

## Recommendation to Consult Report

**Report title:** Recommendation to Consult on the Extension of Street Drinking Prohibitions as a New Public Spaces Protection Order in October 2020

**Wards:** All

**Portfolio:** Cabinet Member for Jobs, Skills and Community Safety: Councillor Jacqui Dyer

**Report Authorised by:** Bayo Dosunmu, Strategic Director for Resident Services

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### Report summary

This report provides a summary of the work undertaken to justify the implementation of a new three year Public Space Protection Order (PSPO) prohibiting the consumption of alcohol in public places when associated with anti-social behaviour (ASB). 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.

### Finance summary

There are no financial implications arising from the recommendations in this report. There is the potential for additional costs to arise in the future as a result of decisions made based on the outcome of this consultation but those costs will be addressed in a separate report.

### Recommendations

1. To approve the undertaking of consultation under section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 regarding the introduction of a new 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 21st 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 1st December 2009 and designated all public places within the London Borough of Lambeth. On 20<sup>th</sup> 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. This means that unless a new order is implemented or the existing one is extended or varied, the Council’s existing Street Drinking PSPO , and the prohibitions that it specifies, will expire on 19<sup>th</sup> October 2020.
- 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 proposed Order (Appendix B) to be implemented in October 2020 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 a place covered by 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 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.
- 1.11 In completing this report, issues around existing data have surfaced that are now being addressed. Since October 2017, 238 FPN's have been recorded on the Council's systems issued for breach of PSPO's. However, the Council data is limited as it does not distinguish which PSPO those fines relate to. This is a problem because there are currently three active PSPO's in Lambeth. The option to select the specific PSPO actioned will be included on Council systems so that PSPO's can be differentiated as enforcement is completed in the future.
- 1.12 To add to the data issues, 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. This Council reporting issue will be addressed by amending the available options for Council Officers to select when recording enforcement actions in future.
- 1.13 Enquiries of the MPS's Crime Recording (CRIS) database since October 2017 identify that there have been 1,112 crimes linked to the activity of street drinking. To make this determination, a key word search was applied to all crimes recorded in Lambeth between October 2017 and June 2020. To be linked to street drinking the Police officers report must include a series of key words which are defined in Appendix C.
- 1.14 The following table shows the crimes linked to street drinking recorded since October 2017:

Crime Type	Number	%
Acquisitive Crime (commonly theft and shoplifting)	598	54
Violence Offence	225	20
Public Order Offence	114	10
Other (includes weapon and drug related offences)	175	16

- 1.15 The Council's analysis shows that the average monthly levels of crimes related to street drinking have not decreased since 2017. This highlights the persistent and continuing nature of the problem, and that despite the Council's existing data issues in terms of its use of legislative powers (highlighted above), the evidence that there is continuing and persistent detriment caused by street drinking associated with ASB in Lambeth is relatively conclusive.
- 1.16 Seasonal fluctuations show significant increases in activity linked to street drinking annually from April through to September, and significant reductions in activity from October through to February. This is to be expected as the warmer weather encourages those wishing to drink in the street to do so.

- 1.17 It may be that data for 2020 could be affected by COVID-19 and that incidents could reduce this year from the average as a result of lockdown, and that as restrictions are eased the number of incidents may begin to increase
- 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 E and F. Housing estates, residential roads, parks, high streets and town centres are all impacted to a degree. However, the issue is most acute in close proximity to the main arterial routes in the borough (A-roads) and within the town centres, shown on the map in Appendix F. This detail will help the Council focus its proactive future activity to tackle the issue.
- 1.19 Temporal analysis shows that 60% of recorded street drinking activity occurs between 06:00 and 20:00, thus the largest proportion of ASB linked to street drinking occurs during the daytime. This also illustrates that a significant proportion (40%) of cases still occur during the evening or overnight.
- 1.20 There have been 296 recorded Police Intelligence reports of crime or ASB related activity linked to street drinking in Lambeth since October 2017. As with crime records, this determination was made using a key word search on Met Police systems, the details of which can be found in Appendix C. It is worth noting that this only what is captured on Police systems, so is likely to be an underestimation of the true scale. The results of this analysis align closely with the themes detailed below in section 2.4.
- 1.21 MERLIN reports are Police records of encounters with vulnerable adults and children. A dip sample of recent MERLIN reports where street drinking has been a factor have also been analysed. Anonymised details of 7 cases in June 2020 identify the following vulnerabilities that adults linked to street drinking present:
- a) Homelessness or living in a house in disrepair;
  - b) Self-harm and/or suicide risk;
  - c) Drug and alcohol misuse;
  - d) Domestic incidents, sometimes violent;
  - e) Children linked to gangs;
  - f) Mental health issues;
  - g) Carrying and hiding weapons in public places;
- 1.22 The full suite of qualitative, statistical and geographical analysis completed as part of this PSPO decision paper can be viewed in Appendix C and D.
- 1.23 The approval of this PSPO will be accompanied by a new 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 efficiently and accurately measure compliance.
- 1.24 This enforcement process will coincide with the approval of the new PSPO so will be in place from late October 2020.

## **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 implement this PSPO before the current order is due to expire on 19 October 2020.
- 2.3 It is likely that if the existing Order was 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. This is especially important as the Council supports Lambeth communities recovery from Coronavirus, regulates responsible social distancing measures in public spaces, and responds to the increasing frequency of unlicensed music events (UME) across London.
- 2.4 Strategic intelligence analysis has been carried out by the Public Protection, Assurance and Regulatory Services (PPARS ) Intelligence and Improvement Team and can be read in Appendices C and D. Data held by the Council and the Metropolitan Police Service (MPS) has confirmed that street drinking within Lambeth continues to have a detrimental effect on the quality of life of those in the locality. This detriment concerns the following:
- a) Serious crime linked to street drinking;
  - b) Public nuisance in the form of intimidation and inappropriate behaviour towards members of the public, sometimes linked to congregation in groups;
  - c) Impact on high street businesses in the form of loitering and aggressive begging outside of business premises and on the high street;
  - d) Waste in the form of littering in public spaces including; housing estates, residential roads, parks and open spaces, and town centres; and
  - e) 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.
- 2.5 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.
- 2.6 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. In light of this we seek the approval to: (a) undertake a consultation pursuant to section 75 of the 2014 Act with a view to introducing a borough-wide PSPO which will prohibit the consumption of alcohol in public places where that consumption is linked to nuisance, disorder or annoyance to the public, and (b) authority thereafter to prepare a report with recommendations following that consultation.

- 2.7 In deciding to implement a Street Drinking PSPO the Council is delivering on the Borough Plan, namely supporting and promoting the following objectives:
- a) Resilient communities – communities that are thriving and connected
  - b) Independence – people have support to live as well and independently; and
  - c) Place – Lambeth is a place people want to live, work and invest
- 2.8 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**

- 2.9 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.
- 2.10 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.
- 2.11 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.
- 2.12 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.
- 2.13 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.

- 2.14 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.
- 2.15 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 relate to premises only, so do not adequately deal with the scale of the problem or the individuals involved.
- 2.16 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;
  - 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.

### **Enforcement**

- 2.17 A working group of operational resources and partners will be established to agree an improved method for enforcement in Lambeth in the Autumn of 2020. Delivery of a new enforcement process will coincide with the implementation of the Street Drinking PSPO in October 2020. The teams and partners involved in this new agreed approach will include:
- a) LBL Public Protection;
  - b) LBL PartnershipPlus Police Officers;
  - c) Lambeth Supported Pathways;
  - d) LBL Parking Enforcement Team;
  - e) LBL Parks Operations Team; and
  - f) Area South BCU.
- 2.18 The enforcement strategy will focus on refining the Council's existing processes, spreading awareness of the PSPO and providing training to colleagues on how to enforce it. The objective is to ensure that the Council's enforcement is proportionate for the scenarios to which it applies (see hypothetical scenarios and full enforcement plan in Appendix G). 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**

- 3.1 There are no financial implications arising from the recommendations in this report. There is the potential for additional costs to arise in the future as a result of decisions made based on the outcome of this consultation, but those costs will be addressed in a separate report.

## **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 particular 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. That PSPO is due to lapse on 20 October 2020.
- 4.8 In the circumstances where an order was due to lapse the Council would usually seek to extend it on the same terms. However, there is some difficulty in that the DPPO simply designated an area as being one in which alcohol consumption in public was associated with ASB and empowered



police officers to require someone to cease drinking and/or to surrender their alcohol. If the existing PSPO were to be extended it would give rise to uncertainty as to what precisely was prohibited by the PSPO. This is critical both for the Officers seeking to enforce the PSPO and for the public who would need to understand what would breach of the PSPO, particularly as it can result in criminal sanctions. A new PSPO in the proposed terms will achieve that aim.

- 4.9 Nonetheless, as this is a maintenance of the status quo – the prohibitions on the new PSPO will have the same effect as the old PSPO and DPPO, the democratic process, in accordance with Lambeth’s Constitution, can be dealt with as an Officer Delegated Decision in consultation with the Lead Cabinet Member.
- 4.10 Section 72 (1) of the 2014 Act requires that in deciding whether to make 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.
- 4.11 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.
- 4.12 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.
- 4.13 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.
- 4.14 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.

- 4.15 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.
- 4.16 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.
- 4.17 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.
- 4.18 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.
- 4.19 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 December 2017 (See background documents).
- 4.20 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 the objective of this paper is to obtain approval to hold a six week statutory consultation beginning on 27 July 2020.
- 5.2 It obligatory under Section 72, subsection (3)(b), that a local authority must carry out the necessary consultation and the necessary publicity, and the necessary notification (if any), before extending the period for which a PSPO has effect.
- 5.3 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.

- 5.4 The “necessary publicity” means publishing the text of proposed orders.
- 5.5 Given that the current order expires on 20 October 2020, LBL plan to go to public consultation on Monday 27 July 2020, closing the consultation on Sunday 6 September 2020. This will give sufficient time for the consultation results to be analysed, an equalities impact assessment to be completed following consultation feedback, the decision paper to be written, democratic process completed, decision published with five clear working days notice and the order legally sealed.
- 5.6 The consultation proposes to 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)?
- 5.7 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 their residential area, age, sex and ethnicity anonymously. This data will aid the equalities impact assessment to be concluded following the consultation.
- 5.8 The consultation will be widely published across the borough, utilising all available communications methods. This included the following:
- a) London and Local Press;
  - b) Southbank Business Improvement District mailing list;
  - c) South Bank Business Crime Reduction Partnership;
  - d) LBL Communications and Engagements team full mailing list;
  - e) Local ward councillors;
  - f) The Community Round Up;
  - g) Lambeth Website;
  - h) Social Media; and
  - i) Statutory Consultees
- 5.9 A thorough results analysis will conclude the consultation exercise and a specific report detailing the results will accompany the final decision report. Both will be published.

## **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 will be involved in consultation and implementation.
- 6.3 If a PSPO order is implemented but not enforced due to capacity or other issues, this could lead to reputational damage to the Council.
- 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.

## **7. Community Safety**

- 7.1 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.
- 7.2 The PSPO enables Council and Police officers to efficiently enforce against behaviours that are causing a detrimental impact to the local community and economy.
- 7.3 The prohibited behaviours are linked through intelligence to much greater harms as detailed in sections 1.21 and 2.4.

## **8. Equality Impact Assessment (EIA)**

- 8.1 An equalities impact assessment will be conducted and taken to the most appropriate EIA panel for sign off as part of the final decision process.

## **9. Organisational Implications**

- 9.1 Environmental – 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.
- 9.2 Staffing and Accommodation – There will be no new provision of staff. Enforcement of the PSPO will be carried out by Metropolitan Police and Lambeth Council Officers.
- 9.3 Procurement – no implications.
- 9.4 Health – no implications.

## 10. Timetable for Implementation

- 10.1 This decision will go through Director, Strategic Director and Cabinet Member Briefing management meetings for scrutiny prior to consultation. This decision process will be repeated once the results of the consultation are known and have been analysed.
- 10.2 The circumstances in respect of this new PSPO, that it is a maintenance of the status quo, and has negligible community impact allows the decision to be made, in accordance with the Lambeth constitution, by the Strategic Director of Residents 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 Resident Services, Bayo Dosunmu, and the timetable for the decision is as follows:

<b>Activity</b>	<b>Dates</b>
Director DMT	9 July 2020
Strategic Director DMT	15 July 2020
Cabinet Member Briefing	23 July 2020
Public Consultation	27 July 2020 – 6 September 2020
Decision Report Circulation for Sign-Off	14 September 2020
Director DMT	TBC
Strategic Director DMT	TBC
Latest Date for Decision Publication	12 October 2020

Audit Trail				
Consultation				
Name/Position	Lambeth directorate / department or partner	Date Sent	Date Received	Comments in paragraph:
Councillor Jacqui Dyer	Cabinet Member for Jobs, Skills and Community Safety	09.07.20		
<i>Bayo Dosunmu</i>	Strategic Director for Resident Services	09.07.20		
<i>Andrew Ramsden, Finance</i>	Finance & Investment	07.07.20	08.07.20	throughout
<i>Jonathan Melnick, Legal Services</i>	Legal & Governance	09.07.20	09.07.20	throughout
<i>Maria Burton, Democratic Services</i>	Legal & Governance	07.07.20	08.07.20	throughout
<i>Raj Mistry</i>	Director of Environment	07.07.20	08.07.20	throughout
<i>Nigel Lambert</i>	Assistant Director of Environmental, Community Safety and Regulatory Services	07.07.20	08.07.20	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
<b>Background information</b> <b>MANDATORY:</b> Insert headings for a few main <b>public</b> documents you have used or referenced to write this report. This is a legal requirement. For Cabinet reports, <b>insert hyperlinks</b> . 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).	
<b>Appendices</b> If (in rare circumstances) appendices are essential to the understanding of the report, list titles here. Ensure that appendices have proper titles.	Appendix A - Original DPPO for Alcohol Consumption 2009 Appendix B - Draft PSPO Wording Appendix C – Evidence Base – Street Drinking in Lambeth 2020 Appendix D – Strategic Statistical Analysis – Street Drinking in Lambeth 2020 Appendix E - Map - Lambeth Street Drinking Incidents Appendix F - Map - Lambeth A Roads and Town Centres - Street Drinking PSPO Appendix G - Street Drinking PSPO Enforcement Plan

**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:** Luke Parker  
Intelligence and Improvement Manager

**I approve the above recommendations:**

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Post:** Bayo Dosunmu  
Strategic Director, Resident Services