

Response to PSPO consultation from Exeter Green Party, 22nd January 2016

General comments:

The Green Party believes that housing is a basic human right, and all individuals should be entitled to it. Therefore, we need to address chronic homelessness by abandoning the current 'Treatment First' model and adopting the 'Housing First' model, as used in Utah with very high rates of success. The 'Housing First' model removes the pressures of homelessness for vulnerable people and enables them to participate in treatment with the guarantee of a stable home.

The Council must ensure the reconfigured services (e.g. at Wat Tyler House) and resources invested into working with the street homeless and vulnerable are made as accessible as possible with people being supported not criminalised.

We are concerned that an 'Exeter City Council Authorised Officer' could become subcontracted to a third party who may not understand the wider provision for the homeless in Exeter, or have appropriate training to manage people who may have for example mental health issues, and the means to address any in appropriate management of situations may be more difficult. What training will be given to the authorised officers (other than Police)? In particular, will they be trained to recognize that a person has a mental health problem and in appropriate action to take?

Person(s) within this area, whilst situated in the street or other public space where the public have access without payment, shall:

1. Surrender any intoxicating substance in their possession to an authorised person on request, if:
 - a) they are found to be ingesting, inhaling, injecting, smoking or otherwise using intoxicating substances; or
 - b) they are in possession of such intoxicating substances with the intent of using intoxicating substances within this area; or
 - c) the authorised person has reasonable grounds to believe that such person is using or intends to use the intoxicating substance within the said area.

Intoxicating Substances is given the following definition (which includes Alcohol and what are commonly referred to as 'legal highs'): Substances with the capacity to stimulate or depress the central nervous system.

Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes or vaporisers (tobacco products), or are food stuffs regulated by food safety legislation, or where the use of the intoxicating substances fall within the curtilage of a premises licensed for the sale and consumption of alcohol and within the operating hours of such.

An authorised person shall be a Police Constable, Police Community Support Officer or Exeter City Council Officer, who must be able to present their authority upon request.

Do we agree with proposal 1? Yes, subject to the comments below.

Comments: *However,* has the Council considered that this provision will simply shift the behaviour they seek to control from public spaces to private spaces and the impact that might have on local residents and business?

Adequate Police/PCSO presence to address rowdy behaviour especially at the top of Fore Street/BHS and residential areas nearby is needed in the evenings. In relation to Police resources, we should ask whether the police have agreed to enforce the new powers or whether in practice it will be left to 'authorised officers'?

Has the Council checked to see if this Order fully complies with the Human Rights Act?

The Police already have other powers to use such as Criminal Behaviour Orders.

2. Not urinate in a street or public open space

The term 'street' includes any road, footway, beach or other area to which the public have access without payment. It also includes a service area as defined in Section 329 of the Highways Act 1980. Other areas will include parks and retail car parks to which the public have access to without payment.

Exemptions shall apply where a person urinating is making use of an authorised temporary public urinal/toilet has been provided in accordance with any specification issued by Exeter City Council and with its agreement.

Do we agree with proposal 2? No

Comments: The City Centre has no night time toilet provision – there are at least 25-40 street homeless individuals who will need to urinate at least once during the 12 hours (7am-7pm) of no toilet provision (have you tried 12 hours without a wee?). If urination becomes ‘illegal’, the common sense provision of one or two city centre toilets must stay open all night.

3. Clear away and remove from this area without delay (to the satisfaction of an authorised person) any unauthorised bivouac, bedding or equipment formed in a street together with any associated paraphernalia, when requested to do so by an authorised person and if that person fails to clear away and remove as directed an authorised person may then or on a future date or time confiscate and dispose of any unauthorised bivouac, bedding or encampment found within this area with or without the permission of its owner.

For these purposes, bivouac, bedding and encampment mean any portable shelter used for camping or outdoor sleeping, and include materials used for shelter against the elements, weather or ground.

For this purpose 'unauthorised' means without the express written consent of any owner (or any person having control over or an interest in the land in question).

Do we agree with proposal 3? No

Comments: The loss of a tent or sleeping bag because of this PSPO, sometimes taking weeks of investment to buy, can lead to health problems, cold nights and worse. Can we really agree as a local community to this draconian measure – a measure that could lead to premature death?

Would it not be better to ask that the bedding or equipment, that may be blocking access to certain areas in the city centre, be removed by a certain time in the morning (e.g. 7.30am) and cannot be set up until a certain time in the evening (e.g. 9pm).

The FAQ section of PSPO proposal stipulates that this will not outlaw rough sleeping in the city centre – but actually the removal of sleeping equipment from rough sleepers will disperse them to other parts of the city.

The city's Street Homeless Outreach Team, in a world of shrinking resources, may well find the 25-50 individuals, now more widely dispersed due to the PSPO, increasingly difficult to locate and signpost to useful agencies. The work of this team particularly will be greatly hindered.

The PSPO FAQs also tell us “Sleeping rough in the city centre can place someone in a very vulnerable situation, and it is not beneficial to their health and wellbeing.” It must be said that actually females and/or younger, inexperienced homeless individuals may be more vulnerable if away from the relative ‘protection’ of the City Centre.

The question also needs to be asked, why do the majority of Exeter's street homeless choose to currently sleep in the city centre? Many would say the extra security of friends and the wider public, the coverage of CCTV while they sleep, public toilets (when open), the extra residual warmth and protection of the building structures, nearby 24-hour food and drink provision or the relative proximity of helping agencies. Street homeless death rates may well increase if the street homeless are dispersed around the city by this PSPO proposal.

The FAQ also suggests that these PSPO proposals will not mean extra policing. Actually and more realistically, the Police Neighbourhood Teams will need to give time and energy to policing these new proposals; time and energy that could be given to more serious crimes than ‘sleeping in the wrong place’.

The extra resources needed by the police and council to implement the PSPO are not guaranteed to actually bring into the city an equivalent, or better, economic benefit - considering most of the money spent in the city centre shops leaves the city and isn't re-invested locally anyway.

We are concerned that ‘an authorised person’ might be a contracted security guard and as such not fit into/ understand the network of support available to the street homeless and their approach mayacerbate problems. The police already have powers to move people on.

4. Not make unsolicited and/or unauthorised request(s) for money (whether expressly requested or impliedly requested by conduct) in a public place from persons not known to the perpetrator.

For this purpose 'unauthorised' means without the express written consent of any owner (or person having control over or an interest in the land in question).

Do we agree with proposal 4? No

Comments: The National Green Party, (following that currently being tested in Finland and recently discussed in French parliament), in government would implement a Citizen's Income sufficient to cover an individual's basic needs will be introduced, which will replace tax-free allowances and most social security benefits. A Citizen's Income is an unconditional, non-withdrawable income payable to each individual as a right of citizenship. Perhaps the need for begging would dissipate?

Clarification is required on what is included in the 'impliedly requested by conduct'? Could you be accused if you were seen by members of the public to be short of funds for a public transport fare?

5. Not behave either individually or in a group of two or more people in a manner that has resulted or is likely to result in any member of the public being intimidated, harassed, alarmed or distressed by that behaviour.

Do we agree with proposal 5?

Comments: Some of our members have concerns regarding this proposal and its potential to limit freedom of speech. The FAQs seem to clarify that 'legal pickets and protests' will not be effected by the PSPO measures – this would not be included specifically in the order but clarity on this issue could be lost over time. It is not clear who the 'authorised officers' would be to have this responsibility. Security guards are more likely to act in the interests of their employer rather than using objectivity and discretion to manage a situation.

6. Persons within this area who breach Prohibition 5 while in a group shall when ordered to do so by an authorised officer disperse either immediately or by such time as may be specified and in such a manner as may be specified.

Do we agree with proposal 6? NO

Comments: Generally speaking, the proposal that fixed penalty notices of £100, and then £1000 if not paid, is pointless if trying to target vulnerable adults and street homeless (many who have limited resources or who will spend their money on their addictions). This approach will not work for some – any penalties need to be more thought through, flexible and appropriate and assistance provided in order to help the person with their homeless situation.