

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PART 4, SECTION 59

DRAFT 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 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. The consumption of alcohol or being in possession of an open container of alcohol in the restricted area other than at an event or place licensed for the sale and consumption of alcohol, and acting in manner that is causing or is likely to cause alarm, harassment or distress.
 - b. Obstructing a building entrance or exit, stairwell or highway after being asked to move by an authorised officer.
 - c. The ingestion, inhalation, injection or smoking or otherwise of intoxicating¹ substances.
 - d. To possess, sell or supply intoxicating¹ substances
 - e. Discarding hypodermic needles or syringes in a public space (except in an appropriate sharps container)
 - f. Soliciting others for the purpose of obtaining sex or drugs
 - g. Participating in any sexual acts in any public place
 - h. Urinating, defecating or exposing genitals in a public place or in an area belonging to a private resident, business or the council (excluding a toilet designated for use by members of the public)
 - i. Behaving in a manner, either as an individual or within a group of people, which causes or is likely to cause harassment, alarm or distress.
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 **GREEN** on **MAP of PSPO Boundary** forming part of the Order, and
 - b. The Finsbury Park recreational area is highlighted in **RED**
 - c. Includes the roads, Green Lanes, Wightman Road, Pemberton Road, Kimberley Gardens, Cleveland Gardens, Mattison Road, Chesterfield

¹ Intoxicating Substances means substances with the capacity to stimulate or depress the central nervous system but does not include alcohol, vaporisers or tobacco

Gardens, Sussex Gardens, Duckett Road, Roseberry Gardens, Devon Gardens, Cavendish Road, Rutland Gardens, Essex Gardens, Grafton Gardens, Burgoyne Road, Stanhope Gardens, Portland Gardens, Umfreville Road, Woollaston Road, Atterbury Road, Cyprus Close, Lothair Road South, Lothair Road North, Coningsby Road, Tancred Road, Venetia Road, Sybil Mews, Endymion Road, Urban Mews, Seven Sisters Road, Stroud Green Road, Upper Tollington Park, Woodstock Road, Ennis Road, Perth Road, Osborne Road, Victoria Terrace, Oxford Road, Florence Road, Scarborough Road, Carlisle Road.

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: _____ 2020

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

DRAFT FINSBURY PARK & GREEN LANES AREA PSPO MAP

