

APPENDIX 2

**Draft PSPO - Restricting activities within the defined
area surrounding the Wickes Store in South Tottenham,
Seven Sisters Road N15**

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PART 4, SECTION 59

PUBLIC SPACES PROTECTION ORDER

Haringey Council makes this Order, being satisfied on reasonable grounds that activities in the location described in paragraph 1 of this Order have had or are likely to have a detrimental effect on the quality of life of those in the locality, and that these activities involved various anti-social behaviours. Further, Haringey Council believes that the effect, or likely effect, of the activity described in paragraph 1 of this Order is (or is likely to be) persistent in nature, such as to make the activity unreasonable and justifies the restriction imposed by this notice.

Haringey Council hereby requires by way of this Order that:-

1. The activity described below is hereby prohibited as from the date of the Order:
 - ***Congregating in a group of 2 or more persons in such a manner as to cause obstruction or give reasonable grounds for annoyance to any person in the street or public place or the car park of Wickes Store***
 - ***Persistently loitering in a street or public place or the car park of Wickes Store, for the purposes of offering services e.g. as a prostitute, casual labour.***
 - ***For a person in the street, public place or Wickes Car park, including a person in a motor vehicle to solicit another for the purpose of obtaining casual labour***
 - ***Urinating, Defecating or exposing genitals in a public place or in a area belonging to a private resident, business or the council (excluding a toilet designated for use by members of the public)***
 - ***consuming alcohol or having an open container of alcohol in your possession in the street or public place or the Wickes Car Park***
2. The land in relation to which this Order applies is that land in the area of the London Borough of Haringey, namely which
 - a. Is delineated and shown in red on **Map 1** forming part of the Order, and
 - b. Includes the roads: Kerswell Close, Victoria Crescent, Culvert Road, Russell Road, Elizabeth Road, Southey Road, Greenfield Road, Birstall Road, Brunswick Road, Brunswick Road Park, Suffield Road, Westerfield Road, Parts of Seven Sisters Road, Wickes Store and Wickes Store Car Park.
3. If without reasonable excuse you breach the prohibition in paragraph 1 you may be issued with a Fixed Penalty Notice, or prosecuted and convicted. The

maximum penalty is a fine not exceeding level 3 on the standard scale (currently £1000).

4. In addition the PSPO will restrict by erecting gates, the use of the public right of way between Roslyn Road and Southey Road as depicted in 'Blue' on **Map 2** forming part of this Order. The alternative route for residents will be along Breamar Road, Greenfield Road and Elizabeth Road
5. The responsibility for the maintenance of the gates in the defined alleyway will lie with the Public Highways.
6. This Order will come into force on 1st July 2016 and shall remain in place until 30th June 2017
7. At any point before the expiry of this 12 month 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
8. 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 work in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an Order is varied by the Council.

Interested persons can challenge the validity of this order on two grounds:

- 1) that the Council did not have power to make the order, or to include particular prohibitions or requirements;
- 2) or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the order, quash it or vary it.

Date: _____ 2016

Section 67 Anti-Social Behaviour Crime and Policing Act 2014

- 1) *It is an offence for a person without reasonable excuse*
 - a. *To do anything that the person is prohibited from doing by a PSPO, or*

b. To fail to comply with a requirement to which a person is subject under a PSPO

- 2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale*
- 3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have the power to include in the public spaces protection order*
- 4) Consuming alcohol in breach of a PSPO is not an offence under this section (but see section 63)*

Section 63 Anti-Social Behaviour Crime and Policing Act 2014

This section applies where a constable or an authorised person reasonably believes that a person (P)—

- (a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or
- (b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.

In this section “authorised person” means a person authorised for the purposes of this section by the local authority that made the public spaces protection order (or authorised by virtue of section 69(1)).

(2) The constable or authorised person may require P—

- (a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
- (b) to surrender anything in P’s possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

(3) A constable or an authorised person who imposes a requirement under subsection (2) must tell P that failing without reasonable excuse to comply with the requirement is an offence.

(4) A requirement imposed by an authorised person under subsection (2) is not valid if the person—

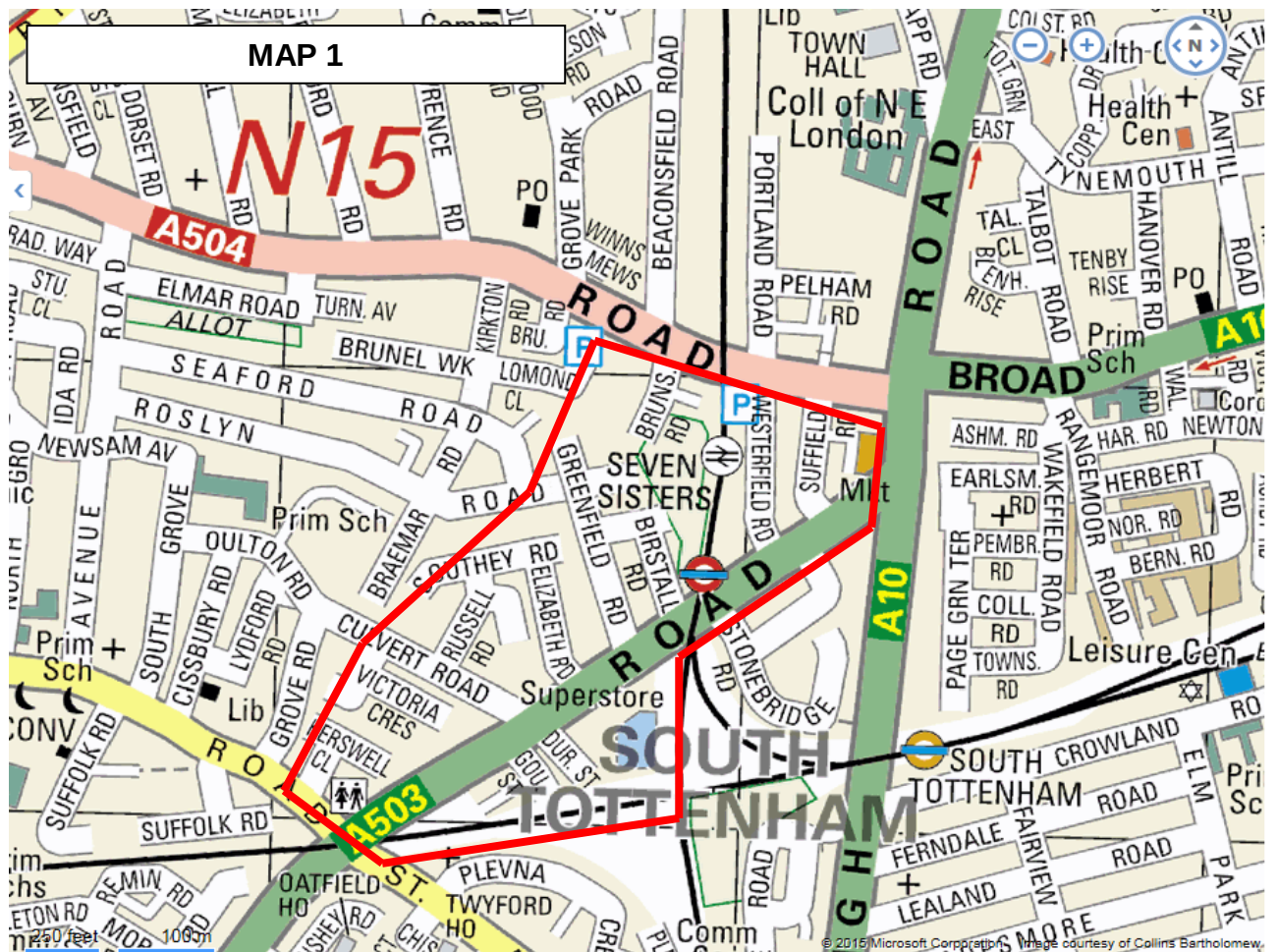
- (a) is asked by P to show evidence of his or her authorisation, and
- (b) fails to do so.

(5) A constable or an authorised person may dispose of anything surrendered under subsection (2)(b) in whatever way he or she thinks appropriate.

(6) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 (currently £500) on the standard scale.

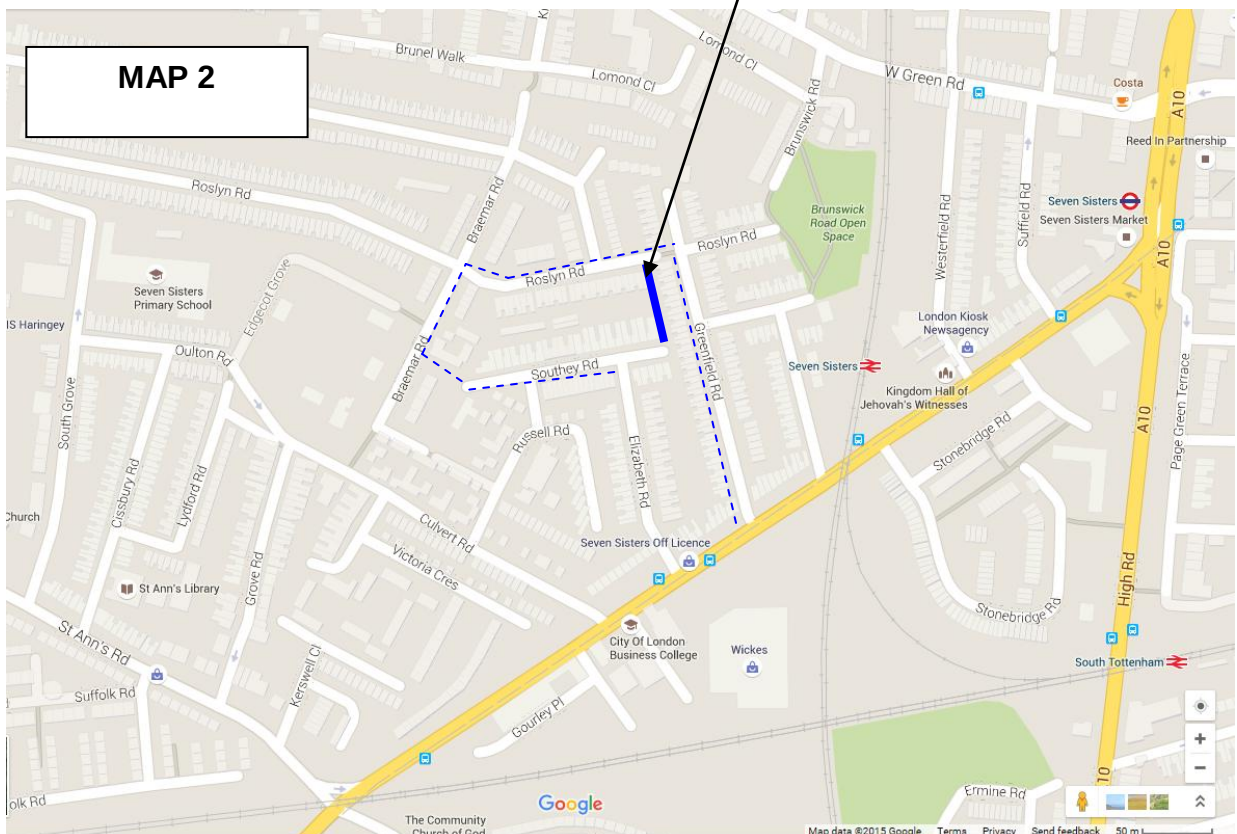
Section 68- Anti- Social Behaviour Crime and Policing Act 2014

A constable or an authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 63 or 67 in relation to a public spaces protection order.





Public Footpath to be gated



Alternative Routes for residents of Roslyn and Southey Road

Starting Point	Destination	Alternative routes
Roslyn Road	Seven Sisters	Greenfield Road
Roslyn Road	West Green Road	Not affected by footpath Closure
Roslyn Road	Southey Road	Braemar Road
Southey Road	Seven Sisters	Not affected by footpath Closure
Southey Road	West Green Road	• Elizabeth Road to Greenfield Road to Roslyn Road • Braemar Road to Roslyn Road

Residents of other roads in the locality and visitors to the area may also be using the Footpath as a short cut. They too will need to use Braemar Road and Greenfield Road ; these alternative routes do add just a few minutes to any walking journey.