

REPORT TO:	CABINET 6th July 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 <i>Further scoping</i> All

SUMMARY OF REPORT:

Progression of a Public Space Protection Order (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 REFERENCE NO.: not a key decision

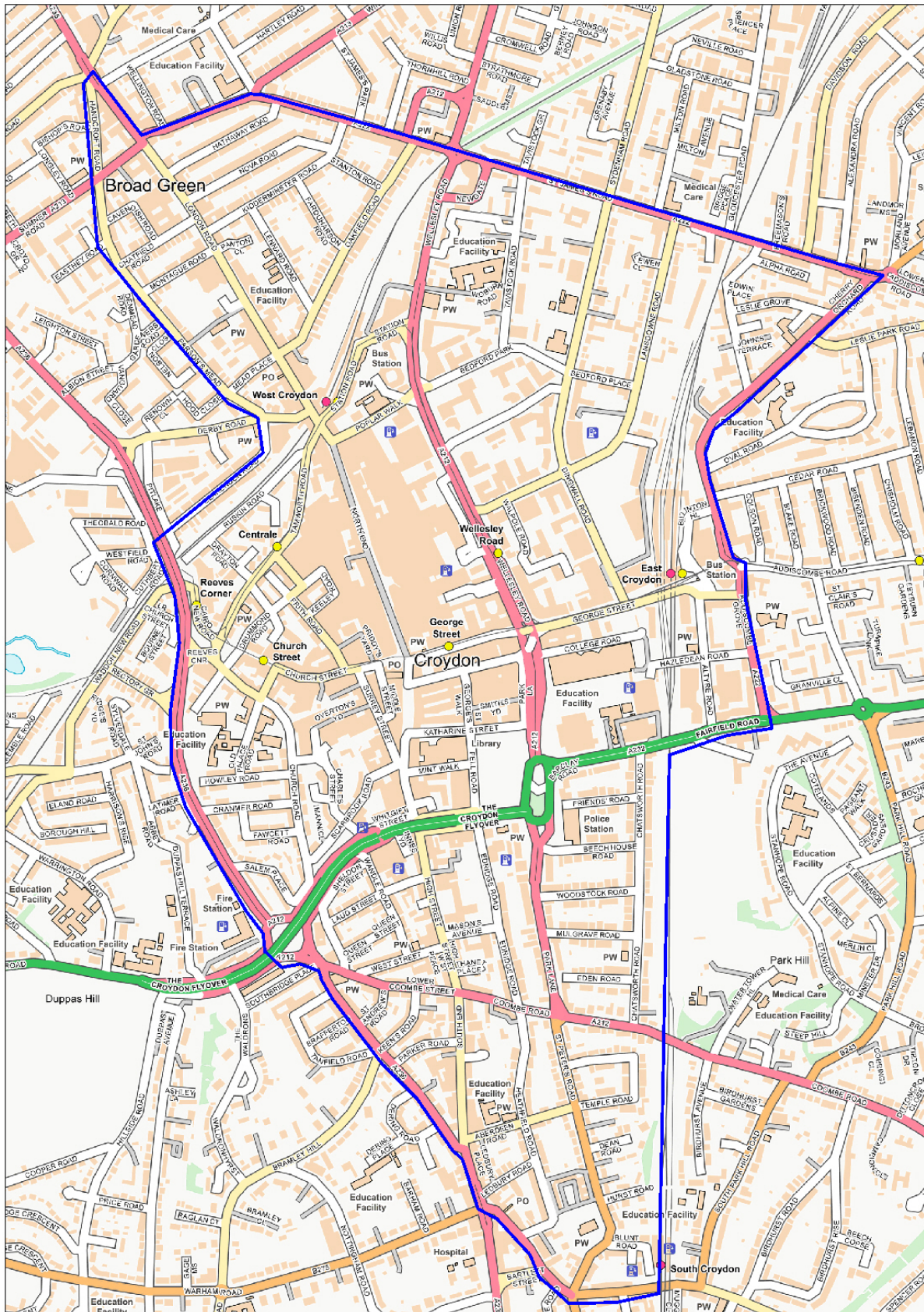
RECOMMENDATIONS:

The Executive Mayor, in Cabinet, is recommended to:

- i. To note the contents of the report and the process for implementing a Public Spaces Protection Order (PSPO) in the priority neighbourhoods
- ii. To authorise consultation with members of the public and partners on implementing a PSPO in the Town Centre and surrounding areas
- iii. To receive further reports on proposed PSPOs for other hotspot areas, including New Addington, following the Crime and Disorder Strategic Needs Assessment later in 2022

1. DETAIL OF YOUR REPORT

1.1 Progression of a Public Space Protection Order (PSPO) in Croydon Town Centre.



2. EXECUTIVE SUMMARY

- 2.1 On 20 October 2014 the Anti-Social Behaviour Crime and Policing Act 2014 (“the Act”) came into force. This Act introduced several tools and powers for use by councils and the police to address anti-social behaviour (ASB) in their local areas. These tools, which replaced and streamlined a number of previous measures, were brought in as part of a Government commitment to put victims at the centre of approaches to tackling ASB, focussing on the impact behaviour can have on both communities and individuals, particularly on the most vulnerable. This act introduced the powers available to the police and local authorities to deal with anti-social behaviour. One of these measures is the use of Public Space Protection Orders (PSPO).
- 2.2 On the 18th December 2017, Croydon implemented a PSPO that covered the Town Centre and remained in force for a period of three years. The PSPO had been used by members of the Safer Croydon Partnership to tackle anti-social behaviour and street drinking in the Town Centre.
- 2.3 The PSPO granted in 2017 for the Town Centre had two prohibitions listed, which were:
- i. Being in possession of an open container of, or consuming alcohol, save in premises falling within section 62 of the ASBCPA 2014.
 - ii. Behaving in a manner, either as an individual or within a group of people, which is likely to cause harassment, alarm or distress

Please refer to Appendix A for the Town Centre PSPO Order 2017.

- 2.4 The original PSPO lapsed in 2020. This was due to a perceived reduction in ASB and a lack of recorded evidence that it was being used at the time.
- 2.5 As part of the Mayor’s commitment to working with the Police to tackle Crime and Disorder across the Borough, we are proposing to consult on bringing this PSPO back into effect across a wider area than before. This will provide another tool for Police and Council Officers to make our public spaces free from anti-social behaviour and stop ongoing harassment and disorder. We will work with the Police to ensure use of the power is recorded throughout the lifespan of the PSPO should it be implemented.
- 2.6 This proposal is based on our recent Community Safety Strategy 2022 which highlights Croydon Town Centre as one of our major hotspots for ASB and crime and disorder.
- 2.7 This PSPO is one part of our wider plan to make our Town Centre safer and more welcoming as part of the Mayor’s commitment to tackling crime and disorder in Croydon and supporting the Police in their work in Croydon. It is a

priority for all the statutory partners in the borough to reduce ASB and disorder in key areas, including Croydon town centre.

3. PUBLIC SPACE PROTECTION ORDERS

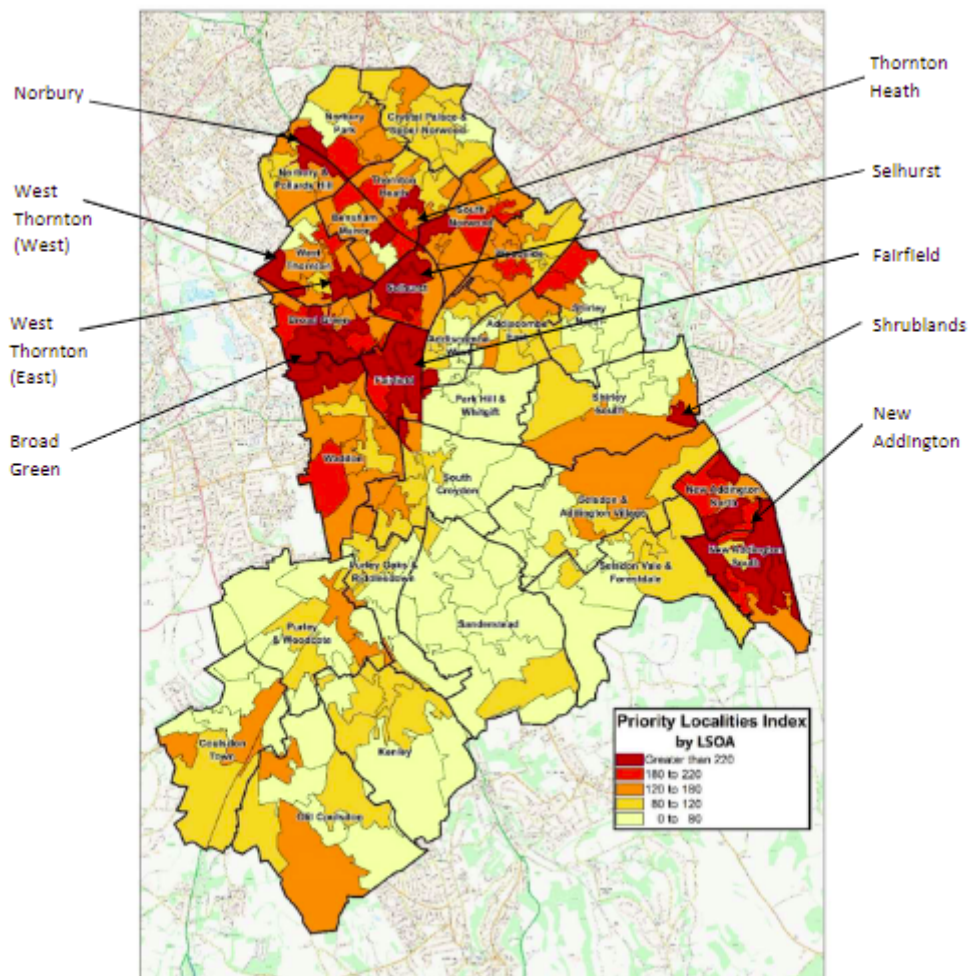
- 3.1 PSPOs are intended to deal with a particular nuisance or problem in a particular area where the behaviour is detrimental to the local community's quality of life, by imposing conditions on the use of that area. These can apply to everyone who uses that area or can be specifically structured to apply only to certain groups or categories of person, at different times or in specified circumstances. The Council is responsible for making a PSPO although the police also have enforcement powers.
- 3.2 The Council can make a PSPO if satisfied, on reasonable grounds that the following conditions are met in relation to the activities sought to be regulated:
- That they are or are likely to be carried on in a public place within the Borough;
 - That they have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
 - The effect, or likely effect of the activities is likely to be, persistent or continuing in nature;
 - Is or is likely to be such as to make the activities unreasonable; and
 - justifies the restrictions sought to be imposed by the order.
- 3.3 In addition to the specific statutory consultation requirements, the Council has to adhere to the publication requirements which form part of the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 ("The regulations"). These specify both advertising requirements and the need for notification to be placed on land affected.
- 3.4 If made, details of the making of a PSPO will have to be made available on the Council's website and notification is required to be placed on the land affected in such a manner as to bring the order to the notice of persons using the restricted land. Any variation or discharge of the orders must be similarly publicised.
- 3.5 Should the PSPO be implemented the Council will work with the Police to ensure that front-line officers are aware of the power and how to use it, to maximise the impact of the PSPO.
- 3.6 A breach of the PSPO is a criminal offence, which can be dealt with, either by way of a fixed penalty notice (FPN) or prosecution. If prosecuted, an individual could be liable for a fine. Only those aged over 18 can be issued with a FPN.
- 3.7 Any PSPO introduced is only valid for three years and must thereafter be extended if still required. Such extension is subject to the Council being satisfied that it is reasonable and necessary to do so and is subject to the same

publication requirements as the introduction of a PSPO. The extension period is also restricted to a maximum of three years.

4. PRIORITY NEIGHBOURHOODS

4.1 The Safer Croydon Partnership is the statutory partnership that brings together the Police, Council, Health, Probation, and Fire Brigade to tackle crime and disorder in Croydon. The Partnership uses data and intelligence to identify the key issues facing the borough and then commits resources through a partnership plan and strategy to tackle those issues.

4.2 In January 2022, the Safer Croydon Partnership produced their Community Safety Strategy and one theme highlighted was to “*Focus on high priority neighbourhoods*”, this theme was based on the findings of the Strategic Assessment of 2021. This aligns with the Mayor’s commitment to working in partnership with the Police to tackle crime and disorder in the borough. The Strategic Assessment highlighted areas that require a holistic partnership-led approach, the areas identified can be seen on the map below.



4.3 The Strategic Assessment highlighted that the Town Centre which included parts of Broad Green was one of the areas we should focus resources. The Strategic Assessment stated that:

“Croydon Town Centre is the primary hotspot in the borough with 16% of all crime and 18% of all harm in the borough being committed here, which only geographically covers around 2% of the borough. Within this area, 68% of all offences and 61% of harm in the area is street-based. By breaking down all crime by type, the following is committed in the town centre:

- *Violence against the person: 15% of offences and harm in the borough is committed in this area.*
- *Domestic Abuse: 10% of offences and 13% of harm in the borough is committed in this area.*
- *Serious Youth Violence: 18% of offences and 15% of harm in the borough is committed in this area.*
- *Knife Crime: 20% of offences and 17% of harm in the borough is committed in this area.*
- *Non-DA VWI: 20% of offences and 16% of harm in the borough is committed in this area.*
- *Hate Crime: 19% of offences and 23% of harm in the borough is committed in this area.*
- *Drugs offences: 25% of offences and 26% of harm in the borough is committed in this area.*
- *Public order: 19% of offences and 24% of harm in the borough is committed in this area.*
- *Robbery: 26% of both offences and harm in the borough is committed in this area.*
- *Theft: 25% of offences and 16% of harm in the borough is committed in this area.*

4.4 As a result of the recommendations in the Strategic Assessment, we have initially investigated street-based alcohol-related crime in the Croydon Town Centre, further scoping for other areas is required. The findings can be found in Appendix B. The key findings are:

- Increase in the number of street-based alcohol-related crimes in Croydon Town Centre in 2021/22
- Increase in % of street-based alcohol-related crime in Croydon committed in Croydon Town Centre
- Increase in Violence Against the Person that is alcohol related

4.5 Members of the Safer Croydon Partnership have also highlighted that street drinking is having an adverse effect on the public and several complaints have been received by partners from local businesses, residents and visitors to the area. Residents have stated that they feel unsafe and intimidated by the anti-social behaviour they have witnessed.

- 4.6 A PSPO will enable the Council and Police to tackle the visible issues of street drinking and anti-social behaviour in the area, thereby reducing incidents of anti-social behaviour with the aim of improving public confidence and increasing the public perception of safety in a key economic and cultural centre for the borough for residents from the across the borough, as well visitors and commuters from outside of the borough.
- 4.7 Should the PSPO be implemented we will review the area covered after two months to ensure that displacement is not occurring. Should direct displacement be occurring in areas immediately outside the impacted area we will look to increase the area covered by the PSPO.
- 4.8 This is part of our ongoing partnership with the Police to reduce crime and disorder, tackle anti-social behaviour and make Croydon a welcoming destination for residents and visitors alike.
- 4.9 We will identify further opportunities to use PSPOs to tackle disorder in Croydon across the borough through our ongoing data and intelligence work. Those proposals will be brought back to the Mayor for discussion and agreement in the near future as soon as the evidence is available.

5. CONSULTATION

- 5.1 There is a requirement on the Council to consult when implementing or varying a PSPO. The specific wording of the Act sets out that: Local Authorities are obliged to consult with:
- a) The chief officer of police, and the local policing body, for the police area that includes the restricted area (the Metropolitan Police have agreed that this should be the Police Borough Commander);
 - b) Whatever community representatives the local authority thinks it appropriate to consult;
 - c) The owner or occupier of land within the restricted area;
- 5.2 We will also be consulting directly with local Ward Councillors in the three wards affected.

6. NEXT STEPS

- 6.1 The Council would like to conduct a formal 6-week consultation to allow residents and visitors to provide their comments and to provide feedback on a PSPO covering a geographical area, in and around the Town Centre. A public consultation would be made available via our partners in the voluntary sector to engage with groups likely to be affected. It is proposed the initial consultation will be in relation to a PSPO for the Town Centre area.
- 6.2 Then if the data demonstrates that there is a need for one or more additional PSPO's in the priority neighbourhoods, we will bring further reports forward presenting the evidence and reasoning for each proposal. We know that New

Addington is one of our priority areas and will be looking specifically at use of a PSPO in this area in Summer 2022

7. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 7.1 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.

8. OPTIONS CONSIDERED AND REJECTED

- 8.1 Do Nothing – the Police team and Council will continue to issue Community Protection Notice Warnings (CPNW) in order to try and prevent the behaviour from taking place

9. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

a. Revenue and Capital consequences of report recommendations

- 9.1 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.
- 9.2 The primary cost if we were 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.

b. The effect of the decision

If we were to work towards introducing a new PSPO this 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.

c. Risks

The area that the PSPO covers must be 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. 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.

If we do pursue a new PSPO it will be important to ensure that its scope and the process for introduction 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. An interested person is someone who lives in, regularly works in, or visits the restricted area. 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. This right to challenge also exists where an order is varied by a council. 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.

The Council will have to take measures to mitigate against these risks by for example embarking on a full consultation process, publishing the proposed order and map and putting in place measures to publicise the PSPO through street signage and an intention to publish the final Order on the Council website in accordance with the act.

d. Options

- Approve the consultation of a new PSPO
- Do not approve the consultation 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.

e. Future savings/efficiencies

There are no savings or efficiencies associated with this report

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

10. LEGAL CONSIDERATIONS

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

The Anti-Social Behaviour, Crime and Policing Act 2014 provides the Council with powers to combat anti-social behaviour. The Council needs to ensure that the powers are used in a reasonable, consistent, appropriate and proportionate manner and must comply with the consultation requirements set out in this report.

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

11. 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*

12. EQUALITIES IMPACT

12.1 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.

12.2 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.

12.3 Any proposed PSPO is likely to have a positive impact on certain protected groups such as victims of hate (gender, 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.

- 12.4 During the consultation and subsequent equality analysis data should be collated with regard to the protected characteristics of both those consulted and affected by hate crime in order to ascertain if the impact of anti-social behaviour is greater in relation to one or more protected characteristic.
- 12.5 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.
- 12.6 Following the consultation, if the Council then considers whether to make the proposed PSPO, Section 72 of the Anti-Social Behaviour Crime and Policing Act 2014 will require the Executive Mayor in Cabinet as decision maker for this specific PSPO, to pay particular regard to rights of freedom of expression and freedom of assembly set out in articles 10 (the right to freedom of expression) and 11 (freedom of assembly and association) of the European Convention on Human Rights in considering the making any such order. It would also have to be concluded that the making of the proposed order was proportionate and would fulfil a legitimate aim of curbing anti-social behaviour in public places for the benefit of the law-abiding majority and hence would not infringe article 11 ECHR.

Approved by: Denise McCausland – Equality Programme Manager

13. 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.

14. CRIME AND DISORDER REDUCTION IMPACT

Following the consultation, if the Council decided to make the proposed PSPO, this would 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)

15. DATA PROTECTION IMPLICATIONS

a. WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?

NO

b. 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 we are to progress with the decision to implement a PSPO.

CONTACT OFFICER: Christopher Rowney, Head of the Violence Reduction Network

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

BACKGROUND PAPERS

Appendix D – Community Safety Strategy

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.]