

Annual Report Of Public Space Protection Order (PSPO) Previously Designated Public Places Order (DPPO)	
CORPORATE COMMITTEE MEETING DATE 2017/18 27 th March 2018	CLASSIFICATION: Open If exempt, the reason will be listed in the main body of this report.
WARD(S) AFFECTED All Wards	
GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING Kim Wright	

1. INTRODUCTION AND PURPOSE

- 1.1. The Borough wide Designated Public Place Order (DPPO) was introduced on 24th May 2010. Originally it was implemented under section 13 of the Criminal Justice and Police Act 2001 which was superseded on 20th October 2014 by the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014.
- 1.2. The purpose of the DPPO was to ensure that the consumption of alcohol in a public place did not cause disorder, nuisance or annoyance to members of the public, or a section of the public within the London Borough of Hackney.
- 1.3. The 2014 Act automatically transitioned existing DPPO into a Public Space Protection Orders (PSPO's) on 20th October 2017 and this is required to be reviewed every three years. This report covers the period January 2017 to December 2017.

2. RECOMMENDATION(S)

The Corporate Committee is recommended to:

Note the content of this report and level and the scope of work being carried out to meet the requirements of the PSPO.

3. REASONS FOR DECISION

Not applicable to this report

4. BACKGROUND

Not applicable to this report

4.1 Executive Summary

- 4.1.1 The reporting period for this report is from 1st January 2017-31st December 2017.
- 4.1.2 The visible street population appears to have increased in the last three years, but the behaviour of individuals has during the first few years at least of the DPPO been moderated by use of this and other powers. In the context of a year on year overall reduction in all Anti-Social Behaviour (ASB) in this borough, in the first three years since the introduction of the DPPO, calls to the Police regarding anti-social street drinking have fallen year on year. There was a very small increase recorded in the fourth year (but analysts indicate that this is an increase that may be attributed to the way Police have recently changed how they classify incidents). In the last year there were 22 reports. This is still a very significant decrease as the number of complaints the year before implementation was 609.

- 4.1.3 The resources available to deal with this problem are limited and a particular problem is ensuring the availability of all relevant Officers across a number of agencies. However there remains very effective operational partnership working and tasking to address this and related ASB issues, whilst maximising the available resources.
- 4.1.4 A monthly Street Users Outreach Meeting (SUOM) where Police and outreach staff regularly meet to discuss individual cases of street drinkers is the main mechanism used to co-ordinate the enforcement activity and improve treatment efforts in order to reduce alcohol related ASB and street drinking. Officers continue to work closely on the streets with Thamesreach and officers in other support agencies when dealing with individuals.
- 4.1.5 The identification of any emerging or actual hotspots and the tasking of Police and Enforcement resources remains a standing agenda item of the monthly Partnership Tasking Group chaired by the Community Safety Partnership Manager. There is also more granular activity through the Anti-Social Behaviour Action Panels meetings which address singular impacted issues at the individual level with specific agencies particularly Housing.
- 4.1.6 There are two Anti-Social Behaviour Orders (ASBO) in place on persons in Hackney which have conditions attached to them including prohibiting the individuals from consuming alcohol in Hackney or in specific areas of the borough. ASBOs are no longer applied for since the introduction of the Anti-Social Behaviour Crime and Policing Act 2014.
- 4.1.7 Detailed analysis work by the Community Safety Team has identified hotspots that are subject to detailed discussion with partners at Partnership Tasking. Action plans are in place supplemented by joint patrols involving Police, Enforcement Officers and Community Safety with referrals being made to Westminster Drugs Partnership and other support agencies as appropriate.

5. DPPO

- 5.1 The Borough wide DPPO went live on the 24th May 2010. The aims of this Order was to reduce the amount of anti-social street drinking occurring within Hackney and therefore lowering the number of residents' complaints and also to ensure our public spaces are safe, improving the quality of life for residents and visitors. The Order was granted by the Regulatory Committee following an extensive public consultation during the last three months of 2009.
- 5.2 The power gave Police Officers, PCSOs and accredited LBH Wardens the power to require people to stop drinking within the designated area and to surrender any open or unopened containers of alcohol. It was an offence to fail to comply with either request. Police Officers were trained and processes put into place to manage the tasking of Police resources and the tracking both hotspots and individual incidents.

- 5.3 The training specifically highlighted the use of the power to deal with “Anti-Social Behaviour” related to the consumption of alcohol in public places and not simply consumption. Additionally, the SUOM operational forum consisting of Police and outreach and support services was re-designed to manage the balance between enforcement, treatment and support.
- 5.4 The Group Director Neighbourhoods and Housing has convened a working group consisting of Officers from Housing Needs, Community Safety, Enforcement and Public Health to review the support currently offered to street users and the initial focus of the is to map the cohort of street users that we know along with their issues, map out with costs the current interventions that we commission/provide to support this cohort and to review/refresh the SUOM. Based on this the effectiveness of the interventions will be reviewed and challenged and if the signposting process for street users is clear enough.
- 5.5 It was always intended that the implementation of the Order was to ensure that there would be a balance between proportionate enforcement and acceptable behaviour with the provision that potentially vulnerable individuals would be referred or signposted for appropriate support.
- 5.6 The DPPO and now the PSPO has been in place for nearly eight years and in that time the number of complaints in respect of ASB from street drinkers has gone from a historic high of 609 in 2010 to 22 in 2017 and there have been no complaints in respect of the operation of the Order.
- 5.7 The introduction of the Borough wide DPPO was never intended on its own to completely remove the issues of anti-social street drinking nor to overly disadvantage or reduce the numbers of the street population in the borough. The number of people who may be considered as street drinkers is difficult to estimate and can fluctuate. The reasons for this, for example the social and financial factors, are not matters that the DPPO is able to address.
- 5.8 The focus of the DPPO/PSPO is to moderate behaviour which it is considered to have achieved since its introduction and its continued maintenance. Following an initial sharp overall reduction of reported incidents, these now appear to have reduced further. The ongoing work by the Intelligence Hub has identified hotspots but these do not include a number of the original pre-DPPO hotspots such as Kynaston Park.
- 5.9 A successive reduction year on year in the numbers of complaints of anti-social street drinking has already been reported to the Committee in its previous role as the Regulatory Committee with a small increase noted in the annual report to this Committee in 2014.
- 5.10 The DPPO automatically transitioned into a PSPO on 20th October 2017.

- 5.11 The PSPO allows Enforcement Officers and Police Constables to issue Fixed Penalty Notices (FPNs) of £100 being issued and/or prosecution in the event of person being issued with an FPN failing to pay the FPN or an injunction in extreme circumstances.
- 5.12 This is another new power introduced by the 2014 Act, which imposes requirements upon the individual on whom the Notice is issued, where it is clear the individual's conduct is having a detrimental effect on the quality of life of those in the locality, is of a persistent or continuing nature and the conduct is unreasonable.
- 5.13 It is important that Councils do not inadvertently restrict everyday sociability in public places. The PSPO should target specifically the problem behaviour that is having a detrimental effect on the community's quality of life rather than everyday sociability, such as standing in groups which itself is not a problem behaviour.
- 5.14 Injunctions can be applied for in extreme cases and could be worded for example not to:
1. 'Be in possession of open bottles, cans or open receptacles of alcohol anywhere in LBH'
 2. 'Drink alcohol anywhere the public has access within the LBH including but not limited to highways, streets, passages and parks'.
- 5.15 With the introduction of the Act, the Council has a number of tools at its disposal to tackle street drinking however these tools must be utilised in a measured and proportionate way, in accordance with the Council's policies/protocols and consultation requirements and FPNs will only be issued to persons who are undertaking street drinking where ASB has been identified and associated with the activity.

6. DATA

Calls to the Police (Computer Aided Despatch – CAD) for street drinking

2014	126
2015	76
2016	51
2017	22

7. ANTI-SOCIAL BEHAVIOUR ORDERS AND INJUNCTIONS

- 7.1 There are two current active ASBOs on individuals, the conditions of which include prohibiting the persons issued with the ASBO from drinking alcohol in a public place.
- 7.2 The conditions attached to the first ASBO include 'Not to be in possession of any open container of alcohol unless in a public house in the E8 and E16 post code area' and expires in November 2018. One of the conditions of the

second ASBO is “Prohibition from carrying any bottle, can, carton or any other receptacle which contains alcohol in the area outlined on the map’ remains in force until further ordered.”

- 7.3 Up until 2017 there was one injunction in force but it expired during 2017. The conditions attached to it included a requirement not to:
1. ‘Being in possession of open bottles, cans or open receptacles of alcohol anywhere in LBH’
 2. ‘Drinking alcohol anywhere the public has access within the LBH including but not limited to highways, streets, passages and parks’.

8. POLICY CONTEXT

Community Safety Partnership Plan.

9. EQUALITY IMPACT ASSESSMENT

Not applicable to this report.

10. SUSTAINABILITY

Not applicable to this report.

11. CONSULTATIONS

In accordance with the guidance for the implementation of a DPPO, during September, October and November 2009 the Council conducted an extensive public consultation. This included businesses and particular licence holders of licensed premises, residents and visitors, local police commanders, neighbouring local authorities.

12. RISK ASSESSMENT

Not applicable to this report.

13. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

13.1 This report requests the Corporate Committee to note the level and the scope of work being carried out to meet the requirements of the Public Space Protection Orders (PSPO).

13.2 This report is retrospective and has no immediate financial implications.

14. COMMENTS OF THE INTERIM DIRECTOR OF LEGAL AND GOVERNANCE

14.1 The Home Office Guidance on the transitional process has been noted and there are no legal implications arising from this report.

LIST OF APPENDICES

Appendix 1 - A copy of the DPPO which was approved on 4th May 2010 is attached to this report.

BACKGROUND PAPERS

None

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