

Overview & Scrutiny Committee

Date: 15th March 2023

Wards: All Wards

Subject: London Borough of Merton Public Spaces Protection Order (PSPO)

Lead officer: Calvin McLean, Interim Assistant Director Public Protection

Lead member: Councillor Eleanor Stringer, Cabinet Member for Civic Pride

Contact officers: Megan Hatton, Head of Community Safety, Katy Saunders, Community Safety Team Manager, Anthony Cole, ASB Team Manager, Kelly Marshall, Strategic Development Lead.

Recommendations:

- A. Overview & Scrutiny Committee to note the contents of the report and comment on proposals for a borough wide alcohol consumption Public Spaces Protection Order, in order to make Merton a responsible drinking borough, before the matter is considered by Cabinet.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

Public Spaces Protection Orders (PSPOs) are one of a range of measures introduced by the Anti-Social Behaviour (ASB), Crime and Policing Act 2014 (the Act) to combat ASB.

- 1.1. A PSPO identifies a public space (the Restricted Area) and prohibits certain activities within that area and/ or requires certain things to be done by persons engaging in certain activities within that area. PSPOs should focus on identified problem behaviour(s), rather than targeting specific individuals or properties. A breach of a PSPO is a criminal offence.
- 1.2. In 2013, the Council made the *Alcohol Consumption in Designated Public Places London Borough Merton Order 2013*, which created a borough wide 'Controlled Drinking Zone'. In 2017, the Order transitioned into a PSPO under the provisions of the Act. This Order expired in October 2020.
- 1.3. On 7 September 2020, Cabinet resolved to make a new more localised PSPO related to alcohol consumption covering five wards (*Lavender Fields, Graveney, Ravensbury, Figge's Marsh and Cricket Green*) where issues ASB related to alcohol were prevalent.
- 1.4. On 13 October 2020 the Council made the *London Borough of Merton (Alcohol Consumption in Public Places) Order 2020* which came into force on 21 October 2020. That order lasted two years but its duration was extended in October 2022 for a period of 3 years. The Current Order, as extended, will remain in force until October 2025, subject to renewal or discharge before that date.

- 1.5. This report outlines a recommendation to discharge the current PSPO and simultaneously make a new PSPO having effect borough wide. A copy of the proposed Order is attached as Appendix 5.
- 1.6. It is important to note that the Current PSPO only applies to ASB related alcohol consumption. Officers will continue to only enforce the controls where a person or persons are consuming alcohol *so as to cause or be likely to cause nuisance or annoyance to any other person*.
- 1.7. An Equalities Impact Assessment (EIA), attached as Appendix 3, conducted in March 2023, concluded that creating a borough wide PSPO will not have a detrimental effect on any person with protected characteristics living, working, or visiting the area.
- 1.8. A multi-agency engagement, intervention and enforcement approach to support a borough wide PSPO is being agreed with partners, subject to the decision on making a borough wide PSPO by Cabinet. The engagement and enforcement activity will be monitored through the monthly Partnership Tasking Meeting coordinated by Safer Merton.
- 1.9. If Cabinet resolves to discharge the Current Order and make a new borough wide PSPO as proposed in this report, the required publicity will be given in accordance with the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 (the Regulations). The Council will publish the new order on its website and erect notices across the Borough advising of the new Order and its effect. The new Order includes provision for the discharge the Current Order and the required publicity of the discharge will also be given. If Cabinet decides not to make a borough wide order then the Current Order will continue in force until October 2025 subject to any further order in the meantime.
- 1.10. The notices which are displayed to bring the Current PSPO to the attention of the public are shown at Appendix 4. The form of these notices will be revised to reflect the borough wide application of the new order if Cabinet resolves to make it.
- 1.11. In considering whether to make a borough wide PSPO, and if so for how long, the Council must follow the requirements of the Act, the Regulations, and the Statutory Guidance – *Anti-social Behaviour, Crime and Policing Act 2014: ASB Powers Statutory guidance for frontline professionals (Revised June 22)*. The validity of a PSPO can be subject to a statutory challenge in accordance with the Act, or by way of an application for Judicial Review.
- 1.12. On 19 December 2022, a 10 week public consultation on the proposed borough wide PSPO was launched. In total the Council received 303 responses via the online survey. In summary, 79% of respondents agreed with the proposal to discharge the Current Order and make a new PSPO controlling the public consumption of alcohol borough wide. The full results of the consultation are attached as Appendix 1.
- 1.13. After considering evidence from our partners and reviewing the results of the public consultation, it is considered the two pre-conditions to making a PSPO under Section 59 of the Act are satisfied and the proposed borough wide PSPO should be made to control the public consumption of alcohol given its detrimental effect on the quality of life for those in the borough.

- 1.14. If approved by Cabinet, work will begin to make a borough wide alcohol consumption PSPO and providing the required publicity with a view to it coming into force in the Spring of 2023 when there is likely to be an increase in street drinking with warmer weather conditions. This will aim to make Merton a responsible drinking borough *that does not prohibit* the drinking of alcohol in public but reflects a decision to control anti-social behaviour (ASB) linked to the public consumption of alcohol
- 1.15. **Proposal for a borough wide PSPO**
- 1.16. Tackling ASB and the detrimental effect it has on quality of life is a strategic priority of the Community Safety Partnership. The recommendation to make Merton a responsible drinking borough under a borough wide PSPO will give the Police and Council enforcement officers additional powers to target those consuming alcohol in public in a way which causes or is likely to cause nuisance or annoyance to any other person and to offer them additional support.
- 1.17. It will provide reassurance to residents that action is being taken to tackle these issues, which can have a detrimental effect on communities.
- 1.18. This work links with Merton's corporate priorities in terms of creating Civic Pride and a borough where residents feel safe to enjoy our high streets and town centres. It links to clean streets and the environment, ensuring that our parks and open spaces are a place where residents can enjoy a safe public space free from anti-social behaviour.
- 1.19. In addition, a responsible drinking borough will aid the development of a safe and prosperous Night Time Economy and assist in preventing displacement of problematic drinkers from one area of the borough to another.
- 1.20. It also links with the Government's 10-year drugs strategy '*From Harm to Hope*¹' which focuses on tackling drug supply, reducing drug demand and improving drug and alcohol treatment and recovery services. The Strategy states '*local partnerships should ensure that their plans sufficiently address alcohol dependence and wider alcohol-related harms.*' Under this provision the Combatting Substance Misuse Partnership has been established, which focuses on a multi-agency approach to co-ordinating action to prevent and reduce drug and alcohol related harm in Merton.
- 1.21. We have briefed the boroughs whose borders neighbour Merton on the borough wide PSPO proposal. A borough wide PSPO is already in place in Wandsworth. Kingston and Sutton also have PSPOs in place for tackling alcohol related ASB. For Kingston this is very localised but for Sutton, 17 public consumption of alcohol PSPOs have been made covering all parks and open spaces.
- 1.22. Should Cabinet agree the proposal to make a borough wide PSPO, a plan will be developed with partners to support engagement, intervention, and enforcement of the PSPO.
- 1.23. This work is already underway with regards to the current PSPO and includes monitoring at the monthly Partnership Tasking Meeting, coordinated

¹ [Guidance for local delivery partners \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

by Safer Merton, increased patrols by Kingdom Officers (Merton Council's Environmental Protection Service) and the formation of a Street Drinking Task and Finish Group.

- 1.24. The Task and Finish Group has membership from Safer Merton, Public Health, Homelessness Team, the commissioned alcohol treatment service WDP (the commissioned adult substance misuse treatment service), Police and NHS. Key outcomes thus far include work focusing on the area around St Mark's Primary School in Mitcham town centre and the area around Tesco's in Wimbledon town centre. A specific working group was also established in February 2023 to look at the top 20 most prolific street drinkers across the Borough, through management of risk via collaborative working around the support of these vulnerable people, and enforcement if required.
- 1.25. Via Public Health, 'Blue Light' and 'Alcohol Identification and Brief Advice' training has been offered to Kingdom Officers, Police, and front-line staff. This aims to improve quality of conversations when engaging with street drinkers, raising knowledge of alcohol, and developing confidence in responding to alcohol related needs.
- 1.26. The Council recognises that due to their complex needs, it may be difficult for street drinkers to refer themselves into treatment services, therefore Assertive Outreach is being explored; a post assigned to this via WDP and the Homelessness Team is currently being recruited to. This will ensure that proactive support can be offered to street drinkers in their own environment and when they require it most.
- 1.27. There is also an aim to improve information sharing between the Council's ASB Team, Homelessness Team and WDP via use of the E-Cins information sharing system, a pilot for which is currently underway.
- 1.28. Advisory leaflets offered to street drinkers by Kingdom Officers, detailing information on the current PSPO and routes to refer in for treatment and support have been produced in English and Polish languages. If a borough wide Order is made the Council will look at what additional alternative languages are required and a redesign of the leaflets in an effort to make them more accessible.
- 1.29. A comprehensive communications plan will be in place to reinforce the message to residents that Officers will continue to only enforce the prohibition where people consuming alcohol in public *so as to cause or be likely to cause nuisance or annoyance to any other person*. Those wishing to enjoy alcohol in a public place sensibly without causing ASB can continue to do so.

2 DETAILS

2.1. Background

- 2.2. The Act introduced a set of streamlined tools to address ASB and the impact that such behaviour can have on individuals and communities. PSPOs are one of these tools. Through the provisions of the Act, local authorities are empowered to make PSPOs, providing certain criteria and legal tests are

met. PSPOs differ from other tools as they are council-led and may prohibit certain activities and/ or require specified things to be done by persons carrying on specified activities within a defined public area. They should focus on an identified problem behaviour rather than targeting specific individuals or properties. A breach of a PSPO is an offence, although as an alternative a Fixed Penalty Notice (FPN) may be issued.

- 2.3. In 2013, Merton made the *Alcohol Consumption in Designated Public Places London Borough Merton Order 2013*, which created a borough wide Controlled Drinking Zone' (CDZ). The CDZ was designed to target alcohol related ASB across Merton. In 2017, the Order transitioned into a PSPO under the transitional arrangements in the Act and the restrictions on the public consumption of alcohol became subject to the PSPO regime. This transitioned order lapsed on 20 October 2020. The Council replaced it with *the London Borough of Merton (Alcohol Consumption in Public Places) Order 2020* (the Current Order). This is more localised PSPO came into force on 21 October 2022 and has effect across the five wards of *Lavender Fields, Graveney, Ravensbury, Figges Marsh and Cricket Green*.
- 2.4. The Current Order was extended for a further 3 years by the *London Borough of Merton (Alcohol Consumption in Public Places) Order 2020 (Extension) Order 2022*. It will therefore continue in force until October 2025 unless further extended or discharged.
- 2.5. In considering whether to extend controls on the public consumption of alcohol borough wide by making a new PSPO, we have considered the statutory criteria for making a PSPO, and the appropriate scope of any order to ensure that it is proportionate to the problem and that the restrictions apply to the appropriate geographical area. We have considered the impact that any PSPO may have. We have gathered this information by consulting with the Police, other partners, and public consultation and through the completion of an Equalities Impact Assessment. Finally, we have considered whether the proposed restrictions will meet the legal test in consultation with our legal advisers the SLLP.
- 2.6. Under Section 59 of the Act, to make a PSPO a local authority must be satisfied that, on reasonable grounds, that two conditions are met: -
 1. That the activities carried on in a public place within the authority's area have had, or is likely to have, a detrimental effect on the quality of life of those in the locality; and
 2. 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 order.
- 2.7. **Evidence led approach and proportionality**
- 2.8. Robust evidence is essential when considering whether a borough wide Order is appropriate. The Council needs to be satisfied that the evidence

demonstrates that the conditions in paragraph 2.6 have been met. A detailed review of the available alcohol related data has taken place and the results of the public consultations have been considered. The Evidence paper can be found in Appendix 2.

- 2.9. However, the effectiveness of the PSPO should not solely be judged on the number of enforcements, as its benefits are broader, and the preventative effect of the controls should be noted. Officers using the PSPO powers to intervene at an early stage by asking individuals in the first instance to desist from drinking alcohol is a good way to prevent unreasonable behaviour escalating. For example, occasions where Officers worked positively with individuals, asking them to stop drinking and encouraging them to access support, before it was necessary to escalate to the level of issuing a Fixed Penalty Notice (FPN), where the Order has been contravened.
- 2.10. There is difficulty in recording these encounters however in Mitcham town centre, where the Current Order operates, between August – December 2022 there were 244 engagements between Kingdom Officers and street drinkers and members of the public, where advice, signposting and support was offered.
- 2.11. There has been a longstanding issue with ASB linked to street drinking in the Mitcham town centre area. It should be taken into consideration that without the Current Order, the situation in this location could have escalated. Officers patrolling the area and enforcing the Current Order enhances feelings of safety and acts a deterrent, reinforcing that this behaviour is not acceptable.
- 2.12. The current number of street drinking reports to either the Council’s ASB Team or Police are low. Enforcement figures for the Current Order are also low, with 6 FPNs issued by Council Officers in the FY 2021-2022. Furthermore, conversations with the Police have highlighted the fact they do not have the facility to record action taken by Officers to support the PSPO, which unfortunately is a common feature across London.
- 2.13. Due to the recording system, Police data on calls from the public is available for the past 12 months. From February 2022 – January 2023 there were 43 complaints relating to ASB involving alcohol and 9 specific calls regarding street drinking.
- 2.14. The Police and Safer Transport are supportive of the proposal for a borough PSPO governing the public consumption of alcohol.
- 2.15. Table 1.1 summary of other data

Data Source	Year 1	Year 2
	Nov 2020 – Oct 2021	Nov 2021 – Oct 2022
ASB Complaints	57	81
CCTV Logs	129	150
Ambulance Callouts (Sep 17 – Aug 18 and Sep18 – Aug 19)	732	648

- 2.16. In addition to the quantitative data, it is also important to consider the views of the public; we therefore considered the perception information from the surveys that have been conducted recently on the Borough. When looking at the results of the borough's surveys:
- 2.17. The Annual Resident's Survey (2021)² indicated that concern about drunk and rowdy behaviour has increased compared to the previous survey in 2019. Concerns regarding drunk and rowdy behaviour are more concentrated in East Merton, Mitcham, South Merton and Morden.
- 2.18. The Safer Merton Strategic Assessment Survey (2021) showed that residents thought alcohol disorder and street drinking were the biggest problem in their area, followed by drug paraphernalia (canisters) and drug use.
- 2.19. The Your Merton consultation showed that ASB and safety in public spaces were concerns for East Merton and Mitcham residents, with alcohol consumption often cited as an issue.
- 2.20. **Location**
- 2.21. The Current Order covering five wards was extended in duration in October 2022 and will remain in force until October 2025 unless further extended or discharged.

Since the Current Order was made, the London Borough of Merton Electoral Changes Order 2020³, has come into force. This Order makes changes to electoral arrangements for the Borough following recommendations made by the Local Government Boundary Commission for England. Whilst the area of the Borough remains unchanged, the Order abolishes all the existing electoral wards and replaces them with 20 new ones. It also establishes the names and areas of the new electoral wards. The 5 Wards identified in the Current Order as the restrict areas to which the controls apply have not been renamed but there have been slight adjustments of the former Ward boundaries. The Current Order identified the Restricted Areas by reference to the name of the Wards but also a plan so the extent of the areas subject to the alcohol related ASB controls remains clear and certain. In the event Cabinet decides to make a borough wide order its will remove this anomaly.

See Appendix 6 for a map of the Borough wide PSPO area.

Engagement and enforcement

- 2.22. If the Committee agrees with the proposal to make a borough wide PSPO Cabinet will have to decide whether to do and if so, its duration, up to 3 years, and when it will come into force. Public signage will be updated a week before the go live date and the Order will be publicised in accordance with the Act and the Regulations. If the proposed order is made, during the first three weeks of its operation, it is intended to focus on engagement and raising awareness of the controls, following which the enforcement will begin.

² [Performance : Residents' surveys | Merton Council](#)

³ <https://www.legislation.gov.uk/ukxi/2020/1382/contents/made>

- 2.23. Enforcement is a key element of the PSPO and as such, ensuring the right controls is vital. The following restrictions are proposed for the new PSPO and mirror those in the Current Order:
- (i) Constables, police community support officers and persons authorised by the Council (Kingdom Officers) will be authorised to require a person consuming alcohol in the restricted area so as to cause or be likely to cause a nuisance or annoyance: -
 - a) To stop drinking and/or
 - b) To surrender any alcohol, or container for alcohol, and dispose of anything surrendered.
- 2.24. There are a number of enforcement options ranging from a Warning, and/or issuing an FPN, to prosecution where the FPN is not paid or it is not considered appropriate to issue an FPN. For more persistent breaches of the Proposed Order, consideration will be given to issuing Community Protection Warnings (CPNW), followed by Community Protection Notices (CPN) and seeking Criminal Behaviour Orders (CBO), where appropriate⁴.
- 2.25. A copy of the signage displayed for the Current Order can be found in Appendix 4. The signage outlines the area and controls which apply within the restricted area identified by the PSPO. It explains how any ASB can be reported and where people can go to find more information. Note a revised sign will be produced if the proposed Order is made given the required publicity under the Act and Regulations.
- 2.26. It is important to add that whilst the Council may issue a FPN offering the opportunity to extinguish liability to prosecution on payment of £150, reduced to £100 on early payment, the maximum fine to prosecution for breaching the PSPO is a level 2 fine on the standard scale, currently £500. The Council may prosecute if the fixed penalty is not paid or instead of issuing an FPN. Where a person believes to have breached the PSPO refuses to give his/her name and address they may be prosecuted and on conviction fined up to level 3 fine on the standard scale, currently £1,000.
- 2.27. We are working with partners to deliver a co-ordinated engagement, intervention and enforcement plan. The plan not only covers the direct enforcement of the PSPO, via the Police and Kingdom Security, but will outline pathways for accessing support, which might be needed to help those where alcohol has become a challenge, through our partnership with Public Health and WDP.

⁴ A CPN is a Community Protection Notice. The Council can issue a CPN to anyone who is 16 or over, or business, or organisation if satisfied, on reasonable grounds, that a person's conduct is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and the conduct is unreasonable. Before issuing a CPN the Council must give a community protection warning (CPW) advising that a CPN may be issued unless the conduct having the detrimental effect does not cease within such period as is sufficient for him/her to address it.

For more information, see the government advice here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/823316/2019-08-05_ASB_Revised_Statutory_Guidance_V2.2.pdf

- 2.28. As part of the Equalities Impact Assessment, we will ensure that the PSPO signage is clear, and there is good engagement and publicity. Moreover, we will consider making the information available in different languages.

3 ALTERNATIVE OPTIONS

- 3.1. *Do not make a borough wide alcohol related PSPO and allow the Current Order to continue, targeted on the five wards until its expiration in October 2025 or earlier discharge.* This would not take into consideration evidence gathered, and the views expressed by the consultees that the public consumption of alcohol in other areas of the Borough is causing and is likely to cause nuisance or annoyance to others which needs to be addressed and the benefits of making Merton a responsible drinking borough.
- 3.2. *To implement a new targeted PSPO in other specified areas of the Borough, based on the evidence of ASB related to alcohol consumption.* A new PSPO could be made in addition to the Current Order, or a new PSPO could be made discharging the Current Order and bringing the controls into effect over a wider area, but less than borough wide. It is however considered undesirable to have multiple PSPOs given the potential for confusion in relation to operational areas, making enforcement more problematic.

4 CONSULTATION UNDERTAKEN

- 4.1. Before making the proposed Order and discharging the Current Order a local authority is required to carry out *necessary consultation* and *necessary publicity* as specified by the Act.
- 4.2. A 10 week public consultation was launched on the 19 December 2022 and in total we received 303 responses to our online survey. To publicise the consultation, it was circulated on multiple occasions to members of Merton Neighbourhood Watch, Merton Safer Neighbourhood Board, members of the Council's Equality Forums, Merton Connected, Merton Chamber of Commerce, the Borough's Drug and Alcohol Service, Catch 22, the Borough's Homelessness Service, all Members, via the Council's email newsletter to residents. It was also publicised via the Council's social media channels on Facebook and Twitter.
- 4.3. The public consultation asked respondents whether they supported a borough wide PSPO, of which 79% did. The full results can be found in Appendix 1.
- 4.4. We have also taken on board resident feedback provided through other Council surveys including the Annual Residents Survey and the Your Merton consultation.
- 4.5. In addition, we consulted with our partners including the Police, MOPAC, Public Health, WDP and Kingdom Security.

5 TIMETABLE

- 5.1. The next steps should Cabinet resolve to make the proposed borough wide PSPO and set out in the table below: -

Milestone	Date to be completed
Report submitted to Overview and Scrutiny Committee	15 th March 2023
Final report submitted to Cabinet	20 th March 2023
If Cabinet agrees the proposal to make a borough wide Order, make the Order and specify a commencement date	(Date to agreed once required publicity organised)
Publish the borough wide Order	(Date to be confirmed in advance of the date the Order comes into force)
Borough wide PSPO comes into force	(Date to be confirmed)
Regular Monitoring of the PSPO	Via the monthly Partnership Tasking Meeting

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. The preparation of proposal to make the proposed Order is being completed within existing officer resources. There will be legal costs to finalise the Order and ensure all due statutory processes are followed, and costs associated with the production and installation of updated signage across the whole borough, should they be agreed by Cabinet. There will also be costs associated to redesigning and printing the leaflets offered to signpost street drinkers to support.
- 6.2. It is expected that the costs outlined above can be funded from existing resources.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The power and requirements for making, extending, varying and discharging a PSPO are set out in Part 4 of Chapter 2 of the Act and is supplemented by the Regulations and Statutory Guidance issued by the Secretary of State referred to at para 1.11 above. The basic requirements for the making a new borough wide PSPO are set out in the body of this report.
- 7.2. In deciding whether to make the proposed order which provides for the discharge the Current Order and if so, for how long, the Council must, by Section 72 of the Act, have particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms 1950 (“the Convention”).
- 7.3. Under Section 66 of the Act any challenge to the validity of a PSPO must be made in the High Court by an interested person within six weeks of it being made. An interested person is an individual who lives in, or regularly works in, or visits the restricted area (the Borough). This means that only those who are directly affected by the restrictions have the power to challenge. The validity of a PSPO can be challenged on two grounds only:
- (a) that the Council did not have power to make the order or vary, or to include particular prohibitions or requirements imposed, or

(b) that the procedural requirements for making, or varying, the PSPO (for instance, consultation) were not complied with.

- 7.4. On any application to the High Court challenging the validity of an Order the Court may suspend its operation or any of the prohibitions or requirements imposed by it until the final determination of the proceedings. If the Court is satisfied the Council did not have the power to make the PSPO, or it did but the Council failed to comply with the procedural requirements and, the applicant has been substantially prejudiced by that failure, it may quash the Order or any of the prohibitions or requirements imposed by it.
- 7.5. The decision to make the proposed order would be susceptible to challenge by way of an application for judicial review which must be brought promptly and in any event, not later than 3 months after the grounds to make the claim first arose.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. We consider the proposed PSPO is proportionate to the needs of the area, as identified through the analysis and consultation and we have considered the rights of individuals who live, work and visit the area,.
- 8.2. As detailed in section 7 above, in deciding whether to make the proposed PSPO and, if so for how long, the Council is required to have regard to the Convention and Articles 10 and 11 in particular.

Members must also consider the Public Sector Equality Duty under section 149 of the Equality Act 2010 (2010 Act). This requires the Council when exercising its functions, have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited by the 2010 Act and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' under the 2010 Act and those who do not share a protected characteristic. A 'protected characteristic' is defined in the 2010 Act as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Marriage and civil partnership are also protected characteristics for the purposes of the duty to eliminate discrimination.

Members must consider how the decision will contribute to meeting these duties in light of other relevant circumstances such as economic and practical considerations.

In order to have proper regard to the Public Sector Equality Duty (PSED) a full Equalities Impact Assessment (EQIA) (Appendix 3) has been carried out and should be considered alongside this Report.

- 8.3. Having carefully considered the EQIA it is considered the impact of the proposed PSPO is consistent with the Council's PSED and does not disproportionately affect any part of the community. The EQIA will be monitored to ensure that future intelligence and information which better informs our understanding and impact of the PSPO is considered.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1.1.1 Section 17 of the Crime and Disorder Act 1998 places a duty on all local authorities to have due regard to the likely effect its exercising of functions will have on crime and disorder in its area, including anti-social behaviour and other behaviour adversely affecting the local environment. Although the current PSPO covering five wards is proving effective, there is evidence it is displacing alcohol-related anti-social behaviour into other areas. Moreover, the evidence shows that the public consumption of alcohol in other parts of the Borough is or is likely to cause nuisance and annoyance. An extension of the existing controls borough wide will allow officers and practitioners to apply a consistent approach and improve community safety across the Borough.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. A focus of the proposed borough wide Order is around enforcement, but it is acknowledged that this may identify individuals for whom alcohol is particularly problematic. If the proposed borough wide Order is approved, we will continue to work closely with support services to ensure that such individuals can be offered the support they need, should they want it.
- 10.2. Officers enforcing the borough wide PSPO will, if it is approved, take into consideration existing organisational policies and procedures for personal safety and risk management.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix 1 - Public Consultation Results
- Appendix 2 - Evidence Paper
- Appendix 3 - Equalities Impact Assessment
- Appendix 4 – Current PSPO sign
- Appendix 5 – Draft Borough Wide PSPO Order 2023
- Appendix 6 – Map of the PSPO area

12 BACKGROUND PAPERS

- 12.1. *The London Borough of Merton (Alcohol Consumption in Public Places) Order 2020*
- 12.2. *The London Borough of Merton (Alcohol Consumption in Public Places) Order 2020 (Extension) Order 2022*
- 12.3. *ASB Crime and Policing Act 2014 ASB Powers Statutory guidance for frontline professionals (Rev's 06.22).*
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1088750/2022_Updated_ASB_Statutory_Guidance_FINAL.pdf