



Elmbridge
Borough Council
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Elmbridge Public Spaces Protection Order (PSPO)

Enforcement Policy

Version	Date	Reviewed by
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Elmbridge Public Spaces Protection Order (PSPO) Enforcement Policy

1. Introduction

Anti-social behaviour is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that make many people's lives a misery – from litter and vandalism, to public drunkenness or aggressive dogs, to noisy or abusive neighbours. In many cases, the behaviour is targeted against the most vulnerable in our society and even what is perceived as 'low level' anti-social behaviour can have devastating effects on a victim's life.

Such a wide range of behaviours means that responsibility for dealing with anti-social behaviour is shared between many agencies, particularly the police, councils and social landlords. Legislation to eliminate this type of behaviour has been revised in July 2014 to provide more streamlined powers to authorised agencies. Councils are now empowered to make and enforce Public Spaces Protection Orders (PSPO).

The process for making a PSPO is set out in Section 59, Anti-social Behaviour Crime and Policing Act 2014 which permits councils to make a PSPO if satisfied, on reasonable grounds, that two conditions are met as defined by the Act:

1. The first condition is that:
 - (a) 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

2. The second condition 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 Order

A PSPO can give local councils and police additional powers to tackle anti-social behaviour in specific locations to regulate activities that are having a detrimental effect on the local community.

2. Power to make a Public Spaces Protection Order

Elmbridge Council can make a PSPO for any public space within its borough. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, for example a shopping centre. Once a PSPO has been duly made by the Council, this enforcement policy will inform and guide officers in its enforcement.

The Council has considered the Surrey Police guidelines and seeks consistency whilst accepting the powers and as such approaches may differ; for example, local authority

officers have no power of arrest, or the power to require someone to provide their name and address.

Elmbridge Borough Council - Enforcement

Authorised Council enforcement officers and Police Officers will be able to enforce the restrictions and requirements set out in the PSPO. The Council is the prosecuting authority for breaches of the PSPO.

A Public Space CCTV system operates in Walton-on-Thames and will be used to support prosecutions where possible. The CCTV system is being used overtly in compliance with the Data Protection Act 1998 and to the standards expected by the Information Commissioners' Office.

Purpose	Designed to stop individuals or groups carrying on activities which are having a detrimental effect upon those in the locality in a public space
Who can make a Public Spaces Protection Order	Councils make a public spaces protection order (PSPO) after consultation with the police, Police and Crime Commissioner and other relevant bodies.
Test	Activities being restricted have to: <ul style="list-style-type: none"> •be having, or be likely to have, a detrimental effect on the quality of life of those in the locality; •be of a persistent or be continuing nature; and •be unreasonable.
Details	Restrictions and requirements that may be imposed by the council. <ul style="list-style-type: none"> •These can be blanket restrictions or requirements or can be targeted against certain activities by certain groups at certain times. •Can restrict access to public spaces (including certain types of highway) •Can be enforced by a Police Officer, Police Community Support Officers and authorised Council Officers.
Penalty on breach	<ul style="list-style-type: none"> •Breach is a criminal offence. •Authorised Officers can issue a warning letter to the individual/s in some circumstances •Authorised Officers can issue a Fixed Penalty Notice (FPN) of up to £100. •If paid within 10 days of issue, the FPN will be £75 •A fine of up to level 3 upon conviction.
Appeals	<ul style="list-style-type: none"> •Anyone who lives in, or regularly works in or visits the area could challenge the validity of PSPO in the High Court within six weeks of an Order being made or varied. •A defendant within criminal proceedings may challenge a restriction or requirement
Important changes/differences	More than one restriction could be added to the same PSPO, meaning that a single PSPO can deal with a wide range of activities that are having a detrimental effect on those within the locality.

3. Issue of Fixed Penalty Notices (FPNs)

When supported by appropriate evidence that the PSPO has been breached, the Council will usually issue FPNs to the responsible individual as identified by the authorised enforcement officers, and including incidents reported by Surrey Police.

At the time the officer witnesses an offence s/he will ask for the name and address of the person committing the offence and inform the person that they will be receiving a warning or an enforcement letter which may include the option to pay a FPN.

Fixed Penalty Notices will be issued to anyone over the age of criminal responsibility. However, when a breach of the PSPO is witnessed, there is an option for those enforcing the PSPO to issue a warning letter to the individual/s.

Where breaches occur by those under the age of criminal responsibility and under the age of 16, parents/guardians will be informed along with the appropriate services such as the Family Services Team.

In cases where the behaviour of a person has resulted in additional criminal offences being committed, when in attendance Surrey Police will arrest and deal with as necessary, but it will be the responsibility of the Council to issue a FPN and or prosecute the breach of the PSPO.

Where a person has been dealt with for more than 2 breaches, consideration will be given to a Community Harm and Risk Management Meeting (CHaRMM) referral so that options can be discussed to tackle the issues linked to the CHaRMM person continuing to offend. CHaRMMs will discuss and agree action to reduce the negative impact that problem individuals and families have on Surrey's communities through their anti-social behaviour. Using the expertise that exists on this multi-agency group, members will share information on high risk cases, and incidents, and put in place appropriate risk management plans to address the behaviour of the perpetrator, and reduce the negative impact on victims. Examples of individuals dealt with at the CHaRMM include:

- Persons displaying a disregard for community or personal well-being (i.e. excessive noise, rowdy, nuisance, drunken or loutish behaviour)
- Perpetrators of acts directed at people (i.e. intimidation/harassment, making threats, verbal abuse, coercion/exploitation)
- Perpetrators of environmental damage/vandalism (i.e. criminal damage, vandalism)

This could include support/intervention or enforcement options such as an ASB Injunction or Criminal Behaviour Order.

4. Non-payment of a Fixed Penalty Notice

Failure to pay the FPN within 14 days from the date of issue will result in prosecution.

Should the FPN remain unpaid on the 15-day following issue, the Council will prosecute.

Should the fine be paid within 10 days, a discount of £25 will be applicable to the FPN, making the fine £75.

Any receipts from court fines (income generated) must be used to support community safety activities.

5. Training

Enforcement officers issuing the Fixed Penalty Notices will have undertaken the appropriate anti-social behaviour and health and safety related training.

Surrey Police have their own training protocol for the issuing of Fixed Penalty Notices.

6. Safeguarding

All enforcement officers issuing FPNs will have undertaken the required Safeguarding training as determined by either the Council or Surrey Police.

Should a vulnerable adult or minor be subject to a PSPO, the safeguarding protocol will be followed.

7. Regulators Code

The Regulators' Code came into statutory effect on 6 April 2014 under the Legislative and Regulatory Reform Act 2006 and provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate. Elmbridge Council will adhere to this Regulator's Code; for example, by undertaking risk assessments of patrols. Further information can be found [here](#).

8. Monitoring

Administration of the FPNs will be undertaken by Environmental Services

The PSPO will be monitored by Elmbridge Borough Council on a regular basis with a quarterly report being produced that can be presented to the Elmbridge Community and Safety Partnership.

All Local Authorities are signed up to the most recent Information Sharing Protocol and Procedure Guidance. All information shared will follow the procedure detailed within this document.

9. Further information

Further information regarding Public Spaces Protection Orders (PSPOs) can be found at: <https://www.local.gov.uk/public-spaces-protection-orders-guidance-councils>

Walton-on-Thames PSPO Report to Cabinet:
<http://mygov.elmbridge.gov.uk/documents/s17133/Walton-on-Thames%20Public%20Spaces%20Protection%20Order%20PSPO.pdf>

PSPO Map and Order: <http://www.elmbridge.gov.uk/safety/public-spaces-protection-order-walton-on-thames/>

For more information about the Walton-on-Thames Town Centre PSPO, please email communitysafety@elmbridge.gov.uk