

### **1. What is a Public Space Protection Order (PSPO)?**

A Public Space Protection Order (PSPO) is a power under the Anti-Social Behaviour, Crime and Policing Act 2014. It is intended to allow a council to deal with a particular nuisance or problem behaviours that are detrimental to the local community's quality of life in a particular area. It allows councils to impose either restrictions or requirements in that particular area, or blanket restrictions that will apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces safe from anti-social behaviour. Haringey Council has trialled the use of PSPOs since 2017 for anti-social behaviours such as street drinking and dog control in certain areas affected by these behaviours.

### **2. Who can make a PSPO?**

Councils can issue a Public Spaces Protection Order (PSPO) after consultation with the Public, Police and Crime Commissioner and other relevant bodies.

### **3. What restrictions are being proposed for the borough-wide PSPO?**

The behaviours are related to anti-social behaviour and we are proposing the conditions below to seek to protect the public from the negative or determinantal impact of the behaviours below (1-7).

- i Not to commit Alcohol Related Nuisance/Anti-Social Behaviour
- ii Not to cause harassment, alarm, or distress to any individual(s) by committing anti-social behaviour (Offensive Language, acting in an aggressive manner)
- iii You must pick up all dog fouling belonging to your dog - Prevention of fouling of Land by Dogs (Control of Dogs)
- iv Not to misuse or share with others any Psychoactive Substances (spice, nitrous oxide gas canisters, and other substances known for legal highs) or marijuana/weed in a public space; nor be in possession in a public place of any drug paraphernalia for example cannabis grinders or crack cocaine pipes.
- v Not to urinate, defecate or spit in a public place (Persons not using toilets in public spaces appropriately, persons spitting in public places to cause alarm and health concerns and persons littering in public spaces)
- vi Not to be in possession of or misuse fireworks in any public space in Haringey unless individually licensed by the council.
- vii Not to ride a bicycle, moped, e-scooter or e-bike in the restricted area, on pavements and/or in a manner likely to cause obstruction, alarm, distress or annoyance to members of the public or cause criminal damage.

### **4. What are the proposed areas that will be covered by the PSPO?**

The proposed creation of the PSPO we are consulting on is inclusive of covering all public spaces within the London Borough of Haringey "The designated area" refers to any public space which the public or a part of the public has access (S 74(1) of the Anti-Social Behaviour, Crime and Policing Act 2014). This can be with payment, or with express or implied permission. This can include businesses and communal areas of housing blocks but excludes residential premises.

### **5. How long is a PSPO in place for?**

A PSPO when created can be in force for three years from the date it is implemented. Any changes to the PSPO area or additional restrictions will require further consultation.

**6. What do you mean by Alcohol Related Nuisance and Anti-Social Behaviour**

The proposal is aimed at helping to deal with behaviour such as public intoxication, being rowdy and inconsiderate, swearing and shouting, urinating in the street or any other behaviour that is considered to be detrimental, such as discarding alcoholic beverages or gathering and loitering on public benches making other users of public spaces feel uncomfortable and unsafe.

**7. What conditions will be included in the Alcohol Nuisance and Anti-Social Behaviour PSPO?**

The conditions that will be included in the PSPO Alcohol Nuisance and Anti-Social Behaviour are outlined below:

- i Any person is prohibited from, at any time, consuming alcohol or having an open alcohol container, in any public place within the restricted area.
- ii Any person who without reasonable excuse continues consuming alcohol in the restricted area when asked to stop by a an authorised officer of the authority, Police Officer, Police Community Support Officer under Section 63 of the ASB Crime and Policing Act 2014 or fails to surrender anything in his / her possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol is liable on summary conviction to a fine not exceeding level two on the standard scale or if in receipt of a Fixed Penalty Notice to a penalty of a maximum of £100.
- iii This is subject to the following exemptions:
  - a. Any Licensed premises (this includes pubs restaurants and clubs)
  - b. Any Licensed events (including temporary events)
  - c. Any religious ceremonies where consumption of alcohol is a considered an acceptable part of the service associated with the venue.

**8. Does this mean I can't drink alcohol outside?**

No. The proposed order would restrict drinking in a public place if an officer believes that there is, or could be, anti-social behaviour in the area linked to drinking alcohol. The container can be removed whether open or not. This does not include areas covered by an alcohol premises licence, such as tables and chairs outside a pub.

**9. Why introduce an alcohol related street drinking PSPO?**

The majority of residents, visitors and people who live and work in the borough choose to drink socially and behave responsibly. However, there are some people who do not drink alcohol responsibly and this can impact on the local community.

The council and its partners have already tried a number of interventions to reduce alcohol and street drinking related nuisance and anti-social behaviour. These have included enforcement and engagement with those identified as acting this way. However, this has not completely reduced the problem sufficiently.

The PSPO powers used to control street drinking since 2018 have worked by giving the Police and the council additional powers to tackle the individuals responsible.

**12. What enforcement action will be taken?**

Our officers will investigate all incidents and if the behaviour is causing a nuisance, advice will be given to the person. Officers who can enforce the PSPO are authorised council

officers, Police Community Support Officers (PCSOs) and Police Constables. If an individual is found to breach any of the conditions an authorised officer may issue a fixed penalty notice to anyone he or she believes has committed an offence. A person committing an offence will have 14 days to pay the fixed penalty of £100. However, if someone persistently breaches this order, they could receive more formal action which could include either a Community Protection Notice, a Criminal Behaviour Order or a Civil Injunction - in some cases this could mean unlimited fines or even imprisonment. Failure to comply with the order if prosecuted is an offence carrying a maximum fine of £1000. Breaching a PSPO is a criminal offence. (Where applicable an authorised Officer may give a Direction, being advice to follow or adhere or requirement to disperse from a given area where anti-social behaviour is being caused/reported).

**13. How will the PSPO be enforced – Do the police and council have the resources and capacity?**

It is not anticipated that the council and the police will provide 24 hours monitoring of a Borough wide PSPO. It is hoped that restrictions will serve as a deterrent, to prevent the problem recurring. By having the Order in place, it equips authorised officers, when encountering nuisance to use this power to stop the nuisance and/or give warnings/advice to those engaging in the unwanted behaviour, to prevent recurrence. Whilst the council and the police may not be able to directly respond to every individual report of breaches, enforcement services will utilise reports and community intelligence to inform planned activities and operations.

**14. Is there a danger that this power could easily be misused against a harmless social gathering where people were enjoying some alcoholic drinks?**

The proposed order is not imposing a blanket restriction on alcohol in public spaces. It will not be an offence to drink alcohol in the restricted area. The PSPO will be used to tackle anti-social behaviour resulting from the consumption of alcohol. It is the desire to reduce the nuisance caused that an authorised officer may request that an individual stop drinking or surrender the alcohol in their possession. The offence which can result in enforcement (the issuing of a fine) is where an individual fails to comply with this request. Any required interventions would also be explored e.g. advice/signposting to support. However, any history of persistent engagement in this restricted behaviour without reasonable excuse would also be taken into consideration.

**15. Is there a danger that these orders could impact on already vulnerable or marginalised groups.**

The PSPO will not be used to target any particular group and there is no evidence of enforcement of PSPOs within the Borough being used to target any particular groups. Nor does the data available support that, ethnic minorities or particular age groups, are more likely to be engaging in the behaviours the proposed PSPO is seeking to restrict. The need to tackle anti-social behaviour, respond effectively to complaints from the public and take action against detrimental activities, to ensure the safety of the public, outweighs the negative impact this could have on any particular group, which is the issuing of a fine or prosecution. The Council acknowledges the prominence of street drinking, alcohol and drug consumption amongst the street homeless population and other disadvantaged groups and we will continue to work in partnership with support and outreach services to engage with relevant groups and undertake preventative and supportive initiatives in the first instance. Authorised officers will

give consideration to the needs of the individual and personal circumstances, in order to make an informed, balanced and equitable decision as to the appropriate action to take.

**16. Who will be able to enforce the order?**

Orders can be enforced by an officer authorised by the Local Authority including PCSOs and a Police Constable

**17. How will the PSPO be enforced?**

If an individual is found to be engaging in any behaviour either prohibited or a condition of the PSPO, they may be warned initially. Breach of a PSPO is a criminal offence. The penalty for breach of a PSPO can be a Fixed Penalty Notice of £100 and if appropriate: The court can impose a fine of (up to level 3) £1000. An application for a Criminal Behaviour Order can be made as a result of a PSPO breach.

**18. I have been given a fixed penalty notice. Does this mean I have a criminal conviction?**

No, you do not have a criminal conviction if you pay the fixed penalty issued to you.

**19. I don't believe I committed an offence**

If you believe you have not committed an offence, you have the choice of not paying the penalty notice and challenging our police partners, or delegated officers' evidence in court.

**20. I believe that the officer was rude to me**

A complaint about the officer's conduct is not a reasonable defence and the penalty should still be paid. If you want to make a complaint about the officer's behaviour, then this should be made using our normal complaints procedure.

**21. If I get a Fixed Penalty Notice, how long do I get to pay?**

A constable or authorised person may issue a Fixed Penalty Notice to anyone he or she believes has committed an offence. A person committing an offence will have 14 days to pay the fixed penalty of £100 failing which they may be prosecuted. The person issued with the penalty may appeal or make representation to the Issuing authority if they are struggling to pay or believe the offence did not occur.

**22. Prosecution at the Magistrates Court**

A decision may be made to prosecute a person for the offence of breach of the PSPO. This may occur as a result of non-payment of the Fixed Penalty Notice or where the individual is repeatedly in breach of the PSPO and it is decided that the Magistrates Court is best placed to determine the matter.

When appearing at the Magistrates Court the defendant is required to pay a court fee. A guilty plea typically incurs a charge. The charge varies depending on whether the case goes to trial and the seriousness of the offence.

Depending on the circumstances, the court may also decide to punish the defendant by use of a fine. The court must also impose the victim surcharge used to assist support agencies. Magistrates are able to require a person to engage in positive activities by granting a Criminal Behaviour Order (CBO), applied for by the prosecuting authority on

conviction of a criminal offence. Such an order may include prohibitions to stop the behaviour reoccurring and/or include positive requirements. For example, there could be a requirement to engage with a support service relating to the reoccurrence of the offence.

**23. Where do I go for more information?**

Information about Public Spaces Protection Orders can be found in section 2.5 of the Home Office document Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals Revised in March 2023 [\[Title\] \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)

**24. How will the decision be made?**

The survey responses will be analysed, and the results reported to the council. There has already been a great deal of evidence gathered that has highlighted the impact on individuals and businesses of the types of incidents that the Public Space Protection Order (PSPO) is trying to address. An update report will be submitted to the Cabinet this PSPO progress and implementation status in and around June 2024

**25. When is the consultation taking place?**

The consultation will start on 25 March 2024 and you have until the 2 August 2024 to participate.