

Report for: Cabinet

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

Report authorised by: Stephen McDonnell, Director Environment & Neighbourhoods

Lead Officer: Eubert Malcolm - Interim Assistant Director Stronger Communities

Ward(s) affected: Stroud Green, St-Ann's and Harringay wards.

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

1.0 Describe the issue under consideration

The Anti-Social Behaviour (ASB) in and around Finsbury Park and the south Haringey end of Green Lanes has been ongoing for many years. The ASB includes issues such as, drug dealing and misuse, street drinking, knife crime, violence, aggressive begging, groups engaging in nuisance and intimidation, rubbish dumping and threatening behaviour. All these behaviours are having a detrimental effect on the lives of those living in the locality, park users, commuters and those visiting the area. The prevalence of this behaviour has led to numerous complaints from residents who feel less secure in their homes and community and creates tensions between communities.

- 1.1. The Council and partner agencies have targeted resources, undertaken operations and initiatives to try to tackle the issues. This includes a number of enforcement measures e.g. Injunctions, Community Protection Warnings and Notices, Dispersals, targeted operations and outreach/intervention initiatives.
- 1.2. The proposed Public Spaces Protection Order (PSPO) is part of a coordinated tri-borough approach between Haringey, Islington and Hackney Councils and Police, to tackle drug-related incidents and ASB, which crosses the borough boundaries around Finsbury Park.
- 1.3. The evidence collated suggest that these behaviours could be prevented by the implementation of a PSPO.
- 1.4. A PSPO requires statutory consultation and Cabinet is being asked for permission to consult on the draft PSPO.

2. Cabinet Member Introduction

The ASB and crime issues taking place in and around Finsbury Park Recreational Ground, particularly along Green Lanes, Stroud Green Road, and the park itself, has been ongoing for a number of years. Police Teams, Council Enforcement Officers, Parks Service and outreach services have undertaken a considerable amount of activities and joint initiatives to try to tackle the issues. However, the problems are continuing and joint working with Hackney and Islington would suggest that the problems particularly with regard to drug related crime and ASB has escalated, affecting

all three boroughs. As the Cabinet Member for Communities, I am fully 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, businesses and visitors to the area of the proposed PSPO.

3. Recommendations

That the Cabinet :-

- i. Approves the 12 weeks consultation on the draft Public Space Protection Order (PSPO) as contained in Appendix 1.
- ii. Notes that following the consultation a further report will be presented to Cabinet for a decision on the final PSPO.

4. Reasons for decision

- 4.1 The Council and partner agencies have undertaken a number of enforcement actions to tackle the ASB in the area of concern, as outlined in Appendix 2 e.g. injunctions, Community Protection Notices or even arrests. These have provided some immediate redress and relief but are not a long-term solution and the problems are quickly re-established. Any successful individual enforcement action has limited impact, as others quickly replace any departing offenders.
- 4.2 The increased availability and quality of Class A drugs, has exacerbated the ASB situation in the locality, leading to increased presence of vulnerable groups. Support services seeking to assist these vulnerable individuals also feel unsafe delivering outreach in the area and these vulnerable individuals are increasingly reluctant to engage with services owing to their fear and/or dependency issues.
- 4.3 A PSPO will give a long-term solution to the problems that residents experience on a daily basis. It will provide the Police and Council with an additional enforcement tool to tackle persistent ASB, breaking this cycle, which is having a detrimental effect on the lives of residents, business and visitors to the proposed area and users of the park.
- 4.4 A PSPO will give the Police and Council Officers a broader more flexible range of enforcement powers to tackle ASB and crime. A PSPO, if agreed will be in operation for at least 3 years and will send a clear message in an area of need that the ASB will not be tolerated. The use of these powers will seek to improve the quality of life for Haringey residents, businesses and those using the area and the Park.
- 4.5 Haringey are part of a tri-borough partnership with Hackney and Islington, which has been operating for about two years. It emerged initially in response for a need for a coordinated approach to working with street homeless population in and around Finsbury Park Station. However, it became apparent that alongside this was concern

about the escalation of crime in the same location, particularly drug-related activity and sex working. The partnership includes representation from Community Safety & Enforcement teams of the three local authorities, officers from the three Police areas, support and interventions services, such as Thamesreach, St Mungo's and Women at the Well.

- 4.6 All partners have worked together carrying out joint engagement and enforcement operations, as well as collective working to raise awareness and publicise actions being taken. In early 2019, partners agreed that the level of ASB and drug-related activity was becoming increasingly more difficult to manage and significantly hindering the support and engagement work undertaken. The frequency of activity and the volume of people involved in the ASB was a large demand on Police resources and the three local authorities were asked by Metropolitan Police Service (MPS) to consider a tri-borough PSPO. A sub forum was established to co-ordinate this proposal for each borough to introduce a PSPO in and around the affected area.
- 4.7 The partners of the tri-borough partnership, having previously employed various tools and powers to try to address this endemic problem in and around the Finsbury Park locality. ASB has not shown any sign of subsidence and therefore a new approach is required. It was determined that each neighbouring borough namely Haringey, Islington and Hackney, would introduce its own PSPO. Each borough's PSPO will mirror that of the neighbouring borough, thus establishing an area covering all three boroughs. A Local Authority can only approve a PSPO within the boundaries of its own borough.
- 4.8 It is considered essential that each Borough implement a PSPO so that all three boroughs have one; as to implement singularly would simply displace anti-social behaviour over the boundary into the borough with no PSPO, exacerbating an already prevalent issue.
- 4.9 The Anti-Social Behaviour, Crime & Policing Act 2014 allows the use of penalties such as Fixed Penalty Notices and prosecution, for breach of a PSPO. The Metropolitan Police, British Transport Police and Haringey ASB Enforcement Team will undertake regular monitoring and targeted operations to identify any breaches and take appropriate enforcement action. In addition, assistance and feedback can be achieved through stakeholders including Outreach, Intervention and Support Services, Friends of the Park, Neighbourhood Watch, Residents/Business Associations and Parks Service.
- 4.10 The recent public consultation on the management and improvement of Finsbury Park produced the following results regarding the public's desire for a Public Space Protection Order (PSPO) to tackle ASB in the Park; there were 963 responses received in relation to the consultation. In respect to the use of a PSPO in the park,

82% strongly agreed with the proposal. It should be noted that this was not a statutory consultation, as required for a PSPO.

4.11 The PSPO is a more immediate power that can be used by both Police and Council Officers, as part of their daily patrols and monitoring of the affected area. The actions summarised in option 2 (Patrol's and use of existing enforcement powers) would continue alongside the PSPO (in conjunction with other boroughs) would result in a useful additional tool to tackle the problem ASB highlighted in 4.1 and 6.1.

4.12 Given the length of time that the behaviour has been ongoing, the limited long-term impact of other enforcement action and the detrimental effect the behaviour is having on residents and other members of the public in the affected area, this is believed to be the best option. In addition, the strong possibility of displacement into Haringey and therefore increased ASB, should Islington and Hackney secure their own PSPO in the immediate neighbouring areas, whilst we have nothing in place.

5. Alternative options considered

5.1 Option 1: Do Nothing

This option has been ruled out due to the ASB related issues in and around the Park and its effects on Park Users and members of the Public.

5.2 Option 2: Continue with existing actions

The existing actions that have been undertaken by the Police and ASB Enforcement Team are detailed at Appendix 2. These are summarised below:-

- To tackle drug dealing, street drinking nuisance and begging Police have issued numerous Community Protection Warnings and Notices. Although this can be difficult, in that getting names and addresses to complete a Community Protection Notice is difficult in plain clothes as Section 50 of the Police Reform Act is a uniform only power.
- To tackle drug dealing police carryout Stop & Searches, however generally most people who were stop searched did not have anything on them, as it is a common practice to hide the drugs to limit Police action when stopped.
- Police have put in place several 48 hours Dispersals. However, this power cannot be used constantly, as it would be an abuse of the power to keep authorising it. In addition, the level of Police resources required to implement a Dispersal Order are significant and has to be weighed alongside given the other demands of the affected wards and other demands upon the Police.
- There have been joint Police and Council services operations organised involving Hackney, Islington and Haringey officers; initiated through the tri-borough partnership. These operations tackle specific issues, e.g. drug dealing, supporting and engaging with street homeless.
- Enforcement team have erected ASB signs.
- ASB Enforcement Team applied water-repellent paint in hot spot areas.
- Areas abandoned by street homeless and/or street drinkers & drug users, cleaned e.g. Salisbury Mews. To minimise environmental hazard and prevent areas being used for other ASB activity

- Areas with fly-tipping and rubbish cleared as soon as possible once they come to notice, again to prevent hazard and maintain a clean and safe environment

Despite these regular and wide-ranging actions, the ASB has persisted. This is attributed to the number and high turnover of people engaging in the ASB. Therefore, this option has been ruled out, as it has not provided a long-term solution.

6. Background information

- 6.1 The ASB Enforcement Team and the Police receive numerous and regular reports from local residents, Councillors, and local business, in relation the on-going ASB and crime in the areas in and around Finsbury Park. There are a wide range of ASB activities, including street drinking, fly-tipping, begging, urinating and defecating on the street, which create an unpleasant and unsafe environment. In addition, there is the ever-increasing drug-related activities and other crimes such as robberies and violence. Stakeholders regularly report their concerns, frustrations and expectations that the Council and the Police need to do more to tackle these issues. A summary of the ASB activity, enforcement and targeted operations, that have taken place in the proposed area, which cuts across three wards, is set out in appendix 2.
- 6.2 Analysis of crime figures between October 2018 and October 2019, shows there were 1296 reported crimes in the proposed PSPO area. Included in these reports were 279 violence against the person, 7 rapes, 32 sexual offences, 330 theft offences, 63 drug offences and 67 public order offences. With respect to ASB, there were 357 reports, the largest percentage for disorderly or rowdy behaviour. Further detail can be found in appendix 2.

7. Public Spaces Protection Orders (PSPO)

- 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 ASBs, 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 of the PSPO will be shared between the Council and the Police. Breach of a requirement to stop a prohibited activity is a criminal offence, which can result in an FPN of £100 or a fine of up to £1000 on conviction. Council Officers can undertake enforcement or others designated by the Council; but in this case given the nature of those engaging in the ASB, it is proposed primarily Police Officers and PCSOs (Police Community Support Officers) carry this out.

- 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 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 12 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 ASB on the estate.

8. Proposed details of the PSPO

- 8.1 It is proposed, to consult on the introduction of a PSPO, which will cover a number of activities including: -
- The prohibition of the consumption of alcohol or being in possession of an open container of alcohol in the restricted area (other than at an event or place licensed for the sale and consumption of alcohol), and acting in manner that is causing or is likely to cause alarm, harassment or distress.
 - The prohibition of obstructing a building entrance or exit, stairwell or highway after being asked to move by an authorised officer.
 - The prohibition of the ingestion, inhalation, injection or smoking or otherwise of intoxicating substances.
 - The prohibition of possessing, selling or supplying intoxicating substances
 - The prohibition of discarding hypodermic needles or syringes in a public space (except in an appropriate sharp container).
 - The prohibition of persons soliciting others for the purpose of obtaining sex or drugs.
 - The prohibition of persons taking part in any sexual acts in any public place.
 - The prohibition of 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).
 - The prohibition of behaving in a manner, either as an individual or within a group of people, which causes or is likely to cause harassment, alarm or distress.
- 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 by a GREEN Border on the map forming part of the Order and
 - b. Includes the roads: Green Lanes, Wightman Road, Pemberton Road, Kimberley Gardens, Cleveland Gardens, Mattison Road, Chesterfield Gardens, Sussex Gardens, Duckett Road, Roseberry Gardens, Devon Gardens, Cavendish Road, Rutland Gardens, Essex Gardens, Grafton Gardens Burgoyne Road, Stanhope Gardens, Portland Gardens, Umfreville Road, Woollaston Road, Atterbury Road, Cyprus Close, Lothair Road South, Lothair Road North, Coningsby Road, Tancred Road, Venetia Road, Sybil Mews, Endymion Road, Urban Mews, Seven Sisters Road, Stroud Green Road, Upper Tollington Park, Woodstock Road, Ennis Road, Perth Road, Osborne Road, Victoria Terrace, Oxford Road, Florence Road, Scarborough Road, Carlisle Road.

c. Includes Finsbury Park – which is further delineated in RED

- 8.3 Subject to consultation, the final order will be required to be approved by the Cabinet. Cabinet approval will be dependent on the outcome of the statutory consultation, where any objections and recommendation will be required to be taken into consideration.
- 8.5 At any point before the expiry of this three-year order the Council can extend the order up to a further three years. To do this the Council need to be 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 In deciding whether to make a PSPO, the local authority must carry out the necessary consultation with:-
- a. The Chief of Police, and the Local Policing Body;
 - b. Whatever community representatives the local authority thinks it appropriate to consult;
 - c. The owner or occupier of land within the restricted area.
- 9.2. The ASB Enforcement Team has had initial discussions about the proposed PSPO (on a non-statutory basis) with the key stakeholders including, neighbouring boroughs, Police, homelessness outreach, and support services.
- 9.3. The ASB Enforcement Team will carry out extensive 12 weeks consultation, commencing from May 2020, namely:
- i. An online consultation survey will be made available.
 - ii. A covering letter will be distributed to all residents in the affected area with a hard copy of the survey included.
 - iii. We will supply the consultation documents to businesses for their information and to display for customers.
 - iv. We will make contact directly with any identified Housing Association with properties within the proposed area.
 - v. We will organise events in the park to publicise the consultation and engage with users/visitors in the park – utilising the café, friends of the park, Parks services, clubs and associations, and Police safer neighbourhood teams.
 - vi. We will make contact and hold surgeries at public service providers within the proposed area, e.g. schools, nursing homes, doctors' surgeries, churches.
 - vii. We will attend evening/daytime meetings with residents/business/community association within the proposed area.

- viii. We will attend the Police Ward Panel Meetings of affected wards, to talk with those attending and to disseminate the letter and consultation document.
- ix. We will consult with the relevant ward Councillors for St Ann's, Haringay and Stroud Green, 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.
- x. Liaise with internal and external Stakeholders including, Parks Service, voluntary groups, residents' groups/associations, transport services, housing and homelessness services.

9.4. Subject to cabinet approval and outcome of the consultation the proposed time line is as follows:

- Consultation starts 11 May 2020
- Consultation finishes 5th August 2020
- Collated and consideration of consultation results August 2020
- Cabinet consideration of the consultation and or approval of order October 2020.
- Order to come into force November/December 2020. It shall remain in force for three years.

10. Contribution to strategic outcomes

10.1 Borough/Corporate Plan 2019/23

Our vision for Haringey is a place with strong, resilient and connected communities where people can lead active and healthy lives in an environment that is safe, clean and green. Underpinning this overarching priority are two specific objectives to address Crime and ASB.

10.2 The enforcement of the PSPO would align with Outcome 9- 'a healthier, active and greener place'. It states that the objective is to 'Protect and improve parks, open space, and green space, promoting community use.' The implementation of the proposed PSPO would support increased use of Finsbury Park. Enforcement around Finsbury Park could also work alongside the forthcoming Parks Strategy 2020, which is the primary means of promoting the community's use of our parks and green space.

10.3 A PSPO would also support Outcome 12 – 'a Safer Borough'. The objective to 'improve community confidence and reduce the fear of crime' would be supported through shared enforcement powers between the Police, Council Officers and other partners. The PSPO would also bolster the aim of improving public confidence in the Police and other authorities as outlined in the latest Community Safety Strategy.

10.4 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 Outcome 10 – A cleaner, accessible and attractive place. This will be achieved through the prohibited activities of the proposed PSPO, which in turn will promote the achievement of:-

- a) Providing safer, and accessible public spaces for everyone, especially children young people and people with disabilities.

- b) Improving cleanliness and reducing levels of fly tipping

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

11. Finance

The service has estimated the costs of consultation & signage for the PSPO to be £3k. This can be contained within the cost centre

12. Legal (Michelle Williams)

- 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 Cabinet 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 Council must comply with the following so-called “Sedley principles” of consultation that were set out in the case of R (on the application of Mosely) v London Borough of Haringey. First, any consultation has to be at a time when proposals are still at a formative state. Secondly, the proposer has to give sufficient reasons for any proposal to permit intelligent consideration and response. Thirdly, adequate time has to be given, for consideration and response, and finally, the

product of consultation has to be conscientiously taken into account in finalising any statutory proposal or reaching a decision. The process of consultation has to be effective and looked at as a whole it has 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 before the order is made final.

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.
- 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 will carry out an extensive range of activities to ensure that anyone who may be affected by the implementation of the PSPO (residents, businesses, users, visitors and workers) will be made aware of the consultation process and have an opportunity to make their views known.
- 13.4 The introduction of a PSPO in the proposed area would aim to improve the quality of life and experience for all residents, businesses and visitors to the proposed area. Any order would be designed to provide a safe, clean, accessible and attractive environment to promote community use and improve community confidence.
- 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 - Draft Public Space Protection Order and map of affected area
- 14.2 Appendix 2 - Summary of recent Crime and ASB Activity within the proposed area and enforcement/ prevention activities carried out in the area
- 14.3 Appendix 3 - EQIA

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>