

# Communities, Parks and Leisure Policy Committee

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**Monday 29 January 2024 at 2.00 pm**

**Town Hall, Sheffield, S1 2HH**

**The Press and Public are Welcome to Attend**

## **Membership**

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Councillor Richard Williams  
Councillor Marieanne Elliot  
Councillor Janet Ridler  
Councillor Tony Downing  
Councillor Alan Hooper  
Councillor Bernard Little  
Councillor Karen McGowan  
Councillor Robert Reiss  
Councillor Garry Weatherall

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## PUBLIC ACCESS TO THE MEETING

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The Community, Parks and Leisure Policy Committee discusses and takes decisions on:

- Communities
  - Community Development
  - Cohesion and Migration
  - Community Safety including Anti-Social Behaviour
  - Prevention and Early Intervention
  - Youth Services
- Parks, Leisure and Libraries
  - Sport, physical activity and leisure facilities
  - Community events
  - Parks and Countryside (including non-highway Trees and Woodlands)
  - Allotments
  - Ecology
  - Bereavement Services
  - Libraries
- Voluntary Sector
  - Voluntary Sector Liaison
  - Voluntary Sector Grant Aid Programme
  - Relationships and development with the Voluntary, Community and Faith Sector

Meetings are chaired by Councillor Richard Williams.

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda. Members of the public have the right to ask questions or submit petitions to Policy Committee meetings and recording is allowed under the direction of the Chair. Please see the [Council's webpages](#) or contact Democratic Services for further information regarding public questions and petitions and details of the Council's protocol on audio/visual recording and photography at council meetings.

Policy Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last on the agenda.

Meetings of the Policy Committee have to be held as physical meetings. If you would like to attend the meeting, please report to an Attendant in the Foyer at the Town Hall where you will be directed to the meeting room. However, it would be appreciated if you could register to attend, in advance of the meeting, by emailing [committee@sheffield.gov.uk](mailto:committee@sheffield.gov.uk), as this will assist with the management of attendance at the meeting. The meeting rooms in the Town Hall have a limited capacity. We are unable to guarantee entrance to the meeting room for observers, as priority will be given to registered speakers and those that have registered to attend.

Alternatively, you can observe the meeting remotely by clicking on the 'view the webcast' link provided on the meeting page of the [website](#).

If you wish to attend a meeting and ask a question or present a petition, you must submit the question/petition in writing by 9.00 a.m. at least 2 clear working days in advance of the date of the meeting, by email to the following address: [committee@sheffield.gov.uk](mailto:committee@sheffield.gov.uk).

In order to ensure safe access and to protect all attendees, you will be recommended to wear a face covering (unless you have an exemption) at all times within the venue. Please do not attend the meeting if you have COVID-19 symptoms. It is also recommended that you undertake a Covid-19 Rapid Lateral Flow Test within two days of the meeting.

If you require any further information please email [committee@sheffield.gov.uk](mailto:committee@sheffield.gov.uk).

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## FACILITIES

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There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms. Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

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**COMMUNITIES, PARKS AND LEISURE POLICY COMMITTEE AGENDA  
29 JANUARY 2024**

**Order of Business**

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**Welcome and Housekeeping**

The Chair to welcome attendees to the meeting and outline basic housekeeping and fire safety arrangements.

**1. Apologies for Absence**

**2. Exclusion of Press and Public**

To identify items where resolutions may be moved to exclude the press and public

**3. Declarations of Interest**

Members to declare any interests they have in the business to be considered at the meeting

(Pages 7 - 10)

**4. Minutes of Previous Meeting**

To approve the minutes of the last meeting of the Committee held on

(Pages 11 - 16)

**5. Public Questions and Petitions**

To receive any questions or petitions from members of the public.

(NOTE: There is a time limit of up to 30 minutes for the above item of business. In accordance with the arrangements published on the Council's website, questions/petitions at the meeting are required to be submitted in writing, to [committee@sheffield.gov.uk](mailto:committee@sheffield.gov.uk), by 9.00 a.m. on Thursday 25<sup>th</sup> January 2023).

**6. Members' Questions**

To receive any questions from Members of the committee on issues which are not already the subject of an item of business on the Committee agenda – Council Procedure Rule 16.8.

((NOTE: a period of up to 10 minutes shall be allocated for Members' supplementary questions - one supplemental question on each question may be asked by the Member who had submitted the original question).

**7. Work Programme**

(Pages 17 - 30)

Report of the Director of Policy and Democratic  
Engagement

**Formal Decisions**

- |            |   |                      |
|------------|---|----------------------|
| <b>8.</b>  | <b>City Centre Public Spaces Protection Order (PSPO)</b><br>Report of the Executive Director Neighbourhood Services | (Pages 31 - 166)     |
| <b>9.</b>  | <b>Climate Statements</b><br>Report of the Director of Parks, Leisure and Libraries                                 | (Pages 167 -<br>206) |
| <b>10.</b> | <b>Grant arrangements for volunteer run libraries</b><br>Report of the Executive Director of Neighbourhood Services | (Pages 207 -<br>226) |
| <b>11.</b> | <b>Verbal Update on Tramlines</b>   | (Verbal Report)      |
| <b>12.</b> | <b>Verbal Update for Rose Garden Café</b>   | (Verbal Report)      |
| <b>13.</b> | <b>Verbal Update Launch of Sport &amp; Leisure Strateg</b>  | (Verbal Report)      |

**NOTE: The next meeting of Communities, Parks and  
Leisure Policy Committee will be held on Monday 11  
March 2024 at 2.00 pm**

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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If you are present at a meeting of the Council, of its Policy Committees, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest** (DPI) relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period\* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

\*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
  - the landlord is your council or authority; and
  - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either -
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.



Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from David Hollis, Interim Director of Legal and Governance by emailing [david.hollis@sheffield.gov.uk](mailto:david.hollis@sheffield.gov.uk).

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Communities, Parks and Leisure Policy Committee

Meeting held 12 December 2023

**PRESENT:** Councillors Richard Williams (Chair), Marieanne Elliot (Deputy Chair), Janet Ridler (Group Spokesperson), Tony Downing, Alan Hooper, Karen McGowan, Robert Reiss and Garry Weatherall

**1. APOLOGIES FOR ABSENCE**

1.1 Apologies for absence were received from Councillor Bernard Little

**2. EXCLUSION OF PRESS AND PUBLIC**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on the appendix to **item 12** of the agenda on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 3 and 5 of Schedule 12A to the Local Government Act 1972, as amended.

**3. DECLARATIONS OF INTEREST**

3.1 There were no formal declarations of interest made at the meeting.

**4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the previous meeting held on **13 November 2023** were approved as a correct record.

**5. PUBLIC QUESTIONS AND PETITIONS**

5.1 There were no public questions or petitions received.

**6. MEMBERS' QUESTIONS**

5.1 A schedule of questions to the Chair, submitted in accordance with Council Procedure Rule 16, and which contained written answers, was circulated.

5.2 Supplementary questions, under the provisions of Council Procedure Rule 16.4, were asked and the Chair promised a response.

**7. WORK PROGRAMME**

7.1 The Principal Democratic Services Officer introduced the report which contained the Committee's work programme for consideration and discussion. The aim of the work programme was to show all known, substantive agenda items for forthcoming meetings of the Committee, to enable this committee, other committees, officers, partners, and the public to plan their work with and for the committee.

7.2 Suggestions were made in regard to adding the ASB order to a future meeting.

7.3 a. **RESOLVED UNANIMOUSLY:** That:-

1. The Committee's work programme, as set out in Appendix 1 be agreed, including any additions and amendments identified in Part 1;
2. Consideration be given to the further additions or adjustments to the work programme presented at Part 2 of Appendix 1; and
3. Members give consideration to any further issues to be explored by officers for inclusion in Part 2 of Appendix 1 of the next work programme report, for potential addition to the work programme.

## 8. **2023/24 Q2 BUDGET MONITORING**

8.1 The Head of accounting introduced the report which brought the Committee up to date with the Council's General Fund Revenue outturn position for 2023/24 as at Quarter 2.

8.2 **RESOLVED UNANIMOUSLY:** That the **Communities, Parks and Leisure** Policy Committee:-

1. Note the updated information and management actions on the 2023/24 Revenue Budget Outturn as described in this report.

### 8.3 **Reasons for Decision**

8.3.1 To record formally changes to the Revenue Budget.

### 8.4 **Alternatives Considered and Rejected**

8.4.1 The Council is required to both set a balance budget and to ensure that in-year income and expenditure are balanced. No other alternatives were considered.

## 9. **UPDATE ON THE ROSE GARDEN CAFÉ PROJECT**

9.1 The Head of Parks and Countryside provided a verbal update to the committee which brought the committee up to date with Partnership work in regard to the Rose Garden Cafe Project.

9.2 It was outlined that meetings had taken place with an architect and a surveyor to look at the front wall and ways to resolve the issue.

9.3 Members gave comments and asked questions. Responses were provided surrounding finances, budget gap and funding availability.

## 10. **CENTRAL LIBRARY UPDATE ON GOVERNANCE AND PROPOSED NEXT STEPS**

10.1 The Head of Libraries, Archives and Information Services introduced the report

which provided a briefing to the Communities, Parks and Leisure Committee regarding the process being proposed to Strategy and Resources Committee in December 2023 for the timeline and requirement for feasibility funding to develop a solution for the Graves Buildings, which hosts the Central Library and Graves Gallery.

10.2 **RESOLVED UNANIMOUSLY:** That the **Communities, Parks and Leisure** Policy Committee:-

1. Note the contents of the report.
2. Note that further updates and decisions (where required) on the future role of the library service and Central Library offer will be brought to the CPL committee for approval.
3. Note that decisions regarding the Graves Building, including financial decisions will be made by the Strategy and Resources Committee.

10.3 **Reasons for Decision**

- 10.3.1 The recommendation approved set out a process and indicative timescale for gaining the in-depth information needed to inform future decisions on the Central Library/Graves Gallery.

Without this additional information, Members will not be able to make a well-grounded decision.

There is real urgency for the future of this Sheffield landmark to be secured, with the potential for exciting options for future gallery and library development.

However, the financial, operational and service-provision implications need to be fully understood.

10.4 **Alternatives Considered and Rejected**

- 10.4.1 Other options have been considered but are not recommended:

1. Do nothing – which would have consequences for health and safety, would lead to the building's closure, and would incur costs in keeping the building secure.
2. Take a decision without the feasibility work.
3. Members have already made clear that they do not wish to vacate the building and market it as a development opportunity

- 10.4.2 By commissioning additional information and survey work to inform the long-term development of the Central Library/Graves Gallery, Members will have the best opportunity to make a sound choice on the future of the building. Without this additional information it will be difficult to make an appropriate choice; therefore, an alternative option is not being considered.

11. **COMMUNITIES PARKS AND LEISURE CAPITAL PROGRAMME**

- 11.1 The Director of Parks Leisure and Libraries introduced the report which set out the CPL key priority areas for capital investment and provides an overview of

potential projects and priorities for the years 2024 to 2029, together with an overview of anticipated developments and challenges up to 2052. The Committee was asked to endorse the general approach to inform the Council's overarching Capital Strategy (which will be brought to Full Council for approval in March 2024).

**11.2 RESOLVED UNANIMOUSLY:** That the **Communities, Parks and Leisure** Policy Committee:-

1. Endorse the proposals set out in this report.
2. Note that the proposals will now be included in the draft Capital Strategy to be submitted to Council for approval in March 2024 and, if approved,
  - a. Officers will work with Members to consult with relevant stakeholders (including with partners, staff, trades unions and in respect of equalities and climate change) on the proposals in this report to inform final project proposals;
  - b. Officers will work to develop any necessary detailed implementation plans for the proposals in this report so that the proposals can be implemented as planned; and
  - c. Approval for detailed proposals will be sought as part of the monthly capital approval cycle by the Finance Committee.

**11.3 Reasons for Decision**

**11.3.1** Members are asked to note the unsustainable financial position highlighted by the medium-term financial analysis presented to Strategy and Resources Committee in September 2023. This report and its recommendations, sets out how capital projects can continue to be developed and delivered, despite the limited resources available and continue to deliver quality community facilities for the people of Sheffield and surrounding areas.

**11.4 Alternatives Considered and Rejected**

**11.4.1** The Council is required to both set a balanced budget and to ensure that in-year income and expenditure are balanced. Committee is invited to comment upon and endorse the current proposals to form part of the Council's wider Capital Strategy for 2024.

**12. COMMUNITIES PARKS AND LEISURE 2024/25 BUDGET SAVINGS**

**12.1** The Director of Parks Leisure and Libraries introduced the report which was subsequent from the report discussed and agreed by the Committee on 13th November 2023. The purpose of the report was to further update the Communities, Parks and Leisure Policy Committee (CPL) on the proposed savings for 2024/25 in order for this Committee to achieve a balanced budget.

**12.2 RESOLVED UNANIMOUSLY:** That the **Communities, Parks and Leisure** Policy Committee:-

1. Acknowledges the recommendation approved at the Strategy and

Resources Committee on 7th September 2023 that “Policy Committees will be asked to develop savings / additional income options that cover their own pressures – in effect cash standstill” and to “require Policy Committees to report at their meetings in November on how they can balance their budgets”.

2. Notes, as this Committee's response to the Strategy and Resources Committee's request, the set of budget proposals set out in the closed Part B to this report.
3. Notes that Officers will now work with Members to consult with relevant stakeholders (including with partners, staff, trades unions and in respect of equalities and climate change) on the proposals in this report to inform final budget proposals.
4. Notes that Officers will work to develop any necessary detailed implementation plans for the proposals in this report so that the proposals can be implemented as planned before or during the 2024/25 financial year.

### 12.3 **Reasons for Decision**

- 12.3.1 Members are asked to note the unsustainable financial position highlighted by the medium-term financial analysis presented to Strategy and Resources Committee in September 2023. This report and its recommendations, sets out the scale of the challenge ahead, the limited resources available and some of the difficult decisions that will need to be taken.

### 12.4 **Alternatives Considered and Rejected**

- 12.4.1 The Council is required to both set a balanced budget and to ensure that in-year income and expenditure are balanced. The options presented in this paper, if accepted, will negate the need to make any staff or resource cuts to the respective services and therefore, should allow the continuation of good quality customer services.

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## Report to Communities, Parks and Leisure Committee

29<sup>th</sup> January 2024

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**Report of:** Director of Policy and Democratic Engagement

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**Subject:** Draft Committee Work Programme - Communities Parks and  
Leisure

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**Author of Report:** Rachel Marshall, Principal Democratic Services Officer

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### **Summary:**

The Committee's Work Programme is attached at Appendix 1 for the Committee's consideration and discussion. This aims to show all known, substantive agenda items for forthcoming meetings of the Committee, to enable this committee, other committees, officers, partners and the public to plan their work with and for the Committee.

Any changes since the Committee's last meeting, including any new items, have been made in consultation with the Chair, and the document is always considered at the regular pre-meetings to which all Group Spokespersons are invited.

The following potential sources of new items are included in this report, where applicable:

- Questions and petitions from the public, including those referred from Council
- References from Council or other committees (statements formally sent for this committee's attention)
- A list of issues, each with a short summary, which have been identified by the Committee or officers as potential items but which have not yet been scheduled (See Appendix 1)

The Work Programme will remain a live document and will be brought to each Committee meeting.

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### **Recommendations:**

1. That the Committee's work programme, as set out in Appendix 1 be agreed, including any additions and amendments identified in Part 1;
2. That consideration be given to the further additions or adjustments to the work programme presented at Part 2 of Appendix 1;
3. That Members give consideration to any further issues to be explored by officers for inclusion in Part 2 of Appendix 1 of the next work programme report, for potential addition to the work programme; and

**Background Papers:** None

**Category of Report:** Open

## **COMMITTEE WORK PROGRAMME**

### **1.0 Prioritisation**

1.1 For practical reasons this committee has a limited amount of time each year in which to conduct its formal business. The Committee will need to prioritise firmly in order that formal meetings are used primarily for business requiring formal decisions, or which for other reasons it is felt must be conducted in a formal setting.

1.2 In order to ensure that prioritisation is effectively done, on the basis of evidence and informed advice, Members should usually avoid adding items to the work programme which do not already appear:

- In the draft work programme in Appendix 1 due to the discretion of the chair; or
- within the body of this report accompanied by a suitable amount of information.

### **2.0 References from Council or other Committees**

2.1 Any references sent to this Committee by Council, including any public questions, petitions and motions, or other committees since the last meeting are listed here, with commentary and a proposed course of action, as appropriate:

<b>Issue</b>	
Referred from	
<i>Details</i>	
<i>Commentary/ Action Proposed</i>	

### **3.0 Member engagement, learning and policy development outside of Committee**

3.1 Subject to the capacity and availability of councillors and officers, there are a range of ways in which Members can explore subjects, monitor information and develop their ideas about forthcoming decisions outside of formal meetings. Appendix 2 is an example 'menu' of some of the ways this could be done. It is entirely

appropriate that member development, exploration and policy development should in many cases take place in a private setting, to allow members to learn and formulate a position in a neutral space before bringing the issue into the public domain at a formal meeting.

## 2.2 Training & Skills Development - Induction programme for this committee.

Title	Description & Format	Date
Site Visits / Updates	A programme of site visits is being arranged to key Parks and Countryside sites	29/09/23 Full Day Further dates being confirmed
Site Visits / Updates	A programme of site visits is being arranged to libraries	June – September 2023
Site Visits	A programme of site visits has been undertaken to key Parks and Countryside sites	24/10/22 AM 31/10/22 AM 24/11/22 Full Day
Site Visits	A programme of site visits is being arranged for Libraries	February/March 2023

## Appendix 1 – Work Programme

### Part 1: Proposed additions and amendments to the work programme since the last meeting:

Item	Proposed Date	Note
NEW: Verbal Update on Tramlines	Jan 2024	To update the Committee as requested.
NEW: Climate Statements	Jan 2024	Response to the Motion agreed agreed at S&R – awaiting more details
NEW: Grant arrangements for Volunteer-run libraries	Jan 2024	The current grant funding and support arrangements for volunteer run libraries are due to end 31st March 2024.
NEW:: Verbal Update for Rose Garden Cafe	Jan 2024	To provide an update on progress
NEW: Verbal Update on the Launch of Sport & Leisure Strategy	Jan 2024	To provide an update following the launch of the strategy
NEW: Small grant awards in Parks and Countryside	March 2024	The current grant funding for some organisations supporting Parks in Sheffield are due to end 31st March 2024
MOVED FROM JAN: Green and Open Spaces Strategy Review	March 2024	Moved to ensure the wider approach to parks in Sheffield is included and to discuss potential engagement approach for Elected Members
NEW: Verbal update on Task and Finish Group	Jan 2024	To provide an update, prior to the report coming to Committee in March 2024, on the work of the Member task and finish group.
NEW: Sheffield City Council Anti-Social Behaviour Policy	March 2024	The Council is reviewing and updating its approach to anti-social behaviour.

### Part 2: List of other potential items not yet included in the work programme

Issues that have recently been identified by the Committee, its Chair or officers as potential items but have not yet been added to the proposed work programme. If a Councillor raises an idea in a meeting and the committee agrees under recommendation 3 that this should be explored, it will appear either in the work programme or in this section of the report at the committee's next meeting, at the discretion of the Chair.

<b>Topic</b>	
<b>Description</b>	
<b>Lead Officer/s</b>	
<b>Item suggested by</b>	
<b>Type of item</b>	
<b>Prior member engagement/ development required</b> ( <i>with reference to options in Appendix 2</i> )	
<b>Public Participation/ Engagement approach</b> ( <i>with reference to toolkit in Appendix 3</i> )	
<b>Lead Officer Commentary/Proposed Action(s)</b>	

### Appendix 3 – Agenda Items for Forthcoming Meetings

Meeting 5	29 <sup>th</sup> Jan 2024	Time				
Topic	Description	Lead Officer/s	Type of item <ul style="list-style-type: none"> <li>• <i>Decision</i></li> <li>• <i>Referral to decision-maker</i></li> <li>• <i>Pre-decision (policy development)</i></li> <li>• <i>Post-decision (service performance/ monitoring)</i></li> </ul>	<i>(re: decisions)</i> <b>Prior member engagement/ development required</b> <i>(with reference to options in Appendix 1)</i>	<i>(re: decisions)</i> <b>Public Participation/ Engagement approach</b> <i>(with reference to toolkit in Appendix 2)</i>	<b>Final decision-maker (&amp; date)</b> <ul style="list-style-type: none"> <li>• This Cttee</li> <li>• Another Cttee (eg S&amp;R)</li> <li>• Full Council</li> <li>• Officer</li> </ul>
City Centre Public Spaces Protection Order (PSPO)	To set out the current position regarding anti-social behaviour (ASB) in the city centre and seeks approval of a draft Public Spaces Protection Order (PSPO) and approval to consult the public and other stakeholders on the introduction of the PSPO.	Amanda Perrott & Jim Dee	Decision	<ul style="list-style-type: none"> <li>• Committee briefings – Feb, July and September 2023</li> <li>• Leader briefings – August and September 2023</li> <li>• Political Group briefing – Labour 25th Sept, Lib Dem 2nd Oct, Green TBC.</li> </ul>	<p>The Committee is asked to decide whether the Council should consult with the public on a draft PSPO.</p> <p>The Council has engaged with stakeholders (such as businesses and South Yorkshire Police) to gather and assess the evidence in</p>	This Committee

					support of making a PSPO.	
NEW: Climate Statements	Response to the motion agreed at S&R	Lisa Firth	Decision	•		This Cttee
NEW: Grant arrangements for volunteer run libraries	The current grant funding and support arrangements for volunteer run libraries are due to end 31st March 2024	Hilary Coulson	Decision	•	Survey undertaken with volunteer run libraries.	This Cttee
New: Verbal Update on Tramlines	To discuss the proposed agreement with Tramlines, including the associated fee structure, is in the best interests of the Hillsborough Park Charity.	Lisa Firth	Performance/Monitoring	Briefing to Committee Members in Dec 23.	N/A	N/A
New: Verbal Update for Rose Garden Cafe	To provide an update on progress	Ruth Bell	Update			N/A
NEW: Verbal Update on the Launch of Sport & Leisure Strategy	To provide an update following the launch of the strategy	Kate Clark	Update			N/A

NEW: Verbal update on Committee Task and Finish Group	Update on Task and Finish group for biodiversity on Council land	Ruth Bell	Update	Task and Finish Group		N/A
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Meeting 6	11 <sup>th</sup> March 2024	Time				
Topic	Description	Lead Officer/s	Type of item <ul style="list-style-type: none"> <li>Decision</li> <li>Referral to decision-maker</li> <li>Pre-decision (policy development)</li> <li>Post-decision (service performance/ monitoring)</li> </ul>	(re: decisions) Prior member engagement/ development required (with reference to options in Appendix 1)	(re: decisions) Public Participation/ Engagement approach (with reference to toolkit in Appendix 2)	Final decision-maker (& date) <ul style="list-style-type: none"> <li>This Cttee</li> <li>Another Cttee (eg S&amp;R)</li> <li>Full Council</li> <li>Officer</li> </ul>
Library re-design and	To provide an update	Hilary Coulson	Update	N/A		



Opening Hours						
2023/24 Q4 Budget Monitoring	Approval of Budget Monitoring Report	Jane Wilby	Post-decision (service performance/ monitoring)	N/A	N/A	N/A
Community Cohesion	To provide an update to the PC on the work around Community Cohesion	Lorraine Wood/Colin Harvard	Decision	This Cohesion Strategy approach has previously been approved by the Cabinet Member for Communities	This approach to cohesion was consulted with a wide range of VCF partners previously and is reflected in many of the current strategic developments such as SCC's Corporate Plan Themes and City Goals.	N/A
Sheffield City Council Anti-Social Behaviour Policy	The Council is reviewing and updating its approach to anti-social behaviour which was written in 2016. The Committee will be asked to approve and adopt the updated version as Council policy.	Lorraine Wood	Decision	CPL and Housing Committee briefings – November and December 2023	The Committee is asked to approve and adopt a draft policy which has been shared with the public via the Have Your Say consultation platform.	This Cttee

MOVED FROM JAN: Green and Open Spaces Strategy Review	Discussion prior to decision	Ruth Bell	Update			N/A
NEW: Small grant awards in Parks and Countryside	The current grant funding for some organisations supporting Parks in Sheffield are due to end 31st March 2024	Ruth Bell				

Meeting 1	June? 2024	Time				
<b>Topic</b>	<b>Description</b>	<b>Lead Officer/s</b>	<b>Type of item</b> <ul style="list-style-type: none"> <li>• <i>Decision</i></li> <li>• <i>Referral to decision-maker</i></li> <li>• <i>Pre-decision (policy development)</i></li> <li>• <i>Post-decision (service performance/ monitoring)</i></li> </ul>	<i>(re: decisions)</i> <b>Prior member engagement/ development required</b> <i>(with reference to options in Appendix 1)</i>	<i>(re: decisions)</i> <b>Public Participation/ Engagement approach</b> <i>(with reference to toolkit in Appendix 2)</i>	<b>Final decision-maker (&amp; date)</b> <ul style="list-style-type: none"> <li>• This Cttee</li> <li>• Another Cttee (eg S&amp;R)</li> <li>• Full Council</li> <li>• Officer</li> </ul>

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Meeting 2	Sept? 2024	Time				
<b>Topic</b>	<b>Description</b>	<b>Lead Officer/s</b>	<b>Type of item</b> <ul style="list-style-type: none"> <li>• <i>Decision</i></li> <li>• <i>Referral to decision-maker</i></li> <li>• <i>Pre-decision (policy development)</i></li> <li>• <i>Post-decision (service performance/ monitoring)</i></li> </ul>	<i>(re: decisions)</i> <b>Prior member engagement/ development required</b> <i>(with reference to options in Appendix 1)</i>	<i>(re: decisions)</i> <b>Public Participation/ Engagement approach</b> <i>(with reference to toolkit in Appendix 2)</i>	<b>Final decision-maker (&amp; date)</b> <ul style="list-style-type: none"> <li>• This Cttee</li> <li>• Another Cttee (eg S&amp;R)</li> <li>• Full Council</li> <li>• Officer</li> </ul>

Items which the committee have agreed to add to an agenda, but for which no date is yet set.						
<b>Topic</b>	<b>Description</b>	<b>Lead Officer/s</b>	<b>Type of item</b> <ul style="list-style-type: none"> <li>• <i>Decision</i></li> <li>• <i>Referral to decision-maker</i></li> <li>• <i>Pre-decision (policy development)</i></li> </ul>	<i>(re: decisions)</i> <b>Prior member engagement/ development required</b> <i>(with reference to options in Appendix 1)</i>	<i>(re: decisions)</i> <b>Public Participation/ Engagement approach</b> <i>(with reference to toolkit in Appendix 2)</i>	<b>Final decision-maker (&amp; date)</b> <ul style="list-style-type: none"> <li>• This Cttee</li> <li>• Another Cttee (eg S&amp;R)</li> </ul>

			<ul style="list-style-type: none"> <li>• <i>Post-decision (service performance/ monitoring)</i></li> </ul>			<ul style="list-style-type: none"> <li>• Full Council</li> <li>• Officer</li> </ul>
Item 1	SUDs policy and approach	Jo Pearce	Decision	Committee Briefing and Briefing Paper prior to decision	Specific community consultation has been used to help inform the approach	This committee
Item 2	Food and Healthy Weight Commissioning Model	Jessica Wilson	Decision	Committee Briefing and Briefing Paper and consultation prior to decision	Key stakeholder and Service User consultation	This Committee
Item 3	Strategic review of Libraries: Next Steps	Hilary Coulson	Update			

## **Appendix 2 – Menu of options for member engagement, learning and development prior to formal Committee consideration**

Members should give early consideration to the degree of pre-work needed before an item appears on a formal agenda.

All agenda items will anyway be supported by the following:

- Discussion well in advance as part of the work programme item at Pre-agenda meetings. These take place in advance of each formal meeting, before the agenda is published and they consider the full work programme, not just the immediate forthcoming meeting. They include the Chair, Vice Chair and all Group Spokespersons from the committee, with officers
- Discussion and, where required, briefing by officers at pre-committee meetings in advance of each formal meeting, after the agenda is published. These include the Chair, Vice Chair and all Group Spokespersons from the committee, with officers.
- Work Programming items on each formal agenda, as part of an annual and ongoing work programming exercise
- Full officer report on a public agenda, with time for a public discussion in committee
- Officer meetings with Chair & VC as representatives of the committee, to consider addition to the draft work programme, and later to inform the overall development of the issue and report, for the committee's consideration.

The following are examples of some of the optional ways in which the committee may wish to ensure that they are sufficiently engaged and informed prior to taking a public decision on a matter. In all cases the presumption is that these will take place in private, however some meetings could happen in public or eg be reported to the public committee at a later date.

These options are presented in approximately ascending order of the amount of resources needed to deliver them. Members must prioritise carefully, in consultation with officers, which items require what degree of involvement and information in advance of committee meetings, in order that this can be delivered within the officer capacity available.

The majority of items cannot be subject to the more involved options on this list, for reasons of officer capacity.

- Written briefing for the committee or all members (email)
- All-member newsletter (email)
- Requests for information from specific outside bodies etc.
- All-committee briefings (private or, in exceptional cases, in-committee)
- All-member briefing (virtual meeting)
- Facilitated policy development workshop (potential to invite external experts / public, see appendix 2)
- Site visits (including to services of the council)
- Task and Finish group (one at a time, one per cttee)

Furthermore, a range of public participation and engagement options are available to inform Councillors, see appendix 3.

## **Appendix 3 – Public engagement and participation toolkit**

### **Public Engagement Toolkit**

On 23 March 2022 Full Council agreed the following:

A toolkit to be developed for each committee to use when considering its ‘menu of options’ for ensuring the voice of the public has been central to their policy development work. Building on the developing advice from communities and Involve, committees should make sure they have a clear purpose for engagement; actively support diverse communities to engage; match methods to the audience and use a range of methods; build on what’s worked and existing intelligence (SCC and elsewhere); and be very clear to participants on the impact that engagement will have.

The list below builds on the experiences of Scrutiny Committees and latterly the Transitional Committees and will continue to develop. The toolkit includes (but is not be limited to):

- a. Public calls for evidence
- b. Issue-focused workshops with attendees from multiple backgrounds (sometimes known as ‘hackathons’) led by committees
- c. Creative use of online engagement channels
- d. Working with VCF networks (eg including the Sheffield Equality Partnership) to seek views of communities
- e. Co-design events on specific challenges or to support policy development
- f. Citizens assembly style activities
- g. Stakeholder reference groups (standing or one-off)
- h. Committee / small group visits to services
- i. Formal and informal discussion groups
- j. Facilitated communities of interest around each committee (eg a mailing list of self-identified stakeholders and interested parties with regular information about forthcoming decisions and requests for contributions or volunteers for temporary co-option)
- k. Facility for medium-term or issue-by-issue co-option from outside the Council onto Committees or Task and Finish Groups. Co-optees of this sort at Policy Committees would be non-voting.

This public engagement toolkit is intended to be a quick ‘how-to’ guide for Members and officers to use when undertaking participatory activity through committees.

It will provide an overview of the options available, including the above list, and cover:

- How to focus on purpose and who we are trying to reach
- When to use and when not to use different methods
- How to plan well and be clear to citizens what impact their voice will have
- How to manage costs, timescales, scale.

**There is an expectation that Members and Officers will be giving strong consideration to the public participation and engagement options for each item on a committee’s work programme, with reference to the above list a-k.**



## Report to Policy Committee

### Authors of Report:

Jason Siddall  
Jim Dee

Tel: 0114 2735552

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**Report of:** *Ajman Ali*  
*Executive Director Neighbourhood Services*

**Report to:** *Communities, Parks, and Leisure Policy Committee*

**Date of Decision:** *29<sup>th</sup> January 2024*

**Subject:** *City Centre Public Spaces Protection Order (PSPO)*

Type of Equality Impact Assessment (EIA) undertaken Initial  Full

Insert EIA reference number and attach EIA **2266**

Has appropriate consultation/engagement taken place? Yes  No

Has a Climate Impact Assessment (CIA) been undertaken? Yes  No

Does the report contain confidential or exempt information? Yes  No

If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-

*"The (**report/appendix**) is not for publication because it contains exempt information under Paragraph XX of Schedule 12A of the Local Government Act 1972 (as amended)."*

### Purpose of Report:

The purpose of the report is to set out the current position regarding anti-social behaviour (ASB) in the city centre and seeks approval of a draft Public Spaces Protection Order (PSPO) and approval to consult the public and other stakeholders on the introduction of the PSPO.

**Recommendations:**

It is recommended that Community, Parks and Leisure Policy Committee:

1. Approves the draft Public Spaces Protection Order (PSPO) and;
2. Approves carrying out public and stakeholder consultation on the introduction of a PSPO in Sheffield City Centre and on the draft PSPO.

**Background Papers:**

Appendix A – Draft PSPO order for consultation

Appendix B – [Local Government Association - Public Spaces Protection Orders: Guidance for Councils](#)

Appendix C – [Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers - Statutory guidance for frontline professionals \(revised March 2023\)](#)

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed.	Finance: <b>Adrian Hart</b>
		Legal: <b>Rebecca Lambert</b>
		Equalities & Consultation: <b>Ed Sexton</b>
		Climate: <b>Kathryn Warrington</b>
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>SLB member who approved submission:</b>	Ajman Ali Executive Director Neighbourhood Services
3	<b>Committee Chair consulted:</b>	Richard Williams
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	<b>Lead Officer Name:</b> Lorraine Wood	<b>Job Title:</b> Director of Communities
	<b>Date:</b> 19.1.2024	



# 1 PROPOSAL

## 1.1 Introduction

Everyone wants a safe and inviting city centre and Sheffield, like all major towns and cities, is working to make sure that its city centre is the very best that it can be so that local residents and visitors always have positive experiences when they visit.

In the centre of Sheffield, ambitious and exciting plans are coming to fruition and taking shape, all adding to the rich experience that visitors should expect when they visit the city.

Sheffield is one of the safest cities in the UK. Sheffield City Council (the Council) and its partners have seen many successes in using their existing powers to deal with the small number of people who behave in a way that impacts negatively on visitors, businesses and members of the public.

The Anti-social Behaviour, Crime and Policing Act 2014 provides the police and Local authorities with a number of enforcement tools and powers to address anti-social behaviour (ASB) including:

- Community Protection Notices – these are designed to stop a person aged 16 or over, business or organisation from committing ASB which spoils the community's quality of life.
- Criminal Behaviour Orders – these are issued by any criminal court against a person convicted of an offence to tackle the most serious and persistent offenders where their behaviour has brought them before a criminal court.
- Civil Injunctions – can be granted against a person aged 10 or over and can offer fast and effective protection for victims and communities by setting a clear standard of behaviour for the perpetrator.

These powers are used where appropriate; however, they are limited to tackling the behaviour of identified individuals, businesses or organisations. The act also gives local authorities the power to make Public Spaces Protection Orders (PSPOs) which target specified types of anti-social behaviour and apply to everyone equally.

## 1.2 What is a PSPO?

Public Spaces Protection Orders provide additional powers for enforcement agencies to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are intended to help ensure that the people can use and enjoy public spaces, safe from anti-social behaviour.

The behaviour being restricted must meet the following legal 'test':

- have, or be likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

The restrictions can be 'blanket' (applying to everyone at all times) or targeted at specific behaviours at certain times (for example 'alcohol is not to be drunk in a particular location between specific times'). Special care must be made to ensure a PSPO doesn't disproportionately affect vulnerable members of our community and they should not be used to target a specific group or individual. In all cases a PSPO must be reasonable and proportionate to the problem it seeks to address. The Human Rights Act and Public Sector Equality Duty must be fully considered.

Prior to making a PSPO the Local Authority must consult with a range of stakeholders. This includes the Police, the Police Crime Commissioner, community representatives, owners/occupiers of land in the restricted area, and other people who may be affected by the order.

Breaching a PSPO is a criminal offence which can result in a Fixed Penalty Notice (FPN) or fine on prosecution. A FPN may be issued by an authorised Council officer or a police officer; the fixed penalty is paid to the Council. The approach in Sheffield will be to ensure that an 'enforcement strategy' is part of a PSPO and linked to the Harm Reduction Enforcement Pathway set out in the City Centre Action Plan.

The order can last a maximum of 3 years, after which it must be reviewed and, if appropriate, extended for up to 3 more years. There are no limits on the number of times it can be extended but it must be reviewed each time.

Ultimately, a PSPO could be a useful enforcement tool that Council officers and South Yorkshire Police (SYP) would be able to use to maintain Sheffield as one of the safest cities in the country.

### 1.3 Evidence of ASB in the City Centre

Initial evidence has been gathered from some stakeholders and partners to understand the scale of the issues and identify the key areas in the City Centre affected by ASB.

#### 1.3.1 South Yorkshire Police

The 'Central' policing district encompasses the City Centre including much of the City political ward. An overview of Police data relating to ASB for the whole of 2022 shows that Central had 1,240 out of 10,427 (12%) of all Sheffield's ASB reports in 2022. Three key types of ASB where the proportion of that ASB type is higher in the Central area, than for the average across Sheffield identified are:

- **Begging/Vagrancy** –124 of the 308 reports across Sheffield (40%).
- **Rowdy/Inconsiderate Behaviour** – 813 of the 3928 reports across Sheffield (21%).
- **Street Drinking** – Sheffield Central recorded 21 of the 38 reports across Sheffield (55%)

The nighttime economy will contribute to these figures, therefore a dataset relating to the time period 06:00-17:59 was also considered to avoid impact from nighttime economy

related incidents. There were 555 daytime reports of ASB in the City Centre in 2022, accounting for 11% of all daytime reports across Sheffield.

Within the analysis, and only for reports between 06:00 – 17:59, the central area accounted for:

- 16% (91) of reports for Begging/Vagrancy ASB
- 55% (303) of reports for Rowdy/Inconsiderate Behaviour ASB.
- 23% (88) of reports which were flagged as alcohol related.

Analysis of data for January to July 2023 demonstrates that these issues are persistent. 6118 ASB incidents were recorded across Sheffield of which 621 (10%) were in the City Centre area. Comparing the City Centre area against the whole of Sheffield:

- 77 of 237 (32%) begging/vagrancy ASB reports
- 417 of 2048 (20%) Rowdy/Inconsiderate Behaviour ASB reports
- 6 of 14 (43%) street drinking reports.

Key locations within the City Centre by behaviour type are:

- *Begging/vagrancy*: West Street, Castle Square, Moorfoot, underpass near St Mary’s Gate
- *Alcohol related*: Arundel Gate, Sheffield Interchange

### 1.3.2 Survey of city centre businesses

As part of the investigation and evidence gathering into ASB in the City Centre the ASB Team carried out a pre-engagement survey with businesses operating in the City Centre. 100 businesses returned the survey of which 97 had experienced ASB in the last year with 79 reporting seeing ASB on a daily basis. 71 businesses felt that ASB in the City Centre has increased. The survey also showed ASB occurring throughout the City Centre with hot spots around The Moor, Fargate/High Street, Division Street.

The key types of ASB cited by businesses were:

Type of behaviour	Number reporting
Drinking – street drinking	52
Shoplifting/theft/selling stolen goods	51
Abuse to staff/customers	46
Drugs – use/dealing/paraphernalia	43
Fighting/arguing	36
Public urination and defecation	10

Anecdotally, businesses also raised concerns about how the behaviours could impact their customer. Similarly, businesses on The Moor have also reported issues relating to ASB around begging and street drinking. The majority had experienced ASB from people drinking in the street and begging and also raised their concerns about the potential impact on their customers.

### 1.3.3 **British Transport Police**

British Transport Police (BTP) are based at Sheffield Train station and report frequently experiencing passive and aggressive begging, drinking and associated ASB. BTP recorded 181 incidents of ASB between January 2022 and January 2023. Of these, 12% related to 'public order' such as drunk and disorderly and 54% related to nuisance behaviours causing harassment, alarm and distress.

The station and its surrounding area is a key gateway into Sheffield and ASB is experienced both in front of the station and to the rear in South Street Park.

### 1.3.4 **Evidence Summary**

The evidence indicates that the City Centre, including the train station and South Street Park, are impacted by ASB that is persistent and is having or is likely to have a detrimental effect on the quality of life of those who live, work and visit the City Centre. The key types of ASB identified above are:

- Alcohol on the streets
- Begging
- Loitering
- Drug use
- Urination and/or defecation

The evidence also indicates that, compared to the rest of the city, the City Centre is disproportionately affected by these behaviours.

Existing powers can only be used where the behaviour is by an identified individual or is a criminal act. Although enforcement shouldn't be seen as the only option, a PSPO could be a useful mechanism that Council officers can use to tackle ASB and to keep Sheffield as one of the safest cities in the country.

## 1.4 **Engagement, Education and Enforcement**

In 2023 a best practice guide was launched for groups, charities and individuals supporting people who are vulnerable, begging, or homeless on the streets in Sheffield. A graduated, harm reduction approach is taken to enforcement action, which focusses initially on helping people to change behaviours and access support services. This approach to ASB is set out in the City Centre Action Plan. The Action Plan encompasses three themes of engagement, education and enforcement.

### 1.4.1 **Engagement**

Specialist outreach work supporting people on the streets is provided by several organisations to engage with and provide support to rough sleepers including:

- [Street Outreach \(Sheffield\) - Framework Housing Association \(frameworkha.org\)](https://www.frameworkhousingassociation.org/)
- [Housing First | Homeless Link](#)
- Home At Last Team (HALT) – a specialist team of substance misuse workers

In addition, the Sheffield Street Outreach Network has been established, which brings together community & faith groups offering food/support on the streets and South Yorkshire Police has a dedicated Police Community Support Officer (PCSO) who operates early morning patrols and works in partnership with other agencies.

A weekly, multiagency meeting discusses individuals where concerns around risk, vulnerability and ASB are raised and addressed. The Community Safety Team also coordinate fortnightly multiagency outreach sessions. During 2021, more than half of those found on the streets already had accommodation and were known to services.

Changing Futures Sheffield (CFS) aims to improve outcomes for adults experiencing multiple disadvantage – including combinations of homelessness, substance misuse, mental health issues, domestic abuse and contact with the criminal justice system.

There is significant support available in Sheffield which also includes voluntary and various drop-in centres which are available to provide real time help, to help move them away from the streets and support them in their tenancies

#### 1.4.2 **Education**

The Community Safety Team are working in partnership with local businesses and a guide has been launched to increase more accurate reporting of ASB related incidents and, alongside Sheffield BID, the City Centre Management team and SYP to help support businesses manage ASB related disorder inside and outside their venues.

[Help Us Help](#) is a collaboration of local charities and other partners to share information about the support available to people rough sleeping and begging in Sheffield, along with providing advice and guidance for businesses and the general public about how to best support people on the streets.

#### 1.4.3 **Enforcement**

One of the key challenges for partners is the visible presence of people loitering whilst intoxicated which isn't a crime unless they are committing ASB. There is a small minority of clients who, despite the ongoing work of services, remain at significant risk and vulnerability. Although allocated to relevant workers, some clients do not engage. They frequently become involved in risky and persistent low-level crime and ASB placing themselves and others at risk and often present as chaotic and aggressive. Under the theme of Enforcement, partners have developed a new Harm Reduction Pathway based on local and national best practice. The pathway incorporates the key principles from MEAM model (making every adult matter) and adults who are experiencing multiple disadvantage.

The aim of the Harm Reduction Pathway is to build a multi-agency long-term problem-solving package for each client. It includes consideration around a range of enforcement options and incorporates ongoing care plans post enforcement. Due to the intensity of this approach only a small cohort of the most at risk and vulnerable of the Street Cohort are adopted and put through this model with intensive pre and post enforcement plans and, therefore, there are others that remain who cause ASB in the City Centre and cannot be

dealt with through the Harm Reduction Pathway. They include those who live in Sheffield and those who travel to the city specifically to beg and engage in ASB.

Some of the activities, whilst anti-social, are not criminal so immediate Police action and response is not always possible. Officers from within enforcement and support professions are working to deter people from the streets and to engage with support, alongside taking action where proportionate. Despite this, issues persist with people and businesses reporting persistent ASB in the City Centre.

Agencies who provide support in the City Centre also report people are travelling to Sheffield to beg as the towns and cities where they live are subject to PSPOs and they are unable to beg on their home ground. Whilst this shows that PSPOs may disperse people, it also demonstrates that they provide a strong deterrent and prevent ASB from occurring.

## 1.5 **Draft PSPO**

The evidence provided in section 1.3 demonstrates that, within the City Centre there is behaviour that is having or is likely to have a detrimental effect on the quality of life of those in the locality, is persistent and continuing in nature and is unreasonable and may justify the introduction of restrictions through a PSPO.

When considering the introduction of a PSPO, it is important to understand both the impact of the behaviour and the potential impact of introducing a PSPO on those who live, work and visit the area and those affected by the PSPO. A draft PSPO is proposed that has 5 restrictions directly relating to the types of ASB evidenced above so that consultation can be carried out in line with the principles set out in section 4.3.

The full draft PSPO, including a map of the area where restrictions would apply, and additional notes and definitions is included in Appendix A.

### 1.5.1 Restriction 1 – Alcohol on the streets:

Proposed wording for this restriction is as follows:

*No person within the restricted area may consume alcohol and/or be in possession of an open container of alcohol or purporting to contain alcohol in a public space.*

*Prohibitions and requirements relating to alcohol contained in this Order do not apply to premises authorised to be used for the supply of alcohol under the Licensing Act 2003, a place within the curtilage of such premises, or to premises or places otherwise exempt from the operation of this Public Spaces Protection Order by section 62 of the Anti-social Behaviour, Crime and Policing Act 2014.*

#### **REQUIREMENTS**

*Where a constable or an authorised officer reasonably believes that a person is or has been consuming alcohol or intends to consume alcohol in breach of this Order the person must when required to do so by the constable or authorised officer:*

*(a) stop consuming alcohol or anything which the constable or authorised officer reasonably believes to be alcohol.*

*(b) surrender anything in their possession which is, or which the constable or authorised officer reasonably believes to be alcohol or a container for alcohol (to the relevant constable or authorised officer).*

The purpose of this restriction is:

- To prevent people from consuming alcohol on the streets,
- To protect the city centre and ensure visitors to the city centre continue to feel safe,
- To reduce anti-social behaviour related to alcohol consumption.

### 1.5.2 Restriction 2 - Begging

Proposed wording for this restriction is as follows:

*No person within the restricted area shall make verbal, non-verbal, or written request(s) for money, donations or goods including the placing of hats, clothing, signage, or containers, in a manner that causes or is likely to cause harassment, alarm, distress, nuisance, or annoyance.*

The purpose of this restriction is:

- To encourage vulnerable people to access support services to change behaviour and address underlying or unmet need,
- To encourage visitors to the city centre,
- To enable visitors to feel safe and not be harassed.

### 1.5.3 Restriction 3 - Loitering

Proposed wording for this restriction is as follows:

*No person within the restricted area shall loiter, in any temporary structure, in or adjacent to doorways, cash machines, banks or supermarkets in a manner that may cause or is likely to cause harassment, alarm, distress, nuisance, or annoyance to any person within the city centre.*

The purpose of this restriction is:

- To stop people loitering at cash machines or doorways,
- To encourage vulnerable people to access support services to change behaviour and address underlying or unmet need,
- To enable visitors to enter/exit buildings and use cash machines without fear of harassment.

#### 1.5.4 Restriction 4 - Drug use

Proposed wording for this restriction is as follows:

*No person within the restricted area will ingest, inhale, inject, smoke, or otherwise use a psychoactive substance (as defined in the Psychoactive Substances Act 2016 section 2 paragraph 1).*

##### **REQUIREMENTS**

*Where a constable or an authorised officer reasonably believes that a person is or has been using a psychoactive substance or intends to use a psychoactive substance in breach of this Order, the person must, when required to do so by the constable or authorised officer:*

- (a) stop using the psychoactive substance or anything which the constable or authorised officer reasonably believes to be a psychoactive substance.*
- (b) Surrender anything in their possession which is, or which the constable or authorised officer reasonably believes to be a psychoactive substance, or which will be used in connection with taking psychoactive substances (to the relevant constable or authorised officer).*

The purpose of this restriction is:

- To stop or prevent people using intoxicating substances/drugs, which are not covered by existing legislation,
- To encourage vulnerable people to access support services to change behaviour and address underlying or unmet need.

#### 1.5.5 Restriction 5 - Urination and/or defecation

Proposed wording for this restriction is as follows:

*No person within the restricted area will urinate and/or defecate in any public space (this does not include public toilets).*

The purpose of this restriction is:

- To stop people urinating and defecating on the public streets
- To protect the public from infectious diseases linked to 'open' defecation and urination.

#### 1.6 **Area to be included in the proposed PSPO.**

Analysis of SYP data indicates that ASB is reported and occurring across the City Centre. The key locations for both daytime and nighttime ASB in the City Centre are Moorfoot and along the tram route from Fitzalan Square to West Street as shown in figure 1 below.



**Key Locations for Total ASB  
Sheffield Central**

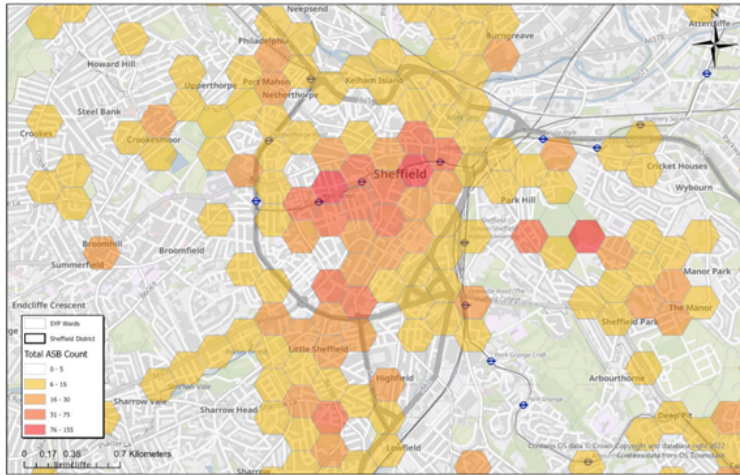
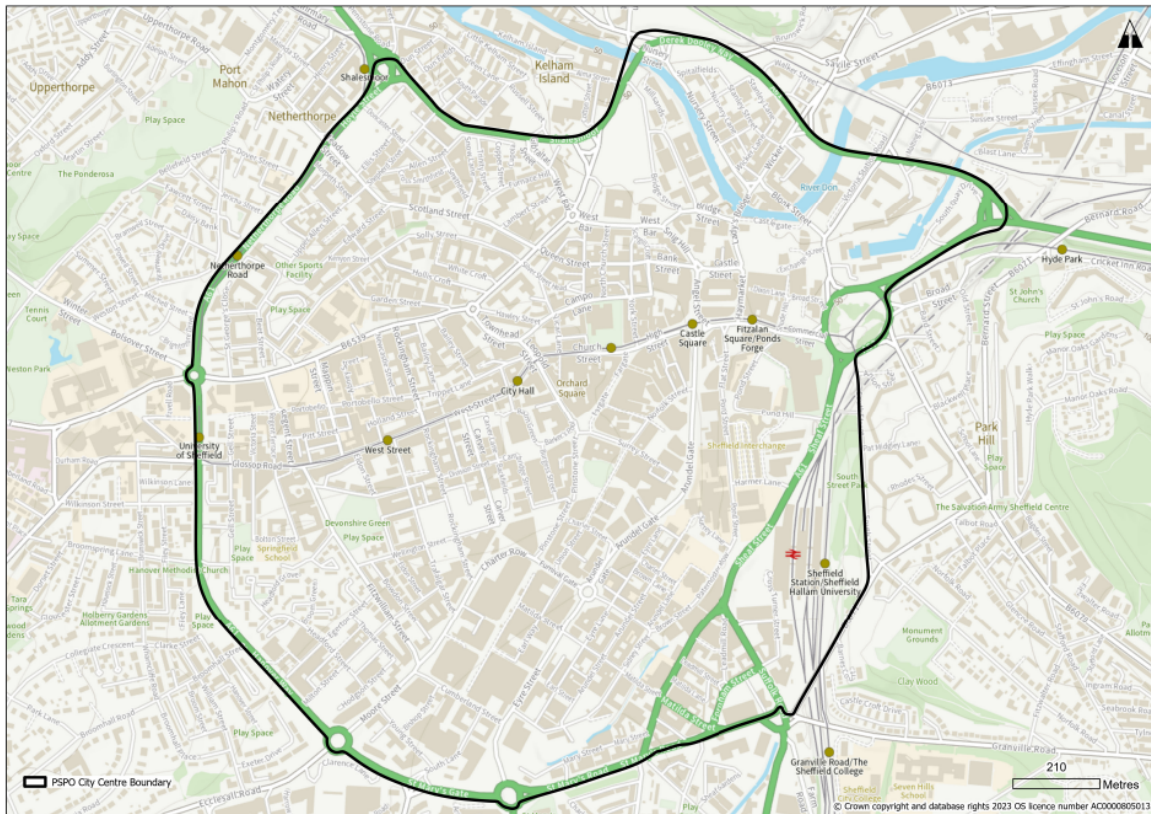


Figure 1: Map of central area showing key locations for anti-social behaviour.

Evidence in section 1.3 also indicates that the train station and South Street Park are affected by ASB as are some of the underpasses into the city centre around the inner ring road.

The area proposed is, therefore, the outer edge of the inner ring road plus the station and the whole of South Street Park as shown in the map in section 1.7. Using the outer edge of the ring road will ensure that the underpass gateways into the city centre are also included in the area.

**1.7 Map of the area to be covered by the proposed PSPO**



## 1.8 Enforcement of the PSPO

An enforcement framework will be developed alongside and be informed by the consultation with stakeholders. The key principles of the framework will include:

- Enforcement will enhance and not work against current initiatives such as the Harm Reduction Focused Enforcement Pathway.
- Enforcement will be used to identify and address the support needs of people breaching the PSPO.
- Fixed Penalty Notices will be used where appropriate but will not be the default response.
- Enforcement resources will be deployed dynamically to prioritise ASB hot spots within the PSPO area.

### 1.8.1 Displacement of ASB from the City Centre

There is a risk that introducing prohibitions in the City Centre area could displace ASB to other locations adjacent to the City Centre. Kelham Island, 'Little Sheffield', Burngreave, and the Ecclesall Road area have been identified as the most likely areas to be affected by displacement. SYP and the Council are already aware of some ASB issues in these areas and are already actively working to deal with these issues.

The enforcement framework will aim to mitigate some of the risk of dispersal by aiming to understand and address underlying and unmet need as per the harm reduction approach.

If displacement does occur, existing means of enforcement as detailed in section 1.1 will be employed but the approach will also include engagement and support, through a harm reduction focussed approach where the first steps are to understand the causes.

## 2 HOW DOES THIS DECISION CONTRIBUTE?

### 2.1 ***Strong and connected neighbourhoods which people are happy to call home.***

*Sheffielders live in clean, vibrant, and caring communities where people feel safe and are treated with respect. More people have access to good homes, reliable transport, and the key local amenities they need to live their day-to-day lives.*

The introduction of a PSPO will support the City Centre Vision to create a thriving and sustainable city centre that is a safe and welcoming place for people to live, work and visit.

The PSPO is designed to address ASB that is having a detrimental impact on those in the City Centre. As well as being a place for retail and commerce, the City Centre is also home to around 23,400 people.

A more attractive and safer city centre will bring economic benefits to the city, where people feel safe shopping and socialising.

### 2.2 ***Healthy lives and wellbeing for all***

*Sheffielders all have the opportunity to lead long, healthy, active and happy lives and can connect to the right health and wellbeing support at the right time.*

The harm reduction enforcement approach, which will be the framework to enforcing the PSPO, promotes supporting and safeguarding vulnerable people, to address any underlying issues that ASB is often a symptom of, to bring about longer-term change, which will ultimately make the City Centre a safer place.

### 2.3 ***Sheffield Crime and Disorder Reduction Strategy 2021-24***

It is a core requirement of the Safer Neighbourhood Team to lead on the delivery of the City's statutory and strategic partnership priorities for reducing crime and disorder. The introduction of a PSPO will contribute to many of the key priorities identified in the Safer Sheffield Partnership's Crime and Disorder Reduction Strategy:

- Protect vulnerable people.
- Address the impact of drug supply.
- Address the impact of crime and anti-social behaviour.
- Create safer communities.

## **3 HAS THERE BEEN ANY CONSULTATION?**

3.1 As detailed in section 1.3, initial consultation has already taken place with several key stakeholders.

This report seeks a formal committee decision to approve the draft PSPO and consult with the public and other stakeholders on the introduction of a PSPO in Sheffield City Centre and on the draft Order. It is a statutory requirement under section 72(3) of the Anti-social Behaviour, Crime and Policing Act 2014 that before making a PSPO a Local Authority must carry out the necessary consultation. (These requirements are set in full at sections 4.3.2 and 4.3.3 of the report). If agreed, consultation will meet the necessary statutory requirements and will follow the appropriate principles and involvement set out in the Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers – Statutory Guidance for frontline professionals (the Government's Statutory Guidance) attached at Appendix C and in line with national best practice on PSPOs to consult with the public, businesses, stakeholders, and partners.

## **4 RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

### 4.1 Equality Implications

4.1.1 The restrictions contained in a PSPO apply equally to everyone. However, it is possible that certain groups of people may be more likely to breach the order than others due to circumstances such as addiction. Enforcement of a PSPO will be fair, reasonable, and focused on a holistic problem-solving approach, including addressing support needs where necessary.

#### The Public Sector Equality Duty

The Equality Duty was created under the Equality Act 2010. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Equality Duty covers the nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Council also takes into account additional interests when assessing equality and inequality: carers, health, poverty & financial inclusion, social cohesion, armed services, voluntary, community & faith sector and partners.

An Equality Impact Assessment (EIA number 2266) has been completed considering the impact of introducing a PSPO on each of the protected characteristics. This is attached to this report and summarised below.

In summary, the assessment is of likely positive impacts primarily in relation to:

- Age (including younger and older aged people), Disability, Religion (including places of worship), Sex, Pregnancy/Maternity.
- Health, Poverty & Financial Inclusion, Social Cohesion and Partners (businesses).

Other, less direct, impacts were also identified.

The EIA also notes that people who would potentially be subject to PSPOs also share protected characteristics and other inequalities, which may be exacerbated by vulnerable circumstances. These are primarily assessed to be Disability (physical or mental impairments), Health, Poverty and Age.

The EIA notes the intention within the PSPO 'To encourage vulnerable people to access support services to change behaviour and address underlying or unmet need.' It is likely that some people who may be subject to PSPOs would themselves also be vulnerable to other people's ASB, potentially at a more serious level. The assessment therefore of who may or may not come under the scope of a PSPO is not binary.

#### 4.1.1 *Human Rights Act*

When deciding whether to make a PSPO the Anti-Social Behaviour, Crime and Policing Act 2014 requires that particular regard has been given to the rights and freedoms set out in the European Convention on Human Rights, as incorporated into UK legislation under the

Human Rights Act 1998 (the Human Rights Act), detailing freedom of expression (Article 10) and freedom of assembly (Article 11).

It is a statutory requirement under section 72(1) of the Anti-Social Behaviour, Crime and Policing Act 2014 that the local authority has particular regard to these Articles of the European Convention on Human Rights as incorporated in the Human Rights Act when making a PSPO. In particular, any restrictions on the rights to freedom of expression (Article 10) and freedom of assembly (Article 11) are lawful only insofar as they comply with the qualifications on those freedoms within the Convention: they must be necessary in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

In addition to these specific considerations, it must be noted that a breach of the conditions of a PSPO is a criminal offence, so that making a PSPO has the effect of criminalising behaviour that would not otherwise be an offence. Regard must be had to the necessity and proportionality of any proposed conditions.

#### 4.2 Financial and Commercial Implications

There are no direct financial or commercial implications of this decision other than staffing resources for the consultation process which will be contained within the current financial resources.

If, following consultation, it is recommended that a PSPO be made, the financial implications of implementing a PSPO will be considered in a further report to the Policy Committee.

#### 4.3 Legal Implications

- 4.3.1 The Council has the power to make a PSPO under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (the 2014 Act). In order to be able to make a PSPO the Council must be satisfied under section 59(1) that on reasonable grounds the following two conditions are met:

##### **Condition 1**

‘S59 (2) The first condition is that –

- (a) 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
- (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.’

##### **Condition 2**

‘S59 (3) The second condition is that the effect, or likely effect of the activities –

- (a) is, or is likely to be, of a persistent or continuing nature,
- (b) is or is likely to be, such as to make the activities unreasonable, and
- (c) justifies the restrictions imposed by the notice.’

Section 59(4) of the 2014 Act defines a PSPO as an order that identifies the public place referred to under condition 1 (the restricted area) ‘and

- (a) prohibits specified things being done in the restricted area
- (b) requires specified things to be done by persons carrying on specified activities in that restricted area, or
- (c) does both these things’

4.3.2 Section 72 of the 2014 Act places a duty on the Council to carry out the necessary consultation, publicity, and notification before making, varying or extending a PSPO e.g.

Section 72(3) states:

‘A local authority must carry out the necessary consultation and the necessary publicity, and the necessary notification (if any), before –

- (a) making a public spaces protection order,
- (b) extending the period for which a public spaces protection order has effect, or
- (c) varying or discharging a public spaces protection order’

4.3.3 ‘The Necessary Consultation’ is defined under section 72(4) of the 2014 Act. E.g.

‘In subsection (3) –

“the necessary consultation” means consulting with –

- (a) the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- (b) whatever community representatives the local authority thinks it appropriate to consult
- (c) the owner or occupier of land within the restricted area.

The Council is therefore required to consult the following 3 groups before making a PSPO:

- Chief Police Officer for South Yorkshire and the Police and Crime Commissioner for South Yorkshire
- Such Community Representatives as the Council think appropriate
- The Owner / Occupier of the land

Section 72 (5) of the 2014 Act confirms that the requirement to consult with the owner occupier of the land within the restricted area ‘*does not apply to land that is owned and occupied by the local authority*’.

Section 74 of the 2014 Act defines ‘Community Representative’ ‘*as any individual or body appearing to the authority to represent the views of people who live in, work in or visit the restricted area.*’ The Local Government Association Public Spaces Protection Order – Guidance for Councils (LGA Guidance for Councils) attached at Appendix B states that this definition gives Councils the freedom to determine who best to contact given local circumstances and the scope of the proposals. Those who will be directly affected by the Order, or groups representing their interests, should be directly approached. Alongside residents, users of the public space and those likely to be directly affected by the order other

relevant stakeholders may include residents' associations, local businesses, commissioned service providers, charities and relevant interest groups.

4.3.4 The LGA Guidance for Councils states that, *'local authorities can determine for themselves what an appropriate consultation process might entail.'* It is therefore up to the Council to decide how it wishes to carry out its consultation process for a PSPO. It does however go on to say that in carrying out a consultation a Council should:

- Use a range of means to reach out to potential respondents, some of whom may be unable to feedback in certain ways, e.g. online. Local demographics and the characteristics of those who may be most affected by the ASB or the Order can also help to identify the best mechanism for ensuring a comprehensive consultation process. Similarly different tools may be used in different ways to enrich the information gathered.
- Provide an overview of what the local issues are, set out why a PSPO is being consulted, and what its impact would be. Publishing details of the extent of the problem behaviour can assist respondents to understand why a PSPO is being considered and help inform views on whether it would therefore be an appropriate response.
- Provide sufficient means for respondents to oppose the proposals and may also be used to elicit views on alternative approaches. Achieving a healthy response rate, with considered responses will help support the evidence base for introducing an Order and refuting challenge.

4.3.5 There are no statutory requirements specifying the minimum or maximum length of a PSPO consultation period, but the time frame given should allow sufficient time to meaningfully engage with all those who may be impacted by the Order and should be both reasonable and proportionate to the issues under consideration.

The Government's Statutory Guidance set out at Appendix C states that *'the appropriate length of the consultation will depend on the particular circumstances of the PSPO being sought and it is important to ensure that the consultation is reasonable and proportionate to the issues under consideration. In general, a consultation is expected to take no longer than two weeks. If a matter is particularly urgent, a shorter consultation period is likely to be proportionate. However, if it is less pressing or more complex factors to consider, then a longer consultation may be appropriate.'*

However, consideration should be given to the LGA Guidance for Councils which gives the following advice regarding consultation, *'There are no statutory requirements about the length of the consultation process. However, it should be ensured that its duration allows sufficient time to meaningfully engage with all those who may be impacted by the Order, taking into account for instance any holiday periods that may affect response rates – this may take several weeks or even months. Some issues may require time to fully explore and understand – councils should not be reluctant to extend the initial consultation period if it is clear that this would be beneficial in the longer-term.'*

4.3.6 A list of examples of consultation methods used when consulting on a PSPO as set out in the LGA Guidance for Councils is set out below:

- Online questionnaire
- Postal surveys
- Face-to-face interviews
- Contact with residents' association
- Focus groups with stakeholders and interest groups representing those who will be affected
- Discussions with service providers working directly with affected groups
- Discussions at ward panel meetings
- Publicity via local press or social media
- Publications in libraries and other public buildings
- On-street surveys
- Drop-in sessions in the area subject to the PSPO

The LGA Guidance for Councils also provides examples of questions which could be included as part of the consultation:

- What effect the activities in question have on residents, businesses and visitors – and whether this is detrimental?
- how safe respondents feel and what impacts on this?
- how often problem behaviours are personally encountered by individuals?
- when and where problems occur?
- whether the behaviour is so unreasonable that it should have been banned?

4.3.7 When undertaking a consultation the Council should have due regard to the Government's Consultation Principles 2018 and case law establishing the principles of lawful consultation.

### **Consultation Principles**

Consultation should:

- a) be clear and concise
- b) have a purpose
- c) be informative
- d) Be seen as only part of the process of engagement
- e) should last for a proportionate amount of time
- f) should be targeted
- g) should take account of the groups being consulted
- h) should be agreed before publication
- i) should facilitate scrutiny
- j) Ensure that Government responses to consultations are published in a timely manner
- k) not generally be launched during local or national election periods

The case of *R v London Borough of Brent ex parte Gunning (1985) 84 LGR 168* established the 'Gunning Principles' which defined that a consultation is only legitimate when the following four principles are met:



1. **Proposals are still at a formative stage** – A final decision has not yet been made or predetermined by the decision makers.
2. **There is sufficient information to give ‘intelligent consideration’** – The information provided must relate to the consultation and must be available, accessible and easily interpretable for consultees to provide an informed response.
3. **There is adequate time for consideration and response** – There must be sufficient opportunity for consultees to participate in the consultation.
4. **‘Conscientious consideration’ must be given to the consultation responses before a decision is made** – Decision-makers should be able to provide evidence that they took consultation responses into account.

The Gunning principles were reinforced in 2001 by the case of *R v North and East Devon Health Authority ex parte Coughlan [2001] Q.B. 213 (16 July 1999)* which confirmed these principles applied to all consultations, and then in the supreme Court case of *R (ex parte Moseley) v London Borough of Haringey [2014] UKSC 56 LBC* which endorsed the legal standing of the 4 principles.

- 4.3.8 As part of the consultation process for a PSPO the Council must ensure that it complies with its Public Sector Equality Duty under the Equality Act 2010 (as detailed in section 4.1 of the report). The Council must also have particular regard to Articles 10 and 11 of the European Convention of Human Right as incorporated into UK Legislation under the Human Rights Act when considering making a PSPO (as detailed at section 4.1.1 of the report).
- 4.3.9 The decision to approve a draft PSPO and to go out to consultation on the introduction of a PSPO is reserved to the Communities, Parks and Leisure Policy Committee under Part 3.3.1 of the Constitution.

#### 4.4 Climate Implications

A rapid climate impact assessment has been carried out and concluded that there would be no significant climate impact.

#### 4.5 Other Implications

There are no other implications of approving the draft PSPO or consulting the public and other stakeholders.

### 5 **ALTERNATIVE OPTIONS CONSIDERED**

#### 5.1 **Not to consider a PSPO and continue with the current response to ASB in the city centre.**

This is the ‘do nothing’ option.

The current approach is to target the most entrenched individuals, initially to engage and support and if unsuccessful to seek legal orders. This approach is limited to those identified and recognised as complex or entrenched and does not allow for immediate intervention or enforcement action on unknown persons. The current approach does not allow for wider prevention work.

A PSPO would support the identification of individuals requiring essential support or safeguarding. Additionally for those individuals against whom legal action is being sought, for example, a CBO or injunctions, the mapped PSPO zone could form part of the exclusions or restrictions of those orders.

The evidence provided in section 1.3 demonstrates that the ASB issues identified are persistent and have a detrimental effect on the quality of life of those in the locality. An alternative approach is needed to effect a reduction in the level of ASB and therefore the do nothing option has been discounted.

## **6 REASONS FOR RECOMMENDATIONS**

- 6.1 The evidence demonstrates a need to change the existing approach to controlling anti-social behaviour in the City Centre. The introduction of a PSPO would give the Council and SYP Officers additional powers to adopt a new approach.

The introduction of a PSPO alongside an enforcement framework that focuses on harm reduction could have positive outcomes for some of the City's most vulnerable residents.

The Government's Statutory Guidance recommends that councils engage in an open and public consultation to give the users of the public space the opportunity to comment on whether the proposed restriction or restrictions of a PSPO are appropriate, proportionate or needed at all. The Council should also ensure that specific groups likely to have a particular interest are consulted.

A further report will be produced in due course with recommendations about whether or not to make a PSPO based on the outcomes of the consultation.

## **Appendix A: Draft PSPO**

### **Sheffield City Council Public Spaces Protection Order 2024 (City Centre)**

This order is made by Sheffield City Council (“the Council”) and shall be known as the Sheffield City Council City Centre Public Spaces Protection Order 2024 (“this Order”).

The Council in exercise of its powers under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 is satisfied on reasonable grounds that the conditions below have been met:

- that activities carried on in a public place within the Council’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 that area and that they will have such an effect; and
- the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by this Order.

The Council is satisfied that the prohibitions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring, or recurring or to reduce that detrimental effect, or to reduce the risk of its continuance, occurrence, or recurrence.

The Council has had regard to the rights and freedoms set out in the European Convention on Human Rights incorporated into UK legislation under the Human Rights Act 1998. The Council has had particular regard to the rights and freedoms set out in Article 10 (Right to Freedom of expression) and Article 11 (Right to freedom of assembly) of the European Convention on Human Rights and has concluded that any restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

<b>PROHIBITIONS</b>	
<b>1</b>	<p>Alcohol on the streets:</p> <p>No person within the restricted area may consume alcohol and/or be in possession of an open container of alcohol or purporting to contain alcohol in a public space.</p> <p>Prohibitions and requirements relating to alcohol contained in this Order do not apply to premises authorised to be used for the supply of alcohol under the Licensing Act 2003, a place within the curtilage of such premises, or to premises or places otherwise exempt from the operation of this Public Spaces Protection Order by section 62 of the Anti-social Behaviour, Crime and Policing Act 2014.</p> <p><b>REQUIREMENTS</b></p> <p>Where a constable or an authorised officer reasonably believes that a person is or has been consuming alcohol or intends to consume alcohol in breach of this Order the person must when required to do so by the constable or authorised officer:</p> <p>(a) stop consuming alcohol or anything which the constable or authorised officer reasonably believes to be alcohol.</p> <p>(b) surrender anything in their possession which is, or which the constable or authorised officer reasonably believes to be alcohol or a container for alcohol (to the relevant constable or authorised officer).</p>
<b>2</b>	<p>Begging:</p> <p>No person within the restricted area shall make verbal, non-verbal, or written request(s) for money, donations or goods including the placing of hats, clothing, signage, or containers, in a manner that causes or is likely to cause harassment, alarm, distress, nuisance, or annoyance.</p>
<b>3</b>	<p>Loitering:</p> <p>No person within the restricted area shall loiter, in any temporary structure, in or adjacent to doorways, cash machines, banks or supermarkets in a manner that may cause or is likely to cause harassment, alarm, distress, nuisance, or annoyance to any person within the city centre.</p>
<b>4.</b>	<p>Drug Use:</p> <p>No person within the restricted area will ingest, inhale, inject, smoke, or otherwise use a psychoactive substance (as defined in the Psychoactive Substances Act 2016 section 2 paragraph 1).</p> <p><b>REQUIREMENTS</b></p> <p>Where a constable or an authorised officer reasonably believes that a person is or has been using a psychoactive substance or intends to use a psychoactive substance in breach of this Order, the person must when required to do so by the constable or authorised officer:</p>

	<p>(a) stop using the psychoactive substance or anything which the constable or authorised officer reasonably believes to be a psychoactive substance.</p> <p>(b) Surrender anything in their possession which is, or which the constable or authorised officer reasonably believes to be a psychoactive substance, or which will be used in connection with taking psychoactive substances (to the relevant constable or authorised officer).</p>
5.	<p>Urination and/or defecation:</p> <p>No person within the restricted area will urinate and/or defecate in any public space (this does not include public toilets).</p>

#### **Additional notes and definitions for the purpose of the Order**

- i) **Alcohol** – has the meaning given to it under section 191 of the Licensing Act 2003. This is set out in full at Schedule 2.
- ii) **Authorised Officer** – means an ‘authorised person’ as defined under section 68(11) of the Anti-social Behaviour, Crime and Policing Act 2014 namely *‘a person authorised for the purposes of this section by the local authority that made the order (or authorised by virtue of section 69(2)).’*
- iii) **Constable** – means constable as referred to under the Anti-social Behaviour, Crime and Policing Act 2014 and includes a Police Community Support Officer.
- iv) **The Council** – means Sheffield City Council.
- v) **Premises** – has the meaning given to it under section 193 of the Licensing Act 2003 and *‘means any place and includes a vehicle, vessel or moveable structure.’*
- vi) **Psychoactive substance** - has the meaning given to it under section 2 paragraph 1 of the Psychoactive Substances Act 2016 subject to the exemptions set out at section 3 and schedule 1 of this Act. These sections of the Psychoactive Substances Act 2016 are detailed in full at Schedule 3.
- vii) **Section 62 of the Anti-social Behaviour, Crime and Policing Act 2014** - details the exemptions to the alcohol prohibition under a PSPO and is detailed in full at Schedule 4.

## **PERIOD FOR WHICH THIS ORDER HAS EFFECT**

This Order applies to a public place within the authority's area. The public place is delineated by the black line on the plan annexed at Schedule 1. The effect of this Order is to impose the prohibitions and requirements detailed herein, at all times, save where specified exemptions apply. This Order will come into force at **XXX** and will expire at midnight on the **XXX**. At any point before the expiry of this three year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time. The Council may extend this Order more than once.

## **FAILURE TO COMPLY WITH THIS ORDER?**

Section 67 of the Anti-social Behaviour Crime and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse – (a) to do anything that the person is prohibited from doing by a public spaces protection order, or (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order. A person guilty of an offence under section 67 is liable on conviction in a Magistrates' Court to a fine not exceeding level 3 on the standard scale.

## **FIXED PENALTY**

A constable or an authorised officer may issue a fixed penalty notice to anyone s/he believes has committed an offence under section 67 of the Anti-social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £100. If you pay the fixed penalty within the 14 days you will not be prosecuted.

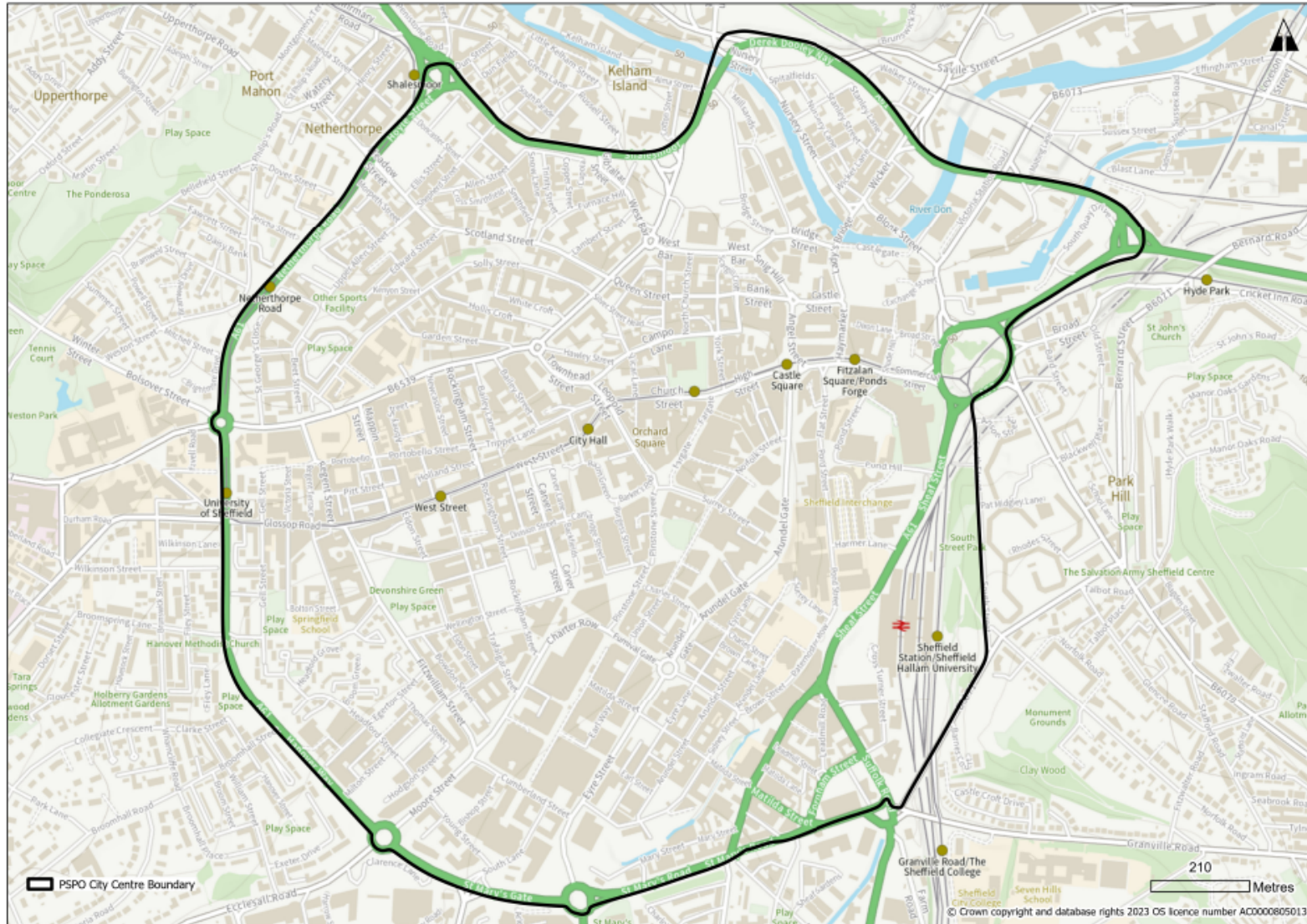
## **APPEALS**

Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council. Interested persons can challenge the validity of this Order on two grounds: that the Council did not have power to make the Order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation has not been complied with. When an application is made, the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it, or vary it.

**Signed:** .....

# SCHEDULE 1 – Proposed Sheffield City Centre PSPO zone 2024-2027

The area shown below enclosed within the black line on the map identifies the PSPO zone.



## **SCHEDULE 2**

### **Licensing Act 2003**

#### **Section 191**

#### **Meaning of “alcohol”**

S191

(1) In this Act, “alcohol” means spirits, wine, beer, cider or any other fermented distilled or spiritous liquor in any state, but does not include -

- (a) alcohol which is of a strength not exceeding 0.5% at the time of the sale or supply in question,
- (b) perfume,
- (c) flavouring essences recognised by the Commissioners of Customs and Excise as not being intended for consumption as or with dutiable alcoholic liquor,
- (d) the aromatic flavouring essence commonly known as Angostura bitters,
- (e) alcohol which is, or is included in, a medicinal product or a veterinary medicinal product,
- (f) denatured alcohol,
- (g) methyl alcohol,
- (h) naphtha, or
- (i) alcohol contained in liqueur confectionery.

(2) In this section—

“*denatured alcohol*” has the same meaning as in section 5 of the Finance Act 1995 (c. 4);

“*dutiable alcoholic liquor*” has the same meaning as in the Alcoholic Liquor Duties Act 1979 (c. 4);

“*liqueur confectionery*” means confectionery which—

- (a) contains alcohol in a proportion not greater than 0.2 litres of alcohol (of a strength not exceeding 57%) per kilogram of the confectionery, and
- (b) either consists of separate pieces weighing not more than 42g or is designed to be broken into such pieces for the purpose of consumption;

“*medicinal product*” has the same meaning as in section 130 of the Medicines Act 1968 (c. 67)

“*strength*” is to be construed in accordance with section 2 of the Alcoholic Liquor Duties Act 1979; and

“*veterinary medicinal product*” has the same meaning as in regulation 2 of the Veterinary Medicines Regulations 2006.



## **SCHEDULE 3**

### **Psychoactive Substances Act 2016**

#### **2.— Meaning of “psychoactive substance” etc**

(1) In this Act “*psychoactive substance*” means any substance which—

(a) is capable of producing a psychoactive effect in a person who consumes it, and

(b) is not an exempted substance (see section 3).

(2) For the purposes of this Act a substance produces a psychoactive effect in a person if, by stimulating or depressing the person’s central nervous system, it affects the person’s mental functioning or emotional state; and references to a substance’s psychoactive effects are to be read accordingly.

(3) For the purposes of this Act a person consumes a substance if the person causes or allows the substance, or fumes given off by the substance, to enter the person’s body in any way.

#### **3.— Exempted substances**

(1) In this Act “*exempted substance*” means a substance listed in Schedule 1.

(2) The Secretary of State may by regulations amend Schedule 1 in order to—

(a) add or vary any description of substance;

(b) remove any description of substance added under paragraph (a).

(Schedule 1 lists the exempt substances)

#### **Schedule 1**

##### ***Exempted Substances***

1. Controlled drugs (within the meaning of the Misuse of Drugs Act 1971).

2. Medicinal products.

In this paragraph “*medicinal product*” has the same meaning as in the Human Medicines Regulations 2012 (S.I. 2012/1916) (see regulation 2 of those Regulations).

3. Alcohol or alcoholic products.

In this paragraph—

“*alcohol*” means ethyl alcohol, and

“*alcoholic product*” means any product which—

(a) contains alcohol, and

(b) does not contain any psychoactive substance.

4. Nicotine.

5. Tobacco products.

In this paragraph "*tobacco product*" means—

(a) anything which is a tobacco product within the meaning of the Tobacco Products Duty Act 1979 (see section 1 of that Act), and

(b) any other product which—

(i) contains nicotine, and

(ii) does not contain any psychoactive substance.

6. Caffeine or caffeine products.

In this paragraph "*caffeine product*" means any product which—

(a) contains caffeine, and

(b) does not contain any psychoactive substance.

7. Any substance which—

(a) is ordinarily consumed as food, and

(b) does not contain a prohibited ingredient.

In this paragraph—

"*enactment*" includes—

(a) an enactment contained in subordinate legislation;

(b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;

(c) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales;

(d) an enactment contained in, or in an instrument made under, Northern Ireland legislation;

"*food*" includes drink;

"*prohibited ingredient*", in relation to a substance, means any psychoactive substance—

(a) which is not naturally occurring in the substance, and

(b) the use of which in or on food is not authorised by an enactment

## **SCHEDULE 4**

### **Section 62 – Anti-social Behaviour, Crime and Policing Act 2014 Premises etc to which alcohol prohibition does not apply**

- (1) A prohibition in a public spaces protection order on consuming alcohol does not apply to—
  - (a) premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
  - (b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
  - (c) a place within the curtilage of premises within paragraph (a) or (b);
  - (d) premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;
  - (e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses).
- (2) A prohibition in a public spaces protection order on consuming alcohol does not apply to council-operated licensed premises—
  - (a) when the premises are being used for the supply of alcohol, or
  - (b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.
- (3) In this section—

*“club premises certificate”* has the meaning given by section 60 of the Licensing Act 2003;

*“premises licence”* has the meaning given by section 11 of that Act;

*“supply of alcohol”* has the meaning given by section 14 of that Act.
- (4) For the purposes of this section, premises are “council-operated licensed premises” if they are authorised by a premises licence to be used for the supply of alcohol and—
  - (a) the licence is held by a local authority in whose area the premises (or part of the premises) are situated, or
  - (b) The licence is held by another person but the premises are occupied by a local authority or are managed by or on behalf of a local authority.

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Home Office

# **Anti-social Behaviour, Crime and Policing Act 2014:**

## **Anti-social behaviour powers Statutory guidance for frontline professionals**

Revised in March 2023



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# Contents

Introduction	4
Part 1: Putting the victim first	6
1.1 The ASB Case Review (also known as the Community Trigger)	8
1.2 Community Remedy	20
Part 2: More effective powers	26
2.1 Civil Injunction	31
2.2 Criminal Behaviour Order	40
2.3 Dispersal Power	46
2.4 Community Protection Notice	51
2.5 Public Spaces Protection Order	64
2.6 Expedited Public Spaces Protection Order (E-PSPO)	75
2.7 Closure Power	80
2.8 Absolute ground for possession	86
<b>Annex A- Data sharing guidance</b>	

# Introduction

## *About this Guidance*

The Home Office first published this statutory guidance in July 2014; its aim was to enable the effective use of new powers to tackle anti-social behaviour that were introduced through the Anti-social Behaviour, Crime and Policing Act 2014 ('the 2014 Act'). These powers are local in nature, as those who work within, and for, local communities are best placed to understand what is driving the behaviour in question, the impact that it is having, and to determine the most appropriate response. This guidance is intended to assist the police, local authorities and other local agencies who exercise functions under the 2014 Act to respond to instances of anti-social behaviour in their local areas.

The Guidance was first revised in December 2017 to reflect experiences since the 2014 Act came into force, to ensure that there was a greater focus on the impact of anti-social behaviour on victims and on their needs, and to emphasise the need to ensure that relevant legal tests are met to trigger the use of the powers. The Guidance was further revised in January 2021 to reflect the Sentencing Code, which is a product of the Sentencing Act 2020, to update references to legislation, including to the 2014 Act, and to clarify the availability of the powers in the 2014 Act in certain circumstances. The guidance was then updated in July 2022 to include Expedited Public Spaces Protection Orders, which are intended to protect the public from harm that some protests in the vicinity of schools, vaccination centres and NHS Test & Trace (T&T) sites in England or Test, Trace, Protect (TTP) sites in Wales cause. The guidance is now being revised again to coincide with the launch of the ASB Action Plan and to promote greater consistency of the powers and tools.

This revised guidance is issued by the Secretary of State as statutory guidance under Parts 1-4 of the 2014 Act.

## *Summary*

The first part of this guidance focuses specifically on putting victims at the heart of the response to anti-social behaviour. We know that, where left unchecked, anti-social behaviour can have an overwhelming impact on its victims and, in some cases, on the wider community. Therefore, the formal Anti-social Behaviour Case Review, formerly known as the Community Trigger, is an important safety net in ensuring that victims' voices are heard.

It is important that victims can easily access information about how to apply for a formal ASB Case Review and in what circumstances they can do so. We have previously made changes to the Guidance to emphasise the importance of victim representation during the ASB Case Review process and for independent perspectives to be involved in the review. The Community Remedy also gives victims a say in out-of-court punishments where the perpetrator of the anti-social behaviour is dealt with through a community resolution disposal. It is important that local agencies are aware of the Community Remedy when dealing with cases of anti-social behaviour, and to consider what is the best outcome for all those involved. In October 2022 we published the [ASB Principles](#) which seek to describe a consistent approach to understanding and addressing Anti-social Behaviour (ASB) in local communities.



The Community Safety Accreditation Scheme (CSAS) is a voluntary scheme under which chief constables can choose to accredit employed people already working in roles that contribute to maintaining and improving community safety with limited but targeted powers. Those with accreditation should consider where their powers can be used to tackle anti-social behaviour.

The second part of the guidance focuses on the use of powers provided by the 2014 Act. These are designed to be flexible to ensure that local agencies have the tools they need to respond to different forms of anti-social behaviour. The guidance sets out the legal tests that must be met before each of the powers can be used. The guidance emphasises the importance of ensuring that the powers are used appropriately to provide a proportionate response to the specific behaviour that is causing harm or nuisance without impacting adversely on behaviour that is neither unlawful nor anti-social.

# Part 1: Putting the victim first

## The impact on victims, communities and businesses

The legal tests that govern the use of the anti-social behaviour powers are focused on the impact that the behaviour is having, or is likely to have, on victims, communities and businesses. When considering the response to a complaint of anti-social behaviour, agencies must consider the effect that the behaviour in question is having on the lives of those subject to it. For example, agencies should recognise and consider the debilitating impact that persistent or repeated anti-social behaviour can have on its victims, and the cumulative impact if that behaviour persists over a period of time.

The legislation requires the relevant local agencies to be satisfied that the specific legal tests and safeguards set out in the legislation are met before the 2014 Act powers are used.

These tests are intended to help ensure the appropriate and proportionate use of the powers and that they are being used to target specific problems or specific circumstances. They do allow for preventative action to be taken, for agencies to intervene early to prevent problems from escalating, and in some instances for there to be a focus on tackling the underlying causes of the anti-social behaviour.

The response to anti-social behaviour may require collaborative working between different agencies to determine the most appropriate solution. Where a report or complaint is made to one agency, that lead agency should consider the potential role of others in providing a solution if they are not themselves able to take action. This will help to ensure that reports of anti-social behaviour are not inadvertently lost between the different reporting arrangements of different agencies. It may also help to provide a mechanism for considering the potential for engaging the wider community in finding solutions to specific local anti-social behaviour issues.

It is important to note that businesses and retailers can be affected by anti-social behaviour. The powers in the 2014 Act are available to relevant agencies when anti-social behaviour occurs in these settings.

The Anti-social Behaviour Strategic Board has developed a set of principles which seek to describe a consistent approach to understanding and addressing Anti-social Behaviour (ASB) in local communities. The principles are not intended to fetter local decision making but rather to act as a guide in seeking to deliver the best possible outcomes for victims of ASB. We strongly recommend that agencies refer to the following guiding principles:

1. Victims should be encouraged to report ASB and expect to be taken seriously. They should have clear ways to report, have access to help and support to recover, and be given the opportunity to choose restorative approaches to tackling ASB.
2. Agencies will have clear and transparent processes to ensure that victims can report ASB concerns, can understand how the matter will be investigated and are kept well informed of progress once a report is made.

3. Agencies and practitioners will work across boundaries to identify, assess and tackle ASB and its underlying causes. Referral pathways should be clearly set out between services and published locally. This includes pathways for the ASB Case Review and health services.
4. The public's ASB concerns should always be considered both nationally and locally in strategic needs assessments for community safety. Best practice should be shared through a network of ASB experts within each community safety partnership, each policing area and nationally.
5. Adults and children who exhibit ASB should have the opportunity to take responsibility for their behaviour and repair the harm caused by it. Agencies should deliver appropriate interventions, which may include criminal justice options, based on the seriousness, risks and vulnerabilities of the case.

## Giving victims a say

The Anti-social Behaviour, Crime and Policing Act 2014 included two specific measures, designed to give victims and communities a say in the way that complaints of anti-social behaviour are dealt with, and to help ensure that victims' voices are heard. These measures are:

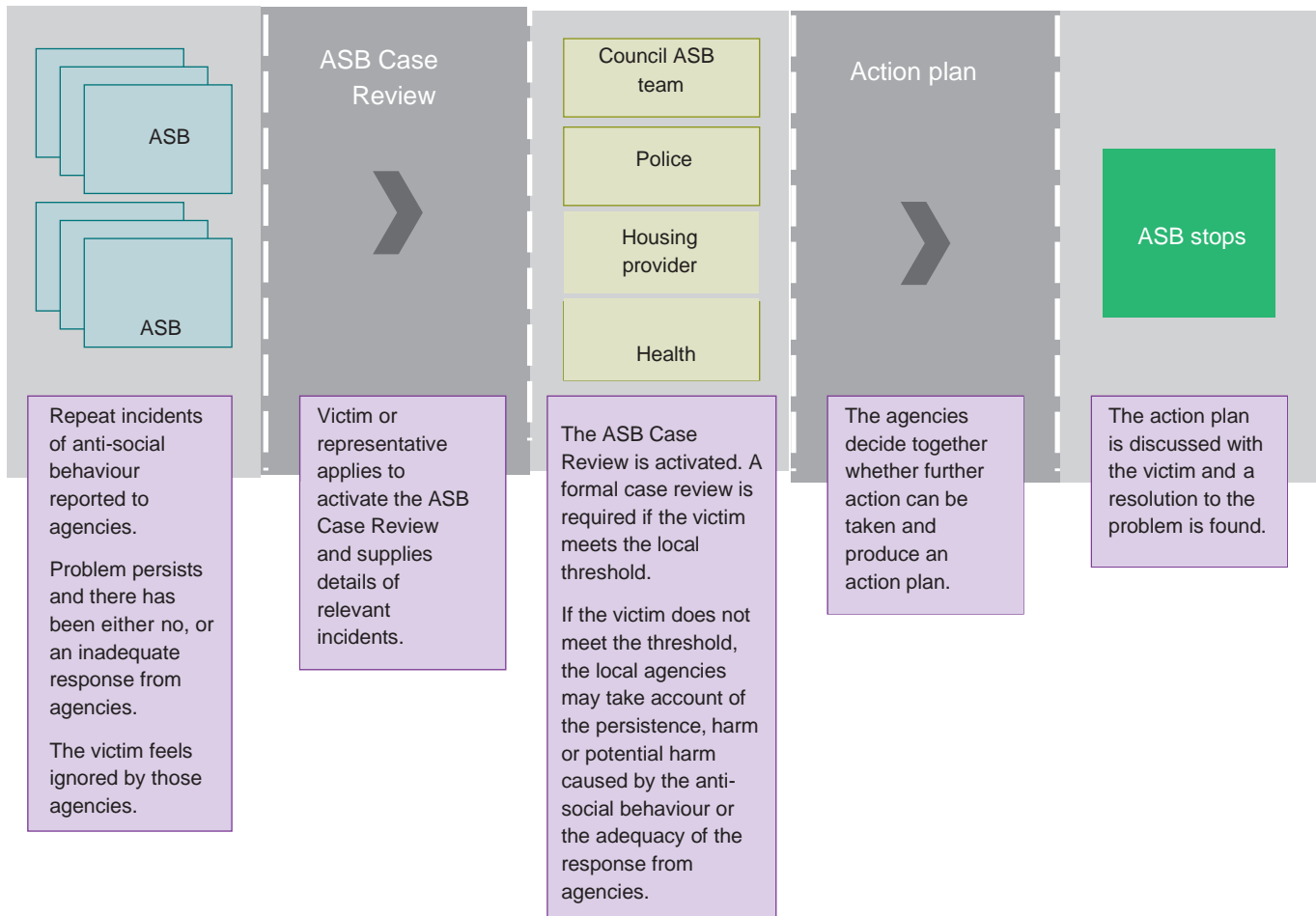
- **the ASB Case Review (formerly known as the Community Trigger):** this gives victims of persistent anti-social behaviour the ability to demand a formal case review where the locally defined threshold is met, in order to determine whether there is further action that can be taken. The relevant bodies in the local area must agree on, and publish their ASB Case Review procedures; and
- **the Community Remedy:** this gives victims a say in the out-of-court punishment of perpetrators of anti-social behaviour when a community resolution, conditional caution or youth conditional caution is chosen as the most appropriate response.

The above measures are discussed in more detail in this part of this guidance.

## 1.1 The ASB Case Review (formerly known as the Community Trigger)

Purpose	To give victims and communities the right to request a review of their case where a local threshold is met, and to bring agencies together to take a joined up, problem-solving approach to find a solution for the victim.
Relevant bodies and responsible authorities	<p>Key bodies:</p> <ul style="list-style-type: none"> <li>• Councils.</li> <li>• Police.</li> <li>• Integrated Care Boards in England and Local Health Boards in Wales.</li> <li>• Registered providers of social housing who are co-opted into this group.</li> </ul>
Threshold	<p>To be defined by the local agencies, but not more than three complaints in the previous six-month period.</p> <p>May also take account of:</p> <ul style="list-style-type: none"> <li>• the persistence of the anti-social behaviour;</li> <li>• the harm or potential harm caused by the anti-social behaviour;</li> <li>• the adequacy of the response to the anti-social behaviour.</li> </ul> <p><b>The key relevant bodies (listed above) must publish details of the procedure to ensure that victims are aware that they can apply in appropriate circumstances.</b></p>
Details	<p>When an ASB Case Review is requested and the threshold has been met, the relevant bodies must decide whether the threshold has been met and communicate this to the victim.</p> <p><b>If the threshold is met:</b></p> <ul style="list-style-type: none"> <li>• a case review will be undertaken by the relevant bodies. They will share information related to the case, review what action has previously been taken and decide whether additional actions are possible. The local ASB Case Review procedure should clearly state the timescales in which the review will be undertaken;</li> <li>• the review will see the relevant bodies adopting a problem-solving approach to ensure that all the drivers and causes of the behaviour are identified and a solution sought, whilst ensuring that the victim receives appropriate support and is kept updated of progress;</li> <li>• the victim is informed of the outcome of the review. Where further actions are necessary an action plan will be discussed with the victim, including timescales.</li> </ul> <p><b>If the threshold is not met:</b></p> <ul style="list-style-type: none"> <li>• although the formal procedures will not be invoked, this does provide an opportunity for the relevant bodies to review the case to determine whether there is more that can be done.</li> </ul> <p><b>Agencies have a duty to publish specified data on the ASB Case Review at least every twelve months.</b></p>
Who can use the ASB Case Review procedure?	<ul style="list-style-type: none"> <li>• A victim of anti-social behaviour or another person acting on behalf of the victim with his or her consent, such as a carer or family member, Member of Parliament, local councillor or other professional.</li> <li>• The victim may be an individual, a business or a community group.</li> </ul>
The legislation	Sections 104 and 105 of the Anti-social Behaviour, Crime and Policing Act 2014.
Protecting the vulnerable	The ASB Case Review provides an important safety net for victims of persistent anti-social behaviour and those who may be most vulnerable.

## The ASB Case Review



### Purpose

The ASB Case Review is an important statutory safety net for victims of anti-social behaviour who believe they have not had a satisfactory response to their complaints about anti-social behaviour. Where a locally determined threshold is met, victims can require the relevant bodies in the local area to undertake a review of the case, and those bodies have a statutory duty to undertake that review. In addition to the victim, the ASB Case Review can be activated by a person on behalf of the victim who is aware of the circumstances and acts with the victim's consent. This might include a family member, friend, carer, councillor, Member of Parliament or other professional. It is recommended that the relevant bodies also consider automatically undertaking a case review once the threshold has been met, even in cases where the victim has not requested one.

Receiving an ASB Case Review application should not be perceived by agencies as a complaint about their work but as an opportunity to find a solution for the victim(s) of the anti-social behaviour.

**Putting victims first:** The ASB Case Review an important safety net for victims of persistent anti-social behaviour. It provides a mechanism to ensure that their case is reviewed in order to secure a satisfactory resolution. The legislation requires the relevant local agencies to determine a local threshold for triggering the Case Review procedures. It is important that these agencies ensure that victims are aware of the procedures, the circumstances in which they can apply for a formal review, and how to do so. Consideration should always be given on how victims can best express the impact that the anti-social behaviour has had on their

### Who are the relevant bodies?

The relevant bodies in any area are those organisations listed below who must have an ASB Case Review procedure in place and who must undertake a case review when a person asks for one and the local threshold is met. The relevant bodies are:

- the district council, unitary authority or relevant London borough council for the area;
- the police force covering the area;
- the relevant integrated care board in England or local health board in Wales; and
- local providers of social housing who are co-opted into the local arrangements.

### *Involving Police and Crime Commissioners and wider agencies*

The local Police and Crime Commissioner must be consulted when the ASB Case Review procedure is set up and whenever it is reviewed. Consideration should also be given to consulting the local Community Safety Partnership(s) and other relevant local agencies to ensure a joined-up approach across agencies. In addition, the Police and Crime Commissioner can be involved directly in the procedure, for example by:

- auditing previous case reviews;
- promoting awareness of the ASB Case Review and the relevant processes;
- attending ASB Case Review meetings as an independent party;
- Convening the relevant bodies to undertake the ASB Case Review;
- providing a route for victims to query the decision on whether the threshold was met or the way in which the review was carried out; or
- monitoring use of the ASB Case Review to identify any learning and best practice to share more widely.

Police and Crime Commissioners should liaise with the relevant bodies before becoming directly involved in the procedure. Police and Crime Commissioners also have responsibilities

for the commissioning of victims' services and consideration should be given to how to ensure that local agencies consider how the victim is supported as part of the process.

Relevant local health services may need to be involved in the review. They should work closely with those reviewing the case when this is requested by any of the key agencies. Their contribution may be evidential documentation or a statement, attendance at a review meeting or another form of participation that the agencies deem necessary. This should be treated as standard for those ASB Case Review reviews that involve victims with health-related vulnerabilities.

### **What must the relevant bodies do?**

The relevant bodies listed above must:

- set the local threshold for activating the ASB Case Review;
- establish and publish arrangements for conducting ASB Case Reviews;
- undertake a formal Case Review where the local threshold is met; and
- publish the numbers of applications for the ASB Case Review and other information, as detailed on page 17.

### **Setting the local threshold**

The relevant bodies should collectively agree an appropriate ASB Case Review threshold, having regard to the nature of anti-social behaviour and harm experienced by victims in their area.

The threshold must be no higher than three qualifying complaints of anti-social behaviour in a six-month period; this does not preclude those who exceed this threshold (e.g. by making more than three qualifying complaints within the six-month period) from having a Case Review conducted. For example:

- 1 January – A victim submits a qualifying complaint of anti-social behaviour to the local authority. The anti-social behaviour is not resolved by the local authority.
- 15 March – The victim continues to experience anti-social behaviour and makes a qualifying complaint to the police. The anti-social behaviour is not resolved by the police.
- 31 May – The anti-social behaviour continues, and the victim now makes a qualifying complaint to both the local authority and the police. The victim again receives no assistance from the relevant agencies.
- The victim has made three qualifying complaints of anti-social behaviour between 1 January and 31 May. This is within a six-month period. The relevant agencies must now undertake an ASB Case Review to resolve the anti-social behaviour.

Where a person makes an application for the ASB Case Review and has made at least the set number of qualifying complaints, the threshold for a review is met and the relevant bodies have a duty to undertake the ASB Case Review. This can be on an open or closed case.

## *Qualifying complaints*

For the purposes of the ASB Case Review procedures, a qualifying complaint is:

- where the anti-social behaviour was reported within one month of the alleged behaviour taking place; and
- the application to use the ASB Case Review is made within six months of the report of anti-social behaviour.

It is open to the agencies involved in these reviews to set different levels to those set out above if appropriate for their area, provided that they do not lower the standard as set out here. The requirement for the anti-social behaviour to be recent is to prevent more historical incidents of anti-social behaviour being used to invoke these procedures.

**It is recommended that relevant agencies consider undertaking a Case Review when the threshold has been met even where the victim has not requested one.** Agencies can do this by ensuring they monitor and keep a log of all qualifying complaints and automatically conduct a Case Review when three qualifying complaints have been made in a six-month period.

The definition of anti-social behaviour in this context is behaviour causing harassment, alarm or distress to a member or members of the public. When deciding whether the threshold is met, agencies should consider the cumulative effect of the incidents and consider the harm or potential harm caused to the victim, rather than rigidly deciding whether each incident reached the level of harassment, alarm, or distress.

Similarly, although housing-related anti-social behaviour has a lower test of nuisance or annoyance for an injunction under Part 1 of the 2014 Act, in such instances because of the victim's inability to separate themselves from the anti-social behaviour, the harm experienced may well result in harassment, alarm or distress for the purposes of the ASB Case Review.

The ASB Case Review is specifically designed to deal with anti-social behaviour. However, anti-social behaviour can often be motivated by hate and the relevant bodies may wish to include reports of these incidents as part of their procedures.

## *Setting the threshold: additional considerations*

In considering whether the threshold is met, the relevant bodies should have regard to:

- the persistence of the anti-social behaviour;
- the harm, or potential harm, caused by the anti-social behaviour; and
- the adequacy of the response from agencies.

The harm, or the potential for harm to be caused to the victim, is an important consideration in determining whether the threshold is met because the more vulnerable will be less resilient to anti-social behaviour. People can be vulnerable for various reasons, and vulnerability or resilience can vary over time depending on personal circumstances and the nature of the anti-social behaviour. The relevant bodies should use their risk assessment procedures as part of the decision on whether the threshold is met. Risk assessment matrices cannot provide a definitive assessment of someone's needs, but they will assist agencies in judging an appropriate response. It may be beneficial for the relevant bodies to adopt a common risk



assessment matrix, or to have an agreed matrix for the purposes of the ASB Case Review .

Cases where there are repeated applications by people which, on investigation, relate to non-anti-social behaviour matters may be indicative of an underlying vulnerability or unmet need. Consequently, even where the threshold is not met, local agencies may wish to consider the possibility of hidden needs or risks which may require a response from a particular agency.

Behaviour which falls below the level of harassment, alarm, or distress, may not meet the threshold, but when assessed on the grounds of potential harm to the victim, the impact of the behaviour may be such that the threshold is considered to be met.

Where the victim is considered to be particularly vulnerable, the relevant bodies should consider whether additional practical and emotional support can be offered to the victim.

### **Publishing the ASB Case Review procedure**

**The relevant bodies must publish the ASB Case Review procedure to ensure that victims are aware that they can apply to activate the procedures in appropriate circumstances.**

Consideration should be given to where this information is published and how accessible the information is. For example, the title 'ASB Case Review' in isolation may not be sufficient of itself to alert victims to the purpose of the procedures. The best way of reaching audiences is to clearly link ASB Case Review information to broader information on reporting and responding to anti-social behaviour, and making it clear that the procedure is about seeking a review of the case.

The relevant bodies should decide an appropriate method and format for publicising the procedure, taking account of the needs of the local community. The information should be provided on the websites of all the relevant bodies, signposting the public to the lead agency's website, a point of contact and the procedures for activating the process. Consideration should be given to whether it is appropriate to translate the information into different languages.

#### *Publishing a point of contact*

The published information on the ASB Case Review must include a point of contact for making an application. When publishing the point of contact it is good practice to provide a telephone number, email address, postal address, printable form, and a form which can be completed online.

**Putting victims first:** Using the ASB Case Review should be made as straightforward as possible for victims of anti-social behaviour

It is good practice to have several methods to contact an agency, recognising that some victims may feel more comfortable contacting one agency than another, or may not have access to the internet or, in the case of issues involving neighbours, may be reluctant to use the telephone for fear of being overheard. The ASB Case Review can be used by any person, and agencies should consider how to make it as accessible as possible to young people, those who are vulnerable, have learning difficulties or do not speak English.

## The ASB Case Review procedure

The relevant bodies must work together to devise and agree the procedure for the ASB Case Review. The procedure should ensure that the review looks at what action has previously been taken in response to the victim's reports of anti-social behaviour. It must also include provision for a person to request a review of the way that their application for a previous ASB Case Review has been dealt with, and the way in which the review was carried out.

### A basic ASB Case Review procedure

Each area should agree a procedure that suits the needs of victims and communities in their area. However, the basic outline of that procedure is likely to include the following steps:

- a victim of anti-social behaviour (or someone acting on their behalf) makes an application to use the ASB Case Review;
- the relevant bodies decide whether the threshold is met;
- if the threshold is met, the relevant bodies share information about the case, consider whether any new relevant information needs to be obtained, review previous actions taken and propose a response. The victim is informed of the outcome, or agencies will work with the victim to devise and implement an action plan;
- if necessary, escalation and review.

When setting up the procedure, the relevant bodies should consider how the ASB Case Review can be built into existing processes. Many areas already have regular multi-agency meetings to discuss cases of anti-social behaviour, including Community Safety Partnership meetings. These may be suitable forums to undertake the case review. Alternatively, the relevant bodies may decide that it is more appropriate to have a separate forum to discuss ASB Case Review applications. The local Police and Crime Commissioner may also want to be responsible for convening the relevant bodies when a ASB Case Review application is received. Where the perpetrator is under the age of 18, the youth offending team should be invited to attend the review.

It is recommended that local areas consider whether case review meetings should be chaired by an appropriately trained independent lead. Where most of the agency representatives have been involved in a particular case, consideration should be given to involving somebody independent in the review to provide an external or fresh perspective on the case and the action that has been taken.

**Putting victims first:** Relevant bodies should always consider inviting the victim to attend a section of the case review meeting to help all members of the panel understand the level of harm and impact it has had on them. It may be more appropriate to invite a representative of the victim to attend, especially where they have activated the ASB Case Review on behalf of the victim. If the victim is not able to attend themselves, it is always good practice to have somebody involved in the case review to represent the victim, such as from Victim Support or another organisation supporting victims in the local area.

The case review should not include a review of any decisions made by the Crown Prosecution Service (CPS). If a victim is not satisfied with a decision made by the CPS, they should refer to the CPS complaints process, and the Victims' Right to Review Scheme. The latter makes it easier for victims to seek a review of a CPS decision not to bring charges against a suspect or to terminate proceedings, in relation to decisions made after 5 June 2013.

### *Sharing information*

The effective operation of the ASB Case Review requires that the relevant bodies must share information for the purpose of carrying out the review. This may include details of previous complaints made by the victim, information about the effect the issue has had on others and details of what action has previously been taken. Relevant bodies should therefore have agreements in place for information sharing, risk assessments and a common understanding of the aims of the ASB Case Review. Victims also need to give consent for information about them to be collected and shared between agencies. It is good practice to also share relevant information on the ASB Case Review with the local Police and Crime Commissioner.

The relevant bodies may request any person to disclose information for the purpose of the case review. If the request is made to a person who exercises public functions and they possess the information, they must disclose it. The only exception to that is where to share the information, which would be either:

- a disclosure of personal data in contravention of any of the provisions of the data protection legislation<sup>1</sup> which are not exempt from those provisions, or
- a disclosure which is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.

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<sup>1</sup> This expression has the same meaning as set out in section 3(9) of the Data Protection Act 2018.

Other than these two exceptions, disclosing information for the ASB Case Review does not breach any obligation of confidence or any other restriction on the disclosure of information.

### *Sharing information: housing providers*

Housing providers undertake several functions, including some that are public in nature and some that are not. If a request is made in relation to their functions that are considered to be public in nature, the information sharing duty applies. This is the case for housing providers who are co-opted into the group of relevant bodies as well as those who are not.

#### **Sharing information**

In England, the Regulator of Social Housing's Regulatory Framework, Neighbourhood and Community Standard, requires registered housing providers to:

- co-operate with relevant partners to help improve social, environmental, and economic wellbeing in areas where they own properties; and
- work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes.

### **Making Recommendations / Action Plan**

The relevant bodies who undertake the review may give actions to other agencies. The legislation places a duty on a person who carries out public functions to have regard to those recommendations. This means that they are not obliged to carry out the actions, but that they should acknowledge them, and they should be challenged if they choose not to carry them out without good reason, particularly where vulnerabilities exist. It is good practice for the relevant bodies to keep the victim informed on how they are carrying out the recommendations and monitor case progression. Where recommendations cannot be actioned, agencies should provide full reasons to the victim.

The recommendations are likely to take the form of an action plan to resolve the anti-social behaviour. Whenever possible, the relevant bodies should involve the victim in devising the action plan to help ensure that it meets the victim's needs. The relevant bodies will not be able to recommend the CPS take action, as it operates independently under the superintendence of the Attorney General and must make decisions in accordance with the Code for Crown Prosecutors.

### **Responding to the victim**

The 2014 Act places a duty on the relevant bodies to respond to the applicant at particular points in the process. These include when:

- the decision as to whether or not the threshold is met;
- the outcome of the review is decided; and

- any recommendations are made as an outcome of the review.

The relevant bodies may wish to provide the victim with a suitable contact for their ease of communication about the progress of the review.

The relevant bodies should agree as part of the procedure whether one agency will communicate with all victims, or whether an appropriate agency will lead in a specific case. In some instances, people who make use of the ASB Case Review procedure may feel that they have previously been let down by agencies, so it is important that they receive timely and consistent communication regarding their case.

When communicating with victims, local agencies should consider victim support issues, including considering any existing vulnerabilities, and whether they could benefit from being signposted or referred to local victims' services.

### **Publishing data requirements:**

**The legislation states that relevant bodies must publish information covering:**

- **the number of applications for the ASB Case Review received;**
- **the number of times the threshold for review was not met;**
- **the number of ASB Case Review case reviews carried out; and**
- **the number of ASB Case Review case reviews that resulted in recommendations being made.**

This data can represent the whole area; it does not need to be broken down by relevant body. One relevant body can publish the information on behalf of all the relevant bodies in the area.

**This is a statutory requirement which all relevant bodies must adhere to. The data must be published at least every twelve months, although the relevant bodies may wish to publish data more frequently, or to publish additional details. For example, the relevant bodies may publish information about which area applications came from, or the agencies that they related to, if this information is useful to communities and victims. Published information must not include details which could identify victims.**

## Hate Crime

In England and Wales, the National Police Chiefs' Council and Crown Prosecution Service define hate crime as “*any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender.*”

Any criminal offence can be prosecuted as hate crimes when immediately, before, during or after the offence was committed, the offender demonstrated hostility towards the victim based upon the victim's actual or perceived race, religion, sexual orientation, disability, or transgender identity, or where the offence was motivated by such hostility.

Hate crime may initially manifest itself as anti-social behaviour, but upon investigation are found to have targeted an intrinsic part of the victim's identity (their race, religion, sexual orientation, disability and/or transgender identity). A successful hate crime prosecution where evidence of hostility is accepted by the court will attract an increased sentence from the court.

Hate crime law in England and Wales spans four pieces of legislation:

- I. Aggravated Offences (sections 28 to 32 Crime and Disorder Act 1998) cover race and religion and mirror certain non-hate crime equivalent offences (that is: assault, criminal damage, public order offences or harassment) but with higher maximum sentences. An offender is charged with these (e.g. 'racially-aggravated assault'), instead of non-hate crime versions, where there is proof of racial or religious hostility on the part of the offender;
- II. Sentencing uplifts (section 66 Sentencing Act 2020) cover all five protected characteristics but only provide a court with direction to impose more severe penalties within the existing maximum sentence thresholds for the underlying non-hate crime (e.g. an uplift may be added to a 'standard' criminal damage sentence), where there is evidence of hostility. The underlying offence convicted for would still be a non-hate crime;
- III. Stirring Up Offences (sections 17 to 29N Public Order Act 1986) criminalise the use of threatening (or in the case of racist hatred, at least 'abusive or insulting') words or behaviour, or the display of written material which is threatening (or in the case of race, abusive or insulting). Whilst these provisions cover race, religion and sexual orientation, the latter two require a higher threshold for prosecution;
- IV. Indecent/racist chanting at football matches (under section 3 Football (Offences) Act 1991). This relates to chanting which is threatening, abusive, or insulting by reason of race, citizenship, ethnic or national origins.

There is extensive guidance on responding to hate crime in the College of Policing Hate Crime Operational Guidance, which can be viewed along with other resources on the police hate crime website True Vision ([www.report-it.org.uk](http://www.report-it.org.uk)). In addition, the CPS hate crime home page (<https://www.cps.gov.uk/crime-info/hate-crime>) provides relevant policy and guidance as well as helpful information for victims and performance data.

## **Non-Crime Hate Incidents (NCHIs):**

Not every incident reported to the police amounts to a crime. A non-crime hate incident (NCHI) may be recorded where it is established that a criminal offence has not taken place but an incident is motivated by hostility or prejudice towards any of the five protected hate crime characteristics listed in this guidance.

On 13 March 2023, under provisions set out in the Police, Crime, and Sentencing Act 2022, the Home Secretary laid before Parliament the Non-Crime Hate Incidents Draft Code of Practice on the Recording and Retention of Personal Data. The draft code and relevant accompanying documents can be found [here](#). Once in effect, the code will apply to police forces in England and Wales, and will ensure that the right to freedom of expression is better protected.

This statutory code will be subject to the affirmative procedure, meaning that Parliament has to actively approve the code. The code will enter into force 31 days after Parliamentary approval is obtained.

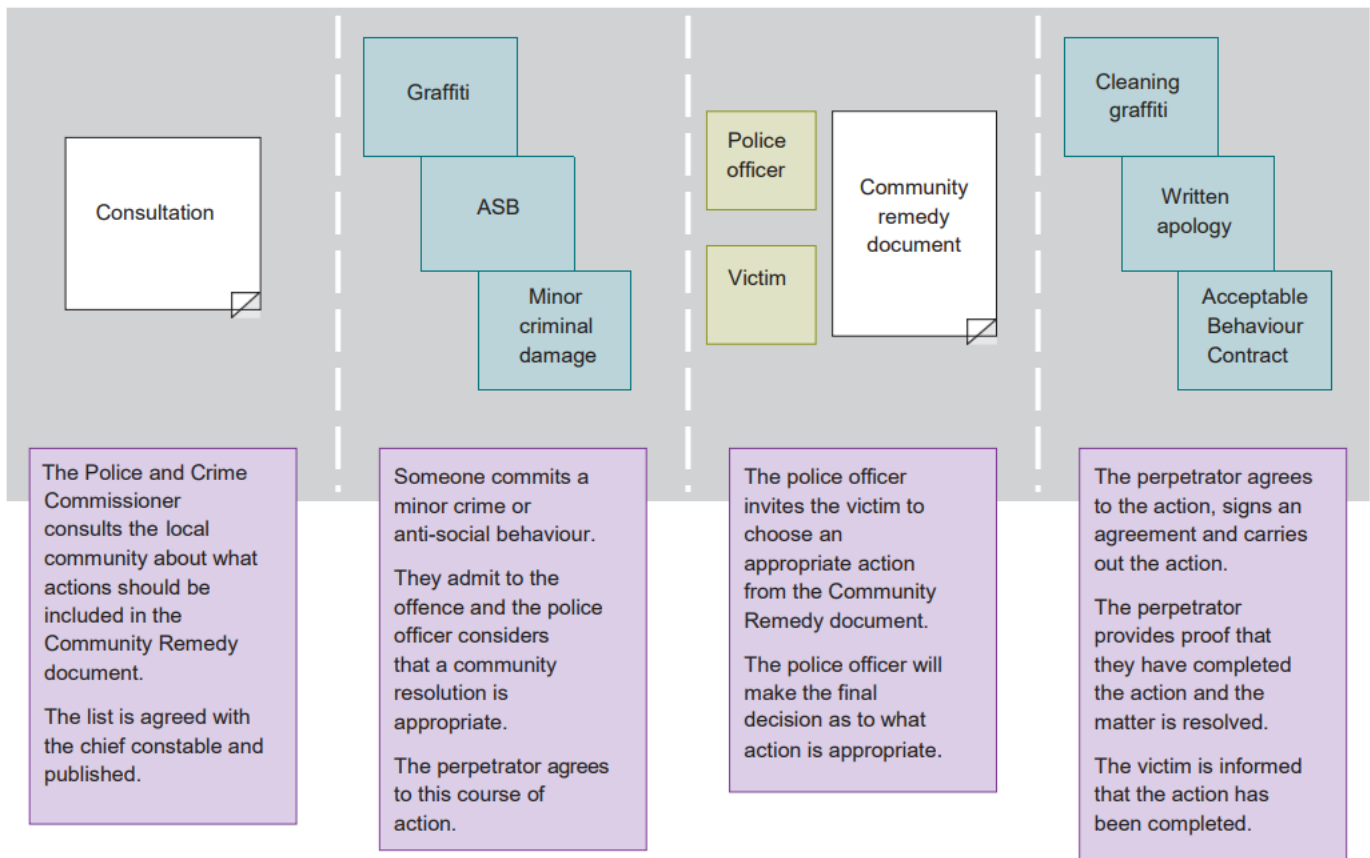
The College of Policing will update operational guidance on NCHI recording for forces once the statutory code is approved by Parliament.

## 1.2 Community Remedy

Purpose	To give victims a say in the out-of-court punishment of perpetrators of less serious crime and anti-social behaviour, including allowing them to consider a restorative justice approach.
The Community Remedy document	<p>The Community Remedy document is a list of actions which may be chosen by the victim for the perpetrator to undertake in consequence of their behaviour or offending.</p> <p>The Act places a duty on the Police and Crime Commissioner or Policing Body to consult with members of the public and community representatives on what punitive, reparative, or rehabilitative actions they would consider appropriate to be on the Community Remedy document.</p>
Applicants / who can use the Community Remedy	<ul style="list-style-type: none"> <li>• Police officer;</li> <li>• An investigating officer (which can include Police Community Support Officers for certain offences, if designated the power by their chief constable);</li> <li>• A person authorised by a relevant prosecutor for conditional cautions or youth conditional cautions.</li> </ul>
Community resolutions	When dealing with anti-social behaviour or less serious offences through a community resolution, the police officer may use the Community Remedy document to engage the victim in having a say in the punishment of the perpetrator.
Test	<ul style="list-style-type: none"> <li>• The officer must have evidence that the person has engaged in anti-social behaviour or committed an offence;</li> <li>• The person must admit to the behaviour or the offence (and agree to participate);</li> <li>• The officer must think that the evidence is enough for court proceedings including for a civil injunction, or impose a caution, but considers that a community resolution would be more appropriate.</li> </ul>
Conditional cautions	The Community Remedy document should be considered when it is proposed that a perpetrator be given a conditional caution or youth conditional caution as a means of consulting the victim about the possible conditions to be attached to the caution.
Failure to comply	If the perpetrator fails to comply with a conditional caution or youth conditional caution, they can face court action for the offence.
The legislation	Sections 101 to 103 of the Anti-social Behaviour, Crime and Policing Act 2014.



## Community Remedy



### Purpose

All Police and Crime Commissioners, and the Mayor's Office for Policing and Crime in London, must have a Community Remedy document in place to set out how victims of anti-social behaviour and less serious crime can have a say in the punishment of perpetrators who receive an 'out of court' disposal; that is, a community resolution, conditional caution, or youth conditional caution. Where a conditional caution or youth conditional caution is given, the Community Remedy provides a means of consulting the victim about possible conditions to be attached to the caution.

### The Community Remedy document

The Community Remedy document is a list of actions that the victim will be invited to choose from when a community resolution is to be used. The list of actions may vary from one police force to another, based on what is available in the area and what the Police and Crime Commissioner and chief constable agree is appropriate. The Community Remedy document must be published. They should consider providing this to the local Community Safety Partnership and the local agencies responsible for preventing and tackling anti-social behaviour. It is also good practice for Police and Crime Commissioners to ensure that the public are aware of the document.

## Consultation

The Police and Crime Commissioner (and Mayor's Office for Policing and Crime in London) must consult on the actions to be included in the Community Remedy document with:

- members of the public;
- whichever community representatives the Police and Crime Commissioner considers appropriate to consult;
- the relevant local authority; and
- the chief officer of police for the area.

It is recommended that Community Safety Partnerships are also consulted to utilise their local expertise and knowledge on anti-social behaviour and criminal issues.

The public consultation may be undertaken in whatever format the Police and Crime Commissioner considers appropriate (for example, online consultation, talking to community groups or local victims' groups, via local newspapers etc.) and may be undertaken as part of another consultation such as on the local Police and Crime Plan. The Community Remedy document may be revised at any time, particularly when new options are to be added.

## Actions to be included in the Community Remedy document

The Police and Crime Commissioner and the chief constable will agree the actions that are listed in the Community Remedy document. These actions must be appropriate and proportionate to the types of offences for which community resolutions are used and seek to have a positive impact on the perpetrator. Each of the actions must have:

- a punitive element, reflecting the effects on the victim and the wider community; or
- a reparative element, to provide appropriate restitution/reparation to the victim; or
- a rehabilitative element, to address the causes of the perpetrator's behaviour; or
- a combination of the above.

### What could be included?

The legislation does not specify what actions should be included in the Community Remedy document. These will vary between areas, reflecting the views of local people and the availability of activities. Examples of actions that might be included are:

- mediation (for example, to resolve a neighbour dispute);
- cleaning graffiti or other damage (either their own or others);
- a written or verbal apology;
- the perpetrator signing an Acceptable Behaviour Contract – where they agree not to behave anti-socially in the future – or face more formal consequences;
- take part in a restorative justice activity (see below);
- paying an appropriate amount for damage to be repaired or stolen property to be replaced;
- participation in structured activities that are either educational or rehabilitative, funded by the Police and Crime Commissioner as part of their efforts to reduce crime; or

### Community Resolutions

Community resolutions are a means of resolving less serious offences or instances of anti-social behaviour. They are used where the perpetrator has been identified and admits to the behaviour or offence in question and the police believe that there is sufficient evidence to obtain a civil injunction or other disposal but consider that a community resolution would be a more appropriate and proportionate response.

Community resolutions can be used by:

- a police officer;
- an investigating officer (a person employed by a police force or a Police and Crime Commissioner's office or who is under the direction and control of the chief officer and has been designated as an investigating officer); or
- a police community support officer in relation to offences which their chief constable has designated them powers to deal with or more generally on the authority of a police officer of appropriate rank.

### Using the community remedy document with community resolutions

When a community resolution is used, the officer must make a reasonable effort to obtain the views of the victim on whether the perpetrator should carry out any of the actions in the Community Remedy document. If the officer considers that the action chosen by the victim is appropriate, the perpetrator should be asked to carry out that action. The officer will have

Anti-social behaviour powers – Statutory guidance for frontline professionals

ultimate responsibility for ensuring that the action offered is appropriate and proportionate to the nature of the anti-social behaviour or the offence committed. Where there are multiple victims, the officer should make reasonable efforts to take the views of all victims into account.

Community resolutions are entirely voluntary. The officer should ensure that the victim understands the purpose of community resolutions and that he or she knows that they can choose not to be involved. This will help to ensure the victim has realistic expectations of what can be achieved. For example, the resolution may not be legally enforceable if the perpetrator fails to complete the agreed action.

**Putting victims first:** The Community Remedy gives victims more say in the out of court punishment of perpetrators. However, the victim's involvement is voluntary, and they must not be made to feel that they should take part in a process that they are not comfortable with, that they think may put them at risk, or that they do not believe will be of benefit to them.

When using the Community Remedy, the officer should consider the most appropriate way to involve the victim. If the victim is under 18 or vulnerable, they may require a family member or carer to assist their understanding of the purpose of community resolutions and choose an action from the Community Remedy document.

If the victim is not contactable, or it cannot be ascertained who the victim is, for example, if the offence is graffiti in a public place, the officer may choose an appropriate action for the perpetrator to undertake.

### **Conditional caution and youth conditional caution**

When a conditional caution or a youth conditional caution is used, the officer or authorised person must make reasonable efforts to obtain the views of the victim as to whether the perpetrator should carry out any of the actions listed in the Community Remedy document. If the officer issuing the conditional caution considers that the action chosen by the victim is appropriate, the action can form part of the conditions of the caution. The police officer or investigating officer (or prosecutor in some cases) will have ultimate responsibility for ensuring that the sanction offered to the perpetrator is appropriate and proportionate to the offence. If there are multiple victims, the officer must make reasonable efforts to take the views of all the victims into account.

Conditional cautions are available for all offences apart from domestic abuse and hate crime. In these cases, conditional cautions may only be used in exceptional circumstances with explicit clearance from CPS due to the potential impact and serious nature of such offending (see CPS Guidance on Out of Court Disposals in Hate Crime and Domestic Abuse Cases). A youth conditional caution is available for any offence, except for domestic violence or hate crimes where they must score 3 or less on the gravity matrix to be eligible for a conditional caution<sup>2</sup>.

### What is Restorative Justice?

- Restorative Justice is a process that brings those harmed, and those responsible for the harm, into communication. It enables everyone affected by a particular incident to play a part in repairing the harm which can be valuable in finding a positive way forward. The communication may take many forms, for some this may mean meeting the person(s) causing the harm face-to-face, for others, this could be communicating via letter, recorded interviews or videos.
- Whichever form of Restorative Justice is most appropriate, trained facilitators should be used to prepare and support the process throughout.
- Restorative Justice is voluntary for all parties and it must be agreed by all involved, including facilitators, that it is safe and appropriate to proceed. It will only happen if all parties, having acknowledged the basic facts of the case, want to take part. No-one has to take part and they can withdraw at any time. They can ask to participate in Restorative Justice at a time that is right for them.
- Access to high quality restorative justice services in an area is best done via PCCs. The APCC provide the relevant contact information.

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<sup>2</sup> Full details can be found in the Ministry of Justice Code of practice for youth conditional cautions:  
<https://www.gov.uk/government/publications/code-of-practice-for-youth-conditional-cautions>

<sup>3</sup> Find your PCC: <https://apccs.police.uk/find-your-pcc/>

## Part 2: More effective powers

The powers for dealing with anti-social behaviour provided by the Anti-social Behaviour, Crime and Policing Act 2014 are deliberately flexible to allow professionals to work collaboratively and use them to protect the public from different forms of anti-social behaviour.

### Working together and sharing information

The powers allow the police, councils, social landlords and other agencies to deal quickly with issues as they arise, with agencies working together to ensure the best results for victims and the wider public. To assist joined-up working, an effective information-sharing protocol is essential. There is already a duty on some bodies (such as the police and councils) to work together and in respect of anti-social behaviour specifically, there is a specific duty on specified bodies to work together when the ASB Case Review is activated, as set out earlier in this guidance.

Where action is taken to address anti-social behaviour that is related to the supply or use of drugs in a public space, agencies may want to align with [From Harm to Hope](#), the government's 10-year plan for addressing drugs, published in 2021.

Problem-solving policing is an approach that should be considered by police when tackling anti-social behaviour. Problem-solving policing uses the SARA (scanning, analysis, response, assessment) model of problem solving.

- **Scanning**

This involves identifying persistent problems that cause harm and call for police attention. The purpose of scanning is to home in on a specific problem that affects the community and that the police can do something to address.

- **Analysis**

At this stage, police should understand how the problem is trending, where and when it is most concentrated and the harm it generates. The next step is to explore further to identify the causes and conditions that enable your problem to persist. Effective problem analysis is about analysing a problem to identify so-called pinch points. These are causes and conditions that contribute to a problem and are open to preventive intervention by the police and partners. The goal of problem analysis is therefore to help you identify an appropriate and effective response that is based on those pinch points and can be delivered within the resources of your organisation.

- **Response**

Effective problem solving relies on a commitment to select responses that make sense, given what you have learned from your local scanning and analysis. Knowing an intervention's track record of successful or unsuccessful use is important. When embarking on any problem-solving project, it is useful to find out what has been tried previously to address similar problems, and to what effect.

- **Assessment**

Assessment forms the final stage of the SARA problem-solving process. It's evaluation to determine whether the response has worked as intended and whether the problem has been removed, reduced or unintentionally aggravated. Effective assessment will help to determine whether a problem persists following the implementation of responses and understanding your problem-solving efforts can inform your future work and contribute to the wider evidence base about what is and is not effective in your problem

## **Vulnerabilities**

The powers also strengthen the protection to victims and communities and provide fast and effective responses to deal with anti-social behaviour. Particular consideration should be given to the needs and circumstances of the most vulnerable when applying the powers to ensure that they are not disproportionately and unreasonably impacted upon, and local agencies must be satisfied that the behaviour meets the legal tests. Any use of these powers must be compliant with the Human Rights Act 1998, the Equality Act 2010 (in particular the public sector equality duty pursuant to section 149) along with all other relevant legislation.

All plans and services should be designed around the needs and preferences of local residents, rather than systems or processes, taking account of the wider context of people's lives – as part of relationships, families and neighbourhoods. Where there are multiple needs for a person or in a family, there should be a support from a range of services, including healthcare, to assess their needs, develop a shared care plan and consider the role of the 'lead practitioner' – someone who acts as a single, consistent and trusted point of contact throughout someone's journey.

## **Assessing the risk to victims**

It is good practice for agencies to assess the risk of harm to the victim(s), and any potential vulnerabilities, when they receive a complaint about anti-social behaviour. This should be the starting point of a case-management approach to dealing with anti-social complaints. The welfare, safety and well-being of victims must be the main consideration at every stage of the process. It is therefore important to identify the effect that the reported anti-social behaviour is having on the victim(s), particularly if repeated incidents are having a cumulative effect on their mental or physical well-being. A continuous and organised risk assessment will help to identify cases that are causing, or could result in, serious harm to the victim, either as a one-off incident or as part of a targeted and persistent campaign of anti-social behaviour against the victim(s).

## **Early and informal interventions**

Early intervention, especially through informal approaches, may often be all that is necessary to stop incidents of anti-social behaviour. Such interventions can establish clear standards of behaviour and reinforce the message that anti-social behaviour is not tolerated. In many cases, awareness of the impact of the behaviour on victims, and the threat of more formal enforcement, may be sufficient to encourage an individual to change their behaviour. Frontline professionals will be best placed to decide when and how to use these approaches, but it is recommended that the use of informal methods be considered first in most cases, and particularly when dealing with young people as a means of preventing poor behaviour from escalating.

It is, however, the case that informal intervention may not be the appropriate first step in the circumstances of some cases. Such as where the victim is at risk of harm, and it is right that frontline professionals make informed decisions about the best approach.

Possible informal interventions may include:

- **A verbal or written warning**

In deciding whether to use a verbal or written warning, the police, council, or housing officer should still be satisfied that there is evidence that anti-social behaviour has occurred or is likely to occur. The warning should be specific about the behaviour in question and why it is not acceptable, the impact that this is having on the victim or community and the consequences of non-compliance.

Where appropriate, local agencies should alert each other when a warning has been given so that it can be effectively monitored, and a record should be kept so that it can be used as evidence in court proceedings later, if matters are taken to that stage.

- **A community resolution**

Community resolutions are a means of resolving less serious offences or instances of anti-social behaviour through informal agreement between the parties involved as opposed to progression through the criminal justice process. A community resolution may be used with both youth and adult perpetrators and allows the police to deal more proportionately with less serious crime and anti-social behaviour, taking account of the needs of the victim, the perpetrator, and the wider community.

Community resolutions are primarily aimed at first time perpetrators where genuine remorse has been expressed, and where an out-of-court disposal is more appropriate than taking more formal action. The Community Remedy document discussed in Part 1 of this guidance must be used when dealing with anti-social behaviour or less serious offences out of court through community resolutions.

- **Mediation**

In appropriate circumstances, mediation can be an effective way of resolving an issue by bringing all parties together. This can be effective in resolving neighbour disputes, family conflicts, lifestyle differences such as noise nuisance complaints and similar situations. However, mediation is unlikely to work if forced on those involved. All parties should be willing to come to the table and discuss their issues, with necessary support offered to those who are deemed to be vulnerable, but still want to attend.

It is not for the mediator to establish a solution to the issue as, in most cases, they will have already tried this with each party unsuccessfully. For mediation to deliver long-term solutions, those in dispute should agree a solution. The mediator should facilitate the conversation and draw up any agreement if required for all parties to sign-up to if agreement is reached.

- **Acceptable Behaviour Contracts/Agreements**

An acceptable behaviour contract or agreement is a written agreement between a perpetrator of anti-social behaviour and the agency or agencies acting locally to prevent

Anti-social behaviour powers – Statutory guidance for frontline professionals



that behaviour. It can be an effective way of dealing with anti-social individuals, and particularly young people, to stop the problem behaviour before it escalates. They provide an opportunity to include positive requirements as well as prohibitions to help support the person tackle any underlying issues which are driving their behaviour.

The terms of an acceptable behaviour contract or agreement should be discussed with the perpetrator before they are drafted and signed to help encourage compliance. However, there is no formal sanction associated with refusing to sign, although in such circumstances, this may suggest that a Civil Injunction or a Criminal Behaviour Order might be the more appropriate approach.

Similarly, there are no formal sanctions associated with breaching an acceptable behaviour contract or agreement, and where this occurs, consideration can be given to taking further steps, such as seeking a Civil Injunction, if the circumstances warrant this. Where this is the case, the work undertaken as part of drafting the acceptable behaviour contract or agreement can form part of the evidence pack for the court.

- **Parenting contracts**

Where informal interventions are used with a young person under 18, his or her parents or guardians should be contacted in advance of the decision to take action. In many cases, they may be able to play an important part in ensuring the individual changes their behaviour. While there are formal routes such as parenting orders, at this stage it may be appropriate to include a role for the parent in any acceptable behaviour contract.

However, where the behaviour of the parent or guardian is part of the issue (either because they are a bad influence or are failing to provide suitable supervision) agencies could consider a parenting contract. These are like an acceptable behaviour contract but are signed by the parent or guardian. They could also be considered where the child in question is under 10 and where other interventions are not appropriate for the perpetrator themselves.

- **Support and counselling**

The anti-social behaviour powers allow professionals to respond to the underlying causes of anti-social behaviour, for example through positive requirements attached to a Civil Injunction or Criminal Behaviour Order. However, providing positive support does not have to wait for formal court action, and can be given as part of any informal intervention, for example by providing support around overcoming substance misuse or alcohol dependency that may be linked to the person's anti-social behaviour.

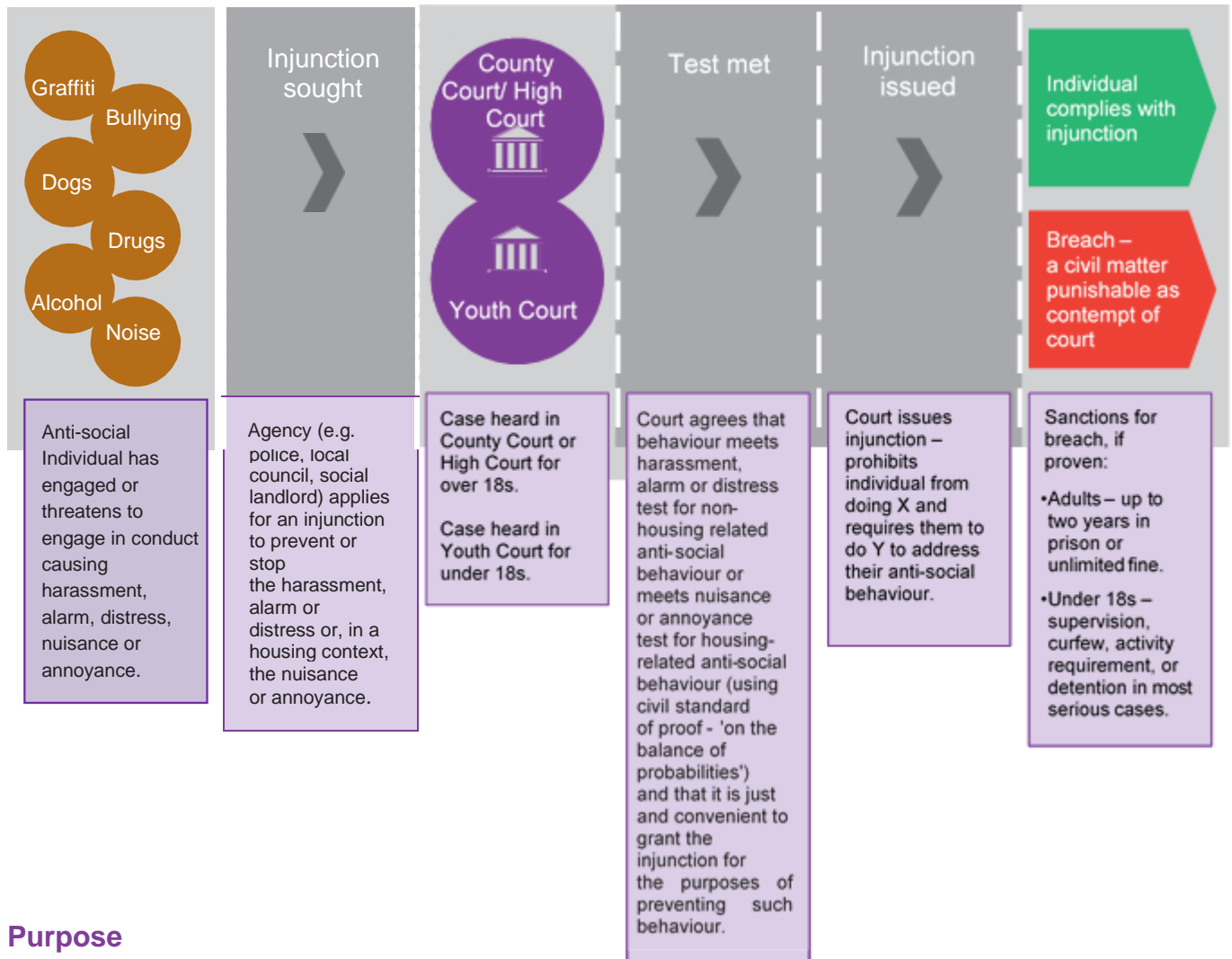
## Conclusion

In many cases, informal and early intervention can be successful in changing behaviour and protecting communities. Such interventions may be included in local plans to deal with anti-social behaviour but should not replace formal interventions where these are the most effective means of dealing with anti-social behaviour.

## 2.1 Civil Injunction

Purpose	To stop or prevent individuals engaging in anti-social behaviour quickly, nipping problems in the bud before they escalate.
Applicants	<ul style="list-style-type: none"> <li>• Local councils;</li> <li>• Social landlords;</li> <li>• Police (including British Transport Police);</li> <li>• Transport for London; West Midlands Combined Authority; Transport for Greater Manchester;</li> <li>• Environment Agency and Natural Resources Wales; and</li> <li>• NHS Counter Fraud Authority.</li> </ul>
Test	<p>On the balance of probabilities;</p> <ul style="list-style-type: none"> <li>• The respondent has engaged in or threatens to engage in;</li> <li>• Conduct that has or is likely to cause harassment, alarm or distress (non-housing related anti-social behaviour); or</li> <li>• Conduct capable of causing nuisance or annoyance (housing-related anti-social behaviour); and</li> <li>• Just and convenient to grant the injunction to prevent anti-social behaviour.</li> </ul>
Details	<ul style="list-style-type: none"> <li>• Issued by the county court and High Court for over 18s and the youth court for under 18s.</li> <li>• Injunction will include prohibitions and can also include positive requirements to get the perpetrator to address the underlying causes of their anti-social behaviour.</li> <li>• Agencies must consult youth offending teams in applications against under 18s.</li> </ul>
Penalty on breach	<ul style="list-style-type: none"> <li>• Breach of the injunction is not a criminal offence, but breach must be proved to the criminal standard, that is, beyond a reasonable doubt.</li> <li>• Over 18s: civil contempt of court with unlimited fine or up to two years in prison.</li> <li>• Under 18s: supervision order or, as a very last resort, a civil detention order of up to three months for 14-17 year olds.</li> </ul>
Appeals	<ul style="list-style-type: none"> <li>• Over 18s to the High Court; and</li> <li>• Under 18s to the Crown Court.</li> </ul>
The legislation	Sections 1 to 21 of the Anti-social Behaviour, Crime and Policing Act 2014.

## Civil Injunction



### Purpose

The injunction under Part 1 of the 2014 Act is a civil power to deal with anti-social individuals. The injunction can offer fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators, stopping the person's behaviour from escalating.

Although the injunction is a civil power, it is a formal sanction and in appropriate cases professionals will want to consider whether an informal approach might be preferable before resorting to court action, especially in the case of under 18s. However, where informal approaches have not worked or professionals decide that a formal response is needed, they are free to apply to the court for a civil injunction.

### Who can apply for an injunction?

A number of agencies can apply for the injunction, which ensures that the body best placed to lead on a specific case can do so.

The agencies who can apply for an injunction are:

- a local council;

- a housing provider;
- the chief officer of police in England & Wales;
- the chief constable of the British Transport Police;
- Transport for London;
- West Midlands Combined Authority<sup>4</sup>;
- Transport for Greater Manchester<sup>5</sup>;
- the Environment Agency and Natural Resources Wales;
- the Secretary of State
- NHS Counter Fraud Authority
- the Welsh Ministers.

## The legal tests for granting an injunction

There are two conditions to meet in order to grant an injunction.

The first is that the Court is satisfied on the balance of probabilities that the Respondent engaged or threatened to engage in anti-social behaviour. The second condition is that it is just and convenient to grant the injunction for the purpose of preventing the Respondent from engaging in anti-social behaviour.

Anti-social behaviour is defined as:

- **non-housing related**

Anti-social behaviour in a non-housing related context is that the conduct concerned has caused, or is likely to cause, harassment, alarm, or distress to any person. This will apply, for example, where the anti-social behaviour has occurred in a public place, such as a town or city centre, shopping mall, or local park, and where the behaviour does not affect the housing management functions of a social landlord or people in their homes.

- **housing-related**

Anti-social behaviour in a housing context is conduct is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises or conduct capable of causing housing-related nuisance or annoyance to any person. Only social landlords, local councils or the police are able to apply for an injunction under these provisions. In the case of social landlords only, "housing-related" means directly or indirectly relating to their housing management function.

The injunction can be applied for by the police, local councils and social landlords against perpetrators in social housing, the private-rented sector and owner-occupiers. This means that it can be used against perpetrators who are not necessarily tenants of the social landlord applying for the order.

The injunction can also be used in situations where the perpetrator has allowed another person to engage in anti-social behaviour, as opposed to actively engaging in such behaviour themselves. For example, in a case where another person, such as a visitor or

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<sup>4</sup> The West Midlands Combined Authority (Functions and Amendment) Order 2017

<sup>5</sup> The Anti-social Behaviour, Crime and Policing Act 2014 (Amendment) Order 2019

lodger, is or has been behaving anti- socially, the injunction could be used against the problem visitor, lodger or owner if applicable. An agency seeking to apply for the injunction must produce evidence to the civil standard of proof, that is, 'on the balance of probabilities', and satisfy the court that it is both 'just and convenient' to grant the order.

**Putting victims first:** In deciding whether the individual's conduct has caused or is likely to cause harassment, alarm or distress or is capable of causing nuisance or annoyance, agencies should contact all potential victims and witnesses to understand the wider harm to individuals and the community. Not only will this ensure that victims and communities feel that their problem is being taken seriously, it will also aid the evidence-gathering process for the application to the court.

## Details

**Who can the injunction be issued against?** A court may grant the injunction against anyone who is 10 years of age or over. Applications against individuals who are 18 years of age or over must be made in the county court or High Court, and applications against individuals who are under 18 must be made in the youth court.

**Intergenerational or 'mixed aged' cases:** Where a hearing involves more than one individual and involves both over 18s and under 18s, the applicant can apply to the youth court to have the cases heard together as joint hearings. The youth court must find that it is in the interests of justice to hear the 'mixed aged' case and, if it does so, the case can only be heard in that court – the joint hearing cannot be heard in the county court. However, subsequent hearings (breach etc.) involving individuals over 18 will take place in the county court.

**Dealing with young people:** Applicants must consult the local youth offending team if the application is against someone under the age of 18 and inform any other body or individual the applicant thinks appropriate, for example, a youth charity that is already working with the young person. Although the consultation requirement does not mean that the youth offending team can veto the application, it is important that applicants fully consider and take into account representations from the youth offending team as part of developing good partnership working in cases involving young people.

The youth offending team will be important in getting the young person to adhere to the conditions in the injunction and that they are understood. The conditions will be overseen by a responsible officer in the youth offending team or children and family services. The youth offending team will also work with applicants as part of a multi-agency approach to ensure that positive requirements in the injunction are tailored to the needs of the young person.

**When can injunctions be used?** The injunction can be used to deal with a wide range of behaviours, many of which can cause serious harm to victims and communities in both housing-related and non-housing related situations. This includes vandalism, public drunkenness, aggressive begging, irresponsible dog ownership, noisy or abusive behaviour towards neighbours, or bullying. Injunctions should not be used to stop reasonable, trivial or benign behaviour that has not caused, or is not likely to cause, anti-social behaviour to victims

Anti-social behaviour powers – Statutory guidance for frontline professionals

or communities, and potential applicants are encouraged to make reasonable and proportionate judgements about the appropriateness of the proposed response before making an application for an injunction.

The Civil Injunction can also be used to tackle gang related activity, either directly on gang members or on those being exploited by gangs in order to disrupt their operations. This can be particularly useful in cases of 'county lines' where urban gangs exploit children and vulnerable people to move drugs and money to suburban areas and market and coastal towns. In such cases, the conditions of the injunction can include prohibitions on entering certain areas or affiliating with certain individuals. They could also include positive requirements such as engaging in drug treatment if the reason they became involved with, and remain indebted to, the gang is because of a drug dependency.

Applicants should also consider consulting the relevant local authority as they may hold information which is of relevance and/or which may need to be considered as part of the application. For example, a young person may be a child in need or on a child protection plan and additional safeguarding measures may be required. The local authority may also hold information which supports the application.

It is recommended that prior to applying for an injunction, applicants undertake a risk assessment of the potential respondent after consulting with any other appropriate bodies. Preparation of a local plan should be considered which identifies the relevant local bodies (including the courts) engaged in the risk assessment and prevention of anti-social behaviour and also the provision of assistance, support and treatment to those who are believed to be engaging in such behaviour. Consideration should also be given to how these bodies are to liaise before any application to the court for an injunction

**What to include:** The injunction will include relevant prohibitions to get individuals to stop behaving anti-socially. It can also include positive requirements to get the individual to deal with the underlying cause of their behaviour. Agencies will have the discretion to tailor the positive requirements in each case to address the respondent's individual circumstances, behaviour and needs. There may be opportunities to work with voluntary sector organisations.

Positive requirements might, for example, include the respondent:

- attending alcohol awareness classes for alcohol-related problems;
- attending dog training classes provided by animal welfare charities where the issue is to do with irresponsible dog ownership; or
- attending mediation sessions with neighbours or victims.

The prohibitions or requirements in the injunction must be reasonable and must not, so far as practicable:

- interfere with the times, if any, at which the respondent normally works or attends school or any other educational establishment; or

- conflict with the requirements of any other court order or injunction to which the respondent may be subject.

In addition, applicants should also consider the impact on any caring responsibilities the perpetrator may have and, if they have a disability, whether he or she can comply with the proposed prohibitions or requirements.

A draft of the proposed terms of the injunction should include all proposed prohibitions and requirements, their duration and any powers of arrest attached. Applicants will need to be prepared for the court to examine each prohibition and requirement and will need to be able to prove how each will help stop or prevent the respondent from engaging in or threatening to engage in anti-social behaviour in the future. It is also important that any requirement is clear about who is responsible for supervising compliance and the court must receive evidence about its suitability and enforceability. Where two or more requirements are included the court must consider their compatibility with each other.

**Putting victims first:** Keeping victims and communities updated on enforcement action at key points can help them to deal with the impact the behaviour is having. Victims may feel that their complaint has been ignored if they do not see changes to the behaviour. Letting victims know what is happening can make a big difference.

**Duration of injunctions:** Prohibitions or requirements in the injunction can be for a fixed or indefinite period for adult perpetrators. In the case of under 18s the prohibitions or requirements must have a specified time limit, with a maximum term of 12 months.

**Exclusion from the home:** The court may exclude a perpetrator over the age of 18 from any premises or an area specified within the terms of the injunction. This can include their home, where the court thinks that the anti-social behaviour includes the use, or threatened use, of violence against other persons, or there is a significant risk of harm. The word harm is defined in section 20 of the legislation as including “serious ill-treatment or abuse, whether physical or not” – which means that it could include emotional or psychological harm, such as harassment or racial abuse.

Social landlords will only be able to apply to the court to exclude their own tenants and visitors to properties managed by them, whilst councils and the police will be the lead agencies in applying to exclude private tenants or owner-occupiers from their homes. In cases where the police or local council is the lead agency in an application to exclude a social tenant, they should consult the landlord. If the exclusion is applied to someone in privately rented accommodation or in residential leasehold housing, the police or council should, where circumstances permit, inform and consult the landlord (generally referred to in the leasehold as the freeholder) beforehand.

We do not expect the power of exclusion to be used often and the court will pay special attention to issues of proportionality. As such, applications should only be made for exclusion in extreme cases that meet the higher threshold set out above.

**Publicising an injunction issued to a young person:** Making the public aware of the perpetrator and the terms of the order can be an important part of the process in dealing with anti-social behaviour and providing reassurance to victims, as well as providing the information people need to identify and report breaches. The decision to publicise the injunction will be taken by the police or council unless the court has made a section 39 order (Children and Young Persons Act 1933) prohibiting publication. When deciding whether to publicise the injunction, public authorities (including the courts) must consider that it is necessary and proportionate to interfere with the young person's right to privacy, and the likely impact on a young person's behaviour. This will need to be balanced against the need to provide re-assurance to the victims and the wider community as well as providing information so that they can report any breaches. Each case should be decided carefully on its own facts.

**'Without notice' applications:** Injunctions can be applied for 'without notice' being given to the perpetrator in exceptional cases to stop serious harm to victims. They should not be made routinely or in place of inadequate preparation for normal 'with notice' applications.

The notification and consultation requirements that apply to 'with notice' applications do not apply to 'without notice' applications.

**Interim injunctions:** The court will grant an interim injunction if a 'without notice' application is successful. The court may also grant an interim injunction where a standard application is adjourned. The interim injunction can only include prohibitions, not positive requirements. When applying for an interim injunction, the applicant should ensure that the application presents the victim's case and also why the interim injunction is necessary.

**Variation and discharge of injunctions:** The court has the power to vary or discharge the injunction upon application by either the perpetrator or the applicant. If the applicant wishes to discharge or vary the injunction, they should notify the people and organisations they consulted as part of the initial application process. Applicants may consider applying to vary the injunction in response to changes in the respondent's behaviour. The powers of the court to vary the injunction include:

- to remove a prohibition or requirement in the injunction;
- to include a prohibition or requirement in the injunction;
- to reduce the period for which a prohibition or requirement has effect;
- to extend the period for which a prohibition or requirement has effect; or
- to attach a power of arrest or extend the period for which a power of arrest has effect.

If the court dismisses an application to vary the injunction, the relevant party is not allowed to make a further application without the consent of the court or the agreement of the other party.



**Power of arrest:** The court can attach a power of arrest to any prohibition or requirement in the injunction, except a positive requirement, that is, a requirement that the respondent participates in a particular activity. The court can only attach a power of arrest if:

- the anti-social behaviour in which the respondent has engaged, or threatens to engage, consists of or includes the use, or threatened use, of violence against other persons; or
- there is a significant risk of harm to other persons from the respondent.

If the applicant believes a power of arrest is appropriate, they should present this by way of written evidence. Such evidence may indicate that the respondent poses a high level of risk to the victim or the community should any of the conditions in the injunction be breached, for example, where there is a history of violent behaviour.

Where a power of arrest is attached to a condition of the injunction, a police officer can arrest the respondent without warrant if he or she has reasonable cause to believe that a breach has occurred. The police must present the respondent to court within 24 hours of their arrest (except on Sunday, Christmas Day and Good Friday).

If the applicant thinks that the respondent has breached a term of the injunction to which a power of arrest has not been attached, they may apply to the court for an arrest warrant. The application must be made to a judge in the county court in the case of an adult and a justice of the peace in the case of respondents below the age of 18. The court may then issue a warrant for the respondent's arrest and to be brought before the court but only if it has reasonable grounds for believing the respondent has breached a provision in the injunction. The police must inform the applicant when the respondent is arrested.

**Hearsay evidence:** Hearsay and professional witness evidence allow for the identities of those who are unable to give evidence due to fear or intimidation, to be protected. This is especially important as cases can involve anti-social behaviour in residential areas where local people and those targeted by the behaviour may feel unable to come forward for fear of reprisals. Hearsay evidence could be provided by a police officer, healthcare official, or any other professional who has interviewed the witness directly.

**Penalty on breach:** Breach of the injunction is not a criminal offence. However, due to the potential severity of the penalties which the court can impose on respondents, the criminal standard of proof – 'beyond reasonable doubt' – is applied in breach proceedings.

For adults, breach is dealt with by a civil contempt of court, which is punishable by up to two years in prison and/or an unlimited fine. The imprisonment is for contempt of court, not for the conduct. For under 18s, breach proceedings are dealt with in the youth court and could result in a supervision order with a supervision, curfew or activity requirement. In the most serious cases, (that is, 'where the court determines that because of the severity or extent of the breach no other power available to it is appropriate') the court may impose a detention order on a young person for breaching the terms of the injunction, including breach of a positive requirement. For under 18s, only those between 14 and 17 years of age can be detained for breaching the injunction and they cannot be detained for longer than three months.

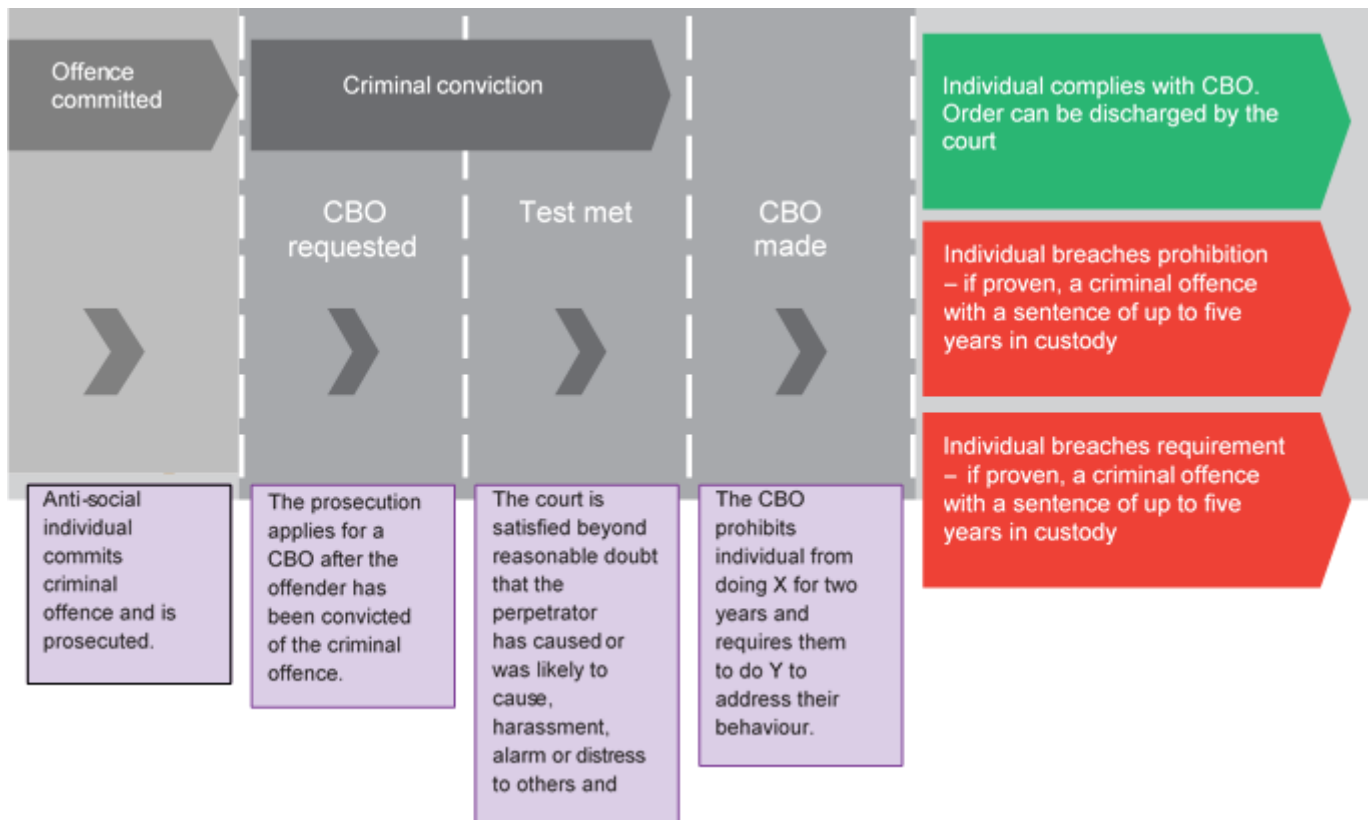
**Remands:** The court has the power to remand a perpetrator in custody or on bail after they have been arrested for suspected breach of the injunction (with or without warrant). An under 18 can only be remanded in custody on medical grounds, that is, after obtaining evidence from a registered medical practitioner the court is satisfied that the young person is suffering from a mental disorder and it would be impracticable to get a medical report for the young person if they were granted bail. The court has discretion as to whether to remand a person on bail or in custody.

**Appeals:** Appeals may be lodged by both the applicant and perpetrator following the grant, refusal, variation or discharge of the injunction. A decision by the county court (in the case of proceedings in respect of an adult) may be appealed to the High Court. Appeals against decisions of the youth court in under 18 cases are heard in the Crown Court.

## 2.2 Criminal Behaviour Order

Purpose	Issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity.
Applicants	The prosecution, in most cases the Crown Prosecution Service, either at its own initiative or following a request from the police or council.
Test	<ul style="list-style-type: none"> <li>• That the court is satisfied beyond reasonable doubt that the offender has engaged in behaviour that has caused or is likely to cause harassment, alarm or distress to any person; and</li> <li>• The court considers that making the order will help prevent the offender from engaging in such behaviour.</li> </ul>
Details	<ul style="list-style-type: none"> <li>• Issued by any criminal court on conviction for any criminal offence.</li> <li>• The anti-social behaviour does not need to be part of the criminal offence.</li> <li>• Order will include prohibitions to stop the anti-social behaviour but can also include positive requirements to get the offender to address the underlying causes of their behaviour.</li> <li>• Agencies must find out the view of the youth offending team for applications in respect of anybody under 18.</li> </ul>
Penalty on breach	<ul style="list-style-type: none"> <li>• Breach of the order is a criminal offence and must be proved to a criminal standard of proof, that is, beyond reasonable doubt.</li> <li>• For over 18s on summary conviction: up to six months imprisonment or a fine or both.</li> <li>• For over 18s on conviction on indictment: up to five years imprisonment or a fine or both.</li> <li>• For under 18s: the sentencing powers in the youth court apply.</li> </ul>
Appeal	<ul style="list-style-type: none"> <li>• Appeals against orders made in the magistrates' court (which includes the youth court) lie to the Crown Court.</li> <li>• Appeals against orders made in the Crown Court lie to the Court of Appeal.</li> </ul>
The legislation	Sections 330 to 342 of the Sentencing Code (which is a product of the Sentencing Act 2020 amends sections 22-33 and s.179(3) of the Anti-social Behaviour, Crime and Policing Act 2014).

## Criminal Behaviour Order



### Purpose

The Criminal Behaviour Order (CBO) is available on conviction for any criminal offence in any criminal court. The court may make a CBO so long as the court imposes a sentence in respect of the offence or discharges the offender conditionally. The order is intended for tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court.

**Applicants:** The prosecution may apply for a CBO after the offender has been convicted of a criminal offence. The prosecution can make such an application at its own initiative or following a request from a council or the police. The CBO hearing will occur after, or at the same time as, sentencing for the criminal conviction.

Good relationships between local agencies and the CPS will be important to ensure that the CBO application can be properly reviewed and notice of it served as soon as practicable, without waiting for the verdict in the criminal case. Agencies should consider setting up local information exchanges to make sure that the CBO is considered in appropriate cases where anti-social behaviour is brought before a criminal court.

**The test:** For a CBO to be made the court must be satisfied beyond reasonable doubt that the offender has engaged in behaviour that caused, or was likely to cause, harassment, alarm or distress to any person and that making the order will help in preventing the offender from engaging in such behaviour.

## Details

**When can a Criminal Behaviour Order be used?** The CBO can be used to deal with a wide range of anti-social behaviours following an individual's conviction for a criminal offence; for example, threatening others in the community, persistently being drunk and aggressive in public, or to deal with anti-social behaviour associated with a more serious conviction, such as for burglary or street robbery. The CBO can also be used to address the anti-social behaviour of gang members, for example to prevent them from affiliating with certain individuals or to require them to attend a job readiness course to help them get employment.

However, an application for a CBO does not require a link between the criminal behaviour which led to the conviction and the anti-social behaviour it addresses for it to be issued by the court. Agencies must make proportionate and reasonable judgements before applying for a CBO, and conditions of an order should not be designed to stop reasonable, trivial or benign behaviour that has not caused, or is unlikely to cause, harassment, alarm or distress to victims or communities.

An application for a CBO does not require a link between the criminal behaviour which led to the conviction and the anti-social behaviour for it to be issued by the court.

**Consultation:** The only formal consultation requirement applies where an offender is under 18 years of age. In these cases, the prosecution must find out the views of the local youth offending team before applying for the CBO. The views of the youth offending team must be included in the file of evidence forwarded to the prosecution. In practice, the consultation with the youth offending team must be carried out by the organisation preparing the application for the CBO; that is, the council or the police.

The legislation (Part 2 of the 2014 Act) has deliberately kept formal consultation requirements to a minimum to enable agencies to act quickly where needed to protect victims and communities. However, in most cases it is likely that the police or local council will wish to consult with other agencies. This could include local organisations that have come into contact with the individual, such as schools and colleges of further education, providers of probation services, social services, mental health services, housing providers or others. Their views should be considered before the decision is made to ask the CPS to consider applying for a CBO. This will ensure that an order is the proper course of action in each case and that the terms of the order are appropriate.

Evidence not heard in the criminal case can still be admissible at the CBO hearing, for example, evidence of other anti-social behaviour by the offender and information about why an order is appropriate in the terms asked for. Witnesses who might be reluctant to give evidence in person may have their evidence accepted as a written statement or given by someone such as a police officer as hearsay evidence, but this will depend on the circumstances of the case.

Special measures are available in CBO proceedings for witnesses under 18 and vulnerable and intimidated adult witnesses (sections 16,17 and 18 Youth Justice and Criminal Evidence Act 1999). The court has to satisfy itself that the special measure, or combination of special

Anti-social behaviour powers – Statutory guidance for frontline professionals

measures, is likely to maximise the quality of the witness's evidence before granting an application for special measures.

**Interim orders:** In cases where an offender is convicted of an offence but the court is adjourned for sentencing, or the CBO hearing is adjourned after sentence, an interim order can be granted if the court thinks that it is just to do so. The prosecution can apply for the interim order.

**Duration of a Criminal Behaviour Order:** The terms of the CBO must include the duration of the order. For adults this is a minimum of two years, up to an indefinite period. For under 18s the order must be between one and three years.

**Prohibitions and requirements:** The CBO must clearly describe the details of what the offender is not allowed to do (prohibitions) as well as what they must do (requirements). Orders can include prohibitions or requirements or both. It is up to the court to decide which are needed to help prevent further anti-social behaviour and which measures are most appropriate and available to tackle the underlying cause of the behaviour. So far as practicable, these must not interfere with an offender's education or work commitments or conflict with any other court order or injunction that the offender is subject to. In addition, practitioners should, in proposing prohibitions or requirements to the court, also consider the impact on any caring responsibilities the respondent may have and, in the event that the respondent has any disability, whether he or she is capable of complying with the proposed prohibitions or requirements.

The Crown Prosecution Service has issued a guide to assist the police and local councils in preparing CBO applications setting out the general principles to consider; for example, the prohibitions need to deal with the behaviour in question that has caused or is likely to cause harassment, alarm or distress. The order and requirements need to be proportionate and specific, and clear and easy to understand. Requirements could include:

- attendance at an anger management course where an offender finds it difficult to respond without violence;
- youth mentoring;
- a substance misuse awareness session where an offender's anti-social behaviour occurs when they have been drinking or using drugs; or
- a job readiness course to help an offender get employment and move them away from the circumstances that cause them to commit anti-social behaviour.

Before proposing any requirements, evidence must be provided in support of that requirement including information about the person or organisation who will be responsible for supervising compliance and the suitability and enforceability of the requirement. For any requirements where a course is proposed, details of that course and what is involved should be provided, including frequency of appointments and the issues that the appointments will cover or address.

In addition, the responsible person or organisation must inform the police if the offender fails to comply with a requirement; must be a willing participant in the order and be prepared to assist with enforcement.

**Putting victims first:** The potential impact on the victim or victims will be at the heart of the consideration of the terms of the CBO. Stopping the anti-social behaviour is for the benefit of the victim and thinking about how the terms of the order will impact on the victim is critical. What would they think? Would they be satisfied? It is also good practice to take the time to explain the terms of the order to the victims so that they are aware of the outcome of the court case.

**Publicising a CBO issued to a young person:** Making the public aware of the offender and the terms of the order can be an important part of the response to anti-social behaviour. It can provide reassurance for communities that action is being taken and it will provide the information that local people need to identify and report breaches.

The decision to publicise a CBO will be taken by the police or council unless the court has made a section 39 order (Children and Young Persons Act 1933) prohibiting publication. When deciding whether to publicise a CBO, public authorities (including the courts) must consider that it is necessary and proportionate to interfere with the young person's right to privacy, and the likely impact on a young person's behaviour. This will need to be balanced against the need to provide re-assurance to victims and the wider community as well as providing them with information so that they can report any breaches. Each case should be decided carefully on its own facts.

**Applications to vary or discharge a Criminal Behaviour Order:** A CBO may be varied or discharged by the court which made the original order. Either the offender or the prosecution can make an application but if this is dismissed by the court neither party can make a subsequent application without the consent of either the court or the other party. The power to vary includes extending the term of the order or including additional prohibitions or requirements. This flexibility allows for those monitoring the progress of offenders to alter the conditions of the order to suit developing or new circumstances.

**Annual reviews for under 18s:** Where the order is made against someone under 18 there is a requirement to conduct annual reviews. The review must include consideration of:

- the extent to which the offender has complied with the order;
- the adequacy of any support available to help them to comply with the order; and
- anything else relevant to the question of whether an application should be made to vary or discharge the order.

The police have overall responsibility for carrying out such a review, with a requirement to act in co-operation with the council. The police may invite any other person or body to participate in the review. This could include youth offending teams, educational establishments or other organisations who have been working with the young person. As a result of the review an application to vary or discharge the CBO may be made to the court.

**Penalty on breach:** It is a criminal offence if an offender fails to comply, without reasonable excuse, with either the requirements or prohibitions in the CBO. Failure to comply with a prohibition or requirement should be notified to the police. The court has the power to impose serious penalties on conviction, including:

- on summary conviction in the magistrates' court: a maximum of six months in prison or a fine or both;
- on conviction on indictment in the Crown Court: a maximum of five years in prison or a fine or both.

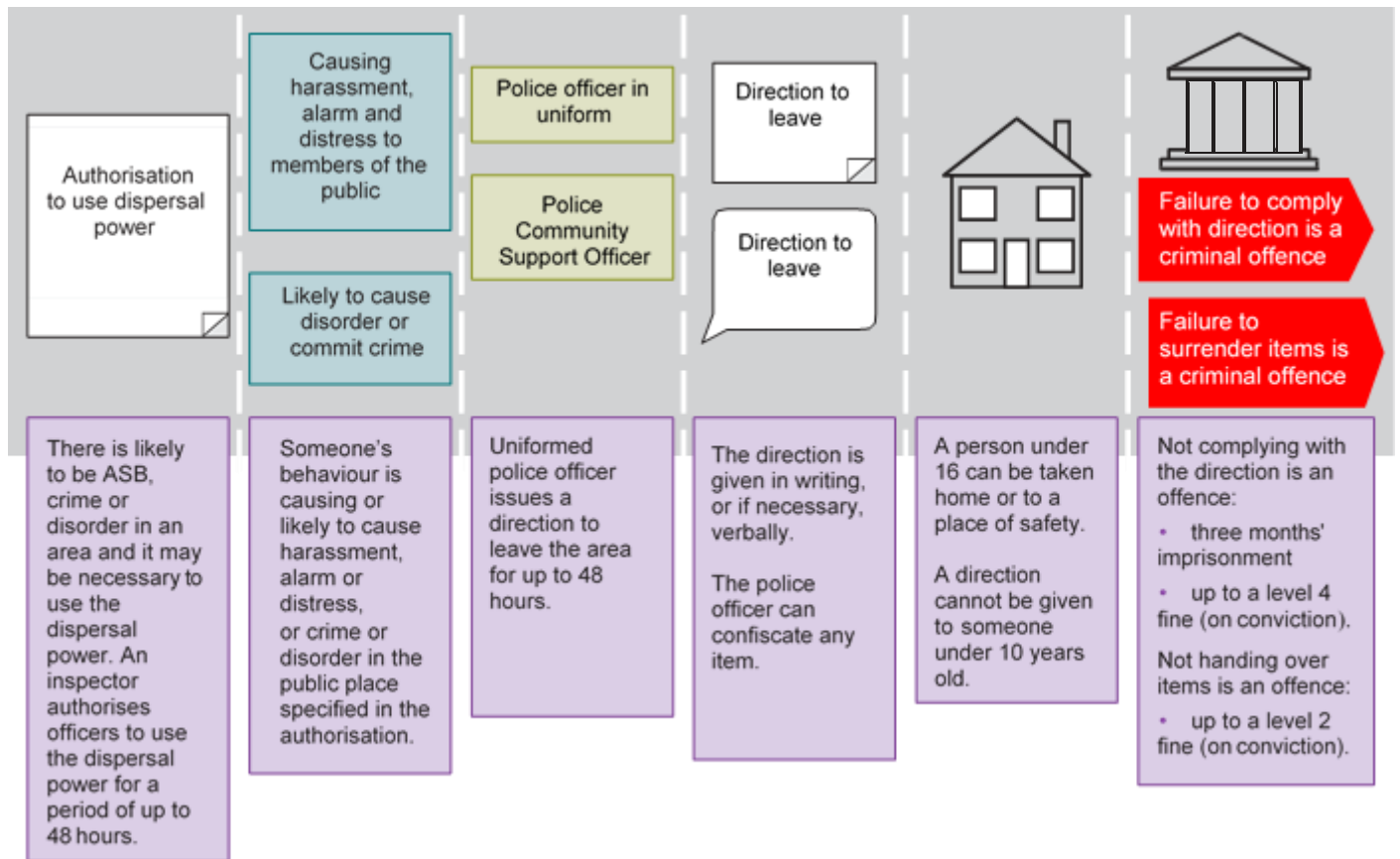
Hearings for those under 18 will take place in the youth court where the maximum sentence is a two-year detention and training order.



## 2.3 Dispersal Power

Purpose	Requires a person committing or likely to commit anti-social behaviour, crime, or disorder to leave an area for up to 48 hours.
Used by	<ul style="list-style-type: none"> <li>• Police officers in uniform</li> </ul>
Test	<ul style="list-style-type: none"> <li>• Contributing or likely to contribute to members of the public in the locality being harassed, alarmed or distressed (or the occurrence of crime and disorder); and</li> <li>• Direction necessary to remove or reduce the likelihood of the anti-social behaviour, crime, or disorder.</li> </ul>
Details	<ul style="list-style-type: none"> <li>• Must specify the area to which it relates and can determine the time and the route to leave by.</li> <li>• Can confiscate any item that could be used to commit anti-social behaviour, crime, or disorder.</li> <li>• Use in a specified locality must be authorised by a police inspector and can last for up to 48 hours.</li> <li>• A direction can be given to anyone who is, or appears to be, over the age of 10.</li> <li>• A person who is under 16 and given a direction can be taken home or to a place of safety.</li> </ul>
Penalty on breach	<ul style="list-style-type: none"> <li>• Breach is a criminal offence.</li> <li>• Failure to comply with a direction to leave: up to a level 4 fine and/or up to three months in prison although under 18s cannot be imprisoned.</li> <li>• Failure to hand over items: up to a level 2 fine.</li> </ul>
Appeals	A person who is given a direction and feels they have been incorrectly dealt with should speak to the duty inspector at the local police station. Details should be given to the person on the written notice.
The legislation	Sections 34 to 42 of the Anti-social Behaviour, Crime and Policing Act 2014.
Protecting the vulnerable	<ul style="list-style-type: none"> <li>• Consideration should be given to how the use of this power might impact on the most vulnerable members of society.</li> <li>• Consideration should also be given to any risks associated with displacement, including to where people may be dispersed to.</li> <li>• There is value in working in partnership to resolve ongoing problems and find long term solutions.</li> </ul>

## Dispersal Power



### Purpose

The dispersal power is a flexible power which the police can use in a range of situations to disperse anti-social individuals and provide immediate short-term respite to the local community. The power is preventative, allowing an officer to deal quickly with someone's behaviour and deal with the problem before it escalates.

Restricting an individual's freedom of movement is a serious issue, and accordingly the power should not be invoked lightly. This is why the legislation requires the authorising officer to be satisfied on reasonable grounds that use of the power is necessary to remove or reduce the likelihood of people being harassed, alarmed or distressed or the occurrence of crime or disorder.

In areas where there are regular problems, it is recommended that the police work with the local council to find a sustainable long-term solution. The impact on the local community should be considered when using the dispersal power.

### Who can use the power?

The dispersal power can be used by police officers in uniform.

Use of the dispersal power must be authorised by an officer of at least the rank of inspector. This helps to ensure that the power is not used to stop activities which are not causing anti-social behaviour. It may be appropriate for an officer of a more senior rank to authorise the use of the power where, for example, there is no inspector on duty who knows the specific circumstances of the area. The authorising officer can sanction use of the power in a specified locality for a period of up to 48 hours.

The inspector (or above) must record the authorisation in writing, specifying the grounds on which it is given and sign the authorisation. The decision should be based on objective grounds: this may include local knowledge of the area and information to suggest that individuals are likely to cause harassment, alarm or distress to others or engage in crime and disorder at a specific time. The authorising officer should ensure that the evidence is sufficient to justify using the power, and should take account of wider impacts, such as on community relations. The written authorisation may be admitted in evidence if the authorisation is in dispute.

**Ensuring proportionality:** Restricting people's freedom of movement is a serious matter and it is important that the dispersal power is used proportionately and reasonably, respecting individuals' rights of lawful freedom of expression and freedom of assembly.

The dispersal power can only be used in the specific location authorised by the inspector (or above) who should define a specific geographic location, for example by listing the streets to which it applies or the streets which form the boundary of the area, rather than stating 'in and around the area of'. The authorisation should not cover an area larger than is necessary. If the anti-social behaviour occurs outside the authorised area, the authorising officer will have to increase the area or officers will not be able to use the power.

**Consultation:** Wherever practicable, the authorising officer should consult the local council or community representatives before making the authorisation. This will help to understand the implications of using the power within a community or area and whether the community will benefit from use of the dispersal power. Working with the relevant council can also assist the police in gaining community consensus and support when it is necessary to use the dispersal power or assist community relations where there are concerns about the use of the power in a particular area. When it has not been practical to consult the local council, the authorising officer may wish to notify the local authority of the authorisation or the use of the power.

**Transparency and scrutiny:** Police forces may wish to put in place appropriate arrangements for maintaining records of authorisations and use of the dispersal power and the circumstances in which it is used, and to publish data on its use. Police and Crime Commissioners have an important role in holding forces to account to ensure that officers are using the power proportionately. Publication of data will help to highlight any 'hotspot' areas that may need a longer-term solution, such as diversionary activities for young people or security measures in pubs and clubs to prevent alcohol-related anti-social behaviour in town centres.

## Details

**The legal tests:** Two conditions need to be met for a direction to be given:

- the officer must have reasonable grounds to suspect that the behaviour of the person has contributed, or is likely to contribute, to:
  - members of the public in the locality being harassed, alarmed, or distressed; or

– crime and disorder occurring in the locality.

- the officer considers that giving a direction to the person is necessary for the purpose of removing or reducing the likelihood of anti-social behaviour, crime or disorder.

Including behaviour that is likely to cause harassment, alarm or distress in the legal tests allows the power to be used as a preventative measure. The power is for use in public places; this includes places to which the public has access by virtue of express or implied permission, such as, a shopping centre or buildings being used as polling stations.

**Written notice:** The direction must be given in writing, unless that is not reasonably practicable. The written notice will specify the locality to which the direction relates and for how long the person must leave the area. The officer can also impose requirements as to the time by which the person must leave the locality and the route they must take. The officer must also tell the person that failure to comply, without reasonable excuse, is an offence, unless it is not reasonably practicable to do this.

The information should be provided as clearly as possible, and the officer should ensure the person has understood it. If the direction is given verbally a written record of it must also be kept in order to enforce it in the event that it is breached, and for the police force to be able to monitor use of the power. The written notice may also be admitted in evidence in breach proceedings.

Many forces have already established good practice in relation to the use of dispersal powers. For instance, in some forces, officers carry a pre-printed notepad to provide details of the direction, the consequences of a failure to comply, where to collect any confiscated items, and a map to clarify the area a person is excluded from.

**Dispersing young people:** A police officer can give a direction to anyone who is, or appears to be, over the age of 10. If the officer reasonably believes the person given the direction to be under the age of 16, the officer can take them home or to another place of safety. Under the provisions of the Children Act 2004 the police have a duty to ‘safeguard and promote the welfare of children’. Police forces have safeguarding arrangements in place to ensure that children are not returned to unsafe homes or placed in potentially harmful situations.

Case law in relation to Part 4 of the Anti-social Behaviour Act 2003 states that to ‘remove’ a person under 16 to their place of residence carries with it a power to use reasonable force if necessary to do so: see *R (on the application of W) (Respondent) v (1) Commissioner of Police for the Metropolis, (2) Richmond-upon-Thames London Borough Council (Appellants) and the Secretary of State for the Home Department (Interested Party) [2006] EWCA Civ 458*.

**Restrictions:** A direction cannot be given to someone engaged in peaceful picketing that is lawful under section 220 of the Trade Union and Labour Relations (Consolidation) Act 1992 or if they are taking part in a public procession as defined in section 11 of the Public Order Act 1986.

In addition, the direction cannot restrict someone from having access to the place where they live or from attending a place where they:

- work, or are contracted to work for that period of time;
- are required to attend by a court or tribunal;
- are expected for education or training;
- are required to attend a service provision appointment or to receive medical treatment during the period of time that the direction applies.

**Providing information to the public:** Where use of the dispersal power has been authorised in advance, the police should consider providing information to those who may be affected.

**Putting victims first:** If the dispersal power is used in response to a complaint from a member of the public, the officer should update them about what has been done in response to their complaint. Keeping victims updated on enforcement action can provide reassurance to the community and result in fewer follow up calls on the issue.

**Surrender of property:** The police officer can require the person given the direction to hand over items causing or likely to cause anti-social behaviour. This could be any item, but typical examples are alcohol, fireworks or spray paint. The officer does not have the power to seize the item; therefore, the person's consent is required to take the item. However, it is an offence for the person not to hand over the item if asked to do so.

Surrendered items will be held at the police station and can be collected after the period of the direction has expired. If the item is not collected within 28 days, it can be destroyed or disposed of. If the individual is under the age of 16 they can be required to be accompanied by a parent or other responsible adult to collect the item; this will mean that the adult can be made aware of the young person's behaviour and will help encourage parental responsibility.

**Recording information and publishing data:** The officer giving the direction must record:

- the individual to whom the direction is given;
- the time at which the direction is given; and
- the terms of the direction (including the area to which it relates and the exclusion period).

If a direction is varied or withdrawn the officer must record the time this was done and the terms of the variation.

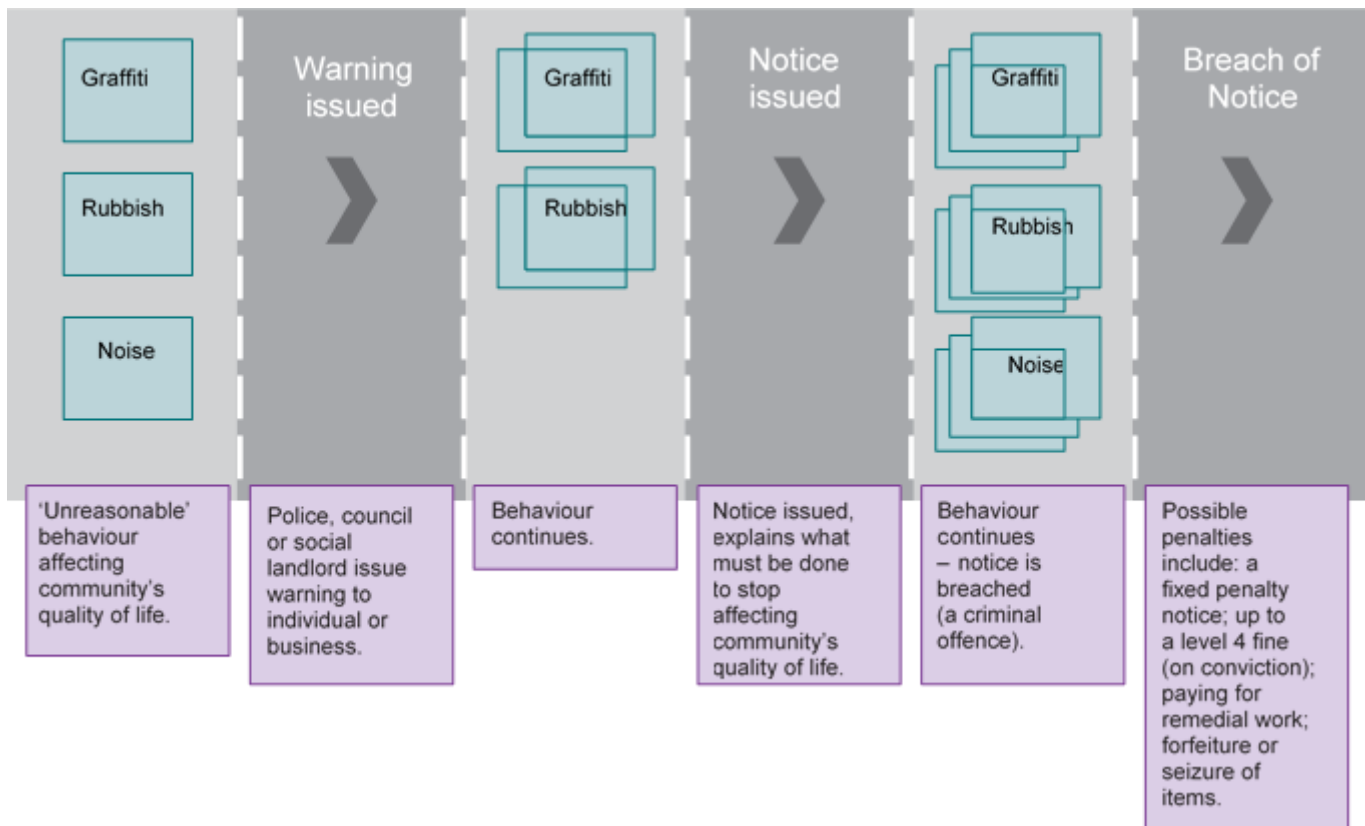
**Penalty on breach:** Failure to comply with the direction is a summary only criminal offence which will be dealt with in the magistrates' court or youth court for people under the age of 18. On conviction it carries a maximum penalty of a level 4 fine and/or three months imprisonment, although those people under the age of 18 cannot be imprisoned. Failure to surrender items is also a criminal offence with a maximum penalty of a level 2 fine.

**Appeals:** A person who is given a direction and feels they have been incorrectly dealt with should speak to the duty inspector at the local police station. Details should be given to the person on the written notice.

## 2.4 Community Protection Notice

Purpose	To stop a person aged 16 or over, business or organisation committing anti-social behaviour which spoils the community's quality of life.
Who can issue a CPN	<ul style="list-style-type: none"> <li>• Council officers;</li> <li>• Police officers;</li> <li>• Social landlords (if designated by the council).</li> </ul>
Test	<p>Behaviour has to:</p> <ul style="list-style-type: none"> <li>• have a detrimental effect on the quality of life of those in the locality;</li> <li>• be of a persistent or continuing nature; and</li> <li>• be unreasonable.</li> </ul>
Details	<ul style="list-style-type: none"> <li>• The Community Protection Notice (CPN) can deal with a range of behaviours; for instance, it can deal with noise nuisance and litter on private land.</li> <li>• The CPN can include requirements to ensure that problems are rectified and that steps are taken to prevent the anti-social behaviour occurring again.</li> <li>• A written warning must first be issued informing the perpetrator of problem behaviour, requesting them to stop, and the consequences of continuing.</li> <li>• A CPN can then be issued including requirement to stop things, do things or take reasonable steps to avoid further anti-social behaviour.</li> <li>• Can allow council to carry out works in default on behalf of a perpetrator.</li> </ul>
Penalty on breach	<ul style="list-style-type: none"> <li>• Breach is a criminal offence.</li> <li>• A fixed penalty notice can be issued of up to £100 if appropriate.</li> <li>• A fine of up to level 4 (for individuals), or a fine for businesses.</li> </ul>
Appeals	<ul style="list-style-type: none"> <li>• Terms of a CPN can be appealed by the perpetrator within 21 days of issue.</li> <li>• The cost of works undertaken on behalf of the perpetrator by the council can be challenged by the perpetrator if they think they are <b>e x c e s s i v e</b>.</li> </ul>
The legislation	Sections 43 to 58 of the Anti-social Behaviour, Crime and Policing Act 2014.
Protecting the vulnerable	<ul style="list-style-type: none"> <li>• Particular care should be taken to consider how use of the power might impact on more vulnerable members of society.</li> </ul>

# Community Protection Notice



## Purpose

The Community Protection Notice can be used to deal with ongoing problems or nuisances which are having a detrimental effect on the community's quality of life by targeting those responsible.

The Community Protection Notice is particularly suited to environmental issues such as graffiti, rubbish, and noise nuisances.

## Who can issue a Community Protection Notice

Local councils have traditionally taken the lead in dealing with the sort of issues that can be addressed through the use of Community Protection Notices, but the police are also able to issue these Notices, as are social landlords where they have been designated to do so by the relevant local authority, recognising their role in responding to anti-social behaviour in the dwellings they manage.



**Putting victims first:** To understand the impact that the behaviour is having on the quality of life of those in a locality, the agency considering the use of a Community Protection Notice should first speak to members of the community to gain a proper understanding of the harm that is being caused to individuals and the community. This will help to ensure that victims feel that the issue is being taken seriously and will also help to ensure that the decision to issue a Community Protection Notice is based on evidence of the impact that the perpetrator's behaviour is having. It will also help to ensure that officers do not use the notice to stop activities which are not causing anti-social behaviour.

## Details

**The legal tests:** These focus on the impact that the behaviour is having on victims and communities. A Community Protection Notice can be issued by one of the bodies mentioned above if they are satisfied, on reasonable grounds, that the conduct of an individual, business or organisation:

- is having a detrimental effect on the quality of life of those in the locality;
- is persistent or continuing in nature; and
- is unreasonable.

Agencies should have sufficient evidence to satisfy themselves that the behaviour in question is genuinely having a detrimental effect on others' quality of life, in terms of the nuisance or harm that is being caused to others, rather than being a behaviour that others may just find annoying.

Similarly, decisions on whether behaviour is persistent or continuing in nature should be taken on a case-by-case basis. For example, where an individual is storing rubbish in their garden for many months, proving persistence will be relatively straightforward. However, there will be cases where behaviour is continuing over a much shorter time period and the individual has been asked to cease the behaviour but has refused to do so and persists with the behaviour.

The issuing officer must also make a judgement as to whether the behaviour in question is unreasonable. For instance, a baby crying in the middle of the night may well have a detrimental effect on immediate neighbours and is likely to be persistent in nature. However, it is unlikely to be reasonable to issue the parents with a Community Protection Notice if there is not a great deal that they can do to control or affect the behaviour.

There is significant merit in involving the local council, who will have many years of experience in tackling environmental issues, when deciding whether to serve a Community Protection Notice. In addition, the issuing body should be satisfied that it has enough evidence that the activity in question is having a detrimental effect on others' quality of life, is persistent or continuing and is unreasonable.

**Who can a Community Protection Notice be issued to?** A Community Protection Notice can be issued against any person aged 16 or over or to a body, including a business. Where a body is issued with a Community Protection Notice, it should be issued to the most appropriate person. In the case of a small business, it could be the shop owner whereas in the case of a major supermarket it may well be the store manager. The issuing officer will need to be satisfied that the person issued with the Community Protection Notice can be reasonably expected to control or affect the behaviour in question, taking into consideration all the available circumstances. There is also a need to have due regard to the Equality Act 2010.

The Community Protection Notice can be handed directly to the person in question or it can be posted. In circumstances where the owner or occupier cannot be determined, the issuing officer can post the Community Protection Notice on the premises and it is considered as having been served at that point. In such a scenario, the issuing officer would need to demonstrate that reasonable enquiries had been undertaken to ascertain the identity of the owner or occupier, for instance, checking with the Land Registry.

Under s.50 Police and Reform Act 2002, if a constable in uniform has reason to believe that a person has engaged, or is engaging, in anti-social behaviour, then they may compel that person to provide their name and address. Failure to do so, or providing a false or inaccurate name or address, is guilty of an offence and that person shall be liable, on summary conviction, to a fine not exceeding level 3.

**Community Protection Notices and statutory nuisance:** Issuing a Community Protection Notice does not discharge the council from its duty to issue an Abatement Notice where the behaviour constitutes a statutory nuisance for the purposes of Part 3 of the Environmental Protection Act 1990. A statutory nuisance is one of the matters listed in section 79(1) of that Act which, given all the circumstances, is judged to be 'prejudicial to health or a nuisance'. For England and Wales, statutory nuisances are listed as:

- any premises in such a state to be prejudicial to health or a nuisance;
- smoke emitted from premises so as to be prejudicial to health or a nuisance;
- fumes or gases emitted from (domestic) premises so as to be prejudicial to health or a nuisance;
- any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance;
- any accumulation or deposit and being prejudicial to health or a nuisance;
- any animal kept in such a place or manner as to be prejudicial to health or a nuisance;
- any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance;
- artificial light emitted from premises so as to be prejudicial to health or a nuisance;
- noise emitted from premises so as to be prejudicial to health or a nuisance;
- noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street;
- any other matter declared by any enactment to be a statutory nuisance.

Many of these terms have special meanings, either under the 1990 Act or following decisions of the courts. In particular, 'nuisance' means something different to 'bothersome' or an 'annoyance'. The assessment of nuisance is an objective test, taking into account a range of factors and is based on what is reasonable for the 'average' person. 'Prejudicial to health' means 'injurious or likely to cause injury to health' under section 79(7) of the 1990 Act. While a Community Protection Notice can be issued for behaviour that may constitute a statutory nuisance, the interaction between the two powers should be considered. It remains a principle of law that a specific power should be used in preference to a general one.

As a Community Protection Notice can only be issued for behaviour that is persistent or continuing and unreasonable, in most cases, social landlords or the police will have sufficient time to contact the relevant council team in advance of issuing the Notice if they believe the behaviour could be a statutory nuisance. If it could be a statutory nuisance, the issuing authority should consider whether issuing a Community Protection Notice is necessary given the powers afforded to council under the 1990 Act. If they do

decide to issue a Community Protection Notice in parallel, they should work with the relevant council team to ensure any restrictions or requirements complement those that may be included in any future Abatement Notice.

**The written warning:** In many cases, the behaviour in question will have been ongoing for some time. Informal interventions prior to a written warning should be attempted. Examples of appropriate informal interventions may include a conversation, general information about the possible escalation through the Community Protection Notice process, and Acceptable Behaviour Contract, or independent mediation. The issuing officer should make clear to the potential recipient, preferably verbally and in person, the alleged ASB and supporting evidence. Potential recipients should also be able to contact the issuing officer to discuss their case.

Before a Notice can be issued, a written warning must be issued to the person committing anti-social behaviour.

The written warning must make clear to the individual that if they do not stop the anti-social behaviour, they could be issued with a Community Protection Notice. However, local agencies may wish to include other information in the written warning, for instance:

- outlining the specific behaviour that is considered anti-social and which is having a detrimental effect on others' quality of life, as this will ensure there is little doubt over what needs to be done to avoid the formal Notice being issued. Additional requirements beyond the scope of the behaviour in question should not be included. For example, generic requirements that prevent 'any' harassment, alarm, distress, nuisance, or annoyance;
- outlining the time by which the behaviour is expected to have changed in order to give the alleged perpetrator a clear understanding of when the Community Protection Notice might be served;
- setting out the potential consequences of being issued with a Community Protection Notice and in particular the potential sanctions on breach, which could act as an incentive for the individual to change their behaviour before a formal Notice is issued.

How the written warning is discharged is up to each agency. In cases where a problem has been continuing for a period of time, the written warning may be included in other correspondence. In cases where the issue of a written warning is required more quickly, it could be a standard form of words, adaptable to any situation – for instance, a pre-agreed form of words that can be used by the officer on the spot.

Enough time should be left between the issue of a written warning and the issue of a Community Protection Notice to allow the individual or body to deal with the matter. It will be for the issuing officer to decide how long is allowed on a case-by-case basis. For instance, in an example where a garden is to be cleared of waste, several days or weeks may be required to

enable the individual to make the necessary arrangements. However, where an individual is playing loud music in a park, as outlined above, the officer could require the behaviour to stop immediately.

A written warning should include contact information for the issuing authority, so the recipient can discuss any of the requirements if necessary.

**Putting victims first:** Keeping victims and communities updated on enforcement action at important points can help them to deal with the impact of the behaviour. Victims may feel that their complaint has been ignored if they do not see immediate changes to the behaviour. However, informing them of what is happening can make a difference and result in fewer follow up calls on the issue. If a Community Protection Notice has been issued, the officer may wish to speak to those affected by the anti-social behaviour to inform them of what steps have been taken, potential timescales and possible implications for the perpetrator.

**Partnership working:** In many cases, the issuing agency will have already had contact with other partners in dealing with a persistent issue. For instance, in a case dealing with a build-up of litter, the council may have spoken to the local neighbourhood policing team or social landlord. However, in situations that develop more quickly, the relevant officer will have to decide whether there are other individuals or bodies that should be informed. For matters that could amount to a statutory nuisance it will often be advisable to seek the expert view of council environmental health officers before issuing a Community Protection Notice. Partners may wish to give consideration to a shared repository of issued Community Protection Notices and warning letters in order to avoid duplication across issuing bodies.

**What to include in a Community Protection Notice** A Community Protection Notice should be bespoke to the individual and the behaviour in question so that it is appropriate to the situation and can include any or all of the following:

- a requirement to stop doing specified things;
- a requirement to do specified things;
- a requirement to take reasonable steps to achieve specified results.

This means that not only can the relevant officer stop someone being anti-social, they can also put steps in place to ensure the behaviour does not recur.

In deciding what should be included as a requirement in a Community Protection Notice, issuing officers should consider what is reasonable to include in a notice of this type and any reasonable timescales they wish to add. Careful consideration should be given by those issuing a CPN to ensure that the prohibitions and restrictions imposed are necessary and proportionate. The Community Protection Notice is intended to deal with short or medium-

term issues. They must be clear and the time limit must be clearly stated on the CPN. While restrictions and requirements may be similar to those in a Civil Injunction, more onerous conditions, such as attendance at a drug rehabilitation course, would clearly be more appropriate to a court issued order. The CPN could be used, for example, to require a dog owner to attend training classes or fix fencing to deal with straying incidents where this is having a detrimental effect on the community's quality of life.

Those with the power to issue CPNs also have the power to vary or discharge a CPN and information about how to request this should be given to the person concerned when the CPN is issued.

**Putting victims first:** When the issuing officer has decided what to include as a requirement in the Community Protection Notice they should consider the desired outcome for the community. Victims will not only want the behaviour to stop, they will also want it not to occur again. Consideration should be given to whether there are requirements that could ensure the anti-social behaviour does not recur.

**Penalty on breach:** Failure to comply with a Community Protection Notice is an offence. Where an individual, business or organisation fails to comply with the terms of a Community Protection Notice, a number of options are available for the issuing authority and these are outlined in more detail below.

- **Fixed penalty notices**

Depending on the behaviour in question, the issuing officer could decide that a fixed penalty notice would be the most appropriate sanction. This can be issued by a police officer, council officer or, if designated, a social landlord. In making the decision to issue a fixed penalty notice, the officer should be mindful that if issued, payment would discharge any liability to conviction for the offence.

**Putting victims first:** When deciding which sanction to choose on non-compliance with a Community Protection Notice, the issuing authority should, where appropriate, consider the potential wishes of the victim. While issuing a fixed penalty notice may be considered appropriate, if it does nothing to alleviate the impact on the community or leaves victims feeling ignored, this may not be the best course of action and may lead to further complaints and the requirement for more action.

A fixed penalty notice should not be more than £100 and can specify two amounts, for instance, a lower payment if settled early, say within 14 days. In order to allow the individual time to pay, no other associated proceedings can be taken until at least 14 days after the issue. The exact wording or design of a fixed penalty notice can be determined locally to fit with local standards and protocols but must:

- give reasonably detailed particulars of the circumstances alleged to constitute the offence;
- state the period during which proceedings will not be taken for the offence;
- specify the amount or amounts payable;
- state the name and address of the person to whom the FPN should be paid; and
- specify permissible methods of payment (for example, cash, cheque, bank transfer).

- **Remedial action**

If an individual or body fails to comply with a Community Protection Notice issued by the council, it may decide to take remedial action to address the issue. Where the Community Protection Notice has been issued by the police or a social landlord, but they believe remedial action is an appropriate sanction, they should approach the council to discuss the best way to move forward. For instance, the social landlord could undertake the work on behalf of the council.

If it is decided that remedial action is the best way forward, the council (or the other agency in discussion with the council) should establish what works are required to put the situation right. For instance, in a situation where the complaint relates to a significant build-up of rubbish in someone's front garden, remedial action could take the form of clearing the garden on the perpetrator's behalf.

**Putting victims first:** Punishment of the perpetrator may not be top of the victim's priority list; they may just want to see the situation fixed. If remedial action is chosen as the most appropriate action, it may help those affected by the behaviour to know when they can expect remedial works to be undertaken.

Where this work is to be undertaken on land 'open to the air', the council or their agent (for instance, a rubbish disposal contractor) can undertake these works without the consent of the owner or occupier. Where works are required indoors the permission of the owner or occupier is required. When it has been decided what works are required, if these works are taking place indoors, the council must specify to the perpetrator what work it intends to carry out and the estimated cost (there is no duty on a council to do this when carrying out remedial work under section 47(2) of the 2014 Act i.e. this on land that is 'open to the air'. The requirement only exists in relation to premises other than land open to the air (see s.47(3) of the 2014 Act). Once the work has been completed, the council should give the perpetrator details of the work completed and the final amount payable. In determining a 'reasonable' charge, local authorities should ensure the costs are no more than is necessary to restore the land to the standard specified in the notice. Such costs may include officer time, use of cleaning equipment (unless of a specialised nature), and administration costs relating to the clearance itself.

- **Remedial orders**

On conviction for an offence of failing to comply with a Community Protection Notice, the prosecuting authority may ask the court to impose a remedial order and/or a forfeiture order. This could be for a number of reasons, for instance:

- the matter may be deemed so serious that a court order is warranted;
- works may be required to an area that requires the owner's or occupier's consent and this is not forthcoming; or
- the issuing authority may believe that forfeiture or seizure of one or more items is required as a result of the behaviour (for instance, sound making equipment).

A remedial order may require the defendant:

- to carry out specified work (this could set out the original Community Protection Notice requirements); or
- to allow work to be carried out by, or on behalf of, a specified local authority.

Where works are required indoors, the defendant's permission is still required. But this does not prevent a defendant who fails to give that consent from being in breach of the court's order.

- **Forfeiture orders**

Following conviction for an offence under section 48, the court may also order the forfeiture of any item that was used in the commission of the offence. This could be spray paints, sound making equipment or a poorly socialised dog where the court feels the individual is not able to manage the animal appropriately (re-homed in the case of a dog). Where items are forfeited, they can be destroyed or disposed of appropriately.

- **Seizure**

In some circumstances, the court may issue a warrant authorising the seizure of items that have been used in the commission of the offence of failing to comply with a Community Protection Notice. In these circumstances, an enforcement officer may use reasonable force, if necessary, to seize the item or items.

Failure to comply with any of the requirements in the court order constitutes contempt of court and could lead to a custodial sentence. If an individual is convicted of an offence under section 48, they may receive up to a level 4 fine (up to £20,000 in the case of a business or organisation).

**Appeals:** Provision should be in place for a recipient to query the basis of a written warning, despite there being no route in the '2014 Act' to do so. The issuing authority can rescind a written warning at their discretion, therefore contact details of a senior officer with oversight of the process should be made available on the written warning itself and the authority's website. Local systems of review are encouraged.



Anyone issued with a Community Protection Notice has the opportunity to appeal it. Appeals are heard in a magistrates' court and the Notice should provide details of the process, how an individual can appeal and the timeframe to appeal (within 21 days of the person being issued with the notice). As the legislation makes clear, an appeal can be made on the following grounds:

The test was not met if:

- **the behaviour did not take place:** in most cases, officers will have collected evidence to place beyond any reasonable doubt that the behaviour occurred. However, in cases where the officer has relied on witness statements alone, they should consider the potential for this appeal route and build their case accordingly;
- **the behaviour has not had a detrimental effect on the quality of life of those in the locality:** again, the importance of witness statements and any other evidence that the behaviour in question is having a negative impact on those nearby should be collected to ensure this defence is covered;  
**the behaviour was not persistent or continuing:** in some cases, judging persistence will be straightforward. However, in cases where a decision to issue a Community Protection Notice is taken more quickly, officers should use their professional judgement to decide whether this test is met and may need to justify this on appeal;
- **the behaviour is not unreasonable:** In many cases, individuals, businesses or organisations that are presented with evidence of the detrimental impact of their behaviour will take steps to address it. Where they do not, they may argue that what they are doing is reasonable. In deciding whether behaviour is unreasonable, officers should consider the impact the behaviour is having on the victim or victims, whether steps could be taken to alleviate this impact and whether the behaviour is necessary at all.
- **the individual cannot reasonably be expected to control or affect the behaviour:** in issuing the CPN, the officer must make a judgement based on reasonable grounds as to whether the individual, business or organisation can reasonably be expected to do something to change the behaviour. The officer should be prepared to justify this decision in court if required.

Other reasons:

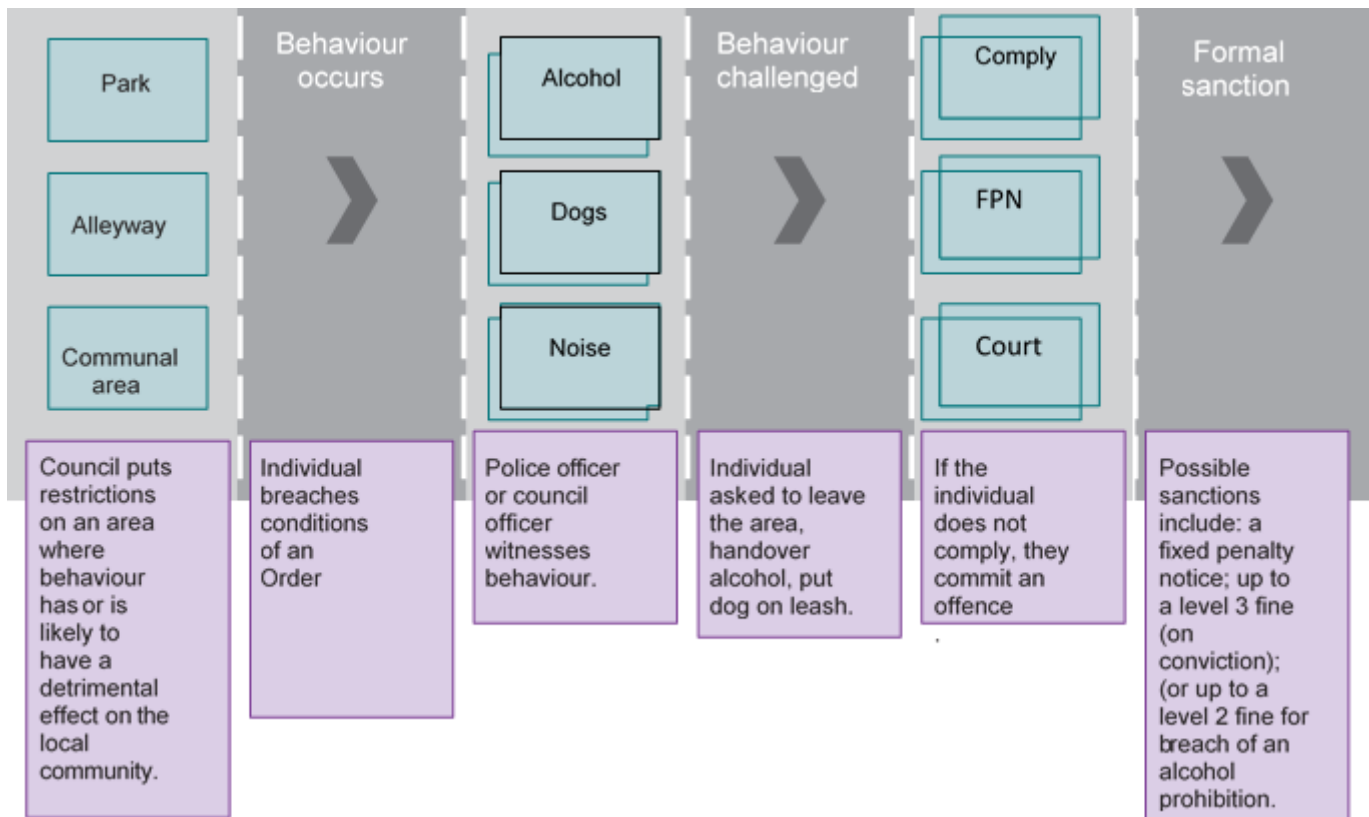
- **any of the requirements are unreasonable:** requirements in a Community Protection Notice should either prevent the anti-social behaviour from continuing or recurring or reduce the detrimental effect or reduce the risk of its continuance or recurrence. As such, it should be related to the behaviour in question;
- **there is a material defect or error with the Community Protection Notice:** this ground for appeal could be used if there was a failure to comply with a requirement in the Act, such as a failure to provide a written warning before issuing the Notice;
- **the Notice was issued to the wrong person:** this could be grounds for appeal if the Notice was posted to the wrong address or the wrong person was identified in a business or organisation.

The person issued with the Community Protection Notice must appeal within 21 days of issue. Where an appeal is made, any requirement included under section 43(3)(b) or (c), namely a requirement to do specified things or take reasonable steps to achieve specified results, is suspended until the outcome of the appeal. However, requirements stopping the individual or body from doing specified things under section 43(3)(a) continue to have effect. In addition, where remedial action is taken by a council under section 47 or 49 the individual can appeal on the grounds that the cost of the work being undertaken on their behalf is excessive.

## 2.5 Public Spaces Protection Order

Purpose	Designed to stop individuals or groups committing anti-social behaviour in a public space.
Who can make a PSPO	<ul style="list-style-type: none"> <li>Councils issue a Public Spaces Protection Order (PSPO) after consultation with the police, Police and Crime Commissioner, the owner or occupier of land in the restricted area and other community representatives they see fit.</li> </ul>
Test	<p>Behaviour being restricted has to:</p> <ul style="list-style-type: none"> <li>be having, or be likely to have, a detrimental effect on the quality of life of those in the locality;</li> <li>be persistent or continuing nature; and</li> <li>be unreasonable.</li> </ul>
Details	<ul style="list-style-type: none"> <li>Restrictions and requirements set by the council.</li> <li>These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times.</li> <li>Can restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour.</li> <li>Can be enforced by a police officer and council officers.</li> </ul>
Penalty on breach	<ul style="list-style-type: none"> <li>Breach is a criminal offence.</li> <li>Enforcement officers can issue a fixed penalty notice of up to £100 if appropriate.</li> <li>A fine of up to level 3 on prosecution.</li> </ul>
Appeals	<ul style="list-style-type: none"> <li>Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue.</li> <li>Further appeal is available each time the PSPO is varied by the council.</li> </ul>
The legislation	Sections 59 to 75 of the Anti-social Behaviour, Crime and Policing Act 2014.
Protecting the vulnerable	<ul style="list-style-type: none"> <li>Consideration should be given to how the use of this power might impact on the most vulnerable members of society.</li> <li>Consideration should also be given to any risks associated with displacement, including to where people may be dispersed to</li> <li>There is value in working in partnership to resolve ongoing problems and find long term solutions.</li> </ul>

## Public Spaces Protection Order



### Purpose

Public Spaces Protection Orders are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are intended to help ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

Given that these orders can restrict what people can do and how they behave in public spaces, it is important that the restrictions imposed are focused on specific behaviours and are proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.

### Who can make a PSPO?

Local councils are responsible for making Public Spaces Protection Orders: district councils should take the lead in England with county councils or unitary authorities undertaking the role where there is no district council. In London, borough councils can make Public Spaces Protection Orders, as is the Common Council of the City of London and the Council of the Isles of Scilly. In Wales, responsibility falls to county councils or county borough councils. Parish councils and town councils in England, and community councils in Wales are not able to make these Orders. In addition, section 71 of the Anti-social Behaviour, Crime and Policing Act 2014 allows bodies other than local authorities to make Public Spaces Protection Orders in certain circumstances by order of the Secretary of State. This power has been exercised by the Secretary of State to allow the City of London Corporation to manage several public spaces with the permission of, and on behalf of, local authorities.

## Details

**The legal tests:** The legal tests focus on the impact that anti-social behaviour is having on victims and communities. A Public Spaces Protection Order can be made by the council if they are satisfied on reasonable grounds that the activity or behaviour concerned, carried out, or likely to be carried out, in a public space:

- has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

**Putting victims first:** In deciding to place restrictions on a particular public space, councils should consider the knock-on effects of that decision and ensure that this is a reasonable and proportionate response to incidents of anti-social behaviour in the area. Introducing a blanket ban on a particular activity may simply displace the behaviour and create victims elsewhere. Consideration may also be given to members of the public who need or want to use the space before implementing a Public Spaces Protection Order e.g. those who want access to a park due to not having a garden at their home.

**Where can it apply?** The council can make a Public Spaces Protection Order on any public space within its own area. The definition of public space is wide and includes 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, for example a shopping centre.

**Consultation and working with partners:** Before making a Public Spaces Protection Order, the council must consult with the police. This should be done formally through the chief officer of police and the Police and Crime Commissioner, but details could be agreed by working level leads. This is an opportunity for the police and council to share information about the area and the problems being caused as well as discussing the practicalities of enforcement. In addition, the owner or occupier of the land should be consulted. This should include the county council (if the application for the Order is not being led by them) where they are the Highway Authority.

The council must also consult whatever community representatives they think appropriate. It is strongly recommended that the council engages in an open and public consultation to give the users of the public space the opportunity to comment on whether the proposed restriction or restrictions are appropriate, proportionate or needed at all. The council should also ensure that specific groups likely to have a particular interest are consulted, such as a local residents association, or regular users of a park or those involved in specific activities in the area, such as buskers and other street entertainers.

The appropriate length of the consultation will depend on the particular circumstances of the PSPO being sought and it is important that councils ensure that the consultation is reasonable and proportionate to the issues under consideration. In general, a consultation is expected to

take no longer than two weeks. If a matter is particularly urgent, a shorter consultation period is likely to be proportionate. However, if it is less pressing or more complex factors to consider, then a longer consultation may be appropriate.

**Openness and accountability:** Before making, varying, extending or discharging a Public Spaces Protection Order, the council must carry out the necessary publicity and necessary notification (if any) in accordance with section 72(3) of the Anti-social Behaviour, Crime and Policing Act 2014 – this includes publishing the text of a proposed order or variation and publishing the proposal for an extension or variation. The council must also publish information about the order in accordance with regulations made by the Secretary of State - this includes publishing the order as made, extended or varied on its website, and, where an order is discharged, publishing a notice on its website identifying the order which has been discharged and the date on which it ceases to have effect.

Given that the effect of Public Spaces Protection Orders is to restrict the behaviour of everybody using the public place, the close or direct involvement of elected members will help to ensure openness and accountability. This will be achieved, for example, where the decision is put to the Cabinet or full Council.

## Land requiring special consideration

Before a council makes a Public Spaces Protection Order it should consider whether the land falls into any of the following categories:

- **Registered common land:** There are around 550,000 hectares of registered common land in England and Wales. Common land is mapped as open access land under the Countryside and Rights of Way (CROW) Act 2000 with a right of public access on foot. Some commons, particularly those in urban districts, also have additional access rights and these may include rights for equestrian use.
- **Registered town or village green:** Town and village greens developed under customary law as areas of land where local people indulged in lawful sports and pastimes. These might include organised or ad-hoc games, picnics, fetes and similar activities, such as dog walking.
- **Open access land:** Open access land covers mountain, moor, heath and down and registered common land, and some voluntarily dedicated land, for example the Forestry Commission's or Natural Resources Wales' freehold estate. Open access land provides a right of open-air recreation on foot although the landowner can voluntarily extend the right to other forms of access, such as for cycling or horse-riding.

This can be done by contacting the Commons registration authority (county council in two-tier areas; unitary authority elsewhere). If the land in question is a registered common the council will be able to find out what common land rights exist and the access rights of any users. The Department for Environment, Food & Rural Affairs considers the model set out in 'A Common Purpose' to be good practice in consulting directly affected persons (including commoners) and the public about any type of potential change in the management of a common.

If land is a registered green, it receives considerable statutory protection under the 'Victorian Statutes'. In terms of open access land, there are various national limitations on what activities are included within the access rights. It is possible for local restrictions on CROW rights to be put in place to meet wider land use needs, and this system is normally administered by Natural England.

Where an authority is considering an order on one of these types of land, the council should consider discussing this with relevant forums and user groups (e.g. Local Access Forums, Ramblers or the British Horse Society) depending on the type of provision that is contemplated in the order. It could also be appropriate to hold a local public meeting when considering whether to make an order for an area of such land to ensure all affected persons are given the opportunity to raise concerns.

**What to include in a Public Spaces Protection Order.** The Order can be drafted from scratch based on the individual and specific issues being faced in a particular public space. A single Order can also include multiple restrictions and requirements. It can prohibit certain activities, such as the drinking of alcohol, as well as placing requirements on individuals carrying out certain activities, for instance making sure that people walking their dogs keep them on a lead in designated areas.

When deciding what to include, the council should consider scope. The broad aim is to keep public spaces welcoming to law abiding people and communities and not simply to restrict access. So, restrictions or requirements can be targeted at specific people, designed to apply only at certain times or apply only in certain circumstances.

**Putting victims first:** Although it may not be viable in each case, discussing potential restrictions and requirements prior to issuing an Order with those living or working nearby may help to ensure that the final Order better meets the needs of the local community and is less likely to be challenged.

In establishing which restrictions or requirements should be included, the council should be satisfied on reasonable grounds that the measures are necessary to prevent the detrimental effect on those in the locality or reduce the likelihood of the detrimental effect continuing, occurring or recurring.

As with all the anti-social behaviour powers, the council should give due regard to issues of proportionality: is the restriction proposed proportionate to the specific harm or nuisance that is being caused? Councils should ensure that the restrictions being introduced are reasonable and will prevent or reduce the detrimental effect continuing, occurring or recurring. In addition, councils should ensure that the Order is appropriately worded so that it targets the specific behaviour or activity that is causing nuisance or harm and thereby having a detrimental impact on others' quality of life. Councils should also consider whether restrictions are required all year round or whether seasonal or time limited restrictions would meet the purpose.

When the final set of measures is agreed the Order should be published in accordance with regulations made by the Secretary of State and must:

- identify the activities having the detrimental effect;
- explain the potential sanctions available on breach; and
- specify the period for which the Order has effect.



## Controlling the presence of dogs

Under the Animal Welfare Act 2006, owners of dogs are required to provide for the welfare needs of their animals. This includes providing the necessary amount of exercise each day, which in many cases will require dogs to be let off the lead whilst still under control.

Councils will be aware of the publicly accessible parks and other public places in their area which dog walkers can use to exercise their dogs without restrictions.

When deciding whether to make requirements or restrictions on dogs and their owners, local councils will need to consider whether there are suitable alternative public areas where dogs can be exercised without restrictions. Councils should consider if the proposed restrictions will displace dog walkers onto other sensitive land, such as farmland or nature conservation areas.

Councils should also consider the accessibility of these alternative sites for those with reduced mobility, including but not limited to, assistance dog users. For example, is there step free access, are there well-maintained paths and what transport options are available, including in the early morning and evening.

Councils are also encouraged to publish a list of alternative sites which dog walkers can use to exercise their dogs without restrictions. Both dog walkers and non-dog walkers would then have a clear opportunity to submit their views on whether these alternatives were suitable. This should help minimise the risks of unwanted and unintended displacement effects.

Guidance published by the Department for Environment, Food and Rural Affairs on dog control states that councils must consult dog law and welfare experts e.g. vets or animal welfare officers and organisations affected by restrictions before seeking to impose restrictions. Councils may also wish to consider consulting the Kennel Club. Where a Public Spaces Protection Order proposes to restrict dog walking in parks and other commonly used dog walking sites, consideration should be given to how to alert interested people to the proposed restrictions, such as posting notices of the proposed restrictions and consultation details within these spaces.

Consideration must also be given on how any dog walking restrictions being proposed would affect those who rely on assistance dogs, ensuring any prohibition or requirement is compliant with the provisions of Equality Act 2010 or considering what exemptions should apply for assistance dogs.

In relation to dogs and their owners, a Public Spaces Protection Order could, for example:

- exclude dogs from designated areas (e.g. a children's play area in a park);
- require the person in charge of the dog to pick up after it;
- require dogs to be kept on leads in a designated area;
- be framed to apply during specific times or periods (e.g. dogs excluded from a beach from 9am to 6pm, 1 May to 30 September);
- restrict the number of dogs that can be walked by one person at any one time; and
- put in place other restrictions or requirements to tackle or prevent any other activity that is considered to have a detrimental effect on the quality of life of those in the locality or is likely

to have such an effect.

Councils should also consider whether alternative options are available to deal with problems around irresponsible dog ownership or dogs being out of control. It may be that if there are local problems with specific individuals allowing their dogs to stray or run out of control for which one of the other available powers, such as the Community Protection Notice, may be more appropriate. The Department for Environment, Food and Rural Affairs has produced detailed guidance in the form of a practitioner's guide on the range of tools available to deal with irresponsible dog ownership. Targeted measures and educational days for irresponsible dog owners can bring about real improvements in the behaviour of irresponsible dog owners.

**Parish and Town Councils:**

Public Spaces Protection Orders are not available to Parish and Town Councils. Parish and Town Councils wishing to deal with dog control issues should discuss the issue with their principal authority, including whether a Public Spaces Protection Order would provide the means to address the issues being experienced by the local community. If the principal authority is satisfied that the legal tests for the use of the power are met and that it is a proportionate response to the level of harm and nuisance being caused it should consider consulting on putting in place a Public Spaces Protection Order. This ensures a single approach on dog control matters within the local community and avoids the risk of any duplication or conflicting requirements and restrictions being put in place.

**Restricting alcohol:** A Public Spaces Protection Order can be used to restrict the consumption of alcohol in a public space where the relevant legal tests are met. However, such an Order cannot be used to restrict the consumption of alcohol where the premises or its curtilage (a beer garden or pavement seating area) is licensed for the supply of alcohol (other than council operated licenced premises). There are also limitations where a temporary event notice has been given under Part 5 of the Licensing Act 2003, or where the sale or consumption of alcohol is permitted by virtue of permission granted under section 115E of the Highways Act 1980.

This is because the licensing system already includes safeguards against premises becoming centres for anti-social behaviour. It would create confusion and duplication if Public Spaces Protection Orders were introduced here.

### **Groups hanging around/standing in groups/playing games**

It is important that councils do not inadvertently restrict everyday sociability in public spaces. The Public Spaces Protection Order should target specifically the problem behaviour that is having a detrimental effect on the community's quality of life, rather than everyday sociability, such as standing in groups which is not in itself a problem behaviour.

Where young people are concerned, councils should think carefully about restricting activities that they are most likely to engage in. Restrictions that are too broad or general in nature may force the young people into out-of-the-way spaces and put them at risk. In such circumstances, councils should consider whether there are alternative spaces that they can use.

People living in temporary accommodation may not be able to stay in their accommodation during the day and so may find themselves spending extended times in public spaces or seeking shelter in bad weather. It is important that public spaces are available for the use and enjoyment of a broad spectrum of the public, and that people of all ages are free to gather, talk and play games.

**Restricting access:** In the past, Gating Orders have been used to close access to certain public rights of way where the behaviour of some has been anti-social.

A Public Spaces Protection Order can be used to restrict access to a public right of way. However, when deciding on the appropriateness of this approach, the council must consider a number of things, as set out below:

- **Can they restrict access?** A number of rights of way may not be restricted due to their strategic value.
- **What impact will the restriction have?** For instance, is it a primary means of access between two places and is there a reasonably convenient alternative route?
- **Are there any alternatives?** Previously gating was the only option, but it may be possible under a Public Spaces Protection Order to restrict the activities causing the anti-social behaviour rather than access in its totality.

There are also further consultation requirements where access is to be restricted to a public right of way. These include notifying potentially affected persons of the possible restrictions. This could include people who regularly use the right of way in their day-to-day travel as well as those who live nearby. Interested persons should be informed about how they can view a copy of the proposed order and be given details of how they can make representations and by when. The council should then consider these representations.

It will be up to the council to decide how best to identify and consult with interested persons. In the past newspapers have been used, but other channels such as websites and social media may now be more effective. Where issues are more localised, councils may prefer to deal with individual households. Or, where appropriate, councils may decide to hold public meetings and

discuss issues with regional or national bodies (such as the Local Access Forum) to gather views.

**Duration of a Public Spaces Protection Order:** The maximum duration of a Public Spaces Protection Order is three years, but they can last for shorter periods of time where more appropriate. Short-term Orders could be used where it is not certain that restrictions will have the desired effect, for instance, when closing a public right of way, and in such circumstances the council might decide to make an initial Order for 12 months and then review that decision at that point.

At any point before expiry, the council can extend a Public Spaces Protection Order by up to three years if they consider it is necessary to prevent the original behaviour from occurring or recurring. They should also consult with the local police and any other community representatives they think appropriate before doing so.

**Changing the terms of a Public Spaces Protection Order:** A Public Spaces Protection Order can cover a number of different restrictions and requirements so there should be little need to have overlapping orders in a single public space. However, if a new issue arises in an area where an Order is already in force, the council can vary the terms of the order at any time. This can change the size of the restricted area or the specific requirements or restrictions. For instance, a Public Spaces Protection Order may exist to ensure dogs are kept on their leads in a park but, after 12 months, groups start to congregate in the park drinking alcohol which is having a detrimental effect on those living nearby. As a result, the council could vary the Order to deal with both issues. Any proposed variation to an existing Public Spaces Protection Order would require the council to undertake the necessary consultation on the proposed changes.

As well as varying the Order, a council can also seek to discharge it at any time, for instance when the issue that justified the Order has ceased or where the behaviour has stopped or the land ceases to be classified as a public space.

**Penalty on breach:** It is an offence for a person, without reasonable excuse, to:

- do anything that the person is prohibited from doing by a Public Spaces Protection Order (other than consume alcohol – see below); or
- fail to comply with a requirement to which the person is subject under a Public Spaces Protection Order.

A person does not commit an offence by failing to comply with a prohibition or requirement that the council did not have power to include in a Public Spaces Protection Order. A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

It is not an offence to drink alcohol in a controlled drinking zone. However, it is an offence to fail to comply with a request to cease drinking or surrender alcohol in a controlled drinking

Anti-social behaviour powers – Statutory guidance for frontline professionals

zone. This is liable on summary conviction to a fine not exceeding level 2 on the standard scale. If alcohol is confiscated, it can be disposed of by the person who confiscates it.

Depending on the behaviour in question, the enforcing officer could decide that a fixed penalty notice would be the most appropriate sanction. This can be issued by a police officer, council officer or other person designated by the council. In making the decision to issue a fixed penalty notice, the officer should consider that if issued, payment would discharge any liability to conviction for the offence. However, payment is not made within the required timescale, court proceedings can be initiated (prosecution for the offence of failing to comply with the Public Spaces Protection Order).

Under s.50 Police and Reform Act 2002, if a constable in uniform has reason to believe that a person has engaged, or is engaging, in anti-social behaviour, then they may compel that person to provide their name and address. Failure to do so, or providing a false or inaccurate name or address, is guilty of an offence and that person shall be liable, on summary conviction, to a fine not exceeding level 3.

**Appeals:** Any challenge to the Public Spaces Protection Order must be made in the High Court by an interested person within six weeks of it being made. An “interested person” is someone who lives in, regularly works in, or visits the restricted area. The right to challenge the validity of the order will also exist where an order is varied by a council. An “interested person” will be excluded from challenging the validity of the Order (including a decision to vary the order) by way of judicial review (see: s.66(7) of the 2014 Act). Other persons who fall outside the definition of an “interested person” will have the right to bring a judicial review to challenge the lawfulness of the use of the power to make the PSPO.

Interested persons can challenge the validity of an Order on two grounds. They could argue that the council did not have power to make the order, or to include particular prohibitions or requirements imposed by the order. In addition, the interested person could argue that one of the requirements (for instance, consultation) had not been complied with.

When the application is made, the High Court can decide to suspend the operation of the Public Spaces Protection Order pending the verdict in part or in totality. The High Court will have the power to uphold the Public Spaces Protection Order, quash it, or vary it.

**Enforcement:** Although Public Spaces Protection Orders are made by the council in an area, enforcement is the responsibility of a wider group. Council officers are able to enforce the restrictions and requirements, as are other groups that they designate, including officers accredited under the community safety accreditation scheme. In addition, police officers can enforce Public Spaces Protection Orders.

## **Transition of existing orders to Public Spaces Protection Orders**

Section 75 of the Anti-social Behaviour, Crime and Policing Act 2014 sets out that where a Gating Order, Dog Control Order or Designated Public Place Order was still in force three years from commencement of the Act (i.e. on 20 October 2017) the provisions of such an order would automatically be treated as if they were provisions of a Public Spaces Protection Order. The transitioned Order would then remain in force up to a maximum of three years from the point of transition i.e. 2020.

Section 75(3) of the Anti-social Behaviour, Crime and Policing Act 2014 treats transitioned orders as Public Spaces Protection Orders that have already been made. The consultation, notification and publicity requirements in section 72(3) of the Act apply before a Public Spaces Protection Order has been made; the obligation under section 59(8) of the Act to publish arises once a Public Spaces Protection Order has been made.

Councils are not required to undertake a new consultation (or associated publications, and notifications, set out in section 72(3) of the Act) where a Gating Order, Dog Control Order or Designated Public Place Order automatically transitions to a Public Spaces Protection Order after October 2017.

However, local councils should publish the Public Spaces Protection Order online when the Gating Order, Dog Control Order or Designated Public Place Order transitions in order to make the public aware of the specific provisions of the Public Spaces Protection Order.

It will be for local councils to consider what changes to signage are necessary to sufficiently draw the matters set out in Regulation 2 of the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulation 2014 to members of the public's attention.

Any extension, variation or discharge of a transitioned Public Spaces Protection Order would mean that the local council would need to carry out the necessary consultation and publication as required under section 72(3) of the Anti-social Behaviour, Crime and Policing Act 2014.

## 2.6 Expedited Public Spaces Protection Order (E-PSPO)

Purpose	Designed to allow local authorities to take rapid action to protect those who work at and use schools, vaccination site and NHS Test and Trace/Test, Trace, Protect sites, from the harm that some protests targeting these sites have been able to cause.
Who can make an Expedited PSPO	Local Authorities can make an Expedited Public Space Protection Order without prior consultation and with the consent of: <ul style="list-style-type: none"> <li>the chief officer of police for the police area;</li> <li>for orders imposed in the vicinity of a school, a person authorised by the appropriate authority for the school in question;</li> <li>for orders imposed in the vicinity of a vaccination or NHS Test and Trace site, a person authorised by the appropriate NHS authority.</li> </ul>
Test	Activities that are part of the test for making an Expedited PSPO: <ul style="list-style-type: none"> <li>be in the course of a protest or demonstration;</li> <li>be in a public space within the vicinity of a school, vaccine or NHS Test &amp; Trace/ Test, Trace, Protect site;</li> <li>has had or is likely to have the effect of harassing or intimidating staff or volunteers at the school or site, or persons using the services of the school or site; or impeding the provision of services by staff or volunteers at the school or site, or the access of persons seeking to use the services of the school or site;</li> <li>the effect is, or is likely to be, persistent or continuing in nature; and</li> <li>the effect is, or is likely to be, unreasonable</li> </ul>
Details	<ul style="list-style-type: none"> <li>Can last up to 6-months.</li> <li>Restrictions and requirements are set by the local authority.</li> <li>These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times.</li> <li>Can restrict access to public spaces within the vicinity of schools, vaccination and NHS Test &amp; Trace/ Test, Trace, Protect sites.</li> <li>Can be enforced by a police officer and council officers.</li> <li>The council must carry out a consultation as soon as reasonably practicable after making an expedited order.</li> </ul>
Penalty on breach	<ul style="list-style-type: none"> <li>Breach is a criminal offence.</li> <li>Enforcement officers can issue a fixed penalty notice of up to £100 if appropriate.</li> <li>A fine of up to level 3 on prosecution.</li> </ul>
Appeals	<ul style="list-style-type: none"> <li>Anyone who lives in, or regularly works in or visits the area can appeal an Expedited PSPO in the High Court within six weeks of issue.</li> <li>Further appeal is available each time the Expedited PSPO is varied by the council.</li> </ul>
The legislation	<ul style="list-style-type: none"> <li>Sections 59A to 74 of the Anti-social Behaviour, Crime and Policing Act 2014 as amended by sections 82 of, and Schedule 7 to, the Police, Crime, Sentencing and</li> </ul>

Courts Act 2022 (section 82 of the 2022 Act inserted new sections 59A, 60A, 72A and 72B into the 2014 Act).

#### Protecting the vulnerable

- Consideration should be given to how the use of this power might impact on the most vulnerable members of society.
- Consideration should be given to how use of this power might impact on individuals' rights under the European Convention on Human Rights.
- Consideration should also be given to any risks associated with displacement, including to where people may be dispersed to.
- There is value in working in partnership to resolve ongoing problems and find long term solutions.

## Purpose

Expedited Public Spaces Protection Orders are intended to protect the public from harm that some protests in the vicinity of schools, vaccination centres and NHS Test & Trace (T&T) sites in England or Test, Trace, Protect (TTP) sites in Wales cause. They are intended to help ensure that both the public using services at these sites and the staff and volunteers providing these services, can do so free from intimidation, harassment and impediment of access or provision of services.

An Expedited Public Spaces Protection Order can only be used when specific conditions are met and should not be used as a tool to deal with wider anti-social behaviour or to stop non-disruptive or non-harmful protests.

Given that these orders can restrict someone's right to protest in the vicinity of these sites, it is important that the restrictions imposed are focused on specific and persistent activities that are having a detrimental effect on those using or working at these specific sites. These restrictions must be proportionate and necessary to prevent the behaviour in question from continuing, occurring or recurring.

## Who can make an Expedited PSPO?

Similarly to regular Public Spaces Protection Orders, councils are responsible for making Expedited Public Spaces Protection Orders. Full details can be seen in section 2.5.

## Details

**The legal tests:** The legal tests focus on the impact that activities is having on those providing and accessing the services of NHS T&T or TTP sites, vaccination centres, and schools. An Expedited Public Spaces Protection Order can be made by the local authority if they are satisfied on reasonable grounds that the following conditions have been met:

- The public place is in the vicinity of:
  - A school in the local authority's area;
  - A site in the local authority's area which provides vaccines to the public;
  - A site in the local authority's area which provides NHS T&T or TTP services.
- That activities carried out, or likely to be carried out, by individuals in the course of a protest or demonstration in the public place have had, or are likely to have, the effect of:
  - Harassing or intimidating members of the public using the services of the school or site; or impeding their access to the school or site;

Anti-social behaviour powers – Statutory guidance for frontline professionals



- Harassing or intimidating staff or volunteers at the school or site; or impeding the provision of services by them.
- That the effect or likely effect mentioned above is:
  - Is, or likely to be of, a persistent or continuing nature;
  - Is, or is likely to, be unreasonable; and
  - Justifies the restrictions imposed by the expedited order.

Choosing whether an Expedited Public Spaces Protection Order is the right approach for responding to disruptive activities, harassment and intimidation at the sites in scope should be the first step of an effective response.

**Where it can apply?** The council can make an expedited order only on public spaces within its own area that is in the vicinity of a school, vaccination centre or NHS T&T or TTP site. The definition of public space is wide and includes 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, for example during a school open day.

Schools are taken to include institutions providing primary education, secondary education, or both primary and secondary education.

**When can it apply?** Councils may not make an expedited order on a particular area if that area has been subject to an expedited order within the last year. Similarly, an expedited order cannot be made on an area which has been subject to a regular Public Spaces Protection Order within the last year which prohibited or required anything which an expedited order could prohibit or require.

**Consultation and working with partners:** Before making, varying, extending or reducing, or discharging an order the council must obtain consent from relevant authorities. Where the order is in the vicinity of a school, they must obtain consent from:

- the leadership of the school; and
- the chief officer of the police area.

When the order is in the vicinity of a vaccination, T&T or TTP site, councils must obtain consent from:

- the responsible NHS body; and
- the chief officer of the police area.

Unlike regular Public Spaces Protection Orders, there are no consultation requirements before making an Expedited Public Spaces Protection Order. The local authority must carry out a consultation as soon as reasonably practical after the expedited order is made.

The local authority must consult:

- the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- whatever community representatives the local authority thinks it appropriate to consult;
- the owner or occupier of land within the restricted area.

**Openness and accountability:** As soon as reasonably practicable after making, extending or reducing, varying, or discharging an expedited order, the council must carry out the necessary notification (if any) in accordance with section 72(B) of the Anti-social Behaviour, Crime and Policing Act 2014. The council must also carry out the necessary publication in accordance with regulations made by the Secretary of State – this includes publishing the order as made, extended, reduced or varied on its website and erect a notice or notices of the expedited order. The notice must sufficiently

draw the attention of any member of the public using the place. The same publishing procedure and notice erection applies to where an order is discharged and the date on which it ceases to have effect.

**What to include in an expedited Public Spaces Protection Order.** These orders can restrict individuals' freedoms of expression and assembly. It is important that the restrictions imposed are proportionate and justify the restriction of these freedoms. Restrictions should focus on specific behaviours and be proportionate to the detrimental effect that the behaviour is causing or can cause. They should be necessary to prevent harmful behaviour from continuing, occurring or recurring.

**Duration of an expedited order:** An Expedited Public Spaces Protection may not last more than six-months. The length of an expedited order can be reduced or extended within this limit by the council. Following the expiration of an expedited order, no further expedited order can be made in relation to a place where the earlier order took effect, until one year following the expiry of the earlier order. This includes any earlier PSPO which neither prohibited nor required anything that could not have been prohibited or required by an expedited order.

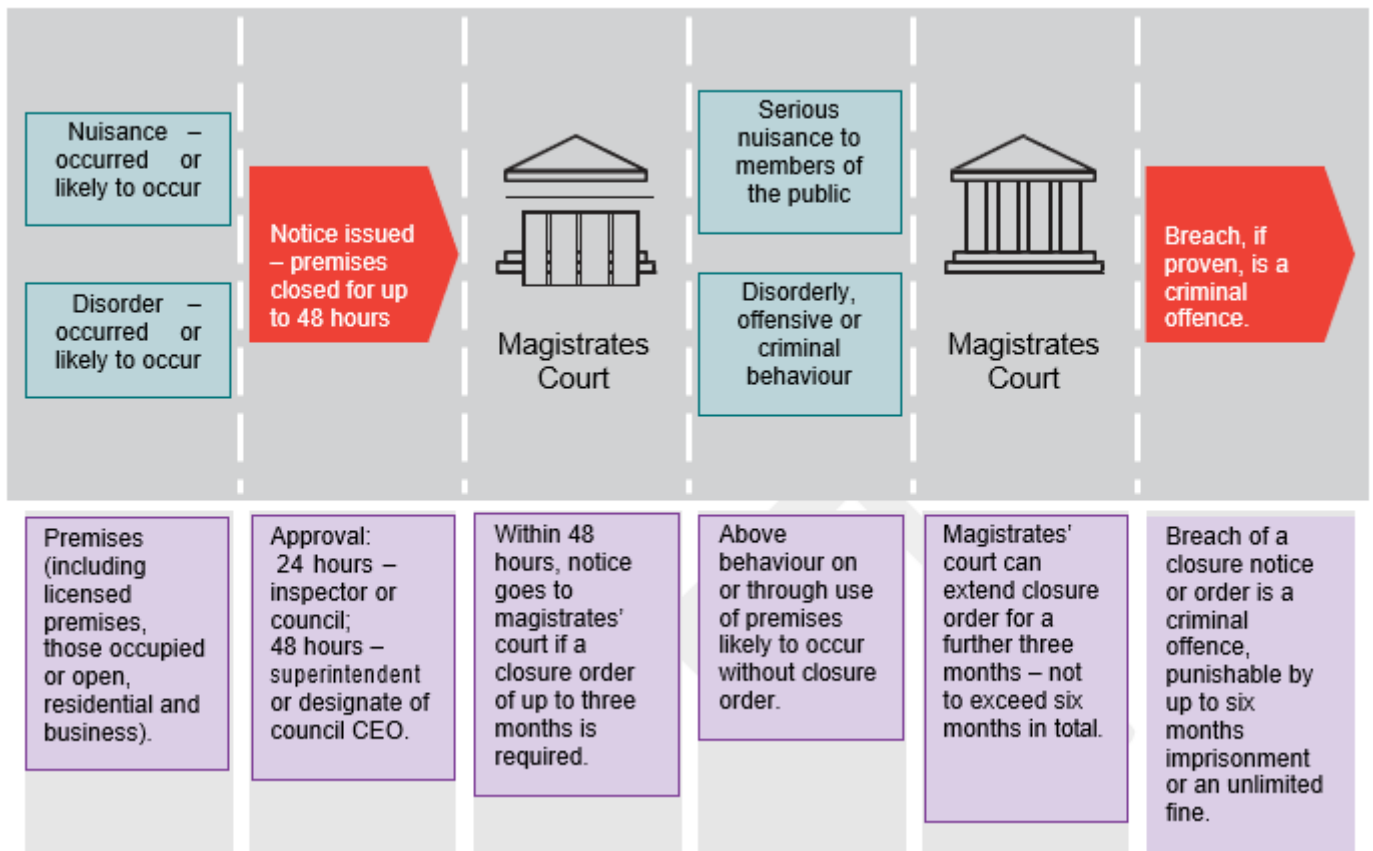
**Changing the terms of an Expedited Public Spaces Protection Order:** The terms of an Expedited Public Spaces Protection Orders can only be varied to address behaviour within the scope of these orders. Similarly, to when making an expedited order, there are no consultation requirements for varying an order. However, the council must receive consent from the relevant authorities as when making an order.

**Restricting access, penalty on breach, appeals and enforcement:** The guidance in section 2.5 for regular Public Spaces Protection Orders on restricting access, penalties on breach appeals and enforcement also apply to expedited Public Spaces Protection Orders.

## 2.7 Closure Power

Purpose	To allow the police or council to close premises quickly which are being used, or likely to be used, to commit nuisance or disorder.
Applicants	<ul style="list-style-type: none"> <li>Local council.</li> <li>County Council (only in Wales and only in England if there is no district council in the area)</li> <li>Police.</li> </ul>
Test	<p>The following has occurred, or is likely to occur, if the closure power is not used:</p> <p><b>(a) Closure Notice (up to 48 hours):</b></p> <ul style="list-style-type: none"> <li>Nuisance to the public; or</li> <li>Disorder near those premises.</li> </ul> <p><b>(b) Closure Order (up to six months):</b></p> <ul style="list-style-type: none"> <li>Disorderly, offensive or criminal behaviour on the premises;</li> <li>Serious nuisance to the public, or</li> <li>Disorder near the premises.</li> </ul>
Details	<ul style="list-style-type: none"> <li>A police officer or local authority can issue a Closure Notice. Following from this the Closure Order can be applied for no later than 48 hours after service through the courts.</li> <li><b>Notice:</b> can close premises for up to 48 hours out of court but cannot stop owner or those who habitually live there accessing the premises.</li> <li><b>Order:</b> can close premises for up to six months and can restrict all access.</li> <li>Both the Notice and the Order can cover any land or any other place, whether enclosed or not including residential, business, non-business and licensed premises.</li> </ul>
Penalty on breach	<p>Breach is a criminal offence.</p> <ul style="list-style-type: none"> <li><b>Notice:</b> Up to three months in prison.</li> <li><b>Order:</b> Up to 51 weeks in prison.</li> <li>Both: Up to an unlimited fine for residential and non-residential premises.</li> </ul>
Who can appeal	<ul style="list-style-type: none"> <li>Any person who the Closure Notice was served on;</li> <li>Any person who had not been served the Closure Notice but has an interest in the premises;</li> <li>The council (where Closure Order was not made and they issued the notice);</li> <li>The police (where Closure Order was not made and they issued the notice).</li> </ul>
The legislation	Sections 76 to 93 of the Anti-social Behaviour, Crime and Policing Act 2014

## Closure Power



## Purpose

The closure power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder.

## Applicants

The power comes in two stages; the Closure Notice and the Closure Order which are intrinsically linked. The Closure Notice can be used by the council or the police out of court.

Following the issuing of a Closure Notice, an application must be made to the magistrates' court for a Closure Order, unless the closure notice has been cancelled.

## Details

**The legal tests:** A Closure Notice can be issued for 24 hours if the council or police officer (of at least the rank of inspector) is satisfied on reasonable grounds:

- that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public; or

- that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

The Closure Notice can be issued in the first instance for 48 hours or extended from 24 hours up to a maximum of 48 hours by the council's chief executive officer (head of paid service) or designate thereof, or by a police superintendent.

A Closure Order can subsequently be issued if the court is satisfied:

- that a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises; or
- that the use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public; or
- that there has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises, and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.

A Closure Notice cannot prohibit access in respect of anyone who habitually lives on the premises. This means that the notice cannot prohibit those who routinely or regularly live at those premises. It is therefore unlikely to disallow access to, for example, students who live away from the family home for part of the year but routinely return to the family home or those who spend the majority of the week living at the pub in which they work. However, a Closure Order, granted by the court, can prohibit access to those who routinely live at the premises.

In prohibiting access through a Closure Notice it will be important to consider who is responsible for the premises and who may need access to secure the premises. This might not always be the owner, for example an individual managing premises on behalf of an owner who lives abroad may need to secure the premises on their behalf.

**Approvals:** The level or role of employee within the council who can issue a notice for up to 24 hours has not been specified due to the different structures in place in different areas.

In considering who should be authorised as designates of the chief executive officer for the issuing of the 48-hour notice, councils will also want to consider who is delegated to issue the Closure Notice for 24 hours and consider whether the extension to 48 hours should be authorised by an officer of greater seniority, as is the case for the police. This may take into consideration the need for the power to be used quickly, its flexible nature, and equivalent requirement for a police inspector to issue a Closure Notice for 24 hours.

**Notifications:** With every issue of a Closure Notice, an application must be made to the magistrates' court for a Closure Order. Where the intention is to cancel the notice prior to the end of the 48-hour period because a Closure Order or a temporary order is not deemed

necessary, this should be communicated to the court on application for a hearing for the Closure Order.

The police and council will want to consider when the courts will be able to hear the application for the Closure Order. The courts are required to hear the application within 48 hours of the service of the Closure Notice. This 48-hour period for the courts excludes Christmas day. To avoid undue pressure on the courts to hear applications for Closure Orders within 48 hours of serving the Closure Notice, careful thought should be given as to exactly when to serve the Closure Notice. Where possible, it is advisable to liaise with the court's listing office before serving the Closure Notice so that victims can be effectively protected at the earliest opportunity.

**Putting victims first:** The issuing body should undertake to inform the victim of the anti-social behaviour of the Closure Notice and to inform them of the details of the Closure Order hearing where possible and appropriate.

**Temporary orders:** Courts can consider giving an extension of the Closure Notice if required. This can be considered as an option by the magistrates' court at the hearing for the Closure Order. The court can order a Closure Notice to stay in force for a further 48 hours if it is satisfied that this meets the test required for a Closure Notice.

A court may also order that a Closure Notice continue in force for a period of not more than 14 days in circumstances where the hearing is adjourned. A hearing can be adjourned for no more than 14 days to enable the occupier or anyone with an interest in the premises to show why a Closure Order should not be made.

**Partnership working:** Consultation is required as part of the Closure Notice. Before issuing a notice, the police or council must ensure that they consult with anyone they think appropriate. This should include the victim but could also include other members of the public that may be affected positively or negatively by the closure, community representatives, other organisations and bodies, the police or local council (where not the issuing organisation) or others that regularly use the premises. There may also be people who use the premises as access to other premises that are not subject to the closure notice but may be impacted on by the closure.

The method of consultation will depend on the situation and urgency. The police or council will want to consider how to keep a record of those consulted in case challenged at a later date (for instance, as part of a court case).

What to include in a Closure Notice? The Closure Notice should:

- identify the premises;
- explain the effect of the notice;
- state that failure to comply with the notice is an offence;
- state that an application will be made for a closure order;

Anti-social behaviour powers – Statutory guidance for frontline professionals

- specify when and where the application will be heard;
- explain the effect of the closure order; and
- give information about the names of, and means of contacting, persons and organisations in the area that provide advice about housing and legal matters.

Information should be displayed clearly in simple language, avoiding the use of jargon.

**Putting victims first:** It is not necessary to include information about those consulted within an order so as to protect those who may have made a complaint from any retribution. However, the officer issuing the Closure Notice should keep a record of those consulted.

**Access:** There may be times where the closure of premises through a Closure Order has a wider impact. An item may have been left in the premises or access has become restricted to other premises. Where an item has been left on premises it is expected that the police and local council will use their discretion in either allowing access temporarily to enable the individual to retrieve their item or retrieving the item on their behalf. Where an individual access' the premises themselves without communication to the police or council they commit an offence unless they have a reasonable excuse. It is therefore sensible for the police and council to have clear communication with individuals affected.

Where a Closure Order restricts access to other premises or part of other premises that are not subject to a Closure Order the individuals affected will be able to apply to the appropriate court to have the order considered. The court may make any order that it thinks appropriate. This may be a variation order to vary the terms of the order or it could cancel the order if considered inappropriate for it to remain in place.

An authorised person may enter the premises in respect of which a closure order is in force, including to secure it against entry. Where a police constable has made the order, an authorised person is a constable or a person authorised by the chief officer of police for the area in which the premises are situated. Where a local authority has made the order, an authorised person is a person authorised by that local authority.

There is no absolute requirement for local authorities always to provide alternative accommodation; it will be fact specific to the particular situation. Local authorities should take advice from housing lawyers before issuing a closure order which could make any individuals homeless.

**Penalty on breach:** An offence is committed when a person, without reasonable excuse, remains on or enters premises in contravention of a Closure Notice or a Closure Order.

**Closure Notice and temporary order:** Breaching a Closure Notice or temporary order is a criminal offence carrying a penalty of either imprisonment for a period of up to three months or an unlimited fine or both.

**Closure Order:** Breaching a Closure Order is a criminal offence carrying a penalty of either imprisonment for a period of up to six months or an unlimited fine, or both.

**Obstruction:** It is a criminal offence to obstruct a police officer or local council employee who is:

- serving a Closure Notice, cancellation notice or variation notice;
- entering the premises; or
- securing the premises.

This offence carries a penalty of either imprisonment for a period of up to three months or an unlimited fine, or both.

**Who can appeal:** A Closure Notice cannot be appealed. A Closure Order can be appealed. Appeals are to the Crown Court and must be made within 21 days beginning with the date of the decision to which the appeal relates.

An appeal against the decision to issue the order may be made by:

- a person who was served the Closure Notice; or
- anyone who has an interest in the premises upon whom the notice was not served.

Where the court decides not to issue a closure order the following may appeal:

- the police may only appeal where they issued the Closure Notice;
- the local council may only appeal where they issued the Closure Notice.

On appeal, the Crown Court may make whatever order it thinks appropriate. If the premises is licensed the court must inform the licensing authority. It should also be considered whether it is appropriate and possible to update the victim on the progress of the case.

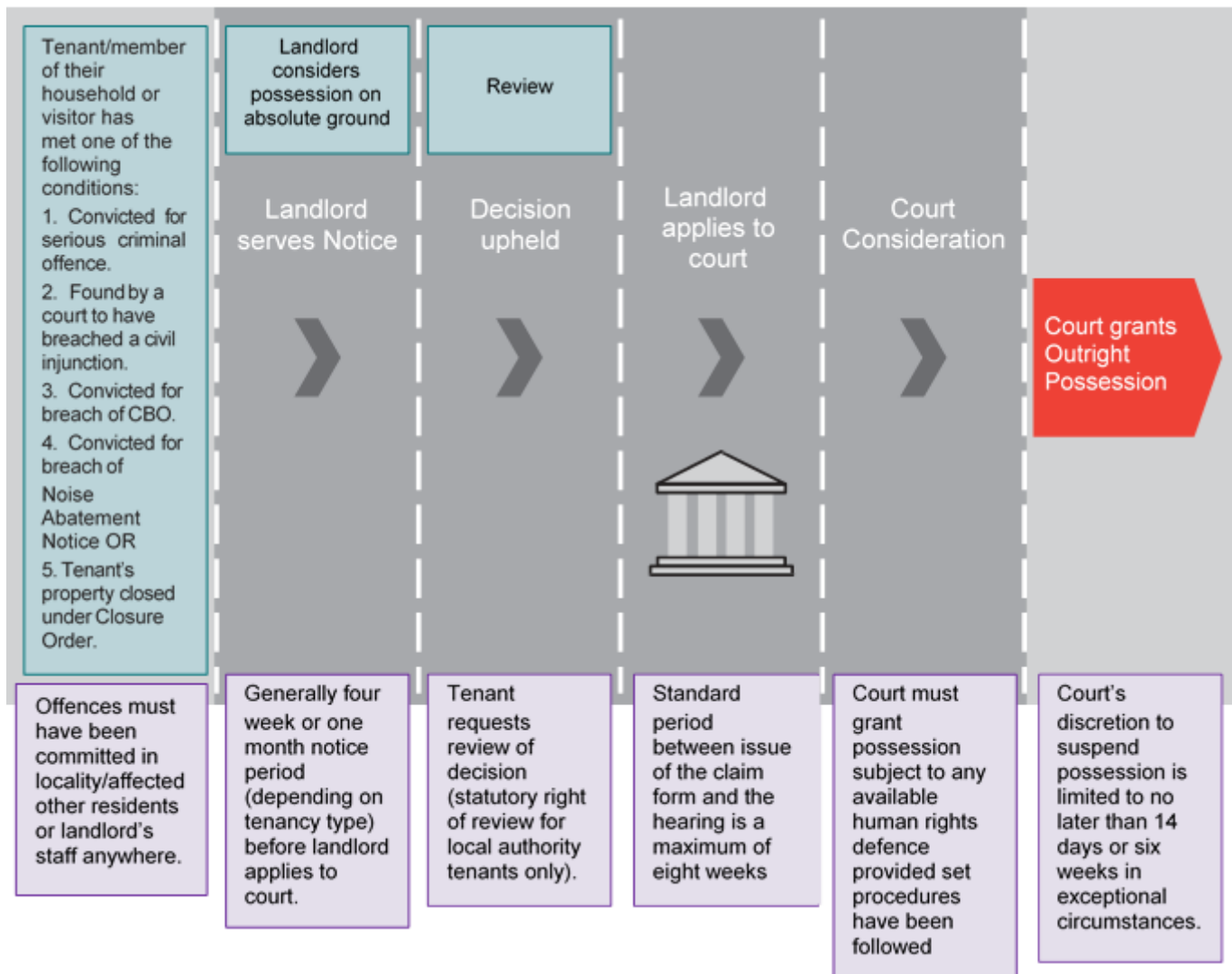


# Non-statutory Guidance

## 2.8 Absolute ground for possession

Overview	The 2014 Act introduced a new absolute ('mandatory') ground for possession of secure and assured tenancies where anti-social behaviour or criminality has already been proven by another court.
Purpose	The absolute ('mandatory') ground expedites the eviction of landlords' most anti-social tenants to bring faster relief to victims.
Applicants / Who can use the new ground	<ul style="list-style-type: none"> <li>• Social landlords (local authorities and housing associations).</li> <li>• Private rented sector landlords.</li> </ul>
Test	<p>The tenant, a member of the tenant's household, or a person visiting the property has met one of the following conditions:</p> <ul style="list-style-type: none"> <li>• convicted of a serious offence (specified in Schedule 2A to the Housing Act 1985);</li> <li>• found by a court to have breached a civil injunction;</li> <li>• convicted for breaching a criminal behaviour order (CBO);</li> <li>• convicted for breaching a noise abatement notice; or</li> <li>• the tenant's property has been closed for more than 48 hours under a closure order for anti-social behaviour.</li> </ul>
Details	<ul style="list-style-type: none"> <li>• Offence/breach needs to have occurred in the locality of the property or affected a person with a right to live in the locality or affected the landlord or their staff/contractors;</li> <li>• Secure tenants of local housing authorities will have a statutory right to request a review of the landlord's decision to seek possession. Private registered providers of social housing in England, and Registered Social Landlords and stock holding local authorities in Wales are encouraged to adopt a similar practice.</li> <li>• Private landlords subject to licensing regimes (such as selective licencing, or for a House in Multiple Occupation) must take reasonable steps to manage ASB and may be required to take steps to reduce any ASB. They may also have to follow a reasonable anti-social behaviour policy</li> </ul>
Result of action	<ul style="list-style-type: none"> <li>• If the above test is met, the court must grant a possession order (subject to any available human rights defence raised by the tenant, including proportionality), where the landlord is a social landlord) where the correct procedure has been followed.</li> </ul>
Important changes/differences	<ul style="list-style-type: none"> <li>• Unlike the discretionary grounds for possession, the landlord is not required to prove to the court that it is reasonable to grant possession. This means the court is more likely to determine cases in a single, short hearing;</li> <li>• This offers better protection and faster relief for victims and witnesses of anti-social behaviour, saves landlords costs, and frees up court resources and time;</li> <li>• It provides flexibility for landlords to obtain possession through this route for persistently anti-social tenants;</li> <li>• The court cannot postpone possession to a date later than 14 days after the making of the order except in exceptional circumstances and cannot postpone for later than six weeks in any event.</li> </ul>
The legislation	<p>Sections 94 to 100 of the Anti-social Behaviour, Crime and Policing Act 2014            Schedule 2, Part I of the Housing Act 1988            Section 84A of the Housing Act 1985</p>

## Absolute ground for possession



## Overview

Prevention and early intervention should be at the heart of all landlords' approaches to dealing with anti-social behaviour.

## Purpose

Prevention and early intervention should be at the heart of all landlords' approaches to dealing with anti-social behaviour. However, the mandatory ground for possession was introduced to speed up the possession process in cases where anti-social behaviour or criminality has been already been proven by another court. This strikes a better balance between the rights of victims and perpetrators and provides swifter relief for those victims. The mandatory ground for

possession is intended to be used in the most serious cases and landlords are encouraged to ensure that the ground is used selectively.

## Details

**Informing the tenant:** Landlords should ensure that tenants are aware from the commencement of their tenancy that anti-social behaviour or criminality either by the tenant, people living with them, or their visitors could lead to a loss of their home under the absolute ground.

**Applicants:** The mandatory ground is available for secure and assured tenancies and can be used by both social landlords and private rented sector landlords. Private rented sector landlords are also able to use the 'no fault' ground for possession, in section 21 of the Housing Act 1988, where this is available. This does not require the tenant to be in breach of any of the terms of their tenancy and, therefore, does not require the landlord to show that it is reasonable to grant possession as long as the relevant notice has been served. However, the 'no fault' ground can only be used at the end of the fixed term of the tenancy, which must be at least six months from the initial inception of the tenancy. The mandatory ground should assist private rented sector landlords to end tenancies quickly in cases of serious anti-social behaviour or criminality that occur during the fixed term of an assured short-hold tenancy.

**The legal tests:** The court must grant possession (subject to any available human rights defence raised by the tenant, including proportionality, where the landlord is a social landlord) provided the landlord has followed the correct procedure and at least one of the following five conditions is met:

- the tenant, a member of the tenant's household, or a person visiting the property has been convicted of a serious offence;
- the tenant, a member of the tenant's household, or a person visiting the property has been found by a court to have breached a Civil Injunction;
- the tenant, a member of the tenant's household, or a person visiting the property has been convicted for breaching a Criminal Behaviour Order;
- the tenant's property has been closed for more than 48 hours under a closure order for anti- social behaviour; or
- the tenant, a member of the tenant's household, or a person visiting the property has been convicted for breaching a noise abatement notice or order.

The offence or anti-social behaviour must have been committed in, or in the locality of, the property, affected a person with a right to live in the locality of the property or affected the landlord or the landlord's staff or contractors.

Serious offences for this purpose include, for example: violent and sexual offences and those relating to offensive weapons, drugs and damage to property. A list of the relevant offences is found in Schedule 2A to the Housing Act 1985.

The ground is available to landlords in addition to the discretionary grounds for possession set out in Schedule 2 to the Housing Act 1985 for secure tenants and Schedule 2 to the Housing Act 1988 for assured tenants. Landlords are able to choose to use the absolute ground, in addition to or instead of the discretionary grounds for anti-social behaviour where one or more of the five conditions are met.

**Partnership working:** Close working relationships with the police, local councils and other local agencies are important to ensure that the landlord is always aware when one or more of the triggers for the absolute ground has occurred.

### **Secured and Assured Tenancies**

**Secure tenants** are generally tenants of local councils. Apart from the absolute ground, secure tenants can be evicted from their property through discretionary grounds for possession in Schedule 2 to the Housing Act 1985.

Tenants of housing associations generally have **non-shorthold assured tenancies**. They can be evicted under mandatory grounds for possession provided for in Schedule 2 to the Housing Act 1988 (for example, for rent arrears) as well as discretionary grounds for possession. Housing association tenants may have assured shorthold tenancies in some instances. Where this is the case the landlord can use section 21 of the Housing Act 1988 as well as the grounds for possession in Schedule 2.

Private rented sector tenants generally have **assured shorthold tenancies**

**Notice requirements:** In order to seek possession under the absolute ground, landlords must serve a notice of the proceedings on the tenant, either:

- within 12 months of the relevant conviction or finding of the court being relied on (or if there is an appeal against the finding or conviction within 12 months of the appeal being finally determined, abandoned or withdrawn); or
- within 3 months where the tenant's property has been closed under a closure order (or if there is an appeal against the making of the closure order, within three months of the appeal being finally determined, abandoned or withdrawn).

The minimum notice period for periodic tenancies is four weeks, or the tenancy period (i.e. the rent period) if longer. In the case of a fixed term tenancy the minimum notice period is one month. The notice is valid for 12 months.

The notice must include the following information:

- the landlord's intention to seek possession under the absolute ground;
- the reasons why they are seeking possession;
- which of the five conditions for the absolute ground the landlord proposes to rely on;
- the relevant conviction, finding of the court, or closure order the landlord proposes to rely on;
- details of any right that the tenant may have to request a review of the landlord's decision to seek possession, and the time within which the request must be made;
- where and how a tenant may seek advice on the notice; and
- the date after which possession proceedings may be begun.

If the landlord wishes to seek possession on one or more of the discretionary grounds as well, they must also specify and give details of the relevant discretionary ground/s in the notice.

There are no prescribed forms of notice for the absolute ground for secure tenancies. In the case of secure tenancies, section 83ZA of the Housing Act 1985 (inserted by section 95 of the Anti-social Behaviour, Crime and Policing Act 2014) specifies that prescribed information must be contained in the notice. However, there is a prescribed form for Notices Seeking Possession under ground 7A in Schedule 2 to the Housing Act 1988, which applies to assured and assured shorthold tenancies.

The provisions of section 83ZA (4) also makes clear that where possession of a secure tenancy is being sought under the absolute ground as well as one of the grounds in Schedule 2 of the 1985 Act, the notice need not be served in a form prescribed by regulations as required by section 83 of the 1985 Act but should follow the requirements of section 83ZA in such circumstances.

In the case of assured tenancies, section 97 of the Anti-social Behaviour, Crime and Policing Act 2014 has amended section 8 of the 1988 Act to modify the notice requirements for possession under assured tenancies to take account of the absolute ground.

The court has no power to dispense with service of a notice for possession under the absolute ground. Therefore, where a landlord decides to seek possession for anti-social behaviour on the absolute ground alongside one or more of the discretionary grounds, the court will not be able to dispense with the notice as they would have been able to do if the possession was sought solely on the discretionary ground.

### **The review procedure:**

- Local council tenants have a statutory right to request a review of the landlord's decision to seek possession under the new absolute ground.
- The request for a review must be made in writing within seven days of the notice to seek

Anti-social behaviour powers – Statutory guidance for frontline professionals

possession being served on the tenant.

- The review must be carried out before the end of the notice.
- The landlord must communicate the outcome of the review to the tenant in writing.
- If the decision is to confirm the original decision to seek possession, the landlord must also notify the tenant of the reasons for the decision.
- If the review upholds the original decision, the landlord will proceed by applying to the court for the possession order.
- The statutory review procedure does not apply to housing associations tenants. However, we expect housing associations to offer a similar non-statutory review procedure (in the same way that they have done for starter tenancies for example).

**Putting victims first:** In preparation for the court process, landlords should consider:

- reassuring victims and witnesses by letting them know what they can expect to happen in court;
- using professional witnesses where possible; and
- taking necessary practical steps with court staff to reassure and protect vulnerable victims and witnesses in court (e.g. the provision of separate waiting areas and accompanying them to and from court).

A private rented sector landlord may be required to follow an Anti-Social Behaviour policy, or to take reasonable steps to manage ASB, if their property is licenced. Tenants can find out if their property is licenced by contacting the local housing authority.

Landlords should also consider providing support/protection for victims and witnesses out of court, at home, and beyond the end of the possession proceedings when necessary.

**Court hearing and defences:** Tenants are entitled to a court hearing. As with other grounds of possession, tenants of public authorities or landlords carrying out a public function are able to raise any available human rights defence, including proportionality, against the possession proceedings.

The court will consider whether such a defence meets the high threshold of being 'seriously arguable' established by the Supreme Court. Subject to any available human rights defence raised by the tenant, the court must grant an order for possession where the landlord has followed the correct procedure.

**Suspension of possession order:** The court may not postpone the giving up of possession to a date later than 14 days after the making of the order; unless exceptional hardship would result in which case it may be postponed for up to six weeks.

## Important differences

Unlike with the discretionary grounds for possession, landlords do not need to prove to the court that it is reasonable to grant possession. This means that the court will be more likely to determine cases in a single hearing, thereby expediting the process.

The mandatory ground is an additional tool which provides more flexibility for landlords but is applicable only in limited circumstances – where a court has already found a tenant or member of their household guilty of anti-social behaviour or criminality in the locality of the property.

The court has no power to dispense with service of a notice for possession under the mandatory ground as they can do under the discretionary ground for anti-social behaviour.

Local council tenants have a statutory right to request a review of the landlord's decision to seek possession under the absolute ground. We expect housing associations to make a similar non-statutory review procedure available to their tenants.

The court only has the discretion to suspend a possession order made under the absolute ground to a date no later than 14 days after the making of the order (unless it appears to the court that exceptional hardship would be caused, in which case it may be postponed to a date no later than six weeks after the making of the order).

# Annex A- Data sharing guidance

Addressing anti-social behaviour (ASB) often includes a range of partners and it is most effectively tackled using a multi-agency response. The ASB principles highlight the ambition for agencies and practitioners to work across boundaries to identify, assess and tackle ASB. Lawful data sharing has an important role within this process.

UK GDPR<sup>6</sup> and DPA 2018<sup>7</sup> are the principal legislation governing the process of data relating to individuals. The ICO's guide to the GDPR can be found on the ICO website<sup>8</sup>.

Article 5 of the GDPR sets out seven key principles which lie at the heart of the general data protection regime. Article 5(1) requires that personal data shall be:

- processed lawfully, fairly and in a transparent manner in relation to individuals ('lawfulness, fairness and transparency');
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes ('purpose limitation');
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');
- accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');
- kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals ('storage limitation');
- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality')

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<sup>6</sup> UK GDPR- <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/>

<sup>7</sup> DPA 2018 – <http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

<sup>8</sup> ICO guide to GDPR – <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/>



The lawful bases for processing, that can be found on the ICO website, are replicated here:<sup>9</sup>

- **Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.
- **Contract:** the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
- **Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).
- **Vital interests:** the processing is necessary to protect someone's life.
- **Public task:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law
- **Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

It is the responsibility of agencies to consider their role in relation to data sharing as part of the response to ASB. Information governance and legal teams should be engaged where deemed appropriate to ensure data sharing is necessary, proportionate and legal. Organisations should also document the nature, basis and agreement of data sharing in line with the GDPR principle of accountability. This will include having data sharing agreements in place among all the parties involved that are regularly updated and signed-off at the appropriate level.

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<sup>9</sup> <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/>

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# PART A - Initial Impact Assessment

**Proposal Name:** City Centre Public Spaces Protection Order

**EIA ID:** 2266

**EIA Author:** Amanda Perrott (HSG)

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**Proposal Outline:**

The Anti Social Behaviour Team is proposing that the Communities, Parks and Leisure Policy committee approve commencement of a consultation process on a draft public spaces protection order. Like all major town and city centres, in Sheffield, there are people who behave in a way that causes harassment, alarm and distress, and which impacts on businesses and members of the public. This anti social and criminal behaviour includes passive and aggressive begging, misuse of alcohol and drugs, drug dealing, shoplifting, public urination and defecation, and using foul/abusive/threatening language and behaviours. These behaviours seen in the city centre are linked to both 'street culture' (defined as people who spend a disproportionate amount on the streets) and the night-time economy. The city centre is identified as a 'key location' by the Safer Sheffield Partnership due to the levels of reported anti social behaviour and crime. Partnership work is taking place to identify those responsible, address support needs, and take enforcement actions where appropriate. Despite this, significant and continuing reports of ASB in the city centre persist, which impacts businesses, residents, visitors and the reputation and perception of Sheffield City Centre. The purpose of a PSPO is to prevent people or groups committing anti-social behaviour in a public space where the behaviour is having, or likely to have; a detrimental effect on the quality of life of those in the locality; be persistent or continuing in nature; and be unreasonable. The order can place restrictions and requirements on people using the area. These restrictions can be 'blanket' (e.g. applying to everyone at all times) or targeted at specific behaviours by particular groups at certain times (for example 'alcohol is not to be drunk in a particular location between specific times'). The proposed restrictions relate to; 1. Street drinking/consumption of alcohol in a public place 2. Begging 3. Loitering 4. Drug use 5. Public urination 6. Defecation Restrictions on behaviours listed above may have an impact on those with protected

characteristics, or those who are vulnerable due to substance misuse/addiction.

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Proposal Type: Non-Budget

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Year Of Proposal: 23/24

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Lead Director for proposal: Lorraine Wood

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Service Area: Neighbourhoods - Communities - Safer Neighbourhood Team - Anti Social Behaviour

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EIA Start Date: 27/07/2023

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Lead Equality Objective: Break the cycle and improve life chances

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Equality Lead Officer: Ed Sexton

## Decision Type

Committees: Policy Committees

- Communities, Parks & Leisure

## Portfolio

Primary Portfolio: Neighbourhoods

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EIA is cross portfolio: No

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EIA is joint with another organisation: **Page 156**

## Overview of Impact

### Overview Summary:

For all behaviours a PSPO would seek to prohibit we have considered how this might affect all groups/interests. Largely there will be a neutral impact. People sharing certain protected characteristics may be expected to benefit particularly from a reduction in ASB. For example, in considering Age, children visiting the city centre; or and young people displaying these behaviours, who then be routed to appropriate support. There is potential for those with disabilities to be impacted by the prohibitions. The enforcement approach to a PSPO would be a graduated approach, focussing on harm reduction, starting with identifying and engaging the right support to address underlying/unmet need to lead to a change in behaviour. Where, for example, mental health issues are present these will be taken into account by officers in any enforcement decision making. It is likely that some people who may be subject to PSPOs would themselves also be vulnerable to other people's ASB, potentially at a more serious level. The assessment therefore of who may or may not come under the scope of a PSPO is not binary.

### Impacted characteristics:

- Poverty & Financial Inclusion
- Age
- Voluntary/Community & Faith Sectors
- Sexual Orientation
- Sex
- Religion/Belief
- Race
- Pregnancy/Maternity
- Partners
- Health
- Gender Reassignment
- Disability
- Cohesion
- Carers
- Armed Forces

### Impacted local area(s):

Central

## Cumulative Impact

Does the proposal have a cumulative impact:

Yes

The decision to approve commencement of a public consultation taken by the Policy Committee. In order to do this, the Committee will consider a recommendation by officers that tackle a problem, the evidence to support that recommendation, restrictions within the draft PSPO are justified and reasonable (link below) around PSPO's which recommends consulting vulnerable impact, e.g people who are homeless  
file:///C:/Users/AP93197/Downloads/ASBStreetHomelessne  
Pre-engagement has already happened with relevant stakeholders Yorkshire Police etc. Pre-engagement work has been carried out as part of an evidence gathering exercise a survey was carried out in the city centre. 100 responses were received detailing their behaviour

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Impact areas:

Geographical Area, Across a Community of Identity/Interest

## Initial Sign-Off

Full impact assessment required:

Yes

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Review Date:

27/01/2024

## PART B - Full Impact Assessment

### Health

Staff Impacted:

No

Customers Impacted:

Yes

**Description of Impact:**

Positive - prohibitions linked to alcohol misuse, drugs, public urination and defecation can mean a PSPO is an important first step to get people to access support to address underlying/unmet need and affect long term behavioural change. Prohibitions on public urination and defecation can help reduce associated public health risks from infectious diseases.

**Name of Lead Health Officer:**

**Comprehensive Assessment Being Completed:**

No

**Public Health Lead signed off health impact(s):**

**Age**

**Staff Impacted:**

No

**Customers Impacted:**

Yes

**Description of Impact:**

Positive - if young people are identified carrying out any prohibited behaviours officers will take appropriate safeguarding action. Those impacted by these behaviours include young people. Recent pre-engagement with young people around their experiences of ASB in the city centre and feelings of safety shows around 60% of young residents reporting feeling unsafe in the city centre. The business surveys completed show anecdotally that families with young children are avoiding the city centre so as to not expose their children to the very visible ASB occurring. The evidence base does not highlight young residents as particular perpetrators of these behaviours, and therefore do not expect a disproportionate impact as they will not be targeted, there is however the risk that young people may be at risk of being drawn/coerced into these behaviours. If young residents are found to be behaving anti socially then the enforcement approach would centre around use of appropriate powers for young people, such as acceptable behaviour contracts, rather than Fixed Penalty Notices.

## Armed Forces

Staff Impacted: No

Customers Impacted: Yes

Description of Impact: There is potential for ex armed forces personnel to be amongst those involved in the street culture (begging, street drinking) A PSPO is an important first step in engaging those into support to address underlying/unmet need.

## Carers

Staff Impacted: No

Customers Impacted: Yes

Description of Impact: Carers may be indirectly impacted if they are caring for people with disabilities who are either perpetrating this ASB or at risk from it.

## Cohesion

Staff Impacted: No

Customers Impacted: Yes

Description of Impact: There is an existing community tension impact assessment in the city centre, a PSPO would help address feelings of safety.

## Disability

Staff Impacted: No

Customers Impacted: Yes

Description of Impact: An action plan to address anti-social behaviour linked



to 'street culture' in the city centre has been developed by officers in the Community Safety Team. This outlines a comprehensive approach encompassing:

- Education. Information provided to businesses and members of the public in the city centre. This includes advice on how to report issues, information on what is being done and initiatives such as Help Us Help and the recently launched Business and Retail Guide.
- Engagement / Support. Cross agency information sharing and support for individuals involved in street culture and causing anti-social behaviour. These are frequently people with multiple complex needs.
- Enforcement. A 'harm reduction enforcement pathway' has been developed, linked to research that enforcement actions are more likely to be effective, and be a catalyst for helping people away from street culture, when they are integrated with targeted support. Officers will take into account disabilities e.g mental health, when making enforcement decisions/taking action. There is a link co-existing severe mental illness and substance abuse - the interventions arising from the PSPO would be linked to harm reduction initially, not just more punitive measures. These individuals are likely to be subject to the prohibitions of the order however the long term aims of the PSPO are to benefit both victims and perpetrators.

## Gender Reassignment

<b>Staff Impacted:</b>	No
<b>Customers Impacted:</b>	No
<b>Description of Impact:</b>	PSPO is not gender specific, it will apply to all, equally

## Partners

<b>Staff Impacted:</b>	Yes
<b>Customers Impacted:</b>	Yes
<b>Description of Impact:</b>	Businesses and shops are a central part of city centre life, their views have been sought in pre-engagement

and 97 out of 100 businesses who responded have experienced ASB, for the majority, this is a daily occurrence. Businesses, Sheffield BID would welcome a PSPO and feel the benefit of it. Enforcement of a PSPO is by SYP & SCC, which could lead to demand pressures. An enforcement approach is being developed jointly to address this. There is also the possibility that other services, such as those that support vulnerable people, may see an increase in referrals

## Poverty & Financial Inclusion

**Staff Impacted:** No

**Customers Impacted:** Yes

**Description of Impact:** Not all of those begging are experiencing poverty/homelessness/destitution. Research shows the majority of funds raised through begging are used to sustain a significant substance misuse problem, rather than food and shelter. However some people begging will be experiencing poverty. A PSPO would be an important first step in engaging people with the right support to address why they are begging e.g homelessness. PSPO is designed as a deterrent and there will be a graduated enforcement approach however ultimately, penalty for breach of a PSPO, is a Fixed Penalty Notice of £100 which some people may struggle to pay. Prosecution for not paying a fixed penalty notice can open up other enforcement options, such as a Criminal Behaviour Order on conviction or an injunction, which can impose positive requirements to address underlying issues. As stated the enforcement approach will be harm reduction focussed, graduated and not just punitive.

## Pregnancy / Maternity

**Staff Impacted:** No

**Customers Impacted:** Yes

**Description of Impact:** Positive - if pregnant women are identified for example street drinking or using drugs then a PSPO can be used

to engage the right support for an expectant mother, to address underlying/unmet need to lead to long term behavioural change, bringing positive outcomes (including health outcomes) for the mother and baby

## Race

Staff Impacted: No

Customers Impacted: No

Description of Impact: The PSPO and enforcement of it is around responding to a known problem. The known perpetrators are mainly white british. The PSPO zone includes an area to the rear of the train station known as 'Steel Steps' and emerging intelligence suggests perpetrators may be younger Asian males. Enforcement of a PSPO however would not target any specific group/s, but the behaviour

## Religion / Belief

Staff Impacted: No

Customers Impacted: Yes

Description of Impact: The Sheffield Cathedral is currently a 'hot spot' for ASB, where people are congregating outside drinking/taking drugs and leaving behind drugs paraphernalia. This is impacting people who wish to visit the cathedral to exercise their religious right to visit places of worship.

## Sexual Orientation

Staff Impacted: No

Customers Impacted: No

Description of Impact: PSPO is not gender specific, it will apply to all, equally. Whilst there has been feedback from businesses in the LBGTQ+ quarter, the issues they are experiencing are

## Voluntary / Community & Faith Sectors

<b>Staff Impacted:</b>	Yes
<b>Customers Impacted:</b>	No
<b>Description of Impact:</b>	As religion section above There is potential for a PSPO to result in increased referrals into the VCF sector, who already work to support and reduce begging and street culture.

## Action Plan & Supporting Evidence

<b>Outline of action plan:</b>	PSPO legislation includes the reasonableness test. Mitigations have been identified within the draft PSPO, 'To encourage vulnerable people to access support services to change behaviour and address underlying or unmet need.' A graduated, harm reduction approach is proposed, focusing enforcement initially on behavioural change. This support element would complement the protection and punitive elements in the PSPO.
<b>Action plan evidence:</b>	SYP information Survey of city centre businesses (via BID, The Moor) Officer insight/knowledge
<b>Changes made as a result of action plan:</b>	

## Mitigation

**Significant risk after mitigation measures:** No

**Outline of impact and risks:**

**Review Date**



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## Report to Policy Committee

**Author/Lead Officer of Report: Lisa Firth**

**Tel: 07867 158407**

**Report of:** Director of Parks, Leisure and Libraries

**Report to:** Communities, Parks and Leisure Policy Committee

**Date of Decision:** 29<sup>th</sup> January 2024

**Subject:** Communities, Parks and Leisure Policy Committee  
Climate Statement

Type of Equality Impact Assessment (EIA) undertaken	Initial <input checked="" type="checkbox"/> Full <input type="checkbox"/>
Insert EIA reference number and attach EIA	EIA ID: 2455
Has appropriate consultation/engagement taken place?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below: -	
<p><i>“The (<b>report/appendix</b>) is not for publication because it contains exempt information under Paragraph (<b>insert relevant paragraph number</b>) of Schedule 12A of the Local Government Act 1972 (as amended).”</i></p>	

### Purpose of Report:

The report aims to present the Communities, Parks, and Leisure Policy Committee Climate Statement for consideration by the Housing Policy to ensure that the proposed actions are reflected in the work programme of the committee.

The Communities, Parks, and Leisure Policy Committee climate statement seeks to

1. Respond to the Annual Climate Progress Report 2022/23 in a timely manner.
2. Restate the cross-party council commitment to taking what action we can to address the climate emergency, adapt our city and council for a changing climate and reduce emissions to achieve our ambition to be a net zero city and council by 2030.

3. Increase understanding of the impact climate change will have on committees, the opportunities that tackling climate change offers, and the contribution to climate and net zero action each committee is currently making and needs to make moving forward.



**Recommendations:**

The Communities, Parks, and Leisure Policy Committee is recommended to:

- a) Consider the Statement of Climate Commitments relevant to the Communities, Parks, and Leisure Policy Committee
- b) Resolve that it is satisfied that the actions contained within the Statement of Climate Commitments are reflected in the Work Programme of the Communities, Parks, and Leisure Policy Committee.
- c) Consider whether any amendments to the Work Programme of the Communities, Parks, and Leisure Policy Committee are required in order to best meet the actions contained within the Statement of Climate Commitments

**Background Papers:**

- 10 Point Plan on Climate Action
- Our Council and The Way We Travel Decarbonisation Routemap
- Annual Climate Progress Report 2022/23
- Sheffield City Council Constitution of 6 Sep 2023

Lead Officer to complete:-					
1	<table border="1"> <tr> <td>I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed.</td> <td>           Finance: Adrian Hart (awaiting confirmation we can use original consultation)            Legal: Louise Bate            Equalities &amp; Consultation: Ed Sexton            Climate: Mark Whitworth         </td> </tr> </table>	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed.	Finance: Adrian Hart (awaiting confirmation we can use original consultation) Legal: Louise Bate Equalities & Consultation: Ed Sexton Climate: Mark Whitworth		
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	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>				
2	<table border="1"> <tr> <td><b>SLB member who approved submission:</b></td> <td>Kate Josephs, Chief Executive</td> </tr> </table>	<b>SLB member who approved submission:</b>	Kate Josephs, Chief Executive		
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4	<table border="1"> <tr> <td colspan="2">I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.</td> </tr> <tr> <td><b>Lead Officer Name:</b> Lisa Firth</td> <td><b>Job Title:</b> Director Parks, Leisure and Libraries</td> </tr> </table>	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.		<b>Lead Officer Name:</b> Lisa Firth	<b>Job Title:</b> Director Parks, Leisure and Libraries
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<b>Lead Officer Name:</b> Lisa Firth	<b>Job Title:</b> Director Parks, Leisure and Libraries				

1.	<b>SUMMARY</b>
1.1	The climate emergency is one of the biggest challenges we will face as a city, region, country and global community. It is acknowledged that achieving net zero by 2030 is going to be extremely challenging but publication of the Annual Climate Progress Report (approved by Transport, Regeneration and Climate Policy Committee 11 <sup>th</sup> December 2023) has highlighted the scale of the challenge in the public domain.
1.2	The report shows while action is being taken and progress is being made in some areas of work, we have not reduced emissions at the pace and scale required to meet our 2030 target. It is clear that to achieve this target and to stay within the city's Carbon Budget, urgent action is needed at a scale not seen before, and maintaining an ambitious target is important in funding discussions and to enable robust policy frameworks to be developed.
1.3	Sheffield is not unusual amongst local authorities in the position in which we find ourselves. The Committee on Climate Change reported in summer 2023 that the lack of investment and consistent policy supporting the UK's legally binding target of achieving net zero by 2050 means that UK is at risk of missing its 2050 target and the announcement from Government in September 2023 to delay key climate change related legislation exacerbates this. We face a period of increased uncertainty around the policy levers that will be available in the coming years to support us to deliver our climate action at pace and at scale. We are working closely with other leading local authorities to both seek to influence government to make the policy changes needed to escalate our activity, and to explore options for seeking investment.
1.4	Further to this, significant additional resources from central government will be required to help us to meet our ambitions and realise the opportunities that climate action brings. We will continue to work with government and the Mayoral Combined Authority to influence this.
1.5	While the Sheffield City Council Constitution requires all committees to take climate into consideration in decision-making, we think it would be helpful to clarify the impacts that climate change will have on committees, the opportunities that tackling climate change offers and the role that all committees can and need to make towards Sheffield achieving its climate and net zero ambitions if we are to succeed.
1.6	The Committee Climate Statements:

	<ol style="list-style-type: none"> <li>1. Publicly respond to the report in a timely manner.</li> <li>2. Restate the cross-party council commitment to taking what action we can to address the climate emergency, adapt our city and council for a changing climate and reduce emissions to achieve our ambition to be a net zero city and council by 2030.</li> <li>3. Increase understanding of the contribution to climate action that each committee is currently making and need to make moving forward.</li> </ol> <p>The full set of statements is at appendix 1.</p>
1.7	The statements set out (1) our commitment to addressing climate change, (2) how climate change relates to our committees, and (3) how it relates to each of our specific policy committees.
1.8	‘Our commitment to addressing climate change’ reiterates the cross-party and council-wide commitment to taking what action we can to address the climate emergency, adapt our city and council for a changing climate and reduce emissions to achieve our ambition to be a net zero city by 2030. It also states a commitment to requiring services to plan for adapting to the changing climate.
1.9	‘How climate change relates to our committees’ reiterates the constitutional requirement for all committees to consider climate, and outline of the specific committees for which further content has been developed.
1.10	‘Our commitment to addressing climate change’ and ‘How climate change relates to our committees’ statements were approved by Strategy and Resources Policy Committee at its meeting held on 13 December 2023. A decision/approval of these sections is not required by this committee.
1.11	<p>‘How climate change relates to each of our specific policy committees’ contains a specific statement from Communities Parks and Leisure Committee. These statements set out the following against the committees remit:</p> <ul style="list-style-type: none"> <li>• Related or relevant City/Sector/Council emissions.</li> <li>• Impacts of climate change and benefits of acting.</li> <li>• How the committee can contribute and support climate action through decision-making.</li> <li>• Key actions on the current committee work plan and council service plans that strongly support climate/net zero.</li> </ul>
1.12	The vast majority of the action that is required to tackle climate change will have benefits beyond reducing carbon emissions and so the content of the statements also draw attention to the socioeconomic, health and wellbeing and other benefits to taking action on climate change.

<b>2.</b>	<b>HOW DOES THIS DECISION CONTRIBUTE?</b>
2.1	In 2019, the council declared a climate emergency and set an ambitious target to become a net zero city and council by 2030. Our vision and the actions we are taking have been further set out in the '10 Point Plan for Climate Action' and the 'Our Council and The Way We Travel Decarbonisation Routemaps'.
2.2	The Council Plan 2024/25 went to the Strategy and Resources Committee on 13th December 2023, and sets out our mission and purpose to focus on "people, prosperity and planet" in everything we do. The plan was endorsed and is now subject to consultation, will be coming back to the Strategy and Resources Committee in February and then on to Full Council for full approval.
2.3	The statements will support action within the local authority and city to make progress towards net zero and to adapt to climate change by increasing understanding of the contribution to climate action that the Communities, Parks and Leisure committee is currently making and need to make moving forward through decision-making.
<b>3.</b>	<b>HAS THERE BEEN ANY CONSULTATION?</b>
3.1	The Communities, Parks and Leisure Committee climate statement is for information only and does not explicitly require consultation.
3.2	We held a Climate Summit event in November 2022 to bring together a wide range of organisations across the city to start exploring the action needed on climate change.
3.3	Climate has been a strong theme in the City Goals consultation.
3.4	Individual decisions of the Communities, Parks and Leisure Committee are either currently subject to the relevant consultation or will be in the future.
<b>4.</b>	<b>RISK ANALYSIS AND IMPLICATIONS OF THE DECISION</b>
4.1	<u>Equality Implications</u>
4.1.1	It is widely recognised that climate change will have a more negative effect on people with protected characteristics, particularly people living in poverty, people with some long-term health conditions and disabilities and people from ethnic minorities, who are disproportionately likely to both experience disability and poverty. Young people are also acutely impacted, both due to climate anxiety now, and by being more impacted by climate change throughout their lifetimes.

4.1.2	The transition to a net zero society is happening independently of any decision of Sheffield City Council, but the local authority has an ambition to reach net zero by 2030, well ahead of the national target, and this creates additional challenges. The Council has a key role to play in ensuring that the transition happens in a way which ensures both climate justice and social justice.
4.1.3	The statements also draw attention to the socioeconomic, health and wellbeing and other benefits to taking action on climate change, increase understanding that failing to act to address climate change will likely result in wider and greater inequality, and that activity taken to address climate change can also address social justice to deliver strong co-benefits.
4.1.4	We are committed to ensuring that our action on the climate emergency is grounded in our values of promoting equality, diversity and inclusion for all. A full Equality Impact Assessment has been undertaken alongside the creation of the 10 Point Plan for Climate Action in 2022, as well as initial assessment for the Our Council and The Way We Travel route maps.
4.1.5	An initial assessment has been undertaken on the Committee Climate Statements (2455). As decisions are made on specific decisions, full Equality Impact Assessments will be prepared where appropriate for individual decision and actions and was not required on the composite of Committee Climate Statements.
4.1.6	We further consulted with the Equalities and Engagement service in relation to each of the specific committee statements who confirmed that the EIA 2455 remains appropriate at this stage on the basis that decisions are made on specific decisions, full Equality Impact Assessments will be prepared where appropriate for individual decision and actions and a further Equality Impact Assessment was not required at this stage.
4.2	<u>Financial and Commercial Implications</u>
4.2.1	There are no financial and commercial implications arising directly from this report, however there are financial implications of Net Zero by 2030 and climate change.
4.2.2	Tackling the climate emergency and responding to the national and global changes that are facing the city will require multi-billion-pound investment over many years. It was recognised in the 10 Point Plan for Climate Action published in 2022 that it will not be possible to find the necessary finance within the local authority's, or the city's, existing resources. One of the ten points in the 10 Point Plan was specifically focused on the exploration of external funding streams and this work is ongoing.

4.2.3	The Our Council route map chapter commits the local authority to prioritising climate action in our budgeting, and officers will need to work with Members to commit to specific sums or projects. Whilst sourcing the up-front investment is challenging, decarbonising the Council's estate and fleet can result in savings in ongoing energy costs.
4.2.4	Action will also need to be taken that commits us to working to reduce the carbon emissions we are indirectly responsible for through our procurement. These may potentially have additional up-front costs, but decisions will be taken on a case-by-case basis.
4.2.5	Many of the actions that we will need to take in order to achieve our ambitions will require working differently or taking decisions in ways which ensure that we do not increase our carbon emissions. Some of these decisions may have additional short-term costs, but in many cases, whole life costing may demonstrate that additional up-front investment has long term benefits. In other cases, the action that is taken can reduce service costs without significant additional investment (for example by reducing the milage of our fleet, changing the way we use our equipment or buildings or buying less and reusing more).
4.2.6	The true financial implications of the decarbonisation of the local authority and city housing are difficult to quantify, and the costs of not taking or delaying action are equally difficult to quantify. There is increasing recognition that, globally, delayed action will increase the eventual costs. Locally, this is more difficult to estimate, but the climate is changing and investment in mitigation works that also enable adaptation are likely to have long term benefits both in terms of reduced requirement for retrofit in future, but also in terms of potentially reduced health and social care costs. An example of this is building well-insulated homes with renewable energy. Similarly, other actions which have dual outcomes may potentially have positive benefits (for example, action taken to decarbonise and create a sustainable economy may result in increased business rates).
4.2.7	The Strategy & Resources paper looked at other actions the Council may take which have upfront costs which may be mitigated by savings through a life-cycle costing. Examples are renewable energy installations to generate revenue and buildings with a low energy demand to have long term cost savings through lower running costs. Each proposal will require a life-cycle costing to ensure any proposal is financially viable.
4.3	<u>Legal Implications</u>
4.3.1	There are no legal implications arising out of this report. There may be legal implications arising from decisions and actions arising from the implementation of proposals, and these proposals and their legal implications will be the subject of further reports where required.

4.4	<u>Climate Implications</u>
4.4.1	The Statements in themselves do not increase, maintain or reduce GHG emissions against any of the categories. However, they restate our climate commitments amidst a challenging time, commit to developing council-wide service climate adaptation plans, and include an overview of and commitment to the decisions that committees intend to take to support and accelerate net zero and climate action at pace and scale.
4.4.2	By communicating commitment and increasing understanding of how the Communities, Parks and Leisure Committee can support delivery of those commitments at pace and scale through decision-making, it is considered that if utilised, they have the potential to contribute to large reductions in emissions and increased climate action at pace and scale over the coming years and support an overall moderate decrease in emissions and climate adaptation for the future.
4.4.3	It is important to note however that realisation of climate benefits is reliant on future decision-making being in line with the commitments outlined.
4.4.4	Decisions are made on specific decisions and action, and initial/full Climate Impact Assessments will be prepared where appropriate for individual decision and actions.
4.5	<u>Other Implications</u>
4.5.1	<u>Human Resources</u>
4.5.1.1	There are no HR implications arising directly from this report, however there may be HR implications arising from decisions and actions arising from the implementation of proposals.
4.5.1.2	We need actions that support the council to become a climate competent organisation, employees to become carbon literate, to include our position in induction and in job roles and descriptions, and it is clear that the action that is needed to make both the Council and city net zero will require employees across the organisation to play their part. As time goes on, retraining is likely to be needed for employees, including those in roles working with technology that becomes obsolete.
4.5.1.3	Proposals and their HR implications will be the subject of further reports where required.
4.5.2	<u>Public Health</u>

4.5.2.1	There are no public health implications arising directly from this report, however there may be public health implications arising from decisions and actions arising from the implementation of proposals.
4.5.2.2	The climate emergency is recognised by the Director of Public Health as a public health emergency. Climate change is the greatest global health threat facing the world in the 21st century, but it is also the greatest opportunity to redefine the social and environmental determinants of health. It threatens to undermine the last 50 years of gains in public health, intensifying heatwaves and extreme weather events, worsening flood and drought, altering the spread of infectious diseases, and exacerbating poverty and mental ill-health. However – and crucially - the response to climate change brings immense benefits for human health in Sheffield, with the potential for cleaner air, healthier diets, and a more liveable city.
4.5.2.3	Across all the work that we do to mitigate and adapt to climate change, it will be important to understand where our actions might widen inequalities and then act to mitigate against that widening of inequalities, for example, through provision of additional support to those people that are most impacted by the effects of climate change.
<b>5.</b>	<b>ALTERNATIVE OPTIONS CONSIDERED</b>
5.1	Not providing committee climate statements considered due to the resource required to collate.
5.2	Providing more detailed Committee Climate Statements that provided an overview of strategic climate goals, with each Chair then reading the committees statement publicly at their respective committee meeting following release of the report.
<b>6.</b>	<b>REASONS FOR RECOMMENDATIONS</b>
6.1	It is important that the response to the Annual Climate Progress Report is open and transparent in setting out the challenges which the local authority faces in making progress and clarifies future expectations on the part we all have to play in addressing climate change.
6.2	Committee do not currently have specific strategic goals for climate. The process required to develop these, and have the statements approved to be read at each committee meeting meant that option 5.2 was not feasible with the available resource and timeframe.



Sheffield City Council  
**Our Statement of Climate  
Commitments**

**December 2023**



# Contents

<b>Our commitment to addressing climate change</b>	<b>3</b>
<b>How climate change relates to our committees</b>	<b>3</b>
<b>Policy Committee Statements</b>	<b>4</b>
Transport Regeneration and Climate Policy Committee	4
Strategy and Resources Policy Committee	8
Finance Committee	10
Housing Policy Committee	12
Economic Development and Skills Policy Committee	15
Communities, Parks and Leisure Policy Committee	17
Waste and StreetScene Policy Committee	19
Education, Children and Families Policy Committee	22
Adult Health and Social Care Policy Committee	23

# Our Commitment to Addressing Climate Change

On 11<sup>th</sup> December 2023, the Transport, Regeneration and Climate Policy Committee approved the first Annual Climate Progress Report since Sheffield City Council declared a climate emergency in 2019 and set an ambitious target to be a net zero city by 2030.

This report highlighted that progress has been made, however it is not at the pace and scale needed to meet our 2030 target:

- 12.03% reduction in Sheffield City CO<sub>2</sub>e emissions between 2017 and 2021
- 3% reduction in Sheffield City Council CO<sub>2</sub>e emissions between 2019 and 2022
- Sheffield is expected to exceed its recommended carbon budget for 2018-2022

The climate emergency is one of the biggest challenges we will face as a city, region, country and global community. Following the announcement from Government in September 2023 to delay key climate change related legislation, we face a period of uncertainty around the policy levers that will be available in the coming years to support us to deliver our climate action at pace and at scale. Further to this, significant additional resources from central government will be required to help us to meet our ambitions and realise the opportunities that climate action brings. We will continue to work with government and the South Yorkshire Mayoral Combined Authority to influence this.

We, as elected Members, wish to restate our support and commitment to the targets that Sheffield has set around addressing climate change. We remain committed to tackling challenges that can be addressed by this council, using the opportunities and levers that are available to us. We also commit to developing council-wide climate adaptation plans within each of our service areas. By working together with Sheffield's communities, businesses, institutions and partner organisations to reduce our carbon emissions and adapt to our changing climate, we can minimise the impact of change, realise the widespread benefits of investing in homes and new technologies, and address issues around social justice.

## How Climate Change Relates to Our Committees

It is stated in the Sheffield City Council Constitution under the council functions of each committee that 'when devising policy, evaluating service delivery and taking decisions the committee must consider...climate and biodiversity'. In relation to climate change, each of our committees' work is impacted and affected by other

committees' decisions, and we will only succeed if we take a cross-committee approach to climate action.

The following pages set out how climate change relates to the nine policy committees and highlights key activity on the current work plans and service plans that support net zero and address climate change.

# Policy Committee Statements

## Transport, Regeneration and Climate Change Policy Committee

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The Transport, Regeneration and Climate Change Policy Committee's remit is to provide oversight and steer in relation to climate and net zero, as well as for specific regeneration and transport activity.

The latest CO<sub>2</sub>e emissions data set released by the Department of Energy Security and Net Zero (DESNZ) in 2023, shows Sheffield's 2017 baseline emissions at 2,580 ktCO<sub>2</sub>e, with the largest contributors being the housing sector (30%), followed by industrial and commercial (24%), and transport (22%) sectors. In 2021, the latest year for which data is available, Sheffield produced 2,270 ktCO<sub>2</sub>e. This showed a reduction in annual emissions by 310 ktCO<sub>2</sub>e (12.03%) since the 2017 baseline, but an annual increase of 89 ktCO<sub>2</sub>e (4.09%) since the previous year, 2020.

The impacts of climate change will be very significant for the city. They are many and varied, and include increased extreme weather events, increased risk of flooding and drought, ecological degradation, higher goods, services and energy costs, food and water insecurity, and reduced health and well-being. Those in vulnerable groups, already living in poverty or in deprived communities will be most affected, and the impacts of climate change are likely to further increase the number of people within these groups.

Some of these impacts are unfortunately now inevitable, however any delay in acting will only increase the scale and severity of the impacts in the future. We need to, and can, act now to minimise, mitigate and adapt to the changing climate. This committee will lead the council's response to the climate emergency by taking decisions which:

- support the development and integration of climate action as a cross-cutting issue, embedding climate responsibility across the organisation and city
- take a longer-term approach, particularly where data or funding requirements for future years may be unclear, or where benefit realisation is not immediate
- take a proactive approach to climate leadership and highlight climate as an issue of significant strategic importance
- take a pro-active approach to the management and mitigation of climate adaptation, recognising it as a significant financial and wider risk to the council and city
- are aligned with policy and strategy, backed by robust evidence, and supported by inclusive and balanced public engagement which seeks to reach a wide range of views, including less-heard communities, those likely to be disproportionately affected and the majority of the population who polling evidence suggests are concerned about and want to see action on climate change, but do not regularly engage with the council.

## Transport

The Transport sector contributed 572.03 ktCO<sub>2</sub>e (22%) to Sheffield's emissions in 2021 and remains the third largest emitting sector in the city. Transport emissions have reduced by 15.9% since 2017, however they increased again by 2.4% between 2020 and 2021. Almost two-thirds of these emissions are from cars and over a quarter from light and heavy goods vehicles, and around 98% of the vehicles in the city are either diesel or petrol.

If the city doesn't act further to shift to low- or zero-emission modes of travel mode and decarbonise its transport system, we could see:

- reduced air quality and increased air pollution-related illnesses such as asthma, strokes, lung cancer, cardiovascular and respiratory disease, and air-quality related deaths
- increasing traffic growth leading to an increase in congestion, journey time, gridlock events and road collisions, and causing disruption to services, businesses and basic amenities
- significant continuing CO<sub>2</sub>e emissions past 2030, due to transport being the third largest sector in Sheffield
- increasing vehicles ownership, exacerbating existing parking constraints and increasing emissions further
- increase in time-poverty for those who do not have the means or capacity to travel by vehicle, are reliant on public transport, or have to trip-chain in order to meet their needs
- increased insecurity over fuel cost and supply.

This committee will contribute to increased travel mode shift, and decarbonising the way we travel, by taking decisions which:

- enable and encourage modal shift towards zero emission travel by supporting increased safe active travel and public transport participation for as many people as possible
- lower resident and business dependency on cars and vehicles to reduce journeys, traffic and vehicle numbers
- lever influence to support businesses in consolidating and decarbonise their freight fleets whilst maintaining efficient and affordable goods movement in the city
- support an equitable provision of infrastructure necessary for the transition to vehicles powered by electricity or alternative fuels, suitable for each locality and community
- give consideration of every opportunity for investing in renewable energy projects on council land and buildings to generate energy and income.

Reducing travel emissions has perhaps the most extensive, strongest and most obvious wider benefits, many of which would be worth the investment even without the carbon benefits:

- increased social inclusion and travel choices as bus and tram services expand and improve, and more people are able, and choose, to use them

- better health and wellbeing as more people walk, cycle and wheel, helping increase healthy life expectancy, reduce absenteeism, and increase productivity
- quieter neighbourhoods with better air quality, where people feel safe to walk and cycle and where children are free to be more independent and to play
- less dependency on car ownership and use reduces the number of cars, improving pressure on car parking and congestion and making neighbourhoods more pleasant places to live and spend time
- new economic and business opportunities are created as the sector grows, and well-planned improvements result in more people visiting local businesses as they travel about their day.

## Regeneration

The impacts of regeneration on our cities are varying and difficult to quantify. Construction activity can be a significant source of emissions, and land-use and surface structure changes can decrease carbon sequestration. However, regeneration also offers the significant opportunity to implement equitable and lasting change in relation to decarbonisation and adapting our city for a changing climate, as we invest in the areas that need improvement and development from a city-wide to neighbourhood level.

The council can lead, influence and support sustainable regeneration by using its spheres of influence, through direct delivery and working with partners to encourage delivery that goes beyond building regulations, facilitates innovation, and showcases good practise for replication at scale. Taking a place-based approach to delivery of regeneration enables a number of varying measures, such as renewable energy generation, electric vehicle charging and sustainable urban drainage, to be incorporated into schemes, to reduce emissions and deliver an adapted, climate-ready and lasting solution, while reducing local disruption and increasing the schemes lifecycle benefits.

If the city doesn't act further to support reducing city emissions and deliver an equitable distribution of regeneration that is adapted for a changing climate, we could see:

- increased infrastructure maintenance and repair costs, as well as an increased cost and occurrence of abortive works
- increased costs for future schemes
- increased property and infrastructure damage from extreme weather events such as flash flooding, drought and heat waves
- on-going and repeated local disruption from multiple schemes as we deliver the action needed to respond to the climate emergency
- loss of green-space, reduced carbon sequestration and ecological degradation
- a city, neighbourhoods and infrastructure that does not meet the changing future needs of its residents.

This committee will contribute to support sustainable and equitable regeneration, by taking decisions which:

- take a longer-term approach that reduces the need for further future intervention, particularly where investment and innovation in future years is unclear
- support taking a place based, multi-measure approach to maximise climate mitigation and adaptation, and reduce the need for future works to decarbonise and adapt for a changing climate
- give consideration of every opportunity for investing in renewable energy projects on council land and buildings to generate energy and income
- explore opportunities to integrate sustainable urban drainage, following a similar approach to our award-winning Grey to Green schemes to replicate best practice
- Our draft Local Plan requires new developments to cut carbon emissions and supports the council's clear objective to be net zero carbon by 2030.

The benefits of taking this approach are:

- a city, neighbourhoods and infrastructure which is future-proofed and fit for a changing climate, while meeting the needs of our citizens
- supporting a just and fair transition, by ensuring that actions we take consider inequities and have a positive impact on those who are already disadvantaged
- helping to create a more sustainable economy, through supporting the development of local supply chains and skills to deliver our regeneration programmes
- utilising investment in high quality, sustainable public realm to create a setting for wider investment
- helping to support creation of new habitat and improving biodiversity.

### Key Actions

1. Decarbonisation Routemaps	The seven thematic routemaps will set out the vision of a net zero city and council, and the action that will be taken over the next few years to achieve that. The Transport, Regeneration and Climate Committee approved the Our Council and The Way We Travel routemaps on 19 <sup>th</sup> July 2023, and will continue to have oversight, and contribute to, the development of the remaining thematic routemaps.
2. Local and Neighbourhood Transport Programme 2022-2023	The programme for developing and implementing the council's capital transport schemes, including pedestrian and cycling enhancements, electric vehicle charging, highway safety enhancements active neighbourhoods, cycle parking, and signage for active travel routes, wayfinding to public transport and localised pedestrian navigation.
3. Connecting Sheffield	Connecting Sheffield supports mode shift toward zero-carbon travel by delivering high-quality, convenient and safer routes into and around the city for walking, wheeling,



	cycling and public transport, such as the Arundel Bus Gate, Sheaf Valley cycle route, and a number of active neighbourhoods.
4. Sheffield Local Plan	Local Plan addresses climate change through choice of spatial strategy to determine distribution of regeneration and new development and by inclusion of policies in the plan that embed sustainable principles within the decision-making process relating to proposals.
5. Sheffield Flood Programme	Our city-wide flood programme continues, with city flood schemes significantly having reduced impacts in floods experienced in February 2023 and October 2023. Following the completion in October 2023 of the Upper Don Flood Alleviation Scheme phase 1 (Loxley) the business case for phase 2 of the scheme from Neepsend to Kelham will be presented next year (2024/25). This will be followed by proposal for the Sheaf & Porter Catchment Flood Alleviation Scheme which is also in business case development. We will also continue to work with our partners in the Environment Agency, our Parks & Countryside colleagues and wider groups including the Sheffield & Rotherham Wildlife Trust in delivering nature-based flood risk reduction measures across the city.
6. Decarbonisation Routemap: Energy, Generation and Storage	This report will bring forward the Energy Generation and Storage Routemap, setting out city-wide actions up to 2026.

## Strategy and Resources Policy Committee

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The Zero Carbon Mitigation Pathways report on governance recommended that climate change needs to be a central council priority, structuring action around outcomes, and that embedding climate action into the structure of the organisation will be essential to deliver our climate objectives. As the committee with overall responsibility for the development of cross-cutting policy and providing strategic direction to operation of the council, the Strategy and Resources Policy Committee is in a key position to enable this to happen.

The impacts of climate change are many and varied and are predicted to include higher energy and food bills to extreme weather, increased risk of flooding and negative impacts on our health. Our more vulnerable communities are expected to be more negatively affected by these changes, which is why it is essential that as an

organisation we act now to both reduce our impact on the climate, as well as preparing for the changes that are predicted to occur.

This committee will contribute to the council’s net zero ambitions and to adapting to climate change, by taking decisions which:

- support the development and integration of climate action as a cross-cutting issue, embedding climate responsibility across the organisation
- ensure that the strategic direction of the council is taking climate into account, in a dynamic and evolving way, recognising rapid changes in various factors such as cost
- take a longer-term approach, particularly where funding requirements for future years may not be covered within the council’s medium term financial plan, as many climate decisions, and funding to support delivery will require a longer-term approach
- along with the Transport, Regeneration and Climate Policy Committee, take a proactive approach to climate leadership as an issue of significant strategic importance
- take a pro-active approach to the management and mitigation of climate adaptation as a significant financial and wider risk to the council,
- give consideration of every opportunity for investing in renewable energy projects on council land and buildings to generate energy and income.
- support and align with the draft Council Plan 2024-28 which sets out a clear mission for the Council and three interlinked policy drivers - People / Prosperity / Planet.

The benefits of taking this approach will help to enable the council to accelerate the pace and increase the scale of the decarbonisation and climate mitigation activities we are directly delivering or where we are supporting and enabling others in the city to take action and invest their own resources. It will support greater ownership across the organisation and help to embed climate action, which will not only benefit climate change goals but also support wider strategic objectives.

### Key Actions

1. City Goals	The City Goals are bringing together views on our future from across the city, so everyone, no matter who they are or where they come from, can live well and be part of Sheffield's story on terms that make sense to them. The goals will help drive our response to the changing and challenging world we live in, and the draft version has a goal specifically on a green and resilient Sheffield, which recognises the need for us all to act faster on the climate and environmental crisis.
2. Council Plan	Sheffield has the opportunity to lead the transition to a low carbon world. Building on our ingenuity, industry and talented workforce, we can use the path to net zero to propel the city's prosperity, creating opportunities for businesses to start-up, grow and create more good jobs;

	enabling more people to use their skills and talents in our economy and have more money in their pockets; and improve health by tackling air pollution and using decarbonisation as a driver to tackle cold, damp homes. The draft Council Plan 2024-28 sets out a clear mission for the Council and three interlinked policy drivers - People / Prosperity / Planet - which will be part of everything we do and ensure that we are focused on the positive contribution that the Council can make to the city's future.
3. Continuous development of our system of democratic committee governance	The committee has the opportunity to ensure that as it develops our democratic committee governance, climate action continues to be integrated across all committee structures, as well as considering how our committees work together to co-ordinate activities.
4. Budget delivery and Medium-Term Financial Strategy	The council has committed to ensure that its budget and Medium-Term Financial Strategy will take account of climate impact and consider appropriate mitigation measures. The committee should scrutinise this and ensure that decisions consider climate implications. (Shared with Finance Committee)
5. Cost of living crisis	Everyone is affected by the cost-of-living crisis in some way, and the council is providing support through a number of programmes. This includes home energy efficiency advice through Warm Homes Sheffield. A future discussion could consider other ways we can support people to reduce their energy costs.

## Finance Committee

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Our Zero Carbon Mitigation Pathways report on governance recommended that the council considers structuring budgets and funding priorities around outcomes to support delivery, including placing climate as a central decision-making factor. Following this, our 10 Point Plan for Climate Action, adopted in 2022 gave a commitment that the organisation will be proactive in finding ways to resource the action that is needed.

The significant costs associated with decarbonisation require flexibility in our investment strategies, recognising that it is not the council's duty or responsibility for its entirety– we will need others to invest, fund or contribute, for example the Government or private sector. However, the report also acknowledged that the council understood that it needs to increase financial resources significantly to deliver zero carbon. To do this, we will need to identify additional resources to support our climate activities.

The impacts of climate change are many and varied and are predicted to include higher energy and food bills, extreme weather, including an increased risk of flooding and negative impacts on our health. Our more vulnerable communities are expected to be more negatively affected by these changes, which is why it is essential that as an organisation we act now to both reduce our impact on the climate, as well as preparing for the changes that are predicted to occur.

This committee will contribute to the council’s net zero ambitions and to adapting to climate change through the following actions:

- we have developed and implemented a Climate Impact Assessment Tool (CIAT) in response to this, and there are further opportunities that should be exploited to ensure that climate is a dominant factor in financial decision-making
- ensuring that monthly monitoring of the council's budget considers climate implications, primarily through application of the Climate Impact Assessment tool
- our budget-setting process and Medium-term Financial Strategy will take account of climate impact and consider appropriate mitigation measures
- explore the commissioning of a carbon budget to assess and report overall carbon emissions created directly or indirectly as a result of activities it contains
- our investment strategy will help us to prioritise and to identify funding and investment routes for our decarbonisation programme
- we will identify funding, invest in feasibility studies and develop outline business cases so that we are ready to respond to funding opportunities. We will develop a pipeline of investment opportunities and continue to work with partners to explore funding and investment routes
- give consideration of every opportunity for investing in renewable energy projects on council land and buildings to generate energy and income.

The benefits of taking this approach will enable us to accelerate the pace and increase the scale of the decarbonisation and climate mitigation activities we are directly delivering or where we are supporting and enabling others to take action and invest their own resources. It will also help to ensure that we have a pipeline of deployable projects and are ready to take advantage of other external investment and funding, from a range of sources including public (Government) or private sources.

### Key Actions

1. Budget monitoring and budget implementation plan delivery	The council faces many budget challenges but will use its Climate Impact Assessment Tool as required to ensure environmental impacts are considered.
2. Medium-Term Financial Strategy	We have committed to ensure that our budget and Medium-Term Financial Strategy will take account of climate impact and consider appropriate mitigation measures. The committee should scrutinise this and

	ensure that decisions are consider climate implications (shared with Strategy and Resources Committee)
3. Capital scheme approvals	We will require capital projects to complete a Climate Impact Assessment as part of the approval process.
4. Review financial regulations with a view to climate impact	The annual review of financial regulations provides an opportunity to consider climate impacts, and to share this with the committee as part of the sign-off process.

## Housing Policy Committee

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Sheffield's housing sector contributed 769.5 ktCO<sub>2</sub>e (30%) of Sheffield's carbon emissions in 2021, a 4% reduction since the baseline year of 2017, and is the largest contributing sector in the city. Approximately 77% of these emissions come from non-renewable gas consumption for space heating and cooking. The latest 2015 BRE data for Energy Performance Certificate (EPC) ratings for private housing across the city, commissioned in 2022, showed that only 23.4% of private housing is within EPC band A-C, with 25.3% falling into the lowest energy performance band, E-G.

Sheffield City Council's social housing was responsible for 86% the council's own emission in 2019. Unfortunately, more recent data is not available (*Annual Climate Progress Report page 11*), however it is expected that emissions have remained at a similar level despite the investment that has taken place. In comparison to private tenure housing, 82% of our council homes are within EPC bands A-C, and 18% are within the D-G band. Notably, less than 1% of council stock falls into the E-G rating.

If the city doesn't act further to decarbonise its existing housing estate and new homes, we could see:

- a reduction in social justice, independence and inclusion, and greater social division, as the negative impacts of climate change are more severely felt by vulnerable groups
- an increased number of vulnerable residents, fuel poverty, and potentially homelessness as higher energy costs will impact households without the financial means to adequately heat or cool their home more severely
- increased risk of property damage and the associated repair and maintenance costs due to more frequent and more extreme weather events
- worsening health due to the increased risk of exposure to excess cold hazards and damp and mould in households without adequate heating or cooling
- a reduction in quality and quantity of available housing that is fit for a changing climate.

It is important to note the challenge of how we change our behaviour and interact with our homes in a different way. Our homes are strongly linked to how we each live our lives; it may influence our personal schedules, hobbies and interests, family and social interactions and self-care. Some low carbon technologies need to be operated in different ways at different times and have the potential to change daily routines if not carefully supported and managed. Adopting new technology can also present a challenge to people, regardless of age, background or ability, if they do not feel confident using it. New technology needs to be accompanied with supportive education and engagement to ensure the intended benefits to the occupant can be achieved.

This committee will contribute to the council's net zero ambitions and to adapting to climate change, at the same time as supporting the provision of safe, good quality and affordable housing, by taking decisions which:

- improve the quality of housing to that which supports good health, is more affordable to heat and cool, and is fit for a changing climate and a net zero future
- reduce fuel poverty and support vulnerable citizens with the costs associated with decarbonisation and climate adaptation
- enable and support all residents to reduce their personal impact on the climate by improving the building fabric, reducing energy consumption, transitioning to renewable energy, and adapting the way they interact with their home
- incorporate supportive education and engagement into the delivery of new technologies to ensure the intended benefits to the occupant can be achieved
- support collaborative working with other council services, committees and external partners on place-based approaches that deliver multiple climate and low carbon solutions, whilst reducing costs and disruption to residents
- incorporate and address multiple key challenges and strategic priorities, such as climate, health, social justice, fuel poverty and economic growth
- support an exit from fossil fuels such as gas
- give consideration of every opportunity for investing in renewable energy projects on council land and buildings to generate energy and income
- reduce future abortive or upgrade works from the installation of measures that will not be fit for a changing climate or a net zero future
- support housing that is planned and designed to support biodiversity and nature through schemes such as 'wild' green spaces, vertical gardens, green roofs, bee and swift bricks, and sustainable urban drainage systems (SuDS)
- encourage growth of a local retrofit supply chain that can deliver the best quality of outcomes, value for money and is supported by our procurement approach
- support green jobs, training and skills within the council and city to deliver retrofitting, including the training of new entrants to the jobs market in new technology of the future, and reskilling of workers whose jobs may become redundant in a net zero future
- lead by example, such as adapting our services to continue to operate effectively in a changing climate with lower carbon impact, sharing and demonstrating good practice, and piloting innovation to increase market confidence and accelerate take-up

- contribute to revenue streams for the council (whether in the Housing Revenue Account or general fund).

In addition to reducing carbon emissions, there are significant societal and economic benefits associated taking this approach to adapting and decarbonising our homes:

- homes that are well-insulated are healthier and more affordable to heat and cool, as they provide a more consistent and comfortable internal temperature that keeps people warm in winter, cool in summer and reduces occurrences of excess cold hazards, damp and mould
- healthier and more affordable housing reduces the number of vulnerable residents due to fuel poverty, worsening physical and mental health conditions and homelessness, in turn increasing social justice, independence and inclusion
- increase opportunities to socialise for people who may have felt unable to have friends and family visit due to a previously cold, damp or mouldy home
- adapting our homes to a changing environment reduces the risk and scale of property damage from extreme weather events, such as flooding, drought and intense storm winds, and the associated repair and maintenance costs
- retrofitting properties can also both preserve and enhance property value, securing its longer-term future, as well as make estates look more attractive and increase pride in the local environment and community
- job creation within a growing local retrofit supply chain, supported by better quality available housing, attracts people, organisations and businesses to the city, increasing investment and economic growth.

## Key Actions

1. Housing Strategy 2024-2034	The Housing Strategy will reflect the climate crisis and the councils climate commitments and set climate change mitigation and adaptation as a key priority across all strategic objectives to meet our vision of Sheffield homes that are “affordable, safe and climate-ready”. Each of the key objectives will outline the actions we will take to accelerate decarbonisation of social and private housing, encourage and support behaviour change, and achieve a just transition to climate-ready housing and neighbourhoods, along with the timeframes.
2. Roadmap to net zero for Council homes	We have commissioned Rider Levett Bucknall (RLB) to develop a roadmap for its social homes to achieve carbon net zero, which will include actions and the timeframes in which they should be taken.
3. Roadmap to net zero for Private tenure homes	Development of a roadmap for private tenure homes to achieve net zero, which will include actions and the timeframes in which they should be taken.
4. Maximise energy funding support across the city	Developing the Warm Homes Sheffield offer to bring together a range of grant funding support and energy advice, including ECO4 (Energy Company Obligation),

	HUG (Homes Upgrade Grant), GBIS (Great British Insulation Scheme) and Connected for Warmth. Sourcing and bidding for investment and funding support wherever possible, including pension funds and institutional investors.
5. Develop retrofit accelerator scheme and 'one stop' shop offer	Work with South Yorkshire Mayoral Combined Authority (SYMCA) and South Yorkshire Sustainability Centre (SYSC) to evaluate a range of models through which to develop a Sheffield offer. Identify potential partnerships including compelling delivery and finance solutions for both private sector as well as council stock.
6. Grounds maintenance	Ongoing grounds maintenance supports nature and biodiversity e.g. enhance tree and hedge planting; identify spaces for food-growing / community projects; enhance spaces to protect against water run-off to reduce flooding; phase out use of glyphosate.
7. Climate adaptation planning	Review Housing Service operations and resources and develop a climate adaptation plan that sets out how we will adjust our systems, ways of working and services to continue to operate effectively in a changing climate and with lower carbon impact.
8. Home energy Advice	Continue to develop Warm Homes Sheffield as a single, multi-tenure hub for residents across Sheffield to access energy support and advice. Work closely with the Local Energy Advice Partnership (LEAP) and Green Doctor schemes, and other voluntary and community sector organisations, such as the Citizens' Advice Bureau to deliver services.
9. Future Homes Standard	Ahead of its introduction 2025, we are developing plans for how we will meet the Future Homes Standard, which will require new build homes to be future proofed with low carbon heating and high levels of energy efficiency.
10. Repairs and maintenance programme	Integrating low carbon solutions into activity within the ongoing repairs and maintenance programme, such as boiler replacements and gas fire removals/replacements, as well as measures taken to address damp and mould and excess cold hazards.
12. Partnership and Collaboration	Encourage pilot project funding, best practice and driving funding changes, by working in partnership with Government, Department for Levelling Up, Homes and Communities, Homes England, National Level Associations, universities, for example.



## Economic Development and Skills Policy Committee

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In 2021, business and industry in Sheffield was responsible for 27% of greenhouse gas emissions generated in the city. As well as being a significant contributor to the city's emissions, the transition to a net zero economy has profound implications for Sheffield's economy. With the necessary investment from Government, there is the opportunity for significant growth and new jobs in the low carbon economy. At the same time, businesses that improve their energy efficiency can reduce costs, and finance and investment is increasingly dependent on clear commitments to becoming environmentally sustainable: businesses which do not become environmentally sustainable will risk becoming uncompetitive, reducing financing and income options.

The city needs to ensure that the workforce has the skills needed to enable a transition to net zero economy, and to harness the opportunities that the scale of activity required provides. Some skills and jobs are likely to become obsolete, and existing employees will require retraining to ensure that the transition is a fair one.

The impacts of extreme weather events are also likely to have an impact on the economy, with heat waves, extreme cold and flooding all creating significant risks for businesses and the culture sector.

This committee will contribute to our net zero ambitions and to adapting to climate change, at the same time as supporting the economy, jobs, skills and culture, by taking decisions which:

- raise awareness to support businesses and organisations to decarbonise and to adapt to climate change
- maximise the potential of local academic and business strengths in the low carbon economy to support green economic growth, including through innovation and research and development
- ensure that the future workforce is equipped with the skills to take advantage of jobs and opportunities presented by the transition to net zero and that funding drawn into the city generates local wealth by providing jobs for local people
- support the culture sector to be part of the transition, harnessing its potential to inspire and facilitate change in the city
- give consideration of every opportunity for investing in renewable energy projects on council land and buildings to generate energy and income.

### Key Actions

1. Our business and industry decarbonisation Routemap	The 10 Point Plan committed the local authority to developing plans (routemaps) for the decarbonisation of seven sectors, including business and industry. This will involve engaging with businesses and their representatives and will need to consider both how businesses decarbonise their processes and operations,
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	and how commercial landlords can be influenced and encouraged to decarbonise their buildings.
2. Low Carbon Business Support Programme	£1.292m of Shared Prosperity Fund finance will be used to support Sheffield small and medium sized enterprises (SMEs) to improve their energy efficiency through energy audits and grants. The committee will continue to receive reports on performance of the programme.
3. Sustainable Community and Cultural Assets Project	£2.3m of Shared Prosperity Fund finance will be used to support Sheffield cultural and community organisations to improve the energy efficiency of their buildings. The committee will continue to receive reports on the performance of the programme.
4. Employment and Skills Strategy	The low-carbon economy creates significant opportunities for Sheffield, as demand for sustainability professionals beyond 'traditional' green economic sectors. Green skills are integral to the drive of clean, inclusive growth in Sheffield, as products, services and processes are adapted to account for climate change and organisations respond to environmental regulations and corporate social responsibility expectations. Green skills and jobs will therefore feature prominently in the new Employment and Skills Strategy to be delivered in 2024.
5. Economic Recovery Fund	The Economic Recovery Fund will offer a range of support for beneficiary organisations. This will include providing advice and information to raise awareness of the climate emergency and empower beneficiaries to make decisions that will contribute to the city's net zero goals.

## Communities, Parks and Leisure Policy Committee

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The Communities, Parks and Leisure Policy Committee is responsible for a broad range of services and will be impacted by the climate emergency and be able to contribute to the council's response in several ways.

Communities are likely to be impacted over time as the impacts of climate change are felt. This is already starting to impact as extreme weather conditions may increase the need for community support to cope with heat, cold and flood, especially in the context of cost-of-living crises. The increasing number of adverse weather events is increasing the need to provide our communities with greater support, including help with energy bills through our cost-of-living helpline and providing welcoming spaces in our libraries and other buildings which can keep people warm in winter, cool in summer and safe in the event of flooding.

Communities with high levels of renewable energy and planning for adapting to

climate are likely to be better protected from both extreme weather and from crises such as cost-of-living and fuel and food insecurity.

Extreme weather events, sea level change and resulting conflict in countries impacted most by climate change is likely to increase the number of people seeking refuge in the UK (as well as internally displaced people from low lying areas of the UK in the longer term). The wellbeing and financial position of communities with strong connections to affected countries can also be affected by climate change. These have the potential to impact on cohesion and the support needed by communities.

The work of this committee will contribute to the council's commitment to net zero by 2030 and to adapting to climate change, at the same time as benefiting its core purposes by:

- taking decisions to invest in buildings which are future-proofed against climate and energy policy changes. These can have low carbon emissions, lower long term costs and provide warm and cool spaces to communities
- taking decisions to minimise the emissions of services (including by decarbonising vehicles and machinery). These improvements have the potential to save costs and improve the health and well-being of employees using machinery
- taking decisions to mitigate actions which might otherwise have negative impacts on climate (for example where tree felling is required, replacing trees on a two for one basis wherever possible)
- working closely with the Transport, Regeneration and Climate Policy Committee to support people to increase physical activity through active travel, improving well-being and strengthening communities as well as reducing emissions
- maximising the potential for the council's parks and rural estate to protect the city from flood risk and extreme heat and to capture carbon from the atmosphere to offset residual emissions
- using our expert ecologists to design land management schemes that increase and protect biodiversity whilst reducing our carbon footprint
- increasing availability of allotments to encourage sustainable communities growing their own food
- supporting communities to be resilient and adapt to climate change, including encouraging wealth generating community energy and sustainable food systems
- giving consideration to every opportunity for investing in renewable energy on the land and buildings within Communities Parks and Leisure Policy Committee's remit, to generate energy and income.

### Key Actions

1 Update on Green and Open Space strategy	A Green and Open Spaces Strategy will be developed in the context of the nature and climate emergencies, to include:
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	taking opportunities to include nature-based solutions to climate change related challenges, including natural flood management, the potential for sustainable food growing and the potential for renewable energy in line with recommendations from the forthcoming Local Area Energy Plan.
2. Bereavement provision	A Bereavement Strategy will be developed in the consideration of the nature and climate emergencies by offering alternatives to traditional burial and cremations and considering the future replacement of cremators from traditional carbon-based fuels to water and electronic cremations.
3. Biodiversity task and finish group	A task and finish group has been established to consider the committee's response to the nature and biodiversity emergency considering how to embed the nature emergency into council policy in a similar way to the climate emergency. This review is taking into consideration the inter-relationship between climate and nature emergencies.
4. Investment in sport and leisure Facilities	Following the Leisure and Investment Review, investment in our sport and leisure facilities will include capital interventions to reduce energy usage and carbon output of facilities and include renewable energy.
5. Our Land and Energy Storage and Generation decarbonisation Routemaps	The Our Land decarbonisation Routemap is scheduled to be developed during 2024 and will sit across several committees, but Communities, Parks and Leisure Policy Committee will have a clear interest and involvement.

## Waste and StreetScene Policy Committee

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The Waste and StreetScene Committee has responsibility for the council's key environmental services including waste management, highways maintenance, parking services, licensing and environmental regulation. These services both contribute to the council's and city's greenhouse gas emissions and will be impacted by future climate scenarios. This committee therefore recognises the leadership role and responsibility it has to achieving net zero and building resilient services.

Since 2017, emissions from the city's waste management have reduced by nearly 4% to 2,270kt/CO<sub>2</sub>e in 2021, contributing nearly 7% of Sheffield's overall greenhouse gas emissions.

The emissions from our streetlighting and other ancillary services on our highways such as CCTV and traffic signals are included in the council's greenhouse gas

reporting and make up just over 2% of the council’s emissions. Through the replacement with LED technology and smart controls, along with the decarbonisation of electricity supply, these emissions have reduced by 32% since 2019.

As a result of climate change, Sheffield is most likely to experience:

- wetter winters and more intense rainfall events throughout the year, increasing the risk of flooding. This could result in a high amount of surface water, exceeding the capacity of drainage systems leading to localised flash flooding
- warmer and drier summers will increase the risk of damage to our highways infrastructure

The policies and work programme of this committee will contribute to the council’s and city-wide net zero by 2030 target as well as adapting to climate change by:

- working with other policy committees on surface water flooding remediation and wider flood strategy work
- engaging with Yorkshire Water to ensure their business plan for maintaining and managing their assets, infrastructure and sewers are robust and fit for future weather events
- ensuring the future Waste Strategy for the city maximises decarbonisation and circular economy opportunities
- continuing to maximise opportunities for heat decarbonisation by promoting the district Energy Network and supporting expansion opportunities
- Working with the Street Tree Partnership to enable carbon sequestration opportunities, whilst also recognising the climate adaptation contributions street trees make
- improving local environmental quality through our regulation and licensing function
- giving consideration of every opportunity for investing in renewable energy projects on council land and buildings to generate energy and income.
- influencing the development of our green travel plan for all our staff and partners to include grey fleet, staff parking and active travel
- continuing to identify the regulatory levers/powers that we can employ to reduce carbon emissions.

### Key Actions

<p>1. Future waste collection service options</p>	<p>Collect a wider range of plastic and cartons for recycling to meet our new legal obligations of the Environment Act. Refresh our Waste Strategy and set out options for future waste collection services, consider different collection services (different containment options) and our consultation strategy. Review lower carbon collection vehicles.</p> <p>We will carry out proactive campaigns to encourage more food recycling and composting.</p>
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<p>2. Review of the district energy network</p>	<p>The district energy network supplies a low carbon source of heat to buildings within the city centre. To meet national 2050 net zero targets, the Government is introducing Heat Network Zoning legislation in which buildings within a zone will be mandated to connect to a heat network. The zones will be designated where it is identified that heat networks can provide the lowest cost low carbon heat. Having participated in the Department for Energy Security and Net Zero's Heat Network Zoning Pilot and Advanced Zoning Programme, Sheffield is working towards designating and progressing Heat Network Zones from 2025. We have secured funding from the Heat Network Delivery Unit to undertake a techno-economic feasibility study to inform early opportunities for expanding the heat network and further decarbonising heat supply through the integration of waste heat supplies, the findings of this will be finalised in early 2024.</p>
<p>3. Street Tree Partnership</p>	<p>The Sheffield Street Tree Strategy has a vision of a network of street trees that Sheffield can be proud of, well maintained and cared for; resistant to the threats of disease and climate change; and delivering many benefits for people and our environment. These benefits include contributing to offsetting our carbon emissions and helping combat the effects of climate change such as flash floods and rising temperatures. Delivery of the strategy is led by the Sheffield Street Tree Partnership. The Waste and Street Scene Policy Committee will continue to engage with, and champion the work of, the partnership, providing support where required.</p>
<p>4. Renewable energy and infrastructure projects</p>	<p>Develop a business case and source funding to connect Moor Market onto the District Energy Network. Explore opportunities to increase renewable energy generation on our assets, including the installation of solar panels on car parks. Work to increase the amount of electric vehicle charging infrastructure across our car parks.</p>
<p>5. Regulatory and licensing influence</p>	<p>Further work to identify the regulatory levers/ powers that we can employ to reduce carbon emissions via our work with business. For example, packaging &amp; plastic use in food venues. Ensure we support businesses where possible through this transition to reduce / eliminate all forms of waste. Continue to build resilience and develop approaches across Parking Services to continue to effectively manage bus lanes, yellow box, pavement parking, idling, school streets and circling for spaces.</p>
<p>6. Reduce single use plastics</p>	<p>Install more drinking water fountains in public spaces to encourage refills rather than consumption of single use plastics.</p>

7. Influence the development of our green travel plan for all our staff and partners to include grey fleet, staff parking and active travel	Ensure all officers are aware and have access to green travel plans. More secure bike parking in the city centre. Work with contractors to decarbonise their fleet.
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## Education, Children and Families Policy Committee

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As set out in the Our Council Decarbonisation Routemap, this Committee acknowledges that whilst children and families in our city who already experience disadvantage have contributed the least to greenhouse gas emissions, they will be most impacted by it and be least able to adapt to it, especially those living in poverty and in deprived communities and those with health issues.

Our maintained schools accounted for 4,425t/CO<sub>2</sub>e in 2022, a reduction of 36% from the council's emissions baseline year of 2019. Emissions from our maintained schools account for 46% of our non-domestic estate emissions or 3% of the council's overall emissions.

As a result of climate change in Sheffield, the following impacts will be experienced by our citizens:

- an increase in heat related illnesses and reduced well-being during extreme weather, leading to an increase in loss of life
- increased costs for food, utilities and other goods and services, increasing the number of children living in poverty
- impact on educational provision during extreme heat events as seen in the summer of 2022.

This committee commits to ensuring climate change and decarbonisation is at the heart of our decision making when designing our policies, support and service provision to children and their families and our looked after children. This will:

- enable the decarbonisation of our school estate and residential settings ensuring our children and young people have access to quality school environments and homes in which they feel safe to learn and live and develop the skills to reach their full potential
- ensure we're meeting our primary objective in promoting and enhancing the rights, wellbeing and safeguarding of all our children
- ensure that our learning and skills policy, programme and intervention work support climate change education and develops the skills required for our future workforce and low carbon economy

- ensure our work aligns to the Department for Education’s (DfE) sustainability and climate change strategy
- give consideration of every opportunity for investing in renewable energy projects on council land and buildings to generate energy and income.

## Key Actions

1. Draft School Improvement Framework 2023-2024	Ensure sustainability and climate education is embedded into school improvement. Encouraging the implementation of the DfE’s Sustainability and Climate Change Strategy and supporting schools with their climate action plans by 2025.
2. Children and Families Sufficiency Strategy	This Strategy will set out our approach to ensuring our looked after children are placed within Sheffield as priority as this is in their best interest. This will also ensure that children and their social workers are having to travel less for appointments and contact sessions, helping to reduce our travel related emissions. In seeking options for new residential settings, we will look for opportunities to install renewable energy and refurbish any acquired properties to ensure their energy efficiency and reduced operational costs.
3. Belonging Framework	The Belonging Framework will ensure that everything we do is focussed on developing and deepening children and young people’s sense of belonging. This will lead to sense of pride of the places they call home and may in time lead to children going to school and socialising in their community, reducing the need for travel.
4. Renewable energy projects	We will work with other policy committee areas to identify opportunities and funding for renewable energy projects.
5. School transport	We will work with other policy committee areas to ensure a sustainable school transport service.

## Adult Health and Social Care Policy Committee

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It is difficult to quantify the emission that our adult health and social care services contribute to the city’s emissions, however Sheffield public sector as a whole



contributed 127.5 ktCO<sub>2</sub>e (5%) of Sheffield's carbon emissions in 2021 and has increased by 7.7% since 2017.

Our performance data along with the Joint Strategic Needs Assessment, highlights that demand for social care will continue to rise. The recent COVID-19 pandemic showed how reliance on social care services can increase exponentially in the face of a public emergency. While adult health and social care is not a major contributor to emissions in the city, the negative impacts of climate change are disproportionately and more severely felt by vulnerable groups reliant on our adult health and social care services as was the case with COVID.

If the city doesn't act further to adapt our adult health and social care services in readiness for a changing climate, we could see the severity of these impacts increase further. In particular:

- climate change impacts such as extreme weather events such as heatwaves and flooding, poor air quality, food and water shortages and changes in ecology increases climate-sensitive health risks, particular for those already in poor health, such as:
  - malnutrition
  - heat-related illnesses
  - serious noncommunicable diseases such as cancers, cardiovascular disease and lung diseases
  - mental and psychological health conditions
  - injury and mortality from extreme weather events
  - water-borne, vector-borne and animal-to-human (zoonotic) transmitted diseases.
- rising costs, such as for energy, food and water, will exacerbate existing poverty and push more citizens below the poverty line further increasing inequalities in the city
- the rising costs for energy, food and water also affect providers of care services and voluntary sector ability to meet these costs. This risk destabilising our market and reducing the options for support, should funding not be provided to adult social care services to meet these costs
- increased reliance on adult health and social care services, facilities and providers will lead to an increase in operational cost and the necessary resources to meet demand
- increase in frequency and severity of extreme weather events, as well increased power outages from reduced energy security, will cause delays in response, disruption and reduced access to care and services and more reliance on ensuring effective business continuity and agility of social care services across all sectors to meet demand
- widen social division and exclusion – those who can participate and those who can't – pollution tends to be higher in less affluent areas, food and water scarcity driving up prices, trip-chaining (time-poverty), reliance on car ownership (transport poverty)

This committee will contribute to the council's net zero ambitions and to adapting to climate change, at the same time as supporting adult health and social care, by taking decisions which ensure adult social care is:

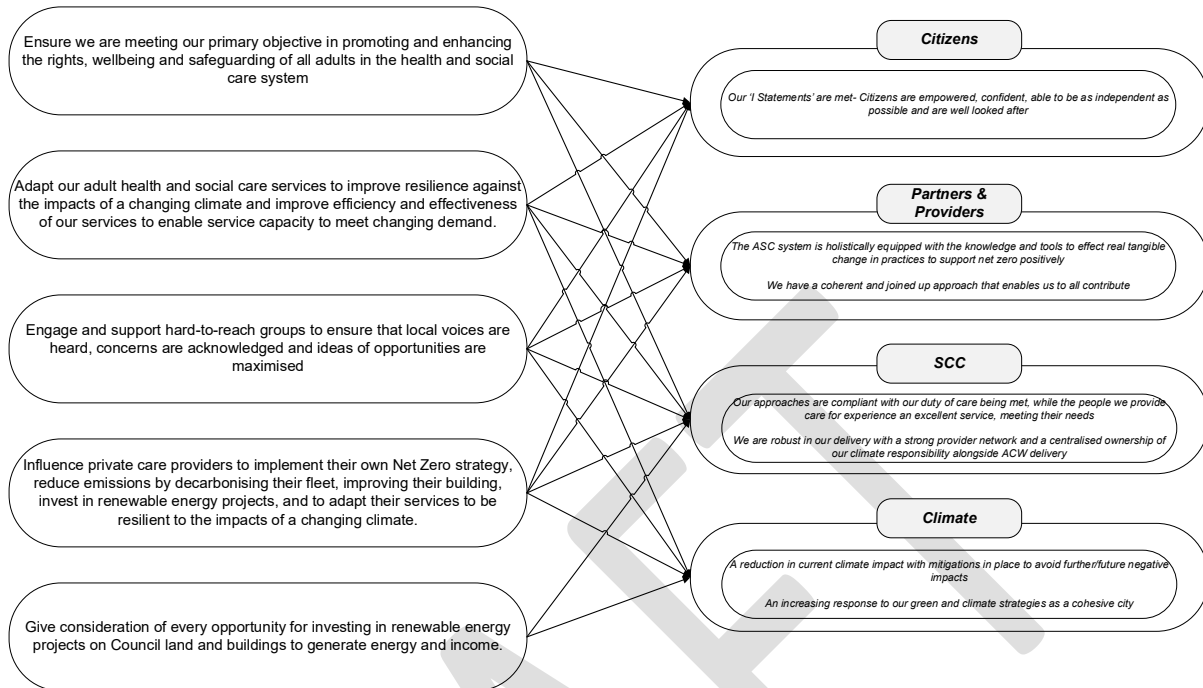
- meeting our primary objective in promoting and enhancing the rights, wellbeing and safeguarding of adults
- adapting our adult health and social care services to improve resilience and agility against the impacts of a changing climate
- openly discussing the impact of climate change with individuals, family members, providers, faith and voluntary sector so that we are working collaboratively to mitigate effects of climate change as well as contributing to net zero
- through our commissioning and strategic planning actively including our ambitions about net zero, so that any provider funded through the council is contributing to climate change
- influence private care providers to implement their own net zero strategy as part of their own corporate strategies, reduce emissions by decarbonising their fleet, improving their building, invest in renewable energy projects, and to adapt their services to be resilient to the impacts of a changing climate
- give consideration of every opportunity for investing in renewable energy projects on council land and buildings to generate energy and income.

The benefits of this approach:

- for citizens and unpaid carers, our 'I Statements' are met 'I have aspirations in my life and achieve my goals'
- providers of social care are holistically equipped with the knowledge and tools to effect real tangible change in practices to support net zero positively and can respond effectively to impact of climate change, ensuring continuity of service delivery
- we have a coherent and joined up approach across care providers that enables us to share best practice and learn from each other
- our approaches enable people to live the life they want to live, are compliant with our duties and enable individuals, families, and unpaid carers to experience an excellent service and satisfaction with our delivery, no matter who the provider.
- we are robust in our delivery with and a centralised ownership of our climate responsibility alongside delivery
- a reduction in current climate impact with mitigations and adaptations in place to avoid further/future negative impacts
- an increasing response to our green and climate strategies as a cohesive city.

## Decisions

## Benefits



## Key Actions

Milestone	Benefit	Priority
<p>1. Through our contract monitoring arrangements ensure that:</p> <ul style="list-style-type: none"> <li>All commissioned providers have effective business continuity arrangements are in place to respond to impacts of climate change.</li> <li>We have agreed with providers our climate expectations and opportunities for development.</li> </ul>	<p>Providers are holistically equipped with the knowledge and tools to effect real tangible change in practices to support net zero positively and can respond effectively to impact of climate change, ensuring continuity of service delivery.</p>	<p><b>Outcome 4: Effective and Efficient - Priority 12- Climate &amp; Net Zero</b></p> <p><b>Outcome 1: Safe and Well - Priority 2 – Quality and Continuity of Care</b></p>
<p>2. Review through our internal arrangements that all council providers have effective business continuity arrangements are in place to respond to impacts of climate change</p>		
<p>3. Embed through our recommissioning programmes, a requirement for providers funded by Adult Care to work to net zero and ensure that providers</p>		

can respond to effects of climate change.		
<p>4. Organise dedicated climate focused workshops during 2024 with providers and voluntary sector funded via Adult Care to identify opportunities for:</p> <ul style="list-style-type: none"> <li>• innovation projects which support and can realise net zero</li> <li>• mid to longer-term projects in which we can pool or share resources to reduce our overall carbon footprint</li> <li>• 'buy and use local' as using local resources has a substantially better impact on our climate than importing from other areas;</li> <li>• introducing climate champions who will be responsible for holding us to account, providing a climate steer, horizon scanning and identifying opportunities for improvements</li> <li>• a move towards fleet vehicles and/or electric vehicles for our workforce.</li> </ul>	<p>We have a coherent and joined up approach across care providers that enables us to share best practice and learn from each other.</p> <p>We are robust in our delivery with and a centralised ownership of our climate responsibility alongside delivery.</p> <p>An increasing response to our green and climate strategies as a cohesive city</p>	<p><i>Outcome 4: Effective and Efficient - Priority 12- Climate &amp; Net Zero</i></p>
<p>4. Through implementation of Adult Care Target Operating Model – specifically homecare, residential, supported living and care management - embed locally community-based and connected working to:</p> <ul style="list-style-type: none"> <li>• enable travel necessary to reduce our carbon footprint</li> <li>• launch an inter-agency car share scheme, promote the use of bicycles and walking route</li> <li>• optimise the use of assistive technology or wider digital applications, enabling more remote working, a reduction of risk and transport emissions.</li> </ul>	<p>A reduction in current climate impact with mitigations in place to avoid further/future negative impacts.</p> <p>Our approaches enable people to live the life they want to live, are compliant with our duties and enable individuals, families, and unpaid carers to experience an excellent service and satisfaction with our delivery, no matter who the provider.</p>	<p><i>Outcome 4: Effective and Efficient - Priority 12- Climate &amp; Net Zero</i></p> <p><i>Outcome 3: Active and Independent Living – Living and Ageing Well, Mental Health and Disability Friendly City.</i></p>
5. Through our Strategic Planning Partnerships have open discussions about climate change and agree actions	Our 'I Statements' are met- I aspire in my life and achieve my goals.	<i>Outcome 4: Effective and Efficient - Priority</i>

which will support people to achieve their own goals.

*12- Climate & Net Zero*

Outcome 3:  
Active and Independent Living – *Living and Ageing Well, Mental Health and Disability Friendly City.*

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## Report to Policy Committee

**Author/Lead Officer of Report:** Lynne Richardson, Business Manager, Libraries, Archives and Information Services

**Tel:** 0114 2053510

**Report of:** *Ajman Ali, Executive Director of Neighbourhood Services*

**Report to:** *Communities, Parks and Leisure*

**Date of Decision:** *29 January 2024*

**Subject:** *Continued support for Volunteer Run Libraries 2024 -2026*

Type of Equality Impact Assessment (EIA) undertaken	Initial <input type="checkbox"/>	Full <input checked="" type="checkbox"/>
Insert EIA reference number and attach EIA : 2519		
Has appropriate consultation/engagement taken place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		
<p><i>“The (<b>report/appendix</b>) is not for publication because it contains exempt information under Paragraph (<b>insert relevant paragraph number</b>) of Schedule 12A of the Local Government Act 1972 (as amended).”</i></p>		

### Purpose of Report:

The purpose of this report is to seek Committee’s approval for proposals to support libraries in the city for the period 1<sup>st</sup> April 2024 to 31<sup>st</sup> March 2026.

The report seeks approval to:

- establish a fund of £135,700 in 2024/2025, from which grant awards will be distributed to Associate Libraries and do the same again in 2025/2026; and
- Provide a package of support for both Associate and Co-delivered libraries as set out in this report on the basis that

Together, the grant and support package will be £209,000 for each of the two years.

**Recommendations:**

It is recommended that the Communities, Parks and Leisure Policy Committee:

- a) Approves the council distributing a grant fund of £135,700 per year to Associate Libraries to assist with their continued sustainability for the period 1<sup>st</sup> April 2024 until 31<sup>st</sup> March 2026, subject to relevant agreements and criteria being satisfied.
- b) Approves support for Associate and Co-delivered libraries from the Libraries, Archives and Information Service and other Council services continuing until 31 March 2026, as set out in this report.

**Background Papers:**

'The Future of Sheffield's Library Services', Cabinet Paper February 2014

<b>Lead Officer to complete:-</b>		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed.	Finance: Adrian Hart
		Legal: Marcia McFarlane
		Equalities & Consultation: Ed Sexton
		Climate: Kathryn Warrington
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>SLB member who approved submission:</b>	<i>Ajman Ali, Executive Director – Neighbourhood Services</i>
3	<b>Committee Chair consulted:</b>	<i>Richard Williams, Chair of Communities, Parks and Leisure Policy Committee</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for	



submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
<b>Lead Officer Name:</b> <i>Hilary Coulson</i>	<b>Job Title:</b> <b>Head of Libraries, Archives &amp; Information Service</b>
<b>Date:</b> <i>17<sup>th</sup> January 2024</i>	

## 1. PROPOSAL

### 1.1 Introduction

1.1.1 The proposal in this report is to continue the package of support for eleven Associate Libraries in the city for the next two years. This support has given confidence and stability to volunteers, enabling their libraries to deliver a range of quality services to their communities, including Welcome Spaces. Volunteer run libraries are resuming their fundraising activities following the pandemic, but now face extra demands because of high energy costs. The current budget for this package is £209k per year; this includes grant fund of £135k per year.

1.1.2 In February 2014, the Council's Cabinet approved recommendations in the report 'The Future of Sheffield's Library Services'; members wanted the Council to keep as many libraries open as possible beyond the statutory service. This led to the current arrangement where:

- (a) statutory services are delivered by Council staff and those services operate from the Central Library, eleven Community Hub Libraries and the Home Library Service); and
- (b) non-statutory services being operated by volunteer-led organisations. These consist of five **Co-delivered Libraries** whose running costs for the premises, running costs for their library services, and materials are funded by the Council; and eleven **Associate Libraries** that receive support of a grant from the Council.

### 1.2 Key Challenges

1.2.1 Since 2014 the Council has provided grant funding and support packages that help to avoid closure of volunteer operated libraries. The intention has always been that Associate Libraries would develop their financial sustainability to invest in their buildings and further develop the services they offer their local communities.

1.2.2 Also, Since 2014, good progress has been made with the introduction of new and innovative ways to fundraise. However, the Covid-19 pandemic and subsequent rise in cost of living, has stifled this progress. The increasing cost of

utilities continues to be a challenge for libraries that also provide safe, welcome, and warm spaces for communities to visit.

- 1.2.3 This report does not propose change to the model for supporting five Co-delivered Libraries; however there needs to be a future review of this approach given that ten years have passed since the Council started this approach in 2014.

### 1.3 **Resources & Support funding that uses for the budget of £209k**

- 1.3.1 Provision of resources below, will be subject to each grant recipient entering individual grant agreement with the council. The agreement will govern payment of the grant and other terms and conditions. There will also be a Memorandum of Understanding that details the support package.

#### 1.3.2 Grant funding:

In each of the two years 2024/2025 and 2025/26 a grant of £135,700 ( which will not be offered on a competitive basis), will be awarded to Associate Library groups operating libraries, these are set out 1.3.3. below. Current grant agreement terms will be reviewed, updated and given to each current recipient who fulfils the terms of their current agreements.

- 1.3.3 Ecclesfield Library  
Frecheville Library  
Greenhill Library  
Gleadless Library  
Jordanthorpe Library  
Newfield Green Library  
Stannington library  
Totley Library  
Tinsley Library  
Upperthorpe Library  
Walkley Library

#### 1.3.4 Operational support provided by the Council.

There is an operational cost to the Sheffield Library Services (Library Service) supporting the Associate libraries to remain on the Library Management System and part of the single Sheffield catalogue of books and materials, this has been costed at £73,300 and includes:

- Library Volunteer Network Officer and other staff who support the development and sustainability of the volunteer run libraries through advice, guidance, and hands on support in relation to governance, policy development, training, I.T., stock management, information governance and library standards.

- Van deliveries for reserved books and other materials.
- Licences for relevant software related to the Peoples Network.

#### 1.4 **Support for Associate & Co-delivered Libraries from within existing resources**

The Council's support for Associate and Co-delivered libraries for financial years 2024/25 and 2025/26 should continue. This is in addition to the support and resources described above and is necessary to ensure compliance (for example statutory compliance in relation to the building and information compliance in relation to data), co-ordination (for example book-stock circulation) and compatibility (for example IT compatibility).

##### 1.4.1 Running costs and resources for Co-delivered Libraries

As set out in the 2014 cabinet report "The Future of Sheffield's Library Services", five Co-delivered Libraries will continue to benefit from all the services and resources of a Council-run Community Hub Library, but without the staffing.

##### 1.4.2 Website

The Library Service will continue to include information on volunteer run libraries on the Council webpages. This will include social media such as the Library Service Blog, Facebook and Twitter, with links to the 'Volunteer Libraries in Sheffield webpage' and other appropriate webpage links.

##### 1.4.3 Training

Volunteers will continue to be offered training on the Library Management System by the Library Service and other Council Services. Training sessions and standards will include data protection and safeguarding processes. Council-run Community Hub libraries may be offered as a free venue for Volunteer Library groups to undertake training organised by the Library Service.

##### 1.4.4 I.T. assistance

Library Service staff will support the volunteer-led libraries with technical queries relating to the operation of the Library Management System and The Peoples Network. Where appropriate volunteers will be able to contact the IT helpdesk directly to resolve IT issues.

##### 1.4.5 Compliance

The Council's Library Service and other relevant Services will work with and support the volunteer-led libraries to enable them to comply with their legal obligations.

### **Benefits and Risks of the preferred option**

1.5

#### Benefits:

1.5.1

- A period of continued stability as our communities recover post pandemic and endure the rise in cost of living.
- Maintain delivery standards across volunteer libraries.
- Improved community cohesion due to stable service provision and volunteering opportunities.
- Volunteering opportunities will support community mental health and wellbeing, which has been exasperated by the pandemic and cost of living crisis.
- Improved community empowerment through participation and strong community links of the volunteer libraries.
- Continue to develop the independence and sustainability of the volunteer run libraries.

1.5.2

#### Risks:

- Due to changes in volunteering levels, income generation opportunities and external funding, some volunteer libraries may struggle to continue operation.
- Cost pressures are increasing, particularly utilities which could increase up to 80 percent, the grant was originally set at 2013/2014 level running costs and has since been reduced by 30 percent, therefore the grant level may not be sufficient.
- If there is a budget reduction in future years for the Libraries and Archives Service, it may not be affordable for the service to continue to pay for all of the Co-delivered libraries from its core budget.

## **2 HOW DOES THIS DECISION CONTRIBUTE?**

### **2.1 Communities and Neighbourhoods**

A library serves as a cultural hub in a community providing activities, events and information. Volunteer run libraries are adept at providing for community needs, able to respond quickly to new developments and changing requirements. They also provide a feeling of ownership to a community, involving them in what it delivers, and the benefits of the resource are recycled back into the community.

Community libraries whether Council or Volunteer-run, provide a welcome and safe place in the community which anyone can access, and membership is not required. In recognition of this, all Volunteer libraries and Council Libraries are part of Sheffield Safer Places and provide

- Police surgeries
- Access to council services via the Peoples Network computers.
- Welcome spaces

## **Education, Health and Care**

2.2

Libraries provide centres of learning for local communities and volunteer libraries offer a wide range of volunteer positions available. It has been shown that volunteering is of significant benefit to people's health and wellbeing, improving mental well-being, self-rated health and life satisfaction. A survey by the British Household Panel Survey found higher well-being in those who volunteer 'frequently' compared with those who have never volunteered; and an association has been documented between volunteering and a reduction in mortality<sup>i</sup>, reduced pain, and muscular strength.

All volunteer libraries provide educational activities for a wide range of age groups including families with young children and babies and early engagement with reading can significantly improve young people's educational outcomes.

Libraries also provide a safe environment for carers, that are both free and accessible to get information, signpost to support services and meet people.

## **Economy and Development**

2.3

England's public libraries generate value of at least £3.4 billion each year, according to recent analysis (July 2023) by economists from the University of East Anglia (UEA). Their analysis extrapolated the findings to all of England's 3,000 libraries, giving a national total of £3.4 billion. Using Chartered Institute of Public Finance & Accountancy (CIPFA) spending data for the year 2021/22, this represents a return on investment of at least six times cost.

## **3. HAS THERE BEEN ANY CONSULTATION?**

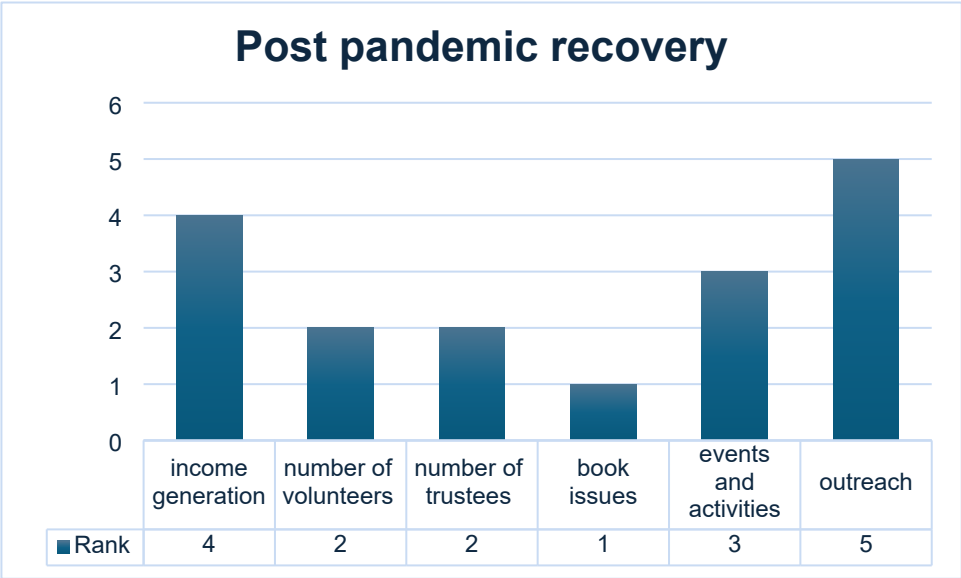
### **3.1 Consultation Overview 2023**

In 2023 the Library Service sent a survey to complete by the volunteer-run libraries, which focused on 3 key areas:

- Fundraising activity
- Key challenges for the volunteer run libraries
- Support needed

Each set of questions was designed to identify the level and type of support needed to ensure the volunteer run libraries are viable and sustainable and that we understood the impact of the Covid 19 Pandemic and the cost of living crisis. The graph below shows the volunteer run libraries haven't fully recovered from the Pandemic, with book issuing and number of volunteers

being amongst their biggest challenges. Rank 5 indicates fully recovered, 1 indicates least recovered.



Source: Survey of Volunteer run Libraries 2023/2024, SLAIS.

In general, the results of the survey show the model of operation and the level and type of support provided to Associate and Co-delivered libraries continues to work effectively. The survey looked at the areas of support provided by SCC and asked how essential is this. The table below shows the areas of support the volunteer run libraries said were most essential (Note: top 5 ranked out of 17 areas of support).

<b>Rank 1 (Top concern)</b>	Training for management committee
<b>Rank 2</b>	IT equipment and Public Network computer service
	Provision of copiers and printers
<b>Rank 3</b>	Network meetings
	Support with promotion
<b>Rank 4</b>	Self-service kiosks
<b>Rank 5 of 17</b>	Advice on statutory compliance/building maintenance

Fundraising activity throughout most of 2023 has been improving following the standstill caused by the Pandemic. However new challenges have been arising, potentially a direct cause of the cost of living increases, limiting the number of people who are able to volunteer. However, for some volunteers, the library is a refuge for the day and respite from heating charges for their home.

The top concern regarding the financial challenges is the availability of grants and the cost of energy.

<b>Rank 1 (Top concern)</b>	Availability of grant funding
<b>Rank 2</b>	Energy/Utility Costs
<b>Rank 3</b>	Impact of Cost of Living Crisis
<b>Rank 4</b>	Fundraising knowledge and skill
<b>Rank 5</b>	Lack of trustees
	Building/Maintenance Costs
<b>Rank 6</b>	Lack of volunteers

Source: Survey of Volunteer run Libraries 2023/2024, SLAIS

The grant value was based on the running costs of the volunteer run libraries in 2013/2014 before the handover, and the grant level was reduced by twenty percent over 3 years between 2018 and 2020. With increasing fuel and running costs, the level of the grant is unlikely to cover all the running costs for 2024/2025 and would need to be supplemented by reserves or by additional fundraising. However, it was always anticipated the volunteer run libraries would be required to do additional fundraising to improve their sustainability and develop their service offer. The significant increases in energy and utility costs, means they need to raise more income to cover costs. Stannington Libraries energy costs in 2021/2022 was 25% the value of the grant they received from SCC. In 2022/23 energy costs were 84% of the grant value.

#### **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

##### **4.1 Equality of Opportunity Implications**

- 4.1.1 As a Public Authority we need to take into account the requirements of the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010.
- 4.1.2 An Equality Impact Assessment has measured the impact of the proposal on the protected characteristics within the Equality Act, and where possible mitigations will be put in place.

4.1.3 The continuation of the grant and support package will help to keep all libraries in Sheffield open and maintain a range of services and support for the citizens of Sheffield, including people with protected characteristics. Therefore, the proposal maintains an overall positive impact, and there would be an overall negative impact if the proposal was rejected.

##### **4.2 Financial and Commercial Implications**

- 4.2.1 The Council continues to face significant financial challenges and must make difficult decisions about services that the people of Sheffield care deeply about.
- 4.2.2 The Library Service has supported Associate and Co-delivered libraries within its existing budget and resources as far as this has been possible. The support proposed by the Library Service with existing resources is

outlined in section 1.3. Budget reductions for the Library Service make it increasingly difficult to fulfil all the support described for Associate and Co-delivered Libraries. This level of support the council provides will need to be reviewed in future years.

4.2.3 The grant of £209,000 per year for 2024/25 & 2025/26 is in the libraries service budget and therefore will be contained within existing resources.

#### 4.3 Legal Implications

4.3.1 The Council has a general statutory duty under section 7 Public Libraries and Museums Act 1964 to provide a comprehensive and efficient library service to its constituents. This duty includes the requirement to:

- Keep adequate stocks of books, records, films etc for borrowing or referencing purposes; and
- Encourage both adults and children to make full use of the library services.

4.3.2 Section 9 Public Libraries and Museums Act 1964, allows the Council to make contributions towards the expenses of any other person providing library facilities for members of the public; this allows the council to distribute funds as proposed in the report.

4.3.3 The council may rely on the duty and power set out above to provide support and grant funding to these libraries.

4.3.4 The proposed distribution of funds and support to volunteer-led, are unlikely to constitute “financial assistance to ‘an enterprise’” under the Subsidy Control Act 2022, and therefore not likely to be a subsidy. Nonetheless subsidy control implications must be considered and reviewed in each year of the award.

#### 4.4 Climate Implications

4.4.1 This decision to continue the funding for volunteer libraries will mean that all the climate impacts of running these services, both positive and negative, will continue. Further assessment on the contribution Volunteer Run Libraries to reduce the climate impact may include:

- The continued use of the buildings as a community asset, review of condition and potential for retrofit and improvement of building performance.
- The impact of service location on transport emissions, including consideration of demand reduction, decarbonisation and active travel;
- The potential for Volunteer-run Libraries to benefit from the forthcoming Local Renewable Energy on Community and Council Buildings programme, as well as the importance of improving the energy efficiency of activities which use energy.



- How libraries could contribute to the development of the green economy, including supporting green jobs and skills.
- What role libraries could play in influencing the conversation on climate change action, working with stakeholders to increase positive climate action in the city.
- Whether or not opportunities exist to improve the sustainable consumption of resources, to ensure libraries are minimising resource use and production of waste.
- Identifying any contributions libraries can make towards increasing biodiversity, carbon storage capacity and flood management through sustainable use of land.
- The contribution libraries can make to a just and fair transition to a low carbon world, recognising that we do not all contribute equally to climate-change and we will not all be impacted equally by its effects.

## **5. ALTERNATIVE OPTIONS CONSIDERED**

### **5.1 Option 2 – Removal of all grant and funded support**

This option provides no funding for the Associate libraries and removes all support packages beyond which can be provided at no cost to the Council.

Strength of this option

#### **5.1.1**

- This option would save £209k per year.

Weaknesses of this options

#### **5.1.2**

- Consultation with the volunteer run libraries shows a slip in their financial sustainability due to the Pandemic, and therefore sole reliance on fundraising and reserves is unlikely to be a sustainable option.
- A high probability that a number of libraries would close.
- Volunteer-run libraries may lose volunteers and struggle to recruit more due to a loss of stability and confidence of Council support.
- Any library closures would have a negative impact on the health, well-being and prosperity of the communities where libraries closed.

### **Option 3 – Maintenance of grant, but removal of other funded support**

#### **5.2**

In this option the Associate libraries would still receive a grant, but the support package would be reduced or cut altogether. This means they would not have access to any Council library book stock and resources, the Library Management System/I.T, and the Peoples' Network (computer access) or any Council staff support.

Strengths of this options

- 5.2.1
  - This option would save the Council £62k per year.
  - The financial sustainability of the volunteer libraries would be maintained.

#### Weaknesses of this option

- 5.2.1
  - The quality of the service would significantly reduce as they would not have access to the city-wide book stock and resources and would need to buy significant amounts of new books to retain a viable library service.
  - This option would impact on all communities in Sheffield as currently books can be collected and returned to any of the 28 libraries in Sheffield which would no longer be possible as Associate Libraries would no longer have access to the city-wide catalogue.
  - Without guidance and support from Council staff, the quality of the library offer is likely to reduce – i.e. reduced access to training, governance support, ensuring compliance with data protection, equalities/

### 5.3 **Option 4 – 10% reduction in grant and support**

This option would be to continue with the grant and the support package, but with a ten percent reduction on the grant.

#### 5.3.1 Strengths of this option

- This option would save the Council £13,570 per year

#### 5.3.2 Weaknesses of this option

- A ten percent reduction in grant, plus the weak financial position of the libraries due to the Pandemic, plus rising energy costs, could mean some libraries can no longer cover their basic running costs.

## 6. **REASONS FOR RECOMMENDATIONS**

- The current arrangements for Associate and Co-delivered libraries expires on 31<sup>st</sup> March 2024.
- Continued support will increase the likelihood of all volunteer run libraries remaining open and vibrant for the period 01 April 2024 to 31 March 2026.
- Continued support for Associate libraries will give added confidence to trustees and volunteers, at a point they are taking on longer-term and new lease responsibilities.

- Supporting the volunteer run libraries to remain on the Library Management System means that all Sheffield library members can access any library in Sheffield using a single, city-wide library card.
  - Continued support will provide a period of financial stability and growth that will attract more volunteers and trustees and give them additional time to build capacity and develop external funding opportunities.
  - The proposal will ensure the standards and controls relating to the operation of the Council's Library Management System by volunteer libraries are maintained.
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## PART A - Initial Impact Assessment

**Proposal Name:** Continued support for Volunteer Run Libraries

**EIA ID:** 2519

**EIA Author:** Lynne Richardson (Libraries)

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**Proposal Outline:** Proposal to continue support for Volunteer Run Libraries for the period April 1st 2024 to 31st March 2026, consisting of: • A grant for Associate Libraries • A package of support for both Associate and Co-delivered libraries.

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**Proposal Type:** Budget

**Entered on QTier:** Yes

**QTier Ref:** #

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**Year Of Proposal:** 24/25

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**Lead Director for proposal:** Lisa Firth

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**Service Area:** Libraries, Archives & Information Service

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**EIA Start Date:** 01/04/2024

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**Lead Equality Objective:** Understanding Communities

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**Equality Lead Officer:** Ed Sexton

**Decision Type**

**Committees:**

Policy Committees

- Communities, Parks & Leisure

**Portfolio****Primary Portfolio:**

Neighbourhoods

**EIA is cross portfolio:**

No

**EIA is joint with another organisation:**

No

**Overview of Impact****Overview Summary:**

In continuing to support volunteer run libraries, the impact will be to maintain the overall positive impacts these libraries have on people in communities - wellbeing from reading, wellbeing from visiting a safe and warm space, access to information via the Peoples Network Commuters, tackling social isolation, digital literacy, encouraging community activity and community development through providing a safe space for events and activities. Access to information that enables them to manage their health condition. As highlighted below, the results of a scheduled survey this year will be used to enhance the service's knowledge of people using the libraries and their priorities.

**Impacted characteristics:**

- Age
- Health
- Poverty & Financial Inclusion
- Voluntary/Community & Faith Sectors

**Consultation and other engagement**

## Cumulative Impact

Does the proposal have a cumulative impact: No

Impact areas:

## Initial Sign-Off

Full impact assessment required: Yes

Review Date: 10/01/2024

## PART B - Full Impact Assessment

### Health

Staff Impacted: No

Customers Impacted: Yes

Description of Impact: Users of volunteer run libraries, may continue to access information that may help them manage their health condition. Visiting a library and taking part in library activities, including volunteering, has a positive impact on health and wellbeing and helps to tackle social isolation.

Name of Lead Health Officer:

Comprehensive Assessment Being Completed: No

Public Health Lead signed off health impact(s):

## Age

Staff Impacted: No

Customers Impacted: Yes

Description of Impact: People of all ages can continue to access Volunteer Run Libraries. For children, reading from a young age offers improved life chances. For older people libraries are a source of social interaction, and a venue to take part in and lead events and activities for the community.

## Poverty & Financial Inclusion

Staff Impacted: No

Customers Impacted: Yes

Description of Impact: Libraries are a safe and warm space for people to visit with no time limit (except for opening hours) and completely free. People can access the peoples network for free to apply for jobs, get financial support, apply for benefits etc. Access to books and information that enables people to manage their financial situations. Reading for pleasure improves life chances.

## Voluntary / Community & Faith Sectors

Staff Impacted: Yes

Customers Impacted: No

Description of Impact: This proposal will enable sixteen volunteer run libraries to be supported. This will increase their sustainability and enable them to continue their development and offer to the community.



**Outline of action plan:**

This proposal for continued support will mean there are no mitigations required. However it is still important to monitor the impact of the Volunteer Run Libraries, and this is part of the grant monitoring processes. A workshop will be scheduled in the next financial year to look further at ongoing sustainability - which enables people in our communities to be supported. The results of a scheduled survey this year will be used to enhance the service's knowledge of people using the libraries and their priorities.

**Action plan evidence:**

Former research supporting previous cabinet reports from 2014, 2016, 2018. This includes Sheffield's Child Poverty report in 2017, the state of Sheffield report 2016, Census 2011. Recently 'Future sustainability of Volunteer Run Libraries' from 2023, with results included in Form 2 report.

**Changes made as a result of action plan:**

## Mitigation

**Significant risk after mitigation measures:** No

**Outline of impact and risks:**

## Review Date

**Review Date:** 10/01/2024

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