

# Public Petitions, Questions and Statements – Communities, Parks and Leisure Policy Committee

Meeting Date: 09/12/24

**Petitions** (*None received*)

## Questions (Committee Remit)

**From:** Saghir Hussain

**Subject:** Inquiry on Burial Space Planning and Drainage Issues

### 1. Burial Space Planning

Could you confirm when the 35-50 year forward plan for the provision of suitable burial spaces will be made public? At this evening's community meeting (27/11/24), Leader Tom mentioned that this report is being prepared and will be available soon. Could you please provide a specific date for its publication?

### 2. Flooding and Drainage

While I understand the focus of the meeting, if the 4-12-24 cabinet (*Full Council*) meeting discussion does not fully address the core issues of flooding and retrofit drainage, could you confirm that SCC remains fully committed to resolving these issues? Specifically, will SCC prioritize the retrofit of these drains as a matter of urgency?

## Response:

1. We are developing a Burial, Cremation and Cemetery Green Spaces Strategy which aims to be presented to Communities, Parks and Leisure Committee for approval in March 2025. When presented for decision and once approved this will be a public document. Based on recommendations from members it is expected that the strategy will include a clear plan for land provision to ensure that the current and future needs of all are met.

Alongside the development of this strategy, we are actively seeking new land for new cemetery developments. We will keep talking to partners and the public as this work progresses.

2. Hopefully this question was answered fully at Full Council, however, please see a response below which hopefully reaffirms that shared at Full Council.

Now a drainage solution has been agreed for new lined graves, our next step is to finalise the surface water drainage plans for the full area and in doing so we are committed to discussing options with Gem Precast Ltd to utilise the skills and experience they have in this field. We cannot commit to the outcome of these conversations until they have taken place, but we do commit to trying to find the right solution for the cemetery and everyone buried there, including those in the existing concrete lined graves.

### Questions (Agenda-Related)

1. **From:** Roshan Lal

I would like to submit a question about the proposed PSPO in Sheffield.

My question is, how will special care be taken to ensure the guidance isn't interpreted so broadly that it ends up criminalising vulnerable people and people with nowhere else to go - for example the homeless and other vulnerable people?

My concern is that anyone deemed to be causing 'distress' or 'alarm' - which could be interpreted incredibly broadly, is at risk of criminalisation and harassment for reasons that are beyond their control. Issues around homelessness should not be resolved by criminalising the homeless.

This also increases the risk of discriminatory policing, especially against those deemed to be presenting as 'alarming' or 'distressing', which could include any one who doesn't fit neatly into the norms of typical presentation.

I also fear that the proposed PSPO will have a chilling effect on protest that happens in the city centre, which happens often, and is often loud and disruptive. Police could interpret protestors as 'loitering' and potentially criminalise them, which privileges police powers over the public's right to protest.

I hope you consider my question and the concerns I have raised when discussing the proposal.

### Response:

Thank you for your question.

The terms 'harassment', 'alarm' and 'distress' are considered to be relatively strong words that are used in the definition of anti-social behaviour in section 2(1) 2 of the Anti-social Behaviour, Crime and Policing Act 2014.

This means that there is a threshold that must be met before the behaviour can be deemed to have breached the restrictions in the Order. This narrows down how the restrictions can be interpreted thereby reducing the risk of criminalising people for reasons that are beyond their control.

The original proposed PSPO also used the words 'nuisance' and 'annoyance'. The threshold for nuisance or annoyance is lower than that for harassment, alarm or distress and so these have been taken out of the revised proposed Order based on the feedback received during the consultation.

If someone is perceived to be causing harassment, alarm or distress, they will only breach the PSPO if they are carrying out certain activities. The restrictions in the PSPO relate to specific behaviours and the way they are carried out. This is important when considering whether a breach has occurred.

Harassment, alarm and distress relate to two of the restrictions, namely begging and loitering. If someone is loitering in certain locations or begging they would only breach the PSPO if they were done in a manner that causes or is likely to cause harassment, alarm or distress.

The right to protest will not be affected by the restrictions proposed in this PSPO. A local authority, in deciding whether to make a public spaces protection order and what it should include must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights.

The right to protest is protected by Articles 10 (freedom of expression) and 11 (freedom of assembly) of the Convention as enacted in UK law by the Human Rights Act 1998.

**2. From:** Philippa Jeacocke

In the public report dated 9th December 2024 of the Communities, Parks and Leisure Policy Committee on p65 it states that "special care must be made to ensure that a PSPO does not disproportionately affect vulnerable members of the community". I would like to know what "special care" precautions will be taken to ensure the PSPO does not criminalise vulnerable people in the town centre who are experiencing homelessness.

The wording used in the PSPO specifically mentions loitering and begging as types of ASB where the PSPO could be enforced if it is "in a manner that causes or is likely to cause harassment, alarm or distress to any person". This wording seems purposefully vague and open to discriminatory interpretation against anybody that doesn't look or behave in a "conventional" way. What safeguards will be put in place to avoid this PSPO to be used in such a discriminatory manner?

The wording around "loitering" also implies that anyone who is gathering in the public space of the town centre for social or collective means could be penalised for simply being present in a public space. What measures will be put in place to avoid this from happening?

**Response:**

Thank you for your question.

The PSPO applies to everyone, equally. Care has been taken with the wording of the restrictions in the proposed PSPO, which were revised following the public consultation, to make them less subjective.

Alongside the PSPO, the Enforcement and Support Protocol is there to ensure the use of the PSPO is not a blunt tool, but allows for education, engagement and support to be the priority over punitive action.

A central element of our approach to ensuring appropriate action is taken to address any breaches of the PSPO is a new process called the 'Anti-Social Behaviour Notice of Intended Action' (NIA).

The NIA is a written notification that can be given by Council and Police officers to someone who has breached the PSPO. This notifies someone that they have breached the PSPO, warns that their behaviour is unacceptable, and advises them that the council/police may take further action to address the issue and prevent further anti-social behaviour.

The advantage to this process is that it provides both a clear, and easy to follow process for officers while also ensuring there is a visible intervention to address the breach, and appropriate follow-up action where needed. This will include consideration of support needs where necessary.

If someone is perceived to be causing harassment, alarm or distress, they will only breach the PSPO if they are carrying out certain activities. The restrictions in the PSPO relate to specific behaviours and the way they are carried out. This is important when considering whether a breach has occurred.

Harassment, alarm and distress relate to two of the restrictions, namely begging and loitering. If someone is loitering in certain locations or begging they would only breach the PSPO if they were done in a manner that causes or is likely to cause harassment, alarm or distress.

The terms 'harassment', 'alarm' and 'distress' are considered to be relatively strong words that are used in the definition of anti-social behaviour in section 2(1) of the Anti-social Behaviour, Crime and Policing Act 2014.

This means that there is a threshold that must be met before the behaviour can be deemed to have breached the restrictions in the Order. This narrows down how the restrictions can be interpreted thereby reducing the risk of criminalising people for reasons that are beyond their control.

The original proposed PSPO also used the words 'nuisance' and 'annoyance'. The threshold for nuisance or annoyance is lower than that for harassment, alarm or distress and so these have been taken out of the revised proposed Order based on the feedback received during the consultation.

Page 5

3. **From:** Amanda Keeling

A PSPO aimed at behaviours associated with homeless does nothing to resolve the underlying problems that are causing people to sleep rough, and to be on the streets. It only serves to displace the behaviour to other areas of the city. I would like to know what plans the Council has, PSPO aside, to support those experiencing homelessness in the city.

A PSPO will not provide support, or signpost people into services - it will damage trust in institutions and entrench problems (see Heap et al 2022). How will the council ensure that trusting relationships of care can be built between its agents and people experiencing homelessness in Sheffield, in the context of a punitive PSPO regime?

**Response:**

Thank you for your question.

A PSPO is an order placing restrictions on certain activities and/or behaviours. Alongside the PSPO, the Enforcement and Support Protocol is there to ensure the use of the PSPO is not a blunt tool, but allows for education, engagement and support to be the priority over punitive action.

The Council is working with many partners and is involved with activities that provide support to vulnerable individuals, particularly those suffering from homelessness. The Council's priorities for tackling homelessness and rough sleeping can be found in the Homelessness Prevention and Rough Sleeping Strategy 2023-2028 ([HPS - Final version 2023.pdf](#)).

There is the potential for a positive impact on those experiencing street homelessness through targeted support and advice. Rough sleeping is the most visible and harsh form of Homelessness and continues to be a growing problem nationally and Sheffield is no exception to this. Although addressing rough sleeping in Sheffield continues to be a challenge and, although the number of new people rough sleeping is low, Homeless Prevention and Rough Sleeping Strategy Action Plan ensures that their needs are promptly addressed (see Housing Policy Committee report September 2024 <https://democracy.sheffield.gov.uk/mgAi.aspx?ID=35428> for details of the action plan). The Rough Sleeping Initiative Team that work in Housing solutions, do outreach specifically for those Rough sleeping.

Our approach to dealing with breaches of the PSPO restrictions will be in line with the Sheffield Harm Reduction Enforcement Pathway ensuring that we take every opportunity to identify and understand underlying causes of ASB.

This will be achieved by utilising existing partnership meetings/forums where individuals with multiple complex support needs are raised and appropriate multiagency packages of care are agreed around substance misuse treatment, mental health and housing support pathways. These are set out in a City Centre Action Plan.

The PSPO is designed to complement and contribute to this plan.

4. **From:** Alex Lumsden

I am the Outreach Manager for Ben's Centre, a charity based on the edge of the City Centre that works with people involved in alcohol and substance misuse. Many of our service users are victims and perpetrators of anti-social behaviour in the city centre, and it seems clear that the proposed PSPO is designed to target this cohort. It will attempt to use enforcement options to lessen the visibility of vulnerable people in the city centre.

There is a small and identifiable group of Sheffield residents who use drugs or alcohol in public spaces, beg on the high streets, are sleeping rough, and don't have reliable access to toilet facilities. Within this group, it is not an exaggeration to say that the vast majority have a mental and/or physical disability. Why was there not an impact report based on disability, and the way in which these disabled people will be disproportionately affected by the PSPO measures?

Additionally, in the analysis of the consultation has any weight been given to responses from people and organisations who have expertise or work with the vulnerable people in question? Eg. A commercial enterprise relates to these people very differently from a support service.

**Response:**

Thank you for your question.

The approach to enforcement will include a holistic assessment of the individual circumstances of PSPO breaches and the person responsible and will make use of the full range of anti-social behaviour tools and powers – including ensuring support is offered.

By making a PSPO, officers can intervene earlier to tackle specific activities that cause or are likely to cause antisocial behaviour. This allows officers to focus on prevention, advice and guidance as the initial priority so that support can be provided to individuals in need. It also allows officers to protect individuals who are part of a wider group who may be particularly vulnerable to harm because they are part of the group.

The PSPO applies to everyone, equally. Care has been taken with the wording of the restrictions in the proposed PSPO, which were revised following the public consultation, to make them less subjective.

The terms 'harassment', 'alarm' or 'distress' are considered to be relatively strong words that are used in the definition of anti-social behaviour in section 2(1) 2 of the Anti-social Behaviour Crime and Policing Act 2014.

This means that there is a threshold that must be met before the behaviour can be deemed to have breached the restrictions in the Order. This narrows down how the restrictions can be interpreted thereby reducing the risk of criminalising people for reasons that are beyond their control.

The PSPO is intended to tackle specific behaviours that are anti-social and applies to everyone equally irrespective of whether or not they have a disability. An Equalities Impact Assessment has been carried out.

Alongside the PSPO, the Enforcement and Support Protocol is there to ensure the use of the PSPO is not a blunt tool, but allows for education, engagement and support to be the priority over punitive action.

A central element of our approach to ensuring appropriate action is taken to address any breaches of the PSPO is a new process called the 'Anti-Social Behaviour Notice of Intended Action' (NIA).

The NIA is a written notification that can be given by Council and Police officers to someone who has breached the PSPO. This notifies someone that they have breached the PSPO, warns that their behaviour is unacceptable, and advises them that the council/police may take further action to address the issue and prevent further anti-social behaviour.

The advantage to this process is that it provides both a clear, and easy to follow process for officers while also ensuring there is a visible intervention to address the breach, and appropriate follow-up action where needed. This will include consideration of support needs where necessary.

Our approach to dealing with breaches of the PSPO restrictions will be in line with the Sheffield Harm Reduction Enforcement Pathway ensuring that we take every opportunity to identify and understand underlying causes of ASB.

This will be achieved by utilising existing partnership meetings/forums where individuals with multiple complex support needs are raised and appropriate multiagency packages of care are agreed around substance misuse treatment, mental health and housing support pathways. These are set out in a City Centre Action Plan. The PSPO is designed to complement and contribute to this plan.

The consultation report analysed all responses objectively and the entire report, alongside other submissions that were made, including those with expertise in this area were considered and changes were made to the proposed restrictions based on the responses.

Views expressed through the consultation were both positive and negative but overall, just over two thirds of individual respondents thought Sheffield City Council should introduce a PSPO in the city centre and a higher proportion (87%) of organisations agreed with the introduction. One registered charity working with homeless individuals specifically commented that they would welcome a PSPO to reduce the opportunities for anti-social behaviours.

5. From: Dr Vicky Heap, Dr Benjamin Archer and Dr Alex Black

Q1a. We met with council officers on 20 March to share our ASB expertise. Here, we offered to act in an advisory/critical friend capacity, subsequently submitting our response to the consultation, making clear why we could not support the proposed PSPO. Unfortunately, we were not contacted again. We remain concerned that issuing FPNs to vulnerable people could still occur despite the 'Enforcement and Support Protocol', which the report concedes will not always be a linear process. If these individuals are unable/unwilling to engage with support services, how will a FPN they are unable to pay stop the ASB?



Q1b. Relatedly, is the use of FPNs in these circumstances a short-cut to further criminalisation by prosecution instead of issuing the FPN and requesting a Criminal Behaviour Order, which could ban individuals from the city centre?

Q2. The inclusion of a new dispersal element in the PSPO circumvents the usual process of obtaining a 48-hour dispersal order (section 34 of the ASB, Crime and Policing Act 2014) that requires senior police officer sign-off. Including dispersal requirements in a PSPO also negates Home Office guidance which states that formal dispersal powers should only be a short-term solution. How will spatial displacement be managed?

**Response:**

We are grateful for your meeting with us and thank you for the feedback you provided. This was considered, alongside the consultation feedback and changes have been made to the proposed restrictions as a result.

For example, your feedback was that some of the restrictions had a low threshold that is likely to be inconsistently applied across the citizenry e.g. consuming or intending to consume alcohol. The alcohol restriction has been revised, as was suggested, to only be if it is causing or likely to cause ASB. The words 'nuisance' and 'annoyance' were taken out of the loitering and begging restrictions to bring them in line with the definition of anti-social behaviour in the Act ie causing or likely to cause 'harassment, alarm or distress'.

There are other tools in the Anti-social Behaviour Crime and Policing Act 2014 for tackling anti-social behaviour of individuals. The requirement to provide personal details, alongside the Notice of Intended Action will mean that, where appropriate, action could be taken using existing powers in the Act, potentially avoiding the need to issue FPNs for breach of the PSPO.

The Dispersal Powers in the Act are used to react to a specific, short-term issues, for example to reduce violence and ASB around football matches. It enables the police to order people away from a specific area, for a specific time period.

The purpose of the PSPO's requirement to leave is to provide an intervention that will help to avoid more formal action such as issuing an FPN. It is a low-level intervention, which demonstrates that someone's behaviour is harming others and that it is not acceptable.

This requirement can only be used following a breach of one of the PSPO restrictions and will facilitate resolving situations in line with the Enforcement and Support Protocol.

The Enforcement and Support Protocol has been developed alongside the PSPO to mitigate some of the risk of displacement by aiming to understand and address underlying and unmet need as part of the harm reduction approach.

The PSPO, when combined with the Enforcement and Support Protocol, is a tool to illicit change and provide support, however, there is a risk that introducing prohibitions in the City Centre area could displace ASB to other locations adjacent to the City Centre. SYP and the Council have baseline data on the types of ASB in the area surrounding the PSPO area and are aware of some ASB issues in these areas and are already actively working to deal with these issues.

If displacement does occur, the appropriate action will be taken to address the antisocial behaviour in these areas and, where appropriate, provide support to vulnerable individuals. The Act also gives the power to local authorities to vary the order by increasing or reducing the area to which it applies. If the evidence supported it, the council would have the option to review the area covered by the PSPO while it is in force.

### **Statements (Agenda-Related)**

**From:** Thomas Winterbotham

I would like to raise concerns about the proposed City Centre Public Spaces Protection Order for Sheffield city centre.

This ordinance will disproportionately affect homeless people - some of the most vulnerable in our society. I see no attempt to mitigate the fact that a subjective and vague law, such as this, will inevitably discriminate against those with mental health-related disabilities. This new proposal will lead to homeless people being targeted and harassed by police officers, instead of helped, housed and cared for by professionals and volunteers who could understand and support them.

Rather than trying to solve the homelessness issue with appropriate housing and mental health support, this proposal looks to hide the problem away from view and blame the victims of a broken system. We have become a city that is so ashamed of the poverty created by years of austerity that we look to banish any sign of it from our streets. I would prefer it if we acknowledged the humanity of homeless people, instead of criminalising them.

Thank you for taking the time to read this message.