

Committee(s):	Date(s):
Safer City Partnership	23 September 2019
Subject: Seeking a Public Space Protection Order – London Marathon Related Disorder	For Decision
Report of: Head of Community Safety	
Report author: Valeria Cadena-Wrigley, Community Safety officer	
Summary To provide an update on work exploring the potential to obtain a Public Space Protection Order (PSPO) to deal with the recurring issues of violent disorder and anti-social behaviour (ASB) associated with the London Marathon. The paper outlines previous activity to try and resolve the issue and the steps needed should the decision to pursue a PSPO be agreed. This includes collaboration with relevant committees and a formal consultation process. Recommendation(s) Members are asked to consider the report and agree that the SCP pursue a PSPO in response to this specific and defined problem.	

Main Report

Background

1. Members will recall that issues relating to disorder which occurred at the London Marathon in April 2019 were raised at the last meeting. Problems of this nature have arisen over several years in the locality around Trinity Square EC3. The primary issue is related to large groups of young adults consuming alcohol and drugs, particularly nitrous oxide, while the London Marathon is taking place. This has contributed to considerable ASB and violent disorder.
2. Significant work has been undertaken with local venues to ensure they are not contributing to the problems. In addition, the City of London Police and Corporation of London staff have worked in partnership to tackle the problems. This has included the deployment of specialist public order assets, liaising with London Marathon organisers to move and change the music

provision and the use of crowd control barriers. Despite these efforts, the last two years have still seen considerable public disorder.

3. The core issue are groups of young adults seeing the Marathon as an opportunity to congregate in large numbers to drink alcohol and use drugs, (notably nitrous oxide). As the day progresses, levels of intoxication, ASB and disorder increases. The area impacted is close to Fenchurch Street and Tower Hill Underground and British Rail stations, which are used by the majority of those involved to transit to the City.
4. Following issues experienced in previous years and working in conjunction with the London Marathon management team and City of London Corporation staff, significant changes were made in 2019 including:
 - Replacing the rock band at Byward Street EC3 with a brass band
 - Cancelling the DJ next to All Hallows Church
 - Increasing barrier plan outside the Liberty Bounds Public House
 - Deploying specially trained Public Order Officers to the area
 - Using the Section 35 Dispersal Order
 - Installing a Police CCTV van in the area
 - Deploying Police horses
 - Ensuring there is no street drinking in Trinity Gardens by using local authority Enforcement Officers from Tower Hamlets
 - Requesting local licensed premises have additional security on duty
5. Despite these mitigating actions, there was still high level ASB and disorder in the area of Great Tower Street EC3, with approximately 500 highly intoxicated young adults present (consuming alcohol and nitrous oxide). These individuals had no vested interest in the London Marathon and made the area, in the words of the City of London Police, *“a ‘no-go’ area for members of the public”* who wanted to watch and enjoy the London Marathon.
6. As the day progressed, the atmosphere became increasingly hostile and eventually resulted in arrests for violent disorder, grievous bodily harm and possession of class A drugs. While assisting in an arrest one of the Police horses fell, trapping the mounted officer under the horse, and resulting in the officer receiving a broken ankle.
7. Seasoned Public Order Officers assigned to the event, who are used to dealing with high levels of disorder, were taken aback with the level of disorder and how quickly the situation escalated. Despite having 20 Public Order Officers available in the area, another 40 officers were required to deal with the problems. In total over 100 City of London Police Officers were deployed to this relatively small geographical area to contain the situation.

Neighbouring Boroughs

8. As the legislation concerning Designated Public Place Orders became redundant with the introduction of the Anti-Social Behaviour Crime and Policing Act (2014), the London Boroughs of Tower Hamlets and Southwark

sought to recoup and convert these powers through the application of a PSPO, which specifically controls the consumption of alcohol in a public place.

9. The PSPOs in Tower Hamlets and Southwark grant the Police in these boroughs additional powers to confiscate alcohol and other substances associated with ASB. This power also extends to Tower Hamlets Enforcement Officers (as “*authorised persons*”), who patrol Trinity Gardens on the day of the London Marathon.

Public and Reputational Impact

10. The large groups who congregate in Trinity Square and its vicinity, create a hostile environment and are often verbally abusive towards those competing in the London Marathon as well as other spectators. Given the nature of the London Marathon as a charitable and family friendly event, this behaviour is clearly unacceptable. The reputation of the event and the City of London Corporation is put at risk by this level of anti-social and threatening behaviour.

Legislation and local authorities’ duty

11. Section 59 of the Anti-social Behaviour, Crime and Policing Act (2014) gives power to a local authority to make a PSPO if satisfied on reasonable grounds that two conditions are met:
 - I. that *“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”*
 - II. that *“the effect, or likely effect, of the activities (a) is, or is likely to be, of a persistent or continuing nature, (b) is, or is likely to be, such as to make the activities unreasonable, and (c) justifies the restrictions imposed by the notice”*.
12. It is for local authorities to identify behaviours which cause “*detrimental effect on quality of life*” in their particular area, and to decide who is “*in the locality*” for the purpose of protection from such activities. There is no basis upon which to artificially limit the words used in the statute to consideration of ‘regular’ or ‘repeated’ visitors. Instead, local authorities are restricted in making their PSPOs by reference to the second condition imposed: they must show that the effect of the activities on visitors ‘is, or is likely to be, of a persistent and continuing nature’ before a PSPO will be justified.

Proposals

13. The City of London Police have requested that the City of London Corporation seek to obtain a PSPO to help address this recurring problem. This would allow them additional powers to prevent public drinking and intoxication in specific areas, by refusing entry to designated areas to those carrying alcohol

or nitrous oxide, or by confiscation of these by those within the area. Precise wording to be agreed with our colleagues in the Legal Department.

14. The PSPO would allow the Police to confiscate alcohol and nitrous oxide from individuals. However, the decision to do so would be based on the judgement of Police Officers and taking into consideration individual circumstances.

Process and Next Steps

15. If the decision is taken to proceed with seeking a PSPO there will be a need to obtain the support of relevant committees before taking the issue to Policy and Resources and Court of Common Council. There is also a requirement to consult with relevant stakeholders, which will necessitate a significant amount of staff resources and support from across the City of London Corporation and SCP colleagues to deliver.
16. There is a need to consult with those who live and work in the area and to carefully consider the exact form of restrictions the PSPO would put in place. The intention is for the PSPO to apply only on the day of the Marathon and in the geographic area most impacted by the race.

Conclusion

17. A PSPO in place along the London Marathon route for just one day a year should help reduce the ASB, crime and disorder repeatedly experienced in the Trinity Square locality. It would demonstrate that we are taking steps to safeguard the public from ASB, protect this important global event and make the most effective use of Police resources.

Appendices

- Appendix 1 – Briefing Provided to Chairman of Relevant Committees (17 July)

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Appendix 1

Briefing to Support the Case for A Public Space Protection Order linked to the London Marathon

Proposal

That the City of London Corporation begins the process to put in place a Public Space Protection Order (PSPO) to help reduce crime and disorder associated with intoxication in specific locations during the London marathon.

What is a PSPO?

The Anti-social Behaviour, Crime and Policing Act 2014 introduced several new tools and powers for use by councils and their partners to address anti-social behaviour (ASB) in their local areas. PSPOs are one of these. Councils can use PSPOs to prohibit specified activities, and/or require certain things to be done by people engaged in particular activities, within a defined public area. PSPOs differ from other tools introduced under the Act as they are council-led, and rather than targeting specific individuals or properties, they focus on the identified problem behaviour in a specific location. The legislation provides for restrictions to be placed on behaviour that apply to everyone in that locality (with the possible use of exemptions). Breach of a PSPO without a reasonable excuse is an offence.

A PSPO can only last for three years before it needs to be renewed.

Background

For several years the area adjacent to Trinity Square has experienced significant issues associated with large groups getting intoxicated while the London Marathon is taking place. Work has been undertaken with local venues and they have taken steps to ensure they are not contributing to the problems. In addition, the City of London Police and Corporation of London staff have worked to tackle the problems. This has included the deployment of specialist public order assets, liaison with Marathon organisers to move and change the music provision and the use of crowd control barriers. Despite these efforts the last two years have seen considerable public disorder.

The core issue is groups of young adults taking advantage of the Marathon as an opportunity to gather in numbers and get intoxicated through drink and drugs. During the day of the Marathon this escalates into serious anti-social behaviour and disorder.

The area is extremely close to Fenchurch Street and Tower Hill stations which are used by the majority of those involved in these disturbances to transit to the City.

The 2019 Marathon

Following the issues experienced in previous years and working in conjunction with the London Marathon management team, significant changes were made including:

- 1) Replacing the rock band which had previously played at Byward Street with a brass band.
- 2) Cancelling the DJ next to All Hallows church.
- 3) Increased barrier plan outside the Liberty Bounds Public House.
- 4) Specially trained public order officers deployed to the area from the start
- 5) A S.35 Dispersal Order in place.
- 6) A Police CCTV van in the area.
- 7) Police horses were deployed from the start.
- 8) Local authority enforcement officers from Tower Hamlets ensured no drinking in Trinity Gardens.
- 9) Work with local licensed premises including additional security on duty.

Despite these mitigating actions there was still high level ASB and disorder in the area of Great Tower Street. Approximately 500 young adults were present, highly intoxicated (use of alcohol and nitrous oxide). This contingent had no real interest in the Marathon and made the area, in the words of the CoLP “a ‘no-go’ area for members of the public” who wanted to watch the Marathon.

As the day progressed the atmosphere became more hostile and eventually there was disorder resulting in arrests for violent disorder, grievous bodily harm and possession of class A drugs. During the arrest phase, one of the Police horses, whilst moving forward to protect officers who were carrying out an arrest of a violent individual, unfortunately fell over, trapping the mounted officer under the horse resulting in the officer receiving a broken ankle.

Seasoned public order officers assigned to the event who are used to dealing with high levels of disorder were taken aback with the level of disorder that they encountered and how quickly it escalated to become a very hostile and dangerous environment. Despite having twenty public order officers available in the area another forty officers were required to deal with the problems. In total over 100 City Police Officers were deployed in this small area to contain the situation.

Neighbouring Boroughs

A Public Space Protection Order is in place in Tower Hamlets and Southwark. Both adjoining boroughs to the City route. This may contribute to ASB being pushed into the City. In Tower Hamlets, the Police have the power to deal robustly with any alcohol consumption or nitrous oxide being used due to the PSPO in this area. Tower Hamlets provide Enforcement Officers to cover Trinity Gardens, and as a result, although immediately next to the problem area, there is never any issue with this location as the Enforcement Officers have the power to seize any alcohol that is being consumed.

Public and Reputational Impact

These large groups create a hostile environment and are often verbally abusive towards those competing in the Marathon as well as other spectators. Given the nature of the Marathon as charitable, family friendly event this is clearly intolerable. The reputation of the event and the City of London is put at risk by this level of intoxicated and threatening behaviour.

Next Steps

The City of London Police have requested the City of London Corporation seek to obtain a PSPO to help address this recurring problem. This would allow them additional powers to prevent public drinking in specific areas and to intervene before problems escalate. There is a need to consult with those who live and work in the area and to carefully consider the exact form of restrictions the PSPO would put in place. The intention is for the PSPO to apply only on the day of the Marathon and in the geographic area most impacted by the race.

This issue has been brought to the attention of the Safer City Partnership and the Police Authority Board. Officers have had preliminary meetings. However, before proceeding we wanted to provide you and colleagues on key committees with the background to the situation and provide the opportunity to raise any issues. Please do not hesitate to raise any concerns directly with me. David MacKintosh, Head of Community Safety, will be working with relevant colleagues to take this forward over the coming months. With the agreement of colleagues, we plan to take this to the Court of Common Council for approval early in 2020.