

PSPOs: the new control orders threatening our public spaces

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This year has seen a growing number of councils proposing Public Space Protection Orders - a geographically defined version of asbos that could severely restrict people's freedoms in urban spaces

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A new form of spatial control order is being introduced throughout England and Wales that severely limits citizens' freedoms within the city.

Public Space Protection Orders, or PSPOs, came into existence last year under the Anti-social Behaviour, Crime and Policing Act 2014. Similar to the much-derided anti-social behaviour orders (asbos), PSPOs allow for broad powers to criminalise behaviour that is not normally criminal. But where asbos were directed at individuals, PSPOs are geographically defined, making predefined activities within a mapped area prosecutable.

Following on from my recent piece about growing concern over privately owned public spaces (Pops) in towns and cities, this is an important and related issue because PSPOs are being applied primarily to public spaces - and because, as Josie Appleton of the Manifesto Club writes, the 2014 guidance "places minimal restrictions on the uses of PSPOs, leaving it open for these powers to be targeted against public activities that are merely considered unusual or unpopular, or with which the council disagrees".

This year has already seen one PSPO battle in Hackney, where the council attempted to make rough sleeping a criminal offence within a designated area. Under pressure from local groups, and served with an 80,000-signature petition, the council withdrew the proposal in June. However, the Manifesto Club outlines dozens of other PSPOs that have gone into effect or are currently undergoing consultation.

Dover District Council created a PSPO in July requiring that dogs be kept on leads under threat of criminal prosecution. In Kensington and Chelsea, consultation is ongoing on an order that would make driving loud cars an offence, targeted at rich foreigners cruising the area in Maseratis and Lamborghinis. In Oxford, the council passed a PSPO that prohibits people under the age of 21 from entering a specific tower block, Foresters Tower. Bassetlaw District Council has created a PSPO that prohibits "under 16 year olds ... gathering in groups of three or more". Although PSPOs are often broad in spatial scope, they can be targeted directly at particular groups or activities.

I recently visited Croydon, where the council is considering an extensive PSPO. Peeking over the edge of the overpass at George Street and Wellesley Road from a traffic island, I asked Peter Underwood, a Croydon resident standing for the Green party in next year's London Assembly elections, if we could walk the boundary of the proposed protection order. Looking east toward number No1 Croydon, locally known as the 50p building, and then circling around, he looked back at me and said "how much time did you say you have?"

Ambling to a nearby wayfinding kiosk on the pavement, Underwood drew a line with his finger over the streets of the map, showing me that the proposed area will cover something like 4km of space in central Croydon - including not just the epicentre of the Westfield and Hammerson redevelopment that will subsume the existing Whitgift and Centrale shopping centres in 2019, but also the Queen's Gardens, Duppas Hill Park, Wandle Park, Park Hill, a swathe of residential areas ... and (at this point he tapped the map significantly) the Croydon council building. Underwood explained that, under the proposed PSPO, this could mean local people's ability to protest outside the council offices is curtailed.

PSPOs are often aimed at the poor and the vulnerable, which is why community groups in Hackney fought that order with such vigilance. In Croydon, by contrast, a public engagement exercise, completed on 19 August, appears to have ended without much ado. In fact, the only reason I became aware of it was because Roland Karthaus, an architect who teaches at the University of East London (UEL), had been working with Peter Bradley from the Speakers' Corner Trust to explore the possibility of creating a new speakers' corner as part of the Croydon redevelopment.

Bradley told me the council had initially been enthusiastic and supportive about the idea, and also generally about retaining public space on North End, Croydon's high street. However, after the council began negotiations with the Westfield and Hammerson redevelopment team, it seemed to become more anxious about both.

Karthaus explained that "the simple principle of a speakers' corner is that a member of the public may take up the opportunity to do or say whatever they wish, offensive or otherwise, providing it is within the law". This may conflict with Croydon's proposed PSPO, which could allow for criminalisation of public speech that could be considered "anti-social" or a "nuisance". But Helen Parrott from Croydon Council assured me the local authority remains "supportive of Speakers' Corner" and is "currently in discussion with the trust regarding its proposals for the borough".

Given the new development, I wondered whether the proposed protection order was paving the way for North End to become privatised. Richard Sunderland from Westfield and Hammerson assured me that "North End will ultimately remain under the council's control and management". The council also verified this. I then asked Sunderland about the relationship between the redevelopment and the PSPO and he told me: "It's all part of the process of cleaning up the town centre; it's all part of the regeneration of Croydon."

Underwood, though, has long suspected the redevelopment triggered the proposed protection order. "Since they announced the development plans," he said, pointing to a clutch of cranes and developer flags flapping over colourful construction hoardings,

“we’ve been flooded with proposals - for the PSPO, for rerouting the tram system, for an additional flyover. The whole centre of Croydon will be ripped up and rebuilt.”

Underwood has attempted to rally public opposition to the protection order, and observed that “the public engagement exercise did not ask residents whether they thought the PSPO was appropriate or necessary, but rather asked them what sorts of behaviours should be included”.

The broad implications of PSPOs for public space are concerning. As Janet Davis of the Ramblers writes, “we fear that PSPOs make it all too easy for local authorities to restrict access to public spaces”. Anna Minton, author of *Ground Control: Fear and Happiness in the Twenty-First Century City*, takes it a step further and suggested to me that “PSPOs represent a serious ramping up of the control of public space. The privatisation of public space brings with it a host of undemocratic controls on access and behaviour - but PSPOs are at least as concerning, as they are a legislative means of restricting the right to behave freely under the law within city space, regardless of whether it’s public or private. I wonder if this legislative framework is the next step on from Pops.”

As was made clear in Hackney, there has been public apprehension about and opposition to these protection orders, which are beginning to resemble spatial asbos, but that is not slowing their deployment.

Standing on Croydon’s North End between a female street preacher with a portable PA system and a guy carving a dog sculpture out of beach sand on a tarp - both activities that could in theory be criminalised under the proposed PSPO - I asked Underwood why there had not been much of a pushback from Croydon residents about the PSPO. “It’s a fog sweeping in rather than a wall being built right in front of you,” he said, “so it’s hard to know at what point to kick off. For now, all we can do is keep trying to raise awareness.”

Greater public awareness on PSPOs is needed - in part because they effectively outsource policing to private security, allowing “an authorised person” to issue fines and initiate prosecution. Furthermore, fines can be given out where there may have been a contravention, not where one has definitely taken place; so the process is a bit like a forced plea bargain - if a private security guard, potentially employed by a property developer, thinks you may have violated the PSPO, you must pay the fine or face prosecution.

Croydon Council plans to run a formal consultation on its PSPO in the coming months. In the meantime, Bradley and Karthaus are continuing their discussion with the council about having a speakers’ corner as part of the North End redevelopment. As Bradley explained: “Places where people gather have never just been about the exchange of goods and services; they have also been places where beliefs and opinions are traded.”

If, following the German sociologist Jürgen Habermas, the public sphere is where individuals can come together to freely discuss and identify societal problems, and thus influence political action, then introduction of spatial protection orders - like the construction of privately owned public spaces - is a threat to the public sphere wherever they curtail our ability to do so.

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