

Policy Committee Decision Report

Title of Report: City Centre Public Spaces Protection Order

Date of Decision: 9th December 2024

Report To: Communities, Parks and Leisure Policy Committee

Report Of: Ajman Ali, Executive Director, Neighbourhood Services

Report Author: Jason Siddall, Head of Communities

Ian Turner, Programme Manager

Executive Summary: Tackling anti-social behaviour in the city centre is key to delivering the priority for high quality neighbourhoods which are clean, green, resilient and safe, and where people can live healthy lives and be happy with where they live, work and play.

Evidence demonstrates that, within the City Centre, there is behaviour that is having a detrimental effect on the quality of life of those in the locality, is persistent and continuing in nature and is unreasonable.

A decision by the Communities, Parks and Leisure Policy Committee was taken in January 2024 to consult on making a Public Spaces Protection Order covering the city centre.

Following that consultation work, this report recommends that the making of a Public Spaces Protection Order is approved to give officers additional powers to tackle anti-social behaviour in the city centre.



Council Plan outcomes:

[Great neighbourhoods that people are happy to call home](#)

[A creative and prosperous city full of culture, learning, and innovation](#)

Policy Committee remit:

This report is to be considered by the Communities, Parks and Leisure Policy Committee as in accordance with Part 3.3.1 of the Constitution the following matters are reserved to this Committee:

Decision making in respect of Public Space Protection Orders (PSPOs):

- To approve a draft PSPO, including the proposed restrictions, and to carry out consultation;
- To consider the outcome of the consultation and to approve the making of the PSPO with such amendments as are necessary or to decide not to proceed;
- To approve the making of an expedited PSPO.

Does the report contain confidential or exempt information? No

Recommendations:

The Communities, Parks and Leisure Policy Committee is recommended to:

1. Having taken into account the outcome of the consultation, approve the making of a Public Spaces Protection Order on the terms attached at Appendix A for a period of 3 years. This Order shall be known as the 'Sheffield City Council City Centre Public Spaces Protection Order 2024.'
2. Agree that the planned target date of implementation of the Sheffield City Council City Centre Public Spaces Protection Order 2024 shall be in April 2025.
3. Grant delegated authority to the Director of Customer Experience and Communities in consultation with the Chair of the Communities, Parks and Leisure Policy Committee to agree the exact date when the Sheffield City Council City Centre Public Spaces Protection Order 2024 shall take effect.
4. Grant delegated authority to the Director of Customer Experience and Communities to undertake all necessary further steps and actions required in order to formally implement the making of the Sheffield City Council City Centre Public Spaces Protection Order 2024.

Financial Implications: Yes. [Approved by: Adrian Hart]

Legal Implications: Yes. [Approved by: Rebecca Lambert]

Equality and Inclusion Implications: Yes. [Approved by: Ed Sexton]

Full Equalities Impact Assessment completed with EIA number: **2874**

Climate Change Implications: No Approved by: Jason Siddall, Head of Communities

Rapid Climate Impact Assessment Number: 57

Background Papers:

January 2024 CPL Committee decision report and supporting documents:

[Agenda item - City Centre Public Spaces Protection Order](#)

Anti-social Behaviour, Crime and Policing Act 2014:

[Link to chapter 2 of the Act](#)

Statutory guidance for frontline professionals:

[Link to the Statutory Guidance](#)

Public Spaces Protection Orders Guidance for councils:

[Link to LGA guidance](#)

Appendices:

Appendix A: Proposed Public Spaces Protection Order
Appendix B: Consultation Report
Appendix C: PSPO Enforcement and Support Protocol
Appendix D: Equalities Impact Assessment #2874

1. Background to the issue

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 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 Public Spaces Protection Order (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 places, 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 the 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 1998 and the 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 chief officer of police, the local policing body, for the police area that includes the restricted area, community representatives, owners/occupiers of land in the restricted area, and other people who may be affected by the order. Around 90% of the Local Authorities in England and Wales have at least one PSPO in force.

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.

An Enforcement and Support Protocol linked to the Harm Reduction Enforcement Pathway set out in the City Centre Action Plan has been developed alongside the PSPO to guide interventions if the restrictions of the PSPO are breached (see Appendix C).

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 Communities, Parks and Leisure Policy Committee decision to carry out consultation into the making of a PSPO

On 29th January 2024, it was resolved that the Communities, Parks and Leisure Policy Committee:-

- Approves the proposed draft Public Spaces Protection Order (PSPO) for the purposes of carrying out public and stakeholder consultation on the introduction of a PSPO in Sheffield City Centre.
- Approve carrying out public and stakeholder consultation on the introduction of a PSPO in Sheffield City Centre and on the draft PSPO.

The full consultation report is included at Appendix B and a summary of this is included at section 4.1 of this report.

2. Proposal

2.1 Evidence of Anti-Social Behaviour in the City Centre

The evidence presented in the January Committee report indicated that the City Centre, including the area around the train station, is 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 indicated 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.

2.2 Consultation outcomes

A consultation on the introduction of a PSPO received 1205 individual and 77 organisational responses. A significant majority of individuals, organisations and landowners had witnessed or experienced anti-social behaviour of the types within the proposed PSPO over the previous 12 months. The majority

of respondents (both individual and organisational) also agreed that the 5 restrictions were necessary.

Based on the feedback received through the consultation and other submissions received during the consultation period, several changes have been made to the proposed begging and loitering restrictions to make the wording less ambiguous and less subjective; and to amend the restriction on alcohol to situations that are causing or are likely to cause anti-social behaviour rather than a blanket restriction on all alcohol consumption.

The following table summarises the changes:

Restriction	Original Wording	Revised Wording	Reason for the change
Alcohol	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.	No person within the restricted area may consume alcohol and/or be in possession of alcohol or items suspected to be alcohol in a public place, in a manner that is causing or is likely to cause anti-social-behaviour.	The addition of the clause 'in a manner that is causing or is likely to cause anti-social behaviour' is in response to comments that the original wording could be applied too broadly and would restrict responsible alcohol consumption particularly in green spaces in the City Centre.
Begging	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.	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 or distress to any person.	The removal of the words 'nuisance' and 'annoyance' brings the wording in line with the definition of anti-social behaviour in the Anti-social Behaviour, Crime and Policing Act 2014. This is in response to comments that the original wording was ambiguous and subjective.

Restriction	Original Wording	Revised Wording	Reason for the change
Loitering	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.	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 causes or is likely to cause harassment, alarm or distress to any person.	As above, also in response to comments that the restriction was too broad. In addition, the wording of the restriction has been brought in line with the begging restriction
Drug Use	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).	No Change	
Urination and/or defecation	No person within the restricted area will urinate and/or defecate in any public place (this does not include public toilets).	No Change	

2.3 Partner Engagement

Before making a PSPO, the Council is required to consult with the police. Council officers have worked closely with colleagues from South Yorkshire Police to ensure that there is a coordinated approach to tackling antisocial behaviour and SYP are supportive of a PSPO in the city centre. Following this consultation, an additional requirement to provide name, address and date of birth and to leave the PSPO area has been added into the PSPO that only applies if the restrictions are breached as detailed below:

For the purposes of enforcing the provisions of this Order any person who a constable or an authorised officer reasonably believes has breached a restriction under Prohibitions 1 to 5 of this Order, shall when required to do so by the constable or authorised officer:

a. Provide their full name, address and date of birth to the officer. Any such request may be made either verbally or in writing and may stipulate the time within which such information should be provided to the constable or authorised officer. If any person having been asked to provide their details knowingly gives false, inaccurate or misleading information to the constable or authorised officer requesting that

information, that person shall be deemed to have failed to comply with those requirements.

b. Leave and not return to the restricted area, without reasonable excuse, for a period of 24 hours. Where a person has a known or identifiable reasonable excuse for having to visit or enter the restricted area during the 24 hour period specified this should be identified and explained to the constable or authorised officer so that any such activity or requirement can be expressly permitted during this 24 hour period and can be excluded from the direction imposed.

The purpose of this requirement is to provide an alternative intervention that will help to avoid more formal intervention such as issuing an FPN. If an individual has a reasonable excuse for entering the PSPO area within the 24-hour period, such as attending support services or accommodation, this is permitted.

2.4 Review of the area covered by the PSPO

Several additional areas were proposed by respondents to the consultation (see section 4.1.8). The areas that had the highest number of people suggesting them were reviewed against the restrictions in the PSPO and their levels of reported ASB and were found to either not have high levels of ASB or the types of ASB being experienced are not covered by the restrictions. Extending the area could also have an impact on the enforceability of the PSPO with resources diluted over a wider area.

Other respondents suggested a reduction in the area. The evidence presented previously demonstrated that ASB occurs in areas across the city centre. The proposed area also has a coherent, defined boundary that can be described simply. Removal of small sections from within that boundary could lead to confusion about the limit of the PSPO area.

2.5 The restrictions in plain English

The full proposed PSPO is included as Appendix A to this report. This also includes the requirements linked to each restriction. The legal nature of a PSPO means that it has to follow the prescriptive legal wording, which may be complex to understand. Below are more accessible versions of the restrictions and the additional requirements.

2.5.1 Alcohol

If an officer suspects that you are going to behave anti-socially due to drinking alcohol, you must stop drinking alcohol when asked to do so by the officer. You must also hand over any alcohol if asked to do so.

2.5.2 Begging

You must not beg in a way that might harass people or cause them alarm or distress.

2.5.3 Loitering

You must not loiter in a way that might harass people or cause them alarm or distress.

2.5.4 Drug Use

You must stop using drugs if asked to do so by an officer. You must also hand over any drugs and any drug taking equipment if asked to do so.

2.5.5 Urination and/or Defecation

Except for public toilets, you must not urinate or defecate in a public place.

2.5.6 Additional Requirements

If you have broken one of the restrictions, you must give your name, address and date of birth and leave the area covered by the PSPO and not return for 24 hours if you are asked to, unless you have a reasonable excuse for returning.

2.6 Engagement, Education and Enforcement

The PSPO applies to behaviours that cause or are likely to cause harassment, alarm or distress. It is not designed to target individuals engaging in activities that are not anti-social, for example people sleeping rough in the city centre.

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.

2.6.1 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)
- 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. There is a good understanding of who these individuals are and, by collectively working with partners, solutions are identified to enable people to return and access accommodation.

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. Although this is a short-term programme, learning and evidence from it will inform current and future delivery.

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.

2.6.2 Education

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

In 2023 a best practice guide was launched for groups, businesses, charities and individuals supporting people who are vulnerable,



begging, or homeless on the streets in Sheffield. The guide is available on the Help Us Help website (Home | Help Us Help). Help us Help is a collaboration of local organisations that shares information about the support available to people rough sleeping and begging in Sheffield. It also provides advice for the public and businesses on supporting people on the streets.

The guide has been reviewed in partnership with key services, including homeless services to ensure information is accurate and user friendly.

2.6.3 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 people for diverse reasons are unable or unwilling to 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 disadvantages.

The aim of the Harm Reduction Pathway is to build a multi-agency long-term problem-solving package for each client. It is cross referenced with the 'target priority group' for rough sleeping which is a cohort of 50 of the most entrenched rough sleepers, often with complex needs and in city centre. It includes consideration around a range of enforcement options and incorporates ongoing care plans post enforcement. The benefits of this approach have been shown to include reduced demand, an improved balance between support and enforcement and improved partnership working.

Due to the intensity of the approach only a small cohort of the most at risk and vulnerable are adopted and put through the 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 supported 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 displace people, it also demonstrates that they provide a strong deterrent and prevent ASB from occurring.

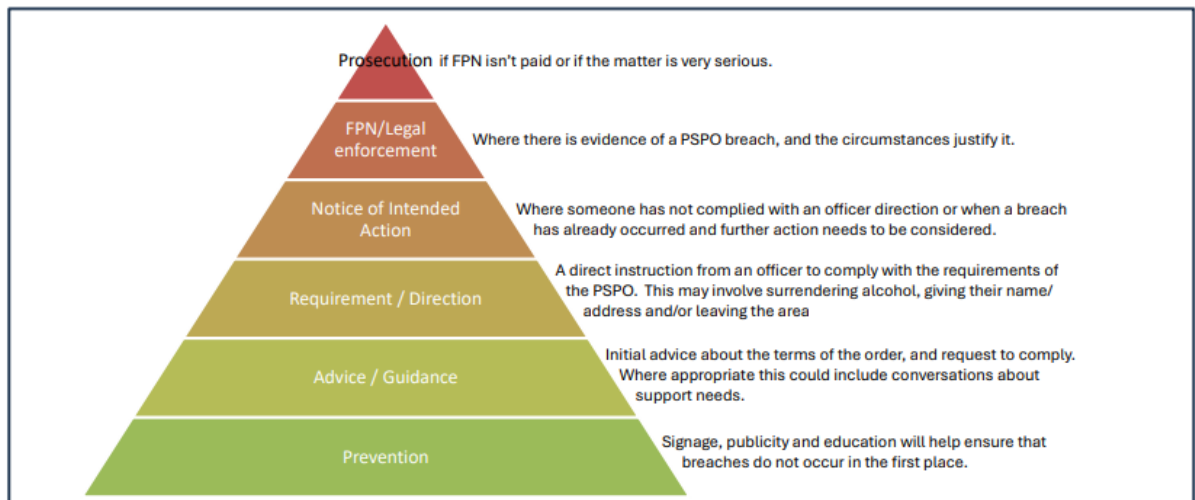
2.7 Enforcement and Support Protocol

2.7.1 An enforcement and support protocol has been developed to define the key principles and included as Appendix C.

The principles of the protocol will focus on:

- Education, advice and prevention will be the first priority.
- The restrictions apply to everyone; enforcement will be fair and proportionate.
- In most cases, the opportunity to cease the activity will be given.
- Support can be offered to address underlying causes of the ASB.
- Officers may require someone to leave the area for 24 hours.
- Further action will be taken for noncompliance or when there are repeat offences.
- An 'ASB Notice of Intended Action' (NIA) process will ensure that action is taken based on the circumstances.
- Fixed Penalty Notices (maximum £100) will be used, but not as the 'default' response.
- Staff 'patrol' resources will be prioritised in the areas where ASB is most likely to occur.

2.7.2 An Enforcement and Support Hierarchy has been developed to graphically represent the protocol



The hierarchy is not a linear process and officers will use professional judgement to ensure that the most appropriate action is taken based on the circumstances of the breach and the person causing the anti-social behaviour.

2.7.3 Notice of Intended Action Process

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

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

The advantage to this process is that it provides a clear, and easy to follow process for officers and ensures appropriate follow up action where needed, including consideration of support needs where appropriate.

The approach to dealing with breaches of the PSPO restrictions will be in line with the Sheffield Harm Reduction Enforcement Pathway ensuring that every opportunity is taken to identify and understand underlying causes of ASB so that individuals with multiple complex support needs are raised and appropriate multiagency packages of care are agreed around substance misuse treatment, mental health and housing support pathways. These are set out in a City Centre Action Plan. The PSPO and Enforcement and Support Protocol are designed to complement and contribute to the action plan.

The Protocol will ensure that procedural safeguards are in place ensuring support and signposting is prioritised over enforcement. The NIA process will allow monitoring of the PSPO particularly where multiple notices are issued to the same person. This information will help in identifying individuals with complex and/or multiple support needs. It can also be used for monitoring the effectiveness of the PSPO. In particular, combined with information on any FPNs issued, it will help to identify opportunities for engagement with potentially adversely affected groups on the perception of the enforcement approach.

2.8 Why do we need a PSPO?

- 2.8.1 Most powers in the Anti-social Behaviour, Crime and Policing Act 2014 target individuals who are perpetrating ASB. A PSPO applies to types of behaviour.

There are many types of behaviour that are antisocial. The consultation raised 16 behaviours that the respondents considered to be antisocial. The majority of these are either fully or partially covered by other existing legislation as shown in the table in section 4.1.7.

South Yorkshire Police and Council Officers use the powers they have from this legislation to tackle criminal behaviour and deal with individuals who cause antisocial behaviour, however, there is a gap where some activities only become an offence after they have become antisocial.

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

The restrictions have been revised to ensure that they are less subjective and can only be used in certain circumstances, reducing the likelihood that they will disproportionately affect vulnerable groups.

The inclusion of a requirement to leave and not return provides an additional intervention at a lower level than formal legal proceedings.

2.9 Legal Test for Making a PSPO

The evidence and feedback from the consultation and partners, satisfy, on reasonable grounds:

- that activities identified in the proposed PSPO are carried on in a public place within the City Centre and have or are likely to have had a detrimental effect on the quality of life of those in the locality
- 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.

2.10 Potential displacement from the City Centre

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

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

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

2.11 Evaluation

Assessing the effects, and effectiveness of the Order, will form part of ongoing monitoring of the PSPO. Regular evaluation will be carried out using ASB intelligence, information from any NIAs and FPNs that are issued and other information gathered through partners and organisations in the city centre. This will also include ongoing engagement with potentially affected groups, as described within the Equality Impact Assessment. This will ensure that the impact of the PSPO can be monitored effectively. CPL Policy Committee will be updated regularly through committee knowledge briefings and, where appropriate, through formal committee processes.

If the evidence supported it, the Council would have the option to review the PSPO and has the power to vary, extend or discharge an Order during the three-year period of the Order. Where PSPOs are varied, extended or discharged, there are statutory requirements regarding this, and the Council would be required to undertake a further consultation process to support a formal decision by CPL Committee.

3. How does this decision contribute to the Council Plan?

3.1 Council Plan outcome

3.1.1 Great neighbourhoods that people are happy to call home

The making of a PSPO in the city centre will have a positive impact on the safety and perception of safety for those people who live, work or visit the city centre. This contributes to the priority for high quality neighbourhoods which are clean, green, resilient and safe, and where people can live healthy lives.

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.

3.1.2 A creative and prosperous city full of culture, learning, and innovation

Various comments received through the consultation cited safety and the feeling of safety in the city centre due to ASB. One organisational respondent felt that it was 'absolutely essential, both for the development of the city centre, to encourage investment, enable businesses to succeed, attract new business to the city and to keep residents/workers safe.' A PSPO will not stop all ASB but, when combined with other interventions including advice and support for individuals, it can reduce behaviour that causes, or is likely to cause harassment, alarm or distress. This will contribute to the priority for a thriving, liveable and sustainable city centre by improving feelings of safety in the city centre.

3.2 People – Prosperity - Planet

3.2.1 People

We want people to be happy with where they live, to be able to access the services and facilities they need close to home, and able to make the most of



everything all the city's neighbourhoods have to offer. The PSPO will be a tool to tackle ASB in the city centre. At its heart, it has an enforcement and support protocol that will prioritise, advice, guidance and support to help particularly vulnerable people access the services and facilities they need.

3.2.2 Prosperity

All Sheffield's neighbourhoods will be clean, green and safe places to live and visit. They should be welcoming and healthy environments for people to spend time together, live healthily, move around and belong in their communities. The PSPO will contribute to safety and feelings of safety in the city centre.

4 What community or partner engagement has been undertaken and how has it informed the proposal?

4.1 Public Consultation

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 out in full in section 8.2 to 8.3 of the report.) The Statutory Guidance strongly recommends that a council engages in an open and public consultation to give the users of the public place the opportunity to comment on whether the proposed restriction or restrictions are appropriate, proportionate or needed at all.

Following the January 2024 decision, a consultation exercise was carried out. This was promoted through a press release (see [Public consultation on a city centre PSPO now live | SheffNews.](#)), direct emails to relevant organisations and stakeholders, and circulated through partner organisations.

A full online consultation was carried out between 9th February and 25th March 2024. Paper copies of the survey were also available with officers assisting with their completion to ensure those without internet access could be consulted. Copies of the survey were also available in public libraries and in the Moor Market.

The full consultation analysis report is included as Appendix B. To ensure anonymity of the responses, comments made by respondents will not be published in full however, where appropriate, some comments have been included in the analysis report.

A summary of the findings are included below.

4.1.1 Consultation Headlines

- 1205 individuals and 77 organisations responded to the consultation
- A significant majority of individuals, organisations and landowners who responded to the consultation had witnessed or experienced anti-social behaviour over the last 12 months.
- A further set of behaviours were identified as issues by respondents, e.g. aggressive and violent behaviour, loud religious preaching, littering and bike deliver riders on pavements.
- Just over two thirds of individual respondents thought Sheffield City Council should introduce a PSPO in the city centre, a higher proportion (87%) of organisations agreed with the introduction.
- Further comments were made reflecting views of both supporters of the PSPO and those who didn't agree. These comments centred on:
 - People wanting to feel safe and able to visit and use the city centre in the day, evening and at night
 - A concern that the PSPO would have a big or disproportionate impact on people who were homeless
 - That setting a boundary may move the anti-social behaviour issues to other areas
 - A consistent and strong concern that preventing and stopping many of the anti-social behaviours identified relied on people having access to appropriate services, support and facilities

4.1.2 Individual Response Demographics

- Fewer younger people responded compared to the population, particularly those people aged 24 years and under.
- More people in the older age groups responded compared to the population, specifically those people aged between 55 and 74 years.
- Response rates from people from the 'White or White British' ethnic group and 'Other ethnic group' were broadly in-line with the Sheffield population.
- There was a much lower response rate from people in the 'Asian or Asian British' ethnic group and people from the 'Black or Black British' ethnic group.
- A much lower proportion of respondents who were Muslim or Christian responded compared to the Census than would have been expected.

4.1.3 Organisation Responses

- A broad range of sectors, sizes and types of organisations provided their views as part of the consultation.
- 60% of the organisations are located within the postcodes in S1 and S2 showing a good representation of organisations located within the city centre



4.1.4 Experience of ASB

- 82% of individuals and 92% of organisations had experienced anti-social behaviour in the last 12 months.
- The majority agreed or strongly agreed the issues were a problem in Sheffield city centre.
- A consistent proportion of one sixth of individual respondents disagreed or strongly disagreed with each anti-social behaviour identified with the exception of drug use which had a lower disagreement rate.
- The issues that stood out for individuals were Drug use (with 79% of individual respondents who strongly agreed/agreed), Begging (74%) and Drinking alcohol in public (73%).
- The issues that stood out for organisations were Drug use (92%), Drinking alcohol in public (92%) and Public urination/ defecation (88%).

4.1.5 Support for a PSPO

- 67% of individuals were in support of the introduction of a PSPO, whilst 12% disagreed.
- 531 individuals that answered 'Yes' and 221 who answered 'No' gave further comments about the introduction of a PSPO
- 87% of organisations were in support with 4% disagreeing.
- 49 organisations that answered 'Yes' and 6 who answered 'No' gave further comments about the introduction of a PSPO

4.1.6 Support for the restrictions

- The majority of the individual respondents agreed that the restrictions were necessary:
 - Urination and/or defecation (81% strongly agreed/agreed)
 - Drug Use (79%)
 - Loitering (73%)
 - Begging (71%)
 - Alcohol (69%)
- Support from organisations was higher:
 - Urination and/or defecation (94% strongly agreed/agreed)
 - Drug Use (91%)
 - Alcohol (86%)
 - Loitering (82%)
 - Begging (82%)

4.1.7 Other Types of ASB

- 43% of individuals and 55% of organisations identified that there were other anti-social behaviour issues not captured in the proposed PSPO.
- 16 specific issues were identified. Of these, 12 are already covered by existing legislation and there is some control over the others as detailed in the table below.

Issue raised	Individuals	Organisations	Current Statutory Controls
Aggressive and violent behaviour	76	11	Offences Against the Person Act 1861 Public Order Act 1986
Loud religious preachers	41	6	The right to preach is protected by the European Convention on Human Rights (Articles 9, 10 and 11) as incorporated under the Human Rights Act 1998
Littering	39	5	Environmental Protection Act 1990
Bike delivery riders on pavement	32		Road Traffic Act 1988 Road Traffic Act 1998 Highway Act 1835
Dogs	23		Dangerously out of control dogs are covered by Dangerous Dogs Act 1991 although there is no specific legislation generally requiring dogs to be kept on a lead. The possibility of introducing a PSPO specifically relating to dogs could be considered in the future.
Drug dealing	22	8	Misuse of Drugs Act 1971
Graffiti	20		Criminal Damage Act 1971 Anti-social Behaviour Act 2003
Poor/dangerous driving and parking	19	2	Road Traffic Act 1988
Loud buskers and street performers	17	5	Issues relating to noise and/or loudness are a statutory nuisance if they unreasonably and substantially interfere with the use or enjoyment of a home or other premises
Charity canvassers	14		Police, Factories etc., (Miscellaneous Provisions) Act 1916. The Council has also entered into a Site Management Agreement with the Chartered Institute of Fundraising to

Issue raised	Individuals	Organisations	Current Statutory Controls
			control where and when fundraising can take place in Sheffield. Charity collections are covered by the Fundraising Regulator Code of Fundraising Practice.
Sexual harassment	13		Protection from Harassment Act 1997 Sexual Offences Act 2003
Noise	12	4	Issues relating to noise and/or loudness are a statutory nuisance if they unreasonably and substantially interfere with the use or enjoyment of a home or other premises
Football fans (drunk, blocking traffic, crowding)	11		Anti-social Behaviour Act 2003 Public Order Act 1986 Offences Against the Person Act 1861
Abuse of staff in shops	8	2	Public Order Act 1986
Vandalism	6		Criminal Damage Act 1971 Anti-social Behaviour Act 2003
Intruders on or in property		4	Criminal Justice and Public Order Act 1994

4.1.8 Area Proposed

68% of individual respondents and 78% of organisational respondents agreed with the proposed boundary of the PSPO.

Of those that disagreed, 153 individual and 10 organisational respondents said the area should be bigger; 47 individual and no organisational respondents said it should be smaller. The table below shows the areas that were proposed to make the area larger.

Area	Individual	Organisations
Kelham Island	39	3
Parkhill & South Street	26	2
Whole city	22	
Ecclesall Road	17	
London Road	13	2
Roads around railway station	8	
Clay Wood	4	
Parks near City Centre	4	1
Spital Hill	3	

4.2 Consultation with South Yorkshire Police

Before making a Public Spaces Protection Order, the Council is required to consult with the police. This has to be done formally through the chief officer of police and the local policing body, for the police area that includes the restricted area, 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.

Council officers have worked closely with colleagues from South Yorkshire Police to ensure that there is a coordinated approach to tackling antisocial behaviour and SYP are supportive of a PSPO in the city centre.

5. What alternative options did we consider?

5.1 Alternative Option 1:

To approve the making of a PSPO without the additional requirements to give personal details and leave the area when asked to do so.

This is not the preferred option as the requirement to leave provides an additional layer of intervention that will help to avoid more formal intervention such as issuing an FPN. Without this, the level of intervention could end up higher than is necessary in a given situation.

5.2 Alternative Option 2:

To approve the making of a PSPO with the draft wording that was proposed in the January CPL committee report

This option was rejected based on the feedback received during the consultation period. The original wording of the alcohol restriction could be applied too broadly and might restrict responsible alcohol consumption particularly in green spaces in the City Centre. Equally, the terms 'nuisance' and 'annoyance' in the begging and loitering restrictions could be more subjective and ambiguous. The removal of these terms creates a higher threshold for breaching the PSPO.

5.3 Alternative Option 3:

To consider the outcome of the consultation and to decide not to proceed.

This option is reserved to the Communities, Parks and Leisure Policy Committee under Part 3.3.1 of the Constitution and is the 'do nothing' option in relation to a PSPO. This option has been rejected based on the evidence presented in this report.

The consultation has demonstrated that people are experiencing harassment, alarm or distress from the behaviours that would be restricted with the PSPO. It has also demonstrated that the majority of individuals and organisations support the restrictions that would come from the PSPO. The PSPO is another tool that can be used to tackle ASB in the city centre and, combined with the Enforcement and Support Protocol will allow earlier intervention to provide support to vulnerable individuals.

6. How has equality, diversity and inclusion been actively considered?

6.1 Equalities Implications

A full Equalities Impact Assessment (number 2874) has been completed and is attached as Appendix D.

The restrictions contained in the Public Spaces Protection Order (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 the PSPO will be fair, reasonable, and focused on a wholistic problem solving approach, including addressing support needs where necessary.

The Council has legal requirements under the Equality Act 2010, including the Public Sector Equality Duty. This requires that public authorities must, in the exercise of their functions, have due regard to the need to:

1. eliminate discrimination, harassment, victimisation and any other conduct that is connected to protected characteristics and prohibited by or under this Act;
2. advance equality of opportunity between those who share a relevant protected characteristic and those who do not;
3. foster good relations between those who share a relevant protected characteristic and those who do not.

As required, the EIA has assessed potential impacts relating to protected characteristics defined by the Act and the other areas of inequality defined in Council policy. In summary, the assessment is of likely positive impacts primarily in relation to health.

Action has been taken to mitigate the impact in relation to Armed Forces and Poverty and Financial Inclusion. This has included the revision of the draft PSPOs to remove some of the ambiguity and subjectiveness of the restrictions and the development of the Enforcement and Support Protocol which prioritises support and signposting over enforcement and therefore could have a positive impact on these groups through support interventions.

Less direct impacts have been identified in relation to Partners and Voluntary / Community & Faith Sectors.

7. Financial and Commercial Implications

7.1 The main financial cost of implementing the PSPO is the legally required signage. The cost of these will depend on the number and size required. 50 signs will cost between £2,300 and £5,000. Funding has been identified for these and will be contained within the budget.

There could be a small income from issuing FPNs once the PSPO implemented. Based on evidence from elsewhere and because the enforcement and support protocol prioritises education, advice and prevention over enforcement, it is anticipated that this income will be small. It is also expected that this will not exceed the administrative costs of issuing FPNs.

8. Legal Implications

8.1 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'

8.2 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'

8.3 '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 has consulted the following 3 groups before making a PSPO:

- Chief Police Officer for South Yorkshire and the Mayor of the South Yorkshire Mayoral Combined Authority
- 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.'

8.4 'The Necessary Publicity' is also defined under section 72(4) of the 2014 Act. E.g.

- 'In subsection (3)
"the necessary publicity" means -
- (a) in the case of a proposed order or variation publishing the text of it;
 - (b) in the case of a proposed extension or discharge, publicising the proposal.'

8.5 Under section 67 of the 2014 Act it is an 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.

In accordance with section 67(3) a person does not commit an offence under this section by failing to comply with a prohibition that the local authority did not have the power to include in the PSPO.

Consuming alcohol in breach of a public spaces protection order is not an offence under section 67 of the 2014 Act but is covered under the provisions of section 63 of the 2014 Act.

8.6 Section 63 of the 2014 Act states that it is an offence under section 63(6) for a person without reasonable excuse to fail to comply with a requirement imposed on him or her under subsection 63(2) of the 2014 Act by a constable or authorised person.

Under section 63(2) where a constable or authorised person reasonably believes that a person is, has been or intends to consume alcohol in breach of a prohibition in a public spaces protection order the constable or authorised person may require the person –

- (a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
- (b) to surrender anything in the persons possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

A person guilty of an offence under section 63(6) of the 2014 Act is liable on conviction in a Magistrates' Court to a fine not exceeding level 2 on the standard scale.

8.7 In accordance with section 68 of the 2014 Act a constable or an authorised person may issue a fixed penalty notice of up to £100 to anyone s/he believes has committed an offence under sections 63 or 67 of the 2014 Act in relation to a PSPO. A fixed penalty notice is a notice offering a person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the local authority specified in the notice.

8.8 In accordance with section 66 of the 2014 Act any challenge to the validity of a PSPO must be made in the High Court by an interested person within six weeks of it being made. An interested person is an individual who lives in, regularly works in, or visits the restricted 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 a PSPO on two grounds: that the Council did not have power to make the PSPO or variation, or to include

particular prohibitions or requirements; or that one of the requirements of the legislation under Part 4, Chapter 2 of the 2014 Act has not been complied with. When an application is made, the High Court can decide to suspend the operation of the PSPO or variation pending the Court's decision, in part or in totality. The High Court has the ability to uphold the PSPO, quash it, or vary it.

8.9 The decision:

'to consider the outcome of the consultation and to approve the making of the PSPO with such amendments as are necessary or to decide not to proceed' is reserved to the Communities, Parks and Leisure Policy Committee under Part 3.3.1 of the Constitution.

9. Climate and Environmental Implications

9.1 A rapid Climate Impact Assessment (number 57) was carried out and no impacts were identified.

10. Other implications

10.1 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.

11. Reasons for decision

11.1 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.

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 evidence and feedback from the consultation and partners, satisfy, on reasonable grounds that the activities identified in the proposed PSPO are having or are likely to have had a detrimental effect on the quality of life of those in the locality and are or are likely to be of a persistent or continuing nature justifies the restrictions imposed by the proposed Order.

The Council is satisfied that the prohibitions imposed by the proposed Order are reasonable in order to reduce the detrimental effect of these activities.

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