PSPO Consultation FAQs

What is a PSPO?

A Public Space Protection Order (PSPO) is a power under the Anti-Social Behaviour, Crime and Policing Act 2014. It is intended to allow a council to deal with a particular nuisance or problem behaviours that are detrimental to the local community's quality of life in a particular area.

They are designed to ensure the law-abiding majority can use and enjoy public spaces safe from anti-social behaviour and allow councils to impose either restrictions or requirements in that particular area, or blanket restrictions that will apply to everyone.

Haringey Council has trialled the use of PSPOs since 2017 for anti-social behaviours such as street drinking and dog control in certain areas affected by these behaviours. A PSPO when created can be in force for three years from the date it is implemented. Any changes to the PSPO area or additional restrictions will require further consultation.

Who can make a PSPO?

Councils can issue a Public Spaces Protection Order (PSPO) after consultation with the Public, Police and Crime Commissioner and other relevant bodies.

What are the proposed areas that will be covered by the PSPO?

The proposed PSPO we are consulting on relates to all public spaces within the London Borough of Haringey. This refers to any public space which the public or a part of the public has access. This can include areas where access is authorised with payment, or with express or implied permission. A public space can therefore include businesses and communal areas of housing blocks but excludes residential premises.

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Who is excluded from PSPO enforcement?

The council would not take PSPO action against any of the following;

- Anyone who breaks a prohibition due to a physical or mental condition
- Children
- People affected by rough sleeping

What do you mean by Alcohol Related Nuisance and Anti-Social Behaviour?

This includes behaviour such as

- Making unnecessary noise (shouting)
- Swearing
- Urinating in the street
- Discarding alcoholic beverages
- Intimidating or threatening other members of the public

Why introduce an alcohol related street drinking PSPO?

The majority of residents, visitors and people who live and work in the borough choose to drink socially and behave responsibly. However, there are some people who do not drink alcohol responsibly and this can impact on the local community. The council and its partners have already tried a number of interventions to reduce alcohol and street drinking related nuisance and anti-social behaviour. These have included enforcement and engagement with those identified as acting this way. However, this has not reduced the problem sufficiently. The PSPO powers used to control street drinking since 2018 have worked by giving the Police and the council additional powers to tackle the individuals responsible.

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Does this mean I can't drink alcohol outside?

The proposed order is not seeking to impose a blanket restriction on alcohol in public spaces. It will not be an offence to drink alcohol in the restricted area. The proposed order aims to restrict drinking in a public place if an officer believes that there is, or there is likely to be anti-social behaviour and nuisance e.g. where a group has gathered and is becoming rowdy, the location is known as a substance misuse hotspot and problems can quickly escalate.

This does not include areas covered by an alcohol premises licence, such as tables and chairs outside a pub.

What enforcement action will be taken?

Our officers will investigate all incidents and if the behaviour is causing a nuisance, advice will be given to the person in the first instance. An authorised Officer may give a direction, advice to follow or a requirement to leave the area where anti-social behaviour is being caused/reported. If an individual is found to breach any of the conditions, has ignored advice/direction given at the time or advice given previously, an authorised officer may then issue a fixed penalty notice. A person will have 14 days to pay the fixed penalty of £100. However, if someone persistently breaches this order, they could receive more formal action which could include either a Community Protection Notice, a Criminal Behaviour Order or a Civil Injunction. Failure to comply with the order or non-payment of a fine could lead to a court prosecution. Breaching a PSPO is a criminal offence which could result in the court issuing a maximum fine of £1000.

The Council recognises that it will not always be appropriate to issue Fixed Penaly Notice. Warnings may often be sufficient. We will explore introducing an advice sheet to be handed out by enforcement officers informing recipients that their behaviour breaches an Order, giving them the chance to comply or providing an opportunity for them to be moved on. The advice sheet can also include information on support services. It is envisaged that such an approach would be sufficient to address the behaviour of concern and it will not be necessary to take further action. We would be seeking to enforce the PSPO to tackle behaviours such as people gathering and causing a nuisance or disorder, particularly when outside people's homes or when posing a risk to other members of the public.

Who will be able to enforce the order?

Orders can be enforced by an officer authorised by the Local Authority including, Council Enforcement Officers, Police Community Support Officer (PCSOs) and a Police Constable

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How will the PSPO be enforced – Do the police and council have the resources and capacity?

It is not anticipated that the Council and the Police will provide 24 hours monitoring of a Borough wide PSPO. It is hoped that restrictions will serve as a deterrent, to prevent the problem recurring. By having the Order in place, it equips authorised officers, when encountering nuisance to use this power to stop the nuisance and/or give warnings/advice to those engaging in the unwanted behaviour, to prevent recurrence. Whilst the Council and the Police may not be able to directly respond to every individual report of breaches, enforcement services will utilise reports and community intelligence to inform planned activities and operations.

Is there a danger that these orders could impact on already vulnerable or marginalised groups?

The PSPO is about public safety for all groups, the street homeless and other vulnerable groups, are just as likely to be victims of anti-social behaviour, if not more so, hence the PSPO is just as much about their public safety as well as other members of the public.

The council will not target any particular group, and the data available does not suggest that, any ethnic minorities or particular age groups are more likely to be engaging in the behaviours the proposed PSPO is seeking to restrict.

The Council acknowledges the prominence of street drinking, alcohol and drug consumption amongst the street homeless population and other disadvantaged groups and we will continue to work in partnership with support and outreach services to engage with relevant groups and undertake preventative and supportive initiatives in the first instance. Authorised officers will give consideration to the needs of the individual and personal circumstances.

Where an individual is known or presents as homeless, or vulnerable in any other way, such as having mental health issues or physical disabilities, these will be taken into consideration and officers will provide advice or information about or referrals to support services.

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What are “legal highs”?

Legal highs, also known as new psychoactive substances (NPS), are substances designed to mimic the effects of illegal drugs like cocaine, cannabis, and ecstasy. They are often chemically different enough to avoid being classified as illegal under current drug laws. These substances can come in various forms, such as powders, pills, liquids, and smoking mixtures. They are sometimes sold in “head shops” or online, often marketed as plant food, bath salts, or incense to avoid legal restrictions.

Effects and Risks:

- Stimulants: Increase energy and alertness.
- Sedatives: Induce relaxation or euphoria.
- Psychedelics: Alter perceptions and cause hallucinations.

The safety of these substances is not guaranteed and can cause severe health issues, including paranoia, seizures and even death. The risks are heightened when combined with alcohol or other drugs. In the UK, it is illegal to produce, distribute, sell, or supply legal highs.

Will the PSPO increase stop and search by the police?

The PSPO does not grant the Police any power to stop and search any individuals.

Can a PSPO be challenged?

Yes, if you believe you have not committed an offence, you have the choice of not paying the penalty notice and challenging our police partners, or delegated officers’ evidence in court.

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What will the income generated through fines be used for?

It is not envisaged that the PSPO will generate any significant income for the council. Any income through fines issued and paid will be used for the production of signage and information to raise awareness of the PSPO.

Where do I go for more information about PSPOs?

Information about Public Spaces Protection Orders can be found at:
www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour/anti-social-behaviour-powers-statutory-guidance-for-frontline-professionals-accessible

How will the decision to this consultation be made?

The survey responses will be analysed, and the results reported to the council for consideration. An updated report will be submitted to cabinet for consideration later this year.