

Appendix 2 - Draft Order

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 ant-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 Order.

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

1. The activity below is hereby prohibited as from the date of the Order:
 - a. A person not legally resident on the estate is prohibited from entering blocks on the estate unless visiting a named legal resident or engaging in work
 - b. A person is prohibited from taking part in any sexual acts in any public place within the boundary of the area marked red on the map
 - c. A person is prohibited from soliciting another for the purpose of obtaining sex or drugs
 - d. It is prohibited for any person to ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances *
 - e. It is prohibited for any person to possess, sell or supply intoxicating substances*
 - f. It is prohibited for any person to urinate, defecate or expose genitalia in a public place or in an area designated for use by members of the public
 - g. A person is prohibited from entering the play area unless supervising or accompanying a child(ren).
 - h. A person is prohibited from sleeping rough inside any block, garage or any communal parts of the estate including the roads within the boundary of the area marked red on the map.

- i. Persons other than those resident on the estate may only access the estate to visit a legal resident, to engage in legitimate work on the estate, to pass through the estate or to access the doctor's surgery (Tottenham Health Centre) at 759 High Road, London N17.
- j. No person shall loiter on the estate when not visiting a named person legally resident on the estate

A person will not commit an offence under section (D) or (E) where the substance is used for a valid and demonstrable medicinal use.

- 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 **MAP1** forming part of the Order, and
 - b. Includes the roads, High Road, Love Lane, Whitehall Street, White Hart Lane, William Street and the blocks on the Love Lane Estate, namely Charles House, Ermine House, Moselle House and Whitehall Street.
- 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. This Order will come into force on the (date to be decided) and shall remain in place until (3 years from date of commencement).
- 5. At any point before the expiry of this 3 year order the council can extend the order by up to three years if 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.
- 6. 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, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. This right to challenge also exists where an order is varied by a 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: _____ 2017

The Common Seal of

London Borough of Haringey

Was affixed in the presence of

Head of Legal Services

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)*

DEFINITIONS

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

“Intoxicating Substances” means substances with the capacity to stimulate or depress the central nervous system but does not include alcohol, or vaporisers, tobacco

“Restricted Area” shown outlined on the map attached

LOVE LANE PSPO MAP

