

# Report – Policy & Resources Committee

## Public Space Protection Order – London Marathon Related Disorder

*To be presented on Thursday, 12<sup>th</sup> January 2023*

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

### SUMMARY

Your Policy & Resources Committee hereby recommends the renewal of the current London Marathon Public Spaces Protection Order (PSPO), which expires in March 2023, to continue to effectively mitigate anti-social behaviour and violent disorder previously experienced with certain sections of the race route through the City of London.

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, and the issuing of a Fixed Penalty Notice.

### RECOMMENDATION

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.

### MAIN REPORT

#### Background

1. 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.
2. The London Marathon takes place in spring every year and part of the route is through the City of London. Problems with visitors during the day of the event were a serious problem for several years in the locality of the Marathon route. The primary issue was related to large groups of young adults consuming alcohol and drugs, particularly nitrous oxide, while the London Marathon was taking place. This contributed to considerable Anti-social Behaviour (ASB) and violent disorder.

3. Despite the preparation and work of the City Police and the City Corporation in 2019 it was reported that the atmosphere at the London Marathon 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 suffering a broken ankle.
4. Public Order Officers assigned to the event 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.
5. The PSPO granted the City of London Police additional powers to prevent public drinking 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. Those persons contravening the PSPO could be issued with a Fixed Penalty Notice (FPN) of £100.
6. The current PSPO has been active since March 2020. It has been pivotal in preventing and reducing crime and disorder during the London Marathon and on this basis it is proposed that the City of London Corporation renew the PSPO for another 3 years before its expiration.

#### **Current Position**

7. Due to the COVID-19 pandemic, the PSPO was not deployed until the October 2021, when the London Marathon returned to its usual route through the City of London.
8. During the October 2021 and October 2022 races, no FPNs were issued, and no arrests were made by the City of London Police during both events in comparison to the seven arrests made in 2019.
9. The PSPO proved invaluable in reducing antisocial behaviour and public disorder during the London Marathon. The PSPO is advertised on the City Corporation's website and social media ahead of the Marathon race to raise public awareness of the prohibitions during the day. Businesses and licensed premises are also informed of the consequences of excessive alcohol consumption and the extended police powers on the day of the Marathon.
10. Section 60 of the Anti-Social Behaviour, Crime and Policing Act 2014, stipulates that a PSPO is valid for up to 3 years. Therefore, the current London Marathon PSPO will remain valid until March 2023. However, the PSPO will not cover the next race which is due to occur on the 23 April 2023.
11. There are serious concerns held by partners, that without extending the London Marathon PSPO and the powers associated with the order, the ASB and disorder previously experienced before its implementation will return, causing significant reputational and corporate damage.

12. Before the time when a PSPO is due to expire, the Corporation (i.e., the local authority) may extend the order period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent the occurrence or recurrence after that time of the activities identified in the original order.
13. 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**

14. 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"*.
15. 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.

#### **Consultation**

16. The current proposal for the extension of the PSPO beyond March 2023 is supported by the Corporation's Highways and Public Protection teams, the City of London Police, Bronze Group for the London Marathon and the Safer City Partnership (the Community Safety Partnership for the City of London).
17. A public consultation for feedback on the proposed renewal of the PSPO was open in the City of London Corporation Website for 4 weeks between October and November 2022, through which there were no objections expressed.

#### **Conclusion**

18. 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 1a Proposed PSPO Wording
- Appendix 1b: Schedule 1 to the PSPO - Streets and Highways Wholly or Partly Within the Designated Area
- Appendix 1c: Schedule 2 to the PSPO - Map of the designated area

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

DATED this 15<sup>th</sup> day of December 2022.

SIGNED on behalf of the Committee.

**Deputy Christopher Michael Hayward**  
Chairman, Policy & Resources Committee