

Report for: Cabinet Member Signing – 25 February 2022

Title: Alley Gate Public Space Protection Order – Noel Park Ward

Report authorised by: Stephen McDonnell, Director of Environment and Neighbourhoods

Lead Officer: Eubert Malcolm, Assistant Director for Stronger & Safer Communities, 020 8489 5520.

Ward(s) affected: Noel Park Ward

**Report for Key/
Non Key Decision:** Non Key Decision

1. Describe the issue under consideration

- 1.1 In April 2021, The Mayor's Office for Policing and Crime, (MOPAC) as the Police and Crime Commissioner for London, invited London Boroughs to submit a bid to The Home Office Safer Streets Fund Scheme. Haringey Council submitted a bid totalling £301,579 and was selected as the primary bid for London.
- 1.2 As part of the bidding process, the Home Office crime data identified Noel Park Ward (the Ward) as having high rates of burglary and associated acquisitive offending and anti-social behaviour (ASB) per head of population and relative to Ward size. The data indicates increases in these crimes in the Ward over a five year period, with the Ward identified as one of the most significant contributors to burglary and associated acquisitive offending and ASB in London (see Appendix 1).
- 1.3 A Public Spaces Protection Order (PSPO) is an order which is intended to deal with a particular nuisance or problem in a defined area which is detrimental to the local community's quality of life by imposing conditions on the use of that area. The Council wishes to consult on the introduction of such an order.
- 1.4 The PSPO proposed for Noel Park will include the installation of four gates which will restrict unlawful entry/activities.

2. Cabinet Member Introduction

- 2.1 The council's vision for Haringey is a place of economic growth, better housing and thriving communities. The locations that have been identified in Noel Park Ward are all alleyways/mews that have access points to the rear of business and residential properties. One of the alleyways/ mews identified sits on the border of Noel Park and Haringey Ward, adjacent to Duckett's Common.
- 2.2 In order to deliver that vision, the Council wishes to introduce a PSPO in the Ward to stop the anti-social behaviour and criminal activity currently blighting the lives of residents and businesses in the area.

- 2.3 As stated above, a proportion of the Safer Streets funding has been allocated to the installation of four gates at the front of the alleyways/ mews. These gates will restrict people that have no right of way from using the alleyways/ mews in the ward. These gates will restrict people that have no right of way from using the alleyway/mews and make the area a safer place where business owners and residents feel more secure in their properties.

3. Recommendations

The Cabinet Member is asked:

- 3.1 To approve in principle a formal public consultation in relation to the potential introduction of a Public Spaces Protection Order (PSPO) in Noel Park Ward. Details of the proposal are contained in Appendix 1 and would include the installation of the four gates at the front of alleyways/ mews. The consultation will commence in accordance with section 72 of the Antisocial Behaviour, Crime and Policing Act 2014, with consultation to run, upon approval, for a minimum period of four weeks.

4. Reasons for decision

- 4.1 Over the years, the Council, its partners and key stakeholders have undertaken various measures and activities to tackle the ASB issues that blight residents' lives. Due to the limited success of various measures and activities undertaken, it is considered by officers that an effective deterrent will be the use of PSPO powers alongside the tools and powers available to the council under the Antisocial Behaviour, Crime and Policing Act 2014.
- 4.2 The legislation allows for the use of enforcement such as fixed penalty notices and prosecution. It is proposed that, in order to support the legislation, targeted and sustained enforcement will be used from partners including: Wood Green Town Centre Police Team, Haringey Police, British Transport Police, Immigration, ASB Enforcement Team officers and other Council Officers. It must be noted that there will be a financial cost should the authority wish to prosecute any of the perpetrators.

5. Alternative options considered

- 5.1 Not to pursue any PSPO. Given community feedback over many years, the volume of burglaries, and the acquisitive crime and ASB being caused in the Ward there are no options that could be considered as an appropriate alternative to deter and manage the use of the identified alleyways which are currently encouraging ongoing criminality and ASB.

6. ASB associated with alleyways/mews

- 6.1 In 2020, an alleyway on Wood Green High Road, N22 was found to be particularly affected by anti-social behaviour and gang-related activity, drug dealing, drug taking, street drinking, discarded beer cans, drugs paraphernalia, urine and faeces.
- 6.2 To tackle the issues in the alleyway, as the land was unadopted, it was agreed that the council would install a gate so only people who have the right of way could access, which has proven to be successful, and we have seen a significant reduction in ASB linked to this alleyway which is no longer a crime attractor.

- 6.3 To tackle the issues under consideration, the Council have considered the use of a PSPO under the Anti-Social Behaviour, Crime and Policing Act 2014. This would allow gates to be installed and a pin code will allow access to the anyone with the right of way. The closure of the alleyways/mews would also bring long awaited relief to the immediate business owners and residents.

7 Public Spaces Protection Orders (PSPOs)

- 7.1 The aim of a PSPO is to stop individuals or groups committing anti-social behaviour in public spaces. Restrictions and requirements can be placed on an area where activities have or are likely to have a detrimental effect on the quality of life of local people, is persistent or continuing in nature and is unreasonable. These can be blanket restrictions or requirements or can be targeted against named behaviours by certain groups at particular times. The guidance is not specific about what can be included in a PSPO.
- 7.2 The potential use of a PSPO is very broad and flexible to allow a council to cover individual circumstances in its area. A PSPO can cover multiple restrictions so one order could prohibit such activities as the drinking of alcohol and dogs on a lead. The PSPO can cover any publicly accessible space with the Council's area, including an area in private ownership to which the public have access.
- 7.3 Enforcement will be shared between the council and the police. Breach of a requirement to desist in a particular activity is a criminal offence which can result in a fixed penalty notice or a fine of up to £1,000 on conviction. Enforcement can be undertaken by council officers, and other groups the council may designate, but principally police officers and Police Community Support Officers (PCSOs). The police will additionally have the power of detention.
- 7.4 The PSPO's have been implemented in other parts of the borough and have proven to be very successful. Enforcement action and fixed penalty notices have been taken against individuals that have breached the PSPO. This has seen a significant improvement on the quality of lives of people living and working in the locality.
- 7.5 By effectively using the powers available under the Anti-social Behaviour, Crime and Policing Act 2014 alongside enforcement from partners, it is envisaged that a long term enforcement approach will tackle the historical issues that are ongoing along certain parts of the Ward.

8 Proposal for matters to be contained in the PSPO

- 8.1 It is proposed to consult on the introduction of a PSPO which will cover a number of activities including
- Congregating in a group of two or more persons in such a manner as to cause obstruction or give reasonable grounds for annoyance to any person in the street or public place, including alleyways/mews.

- Persistently loitering in a street or public place or along alleyways/mews in the ward for the purposes of offering illegal services e.g. as a drug dealing.
- Urinating, defecating or exposing genitals in a public place or in an area belonging to a private resident, business or the council (excluding a toilet designated for use by members of the public).
- Consuming alcohol or having an open container of alcohol in your possession in the street or public place including the alleyways/mews.
- Gating an area that is blighted with drug taking resulting in defecation of alleyways.

8.2 The land in relation to which this Order applies is that land in the area of the London Borough of Haringey, namely that which is delineated and shown in red on Map 1 at Appendix 2 and forming part of the Order: this includes the roads: High Road, Wood Green, Turnpike Lane, Duckett's Common, Whymark Avenue, Bury Road, Westbury Avenue, all alleyways/mews in the mentioned roads.

8.3 A breach of the prohibition can result in a maximum penalty not exceeding level 3 on the standard scale (currently £1000).

8.4 This Order will come into force on 1st March 2022 and shall remain in place until 28th February 2025

8.5 At any point before the expiry of this 12-month period the council can extend the order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

8.6 Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are in the locality are directly affected by the restrictions and have the power to challenge. The right to challenge also exists where an Order is varied by the council.

9 Consultation process

9.1 The council's ASB Enforcement team (ASB Enforcement) will carry out extensive consultation, namely:

- Consultation will run for a minimum period of four weeks.
- An online consultation survey will be made available.

- ASB Enforcement will design a partnership letter/leaflet outlining the reasons for the PSPO and its proposed prohibitions.
- The letter/leaflet will direct residents/Workers/shoppers to the online survey and the ASB Enforcement mailbox.
- We will distribute the letters through door- knocking in the affected locality and a hard copy of the survey will be included.
- ASB Enforcement will supply the letter/leaflet to local businesses for their information and to display for customers.
- ASB Enforcement will attend relevant ward panel and resident meetings to inform participants of the proposed PSPO and to disseminate the leaflet and survey.

10 Contribution to strategic outcomes

10.1 Corporate Plan 2019/2023

Our vision is for for all residents and businesses in Haringey is summarised in Priority 3 of the Corporate Plan: A place with strong, resilient and connected communities where people can lead active and healthy lives in an environment that is safe, clean and green. Underpinning this overarching priority are four specific objectives to address crime and ASB:

Support and challenge the Metropolitan Police and other partners to establish stronger relationships with our local communities, especially young people in how we work together in reducing crime and improve confidence.

Work with the Metropolitan Police and other partners to ensure the criminal justice system works swiftly to secure convictions against perpetrators of crime. Work with partners, including urban designers, police, and local communities to design out crime and improve safety.

Continue to work with neighbouring boroughs and other partners to secure funding from national government and the Mayor's Office for Policing and Crime (MOPAC) to address confidence building measures across borough boundaries.

The PSPO is intended to deal with a particular nuisance or problem in a defined area, which is detrimental to the local community's quality of life, by imposing conditions on the use of that area which will apply to everyone, contributing to the objective.

11 Statutory Officers comments (Director of Finance including procurement, Head of Legal and Governance, Equalities)

11.1 Finance (including Procurement)

- 13.1.1 The costs of undertaking the consultation exercise recommended in this report can be contained within existing budgets. If the consultation subsequently leads to a PSPO being implemented then the costs of doing so will also be funded from existing budget provisions, any income arising would be used to support enforcement activity.

11.2 Legal

11.2.1 A PSPO may be made if the Council is satisfied on reasonable grounds that;

- Activities carried on in a public place within the Borough either have had or it is likely that they will have, a detrimental effect on the quality of life of those in the locality;
- It is likely that the detrimental effect will be persistent, and such as to make the activities unreasonable;
- The effect or likely effect is such as to justify the restrictions imposed by the proposed PSPO.

11.2.2 Before making a PSPO the council must publicise its draft text 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.

11.2.3 Section 72 (1) of the 2014 Act requires that in deciding whether to make a PSPO and, if so, what it should include, 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.

11.2.4 Regarding consultation, this 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 had to be conscientiously taken into account in finalising any statutory proposal or reaching a decision. The process of consultation has to be effective and looked at as a whole it has to be fair. The Council is obliged to take account of any representations made during the consultation period and all objections received must be properly considered by the decision maker in the light of administrative law principles, Human Rights law and the relevant statutory powers.

11.2.5 Once it has been made the council must also publish the PSPO in accordance with regulations published by the Secretary of State.

11.2.6 PSPO will impose restrictions and requirements that are set by the local authority. These can be blanket restrictions or requirements or can be targeted at against certain behaviours by certain groups at certain times.

11.2.7 PSPO can be enforced by a Police Officer, Police Community Support Officer, and Council Officers, and a breach of a PSPO is a criminal offence that can be dealt with through the issuing of a fixed penalty notice or prosecution.

- 11.2.8 Directors (including ADs) have delegated authority to authorise any form of legal proceedings, enforcement function or statutory procedure, subject to advice and agreement from Corporate Legal Services. They can also authorise the institution of any process or proceedings for administering the functions of the Council.
- 11.2.9 As this PSPO will affect one ward, it will be a non-key decision.
- 11.2.10 The implementation of the PSPO can be challenged by any interested person within six weeks of the making of the order, the challenge is made at the High Court. Anyone who is directly affected by the making of the PSPO can challenge the order. A challenge can be made on the basis that the Council does not have the power to make the order, or that the prohibitions or requirements are unnecessary or that procedurally the order is defective.

11.3 Equality

- 11.3.1 The Council has a public sector equality duty under the Equality Act (2010) to have due regard to; 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); advance equality of opportunity between people who share those protected characteristics and people who do not; and foster good relations between people who share those characteristics and people who do not.
- 11.3.2 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 this PSPO is likely to have a more significant impact upon the activities of gang related individuals. These are the individuals largely identified as, but not solely responsible for the anti-social behaviour that is detrimental to the local communities quality of life – with instances of drug dealing, drug use, urinating or defecating litter from consumed cans and bottles of alcohol, intimidation felt by the large numbers blocking the public highway, the noise nuisance and the gatherings of intoxicated individuals.
- 11.2.3 No particular group should be disadvantaged through the consultation, publicity and enforcement of the PSPO. The law requires that we ensure that we improve the borough's understanding of the community and cultivate better understanding between communities thereby "fostering good relations" as required by law at 1 (c) above. Targeting specific groups may cause friction so careful consideration will be given when carrying out consultation in both the wording of the consultation document/survey and the PSPO, so that no one group is targeted by the Order. We will also ensure that when carrying out consultation we give due regard to those who might not otherwise get involved helping them understand how they can get involved so their voices are heard, for example where there are known language barriers documentation will be

translated into other relevant languages and face-to-face consultation will involve interpreters and officers with other relevant languages. We will undertake letter drops and door knocking exercises to all affected residents and business in the locality. We have agreed with the police and will involve other services in carrying out pre-consultation operations targeting, in particular the gangs that congregate in the alleyways/mews and immediate areas, to ensure they are aware of the consultation process and have an opportunity to make their views known. A similar operation will be delivered explaining the PSPO should the order be sanctioned.

11.3.4 The introduction of a PSPO in the locality of Wood Green High Road, Turnpike Lane and surrounding roads has the potential to have 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.

11.3.5 The PSPO will apply to all individuals committing antisocial behaviour within the designated area, without discrimination. The Consultation process will seek to gather the 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.

12 Use of Appendices

12.1 Appendix 1 – Proposals for Consultation on a Public Spaces Protection Order in Noel Park Ward

13 Local Government (Access to Information) Act 1985

13.1 Not applicable.