

Report for: Cabinet Member Signing

Title: Ratification of the decision to go out to consultation on the extension of the West Green Ward Alcohol Control PSPO

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

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

Ward(s) affected: West Green

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

1. Describe the issue under consideration

- 1.1 The Council existing Public Space Protection Orders (PSPO) for the control of alcohol in specified roads in West Green expires on 18 October 2023. Initial indications from the Police, Councillors and other community representatives are that there is an appetite to consider varying and possibly expanding the conditions of the PSPO to address other behaviours that are having a detrimental impact on the community.
- 1.2 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.
- 1.3 To ensure that the community does not lose the protection afforded by the existing PSPO conditions whilst this process is undertaken, it is proposed to extend the existing PSPO for a period 18 months, to 30 April 2025.
- 1.4 The consultation for the extension of an existing PSPO is simplified as it seeks to capture whether the extension is supported by the community and partner agencies, or not.
- 1.5 On 11th August 2023, the Director of Environment and Resident Experience took a decision to go out to consultation on the extension of the PSPO for a 5-week period from 16 August to 20 September 2023. Ratification of that decision is now required. The consultation will be available online and subject to targeted promotion to partner agencies, key community representatives, groups and forums.
- 1.6 Note that following Ward name and boundary changes the Ward information has been updated. The restricted locations remain unchanged.

2. Recommendations

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

- a) Ratify the decision of the Director of Environment and Resident Experience to consult on the extension of the existing West Green Ward alcohol control PSPO as set out in Appendix A.
- b) Note that following the consultation a further report will be submitted to Cabinet Member for a decision on extending the PSPO.

3. Reasons for decision

- 3.1 A Public Spaces Protection Order (PSPO) sets clear conditions for the use of specified public areas and enables officers authorised by the Council and Police Officers to engage individuals and educate them about their responsibilities.
- 3.2 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.
- 3.3 If the PSPO conditions were to expire it would be necessary to remove all related signage and it is likely that the issues they were originally introduced to address will recur.
- 3.4 The expiration of the PSPO would also limit the options for officers authorised by the Council and Police officers to take action to address behaviours linked to the consumption of alcohol have a detrimental effect on the local community through early intervention and preventative approaches.
- 3.5 Despite some reduction, incidents of alcohol related (Anti-Social Behaviour) ASB still occurs. There are seasonal increases in reports of activity which suggests a need for the PSPO to remain in place. Local residents, businesses and other stakeholders continue to express concern about alcohol related ASB. The reports received from residents and business include that groups of men and women, drink alcohol, break glass bottles, throw litter and waste on the ground, including urinate in the area.
- 3.6 The enforcement service regularly receives reports about alcohol related ASB. It is not unusual for the reports to include other ASB activities. As a result, reports are often logged under other (drugs, litter, noise) ASB categories which can make pulling accurate Alcohol consumption related ASB data challenging.

4. Alternative options considered

- 4.1 Not to consult or extend the PSPO.
This option is not recommended as it is likely the behaviours that it was originally introduced to deter will recur, as outlined in 3.1 to 3.5 above, having a detrimental effect on the local community.

5. Background information

- 5.1 PSPOs 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 the people using that area. They are intended to help ensure that the law-abiding majority can safely use and enjoy public spaces. A PSPO remains in place for three years unless extended or discharged.
- 5.2 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 18 October 2023.
- 5.3 PSPOs may be extended 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.
- 5.4 The PSPO sets out clear conditions for everyone to adhere to and signs are strategically placed around the designated area to ensure those using the space are aware that the consumption of alcohol is restricted. It is important to ensure that it is clear to everybody that the PSPO is valid and current to prevent the original problem behaviours from recurring.
- 5.5 The restricted roads and locations which form the West Green PSPO are:
- Adams Road
 - Belmont Road
 - Downhills Park Road
 - Downhills Way
 - Freedom Road
 - Gloucester Road
 - Griffin Road
 - Keston Road
 - Langham Road
 - Lido Square
 - Moira Close
 - Somerset Close
 - Vincent Road
 - West Green Road
 - Willan Road

Public Rights of Way

- Footpath connecting two footpaths from Frome Road and Mannock Road

Public Parks and Open Spaces managed by Haringey Council

- Downhills Park

6.3 The PSPO enables officers authorised by the Council and Police Officers to engage with people about their behaviour and educate them about their responsibilities, taking action, such as confiscating open containers of alcohol or requiring the individual to dispose of it.

6.4 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.

6.5 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.

6.6 Statutory consultation will be undertaken with the Metropolitan Police and Mayors Office for Policing and Crime, as set out in the ASB, Crime and Policing Act Statutory Guidance.

6.7 Engagement will be carried out using the principles contained in the Governments Code of Practice on Consultations (published in 2012 and updated in 2018). This includes that Consultation must be:

- Clear and concise
- Have a purpose
- Should be informative
- Only part of a process of engagement
- Last for a proportionate amount of time
- Targeted
- Take into account of the groups being consulted
- Agreed before publication
- Facilitate security
- Results published in a timely fashion
- Not launched during a local or national election period.

6.8 As the PSPO is already in place it is considered that proportionate engagement will consist of an on-line self-completion survey. The survey will be available online to everybody; however, targeted promotion of the survey will be undertaken to existing community representatives, groups, and forums. All responses will be considered.

6.9 The consultation will take place between 16 August and 13 September.

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

- 6.1 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.

7. Carbon and Climate Change

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

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

8.1 Finance

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

- 8.1.2 The consultation on this and a number of other similar schemes will be undertaken simultaneously to minimise costs. It is estimated that the full cost for conducting the consultation and analysing the responses are expected to be around £1,000 and will be met through existing budgets.

8.2 Procurement

- 8.2.1 Strategic Procurement note the contents of this report and confirm there are no procurement related matters preventing Cabinet from approving the recommendations in paragraph 3 above.

8.3 Head of Legal & Governance

- 8.3.1 The Head of Legal and Governance has been consulted in the preparation of this report and comments as follows.
The existing PSPO will be 3 years old on 18 October 2023. It 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 PSPO expires. 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 this 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 proposed consultation complies with these legal principles and the Government Code of Practice on Consultation set out in paragraph 6.10 of the report.

Following the consultation, the Council is obliged to take account of any representations made during the consultation period and all objections received must be properly considered by the Lead Member before any order is made final.

8.4 Equality

8.4.1 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

8.4.2 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.

8.4.3 The consultation in relation to this extension will contain a limited number of questions to establish if the extension of the PSPO is supported, or not. Whilst the online survey will be available online, contact will be made with existing community organisations, charities, groups and forums to encourage involvement by their members.

8.4.4 An Equality Impact Assessment Screening Tool has been completed in respect of this decision and concluded that a full Equality Impact Assessment is not required at this time as:

- This proposal is for approval to consult on the extension of an existing PSPO, which has been in place for 6 years.
- In the time the PSPO has been in place, no further equality issues or concerns have been raised.
- Should the consultation give rise to any issues of inequality not yet identified then a full EQIA can be completed in advance of seeking approval for the extension of the PSPO.

9. **Use of Appendices**

Appendix A – Draft West Green Ward Alcohol Control PSPO

10. **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