

APPENDIX 1

Draft

**Haringey Borough Wide
Public Spaces Protection Order**

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PART 4, SECTION 59

PUBLIC SPACES PROTECTION ORDER

Notice is hereby given that the London Borough of Haringey exercise of its powers under Section 59, 60, 64 and 72 of the Antisocial Behaviour, Crime and Policing Act 2014 ("the Act") hereby makes the following Order:-

The London Borough of Haringey

Borough Wide Public Spaces Protection Order

1. The Order shall come into operation on (to be determined) 2024 and shall have effect for a period of 3 years thereafter, unless extended by further orders under Haringey Council's (hereafter 'the Council') statutory powers.
2. The Order relates to any public place to which the public, or any section of the public has access to in the whole of the London Borough of Haringey as shown on the attached borough map (the restricted area).
3. The Council is satisfied that the conditions set out in Sections 59, 64 and 72 of the Act have been met, and that it is, in all the circumstances, expedient to make this order. The order is required to reduce the detrimental effect of crime and anti-social behaviour in the Restricted Area, which has had a detrimental effect on the quality of life of those in the locality and to reduce the risk of this reoccurring. The effect or likely effect of the anti-social behaviour and crime in the Restricted Area is of a persistent or continuing nature such as to make it unreasonable, and justifies the restrictions imposed by this Order.
4. The activities described below are hereby prohibited as from the date of this Order.

Prohibition 1

- i. Consuming intoxicating liquor (alcohol) in a public place and acting in a manner that is causing or is likely to cause alarm harassment or distress, commits an offence.
- ii. **Being in possession of an open vessel(s) of intoxicating liquor in a public place.**
- iii. Any person who, without reasonable excuse, continues consuming alcohol (or anything reasonably believed to be alcohol) in the restricted area when asked not to do so by an Authorised Officer, Police Officer or a Police Community Support Officer, commits an offence.
- iv. Any person who, without reasonable excuse, fails to surrender any alcohol in their possession (or anything reasonably believed to be alcohol) when asked to do so by an Authorised Officer, Police Officer or a Police Community Support Officer commits an offence.

Prohibition 2

- i. Any person who, without reasonable excuse, uses, shares, or supplies others with any psychoactive substances (including Spice and other substances known for legal highs) or marijuana/weed, in any public place within the restricted area, commits an offence.
- ii. Any person who is in possession of any drug paraphernalia (including cannabis grinders or crack cocaine pipes), in any public place within the restricted area, without reasonable excuse, commits an offence.

Exemptions: The prohibition is not to be enforced where a person has a prescribed medical need for personal medication for example an Epinephrine injector (EpiPen).

Prohibition 3

Any person who, without reasonable excuse, behaves in a manner that causes, or is likely to cause, harassment, alarm, or distress to any person(s) commits an offence. Examples of such behaviour include use of offensive, threatening or abusive language.

Prohibition 4

This relates to the offence of fouling of land by dogs. The public health implications of dog fouling are well documented.

If a dog defecates at any time in the restricted area, the person who is in charge of the dog at that time must have with them an appropriate means to pick up dog faeces deposited by that dog and remove the faeces from the land forthwith and appropriately dispose of it, unless they have a reasonable excuse for failing to do so; or the owner, occupier, or other person or authority having control of the land has consented (generally or specifically) to them failing to do so.

The obligation to have appropriate means of picking up dog faeces is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate means of picking up dog faeces. Placing the faeces in a receptacle on the land which is provided for this purpose, or for the disposal of waste, shall be a sufficient removal from the land.

Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces, shall not be a reasonable excuse for failing to remove the faeces;

Exemptions: This prohibition is not to be enforced against

- (a) A person who is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or

- (b) a person with a disability that affects their mobility, manual dexterity, physical coordination, ability to lift, carry or otherwise move everyday objects, who are in charge of an assistance dog trained by a relevant charity.

Prohibition 5

Any person who urinates, defecates or spits in the restricted area, without reasonable excuse, commits an offence.

Prohibition 6

Any person who rides 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 by their use, commits an offence.

Prohibition 7

Any person who lights a firework in any public space in the restricted area commits an offence unless that person, or organisation, has a licence from Haringey Council permitting this to happen in that location.

7. If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within 6 weeks from the date on which this Order is made.
8. A person is guilty of an offence under section 67 of the Act if they breach the . restrictions of this public spaces protection order by entering the area referred to above. A person guilty of an offence under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
9. A constable or an authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67 of the Act in relation to a public spaces protection order by entering the area referred to above. Where a person is issued with a notice under this section in respect of an offence
 - a) An amount specified under subsection (5) (c) is £100 payable to London Borough of Haringey.
 - b) No proceedings may be taken for the offence before the end of the period of 14 days following the date of the notice.

- c) The person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- d) If the fixed penalty is not paid before the end of the period referred to above they may be prosecuted as referred to in paragraph 9 above. A copy of the Order and map may be obtained by contacting ASB Enforcement team at 0208 489 1000. Alternatively, the Order can be seen at www.haringey.gov.uk

Date: _____ 2024

Haringey Borough Map (the restricted area) – delineated in RED

