

Report for: Cabinet Member Signing – 15th July 2016

Item number: 3

Title: Anti-Social Behaviour, Crime and Policing Act 2014 – Request to approve Public Spaces Protection Order – St Ann’s and Tottenham Green wards

Report authorised by : Tracie Evans, Chief Operating Officer

Lead Officer: Eubert Malcom Head of Community Safety & Regulatory Services.

Ward(s) affected: St Ann’s and Tottenham Green

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

1. Describe the issue under consideration

This report provides the Cabinet member for Communities with the findings of the statutory consultation on the proposed introduction of a Public Spaces Protection Order (PSPO) for St Ann’s and Tottenham Green wards and seeks approval for the introduction of the PSPO.

2. Cabinet Member Introduction

The issue of men gathering outside Wickes on Seven Sisters Road has been a problem for a number of years. Regular complaints are made to the police and Council Officers with regard to this activity and the resulting ASB afflicting the local area.

The results of the consultation carried out earlier this year clearly demonstrated that residents and businesses within the locality are frustrated with this situation and overwhelmingly supportive of the use of the PSPO to try and tackle this historical problem. As Cabinet member for Communities I am therefore supportive of the proposals contained within this report and agree that it is the only option going forward to address the ASB issues and improve the quality of life for people living and working in the affected area.

3. Recommendations

3.1 That the Cabinet member for Communities:

- I. Approves the introduction and implementation of a PSPO in the draft attached at Appendix 3, having taken into account the EQIA at Appendix 5, for a period of 12 months effective from 1st August 2016.

II. Notes the Enforcement Plan at Appendix 6.

4. Reasons for decision

- 4.1 Over a long period of time the Council and its partners have undertaken various measures and activities to tackle the Anti Social Behaviour (ASB) issues that blight residents' lives; these issues are all associated with the men who gather at Wickes. 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 the new tools and powers available under the Antisocial Behaviour, Crime and Policing Act 2014.

5. Alternative options considered

Not to follow through with the PSPO, after a period of community feedback regarding the ASB being caused, and in light of the results of the Consultation this option is not considered appropriate. It is considered that the proposed PSPO provides the flexibility to address the dynamics of the problems being encountered. A PSPO allows council's to tailor prohibitions and requirements to deal with the specific behaviour causing negative effects on the community.

6. Background information

- 6.1 A report was presented to Cabinet on 9 January 2016, which made members aware of the new legislation available to local authorities in relation to PSPO, namely the Anti-Social Behaviour, Crime and Policing Act 2014. Cabinet authorised entering into a period of statutory consultation with regards to the introduction of the PSPO. The Consultation ran for 8 weeks from 22nd February to 18th April 2016
- 6.2 Please refer to the Cabinet report from 9 January 2016 (Appendix 2) for background information in regards to the original proposal.
- 6.3 The purpose of the consultation was to ask the public to consider whether they would support the introduction of a PSPO within the proposed boundaries and in accordance with the proposed prohibitions and requirements.

The consultation sought to reach key audiences namely:

- Residents living in the proposed designated area. Approximately 1000 residential premises were contacted in writing, with a door knocking exercise. Officers also attended residents' meetings and a Ward Panel meeting, as well as facilitated public consultation meetings.
- Eastern Europeans - In recognition of the impact that the PSPO is likely to have on the Eastern European men who hang around outside Wickes, coupled with their unlikely access to the internet where the PSPO was publicised, direct engagement was undertaken with this group assisted by interpreters.

- Businesses and people working or visiting the affected area - Public consultation was also carried out with businesses and people working or visiting the affected area.

6.4 The summary findings from the consultation are attached at Appendix 4

6.5 The Public consultation involved a questionnaire with 4 key questions and an additional comments section after each question (see Appendix 1 for an original copy of the questionnaire). The questionnaire was available both as an on line and paper questionnaire. Questions were formulated to ascertain the extent to which the local community agree or disagree with the following:-

- i. That the terms of the PSPO are clear
- ii. The behaviours prohibited in the PSPO
- iii. The boundary area of the PSPO
- iv. The gating of the alleyway between Roslyn and Southey Road

The questionnaire also sought to ascertain the impact of restricting access to the alleyway between Roslyn Road and Southey Road.

6.6 The outcome presented an overwhelming support for the implementation of the PSPO, which now together with previously circulated evidence forms the basis to approving the PSPO, namely;

- 94% (446) Agreed that the terms of the proposed public spaces protection order are clear. 6% either said no or didn't know.
- 91% (432) Agreed with the public spaces protection order restricting these activities. 6% said no and 3% didn't know.
- 82% (389) Agreed with the proposed PSPO boundary area. 10% said no and 5% didn't know.
- 77% (365) Agreed with the proposed gating of the alleyway between Roslyn Road and Southey Road. 8% said no 13% didn't know.

6.7 The feedback through the consultation process highlighted a demand that the PSPO be extended to include the Stonebridge Estate; which was identified as having similar ASB issues. In discussion with partners it was also agreed that the PSPO boundary be amended to follow natural boundaries. This would make it easier for members of the public to understand the boundary of PSPO area and provide clarity for enforcement. The map showing the amended PSPO boundary can be found at Appendix 3.

6.8 The council has consulted with the police from the onset of considering the use of a PSPO to tackle to ASB in the area. This consultation has continued at each stage of the process and there is complete support from the Police in respect of the proposed restrictions, boundary and implementation of PSPO.

6.9 Should the Cabinet member decide to proceed with the implementation of the PSPO an Enforcement Plan has been drafted in consultation with partners. The Cabinet member is asked to note the draft Enforcement Plan at Appendix 6, which outlines a partnership approach to monitoring the area with input from the Tottenham Green SNT, St Ann's & Haringay SNT, Tactical Enforcement, Wickes, Kingdom Litter Enforcement Team and ASBAT, with additional targeted support from Immigration, Thamesreach and other relevant intervention & support services as and when required.

7 Implications for local people/service users

7.1 The introduction of a PSPO following the period of consultation would aim to improve the quality of life and experience for all residents, businesses and visitors to the area.

7.2 The proposed term of the order would prohibit certain activities locally, therefore some local people may feel negatively impacted by the introduction of such an order. The intention of the consultation period was to gauge the public mood pertaining to a PSPO and the behaviour it would prohibit in order to demonstrate that the impact would be broadly positive for local people and service users.

7.3 The findings of the consultation would appear to show an overwhelming support for the introduction of measures to address these behaviours.

7.4 It is recommended to the Cabinet member that a PSPO should be put in place to tackle this problem and the resulting ASB, with the following prohibitions, boundaries and restrictions:-

A. Prohibitions

- 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 or the car park of Wickes Store
- Persistently loitering in a street or public place or the car park of Wickes Store
- For a person in the street, public place or Wickes Car park, including a person in a motor vehicle to solicit another for the purpose of obtaining casual labour
- 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 or the Wickes Car Park.
- Consuming alcohol or having an open container of alcohol in your possession in the street or public place or the Wickes Car Park.

B. Boundaries

The land in relation to which this Order should apply is that land in the area of the London Borough of Haringey, namely which

- a. Is delineated and shown in red on **Map 1** (in Appendix 3)
- b. Includes the roads: Kerswell Close, Victoria Crescent, Culvert Road, Russell Road, Elizabeth Road, Southey Road, Greenfield Road, Birstall Road, Brunswick Road, Brunswick Road Park, Suffield Road, Westerfield Road, Braemar Road, Kirkton Road, Lomond Close, Watts Close, part of Seaford Road, West Green Road (between Kirkton Road and High Road), Parts of Seven Sisters Road, Wickes Store and Wickes Store Car Park.

C. Restrictions

The PSPO restrict by erecting gates, the use of the public right of way between Roslyn Road and Southey Road; an area which is blighted with drug taking, people urinating and defecating

8. **Contribution to strategic outcomes**

- 8.1 The PSPO will support/link to the priority outcomes of the Corporate Plan 2015/18 in a number of ways as outlined in the report to Cabinet on 9th January 2016. The results of the consultation demonstrate that the local community and partners overwhelmingly agree with the PSPO as a means for improving our environment, reducing crime enabling residents and traders to feel safe and proud of where they live and work.
- 8.2. Implementation of the PSPO will involve a collaboration between various services within the Council, the police, Homes for Haringey, Thamesreach, Immigration and Custom Enforcement (ICE), support services such as HAGA and other agencies as appropriate. Working together to tackle existing ASB and prevent escalation to more serious crime and violence.
- 8.3. An improvement to the area both in terms of cleaner and safer environment will contribute to the sustainability and growth of housing and business; through the quality of homes, inclusivity of neighbourhoods and improved quality of life in the area.
- 8.4. Please refer to the cabinet report from 9 January 2016 (Appendix 2) for details of the Corporate Plan 2015/18 priorities supported

Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

9 **Finance and Procurement**

- 9.1 The costs of the consultation exercise were met from within existing budgets. The costs for the implementation of the PSPO will also be funded from existing budget provisions of Community Safety & Regulatory Services (any income

arising (expected to be less than £5K pa) would be used to support enforcement activity.

- 9.2 The gating of the alleyway between Roslyn Road and Southey Road are to be met through Highways budget.

10 Legal

- 10.1 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.

- 10.2 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.

- 10.3 Once it has been made the council must also publish the PSPO on its website; and erect notices on or adjacent to the public place to which the order relates to draw the attention of any member of the public using that place to (i) the fact that the order has been made and (ii) the effect of that order being made,

- 10.5 PSPOs 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 a fine.

- 10.7. The implementation of the PSPO can be challenged by any interested person within 6 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 particular prohibitions or requirements are unnecessary or that procedurally the order is defective.

11 Equality

11.1 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to;

- i. 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);
- ii. Advance equality of opportunity between people who share those protected characteristics and people who do not;
- iii. foster good relations between people who share those characteristics and people who do not.

11.2 The PSPO will place restrictions on activities that can be undertaken within the designated area. Consultation on the PSPO was therefore undertaken with as many of the people living and working in the area as possible. An Equalities Impact Assessment has also been completed and is attached to this report at Appendix 5.

11.2 The introduction of a PSPO in the locality of Wickes Store, Seven Sisters Road N15 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. The outcome presented an overwhelming support for the implementation of the PSPO.

11.3 The PSPO will apply to all individuals committing antisocial behaviour within the designated area, without discrimination. However, the nature of current ASB issues within the area indicates that this will impact predominantly on Eastern European men who currently loiter in the area waiting for work. There was direct engagement with this group to obtain their views and concerns, and to explain the PSPO and their rights. It has been agreed that further engagement will be undertaken with this group prior to implementation of the PSPO, in particular to communicate the terms of the PSPO and repercussions of breaching the order.

12 Use of Appendices

- Appendix 1 Copy of the Consultation Questionnaire
- Appendix 2 Copy of the report to Cabinet on 9 January 2016
- Appendix 3 Copy of the draft PSPO
- Appendix 4 Findings of the Public Consultation
- Appendix 5 Equalities Impact Assessment
- Appendix 6 Enforcement Plan

13 Local Government (Access to Information) Act 1985

Anti-social behaviour, Crime and Policing Act 2014

