

**Committee Name and Date of Committee Meeting**

Cabinet – 07 July 2025

**Report Title**

Fitzwilliam Road Public Space Protection Order (PSPO)

**Is this a Key Decision and has it been included on the Forward Plan?**

Yes

**Strategic Director Approving Submission of the Report**

Andrew Bramidge, Strategic Director Regeneration and Environment

**Report Author(s)**

Catherine Lunn, Community Protection & Environmental Health Manager  
01709 823118, [catherine.lunn@rotherham.gov.uk](mailto:catherine.lunn@rotherham.gov.uk)

**Ward(s) Affected**

Fitzwilliam Road/Eastwood - Rotherham East

**Report Summary**

The current Fitzwilliam Road Public Spaces Protection Order (PSPO) was renewed in June 2022 for a period of three years.

The Anti-Social Behaviour, Crime and Policing Act 2014 created powers to introduce Public Spaces Protection Orders (PSPOs) in order to prevent individuals or groups committing anti-social behaviour in public spaces.

Tackling anti-social behaviour and environmental crime are key objectives for the Council, linking to a number of the Council Plan Themes including:

- Places are thriving, safe, and clean,
- Residents live well,
- One Council that listens and learns.

The current PSPO has the following conditions attached to it:

1. The consumption of alcohol and/or the possession of an open container containing or purporting to contain alcohol in a public place other than at those places identified.
2. Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person.

3. Causing noise that is likely to have a detrimental impact on a person(s) quality of life.
4. Each relevant person must ensure that the wheelie bin(s) for their property or waste presented for collection in a manner specified for their property is not situated outside the boundary of their premises other than between 6pm on the day before collection is due, and 9pm on the day of collection unless the wheelie bin is in an identifiable bin storage area or yard for wheelie bins of their property.

It is proposed that the above conditions remain in place with a slight amendment to condition one which adds clarity to the specific times it would be enforced (see 3.4).

On 16 April 2025, following a review of available evidence a public consultation was authorised to run from 22 April 2025 to 20 May 2025. This consultation was extended to 23 May 2025 due to a relatively low level of response. The purpose of the consultation was to seek the views of the public and partners in relation to the existing PSPO and the proposed conditions that would be considered as part of any new order.

The report outlines the consultation and responses which, in summary, has shown support for the PSPO being in place, identifying an ongoing need to utilise the full range of legislation available to address community safety matters. As such, this report recommends the renewal of the PSPO in place for a period of 3 years from July 2025. Over half the respondents confirmed they had confidence in the effectiveness of a future Order, (as set out in question 3 in Appendix 3), while providing some challenge around the ability of the Police and Council to enforce the Order. As a result of this feedback, this report also outlines further steps to provide additional assurance and oversight on the application of the tools by both the Police and Council, subject to the renewal of the Order.

## **Recommendations**

The Cabinet approves the renewal of the Fitzwilliam Road Order (Appendix 1) for a period of three years upon expiry of the current Order in July 2025.

## **List of Appendices Included**

- Appendix 1 Fitzwilliam Road PSPO in draft state
- Appendix 2 South Yorkshire Police ASB Rotherham East data 2021-2024
- Appendix 3 Consultation Response Data Summary
- Appendix 4 Public Spaces Protection Orders Consultation Plan
- Appendix 5 Email from Chief Inspector Bradley in support of the PSPO
- Appendix 6 Initial Equality Screening Assessment (Part A)
- Appendix 7 Initial Equality Screening Assessment (Part B)
- Appendix 8 Carbon Impact Assessment

## **Background Papers**

[Agenda item - Fitzwilliam Road Public Spaces Protection Order, June 2022 - Rotherham Council](#)

[Decision - Fitzwilliam Road Public Space Protection Order - Rotherham Council](#)

[Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals, Home Office, March 2023](#)

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

None

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## **Fitzwilliam Road Public Space Protection Order (PSPO)**

### **1. Background**

- 1.1 The Anti-Social Behaviour, Crime and Policing Act 2014 created powers to introduce Public Spaces Protection Orders (PSPOs) in order to prevent individuals or groups committing anti-social behaviour in public spaces.
- 1.2 Tackling anti-social behaviour and environmental crime are key objectives for the Council, linking to a number of the Council Plan Themes including:
  - Places are thriving, safe, and clean,
  - Residents live well and
  - One Council that listens and learns.
- 1.3 On 16 April 2025 an Officer Decision approved a consultation exercise on proposals to extend, vary or discharge the PSPO in relation to the Fitzwilliam Road.
- 1.4 This report provides the outcome of the consultation and statistical data which supports the recommendation to Cabinet for extending the PSPO and adopt the drafted Order as set out in Appendix 1.

### **2. Key Issues**

- 2.1 The Anti-Social Behaviour (ASB), Crime and Policing Act 2014 provides for PSPOs, to be made for a maximum period of three years.
- 2.2 The Act requires that, where Orders are to be introduced or extended, consultation must be undertaken with:
  - 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.
- 2.3 In addition, the Act also stipulates that necessary publicity must be undertaken which means:
  - In the case of a proposed new order or variation, publishing the text of it
  - In the case of a proposed extension or discharge, publicising the proposal.
- 2.4 The consultation authorised by Officer Decision on 16 April 2025 looked to build upon the statistical data provided in relation to ASB and crime from both the Council and South Yorkshire Police, which provides a strong evidence base for the proposed PSPO.

2.5 Since the designation of the Public Spaces Protection Order in the Fitzwilliam Road, complaints of Anti-Social Behaviour have slowly been on the rise and peaked in 2024 with numerous reports of drinking in the pocket parks and Eldon Road playing field. This shows that the condition regarding drinking alcohol in open spaces in the current PSPO is still relevant to a future PSPO. (See appendix 2).

2.6 To increase the capacity to enforce the PSPO, the Council's partnering boroughwide enforcement service, provided by City of Doncaster Council, have been delegated powers to enforce the PSPOs in place alongside relevant Rotherham Council officers and Police Officers. This was an addition to previous arrangements of this type which have historically included littering and dog fouling offences. This took effect from April 2024 and provides experienced, uniformed and equipped officers able to take effective action against the Orders and builds on existing enforcement capacity.

2.7 There have been 30 fixed penalty notices served in the area since 2022 and there is some anecdotal evidence provided of lower-level interventions such as verbal warnings and surrender of alcohol, where no offence is made because the advice/warning was complied with.

### **3. Options considered and recommended proposal**

3.1 Fitzwilliam Road continues to experience significant levels of anti-social behaviour (ASB) and neighbourhood crime. According to the data (Appendix 2) between January 1, 2021, and September 30, 2024, there were 568 ASB incidents and 339 neighbourhood crime incidents reported. The most prevalent ASB Types are rowdy behaviour, begging, theft from vehicles, and shoplifting.

3.2 The persistent issues of ASB and crime in the Fitzwilliam Road area underscore the need for a continued Public Spaces Protection Order (PSPO). Implementing a PSPO would provide a further legislative tool to give agencies an opportunity to address these behaviours, enhance community safety, and improve the quality of life for residents.

3.3 Option one. (**not recommended**).

3.3.1 The Council does not extend the existing PSPO due to expire in July 2025. This would mean that Council Officers and the Police could not continue to take action under the powers provided by the PSPOs. Alternative powers which could be used are:

#### **Civil Injunctions**

- A versatile tool that can target individual, groups, or businesses to control problematic behaviour.
- Enforced by Council and Police and can have positive requirements for problematic drinkers to engage with support services.
- Can also be used in conjunction with other powers.
- Can be used on under 18s.
- Can carry a power of arrest.

- Can be used as a “banning order” for individuals not to congregate in Eastwood.

#### Community Protection Warnings (CPW) and Notices (CPN)

- Enforced by Council and Police.
- Can be used to address behaviour of street drinkers via fines/imprisonment.

#### Dispersal Powers

- Applied for and enforced by Police.
- Directs individuals to leave a specified area for a period of up to 48 hours if they are engaging in, or likely to engage in, anti-social behaviour. This includes situations where alcohol consumption is a contributing factor.
- Can be tailored to be used during peak times of ASB/street drinking.

#### Closure Orders

- Enforced by Council and Police.
- Targeted at problem properties (partying/street drinking) and local businesses (contributing to street drinking/ASB). Allow authority to close properties for up to 6 months.

#### Criminal Behaviour Orders (CBO)

- Enforced by Council and Police once granted in Court.
- Individuals involved in ASB/crime and convicted, Police or Council can request a CBO be applied for on conviction.

3.3.2 As noted elsewhere within the report, the evidence base for continuing levels of anti-social behaviour is strong and the proposals have been supported through the public consultation.

#### 3.4 Option 2 (**Not recommended**).

3.4.1 The Council may choose to vary the Order should further prohibitions be required and supported by the quantitative data both in reported ASB and Crime data and the survey responses. Whilst this was considered for inclusion, it was noted that other legal powers exist (as above) and the current conditions of the proposed order are sufficient to tackle the behaviours which cause the most concern.

#### 3.5 Option 3 (**Recommended**).

3.5.1 The statistical data from the Council and Police in September 2024 gives a strong evidence base that indicates the need for an Order so that additional tools and powers may be brought in to tackle ASB in the area. Through the Service Level Agreement with City of Doncaster Council, additional enforcement staffing is now available to enforce the terms of the PSPO and consequently increase the level of enforcement activity. The PSPO provides an important additional tool to tackle the problems within the area, with powers available to the Council and South Yorkshire Police alike. This option allows the PSPO legislation to be utilised alongside the wider powers detailed in option one above.

3.6 As such, the recommendation is to extend the current Order, in its current form with the variation to clarify the situations in which it would be acceptable to have alcohol in public and enhance officers ability to enforce appropriately, for the maximum period of three years to July 2028. The challenge laid down by a high proportion of the respondents is around resourcing and applying the Order formally, and so further steps are required and outlined in this report to provide additional oversight and assurance.

#### **4. Consultation on proposal**

4.1 Following the approval of the Officer Decision to proceed with the consultation process, an engagement programme was implemented between 22 April 2025 to 20 May 2025. This was then extended by three further days to allow additional responses.

4.2 The main method of engagement was through surveys and internet-driven communication, using information published on the Council's website where users were invited to complete an online survey. Hard copy questionnaires were also made available on request, and hand-delivered to businesses in order to promote wide responses. A completed activity tracker which outlines the steps taken to gather responses can be seen in Appendix 4.

4.3 In accordance with statutory guidelines detailed under Section 72, Anti-Social Behaviour, Crime and Policing Act 2014, the Council must undertake consultation with the affected parties. As part of this process, the Council consulted directly with local residents and statutory consultees which included the Chief Inspector of Rotherham Neighbourhood Policing. An email of support and comment can be found in Appendix 5.

4.4 The Council also notified all Ward Councillors and Parish Councils via a written briefing and an offer of meetings/workshops should it be required. The consultation was also discussed in Community Action Partnership (CAP) meetings during the consultation period.

4.5 Throughout the consultation the Council received a total of 58 responses from members of the public or businesses. Appendix 3 gives a summary of the responses received via the website and a further six forms were received in paper format.

4.6 Of the 58 responses received, the respondents were self-described as:

- 19 Residents
- 18 Tenants
- 4 Landlords
- 1 Business Representative
- 9 Visitors
- 7 Other

4.7 A return of only 16% of respondents felt that the current Order had been effective in reducing ASB in the area, however 47% felt that a future Order might

assist in the same. This shows that both the Council and the Police have a challenge to address the perception of visibility and achieve formal outcomes from the order. This would give further confidence and reassurance to the public around tackling ASB in Eastwood. This is further assessed in the risks and mitigation section of this report.

4.8 The clauses presented to the public for consideration drew strong support. With most respondents indicating experience of the clauses. The following were referenced most frequently in the consultation responses:

- people being rowdy, noisy or causing a nuisance as a result of drinking alcohol
- people using foul and/or abusive language
- people causing noise and creating a disturbance.

4.9 The Police in their formal response, as the jointly authorised agency in enforcement of the Order, wrote in support of the Order identifying it as a key tool particularly in Eastwood (Appendix 5).

4.10 In addition to the above responses, key themes that emerged from the consultation were:

- Increased patrols by uniformed officers i.e. Police and Council Officers and particularly request for the Order to be enforced.
- Concerns relating to feelings of safety and wider crime and anti-social behaviour types in specified areas.
- Environmental concerns particularly in relation to litter, fly-tipping and vermin.

4.11 Current conditions and proposals for any future order:

Condition	In current Order	Recommendation	Rationale
The consumption of alcohol and/or the possession of an open container containing or purporting to contain alcohol in a public place other than at those places identified	Yes	Vary wording so that it reads: The consumption of alcohol and/or the possession of an open container containing or purporting to contain alcohol in a public place other than at licensed premises or at a licensed event.	This has been the most frequently enforced clause under the current Order. While recording of such crime/ASB data is not broken down at such a level to show this, the proportion of levels of rowdy and nuisance behaviour may be driven by underlying factors such as alcohol misuse. The recommended wording has been revised based on legal advice to enhance the ability to enforce rather than material change regarding the intent.

Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person.	Yes	Proceed to draft order	There is no specific offence category, but the high levels of rowdy and inconsiderate behaviour suggests that the continued power to control foul and abusive language may assist officers in addressing ASB.
Causing noise that is likely to have a detrimental impact on a person(s) quality of life.	Yes	Proceed to Draft Order	This remains relevant and is therefore proposed to continue
Each relevant person must ensure that the wheelie bin(s) for their property or waste presented for collection in a manner specified for their property is not situated outside the boundary of their premises other than between 6pm on the day before collection is due, and 9pm on the day of collection unless the wheelie bin is in an identifiable bin storage area or yard for wheelie bins of their property.	Yes	Proceed to Draft Order	This remains relevant and is therefore proposed to continue

## 5. Timetable and Accountability for Implementing this Decision

- 5.1 The PSPO will be designated following Cabinet decision, subject to call-in.
- 5.2 Sam Barstow, Assistant Director, Community Safety and Street Scene, will be accountable for this decision.

## 6. Financial and Procurement Advice and Implications

- 6.1 The majority of the consultation undertaken was on-line, so the costs associated with the consultation have been minimal and have been contained within the approved revenue budget for the Service.
- 6.2 The costs of utilising these PSPO powers, including officer time and associated legal costs, will be contained within the approved revenue budget for the Service.
- 6.2.1 Any income generated through Fixed Penalty Notices will be used to support the cost of the enforcement activity.
- 6.3 There are no procurement implications arising from the recommendations contained within this report.

## **7. Legal Advice and Implications**

- 7.1 The power to introduce a Public Spaces Protection Order is set out in the Anti-Social Behaviour, Crime and Policing Act 2014. The Act gives the Council the authority to draft and implement a Public Spaces Protection Order in response to particular issues affecting the community, provided it is satisfied on reasonable grounds that two conditions are met.
  - 7.1.1 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.
  - 7.1.2 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.
- 7.2 The Council will need to fully consider all evidence gathered as a result of the consultation process in order to be satisfied that the above conditions are met and to be satisfied that the Public Spaces Protection Order is necessary and proportionate in the circumstances. Any requirements or prohibitions imposed must be reasonable.
- 7.3 The Act itself sets out the ability to challenge the validity of any Order and so it is vital the Council follows the correct process in terms of the implementation of the Order and this includes the requirement to consult. The Council 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.

7.3.1 The Council must consult 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 (this does not apply to land that is owned and occupied by the local authority and applies only if, or to the extent that, it is reasonably practicable to consult the owner or occupier of the land).

7.4 The Council must also comply with the necessary publicity and notification requirements set out in the Act. 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;

7.5 The necessary notification requirements means notifying the following authorities of the proposed order, extension, variation or discharge:

- a. the parish council or community council (if any) for the area that includes the restricted area;
- b. in the case of a public spaces protection order made or to be made by a district council in England, the county council (if any) for the area that includes the restricted area.

7.6 Any Order can last for a maximum of 3 years, unless extended under the provisions of the Act, and any such Order can be varied and/or discharged at any time.

7.7 The Council has complied with the legal requirements set out within the Act and referred to above. The legal test for making the PSPO has also been fully considered, details of which are set out within the body of the report.

7.8 The recommendation to renew the Order is based upon evidence gathered via the required consultation process.

## **8. Human Resources Advice and Implications**

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

## **9. Implications for Children and Young People and Vulnerable Adults**

9.1 Any activity in relation to enforcement is delivered in line with the Council's Enforcement Policy, which gives consideration to appropriate enforcement approaches in relation to Young People or Vulnerable Adults.

## **10. Equalities and Human Rights Advice and Implications**

10.1 An Initial Equality Screening Assessment and Full Equality Analysis have been completed and are attached at Appendices 6 and 7.

## **11. Implications for CO2 Emissions and Climate Change**

11.1 There are no carbon or climate implications arising from this report. An assessment is contained at Appendix 8.

## **12. Implications for Partners**

12.1 South Yorkshire Police are a key partner in the delivery of the requirements of Public Spaces Protection Order and have commented in support of the Order at Appendix 5.

## **13. Risks and Mitigation**

13.1 The consultation has highlighted some challenges around the perceived lack of visibility and enforcement of the Order by both the Police and Council. The Council and the Police are working collaboratively with partners to ensure enforcement is appropriately prioritised and outcomes relating to use of the order are communicated effectively to seek to improve resident, business and visitor confidence.

13.2 This will help co-ordinate joint activity and focus resources in hotspot areas and to address particular community safety issues. This will sit alongside already established operational groups such as Tasking and Community Action Partnerships, and governance will be achieved through the Safer Rotherham Partnership.

## **14. Accountable Officers**

14.1 Sam Barstow Assistant Director, Community Safety and Street Scene.

Approvals obtained on behalf of Statutory Officers: -

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Sharon Kemp	23/06/25
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	12/06/25
Assistant Director, Legal Services	Phil Horsfield	13/06/25

(Monitoring Officer)		
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*Report Author:* Catherine Lunn, Community Protection & Environmental Health Manager, 01709 823118; [catherine.lunn@rotherham.gov.uk](mailto:catherine.lunn@rotherham.gov.uk)

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