

Title of Report	ANNUAL REPORT OF PUBLIC SPACE PROTECTION ORDER (PSPO) 2023
For Consideration By	Corporate Committee
Meeting Date	20th May 2024
Classification	Open
<u>Ward(s) Affected</u>	All
<u>Group Director</u>	Rickardo Hyatt

1. Introduction

- 1.1. The Borough wide Designated Public Place Order (DPPO) was originally introduced on 24th May 2010. It was implemented under section 13 of the Criminal Justice and Police Act 2001 which was superseded on 20th October 2014 by the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014.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 previous DPPO into a Public Space Protection Order (PSPO) on 20th October 2017 which is required to be reviewed every three years. The PSPO expired on 19th October 2020..
- 1.4. On 18th October 2021 Cabinet approved the making of a Borough Wide Public Spaces Protection Order which placed controls on alcohol related ASB. The Order was made under Section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 and which expires on 17th October 2024.

2. Recommendations

- 2.1. **There are no official recommendations arising from this report. This report is for information purposes. Corporate Committee can note the content of this report and level and the scope of work being carried out to meet the requirements of the PSPO.**

3. **Reason(s) for decision**

- 3.1. A PSPO is a tool to ensure the law-abiding majority can use and enjoy public spaces safe from activities which have a detrimental effect on the quality of their life in that area. The current PSPO ensures that Hackney has an effective response to ASB associated with the consumption of alcohol in any public place in the Borough of Hackney.
- 3.2. 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 putting in place conditions on the use of that area that apply to everyone. They are designed to ensure people can use and enjoy public spaces safe from activities, which have the requisite detrimental impact.

4. **Background**

Policy Context

- 4.1. Historically alcohol related ASB was regulated by the Council's DPPO. When PSPOs were created, the power to create further DPPOs was repealed and existing orders were allowed to last for a three-year period until October 2017. After October 2017, existing DPPOs could be enforced as though they were PSPOs and they expired in October 2020, these were "transitioned" PSPOs .
- 4.2. The Borough Wide DPPO was introduced on 24 May 2010. 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.
- 4.3. After three years the DPPO was treated as a transitioned PSPO for the purposes of enforcement by virtue of s.75(3) of the 2014 Act. Once that a further three years expired (in October 2020), the DPPO came to an end because a PSPO may not have effect for a period of more than three years (s.60(1)).
- 4.4. Public Spaces Protection Orders are intended to deal with a particular nuisance or problem in a specific 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. They are intended to help ensure that the law-abiding majority can use and enjoy public spaces, safe from ASB.
- 4.5. Given that these orders can restrict what people can do and how they behave in public spaces, it is important that the restrictions imposed are focused on specific behaviours and are proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.
- 4.6. Officers from Housing Needs, Community Safety, Enforcement and Public Health have reviewed the support currently offered to street users. The initial

focus of the review was to map the cohort of street users that were known, along with their issues, map out (with costs) the current interventions that the Council commission/provide to support this cohort and to review/refresh the Street Users Outreach Meeting (SUOM). Based on this, the effectiveness of interventions undertaken is constantly reviewed and challenged if the signposting process for street users is not clear enough.

- 4.7 ASB and disorder associated with a section of people present on our streets and estates is a complex issue that required better integration of partnership activities to create a flexible response that 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.
- 4.8 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.
- 4.9 The DPPO, latterly the PSPO until 19th October 2020, had 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 10 in 2023.
- 4.10 The introduction of the Borough wide DPPO/PSPO 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 Order is able to address.
- 4.11 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/PSPO hotspots such as Kynaston Park.
- 4.12 A successive reduction year on year in the numbers of reports 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.

4.13 Executive Summary

- 4.13.1 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. 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.
- 4.13.2 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 10 reports. This is still a very significant decrease as the number of reports as the year before implementation of the original DPPO was 609. There have been a lot of changes in recording practices since we started monitoring this indicator. The Police now only have to log ASB as one of the three main characteristics, so some of these may be being missed. Also some could be being recorded under Rowdy inconsiderate behaviour. A breakdown of these is shown by Ward in the table below:.

Ward	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
De Beauvoir								1					1
Hackney Central								1					1
Haggerston					2								2
Hoxton West						1							1
Kings Park							1						1
Lea Bridge							1						1
London Fields											2		2
Stoke Newington		1											1
Grand Total	0	1	0	0	2	1	2	2	0	0	2	0	10

4.13.3 A breakdown of the number of Anti-Social Behaviour Warnings issued by Council Enforcement Officers is shown in the Table below.

Ward	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Dalston				2		1		1		1			5
Hackney Central	2	2	8	2	9		1	19	7	7	3	1	61
Hackney Downs								1	2		1		4
Haggerston				2					1				3
Homerton								1	1	1			3
Hoxton East and Shoreditch	4	7	3	13	4	3	2	5	6		2	1	50
Hoxton West							1						1
London Fields					2	1			3				6
Stamford Hill West				1	1					1			3
Stoke Newington										1			1
Victoria				1					1				2
(blank)			1										1
Grand Total	6	9	12	21	16	5	4	27	21	11	6	2	140

- 4.13.4 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.
- 4.13.5 A PSPO allows Enforcement Officers and Police Constables to issue Fixed Penalty Notices (FPNs) of £100, and/or prosecution in the event of a person being issued with an FPN failing to pay the FPN, or an injunction in extreme circumstances.
- 4.13.6 Injunctions are another new power introduced by the 2014 Act, which impose requirements upon the individual on whom and 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.
- 4.13.7 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.
- 4.13.8 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 our Enforcement Policy, the Council's 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.
- 4.13.9 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.
- 4.13.10 A monthly Street Users Outreach Meeting (SUOM), where Council Officers, Police and outreach staff meet to discuss individual cases of street drinkers, is the main mechanism used to coordinate 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 Thames Reach and Officers in other support agencies when dealing with individuals.
- 4.13.11 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, which is 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.

Equality impact assessment

- 4.14 An Equality Impact Assessment (EIA) is required to be undertaken to assess the potential of an adverse positive or negative impact of any proposed PSPO on protected groups, to ensure compliance with the requirements of the Public Sector Equality Duty contained in s.149 Equality Act 2010.
- 4.15 The equality duty was developed in order to harmonise the equality duties and to extend it across the protected characteristics. It consists of a general equality duty, supported by specific duties which are imposed by secondary legislation. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
- 4.16 The PSPO approved by Cabinet on 18th October 2021 sets out a range of powers available to the Council and how these will be legally applied. Officers took specific account of the Council's duties when formulating the proposed PSPO, and a detailed EIA was completed as part of the recommendation made to Cabinet to approve the PSPO.

Sustainability and climate change

- 4.17 Not applicable to this report.

Consultations

- 4.18 No consultation has been undertaken in relation to this report itself as one is not required. It is for informative purposes, no decision is being made or recommended in this report. 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.
- 4.19 The Council undertook consultation in September and October 2020 to gauge support in relation to having a PSPO in place in relation to the consumption of alcohol in a public place, and further consultation was carried out between May and July 2021 prior to the PSPO being approved by Cabinet in October 2021.

Risk assessment

4.20 Not applicable to this report.

5. Comments of the Group Director of Finance and Corporate Resources.

5.1. 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).

5.2. There are no immediate financial implications as the report. The cost of enforcement of the PSPO is managed within the available Community Safety and Enforcement Budgets.

6. Comments of the Director of Legal, Democratic and Electoral Services

6.1. The content of this report is for informative purposes, and sets out the level and the scope of work being carried out to meet the requirements of the PSPO (previously DPPO) regarding alcohol consumption in the borough. The content of the report reflects the considerations advised by the updated Home Office Guidance (published December 2017) on the use of PSPO's.

6.2. There are no further specific legal implications arising from this report.

Appendices

Appendix 1 - The PSPO approved on 18th October 2021 by Cabinet is attached to this report.

Background documents

None

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