

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Councillor Harvey – Cabinet Member for Social Inclusion and Community Safety

Date: 10/03/2025

Subject: **Decision to introduce a Public Spaces Protection Order (PSPO) relating to amplified noise issues (within a defined area of Hammersmith Broadway, Shepherd's Bush, and White City, to consolidate the three expiring amplification PSPO's into a single order)**

Report authors: Barnaby Hudson, Community Safety Graduate / Laura Seamons, Service Transformation Lead

Responsible Director: Neil Thurlow, Director of Public Protection

Chapter 1 – Summary and Recommendations, pg. 1 – 2

Chapter 2 – Financial and Legal Implications, pg. 3 – 4

Chapter 3 – Detailed Analysis, pg. 4 – 6

Chapter 4 – Proposal, pg. 6 – 7

Chapter 5 – Analysis of Options, pg. 8

Chapter 6 – Consultation and Reasons for Decision, pg. 9 - 10

Chapter 7 – Equalities, Climate, and Risk Implications, pg. 10 - 11

CHAPTER 1 – SUMMARY AND RECOMMENDATION

Summary

1. Public Spaces Protection Orders (PSPOs) are a tool that can be used by local authorities to address Anti-Social Behaviour (ASB) and the impact that this behaviour can have on individuals and communities (under the Anti-Social Behaviour, Crime and Policing Act 2014). An Order can be introduced in a public area where the local authority is satisfied on reasonable grounds that the effect, or likely effect, of such activities is, or is likely to be, of a persistent and continuing nature; is, or is likely to be, such as to make the activities unreasonable; and justifies the restrictions imposed by the Order.
2. The Order identifies a public place (restricted area) and prohibits specified activities being done in the restricted area; requires specified actions to be taken by persons carrying on specified activities in that area; or does both of these things. The PSPO gives authorised Council and Police officers powers to issue a Fixed Penalty Notice (FPN) of £100 (reduced to £60 if paid within 10 days) to those who engage in an activity that is prohibited by the Order.

LONDON BOROUGH OF HAMMERSMITH & FULHAM

3. This report seeks a decision to make a new PSPO which will effectively consolidate the restrictions contained in three existing amplification PSPOs due to expire on 22/06/25 into a single coherent PSPO. It is proposed that the new PSPO will come into force on 23/06/25. Restrictions will cover the defined public areas of Hammersmith Broadway, Shepherd's Bush, and White City (see Appendix 1), to prevent a return to prior levels of noise nuisance and continue to fine those who break the restrictions. The proposed PSPO will also prohibit the use of battery powered devices for noise amplification, in addition to other types of powered devices.
4. Public consultation and engagement highlights the extent to which residents and visitors support this, to prevent disruption to daily life and ensure those with visual and hearing impairments are able to travel safely around the borough. It is proposed that this Order remains in force until 23/06/2028.

Recommendation

Officers recommend **Option 1**, that the Cabinet Member for Social Inclusion and Community Safety:

1. Approves the introduction of a new PSPO prohibiting the use of amplifiers, including battery powered devices, within the identified areas until 23/06/2028.
2. Delegates authority to sign the PSPO to the Director of Public Realm.

Wards Affected: Shepherd's Bush Green, Hammersmith Broadway, White City & Wormholt

Our Values	Summary of how this report aligns to the H&F Values
Creating a compassionate council	The PSPO enforcement plan will align with the Metropolitan Police 4 'E' model – Engage, Explain, Encourage and Enforce to address ASB and will prioritise safeguarding and support. Enforcement action will only be taken as a last resort.
Doing things with residents, not to them	This decision was informed by an extensive public consultation exercise which received 136 responses. Businesses and other stakeholders were also directly consulted.

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Taking pride in H&F	The PSPO supports the council and police to tackle anti-social behaviour and ensure the borough is a safe and welcoming place for all.
---------------------	--

CHAPTER 2 – FINANCIAL AND LEGAL IMPLICATIONS

Financial Impact

5. It is proposed to introduce a Public Space Protection Order (PSPO) relating to amplified noise issues within a defined area of Hammersmith Broadway, Shepherd's Bush, and White City. The cost of implementing the proposed PSPO is limited to the one-off cost of new signage (estimated at £3,000) which can be funded from existing Community Safety revenue budgets.
6. The PSPO will be enforced by the council's Law Enforcement Officers as part of their regular duties meaning no additional resources will be required. The income from any Fixed Penalty Notices issued will contribute to the cost of enforcement.

Kellie Gooch, Head of Finance (Place), 12 February 2025

Legal Implications

7. Under s59 Anti-social Behaviour Crime and Policing Act 2014 the council has the power to make public space protection orders if satisfied on reasonable grounds that the activity (in this case amplified noise)
 - Has a detrimental effect (or it is likely that the activities in question will take place and have such an effect) on the quality of life of those in the locality;
 - Is (or is likely to be) persistent or continuing in nature
 - Is or is likely to be unreasonable, and
 - Justifies the imposition of the restrictions
8. Therefore, the restrictions/prohibitions imposed by the PSPO must be proportionate and reasonable to address the anti-social behaviour in question.
9. Before making a PSPO a local authority must ensure that it has carried out the necessary consultation, necessary publicity and necessary notifications. Therefore, at a minimum, the council must have consulted with the Chief of Police, the local metropolitan police, appropriate community representatives and landowners and occupiers within the restricted areas. Information about the order must also be published in accordance with regulations made by the Secretary of State.
10. In addition, when deciding to make a PSPO, the council must also take into consideration and pay regard to Articles 10 and 11 of the European Convention of Human Rights (Right to Freedom of Expression and Freedom of

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Association/Assembly respectively) as well as the Public Sector Duty under s149 Equalities Act 2010.

11. Once made, a PSPO is valid for a maximum period of 3 years; it can be extended for further periods (a maximum of three years at a time) if the council considers this necessary to prevent the original behaviour from occurring or recurring
12. The validity of a PSPO may be challenged in the High Court by an “interested person” within six weeks of the PSPO being made. (An interested person is someone who lives in, regularly works in or visits the restricted area.) They can argue that the council did not:
 - have the power to make the order
 - have the power to include the requirements or prohibitions imposed in the PSPO
 - comply with the necessary requirements for making a PSPO (i.e. did not undertake the necessary consultation, necessary publication or necessary notification)
13. The council’s authorised officers and police officers have the power to issue fixed penalty notices (FPN) to anyone they reasonably believe to have breached a PSPO. The penalty for a breach is £100 discounted to £60 if paid within 10 days of the fixed penalty notice. The FPN offers an effective means of discharging liability to prosecution/conviction for the offence of breaching a PSPO.
14. If a person is prosecuted for breaching a PSPO, they may raise a defence that the council did not have the power to impose a restriction or prohibition in the PSPO in question. If found guilty of the offence of breaching a PSPO, the maximum sentence a person may receive on conviction, is a level 3 fine (currently £1000).

Patricia Rowe (Chief Solicitor (Litigation)) 25/2/25

CHAPTER 3 - DETAILED ANALYSIS

History of Amplified Noise PSPO’s – Hammersmith Town Centre

15. A PSPO for amplified noise was first introduced in Hammersmith Town Centre in August 2019. It was renewed again in 2022 for a further three years. The map below, Figure 1, shows where the restrictions currently apply. The current PSPO covering Hammersmith Town Centre expires 22/06/25.
16. Restrictions were originally introduced following amplified noise from street entertainers along King Street. The Charity Guide Dogs for the Blind wrote to the council on behalf of visually impaired users of King Street, conveying their difficulties in navigating the town-centre due to noise levels. Several reports have

LONDON BOROUGH OF HAMMERSMITH & FULHAM

also been made regarding the continuous use of amplifiers outside Hammersmith Broadway Station.

17. Since April 2022 the Law Enforcement Team have engaged with 13 individuals who ceased using amplifiers once officers engaged with them. It is believed the order should remain in place to prevent a return to the level of noise nuisance from the use of amplifiers which previously caused ASB and made the area less safe for those with visual or hearing impairments.

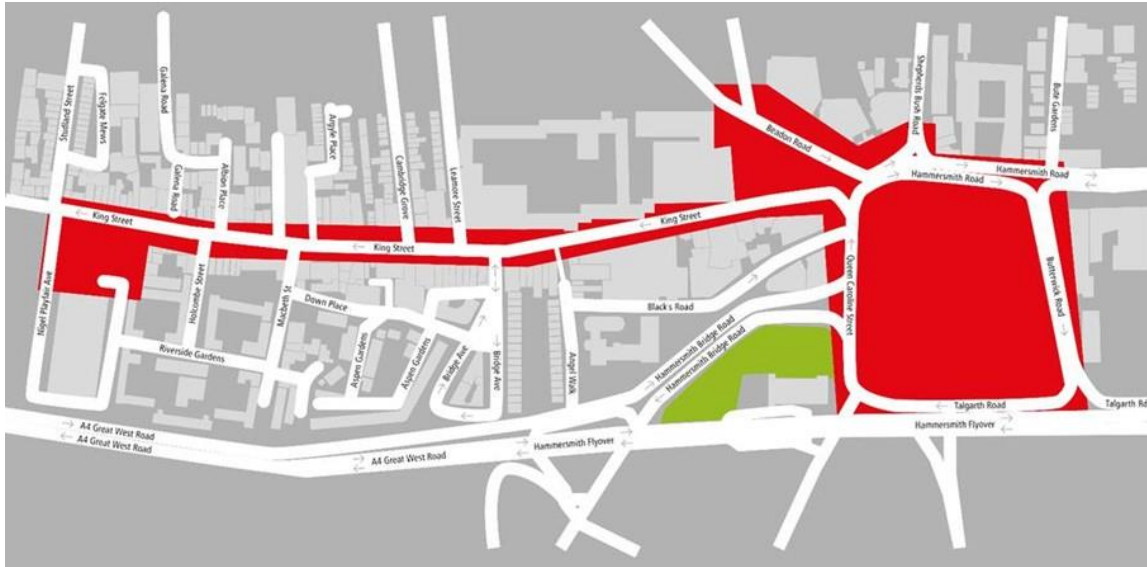


Figure 1

History of Amplified Noise PSPO's – Shepherd's Bush

18. A PSPO for amplified noise was first introduced in Shepherd's Bush in 2016 to cover the area outside of Shepherd's Bush station between 10am and 6pm, and was renewed in 2019. It was renewed again in 2022. Further, restrictions were extended to 24hrs a day, and the area covered by the restrictions was expanded to include Shepherd's Bush Green. The current PSPO covering Shepherd's Bush is due to expire 22/06/25. A map of the area covered is shown in Figure 2.

19. Since April 2022 the Law Enforcement Team have engaged with 42 individuals in relation to the restrictions. 12 Fixed Penalty Notices were issued in this time.

LONDON BOROUGH OF HAMMERSMITH & FULHAM



Figure 2

History of Amplified Noise PSPO's – White City

20. An amplification PSPO was introduced in White City in November 2022, responding to 123 complaints to the Law Enforcement Team and Police in relation to amplified noise from large gatherings and street parties, and 64 reports from CCTV and the Noise Nuisance Team between August 2021 – July 2022. Comparatively, January 2024 – January 2025 saw 16 requests to the LET related to amplification in the White City ward. The current PSPO covering White City is due to expire 22/06/25.
21. The Law Enforcement Team engaged with 9 individuals using amplifiers between June 2023 and August 2024 in this location. 3 fixed penalty notices were issued during this period.
22. The area covered by the PSPO is shown in figure 3.



Figure 3

CHAPTER 4 - PROPOSAL

23. A briefing note was presented to the Cabinet Member on 11/10/2024, which considered the introduction of a single amplification PSPO to consolidate the three existing amplification PSPO's upon expiry. The proposed order prohibits the use of amplifiers in and around three defined areas of the borough and includes battery powered amplification devices in the list of restrictions. The areas covered are:
- Hammersmith Town Centre (King Street between Nigel Playfield Avenue and Butterwick Road, including the areas around the Broadway Centre)
 - Shepherd's Bush (Shepherd's Bush Station, Shepherd's Bush Green, and part of Uxbridge Road)
 - White City (Bridget Joyce Square, Bloemfontein Road, and Wormholt Park)
24. Before introducing, amending, or renewing a PSPO, the council must consult with the police and with whichever community representatives they think appropriate. In addition, the owner or occupiers of any land affected should be consulted. The council ran an online public consultation for a period of 73 days, from 19/11/2024 until 31/01/2025.
25. If the decision is made to renew, change, or introduce a PSPO, the new Order must be published in accordance with regulations made by the Secretary of State and must
- a. Identify the activities having the detrimental effect
 - b. Explain the potential sanctions available on breach and
 - c. Specify the period for which the PSPO has effect
26. A copy of the draft Order can be found at Appendix 1.
27. The maximum duration of a PSPO is three years, but they can be made for shorter periods and then reviewed. It is proposed that this Order remains in force until 22/06/2028, due to the financial impact and impact on officer time of renewing after a shorter period. At any point before the expiry of a PSPO it can be extended for a further period of up to three years. The terms can also be varied, subject to further consultation.
28. A Police Constable, Police Community Support Officer or other authorised person may issue a fixed penalty notice (FPN) of up to £100 to those who fail to comply with the Order. An FPN will only be issued if an individual continues to breach the Order after being asked to desist by an authorised person. Individuals will have 14 days to pay the fixed penalty of £100 (reduced to £60 if paid within 10 days).
29. The cost of implementing the PSPO for the council is estimated at around £3,000. This covers the cost of appropriate signage for the area to ensure those using the area are aware of the Order.

LONDON BOROUGH OF HAMMERSMITH & FULHAM

30. The proposed Order includes the following prohibitions:

1	You are prohibited from using microphones / loudspeakers / megaphones / loud hailer or any other similar equipment designed to amplify the volume of speech or music within public areas outlined on the above maps, 24 hours a day.
2	You are prohibited from using mains electricity, generator power, battery power or any other source of power for the purposes of amplification within public areas outlined on the above map, 24 hours a day.
3	Exemptions apply to <ul style="list-style-type: none">- Authorised Council events and activities- Premises or vehicles where these activities are permitted under their license conditions

CHAPTER 5 – OPTIONS AND ANALYSIS OF OPTIONS

31. The following options have been considered:

32. **Option 1** – A PSPO is introduced to consolidate three expiring PSPO's prohibiting amplifiers in public spaces across the proposed areas of Hammersmith Town Centre, Shepherd's Bush, and White City into a single coherent order. This will include battery powered devices. **This is the recommended option on the basis that 84%, 85%, and 89% of respondents agreed with restrictions in Hammersmith Town Centre, Shepherd's Bush, and White City respectively.** Moreover, 93% of respondents agreed that battery powered amplification devices should be included in the list of restrictions.

33. **Option 2** – A PSPO is introduced to consolidate three expiring PSPO's prohibiting amplifiers in public spaces across the proposed areas of Hammersmith Town Centre, Shepherd's Bush, and White City into a single coherent order. This will NOT include battery powered devices. **This is not the recommended option as only 5% of respondents believed that battery powered devices should not be included in the list of restrictions.**

34. **Option 3** – A PSPO is introduced to consolidate three expiring PSPO's prohibiting amplifiers in public spaces into a single coherent order, with a variation in the areas currently covered by the PSPO. **This is not the recommended option as only 4 responses were received indicating that they felt that current restrictions are too extensive and should be reduced or removed.** 9 comments were received expressing a desire to expand the PSPO to include a broader area of Shepherd's Bush, particularly around the Shepherd's Bush Market Station. However, there is insufficient support to justify expansion in this area, given we have received 29

LONDON BOROUGH OF HAMMERSMITH & FULHAM

service requests to the LET related to amplification between January 2024 and January 2025, for the entire Shepherd's Bush Green ward.

35. **Option 4 – Do not introduce the PSPO. This is not the recommended option due to the overwhelming support from the consultation for the prohibitions the PSPO would introduce, and it is felt that if the PSPO were not introduced the anti-social behaviour that was previously reported in relation to noise would return to the three areas.** The overwhelming majority of responses were in favour of the PSPO; however, 4 comments were received which indicated restrictions are too strict or disapproved of having an amplification PSPO in any form.

CHAPTER 6 – CONSULTATION AND REASONS FOR DECISION

Consultation

36. Public consultation took place between 19/11/2024 and 31/01/2025. The consultation was promoted on the council's website, at engagement events, at libraries and notice boards, and circulated to a wide variety of both internal and external networks. The consultation was circulated to the Business Improvement District, Shepherd's Bush Forum, Ward Panel Chairs, SNT, Action on Disability, and many other groups. Moreover, targeted engagement took place, with 5 events specifically to promote the consultation and further events attended, which included directly sharing the consultation with businesses in White City.
37. The consultation received 136 responses. Respondents were asked a range of questions, most significantly whether they agree with current restrictions. This was asked individually for each area covered. Hammersmith Town Centre, Shepherd's Bush, and White City received 84%, 85%, and 89% support respectively.
38. An average of 9.6% of respondents by area indicated that they did not agree with current restrictions. However, the comments received for the qualitative questions indicated that respondents are strongly in favour of, at a minimum, current restrictions. Only 4 comments were received which indicated that current prohibitions are too strict or disapproved of any form of amplification PSPO.
39. The sole amendment to the order, aside from consolidating the 3 separate orders, was to include battery powered amplification devices in the list of restricted devices. 92.6% of respondents approved this, with only 5.1% believing battery powered devices should not be included.
40. A notable trend from the consultation was a perceived lack of enforcement of the PSPO restrictions. When asked for general comments on the restrictions, 40% of

LONDON BOROUGH OF HAMMERSMITH & FULHAM

respondents who did not skip the question (21 comments) mentioned a lack of enforcement of existing restrictions. In direct response to this, the Community Safety Team are working with the LET to analyse how we can improve enforcement and visibility of enforcement, targeting this at the most problematic areas. Furthermore, several comments were received indicating that additional signage would be useful to inform residents about the PSPO, particularly in White City.

41. 87% of respondents felt that restrictions are clear and easy to understand. However, 3 comments were received which indicated that more [signage](#) is needed. It was agreed that we would create a sign displaying all PSPO's that apply in an area. This would improve awareness and enforcement of all PSPO's in the borough.
42. A full report of the consultation findings is available at Appendix 3. In addition, a full report on the demographic information of consultation respondents is available to Councillors at appendix 4.
43. It is specified within the legislation that before making a PSPO the council must consult with the chief of police for the area. This consultation has taken place, and police have confirmed they are in full support of the proposed Order. The Community Safety Unit also consulted with the Noise and Nuisance and Events Teams regarding the proposed PSPO.

Reasons for Decision

44. Of the 136 responses received, an average of 86% support was received for current restrictions by area. Only 4 comments were received which indicated that current prohibitions are too strict or disapproved of any form of amplification PSPO. Further, 92.6% of respondents support the amendment to include battery powered amplification devices within the restrictions, with only 5.1% believing such devices should not be included.
45. Moreover, looking at the history of the amplification PSPO's and the consultation comments, it is clear that amplified noise has had a detrimental effect on the quality of life of those in the locality. Introducing this PSPO will enable the Law Enforcement Team and partners to continue to combat such instances of noise-related antisocial behaviour. Indeed, due to targeted work by our Law Enforcement Team, utilising the PSPO, areas which have historically had high levels of amplified noise complaints have seen complaints substantially diminish.
46. Residents have commented that they are "very grateful" for the PSPO which is "really needed to give peace to the people in these areas". Other comments indicate strong feeling against amplified public speaking and busking which has been described as "very unwelcome" and "invasive", amongst other similar comments. See Appendix 3 Consultation Findings for further detail. Consequently, without the PSPO, amplified noise is or is likely to be, of a persistent and continuing nature;

and is, or is likely to be, unreasonable. It is considered that this justifies the introduction of the PSPO to consolidate the expiring PSPO's, and the restrictions imposed by the Order.

CHAPTER 7 – EQUALITY, RISK, AND CLIMATE IMPLICATIONS

Equality Implications

47. The Council has given due regard to its responsibilities under Section 149 of the Equality Act 2010 and it is not anticipated that there will be any negative impact on any groups with protected characteristics from the adoption of this PSPO. The proposed PSPO is a direct response to issues raised by a group representing visually impaired residents. The overall impact of the PSPO on groups with protected characteristics will be neutral, but positive for those with hearing and/or visual impairments.

48. An Equalities Impact Assessment can be found in Appendix 2.

Implications verified/completed by: Yvonne Okiyo, Strategic Lead Equity, Diversity and Inclusion, Yvonne.Okiyo@lbhf.gov.uk, 13/02/25.

Risk Management

49. There is an environmental and reputational risk that some residents may be opposed to the initiative and will garner public support against it. However, it is recommended that this risk is accepted as a significant consultation took place over what action should be taken and this is in accordance with meetings with residents as well as community needs and expectations. The proposals in this report contribute to the management of noise pollution risk to the local area.

Jules Binney. Risk and Assurance Manager, 17th February 2025

Climate and Ecological Emergency Implications

50. The PSPO will ensure our open spaces continue to thrive and stay a pleasant place for residents and businesses to visit. The biodiversity of the areas included will be positively impacted, with less noise pollution to disrupt the aesthetic and quality of life there.

Implications verified by Hinesh Mehta, Assistant Director for Climate Change, 13/02/2025.

LIST OF APPENDICES:

- 1. Appendix 1 – Draft Order**
- 2. Appendix 2 – Equality Impact Assessment**
- 3. Appendix 3 – Consultation Findings**