



Doncaster Council

Report

Date: 13 September 2023

To the Chair and Members of the Cabinet

Doncaster City Centre Public Spaces Protection Order Review

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Blackham	Town Ward	Yes

EXECUTIVE SUMMARY

1. Doncaster City Centre has experienced significant changes and investment in support of the delivery of major elements of the Urban Centre Masterplan, and the continued development of the Complex Lives Alliance (CLA) who provide support to vulnerable individuals. The aftermath of the Covid 19 pandemic and the current cost of living crisis continues to present significant challenges within the city centre for residents and local businesses. Doncaster Delivering Together (DDT), the Borough Strategy, sets out the importance of our city centre in the overall economic viability of the borough to make it a place that is clean, safe, secure, and vibrant.
2. One element of the partnership approach to managing ASB (anti-social behaviour) in the city centre was the introduction of a Public Spaces Protection Order (PSPO) in 2017, which was renewed in 2020, and is now undergoing further review due to its imminent expiration on the 6th of November 2023. The data shows that the PSPO has been an effective tool as part of a range of powers and approaches in tackling anti-social behaviour. This report provides cabinet with the outcome from a consultation on the review of the PSPO for Doncaster City Centre and seeks approval to renew the PSPO for a further three years. The consultation proposed that all prohibitions remain except for the current prohibition 7 (tampering with parking equipment) and a minor amendment to prohibition 2 (loitering).
3. The consultation has generated a far higher response than previous years from the public and a range of stakeholders. In total there was 2396 responses, with

58 from businesses. Overall, there was extremely strong support for the renewal of the PSPO and retention of all 7 prohibitions.

4. The consultation activity reiterated the key trends and themes from the previous consultation in terms of the feedback received. The consultation shows people are focused on wanting to see the city centre thrive, they enjoy the shopping facilities and wider facilities on offer, but find certain behaviours have a negative impact on their view of the city centre and desire to access these facilities. 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, and our partners is to use the PSPO as 'one tool' to encourage people to access support services. These are complex challenges and there are plans and strategies which sit outside of the PSPO which are supporting longer term changes in these areas.
5. Overall, the data as set out in Appendix 1, collected from Doncaster Council, British Transport Police (BTP) and South Yorkshire Police (SYP) shows an impact from the Covid19 pandemic and restrictions of movement at different times. Therefore, we have focused on recent data to provide a more accurate picture. The data shows overall, there has been a small increase in the number of ASB and drug incidents within the PSPO area when comparing 2021 and 2022. Rowdy and inconsiderate behaviours is by far the most prominent type of ASB, but this has seen a reducing trend within the period. There were 1156 reported breaches and 86 fixed penalty notices (FPN's) issued between December 2020 and March 2023. The majority of breaches within this period were associated with dispersals and made up over 80% of all activity. Although there have been variations throughout the period, there have been on average between 20-40 per month in the period. The most common reason for a FPN was associated with the Alcohol prohibition and saw a spike in the October-December period in 2022.

EXEMPT REPORT

6. This report is not exempt. However, there are a number of matters contained within Appendix 4 (list of prohibition comments made) which could identify individuals or containing defamatory remarks which could be deemed offensive about a variety of individuals and groups. This appendix therefore is for publication for transparency but with suitable redactions for said responses. We have also anonymised the case studies provided as Appendix 5 for complex lives by referring to them as Case Study A and B and removed any reference that identifies gender via pronouns. This decision is in line with 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 Doncaster City Centre PSPO.
8. That Cabinet approve the revised Public Spaces Protection Order attached at Appendix 2.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

9. The consideration of a PSPO for Doncaster City Centre is one part of a comprehensive plan of on-going activity to tackle ASB to improve the vibrancy of Doncaster City Centre. Community Safety and ASB are key priorities within the Doncaster Delivering Together Strategy as well as the Central Locality Plan. In addition, it will add value to the partnership work to support those who are most vulnerable, for example rough sleeping, homeless and those with associated complex issues.

BACKGROUND

10. The Council carried out a public consultation on the future of the city centre PSPO and whether it should be varied, extended or left to expire. The consultation opened on the 4th of May 2023 and closed on the 29th of June 2023. In addition to the statutory consultees as set out in the legislation, a full public consultation was undertaken, supported by a media campaign. Letters were also delivered to all businesses and residents in the city centre detailing how they could respond to the consultation. There was a particular emphasis on engaging under-served communities and those identified with protected characteristics (e.g., people who are care leavers, veterans, homeless and anyone who may have difficulty with an online survey). Those consulted with were asked to complete an online survey or support was provided at a number of city centre drop-ins. The Council adopted previous best practice identified by the Consultation Institute to formulate the questions posed. Data made available included details of the number of breaches of the current PSPO, a map of the PSPO area, and the current and proposed PSPO prohibitions.
11. The City Centre and Complex Lives Teams undertook direct engagement with rough sleepers and those who are currently in temporary accommodation. In addition, responses were received from the Police and Crime Commissioner, a representative from the British Transport Police, and the Complex Lives Team.

CONSULTATION OUTCOMES

12. The current PSPO has 7 prohibitions. Questions were asked about each prohibition and the suggested proposals. The results of the online survey are a complete representation of all responses received which together with the completed surveys totalled 2396 responses. The survey provided a platform to

voice opinions generally on the PSPO and these have been categorised and key themes are categorised and explored below.

13. Statutory responses were received from the Police and Crime Commissioner, British Transport Police and the Complex Lives Team. A summary of the responses received about each proposal are set out at Appendix 3 and full details of all prohibition related comments received are set out at Appendix 4.

Safety in the City Centre

14. Many comments expressed concerns around feeling safe whilst being in and around the city centre. Some of the comments are detailed below:
 - *“The city centre does not feel a safe place”.*
 - *“Local people need to feel safe”.*
 - *“Doncaster should be free and safe to all people and as a person who is 75 my safety is paramount to me and everyone else. It should be a welcoming city to one and all”.*
15. The purpose of the proposed renewal of the PSPO is to help address these issues and ensure that Doncaster City Centre is a place that all can enjoy safely.

Homelessness and Support for Vulnerable People

16. Many chose to comment on those who appear to be homeless in the city centre and individuals in need of support. A sample of comments related to this are provided below:
 - *“That will not resolve the situation they be back following day we need to get to the root cause (more help for the homeless and users proper shelter and support)”.*
 - *“people should be assessed to see if they need support with mental health/homelessness/addiction etc to turn their life around”.*
 - *“It needs more than prohibition on all these counts. Support for those on drugs and provision of accommodation for the homeless”.*
17. Doncaster Council has programmes in place such as the work delivered by the Complex Lives Team and our partners, which offers support to those who are homeless, rough sleeping or in need. Details of the work undertaken by the Complex Lives Team and the support it offers are detailed at Appendix 5 with a briefing paper and two case studies.

Image

18. Further general comments related to how ASB affects the image of the city centre, examples of which are detailed below:
- *“Anyone drinking alcohol in the city centre other than in authorised areas are not good for business or new visitors, not an image Doncaster wants to promote”.*
 - *“It portrays a bad image and can be intimidating”.*
 - *“It gives the City a bad image”.*
19. Image is not strictly part of the legal test to be met when considering whether to vary and/or renew a PSPO but this 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. The comments made favour stricter enforcement of the PSPO through fines and bans from the city centre, and a greater presence/enforcement by the Police and City Centre Engagement Officers. Some of the comments are detailed below:
- *“Stronger enforcement of this rule is needed”.*
 - *“Law enforcement and stringent enforcement is required”.*
 - *“We need more police on the streets in town”.*
 - *“More Officers to enforce it”.*
 - *“Fine them”.*
 - *“Ban them for longer”.*
21. Some of the comments made go beyond the remit of the PSPO. Doncaster Council and our partners approach to enforcing the PSPO is undertaken in a balanced and proportionate way through engagement and support before more direct and robust enforcement action is considered or taken. In relation to the comments wishing to see a greater presence of police officers and city centre engagement officers, the partnership is looking to examine how to utilise staff more efficiently and effectively in the city centre particularly to increase visible resources at key times.

Extension of Location of PSPO

22. A small number of survey participants (43) wanted to see the PSPO extended to outside of the city centre. Some of these comments related to wishes for a general extension of the PSPO area, whereas some pointed to wishes for a borough-wide extension or the inclusion of parts of Lower Wheatley/Thorne Road and of the Lakeside area.
- *“Although I don’t go that often myself I feel for the people that do. I think powers should be extended to outlying areas of the borough”.*
 - *“Extend it to other areas”.*
 - *“These are exactly the people who keep myself and others from visiting town. You see nothing like this at meadow hall/lakeside village etc”.*
 - *“Not enough is being done on Thorne Road for this, this is something that is really unsettling for my customers and staff. Every day we have people clearly on drugs and being abusive and aggressive and begging for money”.*
 - *“It is noticeable that doncaster has issues with beggars-often also at out of town supermarkets too (Asda Lakeside, Aldi Armthorpe, Lidl Wheatley) though i have not seen them acting aggressively”.*
23. A PSPO can only be introduced if there is an issue that meets the legal test. It is acknowledged there are concerns outside of the city centre that are currently managed through a locality partnership approach with our partners. In relation to Thorne Road and Lower Wheatley, we are aware that specific work has been undertaken proactively with local stakeholders and concerned residents to manage issues in these locations. There was also feedback in relation to the Lakeside area which is outside of the city centre and not in range of the PSPO boundary. Taking all these issues into account, an extension to the areas covered by the PSPO is not considered to be appropriate as we are satisfied that strong and robust local arrangements are in place to manage the ASB in these locations. We are aware that issues within Hexthorpe are managed through a dedicated PSPO as the evidence base exists to justify an order in this area. However, the prohibitions in Hexthorpe are bespoke to the ASB in this area and do differ to issues in the city centre.

SPECIFIC PROPOSALS

24. The table below outlines the 7 existing prohibitions with recommended amendments to prohibition 2 (Loitering).

Begging:

1. BEGGING				
CURRENT PUBLIC SPACE PROTECTION ORDER			PROPOSED PUBLIC SPACE PROTECTION ORDER	
PURPOSE	CURRENT PROHIBITION	WHEN	PROPOSED PROHIBITION	REASONS
<p>The aim is to support vulnerable people to break the cycle of begging and to reduce the impact this has on the city centre offer. People who make requests for money or donations in the city 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 city centre to visitors, shoppers and businesses. Enforcement action will primarily focus on helping people to change behaviour and access support and services.</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>	<p>At all times (not including restriction on people who busk).</p>	<p>Un-changed.</p>	<p>The evidence collected by the Council and the data from the police demonstrates there are still incidents of begging.</p>

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. This is in line with 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 in Appendix 3.
26. Doncaster has been proactive in addressing the challenges of homelessness and rough sleeping and examples of this are through the establishment of the multi-partner CLA (Complex Lives Alliance). In addition, the city centre management approach includes a scheme (Real Help) which provides an alternative to giving money to people on the streets; provides public education and is an alternative option to give support to people who are homeless/rough sleeping.
27. In summary there was overwhelming support in keeping this prohibition in its current form with over 71% of respondents opting to keep it.

Loitering:

2. LOITERING				
CURRENT PUBLIC SPACE PROTECTION ORDER			PROPOSED PUBLIC SPACE PROTECTION ORDER	
PURPOSE	CURRENT PROHIBITION	WHEN	PROPOSED PROHIBITION	REASONS
<p>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 city centre.</p> <p>Enforcement action will primarily focus on helping people to change behaviour and access support services.</p>	<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, car parking payment machines) in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the city centre.</p>	<p>At all times.</p>	<p>Minor wording change to include car parking payment machines.</p>	<p>The evidence demonstrates the most complaints regarding this type of antisocial behaviour in the city centre remain prevalent. It is therefore proposed to keep this prohibition.</p>

28. In summary, over 55% of respondents opted to make no changes to the PSPO and over 32% were supportive of the minor change to include car parking payment machines, therefore, 87% of respondents were supportive of both retaining the prohibition and including the minor amendment. Feedback from the consultation shows that there is evidence of an emerging problem with people loitering around car parking machines as a means of seeking payment from customers for apparently offering to help with operating the machines. Only 1.2% wished for the prohibition to be dropped altogether. Therefore, it is proposed to retain this prohibition but to also include the additional wording to prohibit loitering around car parking payment machines.

No Return in 24 hours:

3. NO RETURN IN 24 HOURS (DISPERSAL)				
CURRENT PUBLIC SPACE PROTECTION ORDER			PROPOSED PUBLIC SPACE PROTECTION ORDER	
PURPOSE	CURRENT PROHIBITION	WHEN	PROPOSED PROHIBITION	REASONS
<p>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 city centre.</p> <p>Enforcement action will primarily focus on helping people to change behaviour and access support services.</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 city centre without reasonable excuse, remain or return to the city centre within a period of 24 hours.</p>	<p>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.</p>	<p>No change proposed.</p>	<p>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 prolific in the city centre. It is therefore proposed to keep this prohibition.</p>

29. The evidence collected by the Council and the data from the Police in Appendix 1 (referred to by the police as rowdy/inconsiderate behaviour) provides additional evidence of antisocial behaviour within the city centre.
30. In summary, the consultation showed over 68% of respondents opted that they agreed the prohibition should remain as it is currently. Of the 30.5% of respondents who wanted to change the prohibition, many of them commented that they thought the period of dispersal should be greater than 24 hours. However, when the Council is considering the specific prohibitions in PSPOs, they are legally required to have particular regard to a person's rights of freedom of expression and assembly. On balance, we believe the current period of 24 hours strikes a fair balance between the rights of those perpetrating anti-social behaviour, and the rights and freedoms of others in being able to lawfully enjoy the city centre free from such behaviour. It is therefore proposed to retain this prohibition.

Drinking:

4. ALCOHOL				
CURRENT PUBLIC SPACE PROTECTION ORDER			PROPOSED PUBLIC SPACE PROTECTION ORDER	
PURPOSE	CURRENT PROHIBITION	WHEN	PROPOSED PROHIBITION	REASONS
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 city centre related to this. Enforcement action will primarily focus on helping people to change behaviour and access support services.	No person shall consume alcohol in any public place in the city centre other than at licensed premises 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).	No change proposed.	The evidence collected by the Council together with the data from the police relating to the consumption of alcohol demonstrates such behaviour is prolific in the city centre. It is therefore proposed to keep this prohibition. To clarify the prohibition does not impact on premises with licenses to sell alcohol.

31. The evidence collected by the Council together with the data from the Police relating to the consumption of alcohol demonstrates such behaviour remains present in the city centre, as shown in Appendix 1. The outcome of the consultation is set out in Appendix 3.
32. On the 6th of June 2023, we received a joint letter from the Doncaster Evening Economy Partnership, which highlighted their objection to prohibition number 4 which states, "No person shall consume alcohol in any public place in the City 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".

The specific objections were that they felt that Anti-Social Behaviour and alcohol consumption are two separate entities, and they objected to a blanket ban on consuming alcohol in a public place, and the removal of the alcohol prohibition, which in their view, would enable their businesses to operate more

effectively and release Council and Police resources to enforce other aspects of the PSPO more effectively.

The data at appendix 1 shows that there is still a significant issue with street drinking. The public consultation has revealed that the consumption of alcohol in a public place remains a significant issue and we still see groups in the city centre consuming alcohol in public areas which have been purchased from off-licences in the city centre. These groups have been witnessed by members of the public and city centre engagement officers engaging in acts of anti-social behaviour. Within the consultation feedback, members of the public also commented as follows:

- *“Drinking in the street just leads to antisocial behaviour and is yet another deterrent for the public to use the town centre”.*
- *“It is intimidating when people are drinking in the street, especially when in groups”.*

Therefore, we believe there is a strong link between the consumption of alcohol and associated anti-social behaviour. Some licensees in the areas of Lazarus Court and Hall Gate have previously wished to use land which does not form part of their licensed premises as beer gardens and have been prevented from doing so by the restrictions of the PSPO, as these areas fall within the definition of a public place within the terms of Section 74 of the Anti-social Behaviour Crime and Policing Act 2014.

The Act defines a public place as, “any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission”. Therefore, it was clearly the intention of parliament to allow PSPOs to cover a much wider area than simply a public highway or open land, and this has been our experience in Doncaster since the introduction of the first PSPO in 2017.

If the licensees wish to use these areas for the consumption of alcohol, there is a pathway for them to do so, for example, by applying for a temporary event notice which provides an exemption; this requires a formal application and there is a cost attached to this.

On balance, we do not think it would be appropriate or sensible to remove the alcohol prohibition from the city centre mapped area. The feedback from the public is overwhelmingly supportive of its retention. From 2396 responses, 78% of the public and local businesses strongly agreed to retain this prohibition, comments received included:

- *“Alcohol is one of the main causes of ASB”.*
- *“People should not be allowed to drink in the street as it usually results in visitors being intimidated”.*
- *“Drinking in the street just leads to antisocial behaviour and is yet another deterrent for the public to use the town centre”.*

At the City of Doncaster Council, we are very supportive of the licensees in Doncaster, and we have carefully considered the feedback they have provided. However, it is important to note, the alcohol prohibition has a wider importance to managing ASB and on street drinking within the city centre. Making exemptions for individual areas or removing the prohibition entirely would make it very difficult to manage this important issue through the PSPO legislation. We would therefore seek to retain this prohibition in its entirety.

Intoxicating Substances

5. INTOXICATING SUBSTANCES				
CURRENT PUBLIC SPACE PROTECTION ORDER			PROPOSED PUBLIC SPACE PROTECTION ORDER	
PURPOSE	CURRENT PROHIBITION	WHEN	PROPOSED PROHIBITION	REASONS
The aim is to deter people from consuming drugs / intoxicating substances and to prevent antisocial behaviour and the impacts on the City Centre related to this. Enforcement action will primarily focus on helping people to change behaviour and access support services.	No person will ingest, 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.	At all times.	No change proposed.	The evidence collected by the Council and the data from the police relating to the intoxicating substances demonstrates such behaviour is prolific in the City Centre. It is therefore proposed to keep this prohibition subject to minor drafting amendments.

33. The evidence collected by the Council and the data from the Police relating to intoxicating substances demonstrates such behaviour remains present in the city centre as shown in Appendix 1. Following consultation with the public, the majority of respondents opted to keep the prohibition as it is. Comments centered around substance misuse, image of the city centre, and feelings of intimidation as a result of the challenges in this area. Some comments included:

- *“Absolutely essential to be kept in place. We all should be able to use our City without feeling intimidated and uncomfortable”.*

- *“It portrays a bad image and can be intimidating”*.
34. Respondents also suggested it was essential to keep the prohibition in place, and some suggested further enforcement of the prohibition. The aim of the prohibition is to deter people from consuming drugs/intoxicating substances and to prevent antisocial behaviour and impacts on the city centre related to this. Enforcement action will primarily focus on helping people to change behaviour and access support services.
35. In summary, over 71% of respondents wanted the prohibition to be kept as it is. It has been taken that there is strong support for the proposal. It is therefore proposed to keep this prohibition.

Urination and Defecation:

6. URINATE/DEFECATE				
CURRENT PUBLIC SPACE PROTECTION ORDER			PROPOSED PUBLIC SPACE PROTECTION ORDER	
PURPOSE	CURRENT PROHIBITION	WHEN	PROPOSED PROHIBITION	REASONS
The aim is to deter people from behaving in an antisocial way which can cause public and environmental health problems, as well as difficulties for city centre businesses/ traders.	No person shall urinate or defecate in any public place; this does not include public toilets.	At all times,	No change proposed.	The evidence collected by the Council demonstrates that there still remains an unacceptable level of such behaviour occurring in the city centre. It is therefore proposed to keep this prohibition.

36. The evidence collected by the Council demonstrates that there still remains an unacceptable level of such behaviour occurring in the city centre. It is therefore proposed to keep this prohibition. The outcome of the Consultation is set out in Appendix 3.
37. In summary, over 78% of respondents opted to support the prohibition remaining. However, responses were received commenting upon the lack of public toilets in the city centre. Whilst there are no 24-hour facilities for public toilets, the Council does have public toilets in the city centre and a number of local businesses provide toilet facilities within daytime and evening economy hours. Other feedback received related to the importance of cleanliness of public toilets and the cost associated with usage. This information has been

passed onto the relevant council department(s) with responsibilities for providing public toilets and cleanliness.

Interfering with Car Parking Equipment

7. CAR PARKING EQUIPMENT				
CURRENT PUBLIC SPACE PROTECTION ORDER			PROPOSED PUBLIC SPACE PROTECTION ORDER	
PURPOSE	CURRENT PROHIBITION	WHEN	PROPOSED PROHIBITION	REASONS
<p>The aim is to ensure effective provision of car parking in the City Centre, which is vital to the economy and most important to vulnerable and disabled visitors.</p> <p>Vandalism and blockages of parking machines causes great frustration and expense to car park users and deters from the experience of using the city centre.</p>	<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 city centre without authorisation.</p>	<p>At all times.</p>	<p>To be removed.</p>	<p>The evidence collected by the Council demonstrates that with the installation of new technology (ring go parking app) the cash within parking machines has substantially reduced, therefore this prohibition can be removed.</p>

38. As part of the consultation, we proposed to remove this prohibition. However, the public feedback overwhelmingly wished to retain the prohibition in its current form. Comments made suggest this behaviour is still occurring, but we believe this viewpoint has emerged at least in part, due to the continuing issue of individuals loitering around parking payment machines as a means of extracting money from the public to provide advice about how to operate the machines.
39. In summary, over 75% of responses supported keeping the proposal as suggested. However, a number of responses highlighted that they wished to see stricter penalties for breaching the PSPO. In terms of the penalties for breaching a PSPO this can be done through either a fixed penalty notice, which the Council has already set to the maximum permitted by the legislation (£100) and there is no scope to increase this. Alternatively, if prosecution proceedings are commenced, then the Magistrates' Court can issue a fine up to the maximum amount set by the legislation and as a Council we have no influence on this independent process. Although as a

Council we proposed removing this prohibition, when taking account of the feedback from the public, it is concluded that we should ensure the behaviour associated with this prohibition is sufficiently reduced or eradicated before the prohibition is removed. It is therefore proposed to keep this prohibition.

40. OFFICE OF THE POLICE AND CRIME COMMISSIONER (OPCC) AND BRITISH TRANSPORT POLICE

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 City Centre which incorporates Doncaster Railway Station. Overall, the PSPO continues to support BTP’s strategic objectives to deliver a safe and reliable network for all, and the PSPO is a useful and effective tool to support them in achieving their objectives.

Copies of the responses in full are at Appendix 6.

PROPOSED PROHIBITIONS

41. The proposed prohibitions are set out in the draft order are as follows:

PROPOSED PUBLIC SPACES PROTECTION ORDER			
	PROPOSED PROHIBITION	WHEN	PURPOSE
1. Begging			
	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 city centre offer. People who make requests for money or donations in the city 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 city centre to visitors and shoppers and businesses. Enforcement action will primarily focus on helping people to change behaviour

			and access support services.
2. Loitering			
	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 and car parking payment machines) in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the city 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 city centre. Enforcement action will primarily focus on helping people to change behaviour and access support services.
3. No return in 24hrs (Dispersal)			
	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 city centre without reasonable excuse, remain or return to the city 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 city centre. Enforcement action will primarily focus on helping people to change behaviour and access support services.
4. Alcohol			
	No person shall consume alcohol in any public place in the city 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 city centre related to this. Enforcement action will primarily focus on helping people to change behaviour and access support services.

5. Intoxicating substances			
	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.	At all times.	The aim is to deter people from consuming drugs/intoxicating substances and to prevent antisocial behaviour and impacts on the city centre related to this. Enforcement action will primarily focus on helping people to change behaviour and access support services.
6. Urinate/Defecate			
	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 antisocial way which can cause public and environmental health problems, as well as difficulties for city centre businesses/traders.
7. Car Parking Equipment			
	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 city centre without authorisation.	At all times.	The aim is to ensure effective provision of car parking in the city 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 city centre.
Additional notes and definitions for the purpose of the Order.			
<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

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

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

Option Three: Let the current PSPO expire without renewal.

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

44. **Option One - To extend the PSPO, but with changes that reflect the feedback we have received on the existing PSPO (including any changes arising from discussions of the responses to the consultation).**

Answer choices	Responses
Strongly agree	70.9%
Agree	19.9%
Neutral	5.6%
Disagree	0.9%
Strongly disagree	1.4%

45. The greatest majority of people here selected either strongly agree or agree. Even though this option supports extending the PSPO as it stands, this still demonstrates that the continuation of the PSPO has public support.

46. **Options Two – To extend the PSPO as it stands; changing only the parts required by law/guidance.**

Answer choices	Responses
Strongly agree	37.1%
Agree	18.6%
Neutral	19.9%
Disagree	10.9%
Strongly disagree	5.7%

47. Responders regarding option two, mainly selected strongly agree or neutral 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.

48. **Option Three- To let the PSPO expire without renewal.**

Answer choices	Responses
Strongly agree	3.5%
Agree	1.6%
Neutral	5.7%
Disagree	14.2%
Strongly disagree	65.9%

49. Most participants 'strongly disagreed' for 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.

50. After selecting responses to the above three options, some respondents then left comments to supplement these, please see some of these comments below:

- *"If changes need to be made to make the city centre a safer place, then it should happen quickly".*
- *"Needs regular enforcement needs enforcement".*
- *"Want to feel safe in the new city".*
- *"Its alright having rules it is the implementation of the rules that matter".*
- *"There are laws in place and police have powers to deal with such behaviours with out the prohibition".*
- *"The PSPO must stay in place but I think it needs to be improved and a greater focus put into specific areas.".*
- *"Change it all".*
- *"I believe it continues to be essential to bear down on the issues coved by the PSPO otherwise the standing of the city center will be further eroded to the detriment of the general public and commercial activity within the city center".*
- *"If this is the only option the I agree but I feel improving the orders is the best option. The world is constantly changing so it needs to adapt with it".*

51. Over 80% of people disagreed or strongly disagreed to let the PSPO expire without renewal which shows overall strong support for PSPO.

52. 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 that the city centre is free from anti-social behaviour.

REASONS FOR RECOMMENDED OPTION

OPTION ONE – As part of the consultation, we put forward a slight amendment to the loitering prohibition and proposed the removal of prohibition 7 relating to interference with car parking machines. The consultation overwhelmingly supported that these issues remained of great concern to the public, and in terms of interference and loitering around parking machines 87% wished to retain and/or amend this prohibition to include parking payment machines.

53. Therefore, responding to the feedback from the public and local businesses, we have made a slight amendment to the loitering prohibition to include car park payment machines and have retained the interference with parking machines in its present form. This option will continue to 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 cycles of behaviours they can be locked into.




NEXT STEPS – IMPLEMENTATION IF APPROVED





54. If approved by Cabinet, it is proposed that the PSPO will be implemented on the 7th of November 2023 as the current PSPO is due to expire on the 6th of November 2023.
55. 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 available to people who require such support.
56. 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 CLA. The clear brief to all partners will be to work together with people with complex needs to break the cycles they can be locked into.
57. 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.
58. If the proposals are approved, new signage within the PSPO area will be installed in prominent locations.


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, this clarity encourages and supports businesses who operate in the city 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 city centre is the beating heart of 	<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>Doncaster</p> <ul style="list-style-type: none"> • 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>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 city 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>

Great 8 Priority	Positive Overall	Mix of Positive & Negative	Trade-offs to consider – Negative overall	Neutral or No implications
 Tackling Climate Change	✓			
<p>The City Centre PSPO will help to improve the general environment in the city centre with measures to tackle anti-social behaviour and street drinking.</p>				
 Developing the skills to thrive in life and in work	✓			
<p>The city centre is important to Doncaster's economy, providing employment, a safe environment and wider skills. We also have education establishments in the city centre and a Further Education College, promoting learning opportunities and the PSPO will help to maintain a safe environment for young people and students within the city centre.</p>				
 Making Doncaster the best place to do business	✓			

and create good jobs				
<p>Attracting new businesses and supporting existing businesses is part of the Doncaster Economic Strategy. The PSPO is a key measure in supporting a thriving city centre, where the public and local businesses feel supported and encouraging visitors to the city centre.</p>				
 Building opportunities for healthier, happier and longer lives for all	✓			
<p>The proposed renewal of the PSPO is one part of a comprehensive plan of activity to tackle anti-social behaviour whilst also supporting people with complex lives (including preventing and tackling homelessness and rough sleeping, drug and alcohol misuse, mental ill-health, offending, anti-social behaviour and begging). The Complex Lives Team work closely with the City Centre Engagement Officers providing a 'support first' approach, using the PSPO as a lever to support people to engage with services.</p>				
 Creating safer, stronger, greener and cleaner communities where everyone belongs	✓			
<p>There has been a comprehensive and wide-ranging consultation to support the renewal of the PSPO and this has included diverse and under-represented communities.</p>				
 Nurturing a child and family-friendly borough	✓			
<p>This decision supports the delivery of several priorities set out within the Children and Young Peoples Plan. Within the city centre we have educational establishments, a museum, and a further education college. Therefore, it will be important (as part of the consultation and wider implementation) to consider the voice of children and families.</p>				
 Building Transport and digital connections fit for the future	✓			
<p>The decision to consult on a refreshed PSPO for the city centre gives confidence to residents that we want our city centre to be an area that people want to visit and use, and this includes the established public transport networks and city centre car parking schemes. Through the quality streets implementation, we have established a number of cycle paths, encouraging public access to the city centre using alternative transport.</p>				

 Promoting the borough and its cultural, sporting, and heritage opportunities	✓			
A vibrant and thriving city centre will encourage visitors to enjoy local venues such as theatres museums, night-time venues and the main shopping and leisure offers.				
Fair & Inclusive	✓			
Doncaster Delivering Together sets out a vision for a borough with reduced inequalities and improved access to social and economic opportunities which the city centre has to offer. The PSPO will help to maintain a vibrant and welcoming city centre based around fairness and inclusion.				

LEGAL IMPLICATIONS [NC Date 21/07/23]

59. 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.
60. Section 72 of the Act places a duty on Councils when considering renewing or varying an order, and if so, 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.
61. 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).

62. 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.
63. 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 [NC Date 26/07/23]

64. The costs of extending a PSPO for Doncaster City 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 [SB Date 26/07/23]

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

TECHNOLOGY IMPLICATIONS [PW Date 26/07/23]

66. 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.

EQUALITY IMPLICATIONS [NC Date 21/07/23]

67. 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.
68. 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.
69. 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.
70. 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 'Due Regard Statement - Equality Impact document which will assist members in this regard and is shown at Appendix 7. 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.

RISKS AND ASSUMPTIONS

71. The key risks and assumptions associated with the recommendations in this report are:
72. The real potential for escalation of concerns and risks facing people with complex lives and to the city centre unless positive and comprehensive action is taken. The comprehensive actions being taken including a PSPO would provide a response to manage this risk.
73. 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 CLA.
74. 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.

CONSULTATION

75. 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** - PARTNERSHIP DATA
- APPENDIX 2** - PSPO DRAFT ORDER
- APPENDIX 3** - SUMMARY OF THE RESPONSES
- APPENDIX 4** - ALL THE COMMENTS RECEIVED
- APPENDIX 5** - COMPLEX LIVES BRIEFING AND CASE STUDIES
- APPENDIX 6** - RESPONSES FROM POLICE AND CRIME COMMISSIONER AND BRITISH TRANSPORT POLICE
- APPENDIX 7** - DUE REGARD STATEMENT

BACKGROUND PAPERS

- a) Home Office Anti-Social Behaviour Powers - Statutory Guidance for Frontline Professionals - updated March 2023 (to include reference to the Governments Action Plan to deal with Anti-Social behaviour).
- b) Doncaster Delivering Together Strategy 2020.

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

- | | |
|------|---|
| PSPO | - Public Spaces Protection Spaces Order. |
| PSED | - Public Sector Equality Duty. |
| ASB | - Anti-social behaviour. |
| CLA | - Complex Lives Alliance is an outreach and case management team working with people with a range of complex needs. |

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