

'CALL IN' OF DECISIONS OF THE CABINET

This form is to be used for the 'calling in' of decisions of the above bodies, in accordance with the procedure set out in Part 4 Section H.2 of the Constitution.

TITLE OF MEETING	Cabinet
DATE OF MEETING	10 th December 2024
MINUTE No. AND TITLE OF ITEM	19 TO APPROVE DECISION TO IMPLEMENT A BOROUGH WIDE PSPO

1. Reason for Call-In/Is it claimed to be outside the policy or budget framework?

We are calling in the decision to implement a PSPO because it falls outside the following policy frameworks:

1. Haringey Walking and Cycling Action Plan
2. Haringey Rough Sleep Strategy
3. Absence of Toilet Strategy
4. Equalities Impact

Walking and Cycling

We acknowledge the impact of irresponsible use of bicycles on pavements, particularly amongst food delivery couriers. The Walking and Cycling Action Plan seeks to reduce the use of motor vehicles and ensure high levels of cycling amongst residents from all backgrounds.

The subjective nature of the PSPO, such as "cycling in a way that might cause annoyance", is likely to have a detrimental effect on the delivery of this action plan. Cycling infrastructure in Haringey remains patchy and insufficient and accidents and injuries amongst cyclists commonplace, the PSPO creates additional barriers for individuals from cycling. At present, the stated discretion is unclear, and we do not have confidence that police officers will accurately identify cyclists lacking in confidence.

In particular, this proposal will impact delivery couriers who use e-bikes, receive low pay and disproportionately come from ethnic minority backgrounds. They are under significant pressure to meet quick delivery times and due to insufficient cycling infrastructures, may at times be considered to breach the proposed regulations whilst working. This not only targets an already marginalised group, but also will lead to more couriers using polluting-mopeds over bicycles, due to fear of penalisation when cycling in shared pedestrian spaces and the paucity of safe cycling infrastructure.

Haringey Rough Sleeping Strategy

The proposed legislation states that verified rough sleepers will be exempt from fines arising from the PSPO legislation. We are concerned that this can be a difficult thing to verify, particularly as migrants with low levels of English and/or without recourse to public funds are disproportionately represented among rough sleepers, according to the Haringey Rough Sleeping Strategy. In addition, new rough sleepers in the Borough, or those moving from other parts of London, will not immediately gain verification and therefore will not be exempt.

Due to these factors, police officers implementing the PSPO may not be able to verify the rough sleeper status of individuals, and thus they will be unable to implement the exemptions outlined. Rough sleepers are more likely to be forced to urinate and drink in public spaces, due to the lack of alternatives.

We recognise that some local residents frequently perceive this behaviour as anti-social, however we believe it is a result of deeper issues around social exclusion and vulnerabilities, such as substance dependency. This will contribute to a hostile environment for rough sleepers in Haringey and through further penalising rough sleepers, it contradicts the stated recognition that systematic inequality is a root cause of homelessness.

Absence of Toilet Strategy

The PSPO specifically includes restrictions for public urination and defecation. We agree this can be deeply unpleasant for residents and we welcome the decision to consult on a toilet strategy earlier this year. However, the Haringey Public Toilets Strategy does not currently exist, and we contend that in the majority of cases of public urination derive from desperation and a lack of alternatives. We do not think the PSPO should be published until the findings from the toilet strategy consultation are published and the strategy implemented, so that the PSPO does not inadvertently create further fear for those already unwilling to leave home because of the lack of public or available toilets.

Equalities Impact

The PSPO may lead the Council to breach its Public Sector Equality Duty to eliminate discrimination and harassment.

We believe the implementation of the PSPOs will have a detrimental effect on those already experiencing marginalisation within the borough, as outlined above. The legislation seeks to criminalise behaviours, such as public urination and alcohol consumption, which would be more effectively addressed with increased provisions in place for those at most risk.

Homeless people are more likely to experience disability, particularly mental disability. Street drinking is also likely to be significantly higher in this group, as well as housed peoples who do not have access to private spaces due to socioeconomic standing. As outlined, we do not think the proposed exemptions/discretion can be meaningfully implemented, particularly by the Police, which will lead to this group being disproportionately impacted by the PSPO.

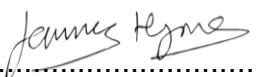
The Casey report found that the Metropolitan Police is institutionally racist with black people significantly more likely to experience stop and searches compared to their white counterparts. The PSPO gives additional power to police officers to administer fines for cyclists, those drinking in public, or urinating. We believe the PSPO will lead to further discrimination against and criminalise black people in the Borough, an unequal outcome the Council should actively avoid.

There is very little evidence to suggest that PSPOs are effective at preventing anti-social behaviour. No comparative data has been provided to show that in Haringey areas where alcohol restrictions have been implemented, that the number of alcohol related ASB incidents has fallen at faster rate than where no PSPO has been in place. For particularly vulnerable people who may have little money, fines are unlikely to serve as a deterrent if they are not able to pay. Therefore, the likely discriminatory impact on protected groups substantially outweighs any potential benefits of the PSPO.

2. Variation of Action Proposed

Pause the implementation of the PSPOs.

Signed:

Councillor:  (Please print name): Tammy Hymas

Countersigned:

1. Councillor:  (Please print name): Lotte Collett
2. Councillor:  (Please print name) Mary Mason
3. Councillor:  (Please print name): ...Mark Blake.
4. Councillor:  (Please print name): ...Holly Harrison-Mullane
- 5.

Date Submitted: 24/12/24

Date Received :

(to be completed by the Democratic Services Manager)

Notes:

1. Please send this form to:
Ayshe Simsek(on behalf of the Proper Officer)
Acting Democratic Services and Scrutiny Manager
5th Floor
River Park House
225 High Road, Wood Green, London N22 8HQ
Tel: 8489 2920
Fax: 020 8881 5218

This form must be received by the Acting Democratic Services and Scrutiny Manager by 10.00 a.m. on the fifth working day following publication of the minutes.

2. The proper officer will forward all timely and proper call-in requests to the Chair of the Overview and Scrutiny Committee and notify the decision taker and the relevant Director.
3. A decision will be implemented after the expiry of ten working days following the Chair of Overview and Scrutiny Committee's receipt of a call-in request, unless a meeting of the Overview and Scrutiny Committee takes place during the 10 day period.

4. If a call-in request claims that a decision is contrary to the policy or budget framework, the Proper Officer will forward the call-in requests to the Monitoring Officer and /or Chief Financial Officer for a report to be prepared for the Overview and Scrutiny Committee advising whether the decision does fall outside the policy or budget framework.