



PSPO – Public Space Protection Order

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Purpose of a PSPO



- Designed to stop people committing anti-social behaviour in a public space.
- Behaviour having or likely to have a detrimental effect on quality of life
- Persistent or continuing in nature
- Unreasonable

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Who can make a PSPO



- District Councils in consultation with Police, PCC and other relevant bodies
- Restrictions set by Council and enforced by a Police Officer, a PCSO or Council Enforcement Officer.
- Breach of a PSPO is a criminal offence, a fine of up to £100 can be issued and a fine up to level 3 (£1,000) can be imposed on prosecution.

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What can be tackled



- PSPO legislation replaced DPPOs, Gating Orders and Dog Control Orders
- Any previous orders in place at October 2017 automatically transitioned into PSPOs
- The transitioned orders remain in force up to a maximum of 3 years from the point of transition (i.e. until October 2020)
- A single order can include multiple restrictions and requirements
- It can prohibit or restrict certain activities or place requirements on individuals carrying out certain activities (i.e. dogs must be kept on leads in a designated area)

Where can a PSPO be used



- On any public space within the Council's area of operation. The definition of public space is wide and can include any place which the public or section of the public have access
- The Council must consult with partners, stakeholders and community representatives, particularly any specific groups likely to have a particular interest such as resident's associations, regular users of a park or those involved in specific activities in the area e.g. buskers and other street entertainers.

What to consider



- **Vulnerability** - Any use of these powers must be compliant with the Human Rights Act 1998 and the Equality Act 2010 (in particular the public sector equality duty pursuant to section 149) along with all other relevant legislation. Particular consideration should be given to the needs and circumstances of the most vulnerable when applying any powers to ensure that they are not disproportionately and unreasonably impacted upon. Local agencies must be satisfied that the behaviour meets the legal tests
- **Risk Assessment** - Agencies should assess the risk of harm to the victims, and their potential vulnerability, when they receive a complaint about anti-social behaviour. This should be the starting point of a case-management approach to dealing with anti-social behaviour complaints. The welfare, safety and well-being of victims must be the main consideration at every stage of the process

What to consider



- **Proportionality** – as PSPOs restrict what people can do or how they behave, the order must focus on specific behaviours and must be proportionate to the detrimental effect being caused; and must be necessary to prevent the behaviour continuing/recurring
- **Reasonableness** – The restrictions being introduced should be reasonable and designed only to prevent or reduce the detrimental effect of the behaviour taking place
- **Openness and accountability** – The council must publish the draft order in accordance with Secretary of State regulations and ensure that the draft is on the website as a minimum

What to consider



- **Controlling the presence of dogs** – When making requirements or restrictions on dogs and their owners, local councils should consider whether there are suitable alternative public areas where dogs can be exercised without restrictions. Councils should also consider if the proposed restrictions will displace dog walkers onto other sensitive land, such as farm land or nature conversation areas
- Consideration must also be given to how any dog walking restrictions would affect those who rely on assistance dogs, ensuring that any prohibition or requirement is compliant with the provisions of Equality Act 2010 or consider what exemptions should apply for assistance dogs

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What to consider



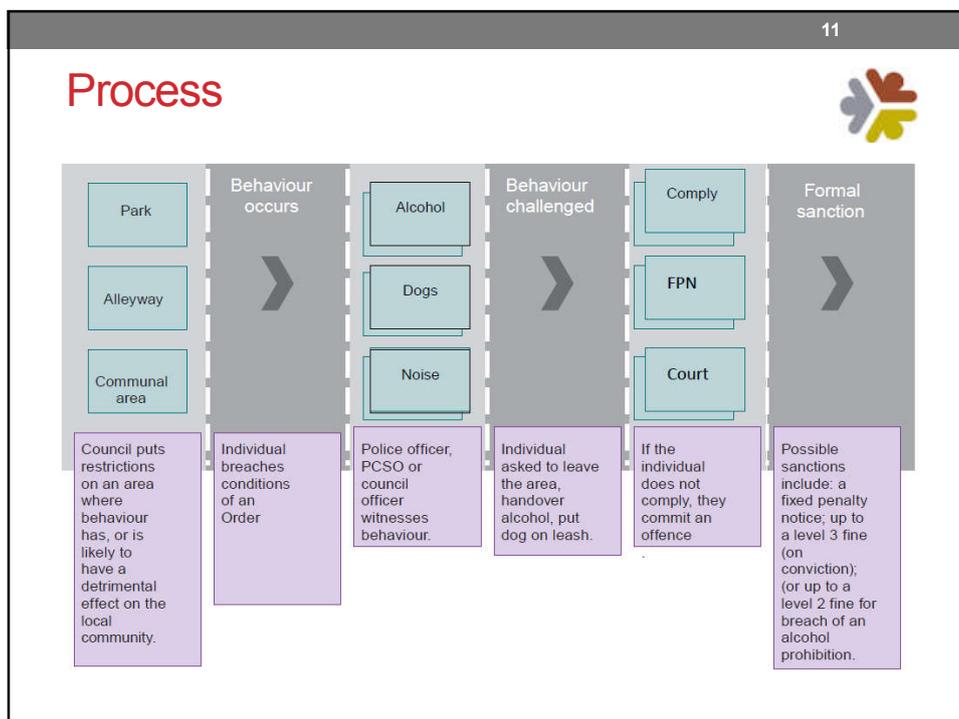
- **Homelessness and rough sleeping** – PSPOs should not be used to target people solely on the fact they are homeless/sleeping rough. Orders should only be used to address the specific behaviour that is causing a detrimental effect on the community in the area's quality of life
- **Group hanging around/standing in groups/playing games** - Councils should not inadvertently restrict everyday sociability in public spaces. A PSPO should target specifically the problem behaviour that is having a detrimental effect on the community's quality of life, rather than everyday sociability, such as standing in groups which is not in itself a problem behaviour

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What to consider



- **Young People** - Councils should think carefully about restricting activities that young people are most likely to engage in. Restrictions that are too broad or general in nature may force the young people into out-of-the-way spaces and put them at risk. In such circumstances, councils should consider whether there are alternative spaces that they can use.
- **Early and informal interventions** - Early intervention, especially through informal approaches, may often be all that is necessary to stop incidents of anti-social behaviour. Such interventions can establish clear standards of behaviour and reinforce the message that anti-social behaviour is not tolerated. It is recommended that the use of informal methods be considered first in most cases, and particularly when dealing with young people as a means of preventing poor behaviour from escalating



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Summary

Purpose	Designed to stop individuals or groups committing anti-social behaviour in a public space.
Who can make a PSPO	<ul style="list-style-type: none"> Councils issue a Public Spaces Protection Order (PSPO) after consultation with the police, Police and Crime Commissioner and other relevant bodies.
Test	Behaviour being restricted has 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 persistent or continuing nature, and be unreasonable.
Details	<ul style="list-style-type: none"> 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. Can restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour. Can be enforced by a police officer, police community support officers and council officers.
Penalty on breach	<ul style="list-style-type: none"> Breach is a criminal offence. Enforcement officers can issue a fixed penalty notice of up to £100 if appropriate. A fine of up to level 3 on prosecution.
Appeals	<ul style="list-style-type: none"> 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.
The legislation	Sections 59 to 75 of the Anti-social Behaviour, Crime and Policing Act 2014.
Protecting the vulnerable	<ul style="list-style-type: none"> Consideration should be given to how the use of this power might impact on the most vulnerable members of society. Consideration should also be given to any risks associated with displacement, including to where people may be dispersed to. There is value in working in partnership to resolve ongoing problems and find long term solutions.



Questions

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