



**Memorandum of Understanding between  
The Metropolitan Police and Lewisham Council  
in relation to the**

**Lewisham Public Space Protection Order 2023**

This document sets out the respective responsibilities between Lewisham Council and The Metropolitan Police Southeast Borough Command Unit in relation to the Lewisham Public Space Protection Order<sup>1</sup> (hereafter referred to as the 'PSPO'). The term 'Authorised Officer' in the Act includes Council Officers with delegated powers to enforce the PSPO.

This Memorandum of Understanding will apply to the PSPO, for the time the PSPO remains in force. This memorandum will be reviewed as required by either party or annually.

### **Enforcement**

The PSPO will be enforced by both the Police and Council Authorised Officers, who will work together in targeted operations when tackling a specific issue or offence. The operations may involve additional partners from local and voluntary services, such as the rough sleeping team, outreach support services, the substance misuse support service and mental health services; this list is not exhaustive.

The PSPO will not be enforced against individuals sleeping rough. Where Council Authorised Officers and/or Police Officers come across individuals rough sleeping during targeted PSPO operations or in their day-to-day duties, they will encourage those individuals to engage with relevant support services and share their information with said support services where appropriate.

Fixed Penalty Notices will not be issued to a person aged under 18.

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<sup>1</sup> The Anti-Social Behaviour, Crime and Policing Act 2014 was in part designed as a response to calls from local Council's to streamline enforcement processes and to provide further powers, which included the establishment of Public Space Protection Orders (PSPO).

The Council Authorised Officers and Police Officers will make enforcement decisions based on the evidence provided in line with the Council's educational and safeguarding approach towards enforcement. Generally, this will mean that the minimum enforcement stance will be taken in order to achieve compliance. Initially enforcement will take the form of a verbal or written warning. The Council Authorised Officers and Police Officers will give due regard to issues of proportionality and reasonableness when enforcing the PSPO.

## **Introduction of the New PSPO**

The introduction of the PSPO will start with a soft approach, after the implementation of the order for the initial 3 months, FPNs will only be issued for persistent and egregious breaches. In the vast majority of cases only advice and warnings will be given by all designated officers. This is to ensure that the Public at large, become aware of the new enforcement powers that both the Council and Police have, to address the new restrictions on the approved enforcement powers of the PSPO. After the 3-month introduction, normal enforcement will be undertaken by all designated officers.

## **Governance**

To ensure that the PSPO is enforced in a consistent and fair manner throughout the borough and across all the enforceable areas, a fortnightly governance meeting between the Safer Communities Service and the Metropolitan Police Service will take place with core stakeholders. As part of this meeting, all statistics in relation to any engagement or enforcement regarding the PSPO will be reviewed. The characteristics of the people being engaged with or enforced against, will be recorded and these will form part of the review. Geographical information and crime data will be analysed to ensure informed deployment of resources.

Whilst practice will seek to ensure that no one cohort is being unfairly targeted. It should be noted that due to the confines of the PSPO, it is believed that there might be some individuals who are engaged and enforced against more often. This could be for several reasons, which includes the refusal of support services when first engaged. In those cases, enforcement may be the only effective deterrent open to address the behaviour of these individuals. This may also be the case for locations, as some areas will be consistently frequented by a particular cohort. The meeting purpose will ensure that locations and characteristics are under constant review to ensure practice is proportionate and reasonable and that resource deployment remains intelligent led.

If it is found that Officers are consistently engaging and enforcing against the same individuals, specific cohorts and/or at the same locations, this will be reviewed with a view to identifying an alternative approach to managing the behaviour, which could include departing from the use of Anti-Social Behaviour Legislation.

To ensure openness, transparency and offer professional challenge, core Members of the Safer Neighbourhood Board will be invited to attend all meetings. Actions from the meeting will be recorded and shared with those in attendance.

## **Equipment**

Equipment, including Fixed Penalty Notice books, mobile devices, and mobile printers for issuing FPNs, will be provided by and will remain the property of Lewisham Council.

## **Information sharing**

PSPO enforcement will be recorded on an approved IT system, which will record and manage all FPNs which are issued, this will include, case management, and the recovery of fines. When a Fixed Penalty Notice is issued this information will be recorded on the approved IT system and reports will be generated to share with the Council and Police, which will provide the data for who the FPN has been issued to, where this happened, what time and for what offence.

The details of advice and warnings given will be recorded locally and compiled and mapped on Council systems.

## **Managing appeals**

There are reasonable grounds for appeal against a Fixed Penalty Notice for the PSPO where there is (i) a legitimate safeguarding concern or (ii) where a person received two Fixed Penalty Notices for the same offence at the same location on the same day. A written appeal letter can be submitted to the Council on both or either of the above grounds for consideration. In the (ii) scenario, the second Fixed Penalty Notice is null and void while the first Fixed Penalty Notice stands.

The legislation that governs Fixed Penalty Notices means that a person who receives a Notice can challenge it in Court if they believe the penalty should not have been issued to them.



Where a Fixed Penalty Notice is challenged in Court, a Lewisham Council Authorised Officer will attend the Court hearing.

### Byelaws

Where a PSPO regulates certain activities that are prohibited by a byelaw, the byelaw will have no effect on the restricted area during the time of the PSPO.

Date	
Signed	
Name	
Title	

Date	
Signed	
Name	
Title	