

CABINET REPORT TEMPLATE AND GUIDANCE

REPORT TO:	CABINET 16 November 2022
SUBJECT:	A Public Space Protection Order (PSPO) in Croydon Town Centre
LEAD OFFICER:	Nick Hibberd Corporate Director of Sustainable Communities, Regeneration & Economic Recovery Kristian Aspinall Interim Director Culture & Community Safety
CABINET MEMBER:	<i>Councillor Ola Kolade</i> Cabinet Member for Community Safety
WARDS:	<i>Specifically</i> Broad Green Fairfield South Croydon

SUMMARY OF REPORT:

To report on the outcome of the consultation with members of the public and partners on implementing a PSPO in Croydon Town Centre, the process for making a PSPO, the proposed area which the PSPO would cover, and the activities which it is proposed the PSPO should restrict, and to seek approval for the making of a PSPO in Croydon Town Centre.

FINANCIAL IMPACT:

There are no significant financial impacts from the Policy identified and no additional funding is being requested. The primary cost is installing new signage through the proposed PSPO zones which is funded by the Violence Reduction Network (VRN).

KEY DECISION: Yes

RECOMMENDATIONS:

The Executive Mayor, in Cabinet, is recommended to:

- i. To consider the outcome of the consultation on the proposed Town Centre Public Spaces Protection Order (PSPO)
- ii. To note the significant strong support for the proposal, with over 80% of respondents supporting the measure strongly

- iii. To approve the making of the Town Centre Public Spaces Protection Order for a term of 3 years and in accordance with the draft Order set out in Appendix G.
- iv. To approve the process for the implementation of the Town Centre Public Spaces Protection Order.

1. PSPO CONSULTATION

- 1.1 Following the PSPO Cabinet report that was taken to Cabinet in July 2022, it was agreed that the Council would conduct a formal 6-week consultation to allow residents and visitors the opportunity to provide their comments and feedback on a PSPO covering a geographical area, in and around the Town Centre. Section 72 of the Anti-social Behaviour, Crime and Policing Act 2014 requires a local authority to carry out the “necessary consultation, and the necessary publicity and the necessary notification (if any)” before making a PSPO. The necessary consultation means consulting with the relevant Chief Officer of Police and the local policing body, and whatever community representatives the local authority thinks it’s appropriate to consult, and the owner or occupier of land within the restricted area. There was previously a PSPO in the Town Centre which commenced in 2017 and provided the Police additional powers to tackle ASB in the area which was well received and was allowed to lapse in 2020.
- 1.2 All available council communication channels were used to promote the consultation and encourage people to complete the survey. This included a link on the Council’s webpage (<https://www.getinvolved.croydon.gov.uk/town-centre-pspo>) which received over 4,600 visits. Emails were sent to statutory consultees as well as emails and reminder emails to community group distribution list (561 contacts). Community groups were also invited to respond themselves as “community representatives”. The Chief Officer of Police and the local policing body were consulted and responded stating that they were in favour of having a PSPO in place There was a press release and news story on news.croydon.gov.uk which had 1,338 views. There were a number of social media posts through the consultation
 - Twitter – six posts received a total of 23,071 impressions
 - Facebook – five posts received a total of 3,973 impressions
 - Instagram – one post received a total of 4,488 impressions
- 1.3 The consultation was included in three editions of the Council’s weekly “Your Croydon” bulletin that went out to over 80,000 email addresses. There was an article on staff intranet and included in the staff Our Croydon bulletin. It was also published in two editions of the Council’s business bulletin that was circulated to over 6,000 businesses. In order to consult with the owners or occupiers of land within the restricted area a survey was sent out and circulated via the Comms Team and the relevant Business Improvement Districts (BID).

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1.4 The “necessary publicity” means in the case of a proposed order, publishing the text of it. The text of the proposed order will be published following a decision at Cabinet. The draft order can be seen in Appendix G.

1.5 The “necessary notification” means notifying certain authorities of the proposed order. The following authorities will be notified following a decision: the Met Police, the London Fire Brigade, National Probation Service, Health, and the BIDs.

2. MAIN FINDINGS FROM THE PSPO CONSULTATION

2.1 There was a total of 1,390 respondents to the survey.

2.2 Over 80% of respondents “definitely agree” with a PSPO in the town centre. 90% of respondents either “definitely agree” or “somewhat agree” with a PSPO.

2.3 Over 60% of respondents “definitely agree” with the proposed area of the PSPO in the town centre. This goes up to three quarters of respondents when including those who answered “somewhat agree”.

2.4 Around three quarters of respondents “definitely agree” that street drinking negatively impacts the town centre. This goes up to 90% when including those who answered “somewhat agree”.

2.5 Almost half of all respondents “definitely agree” that loud noise negatively impacts the town centre. This increases to almost three quarters of respondents when including those who answered “somewhat agree”.

2.6 Three quarters of all respondents “definitely agree” that groups causing anti-social behaviour negatively impacts the town centre. This goes up to over 90% when including those who answered “somewhat agree”.

2.7 Over 80% of respondents have either experienced or witnessed people harassing or intimidating residents, businesses, or members of the public. Over a quarter stated this was daily and a third stated it occurred on a weekly basis.

2.8 Over 80% of respondents have either experienced or witnessed people using threatening or intimidating behaviour including verbal abuse.

2.9 Over 90% of respondents have experienced or witnessed street drinking. Over half witnessed this daily.

2.10 Over 80% of respondents have experienced or witnessed people acting in an anti-social manner causing harassment, alarm, or distress. 70% of respondents witness this on a daily or weekly basis.

2.11 Three quarters of respondents have experienced or witnessed urinating in a public place. Over a fifth witnessed this daily and over a quarter on a weekly basis.

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2.12 When asked what other issues have experienced in the Town Centre that are not listed, most respondents listed drug issues

2.13 Please refer to Appendix E for the Public Space Protection Order Consultation Results.

3. KEY ISSUES RAISED

3.1 Throughout the consultation there were several key themes that emerged.

3.2 Feedback received related to increasing the PSPO area to incorporate surrounding areas. Should the PSPO be implemented a review of the area will take place after two months to ensure that displacement is not occurring. Should direct displacement be occurring in areas outside the impacted area such as the areas identified above, the order can potentially be amended to increase the area covered by the PSPO. The Partnership will continue to monitor the areas identified as hotspots for crime and anti-social behaviour. Ongoing issues in ASB and Crime hotspots are discussed at the monthly Joint Agency Group (JAG) meeting. The JAG is the medium-term operational arm of the Safer Croydon Partnership (SCP) and is a multi-agency intelligence led local partnership focussed on anti-social behaviour and related crime & disorder, dealing with the threat, risk and harm to local communities and local people, identifying and tackling crime and anti-social behaviour through collaborative problem solving. Previously services have visited the areas to assist identify individuals and sign post them to relevant services. Local Policing team (LPT), Housing Providers, Youth Engagement Service as well as the Substance and Alcohol Misuse team have all conducted visits to some of the areas identified.

3.3 Feedback received related to the PSPO criminalising behaviour of a group of vulnerable people that is better treated through more personal support. The purpose of the PSPO is not to target vulnerable people and/or groups. The Council will continue to work very closely with Mental Health Services, Social Care and Housing Providers to ensure interventions are put in place to help vulnerable people. There are regular case conferences and meetings with Adult Social Care, the Substance and Alcohol Misuse Team, VCS organisations as well as the Rough Sleeping services to ensure that services engage with vulnerable people in the community who require assistance. The purpose is to share areas requiring services to conduct outreach in and to engage with the individuals to address their behaviour and most importantly their needs. Please note, that enforcement action is not progressed unless all interventions have been exhausted.

3.4 The Consultation highlighted that drug dealing and drug use is a concern. The Police will continue to deal with criminal offences such as drug dealing. The PSPO would not replace the powers but provide the Police with additional measures.

3.5 The PSPO would be in place 24/7 for 365 days a year and be in place for three years from implementation with reviews taking place.

4. PARTNERSHIP

- 4.1 As part of the consultation, various community organisations were invited to respond to the consultation in their own name, on behalf of their members.
- 4.2 Please refer to Appendix F and H for the Public Space Protection Order Consultation feedback from partners.

5. NEXT STEPS

- 5.1 Given the results of the consultation which revealed a high incidence of people witnessing or experiencing anti-social behaviour and street drinking in the proposed restricted area, it is proposed to proceed with the making of a PSPO. The proposed PSPO is set out in Appendix G. It is considered that the prohibitions and requirements which it is proposed should be contained in the PSPO are reasonable and proportionate and are targeted at the specific activities and behaviours which are causing nuisance and harm. It is considered these are the minimum measures necessary to prevent or reduce the detrimental effect which these activities are having on the quality of life of those living or working in or visiting the Town Centre.
- 5.2 The PSPO signs will be designed and produced shortly in order for them to be installed in key locations across the geographical area of the town centre if the PSPO is approved.
- 5.3 If the PSPO is approved, the reporting mechanism for monitoring the usage of the PSPO will be built into the Police training package which will be an ongoing process but would initially take place in November and December 2022.
- 5.4 Design and installation of signage is currently subject to significant delays that are sector wide. Should the Mayor order the implementation of the PSPO we are aiming to have it fully in effect for the Christmas / New Year period which is traditionally a time of high anti-social behaviour in the borough.

6. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 6.1 The Council has a duty to do all that it reasonably can to prevent crime and disorder in its area and work towards delivering the objectives of the Safer Croydon Partnership plan. The implementation of any PSPO assists the Council with meeting these requirements by providing the Council and Police with additional powers to tackle the issues identified.

7. OPTIONS CONSIDERED AND REJECTED

- 7.1 Do Nothing – the Police team and Council will continue to issue Community Protection Notice Warnings (CPNW) to try and prevent the behaviour from taking place. However, it is considered that relying on such Notices alone will

not be sufficient to reduce the various types of anti-social behaviour identified by the results of the consultation, to a reasonable level.

- 7.2 Use existing by-laws – the council has by-laws in place for our parks and green spaces, but no relevant by-law for the area that is proposed to be covered by this PSPO. By-laws have generally been superseded by PSPOs to tackle anti-social behaviour of this type.

8. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

Revenue and Capital consequences of report recommendations

- 8.1 There are limited capital or revenue implications associated with this report. There are no significant financial impacts from the Policy identified and no additional funding is being requested.

- 8.2 The primary cost to proceed with a PSPO would be installing new signage through the proposed PSPO zone and would be met from existing budgetary provision. This will cost approximately £6000.

8.3 The effect of the decision

Introducing a new PSPO will enable the Council and its partners to utilise additional powers to tackle street based anti-social behaviour within the selected areas. This is in accordance with delivering against the priorities within the Safer Croydon Strategy. This will in turn support the borough's ability to attract new businesses and residents to the area. The effect of implementing a new PSPO will not result in an increase in Council and Police resources which will remain the same. The team and partnership governance framework already exists that will absorb and deliver this work so there is little or no financial impact.

8.4 Risks

The area that the PSPO covers were considered as part of the consultation and data collection, as the Council must evidence that there is a significant nuisance or problem in a specific area that is detrimental to the local community's quality of life, please refer to Appendix B. Having a larger PSPO may leave the Council open to challenge if it cannot evidence the need and will stretch the Safer Croydon Partnership resources available to enforce the PSPO, thereby potentially diluting its impact and adversely influencing public perception on the efficacy of PSPOs as a response to anti-social behaviour.

8.5 Options

- Approve the progression of a new PSPO
- Do not approve the progression of a new PSPO, which may have reputational impact for the community safety partners who have requested assistance in

tackling the behaviour exhibited. Failure to introduce the new PSPO may continue to inhibit the Council's ability to make use of new powers to tackle anti-social behaviour in the town centre.

8.6 Future savings/efficiencies

There are no savings or efficiencies associated with this report

Approved by: Head of Finance – Sustainable Communities, Regeneration & Economic Recovery

9. LEGAL CONSIDERATIONS

The Head of Litigation and Corporate Law comments on behalf of the Director of Legal Services that:

- 9.1 Sec 59 of the Anti-social Behaviour, Crime and Policing Act 2014 provides that a local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met. The first condition is that activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or that it is likely that activities will be carried on in such a place and that they will have such an effect. The second condition is that the effect, or likely effect of the activities is, or is likely to be of a persistent or continuing nature, is, or is likely to be such as to make the activities unreasonable, and justifies the restrictions imposed by the notice. Evidence of the various types of anti-social behaviour occurring in the town centre and its detrimental effects, and of the persistent and unreasonable nature of this behaviour was contained in the report to Cabinet at the July Cabinet meeting.
- 9.2 In addition, the only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order to prevent such detrimental effect from continuing, occurring or recurring, or to reduce such detrimental effect or to reduce the risk of its continuance, occurrence or recurrence. It is considered that the prohibitions and requirements which it is proposed should be contained in the PSPO are reasonable and proportionate and are targeted at the specific activities and behaviours which are causing nuisance and harm. It is considered these are the minimum measures necessary to prevent or reduce the detrimental effect which these activities are having on the quality of life of those living or working in or visiting the Town Centre.
- 9.3 Sec 72 of the 2014 Act requires a local authority to carry out the "necessary consultation, and the necessary publicity and the necessary notification (if any)" before making a PSPO. The necessary consultation means consulting with the relevant Chief Officer of Police and the local policing body, and whatever community representatives the local authority thinks it's appropriate to consult, and the owner or occupier of land within the restricted area. Details of the consultation which has been carried out, and the outcome of that consultation are set out earlier in this report.

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- 9.4 The “necessary publicity” means in the case of a proposed order, publishing the text of it. The text of the proposed order will be published following a decision at cabinet. The draft order can be seen in Appendix G.
- 9.5 The “necessary notification” means notifying certain authorities of the proposed order. The following authorities will be notified following a decision: the Met Police, the London Fire Brigade, National Probation Service, Health, and the BIDs.
- 9.6 Sec 72 of the 2014 Act requires a local authority, in deciding whether to make a PSPO and if so, what it should include, to have particular regard to the rights of freedom of expression and freedom of assembly as set out in articles 10 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms. In addition, under Sec 6 of the Human Rights Act 1998 it is unlawful for the Council, as a public authority, to act in a way which is incompatible with a Convention right. Given that the proposed PSPO restricts only a limited number of activities within a limited area, and given also the results of the consultation which revealed a high incidence of people witnessing or experiencing anti-social behaviour and street drinking in the proposed restricted area, it is considered that it is proportionate to make the proposed PSPO as this will fulfil a legitimate aim of curbing anti-social behaviour in public places for the benefit of the law-abiding majority, and that the restrictions which will be placed on the rights and freedoms mentioned above are lawful, necessary and proportionate.
- 9.7 It is important to ensure that the scope and the process for making a PSPO is in accordance with the powers and requirements of the 2014 Act. Any challenge to a PSPO would have to be made by an interested person by way of an application in the High Court for permission to seek a Judicial Review. That application must be made within six weeks of the PSPO being made. A person who receives an FPN due to a breach of PSPO can also challenge the validity of the order. This means that only those who are directly affected by the restrictions have the power to challenge. Interested persons can challenge the validity of a PSPO on two grounds. They could argue that the council did not have power to make the order, or to include particular prohibitions or requirements. In addition, the interested person could argue that one of the requirements (for instance, consultation) had not been complied with. When the application is made, the High Court can decide to suspend the operation of the PSPO pending the verdict in part or in totality. The High Court can uphold the PSPO, quash it, or vary it.
- 9.8 The arrangements set out in this report and in the report to July Cabinet evidence that the Council will satisfy the various requirements for making a PSPO under the 2014 Act.

Approved by Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Legal Services & Monitoring Officer

10. HUMAN RESOURCES IMPACT

There are no staffing implications or any other HR impact arising from this report or from this decision. If any issues arise these will be managed under the Council policies and procedures.

Approved by: *Jennifer Sankar, Head of HR, Housing and Sustainable Communities, Regeneration and Economic Development Directorates, for and on behalf of Dean Shoesmith, Chief People Officer*

11. EQUALITIES IMPACT

11.1 The Council has a statutory duty to comply with the provisions set out in the Equality Act 2010. In summary, the Council must in the exercise of all its functions, “have due regard to” the need to comply with the three arms or aims of the general equality duty. These are to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- foster good relations between people who share a protected characteristic and people who do not share it.

11.2 Having due regard means to consider the three aims of the Equality Duty as part of the process of decision-making. This means that decision makers must be able to evidence that they have taken into account any impact of the proposals under consideration on people who share the protected characteristics before decisions are taken.

11.3 Any proposed PSPO is likely to have a positive impact on certain protected groups such as victims of hate (gender, sex, race, sexuality, religious or disability) related ASB, it will apply to the whole population and its use will be determined by the behaviour occurring rather than the protected group. The exception is young people who cannot be issued with a FPN if they are under 18 years of age.

11.4 The implementation of any PSPO should not preclude the ongoing of support and outreach services to individuals requiring assistance in the designated area. Support should also be provided to targets of domestic abuse.

Approved by: Denise McCausland – Equality Programme Manager

12. ENVIRONMENTAL IMPACT

There is limited impact on the environment as a result of this report. Some anti-social behaviour and street drinking activity may be related to waste,

noise or other issues that affect people's quality of life but the policy is principally about improving behaviour rather than the environment.

13. CRIME AND DISORDER REDUCTION IMPACT

The proposed PSPO will provide additional powers to Council and Police officers to take action against the prohibitions listed as part of the PSPO within the designated area. This would directly support the Council in discharging its statutory duty under Section 17 of the Crime and Disorder Act 1998 to exercise its various functions with due regard to the likely effect of the exercise of those functions, and the need to do all that it reasonably can to prevent crime and disorder in its area. The proposed PSPO would also support the Council and its partners in delivering the Safer Croydon Strategy, specifically the importance to focus on high priority neighbourhoods.

(Approved by: Director of Culture & Community Safety)

14. DATA PROTECTION IMPLICATIONS

14.1 WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?

NO

14.2 HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?

NO

The Director of Culture and Community Safety confirms that a DPIA will be completed as part of the process if a decision is made to implement a PSPO.

CONTACT OFFICER: Kristian Aspinall, Director of Community Safety and Culture

APPENDICES TO THIS REPORT:

Appendix A: PSPO Order 2017.

Appendix B: Street-based alcohol-related crime in Croydon Town Centre

Appendix C: Map of the proposed area

Appendix D: Public Space Protection Order Cabinet Report July 2022

Appendix E: Public Space Protection Order Consultation Results

Appendix F: Public Space Protection Order Consultation feedback from partners.

Appendix G: Draft PSPO Order

BACKGROUND PAPERS

BACKGROUND DOCUMENTS – LOCAL GOVERNMENT ACT 1972

[For executive decision making it is a requirement that all Part A (open) reports & Part B reports (closed) must list and provide an electronic and a printed copy of all background reference.]