

Consultation on the renewal of the Public Space Protection Order

to tackle anti-social behaviour related
to drinking in public spaces

Hackney Council would like your views on the renewal of a borough-wide Public Space Protection Order (PSPO) prohibiting street drinking associated with anti-social behaviour. The current PSPO expires on 20 October 2020 and we're looking to renew it for 3 years until 20 October 2023.

The PSPO gives the police and authorised Officers of the Council borough-wide powers to confiscate alcohol from a minority of drinkers whose excessive drinking causes problems for others in public spaces. The Borough wide Designated Public Place Order (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. The 2014 Act automatically transitioned the existing DPPO into a Public Space Protection Order (PSPO) on 20 October 2017, and this is required to be reviewed every three years.

Why is a PSPO to tackle antisocial behaviour related to street drinking required?

The PSPO is designed to ensure the law-abiding majority can use and enjoy public spaces without experiencing anti-social behaviour. These powers are not intended to disrupt peaceful activities and are used explicitly for addressing nuisance or annoyance associated with the consumption of alcohol in a public place. It is not a criminal offence to consume alcohol within a designated area. An offence is only committed if the individual refuses to comply with an authorised officer's request to stop drinking.

A PSPO cannot be used to restrict the consumption of alcohol where premises are licensed for the supply of alcohol as licensing law already includes safeguards against premises becoming associated with nuisance and anti-social behaviour.

The current Order is effective across all land to which the public have access across the borough.

Alcohol related anti-social behaviour can quickly escalate and have a significant and lasting impact upon communities. Whilst most residents, visitors or people living and working in the borough drink socially and behave responsibly, their right to enjoyment of our public spaces can be threatened by those who behave in anti-social manner,

The PSPO will allow Police and authorised officers to ask individuals to stop drinking and have their alcoholic drinks confiscated, if they are deemed to be acting antisocially. It is an offence to fail to comply with a request to stop drinking or surrender alcohol including any opened or sealed containers in the area covered by the PSPO.

How would the PSPO be enforced?

- Breach of a PSPO is a criminal offence subject to, up to a level three fine on prosecution (up to £1,000)
- A Fixed Penalty Notice can be issued for £100 for failing to comply with an officer's request to stop drinking or hand over the alcohol
- Payment of the Fixed Penalty Notice discharges liability to conviction for the offence
- The Police will work in partnership with the council to ensure the effective enforcement of the PSPO.

How long would the PSPO last for?

We are proposing that the PSPO lasts for three years, until 20 October 2023, at which point we would decide whether to renew it in consultation with residents.

Who do we want to hear from?

The consultation is open to all, but we would particularly encourage local people, businesses and visitors to Hackney to respond. We would particularly welcome responses from stakeholders responding on behalf of particular groups impacted by the PSPO.

Have your say and what happens next?

We are currently reviewing the PSPO and would like to hear your views on any aspects of the proposed PSPO. Please complete the survey and provide us with your feedback.

Please read the Equality Impact Assessment and the proposed orders before giving us your views.

Further information:



For more information or if you have any questions about this consultation please contact: Tel: **020 8356 3000**

Email: **consultation@hackney.gov.uk**

How to have your say by 30 October 2020.

You can take part in the consultation online at consultation.hackney.gov.uk

Alternatively you can return your completed questionnaire to:

Community Safety, Business Regulation & Enforcement

London Borough of Hackney

Hackney Service Centre

1 Hillman Street

E8 1DY

Frequently Asked Questions:

What are the concerns and issues with street drinking/drinking in public spaces?

Street drinking is sometimes associated with anti-social behaviour, causing high levels of noise, rowdy and nuisance behaviour, harassment and intimidation of passers-by, as well as the littering of cans and bottles and urination in public spaces.

How long has the current PSPO been in place?

The Borough wide DPPO, now a PSPO, went live on the 24 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 following public consultation during the last three months of 2009.

Can I be stopped or arrested for carrying alcohol in public spaces?

A PSPO does not make it illegal to carry alcohol or to drink alcohol in a public place; as long as drinking is done responsibly, a PSPO will only be used to tackle alcohol related anti-social behaviour or disorder. Under these circumstances police will have the power to stop people drinking alcohol and seize or confiscate alcohol within the controlled area.

Would people still be able to drink or hold alcohol bottles outside pubs?

Yes. The PSPO does not make it illegal to drink alcohol in a public place. However, if a person was to drink beyond the legal boundary of licensed premises and they do not stop drinking if asked to do so by an officer authorised by the local authority, police officer or police community support officer, then they could be at risk of regulation.

What about street parties and events in parks?

Events within a public place authorised by a premises license or a Temporary Event Notice (TEN) will be excluded from the Police and Authorised Council Officers PSPO powers.

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How will the PSPO be enforced?

If the person breaching the PSPO fails to comply with the requirements of the order, they will be issued with a £100 Fixed Penalty Notice and taken to court if the fine is not paid within the specified timeframe. A person guilty of an offence is liable on summary conviction to a fine up to £1000.

The PSPO will be enforced by Hackney Enforcement Officers and the Police.

What areas in the borough are covered by the PSPO?

The London Borough of Hackney is covered by the PSPO including parks and open spaces from the borders of Haringey, Waltham Forest, Tower Hamlets, Islington and the City of London.

Does the PSPO ban drinking alcohol in public spaces?

It is NOT an offence to consume alcohol within the PSPO however; a Constable or Authorised Person can require a person to stop consuming what they believe to be alcohol and require that person to surrender any alcohol or container they believe contains

alcohol. The Person must be informed that failure to comply with the Officers requirement is an offence. A Constable or Authorised Person may dispose of the in whatever way they think appropriate

What evidence do you have that the PSPO is still required across Hackney?

The Council & Police currently use the powers at their discretion to confiscate alcohol where necessary.

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.

No fixed penalty notices have been issued in the last 12 month period. To some extent this is due to compliance of the individuals when approached by the council and police. Hackney Enforcement Officers and 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.

Questionnaire

1. Are you:

A Hackney resident

A visitor to Hackney

Other, please specify:

A Hackney Business

A community group

2. Where do you live or where is your business located? (this information will help us to better understand the views of Hackney residents and businesses)

E1

E10

N16

E2

E15

Other, please specify:

E5

EC1

E8

EC2

E9

N4

Continued overleaf...

Questionnaire

3. How concerned are you about anti-social behaviour resulting from street drinking?

- Very concerned Concerned Neither concerned or unconcerned
 Not concerned Not at all concerned

4. Have you witnessed anti-social behaviour that you believe was a result of street drinking in Hackney over the last year?

- Yes No Don't know

5. If YES, how often have you witnessed this in the last year?

- 1 - 2 times 3 - 5 times 6 - 10 times More than 10 times

6. If YES, what types of anti-social behaviour have you witnessed? (tick all that apply)

- Verbal abuse If other, please specify:
 Physical abuse
 Noise
 Litter
 Public urination
 Public defecation

7. Do you support the renewal of the current PSPO powers (which permits consumption of alcohol in the borough, but allows authorised police and council officers to confiscate alcohol) from those that are engaged in ASB?

- Yes No Don't know

8. Have you got any comments on the Council's current approach for dealing with ASB associated with drinking in public spaces? If you are able to provide evidence in support of this, please do so.

About you

This information will help us to understand our service users and residents, allowing us to establish if the response to the questionnaire is representative of the borough. All information is used under the strict controls of the 1998 Data Protection Act and the 2016 General Data Protection Regulations (GDPR). This information is optional and will not be used in a way that identifies you.

Gender: Are you: Male Female

If you prefer to use your own term please provide this here:

Age: What is your age group?

- Under 16 16 – 17 18 – 24 25 – 34 35 – 44
 45 – 54 55 – 64 65 – 74 75 – 84 85+

Do you have a disability? Yes No

Under the Equality Act you are disabled if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.

Ethnicity: Are you:

- Asian or Asian British White or White British Other (please state if you wish)
 Black or Black British Mixed background

Religion or belief: Are you or do you have?

- Atheist/no religious belief Hindu Sikh
 Buddhist Jewish Other (please state if you wish)
 Charedi Muslim
 Christian Secular beliefs

Sexual orientation: Are you:

- Heterosexual Gay man Other (please tell us if you wish)
 Bisexual Lesbian or Gay woman

If you would like to find out what this document says please tick the appropriate box, put your name, address and phone number at the bottom of this page and return it to the address below.

এই দলিলে কি লেখা আছে সে সম্পর্কে যদি আপনি জানতে চান তাহলে অনুগ্রহ করে উপযুক্ত বাক্সে টিক দিন, এই পাতার নীচে আপনার নাম, ঠিকানা ও ফোন নম্বর লিখুন এবং এটি নীচের ঠিকানায় ফেরত পাঠান। (Bengali)

如果你想知道這分文件的詳細內容，請在方框內打鉤，在本頁下面寫下你的名字、地址和電話號碼並寄到下面的地址。(Chinese)

Si vous désirez connaître le contenu de ce document, veuillez cocher la case appropriée et indiquer votre nom, adresse et numéro de téléphone au bas de cette page et la renvoyer à l'adresse indiquée ci-dessous. (French)

Ger hun dixwazin bizanibin ku ev dokument çî dibêje, ji kerema xwe qutika minasib îşaret bikin, nav, navnîşan û hejmara telefona xwe li jêrê rûpel binivîsin û wê ji navnîşana jêrîn re bişînin. (Kurdish)

Jeśli chcesz dowiedzieć się, jaka jest treść tego dokumentu, zaznacz odpowiednie pole, wpisz swoje nazwisko, adres i nr telefonu w dolnej części niniejszej strony i przeslij na poniższy adres. (Polish)

Haddii aad jeclaan lahayd in aad ogaato waxa dokaumentigani sheegayo fadlan calaamadi godka ku haboon, ku qor magacaaga, cinwaanka iyo telefoon lambarkaaga boggan dhankiisa hoose ka dibna ku celi cinwaanka hoose. (Somali)

Si desea saber de lo que trata este documento, marque la casilla correspondiente, escriba su nombre, dirección y número de teléfono al final de esta página y envíela a la siguiente dirección. (Spanish)

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اگر آپ یہ جاننا چاہتے ہیں کہ دستاویز میں کیا لکھا ہے تو ازراہ کرم مناسب باکس میں صحیح کا نشان لگائے اور اپنا نام، پتہ اور فون نمبر اس صفحہ کے نیچے لکھئے اور اسے نیچے دیئے گئے پتہ پر واپس بھیج دیجئے۔ (Urdu)

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London Borough of Hackney, Hackney Service Centre, 1 Hillman Street, E8 1DY**

(Alcohol PSPO)