

Report – Policy and Resources Committee

Public Space Protection Order – London Marathon Related Disorder

To be presented on Thursday, 5th March 2020

*To the Right Honourable The Lord Mayor, Aldermen and Commons
of the City of London in Common Council.*

SUMMARY

Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 provides local authorities with the power to make Public Spaces Protection Orders (PSPOs). PSPOs are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing certain conditions or prohibitions.

In recent years, problems have arisen in the City in relation to visitors during the day of the London Marathon, with notable amounts of anti-social behaviour and violent disorder. Despite significant efforts to address this through other means, the problems have remained and, consequently, following a request from the City of London Police the Safer City Partnership (the Community Safety Partnership for the City of London) began the process of seeking a PSPO for an area encompassing the London Marathon route in the City, to be active only for the day of that event.

The PSPO would provide the City Police with 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 within the area.

Following the approval by your Policy & Resources Committee of the proposal to seek a PSPO in November 2019, a process of public consultation was undertaken, through which no significant objections were expressed. The Court of Common Council is now recommended to authorise the making of a PSPO in accordance with Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014, on the day of the London Marathon along the route of that event, as set out in Appendices 1 and 2.

RECOMMENDATIONS

The Court of Common Council is recommended to approve the making of a PSPO as set out in Appendix 1 to the report, in accordance with Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014, along the route of the London Marathon as shown in Appendix 2.

MAIN REPORT

Background

1. The London Marathon is a long-distance running event held in London, part of the World Marathon Majors. The event takes place in spring every year and part of the route is through the City of London.
2. Problems with visitors during the day of the event 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 (in particular nitrous oxide), while the London Marathon is taking place. This has contributed to considerable anti-social behaviour (ASB) and violent disorder.
3. 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.
4. 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 mainline and Tower Hill underground, which are the main transit points used by these groups to enter the City.
5. 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
6. 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.

7. 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, resulting in the officer receiving a broken ankle.
8. 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

9. As the legislation concerning Designated Public Place Orders (DPPO) became redundant with the introduction of the Anti-Social Behaviour Crime and Policing Act (2014), the London Boroughs of Tower Hamlets and Southwark DPPOs were converted into PSPOs, which specifically controls the consumption of alcohol in a public place.
10. 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

11. 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

12. 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".

13. 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

14. 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. The wording of the proposed PSPO is set out at Appendix 1.
15. 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. 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, as set out in Appendix 2.

Consultation

16. The Safer City Partnership (the Community Safety Partnership for the City of London) has presented the proposal to the Licensing Committee, Police Authority Board, Streets & Walkways Sub-Committee, Planning & Transportation Committee and Port Health & Environmental Services Committee, as well as having consulted with relevant stakeholders and those who live and work in the area.
17. There were 32 total responses to the consultation, of which, 16 indicated they had been affected by ASB on the day of the Marathon. Of the respondents, 21 strongly agreed with the proposal, 6 agreed, 3 disagreed, and 2 strongly disagreed, resulting in 27 in favour to 5 against.
18. Of those who disagreed or strongly disagreed, one indicated that they did so because they felt that all the pubs in the area should be closed, while another wanted the timing of the PSPO to be limited to the road closures and it only to be targeted at large groups.

Conclusion

19. 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: Proposed PSPO Wording
- Appendix 2: Maps highlighting the proposed PSPO area

All of which we submit to the judgment of this Honourable Court.

DATED this 7th day of February 2020.

SIGNED on behalf of the Committee.

Deputy Catherine McGuinness
Chair, Policy and Resources Committee