**PSPO Consultation Response Summary – Faith & VCS Homeless & Vulnerable Forum**

Latest Home Office Statutory Guidance Dec 2017, makes clear that orders should only target the specific behaviour that is causing nuisance or harm, rather than activities that are in themselves harmless. The Home Office states that ‘councils should ensure that the Order is appropriately worded so that it targets the specific behaviour or activity that is causing nuisance or harm and thereby having a detrimental impact on others’ quality of life’……‘Consideration should be given to how the use of this power might impact on the most vulnerable members of society….’ …‘Councils should consider carefully the nature of any potential Public Spaces Protection Order that may impact on homeless people and rough sleepers’. ‘…any Order defines precisely the specific activity or behaviour that is having the detrimental impact on the community.

Legal Statutory Test – must focus on the impact as 'justifying the restrictions imposed'. The ‘detrimental effect on the quality of life of those in the locality is persistent and unreasonable’ has been or has not been met…evidence needed of Police….’detrimental effect’ means causing ‘significant public harm’. The view of Public Health in other authorities have explained that to introduce a PSPO, a strong evidence base was required to justify the restrictions that would be imposed such as with anti-social drinking. We will request this evidence base for the Councils proposed restrictions.

1. **Begging. Any person is prohibited from, at any time, placing himself in a position to receive alms (charity from individuals on the street).**

**PHE Evidence Review**….begging and rough sleeping are inextricably linked. Jan 2018.

Restriction does not address any related anti-social behaviour. It is disproportionate as it is a blanket ban on begging that could/will target rough sleepers. There is no evidence that the council has considered whether this blanket ban is the least intrusive way of achieving its aims. The proposed measure relating to begging constitutes an interference with Articles 8 and 10 of the Convention; (European Convention on Human Rights). Local authorities are bound by section 6 of the Human Rights Act 1998 not to act in any way which is incompatible with any rights contained in the Convention.

We therefore object to the present restriction on begging. The Restriction does not define precisely the specific activity or behaviour. Evidence needed to show that it causes significant public harm. Implications on community humanitarian help.

1. **Restriction on 'Nuisance or anti-social behaviour'**. **Any person shall not behave in a manner that causes or is likely to cause nuisance, harassment, alarm or distress to any other person.**  We have concerns about the restriction 'Nuisance or anti-social behaviour'. For instance, someone rough sleeping could be enforced against under the PSPO if they are said to be or ‘likely to be’ a nuisance and/or engaging in anti-social behaviour which the PSPO seeks to prohibit. Again, because the restriction on what constitutes a ‘nuisance’ is so vague and open ended it could be left open to interpretation by any enforcing officer or delegated officer, a big danger as the decision to enforce can then be subjective. Again, because the restriction on what constitutes a ‘nuisance’ is so vague and open ended it could be left open to interpretation by any enforcing officer or delegated officer, a big danger as the decision to enforce can then be subjective.

We object to the present proposed ‘blanket’ restriction on 'Nuisance or anti-social behaviuor' and ‘Direction to Leave’. Restriction does not define precisely the specific activity or behaviour. Implications on community humanitarian help. Evidence needed to show it causes significant public harm.

1. **Restriction re Unattended Items**. **‘Any person is prohibited from leaving items or belongings unattended within the designated area. Unattended items will be removed at the direction of a constable or an authorised person’**. This is a direct restriction on rough sleepers/ the homeless, hence not in accordance with promises made by Council Leader Cllr Paul James and at Full Council. There are major health and wellbeing issues when individuals bedding and clothing is removed, especially in the winter, putting individuals health at risk, which would be most concerning. We shouldn’t be seen to be passing anti-social behaviour orders or PSPO ‘restrictions’, that are a danger to life.

We recommend that this restriction is withdrawn and the advice of Public Health are sought. Evidence needed to show that it causes significant public harm.

1. **Enforcement**. We would have concerns that CPO’s/ private security guards, do not have the knowledge, experience or training when dealing with vulnerable, chaotic individuals who have mental health problems and/ or learning disabilities, addictions and specific needs.

We ask that the Councils engage & support ‘process’ is fully documented, we are awaiting this process, and written into any PSPO Order. That careful consideration is given to saying who can issue FPN’s and for which PSPO restrictions. We ask that we are involved in this decision-making process.

1. **Elected Members**. New Home Office Statutory Guidance December 2017...requires that given that the effect of Public Spaces Protection Orders is to restrict the behaviour of everybody using the public place, the close or direct involvement of elected members will help to ensure openness and accountability. This will be achieved, for example, where the decision is put to the Cabinet or full Council'.

We would propose that any decision should now fully involve elected members as PSPO restrictions could be extended to any area of the City and PSPO’s includes everyone in that area.

1. **Impact Assessments**. Relevant Considerations. Impact Assessment must be carried out in accordance with Councils Policy Guidance - Equality, Social Inclusion and Customer Focus. A legal requirement to undertake an IA. The Council cannot make decisions without undertaking an IA. That socio economic and Human Rights impacts are included… Could other socio-economic groups be affected and are there any human rights implications? We are grateful to Emily, to find out about sharing the IA for any PSPO with the Forum before any decision, we await her response. We would also ask that the Councils process for undertaking an IA is forwarded to the Forum and how and when the IA is addressed in the Councils decision making process including **A risk assessment** related to the issue and recommendations to be undertaken, in compliance with the Council's decision making risk management guidance.
2. **PHE New Report**: **Public Health England: Evidence review: Adults with complex needs (with a particular focus on street begging and street sleeping).**

Concerns about the council’s growing anti-social behaviour enforcement policy on the street. The PHE Report, read [HERE](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/680010/evidence_review_adults_with_complex_needs.pdf) describes the use of enforcement as a ‘high risk strategy’ due to the unpredictability of the outcomes for specific street users…concerns that enforcement is also likely to result in displacement (raised by Home Office as well) away from support services and the best responses are integrated care delivery such as Housing First. The Forum believe that further enforcement re a PSPO must be of concern especially when Gloucester is seen as a suicide ‘hot spot’ in the County and South West.

We recommend that any PSPO should be delayed pending a Review.

1. **Gloucester BID**. …need to have positive public perceptions not just to be seen to be ‘cracking down’ on begging. Community view…issuing fines?….sadly, poster campaign condemned nationally, didn’t bring community together… look at best practice, talk to Homeless Link next time….PSPO seen as a ‘done-deal’.
2. **Council Promise**. We would request that the promise made by the City Council that rough sleepers and homeless will not be included in any PSPO, or implicated in any way, being directed at anti-social behaviour not homelessness, is written into any PSPO.