Gloucester Faith & VCS Homeless & Vulnerable Forum

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01/04/18

Emily Jones,

Lead Officer re proposed PSPO

Community Wellbeing Officer (Community Engagement)

Community Wellbeing Team,

Neighbourhood Services

Gloucester City Council

Herbert Warehouse

The Docks

Gloucester GL1 2EQ

Dear Emily Jones,

**City Council proposed Public Space Protection Order (PSPO) - Consultation Response 3.**

**Faith & VCS Homeless & Vulnerable Forum.**

We are writing further with regard to the above and submit our further Consultation Response 3 in addition to the Forums formal consultation response of the 16th March, email of the 31st March and attached ‘Summary’ Response and ‘Response 2’.

As we have previously remarked, we have been indirectly approached with regard to concerns of councillors regarding the proposed PSPO; we asked who the councillors were and what were their concerns. We also asked for your advice on what to do and are still awaiting your response.

Our Consultation Response of the 16th March raised major concerns about the apparent non-compliance of the Councils PSPO process with latest Statutory Guidance which included the need to involve councillors in accordance with the latest Home Office Statutory Guidance Updated December 2017 and Local Government Association PSPO Guidance for Councils updated following the Home Office Statutory Guidance.

As previously stated, we do not want to take on a scrutiny role but are very happy to look to help and assist the Council to follow the latest Guidance, legal position, necessary IA, and in liaising with any councillors, etc., May we suggest that this is progressed together with Homeless Link. We shall be referring councillors to, and wish to highlight to the Council, the following exerts: -

*Political accountability, scrutiny and sign-offWithin the confines of the framework outlined above (and subject to legal challenge), councils have the freedom to determine their own procedures for introducing a PSPO, ensuring that the statutory requirements have been met and giving final approval for an Order to go ahead.Close involvement of councillors and ensuring political buy-in throughout the implementation process are key. This provides political accountability for decisions taken – whichis particularly important if the proposals may attract some opposition, and where insufficient member involvement may lead to challenge.*

*In ensuring that the requirements under section 59 of the 2014 Act have been satisfied, councillors will have a significant role to play in unpicking what might be regarded as unreasonable and detrimental behaviour in the locality and what would constitute reasonable restrictions or requirements. Discussions at senior political level by those who understand their local areas best, will help to ensure that the views of all parts of the community are reflected, and find an appropriate balance between the interests of those affected by the ASB and those likely to be affected by the proposed restrictions.*

*Councillors will also have an important role in examining the processes used in drafting the proposals. This will include analysing the outcomes of the consultation process and other supporting evidence offered to satisfy the statutory criteria, and determining whether, on balance this provides suf cient grounds to proceed (it should be noted here the need to ensure compliance with data protection legislation when sharing this information). Several areas have used overview and scrutiny committees to examine draft Orders and challenge proposed ways forward. This adds a further element of democratic accountability and helps to ensure that decisions made are sound and transparent. In several cases, involvement from scrutiny committees has helped to focus the scope of Orders proposed. Committees provide a useful mechanism to test the proposals and their potential impact, and the evidence base for introducing them; front-line councillors can provide different perspectives and may also offer suggestions for alternative approaches.*

In complying with the above, we would request the following suggested questions for the Councils overview and scrutiny committees, etc….. We intend to produce a PSPO Position Statement for all councillors unless the Council wishes to do this, please let us know.

Questions for Scrutiny.

1. What evidence is there that the anti-social behaviour is or is likely to be persistent, detrimental and unreasonable? The Legal Test. There must be a strong evidence base from the Police that there is significant public harm.
2. Why is a PSPO being proposed to address this issue or issues? A PSPO cannot be used as a ‘preventative’ measure. Is the latest Statutory Guidance being followed? Has the Council liaised with homeless charities such as Homeless Link?
3. Is the proposed restriction proportionate to the specific harm or nuisance that is being caused?
4. What alternative approaches are available and why is a PSPO appropriate in these circumstances? Are there other successful measures in place? A PSPO must be a last resort if other measures have failed.
5. Does everyone understand and follow the Councils critical overarching Engage & Support Policy? Who is involved, who coordinates? What is the process? Roles?
6. Will the proposals alleviate each of the problem behaviours?
7. Have exemptions been considered?
8. What might be the unintended consequences for each aspect of the PSPO? Have Public Health been involved re any health and wellbeing or health risks or advice sought?
9. What will be the impact on different groups? Will there be any displacement of ASB elsewhere or to adjacent authorities, has this been discussed with other Districts? Is there a County wide protocol?
10. Has an equalities impact assessment been undertaken and what were its findings? What can be done to mitigate against any negative consequences?
11. Has a risk assessment been undertaken and what are the implications that Council needs to address, and officers allocated?
12. How have the consultation outcomes and other evidence collated been taken into account?
13. How will the PSPO be enforced for each restriction/requirement?
14. Are there sufficient resources to do this effectively? Being in both officer time and budget allocations.

We are pleased to hear that any PSPO will now go to a formal council meeting.

May we say we are worried that the promised over arching protocol for all anti social behaviour measures for Gloucester City through City Safe, Solace, the Police, etc., for the councils welcomed and widely publicised ‘engage and support’ detailed process, as referred to in the Street Policy and that was promised by the 26th January, is still being produced. You will understand concerns in that the engage and support policy has been in operation for some time now but there seems to be no written detailed policy that Police, service providers, P3, CGL, 2gether, City Protection Officers (Elite), Faith groups, VCS, etc., can follow or know what their role or involvement should be or is expected of them, in working with the Council. We really appreciate that you yourself are fully committed and understand our position and we take comfort in that but hope you will understand if you move on…..

However, we are very pleased that a full process is now being progressed and Mapped out and that the Council commit to this as the course of action for all appropriate terms on any PSPO, with enforcement as a last resort. This will include the details of ‘engage, support’ for each term of any PSPO restriction.

We are again pleased that the Council commit to an ongoing scrutiny process for any PSPO that is introduced together with oversight from the Council’s Legal Team.

May we apologise for the Forums ‘challenges’, but may we express our full support and thanks for Jenny, Colin, yourself Emily and officers, in engagement with the community as we move forward together.

Kind Regards

Tony Hipkins

Faith & VCS Homeless & Vulnerable Forum

Cc: Cllr Jenny Watkins

Cc: Cllr Colin Organ

Cc: Homeless Link