

Decision cover page

Report Title: Dovecote Avenue Gates Public Space Protection Order – Noel Park Ward

Date of Decision:

Report Author: Joan Appavoo

Contact No:

Council Leadership Team Lead (and date report agreed):

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| Report Title | Dovecote Avenue Gates Public Space Protection Order – Noel Park Ward |
| *Legal Comments Provided by: | Michelle Williams |
| *Financial Comments Provided by: | John O’Keefe |
| *Equalities Comments Reviewed by: | Diptasri Basu |
| *Procurement Comments Provided by: | n/a |
| In the Background - This section of the report includes outlining consultation with partners/stakeholders, service users, residents more generally, business, other public bodies, interest groups, government, staff or statutory consultees. Please indicate if this has happened and who has been consulted. Also include how consideration has been given to the Haringey Deal and to hearing the voices that are too often overlooked | Consultation letter distributed to wide range of partners/stakeholders for dissemination, also hand delivered to all residents/business in the affected location & immediate area. Drop-in sessions publicised in letter and on line, including session held at Rising Green Youth Hub A Dovecote Avenue Taskforce ¹ has been set up to discuss feedback from residents, agree and monitor actions to address ongoing issues and concerns. Progress is provided to the established Residents’ Association. |
| Number of Appendices included – | Four Appendices |
| Date considered by Cabinet Member Please note that if your report impacts or relates to two or more Cabinet portfolios, you will need to also arrange a further briefing meeting with the Cabinet | |

¹ The Dovecote Avenue Task Force is chaired by the ASB & Enforcement Head of Service and attended by officers from a range of services including: Corporate Landlord, LBH Capital Projects & Property, Community Safety, Waste Services, Waste Enforcement, Parking Services, ASB Enforcement, Community Gold, Licensing, Housing Partnerships, Sanctuary Housing, Regeneration Team, MPS (Safer neighbourhood Team) and MPS Designing Out Crime Officer.

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| members before submission of the report to Informal CAB. | |
| Dates considered by Officer Internal Boards [This can include internal Cabinet and Officer Groups] | |
| Date considered by Council Leadership Team Politically sensitive strategic key decisions would need to be considered by .] Please contact Ben Hunt on x1164 if you have any queries about which meeting your report should be considered at. Meetings table place on a Thursday morning | N/A |
| Date considered by informal Cabinet [Politically sensitive strategic key decisions would need consideration at CAB – Please contact Felicity Foley with any queries about Informal CAB.] | N/A |
| Please consider if a wider briefing on this key decision is required at Labour Group / Liberal Democrat Group meetings? When? | Not a key decision |
| Is the decision compliant with the Council's Budget and Policy Framework as set out in Part Four Section E of the Constitution? | |

Report for: Cabinet/Lead Member Signing – Cllr Adam Jogee

Title: Dovecote Avenue Gates Public Space Protection Order – Noel Park Ward

Report authorised by: Barrie Francis, Director of Environment and Residents Experience

Lead Officer: Eubert Malcolm, Assistant Director for Stronger & Safer Communities

Ward(s) affected: Noel Park Ward

Report for Key/Non-Key Decision: Non-Key Decision

1. Describe the issue under consideration

- 1.1 On 26th June 2023, the Lead Member for Community Safety and Cohesion gave approval to consult on the draft Public Space Protection Order (PSPO), in respect of installing gates in Dovecote Avenue that would restrict entry and anti-social behaviour. The purpose of this report is to present the outcome of the PSPO consultation and to seek the Lead Member’s approval for the proposed PSPO.

2. Recommendations

- 2.1 That the Cabinet Member for Community Safety and Cohesion,

Approve the draft Public Space Protection Order (PSPO) as contained in Appendix 1.

3. Reasons for decision

- 3.1 Over the years, the Dovecote Avenue has attracted significant ASB, including numerous reports of fly tipping, graffiti, drug dealing, drug taking, street drinking, discarded beer cans, drugs paraphernalia, urine, and faeces (see appendix 2). There is CCTV in the alley, however, due to the poor lighting and the bends, the alley has various hidden and blind spots. The residents are afforded no protection as they enter a dark and enclosed alleyway to make their way to their front door.
- 3.2 The activity in Dovecote Avenue, as detailed in Appendix 2, have had or 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.

- 3.3 A number of other alleyways within Noel Park ward, were gated with restricted access, in 2022, through the Safer Streets initiative. These alleyways had similar ASB issues as Dovecote Avenue, gating these alleyways has proven successful in significantly reducing ASB and crime in the locations. The proposed gates for Dovecote Avenue will have similar secure by design structure, compliant with required health and safety and fire regulations.
- 3.4 The PSPO will allow two (2) gates to be installed which will restrict access to only those residing or operating a legitimate business at the location. Other legitimate services and contractors will be provided the access through a key pad access code. A Gerda key box will be provided for Emergency Services to access which contain key pad access code. These restrictions will enhance the prevention of crimes and ASB at the location. The alley is not heavily used by pedestrians as a cut through, so gating it will not create access problems for pedestrians and the general public but will increase the security and safety of those residents living at this location. Restricting access will create a cleaner and safer environment, where business owners and residents feel more secure in their properties.
- 3.5 The Council and the Police have exhausted other options such as the installation of CCTV, increase in police patrols, issuing ASB warnings, Community Protection Warnings, Community Protection Notices and Fixed Penalty Notices, but these actions have not enabled a long-term resolution to the anti-social behaviour (ASB) issues. These behaviours are having a detrimental effect on the lives of those living and working in and around Dovecote Avenue. A PSPO will provide a more resilient and robust solution to the problems that residents experience on a daily basis.
- 3.6 On 26th June 2023, the Lead Member agreed that the proposal for a gating order (PSPO) to restrict access to Dovecote Avenue should be taken to public consultation. The Consultation process began on the 31st July 2023 and continued for 6 weeks ending on 10th September 2023.
- 3.7 For the PSPO to be approved the Lead Member must consider the outcome of the consultation and make a decision.

4. Alternative options considered

- 4.1 Not to pursue a gating order under a PSPO. Given the length of time that the behaviour has been ongoing and the detrimental effect the behaviour is having on the residents and business located in and around Dovecote Avenue, this is not an option.

5. Background Information

- 5.1 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.
- 5.2 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.
- 5.3 The PSPO would allow two (2) gates to be installed in Dovecote Avenue, with a pin code to restrict access to only residents and those operating a legitimate business at the location. The Police have been consulted in respect of this proposal and approved the gates accredited to LPS1175SR2 standard². The current estimate for the gates including the provision of Gerda Box x2 is £26,180.00. Corporate Landlord (Hard Services) have agreed that they will meet the initial costs of the gates, installation and the continued maintenance of the gates.
- 5.4. 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 fine of up to £1,000 upon prosecution or they have the opportunity to discharge their liability for prosecution by accepting a Fixed Penalty Notice of £100, which must be paid with 14 days. 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. Any enforcement action undertaken by the Council and/or the Police, will fall within the duties of the ASB and Enforcement Service and Police duties and therefore staff costs will be met from existing budgets.
- 5.5 Consultation was undertaken in accordance with legislative guidelines on 'necessary consultation' as defined in section 72(4) of the Anti-Social Behaviour, Crime and Policing Act 2014. This included consulting with the Police, community representatives and the owners or occupiers of land within the restricted area.

² LPS 1175 Security Rating LPS 1175 security rating is **awarded by the Loss Prevention Certification Board to products which meet their stringent testing criteria**. It is a standard recognised by Insurance Companies, Local Authorities and Government agencies as well as many other Large Organisations. Designs offer an enhanced level of security for premises requiring a higher level of protection.

6.0 Consultation methodology and key outcomes

6.1 The consultation sought the views of those who are or may be affected by this PSPO. The Consultation was open for a period of six weeks and included the following provisions:

- An online public consultation survey was made available on the council website.
- A consultation letter was produced outlining the reasons for the PSPO and its proposed prohibitions. The letter directed residents/business owner/workers/shoppers to the online survey and the ASB Enforcement mailbox.
- The consultation letter was distributed through door- knocking in the affected locality, encouraging residents to participate in the consultation.
- The letter was also hand delivered the letter to local businesses for their information and to display for customers.
- The consultation letter was provided to Sanctuary housing who arranged distribution to their residents.
- Posters giving notice of the proposed PSPO were designed and displayed in key location in the immediate locality to advise on the consultation.
- The ASB Enforcement Team also facilitated two Drop-in sessions for anyone wanting further information , advice or assistance.
 - i. 8 August 2023, 1pm to 3pm: Dovecote Avenue N22 6DH – next to Barclays Bank
 - ii. 10 August 2023, 4pm to 6pm: Rising Green Youth Hub, Unit 2, Lymington Avenue, Wood Green, N22 6JA.

6.2. The consultation questionnaire was brief and simply asked *Do you agree with the Public Spaces Protection Order to restrict access to Dovecote Avenue by erecting gates?*

The questionnaire encouraged respondents to expand on any objections they may have and to provide any further comments. Further comments were made confirming the negative activity having a detrimental impact on the local community *“This area is disgusting and very unsafe.”*. Also, comments supporting the need for the PSPO *“It’s a good thing to control the crime.”* and *“It is vital that this happens”*.

There was a detailed comment relating to the ASB issues in the location particularly around the issue of urination and pigeon droppings creating an unsanitary environment. The same Respondent also asked what measures the Council would put into place, to maintain the cleanliness of the location and public safety. The proposed PSPO will make a significant difference in the cleanliness of the area; with access restricted, this will reduce the likelihood of public urination, vandalism, rubbish dumping and littering in the location. The Council and its partners will continue to meet as a Taskforce² to assess and explore

options to address any ongoing ASB issues and activities in and around Dovecote.

- 6.3. There were 11 responses to the consultation, in total. Whilst this is a low number it is reflective of the minimal number of people that the gating order would directly affect, in terms of restricting access. The consultation outcomes can be found at Appendix 3
- 6.4. 100% of respondents were in favour of the PSPO.
- 6.5 Required consultation was also undertaken with the Metropolitan Police Service and they confirmed their support of the PSPO.

7.0 Contribution to the Corporate Delivery Plan 2022-2024 High level Strategic outcomes’?

The PSPO contributes to the strategic themes of a Safer borough and Place and economy by helping to maintain clean public spaces that are welcome and safe for residents and visitors to enjoy.

The Haringey Labour Manifesto puts our residents at the heart of what we do, with a priority to protect our residents,

It is important that we all feel safe on the streets of Haringey and in our homes. That is the minimum requirement for a good society.

Living and working in areas where anti-social behaviour is rife can have a devastating effect on communities and individual lives. Every Haringey resident has the right to enjoy their local area in comfort and safety.

There has already been substantial dialogue with local residents and businesses through the regeneration work undertaken at this location. A Dovecote Avenue Taskforce³ has been set up to discuss feedback from residents, agree and monitor actions to address ongoing issues and concerns. Progress is provided to the established Residents’ Association.

Gating this location will reduce fly-tipping and other waste issues at the location and improve the cleanliness of the area. This will present a cleaner, accessible and attractive place for residents and also encourage our young people to make use of local facilities.

³ The Dovecote Avenue Task Force is chaired by the ASB & Enforcement Head of Service and attended by officers from a range of services including: Corporate Landlord, LBH Capital Projects & Property, Community Safety, Waste Services, Waste Enforcement, Parking Services, ASB Enforcement, Community Gold, Licensing, Housing Partnerships, Sanctuary Housing, Regeneration Team, MPS (Safer neighbourhood Team) and MPS Designing Out Crime Officer.

The gating of the alleyway will create a cleaner and safer environment which will in turn improve community confidence and reduce the fear of crime.

8.0 Carbon and Climate Change

8.1 There are no direct carbon or climate decisions arising from the consultation or the proposed PSPO.

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

9.1 Finance (including Procurement)

The recommendation of the report is to install two gates at Dovecote Avenue. The cost of the installation is £0.026m and will be funded from the approved General Fund capital programme (asset Management of Council Buildings). The ongoing maintenance will be borne by the corporate landlord budget.

9.2 Legal & Governance

9.2.1 The Head of Legal and Governance has been consulted in the preparation of this report and comments as follows.

9.2.2 Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) enables the Council to make a Public Spaces Protection Order (PSPO) if 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.

9.2.3 Before making a PSPO that restricts a public right of way, section 64 (1) of the Act requires the Council to consider (i) the likely effect of making the order on the occupiers of premises adjoining of adjacent to the highway (ii) where the highway constitutes a through route, the likely effect of making the order on other persons in the locality (iii) the availability of a reasonably convenient alternative route.

9.2.4 The PSPO may authorise the installation, operation and maintenance of barriers for enforcing the restriction on the public right of way, but the highway does not legally cease to be regarded as highway by reason of the restriction and barriers.

- 9.2.5 The Council must comply with the consultation requirements in section 64(2) of the Act by (i) notifying potentially affected persons of the proposed order, informing those persons how they can see a copy of the proposed order, notifying those persons of the period within which they can make representations and considering any representations made. In addition, in accordance with section 72(3) of the Act, the Police and whatever community representatives the authority thinks it appropriate, must be consulted. The PSPO consultation has complied with these requirements.
- 9.2.6 Regarding consultation itself, in accordance with the so called “Sedley Principles” it has to be at a time when proposals are still at a formative stage. The Council has to give sufficient reasons for any proposal to permit an intelligent consideration and response, adequate time has to be given for consideration and response, and finally, the product of consultation has to be conscientiously taken into account in the light of administrative law principles and the relevant statutory powers.
- 9.2.7 The consultation exercise complied with the Sedley principles and the Lead Member must now take the consultation responses into account in considering the recommendation in this report.
- 9.2.8 The public spaces protection order may not have effect for a period of more than 3 years, unless extended under section 60 of the Act.
- 9.2.9 Once it has been made the Council must also publish the PSPO in accordance with The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014.
- 9.2.10 The PSPO is enforceable by a police officer, police community support officer, and council officers, and a breach of the PSPO will be a criminal offence that can be dealt with through the issuing of a Fixed Penalty Notice or a fine.

9.3 **Equality**

The council has a Public Sector Equality Duty (PSED) under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not

The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.

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. The PSPO proposed, targets certain behaviours in Dovecote Avenue by restricting access to this area through the installation of gates. Overall, groups with protected characteristics will be positively impacted by the proposal which aims to assist the council in tackling anti-social behaviour and to improve cleanliness.

The introduction of a PSPO in the locality of Dovecote Avenue 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 the antisocial behaviour which has the potential to create tensions between different communities.

The PSPO will apply to all individuals committing antisocial behaviour within the designated area, without discrimination. We do not anticipate any negative impacts on any groups with protected characteristics, as evidenced from the consultation responses. However, the council will seek to consider and mitigate any negative impact raised after the implementation by the PSPO by persons with protected characteristics.

14 Use of Appendices

- Appendix 1 – Draft PSPO
- Appendix 2 – Evidence base
- Appendix 3 – Consultation Report
- Appendix 4 - Equality Impact Assessment Screening Tool

15 Local Government (Access to Information) Act 1985

Not applicable.