

Recommendation to Consult Report – October 2023

Report title: Recommendation to Consult on the Extension of Street Drinking Prohibitions as a Public Spaces Protection Order in October 2023

Wards: All

Portfolio: Cabinet Member for Safer Communities: Councillor Mahamed Hashi

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Report summary

This report provides a summary of the work undertaken to justify the extension of the Public Space Protection Order (PSPO) prohibiting the consumption of alcohol in public places when associated with anti-social behaviour (ASB), for a further 3 years. The report explains the basis for suggesting that the statutory tests for our doing so, set out at Section 59 of the Act – detailing the Council’s legal power to make an Order, is met. Before making, varying, extending or discharging a Public Spaces Protection Order, the council must carry out the necessary publicity and necessary notification (if any) in accordance with section 72(3) of the Anti-social Behaviour, Crime and Policing Act 2014.

Finance summary

There may be a small financial implication relating to signage to enable the enforcement of the proposed PSPO. If Government proposals under the ASB Action Plan to increase the maximum fine for breach of PSPO are enacted a budget of £5k will be required to make and install updated signs across Lambeth. The cost of enforcement will be borne from existing budgets.

Recommendations

1. To approve the undertaking of consultation under section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 regarding the extension of the borough-wide PSPO prohibiting the consumption of alcohol in public places where this is associated with disorder, nuisance or annoyance to members of the public and authority to prepare a report with recommendations following this consultation.

1. Context

- 1.1 On 21 October 2009 the Council of the London Borough of Lambeth (“the Council”) implemented a Designated Public Places Order (DPPO, Appendix A) pursuant to section 13(2) of the Criminal Justice and Police Act 2001. This permitted local authorities to designate any public place within its area (which could be the entire borough) as one in respect of which they were satisfied that nuisance or annoyance to members of the public (or a section of the public) or disorder had been associated with alcohol consumption in that place. The power was one of designation only and it was not open to an authority to impose prohibitions or requirements. The effect of such a designation was to allow police constables who believed a person to have been or be about to consume alcohol in a designated public place to require that person to cease drinking and/or to surrender their alcohol.
- 1.2 The DPPO thus prohibited **“the consumption of alcohol associated with disorder, nuisance or annoyance to members of the public or a section of the public within its area”**.
- 1.3 The DPPO came into force on 1 December 2009 and designated all public places within the London Borough of Lambeth. On 20 October 2017 the DPPO was converted to a PSPO under section 75 of the Anti-Social Behaviour, Crime and Policing Act 2014. A PSPO lasts for a maximum of three years. On 20 October 2020 the Council implemented a new Order. The existing Street Drinking PSPO, and the prohibitions that it specifies, will expire on 19 October 2023.
- 1.4 If the Order expires authorised officers, namely Council and Police officers, would not be able to efficiently and effectively resolve Anti-Social Behaviour (ASB) issues associated with the consumption of alcohol in public places.
- 1.5 Draft wording on the Order (Appendix B) to be extended from October 2023 states **“the consumption of alcohol in any public place within the administrative area of the said Council (shown edged red on the map annexed as Schedule 1 to this Order) and which is or is likely to be associated with disorder, nuisance or annoyance to members of the public or a section of the public is hereby prohibited”**.
- 1.6 A PSPO preventing alcohol consumption in public places does not make it a criminal offence to consume alcohol in breach of the PSPO. Like the DPPO, it provides officers with the power to require a person who is, has been or intends to drink alcohol in breach of the PSPO to cease doing so and/or to surrender the alcohol. Failure to do so is an offence punishable by a fine not exceeding Level 2 on the standard scale (currently £500.00).
- 1.7 As an alternative to prosecution, an offender may be given a Fixed Penalty Notice. If the offender pays the fixed penalty within the time stipulated for doing so in the Notice (in this case £100 within 28 days) this would discharge that person’s liability to prosecution for the substantive offence.
- 1.8 The Order also provides grounds on which an authorised officer can engage with the offending party in order that they desist with the activities causing ASB in the local area. Either by way of street engagement, or utilising orders that result from prosecution, offenders can be effectively signposted to support pathways accessible via the Local Authority, Police and voluntary and community sector organisations.
- 1.9 Only a Local Authority has the power to implement a PSPO, and the power to do so only applies within that borough’s boundaries.

- 1.10 Previous PSPO's including the introduction of the new Street Drinking PSPO in 2020 have been agreed through an Officer Delegated Decision making process by sign off by a Strategic Director following consultation with the lead Cabinet member.
- 1.11 Enforcement is delivered by both Lambeth Police and Lambeth Council officers, and in order to enforce the PSPO, signage needs to be erected in the area in which the PSPO has effect. Where signage is already in place; consideration must be given to whether this signage remains suitable for the proposed PSPO. If it is deemed to be unsuitable it will need to be replaced at a cost to the Council.
- 1.12 Relevant information that the Council has access to assess the issue includes the number of alcohol and street related incidents, reported to the public Protection; alcohol and street drinking related calls to the Police and alcohol related ambulance call outs within the borough
- 1.13 The Public Protection team recorded a total of 625 Alcohol-Related and Street Drinking incidents between 01/04/2021 and 14/08/2023. A seasonal pattern can be noticed where the figures peak in the warmer months. By comparing the months in 2021, 2022 and 2023, an increase can be seen throughout all the seasons of the year. Due to the upward trend seen, Lambeth is expected to continue to experience an increase of alcohol-related incidents.
- 1.14 There were 505 Alcohol-Related and Street-Drinking calls to Metropolitan Police between 01/07/2022 and 30/06/2023. The pattern of these calls is also seasonal, where most alcohol-related calls are recorded in the summer period. Brixton Windrush appears to be the main area affected by ASB calls to Public Protection (Lambeth Council), whilst most alcohol-related calls made to the police appear to be in Waterloo & South Bank Ward.
- 1.15 London Ambulance Service (LAS) records the number of vehicles dispatched to incidents where the paramedics recorded patient(s) requiring medical assistance due to the effects of alcohol. There were 5,000 Alcohol-Related incidents recorded by LAS between 01/07/2020 and 30/06/2023. The highest number of incidents were recorded in Waterloo and Southbank area (previously named as Bishop's Ward). This area recorded 1024 calls, which represents 20% of all alcohol-related calls in Lambeth. The pattern seen in alcohol-related incidents recorded by LAS is also seasonal, peaking during the summer period.
- 1.16 The patterns observed in all the available datasets forecast a potential increase of alcohol-related incidents in Lambeth which is expected to be experienced by Lambeth Council, Metropolitan Police and London Ambulance Service.
- 1.17 Alcohol seizure volumes are currently not recorded on Council or MPS systems. As this is simplest and least intrusive way to enforce the PSPO, it is likely to be the most common use of the power. Unfortunately, the Council does not have the data available to determine how frequently this power is exercised.
- 1.18 Street drinking occurs in all public spaces throughout Lambeth, and in each ward in the borough. This is the rationale for the application for a borough-wide PSPO and the maps that highlight this can be viewed in Appendix C and D.
- 1.19 The approval of this PSPO will be accompanied by a renewed enforcement process for the Council and Police Officers to follow. The focus will be on improving how enforcement is conducted, to support and engage those who are vulnerable, implement procedures for repeat offenders and

deliver better data capture. The new approach will also include the introduction of a new set of robust measures to measure compliance efficiently and accurately.

- 1.20 This enforcement process will coincide with the approval of the extended PSPO so will be in place from late October 2023. A Partnership Problem Solving Group ng PSPO Enforcement Task and Finish Group has been established to coordinate delivery of this new protocol in partnership with key stakeholders in the Metropolitan Police and Public Health, coordinating joint operational taskings with the new Assertive Outreach Team for Lambeth. Strategic monitoring and oversight will be provided by the Safer Lambeth Partnership Board for Reducing Reoffending, Anti-social Behaviour and Hate Crime.

2. Proposals and Reasoning

- 2.1 The Council has the power under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 to implement a Public Space Protection Order to prohibit the consumption alcohol when it is associated with ASB in Lambeth.
- 2.2 In order that there is not a period where alcohol consumption in public (associated with ASB) is not enforceable, the Council are required to extend the current PSPO before it expires on 19 October 2023.
- 2.3 The Council must be satisfied on reasonable grounds, that the extension of the order is necessary to prevent occurrence or reoccurrence of the activities identified by the order, or that there will be an increase in frequency or severity of the activities identified.
- 2.4 It is considered likely that if the existing Order were permitted to lapse, reoccurrence and/or an increase in the frequency and severity of ASB and crime linked to alcohol consumption in public places would materialise. This could lead to more serious crime, public nuisance, littering and vulnerable people on Lambeth's streets.
- 2.5 Street drinking within Lambeth continues to have a detrimental effect on the quality of life of those in the locality. This detriment can include the following:
- a) Public nuisance in the form of intimidation and inappropriate behaviour towards members of the public, sometimes linked to congregation in groups;
 - b) Impact on high street businesses in the form of loitering and aggressive begging outside of business premises and on the high street;
 - c) Waste in the form of littering in public spaces including; housing estates, residential roads, parks and open spaces, and town centres; and
 - d) The magnification of vulnerabilities associated with some individuals who are frequent street drinkers, the risk they pose to themselves and other members of the public.
- 2.6 The above themes identify the direct detriment caused by the behaviours associated with street drinking to people in the locality. Combined with the evidence that these behaviours remain persistent, are unreasonable and occur in a public place, the Council has demonstrated that the statutory test for the PSPO to be implemented has been met.

- 2.7 If the PSPO is not implemented the data available indicates that there will be a continuation and/or increase in the severity and frequency of the detriment caused to people in the locality caused by street drinking and associated ASB.
- 2.8 In deciding to implement a Street Drinking PSPO the Council is delivering on the Borough Plan, namely supporting and promoting the following objectives:
- a) Making Lambeth neighbourhoods fit for the future – By 2030 Lambeth will be a clean, vibrant and climate resilient borough where people can lead healthier, happier lives;
 - b) Making Lambeth one of the safest boroughs in London – By 2030 Lambeth will be one of the safest boroughs in London, where everyone feels safe and secure – in all places; and
 - c) Making Lambeth a place we can call home – By 2030, Lambeth will be a lifelong borough, with the best conditions to grow up and age well, where everyone can contribute to an inclusive economy, and have a place to call home.
- 2.9 The decision to implement this PSPO will also deliver on Resident Services objectives to:
- a) Maintain clean, green, safe and healthy environments; and
 - b) Deliver improved outcomes through partnership working

Consideration of Alternatives

- 2.10 Due consideration has been applied regarding the appropriateness of the use of a Public Space Protection Order in this instance. In the following sections this paper demonstrates that a PSPO is more effective than other available methods.
- 2.11 The Anti-Social Behaviour, Policing and Crime Act 2014 has a number of legislative tools which allow local authorities and the Police to tackle anti-social behaviour, crime and disorder. Within the act, the following options are available.
- a) Injunctions;
 - b) Criminal Behaviour Orders;
 - c) Dispersal Powers;
 - d) Community Protection Notices;
 - e) Closure Orders; and
 - f) Closure Notices.
- 2.12 Injunctions are individually focused and granted through a court process. The evidence in this report shows the behaviours identified are sufficiently widespread and need to be responded to immediately. As such, it would be too slow, costly, and impractical to process and enforce individual injunctions with varying conditions for each person.
- 2.13 Criminal Behaviour Orders, as with Injunctions, are individually focused and granted through a court process. Crucially, however, they can only be imposed after a person has been convicted of a criminal offence and the court is "*satisfied, beyond reasonable doubt that the offender has engaged in behaviour that caused or was likely to cause harassment, alarm or distress to any person*". They will therefore be a useful tool in dealing with offenders who commit an offence as detailed in 1.6 (above) as a CBO can include positive requirements, such as attendance of an alcohol treatment programme.
- 2.14 Dispersal powers are not universally expedient for street drinking. They relate only to police officers, which reduces the resources that can deal with the issue. The existing PSPO and

proposed extension authorises Council Officers as well as Police Officers to enforce the order. Dispersal powers are also time limited to 48 hours and have to be repeatedly put in place by an officer ranked Inspector or above. They only allow the officer to compel an individual to leave a specified locality for an exclusion period, which would not prevent future street drinking. Police Officers must be satisfied that the person in the locality has contributed or is likely to contribute to harassment, alarm or distress to members of the public, or the occurrence of crime and disorder in the locality.

- 2.15 Community Protection Notices are focused on individuals and premises. Like PSPOs they focus on detrimental impact on the quality of life of those in the locality. However, they are more suited to individual specific issues caused by one person or one premises. This does not resolve the issue of street drinking. The evidence indicates the issue is too widespread, with behaviour often exhibited by numerous people, often at the same time, and over large geographical areas
- 2.16 Closure Notices issued by the police or local authority and Closure Orders issued by a court relate to specific premises which either have, or are likely to have, engaged in crime and disorder or serious nuisance. They are time limited and although they can be used in respect of open spaces, it is a criminal offence to enter or remain on premises subject to a closure order (unless there is a reasonable excuse for doing so). The order would thus require us to try to stipulate all possible exceptions to the order, which would be highly impracticable. In the event that any exception was missed it would in theory expose a great many people to criminal liability who are not intended to be caught by the order. This would therefore not adequately deal with the scale of the problem or the individuals involved.
- 2.17 A Public Space Protection Order is the most suitable measure because it allows:
 - a) A suitable geographical area to be defined;
 - b) Prohibitions to apply to everyone within that area;
 - c) Alcohol to be seized and disposed of;
 - d) Council officers and police officers are able to enforce the order; and
 - e) The order to last long enough to effect change.
- 2.17 **Enforcement** A Joint Enforcement Tasking and Coordinating group has been established since July 2021 and meets weekly. The group consists of operational resources and partners with access to support services and is chaired by the Council, at Head of Strategic Partnerships/Head of Public Safety/Head of Public Protection level. The group agrees borough priorities for targeted joint enforcement operational activity based upon the latest intelligence picture
- 2.18 Delivery of joint enforcement operations will support implementation of the Street Drinking PSPO in October 2023, as necessary and proportionate. The teams and partners involved in this partnership approach include:
 - a) LBL Public Protection;
 - b) LBL PartnershipPlus Police Officers;
 - c) Lambeth Supported Pathways;
 - d) LBL Parking Enforcement Team;
 - e) LBL Parks Operations Team;
 - f) LBL Environmental Enforcement Team;
 - g) LBL Highways Enforcement Team;
 - h) LBL Public Health Commissioning;
 - i) Area South BCU Police Officer; and,

j) LBL Housing Tenancy Enforcement Team.

- 2.19 Several participants in the previous public consultation in 2020 raised concerns that enforcement may be overly punitive towards vulnerable people in Lambeth. The concerns raised have been actively addressed by adoption of the 4E's approach to Enforcement agreed between London Councils and the Metropolitan Police during the pandemic :Engage, Explain, Encourage, last resort Enforcement. Furthermore, Public Health commissioning colleagues with access to support services are key members of the group, and will enable referrals for vulnerable people and are an integral part of all joint operations through the Assertive Outreach Team. This will provide mitigation for the concerns raised.
- 2.20 In extending the Order, the objective is to ensure that the Council's enforcement is proportionate for the scenarios to which it applies. This is to provide reassurance to the public and members that the measures introduced will not target those drinking responsibly and legally in Lambeth. Any enforcement of this PSPO must have a specified anti-social behaviour, public nuisance or annoyance element in conjunction with the consumption of alcohol.

3. Finance

- 3.18 There may be a small financial implication relating to the recommendation of this report. Legal enforcement of the PSPO as the requisite erected throughout the whole of Lambeth will need to be replaced in the event that the Government's proposals under the ASB Action Plan to increase the maximum penalty for breach of PSPO is enacted. Based on experience of implementing signage throughout Lambeth, it is recommended that 100 signs, at a cost of £50 each, will need to be produced. The signs are aluminium composite and include the screws and brackets required to install them. There is also a small digital design and administration fee. To account for any recent price inflation, the Council should budget £5k for the whole process of developing, printing and installing the signage.
- 3.19 The cost of enforcement will be borne from existing budgets utilising staff from across the Council and Metropolitan Police Service.
- 3.20 Currently Fixed Penalty Notice's issued for the breach of a PSPO are £100, reduced to £70 if paid within 10 days. This figure may increase following a consultation carried out by the Home Office earlier this year. It is difficult to accurately project the likely income generation as a result of this order, as it is largely dependent on Council and Police resources ability to proactively enforce the order. These operational resources have been very stretched in the last year for a variety of economic, political and social reasons.
- 3.21 Due to street drinkers' likely vulnerabilities, the assumptions are that payment and therefore recovery rates would be low for FPN's issued to those in breach.
- 3.22 For those that do not pay, they would be prosecuted. Once at the prosecution stage, the money resulting from fines issued goes to the Courts. The Council is only able to recover the costs of conducting the investigation and bringing the prosecution to Court, and so income opportunities are lost at this stage.

4. Legal and Democracy

- 4.1 Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ('the 2014 Act') provides a power for local authorities to make a PSPO. A PSPO is designed to tackle a range of activities which have a detrimental effect on a local community's quality of life and may in respect of a

specified area (which could be the whole of the borough), either prohibit specified things being done in that location and/or require specified things to be done by persons carrying on specified activities in that place. Those restrictions/requirements can be targeted at specific sections of the public (based on objective grounds) or to the public at large and can apply at all times or at specific times, and/or in certain circumstances. They thus give a greater flexibility to an authority to deal proportionately with problems affecting the community and which cannot realistically be addressed by other enforcement action against specific individuals. Once made, a PSPO empowers a Constable (or other authorised persons as defined in the 2014 Act) (“Officers”) to enforce a prohibition or requirement set out in the PSPO.

- 4.2 A PSPO may be made if the council is satisfied on reasonable grounds that two conditions are met:
- a) Activities carried on in a public place within the authority’s area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
 - b) That the effect, or the likely effect, of the activities is, or is likely to be, of a persistent or continuing nature such as to make the activities unreasonable, and justifies the restrictions imposed by the order.
- 4.3 A “public place” is defined in section 74(1) of the Act as “any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.”
- 4.4 As to the prohibitions set out in the Order, the council must be satisfied that they are reasonable to impose so as to, (a) prevent the detrimental effect referred to from continuing, occurring or recurring, or (b) reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
- 4.5 Anyone breaching the terms of a PSPO without reasonable excuse commits an offence punishable by a fine set at level 3 on the standard scale (currently £1,000). Officers may issue an offender with a Fixed Penalty Notice (FPN) in lieu of prosecution, in which case payment of the FPN would discharge the offender from any criminal liability. In the context of a PSPO prohibiting alcohol consumption, however, the consumption of alcohol in public is not itself a breach; however, it permits an Officer (under s.63 of the Act) to require that person to cease drinking and/or to surrender the alcohol and failure to comply with such a request is punishable by a fine not exceeding Level 2 on the standard scale (currently £500.00).
- 4.6 A PSPO may not have effect for more than three years unless it is extended under s.60 of the Act.
- 4.7 In October 2017 the DPPO was converted to a PSPO targeting the consumption of alcohol in public places associated with disorder, nuisance or annoyance in Lambeth. An extension of the Order implemented in October 2020 is due to lapse on 20 October 2023. A PSPO may not have effect for more than 3 years unless it is extended under Section 60 of the 2014 Act. The process for extending an Order in this way must be undertaken before the PSPO expires. In accordance with Section 60(2), the council may extend a PSPO if satisfied on reasonable grounds that that this is necessary to prevent:
- a) Occurrence or recurrence after that time of the activities identified in the Order; or
 - b) An increase in the frequency or seriousness of those activities after that time.
- 4.8 This report proposes to extend the PSPO for a period of 3 years and seeks authority for officers to trigger the attendant statutory processes for this purpose.

- 4.9 Section 72 (1) of the 2014 Act requires that in deciding whether to extend a PSPO and, if so, for how long, the Council must have particular regard to the rights of freedom of expression and freedom of assembly and association set out in articles 10 (right to respect to freedom of expression) and 11 (right to freedom of assembly and association) of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”). It is unlikely that the proposed PSPO will constitute an interference with those convention rights. However, those rights are qualified and may be legitimately interfered with in the interests of public safety, the prevention of crime and disorder, the protection of health or morals, or (in respect of Article 11), the protection of the rights and freedoms of others. If and to the extent that there is an interference with those (or any other) convention rights it is considered that any such interference would be in the promotion of those aims, namely the prevention of crime and disorder, the protection of health or morals, and the protection of the rights and freedoms of others.
- 4.10 Sections 72(1) & (3) of the 2014 Act requires that a local authority carry out the necessary consultation and publication, before deciding to extend a PSPO. This means that the council must publish a notice on its website setting out its proposal to extend the Order in question and to consult with the chief officer of Police and MOPAC, with such local community groups as the council sees fit, and with any owners or occupiers of land covered by the PSPO. The duty to consult the owners or occupiers of land within the restricted area only applies if and to the extent that it is reasonably practicable to do so.
- 4.11 The principles of good consultation require that: first, a consultation had to be at a time when proposals were still at a formative stage; second, the proposer had to give accurate and sufficient reasons for any proposal to permit of intelligent consideration and meaningful response; third, adequate time had to be given for consideration and response; finally, the product of consultation had to be considered with a receptive mind and conscientiously taken into account in finalising any statutory proposals. The process of consultation had to be effective and looked at as a whole it had to be fair. Fairness might require consultation not only upon the preferred option, but also upon discarded options. The Council is obliged to take account of representations made during the consultation period and all objections received must be properly considered by the decision maker in the light of administrative law principles, human rights law and the relevant statutory powers.
- 4.12 Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities to exercise their functions with due regard to the likely effect of those functions on, and the need to do what it reasonably can to prevent, crime and disorder (including ASB), misuse of drugs, alcohol and other substances, and re-offending. The proposed PSPO accords and complies with that duty.
- 4.13 Section 149 of the Equality Act 2010 sets out the public sector equality duty replacing the previous duties in relation to race, sex and disability and extending the duty to all the protected characteristics i.e. race, sex, disability, age, sexual orientation, religion or belief, pregnancy or maternity, marriage or civil partnership and gender reassignment.
- 4.14 The public sector equality duty requires public authorities to have due regard to the need to:
- a) Eliminate unlawful discrimination, harassment and victimisation;
 - b) Advance equality of opportunity; and
 - c) Foster good relations between those who share a protected characteristic and those who do not.
- 4.15 Part of the duty to have “due regard” where there is disproportionate impact will be to take steps to mitigate the impact and the Council must demonstrate that this has been done, and/or justify the decision, on the basis that it is a proportionate means of achieving a legitimate aim. Accordingly,

there is an expectation that a decision maker will explore other means which have less of a disproportionate impact.

- 4.16 The Equality Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken – that is, in the development of policy options, and in making a final decision.
- 4.17 The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014, sets out the manner in which a PSPO must be publicised once it is made and requires that we, (a) publish the order as made on our website; and (b) cause to be erected on or adjacent to the public place to which the order relates such notice (or notices) as it considers sufficient to draw the attention of any member of the public using that place to (i) the fact that the order has been made, and (ii) the effect of that order having been made.
- 4.18 Further guidance in relation to the making of a PSPO is set out in the Home Office Guidance Document (Anti-Social Behaviour, Crime and Policing Act 2014: Policing Act 2014: Anti-social behaviour powers - Statutory guidance for frontline professionals) Updated March 2023 (See background documents).
- 4.19 The Council's Constitution requires that issues of an important or sensitive nature will be published on the Council's website for five clear days prior to the decision being taken (Constitution, Part 2, Section 3), where this is required by the Cabinet Member or Director concerned. It is suggested that this proposed decision is published on Officer Decisions in the interests of transparency. Any representations received during this period must be considered by the decision-maker before the decision is taken.

5. Consultation and Co-production

- 5.1 It is obligatory under section 72(3)(a), that a local authority must carry out the necessary consultation and the necessary publicity, and the necessary notification (if any), before making a PSPO.
- 5.2 In accordance with the act the "necessary consultation" means consulting with— the chief officer of police, and the local policing body, for the police area that includes the restricted area; whatever community representatives the local authority thinks it appropriate to consult; and the owner or occupier of land within the restricted area.
- 5.3 The "necessary publicity" means publishing the text of proposed orders.
- 5.4 This report requests authority to deliver a public consultation to start on Thursday 24 August 2023 and close on Wednesday 20 September 2023.
- 5.5 The consultation will ask the following questions:
 - 1. Thinking about the proposed restricted area shown in the map, how much of a problem, if at all, do you think street drinking and associated anti-social behaviour is to people living in, working in, or visiting Lambeth?
 - 2. Again thinking about the proposed restricted area shown in the map, has street drinking and associated anti-social behaviour affected you in either a positive or negative way over the last 12 months when you have been in Lambeth?

3. Have you personally been affected by anti-social behaviour which is linked to street drinking?
 4. If yes, what exactly did those street drinking do? (conditional question)
 5. If yes, how did the experience it make you feel? (conditional question)
 6. To what extent do you support or oppose the use of a PSPO to prohibit street drinking associated with anti-social behaviour in Lambeth?
 7. Do you have any other comments regarding street drinking or the use of a Public Spaces Protection Order (PSPO)?
- 5.6 For each free text question, a blank text field will be left for respondents to enter more specific comments. In addition, each resident will be asked equalities data including; age, sex and ethnicity anonymously. This data supported the equalities impact assessment in this report.
- 5.7 The draft consultation questions are included in Appendix E.
- 5.8 The consultation will be widely publicised across the borough, utilising all available communications methods. This included the following:
- a) Safer Lambeth Partnership;
 - b) Business Improvement District mailing list;
 - c) Business Crime Reduction Partnership;
 - d) LBL Communications and Engagements team full mailing list;
 - e) Local ward councillors;
 - f) Voluntary and Community Sector Stakeholders
 - g) Lambeth Website;
 - h) Social Media; and
 - i) Statutory Consultees
- 5.9 Equality, diversity and inclusion data (EDI) from the previous 2020 consultation, showed that methods to advertise the consultation struggled to reach minority communities. Although this is a small sample, and was conducted during the COVID pandemic, digital representation of Black and Minority Ethnic communities is not present in sufficient numbers. To support this we will work with VCS partners to promote the survey within specific communities.

6. Risk Management

- 6.1 The risk of not implementing the Street Drinking PSPO has significant implications on enforcement in Lambeth. It would mean that authorised officers, namely Council and Police officers, would not be able to efficiently and effectively resolve Anti-Social Behaviour (ASB) issues associated with the consumption of alcohol in public places.
- 6.2 If the process to introduce a PSPO is not followed correctly this could lead to a challenge to the authority including legal costs and reputational damage. To mitigate risks, all key stakeholders have been included in the consultation and implementation.
- 6.3 If a PSPO is implemented but not enforced due to capacity or other issues, this could lead to reputational damage to the Council. This risk has been reinforced by the results of the consultation.

- 6.4 There is the risk that expectations will be raised by this order which agencies cannot meet. An effective communications strategy will be devised to succinctly explain that the order may not resolve all of the issues but will go some way to reducing the current detrimental impact on people in the locality.
- 6.5 Quarterly Highlight Reports will be provided to the Safer Lambeth Partnership Board for Reducing Reoffending, Anti-social Behaviour and Hate Crime to ensure a balanced approach to enforcement is achieved.
- 6.6 Work will be undertaken with the new Outreach team to highlight individuals and locations where vulnerable adults may need support to engage appropriate services.

7. Community Safety

- 7.1 Lambeth has a statutory duty to work with other responsible authorities to ensure a partnership approach to reducing crime and disorder in the borough including ASB.
- 7.2 The extension of the street drinking PSPO in Lambeth and surrounding area will have a significantly positive impact on Community Safety and ASB reduction in Lambeth. The PSPO enables Council and Police officers to efficiently enforce against behaviours that are causing a detrimental impact to the local community and economy. The prohibited behaviours are linked through intelligence to much greater harms as detailed in this report.

8. Equality Impact Assessment (EIA)

- 8.1 The EIA will be completed for the PSPO Order once the consultation has been undertaken to inform the final decision. Equality, diversity and inclusion data (EDI) from the previous 2020 consultation, showed that methods to advertise the consultation struggled to reach minority communities. Although this is a small sample, and was conducted during the COVID pandemic, digital representation of Black and Minority Ethnic communities is not present in sufficient numbers. To support this we will work with VCS partners to promote the survey within specific communities.

9. Organisational Implications

Environmental

- 9.1 It is predicted that this provision will enable officers to continue to target this type of ASB through enforcement of the PSPO and partnership working.

Health

- 9.2 No implications

Corporate Parenting

- 9.3 No implications

Staffing and accommodation

- 9.4 There will be no new provision of staff. Enforcement of the PSPO will be carried out by Metropolitan Police and Lambeth Council Officers.

Responsible Procurement

- 9.5 No implications

Good Quality Jobs with Fair Pay and Decent Working Conditions

9.6 All staff involved in delivering this either work for the Council or the Metropolitan Police. Both employers pay higher than the London Living Wage, staff have freedom to join a trade unions, and decent working conditions.

Quality Apprenticeships, targeted Employment for Lambeth residents and Lambeth Priority Group

9.7 No implications

Reduce Emissions: Lambeth Council has a commitment to being Zero Carbon by 2030

9.8 No implications

Single Use Plastics

9.9 No implications

Positive Health and Wellbeing

9.10 No implications

Other Offers (Innovation)

9.11 No implications

10. Timetable for Implementation

10.1 This decision will go through Director, Strategic Director and Cabinet Member management meetings for scrutiny prior to consultation. The decision will be made by the Strategic Director for Residents and Enabling Services, in agreement with the Cabinet Member for Safer Communities, once the results of the consultation are known, have been analysed, and have been included and circulated via the Officer Delegated Decision Report for the project.

10.2 The circumstances in respect of this extension of an existing PSPO, that it is a maintenance of the status quo allows the decision to be made, in accordance with the Lambeth constitution, by the Strategic Director of Residents and Enabling Services, delegated by the Cabinet Member.

10.3 The decision does not need to go to procurement board, management board or cabinet as the decision to implement this PSPO has been delegated to the Strategic Director for Residents and Enabling Services, Venetia Reid-Baptiste, and the timetable for the decision is as follows:

Activity	Dates
Director DMT	11 August 2023
Strategic Director DMT	18 August 2023
Cabinet Member Briefing	21 August 2023
Public Consultation	24 August 2023 – 20 September 2023
Decision Report Circulation for Sign-Off	11 October 2023
Strategic Director and Cabinet Member Review of Report and Decision	17 October 2023
Latest Date for Decision Publication	TBC
Order Implemented	20 October 2023

Audit Trail				
Consultation				
Name/Position	Lambeth directorate / department or partner	Date Sent	Date Received	Comments in paragraph:
Councillor Mahamad Hashi	Cabinet Member for Safer Communities	21.08.23	21.08.23	
Venetia Reid-Baptiste	Strategic Director for Residents and Enabling Services	18.08.23	18.08.23	
Derek Roopnarine	Finance & Investment	18.08.23	18.08.23	
Jean-Marc Mocarne	Legal & Governance	17.08.23	17.08.23	Throughout
Nigel Lambert	Director of Community Safety and Resilience	11.08.23		
Anthony Lewis	Assistant Director of Community Safety and Resilience	09.08.23	17.08.23	Throughout

Report History	
Original discussion with Cabinet Member	N/A
Report deadline	N/A
Date final report sent	N/A
Part II Exempt from Disclosure/confidential accompanying report?	No
Key decision report	No
Background information MANDATORY: Insert headings for a few main public documents you have used or referenced to write this report. This is a legal requirement. For Cabinet reports, insert hyperlinks . Do not list private documents (such as OB reports). Detailed procurement information will need to be provided in an internal procurement report but will not be appended to this report (and the public info. will be a background document).	N/A
Appendices If (in rare circumstances) appendices are essential to the understanding of the report, list titles here. Ensure that appendices have proper titles.	Appendix A – The existing PSPO for Alcohol Consumption 2020 Appendix B – The Recommended Order Appendix C – Evidence Base – Street Drinking in Lambeth 2020-2023 Appendix D – PSPO Order Map Appendix E – Draft Consultation Questions

APPROVAL BY CABINET MEMBER OR OFFICER IN ACCORDANCE WITH SCHEME OF DELEGATION

I confirm I have consulted Finance, Legal and Democratic Services and taken account of their advice and comments in completing the report for approval:

Signature: _____ Date: _____

Post: Rob Harper
Head of Strategic Partnerships (acting)

I approve the above recommendations:

Signature: 

Date: 22nd August 2023

Post: Venetia Reid-Baptiste
Strategic Director, Residents and Enabling Services