

**Report for:** Cabinet

**Title:** Anti-Social Behaviour, Crime and Policing Act 2014 – Request to approve Public Spaces Protection Order – Love Lane Estate Northumberland Park Ward

**Report authorised by:** Stephen McDonnell, Director for Environment and Neighbourhoods



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

**Ward(s) affected:** Northumberland Park

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

**1. Describe the issue under consideration**

This report provides the Cabinet with the findings of the statutory consultation on the proposed introduction of a Public Spaces Protection Order (PSPO) for Love Lane Estate, Northumberland Ward and seeks approval for the introduction of the PSPO.

**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 (ASB), 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 supportive of the proposals contained in this report to prevent the behaviours that are continuing to have a detrimental effect on the lives of residents on the Love Lane Estate.

**3 Recommendations**

That the Cabinet:

Approves the introduction and implementation of a PSPO in the terms of the draft attached at Appendix 1, for a period of three years effective from 23<sup>rd</sup> January 2019 having taken into account the EQIA at Appendix 2, and the consultation report at Appendix 3.

**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 introduction 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. The outcome presented an overwhelming support for the PSPO. The outcome of the Public consultation can be found at Appendix 3.
- 4.3. The Council and partner agencies have undertaken a number of enforcement actions to tackle the anti-social behaviour on the estate. The main concern is and has been for a number of years, the significant presence of drug dealing and drug misuse. Regrettably this is not a solitary problem on the estate. It gives rise to and serves as a magnet for a number of other serious anti-social behaviour and crime which plague the lives of local residents such as; people loitering in the common parts of building (including the stairways) using illegal and/or illicit substances; soliciting and engaging in illicit sex work; and the sight and stench of urine and faeces in the stairways.

A number of partly successful actions have been taken against individuals to prohibit them from entering the estate (as detailed in appendix 1 of the Cabinet report of 8 November 2017), unfortunately, this has not resolved the issues. The PSPO will provide the police and council enforcement service with an additional tool for tackling this serious problem.

## **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 an option. In the absence of a PSPO, the Council would have to continue to undertake individual enforcement action; reliance on this method would not be as effective or efficient as a PSPO.

### **5.2 Enforcement action against individuals requires the identification of individuals, which is not always possible and can entail lengthy and costly legal proceedings. A PSPO would serve as a significant deterrent; hence, identity and legal actions may not be an issue. In addition, the number and turnover of perpetrators in this locality has been significant; action against an individual may end that person's activity in the defined area but would not necessarily deter others. Reliance on individual enforcement action could become extremely costly and interminable for the council, as new perpetrators are appearing all the time.**

## **6. Background information**

### **6.1 A report was presented to the Cabinet Member for Communities on 8 November 2017 which made members aware of the legislative power available to Local Authorities in relation to PSPO, namely the Anti-Social Behaviour, Crime and Policing Act 2014. Cabinet approved entering into a period of statutory consultation with regard to the introduction of the PSPO. The consultation ran for six weeks from 14th February 2018 to 11th April 2018.**

- 6.2. Please refer to the Cabinet Member report from 8<sup>th</sup> November 2017(Appendix 4 link to the original Cabinet Member Report including Summary of Enforcement Activities Appendix 1) 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 target the residents living and businesses operating in the proposed designated area.
- 6.4. Approximately 500 residential premises and businesses were contacted in writing, with a follow-up door knocking exercise. Officers also publicised and facilitated surgeries at The Grange in White Hart Lane. The consultation questionnaire and information were also available of the Haringey Council's website
- 6.5. The summary findings from the consultation are attached at Appendix 3
- 6.6. The public consultation involved a questionnaire with three key questions and an additional comments section after each question (see Appendix 5 for an original copy of the questionnaire). The questionnaire was available both as an online and paper questionnaire. Questions were formulated to ascertain the extent to which the local community agree or disagree with the following:-
- i. That the aims of the proposed PSPO are clear
  - ii. The PSPO proposals being used to tackle drug dealing, prostitution and other crime and ASB
  - iii. The boundary area of the PSPO
- 6.7. A total of 85 responses to the consultation were received. This represents a 17% response rate, although this may be considered as not being significant, it does reflect the level of feedback usually obtained from this part of the borough, where engagement can be difficult. Of those that did provide a response to the questionnaire there was an overwhelming support for the implementation of the PSPO, which now together with previously circulated evidence forms the basis for approving the PSPO, namely;
- 98% of the respondents lived or worked within the affected PSPO area
  - 91.8% (78) Agreed that the terms of the proposed public spaces protection order are clear. 7% either said no or did not know.
  - 95.3% (81) Agreed with PSPO proposals to tackle drug dealing, crime, prostitution and anti-social behaviour. One% said no and 3% did not know.
  - 76% (76) Agreed with the proposed PSPO boundary area. 6% said no and 3% held other views
- 6.8. With regard to the proposed boundary, a number of respondents to the consultation requested that the boundary area be extended, owing to their close proximity to the defined area and reports of ASB issues emerging at these locations outlined to us

during the consultation process. Therefore, the boundary of the proposed area has now been amended to include both sides of Whitehall Street.

- 6.9 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. In addition, our partners within Home for Haringey equally support the introduction of the PSPO at this location to tackle on going anti-social behaviour

## 7.0 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 Following the approval from the Cabinet Member for Communities to commence consultation in October 2017, the Home Office amended the Statutory Guidance for Frontline professionals in respect of Public Spaces Protection Orders. The amendments make particular reference to the dealing with homeless people, recommending that,  
*Councils may receive complaints about homeless people, but they should consider whether the use of a Public Spaces Protection Order is the appropriate response. These Orders should be used only to address any specific behaviour that is causing a detrimental effect on the community's quality of life, which is beyond the control of the person concerned. Councils should therefore consider carefully the nature of any potential Public Spaces Protection Order that may impact on homeless people and rough sleepers. It is recommended that any Order defines precisely the specific activity or behaviour that is having the detrimental impact on the community.*  
In view of the above the prohibition relating to “*sleeping rough in communal areas inside the blocks or on the estate*”, has been removed.
- 7.5 It is recommended 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
- *Persons not legally resident on the estate are prohibited from entering blocks on the estate unless visiting a named legal resident on the estate*
  - *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*
  - *Persons are prohibited from taking part in any sexual acts in any public place on the estate*

- *Persons are prohibited from soliciting others for the purpose of obtaining sex or drugs*
- *Prohibiting the ingestion, inhalation, injection or smoking or otherwise of intoxicating substances.*
- *Urinating or defecating or exposing genitalia in a public place or in an area designated for use by members of the public*
- *Prohibiting adults from entering the play area unless supervising or accompanying a child(ren).*

b. Boundaries

*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 and Ermine House*

We will conduct a twelve months 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. Contribution to Strategic Outcomes

The PSPO will support/link to the priority outcomes of the Corporate Plan 2015/18 in a number of ways as outlined at paragraph 10.1 of the report to the Cabinet Member for Communities on 8 November 2017. 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.

- 8.1. Implementation of the PSPO will involve a collaboration between various services within the Council, the police, Homes for Haringey, Regeneration, Local businesses, Local Resident Association and support services such as Drug & Alcohol Service Haringey (DASH) and other agencies as appropriate. Working together to tackle existing ASB and prevent escalation to more serious crime and violence.
- 8.2. 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.

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

#### 9.0 Finance

- 9.1. The costs of the consultation exercise were met from within existing budgets.

#### The cost of implementation

The service has estimated the costs of 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. The revenue cost of officer time to implement the PSPO will be met from existing resources.

- 9.2** Any income arising from enforcement of the PSPO would be used to support enforcement activity.

## **10. Legal**

- 10.1** 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 conditions have been met:

- i. Activities carried on in a public place within the borough have had or it is likely that they will have a detrimental effect on the quality of life of those in the locality;
- ii. That the detrimental effect, or likely detrimental effect, is or is likely to be, of a persistent or continuing nature, such as to make the activities unreasonable
- iii. The effect or likely effect is such as to justify the restrictions imposed by 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 interest of public safety, the prevention of crime and disorder and in accordance with the law.

- 10.3** Members will be aware that in accordance with the so called 'Sedley principles', the Product of the consultation must be conscientiously taken into account in finalising the terms of the PSPO.

- 10.4** Once the PSPO has been made the council must also publish it in accordance with The Anti-social Behaviour Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014.

- 10.5** The PSPO only significantly affects communities living or working in one ward of the Borough. It is therefore not a key decision and is not subject to call in, which means that it can be implemented immediately.

## **11. Equality**

- 11.1** The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act

- Advance equality of opportunity between people who share those protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not.

The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

- 11.2** The decision is to introduce a PSPO on the Love Lane estate in Northumberland Park ward. The aim is to reduce anti-social behaviour in the area and foster a safer neighbourhood for residents.
- 11.3 ASB is known to adversely affect all residents but have a more significant impact on certain protected groups including children and young people, individuals with disabilities, and parents of young children. The characteristics of the local area also indicate that BAME communities are likely to be adversely affected by ASB on the Love Lane estate.
- 11.4 The introduction of a PSPO that reduces ASB can therefore be reasonably expected to reduce victimisation of individuals and groups with protected characteristics. It can be expected to advance equality of opportunity by enabling all residents to live in safer communities, regardless of their particular characteristics. It also has the potential to foster good relations between communities by tackling ASB, which has the potential to create tensions between different communities.
- 11.5** The PSPO will place restrictions on activities that can be undertaken within the designated area. It will apply to all individuals committing ASB within the designated area, without discrimination.
- 11.6 The PSPO has been subject to consultation. The vast majority of respondents were in favour of the PSPO, including all protected groups for which we have data.
- 11.7** A comprehensive assessment of the equalities impact of the decision is set out in the EqIA in Appendix 2.

## **12. Appendices**

**12.1** Appendix 1 – Draft PSPO and Boundary Map

**12.2** Appendix 2 – EQIA

**12.3** Appendix 3 – Consultation Report

**12.4** Appendix 4 Cabinet Member Report including Summary of Enforcement Activities (appendix 1)

<http://www.minutes.haringey.gov.uk/ieListDocuments.aspx?CIId=435&MIId=8528&Ver=4>

**12.5.** Appendix 5 – Consultation Documents

**12.6** Appendix 6 – Police Consultation Document

## **13. 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>

## Appendix 1 - Draft Order

### ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 PART 4, SECTION 59 PUBLIC SPACES PROTECTION ORDER

Haringey Council makes this Order, being satisfied on reasonable grounds that activities in the location described in paragraph 1 of this Order have had or are likely to have a detrimental effect on the quality of life of those in the locality, and that these activities involved various ant-social behaviours. Further, Haringey Council believes that the effect, or likely effect, of the activity described in paragraph 1 of this Order is (or is likely to be) persistent in nature, such as to make the activity unreasonable and justifies the restriction imposed by this Order.

Haringey Council hereby requires by way of this Order that:-

1. The activity below is hereby prohibited as from the date of the Order:
  - a. A person not legally resident on the estate is prohibited from entering blocks on the estate unless visiting a named legal resident or engaging in work
  - b. A person is prohibited from taking part in any sexual acts in any public place within the boundary of the area marked red on the map
  - c. A person is prohibited from soliciting another for the purpose of obtaining sex or drugs
  - d. It is prohibited for any person to ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances \*
  - e. It is prohibited for any person to possess, sell or supply intoxicating substances\*
  - f. It is prohibited for any person to urinate, defecate or expose genitalia in a public place or in an area designated for use by members of the public
  - g. A person is prohibited from entering the play area unless supervising or accompanying a child(ren).
  - h. Persons other than those resident on the estate may only access the estate to visit a legal resident, to engage in legitimate work on the estate, to pass through the estate or to access the doctor's surgery (Tottenham Health Centre) at 759 High Road, London N17.

- i. No person shall loiter on the estate when not visiting a named person legally resident on the estate

A person will not commit an offence under section (D) or (E) where the substance is used for a valid and demonstrable medicinal use.

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 **MAP1** forming part of the Order, and
  - b. Includes the roads, High Road, Love Lane, White Hart Lane, William Street and the blocks on the Love Lane Estate, namely Charles House, Ermine House, Moselle House and Whitehall Street.
3. If without reasonable excuse you breach the prohibition in paragraph 1 you may be issued with a Fixed Penalty Notice, or prosecuted and convicted. The maximum penalty is a fine not exceeding level 3 on the standard scale (currently (£1000)).
4. This Order will come into force on the (date to be decided) and shall remain in place until (3 years from date of commencement).
5. At any point before the expiry of this 3 year Order the Council can extend the order by up to three years if 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.
6. Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in or, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. This right to challenge also exists where an order is varied by a council.

Interested persons can challenge the validity of this order on two grounds:

- 1) that the council did not have power to make the Order, or to include particular prohibitions or requirements
- 2) or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made, the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it, or vary it.

Date: \_\_\_\_\_ 2018

The Common Seal of the Mayor and Burgesses

of the London Borough of Haringey was hereunto  
affixed by Order

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Authorised Signatory

*Section 67 Anti-Social Behaviour Crime and Policing Act 2014*

- 1) *It is an offence for a person without reasonable excuse*
  - (a) *To do anything that the person is prohibited from doing by a PSPO, or*
  - (b) *To fail to comply with a requirement to which a person is subject under a PSPO*
- 2) *A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale*
- 3) *A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have the power to include in the Public Spaces protection Order*
- 4) *Consuming alcohol in breach of a PSPO is not an offence under this section (but see section 63)*

**DEFINITIONS**

**“Authorised person”** means a person authorised for the purposes of this section by the local authority that made the public space protection order (or authorised by virtue of section 69(1)).

**“Intoxicating Substances”** means substances with the capacity to stimulate or depress the central nervous system but does not include alcohol, or vaporisers, tobacco \*

**“Restricted Area”** shown outlined on the map attached

**LOVE LANE PSPO - MAP1**

