

Proposed Public Space Protection Order – Analysis Report

A five week consultation/ campaign was launched on the 4th February 2019 until 11th March 2019, which included information promoted online.

The campaign could also be accessed in many ways

- directly online on the Councils 'Consultation Portal'
- an interactive questionnaire that could be returned via email or,
- the opportunity to either download a hardcopy version from the website or a paper copy sent out by us so it could be completed by hand and sent in by post.

The results

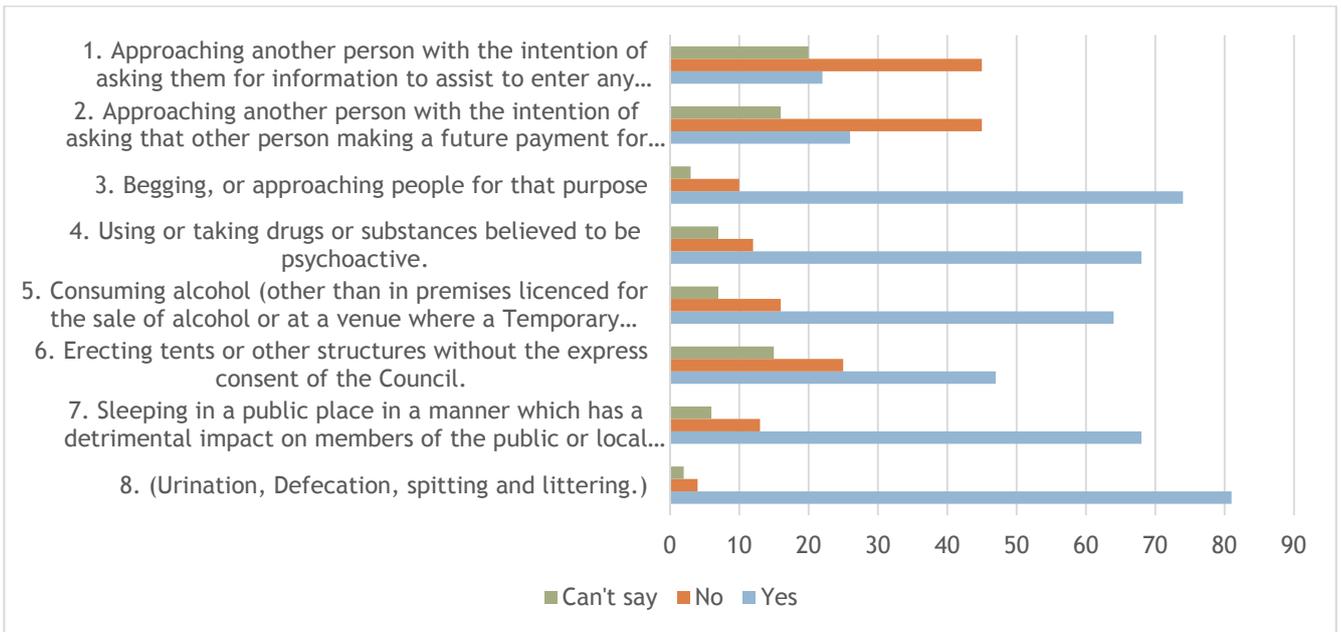
A total of 97 people accessed and responded to the consultation using either the paper questionnaire or online, responding to the questions set and using the free text part to raise any other issues in relation to this consultation.

Please note: not all questions were completed by all participants.

Question 1. Have you come across any of the following activities in the proposed PSPO Area?

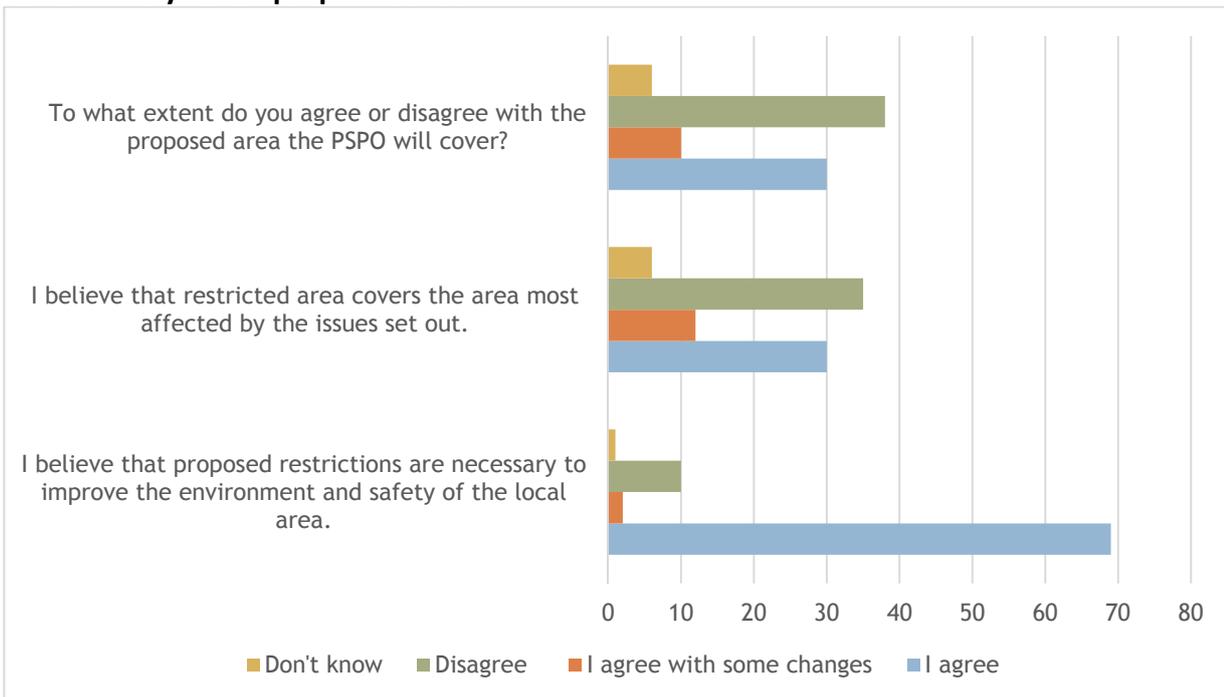
The activities identified were

1. Approaching another person with the intention of asking them for information to assist in that other person being contacted to enter any arrangement which involves that other person making a future payment for any purpose.
2. Approaching another person with the intention of asking them to enter any arrangement which involves that other person making a future payment for any purpose
3. Begging, or approaching people for that purpose.
4. Using or taking drugs or substances believed to be psychoactive.
5. Consuming alcohol (other than in premises licenced for the sale of alcohol or at a venue where a Temporary Event Notice is in place) after having been required to stop by an authorised officer.
6. Erecting tents or other structures without the express consent of the Council.
7. Sleeping in a public place in a manner which has a detrimental impact on members of the public or local businesses.
8. Urination, Defecation, spitting and littering.



Of those responding most people have seen or come across Urination, Defecation, spitting and littering, closely followed by begging and sleeping in a public place.

Question 2. To what extent do you agree or disagree with the following statements regarding the necessity of the proposed PSPO?



Of those responding the overall consensus is agreement that the proposed restrictions are necessary to improve the environment and safety of the local area.

Question 3. Please explain your response

This was a free text response question and 68 individual comments were received on this question.

Comments	
01	Because- antisocial behaviour and crime is rife in the other areas as well as in town centre
02	After much hard work that has been done by volunteers and the Council's Parks Department to restore Southchurch Hall Gardens back to being a pretty, safe area, free from alcohol drinkers and drug takers, I would urge you please to consider including it in the Protection Order now being considered for Southend.
03	All of the things mentioned are an issue and I would say mostly within the area mapped out. Some of these issues extend beyond this such as drinking, drugs etc. but I think this would make the high street safer which is where most of the issues are
04	All the anti-social behaviour that I have witnessed have occurred within the proposed area.
05	Anything which makes Southend a safe place to live is definitely a positive.
06	As a resident of this area it sickens me how many illegal activities take place on a daily basis. This area needs to be cleaned up once and for all so that all residents and visitors alike are not afraid to leave their houses and feel free to come and go as they please without feeling intimidated.
07	As I work and live within close proximity of the High Street I have witnessed the aggressive begging and been on the receiving end of verbal abuse from those begging on more than one occasion. There are plenty of shelters that those who are homeless have access to should they need them. On some occasions I have been stopped by up to 3 different people all asking for money within the same 30 minutes. People are afraid of using the town centre and are fed up with being badgered and abused when going about their daily business.
08	I am of the understanding that Southchurch Hall Gardens is not included in this. The gardens are a hub of drug dealing, drug using, alcohol and occasional rough sleepers. To ensure that ALL the local community can safely use this resource which is surrounded by anti-social behaviour issues, it is vital to protect the Boroughs resource by including it in the PSPO Order.
09	I am the Chairperson for S.H.I.P (Southchurch Hall Inspirational Parkers) I note that Southchurch Hall Gardens has been omitted from the proposed area even though I have campaigned for it for more than 2 years on the grounds that, All of the criteria and more that is mentioned in this survey has been witnessed on a massive scale within the gardens and it has taken volunteers and residents to clean it up and make it safe enough for the community to use... In the area of and around the park I and many others have witnessed everything that is in the survey plus prostitution, abuse and violence, During our weekly litter picking the park we regularly find used condoms, drug bags, needles and knives>, We still witness drugs being sold within the grounds of the gardens. I was personally and recently assaulted by one of the drug users/dealers which resulted in the man being sent to prison. It has become necessary to close the public toilets as a measure to eradicate and to deter the drug dealing I feel that the PSPO should be extended firstly to support the work that S.H.I.P does in order to keep the community safe but also if Southchurch Hall Gardens is not included, those who are behaving in an unsociable manner will return to our parks at an alarming speed. Our parks and open spaces need to be protected for the sake of our children and the community. I recommend that the PSPO should cover the seafront extending to Ambleside Drive but suggest at the very least that Southchurch Hall Gardens is included in the recommended area to be covered. I would like to highlight that a unique community group made up of S.H.I.P, the local police and the councils parks department have been working together to bring about the safety and improvement in the park,

	extensive work has been undertaken by all of us. We deserve to have our work protected and supported.by including Southchurch Hall Gardens in your proposal
10	I believe this should cover a larger area, including hamlet court Road and the London Road
11	I believe it should cover a larger area to include Southchurch Hall Gardens and York road.
12	I believe that the area should be extended into York Rd, Ambleside Rd, Park Lane and Southchurch Hall Park where I have seen drug deals, the erection on tents and where prostitution openly takes place indeed I have drug deliveries outside my house. Furthermore I have seen grown men urinate in the Park and anecdotally been advised of people defecating.
13	I believe the area should be extended.
14	I believe the problems are more based in town centre and between westcliff and southend east A larger area needs to be covered
15	I cannot see whether Southchurch Hall Park is included. This is such an important park in our neighbourhood. Recently it is much cleaner and we have seen a significant drop in drug use, alcohol and prostitution. Please include this park. The council and local residents have worked hard to improve the park and it's really effective.....but any help will improve it even more. Thank you
16	I do not believe that the proposed PSPO area covers the necessary area. I do not believe that it needs to cover the seafront out as far as Shoebury Common, and feel it should extend to cover south of the railway line as far as Victoria Road, to include Ambleside Drive, Southchurch Hall Gardens, and the Woodgrange Drive Estate.
17	I do not live in Southend, I work here so my knowledge is limited to a fairly regular set of areas.
18	I feel there are many areas in the town that could do with this type of order.
19	I have seen the specified activities in the street and the area outside the Forum.
20	I have witnessed some of the issues of concern in the area highlighted on the map and agree with the draft geographical boundary.
21	I have worked in Southend High street for the past 20 years and have seen a drastic demise in the town centre especially within the last couple of years. I no longer feel safe in the town centre during the day and would not have to bring my children here unless out of necessity. The town centre and developments of recent years have not done anything to help the town improve in my opinion.
22	I live and work in and near Southend, and it no longer feels safe to go anywhere alone.
23	I live in Southchurch Hall Close and as far as I can see this area is not covered. For years we have been subjected to anti-social behaviour. It's an uphill struggle to get this historical wedding spot (which is a spot that could give considerable financial yield to the town) known as a safe place. We need to be included in the plan and more support is needed.
24	I represent Kursaal Ward as a councillor but I live in Thorpe Bay. I have never witnessed any of the issues covered by the PSPO along Thorpe Bay seafront. The only tents that I have ever seen erected were with a youth group, on the beach near the yacht club and, while groups of young people often congregate at the park area next to the yacht club, there is minimal anti-social behaviour as far as I know. This is in direct contrast to the area just back from the seafront near the Kursaal (including the Woodgrange Estate, Woodgrange Drive and the surrounding roads up to Southchurch Hall Gardens and Ambleside Drive and Southend East train station) where anti-social behaviour, including drug-taking, drug-dealing, street-drinking, rough sleeping and kerb crawling are rife. I think the PSPO would be better located to cover this area, instead of the stretch of sea front from the Half Way House to East Beach, particularly as including the town centre in the PSCPO is likely to push the issues of street drinking, rough sleeping and drug dealing into Kursaal ward.

25	I think it should be a wider area, some of these dirt bags will continue as they are as they have no respect for themselves or others, and some will move onto other areas thus re-creating the problem.
26	I think it should cover the whole of Southend. None of those things should be happening in any part of our borough
27	I think that if homeless people cannot sleep anywhere along the seafront then alternative provision needs to be made
28	I think the area is wrong, Hamlet Court Road area etc. west of central Southend is more in need than east.
29	I volunteer and use Southchurch Hall Gardens. I feel order should cover this area as it has taken many hours of hard work to get it to an acceptable stage where families once again feel safe to use it. There is a risk if order is imposed in other areas undesirables will return to Gardens.
30	I work in a premises on the high street and am harassed on a daily basis by people begging for money and also 'charity' people. There are also many disgusting people who constantly spit for no discernible reason.
31	I would comment on the area but the map is so small I can't see the area it refers to
32	In my opinion, the map includes the most prolific areas where these activities take place
33	It concentrates on the town centre and seafront with little regard for other areas
34	It could incorporate more than solely restricted areas in question
35	It seems there is a large area of the sea front that would not need to be included while other area of the town that have seen increased crime including violent crime, have not. The questions seem focused on a homeless theme which is tied up in national and economic policies when Southend in my view is being targeted by people intent on committing criminal acts because policing is not substantial enough for the area.
36	It's a rough area and something needs to be done
37	Needs to be the high street, Victoria Circus and seafront from say Billy hundreds along to the arches.
38	Needs to cover more of York road and Kursaal areas up to and including Southchurch Avenue To the west alps needs to include more of Milton area, including westcliff Avenue along with hamlet court road as a lot of the problems listed are creeping into those areas already
39	Not all parks are covered
40	Officers already have sufficient powers to deal with anti-social behaviour, crime and disorder. The issues currently experienced in Southend are largely the result of social problems caused by years of public spending cuts and insufficient police numbers to deal with the consequences. More legislation is not the solution.
41	Rough sleeping, drug taking/dealing and aggressive begging are very mobile problems, not necessarily limited to one part of the town.
42	Should also cover York Road and area around and including Southchurch Hall Gardens
43	Should embrace area up to Hamlet Ct Rd & The Woodgrange estate where there are significant problems already. Otherwise the problems in these areas will increase proportional to the orders.
44	Southend BC needs to find a more effective way of dealing with homelessness. Proving support etc. rather than just moving them on. Also the planned seaway development is just going to aggregate existing conditions of the high street. The investment would be better off going into the high street itself and establishing shops in the Royals and the depressingly empty Victoria Shopping Centre.

45	Southend has become a hot spot for tough sleepers, crime, anti-social behaviour. Especially in the High Street. It should be a family orientated place but I fear taking my young family there.
46	Southend has become totally uninviting to visit due to antisocial behaviour recently. Not completely sure this boundary needs to go up to Thorpe Bay as have not encountered problems on the seafront in that area. Could do with extending the boundary more around Westcliff to include Hamlet Court Road and surrounding area.
47	The area around Woodgrange drive should also be included, as there is ant social behaviours in and around Southchurch hall park and Southchurch park, and around Southend east train station these areas should be included
48	The area covers a lot of ground, and all of that is necessary, but it doesn't go far enough. It should also cover York Road and Ambleside Drive, and also Southchuch Hall Gardens. Dog fouling, prostitution, rough sleeping and other anti-social behaviours are regularly witnessed in that area, despite the great work being down by committed members of the community.
49	The area includes Thorpe Bay and Shoebury that don't have these issues. I would like to see Hamlet Court Road, all of town centre and southend high street covered and Milton Ward where I live.
50	The area needs to include Southchurch Hall Park
51	The area proposed doesn't go far enough. It ought to extend to cover York Road, Ambleside Drive & Southchurch Hall Gardens. These areas are blighted by dog fouling, prostitution and other types of antisocial behaviour, despite the tireless work being done by committed members of the local community.
52	The areas covered are not where problems are. Southend town centre. Hamlet court road. Westcliff near cliffs pavilion and station. Kursaal ward and all around Southend Victoria station and London road from Southend to westcliff need to be included.
53	The Council already has sufficient powers to deal with anti-social behaviour and this proposal is a massive over reaction and will be used to place vulnerable people in further danger and at risk of exploitation.
54	The majority of the antisocial issues highlighted earlier in this survey are also evident in Hamlet Court Road and around Westcliff Station and I believe the area should be extended to include these streets
55	The proposal to make it a criminal offence to spit is grossly disproportionate. Plenty of people feel the need to spit while running or undertaking other exercise. You only have to watch a running race, football game or rugby game to see participants spitting. The seafront is a popular spot for people to exercise and it's inconceivable that there could be any public interest in criminalising a runner spitting on a beach on their morning jog. It would discourage exercise if anyone was fined for this. It would be disproportionate to expect everyone exercising to carry some sort of handkerchief to spit in, especially as athletic clothes rarely contain any pockets. It cannot be credibly argued by the council that the act of spitting genuinely has a detrimental effect on the quality of life of those in the locality and so it does not meet the legal test in the Anti-social Behaviour, Crime and Policing Act 2014. People may also have medical conditions which make it likely that they will accumulate fluid in their mouth and need to spit. Or a bug might fly into their mouth, or they might choke on some food, and need to spit it out. Clearly, spitting should not be prohibited by this PSPO (as it self-evidently doesn't meet the tests in the act). It is also bizarre that the council is seeking to make littering an offence under the PSPO when littering is already an offence under the Environment Protection Act 1990, which provides for both a fixed penalty and prosecution.

56	The proposed PSPO will only protect the area marked. Any problems will only be push further afield. More policing in the entire town is what's needed, not PSPO's!
57	The whole of the High Street and town needs sorting out. It can be Intimidating walking in the area. The amount of litter in the whole of Southend is something the council should be ashamed of.
58	There is a need for the order to embrace the high street. Although the seafront area impacts visitors more than residents, the seafront itself is not going to remain vibrant while local people are reluctant to invest in the shopping centre. In my own circle of friends and family, fear or discomfort at the aggressive begging, loud and drunken behaviour and generally intimidating presence that marks the high street is significant and already deters us from using the town centre entertainment facilities day or night.
59	There is already an order in place that bans the drinking of alcohol in the high street and has been there for many years, this was once in forced by the PCSO'S and PC's that use to make up the high street policing team, but cut backs by the Conservative government of 20"000 officer's since 1010 has stopped community policing and making the area pleasant to use. This order is just to target the homeless part of our society and these are the people who need our help and understanding, and as for the area covered, Thorpe bay and Shoebury common have never had an issue with Asb.
60	These measures are needed but I think the area could be broadened
61	Think the PSPO should cover parks, especially Southchurch Park which is just off the seafront. Also we should include no overnight parking of camper vans and caravans. There have been instances of needles, small silver gas cylinders, camping on the beach, camping in the park and alcohol being bought in the local pubs and consumed on the beach.
62	We are very happy living in Westcliff close to the seafront but I being female feel very anxious walking to the high street before 9am due to homeless, drunk aggressive people littering the area. I do not feel safe walking from Westcliff or Southend stations after dark due to some very unpleasant characters. I also feel anxious when our daughters visit from London. The behaviour of these people during the day also prevents me from walking with friends and relatives especially the High Street and Cliff Parade.
63	We have a number of people who hang around near our home, drinking, swearing which is intimidating. The recent rise in crime within the area is a major cause for concern, I worry about my children and am seriously considering moving away.
64	York road, Ambleside drive and Southchurch Hall gardens have individuals: Erecting tents Fighting Public drug taking Excessive alcohol consumption Fighting The proposed area must be increased to cover these additional areas as we residence in these areas are already suffering from excessive antisocial behaviour and crime.
65	You're doing this in a manner that seems to target the homeless not to deal with the anti-social behaviour, crime and drug problems.
66	You're not tackling the problem, your just punishing the victims
67	We do believe the proposed restrictions are necessary to protect the area, Also we fully agree with the total area, as well as all the activities/behaviour, the PSPO will cover. However, we were under the impression one activity intended is the parking on public highways of mobile homes, caravans and caravanettes but such are not mentioned. What is of particular concern is parking of mobile homes on public highway. However, I am not sure if the draft order covers that in referring to "tents or other structures".
68	Over a few years there area where the Public Space Protection Order is set to be established has become affected by large amounts of anti-social behaviour, public drinking and there have been many cases reported of 'professional begging' in the area. Since the introduction of the Community Safety Team there has been a visible improvement to how

the High Street feels with residents in the area commenting on the positive improvement. However, the team does not have many powers at the current moment it needs this Public Protection order to be able to prevent the area in question falling into disrepair again. Talking to many residents in the area they are concerned that there is still a lot of aggressive begging, public drinking, public urination and Anti-Social behaviour in the area. This protection order gives the Council the ability to protect the law abiding residents from this threat by giving their Community Safety Team powers to tackle these issues.

As such I support the proposed public protection order in its current format.

Question 4. Is there currently any areas included that you think should not be, or any additional areas that you think should be included by the PSPO? Please describe the area as precisely as you can. This was a free text response question and 57 individual comments were received on this question. With the most popular areas being identified as Hamlet Court Road, Southchurch / Ambleside Drive and the Woodgrange Estate.

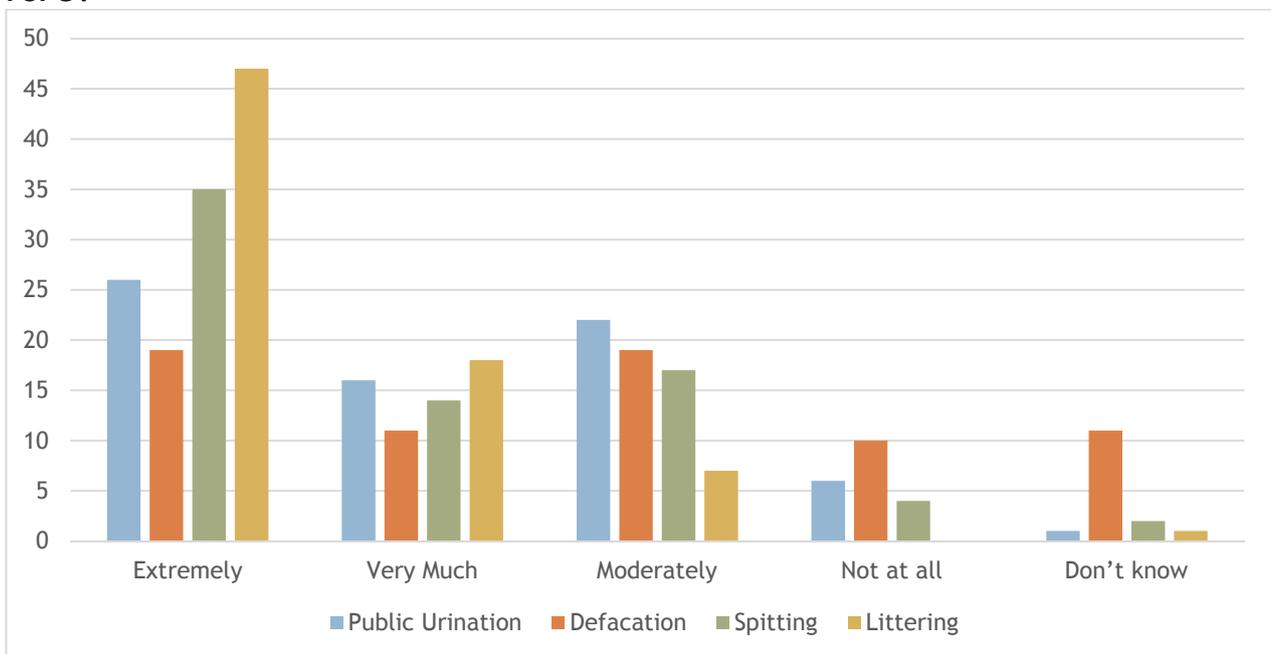
Comments	
01	The anti-social behaviour outlined in the document is something that we have mentioned to us by Chamber members from Southend as causing problems to them, as well as projecting a negative image of the town centre in particular and Southend generally to shoppers and other visitors to the detriment of businesses and residents. We fully support the Borough Councils proposed actions to address these issues and introduce this Public Spaces Order.
02	What is of particular concern is parking of mobile homes on the public highway. However, I am not sure if the draft order covers that in referring to 'tents and other structures'. There is a mobile home permanently park on the highway purely to prevent others parking there.
03	I was born in Westcliff on Sea and have just relocated to Chalkwell from London after 40 plus years working in the City. I lived in Narrow Street, Limehouse E14 where the local Police have now introduced a PSPO after many years of the area suffering anti-social behaviour and intimidation by people with little or no respect for their neighbours. After a particularly awful experience of a group of lads under my 1st Floor balcony drinking continuously for 5 hours or more on a sunny afternoon in June with the resultant filthy language, play fighting, shouting & screaming abuse, urinating and worse, I decided it was time to leave London. The PSPO came too late for me back then and I have been saddened to see the state of some areas of the High Street in Southend - growing up, Southend had smart shops, was well maintained and well Policed, now, I have to say, I avoid going to Southend except for a quick food shop, but I have noticed the high number of beggars and homeless people on the streets. Unless excessive drinking and anti-social behaviour is grasped and dealt with, it will spiral out of control and decent people will simply move away as I have moved out of London for the very same reasons. I hope the PSPO is successful, so that Southend can make life peaceful and pleasant for the majority of law abiding people.
04	The proposed PSPO is centered on improving and protecting the local area for the people residing, working, trading, and visiting the area. We value your opinion on this action which seeks to strengthen communities and partnerships to improve our environment and reduce crime, and to develop a sense of pride and safety for where you live and work.

05	<p>Re the PSPO consultation, we supports any new legislation or initiative that makes the experience for visitors to Southend seafront more pleasurable.</p> <p>Clearly there will be a range of behaviours the council wish to moderate through these types of orders, anti-social, begging, rough sleeping, drinking in public places etc. The only real comment we would make is we are very happy to support the orders but as with designated drinking zones (already in force) seafront high street, as well as elements' of the public order act etc. it requires resources and a willingness to enforce them or they are in-effective, we don't feel currently there is this willingness or from the police side the officers to enforce, therefore just putting new legislation into the mix needs to be considered carefully.</p>
06	*ARE there currently any areas..." No
07	Additional Areas - Hamlet Court Road, Westcliff-on-sea. Around train stations entrances and exits (southend east etc.) as there lots of muggings round there. Victoria Avenue (muggings and anti-social behaviour - things being thrown into moving traffic)
08	All of them. The homeless can be solved
09	Ambleside and southchurch should be included
10	Ambleside Drive/Southend East Station. Been living in Southchurch since 2013 and witnessed drug-dealing and prostitution here quite regularly. In addition, the recent muggings near/at the station are very concerning.
11	Appendix 3 shows an area of concern in Westcliff, almost as far as Chalkwell, this whole area should be included the seafront from Grosvenor Rd east to town centre. I would also include all areas south of railway in the Westcliff area
12	Areas covered should be broadened to cover other hot spot areas
13	As before Southchurch Hall Gardens
14	As mentioned: York Road Ambleside drive Park Lane Southchurch Hall Gardens On a daily basis as a Park lane resident I have to encounter and deal with excessive anti-social behaviour .
15	Chalkwell esplanade
16	Chalkwell Esplanade bear public toilets. Green areas near Cliffs Pavilion and Cliffs Parade. Station Road area near Westcliff Station and Hamlet Court Road area - plus Southend High Street. We do not usually have a problem in the Eastern Esplanade area
17	Cover it from Shoebury to Leigh. That way dirt bags won't be able to just move along to another suburb and ruin it by begging, dealing and drinking. What if these people decide to pitch up a homeless camp down east beach? Can you imagine how bad that'll get, we'll be swamped.
18	Extend further back from just the seafront. It should cover the Hamlet Court Road and Westcliff-on-Sea area back to Fairfax Drive. Also the Kursaal Estate/Woodgrange area. I would be very happy if it covered the whole borough as I am a law abiding citizen who does none of these anti-social things.
19	Hamlet court Road , Victoria avenue, southend east & Thorpe bay train stations
20	Hamlet Court Road and Station Road Westcliff
21	Hamlet court Road London Road up to Chalkwell park Leigh on sea Broadway
22	I believe that the area should be extended into York Rd, Ambleside Rd, Park Lane and Southchurch Hall Park where I have seen drug deals, the erection on tents and where prostitution openly takes place indeed I have drug deliveries outside my house.
23	I do not believe the seafront needs to be covered out as far as Thorpe Esplanade and Shoebury Common. I would prefer the boundary to continue east along the railway line as far as Victoria Road. That way it would encompass Ambleside Drive, Southchurch Hall

	Garden and the Woodgrange Estate, which would have significant support from residents and the Estuary Housing Association.
24	I feel the area could be extended to include Hamlet Court Road as this area is well known for having the same issues as central southend.
25	I only know of the High Street
26	I regularly encounter unpredictable behaviour by people drinking and participating in other substances in Southchurch Hall gardens and down York road which has led to me avoiding these areas altogether as I don't feel safe.
27	I think all areas highlighted are relevant. The outstanding issues in other areas are issues everywhere.
28	I think the area that has been proposed covers the worst areas.
29	I think the section of the sea front from Half Way House to East Beach should be removed and the area behind the Kursaal (including the Woodgrange Estate, York Road, Ambleside Drive, Southend East train station and Southchurch Hall Gardens) should be added. There are already significant levels of anti-social behaviour here and creating the PSPO to cover the town centre is likely to push the issue into this area.
30	Kursaal Tesco... Begging outside there is common during summertime. The seafront itself is never too bad for wild behaviour. York Road would be nice... I live near York road and there's always people screeching at 3/4am and kids playing in the road whilst their parents get drunk
31	Lived on Maplin Way for many years and have never had problems on the seafront at that end of town.
32	Milton ward including Hamlet Court Road .
33	Milton ward Westcliff Avenue Kursaal York road Southchurch Avenue Hamlet court road Remove Thorpe bay seafront
34	Not seen any problems in the Thorpe Bay Area of seafront
35	Not to my knowledge
36	Parks, especially Southchurch park as it is near the beach.
37	Personally I believe that all public areas of the Borough should be included.
38	Please see last question for details.
39	See previous - Hamlet Court; Burdett Avenue etc. Woodgrange & Southchurch.
40	See previous response. The high street, and in particular the HSBC / cinema end, are of particular concern to me.
41	Southchurch Hall Garden, these are the Scheduled Gardens belonging to Southchurch Hall
42	Southchurch Hall Gardens should be included
43	Southchurch hall park
44	Southchurch park , Southchurch hall park, park lane, Woodgrange drive, Ambleside drive, Victoria road should all be included
45	Southchurch ward Hamstel Road
46	The area should not go passed Victoria Road and should go west to Hamlet Court Road.
47	The car park facing the old blockbusters near hamlet court road should be included
48	The High Street is a real problem, you cannot walk along without being approached by people begging. Although I feel sorry for them it can be quite intimidating.
49	The large swathe of seafront past the town towards Shoebury is not priority and areas such as Hamlet Court Road and Woodgrange drive and London Road into westcliff would be more appropriate.

50	The map in the consultation is of extremely poor with no reference points or clear markings. Hamlet Court could be included in the proposal
51	The order should only cover commercial areas of the seafront
52	Thorpe Bay
53	Southchurch park , Southchurch hall park, park lane, Woodgrange drive, Ambleside drive , Victoria road should all be included
54	Southchurch ward Hamstel Road
55	The area should not go passed Victoria Road and should go west to Hamlet Court Road.
56	The car park facing the old blockbusters near hamlet court road should be included
57	There are concerns with the potential knock on effect of the order for Leigh-on- Sea, and would like confirmation that Southend Council will monitor carefully the effect that the order may have on other areas outside of the proposed PSPO area should it proceed.

Question 5. To what extent do the following behavioral activities you have come across have a detrimental impact on your quality of life within, or usage of, the area covered by the proposed PSPO?



Of those responding to this question there was an overall majority that Littering had the most detrimental impact on their quality of life, closely followed by spitting.

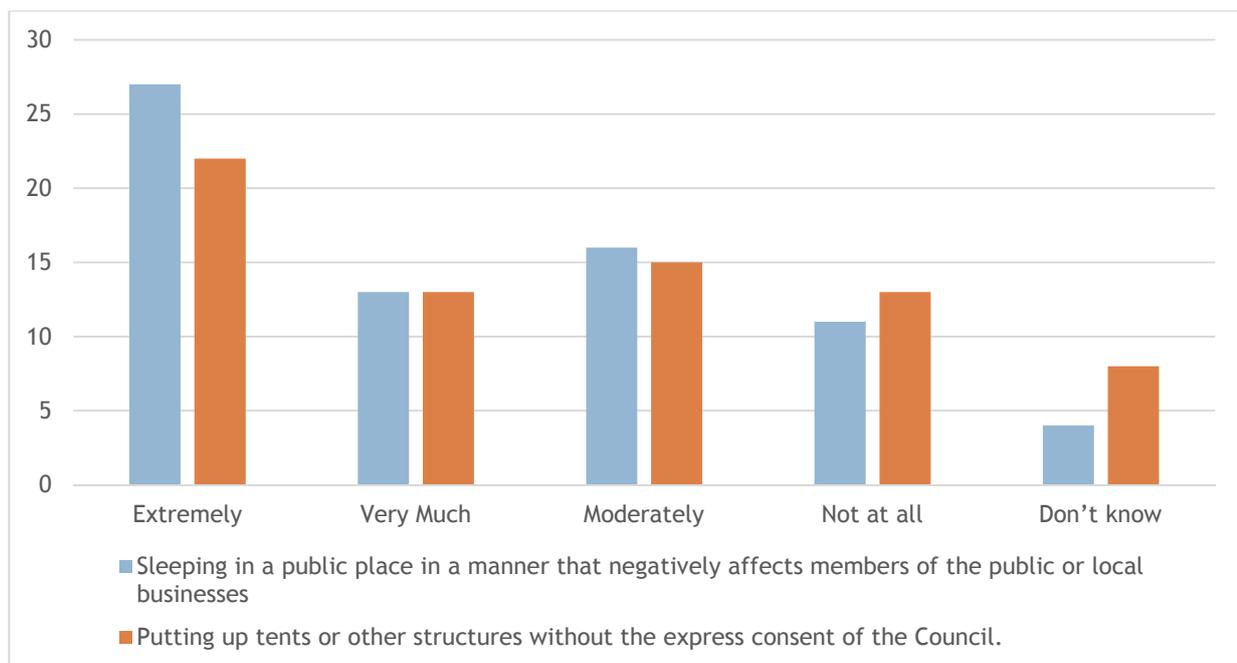
Question 6. If you have any additional comments or suggested changes, please tell us? This was a free text response question and 27 individual comments were received on this question. Of those various issues were raised including Dogs on a lead, the inclusion of sexual behaviour and more Police presence.

Comments	
01	All of these take place in my area of York Rd, Ambleside, Park Lane and Southchurch Hall Park as such I believe the PSPO area should be extended
02	Ensure there are adequate facilities available - the only public toilets are along the seafront
03	Greater deterrents and fines.

04	I also think that the inclusion of sexual behaviour should also be included. There have been several instances where the public have been witness to members of the homeless community behaving inappropriate in a public place (engaging in sexual activity in a public place). When the public have voiced their disgust and asked for this activity to stop, they have then been verbally abused.
05	I just wish to add that Southchurch Hall Gardens was known as the 'No Go Area' as the unsociable behaviour was rife, people would not enter the gates as it was so unsafe, abusive, with drug dealers selling their goods all day while drinkers took up all the benches in the park shouting abuse at anyone to dare to enter,, they would also urinate openly in the park prostitutes were at work anywhere they could find, the public toilets were being used as a convenient brothel and base for collecting and injecting. Far worse than anything that I have witnessed in the area that has been marked out in the area for the proposed PSPO. Southchurch Hall Gardens is set in a residential area therefore we are all at risk. Southchurch Hall Gardens should be included in the proposed PSPO
06	Issues described have complex origins that are not wholly associated to homelessness.
07	more litter bins provided in Gardens
08	More police presence in the town to make it uninviting for antisocial people
09	More visible patrols wouldn't be a bad thing because at the moment there seems no deterrent
10	My garden backs on to Southchurch Hall gardens and every day I have to witness drunken people urinating into the pond.
11	Need to make sure there are officer support in dealing with the consequence of all these activities taking place. No point in having a PSPO if the resources are not there to prevent them taking place.
12	Requiring dogs to be kept on leads, I love dogs but the amount of people letting their dogs run amok is concerning. On numerous occasions dogs have run across the road to greet my dog, not listening to their human carers calling them back. This is not only very dangerous for the dogs but also for the motorists.
13	See other comment sections.
14	Shame when people are caught doing this, that they aren't made to clean up their mess.
15	Stop this simple exercise in persecuting the homeless, they are not the main issue, you should be spending your time helping them.
16	Remove the benches outside the forum to discourage group gatherings of people urinating, drug taking and swearing.
17	The addition of temporary urinals in the town centre for the night time economy is welcome but the removal of the significant number of toilet stalls means that there are insufficient public toilets in the town centre. This typically leads to public urination and I have witnessed this happening during the day as well as later in the evening.
18	The aggressive beggars and street drinkers on Hamlet Court Road and Station Road Westcliff are often seen urinating in public. Leonard Road Westcliff is regularly used for fly-tipping of household and building waste
19	The amount of dog faeces on the streets need to be addressed and landlords should be made responsible for the state of their properties front gardens especially broken furniture, sofas ECT that are left there for months.
20	The major issue with littering is fly tipping.
21	The proposal to make it a criminal offence to spit is grossly disproportionate. Plenty of people feel the need to spit while running or undertaking other exercise. You only have to watch a running race, football game or rugby game to see participants spitting. The seafront is a popular spot for people to exercise and it's inconceivable that there could be

	any public interest in criminalising a runner spitting on a beach on their morning jog. It would discourage exercise if anyone was fined for this. It would be disproportionate to expect everyone exercising to carry some sort of handkerchief to spit in, especially as athletic clothes rarely contain any pockets. It cannot be credibly argued by the council that the act of spitting genuinely has a detrimental effect on the quality of life of those in the locality and so it does not meet the legal test in the Anti-social Behaviour, Crime and Policing Act 2014. People may also have medical conditions which make it likely that they will accumulate fluid in their mouth and need to spit. Or a bug might fly into their mouth, or they might choke on some food, and need to spit it out. Clearly, spitting should not be prohibited by this PSPO (as it self-evidently doesn't meet the tests in the act). It is also bizarre that the council is seeking to make littering an offence under the PSPO when littering is already an offence under the Environment Protection Act 1990, which provides for both a fixed penalty and prosecution.
22	There are certain areas that seem to attract the behaviour, so I tend to avoid these when I can
23	Totally anti-social and should not happen on our streets
24	Urinals have been placed on the high street on Friday and Saturday nights. Presumably, judging by the draft order, these will either no longer be available (thus making the urination issue worse) or the wording of the order will require amendment to take into account the urinals.
25	We encounter urination on our property regularly plus littering and bottles of booze, cans of beer are general left on our premises. We also find other people's rubbish in our bins including drug taking materials
26	You should increase the area to cover the 2 parks in this area
27	Your handling this wrong

Question 7. To what extent do the following activities you have come across have a detrimental impact on your quality of life within, or usage of, the area covered by the proposed PSPO?



Most people agreed that sleeping in a public place in a manner that affects others as having an extremely detrimental impact on their quality of life within the proposed area.

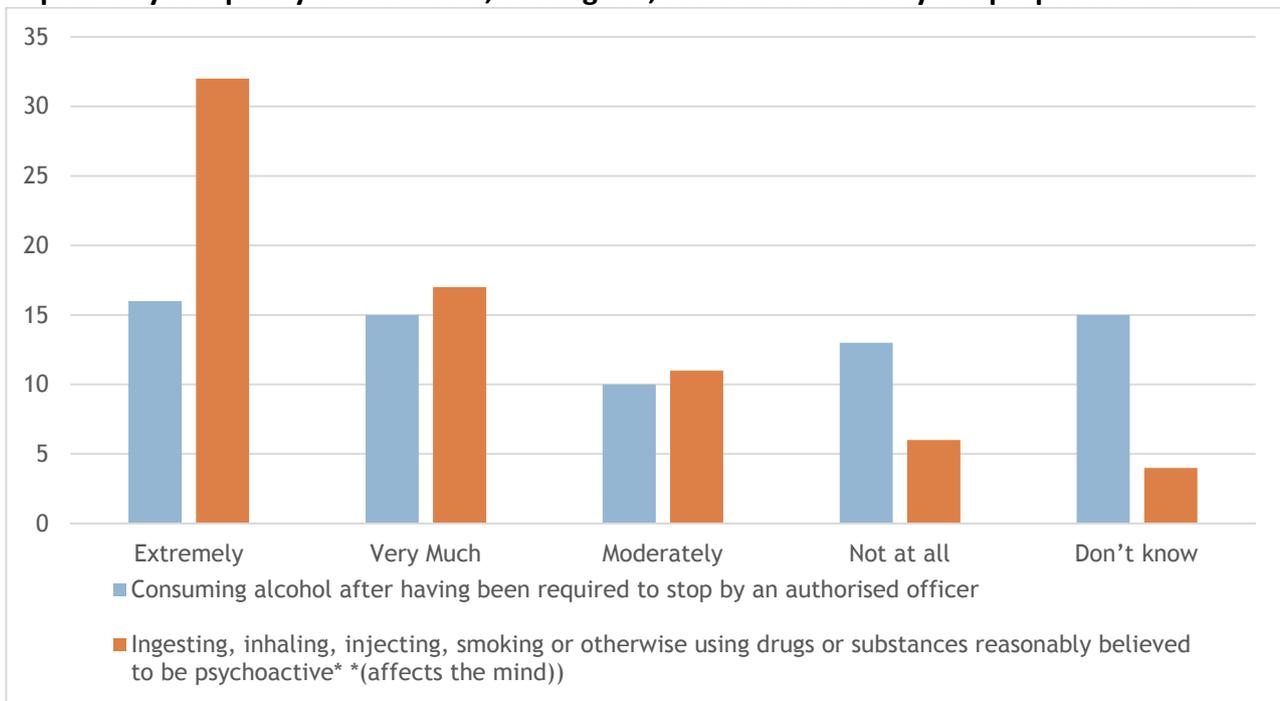
Question 8. If you have any additional comments or suggested changes, please tell us?

This was a free text question which 18 people responded, overall the perception was that Homeless people need support, not just to be moved on

Comments	
01	Although I have not witnessed people erecting tents and sleeping rough in the area that you have proposed for the PSPO, I have however witnessed this in Southchurch Hall Gardens. The effect it has is a feeling of fear and insecurity, Fires are often lit at night by the rough sleeper putting Southchurch Hall, the trees in the park and residential houses at risk of catching alight. The park is locked at night, however the rough sleepers are not removed at locking up time. I have also witnessed tents on fire and had to call the fire brigade. If we were covered with a PSPO we could have the people removed and feel secure in our homes
02	Apart from the tents there is overnight sleeping taking place in shop doorways, flats and beach shelters and on beach hut balconies which then of course includes all the other aspects of anti-social behaviour such as urinating, defecating etc.
03	Can make you feel unsafe if they are beginning, shouting as you walk past
04	Criminalising rough sleepers is not the solution to the problems that cause people to be sleeping on the streets.
05	Get rid of Harp that is what's encouraging these people coming here from other boroughs.
06	Homelessness cannot be prevented by the person necessarily. It's up to the council to help people establish somewhere safe, secure & warm to sleep. People sleep where is safe. Town has CCTV, lighting and is safer than other areas. Maybe if Southend BC decided to open one of the MANY vacant shops over winter and let it be managed by a team of volunteers/people as a place for people to rest and eat, people wouldn't be sleeping in town.
07	Homelessness needs to be made a priority in Southend now. We seem to attract people from out the area. This needs to be addressed urgently
08	I tend to visit Southend during the day when the structures are not up. I rarely visit Southend in the evening if I can help it.
09	If people are homeless, forcing them to move on only disperses the problem. If I were homeless, I'd want to be homeless by the sea. There is clearly a problem of homelessness in Southend, but making their already miserable lives any harder is not the solution.
10	If the people are genuinely homeless and are not harming others or property then I don't see a problem.
11	In the summer there are tents on the cliffs and on the green area between the Queensway and Toledo Road. Additionally, there are often rough sleepers on the High Street and in the communal areas of the Queensway tower blocks and Barrington's. However, home office guidance stipulates that a PSPO should not be used to criminalise homelessness or rough sleeping. I am particularly concerned that the Council should not do so.
12	Is Shoeburyness covered by the area as there were incidents of tents being erected in St Mary's Green and the little nature reserve near ASDA and near the roundabout by the Angel pub
13	It is a tragedy that we have so many rough sleepers in the town. Just moving them along is not really a solution.
14	It's a huge problem country wide and needs consultation with Parliament to address this homelessness as a whole
15	Make living on the street illegal and anyone found to not be from the area should be required to leave.

16	The Council's outreach team, Street Link and local third sector groups make a valuable contribution to engaging with rough sleepers but I still receive complaints from residents that tents are being erected near to their homes, such as around the Marine Plaza site and in back gardens of shared properties along York Road, as well as reports of rough sleeping in doorways, though this has reduced with the introduction of the Community Safety Team.
17	The only purpose for these people to camp very openly in public spaces is that it is an easy base from which they can beg. The high street is struggling as it is and does not need beggars camping on the streets unchallenged as this puts more people off of using the high street.
18	These take place in Southchurch Hall Park as such I believe the area should be extended. Furthermore we have people living in vans and caravans in Park Lane by Southchurch Hall Park as such the tents should also include mobile temporary accommodation

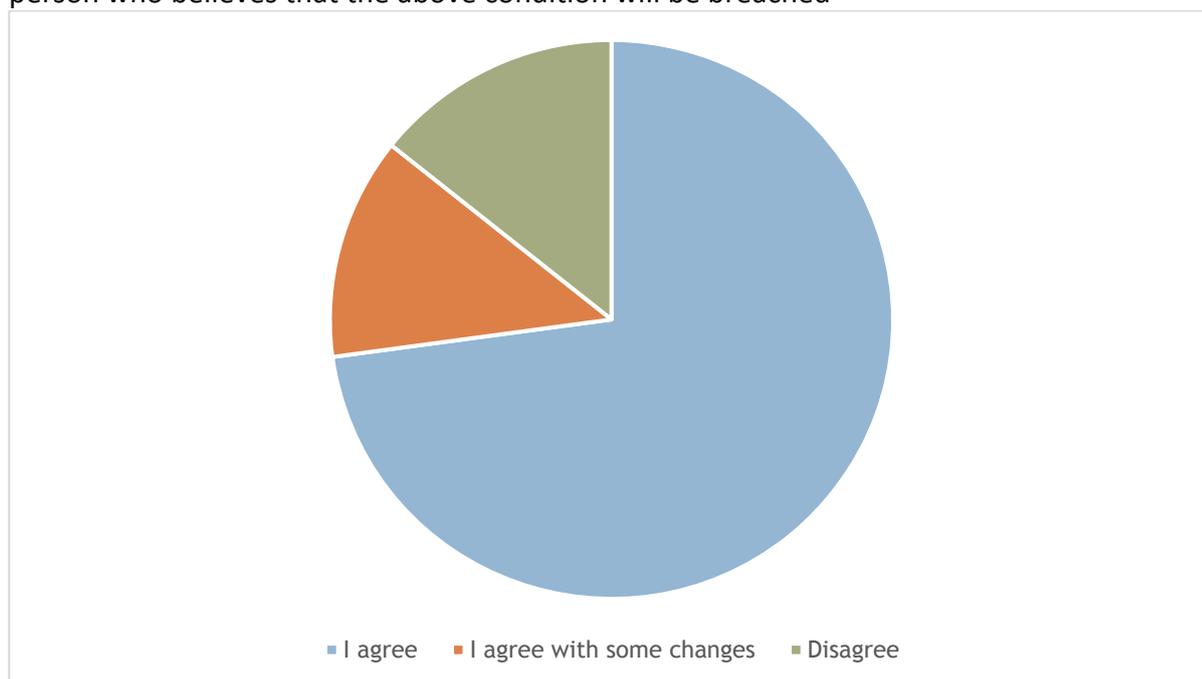
Question 9. To what extent do the following activities you have come across have a detrimental impact on your quality of life within, or usage of, the area covered by the proposed PSPO?



The overall consensus of those responding was that the Ingesting, inhaling, injecting, smoking or otherwise using drugs or substances reasonably believed to be psychoactive* *(affects the mind) extremely impacted their quality of life when they came across them.

Question 10. To what extent do you agree or disagree with the following statements?

Persons must hand over any alcohol (sealed or unsealed) when required to do so by an authorised person who believes that the above condition will be breached



73% of those responding agreed with the above statement, closely 14% disagreeing.

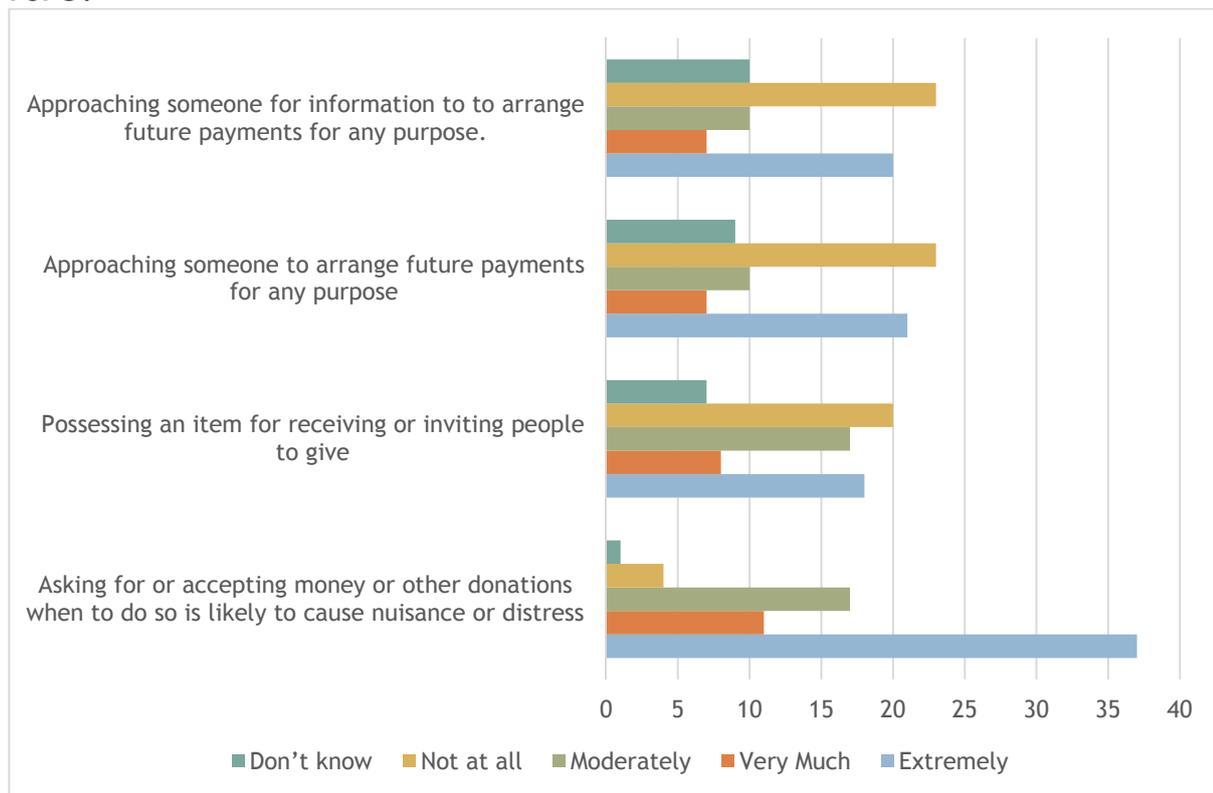
Question 11. If you have any additional comments or suggested changes, please tell us

This was also a free text section and the consensus from the 25 people responding was that confiscating was done in a sensible and reasonable manner.

Comments	
01	All of these take place in my area of York Rd, Ambleside, Park Lane and Southchurch Hall Park as such I believe the PSPO area should be extended. If the area was extended to these my response would be "extremely" as I do not often go into the proposed area
02	All sounds good in theory but needs to be enforced
03	Although I think that the requirement to hand over alcohol when instructed by an authorised officer is a good thing, but I have never witnessed it happen. My concern is that there are insufficient authorised officers to enforce this.
04	Common sense must prevail but any sign of alcohol being opened or consumed in a prohibited area should be confiscated
05	Drinking alcohol should not be prohibited
06	Drug taking should not be allowed on our streets. It results in needles, canisters etc. left behind which are dangerous for our children
07	During the summer I cannot use my garden due to abuse directed by drunks and drug takers in Southchurch Hall gardens. My daughter has been repeatedly assaulted by drunks and drug takers in York road. The proposed area must cover these parts as at present Somalia is safer place.
08	Hamlet Court Road and the neighbouring streets are already part of a no drinking zone but this is never enforced and a problem with street drinking and drug taking is rife

09	How is an authorised person to determine whether someone is likely to consume alcohol? These powers are at risk of being used disproportionately and there is a high likelihood of them being used on certain groups of people more than others. A middle aged person in a suit is unlikely to have their 4 pack of beer confiscated as they walk back to the shop, but an 18-25 year old might well be stopped. Also, what is the council going to do with the alcohol? Will it incur any cost disposing of it?
10	I don't agree that unopened containers of alcohol should be confiscated.
11	I don't believe it right to take an unopened alcohol container from someone. It's not possible to conclusively know they will consume it in a restricted area.
12	I have yet to see any direct action taken - I've seen police and 'patrols' talk to users but no action taken.
13	I wish to add that as my house back onto Southchurch Hall Gardens I often sit in my garden and have to breath in the smoke and smell of the drugs that leaves me feeling sick, in addition to what I have already said this is yet another reason why Southchurch Hall Gardens should be included in the proposed area for a PSPO
14	Individual circumstances would need to be looked at with each event. You cannot remove unopened alcohol in a shopping bag because you think that person may be planning to drink it in public.
15	Need to review the situation when taking alcohol away - if they are not upsetting the public and are not being rowdy - don't see this as being a problem. However, if they are upsetting the public then I think that is okay.
16	Only alcohol that is unsealed should be taken from drinkers, any sealed drinks taken by the Council Officer should be treated as theft and subject to possible prosecution.
17	Police/them community people who just walk around in shops chatting all day never do anything over drinking in streets and substance abuse. They just act like it's not happening.
18	Public drug use is a massive problem, however officers already have the power to deal with this. The problem is insufficient police numbers.
19	The High Street and London Road are terrible and almost no go areas
20	This could be abused. For example, I could buy a bottle of wine in Sainsbury's and be stopped on the way back to my car and asked to hand it over with no justification. There must be good cause to remove sealed alcohol, which must be appealable. .
21	This is again a complex issue and I think only applies if an individual homeless or not should be required only if they are a danger to themselves or others.
22	This seems a bit draconian - what "authorised person". This could be misused, how can you enforce it on the seafront say? Many people enjoy a drink there. How can you tell who is who - could innocent drinkers get caught up in this? It is not clear to me how this would work.
23	Try changing the order to cover gang related issues and littering.
24	We need to make sure there are sufficient enforcement officers to ensure that the PSPO is adhered to.
25	You will have your low paid guards take advantage of this rule. You can't steal because you want to

Question 12. To what extent do the following activities you have come across have a detrimental impact on your quality of life within, or usage of, the area covered by the proposed PSPO?



The overall response here was that ‘Asking for or accepting money or other donations’ causes a nuisance and was extremely detrimental to those responding.

Question 13. If you have any additional comments or suggested changes, please tell us

A free text question with 21 people responding with concerns about the aggressive nature of the begging and asking for money and there should be a zero tolerance.

Comments	
01	"Chugging" and aggressive begging is a massive problem in Southend and Westcliff. The council should ban both, while recognising the need for people to beg is driven by wider social problems caused by years of cuts to local and central government funding.
02	All of these take place in my area of York Rd, Ambleside, Park Lane and Southchurch Hall Park as such I believe the PSPO area should be extended. If the area was extended to these my response would be "extremely" as I do not often go into the proposed area
03	Arrest the beggars, don't just move them on, and arrest them. Zero tolerance.
04	As a person who works on the high street, I class these 'charity' collectors (who are certainly not doing their job voluntarily) as being as much of a nuisance as beggars. In fact, I believe they are worse as vulnerable people (e.g. the elderly) can be convinced into setting up direct debits which they are pressured into. I know of people who have set up charity donations in this way and are on limited pensions and should never have been made to feel that they should donate. I also challenged one of these 'charity' agents once about the data protection measures that are in place when I give them my personal data that they type into their tablets. He had no idea.
05	Begging on the high street is increasing massively I cannot walk without several people asking for money
06	Both beggars and charity collectors both a similar problem, and the PSPO could be used to frustrate charity collections during the Carnival.

07	charities need to be able to fundraise using the high street
08	Get rid of the so called charity fund raisers and bible bashers
09	I already donate to charities and am fed up of having to dodge people asking me to sign up for further donations. Any donations should be given freely and not at the requirement of a direct debit.
10	I find the number of groups collecting donations for charity in the town centre can sometimes feel overwhelming and it puts me off using the High Street. The amount of aggressive begging is also significant in the town centre, in the area around Clarence Road, where I have been approached several times. I think the wording of the PSPO conditions do not effectively include those men who use Ambleside Drive to buy sex from exploited women. I would like the PSPO to cover this area and to include a condition targeted specifically at stopping people approaching others to make payment for services. Under the current wording, the women would be breaching the PSPO by offering services for money but they are only there because of the large number of men who prowl this area looking to buy sex. This would also run contrary to Essex Police's approach to street prostitution which seeks to support the women and target the buyers. I am worried that this, if not clearly defined, could lead to further victimisation of the women who are already treated harshly using Community Orders.
11	I will donate food to a homeless person, but not money. However, there are so many that I ant give to everyone who asks.
12	If door to door salesmen are reported to the police, we need to make sure action is taken by officers or police to enforce the PSPO
13	If there is a charity organisation canvassing the high street on a particular day, it is often the case that you will be approached by every member of that organisation on your way down the high street!
14	If you mean Charities they have always been a pain when collecting, but they do a great job.
15	In the high street area I have frequently been approached for money. This also happens in the Hamlet Court Road area.
16	It is rare that you can shop on Hamlet Court Road without being approached by aggressive beggars
17	It is very un-nerving and scary to be approached by drunks and beggars asking for money who them emit a tirade of abuse when I try to ignore them.
18	The begging in the High Street has reached problem proportions. I feel very uncomfortable walking along there nowadays, I am always approached several times by people begging.
19	The last 2 questions were confusing...
20	We desperately need more policing to combat crime but the homeless crisis and associated behaviours will only be reduced by a change in national social and economic policy.
21	Whilst volunteering in Gardens I have not encountered this behaviour but know it has occurred.

Full response from I.liberty

I write in relation to the above proposed Public Spaces Protection Order ('the PSPO'), as set out on your website.

1. Background to Liberty's concerns

Liberty has been concerned about the impact of PSPOs since their inception and has successfully persuaded a number of local authorities not to pursue their proposed PSPOs. We are particularly concerned about the potential misuse of PSPOs, especially those that punish poverty-related behaviours such as rough sleeping or begging. For the reasons set out below, we disagree with your proposed PSPO.

2. Lack of evidence

We are disappointed that no evidence has been published on the Council's website to support the PSPO. Southend-on-Sea Borough Council ('the Council') is required by s. 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ('the 2014 Act') to be satisfied on reasonable grounds that the conditions to implement a PSPO are met before it can lawfully make a decision to introduce a PSPO. The Council cannot reasonably be satisfied of the relevant conditions without first considering robust and extensive evidence on the situation in the area which will be covered by the proposed PSPO. It is not clear whether any such evidence exists. This is especially concerning given how extensive the provisions of the PSPO are, and the broad range of behaviours it prohibits. Has there been any thorough assessment of the potential impact of the PSPO? If so, it should be published.

By way of comparison, we have found that other councils have relied on, and published, data, witness statements, police reports, surveys, impact assessments, and many other sources of information to justify the need for a PSPO before setting out a proposed order and starting a consultation. If the Council goes ahead with making this PSPO without sufficient evidence then it will be unlawful and vulnerable to challenge in the High Court. Furthermore, when considering its evidence the Council should ensure that its consultation has heard a representative sample of views, including from those who will be negatively affected by the PSPO, who are likely to be among the most vulnerable and marginalised members of the community.

Furthermore, even to the extent that a consultation such as the one being conducted now can in theory supply some evidence, we note that the online survey posted on the Council's website for that purpose offers no guarantee of credibility or democratic legitimacy. Anyone wishing to complete the survey could pose as a local resident and answer the questions accordingly, and respond to the survey as many times as they wish. We also note that neither the 'Consultation Document' on your website nor the website itself explains what enforcement options a PSPO gives rise to. It does not explain, for example, that the only punishment available for breaching a PSPO is a monetary penalty. Any responses to the survey are therefore unlikely to be sufficiently well informed as to the suitability of a PSPO for dealing with the issues raised in the consultation.

3. Rough sleeping

Activity prohibited by the Order:

- 'Sleeping in a public place within the Restricted Area (which includes car parks and shop doorways) in a manner which has a detrimental impact on the quality of life of others in the locality. This includes but is not limited to causing an obstruction to members of the public or local businesses'
- 'Erecting tents or other structures anywhere within the Restricted Area'

We are concerned that these vague provisions would grant an excessively broad discretion to enforcement officers and might wrongly be used to target those who may be sleeping rough in the PSPO area, with no intention of causing a nuisance or engaging in violent or anti-social behaviour. The Government's statutory guidance, issued on 17 December 2017, clearly advises against such targeting:

*"Public Spaces Protection Orders should not be used to target people based solely on the fact that someone is homeless or rough sleeping, as this in itself is unlikely to mean that such behaviour is having an unreasonably detrimental effect on the community's quality of life which justifies the restrictions imposed. PSPOs should be used only to address any specific behaviour that is causing a detrimental effect on the community's quality of life which is within the control of the person concerned."*¹

What does "causing an obstruction" mean? Does it have to involve aggressive or violent or anti-social behaviour? Even more broadly, the words "detrimental impact" are used in the statute to define the general scope of what the Council must prove before making a PSPO - the Council must be satisfied 'on reasonable grounds' that the activities have a 'detrimental impact' on the locality. The Council therefore is required to provide those reasonable grounds by identifying specifically in evidence what the detrimental impact of the targeted behaviour is, before making the PSPO. Simply including the words 'detrimental impact' in the PSPO itself and leaving it to the discretion of enforcement officers to interpret those words as they see fit is clearly both inappropriate and too vague to enable proper enforcement by your officers.

The presence of rough sleepers in an area is a symptom of poverty and of the detrimental impact of economic inequality and other factors, not the cause. According to government data, the number of rough sleepers in Southend-on-Sea has steadily increased in recent years to almost ten times the number recorded in 2010. Southend currently has the 9th highest rate of rough sleepers (per 1,000 households) out of 326 local authorities in England.² A PSPO criminalising rough sleepers can only make matters worse by creating more poverty and having a detrimental impact itself.

If the Council does not intend to target all rough sleepers by this provision, it should say so in the PSPO and include a specific and detailed description of how these provisions are to be interpreted, which should be evidenced and also meet the reasonableness criteria. However, even to the extent that a more detailed description would potentially make the PSPO more reasonable, or to the extent that the targeted behaviours can in some circumstances be unreasonable or constitute anti-social behaviour such as to justify the restrictions (i.e. where encampments pose a genuine health and safety risk), such situations are already dealt with in primary legislation such as the Public Health Act 1936 or the Public Order Act 1986. The Council is therefore in effect attempting to circumvent the will of Parliament and the requirements of criminal law and procedure.

These provisions also constitute a potential interference with Article 8 of the European Convention on Human Rights ('the Convention'). 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. Article 8 of the Convention extends to the protection of personal autonomy and can apply to activities conducted in public; this is especially true of the homeless whose scope for private life is highly circumscribed. Any interference with this right must be 'in accordance with the law', a

¹ <https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill/anti-social-behaviour>, p 51.

² Ministry of Housing, Communities & Local Government, 'Rough sleeping statistics England autumn 2018: tables 1, 2a, 2b and 2c' at <https://www.gov.uk/government/statistical-data-sets/live-tables-on-homelessness>

concept which has been interpreted to mean that any relevant legal provision must be circumscribed with precision and allow sufficient foreseeability of its breadth and consequences.³ There is a clear risk that the vague terms included in the proposed PSPO fail to satisfy this requirement, and are therefore unlawful in Article 8 terms.

There are well-established links between homelessness and disability, based on a range of academic studies in this area.⁴ This is recognised in the Government's August 2018 Rough Sleeping Strategy, which sets out as one of its goals to "address associated issues such as substance misuse and mental health issues which frequently contribute to repeat homelessness."⁵

There is therefore a risk that these provisions would unlawfully discriminate against disabled people. There is no indication that the Council has conducted an Equality Impact Assessment or in any other way considered the equalities implications of the proposed PSPO. Failure to do so is likely to amount to a breach of the Equality Act 2010. Those who fail to engage with support services among the homeless and destitute are precisely those who are the most vulnerable; they should not be criminalised.

4. Begging

Activity prohibited by the Order:

- 'Beg, begging or approaching any person for that purpose

As mentioned above, the Council is required by s. 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 to be satisfied on reasonable grounds that the conditions to implement a PSPO are met. Any unreasonable behaviour falling within the description in the PSPO is already covered by offences under the Public Order Act 1986 or the Vagrancy Act 1824. The only method of enforcing a PSPO is by way of a Fixed Penalty Notice ('FPN') of up to £100 or, upon prosecution, a fine of up to £1,000. A PSPO does not give council officers, police officers or Magistrates any other additional powers, including dispersal powers or powers to require engagement with substance misuse services.

As a specific example, this contrasts with a prosecution for begging under the Vagrancy Act 1824, which can give rise to the imposition of a community sentence as an alternative to a fine or sentence of imprisonment. Prosecution for breaching a PSPO cannot, other than in the most exceptional circumstances, lead to the imposition of a community sentence. A PSPO is an extremely blunt and inappropriate measure to use when dealing with the effects of poverty.

According to the 2014 Act, the Council can only impose PSPO requirements that it is reasonable to impose. It is clearly not reasonable to impose requirements that are simply not needed because the relevant behaviour is already covered by existing legislation.

Any further ban on begging would have a harmful and disproportionate effect on the most vulnerable people in Southend. It is simply unfair to penalise poverty in this way; people who resort to begging are likely to be doing so as a result of poverty, addiction and/or other mental health issues. They are also highly unlikely to be able to pay an FPN or a Magistrates' Court fine, and a resulting criminal record will do nothing to alleviate their poverty or address the underlying causes.

³ Insert reference to Gillan and Quinton v UK in the ECtHR

⁴ See for instance Fitzpatrick, S., Bramley, G. and Johnsen, S. (2013) 'Pathways into multiple exclusion homelessness in seven UK cities', *Urban Studies* 50(1), p 158.

⁵ See Rough Sleeping Strategy, August 2018, p 44 [para 124.].

It would be particularly cruel and perverse for those caught begging in violation of the PSPO to have to pay a fine using what little money they might have saved from charitable donations.

As mentioned above, there are well-established links between begging, homelessness and disability, and this is also recognised in the Government's August 2018 Rough Sleeping Strategy, which notes that while rough sleeping is the most visible form of homelessness [emphasis added] "street activity such as begging ... can be more visible again, often causing concerns for local communities. People engaged in street activity will not always be sleeping rough, however as with people who sleep rough they will have a range of housing and support needs and will often be vulnerable or contributing to the vulnerability of others."⁶ Those who fail to engage with support services among the homeless or destitute are precisely those who are the most vulnerable; criminalising them with heavy fines seems particularly cruel and perverse, and contrary to basic principles of fairness.

There is also a risk that this provision will have a disproportionate impact on disabled people, due to the high rates of mental and physical ill-health among those engaged in such activities. As mentioned above, there is no indication that the Council has

CONCLUSION

We appreciate that your PSPO plans may still be at an early stage, however this PSPO is potentially unlawful and unreasonable. It will do nothing to alleviate the consequences of poverty and is more likely than not to be counter-productive or to create only more poverty and deprivation, thereby having a potentially detrimental impact itself. We are therefore concerned that the PSPO contains inappropriate provisions and that enacting it would be wrong and potentially unlawful. We urge you to think again before making this PSPO.

⁶ See Rough Sleeping Strategy, August 2018, p 50 [para 147].