



Doncaster Council

Report

Date: 29 September 2020

To the Chair and Members of Cabinet

Doncaster Town Centre Public Spaces Protection Order Review

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr McGuinness, Cllr Blake, Cllr Ball, Cllr Blackham	Town Ward	No

EXECUTIVE SUMMARY

1. Over recent years, Doncaster town centre has seen an exciting vision of change converted into reality through the delivery of major elements of the Urban Centre Masterplan, the nationally recognised work of the Complex Lives Alliance to support and rehabilitate vulnerable individuals and adopting an integrated town centre management approach to support businesses and ensure a positive experience for town centre users.
2. Doncaster Growing Together, the borough plan, sets out the importance of our town centre in the overall economic viability of the borough to make it a place that is clean, safe, secure and vibrant. In addition, our Restart, Recovery and Renewal Plan sets out what Doncaster will focus on to reduce the impacts of the pandemic which includes, operating town centres safely, providing support to those who are most vulnerable and rough sleeping and to invest in our places and town centres.
3. One element of the integrated approach was the introduction of a Public Spaces Protection Order (PSPO) in 2017. This expires on 6 November 2020 and is under review. As the data shows the PSPO has been effective in tackling anti-social behaviour that was identified in 2017. This report provides Cabinet with the outcome from a consultation on the review of the PSPO for Doncaster town centre and seeks approval to renew the PSPO for a further three years. The consultation proposed that some prohibitions within the PSPO remain unchanged and that some are amended or removed completely demonstrating that the continuation of the PSPO will add benefit to our thriving town.

4. The consultation has generated a good response from the Doncaster public, businesses and key stakeholders (1001 responses) that is strongly in favour of the PSPO. The consultation also confirmed that people want to see the town centre thrive and that they enjoy the shopping and facilities on offer, but find certain behaviours upsetting and off-putting. Whilst it is clear that people want to see these issues and behaviours addressed, there is a wish that those affected by homelessness, addiction and other associated issues are effectively supported to lead healthier and safer lifestyles. The main concern is for the welfare of people with complex and unstable lifestyles and the focus of the Council 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 welcoming and vibrant place for all Doncaster residents and visitors – we know this is a big concern for town centre users and for traders and the consultation responses confirm this.
5. Overall, the data as set out in Appendices 1 and 2 generally shows the PSPO has had a positive impact on behaviours in the town centre but it is recognised that further work needs to take place and the report sets out proposed adjustments to prohibitions and the boundary to be covered. The report confirms that if approved, implementation will continue the current approach of a strong focus on supporting vulnerable people, enabling them to access accommodation and support services – seeking to break the cycle they can be locked into.

EXEMPT REPORT

6. This report is not exempt. However, there are a number of matters contained within Appendices 5 and 6 which could identify individuals. These Appendices are therefore not for publication because they contain exempt information protected by paragraph 1 of Part 1 of Schedule 12 (a) of the Local Government Act 1972 (as amended) information relating to any individual.

RECOMMENDATIONS

7. That Cabinet considers the outcome from the public consultation exercise on the future of the town centre PSPO.
8. That Cabinet approve the revised Public Spaces Protection Order as set out in Appendix 3.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

9. The consideration of a PSPO for Doncaster town centre is one part of a comprehensive plan of on-going activity to tackle anti-social behaviour to improve the vibrancy of Doncaster town centre are key priorities within the Doncaster Growing Together Borough Strategy and the Restart, Recovery and Renewal Plan for Doncaster that will focus on reducing the impacts of the pandemic. In addition, it will support the multi-partner work to support and rehabilitate those who are most vulnerable, including those who are rough sleeping, homeless with associated complex issues of drug and alcohol

addiction, mental ill-health, offending and anti-social behaviour.

BACKGROUND

10. The Council carried out a public consultation on the future of the town centre PSPO and whether it should be varied and extended. The consultation opened on 26 May 2020 and closed on 20 July 2020. In addition to the statutory consultees as set out in the legislation, a full public consultation was undertaken and letters were sent to all business and residents in the town centre detailing how they could respond to the consultation which included an email address and a telephone number and was supported by a media campaign. Those consulted were asked to complete an online survey. The Council engaged the services of the Consultation Institute to devise the questions to be asked. Data available included details of the number of breaches of the current PSPO, a map of the PSPO area and details of the current and proposed PSPO prohibitions. Updated details (to the end of March 2020) of the number of breaches together with the Police data are set out at Appendices 1 and 2.
11. In addition, the Council also asked Crisis, the national charity for homeless people, to engage those who are associated with rough sleeping in the town centre, those who are currently in temporary accommodation and those who may not be able to access the online survey due to the Covid-19 lockdown. They were able to elicit responses from a number of people who are associated with rough sleeping. In addition, responses were received from the Police and Crime Commissioner and a representative from the British Transport Police, which together with the completed surveys totalled 1001 responses.

CONSULTATION OUTCOMES

12. The current PSPO has 10 prohibitions. Questions were asked about each prohibition and the suggested proposals. Over the period of the consultation a total of 1001 responses were received. Of these, 994 responses were received in paper and electronic copy form (originals retained for inspection). Therefore, the results of the online survey are a complete representation of all responses received. Statutory responses were received from the Police, the Police and Crime Commissioner and British Transport Police. The distribution of responses across broad types of respondent was as follows:

- residents: 95%
- business owners: 5%

A summary of the responses received about each proposal are set out at appendix 4 and full details of all the comments received are set out at appendix 5. (N.B. all the comments contained within this report are quoted verbatim)

13. In addition, the survey provided a platform to voice opinions generally on the PSPO and these have been categorised and summarised below although

details of all the general comments are set out at Appendix 6.

Safety in the Town Centre

14. Many comments related to safety whilst being in and around the Town Centre. Some of the comments are detailed below:

“Town centre has become an anxious place to be especially at night and especially at weekends with all the anti social behaviour from drinkers.”

“The town centre desperately needs to attract and keep shoppers. People shopping and working need to not only be safe but feel safe. Workers finishing work in dark evenings after shops have closed for the day, at the very time drug addicts, drunks and rough sleepers start to congregate are particularly vulnerable.”

“Safety has to be paramount because if people do not feel safe then they will not visit the town.”

“Older people do not come into town at night”

15. The purpose of the proposed renewal of the PSPO is to help address these issues and ensure that Doncaster town centre is a place that all can enjoy safely without intimidation from others.

Homelessness and support for vulnerable people

16. Many chose to comment on those who appear to be homeless in the town centre and individuals in need of support. A sample of comments related to this are below:

“They need somewhere to go to if homeless. If on drugs then they need to again be taken somewhere away from town centre”

“I feel alot of the PSPO Is discriminative to street homeless. I feel policing needs to be place but I feel this needs to be improved.”

“I think that help and support should be more readily available for the people that tend to be at the end of PSPO's. These tend to be vulnerable people with one or more issues and need multiagency working to support them to get out of the situations they are in.”

17. Doncaster Council has programmes in place such as the work delivered by the Complex Lives team, which offers support to those who are homeless and rough sleeping and those that are in need. Details of the operation of the team and the support it offers are detailed at Appendix 7.

Image

18. Further general comments related to how anti-social behaviour affects the image of the town centre, examples of which are detailed below:

“Whilst I have sympathy and think more could be done, the town centre is our show piece and should be welcoming, clean and friendly to reflect the community. At the moment it represents and reflects the negatives of the Borough”

The PSPO is an important tool in ensuring that Doncaster Town Centre is an appealing environment that all want to visit. Curbing anti-social behaviour will ensure the image of the Town centre continues to improve.

19. Image is not strictly a consideration for the legal test to be met when considering whether to vary and/or renew a PSPO, but is an important issue for a number of people who responded to the consultation.

Enforcement

20. A common theme throughout the survey is enforcement and this continues into the general comments section. Generally, the comments made favour stricter enforcement of the PSPO through fines and bans from the town centre and a greater presence/enforcement by the Police and Town Centre Liaison Officers. Some of the comments are detailed below.

“Think if we want Doncaster town centre to be a successful shopping/ eating place, the bad things need to be addressed more strongly , before the town ends up being a no go area”

“There needs to be much more activity to show that the regulations are being reinforced and acted on to make people feel safer in the town centre and encourage more people back. Cheaper parking and less boarded up shops especially around our flagship development at Waterdale/Civic Quarter are essential if this is to be a success and encourage more visitors.”

“The town centre is losing it's appeal as a place to visit because of the ASB that exists and in order to reverse this trend firmer actions (on some behaviours i.e. drug taking) needs to be taken.”

“A more robust control of our public areas is needed to return the town centre to a place one would wish to visit rather than a place one is reluctant to visit ie: banking or food shopping.”

21. Some of the comments made go beyond the remit of the PSPO. Doncaster Council’s Town Centre Liaison Officers and other enforcing officers do lots of work within the community to ensure the PSPO is being enforced and complied with on a daily basis. It is acknowledged that enforcement of a PSPO is key to ensuring it has the desired impact and in the event that the revised PSPO is approved, this enforcement work will continue throughout the life of the PSPO.

Extension of location of PSPO

22. Many survey participants wanted to see the PSPO extended to outside of the town centre:

*“We would like the PSPO extended geographically to take in Wheatley, including the two pocket parks off Queens Road that have for years been host to all the detrimental behaviours listed.”
 “This needs extending further up Beckett and Thorne roads”.*

“The order should be extended throughout the whole of the DMBC area, not just the town centre, as residents should have the same protection wherever they live. It should at least cover all open recreational areas throughout the area”

“Please include the area around the lake, Herten triangle and the Vue cinema car parks”

23. Consideration has been given as to whether the proposed area needs to be amended. The proposals did not suggest any changes were needed but clearly, given the comments there is strong feeling by some that the PSPO should be extended. A PSPO can only be introduced if there is an issue that meets the legal test. It is the case that the Council does not currently have any data that suggests the issues in the town centre that triggered the PSPO in 2017 are prevalent in other parts of the Borough to the same extent. It is acknowledged there are concerns outside of the town centre that are currently managed through a partnership community safety approach predominantly with the Council, Police and Doncaster Children Services Trust. Those comments about areas that border on to the boundary of the existing area such as Beckett Road and Wheatley change the nature of the purpose of this PSPO, that being for the town centre which deals with issues specific to the town centre. Specific work will be undertaken proactively with local stakeholders and concerned residents to manage issues in these locations. Taking all these issues into account an extension to the areas covered by the PSPO is not considered to be appropriate. The proposed area is shown at Appendix 3.

SPECIFIC PROPOSALS

24. The proposals consulted on were 10 current prohibitions. It is proposed that some prohibitions are dropped, some stay as they were determined in 2017 and others to be amended. Each of the proposals are considered in turn below:

Begging

CURRENT PROHIBITION	WHEN	PROPOSED PROHIBITION
<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,</p>	<p>At all times (not including restriction on people who busk)</p>	<p>No person shall make any verbal, non-verbal or written request for money, donations or goods, including the placing of hats, clothing or containers so as to cause or is likely to cause harassment, alarm, distress, nuisance or annoyance.</p>

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25. The evidence collected by the Council and the data from the Police demonstrates there are still incidents of people making unsolicited or unauthorised requests for money. The proposed changes aim to simplify the wording of the prohibition and focus on the anti-social behaviour associated with this rather than the act itself. This is in line with the latest Home Office Guidance on PSPOs, which confirms PSPOs should not be used to target people solely on the fact that they are homeless or rough sleeping. The outcome of the Consultation is set out at Appendices 4 and 5.
26. Doncaster has been very proactive in addressing the challenges of homelessness and rough sleeping and examples of this are the establishment of the multi-partner Complex Lives Alliance. In addition, the town centre management approach includes a scheme to provide an alternative to giving money to people on the street; provide public education and an alternative option to give support to people who are homeless/rough sleeping. The scheme is called '*Real Help Doncaster*' and is a partnership between local agencies, housing providers, charities and voluntary groups. People affected by homelessness apply for specific items, through one of the partners, who sign up to the scheme. '*Real Help Doncaster*' is aimed at raising funds from business and the public to support people in Doncaster experiencing homelessness. The scheme conveys a message that by changing the way you give, it can enable people to change their lives. As part of the implementation of the renewed PSPO if approved, there will be a refresh of '*Real Help Doncaster*' to further promote the scheme and raise awareness of the issue to the general public.
27. In summary there was overwhelming support in keeping this prohibition. The amendments to the prohibition ensure that it is simplified and the focus is upon anti-social behaviour. Therefore, it is recommended that this prohibition be varied as originally proposed.

Loitering

CURRENT PROHIBITION	WHEN	PROPOSED PROHIBITION
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.	At all times	No change proposed

28. The evidence collected by the Council demonstrates the most complaint/incidents regarding anti-social behaviour in the town centre involved loitering. The outcome of the Consultation is set out at Appendices 4 and 5.

29. In summary almost 90% of survey responses wanted to make no changes to the PSPO as was proposed. Challenges that this unreasonably targets rough sleepers and/or the homeless are unfounded as the prohibition targets the anti-social behaviour associated with loitering and not the mere act itself. It is therefore proposed to retain this prohibition.

No return in 24 hours

CURRENT PROHIBITION	WHEN	PROPOSED PROHIBITION
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.	At all times. In respect of those individuals who are rough sleeping this prohibition will only apply if they have access to alternative accommodation or have refused support.	No change proposed

30. The evidence collected by the Council and the data from the Police (referred to by the police as rowdy/inconsiderate behaviour) demonstrates such behaviour is present in the town centre. The outcome of the consultation is set out at Appendices 4 and 5.
31. In summary the consultation showed over 75% of those who responded agreed the prohibition should remain as it is currently. It is therefore proposed to retain this prohibition.

Gathering in groups of 3 or more

CURRENT PROHIBITION	WHEN	PROPOSED PROHIBITION
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.	At all times	Remove in its entirety

32. The evidence collected by the Council and the data from the Police show that the number of incidents relating to this prohibition are low. Any residual problems that may occur can in the main be addressed by ordinary Police powers, or the no return within 24 hours prohibition referred to above. The outcome of the consultation is set out at Appendices 4 and 5.
33. In summary, the consultation process revealed that over two thirds of those who responded wanted the prohibition to remain. Comments suggested that there is a perception that the removal of this prohibition would be a problem rather than it was an actual problem. The legislation governing the imposition of PSPOs does allow prohibitions if it is likely that activities will be carried on that will have a detrimental effect on the quality of life of those in the locality,

but the Council has no evidence that this is either an actual issue nor that there is a likelihood of such behaviour occurring. As above, there are also alternative powers both within and outside of the PSPO that can be used to address anti-social behaviour. The right to assemble is a human right protected by legislation and the Council has no evidence that continuing with such a proposal would be either proportionate or reasonable. It is therefore determined there is no justification for retaining this prohibition.

Drinking

CURRENT PROHIBITION	WHEN	PROPOSED PROHIBITION
<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 shall consume alcohol in any public place in the Town Centre other than at licensed premises or shall be in possession of any opened vessel containing or purporting to contain alcohol in any public place save for those places identified by Section 62 of the Act</p>

34. The evidence collected by the Council together with the data from the Police relating to the consumption of alcohol demonstrates such behaviour is present in the town centre. It is therefore proposed to keep this prohibition subject to minor amendments to clarify that it does not impact on premises with licenses to sell alcohol. The outcome of the consultation is set out at Appendices 4 and 5.
35. In summary, over 90% of responses wanted the prohibition to be kept as it is or amended as suggested. As the proposed amendments were simply to clarify the prohibition it has been taken that there is strong support for the proposal. It is therefore proposed to that this prohibition be varied as originally proposed.

Intoxicating substances

CURRENT PROHIBITION	WHEN	PROPOSED PROHIBITION
<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</p>	<p>At all times</p>	<p>No person will ingest, inhale, inject, smoke or otherwise use intoxicating substances (substances with the capacity to stimulate or depress the central nervous system) or 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>

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36. The evidence collected by the Council and the data from the Police relating to the intoxicating substances demonstrates such behaviour is present in the town centre. It is therefore proposed to keep this prohibition subject to minor drafting amendments. The outcome of the consultation is set out at Appendices 4 and 5.
37. In summary over 90% of responses wanted the prohibition to be kept as it is or amended as suggested. As the amendments were minor drafting changes it has been taken that there is strong support for the proposal.

Urination and defecation

CURRENT PROHIBITION	WHEN	PROPOSED PROHIBITION
No person shall urinate or defecate in any public place; this does not include public toilets.	At all times	No change proposed

38. The evidence collected by the Council demonstrates that there still remains an unacceptable level of such behaviour occurring in the town centre. It is therefore proposed to keep this prohibition. The outcome of the Consultation is set out at Appendices 4 and 5.
39. In summary over 85% supported the prohibition remaining. It should be noted however, that those responses that wanted to either change or even drop the prohibition were concerned about the lack of public toilets. Whilst there are no 24 hour facilities for public toilets, the Council has public toilets in the town centre. It is therefore proposed to retain this prohibition.

Chugging

CURRENT PROHIBITION	WHEN	PROPOSED PROHIBITION
<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>	Remove in its entirety

40. The evidence collected by the Council and the data from the Police show that the numbers of incidents relating to this prohibition are extremely low. There is a booking system in place to control the number and location of authorised fundraisers/marketing personnel in the town centre which is closely monitored and has operated very well for some time. The outcome of the consultation is set out at Appendices 4 and 5.
41. Over two thirds of the responses disagreed with the Council and wanted to keep this prohibition. This is at odds with the information the Council has collected which shows there have been very few complaints or recorded incidents about unauthorised chugging. It is suggested that currently there is insufficient evidence or legal basis for retaining this prohibition and so the prohibition is dropped.
42. The process to regulate and authorise the allocation of space in the town centre for fundraisers or other organisations is proving successful in ensuring compliance and adherence to best practice. The approach is based upon the Fundraising Regulator's - Code of Fundraising Practice that is based upon consistent high standards, fundraisers being aware of the standards expected, dealing with complaints and a culture of honesty, openness and respect for the public. The process is periodically reviewed to ensure effectiveness and will be reviewed again in the autumn.

Camping

CURRENT PROHIBITION	WHEN	PROPOSED PROHIBITION
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.	At all times unless with the prior written consent of the Council	Remove in its entirety

43. The evidence collected by the Council and the data from the Police show that the numbers of incidents relating to this prohibition are very low. In addition, this prohibition is contrary to the updated Home Office guidance on PSPOs. It is therefore determined there is no justification for this prohibition to be retained. Should there be any repeat of this behaviour, it can be addressed by an application for an injunction. The outcome of the consultation is set out at Appendices 4 and 5.
44. In summary, as this is regarded by the Council as no longer permissible no options were given to responders for this prohibition to remain. Many commented on the existence of those seemingly rough sleeping or homeless which shows there is a need for the interventions described at Appendix 7.

Interfering with car parking equipment

CURRENT PROHIBITION	WHE	PROPOSED PROHIBITION
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.	At all times	No change proposed

45. The evidence collected by the Council demonstrates that there still remains an unacceptable level of such behaviour occurring in the town centre. The outcome of the consultation is set out at Appendices 4 and 5.
46. In summary over 90% of responses supported keeping the proposal as suggested. The few who wanted to change the proposal wanted there to be stricter penalties for breaching this PSPO. The penalties for breaching a PSPO is set out in legislation and there is no scope for the Council to amend them. It is therefore proposed to keep this prohibition.

LIBERTY RESPONSE

47. One of the survey responses was from the national civil rights organisation Liberty. The Council was pleased that its efforts to ensure the consultation reached a wide audience were clearly achieved.
48. Liberty did not support the continuation of the PSPO in any form and suggested in particular that the PSPO was a blanket ban on begging and loitering which would target the homeless, rough sleepers and vulnerable members of society with financial penalties they cannot afford and that will result in them being unreasonably criminalised for non-payment. This is not the case. The Council is not seeking to target any particular groups but rather deal with the anti-social behaviour associated with begging or loitering that detrimentally affects the quality of life of those in the town centre. This applies to any person who acts in breach of PSPO be they homeless, rough sleepers or otherwise. As set out above, the PSPO proposals seek to focus only on begging and loitering to the extent it is anti-social rather than mere act itself. Further, those who have no fixed abode are not issued with either an enforcement notice or fixed penalty notice but rather their details are taken and their case is taken to a panel, made up of managers from enforcement, the manager of the Complex Lives Team, an inspector from the Police and the Head of Localities and Town Centre, which determines the most appropriate action e.g. signposting to the Council's Complex Lives Team who assist those who are homeless, vulnerable and those with health related issues.
49. The Council's approach will always be to avoid enforcement where possible and we take a supportive approach towards anyone homeless or rough sleeping. The Council's approach is not centred on enforcement but on a rounded implementation plan supported by other agencies that is geared to helping people access accommodation and support services and to break the cycle they can be locked into. Our work is producing very good results with

over 200 people from 2017 to date helped to find accommodation and receive support. In addition, the Complex Lives Team is case managing a further 122 individuals in their rehabilitation. All these individuals were associated with rough sleeping in and around Doncaster town centre, but now are stabilised and in accommodation.

50. Liberty were particularly against the prohibition allowing those causing anti-social behaviour to be asked to leave the PSPO area stating that this was the operation of a dispersal power. Whilst the power does remove those in breach, the period of exclusion is 24 hours and it is only from the PSPO area. We therefore do not agree with their interpretation of the Act in that we are not seeking to interfere with other powers. The Council's view is this prohibition is both reasonable and proportionate.

POLICE AND CRIME COMMISSIONER AND BRITISH TRANSPORT POLICE

51. Both these organisations chose not to complete the online survey, but did provide a response. The Police and Crime Commissioner, who is familiar with our work, expressed support for the proposed variation and renewal. The British Transport Police fully support the continuation of a PSPO for Doncaster town centre which incorporates Doncaster railway station. Overall they view the PSPO as a very positive and continued development for the town centre and fully support its continuation and the variations proposed. British Transport Police say the PSPO is a useful and effective tool and the number of reports received from staff and the public at Doncaster railway station have reduced dramatically over the years.
52. Copies of the responses in full are at Appendix 8.

PROPOSED PROHIBITIONS

53. The proposed prohibitions are set out in the draft order at Appendix 3, a summary of which are set out below:-

PROPOSED PUBLIC SPACES PROTECTION ORDER			
	PROPOSED PROHIBITION	WHEN	PURPOSE
1.	No person shall make any verbal, non-verbal or written request for money, donations or goods, including the placing of hats, clothing or containers so as to cause or is likely to cause harassment, alarm, distress, nuisance or annoyance.	At all times (not including restriction on people who busk)	The aim is to support vulnerable people to break the cycle of begging and to reduce the impact this has on the town centre offer. People who make requests for money or donations in the Town Centre are less likely to access support services whilst they receive income from this to sustain their current lifestyles. This also impacts on the vibrancy and attractiveness of the

			environment of the town centre to visitors and shoppers and businesses. Enforcement action will primarily focus on helping people to change behaviour and access support services.
2.	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.	At all times	The aim is to stop people loitering around ATMS and pay machines, which has a detrimental effect on people's feelings of safety and on the vibrancy of the Town Centre. Enforcement action will primarily focus on helping people to change behaviour and access support services.
3.	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.	At all times. In respect of those individuals who are rough sleeping this prohibition will only apply if they have access to alternative accommodation or have refused support.	The aim is to deter people from behaving in an anti-social manner which has a detrimental effect on people's feelings of safety and on the vibrancy of the Town Centre. Enforcement action will primarily focus on helping people to change behaviour and access support services.
4.	No person shall consume alcohol in any public place in the Town Centre other than at licensed premises or shall be in possession of any opened vessel containing or purporting to contain alcohol in any public place save for those places identified by Section 62 of the Act.	At all times (Street markets /events/festivals will have obtained Temporary Event Notices, so will in effect be licensed premises for the time they are there)	The aim is to deter people from consuming alcohol on the streets other than at licensed premises and to prevent antisocial behaviour and impacts on the town centre related to this. Enforcement action will primarily focus on helping people to change behaviour and access support services.
5.	No person will ingest, inhale, inject, smoke or otherwise use intoxicating substances (substances with the capacity	At all times	The aim is to deter people from consuming drugs/intoxicating substances and to prevent antisocial

	to stimulate or depress the central nervous system) or 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.		behaviour and impacts on the town centre related to this. Enforcement action will primarily focus on helping people to change behaviour and access support services.
6.	No person shall urinate or defecate in any public place; this does not include public toilets.	At all times	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.
7.	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.	At all times	The aim is to ensure effective provision of car parking in the Town Centre, which is vital to the economy and most important to vulnerable and disabled visitors. Vandalism and blockages of parking machines causes great frustration and expense to car park users and deters from the experience of using the Town Centre.
<p>Additional notes and definitions for the purpose of the Order</p> <p>i) Licensed premises – Will include those involved in continental markets / beer festivals will have obtained Temporary Event Notices, so will in effect be licensed premises for the time they are there.</p> <p>ii) Intoxicating substances – Substances with the capacity to stimulate or depress the central nervous system Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation.</p>			

OPTIONS CONSIDERED

54. As part of the Survey participants were asked to respond to all three of the options below:

Option One Extend the PSPO as it stands, changing only the parts required to change by law/guidance.

Option Two Extend the current PSPO but with changes that reflect both changes in the law, and the feedback received on existing PSPO (including any discussions of the responses to this questionnaire).

Option Three Let the current PSPO expire without renewal.

55. The survey asked those responding to grade their responses from 'disagree strongly' to 'agree strongly'.

56. **Option One**

Answer choices	Responses	
Agree Strongly	453	47.99%
Agree	269	28.50%
No View Either Way	79	8.37%
Disagree	115	12.18%
Disagree Strongly	28	2.96%
Total	944	100%

57. The greater majority of people here selected either agree strongly or agree. Even though this option supports extending the PSPO as it stands and only changing the parts required by law/guidance, it still demonstrates that the continuation of the PSPO is supported.

58. **Options Two – recommended option**

Answer choices	Responses	
Agree Strongly	599	61.25%
Agree	290	29.65%
No View Either Way	57	5.82%
Disagree	16	1.64%
Disagree Strongly	16	1.64%
Total	978	100%

59. Responders regarding option two, mainly selected strongly agree or agree which again shows the continued need for the PSPO and also that those surveyed supported the suggested changes being made to the current PSPO and not just the changes required by law/guidance. **THIS IS THE RECOMMENDED OPTION - see above.**

60. **Option Three**

Answer choices	Responses	
Agree Strongly	32	3.37%
Agree	13	1.37%
No View Either Way	45	4.75%
Disagree	153	16.14%
Disagree Strongly	705	74.37%
Total	948	100%

61. The vast majority of participants 'disagreed strongly' to allowing the PSPO to expire without renewal which demonstrates that support remains strong for the PSPO and it is still needed to tackle anti-social behaviour.

62. After selecting responses to the above three options, some then left comments to supplement these. See below:

"A tougher stance needs to be taken to bring the town back to glory and something to be proud of."

"Agree with all changes suggested."

"All that has been done so far seems very sensible and should be continued."

"Doncaster needs to be safe, welcoming, lively with character but individuals need to feel safe."

"Everybody I have spoken to, including the Police, have said the PSPO has been a great help for the Town."

"I firmly believe that the PSPO has been good for the town centre and helps make it feel a safer place."

"I think it has helped make town centre a nicer place to visit so should continue - i trust that the proposed changes have been formulated based on feedback and law changes so think they should be adopted."

"I think the measures taken are reasonable. We need to ensure that the image of Doncaster is a good one."

"I think the order has made the town centre a more pleasant and safe place to be."

"You need to keep the PSPO. Doncaster is a much safer place with it in force."

“We need a PSPO in place but it needs more enforcement.”

“We definitely need some stronger measures in place, some are working. But do not abolish it”.

“This definitely needs to remain in place to allow people to visit the town centre and feel safe and comfortable.”

“Things improved after the current PSPO was introduced and I don’t want to return to the old problems we had previously.”

“The Town has improved a little bit but needs to be enforced more.”

“The town centre atmosphere should be safe, clean & interesting even entertaining Anti social behaviour’s need to be addressed quickly efficiently and effectively.”

“The PSPO is a useful tool to tackle anti-social behaviour and should remain in place after being revised with lessons learned over the last 3 years.”

63. Many agree with the continuation of PSPO and the suggested changes, which is positive and demonstrates support to the PSPO.
64. Many comments centred on increased enforcement of the PSPO which has been a common theme through all of the PSPO prohibitions commentary. Enforcement of the PSPO continues to be a priority of the Council in order to ensure the town centre is free from anti-social behaviour.

REASONS FOR RECOMMENDED OPTION

65. **OPTION TWO** The recommended option will both provide the comprehensive approach needed to effectively support vulnerable people in the context of place and allow the Council to comply with the law and statutory guidance. 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.

NEXT STEPS – IMPLEMENTATION IF APPROVED

66. If approved by Cabinet it is proposed that the PSPO will be implemented on 7 November 2020 as the current PSPO is due to expire on 6 November 2020 following the expiry of the necessary call in period.
67. It is proposed that the initial stages of implementation will include raising awareness of the revised PSPO. A communications plan would support implementation, including notifying businesses, members of the public and stakeholders of the decision to implement a varied PSPO and further promotion of the services and support available to people who require this support.
68. A key element of implementation will be to continue the existing approach of assertive outreach work engaging and assisting vulnerable individuals to access services - this approach is embedded in the work of the Complex Lives Alliance. The clear brief to all partners will be to work together with people with complex needs to break the cycle they can be locked into.

69. 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.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

	Outcomes	Implications
	<p>Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	<p>The PSPO sets out clear parameters for behaviour and our integrated complex lives team sets out how the most vulnerable people can access the support they need.</p> <p>This clarity encourages and supports businesses who operate in the Town Centre.</p>
	<p>Doncaster Living: Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	<p>The PSPO sets out clear parameters for behaviour and our integrated complex lives team sets out how the most vulnerable people can access the support they need.</p> <p>This clarity encourages a vibrant place that people feel safe to live, work and visit.</p>
	<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	<p>The PSPO sets out clear parameters for behaviour and our integrated complex lives team sets out how the most vulnerable people can access the support they need.</p> <p>This clarity encourages young people to feel safe to visit and have positive experiences in our Town Centre.</p>
	<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	<p>The PSPO sets out clear parameters for behaviour and our integrated complex lives team sets out how the most vulnerable people can access the support they need.</p>

<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting community assets and strengths • Working with our partners and residents to provide effective leadership and governance 	<p>The PSPO sets out clear parameters for behaviour and our integrated complex lives team sets out how the most vulnerable people can access the support they need.</p>
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RISKS AND ASSUMPTIONS

70. The key risks and assumptions associated with the recommendations in this report are:
71. 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.
72. 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.
73. There is a risk of legal challenge being made by an ‘interested person’ against the validity of the order. An ‘interested person’ is an individual who lives in the restricted area, or who regularly works in or visits the area. As set out earlier in this report, Liberty have provided their objections to the making of the entire order, but take particular issue with certain prohibitions such as the prohibition on allowing those causing anti-social behaviour to be asked to leave the PSPO area and not return within 24 hours. They argue such a prohibition would amount to an unlawful dispersal order, given there is a specific standalone dispersal power regime contained within the Anti-social Behaviour, Crime and Policing Act 2014, which is reserved to the Police. We do not agree with their interpretation of the Act or that it restricts the Council’s ability to include this prohibition in a PSPO, and believe it is reasonable and proportionate to include the prohibition. Nonetheless, there remains a risk that Liberty may support a challenge and ultimately it would then be a matter for the High Court to rule on the issue.

LEGAL IMPLICATIONS [NC Date 13/8/20]

74. Section 59 Anti-Social Behaviour Crime, and Policing Act 2014 (“the Act”) introduced the Public Spaces Protection Orders (Order). The Order deals with individuals or groups committing anti-social behaviour in a public place. The Council may make or renew or vary 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 effect of that behaviour must also be, or likely to be of a persistent or continuing nature and unreasonable such that it justifies the restrictions imposed by the order. Orders can be made for a maximum of 3 years.
75. Section 72 of the Act places a duty on Council’s when considering renewing or varying an order, and if so, how and how long for, that they must have particular regard to the rights of freedom of expression and freedom of assembly set out in the of the Convention for the Protection of Human Rights and Fundamental Freedoms. It is acknowledged that the proposed order potentially involves an infringement of the rights to freedom of expression and assembly. However, these are qualified rights and it is considered that in these circumstances it is legitimate to interfere with them in accordance with law and in the interests of public safety and the prevention of crime and disorder.
76. The Act also requires the Council to carry out consultation on any proposed renewal or variation of an order with South Yorkshire Police, the Police and Crime Commissioner, whatever community representatives the Council thinks it appropriate to consult and the owner and occupier of any land in the area of the proposed order. The Council has gone further than the statutory requirements in this matter and not only consulted with those parties, but it has also undertaken a full public consultation. Elected members are advised that when considering the recommendations in this report, they must conscientiously take into account the results of the consultation and, where appropriate, having due regard to any impact on equality issues (please see the Equality Implications section of this report).
77. 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;
- (i) 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.
 - (ii) 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.

78. Should the proposed Order recommended by this report be made, the Council will then be required to publish it in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014.

FINANCIAL IMPLICATIONS [NJC Date 18/8/20]

79. The costs of extending 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 [PM Date 17/08/20]

80. There are no direct Human Resources implications arising from this report.

TECHNOLOGY IMPLICATIONS [AM Date 17/08/20]

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

HEALTH IMPLICATIONS [CEH Date 17/08/20]

82. Crime and the fear of crime impacts negatively on health and well-being in a range of ways; this includes indirect community-level impacts as well as direct negative impacts on victims. A PSPO will provide assurance to residents that ASB in the town centre is being taken seriously and that every effort is being made to improve the environment for everyone to benefit.
83. People that are in touch with the criminal justice system experience higher levels of mental and physical health problems compared to the general community, therefore Public Health supports the recommendation to implement a renewed 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.
84. Providing an evidence based approach is welcomed and it is recommended that wider implications are considered when they are applied to minimise any unintended consequences that may impact on health and wellbeing.

EQUALITY IMPLICATIONS [NC Date 13/8/20]

85. In considering the proposals contained within this report, Elected Members are reminded of their obligations under section 149 Equality Act 2010. This section contains the Public Sector Equality Duty (PSED) which obliges public authorities, when exercising their functions, to have 'due regard' to the need to:
- a) Eliminate discrimination, harassment and victimisation and other conduct which the Act prohibits;
 - b) advance equality of opportunity between people who share relevant protected characteristics and those who do not; and
 - c) foster good relations between people who share relevant protected characteristics and those who do not.
86. Protected characteristics are age, gender, disability, race, sex, sexual orientation, gender reassignment, religion or belief and pregnancy and maternity. Only the first aim of the PSED set out in paragraph (a) above applies to a further protected characteristic of marriage and civil partnership.
87. Having due regard to advancing equality involves: -
- Removing or minimising disadvantages suffered by people due to their protected characteristic;
 - taking steps to meet the needs of people from protected groups where they are different to the needs of other people; and
 - encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
88. Elected members must consciously consider and have due regard to the three aims of the general equality duty when dealing with the recommendations contained within this report. The thorough and wide ranging public consultation exercise undertaken in this matter has helped to inform the compilation of a comprehensive Equality Impact Analysis document which will assist members in this regard, and is shown at Appendix 9. The impact of each of the proposed prohibitions has been reviewed with regard to our PSED obligations and any negative impact on any of the protected characteristics is highlighted and addressed.

CONSULTATION

89. 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.

APPENDICES

- APPENDIX 1** - UPDATED EVIDENCE
APPENDIX 2 - POLICE DATA

- APPENDIX 3** - PSPO DRAFT ORDER
- APPENDIX 4** - SUMMARY OF THE RESPONSES
- APPENDIX 5** - ALL THE COMMENTS RECEIVED
- APPENDIX 6** - GENERAL COMMENTS
- APPENDIX 7** - COMPLEX LIVES BRIEFING
- APPENDIX 8** - RESPONSES FROM POLICE AND CRIME COMMISSIONER AND BRITISH TRANSPORT POLICE
- APPENDIX 9** - DUE REGARD STATEMENT

BACKGROUND PAPERS

90.

- a) Home Office Anti-Social Behaviour Powers - Statutory Guidance for Frontline Professionals - updated August 2018
- b) Doncaster Growing Together Strategy 2017
- c) Restart, Recovery and Renewal Plan July 2020

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

- PSPO - Public Spaces Protection Spaces Order
- PSED - Public Sector Equality Duty
- Survey Monkey - Online survey software that creates and runs surveys
- Chugging - Street traders authorised or otherwise who seek to encourage people to enter into contracts for goods/services/charitable donations or otherwise

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