

Report for: Cabinet Member Signing – Cllr Adam Jogee

Title: Finsbury Park South Entrance Public Space Protection Order – Harringay Ward

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

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

Ward(s) affected: Harringay Ward

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

1. Describe the issue under consideration

1.1 On 7th December 2023, the Lead Member for Community Safety and Cohesion gave approval to consult on the draft Public Space Protection Order (PSPO), in respect of the installation of fencing around the restricted area at the South Entrance of Finsbury Park. 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 Public Space Protection Order (PSPO) – Gating order, as contained in Appendix 1.

3. Reasons for decision

3.1 The Council's commitment to creating a safer environment for all residents and visitors is clear in its vision for the borough. To achieve this vision, the Council is proposing the introduction of a Public Space Protection Order (PSPO) to address the ongoing issues of anti-social behaviour (ASB) and criminal activity that are negatively affecting the park's atmosphere and the safety of those who use it.

3.2 The specific area in question, is located adjacent to the south entrance of the park on Seven Sisters Road, which poses certain challenges due to its design and layout. The main issues which have influenced the decision for the gating PSPO are as follows:

- Layout of the area. The narrow line of sight and the transition from nearby amenities like Lidl into an open space have created an environment where unlawful activities can occur without being easily detected.
- There is a lack of clear ownership or defined rules in the space which contributes to issues, as there are no clear indications of proper usage,

including, poor pavement markings, the absence of signage and no clear parking restrictions.

- The environment also allows individuals to conceal themselves around various corners, leading to decreased feelings of safety in the area. This contributes to the misuse of the space for criminal activities and anti-social behaviour.
- The issue is not limited to pedestrian traffic; mopeds parking on the pavement further compounds the problem. While some moped riders might have legitimate reasons for being there, the presence of both legal and illegal users creates an assumption that this practice is acceptable, essentially establishing a "desire line" for mopeds in the area. This becomes a challenge to rectify, even if it negatively impacts the general public. It's also noted that the majority of moped users are pretending to be delivery drivers but are, in fact, involved in facilitating the supply of drugs.

3.3 Closing off the area by erecting gates and implementing the PSPO will bring an end to or restrict the behaviours above and subsequently, bring about improvements to the area such as, an increase in feelings of safety for users of the park in particular women and in addition the area will be put to better, legitimate use.

4. Alternative options considered

4.1 Not to pursue a gating order under a PSPO.

4.2 Given the length of time that the behaviour has been ongoing and the detrimental effect the behaviour is having on our communities and businesses, this is not an option.

4.3 Also the outcome of the statutory consultation in respect of this proposal is support for the implementation of the Finsbury Park (South Side) PSPO

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 Proposed PSPO will restrict access to the area located by the South Entrance to Finsbury Park as depicted in red on the map in the draft PSPO at Appendix 1, by erecting typical fencing with two gates around the restricted area. The purpose of the fencing and gates is to reduce crime and anti-social behaviour while allowing access to capable guardians on a daily basis and during events to create a sterile area or control the flow of public. Recommendation of gates as stipulated in the MPS EVA are as follows:
1. An angled return fence is required to remove blind spots when public pass the corner from Lidl reducing fear of crime.
 2. Sufficient space has been allowed for 2-3 people to pass on the pavement. It is not illustrated but the proposed new pavement width here matches the pavement width beyond the Finsbury gate towards the Manor Park entrance.
 3. Gate 2 will return back towards the tree or fully back towards the fence where it can be locked in the open position when required.
 4. Final return to the park perimeter prevents intrusion from the rear.
 5. Fence line goes behind BT phone box to ensure that the facility can still be used by the public.
 6. Gate 1 is a vehicle gate for Lidl deliveries however general vehicle access is not required.
 7. If required Gate 1, will return back towards the wall, where it can be locked in the open position if required.
 8. This strategy will only work if the railing and gates are visually permeable to allow natural surveillance into that space at all times.
- 5.4 The costs of manufacture and installation of the gate currently estimated at £26k, will be funded by the Metropolitan Police. The fencing and gating are of a robust quality and any maintenance cost incurred during the period of the PSPO (3 years) is likely to be minimal.
- 5.5 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 in red and shown in the map at Appendix 1 and forming part of the Order.
- 5.6 A copy of the draft order can be found at Appendix 1
- 5.7 A copy of the full MPS EVA Report can be found at Appendix 2
- 5.8 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.

5.9 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.

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 from 2 January 2024 to 13 February 2024 and included the following provisions:

- An online public consultation survey was made available on the council website.
- An email advising of the consultation with a link and QR Code to the consultation web page and survey emailed to over 200 services, community groups and organisations, individual stake holders, faith groups and residents' groups to distribute to their users and members. In particular Friends of Finsbury Park Stakeholders Group
- A consultation flyer was produced and circulated at 4 ward panels, a residents group meeting, the Ladder community safety partnership and during the pop-up event outside Finsbury Park south gate entrance. The Consultation was also promoted at a Love Finsbury Park (Clear Hold Build) Stakeholders meeting and shared on the Love Finsbury Park web page [Love Finsbury Park | Haringey Council](#)
- Posters giving notice of the proposed PSPO were designed and displayed in key locations in the immediate locality to advise on the consultation.
- The ASB Enforcement Team also facilitated a pop-up events for anyone wanting further information , advice or assistance on 29th January 2024 2pm – 4pm

6.2. There were **154** responses to the consultation, in total. The consultation outcomes can be found at Appendix 2

6.3. The consultation questionnaire was brief and simply asked **Do you agree with the Public Spaces Protection Order to restrict access to the unoccupied area between Lidl supermarket and the South entrance of Finsbury Park by erecting fencing and gates?**

6.4. 3 respondents selected neither yes, no or nor preference. Of the 151 respondents who did make a selection:

- **61% of respondents were in favour of the PSPO.**
- 34% of respondents were not in favour and
- 5% expressed no preference

6.5. It was noted that the initial information on the web pages and the draft order were not sufficiently clear. The first 10 or so people, who rejected the proposal commented on the information being unclear and/or made objections based on inaccurate facts e.g.

- *The draft order is unclear and inconsistent.*
- *The Act under which the order is made seems to contain no provision for the erection of fencing or gates, so the legality of this aspect of the proposed order is questionable.*
- *There is no detail on the appearance / height of the proposed fencing and gates.*
- *It is hard to see on the plans what exactly you mean.*
- *There is not enough detail on the area covered - a red line appears to take up all of the pavement to the road.*
- *Pavement left for pedestrians too narrow. It's already overly crowded making getting from a to b difficult on that part of paving.*
- *The area subject to the order is not clear on the map, particularly whether it extends to the whole pavement up to Seven Sisters Road.*
- *Are the bicycle racks and payphone within the restricted area?*
- *Will this restrict access to the park through the south entrance?*
- *Can the existing gates not be used am concerned that it will make the area look even worse, I do agree that something needs to be done but it is hard to see on the plans what exactly you mean'?*

6.6. Owing to the above and other similar comments the web page was updated in the second week of the consultation, to provide further clarity about the proposal and an improved diagram. The public were advised that,

- No part of the park itself or any of its entrances will be restricted by the proposed PSPO.
- The proposed PSPO will not impose any restrictions on the use of the park at any time.
- The metal fencing/gating securing the restricted area within the proposed PSPO will be in keeping with the existing perimeter park fence in height and design. This will assist in maintaining an attractive and welcoming entrance to Finsbury Park.
- Section 59 to 75 Anti-Social Behaviour Crime and Policing Act 2014 gives provision for councils to restrict access to public spaces where that route is being used to commit anti-social behaviour. Restricted access would be managed through erecting fencing/gates.
- Prior to the proposal there was engagement with residents and businesses, targeted Police patrols, multiple arrests of perpetrators and utilising CCTV to identify crime and ASB within the park and outside the gate. Despite these measures, the problems persisted. An Environmental Visual Audit (Design out

crime assessment) was carried out identifying that fencing off the proposed restriction would be the most effective means of achieving the most resilient solution.

- The bicycle parking and payphone will not be within the restricted area.
- There will be 2 to 3 metres of space for pedestrians on the pavement next to the fenced restricted area.
- The proposed PSPO will be in place for 3 years and can be extended before the end of that period.

6.7 Further objections were raised around the view that the fencing would negatively impact the locality aesthetics and that the structure would encourage fly tipping and rubbish dumping. Respondents also asked,

“What will happen when there are concerts and other events at the park as that area is one of the busiest entrances when there are events going on”.

6.7.1 MPS Crime Prevention Team who have designed the fencing for this area have clarified that,

- The fence and gates, at an increased cost, are designed to be similar in appearance to the current railings.
- The fence has been designed to have hidden footpads underground so Haringey ground staff can unbolt and remove them if and when required. Haringey Parks Service were involved in a site survey and it was designed as per their request (possibly with a future intention of removing the inner fence and changing it to an area for suds).
- It would be very difficult to fly tip behind the fence as it is covered by CCTV cameras pointing in its direction, plus it would be no different to any fly tipping behind the park fence. It would be easier to see and remove and may have a positive impact any litter within the inner fence boundary to the park.
- Softening the area with planting, can be considered but not at the expenses of reducing natural surveillance through the railings and into the park, so must be carefully considered before implanting.
- The gates have been designed to be **REMOVABLE**, which would give Parks Staff and the local authority the opportunity to remove the gates and fence should crime reduce and have the opportunity to put them back if it returns. The hardware belongs to the council to use as they see fit after installation. This flexibility will also assist with large events and crowd control.

6.8 The public consultation has resulted in a majority support for the proposed Finsbury Park PSPO, the key factors for support being the need to tackle persistent anti-social behaviour and crime at this location, improve the cleanliness of the area and reduce the fear of crime and intimidation. As is captured by Respondents in the comments in the public consultation:

- *Action needs to be taken to discourage drug dealing and ASB at the main entrance.*
- *The location is an area of concern for robbery and drug dealing. Also, women have reported feeling unsafe when accessing the area, being cat called and whistled at with unwanted advances.*
- *A good idea to tackle the obvious problem of ASB and criminal activity in the location.*
- *I believe this to be a much-needed order as I know a lot of community members have expressed that they feel unsafe walking in this area and in the park, particularly after dark.*

6.9 Required consultation was also undertaken with the Metropolitan Police Service and they confirmed their support of the PSPO. The MPS Design out Crime Team further advised that they have been working towards this solution for nearly two years, so the recommendations have been given with due consideration to all users of the park. They firmly believe that they have provided the most adaptable solution that would not only benefit the Park, but also reduce demand on the local authority, crime and fear of crime. The space provided will remove desire lines to crime and allow a paradigm of Crime & ASB to be shifted away from the location, but also provide a space that can be used positively in a sterile environment for pop up events, police crime prevention, homeless interventions, minimarkets, festival and concerts (it is currently used for that anyway with temporary hoardings). Lack of imagination is our only limitation for the space that would be provided. Details of the recommendations are contained within the MPS Crime Prevention Report at appendix 3.

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.

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)

9.1.2 The recommendation of the report is to install fencing and gates as specified in section 5.3 above using materials as specified in the MPS EVA report in Appendix 3. As stipulated un section 5.4. the costs of manufacture and installation of the gate is estimated at £26k and will be funded by the Metropolitan Police. The hardware once installed will then be the responsibility of the Council and any maintenance cost are likely to be minimal and would be absorbed through general Parks maintenance funds.

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**

- 9.3.1 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
- 9.3.2 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.

- 9.3.3 Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.
- 9.3.4 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.
- 9.3.5 The introduction of a PSPO at the south entrance of Finsbury Park 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.
- 9.3.6 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.

10. Use of Appendices

- Appendix 1 – Draft PSPO
- Appendix 2 – Consultation Report
- Appendix 3 – MPS EVA report
- Appendix 4 - Equality Impact Assessment Screening Tool

11. Local Government (Access to Information) Act 1985

Not applicable.

12. Background papers

Anti-Social Crime & Policing Act 2014 - legislation

<http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>

Anti-Social Behaviour, Crime and Policing Act 2014, guidance

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/823316/2019-08-05_ASB_Revised_Statutory_Guidance_V2.2.pdf