

Lewisham Council's Borough-wide Public Space Protection Order consultation

Frequently Asked Questions

What is a PSPO?

PSPO stands for a Public Space Protection Order and is an additional tool that gives the Police and Council Officers powers to help reduce specific antisocial behaviours. PSPOs do not stop people socialising in the open and enjoying public spaces but can be used to deter those whose behaviour is persistently disrupting other people's lives. A PSPO is a power under the Anti-Social Behaviour, Crime and Policing Act 2014.

Why are we doing this?

One in four residents stated in the 2021 residents' survey that they think crime and antisocial behaviour should be a focus for the Council post-pandemic. A PSPO gives the Council new powers to help tackle antisocial behaviour.

There have been a significant number of complaints made to the Council, Elected Members, Police, Registered Social Landlords and Housing Associations around the issues of public safety and nuisance, as well as the issues that the Council and our partners regularly witness. The PSPO has been drafted in response to complaints about persistent nuisance behaviour and the evidence which has been gathered from our records and data provided by the police

What are the ASBs it includes?

The proposed PSPO would apply to the whole borough of Lewisham for the following activities:

- Alcohol related antisocial behaviour and disorder
- Consumption of drugs and psychoactive substances
- Illegal encampments
- Public urination and defecation
- Amplified speech or music in open spaces
- Dog related antisocial behaviour in public spaces and parks

Who can implement a PSPO?

Councils can put in place a PSPO after consultation with the Police, the Police and Crime Commissioner and other relevant bodies including Lewisham residents.

How will the PSPO decision be made?

The survey responses will be analysed, and the results reported to the Mayor and Cabinet

When is the consultation taking place?

The consultation will start on 27 February 2023 and you have until 30 April to participate.

What are the proposed areas that will be covered by a PSPO?

It is proposed that the London Borough of Lewisham PSPO will cover all of the streets, pavements, and public spaces within the borough'.

How long is a PSPO in force for?

When created a PSPO can be in force for three years from the date it is implemented. Any changes to the PSPO area or additional restrictions will require further consultation.

What does “detrimental to quality of life” mean?

The behaviour restricted has to be having a detrimental effect on the quality of life of those in the locality, the antisocial behaviour to be of a persistent nature and to be unreasonable to other residents. A balance needs to be struck between what residents and businesses want in order to feel safe, secure and happy in their respective communities, whilst at the same time allowing people to enjoy what the public spaces have to offer.

Can I still take my dog in a park?

Yes, you can still walk your dog in a park.

There will be restricted areas though where dogs cannot be walked including children’s play areas, nature reserves, cemeteries, ball courts, tennis courts, recreational areas and outdoor gyms. Assistance dogs are exempt.

Does the proposed PSPO include begging or prostitution?

Begging and prostitution are not included in the current PSPO proposal.

What is the type of alcohol related nuisance and antisocial behaviour that PSPO enforcement could help?

This PSPO proposal is aimed at helping to deal with behaviour such as public intoxication, being rowdy and inconsiderate, swearing and shouting, urinating in the street or any other behaviour that is considered to be detrimental, such as discarding alcoholic beverages or gathering and loitering on public benches making other users of public spaces feel uncomfortable and unsafe.

Does this mean that I can’t drink alcohol outside?

No. The proposed order will restrict drinking in a public place if an officer believes that there is, or could be, antisocial behaviour in the area linked to drinking alcohol. The container can be removed whether open or not. This does not include areas covered by an alcohol premises licence, such as tables and chairs outside a pub. The majority of residents, visitors and people who live and work in the borough choose to drink socially and behave responsibly. However, there are some people who do not drink alcohol responsibly and this can impact on the local community.

What is the type of drug related antisocial behaviour that PSPO enforcement could help?

We hope that the proposed PSPO will help to deter drug or psychoactive substance related antisocial behaviour or nuisance. This will include misusing or sharing with others any psychoactive substances (spice, nitrous oxide gas canisters, and other substances known for legal highs) or marijuana / weed in a public space; it also includes possession in a public place of any drug paraphernalia, for e.g. cannabis grinders or crack cocaine pipes.

Why should the PSPO address psychoactive substances?

Psychoactive substances used to be commonly known as 'legal highs' or 'designer drugs' (for example nitrous oxide) often contain one or more chemical substances which produce similar effects to illegal drugs. Nitrous oxide, or 'laughing gas', is a well-known example of a psychoactive substance. The Psychoactive Substances (NPS) Act 2016 became law but this Act does not afford protection from antisocial behaviour aspects and is mainly intended to deal with supply. It does not make it an offence to be in possession of, or to misuse such substances in our public spaces. This means that Police Officers and Council Officers cannot stop such activity or behaviour without a PSPO.

Why are illegal encampments included in this proposed PSPO?

We believe that it is sensible and proportionate to deter any form of encampment in the London Borough of Lewisham to be set up on any green spaces without the landowner's written permission.

What do the restrictions on amplified speech and music mean? Could this affect future street parties or protests / campaigning in Lewisham?

Where an activity is permitted by the Local Authority then no enforcement action will be taken.

Urinating or defecating in a public space

It is not acceptable for anyone to either urinate or defecate in a public place. The only exemption to this is in the case of a pregnant women.

How are vulnerable groups impacted?

There is an outreach-led multi-agency approach offered in Lewisham to those who are vulnerable and need extra support. Lewisham Council complies with the requirements of the public sector equality duty under the Equality Act 2010. The Equality Act requires public authorities to have due regard to a number of equality considerations when exercising their functions. Proposals for a PSPO have been reviewed to determine how they might target or impact on certain groups. The Council believes that having the enforcement powers offered by the PSPO in conjunction with outreach support workers, offers us the most effective tools to address those who use alcohol and behave in an antisocial way. There will be an enforcement protocol in place that will provide guidance to those authorised to enforce the PSPO, ensuring that the appropriate support is highlighted for the individual and relevant agencies are made aware.

How do I report ASB?

Please go online to this link

https://tkwebform.lewisham.gov.uk/tkflow_liveweb/Flow.aspx?f=Web where you are able to report antisocial behaviour.

Enforcement

What is the penalty and what happens if you get fined?

Our officers will investigate all incidents and if the behaviour is causing a nuisance, advice will be given to the person. Officers who can enforce the PSPO are

authorised Council Officers, Police Community Support Officers (PCSOs) and Police Constables.

If an individual is found to breach any of the conditions an authorised officer may issue a Fixed Penalty Notice to anyone they believe has committed an offence. A person committing an offence will have 14 days to pay the fixed penalty of £100.

However, if someone persistently breaches this order they could receive more formal action which could include either a Community Protection Notice, a Criminal Behaviour Order or a Civil Injunction - in some cases this could mean unlimited fines or even imprisonment. Failure to comply with the order if prosecuted is an offence carrying a maximum fine of £1000. Breaching a PSPO is a criminal offence. Where applicable an authorised Officer may give a Direction, being advice to follow or adhere or requirement to disperse from a given area where antisocial behaviour is being caused or reported.

I have been given a fixed penalty notice. Does this mean I have a criminal conviction?

No, you do not have a criminal conviction if you pay the fixed penalty issued to you.

Prosecution at the Magistrates Court

A decision may be made to prosecute a person for the offence of breach of the PSPO. This may occur as a result of non-payment of the Fixed Penalty Notice or where the individual is repeatedly in breach of the PSPO and it is decided that the Magistrates Court is best placed to determine the matter.

I don't believe that I committed an offence

If you believe that you have not committed an offence, you have the choice of not paying the penalty notice and challenging our police partners, or delegated officers' evidence in court.

I believe that the officer was rude to me

A complaint about the officer's conduct is not a reasonable defence and the penalty should still be paid. If you want to make a complaint about the officer's behaviour, then this should be made using our normal complaints procedure.

Where do I go for more information?

Information about Public Spaces Protection Orders can be found in section 2.6 of the Home Office document Anti-Social Behaviour, Crime and Policing Act 2014: Reform of antisocial behaviour powers.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf (Revised June 2022).