

**ANNUAL REPORT OF PUBLIC SPACE PROTECTION ORDER (PSPO) 2019
PREVIOUSLY DESIGNATED PUBLIC PLACES ORDER(DPPO)**

**CORPORATE COMMITTEE
MEETING DATE 2020/21**

1st June 2020

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

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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 Originally it was implemented under section 13 of the Criminal Justice and Police Act 2001, which was superseded on 20th October 2014 by the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014.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 the 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 1st January 2019 to 31st December 2019.

2. RECOMMENDATION(S)

The Corporate Committee is recommended to:

Note the content of this report and the level and 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 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. It can also be applied to deal with drinking of alcohol in Parks and green spaces associated with Anti-Social Behaviour. 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 PSPO, calls to the Police regarding anti-social street drinking have fallen year on year.
- 4.1.2 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 changed how they classify incidents). In the last year there were 38 reports. This is still a very significant decrease, as the number of complaints the year before implementation was 609, but it was an increase of 12 compared to the previous year. A breakdown of these is shown by Ward in Table 1.

Table 1

MPS Street drinking calls	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2019 total
Brownswood													
Cazenove													
Clissold													
Dalston							1	2	1				4
De Beauvoir													
Hackney Central					1				1				2
Hackney Wick							1		1				2
Haggerston							2						2
Homerton													
Hoxton East and Shoreditch			2			1		1	3		1		8
Hoxton West													
King's Park													
Lea Bridge						1							1
London Fields							1			1			2
New River						1							1
Shacklewell										1			1
Springfield	1						4	1		1	1		8
Stamford Hill West									1				1
Stoke Newington									1		1		2
Victoria													
Woodberry Down					1				1	1	1		4
Totals	1		2		2	3	9	5	8	4	4		38

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 a 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 Council Officers, 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 to improve treatment efforts in order to reduce alcohol related ASB and street drinking. Officers continue to work closely on the streets with homelessness outreach and support services, substance misuse services 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 is currently one Anti-Social Behaviour Order (ASBO) in place on a person in Hackney which has conditions attached to it, including prohibiting the individuals from consuming alcohol in a public place in Hackney. 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 carried out by the Community Safety Team has identified hotspots that are subject to detailed discussion with partners at Partnership Tasking meetings (regular meetings between Police, a number of Council departments and other relevant partner agencies to coordinated 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. PSPO (PREVIOUSLY DPPO)

- 5.1 The Borough wide DPPO, now a PSPO, went live on the 24th May 2010. The aim of this was to reduce the amount of anti-social street drinking occurring within Hackney and therefore lowering the number of residents' complaints. Its aim was to ensure our public spaces are safe, improving the quality of life for residents and visitors. The Order was approved by the Regulatory Committee following an extensive public consultation during the last three months of 2009.
- 5.2 The Order gave Police Officers, Police Community Support Officers 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 allocation 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 consisting of Council Officers, 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 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. The initial focus of the group was to map the cohort of street users that we know along with their support needs, 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 if the signposting process for street users is not clear enough.
- 5.5 This also linked to the Manifesto commitment on street users which states that "we will provide an effective, co-ordinated and support focused response from across the Council and voluntary sector to those present on our streets and estates who engage in begging or who are committing anti-social drinking and prostitution". As ASB and the disorder associated with a section of people present on our streets and estates is a complex issue that requires better integration of partnership activities to create a flexible response which provides both support to these people, but is flexible enough to escalate the response to more proactive enforcement should the support fail to reduce ASB or associated disorder.

- 5.6 In ensuring that the Council achieves what has been set out in the commitment, a Street Population Co-ordinator has commenced employment with Council, whose main role is to develop a borough wide strategic approach to addressing street population issues including anti-social behaviour, bringing partners from Hackney and surrounding boroughs coordinating with the wider work related to addressing rough sleeping, working with the Council's Rough Sleeper Coordinator.
- 5.7 They act as the single point of contact for all Street Population Outreach related work in the borough and also are responsible for:
- Co-ordinating partnership work to tackle the street population concerns in Hackney Borough
 - Developing solutions and interventions to tackle street population concerns through the use of problem-solving, and collaborative working with partners and the community
 - Developing pathways in relation to individuals in housing need in partnership with the Housing Needs Service in the light of the Homelessness Reduction Act 2017
 - Supporting the outreach teams meeting clients on the street and being available for consultation from this team when required
- 5.8 It was always intended that the implementation of the PSPO 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.
- 5.9 The DPPO, now the PSPO, has been in place for nearly eight years. 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 38 in 2019 (though an increase of twelve from 2018), and there have been no complaints received in respect of the operation of the Order in the last year.
- 5.10 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 which are the result of complex interacting factors. 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 PSPO is able to address.
- 5.11 The focus of the 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 certain hotspots, but these do not include a number of the original pre-DPPO/PSPO hotspots.
- 5.12 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.

- 5.13 The DPPO automatically transitioned into a PSPO on 20th October 2017.
- 5.14 The PSPO allows Enforcement Officers and Police Constables to issue Fixed Penalty Notices (FPNs) of £100 and/or prosecution in the event of person being issued with an FPN failing to pay the FPN, or being able to obtain an injunction in extreme circumstances.
- 5.15 Injunctions are another power introduced by the 2014 Act, which impose requirements upon the individual on whom an FPN has been 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.
- 5.16 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 in itself is not a problem behaviour.
- 5.17 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'.
- 5.18 With the introduction of the Act, the Council has a number of tools at its disposal to tackle anti-social 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. 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
2018	26
2019	38

- 6.1 Hackney Enforcement Officers and Metropolitan Police Officers issue anti- social behaviour warnings prior to issuing FPNs for street drinking in an effort to deal with the problem in a proportionate manner. A breakdown of the number of warnings issued by Ward by both Enforcement Officers and Metropolitan Police is shown in Table 2 below.

Table 2

Street drinking ASB warnings	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2019 Total
council					2	1	3				1		7
Dalston							1						1
Hackney Central					1		2						3
Hackney Wick					1								1
Hoxton West											1		1
London Fields						1							1
police		1	12	1	7	51	7	6	4	3	1		93
Brownswood										1			1
Clissold							1			1			2
Dalston		1	1		2	4	4						12
Hackney Central						13							13
Hackney Downs						5				1			6
Haggerston			1					1	1				3
Homerton				1	1	9	1	1					13
Hoxton East and Shoreditch						1							1
Hoxton West						2							2
Lea Bridge						1							1
London Fields						1	1						2
Mare Street (Ward Unknown)						5							5
Shacklewell			3										3
Springfield			3		3	9		3			1		19
Stoke Newington									3				3
Woodberry Down			4		1			1					6
Not mapped						1							1
Totals	0	1	12	1	9	52	10	6	4	3	2	0	100

7. ANTI-SOCIAL BEHAVIOUR ORDERS AND INJUNCTIONS

7.1 There is only one active ASBO in place on an individual in 2019 and one of the conditions of it “prohibits the individual from carrying any bottle, can, carton or any other receptacle which contains alcohol in the area outlined on the map’ and it remains in force until further ordered.”

7.2 There are currently no injunctions in place in relation to anti-social behaviour associated with street drinking.

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

11.1 No consultation was required in relation to this report given that it is for information purposes only. In accordance with the guidance for the implementation of a DPPO between September 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 Order (PSPO).

13.2 There are no immediate financial implications as the report notes retrospective data for 2019. The cost of Enforcement of the PSPO is managed within the available Community Safety and Enforcement Budgets.

14. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

14.1 People behaving in an anti-social manner as a result of consuming alcohol can prevent others in the community from using and enjoying shared public spaces. Many local authorities across England and Wales have worked closely with the Police to designate “no drinking zones” to ensure public spaces are welcoming to all.

14.2 The content of the report is for informative purposes and advises on the scope of the work being carried out in relation to the PSPO (formally DPPO). There are no legal implications arising from this report.

15. APPENDICES

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

16. EXEMPT (or N/A)

N/A

17. CONFIDENTIAL

N/A

18. BACKGROUND PAPERS

None

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