments and specific suggestions about the boundary covered by the proposed order, including concerns about potential displacement effects;</i></li> <li>• <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></li> </ul> <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>
<b>6</b>	<b>Decision Making</b>	<i>Reports have been to Cabinet in a decision making capacity throughout the whole process</i>
<b>7</b>	<b>Monitoring and Review</b>	<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>
<b>8</b>	<b>Sign off and approval for publication</b>	<i>*To be completed following the approval to implement the PSPO*</i>