

	<b>Officer Key Decision Report</b>
	<b>Report of the Corporate Director of Children, Young People and Community Development</b>
	<b>Lead Member – Cabinet Member for Community Safety and Cohesion (Councillor Ishma Moeen)</b>
<b>Public Spaces Protection Order (PSPO) - Borough Wide; Parks, Open Spaces, Graveyards and Cemeteries; Wembley Park (Wembley Stadium Events); <i>Notting Hill Carnival</i> - Scope, Outcome of Consultation and Proposals for Extension</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision</b>	Key
<b>Open or Part/Fully Exempt</b> (If exempt, please highlight relevant paragraph of Part 1 Schedule 12A of 1972 Local Government Act)	Open
<b>No. of Appendices</b>	Appendix A: Final Prohibitions PSPO Extension Appendix A1: PSPO Notting Hill  Appendix B: Public Space Protection Order Consultation 2025  Appendix C: Draft Prohibitions (Current and Varied)  Appendix D: Boroughwide and Park and Open Spaces Submission 2026 Appendix (D1): ASB data 1st Feb 23 - 31st Oct 25 Appendix (D2): Fixed Penalty Notice Appendix (D3): Dog Complaints Paddington Cemetery 2023 to 2025 Appendix (D4): Statement from Head of Parks and Green Infrastructure to justify

	prohibitions for the parks and open spaces.
Appendix E:	Wembley Park Submission 2026
Appendix (E1):	Dedicated Football Officer Met Police 2025
Appendix (E2):	Statement from Metropolitan Police to support variations in Wembley Park PSPO
Appendix (E3):	Statement from Wembley National Stadium Ltd to support variations in Wembley Park PSPO
Appendix (E4):	Statement from Wembley Park Ltd
Appendix (E5):	Supporting Evidence from Wembley Park Ltd
Appendix (E6):	Statement from Head of Neighbourhood Management - Brent Council
Appendix (E7)	Statement from Environmental Enforcement & Neighbourhood Management - Brent Council.
Appendix (E8):	Statement from Director of Public Realm - Brent Council
Appendix (E9):	Photographic Evidence
Appendix (E10):	Brent Council Enforcement Data 2024
Appendix (E11):	Brent Council Enforcement Data 2025
Appendix (E12):	Wembley Park Estate
Appendix (E13):	Independent Review of events surrounding the UEFA Euro 2020 Final at Wembley 2_December v3 (002)
Appendix F:	Borough Wide & Notting Hill Carnival Submission 2026
Appendix G:	Equality Impact Assessment PSPO Extension 2026
Additional Appendices	
Appendix 1:	Report Breaches of PSPO
Appendix 2:	Fixed Penalty Notice
Appendix 3:	Consultation Outcome Comments
Appendix 4:	DOPOC PSPO consultation Oct 2025
Appendix 5:	PSPO Working Group

	Appendix 6: Community Groups and Stakeholders Appendix 7: Proposed prohibitions Appendix 8: Metropolitan Police Support Statement 1 Appendix 9: Metropolitan Police Support Statement 2
<b>Background Papers</b>	None
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## 1.0 Purpose of the Report

- 1.1 Brent Council is committed to maintaining a clean and safe environment and it is the Council's responsibility to keep the local environment clear of litter, anti-social behaviour, and other local environmental quality issues affecting the lives of residents and other members of the public.
- 1.2 The Anti-Social Behaviour (ASB), Crime and Policing Act 2014 sets out the tools and powers available for tackling ASB. Public Spaces Protection Order (PSPOs) are one of the tools available under the 2014 Act. It is a wide-ranging and flexible power for local authorities, which recognise that councils are often best placed to identify the broad and cumulative impact that ASB can have on communities. The Act gives councils the authority to implement PSPOs in response to the particular issues having a detrimental effect on the quality of life of those in the locality, or is likely to have such an effect provided certain criteria and legal tests are met. A breach of a PSPO without a reasonable excuse is an offence enabling councils to enforce with Fixed Penalty Notices (FPN's) or prosecution.
- 1.3 The Council has effectively utilised PSPO powers in order to control street drinking since 2017, in addition to powers implemented to support enforcement work around Wembley Stadium, primarily on event days.
- 1.4 This report sets out the rationale for an extension of three years of the borough-wide PSPO in relation to Borough Wide, Parks, Open Spaces, Graveyards and Cemeteries, Wembley Park (Wembley Stadium Events) and a new prohibitions covering the Notting Hill carnival footprint. It also outlines the outcome of a recent consultation process that supports the PSPO extension and process for implementation.

- 1.5 Brent Police were consulted on the proposal as a statutory consultee and are also in favour of the proposed extension/variations.

## **2.0 Recommendations**

- 2.1.1 That the Corporate Director, Children, Young People and Community Development in consultation with the Lead Cabinet Member for Community Safety and Cohesion:

- a) consider the feedback and Appendices on the proposed extension of the Public Spaces Protection Order (PSPO) to Borough Wide, Parks, Open Spaces, Graveyards and Cemeteries, Wembley Park (Wembley Stadium Events) and a new PSPO/prohibitions for Notting Hill carnival as set out in the report.
- b) Consider and note the outcome of the recent consultation process, indicating significant support for the variations and extensions.
- c) Approve the variation of the Borough Wide PSPO by removing prohibition 4 (litter) and 6 (illegal trading) as set out in Appendix C. This variation is effective from the date set out in 2.1.1 (d).
- d) Approve the extension of the Borough Wide PSPO for a further three years, effective from **1<sup>st</sup> February 2026 1201hrs.**
- e) Approve the variation of the Parks, Open Spaces, Cemeteries and Graveyards PSPO by removing prohibition 4 (littering) and 16 (lanterns) and introducing a new prohibition, which will be no 17 relating to unauthorised structures in parks without permission from Park Services as set out in Appendix C. This variation is effective from the date set out in 2.1.1 (f).
- f) Approve the extension of the Parks, Open Spaces, Cemeteries and Graveyards PSPO for a further three years, effective from **1 February 2026 1201hrs.**
- g) Approve the variation of the Wembley Park PSPO by removing prohibition 4 (littering) and introducing four new prohibitions no 18, 19, 20 and 21 as set out in Appendix C. This variation is effective from the date set out in 2.1.1 (h).
- h) Approve the extension of the Wembley Park PSPO for a further three years, effective from **1 February 2026 1201hrs.**
- i) That the remaining prohibitions and existing boundaries in each of the three PSPO orders remain the same.
- j) To consider and decide if any prohibitions in relation to Notting Hill Carnival should be introduced in accordance with Appendix A1.

## **3.0 Detail**

### **Contribution to Borough Plan Priorities and Strategic Context**

#### **Background**

- 3.1 The aim of the PSPO is to deal with particular nuisance or problem in a particular area that is having or likely to have a detrimental impact on the quality of life of those within the locality. The Council knows that the majority of those who live in, work in and visit the borough keep the area clean and safe; however, it wants to ensure where this is not the

case, it uses the relevant legislation and approaches to maintain a clean and safe environment.

- 3.2 The [Anti-Social Behaviour Crime and Policing Act 2014](#) permits local authorities to implement a Public Space Protection Order (PSPO) which lasts up to three years unless extended; and has been adopted by many local authorities in the UK. Prior to the expiry of the PSPO, to the local authority may review and extend the PSPO.
- 3.3 The PSPOs that are due to expire are as follows:
- Borough wide PSPO – **31 January 2026**
  - Wembley Park (the area surrounding Wembley National Stadium) PSPO – **31 January 2026**
  - Parks, Open Spaces, Cemeteries and Graveyards (POsCGs) PSPO - **31 January 2026**
- 3.4 A New PSPO/prohibitions for Notting Hill Carnival which will be in operation only during the carnival period. During Notting Hill Carnival 2024, a significant number of drivers chose to park illegally, and the situation worsened in 2025. Also, significant number of individuals were placing items on the public highway used for commercial purposes, such as selling food and sound systems to entertain the public.
- 3.5 Penalty Charge Notice (PCN) were issued during the carnival for example Queens Park ward, 146 PCNs were issued on Sunday 24 August and 367 on Monday 25 August, despite parking suspensions being in place however this did not deter individuals from parking as PCN made no difference. The parking violation caused severe congestion, making it difficult for vehicles, particularly emergency services such as the Fire Brigade and Ambulance Service, to move through the area. The following prohibition will address this nuisance causing a detrimental effect to residents. **“Parking Restrictions - No person shall, at any time, or at 30-minute intervals following the issue of a Penalty Charge Notice (PCN)”**
- 3.6 Notting Hill Carnival 2025, saw large numbers of individuals placing items in public places without consent especially streets surround Kensal Green and Kensal Rise which had a negative impact on residents. The following prohibition will address this nuisance causing a detrimental effect to residents **“Placing items on the Public Highway - No person shall at any time place items in a public place without the written consent of the London Borough of Brent. This may include but is not limited to barbeques, sound systems, tents, tables, bags and other vessels”**
- 3.7 942 reports were received from members of the public using the QR code placed on the PSPO signs to report a breach. Appendix 1
- 3.8 4289 FPNs have been issued for failure to comply with the various prohibitions during the operation of the PSPO However, these prohibitions are ongoing problems and have a detrimental impact on the quality of life of those who live in the borough Appendix 2.
- 3.9 Public consultation on the proposal to extend the PSPO resulted in 156 responses – 85% were in favour of the extension, 6.4% were neither in favour nor against, while 3 % disagreed on the extension. Consultation with the public indicates significant support to extend the orders. Appendix B
- 3.10 A PSPO working group was constituted in May 2025, to ensure all services who have prohibitions connected to their service areas fed into the PSPO review to determine if the

current prohibitions are still necessary, could be removed or required varying/amendment.  
Appendix 5

- 3.11 The proposed prohibitions were identified by analysing the evidence gathered, the consultation responses, and the evidence provided by officers, the results of which indicate that specific activities are having a detrimental effect on residents, businesses and the wider public in the locality of Brent.
- 3.12 The Borough Wide PSPO currently has 8 Prohibitions. It is proposed to vary this PSPO by removing 2 prohibitions. These are the prohibitions on illegal trading (food or other items in the street) and littering as both will be addressed under its existing legislation Section 38 London Local Authorities Act 1990 (LLAA90) and Sections 87 and 88 Environmental Protection Act (EPA) 1990 respectively. Colleagues in the PSPO working group advised these are best addressed with their legislations. Please see appendix D for further information and the consultation summary on the Borough wide PSPO.
- 3.13 Parks, Open Spaces, Cemeteries and Graveyards PSPO have 18 prohibitions. It is proposed to vary this PSPO by removing two prohibitions - littering which will be addressed using the Environmental Protection Act (EPA) 1990 and launching of sky lanterns which has insufficient evidence to support the prohibition; and introducing a new prohibition, namely - prohibiting unauthorised structures in parks without permission from Park Services. This new prohibition is to address the proliferation of structures built by individuals camping in the parks and open spaces. Please see Appendix D for further information on Parks, Open Spaces, Cemeteries and Graveyards PSPO
- 3.14 There was no representation received from Crisis or St Mungo's (homeless outreach charities) in relation to this prohibition as this could have adverse effect on homeless individuals that camp in parks and open spaces due to their homelessness. Please note there was no direct engagement with these stakeholders.
- 3.15 Officers dealing with individuals erecting illegal structures, occupying any shelters, or sleeping apparatus in parks and open spaces must engage with individuals, conduct checks vulnerability checks with homelessness team, mental health and support services to ensure there are no other underlying support needs. Individuals in the first instance must be referred to St Mungo's who specialise in providing support and housing pathways for homeless people to conduct outreach in the identified areas. If some groups refuse to engage and cause a nuisance, they will have the sleeping apparatus or shelters confiscated with fines only applied, if there is a means to pay.
- 3.16 The Corporate Director Children, Young People and Community Development in consultation with the Lead Member for Community Safety and Cohesion Lead Member for Public Realm and Enforcement should consider carefully the pros and cons of introducing this prohibition (Unauthorised structures in park without permission from Park Services). Reference to appendix D provides more information and evidence to support.
- 3.17 Representation was received from the secretary of Dogs of Paddington Old Cemetery (DOPOC) with the following statement "DOPOC agree that PSPOs, if used appropriately, can be a valuable tool. However, the approach taken by Brent to off-lead dog walking in POC does not seem to be in the spirit of the Local Government Association's Public Spaces Protection Orders Guidance for councils that "when used appropriately, proportionately and with local support, PSPOs can be a positive device that helps to prevent anti-social behaviour". We reiterate that local support was lacking (61% of respondents to the 2024 Brent consultation supported off-lead dog walking) and the decision was not proportionate as other options were not evaluated" Appendix 4.

- 3.18 Wembley Park PSPO in reference to the stadium events currently as 17 prohibitions. It is proposed to vary this order by removing one prohibition – littering (no 4) and introducing four new prohibitions regarding:

- I. Stadium Concourse – Access Restriction.
- II. Unauthorised Access into Wembley Stadium.
- III. Vehicle Restrictions through Road Closures.
- IV. Parking Restriction – Wembley Park

Please see appendix E for further information on Wembley Park PSPO

- 3.19 Notting Hill Carnival PSPO/prohibition are new. This a new PSPO/prohibition which will only operate during the Notting Hill Carnival Period. The PSPO/prohibitions are introduced due to the increase in use of Psychoactive Substances especially nitrous oxide which also result in huge amount of litter, significant number of drivers parking illegally, despite parking suspensions being in place and obstruction of the public highway by large numbers of individuals placing items in public places without consent. Some of these items were then used for commercial purposes, such as selling food, and sound system to entertain the public, such as sound systems. This behaviour had a negative impact on residents. Please see Appendix F for further information on Notting Hill Carnival PSPO/prohibitions.
- 3.20 The extension of these PSPOs will ensure the council's ability to effectively manage anti-social behaviour within public spaces in Brent's locality.

#### **4.0 Consultation with Ward Members & Stakeholders**

- 4.1 In accordance with legislative requirements, an eight-week consultation process relating to the potential extension of the PSPOs for Borough Wide, Wembley Park (Wembley Stadium Events), Parks, Open Spaces, Graveyards and Cemeteries was conducted on 11<sup>th</sup> August 2025 – 5<sup>th</sup> October 2025. In addition, a further 2 weeks consultation was conducted on 3<sup>rd</sup> November 2025 – 16<sup>th</sup> November 2025 for Public Spaces Protection Order (PSPO) Consultation – New and Amended Prohibitions. The details of the consultation were published on the Council's website in accordance with the legal guidance under the Anti-Social Behaviour, Crime and Policing Act 2014.
- 4.2 The consultation was shared through Brent's Have Your Say webpage. The link was shared with all Local Councillors in Brent, registered housing providers, all schools, the Brent Safer Neighbourhood Board and Safer Neighbourhood Police Teams in the Borough. The link was also shared with Community groups. Appendix 6.
- 4.3 Chief Inspector Brent Neighbourhoods & Partnership and the three Safer Neighbourhood inspectors for Brent and all Community Safety statutory partners at the Brent Joint Action Group were also consulted and endorsed the scope of the PSPO extension and variations.
- 4.4 The PSPO working group also shared the link with their various stakeholders. Appendix 6
- 4.5 Brent's communication team also utilised social media platforms such as Facebook, WhatsApp and Internal Comms, to raise awareness on the public consultation.

#### **Consultation outcome**

- 4.6 153 respondents participated in the consultation to extend the existing PSPO with one varied prohibition. There was also direct representation made to the Community Safety Team around the consultation. A further consultation was done for 2 weeks after the 1<sup>st</sup>

consultation came to an end on 5<sup>th</sup> Oct 2025, 77 responses were received regarding consultation on the for the new PSPO/prohibitions (Notting Hill carnival) and four varied prohibitions for Wembley Park PSPO. The full breakdown of the consultation outcome can be seen in Appendix B

- 4.7 The questions asks if they Strongly Agree, Agree, Strongly Disagree, Disagree or Neither Agree nor Disagree. 85 % of all responses strongly agreed or agreed with the extension of the PSPO, while 3.8 % of all responses disagreed with the with the extension, 6.4% neither agree nor disagree with the extension. A full breakdown of data is provided in Appendix B
- 4.8 The proposed varied prohibitions are as follows
- I. **Unauthorised structures in park without permission from Park Services.** 84% agreed to t the prohibition while 8.9% of respondents, disagreed with the proposal.
  - II. **Stadium Concourse – Access Restriction.** Most respondents (67.5%) agreed that restricting access to the stadium concourse during event days is appropriate. A smaller proportion, 19.5% of respondents, disagreed with the proposal
  - III. **Unauthorised Access into Wembley Stadium.** A large majority, 81.8% of respondents, expressed agreement with the prohibition. This indicates that most participants felt the measure was necessary and appropriate to address the concerns outlined. A smaller proportion, 10.4%, disagreed with the proposal. The remaining 7.8% selected “Not Applicable,” suggesting that a small group felt unable to take a definitive position.
  - IV. **Parking Restriction – Wembley Park.** The consultation results show overwhelming support for the proposed prohibition in Wembley Park. A clear majority of respondents, **88.3%** agreed with the measure, indicating strong public backing. A small proportion of respondents (**6.5%**) selected Not Applicable, suggesting they did not feel the question related to them or that they had no opinion. Only **5.2%** opposed the proposal, representing a very limited level of disagreement.
  - V. **Vehicle Restrictions through Road Closures.** A strong majority of respondents supported the introduction of the prohibition. 84.4% selected Yes, indicating clear backing for the measure. Only 7.8% disagreed, while a further 7.8% selected Not Applicable, suggesting that the proposal did not directly affect them, or they felt unable to give a view. Further detailed on the consultation outcome found set out in Appendix B which gives the breakdown on age, ethnicity, religion, gender, disability, sexual orientation and gender identity.
  - VI. **Notting Hill Carnival Parking.** The results show an overwhelmingly positive response to keeping the prohibition in place. Nearly nine out of ten respondents (89.6%) agreed that the restriction should remain. Only a small proportion (5.2%) disagreed, and an equal number felt the question was not applicable to them.
  - VII. **Notting Hill Carnival Placing Items on the Public Highway -** A significant proportion, **64.9%**, agreed with the prohibition, indicating strong public backing for measures intended to manage large items such as BBQs, sound systems, tents and other objects that may obstruct public areas or contribute to safety risks. A smaller portion, **27.3%**, disagreed, reflecting concerns from some respondents about restrictions or how the prohibition may be applied. A further **7.8%** stated the question was not applicable to them, suggesting that a small minority did not feel directly affected by the issue. Overall, the results demonstrate broad support for maintaining



control over items placed in public spaces during the event, with most participants recognising the importance of safety, accessibility and effective event management.

## **Comments**

- 4.5 The majority of respondents submitted supportive comments around the proposed extension of the PSPO and expressed a view that it would help tackle ASB and Nuisance. The overall consultation findings show that most participants are in favour of the implementation of all prohibitions proposed under the PSPO however, a representation from Dogs of Paddington Old Cemetery (DOPOC) objected to the issue of dogs on leads, with the primary aim of contention being Paddington Cemetery.
- 4.6 A full break down of all comments received is provided in Appendix 3. Based upon the outcome of the consultation process, it is recommended that the proposed extension and variation of the PSPO be agreed.
- 4.7 Chief Inspector Brent Neighbourhoods & Partnership and Neighbourhood Inspector have both written a statement of support to extend the order for a further 3 years. Appendix 8 & 9.

## **5.0 Scope and Implementation Timeline**

- 5.1 It is proposed that the PSPO extension will continue from 1<sup>st</sup> February 2026 subject to approval. Relevant PSPO signages are already affixed across Brent however an overlay with designs informing the public of the new prohibitions that will be in place.

## **6.0 Financial Considerations**

- 6.1 The approximate cost of affixing the overlay across the borough will be £7,000 - 8,000 and will be met from existing budgets within the Community Development service budget. There is potential to generate some income from fines and prosecutions but there is no baseline to project this annually at this stage.
- 6.2 As part of existing duties of the Neighbourhood Patrol team and MET Police, enforcement will be undertaken, with no extra budget required.
- 6.3 Should the PSPO not be extended, there is an estimated cost of £2,000 to remove the current signs affixed across the borough.

## **7.0 Legal Considerations**

- 7.1 Under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), a local authority may make a PSPO in the areas where a particular nuisance or problem occurs which is detrimental to local community's quality of life, by imposing conditions on the use of those areas. PSPO's can also deal with likely future issues. In order to issue a PSPO, the council must be satisfied on reasonable grounds that the two statutory conditions set out in s59 (2) and s59 (3) are met and that the restrictions are reasonable and proportionate.
- 7.2 For a PSPO to be implemented, the Council must be satisfied on reasonable grounds that the two statutory conditions are met and that it is reasonable and proportionate for the restrictions.

The first condition Section 59 (2) of the 2014 Act is that:

- a) the 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
- b) It is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition Section 59(3) of the 2014 Act states that is 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.

7.3 The reasonableness requirement is set out in section 59(5) of the 2014 Act which provides that the only prohibitions or requirements that may be imposed are ones that are reasonable for the specified objectives of the PSPO that are:

- a) to prevent the "detrimental effect" referred to in section 59(2) of the 2014 Act from continuing, occurring or reoccurring, or
- b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

S59(6) provides that a prohibition or requirement may be framed-

- a) so as to apply to all persons, or only persons in specified categories, or to all persons except those in specified categories;
- b) so as to apply at all times, or only at specified times, or at all times except those specified;
- c) so as to apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified

7.4 The Council may vary an existing PSPO by (a) increasing or reducing the restricted areas; and/or by altering or removing a prohibition or requirement included in the order, or adding a new one providing it complies with the reasonableness requirement.

7.5 Pursuant to s60 a public spaces protection order may last up to 3 years, unless extended. In order for a PSPO to be extended the following applies:

- 1) Before the time when a public spaces protection order is due to expire, the local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent—
  - a) occurrence or recurrence after that time of the activities identified in the order, or
  - b) an increase in the frequency or seriousness of those activities after that time
- 2) An extension under this section—
  - a) may not be for a period of more than 3 years;
  - b) must be published in accordance with regulations made by the Secretary of State.

7.6 The Home Office statutory guidance for frontline professionals (The Home Office Guidance, as amended) states; "these orders can restrict what people can do and how they behave in public spaces. It is important that the restrictions imposed are focussed on specific behaviours and are proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring". Further, it highlights "Putting victims first: In deciding to place restrictions on a

particular public space, councils should consider the knock- on effects of that decision and ensure that this is a reasonable and proportionate response to incidents of anti-social behaviour in the area. Introducing a blanket ban on a particular activity may simply displace the behaviour and create victims elsewhere. Consideration may also be given to members of the public who need or want to use the space before implementing a Public Spaces Protection Order e.g. those who want access to a park due to not having a garden at their home”.

- 7.7 Before deciding to make the PSPO, the council must comply with certain statutory requirements relating to publication, consultation, notification and information in respect of the extension of PSPO in the relevant areas. In addition, the council will need to evidence that it has given regard to statutory guidance issued by the Secretary of State.
- 7.8 PSPOs, may be challenged within six weeks of being made by way of an application to the High Court. The Court may suspend the operation of the PSPO or any of the prohibitions imposed by it until the determination of the proceedings. Should the Court be satisfied the council erred and the applicant has been substantially prejudiced by that failure, it may quash the Order or any of the prohibitions imposed by it.
- 7.9 Breach of a PSPO is a criminal offence, subject to a fixed penalty notice (of up to £100) or prosecution and a fine of up to £1,000 (Level 3 of the Standard Scale).
- 7.10 Once approved, the PSPO must be published on the council website and notices erected publicising the fact that the PSPO has been made and its effect.
- 7.11 When considering the Human Rights Act the council must balance the rights and freedoms of individuals, in relation to the proposed restrictions imposed, against the needs of the wider community.
- 7.12 Article 10 of ECHR (Freedom of Expression) states the following:
  - 1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
  - 2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.
- 7.13 Article 11 of ECHR (Freedom of assembly and association) states the following:
  - 1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.
  - 2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the

exercise of these rights by members of the armed forces, of the police or of the administration of the State.

- 7.14 In Appendix 2 of the April 2015 Cabinet report in relation to the implementation of the 2014 Act, it sets out a local protocol within Brent for making a PSPO. The local protocol includes a local threshold criteria in addition to the requirements for making a PSPO to those set out in section 59 of the 2014 Act and the additional local threshold criteria are as follows:
- “The nuisance behaviour described has taken place on at least five occasions over a one-year period
  - Evidence has been gathered over a three-month period”.
- 7.15 Under section 68 of the 2014 Act, a police constable or a person authorised by the local authority that made the PSPO may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67 of the 2014 Act (as described in the previous paragraph) in relation to a PSPO. Under section 68(2) of the 2014 Act, a fixed penalty notice (FPN) is a notice offering the person to whom the FPN is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to a local authority specified in the FPN. Under s.50 Police and Reform Act 2002, if a constable in uniform has reason to believe that a person has engaged, or is engaging, in anti-social behaviour, then they may compel that person to provide their name and address. Failure to do so, or providing a false or inaccurate name or address, is guilty of a further offence and that person shall be liable, on summary conviction, to a fine not exceeding level 3.
- 7.16 The London Local Authorities Act 1990, the council cannot enforce its street trading powers on land that is not considered a ‘street’ pursuant to S21 which defines a street as including
- a) “any road, or footway
  - b) Any other area, not being permanently enclosed premises, within 7 metres of any road, or footway, to which the public have access without payment;
  - c) Any part of such road, footway or area;
  - d) Any part of any housing development provided or maintained by a local authority under Part II of the Housing Act 1985”.

Some of the roads owned by Quintain are not considered to be a ‘street’. The PSPO would, with permission from the landowner, give Brent Council the authority to deal with any issues of ASB.

- 7.17 Permission to permit the consumption of alcohol in public spaces can be obtained via the Licensing Act 2003 in the form of a Premises Licence or Temporary Event Notice (TEN). A rigorous process including event plans and risk assessments are requested when such a request is made to hold an event (small or large), in a public place. These permissions would be exempt from any PSPO enforcement contained within the defined event space.
- 7.18 The Corporate Director for Children Young People and Community Development is reminded to “look at each proposal (new and existing) under the PSPO and not focus on just matters raised in writing”

## **8.0 Equity, Diversity & Inclusion (EDI) Considerations**

- 8.1 The public sector equality duty, as set out in section 149 of the Equality Act 2010, requires the council, when exercising its functions, to have “due regard” to:

- a) the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act,
- b) to advance equality of opportunity and
- c) foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

8.2 Consideration must also be given as to how the proposals contained within this report might impact adversely on those persons with protected characteristics as set out in the Equalities Act 2010 and whether there should be any mitigated actions proposed in relation to any potential adverse impacts of such proposals.

8.3 The implementation and policing of a PSPO must be in accordance with the Equality Act 2010. There will be no discriminatory policing of this order in line with our Public Sector Equality duty.

8.4 For these vulnerable groups, necessary additional support measures would be put in place through prevention, education and sign posting to relevant services. Where persistent ASB is being committed by any of these vulnerable groups they would be a priority at Community Safety Unit meetings through the Brent Joint Action Group (BJAG). The BJAG is a multiagency panel which meets monthly to tackle ASB and Crime hotspots. Similarly, support will also be offered at Community MARAC which supports vulnerable individuals engaged in or impacted by anti-social behaviour or crime. We will ensure holistic, multi-agency interventions are applied when dealing with these groups

8.5 An Equality Impact Assessment was carried out and did identify some groups which could be negatively impacted by the proposed PSPO. To mitigate these impacts, positive actions will be taken to make these groups aware of the proposed PSPO with a duty to signpost identified groups to relevant support and outreach services.

8.6 An Equality Impact Assessment has been undertaken and is attached at Appendix G.

## **9.0 HR & Property Considerations**

9.1 None

## **10. Climate Change and Environmental Considerations**

None

## **11. Communication Considerations**

11.1 The local councillors and stakeholders were communicated and consulted with to have their say in the extension of the PSPO

11.2 A communication will include

- Publishing key findings and outcomes through Council channels and local media.
- Utilising social media to promote awareness of ASB
- Engaging with community groups, educational providers and 3<sup>rd</sup> sector partners to disseminate information and promote safety initiatives

- 11.3 The communication awareness and campaign will focus on the scope of the order, behaviours to be prohibited and the policing approach to address these behaviours.

**Report sign off:**

***Nigel Chapman***

Corporate Director, Children, Young People &  
Community Development