

Report for: Cabinet Member Signing

Item number: 4

Title: To seek approval to carry out public consultation on extending the duration of the Public Spaces Protection Order in the Seven Sisters area.

Report authorised by: Stephen McDonnell, AD Commercial and Operations

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Ward(s) affected: St Ann's and Tottenham Green

Report for Key/ Key decision
Non Key Decision:

1. Describe the issue under consideration

- 1.1. On 1 August 2017 a Public Spaces Protection Order (PSPO) came into force in the Seven Sisters area for a period of 1 year. The PSPO was agreed by the Cabinet Member for Communities on behalf of the Cabinet following a period of consultation. Initial discussions with stakeholders indicate that the PSPO has been an effective tool and its continuance is required to prevent the occurrence and increase of anti-social behaviour activities in the locality of the area covering the PSPO.
- 1.2. This report requests agreement for a further consultation to be undertaken in respect of extending the PSPO beyond 31st July 2017 for a further 3 years.

2. Cabinet Member Introduction

- 2.1. The issues relating to the men gathering and loitering outside Wickes Store in Seven Sisters Road N15 has been a problem for many years. The results of the 2016 consultation in relation to this matter, clearly demonstrated that residents and businesses within the locality were frustrated with this situation and overwhelmingly supported the use of the PSPO to try and tackle this historical problem. The PSPO has now been in place since 1 August 2016, there have been some positive improvements especially with regard to a reduction in the number of men loitering outside Wickes. However it is apparent that such an entrenched problem will require a considerably longer period of time to change the culture and reap long term effectiveness.

- 2.2. It is clear from the monitoring of the area that the problems have not been completely resolved and that if the PSPO were to not continue, the problem and its associated anti-social behaviour is likely to return to its previous levels of frequency and seriousness.

3. Recommendations

- 3.1. That the Cabinet member,
- 3.1.1 Approves the terms of the draft PSPO at Appendix 1 and agrees to an eight week period of public consultation on extending the PSPO for a further 3 years

4. Reasons for decision

- 4.1. Under the Anti-Social Behaviour, Crime and Policing Act 2014 a PSPO can be in effect for a period of not more than three years. The Anti-Social Behaviour, Crime and Policing Act 2014 states that before the time when a PSPO is due to expire, the local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent:—
- (a) *occurrence or recurrence after that time of the activities identified in the order, or*
 - (b) *an increase in the frequency or seriousness of those activities after that time.*

In deciding whether to extend a PSPO the local authority is required to carry out the 'necessary consultation' as defined in s72(4) of the Act.

5. Alternative options considered

- 5.1. Not to extend the PSPO. Given the substantial response to the previous PSPO consultation and the overwhelming support for the PSPO to be in place, a discharge of the order without consultation to gauge public view would not be considered appropriate and would undermine the good work that has taken place to date.

6. Background information

- 6.1. The PSPO is in place to deal with a particular nuisance/problem in a defined area, which is detrimental to the local community's quality of life. The PSPO imposes conditions on the use of a specified area, which will apply to everyone and contributes to Priority Three of the Council's Corporate Plan (A Clean and well maintained and safe borough). The results of the 2016 public consultation demonstrated that the local community and partners overwhelmingly agree with the PSPO as a means of improving our environment, reducing crime, enabling residents and traders to feel safe and proud of where they live and work.

- 6.2 The implementation and enforcement of the PSPO involved collaboration between various services within the Council, the police, Homes for Haringey, Thamesreach, Immigration Control, support services such as HAGA and other appropriate agencies. Working together to tackle existing ASB and prevent escalation to more serious crime and violence.
- 6.3 The PSPO being in force has improved the area in terms of it being a cleaner and safer environment, thus contributing to the sustainability and growth of housing and business through the quality of homes, inclusivity of neighbourhoods and improved quality of life in the area.
- 6.4 ASBAT carried out an 8 week consultation last year (22nd February to 18th April 2016). Approximately 1000 residential premises were contacted in writing, with a door knocking exercise. Officers also attended, local businesses, residents' meetings and a Ward Panel meeting, as well as facilitated public consultation meetings. ASBAT also engaged with the Eastern European men who hang around outside Wickes, with the assistance of interpreters. The outcome of the consultation was an overwhelming support for the PSPO
- 94% (446) Agreed that the terms of the proposed public spaces protection order are clear. 6% either said no or didn't know.
 - 91% (432) Agreed with the public spaces protection order restricting these activities. 6% said no and 3% didn't know.
 - 82% (389) Agreed with the proposed PSPO boundary area. 10% said no and 5% didn't know.
 - 77% (365) Agreed with the proposed gating of the alleyway between Roslyn Road and Southey Road. 8% said no, 13% didn't know.
 - 91% of those who stated they lived or worked in the N15 area were in favour of the restricted activities of the PSPO.
- 6.5 The PSPO has been in force since 1 August 2017. Actions and outcomes within the initial 6 months of the Order are outlined in Appendix 4.
- 6.6 The problems relating to the men who gather and loiter outside Wickes is a historical problem spanning several years. It is not surprising therefore that the problem has not been completely resolved through the introduction of the PSPO. Such an entrenched problem will require a long period of monitoring and enforcement to reinforce the message that the prohibited activities of the PSPO are unacceptable and will not be tolerated. Only in this way can the attraction to Wickes be broken down.

7. Contribution to strategic outcomes

Our vision for all residents and businesses in Haringey is summarised in Priority 3 of the Corporate Plan: ***A clean, well maintained and safe borough where people are proud to live and work.*** Underpinning this overarching priority are two specific objectives to address crime and ASB:

- Objective 1 – ***Strengthening Communities and partnerships to improve our environment and reduce crime, enabling residents and traders to feel safe and proud of where they live.***
- Objective 5 – ***To work with partners to prevent and reduce more serious crime, in particular youth crime and gang activity.***

Create homes and communities where people choose to live and are able to thrive is a key driver for Priority 5. Sustainable housing growth in mixed and inclusive neighbourhoods where residents can lead happy and fulfilling lives is key, as is improving the quality of all homes in Haringey, with a particular focus on the private rented sector.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

8.1 Finance and Procurement

The service has confirmed that the costs of undertaking the consultation exercise recommended in this report can be contained within existing budgets. As this proposes an extension to an existing schemes there are no new signage costs and the consultation is estimated to be under £1k.

9.0 Legal

The Assistant Director of Corporate Governance has been consulted in the preparation of this report and comments as follows.

- 9.1 A PSPO may not have effect for more than 3 years unless extended under section 60 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the 2014 Act). A PSPO can be extended more than once, but any extension cannot be for more than three years. Thus a PSPO can continue indefinitely if extended every 3 years.

A PSPO must be extended before it is due to expire and under section 60(2) of the 2014 Act, this PSPO may be extended if the Council is satisfied on reasonable grounds that it is necessary to extend the order to prevent:

- (a) Occurrence or recurrence after that time of the activities identified in the order; or
- (b) an increase in the frequency or seriousness of those activities after that time

9.2 This PSPO restricts a public right of way and the Council must therefore also consider:

(a) the likely effect of making the order on the occupiers of premises adjoining or adjacent to the highway;

(b) the likely effect of making the order on other persons in the locality;

(c) in a case where the highway constitutes a through route, the availability of a reasonably convenient alternative route.

9.3 Section 72 (1) of the 2014 Act requires that in deciding whether to extend a PSPO and, if so, for how long, the Council must have particular regard to the rights of freedom of expression and freedom of assembly and association set out in articles 10 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”). Whilst acknowledging that the proposed Order potentially entails an infringement of individuals’ human rights, including the right to respect for private life and potentially the right to freedom of assembly and association, it is considered that these qualified rights may in this instance be legitimately interfered with in the interests of public safety, the prevention of crime and disorder and in accordance with the law.

9.4 Section 72(1) (3) of the 2014 Act requires the council to carry out the necessary consultation and notification before deciding to extend a PSPO. Hence before extending the PSPO the council must publish a notice on its website identifying the order which is to be extended and consult with the local police (formally with the chief officer of police and MOPAC), with such local community groups as the council sees fit, and with the owners of any land covered by the PSPO.

9.5 The principles in the Supreme Court decision of Moseley apply, therefore consultation has to be at a time when proposals are still at a formative stage. Second, the proposer has to give sufficient reasons for any proposal to permit an intelligent consideration and response. Third, adequate time has to be given for consideration and response, and finally, the product of consultation has to be conscientiously taken into account in finalising any proposal or reaching a decision. The process of consultation has to be effective and looked at as a whole it has to be fair.

9.6 Once it has been agreed the council must also publish the extended PSPO in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014.

10.0 Equality

The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to;

- i. tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);

- ii. advance equality of opportunity between people who share those protected characteristics and people who do not;
- iii. and foster good relations between people who share those characteristics and people who do not.

- 10.1 The government guidance on PSPO states that the restrictions of a PSPO can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. It should be noted that the extension of the PSPO is likely to have a more significant impact upon the activities of the Eastern European men regularly loitering around the Wickes Store waiting for or having been unsuccessful in securing any paid labour. These are the individuals largely identified as, but not solely responsible for the anti-social behaviour that is detrimental to the local community's quality of life – with instances of men urinating or defecating into people's gardens, litter from consumed cans and bottles of alcohol, intimidation felt by the large numbers blocking the public highway, the noise nuisance through the men gathering together and drinking
- 10.2. The 2016 consultation, in respect of implementing the existing PSPO, was undertaken with as many of the people living and working in the area as possible. An Equalities Impact Assessment was completed and is attached to this report. There is no proposal to vary the wording or parameters of the existing PSPO, the variation is only with regard to extending the period of enforcement. A further EQIA will be completed following this proposed consultation to extend the PSPO. The consultation will include an on-line questionnaire. We will also undertake to attend any public or residents' meeting occurring during the consultation period to encourage people to complete the on-line questionnaire. Notices will be placed on or adjacent to existing notices within the designated PSPO area advising of the proposed extension of the order – these notices will also be displayed in Romanian and Bulgarian.
- 10.3 The extension of the PSPO in the locality of Wickes Store, Seven Sisters Road N15 has the potential to sustain a positive impact on the Council's duty under the Equality Act 2010 to foster good relations between communities. It will tackle antisocial behaviour which has the potential to create tensions between different communities.
- 10.4 The extended PSPO will apply to all individuals committing antisocial behaviour within the designated area, without discrimination. The Consultation process will seek to gather the public views of all local communities and ensure that the characteristics of respondents are recorded. Equalities analysis of the consultation response and results, and an outline of any proposed mitigating actions, will then be recorded in an Equalities Impact Assessment which will be carried out once the consultation is complete.

11. Use of Appendices

Appendix 1: Copy of existing PSPO

Appendix 2: Signed Cabinet Report approving PSPO 15 July 2016 inc EQIA
Appendix 3: PSPO – Outcomes to date

12. Local Government (Access to Information) Act 1985

Anti Social Behaviour, Crime and policing Act 2014