

CONSULTATION ON THE PUBLIC SPACES PROTECTION ORDER IN WEST EALING AND HANWELL

Introduction

Ealing Council's Safer Communities Team is consulting on the enforcement of a Public Spaces Protection Order (PSPO) in the area of West Ealing and Hanwell to tackle anti-social behaviour associated with street drinking and drug use. This questionnaire has been designed to gauge your opinion as someone who works visits or lives in West Ealing of the local problems, and whether you support the introduction of additional enforcement powers under a PSPO.

A PSPO is a new measure under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014. It is a power available to Councils for tackling behaviour which is harming the "quality of life" in a certain area. The Order prohibits the problematic behaviour in the area it applies to. It is enforced by police officers and officers designated by the Council. Not complying with the Order after being asked to do so by an enforcing officer is a criminal offence, and results in a fine or a summary conviction.

The consultation will be open from **14 November 2016 to 23 December 2016**.

Context and Background

Why is Ealing thinking of introducing a PSPO?

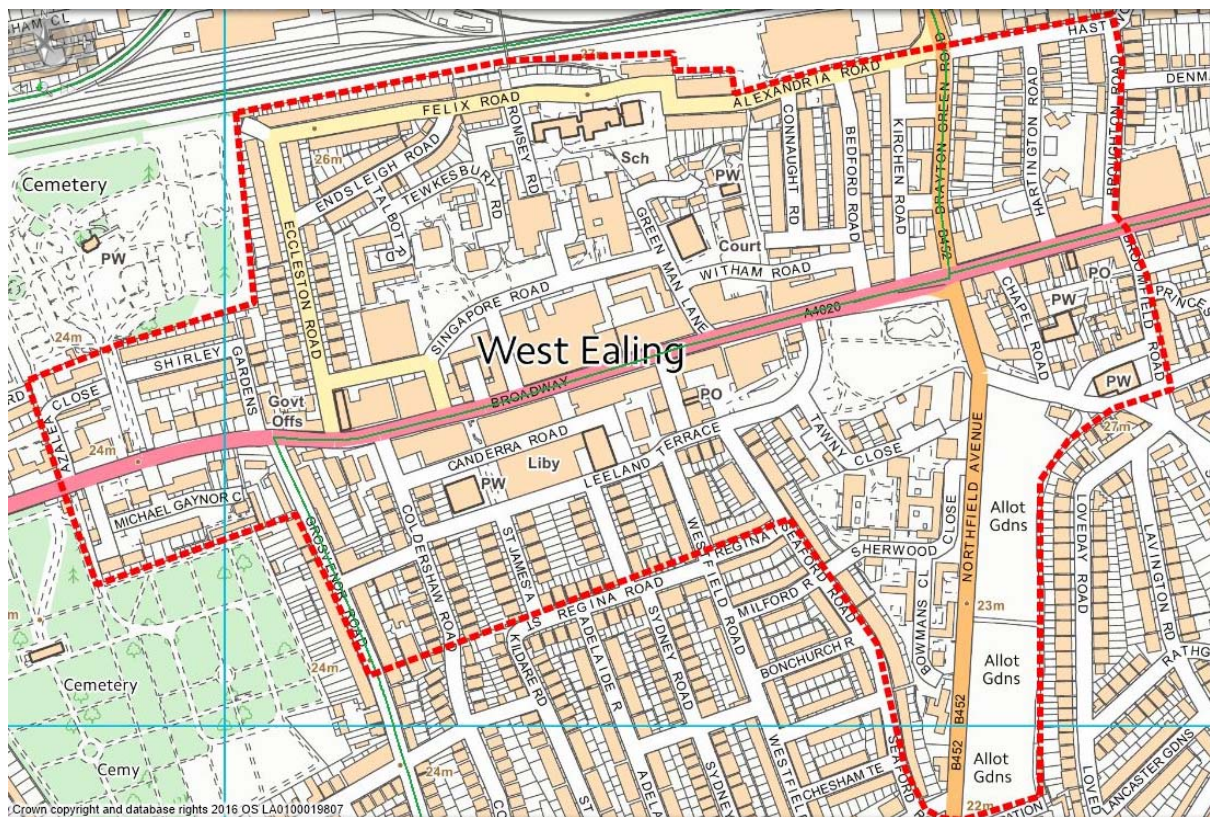
The council have analysed crime reports over the past twelve months, and for certain crime types West Ealing suffers from a higher rate. Further research into these crime types has shown that they are closely linked to the local street-drinking and drug use problems. The Police and the Council have allocated additional resource to the area to help address this, and have achieved a number of successful enforcement outcomes, including criminal convictions.

To supplement this work, and following the success of similar PSPOs in Haringey and Hillingdon, the London Borough of Ealing is considering introducing a PSPO to help tackle underlying anti-social behaviour. Street-drinking and the associated anti-social behaviour, such as street harassment, public drug use, urinating / defecating in public parks, use of children's area in the parks by street drinkers and the use of so-called "legal highs" which are intrinsically linked to more serious crime.

These issues have been frequently reported in the West Ealing and Hanwell area. We have analysed in detail a number of sources of information held on file, (including crime statistics and reports to the council) and consulted with other boroughs who have introduced PSPOs we have drafted a series of prohibitions. We have been careful to ensure that these prohibitions seek to target specific behaviours that have been shown to cause nuisance, harassment, alarm and distress to the public.

Which area will be affected by the proposed PSPO?

The proposed area for the new PSPO is shown on the map below, marked out by the dotted red line.



How will the PSPO be enforced?

The Order will be enforced by police officers, police community safety officers, and officers designated by Ealing Council. They will notify those breaking the Order and if they refuse to stop the offending behaviour, they will issue fines.

The penalty for breaking a PSPO is a Fixed Penalty Notice (fine) of £100. If the fine is not paid, court proceedings may be started, which will increase the fine to up to £1,000.

Does that mean I can no longer drink or carry alcohol in the area?

No. Drinking alcohol in a public place is not an offence. However, drinking and behaving in a way that causes distress to others using the public place will be made an offence with this Order. If you are asked by a designated officer to stop drinking in the area or surrender your drink and you refuse, then you are committing an offence under the PSPO.

You will not be asked to stop drinking in a public place, if you are doing it responsibly. However, if you are shouting at passers-by, making noise late at night, littering the area, you will be asked to stop and if you fail to stop, you will be fined.

Why is a PSPO necessary? Do police not have these powers already?

Police can only arrest people for drinking-related anti-social behaviour, not for the drinking itself. It is also not an offence to refuse to surrender your drink. A PSPO gives the enforcing officers the option of a fine and makes refusing to surrender containers of alcohol an offence.

“Legal highs” is actually a misnomer, as the drugs denoted by the phrase were made illegal earlier this year with the Psychoactive Substances Act 2016. However, possession and consumption of these drugs remains legal (sale and production is an offence), so a PSPO would be necessary to help cut down on the amount of people using these drugs in public.

How will I know about the PSPO?

The Order will be advertised in the local press, the Ealing Council website and social media accounts. Signs will also be erected in the proposed PSPO area informing people of the PSPO.

When will it come into force?

The PSPO will come into force after the consultation process. The consultation will run for 4 weeks, from 14 November 2016 to 23 December 2016. The PSPO will come into force in January 2017 and is proposed to run until January 2020, but the Council has the option to vary or discontinue the Order if the behaviours stop or change.

What is this survey for?

We are consulting on the appropriateness of a Public Spaces Protection Order to tackle anti-social behaviour associated primarily with street drinking in the areas of West Ealing and Hanwell. A public consultation on the proposal will be carried out from 14 November 2016 to 23 December 2016 during which time the following will take place:

1. **Partnership Meeting:** the Council will meet with the Police, legal representatives, representatives of RISE Drug and Alcohol Services, and Youth Justice. They will be consulted about the conditions in the PSPO and how best to enforce it from the viewpoints from both individuals who will be affected and those enforcing the PSPO.
2. **Business Engagement:** The Council will consult the businesses operating in the area on the scale and nature of the anti-social behaviour, and on their opinion of the efficacy of a PSPO.
3. **Residents Association Meetings:** the Council has been present at the meetings of Resident Associations operating in West Ealing and Hanwell. The Associations have been very supportive of the proposed PSPO and suggested some changes which have been included.
4. **Public consultation:** A public consultation on the proposed PSPO through online and paper surveys will take place from 14 November 2016 to 23 December 2016.

The survey is to determine if members of the public agree with Ealing Council that a PSPO would be a useful way to tackle some of the above mentioned issues. This PSPO proposal is by no means final, and it will be modified according to the feedback we receive.

Further information

If you need a paper copy or any other help regarding the consultation, or would like to email your comments to the Council please email:

safercommunities@ealing.gov.uk.

If you would like to speak to someone regarding this consultation please telephone 020 8825 5994.

Can I protest a PSPO?

Yes, if you are “an interested person” who is someone who lives, works in or regularly visits the area where the PSPO will be affected. That means only people who are directly affected by the PSPO can challenge it. The appeal must be made through an application to the High Court within 6 weeks of the PSPO being made.