

Report for: Councillor Eugene Ayisi - Cabinet Member for Communities

Item number: 5

Title: Anti-Social Behaviour, Crime and Policing Act 2014 - request to Commence Public Spaces Protection Order Consultation

Report authorised by: Stephen McDonnell, AD for Commercial & Operations

Lead Officer: Eubert Malcolm, Head of Community Safety & Enforcement (020 8489 5520 eubert.malcolm@haringey.gov.uk)

Ward(s) affected: Northumberland Park

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

1. Describe the issue under consideration

- 1.1 The Council and partner agencies have targeted resources and used a number of enforcement measures to tackle drug dealing and drug misuse on the Love Lane Estate. The problem has worsened over the last year due to the increased numbers of rough sleepers many are dependent on either heroin or crack cocaine. Some of the women who are rough sleeping have engaged in sex work within the blocks or on estate roads to support their drug habit. There has been urination and defecation on the stairwells which has necessitated increased cleaning by estate service staff. In addition to this, young men have been loitering on the upper stairwells smoking marijuana during the early afternoon into the late evening. All these behaviours are having a detrimental effect on the lives of those living on the estate.
- 1.2 The evidence collated suggest that these behaviours could be prevented by the implementation of a Public Spaces Protection Order (PSPO). The Cabinet Member for Communities is asked to approve consultation for a PSPO to tackle anti-social behaviour.

2. Cabinet Member Introduction

The issues taking place on the Love Lane Estate have been ongoing for a number of years, dating back to 2005. Anti-Social Behaviour Officers, Estate Service Staff and residents have been intimidated and threatened by those engaging in anti-social behaviour on the estate. As the Cabinet Member for Communities I am fully supportive of the proposals contained in this report to prevent the behaviours that are having a detrimental effect on the lives of residents on the Love Lane Estate.

3 Recommendations

That the Cabinet Member for Communities:

- I. Approves for consultation the draft Public Space Protection Order (PSPO) as contained in Appendix 2. The consultation will commence in accordance with section 72 of the Anti-Social Behaviour, Crime and Policing Act, with consultation to run for a period of eight weeks.

4. Reasons for decision

- 4.1 The Council and partner agencies have undertaken a number of enforcement actions to tackle the anti-social behaviour on the estate, further details will be provided later in the report. A number of partly successful actions have been taken against individuals to prohibit them from entering the estate but this has not resolved the issues. A PSPO will provide a long term solution to the problems that residents experience on a daily basis. It will also provide to the police an additional enforcement tool to tackle persistent anti-social behaviour on the estate and will help break the cycle of anti-social behaviour which is having a detrimental effect on the lives of residents.
- 4.2 The Anti-Social Behaviour, Crime and Policing legislation allows the use of penalties such as Fixed Penalty Notices and prosecution. In order to support the legislation targeted and sustained enforcement will be used by partners including both the Metropolitan Police, Northumberland Park Policing Team, Homes for Haringey, ASBAT, Home Office Immigration Enforcement Team and Tactical Enforcement. Assistance in gathering evidence can be provided through the Regeneration Team, Estate Service Officers and Community Champions who live on the estate. There will continue to be a cost to the council if enforcement action is taken but no cost where the decision to prosecute is undertaken by the police.

5. Alternative options considered

- 5.1 Not to pursue a PSPO. Given the length of time that the behaviour has been ongoing and the detrimental effect the behaviour is having on the residents of Love Lane this is not considered a viable option.

6. Background information

- 6.1 Anti-social behaviour on the estate dates back to 2005, although the situation has worsened since 2012 with an increase in drug dealing, Class "A" and "B" drug misuse, youth nuisance and rough sleeping. A summary of the anti-social behaviour activity that has taken place on the estate is set out in appendix 1.

7. Public Space Protection Orders (PSPOs)

- 7.1 The Anti-Social Behaviour, Crime & Policing Act 2014 received Royal Assent in April 2014 and its main provisions were brought into force in October 2014. The Act provides a number of new powers targeting a broad range of anti-social behaviours, including PSPOs.

- 7.2** These orders are more flexible and can be applied to a much broader range of issues than previous powers, with local authorities in consultation with residents having the ability to design and implement their own prohibitions or requirements where certain conditions are met. These conditions centre on the impact to the quality of life in the locality, persistence and whether the impact makes the behaviour unreasonable.
- 7.3** 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 an FPN of £100 or a fine of up to £1000 on conviction. Enforcement can be undertaken by council officers or others designated by the council but in this case given the nature of those engaging in the ASB this will principally be carried out by police officers and PCSOs.
- 7.4** Under the Anti-Social Behaviour Crime & Policing Act 2014 a PSPO may have effect for an initial period of three years and this is the time period being consulted on with residents.
- 7.5** This will be the second PSPO implemented in Haringey. A PSPO was implemented in South Tottenham in 2016. Initial feedback from policing teams covering the areas in question indicates that this PSPO has improved their ability to tackle the issues which were affecting local residents.
- 7.6** We will conduct a twelve-month review of the Order in conjunction with the police to assess its effectiveness and to ensure that it is achieving our stated outcomes to improve the quality of life for residents and reduce anti-social behaviour on the estate.

8. Proposed coverage of the PSPO

- 8.1** It is proposed to consult on the introduction of a PSPO which will cover a number of activities including (see attached);
1. Persons not legally resident on the estate are prohibited from entering blocks on the estate unless visiting a named legal resident on the estate
 2. Other persons may access the estate to visit a resident, carry out work on the estate or pass through the estate but they must not loiter
 3. Persons are prohibited from taking part in any sexual acts in any public place on the estate
 4. Persons are prohibited from soliciting others for the purpose of obtaining sex or drugs
 5. Prohibiting the ingestion, inhalation, injection or smoking or otherwise of intoxicating substances.
 6. Urinating or defecating or exposing genitalia in a public place or in an area designated for use by members of the public
 7. Prohibiting adults from entering the play area unless supervising or accompanying a child(ren).
 8. Prohibiting people from sleeping rough in communal areas inside the blocks or on the estate
- 8.2** The land in relation to which this Order applies is that land in the area of the London Borough of Haringey, namely which

- (a) Is delineated and shown in red on Map 1 forming part of the Order and
- (b) Includes William Street, Love Lane, Whitehall Street, and includes Charles House, Moselle House, Ermine House and the flats on Whitehall Street directly on the Love Lane Estate

- 8.3** A breach of a prohibition can result in a maximum penalty not exceeding level 3 on the standard scale (currently £1000).
- 8.4.** The final order will be required to be approved by the Cabinet Member for Communities. Cabinet Member approval will be dependent on the outcome of the statutory consultation, where any objections and recommendation will be required to be taken into consideration. It is likely that the order will come into force in Early January 2018. It shall remain in force for three years.
- 8.5** At any point before the expiry of this three year order the Council can extend the order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time. The Council can under section 60 at any time vary the order by increasing or reducing the restricted area or by altering or removing a prohibition or requirement included in the order, or adding a new one.
- 8.6** A challenge to a PSPO can be made in the High Court, within six weeks of the PSPO being made, by interested persons directly affected by the restrictions on the following grounds:
- (a) the local authority did not have the power to make the order, or to include particular prohibitions or requirements; and
 - (b) the local authority did not fulfil its requirements in making the order.

9. Consultation process

9.1 ASBAT will carry out extensive consultation, namely:

- Consultation for a period of eight weeks
- An online consultation survey will be made available
- ASBAT will prepare a letter directing residents/businesses to the online survey and the ASBAT mailbox
- The letter will be distributed through a door knocking exercise in the affected area and a hard copy of the survey will be included. The Regeneration Team will assist the ASBAT to undertake this task and will include daytime and evening visits to tenants in order to ensure maximum resident involvement and satisfaction with the proposals set out in the draft Order.
- ASBAT will supply the letter/consultation document to businesses for their information and to display for customers.
- ASBAT will make contact with British Rail staff at White Hart Lane to request that a copy of the letter is displayed at the station and copies of the consultation document are made available.

- ASBAT will make contact directly with Newlon Housing Association and with their tenants who live in flats on Williams Street on the boundary of the Love Lane Estate.
- ASBAT will consult with and make contact with schools to display the letter and issue copies of the consultation document to those living within the affected area.
- ASBAT will make contact with the sixth form college and provide consultation documents and a copy of the letter.
- ASBAT will attend evening meetings with residents and will make contact with the Community Champions and with the Love Lane Resident Association Representatives in the affected area.
- ASBAT will attend the next Ward Panel Meeting to talk with those attending and to disseminate the letter and consultation document.
- ASBAT will consult with the three Ward Councillors for the Northumberland Park Ward to request their views on the PSPO and to see whether they are able to encourage residents known to them who live in the affected area to complete the consultation document.
- ASBAT will consult with THFC, Highways, Police and PEEC (Polish & Eastern European Communities support)

10. Contribution to strategic outcomes

10.1 Corporate Plan 2015/18

Our vision for all residents and businesses in Haringey is summarised in the Priority 3 of the Corporate Plan: Clean and Safe - A clean, well maintained and safe borough where people are proud to live and work. Underpinning this overarching priority are two specific objectives to address crime and ASB:

- Objective 1 - “We will work with communities to improve the environment particularly by reducing anti-social behaviour and environmental crime”. The PSPO will enable us to work with our community and partners to identify local needs and create an action plan to encourage communities to take ownership of their local area.
- Objective 5 - “We will work with partners to prevent and reduce more serious crime, in particular youth crime and gang activity”. By joining up our enforcement teams to monitor and enforce the PSPO we will help identify and tackle issues more effectively, making members of the community feel safer in the area where they live or work. Create communities where people choose to live and are able to thrive is a key driver for Priority 5. Sustainable housing growth in mixed and inclusive neighbourhoods where residents can lead happy and fulfilling lives is key, as is improving the quality of all homes in Haringey. Preventing and taking action against those perpetrating ASB increases resident confidence and promotes their health and well being making them feel safer in their homes. It will also add to the Council’s Priority giving children a better start in life by removing drug related nuisance from the estate where children live and play and protect them from harm.

- 10.2** The PSPO is intended to deal with particular nuisance or problems in a defined area, which is detrimental to the local community’s quality of life, by imposing conditions on

the use of that area which will apply to everyone, contributing to objective one and five.

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

11.1 Finance

(Estimated cost of consultation and signage £3000.00)

The service has estimated the costs of consultation & signage for the PSPO to be £3k. They have confirmed to the Chief Financial Officer that they have identified the budget to fund this expenditure.

12. Legal

12.1 A PSPO may be made under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, if the council is satisfied on reasonable grounds that the following two conditions have been met:

- i. Activities carried on in a public place within the borough have had a detrimental effect on the quality of life of those in the locality or it is likely that activities will be carried on in a public place within that area and that they will have such an effect;
- ii. That the effect, or likely effect, of the activities is or is likely to be, of a persistent or continuing nature, such as to make the activities unreasonable and justifies the restrictions imposed by the notice.

12.2 As to the restrictions and requirements proposed in the PSPO, the Lead Member for Communities must be satisfied that they are reasonable to impose in order to prevent the detrimental effect on those in the locality or reduce the likelihood of the detrimental effect, continuing, occurring or recurring.

12.3 Before making a PSPO the Council must publicise its draft text and consult with the local police, local community groups as the council sees fit and with the owners of any land covered by the PSPO.

12.4 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 interest of public safety, the prevention of crime and disorder and in accordance with the law.

12.5 The following principles of consultation were set out in the case of R (on the application of Mosely) v London Borough of Haringey. First, a consultation had to be at a time when proposals were still at a formative state. Second, the proposer had to give sufficient reasons for any proposal to permit intelligent consideration and

response. Third, adequate time had to be given for consideration and response, and finally, the product of consultation had to be conscientiously taken into account in finalising any statutory proposal or reaching a decision. The process of consultation had to be effective and looked at as a whole it had to be fair. . The Council is obliged to take account of any representations made during the consultation period and all objections received must be properly considered by the decision-maker before the order is made final.

- 12.6** Once the Order has been made the council must also publish the PSPO in accordance with regulations published by the Secretary of State.

13. Equality

- 13.1** Section 149 of the Equality Act 2010 sets out the new public sector equality duty replacing the previous duties in relation to race, sex and disability and extending the duty to all the protected characteristics (race, sex, disability, age, sexual orientation, religion or belief, pregnancy or maternity, marriage or civil partnership and gender reassignment). The public sector equality duty requires public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 13.2** 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. This PSPO is likely to have a more significant impact upon the activities of Eastern European men and women. These individuals identified but not solely responsible for the anti-social behaviour that is having a detrimental affect on the community's quality of life – with instances of rough sleeping, prostitution, urination, defecation on the stairwells and communal areas. Intimidation felt by residents who come across them in the chute rooms and stairwells and who have witnessed them taking Class “A” drugs and engaging in sexual activity inside the blocks and the communal areas of the estate.
- 13.3** No particular group should be disadvantaged through the consultation, publicity and enforcement of the PSPO. The law requires that we ensure that we cultivate better understanding between communities thereby “fostering good relations” as required by law at 12 (1) above. Careful consideration will be given when carrying out consultation in both the wording of the consultation letter/survey and PSPO, so that no one group is targeted by the Order. We will ensure that when carrying out the consultation we give due regard to those who might not otherwise get involved so their voices are heard. Where there are known language barriers documentation will be translated into other relevant languages and face-to face consultation will involve interpreters and officers with other relevant languages. We will undertake letter drops and door knocking exercises to all affected residents and businesses in the locality. We have agreed with the police and with officers from the Regeneration Team, Community Champions and Resident Association in carrying out the letter drop and consultation with residents to ensure that all those in the affected area are aware of the consultation process and have an opportunity to make their views known

- 13.4** The introduction of a PSPO on the Love Lane Estate would aim to improve the quality of life and experience for all residents, businesses and visitors to the estate. Any order would be designed to provide a safe and peaceful environment for all residents of the estate and therefore should be supportive of the needs of those most affected by the fear of crime.
- 13.5** The PSPO will apply to all individuals committing ASB within the designated area, without discrimination. The consultation process will seek to gather the views of all local communities and ensure that the characteristics of respondents are recorded. Equalities analysis of the consultation response and results will be collated once the consultation is complete.
- 13.6** A draft EQIA has been completed which will be updated following the consultation.

14. Appendices

- 14.1** Appendix 1 - Summary of enforcement and prevention activities carried out in the area
- 14.2** Appendix 2 - Draft Public Space Protection Order and map of affected area
- 14.3** Appendix 3 - EQIA
- 14.4** Appendix 4 - Impact statement from the police

15. Local Government (Access to Information) Act 1985

Impact Statement provided by the police

<https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>