

**Report for:** Councillor Eugene Ayisi – Cabinet Member for Communities

**Item number:** 4

**Title:** Public Spaces Protection Orders to replace existing Designated Public Place Orders and Dog Control Orders

**Report authorised by:** Stephen McDonnell, Interim Director Commercial & Operations

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**Ward(s) affected:** All

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

**1. Describe the issue under consideration**

Designated Public Place Orders and Dog Control Orders will by law automatically convert to Public Space Protection Orders (PSPO) on the 20<sup>th</sup> October 2017. The PSPOs will be treated as if the provisions of the existing orders were provisions of a PSPO made under the Anti-Social Behaviour, Crime and Policing Act 2014. Approval is sought to continue the Orders as PSPOs for a further three years.

**2. Cabinet Member Introduction**

Part 4 (i.e. the community protection provisions) of the Anti-Social Behaviour Crime & Policing Act 2014 introduced new powers to tackle anti-social behaviour, which were designed to be more streamlined and victim focused. These provisions include the power to make Public Space Protection Orders (PSPOs).

- 2.1 Designated Public Place Orders (DPPOs) and Dog Control Orders (DCOs) in existence when part 4 of the 2014 Act came into force continue until 19<sup>th</sup> October 2017. From the 20<sup>th</sup> October 2017 they automatically become Public Space Protection Orders (PSPOs).
- 2.2 As the Cabinet Member for Communities I am fully supportive of the proposals contained in this report to prevent the behaviours that have a detrimental effect on the lives of residents, businesses and visitors to the borough. These Orders complement existing powers and tools currently used to help protect and develop a safe, clean and sustainable environment. They offer additional options for consideration when dealing with anti-social behaviour, which in turn, could lead to early resolution of problems in regards to both alcohol and

dog related nuisance across the borough.

### **3. Recommendations:**

That the Cabinet Member:

- 3.1 Approves the continuation of all of the Council's Designated Public Place Orders (DPPOs) and Dog Control Orders (DCOs) as Public Space Protection Orders (PSPOs) for a period of 3 years from 20<sup>th</sup> October 2017.

### **4. Reasons for decision**

- 4.1 Whilst the existing terms of DPPOs and DCOs will convert to PSPOs automatically on 20<sup>th</sup> October 2017, the Act is silent as to their duration and there therefore needs to be clarity as to their continued need and how long they should last, for which a decision is required.
- 4.2 Since October 2014 when part 4 of the 2014 Act came into force, it has no longer been possible to make any new DPPOs or DCOs. For this reason, it is essential that the areas covered by existing DPPOs are converted to PSPOs to enable the continuation of enforcement in regards to nuisance caused by irresponsible drinking and dog control.
- 4.3. Alternative Options considered

To allow the existing DPPOs and DCOs to become PSPOs without clarification as to their duration or review as to the need for their continuation. However, this option was not considered appropriate as this approach would create uncertainty and possibly confusion.

### **5. Background information**

- 5.1 Haringey Council implemented 8 DPPOs in the borough in 2006 and an additional 3 in 2010. These cover the wards, Bounds Green, Bruce Grove, Harringay, Noel Park, Northumberland Park, Seven Sisters, St Ann's, Tottenham Green, Tottenham Hale, West Green and Woodside.
- 5.2 DPPOs enable local authorities to designate places where restrictions on public drinking apply. Police Officers then have powers to deal with anti-social drinking in areas where a DPPO applies. This includes the power to require a person in the designated area not to drink alcohol and, if required, to ask a person to surrender any alcohol in their possession.
- 5.3 While it is not an offence to drink alcohol in a Designated Public Place, failure to comply with an officer's requirements, without reasonable excuse, is an arrestable offence. Penalties for the offence include (1) a Penalty Notice for Disorder (PND); (2) arrest and prosecution for a level 2 fine, maximum of £500.00.

- 5.4 The Clean Neighbourhoods and Environment Act 2005 introduced Dog Control Orders to enable Councils to deal with anti-social behaviour relating to dogs.
- 5.5 The London Borough of Haringey introduced Dog Control Orders, these covered, (1) dog fouling, (2) areas where dogs have to be kept on leads, (3) dogs on leads when directed by an authorised person, (4) dog exclusion from areas and (5) the maximum number of dogs that can be walked by one person. Dogs can remain off lead in parks over half a hectare except in those areas where a dog exclusion order applies. Dog owners can still be directed to place their dog on a lead if their dog is causing nuisance to park users, other dogs or animals. These existing Orders and a map showing their locations can be found at **Appendices 1-5**

## **6. Public Space Protection Orders**

- 6.1 The 2014 Act gave local authorities the power to implement a PSPO if satisfied on reasonable grounds that two conditions have been met. The first is that:
- a) Activities carried out in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality
  - b) It is likely that activities will be carried out in a public place within that area and that they will have such an effect.
- 6.2 The Order outlines the space to which it applies and can make requirements, prohibitions or both within an area. The Council, police or designated officer can then enforce the prohibitions and/or requirements where officers believe that it is reasonable to do so in order to prevent or reduce the detrimental impact of anti-social behaviour to those living, visiting or working within the borough.
- 6.3 The Order can apply for a maximum of three years, after which a review and consultation must again be carried out to ensure that the issues are still occurring and the Order is having the required affect. After the review the Order can be renewed for periods of up to three years.
- 6.4 Failure to comply with either a prohibition, or requirement, within an Order is an offence. A breach of the Order can incur a fixed penalty notice of up to £100.00 or a fine not exceeding level three (£1,000) upon summary conviction.
- 6.5 The street drinking PSPOs would replicate the current areas of the DPPOs in Haringey and would provide that:

Person(s) within the area defined within the area as attached shall:

- Not continue to drink alcohol or consume intoxicating substances when required to stop doing so when requested by a police officer, Police Community Support Officer (PCSO) or authorised council officer
- Surrender any alcohol or intoxicating substances in his or her possession when required to do so by when requested by a police officer, Police Community Support Officer (PCSO) or authorised council officer

- 6.6 The current DPPOs are solely to deal with alcohol related anti-social behaviour, which continues to be an issue within the borough. Once these convert to PSPOs this will enable both the police and the council to continue to manage crime, ASB and disorder within the borough.
- 6.7 There are additional tools which the council and the police can use to manage crime and disorder in the borough with or without alcohol as a qualifying factor these include:
- The Licensing Act 2003 creates an offence for licensed premises to sell alcohol to, or on behalf of, children
  - The Anti-Social Behaviour, Crime and Policing Act 2014 giving both police and local authorities' the power to issue Community Protection Warning Notices to deal with a wide range of anti-social behaviour issues. The Act also giving police the authorisation to place Dispersal Notices within areas, these give the police powers to exclude a person from an area in a public place for up to 48 hours where anti-social behaviour and/or crime and disorder is present (with or without alcohol as a qualifying factor)
  - The Council can also review Premises Licences if they do not meet one or more of the objectives contained within the Licensing Act 2003, such as the prevention of public nuisance or the prevention of crime and disorder. Local residents can make representation to have a licence reviewed
  - Under the Confiscation of Alcohol (Young Person) Act 1997 a police officer can remove alcohol from a person suspected of being under age
  - On the spot penalties can also be issued to person being drunk on the highway or other public place by virtue of the Licensing Act 1872 and for exhibiting disorderly conduct whilst drunk in a public place (Criminal Justice Act 1967). The police can also deal with behaviour causing harassment, alarm or distress (with or without alcohol as a qualifying factor).
- 6.8 The benefit of a PSPO to tackle anti-social behaviour to improve the quality of life of those who work, live and visit the borough is that PSPOs enable a wider range of officers to tackle the quality of life issues in comparison with the DPPOs where only a police officer could enforce the order.

## **7. The proposal**

- 7.1 It is recommended that the Council converts the existing DPPOs and DCOs to PSPOs for a period of three years. Eleven PSPOs will be converted to enable the enforcement of anti-social drinking in public and the twelfth to incorporate all

the aspects of the DCOs into one order which will include, Dog Fouling, Dog exclusion, Dog on Lead, Dog on Lead by Direction and the number of dogs that can be walked. Full details of the proposed PSPOs can be found at **Appendices 6-17**

- 7.2 The street drinking PSPOs would replicate the current areas of the DPPOs in Haringey and would provide that:

Person(s) within the area defined within the area as attached shall:

- Not continue to drink alcohol or consume intoxicating substances when required to stop doing so when requested by a police officer, Police Community Support Officer (PCSO) or authorised council officer
- Surrender any alcohol or intoxicating substances in his or her possession when required to do so by when requested by a police officer, Police Community Support Officer (PCSO) or authorised council officer

- 7.3 Analysis of crime and incident data obtained from the police, London Ambulance Service and the council's anti-social behaviour data base supports the continuation of powers (PSPOs) to tackle street drinking in the borough.

- 7.4 A review of the current DPPOs highlights the need for a continuation of powers to tackle street drinking. The following review of the wards where the DPPOs will continue as PSPOs highlights some serious issues with alcohol related nuisance within these wards, the PSPOs may not cover all the areas where nuisance has occurred within these wards. Other enforcement powers and measures available to the council and its partners will be utilised to tackle nuisance in these areas, as appropriate and necessary.

- 7.5 Over the last two years the Police received 4,971 ASB related calls which were flagged as alcohol and/or licensing related between 2015 and 2017. By far the highest proportion of these were related to incidents in the wards of Tottenham Green, Noel Park and Northumberland Park.

- 7.6 Over the same period The London Ambulance Service received 3774 reports for alcohol related matters. This includes both injuries where alcohol was believed to have been a factor as well as illnesses related to alcohol, where an ambulance was required. Noel Park, Tottenham Green and Northumberland Park had the highest volume of these callouts.

- 7.7 The Council received 1118 reports from residents, by far the highest volume of these occurred in Northumberland Park ward, with 148, accounting for 13% of complaints. Tottenham Green and Tottenham Hale wards were the second and third highest volume wards respectively, accounting for 98 and 91 reports each.

- 7.8 The following chart highlights the number of reports received in each ward in respect of alcohol related nuisance and emphasises the need for the PSPOs to continue within these wards:

Ward	LAS	Police	Council	Total
Bounds Green	330	283	41	654
Bruce Grove	226	295	43	564
Harringay	230	298	30	558
Noel Park	405	521	84	1010
Northumberland Park	344	469	150	963
Tottenham Green	384	542	101	1027
Tottenham Hale	252	390	92	734
Seven Sisters	168	241	89	498
St Ann's	193	239	61	493
West Green	188	221	62	471
Woodside	313	357	71	741

- 7.9 The full report detailing alcohol related nuisance across the borough can be seen in the report "Public Space Protection Order (PSPO) analysis April 2017" where alcohol related incidents across the borough were reported to various agencies between 2015-2017. This report is attached as **Appendix 18**
- 7.10 This report is not recommending PSPOs to tackle alcohol related anti-social behaviour outside of the boundaries of the current DPPOs.
- 7.11 The second proposed PSPO would reflect the current Dog Control Orders but would bring all the prohibitions and requirements into one PSPO. Haringey Council has five DCOs which cover the areas in the map attached at **Appendix 19**
- (1) Dog Fouling of Land Order - an offence not to clean up after your dog
  - (2) Dog on Lead Order – dog to be kept on a lead in car parks, cemeteries, parks and open spaces of less than half a hectare
  - (3) Dog on Lead by Direction Order - dog to be placed on a lead when directed to do so by an authorised officer
  - (4) Dog Exclusion Order – dogs to be excluded from children's play areas and play grounds, ball courts, marked games and sports pitches
  - (5) Dog (Specified Maximum) Order – limiting the number of dogs that can be walked by one person to a maximum of six
- 7.12 In regard to dog related nuisance a total of 1,538 dog fouling and control order reports were recorded by LBH and Veolia between 2015 and 2017. The largest volumes of these were recorded in Harringay and Bruce Grove Wards, with St Ann's, Stroud Green and Tottenham Green featuring highly.
- 7.13 1,917 ASB related calls were made to the police which were flagged as 'animal nuisance' between 2015 and 2017. The majority of reports of 'animal nuisance' related to dogs e.g. barking, loose / aggressive dogs and fouling.

The largest volumes of animal nuisance calls were recorded in Tottenham Green, Tottenham Hale and White Hart Lane. Bounds Green, Harringay, Northumberland Park, St Ann's and Woodside all wards received over a



hundred complaints about dog nuisance, barking, loose / aggressive dogs and fouling.

- 7.14 The data highlights the need to have a continuation of powers to enforce dog related nuisance within the borough. The full data relating to reported dog nuisance and fouling is contained in the attached document “Public Space Protection Order (PSPO) analysis April 2017” which is attached as **Appendix 18**
- 7.15 The PSPO will replicate the current DCO in that dogs will be required to be on a lead on all land less than half a hectare and all estates and land managed by Homes for Haringey on behalf of the council. A Map and details of these locations is attached as **Appendix 20**

## **8. Consultation**

- 8.1 Under the 2014 Act there is no requirement for councils to undertake new consultation where existing DPPOs or DCOs are converting to PSPOs.
- 8.2 However, the Council has undertaken consultation with the Chief Officer of Police in regards to the conversion of the DPPOs & DCOs to PSPOs.
- 8.3 The PSPO does not make it illegal to drink alcohol in a public place or within the boundary of a licensed premises. However, if a person was to drink beyond the legal boundary of a licensed premises and cause anti-social behaviour and they do not stop drinking if asked to do so by an officer, then they would be subject to enforcement action.
- 8.4 The only exception on alcohol in public places are in areas which are already licensed to serve alcohol such as beer gardens. If an area covered by the PSPO is licensed by a temporary events notice or another type of licence under the Licensing Act 2003 then the PSPO will not be effective for the period of that licence.
- 8.5 All licensed premises within the boundaries of the PSPOs will be notified of the conversion of DPPOs to PSPOs
- 8.6 The proposals outlined in this report recommend that the DPPOs and the DCOs in Haringey are converted to PSPOs on a like for like basis, there will be no changes in regards to the boundaries, prohibitions or restrictions of the PSPOs. The maps showing the areas covered by the PSPOs in each affected ward are attached at Appendices **6-17 as listed below:-**

- Appendix 6      Bounds Green PSPO
- Appendix 7      Bruce Grove PSPO
- Appendix 8      Haringay PSPO
- Appendix 9      Noel Park PSPO
- Appendix 10     Northumberland Park PSPO
- Appendix 11     St Ann’s PSPO

- Appendix 12      Seven Sisters PSPO
- Appendix 13      Tottenham Green PSPO
- Appendix 14      Tottenham Hale PSPO
- Appendix 15      West Green PSPO
- Appendix 16      Woodside PSPO

## **9. Implementation**

- 9.1 A public notice of the orders will be published on the Council's Website.
- 8.2 Signage will also be erected in Haringey notifying residents where a PSPO is in force and will explain what this means in practical terms. This is to provide support for the enforcement agencies and prevent risk of mitigation pleas from those found to be in breach. The council will endeavour to have all signage in place by 30 November 2017.

## **10. Enforcement**

- 10.1 Like DPPOs, PSPOs can be enforced by Police Officers, Police Community Support Officers and those designated by the council.
- 10.2 Council Officers will also have the legal power to enforce the requirements or prohibitions relating to the consumption of or surrendering of alcohol.
- 10.3 The Council will also enforce the prohibitions and requirements of the dog related PSPOs as part of its usual business.
- 10.4 It is important to note that even if PSPOs are in place, if the prohibitions are breached and this is not witnessed by a designated officer, legal action cannot be taken.

## **Contribution to strategic outcomes**

### **9. Corporate Plan 2015/18**

- 9.1 Our vision for all residents and businesses in Haringey is summarised in the Priority 3 of the Corporate Plan: Clean and Safe - A clean, well maintained and safe borough where people are proud to live and work. Underpinning this overarching priority are two specific objectives to address crime and ASB:
- Objective 1 - "We will work with communities to improve the environment particularly by reducing anti-social behaviour and environmental crime". The PSPO will enable us to work with our community and partners to identify local needs and encourage communities to take ownership of their local area.



- **Objective 5** - “We will work with partners to prevent and reduce more serious crime. By joining up our enforcement teams to monitor and enforce the PSPO we will help identify and tackle issues more effectively, helping to make members of the community feel safer. Create communities where people choose to live and work and able to thrive is a key driver for Priority 5. By ensuring a continued response to dog and alcohol related anti-social behaviour the proposals meet the Council’s priorities to provide a quality environment which is both clean and safe. The PSPOs take positive action to keep crime and anti-social behaviour low.

**9.2** The PSPO is intended to deal with particular nuisance or problems in a defined area, which is detrimental to the local community’s quality of life, by imposing conditions on the use of that area which will apply to everyone, contributing to objective one and five.

## **10. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

### **10.1 Finance**

On the basis of the considerable areas covered by the PSPOs it is estimated that the costs of erecting signs to publicise the fact that a PSPO has been made could be in the region of £6k-to £7k. There is no funding within the 2017/18 to fund the costs of publicising the PSPOs but the cost of the signage can be met from existing budget within the service. There are no other costs anticipated.

### **11. Legal**

The Assistant Director of Corporate Governance has been consulted in the preparation of this report.

**11.1** Section 75 of the Anti-social Behaviour Crime and Policing Act 2014 (the Act), provides that where Designated Public Place Order, Gating Order or Dog Control Orders were in force at the commencement of the Act i.e. on 20th October 2014, they will continue to be valid for a period of three years i.e. until 19th October 2017. From 20th October 2017 the orders will automatically become PSPOs. The Act is silent as to the duration of the new PSPOs, however under Section 60 of the Act a PSPO cannot have effect for a period of more than 3 years.

A PSPO may normally be made if the council is satisfied on reasonable grounds that the following two conditions have been met:

- Activities carried on in a public place within the borough have had a detrimental effect on the quality of life of those in the locality or it is likely that activities will be carried on in a public place within that area and that they will have such an effect;

- ii. That the effect, or likely effect, of the activities is or is likely to be, of a persistent or continuing nature, such as to make the activities unreasonable and justifies the restrictions imposed by the notice.
- 11.2** As the Lead Member is deciding the duration of the orders that have automatically become PSPOs pursuant to section 75 of the Act, he should be satisfied that the terms are reasonable to impose for a period of 3 years in order to prevent the detrimental effect on those in the locality or reduce the likelihood of the detrimental effect, continuing, occurring or recurring.

## **12. Equality Implications / Public Sector Equality Duty**

- 12.1** Pursuant to Section 149 of the Equality Act 2010 (the Act), the Council, in the exercise of its functions, has to have due regard to (i) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advancing equality of opportunity between those with a relevant characteristic and those without; and (iii) fostering good relations between those who have a relevant protected characteristic and those without. The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnerships, but to a limited extent.
- 12.2** In line with this, an initial EqIA was completed but did not find that a full EqIA was required as no potential adverse impacts in relation to the decision for this report is likely.
- 12.3** The government guidance on PSPO states that the restrictions of a PSPO can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. This PSPO will apply to all individuals committing ASB within the designated area, without discrimination.
- 12.4** No particular group should be disadvantaged through the publicity or enforcement of the PSPOs.
- 12.5** The introduction of the PSPOs will aim to improve the quality of life and experience for all residents, businesses and visitors to the borough. Any order would be designed to provide a safe and peaceful environment for all residents where the Order is in force and should be supportive of the needs of those most affected by the fear of crime.

## **13. Business case**

- 13.1** The purpose of the proposals outlined in this report is to ensure that the current DPPOs and DCOs in Haringey are replaced with PSPOs. This is in line with legislation brought about by the 2014 Act and allow a continued response to alcohol and dog related anti-social behaviour. The report does not, therefore, propose the introduction of any further prohibitions and/or requirements.

## **14. Risk Management:**

- 14.1 It is possible that the proposed “street drinking” PSPO will not adequately deal with the anti-social behaviour it is targeting. It is also possible that the PSPO will lead to displacement of such behaviour to areas outside the PSPO boundaries.
- 14.2 To mitigate this risk, communities will be encouraged to report incidents of drinking. Officers from the Safer Neighbourhood Teams will be encouraged to report incidents of street drinking and related nuisance. The scope of the PSPO will be kept under review, and amendments drafted if required. A PSPO may be varied at any time, so long as the statutory process is followed.
- 14.3 There is still negative national press coverage in relation to the implementation of PSPOs by local authorities. However, the prohibitions to rough sleeping, begging and unauthorised encampments draw the greatest controversy.
- 14.4 A review of alcohol and dog related incidents across the borough shows there are other problematic areas where drinking and dog related nuisance is occurring. Before the expiry of the PSPOs in 2020 the Council will consider whether to consult with all residents and business across the borough in regard to alcohol and dog related nuisance. This will enable all to have their say and give their views, including those living or working in the wards highlighted in this report. This would establish whether residents and businesses have information that would support extending the PSPO within their wards.
- 14.5 As outlined in Paragraph 5.1, the prohibitions and requirements of the proposed PSPOs reflect the current Orders in place, which are justifiable and proportionate to the needs of Haringey.

## **15. Benefit and Impact:**

- 15.1 Anti-social behaviour can have a detrimental impact on communities’ quality of life. It can leave people feeling frightened and unsafe in the areas where they live or travel within the ward.
- 15.2 The proposals aim to provide a continued response to alcohol related anti-social behaviour in light of changes to legislation under the 2014 Act. It is to ensure that residents, businesses and visitors to the borough feel safe free without the fear of victimisation and impacting on their quality of life.
- 15.3 In addition, like street drinking, dog related anti-social behaviour can also have similar effects on the quality of life of the community. The proposals ensure that there is an on-going response to dog fouling and other dog related ASB.

### **Background papers**

The background papers used in compiling this report were as follows:

- 1 - Anti-Social Behaviour, Crime & Policing Act 2014, available at:  
[www.legislation.gov.uk/ukpga/2014/12/contents/enacted/data.htm](http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted/data.htm)

## **Appendices**

Appendix 1	(DCO) Dog Fouling of Land
Appendix 2	(DCO) Dogs on Lead by Direction
Appendix 3	(DCO) Dog Exclusion
Appendix 4	(DCO) Dog (Specified maximum)
Appendix 5	Borough wide map – areas covered by the current DCOs
Appendix 6	Bounds Green PSPO
Appendix 7	Bruce Grove PSPO
Appendix 8	Harringay PSPO
Appendix 9	Noel Park PSPO
Appendix 10	Northumberland Park PSPO
Appendix 11	St Ann's PSPO
Appendix 12	Seven Sisters PSPO
Appendix 13	Tottenham Green PSPO
Appendix 14	Tottenham Hale PSPO
Appendix 15	West Green PSPO
Appendix 16	Woodside PSPO
Appendix 17	Dog Control & Dog Fouling PSPO
Appendix 18	Public Space Protection (PSPO) analysis April 2017
Appendix 19	MAP showing areas covered by current DCOs
Appendix 20	Land less than half a hectare – dogs on leads