

About this consultation

Background

In September 2020, the Council approved the extension of a Public Spaces Protection Order (PSPO) in the borough to tackle specific anti-social behaviour issues impacting the community. The order covered all public spaces south of the A406.

On 10th October 2019, the Council approved a 3-year PSPO covering all the public spaces in the north of the borough.

PSPO powers are contained in the Anti-Social Behaviour, Crime and Policing Act 2014. Where a PSPO is in place, it imposes restrictions and requirements in the defined area where activities have, or are likely to have, a detrimental effect on the quality of life of local people. For enforcement to take place the activities must be persistent or continuous and be unreasonable such that the restrictions imposed by the PSPO are justified.

The PSPOs, which are due to expire at midnight on 4th September 2022 and 9th October 2022 respectively, were introduced in the borough to tackle a range of street-based anti-social behavior (ASB) such as problematic street drinking, aggressive begging and the use of threatening and insulting language or behaviour.

The Council believes, as evidenced below, that the additional powers available through the PSPO have enabled enforcement officers to effectively deal with the anti-social behaviors restricted or prohibited by the Order. Consequently, the Council believes that there is a strong case for the PSPOs to be extended for a further 3 years.

The purpose of this consultation is to seek the views of residents, businesses and visitors to the borough regarding the proposed extension of the PSPOs and further, to seek views as to whether any new PSPO restrictions should be contained in a single borough-wide order. We also seek to understand the types of ASB that you feel most concerned about in the borough, that can be tackled using a Public Spaces Protection Order (PSPO).

Enforcement

The Public Spaces Protection Order (PSPO) provides Police Officers, Police Community Support Officers, Council Officers and persons delegated by the Council extra powers to enforce restricted activities by use of £100 fixed penalty notice and/ or prosecution. Officers can issue an instant fixed penalty notice for breaching conditions of the PSPO and can also consider Community Protection Warnings (CPW); Community Protection Notices (CPN) and in severe cases a Civil Injunction.

Support

The Council and Police ensure that appropriate safeguarding and support measures are implemented for those found breaching the PSPO. This could be a referral to our drugs and alcohol service or a referral to our homeless outreach service. Our priority will always be intervention wherever possible before formal enforcement action.

Review

The Council and Police use the PSPO in order to combat the persistent ASB that can have a constant detrimental effect on the local community. It also assists in managing the issues that places significant daily demands on the effective delivery of Council services.

In March 2022, the Council reviewed the effectiveness of the PSPO in the borough for the period it has been in place via data analysis and feedback from partners, residents and businesses. Between January 2019 and March 2022, the following enforcement actions had been taken in respect of identified breaches of the PSPO:

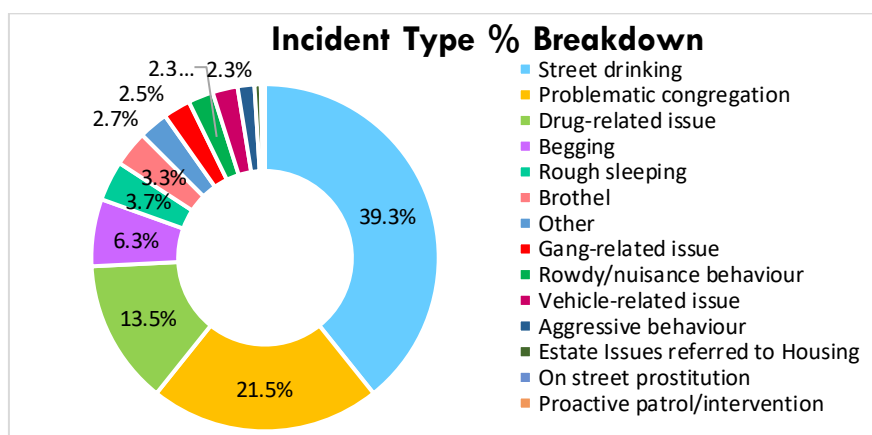
- 1988 FPNs and penalty charge notices have been issued for street drinking, stopping on zig zag markings outside schools and urination in a public place.
- 3357 Community Protection Warnings have been issued [CPWs]
- 754 Community Protection Notices [CPNs]

Since 2019, enforcement officers have issued 3357 CPWs and 754 CPNs. This indicates that in more than 77% of cases, the issued CPW warnings have resolved the ASB without the need for further formal action.

In cases where an issued CPW does not result in a resolution of the identified ASB, a Community Protection Notice (CPN) is issued. In the review period, 754 CPNs were issued.

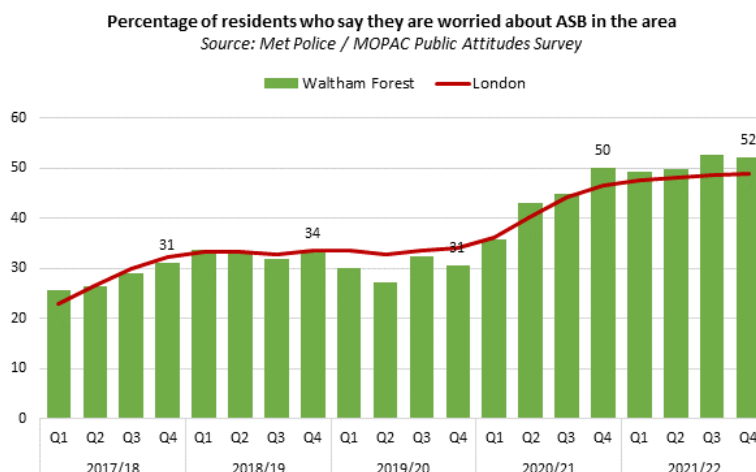
The Council's ASB Strategy recognises that the only way to reduce ASB is to do so in partnership with others. Since October 2018, several new joint operations involving the Police and Council were launched in the borough to tackle ASB and crime in the most affected areas. PSPO powers have been used by both the Council and Police to address issues in each hotspot location.

The below chart details various offences that occur within the borough that are managed by both the Police and Council. PSPO powers can be used to tackle some of the below behaviours.



The Council carried out some data analysis previously which highlighted that levels of ASB and crime tend to increase and intensify in those areas where a PSPO is not in place. This evidence suggests that a decision not to renew the PSPOs may lead to a resulting increase in Crime and ASB in the borough, by removing the powers we currently have to tackle such behaviour.

We have seen a steady increase in the proportion of residents who are worried by ASB since the beginning of the pandemic in 2020 as per the Public Attitudes Survey below.



Restrictions

The current restrictions which we are proposing to extend:

South of the A406 are as follows:

- No person shall refuse to stop drinking alcohol (unless they are in a licensed premise or at a venue where a temporary event notice is in place) or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required, to do so by an authorised officer in order to prevent public nuisance or disorder.
- No person shall beg in a manner reasonably perceived to be intimidating or aggressive.
- No person shall be verbally abusive to any person or behave in a way which causes or is likely to cause harassment alarm or distress to another person.
- No persons shall gather in groups of 2 or more whilst engaging in nuisance or criminal behaviour. This will not apply to persons going to or from a parked vehicle or waiting for a scheduled bus at a designated bus stop unless they are engaging in nuisance or criminal behaviour.
- No person shall cause a motor vehicle of any description to stop on zig zag markings outside a school premises during prescribed hours as indicated by the appropriate signage.

Exceptions

We will consider removing the restriction below from the Public Spaces Protection Order (PSPO) as these behaviours can be dealt with under more appropriate legislation provided to the Council and Police.

- No person shall urinate, defecate, spit or leave litter in a public place. This includes the doorway or alcove of any premises to which the public has access.

We will consider whether we proceed with the below restriction as it is supported by evidence from south of the North Circular Road (A406).

- No moped/motorbike driver or user shall gather in groups of 3 or more or drive/ride in such a way to cause harassment, alarm, distress, or annoyance to the community.

The current restrictions which we are proposing to extend:

North of the A406 are as follows:

- No person shall refuse to stop drinking alcohol (unless they are in a licensed premise or at a venue where a temporary event notice is in place) or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required, to do so by an authorised officer to prevent public nuisance or disorder.
- No person shall beg in a manner reasonably perceived to be intimidating or aggressive.
- No person shall be verbally abusive to any person or behave in a way which causes or is likely to cause harassment alarm or distress to another person.
- No persons shall gather in groups of 2 or more whilst engaging in nuisance or criminal behaviour. This will not apply to persons going to or from a parked vehicle or waiting for a scheduled bus at a designated bus stop unless they are engaging in nuisance or criminal behaviour.
- No person shall cause a motor vehicle of any description to stop on zig zag markings outside a school premises during prescribed hours as indicated by the appropriate signage.

Exceptions

We will consider removing the offence of littering, as this can be dealt with under the Environmental Protection Act 1990. The other restrictions will remain in place.

- No person shall urinate, defecate, spit or leave litter in a public place. This includes the doorway or alcove of any premises to which the public has access.

NB: Both PSPOs currently include the same restrictions with the exception of the prohibition relating to moped/motorbike drivers, which only operates to the south of the A406.

Equality Impact Assessment

The Council has a duty under the Equality Act 2010 to ensure that there is no potential negative impact of implementing the PSPO that will discriminate against any persons who fall within the scope of protected characteristics. The council will be under-taking an Equalities Impact screening process to ensure that we meet this requirement.

Conclusion

When considering the review of the PSPO, it is our view that there is a need for the PSPOs to be extended until 2025. It is an essential tool used by both the Council and Police for tackling crime and ASB in the borough. If the order is not extended, there is a risk increase in crime and ASB.

Considerations will be made as to whether we remove restrictions that relate to offences that can be dealt with using more appropriate legislation already highlighted in this report.

This public consultation is intended to allow our residents, businesses and partners the opportunity to give their views as to whether the extension of the PSPOs is required and, if so, whether the current restrictions remain fit for purpose within the PSPO area. If the Council determines to go ahead with the extension of the PSPO, it will additionally decide whether any additional restrictions should be included once the results from the survey are analysed.