

Report for: Cabinet, 10th December 2024

Item number:

Title: Haringey Borough-wide PSPO

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

Lead Officer: Eubert Malcolm, Assistant Director for Environment

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 30 April 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 and a 19-week public consultation.
- 1.2 On 18th March 2024, the Lead Member for Community Safety and Cohesion gave approval to consult on a proposal for a Borough-wide PSPO and the purpose of this report is to present the outcome of the consultation and to seek approval for a 3-year borough-wide PSPO. If approved the Borough-wide PSPO will come into force with effect from 1st May 2025 and shall remain in place for 3 years.

2. Cabinet Member Introduction

- 2.1 We have listened and want to respond to the communities' concerns around crime and antisocial behaviour. Public Space Protection Orders (PSPOs) are one of the tools that the Council can utilise to deal with nuisance or problems that are detrimental to the local community's quality of life.
- 2.2 Our approach to engagement has been extensive, rooted in the principles of the Haringey Deal, we wanted to ensure we gathered a broad range of feedback. We actively co-designed and collaborated with residents and stakeholders.

Based on this feedback, we have amended the proposed prohibitions to better reflect our community's needs.

- 2.3 Public Space Protection Orders (PSPOs) are about public safety for all and primarily there to act as a deterrent. The Council will continue to use PSPOs in a fair and proportionate way to minimise the risk of harm, to both individuals and the community, contributing to cleaner and safer public spaces for all.
- 2.4 PSPO's are not new to Haringey, they have been in place since 2017 to deal with anti-social behaviours, such as street drinking through alcohol controls and dog controls.
- 2.5 As the Cabinet Member for Communities, 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.

3. Recommendations

- 3.1 It is recommended that Cabinet notes the results of the consultation on the PSPO and:
- 3.2 Notes the results of the consultation as contained in Appendix 2 of this document.
- 3.3 Approves the introduction of the revised borough wide PSPO for alcohol control and other detrimental activities as detailed in the proposed draft PSPO at Appendix 1.
- 3.a Agrees, in light of the consultation responses contained in appendix 2 of this report, the proposal to not take forward restrictions in respect of:
 - 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.
 - iii. 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.
 - iv. Any person who spits in the restricted area, without reasonable excuse, commits an offence.
- 3.4 Notes the alterations to the prohibitions consulted on following responses received as outlined below:
 - i. Removing 'Being in possession of an open vessel(s) of intoxicating liquor in a public place' prohibition 1.
 - ii. Clarifying that the restriction relating to riding a bicycle, moped, e-scooter or e-bike applies to pavements or footpaths, in the restricted area and when riding in a dangerous or reckless manner, that is likely to cause obstruction, alarm,

distress or annoyance to members of the public or cause criminal damage by their use, commits an offence.

- iii. Specifying exemptions to the above restrictions as: Any electrically powered scooter designed for people with restricted mobility, including those who are elderly or disabled person, children and that discretion will be used if cyclists lack confidence to ride on the road or are intimidated by traffic.
- iv. Adding 'appropriate authorisation, from Haringey Council' to the restriction relating to fireworks in any public space, as not all instances e.g. one-off events, may need a licence.

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 Cabinet must give consideration to the data provided within this report, as outlined under section 6, Appendix 3 and feedback through the co-production and consultation process, and be satisfied on reasonable grounds that:

- i. The activities have been 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;
- ii. It is likely that the detrimental effect will be persistent, and such as to make the activities unreasonable;
- iii. The effect or likely effect is such as to justify the restrictions imposed by the proposed PSPO.

4.6 In addition, Cabinet must consider the outcome of the public consultation in deciding whether to approve the proposal for a borough wide PSPO.

5. Alternative options considered

5.1 Not to approve the borough-wide PSPO as proposed in Appendix 1

The absence of a borough-wide PSPO as proposed, would limit the options for Council and Police officers to take action to address behaviours that have a detrimental effect on the local community. This would result in no alcohol control in the borough when the existing alcohol control PSPOs expire in April 2025. It would then be necessary for the Council to remove all related signage, and it is likely that the issues will recur.

5.2 To approve a borough-wide PSPO but further vary the restrictions and/or exemptions

Officers have conscientiously considered the responses from the public consultation via the consultation survey, as well as contributions and comments through engagement. This has led to changes to the proposed borough-wide PSPO initially consulted upon, as outlined in the section 3 above. Key objections and concerns raised are summarised in section 6.2 of this report, alongside our responses, demonstrating that the proposal has been adequately and appropriately amended, in light of the consultation responses.

6. Background information

6.1 Public Spaces Protection Orders (PSPOs)

6.1.1 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.

6.1.2 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.

- 6.1.3 PSPOs are intended 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, subject to limited exemptions. A PSPO remains in place for three years unless extended or discharged.
- 6.1.4 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.
- 6.1.5 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.
- 6.1.6 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.
- 6.1.7 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).
- 6.1.8 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.

6.2 Public consultation – key findings

- The 19 weeks consultation period ran from 25 March 2024 to 02 August 2024.
- 130 organisations and stakeholders were contacted, 4 pop-up events were held. The consultation was extended in June and a further 52 organisations were contacted, resulting in meeting with 32 services: including street homelessness, drug & alcohol support, disability, young people, refugees and migrants, ethnic minorities, charities, and voluntary sector umbrella groups.
- 1708 consultation questionnaires were completed, 56 completed in community settings. Respondents were asked, to what extent they supported a range of proposed prohibitions and outcomes of the survey are summarised below

Prohibition related to	Strongly Agree/Agree		Neutral		Strongly disagree/disagree	
	Number	%	Number	%	Number	%
Alcohol Control	732	43	103	6	862	51
Drugs and drug paraphernalia	706	41	74	4	918	54
Causing harassment, alarm, or distress	819	48	83	5	794	47
Dogs defecating	984	58	83	5	630	37
Urinating in Public space	763	45	113	7	816	48
Defecating in Public space	868	51	78	5	749	44
Spitting in public space	705	42	146	9	845	49
Riding bicycle, moped, scooter or e-bike	765	45	94	6	834	50
Lighting fireworks in a public space	798	47	115	7	776	46

6.2.1 Respondents were also asked to provide further comments based on the extent of their support. There were 900 respondents to this. The proposed Public Spaces Protection Order elicited a range of responses. Officers have reviewed these responses, as well as contributions and comments through engagement and correspondence from interested stakeholders. There were several recurring themes of opposition that emerged from the responses are:

i. Concerns the PSPO will disproportionately target and criminalise vulnerable groups, e.g. street homeless, individuals with mental health issues, minority ethnic groups (particularly Black males)

"I think we need to consider cultural differences e.g. spitting and drinking in public without nuisance are considered OK in some cultures / ethnicity, so these maybe need to be education over enforcement."

Local Authority Response:

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. In regard to the enforcement of all restrictions, any required interventions would also be explored e.g. advice/signposting to support. However, any history of persistent engagement in restricted behaviours without reasonable excuse would also be taken into consideration. Spitting has been removed as a restriction of the proposed borough-wide PSPO. The implementation and enforcement of the PSPO will be monitored by the Local Authority (see 6.2.2. below), any disproportionality identified will be addressed swiftly.

- ii. **There is a serious risk that this PSPO will have a disproportionate impact on those with ‘hidden’ disabilities, whose behaviour may cause alarm or distress to others but for entirely excusable reasons.**

“Some people with certain mental health conditions or learning disabilities may act, unintentionally and without malice, in ways that may give members of the public some concerns. However, these people should not fall within the ambit of the regulations. In other words, the powers given to the police and other authorities must be exercised with care and sensitivity.”

Local Authority Response:

As mentioned above a measured approach is adopted in enforcing PSPOs in the Borough. Engagement and warnings are always the first point of call, to point out the offence and work to dissuade the behaviour and understand the root cause, involving relevant services and partners to ensure an appropriate response. It is also recognised that some conditions are not always evident or visible, hence checks will be carried out with relevant services and through the engagement and warning process we will seek to identify any specific needs. Due care and sensitivity will be exercised and where possible assistance from appropriate support services utilised to address the situation and/or relay information about the PSPO restrictions in place. It is worth noting that Officers in the MPS do have body worn video and some enforcement officers also utilise this facility. Thus, a further mechanism for scrutiny. The enforcement of the PSPO has a due process around appeals, which can be instigated by an individual or someone else on their behalf.

- iii. **The need to address the underlying causes of antisocial behaviour, such as poverty, lack of opportunities, and inadequate mental health services. Many believe that investing in these areas would be more effective than simply criminalising behaviours.**

Local Authority Response:

The need to invest in relief of poverty, increase opportunities and provide adequate mental health service is not disputed, the borough wide PSPO is not implemented at the expense of funding these needs. Additional comments provided in the consultation highlighted the issues of poverty and how on the spot fines would cause further deprivation or result in criminalisation of individuals unable to pay such fines. The enforcement of the PSPO within the borough has never incorporated on the spot fines. Whilst breaches can be enforced by the issuing of a fixed penalty notice (FPN) by the Police and the Council, the FPN would be processed for payment by the Council only. This would involve the assessment of the FPN by the Council to ensure it was appropriately issued and any appeal against the FPN would also be managed by the Council. This enables the Council to monitor the enforcement of the PSPO, ensuring that mitigating circumstances are taken into consideration and that no particular group is being disproportionately impacted. The main and positive aspect of a borough wide PSPO is that it will be aiming to improve safety and well-being for all residents, visitors, and businesses by addressing anti-social behaviour. By reducing detrimental behaviours, the PSPO can contribute to a better quality of life in public spaces.

- iv. **Proposals for various alternative solutions to the PSPO: funding for social care and mental health support, providing more public facilities e.g. toilets and safe spaces for drug use, and promoting community engagement and education.**

Local Authority Response:

These other proposals are valid and can be pursued by relevant services alongside the PSPO. The implementation of the PSPO does not involve any additional funding or resources. A minimal financial sum will be spent on signage, but the management and implementation of the PSPO will be through existing resources. The PSPO does not directly impact the funding of other provisions such as public toilets, community engagement and education.

- v. **Concerns about the potential for discriminatory and unfair enforcement of the PSPO particularly against marginalized communities.**

“Some of these measures could enable racist and discriminatory stop-and-search. Some of them are also ableist: some people shout or swear in public due to disabilities that can be related to mental health or being deaf. So instead of banning these behaviours, it would be best to educate the public on why some people can behave this way. Also, consuming alcohol in public spaces can be linked to alcoholism and sleeping rough. Banning this would mean having these people move in situations that could be even more dangerous for them - again, more support would make more sense for these people than a blanket ban”

Local Authority Response:

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 Council acknowledges the prominence of alcohol abuse 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. It is important to note that whilst the PSPO does bestow additional powers of enforcement upon the Police, the enforcement of the PSPO is managed and monitored by the Local Authority. Fixed penalty Notices may be issued by the Police, but fines are processed by the Local Authority.

Any abuse of discretion when enforcing the proposed PSPO would be addressed swiftly using appropriate procedures internally and with the police, which could include further training or period of monitoring.

- vi. **Concerns that the restriction on cycling on pavements is too wide, given the poor cycling infrastructure provision and contrary to promoting an active Haringey.**

Local Authority Response:

The Local Authority met with Haringey Cycling Club and listened to the concerns of cyclists and consultation respondents, in respect of this restriction being too wide. The restriction has been amended to include exemptions for children, and we have added that discretion will be used if cyclists lack confidence to ride on the road or are intimidated by traffic. The aim of this restriction is not to hinder the promotion of cycling and an active Haringey, but to tackle the increasing issues of anti-social behaviour associated with bicycle, moped, e-scooter or e-bike; namely reckless and dangerous riding, thefts (e.g. mobile snatches) by people on bicycles, causing obstructions which have led to vulnerable residents being pushed into the road at great risk.

6.2.2 The above concerns and others have been balanced against the data and reports received in the borough regarding the behaviours of concern, as highlighted under section 6.3 and summarised in Appendix 3. Officers have amended the initial proposals, to reflect these findings, clarifying any exemptions. Alongside the Borough-wide PSPO, officers:

- Will create an information sheet to be handed to anyone in breach of the PSPO who is given a warning – with information about relevant support services
- Are exploring the options of setting up a panel or utilising existing panels - to discuss any individuals issued warnings or fines, to explore further any needs and intervention options.
- Enforcement action by either the police or the Local Authority, will be recorded and monitored by the ASB Enforcement Service.
- Will continue to consider the needs of the individual and their personal circumstances in order to make an informed, balanced, and equitable decision as to the appropriate action to take. This includes completing an Equality Impact Assessment prior to prosecution, during which consideration is given to any vulnerability and support needs, to ensure that any prosecution is proportionate, necessary, and fair.
- Anyone issued a fine does have the right of Appeal or right to raise a complaint, which would be investigated and responded to by a senior manager with the Local Authority.

6.2.3 By implementing these measures, councils can better address any disproportionality against any vulnerable, particular, or protected groups and/or any negative impacts of PSPOs and promote a more inclusive and equitable approach to public space management.

6.2.4 The public consultation report can be found at Appendix 2

6.3 Proposal for matters to be contained in the borough-wide PSPO**6.3.1 Alcohol related nuisance**

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 (nuisance, litter, noise) ASB categories which can make pulling accurate 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.

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.

Local residents, businesses and other stakeholders continue to express concern about alcohol related ASB. The feedback received from residents and business include that often there are groups of people, drinking alcohol; there will be broken glass, 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.

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 reflected in the consultation responses received

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.

Recommendation: This restriction has been amended to make clear it is not a complete ban but relates to nuisance that that has or is likely to result from the consumption of alcohol.

6.3.2 Psychoactive drugs and drug paraphernalia

Recommendation: This restriction has been removed from the Borough-wide PSPO proposal.

6.3.3 Causing harassment, alarm, or distress

Recommendation: This restriction has been removed from the Borough-wide PSPO proposal.

6.3.4 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.

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. Number of reports relating to dog fouling are summarised in the table below:

<u>Type</u>	<u>Period</u>	<u>Number</u>
Reports to Veolia requesting the removal of dog faeces from streets within the borough	February 2022 – December 2022	1963
	January – December 2023	1472
Complaints about dog fouling to the Council's Frontline Services	Oct 2020 - July 2023	108
Reports were made to the ASB Enforcement Team for dog related issues, this included dog fouling	April 2021 to December 2023	137

The number of reports to Frontline Services and the ASB team may appear low, however, it should be considered that most instances of dog fouling are reported directly to Veolia and persistent repeat issues by the same offender or at the same location, is when reports would be made to the ASB Enforcement Team.

Recommendation: This restriction remain unamended as a part of the borough-wide PSPO.

6.3.5 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'.

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.

Recommendations:

- **Restrictions with regard to urinating and defecating will remain part of the Borough-wide PSPO proposal, making clear exemptions of anyone who is verified street homeless and/or any person who has a mental or physical condition, which would prevent them from being able to adhere to this restriction, as they would have a reasonable excuse.**
- **The restriction relating to spitting has been removed from the Borough-wide PSPO proposal.**

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

"If your hearing is not exceptional you often cannot hear the approach of cyclists or e-bikes especially when they come up behind you. As an older person I know that if I am hit by one of these my injuries could be life changing as they damage, they inflict could lead to long periods of incapacity. The same can be said for small children and people with disabilities if they are hit by people riding recklessly and on pavements. Obstructing the pavement by abandoned or poorly parked e-bikes can mean that you have to walk in the road to get around them or may be not be able to pass by which will affect those with disabilities or mobility problems".

The above is a comment made in the consultation feedback which reflects a common concern raised by residents.

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. We have also seen a significant rise in the Borough of mobile thefts and robbery, executed by individuals speeding by on cycles and mopeds.

“A PSPO would impact negatively on cyclists who have no safe space on these car-dominated roads. Most cyclists on the pavement are parents and children who are particularly vulnerable cycling in street traffic as they can’t be seen amidst parked and moving cars and SUVs.”

The above is a comment made in the consultation feedback which reflects a common concern raised by consultation respondents.

Recommendation: This restriction has been amended to make clear this relates to riding on a pavement in a dangerous or reckless manner and that exemptions include any electrically powered scooter designed for people with restricted mobility, including those who are elderly or disabled. This restriction will not apply to children. Discretion will be used if cyclists lack confidence to ride on the road or intimidated by traffic.

6.3.7 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.

Recommendation: This restriction remain part of the proposed borough-wide PSPO, with a slight amendment to accommodate fireworks at cultural and religious festivals, with appropriate authorisation from the Council.

6.4 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 remain in place for 3 years. 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.
- e. 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.
- f. The ASB Enforcement will make arrangements for appropriate signage to be designed, with input from equalities and other relevant services to ensure the signage is clear, taking into consideration, language, and abilities. The cost of design and printing of signage is currently estimated at £4-5k. Large signs will be printed for the entrances to large green spaces and smaller signs for identified hotspot areas. The publicising of the borough wide PSPO will be through the Council's website and an article in Haringey People. We will also utilise any opportunities to publicise the PSPO through other organisations and media platforms.

7. Contribution to the Corporate Delivery Plan

- 7.1 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.

8. Carbon and Climate Change

- 8.1 There are no direct carbon or climate decisions arising from the proposed borough wide PSPO.

9. Statutory Officers comments

9.1 Finance

This report is for Cabinet to approve the recommendations as set out in section 3 of this report. The cost of implementing approved recommendations as set out in section 3 of this report will be funded from the Safer and Stronger Communities budget.

9.2 Procurement

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

9.3 Head of Legal & Governance

- 9.3.1. The Assistant Director of Legal and Governance has been consulted in the preparation of this report and comments as follows.
- 9.3.2 Section 59 of the Anti-Social behaviour Crime and Policing 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.
- 9.3.3 Before making a PSPO the Council must publicise its draft text and consult with the local Police (formally with the Chief Officer of Police and MOPAC), with such local community groups as the Council sees fit, and with the owners of any land covered by the PSPO.
- 9.3.4 In accordance with the so called “Sedley principles” the consultation, has to be undertaken at a time when proposals are still at a formative stage. Secondly, the proposer has to give sufficient reasons for any proposal to permit an intelligent consideration and response. Thirdly, adequate time has to be given for consideration and response, and finally, the product of consultation has 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 Council is obliged to take account of any representations made during the consultation period and all objections received must be properly considered by the decision maker in the light of administrative law principles, Human Rights law and the relevant statutory powers.

- 9.3.5 The consultation has been undertaken in accordance with the “Sedley principles” and the recommended amendments to the terms of the PSPO are as a result of conscientiously taking into account the responses to the consultation.
- 9.3.6 PSPO complies with the Home Office Guidance and there is no legal reason why the Borough-wide PSPO should not be approved.
- 9.3.7 As the proposed PSPO is Borough wide and significantly affects the inhabitants of two or more wards, its approval is a key decision.

9.4 Equality

- 9.4.1 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.
- 9.4.2 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.
- 9.4.3 As outlined in section 6.2.2 the PSPO will not be used to target any particular group, 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. A measured approach is adopted in enforcing PSPOs in the Borough. In addition, enforcement will be monitored and additional actions taken to promote support and intervention e.g. an information sheet and referrals to relevant panels.
- 9.4.4 This would enable us to ensure that marginalised groups based on protected characteristics and / or socioeconomic status e.g. street homelessness, people from

different ethnic backgrounds, people with disabilities or mental health issues are not being targeted and that exemptions are being applied. Implementation monitoring will also ensure that sufficient and appropriate action is taken where negative impacts may disproportionately affect groups as a result of the enforcement of the PSPO.

9.4.5 A copy of the completed Equality Impact Assessment can be found at Appendix 4

10. Use of Appendices

Appendix 1 – Draft Borough Wide PSPO

Appendix 2 – Consultation report

Appendix 3 – ASB Quantitative Data.

Appendix 4 - Equality Impact Assessment

11. 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