

Wick Woodlands, Hackney Marshes and the surrounding areas PSPO

[London Borough of Hackney Equality Impact Assessment form](#)

Question 1: Why are you making this decision? you might want to consider the reasons behind your decision - is it about finding savings, improving services, integrating functions? What does the decision relate to - is it a policy, practice, service, function or initiative? What is the decision-making route (Cabinet, Executive decision)? What are the timescales? What are the key documents that are being produced?

Answer:

The council successfully introduced a Public Space Protection Order (PSPO) for the area known as Wick Woodland on the 13th of June 2019. Since this date there has been a significant decrease in the number of reported incidents of 'raves' or parties in the area of Wick Woodland. However, since the PSPO was put in place there has been a displacement of the activities from Wick Woodland to other parks and green spaces in the localised area including Hackney Marshes, Millfields, Daubeney Fields and Mabley Green. The current PSPO is due to expire on the 13th of June 2022.

In an effort to tackle the displacement of the activities from Wick Woodland the Metropolitan Police obtained a closure order on 23rd September 2019 covering Hackney Marshes.

In 2020, following a number of unauthorised events at Hackney Marshes that caused disruption to nearby residents, damage to wildlife and put people at risk from coronavirus, the council successfully sought an interim injunction, coupled with a power of arrest. On 13 May 2021, the injunction order was discharged (at the Council's request) by the High Court.

The Community Safety, Enforcement and Business Regulation continue to receive complaints from residents about an ongoing nuisance caused by groups of people gathering, bringing generators, lighting, sound systems and decorations onto Hackney Marshes and the surrounding areas. The groups are often consuming alcohol for extended periods of time, it is believed that they are consuming other substances and they are 'partying' till the early hours. This behaviour causes nuisance and damage to the Wick Woodland, Hackney Marshes, Millfields, Daubeney Fields and Mabley Green. These are places of natural beauty which are being polluted by littering, defecating, urinating and damage is being caused by trees/shrubbery being broken.

Therefore we would seek to consult to introduce a PSPO to include the Network Rail land near the A12, Hackney Marshes, Millfields, Daubeney Fields and Mabley Green.

The Council proposes to undertake a consultation to gauge support on the introduction of a PSPO, to consider what else it could include and to gain a better understanding of residents' experience of ASB in the prescribed area so as to better protect and promote the space.

The consultation will be open for 6-week period after May 30th 2022.

It is recommended to note the contents of this EIA and endorse the decision to consult on introducing a PSPO aimed at responding to anti-social behaviour arising from unauthorised events in Wick Woodlands, Hackney Marshes and the surrounding areas.

Further information can be obtained [here](#)

Question 2: Who are the main groups affected? (Consider staff, residents, business, partner organisations and others). Clearly set out who will be affected by this decision or initiative. This should include as much detail as possible showing how you have considered impacts in terms of discrimination, disadvantage and community relations.

Answer:

The proposed PSPO will deal with a particular nuisance or problem in an area that is having a persistent or continuing detrimental effect on the local community's quality of life. It will impose conditions on the use of that area that apply to everyone and is designed to ensure people can use and enjoy public spaces safe from anti-social behaviour.

Hackney takes a graduated approach to enforcement, but a small minority of offenders can cause disproportionate nuisance and expense, so in some cases, prosecution or the threat of prosecution will be necessary. The aim of the proposed PSPO is to promote a consistent, effective and fair approach to enforcement and to protect the environment for the benefit for the community and provide a safe place to live, work and visit.

The people most affected by the activities occurring across the borough are those people that have witnessed the behaviours described above; these include other members of the public and those that live nearby. Some people have been deterred from using our public spaces because of the anti-social behaviour witnessed.

The people most affected by the PSPO, which places restrictions on the activities occurring in our open spaces, are all of the people engaging in the activities described above. It is hoped that it will result in a decrease or even a cessation of the nuisance, annoyance and disturbance that is occurring.

Question 3: What information or evidence have you used to make your decision? (Consider things like statistics, outcome of consultations and other dialogue, good practice from elsewhere). For more information about Hackney's population and equality groups within it, please refer to the Hackney Borough Profile at: https://drive.google.com/file/d/1JZLZFzNUSO4017-vCA_dy9Dk08e6jXa_/view If you need more in-depth analysis about specific issues such as health, education or the economy, this can be accessed via the Council's Single Evidence Base at: <https://hackney.gov.uk/population>. The Equality pages on the Council's website also have information about Hackney's communities including in-depth profiles of particular protected groups like women or disabled people as well as a comprehensive Equality Evidence Base: <https://hackney.gov.uk/equality-diversity/>

Answer:

The Council proposes to undertake a consultation to gauge support on the introduction of a PSPO, what else it could include and gain a better understanding of residents' experience of ASB in the prescribed area so as to better protect and promote the space.

The consultation will be open for 6-week period after 30th May 2022.

The Council will consult the following groups during the statutory consultation;

- Residents in Hackney, with a particular focus on residents who live in the Wick Woodland/Hackney Marsh area
- TFL
- Housing Associations
- Canal and River Trust
- Hackney Marsh Partnership
- Hackney Marsh Users Group
- The local chief officer of police. C/Supt Marcus Barnett.
- The police and crime commissioner. Mayor Sadiq Khan.
- London Borough of Newham.
- London Borough of Tower Hamlets.
- London Borough of Waltham Forest.
- London Legacy Development Corporation.

For further information, refer to the [consultation plan](#).

From May 2020 to August 2021, Hackney Council has received 74 complaints about unauthorised events at this location. Intelligence suggests that the frequency of unauthorised events is much greater than the number of formal complaints received, with residents citing repeated incidents in particular over the summer months.

Complaints have raised concerns about large gatherings of sometimes hundreds of individuals, lasting for up to 48 hours, resulting in:

- Noise from amplified music often until and beyond the early hours of the morning (disturbing residents and risking negative impacts on nesting birds and nocturnal wildlife)
- Alleged supply and consumption of illegal drugs
- Associated littering including empty laughing gas canisters
- Open fires
- Damage to the ecology through the creation of clearings, removal of newly planted trees and damage to the environment.

Impact Statements have been obtained from residents, user groups and interested parties outlining the detrimental impact these actions have had on the local community and environment. Data from both the MPS & Council's Intelligence Hub has been obtained.

Council Officers have, in coordination with the Metropolitan Police, taken a number of actions in response, including

Designing out ASB: in March 2017 the LBH Parks Team in partnership with the Police Safer Neighbourhood Team and the Community Payback Unit planted around 40 trees (donated by the Woodland Trust) in Wick Woodland with the aim of constricting the main clearing and making it harder for it to be abused/used by unauthorised events of 300+ people. A small clearing was intentionally preserved so the area could continue to be used by school groups and others peaceably enjoying the woodland. Mobile CCTV provisions have been deployed to the area to identify when large numbers of people attend the road network surrounding the prescribed area.

Proactive and reactive patrolling: The police and Council officers where resourcing allows have proactively patrolled the location. Enforcement Officers are uniformed and highly visible and have high levels of enforcement powers. They wear body cameras that record video and audio for evidential purposes. The Enforcement Officers are not designed as a “blue-light response” team. They are tasked using an intelligence-led approach i.e. tasked according to crime and ASB hot-spots as identified through information and intelligence through weekly Partnership Tasking and joint briefings with Police SNT. There is a small capacity for response work. However, they are currently operating at maximum capacity and there is no scope to be able to direct further resources to parks and green spaces within current budgets.

Statutory Noise Nuisance: officers have visited the location several times and assessed the noise, finding that it was not likely to cause a statutory nuisance, however, a private nuisance may occur causing a nuisance to neighbouring residents. The difficulty with enforcing a private nuisance is that the gatherings are organised by unknown individuals.

Bylaws: Hackney's [bylaws](#) for its parks, gardens and open spaces were approved by the Secretary of State in 1932 - they are now largely out of date, difficult to enforce and not fit for purpose. Antisocial Behaviour (ASB) Warning Forms have been issued for breach of bylaws. These forms are used when Enforcement Officers encounter incidents of ASB, not exclusive to rowdy or inconsiderate behaviour. They are not a replacement for Fixed Penalty Notices (FPNs) and when an offence is committed the relevant FPN should be given. ASB notices can be issued alongside FPNs and other Formal Notices. Accredited Officers have the power to require people's names and addresses who are causing antisocial behaviour. Although all officers can use the books, refusing to provide details is only an offence when Enforcement Officers are Community Safety Accreditation Scheme (CSAS) accredited.

Injunctions: In 2020, following a number of unauthorised events at Hackney Marshes that caused disruption to nearby residents, damage to wildlife and put people at risk from coronavirus, we successfully sought an interim injunction, coupled with a power of arrest, to prevent them while we explored longer-term options. On 13 May 2021, the injunction order was discharged by the High Court following a request by the Council

Community Protection Notices: community protection warnings have been issued to individuals engaged in anti-social behaviour.

Dispersal zones: the police have previously put in place dispersal zones at the request of Council officers following receipt of intelligence. This requires procedural steps to be followed in advance and requires resourcing by the police to enforce at a time when police resources are limited.

Closure Orders: the police have previously put in place a closure order that prohibited access to all persons except if you are a recreational user other than those attending for the purpose of organising/attending events playing amplified music.

PSPO: In June 2019 the council introduced a PSPO to protect Hackney Wick Woodland from environmental damage and limit the disturbance caused by loud music and antisocial behaviour resulting from illegal raves in the area. The PSPO expires in June 2022.

Question 4: What positive impacts will this decision have? (Consider impacts on different equality groups, community relations, health and economic wellbeing)

Answer:

A PSPO is a tool, implemented under the Anti-Social Behaviour, Crime and Policing Act 2014 to ensure the law-abiding majority can use and enjoy public spaces safe and free from anti-social behaviour. The proposed PSPO will be imposed to ensure that Hackney has an effective response to tackle ASB in the prescribed area allowing the space to be used as intended.

PSPOs are intended to be used to deal with a particular nuisance or problem in an area that is detrimental to the local community's quality of life by imposing conditions on the use of that area that applies to everyone. They are designed to ensure people can use and enjoy public spaces safe from anti-social behaviour.

There is likely to be a positive impact across all equality groups by implementing the PSPO and balancing the needs of the wider community against those using the space and causing anti-social behaviour. The legitimate aims of the PSPO are to ensure that people are free to use this public space free from anti-social behaviour. This would contribute to the health and well-being of citizens in an urban environment.

Question 5: What possible negative impacts could there be? Please explain how these are justified and/or what actions will be taken to address them.

Answer:

The proposed PSPO set out a range of powers available to the Council and how these will be legally applied. Its use will be determined by the behaviour occurring and is not directed at any protected group.

In terms of the rights protected by the Human Rights Act 1988, the 2014 Act requires the Council to have *particular* regard for Article 10 (freedom of expression) and Article 11 (freedom of assembly/association). The proposed PSPO does not interfere with Article 10. The possible right that might be engaged is Article 11.

The proposed Borough-wide restrictions place restrictions on *how* people can use our open spaces, not their ability to use them or gather there.

As such, the PSPO does not interfere with Article 11 rights to assemble and/or associate with others. However, even if Article 11 were interfered with, the interference would be justified as being prescribed by law and in pursuance of a legitimate aim (namely in the interests of public safety, the protection of public health, the prevention of crime and disorder, and the protection of the rights and freedoms of others). The terms of the proposed PSPO are proportionate and necessary.

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 singularly impacted issues at the individual level with specific agencies, particularly Housing.

Hackney Enforcement Officers are tasked weekly at the internal weekly tasking meeting co-ordinated by the Intelligence Hub, the purpose of which is to:

- Coordinate deployment of staff using an evidence-based approach to provide targeted action and patrols including planning for upcoming events, and seasonal peaks of activity that require action on a cyclical basis
- Highlight emerging patterns and trends and plan targeted early intervention and activities.
- Provide a staff briefing
- Enable a more joined-up and efficient use of Service provision in Hackney
- Provide a transparent and auditable decision-making process that will stand up to scrutiny and justify how / why decisions have been reached. Provide a full list of all actions/taskings completed and actions taken to resolve issues.

Partnership Tasking takes place every month and is aligned more closely with the Police tasking process. The Intelligence Hub raises issues with the Police (as a by-product of the weekly tasking). Any requests to or from the Police for assistance will either be discussed at this meeting if a multi-agency problem-solving approach is better suited.

The operation of the proposed PSPO will be kept under review at the aforementioned tasking meets. The advice, warnings and enforcement of the proposed PSPO will be logged in the pocket notebooks of Officers and on Council and Police databases.

The authorised Officers who will enforce the proposed PSPO will continue to consider the needs of the individuals and their circumstances to make an informed and balanced decision as to the appropriateness of action to take. Officers will continue to receive training on equality and diversity.

The performance of the proposed PSPO will be reported to the Corporate Committee annually to ensure there is a balance between proportionate enforcement and acceptable behaviour in the borough.

Question 6: Describe the recommended decision

Answer:

The introduction of the proposed PSPO will impact the lives of people who live, work and visit Hackney. The proposed restrictions will positively impact people whose protective characteristics are impacted by the anti-social behaviour the order is designed to address. This action is proportionate and necessary.

Please list specific actions which set out how you will address equality and cohesion issues identified by this assessment. For example, practical steps or actions that you will take to enhance positive impacts and mitigate against negative impacts (identified in Section 4 above). Your actions should also be included in any action plan or report connected to this assessment, such as a delegated powers report, savings template, business case or Cabinet report.

Answer:

I can confirm that the Council has had due regard to the public sector equality duty found in s.149 of the Equality Act 2010. It is believed that the proposed PSPO will have a positive impact on the ability of people to use public spaces safely and without fear of nuisance, annoyance or other anti-social behaviour.

Any abuse of discretion when enforcing the proposed PSPO will be dealt with swiftly using internal procedures which could include additional training or management action.

Anyone who is issued Fixed Penalty Notices given for breach of the proposed PSPO may make representation or lodge a corporate complaint which would be investigated and responded to by a Senior Manager.

It is important to note that there are no formal grounds for appeal against a Fixed Penalty Notice (FPN). It is an invitation for an individual to discharge their liability to prosecution. In essence, this means that whilst this is not an admission of an individual's guilt, it is an agreement that the individuals accept that an offence has been committed and that by paying the sum of money specified, no further action will be taken by, or on behalf of the Council. This method of dealing with offences not only saves time involved for everyone in prosecuting cases at court, but the cost associated with an FPN is likely to be substantially lower than any fine imposed by the courts.

Approval:

Signature: 

Name: Aled Richards

Date: 18/05/2022