

Report for: Cabinet Member Signing

Item number:

Title: To seek approval to extend the Public Spaces Protection Order in the Seven Sisters area (St Ann's and Tottenham Green Wards)

Report authorised by: Stephen McDonnell, AD Commercial and Operations



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

Report for Key/ Key decision

Non Key Decision:

1. Describe the issue under consideration

- 1.1. To present the findings of the Public Spaces Protection Order (PSPO) consultation and approve the extension of the PSPO to 31st July 2020 or discharge the PSPO as of 31 July 2017.

2. Cabinet Member Introduction

- 2.1. The issues relating to the men gathering and loitering outside Wickes Store in Seven Sisters Road N15 has been a problem for many years. The results of the 2016 consultation in relation to this matter, clearly demonstrated that residents and businesses within the locality were frustrated with this situation and overwhelmingly supported the use of the PSPO to try and tackle this historical problem.
- 2.2. Although a response to the 2017 consultation was disappointing, there is still a significant majority in favour of the PSPO continuing beyond 31st July 2017. There have been some positive improvements especially with regard to a reduction in the number of men loitering outside Wickes. However, it is apparent that such an entrenched problem will require a considerably longer period of time to change the culture and reap long term effectiveness.
- 2.3. It is clear from the monitoring of the area that the problems have not been completely resolved and that if the PSPO were to not continue, the problem and its associated anti-social behaviour is likely to return to its previous levels of frequency and seriousness.

3. Recommendations

- 3.1. That based on the evidence presented to the Cabinet member on 23rd March 2017 and the subsequent public consultation, the following actions be approved:
- 3.2 That the PSPO as attached at Appendix 1, which is due to expire on 31st July 2017, be extended, for a further 3 years from 31 July 2017 to 31st July 2020. [The date on the PSPO attached at Appendix 1 will be amended to 31st of July 2017]

4. Reasons for decision

- 4.1. In accordance with the statutory guidelines the Council consulted with the Chief Officer of the police as well as the local policing body for the affected areas, and they have confirmed their agreement to the extension of the PSPO.
- 4.2. In addition a public consultation was carried out to ascertain the views of local residents, business and people working or visiting the affected area.
- 4.3 The public consultation involved an on line questionnaire with one key question Do you agree with the Public Spaces Protection Order being extended? With the option to provide details of any objections to the extension or any further comments on the extension.
- 4.4 Although the number of questionnaires completed were significantly less than the previous consultation; there was however diversity amongst the respondents. The outcome demonstrated an overwhelming support for the extension of the PSPO, which now together with previously circulated evidence and previous evidence of support for the PSPO, forms the basis to approve extending the PSPO to 31st July 2020. The methodology and outcome of the public consultation can be found at Appendix 4.
- 4.5 The PSPO will lapse on 31st July 2017 if not extended. The extension is necessary to prevent occurrence or recurrence of the activities identified in the Order, and/or an increase in the frequency or seriousness of those activities after that time.

5. Alternative options considered

- 5.1. Not to extend the PSPO. Given community feedback over many years, the ASB being caused, the results of the most recent Consultation (2017) and results of the previous consultation in 2016, this option is not considered appropriate.
- 5.2 A discharge of the order on 31 July 2017 would be contrary to the obtained public view and would undermine the good work that has taken place to date . This is a historical problem spanning several years, which has only just begun to lessen through the presence of the PSPO. A discharge of the PSPO on 31 July 2017 , would undoubtedly give rise to the return of the problems within the locality to the levels previously experienced, to the detriment of the local community.

6. Background information

- 6.1. A report was presented to Cabinet on 23 March 2017, which made members aware that the PSPO that came into force in the Seven Sisters area in 2016 will have to be discharged as of 31 July 2017, unless approval is given to extend the period for which the PSPO has effect.
- 6.2. Under the Anti-Social Behaviour, Crime and Policing Act 2014 a PSPO can be in effect for a period of not more than three years. The Anti-Social Behaviour, Crime and Policing Act 2014 states that before the time when a PSPO is due to expire, the local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent:
- (a) Occurrence or recurrence after that time of the activities identified in the order, or
 - (b) An increase in the frequency or seriousness of those activities after that time.
- 6.3 The Cabinet agreed that the proposal to extend the PSPO should be taken to public consultation. An on-line questionnaire to seek public views on the proposal to extend the PSPO in St Ann's and Tottenham Green ward commenced and ran for 8 weeks from 13th April to 7 June 2017. Officers circulated details of the on-line questionnaire to a wide range of individuals and groups:-
- Individuals who had made complaints or reports of anti-social behaviour in the locality;
 - Residents' groups/associations within the affected area;
 - Support Services and voluntary groups operating within the locality;
 - Relevant local councillors;
 - Wickes Store and other local business e.g. Seven Sisters market stall holders; and
 - Police Safer neighbourhood Teams and presentation to ward panel meeting
- 6.4 In addition the Local Authority is required to undertake the necessary publicity in respect of this proposal. In accordance with the Anti-Social Behaviour, Crime and Policing Act 2014, the text of the PSPO was made available on the Council's website. Also Notices were placed within the affected area advising members of the public of the proposal to extend the PSPO and inviting them to complete the on-line questionnaire; these notices were in English, Romanian, Bulgarian, Hungarian and Polish.
- 6.5 There were 26 on-line questionnaires completed.
- 92% of respondents agreed with the PSPO being extended for a further 3 years;
 - 52% of respondents made further comment about the extension

The outcomes of the Public Consultation along with breakdown by protected characteristics, can be found at Appendix 2

7. Contribution to strategic outcomes

- 7.1 The PSPO is in place to deal with a particular nuisance/problem in a defined area, which is detrimental to the local community's quality of life. The PSPO imposes conditions on the use of a specified area, which will apply to everyone and contributes to Priority Three of the Council's Corporate Plan (A Clean and well maintained and safe borough). The results of the 2016 public consultation demonstrated that the local community and partners overwhelmingly agree with the PSPO as a means of improving our environment, reducing crime, enabling residents and traders to feel safe and proud of where they live and work. The results of the 2017 public consultation demonstrated continued support
- 7.2 The implementation and enforcement of the PSPO involved collaboration between various services within the Council, the Police, Immigration Control, support services such as Thamesreach and other appropriate agencies. These agencies worked together to tackle existing ASB and prevent escalation to more serious crime and violence.
- 7.3 The PSPO being in force has improved the area in terms of it being a cleaner and safer environment, thus contributing 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.
- 7.4 The problems relating to the men who gather and loiter outside Wickes is a historical problem spanning several years. It is not surprising therefore that the problem has not been completely resolved through the introduction of the PSPO. Such an entrenched problem will require a long period of monitoring and enforcement to reinforce the message that the prohibited activities of the PSPO are unacceptable and will not be tolerated. Only in this way can the attraction to Wickes be broken down.

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

8.1 Finance and Procurement

- 8.2 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 (namely ASBAT), any income arising would be used to support enforcement activity.

- 8.2 As this proposes an extension to an existing schemes there are no new signage costs and the consultation is estimated to be under £1k.

8.3 The service will continue to monitor the contract as part of the monthly financial monitoring to ensure that the contract is within budget and continues to offer value for money.

9. Legal

The Assistant Director of Corporate Governance has been consulted in the preparation of this report and comments as follows.

9.1 A PSPO may not have effect for more than 3 years unless extended under section 60 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the 2014 Act). A PSPO can be extended more than once, but any extension cannot be for more than three years. Thus a PSPO can continue indefinitely if extended every 3 years.

9.2 A PSPO must be extended before it is due to expire and under section 60(2) of the 2014 Act, this PSPO may be extended if the Council is satisfied on reasonable grounds that it is necessary to extend the order to prevent:

- (a) *Occurrence or recurrence after that time of the activities identified in the order; or*
- (b) *an increase in the frequency or seriousness of those activities after that time*

9.3 This PSPO restricts a public right of way and the Council must therefore also consider:

- (a) *the likely effect of making the order on the occupiers of premises adjoining or adjacent to the highway;*
- (b) *the likely effect of making the order on other persons in the locality;*
- (c) *in a case where the highway constitutes a through route, the availability of a reasonably convenient alternative route.*

9.4 Section 72 (1) of the 2014 Act requires that in deciding whether to extend a PSPO and, if so, for how long, 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.

9.5 As required under Section 72(1) (3) of the 2014 Act the council has carried out the necessary consultation and notification before deciding to extend a PSPO. A notice regarding the proposal to extend the PSPO has been published on the Council’s website identifying the order which is to be extended and the Council has consulted with the local police (formally with the chief officer of police and MOPAC), relevant local community groups, business and individuals.

- 9.6 The principles in the Supreme Court decision of Moseley apply and the product of consultation has to be conscientiously taken into account in reaching a decision about the extension of the PSPO.
- 9.7 Once the extension has been agreed the council must also publish the extended PSPO in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014 Publication of Public Spaces Protection Orders) Regulations 2014.

10. Equality

- 10.1 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to; 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); advance equality of opportunity between people who share those protected characteristics and people who do not; and foster good relations between people who share those characteristics and people who do not.
- 10.2 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.
- 10.3 The PSPO will apply to all individuals committing antisocial behaviour within the designated area, without discrimination.
- 10.4 The proposed extended PSPO is likely to continue to have a more significant impact upon the activities of the Eastern European men regularly loitering around the Wickes Store waiting for or having been unsuccessful in securing any paid labour. These are the individuals largely identified as, but not solely responsible for the anti-social behaviour that is detrimental to the local community's quality of life – with instances of men urinating or defecating into people's gardens, litter from consumed cans and bottles of alcohol, intimidation felt by the large numbers blocking the public highway, the noise nuisance through the men gathering together and drinking
- 10.5 The 2017 consultation in respect of extending the period of the existing PSPO, was achieved through an on-line questionnaire, which was publicised through a number of channels as outlined under 6.2. and 6.3 above. Equalities analysis of the consultation response and results, and an outline of any proposed mitigating actions, are recorded in an Equalities Impact Assessment which is attached to this report at appendix 2

11. Use of Appendices

Appendix 1: Copy of existing PSPO
Appendix 2: EQIA
Appendix 3: PSPO – Outcomes to date
Appendix 4: Consultation Report – July 2017

12. Local Government (Access to Information) Act 1985

Anti Social Behaviour, Crime and policing Act 2014