

Report for: Cabinet – 21st January 2025

Title: Call In – Implementation of a Borough-wide Public Spaces Protection Order (PSPO)

Report

Author: Councillor Matt White, Chair of Overview and Scrutiny Committee

Ward(s) affected All

Report for Key/

Non-Key Decision: Key decision

1. Describe the issue under consideration

- 1.1 This report sets out the outcome of the Overview and Scrutiny Committee's consideration of the Cabinet's decision on the Borough-wide PSPO on the 10 December 2024.

2. Introduction

- 2.1 The Overview and Scrutiny Committee considered the Cabinet's decision at a special meeting on 14 January 2025. The Committee heard representations from the following:

- John Glackin – Streets Kitchen

- 2.2 Consideration was given to the views expressed by the deputation, as follows:

- PSPO's had been introduced across London and the effect of this had been to create a hostile environment for rough sleepers. PSPOs prevented those who were sleeping rough from coming into a particular area to access basic services, such as food, due to area restrictions.
- The lead-deputee worked closely with homeless people in Haringey. Across the sector, and from regular discussions with the rough sleeping cohort in Haringey, the consensus was that PSPOs had a negative effect on those who were homeless and that every time they had been introduced, it was to the detriment of the homeless. Homelessness was a social issue and the underlying causes of homelessness needed to be tackled rather than enforcement against homeless individuals. The deputation speaker cited Liberty, Release, and Sheffield University as sources, who had identified PSPOs as detrimental to those experiencing homelessness.
- In order to be verified you have to engage with a verified outreach worker. It was difficult for that outreach worker to engage with all the homeless people in an area, as people weren't always around when the outreach worker was there and a lot of those sleeping rough did not want to engage with agencies that they saw as working to their detriment. There had also been cuts to homelessness outreach

services. It was suggested that PSPOs actually made it harder to verify rough sleepers as people were even less likely to engage.

- The lack of public toilets was highlighted as a fundamental issue, with the speaker urging the community to address this need instead of punishing individuals for behaviours stemming from systemic shortcomings.
- The deputation speaker highlighted examples of effective practices they had observed in other boroughs, such as Islington, where community engagement was prioritised. The speaker noted that the most impactful initiatives often occurred in collaboration with, or parallel to, councils rather than solely through council-led efforts. High levels of transparency and honesty from councils were also seen as critical to building trust and driving change. They commended councils that openly acknowledged the challenges of enforcement while demonstrating a commitment to supporting marginalized communities.

2.3 Cllr Ovat, the Cabinet Member for Communities, and officers from the Environment Directorate responded to the representation and subsequent questions from Committee members as follows:

- In response to the feedback received as part of the consultation, the Council had amended the prohibition so that rough sleepers will be exempt from the PSPO, in order to ensure they are not unfairly penalised. To ensure fair and proportionate enforcement, the PSPO includes a 'without good reason' clause, allowing for context to be considered before penalties are issued. Additionally, Haringey has decided not to issue on the spot fines, opting instead for a triage process to review reports thoroughly before any FPNs were issued.
- Enforcement Officers were trained to look at issued contextually. For example, whether the person in questions may have physical or mental health issues, or whether the person had some other underlying reason for committing an offence. The primary focus, of the PSPO however, was to address dangerous and reckless cycling, such as individuals riding at high speeds, snatching phones, or endangering others on pavements.
- The Cabinet Member pointed out that a number of the documents highlighted as being in the Budget Policy Framework, were not actually in the Budget Policy Framework. Cllr Ovat advised that the Borough Wide PSPO was not an impediment to the Walking and Cycling Action Plan. It was commented that the PSPO targeted dangerous cycling behaviour while maintaining exemptions for children. The aim was to balance safety for pedestrians with support for active travel.
- The Cabinet Member stressed the importance of partnership with outreach services for factual, compassionate assessments in verification processes.
- Addressing police powers, it was noted that the PSPO extended enforcement abilities to the local authority, allowing greater oversight and accountability. Since Haringey's introduction of PSPOs in 2017, no complaints about misuse

of powers had been recorded. Without a borough-wide PSPO, alcohol control measures would lapse in April 2025, necessitating signage removal and reducing the council's ability to address detrimental behaviours.

- It was emphasised that while there was a degree of subjectivity in assessing behaviours, this was consistent with other laws, such as driving without due care or public order offences, where trained officers made informed judgments. These judgments were guided by their training to ensure proportionate and sensible enforcement.
- It was clarified that the new Public Spaces Protection Order (PSPO) aimed to make certain behaviours, although already illegal, more easily enforceable by localising enforcement powers. While the police already had powers under existing legislation, the PSPO allowed Council officers to monitor and manage prohibitions, effectively extending enforcement responsibilities to council staff. It did not grant the police new powers but instead enabled collaboration between council officers and the police.
- The additional costs associated with implementing the PSPO would primarily involve signage, rather than new resources for ASB officers.
- Regarding public toilets, it was commented that there was a map in the Cabinet papers showing toilet facilities available for use by the public, including those that were accessible for people with disabilities. However, it was acknowledged that there were gaps in provision, particularly in central parts of the borough.

2.4 The lead Call-in signatory, Cllr Hymas, presented the Call-in and the following is a summary of the key points that were raised:

- It was contended that insufficient evidence had been provided to show that Public Space Protection Orders (PSPOs) would reduce the frequency or severity of ASB in the borough. It was argued that the potential harm PSPOs could cause to marginalized groups outweighed any justifications for their implementation.
- The Call-in submission referred to Community Safety Strategy in relation to safeguarding vulnerable individuals, and the Youth Justice Plan, in relation to disproportionality among young people in the justice system. It was suggested that both of these policies were in the Budget Policy Framework and that the implementation of Borough-wide PSPO was therefore contrary to the Budget & Policy Framework.
- It was noted that sanctions for public urination would disproportionately affect the homeless, especially since Haringey had only three public toilets. Without a comprehensive toilet strategy, such restrictions could unfairly target those without alternatives. It was argued that verifying whether someone is homeless was unrealistic, leaving individuals open to fines that further marginalize them.

- The borough-wide alcohol restrictions was criticised, which was believed would not address alcohol abuse among vulnerable populations but would, instead, push these issues out of sight. Concerns were raised about the absence of accessible appeal mechanisms for fines. The example of Colchester was cited, where cycling restrictions under a PSPO led to wrongful fines and were later repealed.

2.5 The Committee raised concerns around residents feeling unsafe in their neighbourhoods due to anti-social behaviour as young kids were seeing people take drugs, urinating in public which created an unsafe environment. In response to the concerns the impact of anti-social behaviour on individuals' lives was acknowledged. However, those bringing the Call-in argued that targeting individuals, such as those urinating in the street or drinking publicly, with fines of £100 was unlikely to serve as an effective deterrent. Many of these behaviours, they noted, stemmed from deeper vulnerabilities and life challenges.

2.6 The Committee queried whether one of the main the concerns of the Call-in signatories was that PSPOs would not work. Councillor Hymas outlined some areas of potential improvements to the proposed scheme. Such as implementing a parking fine-style appeal process to make the system more accessible and fairer. It was also suggested that the Council should be focusing PSPO enforcement on specific areas with a documented history of persistent problems, supported by substantial evidence, rather than applying it borough-wide.

2.7 In response to a question from the Committee, concerns were raised by the lead Call-in signatory about the lack of data from previous PSPOs in Haringey, which made it difficult to assess whether fines had been applied disproportionately or if racial discrimination had occurred. Without a clear evidence base ensuring that PSPOs would not cause disproportionate harm to marginalised groups, it was argued it would be premature to proceed with their implementation.

2.8 Cllr Ovat, responded to some of the points that were raised in the Call-in:

- The Cabinet Member highlighted the prevalence of antisocial behaviour (ASB), with over 700 ASB reports received each year, and 65% of these related to public space misuse—a key focus of the PSPO. It was argued that addressing ASB was a responsibility to constituents, aligning with the council's manifesto commitment to create safer, more inclusive spaces. The PSPO was presented as a significant tool to enhance public safety and improve the local environment, while acknowledging it was not the sole solution to ASB.
- The Council had undertaken a thorough consultation process, including a co-design phase with residents and stakeholders. Over 1,700 questionnaire responses were considered, leading to amendments that introduced exemptions and safeguards to reflect community needs. The council's analysis demonstrated the effectiveness of PSPOs, with a 27% reduction in alcohol-related ASB incidents in covered areas compared to a 6% increase in non-PSPO areas.
- The Cabinet Member clarified that the PSPO was designed to address behaviours, not individuals, and included safeguards to protect vulnerable

groups, such as rough sleepers. They emphasised the collaborative work between enforcement teams and outreach services to connect individuals with necessary support. Dangerous cycling behaviours were also addressed, with the PSPO complementing existing legislation to protect road and pavement users.

- Councillor Ovat stated that the PSPO was an essential measure to address ASB, build on existing successes, and maintain safe, inclusive spaces. The Committee was warned that failing to implement borough-wide measures would undermine public confidence in the council's ability to ensure community safety. The Committee were urged to take no further action on the Call-in.

2.9 The Committee deliberated on the evidence that it had received, and views expressed. The Committee decided that the called-in decision was within the budget and policy framework.

3. Decision and Recommendations

3.1 Following careful consideration of the information provided to the Committee: From the deputation; the written reports from officers submitted as part of the agenda papers; responses from the lead Call-in; and the responses provided by the Cabinet Member and officers at the meeting, the Committee determined to refer the decision back to Cabinet for re-consideration.

3.2 As part of the decision to refer the decision back to Cabinet for reconsideration, the Committee made three recommendations:

- I. The Committee had concerns over the exemptions for verified rough sleepers. The Committee would like this exemption widened to cover all homeless people who do not fall under the definition of verified. The Committee noted the information provided by the deputation party that verifying the status of somebody being homeless can be inherently difficult, due to their reluctance to engage with police and other agencies.
- II. The Committee have concerns about the prohibition of public urination and public defecation, in the context of a shortage of public toilets in the borough and the lack of a toilet strategy. We recommend that the forthcoming toilet strategy is brought forward as soon as possible, and public toilet provision is expanded.
- III. In light of the information received from the deputation party, the Committee requested that the ASB team provide evidence of how they will work closely with Public Health and the Homelessness Outreach Team, so that there is a joined-up approach taken by the Council.

4. Appendices

Appendix 1 - Call in submission

Appendix 2 - Officer response to call in

Appendix 3 – Monitoring Officer report

Appendix 4 - Excerpt of Cabinet minutes, 10 December 2024

Appendix 5 - Cabinet report on Implementation of a Borough-wide Public Spaces
Protection Order (PSPO)