

Report for: Cabinet

Title: Extension of Alcohol & Dog Control Public Space Protection Orders

Report authorised by: Stephen McDonnell, Director of Environment & Neighbourhood

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Ward(s) affected: All wards for Dog Control / 11 Wards for the control of alcohol

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

1. Describe the issue under consideration

- 1.1 The existing Public Space Protection Orders (PSPO) for Alcohol & Dog Control expire on the 18th October 2020.
- 1.2 Approval is being sought to consult on the extension of these orders for a further three years. Approval is being sought to consult on the extension of the PSPO for the control of alcohol in the Woodside Ward. The proposal is to extend the boundary to include Lordship Lane, Chapmans Green Park and the roads on the periphery of the park. See map boundary (Appendix 15)
- 1.3 Consultation on a new requirement for the Dog Control PSPO. This will require the owner or person in charge of a dog to produce a receptacle or device for removing dog faeces from land when asked to do so by an officer.

2. Cabinet Member Introduction

- 2.1 PSPOs are intended to deal with nuisance or problems in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area, which apply to everyone.
- 2.2 Extending the PSPOs ensures that the Police and the Council have powers under this legislation to deal with anti-social behaviour. These Orders complement existing powers used to protect and develop a safe clean environment for residents, visitors and businesses.
- 2.3 As the Cabinet Member for Communities, I am supportive of the proposals contained in this report to prevent the behaviours associated with alcohol and dog related nuisance, which can have a detrimental effect on the lives of residents, businesses and visitors to the borough.

3 Recommendations

3.1 Cabinet is asked to:

- a) Authorise consultation on extending the 11 PSPOs for the control of alcohol until October 2023
- b) Authorise consultation on varying the boundary of the Woodside alcohol PSPO to include Lordship Lane, Chapmans Green Park and the roads directly surrounding Chapmans Green Park
- c) Authorise consultation on extending the dog control PSPO until October 2023
- d) Authorise consultation on varying the dog control PSPO to impose a new requirement that dog owners produce a device or other means for removing dog faeces when requested by an officer.
- e) Note that following the consultation a further report will be submitted to Cabinet for a decision on extending and varying the PSPOs.

4. Reasons for decision

4.1 Not having valid PSPOs in place will have an impact on the Police and Council officers ability to enforce drinking and dog-related nuisance across the borough. This may have a detrimental effect on the reputation of the Council by:

- An increase in dog fouling;
- Dogs being walked off the lead for example on highways and in cemeteries;
- Any number of dogs being walked by one person;
- No way to control dogs causing nuisance, (i.e. requirement to place a dog on a lead);
- Dogs entering children's play areas, sports areas and marked pitches; and
- People drinking alcohol and engaging in behaviour likely to cause nuisance in restricted areas.

5. Alternative options considered

5.1 Not to consult or renew the PSPOs. This option is not recommended for the reasons highlighted in 4.1. Allowing the PSPOs to lapse without extending them will result in a recurrence of the activities that are detrimental to the

quality of life of people who live, visit or work in the areas where the PSPOs can be enforced.

6. Background information

6.1 The existing PSPOs enacted on the 19th October 2017, relating to alcohol and dog control expire on the 18th October 2020. A PSPO remains in place for three years unless discharged by the Local Authority.

6.2 The Police and Council are responsible for tackling anti-social behaviour. PSPOs are an effective deterrent to deal with particular nuisance or problems in a particular area that is detrimental to the local community's quality of life.

6.3 A PSPO works by imposing conditions on the use of that area, which apply to everyone. A PSPO is designed to ensure that residents and visitors can use and enjoy public spaces without experiencing anti-social behaviour.

6.4 In accordance with s60 (2) of the Anti-Social Behaviour Crime and Policing Act 2014 (the Act), a PSPO cannot have effect for more than 3 years, unless extended under s60 (2). This section permits a local authority to extend a PSPO where it is satisfied on reasonable grounds that doing so is necessary to prevent an occurrence or recurrence of the activities identified in the order.

6.5 The introduction of PSPOs for alcohol control has enabled the Police to remove alcohol from those that are engaging in or are likely to engage in anti-social behaviour.

6.6 The PSPO for Dog Control enables officers from the Police and Council to give direction in regards to dogs off lead and dogs causing nuisance in a public place, this includes dog fouling and other related dog issues.

6.7 The existing PSPOs came into force on the 19th October 2017. These have enabled the Council and the Police to take preventative enforcement action in public places on:

- Dogs fouling on land.
- Dog exclusion in specified areas.
- Dogs on lead in specified areas.
- Dogs on lead by direction.
- Dogs specified maximum amount.
- Alcohol consumption in a prohibited area.

6.8 Detailed information is outlined below:

- **Dogs fouling on land**

If a person allows a dog, they are responsible for at that time to foul and walks away without picking up the faeces an officer can issue a Fixed Penalty Notice or provide evidence for legal action through the court. This is a borough wide order and applies to all land to which the public have access.

- **Dog exclusion in specified areas**

Dogs are excluded from specific locations within Haringey; this includes children's play area/grounds. Dogs are prohibited from entering marked pitches in parks and open spaces when in use. An officer can take action by means of issuing a Fixed Penalty Notice or provide evidence for legal action through the court if the person responsible for the dog allows it to enter the exclusion areas.

- **Dogs on lead in specified areas**

If a person does not comply with placing their dog on a lead on roads and estates managed by Homes for Haringey (including pavements, footways, verges, pedestrianised areas, cemeteries) an officer, can take action by means of issuing a Fixed Penalty Notice or provide evidence for legal action through the court.

- **Dogs on lead by direction**

If a person does not comply with placing their dog on a lead at the request of an authorised officer, the officer or the Police can take action by means of issuing a Fixed Penalty Notice or provide evidence for legal action through the court.

- **Dogs Specified Amount**

One person can take out no more than six dogs at any one time, an officer can issue a Fixed Penalty Notice or provide evidence for legal action through the court.

6.9 During the period of January to December 2018, the Council received 82 complaints about dog fouling. The following year January 2019 to December 2019, the Council received 48 reports.

The Council's contractor Veolia is responsible for clearing dog faeces from Haringey streets. Residents made 1,038 reports to Veolia requesting the removal of dog faeces from streets within the borough during the period 1st October 2017 to 31st October 2019.

6.10 It is difficult to take action against dog owners who fail to pick up faeces, as this is reliant on officers witnessing the offence. Having an amendment to the current PSPO making it an offence for dog owners not to produce a device or other means for removing dog faeces upon request, will enable officers to issue a Fixed Penalty Notice to those not carrying a receptacle or device to remove dog faeces. This will enable officers to take action against irresponsible dog owners who allow their dogs to foul land and who do not intend to clean up after their dog.

6.11 The variation of the Dog Control PSPO in regards points 6.10 above will not apply to a person in control of a working dog that has been trained to assist a person who has a disability.

6.12 The Dog Control PSPO is not put in place as a means to restrict the exercising or recreation of dogs across Haringey. The reason for making the

Order is to address the detrimental effect on the quality of life of those in the locality caused by the irresponsible behaviour of a small minority of dog owners; and to set out a clear standard of behaviour to which all dog owners are required to adhere.

6.13 Sealed Dog Control PSPO and Map is attached at Appendix 1

7. Alcohol Consumption in prohibited areas

If a person who is drinking alcohol or carrying alcohol in an open can, an officer can request the person to (1) surrender their alcohol or pour it away (2) not to continue to drink alcohol when required to do so. Failing to do so allows the officer to take action by means of issuing a Fixed Penalty Notice or provide evidence for legal action through the court. There are 11 PSPO areas in Haringey controlling the consumption of alcohol.

7.1 It is not an offence to drink alcohol in a controlled drinking area. It is an offence to fail to comply with a request to stop drinking or surrender alcohol in the area covered by the Order.

7.2 Failure to comply with either a prohibition or requirement is an offence. A breach of the Order can incur a Fixed Penalty Notice of £100.00 or a fine not exceeding level three (£1000.00) upon summary conviction.

7.3 There are various 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;
- The Anti-Social Behaviour, Crime and Policing Act 2014;
- Review of Premises Licences;
- Confiscation of Alcohol (Young Person) Act 1997 a Police officer can remove alcohol from a person suspected of being under age; and
- Licensing Act 1872 on the spot penalties for being drunk on the highway or other public place. 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).

7.4 A review of the current PSPOs highlights the need for a continuation of powers to tackle individuals drinking on the street.

7.5 A review of the current PSPOs shows there were 2608 related calls, which were flagged as alcohol/licensing related between 2017 - 2019. By far the highest proportion of these were related to incidents in the wards of Noel Park, Northumberland Park and Tottenham Green. Far fewer incidents were reported in Alexandra, Muswell Hill and Highgate wards.

7.6 Over the same period, The London Ambulance Service (LAS) received 3949 callouts for alcohol related matters in the past two years. 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. Tottenham Green,

Bounds Green and Noel Park had the highest volume of these callouts. In contrast, Alexandra, Stroud Green and Crouch End had relatively few callouts.

- 7.7** Data from the London Ambulance Service and the Police shows alcohol related nuisance and emphasises the need for the PSPOs to continue within these wards:

London Ambulance Service (LAS) Alcohol Callouts

| Ward | LAS Alcohol Calls |
|-----------------------|-------------------|
| Alexandra | 59 |
| Bounds Green | 373 |
| Bruce Grove | 229 |
| Crouch End | 101 |
| Fortis Green | 108 |
| Harringay | 181 |
| Highgate | 103 |
| Hornsey | 124 |
| Muswell Hill | 134 |
| Noel Park | 372 |
| Northumberland Park | 325 |
| Seven Sisters | 223 |
| St Ann's | 208 |
| Stroud Green | 81 |
| Tottenham Green | 444 |
| Tottenham Hale | 311 |
| West Green | 198 |
| White Hart Lane | 135 |
| Woodside | 240 |
| Haringey Total | 3949 |

CAD ASB Reports to Police with an Alcohol / Licensing Nuisance Code

| Ward | CAD Alcohol |
|--------------|--------------------|
| Alexandra | 43 |
| Bounds Green | 158 |
| Bruce Grove | 196 |
| Crouch End | 67 |
| Fortis Green | 81 |
| Harringay | 138 |
| Highgate | 55 |
| Ward | CAD Alcohol |
| Hornsey | 74 |
| Muswell Hill | 54 |
| Noel Park | 264 |

| | |
|-----------------------|-------------|
| Northumberland Park | 272 |
| Seven Sisters | 158 |
| St Ann's | 139 |
| Stroud Green | 59 |
| Tottenham Green | 308 |
| Tottenham Hale | 188 |
| West Green | 130 |
| White Hart Lane | 90 |
| Woodside | 134 |
| Haringey Total | 2608 |

- 7.8** Alcohol related reports in the past two years show evidence of clustering, with wards in the east (Northumberland Park / Tottenham Green) exhibiting high volumes, as well as a central clustering of Noel Park also featuring highly.
- 7.9** We are proposing to consult on the extension of the Woodside PSPO. Council Officers in conjunction with the Police are recommending a variation of the PSPO to extend the boundary. Chapmans Green, is a small park on the junction of Lordship Lane and Dunbar Road, N22. There have been a number of complaints about individuals loitering, drinking and littering (discarded alcohol bottles/cans) in the park. Allegations have been made that some of the males loitering are drinking and engaging in drug dealing inside the park. We have received a number of reports from residents made through their Ward Councillors about these issues. We have had on site meetings with residents, the police and Ward Councillors.
- 7.10** There has also been reports that individuals have been drinking outside the Crown Court in Lordship Lane and outside the shops at the far end of Lordship Lane at the junction with Dunbar Road. The Woodside Policing Team have provided information of complaints received from residents about a number of criminal and anti-social behaviour incidents which have occurred over a two year period in the location of Lordship Lane and Chapmans Green Park. The extension of the PSPO will alleviate the alcohol related crime and anti-social behaviour within the area. The redacted police information is attached at **Appendix 2**

7.11 The PSPO orders for the 11 wards are attached - **Appendices Sealed Orders 3-13**

8. Consultation

8.1 In accordance with statutory guidelines and detailed in Section 72 of the Act the Council must undertake public consultation. This will include Chief of Police, appropriate community representatives, owners or occupiers of land.

8.2 The Council will undertake consultation with the Chief Officer of Police in regards to the both the Dog Control and Alcohol PSPOs as part of the consultation process.

8.3 The PSPO does not make it illegal to drink alcohol in a public place or within the boundary of licensed premises. However, if a person was to drink beyond the legal boundary of 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 restriction on alcohol in public places are in areas which are already licenced to serve alcohol 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 alcohol PSPOs will be notified of the Order.

8.6 The consultation will carried out:

- Online through the Council website.
- Awareness will be raised through the social media.
- Consultation documents will be sent to dog walker groups/clubs within the borough.
- Consultation documents will be sent to the Kennel Club.
- Consultation documents will be sent to the RSPCA and Dogs Trust.
- Officers will provide consultation documents to the Wood Green Animal Shelter.
- We will attempt to place copies of the consultation documents with veterinary practices within the borough.
- Letters will be sent to elected members so they can contact their constituents.
- In Woodside Ward where we are proposing to extend the boundary of the Order controlling alcohol, public meetings with residents and businesses within the affected area will be set up to discuss the proposals. This will enable residents and businesses to make an informed decision for or against the change.
- Information will be provided at the HfH Customer Service Desks.
- Information will be placed in the Haringey People Magazine.

- We will attempt to have the consultation information in the Homes for Haringey Home Zone.
- Information will be disseminated to the Neighbourhood Watch Groups.

8.7 It must be clearly highlighted that the consultation is not seeking views on whether to incorporate any additional ASB or nuisance issues into the PSPOs. The consultation is seeking to ensure there are no objections or representation with the proposals to extend and vary the PSPOs before a final decision on the enactment of the PSPOs.

8.8 The consultation will take place after the local elections in May and after the consultation a further report will be submitted to cabinet for final decision on whether or not to extend and vary the PSPOs .

9. Contribution to strategic outcomes

Borough Plan 2019 - 2023

9.1 Our vision for all residents and businesses in Haringey is summarised in Priority 3 of the Borough Plan 2019 - 2023:

Priority 3 - Our vision is for a place with strong, resilient and connected communities where people can lead active and healthy lives in an environment that is safe, clean and green.

We will work with communities to improve the environment, particularly by reducing anti-social behaviour, making members of the community feel safer in the area where they live or work.

We will work with partners to prevent and reduce more serious crime, by joining up our enforcement teams to monitor and enforce serious incidents of anti-social behaviour. We will help identify and tackle issues more effectively, making members of the community feel safer in the area where they live or work.

Preventing and acting against those, perpetrating ASB increases resident confidence and promotes their health and wellbeing, making them feel safer in their homes. It will also add to the Council's Priority giving children a better start in life by protecting them from the harmful effects of anti-social behaviour and resolving issues of dog nuisance in areas and estates where they live and play.

10. Statutory Officers comments Finance Officer

10.1 This report seeks cabinet approval of consultation and notification of the extension of the Public Space Protection Order (PSPO) which expires in October 2020; as outlined in section 3.1.

The cost of consultation is estimated to be in the region of £600 and will be met from existing Enforcement and Safety Budget.

Once implemented this will enable the continuation of Fixed Penalty Notices (FPN's) to be issued by ASB Enforcement Officers to ensure compliance.

Furthermore, increased powers for the Police and Council to take preventative enforcement action against ASB in public spaces.

11. Legal & Governance

11.1 A Public Spaces Protection Order (PSPO) may be made if the Council is 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.

11.2 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.

11.3 Regarding consultation, this has to be at a time when proposals are still at a formative stage. Second, the proposer has to give sufficient reasons for any proposal to permit an intelligent consideration and response. Third, adequate time has to be given for consideration and response, and finally, the product of consultation had 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.

11.4 1.6 A Public Space Protection Order may not have effect for a period of more than 3 years, unless under section 60 of the Act it is extended before it expires. Alternatively, a Public Space Protection Order can be varied.

- By increasing or reducing the restricted area;
- By altering or removing a prohibition or requirement included in the order, or adding a new one.
- Or by making a variation that results in the order applying to an area to which it did not previously apply only if:

- Where an order is varied, the order as varied must be published in accordance with regulations made by the Secretary of State.

- 11.5 The proposed extensions and variations are in accordance with the Act but need to be consulted upon.
- 11.6 As these PSPOs significantly affect the inhabitants of two or more wards the decision to go out to consultation is a key decision that requires Cabinet approval.

12. Equality

- 12.1 Section 149 of the Equality Act 2010 sets out the new public sector equality duty replacing the previous duties in relation to race, sex and disability and extending the duty to all the protected characteristics (race, sex, disability, age, sexual orientation, religion or belief, pregnancy or maternity, marriage or civil partnership and gender reassignment). The public sector equality duty requires public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 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. The EqIA is attached at **Appendix 14**
- 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 anti-social behaviour within the designated area, without discrimination.
- 12.4 No particular group should be disadvantaged through publicity or enforcement of the PSPO.
- 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 clean, 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.
- 12.6 There is no negative impact on people having any of the protected characteristics. The overall impact is positive.

13. Appendices

Appendix (1) Dog Control PSPO & Borough Ward Map

Appendix (2) Report from the SNT

Appendix (3) Bounds Green PSPO

Appendix (4) Bruce Grove PSPO
Appendix (5) Harringay PSPO
Appendix (6) Noel Park PSPO
Appendix (7) Northumberland Park PSPO
Appendix (8) St Ann's PSPO
Appendix (9) Seven Sisters PSPO
Appendix (10) Tottenham Green PSPO
Appendix (11) Tottenham Hale PSPO
Appendix (12) West Green PSPO
Appendix (13) Woodside PSPO
Appendix (14) EqIA
Appendix (15) Map boundary extension for Woodside Ward

Local Government (Access to Information) Act 1985

Back Ground 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

DEFRA Practitioners Manual on dealing with irresponsible dog ownership
<https://www.gov.uk/government/publications/dealing-with-irresponsible-dog-ownership-practitioners-manual>