Public Spaces Protection Orders (PSPOs)

Update to the Safer Communities Partnership Board on PSPOs

January 2018

Barnet Community Safety Team
The Council and the Barnet Community Safety Partnership are committed to tackling anti-social behaviour.

The Community Safety Strategy 2015 -2020 Strategic Objectives are:

1. To provide a victim centred approach to victims of crime and anti-social behaviour.
2. To maintain the reductions in crime and anti-social behaviour.
3. To improve the perception of Barnet as a safe place to live, work and visit.
4. To ensure children, young people and adult safeguarding is at the heart of the strategy/partnership.
Public Spaces Protection Orders

The Anti Social Behaviour and Crime and Policing Act 2014: Section 59-75 – PSPOs

**Purpose:** The PSPO is designed to stop individuals or groups committing anti-social behaviour in a public space.

**The legal test:** the behaviour being restricted has to:

- be having, or be likely to have, a detrimental effect on the quality of life of those in the locality;
- be persistent or continuing nature; and
- be unreasonable; and
- justify the conditions being imposed.
Public Spaces Protection Orders

The details of a PSPO

- Restrictions and requirements set by the council.
- These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times.
- PSPOs can restrict access to public rights of way where that route is being used to commit anti-social behaviour.
- PSPOs can be enforced by a police officer, Police community support officers and council officers.
How does a PSPO work?

Public Spaces Protection Orders

- **Park**
- **Alleyway**
- **Communal area**

**Behaviour occurs**
- **Alcohol**
- **Dogs**
- **Noise**

**Behaviour challenged**
- **Comply**
- **FPN**
- **Court**

**Formal sanction**
- Possible sanctions include: a fixed penalty notice; up to a level 3 fine (on conviction); (or up to a level 2 fine for breach of an alcohol prohibition.

- Council puts restrictions on an area where behaviour has, or is likely to have a detrimental effect on the local community.
- Individual breaches conditions of an Order
- Police officer, PCSO or council officer witnesses behaviour.
- Individual asked to leave the area, handover alcohol, put dog on leash.
- If the individual does not comply, they commit an offence.
Consultation

• Before making a Public Spaces Protection Order, the council must consult with the police.

• In addition, the owner or occupier of the land should be consulted. This should include the county council (if the application for the Order is not being led by them) where they are the Highway Authority.

• The council must also consult whatever community representatives they think appropriate.
Penalties on breach and appeals

Penalty on breach:
• Breach is a criminal offence.
• Enforcement officers can issue a fixed penalty notice of up to £100 if appropriate.
• A fine of up to £1,000 on prosecution.

Appeals:
• Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue.
• Further appeal is available each time the PSPO is varied by the council.
Public Spaces Protection Orders

PSPOs being considered in Barnet
The Barnet approach to PSPOs

- We always employ an evidence based locality problem solving approach (VOLT model)
- We always working in partnership
- We always seek to use early interventions and signposting for victims and problem persons involved in the issues
- We always revise our approach based upon ‘what works’
To view the published Home Office guidance on the Gov.uk website please follow the link below:

Public Spaces Protection Orders

Questions?

Email: BarnetCST@barnet.gov.uk