

Report for: Cabinet Member Signing – Cllr Adam Jogee

Item number: 6

Title: **Haringey Borough-Wide PSPO**

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

Lead Officer: Eubert Malcolm, Assistant Director, Safer & Stronger Communities

Ward(s) affected: All

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

1. Describe the issue under consideration

1.1 There are currently 12 Public Space Protection Orders (PSPO) in the borough. 11 relate to the control of alcohol and one relating to dog control. These were extended on 18th October 2023 for a period of 18 months and will expire on 18 May 2025. The responses in previous consultations on these PSPOs, have expressed a demand for a borough wide alcohol control PSPO. In addition, discussion with the Police, Councillors and other stake holders has indicated an appetite to consider introducing a borough wide PSPO to address other behaviours that are having a detrimental impact on the community. To explore this further the Council undertook a co-design process to obtain the views of residents and other stakeholders. The outcome being support for a borough-wide PSPO for alcohol control and the restriction of other anti-social behaviours having a detrimental impact on the community, environment and the safety of those living, working or visiting the borough.

2. Cabinet Member Introduction

2.1 PSPOs are intended to deal with nuisance or problems in a particular area that are detrimental to the local community’s quality of life, by imposing conditions on the use of that area, which apply to everyone. By addressing specific problematic conduct, PSPOs send a clear message that certain behaviours will not be tolerated.

2.2 Haringey Council has utilised the use of PSPOs to tackle behaviours such as poor dog control and street drinking since 2017. Early discussions with stakeholders, has identified a need to consider a borough wide PSPO to tackle issues of displacement and also to consider addressing a wider range of behaviours that negatively impacts residents’ quality of life.

2.3 A borough wide PSPO will ensure that the police and the council have powers under this legislation to deal with anti-social behaviour. The borough-wide PSPO will

complement existing powers used, to curb anti-social behaviour and by doing so contribute to an overall improvement in the quality of life for residents and help create safer and more pleasant environments for people to live, visit and work.

- 2.4 As the Cabinet Member for Community Safety and Cohesion, I am supportive of the proposals contained in this report to prevent the behaviours which can have a detrimental effect on the lives of residents, businesses and visitors to the borough.
- 2.5 Before making a PSPO, a local authority must carry out the necessary consultation. This means consulting with the chief officer of police and the local policing body, as well as community representatives thought appropriate to consult with, and owner/occupiers of land in the restricted area. The Cabinet Member for Community Safety and Cohesion is requesting the Cabinet approve the decision to consult on the proposed borough wide public spaces protection order. Following the consultation a further report will be submitted to the Cabinet requesting a decision on implementing the PSPO.

3. Recommendations

- 3.1 The Cabinet/Cabinet Member for Community Safety and Cohesion is being asked to approve a 12 weeks consultation in respect of a proposed borough wide PSPO for alcohol control and other detrimental activities as detailed in the proposed PSPO at Appendix 1 and supported through the co-design process.

4. Reasons for decision

- 4.1 The Council's commitment to creating a safer environment for all residents and visitors is clear in its vision for the borough [The Corporate Delivery Plan | Haringey Council](#). To achieve this vision, the Council is proposing the introduction of a borough-wide Public Space Protection Order (PSPO) to address the ongoing issues of anti-social behaviour (ASB) and criminal activity that are currently blighting the lives of residents and businesses in the borough, making residents and visitors feel unsafe and creating an environment that is unwelcoming and unpleasant.
- 4.2 A Public Spaces Protection Order (PSPO) sets clear conditions for the use of specified public areas and enables authorised Council officers and Police Officers to engage individuals and educate them about their behaviour and responsibilities.
- 4.3 Haringey's current PSPO provisions relating to alcohol are limited to certain areas. Noel Park Ward is the only ward which has an alcohol control PSPO in place covering the whole ward. Of the other remaining 10 Alcohol control PSPOs, these only apply to parts of the following wards: Bounds Green, Bruce Castle, Harringay, Hermitage & Gardens, Northumberland Park, St Ann's, Seven Sisters, South Tottenham, Tottenham Central, Tottenham Hale and West Green. With ward

boundary changes in 2023, some of the alcohol control PSPOs had to be renamed as area PSPOs and no longer relate to a single ward; this may confuse residents and visitors to the borough and availability of resources to monitor and enforce the PSPOs can become muddled. There is no alcohol provision in the following wards: Alexandra, Crouch End, Fortis Green, Highgate, Hornsey, Muswell Hill and Stroud Green. Thus, leaving areas without a PSPO, vulnerable to displacement of this activity from areas which are covered by a PSPO.

4.4 In addition, Haringey's neighbouring boroughs, all have borough wide alcohol control provision, thus encouraging the displacement of such activity into Haringey, where our own provision is patchy. Enfield and Barnet have a complete prohibition on the consumption of alcohol in a public space. Islington, Hackney and Waltham Forest have a PSPO that gives the police and authorised Officers of the Council borough-wide powers to confiscate alcohol and request people to stop drinking where there is reason to believe that if they do not, alcohol-related nuisance and annoyance is likely to occur.

4.5 The initial co-design consultation with residents and other stakeholders took place during January 2024. Prior to this period the matter of a borough-wide PSPO was discussed with stakeholders at meetings such as Ward Panels, Ladder Community Partnership (LCSP), resident association meetings, and Neighbourhood Watch Association meetings. The overwhelming feedback from the co-design process is the support for a borough wide PSPO prohibiting alcohol related nuisance and a number of other detrimental, as listed in the draft proposed PSPO in Appendix 1

4.6 Cabinet/ Cabinet Member for Community Safety and Cohesion must consider the outcome of the co-design process in deciding on whether to approve the consultation on a borough wide PSPO.

1.0 Background Information Co-design Consultation Process

1.1 As part of the Haringey Deal, the Council undertook a co-design process with residents, workers and visitors to Haringey, seeking their views on the introduction of borough-wide public spaces Protection Orders (PSPOs). The process included an on-line survey that ran between 10th and 31st January 2024.

1.2 A flyer was produced publicising the co-design consultation, outlining what PSPOs are and included a QR code for the on-line survey. The council held two pop up event (Marcus Garvey Library and Wood Green Library) distributing the flyer and engaging with 66 residents. During the co-design period officers also attended various resident/stakeholder based meetings to advise on the co-design consultation process, distribute the flyer, encourage participation and answer any additional questions residents had with regard to PSPOs and the proposals. These meetings included Ward Panels for Seven Sisters, St Ann's Bounds Green and

Woodside Wards: Ladder Community Safety Partnership, Noel Park Residents Association meeting, Love Finsbury Park (Clear Hold Build). Details of the co-design consultation were also emailed to over 200 services, community groups and organisations, individual stake holders, faith groups and residents' groups to distribute to their users and members.

1.3 Residents and other stake holder were asked whether they were in favour of a borough-wide alcohol control PSPO. In addition, residents and stakeholders were asked if they agreed or disagreed with a number of other detrimental activities also being prohibited through a PSPO.

1.4 The **results of the co-design process**

1. 175 people completed the on-line survey.
2. 79% of respondents were in favour of a borough wide alcohol control PSPO.
3. 83.2% of respondents strongly agreed/agreed that causing harassment, alarm, or distress to any individual(s) by committing anti-social behaviour (offensive language, acting in an aggressive manner) should be part of a PSPO. A further 7.5% of respondents were neutral on this issue.
4. 85.4% of respondents strongly agreed/agreed that urinating, defecating, spitting or littering in a public place should be part of a PSPO. A further 6.8% of respondents were neutral on this proposal. It is noted that Respondents commented that future consultations should seek to separate these issues as views may differ on each issue.
5. 80.7% of respondents strongly agreed/agreed that being in possession of or misuse fireworks in any public space unless individually licensed by the council should be part of a PSPO. A further 10.6% of respondents were neutral on this proposal.
6. 79.5% of respondents strongly agreed/agreed that to ride moped/motorbikes and cause alarm harassment or distress, should be part of a PSPO. A further 10.3% of respondents were neutral on this proposal.
7. 75.7% of respondents strongly agreed/agreed that to smoke any tobacco or tobacco related product, smokeless tobacco product including electronic cigarettes, herbal cigarettes, within the boundary of the children's play areas should be part of a PSPO. A further 14.3% of respondents were neutral on this proposal.

8. 71.5% of respondents strongly agreed/agreed that to misuse or share with others any illegal substances (spice, 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, should be part of a PSPO. A further 13.7% of respondents were neutral on this proposal.
9. 71.4% of respondents strongly agreed/agreed that starting or attempting to build any open fires or BBQs in Green Spaces (without prior written permission of the council), should be part of a PSPO. A further 15.5% of respondents were neutral on this proposal.
10. Although to a lesser extent, the majority of respondents also agreed with the inclusion of the following detrimental activities, indicating that these issues should be addressed through PSPOs targeting specific locations/areas.
 - Engage in or promote or encourage others to promote or deliver any unlicensed music events unless individually licensed in writing by the council – 62% agreed and 18.9% were neutral.
 - Buy and/or sell any merchandise on or within 7 metres of the Public Highway without the written consent from the council (illegal trading) – 56.1% agreed and 24.5% were neutral.
 - Not to buy and/or sell event tickets on or within 7 metres of the Public Highway without prior written consent of the council (ticket touting) – 57.1% agreed and 28.6% were neutral.
 - Congregate in a group of 3 or more people, where one or more person/s have been engaging in anti-social behaviour and at least one member of that group is within the designated area 66.2% agreed and 14.4% were neutral.
11. 44.4% of respondents strongly agreed/agreed that to engage in or encourage others to engage in any filming or making of music videos on council land or without prior written permission of the council should be part of a PSPO. A further 26.9% of respondents were neutral on this issue. It is noted that this is only likely to be perceived as anti-social behaviour by those residents living on council managed estates, where they have been affected by the disorder resulting from the production of gang-related videos. The result of the co-design confirms that this is not a borough wide issue and would be best suited for a PSPO for specific areas where this has been identified as a particular problem.

1.5 The co-design survey also asked respondents to identify any other detrimental activities which they felt should also be considered under the PSPO provision and the

- Drug dealing and drug use including cannabis, aerosols, gas cannisters, NOS, balloons.
- Dog Control: tackling dangerous dogs/aggressive dogs and their owners; training dogs for dog fighting; limiting number of dogs per dog walkers to 3 Allowing dogs; dogs off the lead within 400m of a children's playground; Not cleaning up dog foul if you are the owner. High fines for dog fouling
- Verbal abuse particularly to women
- prostitution
- Loitering in communal areas and stairwells in council blocks
- Aggressive begging, begging at traffic lights, outside shops, stations, around parks.
- Waste & Street enforcement: Bins blocking pavements; Fly tipping, landlord dumping white goods, furniture; graffiti; dumping of rubbish, Litter.
- Noise pollution: cars/motorbikes revving their engines unnecessarily; Busking without consent; Use of megaphone or microphone with speaker; amplified preaching and music.
- Vehicle related nuisance: Cyclists, e-bikes and e-scooters on pavements; Repairs of vehicles on the street/public highway/housing estate land; Residents blocking road to reserve parking spaces; engines idling; e-bikes left blocking pavements; hire bikes abandoned on pavements; congregation of Deliveroo, food delivery drivers.

1.6 Some key supportive comments from the Co-design process are highlighted below:

“Alcohol control PSPO will help make the streets safer for us and our children”

“Unfortunately as the nuisance caused by alcohol related behaviour seems to occur in disparate parts of the borough it will be easier to use a whole borough approach, which will enable authorities to deal quickly with issues arising in new places instead of having to apply for new orders when a problem arises”.

“Excessive drinking and drunken behaviour in public spaces is closely related to high levels of noise all of which disturb the peace and limit enjoyment of public spaces. Behaviour of those drinking excessively can also be very intimidating especially for a women on her own.”

1.6.1 Respondents also raised other concerns:

- i. *“How will it 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.

- ii. *“This power could be 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.

- iii. *The orders will 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, that 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.

1.7 The Co-design consultation report can be found at Appendix 2

6.0 **Alternative options considered**

6.1 Not to consult and to maintain current PSPO provision within the borough until those current provisions expire in May 2025.

This option is not recommended as

- The co-design process and indications from stake holders and partners confirms support for widening the PSPO provisions within the borough in respect of alcohol control and other detrimental activities.

- Without the additional powers under a PSPO it is likely these detrimental behaviours are likely to recur and remain persistent, having a detrimental effect on the local community.

7.0 Public Spaces Protection Orders (PSPOs)

7.1 The aim of a PSPO is to stop individuals or groups committing anti-social behaviour in public spaces. Restrictions and requirements can be placed on an area where activities have or are likely to have a detrimental effect on the quality of life of local people, is persistent or continuing in nature and is unreasonable. These can be blanket restrictions or requirements or can be targeted against named behaviours by certain groups at particular times. The guidance is not specific about what can be included in a PSPO.

7.2 The potential use of a PSPO is very broad and flexible to allow a Council to cover individual circumstances in its area. A PSPO can cover multiple restrictions so one order could prohibit such activities as the drinking of alcohol and dogs on a lead. The PSPO can cover any publicly accessible space within the Council's area, including an area in private ownership to which the public have access.

7.3 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.

7.4 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 of the prohibited behaviour in the restricted area. 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.

7.5 Enforcement will be shared between the Council and the Police. 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. Breach of a requirement to desist in a particular activity is a criminal offence which can result in a £100 fixed penalty notice or a fine of up to £1,000 on conviction. Enforcement can be undertaken by Council officers, and other groups the Council may designate, but principally Police officers and Police Community Support Officers (PCSOs). The Police will additionally have the power of detention. Any enforcement action undertaken by the Council and/or the Police, will fall within the duties of the ASB and Enforcement Service and Police duties and therefore staff costs will be met from existing budgets.

8.0 Proposal for matters to be contained in the PSPO

8.1 Given the above outcomes of the co-design process, it is proposed to consult on the introduction of a borough wide PSPO which will cover:

- Alcohol related nuisance
- Use, share, or supply others with any psychoactive substances (including Spice and other substances known for legal highs) or marijuana/weed nor be in possession in a public place of any drug paraphernalia for example cannabis grinders or crack cocaine pipes.
- Causing harassment, alarm, or distress to any individual(s) by committing anti-social behaviour (offensive language, acting in an aggressive manner)
- Riding/parking mopeds, e-scooters, e-bikes on pavements and/or in a manner likely to cause, alarm, distress and annoyance, obstruction or criminal damage.
- Dog control – pick up after dog.
- Urinating, defecating or spitting in the restricted area, without reasonable excuse.
- light a firework in any public space unless that person or organisation, has a licence from LBH.

8.1.1 The above does not include all activities consulted upon or suggested during the co-design process. This selection has taken into consideration and excluded activities that could/can be addressed effectively through other statutory provisions e.g. Noise nuisance, litter and waste enforcement, parking. Drug related anti-social behaviour and crime is a major issue in the borough and whilst the Police have criminal powers in respect of drug-related activity, often the threshold is too high for effective prosecution in many instances. Therefore, drug related nuisance is being proposed as a restriction for the borough-wide PSPO to further assist in deterring people from engaging in this behaviour. The PSPO is an effective deterrent tool, by incorporating an initial element of education and advice, which works towards preventing escalation of behaviour and the criminalisation of individuals. Other activities supported and/or raised through the co-design process will be assessed further and presented at a later date for consideration for area specific or targeted PSPOs.

The draft full order is attached at Appendix 1

8.2 Drug and Alcohol related nuisance

The enforcement service regularly receives reports about drug and alcohol related ASB. It is not unusual for the reports to include other ASB activities. As a result, reports are often logged under other (nuisance, litter, noise) ASB categories which can make pulling accurate drug and alcohol related ASB data challenging. In

addition, data is related to initial reports/cases and does not accurately reflect the number of incidents or persistency/prevalence of the problem.

- 8.2.1 The volume of alcohol related data recorded by the police is much lower than it used to be in previous years, due to a number of changes to MPS crime recording guidelines. Data obtained shows 593 alcohol related incidents reported to the police in 2023 and 703 Alcohol Related London Ambulance Service Callouts. This data demonstrates that all areas within the borough are affected, albeit to different extents. This data has to be considered in the context of low levels of reporting to the police, particularly in areas where there is no current PSPO provision and police will be limited in how to deal with the issue. Also, reports do not reflect the extent nor the impact of the problem, e.g. number of people involved in the alcohol related incident.
- 8.2.2 Local residents, businesses and other stakeholders continue to express concern about drug and alcohol related ASB. The feedback received from residents and business include that often there are groups of people, drinking alcohol or using illicit substances, there will be broken glass, used syringes and other drugs paraphernalia, litter and waste on the ground, including urination or defecation, in the area. The Council's Waste and Street cleansing Service have confirmed that alcohol related litter is very prevalent within the Borough and features in/around the top 5 litter types.
- 8.2.3 Drug and alcohol related behaviour can also be linked to fights, abuse, shouting and other criminality in the area. Local residents and other members of the public travelling through the borough or using the same public spaces, often feel unsafe, threatened and intimidated by the behaviour; this was also reflected in comments in the co-design process.
- 8.2.4 The [Joint Strategic Needs Assessment \(JSNA\) | Haringey Council](#) clearly shows the wide ranging impact that problematic alcohol consumption and drugs misuse can have on an individual and their behaviour towards others. Haringey offers a full range of services: from advice and information through to structured drug treatment programmes. Support is also available to families and carers affected by drug misuse and to the children of those with drug problems. There are specific programmes commissioned to reduce drug related crime, work with street population and specific education, employment and training services along with access to supported housing. Haringey Police services and Enforcement Officers have strong and active partnerships with support services in this field and will continue to adopt a measured approach to enforcement; offering advice and encouraging engagement in the first instance. 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.

8.3 Causing harassment, alarm, or distress

Generally anti-social behaviour reports received by the enforcement service relate to someone feeling harassed, alarmed and distressed. Reports however are logged against the person and we are not able to extract incidents taking place in a public space. Behaviour such as offensive, threatening or abusive language, is a prevalent factor whether people are reporting a dispute with neighbour(s) on the street or groups of people gathered in a public space or other disorder or disturbance. In the period 2022 – 2023 the council received 2069 reports of anti-social behaviour, 1015 of these identified shouting/swearing, verbal abuse, threatening and intimidatory behaviour as key factors at the time of the report. In the period January 2023 to December 2023 there were 7,889 reports of anti-social behaviour to the police, a breakdown of these reports by ward can be found at slide 9 of Appendix 4.

8.4 Riding/parking mopeds, e-scooters, e-bikes

What is really distressing me at the moment is the uncontrolled cycling, e-biking etc on both road and pavement; people are just riding wherever and however they wish and as a pedestrian I've had a number of near misses despite being extremely careful and crossing only at the lights - it's getting to be quite frightening out there. The above is a comment made in the co-design feedback which reflects a common concern raised at residents' meetings and ward panels and also by others in the co-design process.

In the period January 2023 to December 2023, 494 report of vehicle nuisance were made to the police. Vehicle nuisance does not include figures pertaining to vehicle crime e.g. theft from/of vehicle, damage to vehicle or parking violations. Vehicle nuisance categorised by the police relates to matters such as Street racing or cruising, riding unlicensed powered vehicles, misusing vehicles off-road and performing stunts and tricks. Vehicle nuisance can impact in a variety of ways: noise nuisance, pollution, damage to roads/property/other vehicles, risk of injury, intimidation and aggression, assist in criminal activity and reckless behaviour.

8.5 Dog control – pick up after dog

The borough has had a dog control PSPO since 2017, which includes a borough wide restriction with regard to a person having an appropriate means to pick up dog faeces deposited by their dog and remove the faeces from public land. It would be clearer to have all borough-wide restrictions included in one borough-wide PSPO.

8.5.1 The public health implications of dog fouling are well documented and continues to be a persistent problem within the borough. Thus, demonstrating the need to retain

this restriction and to continue to educate dog owners on their responsibilities and risks of enforcement if they do not comply with the restriction. The Council's contractor Veolia is responsible for clearing dog faeces from Haringey streets. Residents made 1963 reports to Veolia requesting the removal of dog faeces from streets within the borough during the period February 2022 – December 2022, 1472 reports were made January – December 2023. During the period of Oct 2020 - July 2023, the Council's frontline services received 108 complaints about dog fouling. In addition, in the period April 2021 to December 2022, 103 ASB reports were made to the Anti-Social Behaviour Enforcement team for dog related issues, this included dog fouling. In 2023 the Anti-social behaviour team received a further 34 reports regarding persistent dog fouling in areas across the whole of the borough. 963 February 2022 – December 2022, 1472 Jan – December 2023.

8.6 Urinating, defecating or spitting

Most instances of the above behaviours are not reported to the council or police through established reporting mechanisms, hence is difficult to provide accurate data to evidence the extent of the problem. These issues tend to be part of general complaints to the Council, or a factor linked to other ASB issues, which residents have raised at public meetings or events, across the borough. Defecation, pertaining to human faeces is often reported as a factor where there is a presence of drug users. Data around this issue is difficult to abstract as reports and requests to remove faeces are generally recorded under the category of 'dog fouling or dog mess'.

'Fed up of trying to dodge spit and urine, while walking with my two-year-old!'

This feedback from a resident through co-design processes resonates with such complaints, particularly in the context of families with small children or people with disabilities, who are not always able to navigate around such health hazards.

- 8.6.1 It is noted that concerns have been raised with regard to the lack of public toilets and/or the fact that certain illnesses or disabilities may hinder a person's ability to avoid urinating/defecate in public. The Council also recognises the lack of facilities that may be available to the street homeless population. Haringey has recognised that there is inadequate public toilet provision within the borough and is currently consulting on the development of a Toilet Strategy to improve the provision of public toilets. This prohibition will in any case include a 'reasonable excuse' clause. Enforcement officers will adopt a measured approach, seek to explore any mitigating factors and utilise an educate and advice approach where appropriate to do so.

8.7 Lighting a firework in any public space

It is illegal to let off fireworks (even sparklers) in the street or a public place such as a park or the street. The rule is you should only let off fireworks on private land, such as your garden, or on land where you have the owner's permission. Members of the public may only use fireworks on private property, such as their back gardens, and only licensed professionals can use them in public places. Unfortunately, we have had instances in Haringey where people have engaged in such reckless behaviour, lighting and throwing fireworks at passers by on the street and into vehicles. Data for Haringey as found in Appendix 4 indicates that 115 fireworks related ASB reports were made to the police in 2023, all wards within the borough have had incidents and it is noted that the peak periods for this type of ASB is in the months of October and November. These are not significant numbers, however this has to be considered in the context of low reporting and the significant risks a single incident could involve. A PSPO will assist to further educate and reinforce the message that there is a danger from fireworks exploding, hence should only be used by licensed professionals in public and lighting/letting off fireworks poses a serious fire risk.

8.8 Further provisions of the proposed borough-wide PSPO

- a. The land in relation to which this proposed Order applies is 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) in Appendix 1.
- b. A breach of the prohibition can result in a maximum penalty not exceeding level 3 on the standard scale (currently £1000).
- c. Monitoring and enforcement of the PSPO would be met from within existing ASB Enforcement and police resources, any income arising would be used to support enforcement activity.
- d. Following consultation and if the proposed Order is approved it will come into force on 1st July 2024 (date to be confirmed) and shall remain in place for 3 years, until 30th June 2027 (date to be confirmed).
- e. At any point before the expiry of this 3 years period the Council can extend the order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.
- f. Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone

who lives in, regularly works in, or visits the restricted area. This means that only those who are in the locality or providing services within the locality are directly affected by the restrictions and have the power to challenge. The right to challenge also exists where the Council varies an Order.

9.0 Consultation Process

9.1 The Council's ASB Enforcement Team will carry out extensive consultation, namely:

- Consultation will run for a minimum period of twelve weeks and seek to engage with a wide audience through a variety of mechanisms and contacts.
- An online public consultation survey will be made available on the council website.
- A hard copy of the survey will also be produced to enable responses from anyone unable to access on line facilities and will be distributed at events and drop ins.
- Hard copies of the survey will be available at libraries and community Centres within the borough.
- Leaflet will be designed and distributed with a QR Code to the on line survey and details of where people can obtain a hard copy of the survey.
- Completed survey to be returned to Libraries and community centres or at planned events.
- The leaflet and Hard copies of the survey will also be distributed to partners and stakeholders for distributions to their users/members.
- Leaflet and surveys will be distributed through weeks of action at open space HUB.
- We will make use of any wide distribution facilities e.g. Haringey People to promote the consultation and encourage participation.
- Leaflet and surveys will be distributed through any planned Estate surgeries or ward walks.
- Details of the consultation will be posted through OWLS and disseminated through Neighbourhood Watch Association and groups, residents associations and ward panels.
- We will seek assistance from our police partners to disseminate information about the consultation.
- Utilise partnerships such as BID (Business Improvement District), BCRP (Business crime reduction partnership) and Regeneration Schemes/projects to reach out to businesses and/or other stakeholders/members/users.
- Disseminate information to a wide range of Support services, particularly with regard to alcohol and drug use, street homelessness and disabilities - attend any meetings to explain proposals in person to their users, upon request.
- Disseminate information to Community and faith groups - attend any meetings to explain proposals in person to their users/members, upon request.

- Disseminate information to youth groups and services, schools & colleges - attend any meetings to explain proposals in person to their users/members, upon request.
- Formal Notices will be designed and displayed around the borough and at key venues e.g. libraries, community centres, to advise on the consultation.
- ASB Enforcement will attend any other meetings to inform participants of the proposed PSPO and to disseminate the leaflet and survey e.g. resident association meetings, ward panels, friends of parks,
- We will facilitate 4-6 Pop up events - locations to be determined. These will be promoted on line and through the consultation leaflet.

9.2 The costs of the consultation itself will be minimal: web design for on line questionnaire, printing of letters/survey, officers time in door knocking and attending meetings. These will be met by the ASB Enforcement Team through existing resources.

9.3 The cost of the consultation is unlikely to exceed £1000 and this cost will be met through existing resources. The ASB & Enforcement Service will produce all consultation material and officers will undertake the dissemination of Notices, flyers and letters and facilitate public events and presentations to ensure a panoptic consultation.

9.4 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.

9.5 The consultation will take place between 25 March 2024 and 14 June 2024.

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

10.1 The borough wide 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.

11.0 Carbon and Climate Change

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

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

12.1 Finance

- 12.1.1 This report is for Cabinet to approve the recommendations as set out in para 3 of this report.
- 12.1.2 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.

12.2 Procurement

- 12.2.1 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.

12.3 Head of Legal & Governance

- 12.3.1 The Head of Legal and Governance has been consulted in the preparation of this report and comments as follows.
- 12.3.2 Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) enables the Council to make a Public Spaces Protection Order (PSPO) if satisfied on reasonable grounds that:
- Activities carried on in a public place within the Borough either have had or it is likely that they will have, a detrimental effect on the quality of life of those in the locality.
 - It is likely that the detrimental effect will be persistent, and such as to make the activities unreasonable;
 - The effect or likely effect is such as to justify the restrictions imposed by the proposed PSPO.
- 12.3.3 The Council must comply with the consultation requirements in section 72(1-7) of the Act by having particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention. Pursuant to s.72(3) the Council must carry out the necessary consultation and the necessary publicity, and the necessary notification (if any), before—(a) making a public spaces

protection order, (b) extending the period for which a public spaces protection order has effect, or (c) varying or discharging a public spaces protection order.

12.3.4 Pursuant to s.72(4) of the Act (4)

“the necessary consultation” means consulting with—(a) the chief officer of police, and the local policing body, for the police area that includes the restricted area; (b) whatever community representatives the local authority thinks it appropriate to consult; (c) the owner or occupier of land within the restricted area;

“the necessary publicity” means—(a) in the case of a proposed order or variation, publishing the text of it; (b) in the case of a proposed extension or discharge, publicising the proposal;

“the necessary notification” means notifying the following authorities of the proposed order, extension, variation or discharge—(a) the parish council or community council (if any) for the area that includes the restricted area; (b) in the case of a public spaces protection order made or to be made by a district council in England, the county council (if any) for the area that includes the restricted area.

12.3.5 Regarding consultation itself, in accordance with the so called “Sedley Principles” it has to be at a time when proposals are still at a formative stage. The Council has to give sufficient reasons for any proposal to permit an intelligent consideration and response, adequate time has to be given for consideration and response, and finally, the product of consultation has to be conscientiously taken into account in the light of administrative law principles and the relevant statutory powers.

12.3.6 The proposed consultation process as set out complies with the requirements of the Act and the Sedley Principles. The Process sets out wide range of people and organisations to be consulted on and a wide range of ways in which the consultation will take place.

12.4 **Equality**

12.4.1 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.

12.4.2 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.

- 12.4.3 As outlined in section 8.1. the consultation will include contact with a wide range of services and partners, community and faith groups, seeking to target any support services or groups particularly impacted by the subject of PSPOs in question. This would enable us to encourage participation from marginalised groups based on protected characteristics or socioeconomic status e.g. street homelessness, ethnic minorities, people with disabilities or mental health issues. We would also seek to identify mitigations during the consultation sessions to ensure that they are co-designed, sufficient and appropriate where negative impacts may result from an eventual decision to impose a PSPO.
- 12.4.4 A copy of the completed Equality Impact Assessment/screening tool can be found at Appendix 5

13. Use of Appendices

- Appendix 1 – Draft Borough Wide PSPO
- Appendix 2 – co design consultation report
- Appendix 3 – ASB Quantitative Data.
- Appendix 4 – Draft Consultation Survey
- Appendix 5 - Equality Impact Assessment

14. 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