

# **London Borough of Lewisham Public Space Protection Order**

## **Evidence Pack**

# What is a Public Space Protection Order?

- The Anti-Social Behaviour, Crime & Policing Act 2014 ('Act'), places a duty on local authorities to tackle anti-social behaviour (ASB) by working in partnership with the police, social landlords and other agencies. The Act makes provision for Public Space Protection Orders (PSPO) which are intended to be used to control and restrict anti-social behaviour in public spaces. They can also help by giving local councils and the police additional powers to tackle anti-social behaviour in specific locations.
- The exact details of a local PSPO can be defined by a local council. They can be blanket restrictions, or they can just be targeted towards certain groups or types of behaviour at certain times of the day. They can also restrict access to public spaces (including some highways) where that route is being used to commit anti-social behaviour.
- Once agreed, PSPOs can be enforced by a police officer, police community support officer and delegated council officers. A breach of the PSPO is a criminal offence and can be dealt with through the issuing of a Fixed Penalty Notice (FPN) of up to £100, or a fine of up to £500 on prosecution for consumption of Alcohol in breach of the PSPO and £1,000 on prosecution for other breaches of the PSPO. Any income from an FPN is likely to be used to offset the costs of managing the PSPO, for items that include but are not limited to signage, court fees for failure to pay fines through to communicating the controls in place.
- A PSPO can last for up to three years, after which it must be reviewed.

# Why introduce a PSPO in Lewisham?

- When considering whether a PSPO is necessary and the subsequent inclusions, we know that there should be a balance between introducing items that people identify as making them feel safer and happier in the borough, whilst at the same time not restricting the enjoyment of others, or introducing rules and regulations that cannot be enforced.
- The council undertook a scoping exercise which included the analysis of anti-social behaviours across the borough, using various datasets from the police, council departments and other stakeholders. We also considered complaints from residents, those that work in the Borough and councillors.
- The following issues were identified:
  - **Alcohol-related anti-social behaviour and disorder**
  - **Consumption of drugs and psychoactive substances**
  - **Amplified speech or music in open spaces**
  - **Dog-related anti-social behaviour in public spaces and parks**
  - **Illegal encampments**
  - **Public urination and defecation**

# Proposed Measures and Evidence Base

# Data Sources

- Complaints relating to anti-social behavior across the borough are made to a multitude of agencies. This evidence pack includes data gathered from the sources below, covering the period January 2020 to September 2022 unless otherwise stated.
  - Cleaner Lewisham, a Lewisham Council website where residents can log environmental issues
  - Lewisham Council Complaints Team
  - Lewisham Council Enforcement Team
  - Lewisham Council Dog Unit (years 2020 and 2021 only)
  - Lewisham Homes (years 2020 and 2021 only)
  - London Ambulance Service (LAS) data from SafeStats
  - Metropolitan Police Service (MPS) data from SafeStats
  - MPS anti-social behaviour call-log data (years 2020 and 2021 only)
- Statements were also sought from council employees and police.

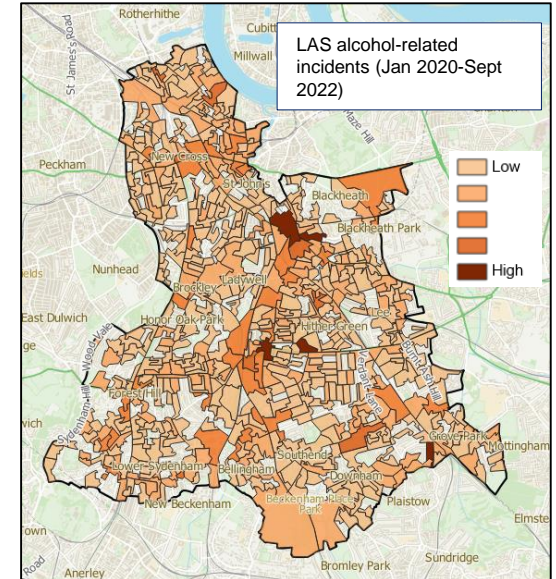
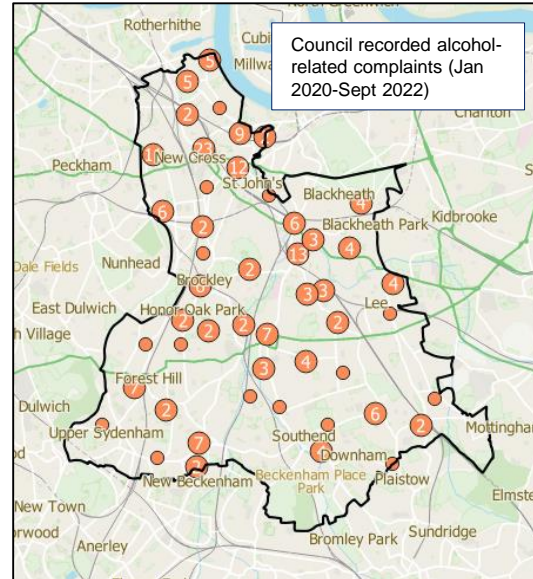
# Alcohol-related ASB and Disorder

**Proposed Measure: Authorised police and council officers may request alcohol consumption cease and any container be surrendered where anti-social behaviour is taking place. Under The Anti-Social Behaviour, Crime and Policing Act 2014.**

- 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, vomiting and urination in public spaces. There are often further concerns linked to underage drinking, sexual activity, criminal damage and/or substance misuse.
- A PSPO would not ban the consumption of alcohol in a public place, a PSPO would address alcohol related anti-social behaviour/nuisance. It would not be an offence to consume alcohol in a public space; the offence would be failing to comply with an officer's request to stop the consumption of alcohol or failing to surrender containers when requested to do so. Authorised officers could only request that alcohol consumption cease on the grounds that anti-social behaviour is or is likely to occur.
- The enforcement of these powers would support the wider strategy in Lewisham to address alcohol related harm. This strategy includes signposting individuals with alcohol and substance misuse related concern to drug and alcohol treatments services in order to ensure appropriate support/treatment was available. The Strategy also includes engagement with local licensed premises to reduce the availability of high strength beers and ciders as well as ensuring that licensing objectives were promoted through responsible retailing of alcohol; and work by Public Health to promote responsible drinking, in partnership with health partners such as the NHS.

# Alcohol-related ASB and Disorder

- There were 231 complaints identified involving alcohol from 2020 to September 2022. Analysis of comments show these complaints associated with rubbish, drugs and noise and affecting a variety of areas such as roads, parks and residential areas.
- The cluster map shows the known locations of these reports across the borough, with main hotspots in New Cross and Deptford in Lewisham Central. The Deptford hotspot is adjacent to one across the border identified by Royal Borough of Greenwich.
- The LAS reported 1335 alcohol related incidents in 2021, a 31% increase from 2020. There were 968 incidents reported in 2022 to September.
- The map shows the issues are wide-spread across the borough, with increased activity (darker colours) around the Lewisham Central to Catford corridor, Downham and New Cross Gate.



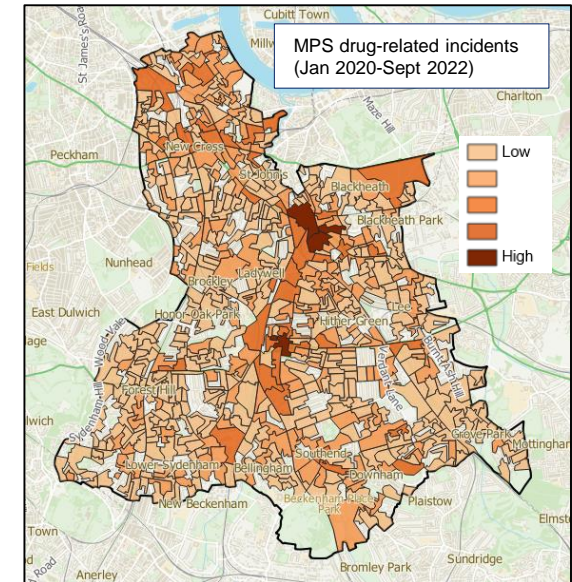
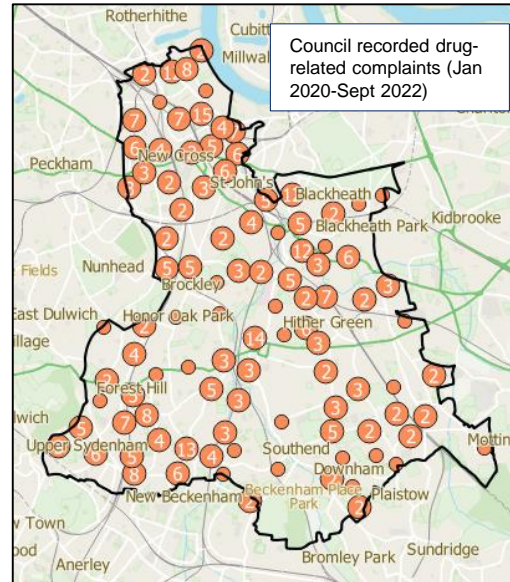
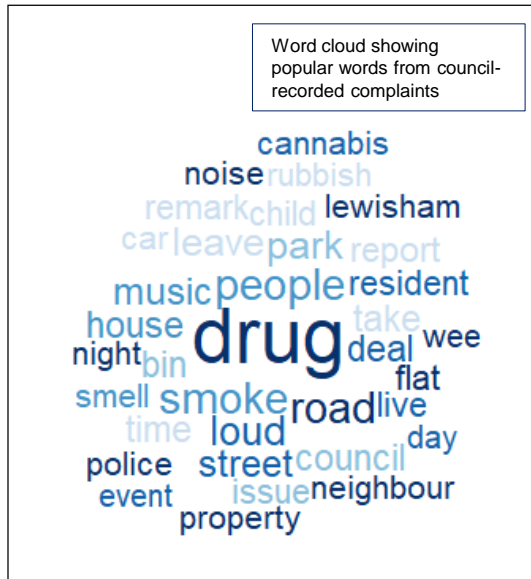
# Consumption of Drugs & Psychoactive Substances

**Proposed Measure:** Any person who, without reasonable excuse, fails to surrender any such substance in their possession, and if requested, leave the area and not return for 48 hours when asked to do so by a Constable, Police Community Support Officer (PCSO) or Council Officer, commits an offence and may be liable to prosecution or may be issued a Penalty Notices for Disorder or arrested, either under the Misuse of Drugs Act 1971 or issued an Fixed Penalty Notice for failure to comply with a PSPO (local authority FPN).

- Consumption of drugs and psychoactive substances has been highlighted as an issue by Councillors and residents. The MPS have also reported a large number of substance-related incidents and local police officers have provided statements which support a PSPO to tackle this issue.
- The PSPO would allow a designated officer to ask for the person in question to surrender any such substance in their possession and leave the area.

# Consumption of Drugs & Psychoactive Substances

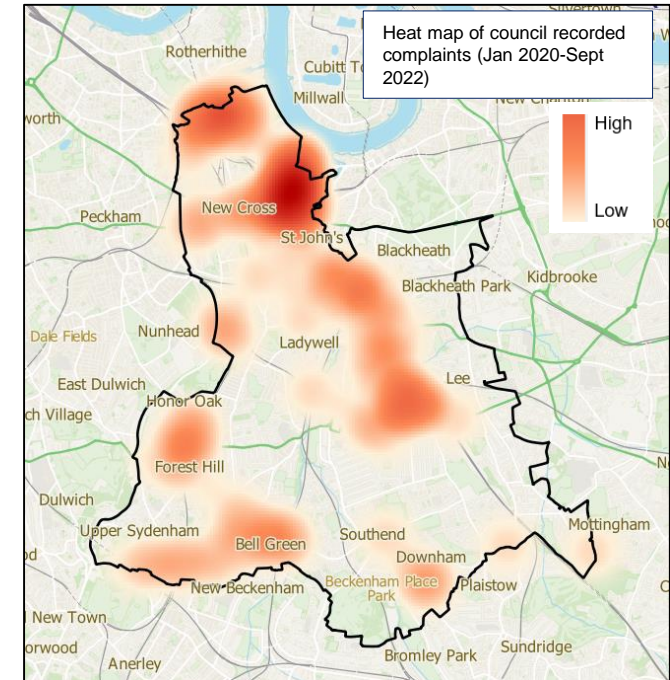
- There were 499 complaints to the council involving drugs from 2020 to September 2022. Analysis of comments show incidents were related to noise, smell/smoke, public urination and rubbish, and affecting areas such as parks, roads and residential areas.
- The cluster map shows the locations of these reports across the borough, with hotspots around New Cross and Deptford, Lewisham Central and Catford, as well as around Sydenham in the south west of the borough.
- The LAS reported 162 drug-related incidents from 2020 to September 2022; the MPS reported 4,172 over the same period.
- The locations of the MPS incidents are shown on the map. These are wide-spread across the borough, with increased activity along the Lewisham Central to Catford corridor, and north-west wards.



# Amplified music or speech

**Proposed Measure:** No person shall, after being requested to desist by an authorised officer, make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in any space open to the public.

- The use of amplified music and speech may cause offence to many members of the public when persistent and unreasonable, having a detrimental effect on the quality of life of those in the vicinity.
- Lewisham Council recorded a 26% increase in complaints relating to noise in a public place between 2020 and 2021. The number of complaints recorded to September 2022 has already passed previous years.
- This includes noise from buskers, noise using amplification for music or preaching, noise from car speakers, noise from disruptive congregations and noise from loud speakers.
- The map shows the location of these, with highest intensity (darker red) across the north, central and south west areas of the borough.
- Over the period 2020 to 2021, the MPS reported 1067 noise-related anti-social behavior calls.



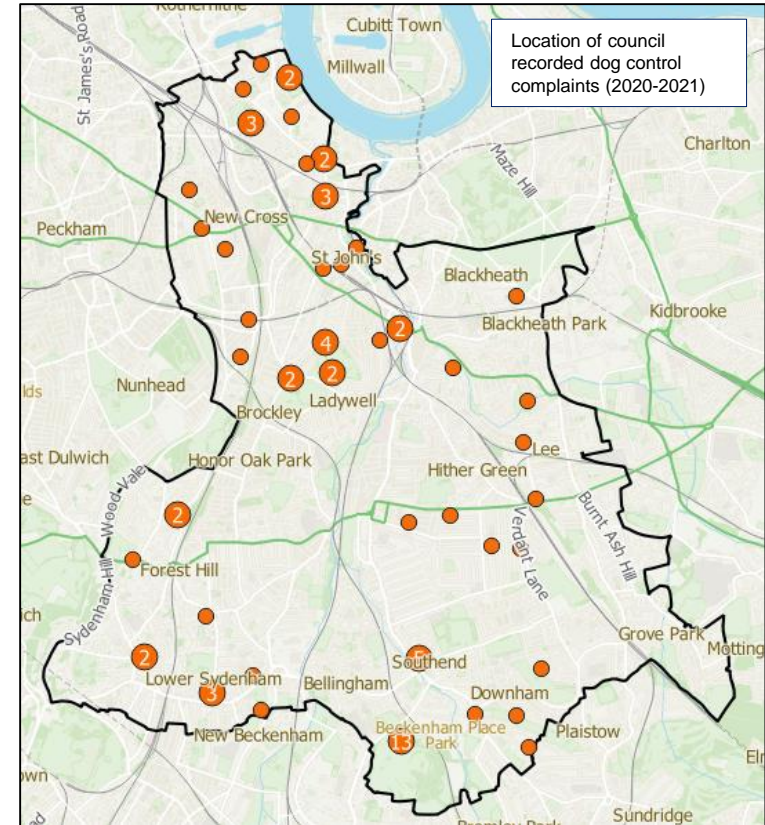
# Dog-related ASB in Public Spaces and Parks

## Proposed Measures:

- **Dog Fouling:** No person is permitted to leave dog waste deposited by any dog under their control or ownership in any public place, except in a designated dog waste bin. Owners and dog-walkers must remove dog waste deposited by dogs under their control, care or ownership.
  - **Dogs on Leads by Direction:** When required by an authorised officer of the Council, any person in control of a dog/s must place the dog/s on a lead.
- 
- There is a need to enforce dog controls to ensure public spaces are clean and safe for all to enjoy. Responsible dog ownership enforcement via a Public Spaces Protection Order will aid the reduction of risk to the general public from: catching toxocariasis from dog waste; potential animal attacks; and dog related accidents.
  - Both the public and wildlife will be safeguarded via the 'dog on a lead', 'dog exclusion' and 'maximum number of dogs' elements.

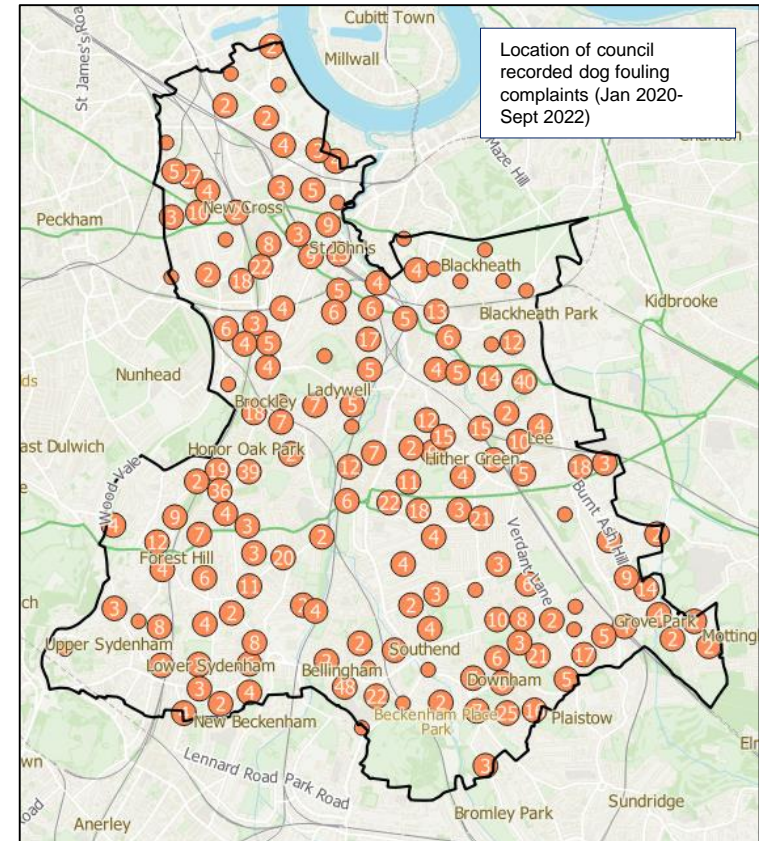
# Dog-related ASB in Public Spaces and Parks

- Over 2020 and 2021, the council dealt with a number of complaints about dog control and dog attacks. The location of these are shown on the map.
- There were at least 32 incidents in 2020 and 49 in 2021, a 53% increase. Some complaints received relate to reoccurring issues with dogs.
- Analysis of comments show concerns in parks, particularly around where children play.
- Quote from local resident: *“I’m a father with young kids living right next to Beckenham Place Park. As much as we love the new facilities of the park, it is still completely wasted by the out of control dog situation in the park! we never feel safe here and just today I had to raise another dog attack that ruined our day...”* (Source: Cleaner Lewisham website.)
- Observation from Beckenham Place Park worker: *“Dogs are off lead in the formal gardens and playground and Homestead courtyard (regularly)”*.
- The MPS recorded 91 Dog Attack offences in Lewisham over the 12 months to September 2022, a 50% increase to the previous 12 months.
- There were an additional 38 reports of ‘animal bites / attacks’ logged by LAS between January 2020 and September 2022.



# Dog-related ASB in Public Spaces and Parks

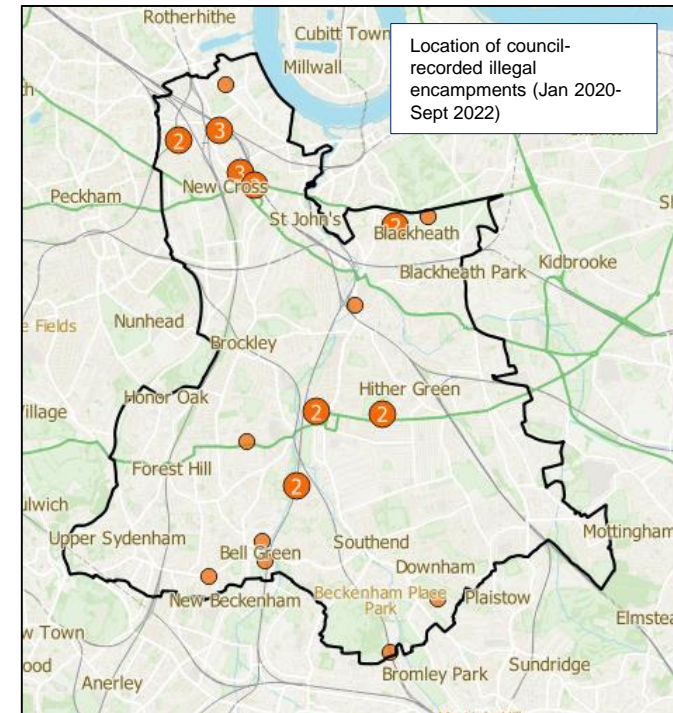
- The council received a significant number of complaints about dog fouling between January 2020 and September 2022. There were 1,159 complaints over this period, with a marked increase in 2021, 2.5 times higher than the number in 2020.
- It is an issue which affects a widespread area of the borough. The map shows the location of complaints over 2020 and 2021.
- Analysis of the comments show pavements, streets (particularly around schools) and parks (particularly where children play) are frequently mentioned.
- In addition to the incidents reported by the public, parks and cemetery workers observe issues and receive direct complaints.
- Council workers and volunteers in Beckenham Place Park experience incidents first hand and report stepping in dog mess, mess in the gardening beds and close to the cafe facilities, a large amount of dog poo in the southern grassland areas of the park, bagged dog mess hung from a branch or dropped in the undergrowth, unpicked dog mess around the entrances to the park with the smell of faeces creating a really unpleasant welcome.
- Council workers also report issues when strimming long grass within the cemeteries, with dog poo often caught up in the process and splattering clothes and nearby surfaces.



# Illegal Encampments

**Proposed Measure:** Any person who, without reasonable excuse, occupies any vehicle, caravan, tent or other structure on public land owned or managed by the London Borough of Lewisham, without prior authorisation from the London Borough of Lewisham, commits an offence.

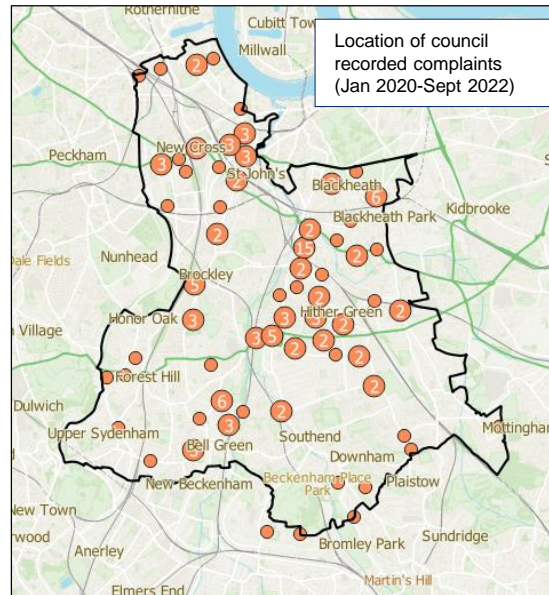
- Unauthorised encampments occur relatively infrequently to other forms of ASB, but have a high impact in the areas they are located.
- The main issues include health hazards due no sanitary facilities for human waste; issues of disposing of rubbish illegally; noise; alcohol or drug-related ASB; and open fires.
- There have been approximately 30 cases reported between January 2020 and September 2022, a similar level to previous years.
- The PSPO would give additional powers to a designated officer to remove people who are illegally encamped on land which does not belong to them.



# Public Urination and Defecation

**Proposed Measure:** The Order prohibits urination or defecation without reasonable excuse within the borough on land open to the air. Authorised police and council officers may issue an FPN for this offence. It is a criminal offence for a person without reasonable excuse to breach this prohibition

- There have been an increasing number of reports about public urination and defecation over the past four years. In 2021 there were approximately 70 complaints, a 25% increase from 2020.
- The map shows complaints originate across many areas of the borough, particularly around more built up areas of Lewisham Central and Catford, but also near park land areas such as Blackheath and Beckenham Place Park.
- Review of the complaints suggest public urination is more common where groups congregate, where rubbish has been dumped previously and raises concerns about the smell and potential impact on health.



# Supporting Statements

# Supporting Statements

- PC Gosling, attached to the Rushey Green Safer Neighbourhoods Team since 2019:

*Whilst in this role I have been aware of persisting anti-social behaviour issues generated from Catford Broadway. As the dedicated ward officer for the area, I am in full support of a PSPO to help tackle the ongoing anti-social behaviour. The issues in question are drug dealing, drug use and street drinking.*

*As a team, we have conducted operations in the past to help combat the anti-social behaviour evident on the Broadway. We have been able to move the drug related anti-social behaviour on and away from the Broadway using stop and search powers and arrest. However, the Broadway is inundated with street drinkers throughout the day and into the night. The street drinking and alcohol related anti-social behaviour is not specific to a single area or a time of day. There are different groups in different areas of Catford Broadway from early morning, all the way into the night. This includes groups of drinkers outside the Black Cat pub on the junction of Catford Broadway and Winslade Way who will often use a sound system. As well as anti-social behaviour, this is also ruining business for the Black Cat pub.*

*A PSPO would grant officers enhanced powers to effectively and robustly tackle anti-social behaviour that is being generated from this location. It would make moving on street drinkers and taking their open alcohol containers away from them. This ongoing behaviour is having a detrimental effect on the local community including businesses and so a PSPO would help us make the Broadway a more desirable place to visit.*

- Sergeant Langley, attached to the Downham, Catford and Hither Green Safer Neighbourhoods Team, has indicated support for the PSPO to help address various anti-social behaviours including street drinking, particularly around shopping areas and surrounding roads.
- Sergeant Foreman of Bellingham and Sydenham Safer Neighbourhoods Team has indicated support for a PSPO covering the whole of these wards to assist with tackling a range of ASB in the area. She was particularly concerned about ASB surrounding Bell Green retail park and in Beckenham Park Place park, particularly during warmer weather.

# Supporting Statements

- PC Pearce, Licencing Officer for Lewisham Borough, previously Safer Neighbourhood Officer on Perry Vale Ward:

*I write this statement concerning the Anti Social Behaviour and street drinking that is occurring in Catford Broadway and the surrounding area.*

*Since I have joined the Licensing Team I have witnessed first hand the street drinkers harassing the local shop keepers and making the shop keepers fear for their safety. They congregate outside shops and in walk ways which is intimidating to the general public. They also sit on the benches that are in the area and for general use which prevents them being used by the general public. This occurs during the day as well as in the evening and into the night.*

*The licensing team have been working with the local shop keepers and asking them not to sell cans of alcohol which have an alcohol content or more than 6%. This has largely been successful but there is still work to do around this and venues cannot be forced to stop selling the alcohol.*

*There are also several night time economy venues in the locality and we have seen numerous incidents of alcohol related violence that have resulted in one of the venues being taken to review (October 6th) and another where the Brewery have been asked to attend meetings with the council and the police at Offices in Holbeach Road. Both venues are currently being monitored by the police licensing team and the council licensing team.*

*There have also been robberies in the locality. Patrons of the night time economy venues have found themselves being the victims of robbery. There are numerous homeless persons sleeping rough in shop door ways and begging outside shops on a daily basis. When I was on Safer neighbourhoods I worked with the council, outreach and street link to try and find accommodation for homeless persons in Catford but sadly not everyone will take the help that is offered to them.*

*We are working with the Council CCTV Team in Eros house to monitor crime and disorder that is occurring in Catford and try to deal with incidents as we are made aware of them. We are working with the shop keepers and night time economy venues to try and reduce alcohol related crime and anti social behaviour but any assistance in this would be greatly received.*

# Supporting Statements

- PS Loveday, Safer Neighbourhood Sergeant for the wards of Crofton Park, Forest Hill and Perry Vale:

*This statement is in relation to a request from Lewisham Council with regards to the nature of regular police interactions within the borough of Lewisham. I am the Safer Neighbourhood Sergeant for the wards of Crofton Park, Forest Hill and Perry Vale. I have been in this role for around ten (10) months. In that time the continuing theme across these three wards is one of anti-social behaviour and the impact this has on the day to day lives of local residents. Each ward has a similar yet distinct issue under this umbrella.*

*Crofton Park has an issue with street drinkers/drug users begging outside the train station and Co-op convenience store on Brockley Road. Complainants state that this appears at times to be an organised/structured endeavour however they are also concerned about open drug use by these people at all times of day. A familiar report is that people with children now actively avoid walking past this store as they do not want their children subjected to the begging/drinking. Additionally, there have been two protracted cases of homeless males causing a nuisance. One, on Agnew Road, resulted in a male being arrested for exposure before being released but eventually being resolved by liaison with mental health services and another on Ballina Street which is still ongoing. This male has mental health issues and is homeless. He is partially blocking an alleyway where he is staying with all of the property he has collected. This male has just been issued a Community Protection Warning. Both of these males are linked to Honor Lea Hostel as they were evicted immediately before causing issues.*

*Forest Hill receives complaints about homelessness/begging in two main areas. The most prominent is in the foot tunnel underneath the railway line. This tunnel runs from Devonshire Road to Perry Vale and is used by main commuters each day. Again, residents complain that the presence of homeless people within the tunnel is off putting for them and they feel intimidated by it. There are also reports that these people are begging. This matter has been referred to the council before and was recently subject to a joint police and council visit. Officers have recently issued 3 Community Protection Warnings here. The main protagonist here did for a period have a place at Miriam Lodge but rather chose to sleep in the tunnel with her partner until he recently died, as they couldn't stay together at Miriam Lodge. The other area for begging is outside Sainsburys. This does not cause many complaints however and is actually encouraged by security within the store who are hostile to police intervention. This was also recently the subject of a joint police and council visit with referrals made to outside agencies. The root of these issues appears to be Miriam Lodge and the people associated with it.*

*Perry Vale has two main anti-social issues which affect the community. One is the foot tunnel mentioned above, which is on the border between Forest Hill and Perry Vale but it does generate more feedback from the Perry Vale community. The other area of concern is the area around Church Vale, junction with Perry Vale. This involves open drug taking on council land at all times of day. I'm told that the area was previously the subject of a closure order but cannot confirm this from first hand knowledge.*

# Summary

# Proposed borough-wide measures

The following measures would apply to all areas within Lewisham where the public have access:

## **A. Control of Alcohol Consumption**

- Authorised police and council officers may request alcohol consumption cease and any container be surrendered where anti-social behaviour is taking place. Under The Anti-Social Behaviour, Crime and Policing Act 2014.

## **B. Dog Fouling**

- No person is permitted to leave dog waste deposited by any dog under their control or ownership in any public place, except in a designated dog waste bin. Owners and dog-walkers must remove dog waste deposited by dogs under their control, care or ownership.

## **C. Dogs on Leads by Direction**

- When required by an authorised officer of the Council, any person in control of a dog/s must place the dog/s on a lead.

## **D. Maximum Numbers of Dogs Under a Person's Control**

- No person is permitted to have under their control more than 4 dogs in a public place.

# Proposed borough-wide measures

## **E. Consumption of Drugs & Psychoactive Substances**

- Any person who, without reasonable excuse, fails to surrender any such substance in their possession, and if requested, leave the area and not return for 48 hours when asked to do so by a Constable, Police Community Support Officer (PCSO) or Council Officer, commits an offence and may be liable to prosecution or may be issued a Penalty Notices for Disorder or arrested, either under the Misuse of Drugs Act 1971 or issued an Fixed Penalty Notice for failure to comply with a PSPO (local authority FPN).

## **F. Illegal Encampments**

- The Council and the Police have additional powers to take action but the PSPO would allow the serving of PCW, PCN & FPNs. If these fail to resolve the matter under the PSPO the Council could go to magistrates Court to seek an injunction with a view to requesting the power to evict the occupiers from the land

## **G. Amplified music or speech**

- No person shall, after being requested to desist by an authorised officer, make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in any space open to the public. Environmental protection Act 1990 section 79 part GA and H. For Parks Spaces Act 1906 sections 12 and 15 of the Open Spaces Act 1906

# Area-specific Measures

In addition to the Borough-wide measures, the following measures would apply within the boundaries of the designated areas outlined below:

## H. Dog Exclusion

No person in charge of a dog is permitted to take the dog onto or to enter or to remain on any land to which this PSPO applies. Area applies to:

- Children's play areas within parks, dens and open spaces within the London Borough of Lewisham
- Children's play areas on housing estates within the London Borough of Lewisham
- Fenced sports areas within parks, gardens and open spaces within the London Borough of Lewisham
- Devonshire Road Nature Reserve – SE23 3SZ
- Garthorne Road Nature Reserve – SE23 1AA
- Dacres Wood Local Nature Reserve – SE23 2NR
- Besson Street Multi Cultural Garden
- Brookmill Local Nature Reserve – SE8 4JJ
- Queenswood Nature Reserve (Sydenham Gardens) – SE23 2LW
- Chinbrook Allotments - SE12 9SB
- Grove Park Library Gardens
- Telegraph Hill Park – lower
- Friendly Gardens – upper
- Brookmill Park - SE8 4JJ
- Horniman's Play Park
- Friendsbury Gardens – SE4 2BL
- Broadway Fields – east of the river
- Central Field in Mayow Park
- Central Field in Northbrook Park
- Cornmill Gardens – waterway link exempted
- Manor House Gardens
- Iona Close Orchard Nature Reserve – SE6 4RN
- Burnt Ash Pond Local Nature Reserve – SE12 0AL

# Area-specific Measures

In addition to the Borough-wide measures, the following measures would apply within the boundaries of the designated areas outlined below:

## **I. The Dogs on Leads**

All persons in charge of a dog must keep the dog on a lead on any land to which this PSPO applies:

- All roads within the London Borough of Lewisham at all times (as defined by Section 142 of the Road Traffic Regulation Act 1984)
- Cemeteries and Crematoriums within the London Borough of Lewisham
- Grove Park Local Nature Reserve – SE12 0UW
- Hare & Billet Pond – SE8 0RB
- Sydenham Cottages Nature Reserve – SE12 9PW
- London Squares green spaces within Rushey Green.
- Beckenham Place Park (specific areas)
- Sue Godfrey Nature Park Local Nature Reserve – SE8 3DT
- Pepys Park Nature Area – SE8 3GD
- Bridgehouse Meadows Nature Area - SE14 XB
- Downham Woodland Walk Local Nature Reserve