

Report for: Cabinet Member Signing

Title: Approve extension (and variation where it applies) of the Bounds Green, Bruce Grove, Harringay, Noel Park, Northumberland Park, Seven Sisters, St Anns, Tottenham Green, Tottenham Hale, West Green and Woodside Wards Alcohol Control PSPO's

Report authorised by : Barry Francis, Director of Environment and Resident Experience

Lead Officer: Eubert Malcolm, Assistant Director, Stronger & Safer Communities (020 8489 5520 eubert.malcolm@haringey.gov.uk)

Ward(s) affected: Bounds Green, Bruce Grove, Harringay, Hermitage & Gardens. Noel Park, Northumberland Park, St Ann's, Seven Sisters, South Tottenham, Tottenham Central, Tottenham Hale, Woodside, West Green

**Report for Key/
Non-Key Decision:** Key

1. Describe the issue under consideration

- 1.1 The Council's existing 11 Public Space Protection Orders (PSPO) for the control of alcohol in specified roads in Haringey expires on 18th October 2023.
- 1.2 On 11th of September 2023 the Lead Member for Community Safety and Cohesion ratified the approval made by the Director of Environment and Resident Experience on the 8th of August 2023 decision to consult on the extension and variation of the existing PSPOs and the purpose of this report is to present the outcome of the consultation and to seek approval for the extension of the PSPO to 30 April 2025.

2. Cabinet Member Introduction

- 2.1 The PSPO has been in place for the last 6 years and has been used successfully to limit the detrimental impact of irresponsible alcohol consumption and I believe it is important that we continue to use this tool, and I am pleased to see that the extension also has the support of the public. I am, therefore, happy to bring forward this report to extend the current PSPO for the control of alcohol until 30 April 2025.
- 2.2 As the Cabinet Member for Community Safety and Cohesion, I am supportive of the proposals contained in this report.

3. Recommendations

- 3.1 The Cabinet Member for Community Safety and Cohesion is being asked to;

- a) Extend the existing alcohol control PSPO's in
- I. Bounds Green Ward (*Appendix C*),
 - II. Harringay Ward (*Appendix D*),
 - III. Noel Park Ward (*Appendix E*),
 - IV. Tottenham Hale Ward (*Appendix F*),
 - V. Woodside Ward (*Appendix G*)
 - VI. West Green Ward (*Appendix H*).
- b) Extend and slightly vary Bruce Grove PSPO so that it encompasses the roads within the formally named Bruce Grove Ward and the existing Tottenham Central Ward as outlined in the attached schedule (Bruce Grove Public Space Protection Order) *Appendix I*.
- c) Extend and slightly vary Northumberland Park Ward PSPO so that it encompasses the roads within Bruce Castle Ward as outlined in the attached schedule (Northumberland Park Public Space Protection Order) *Appendix J*.
- d) Extend and slightly vary the Seven Sisters Ward PSPO so that it encompasses the roads within Seven Sisters Ward, South Tottenham Ward and Hermitage Gardens Ward as outlined in the attached schedule (Northumberland Park Public Space Protection Order) *Appendix K*.
- e) Extend and slightly vary the St Ann's PSPO so that it encompasses the roads within Seven Sisters Ward, South Tottenham Ward and Hermitage Gardens Ward as outlined in the attached schedule (Northumberland Park Public Space Protection Order) *Appendix L*.
- f) Extend and slightly vary the Tottenham Green Ward PSPO so that it encompasses the roads within Seven Sisters Ward, South Tottenham Ward and Hermitage Gardens Ward as outlined in the attached schedule (Northumberland Park Public Space Protection Order) *Appendix M*

4. Reasons for decision

- 4.1 Despite some reduction in incidents of alcohol related ASB (anti -Social Behaviour) still occurs. There are seasonal increases in reports of activity within the identified areas, which shows there is an ongoing need for the PSPO to remain in place. Local residents, businesses and other stakeholders continue to express concerns about alcohol related ASB. The reports received from residents' businesses, include that groups of men and women drink alcohol, break glass bottles, throw litter and waste on the ground, including urinate in the area. The enforcement service regularly receives reports about alcohol related ASB. It is not unusual for the reports to include other (noise, spitting) ASB activities. As a result, the reports are often logged under other (noise, drugs, litter) ASB categories which can make pulling accurate Alcohol consumption ASDB data challenging. There is a need for extending and varying the PSPOs to help ensure that the law-abiding majority can safely use and enjoy public spaces. They were introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 and are intended to deal with behaviours that are detrimental to the

local community's quality of life, by imposing conditions on everyone using the area.

- 4.2 On 20th October 2017 Haringey replaced its Designated Public Places Orders (also known as Alcohol Control Zones) with PSPOs, with requirements and prohibitions mirroring the previous conditions. Following an extensive consultation process in 2020 the PSPOs were subject to some geographical expansion and extended to 19 October 2023.
- 4.3 There are separate PSPOs which cover specified roads within 11 wards. Although some Ward names and boundaries were changed on 5 May 2022 this did not impact on the specified roads covered by the PSPOs.
- 4.4 The PSPO may be extended more than once if the local authority is satisfied on reasonable grounds that doing so is necessary to prevent:
 - (a) occurrence or recurrence after that time of the activities identified in the order, or
 - (b) an increase in the frequency or seriousness of those activities after that time.
- 4.5 Initial discussion with the Police, Councillors and other community representatives have indicated that there is an appetite to consider varying and possibly expanding the conditions of the PSPO to address wider community concerns. To enable full, meaningful consultation and co-production of future conditions, the views of the public on extending the current PSPO were sought and 95%, 40 out of 42, of respondents agreed with this approach.
- 4.6 It is expected it will take approximately 12 months to fully investigate the issues that have been raised and undertake full, meaningful consultation and co-production of any future PSPO prohibitions. It is therefore proposed to extend the current PSPO to 30 April 2025.
- 4.7 A Public Spaces Protection Orders (PSPO) sets clear conditions for the use of the specified public areas. It enables officers authorised by the Council and Police Officers to engage individuals and educate them about their responsibilities regarding the consumption of alcohol and give them an opportunity to comply with the condition. If an individual refuses to engage and comply the officer can take further action, such as confiscating the alcohol and disposing of it or and issuing a Fixed Penalty Notice (FPN), if appropriate.
- 4.8 This is an important tool for the local authority to ensure that public spaces and amenities are clean and can be used safely.

5. Alternative options considered

- 5.1 Not to extend the PSPO.
If the PSPO conditions were to expire it would be necessary to remove all related signage and it is likely that the issues it was introduced to address will recur.

- 5.2 The expiration of the PSPO would also limit the options for Council and Police officers to take action to address behaviours that have a detrimental effect on the local community.
- 5.3 Allowing the PSPO to expire is not recommended.

6. Background information

- 6.1 The PSPO sets clear conditions for people whilst they are using public areas. Signs are strategically placed around the area in which the PSPO is effective ensuring those using the public space are aware of their responsibilities.
- 6.2 The existing alcohol control PSPO in specified roads and locations enable authorised officers to require a person who is drinking alcohol or carrying alcohol in an open container to either surrender their alcohol, pour it away or not to continue to drink the alcohol. If an individual fails to comply with the request without reasonable excuse they commit an offence and are liable on summary conviction to a fine of up to £500, or they have the opportunity to discharge their liability for prosecution by accepting a Fixed Penalty Notice of £100.
- 6.2 As the current PSPO has been in place for 3 years and there were no changes proposed to the existing conditions or coverage, necessary consultation was undertaken in accordance with section 73(4).
- 6.3 Consultation was undertaken online and asked if the respondent agreed to extending the current control of alcohol PSPOs for up to 18 months. Respondents were encouraged to explain their responses and to provide any information to help the local authority understand if there were any things that should be considered in the future with equalities considerations in mind.
- 6.4 There were 42 respondents and 95% (no.40) supported the extension. The comments provided by respondents are largely supportive and are summarised below, the full responses are provided in Appendix A.
- 5 the PSPO will help people feel safer and tackle ASB.
 - 13 expressed support to extend the PSPO conditions or cover.
 - 5 supported additional enforcement.
 - 1 noted they hadn't noticed a problem.
- 6.5 There were no specific issues raised by the respondents who did not support the extension.
- 6.6 No issues were raised by respondents in relation to any equalities impact.
- 6.7 Required consultation was also undertaken with the Metropolitan Police Service and confirmed their support of the extension.

6.7 The Haringey Alcohol Needs Assessment clearly shows the wide-ranging impact that problematic alcohol consumption can have on an individual and their behaviour towards others. The purpose of the PSPO is to encourage compliance with the conditions to minimise the risk of harm to the individual and the community, providing a cleaner and safer public space for all users.

7. Contribution to the Corporate Delivery Plan 2022-2024 High level Strategic outcomes

7.1 The Alcohol Control PSPO contributes to the strategic themes of a Safer borough and Place and economy by helping to maintain clean public spaces that are welcome and safe for residents and visitors to enjoy.

8. Carbon and Climate Change

8.1 There are no direct carbon or climate decisions arising from this consultation or the proposed PSPO extension.

9. Statutory Officers comments (Director of Finance (procurement), Head of Legal and Governance, Equalities)

9.1 Finance

This report is for Cabinet to approve the recommendations as set out in para 3 of this report.

The costs associated with manufacturing and installing temporary Alcohol Control PSPO warning signage are expected to be around £1,000 and will be met through existing budgets.

9.2 Procurement

Procurement notes the contents of this report and confirm there are no procurement related matters preventing the Cabinet Member for Community Safety and Cohesion agreeing the recommendations in paragraph 3 above.

9.3 Head of Legal & Governance Michelle Williams

The Head of Legal and Governance has been consulted in the preparation of this report and comments as follows.

The existing PSPOs will be 3 years old on 18 October 2023. They cannot have effect beyond that date because s60 of the Anti-Social Behaviour Crime and Policing Act 2014 ("the Act") Limits the duration of a PSPO to 3 years unless extended. however, there can be more than one extension.

Section 60(2) of the Act requires the Council to give effect to the extension before the existing PSPOs expire. Before extending the Council must be satisfied on reasonable grounds that doing so is necessary to prevent:

- a) occurrence or reoccurrence after that time of the activities identified in the order or
- b) an increase in the frequency or seriousness of those activities after that time

Section 72 (3) of the Act requires the Council to conduct the necessary consultation before extending varying a PSPO. This means consulting with:

- a) the Chief Officer of police and the local policing body
- b) whatever community representatives the local authority thinks appropriate to consult with
- c) the owner or occupier of land within the restricted area where practicable.

The following principles of consultation **that** were set out in the Supreme Court case of R (on the application of Mosely) v London Borough of Haringey must be followed. First, a consultation has to be at a time when proposals are still at a formative state. Secondly, the proposer has to give sufficient reasons for any proposal to permit intelligent consideration and response. Thirdly, adequate time has to be given for consideration and response, and finally, the product of consultation had to be conscientiously taken into account in finalising any statutory proposal or reaching a decision. The process of consultation has to be effective and looked at as a whole, it has to be fair. The Consultation that was conducted has complied with these legal principles and the Government Code of Practice on Consultation.

The Lead Member must take account of the representations made during the consultation period and the objections received in deciding whether to extend and vary the PSPOs.

9.4 **Equality**

The council has a Public Sector Equality Duty (PSED) under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not

The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith,

sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.

The Alcohol Control PSPO has been in place for 6 years and no equalities issues have been raised during that time or through the consultation process, therefore, no further equalities impact assessment is required.

10. Use of Appendices

11. Appendix A – Alcohol Control Consultation PSPO Report
12. Appendix B - Equality Impact Assessment Screening Tool
13. Appendix C - Bounds Green Draft Public Space Protection Order
14. Appendix D - Harringay Draft Public Space Protection Order
15. Appendix E – Noel Park Ward Draft Public Space Protection Order
16. Appendix F – Tottenham Hale Ward Draft Public Space Protection Order
17. Appendix G – Woodside Ward Draft Public Space Protection Order
18. Appendix H - West Green Ward Draft Public Space Protection Order
19. Appendix I – Bruce Groove Draft Public Space Protection Order
20. Appendix J – Northumberland Park Draft Public Space Protection Order
21. Appendix K – Seven Sisters Draft Public Space Protection Order
22. Appendix L – St Ann’s Draft Public Space Protection Order
23. Appendix M – Tottenham Green Draft Public Space Protection Order

24. Background papers

Anti-Social Crime & Policing Act 2014 - legislation
<http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>

Anti-Social Behaviour, Crime and Policing Act 2014, guidance
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/823316/2019-08-05_ASB_Revised_Statutory_Guidance_V2.2.pdf