

Information Item

Subject:	Public Space Protection Orders
Contact Details:	ASB@wiltshire.gov.uk

PSPOs

Public Spaces Protection Orders (PSPOs) are one of the tools available under the Anti-social Behaviour, Crime and Policing 2014 Act and replace Designated Public Place Orders (DPPO). New Guidance issued by the Local Government Association stated that any Orders in existence post 21 October 2017 would automatically be transferred to include any conditions covered by the DPPO. This applies to orders in: Trowbridge, Salisbury, Calne, Chippenham, Devizes, Durrington, Malmesbury and Warminster.

The legislation recognises that councils are often best placed to identify the broad and cumulative impact that ASB can have and additional conditions can be applied for. They must be evidence based and must not be covered by other primary legislation.

Councils can use PSPOs to prohibit specified activities, and/or require certain things to be done by people engaged in particular activities, within a defined public area. PSPOs differ from other tools introduced under the Act as they are council-led, and rather than targeting specific individuals or properties, they focus on the identified, evidence based problem behaviour in a specific location. Any conditions must be consulted on.

The legislation provides for restrictions to be placed on behaviour that apply to everyone in that locality (with the possible use of exemptions). Breach of a PSPO without a reasonable excuse is an offence. The enforcement will be managed by Wiltshire Police, they will issue fixed penalty notices which can incur fines of up to £1000. Alcohol conditions covered by the Orders can incur £500 fine if breached.

Wiltshire Council is keen to work with individuals to change their behaviour. Working with our drug and alcohol service, recipients of fines will now have the option to attend a drug and alcohol course to waiver the fine payment.

New signage is on order and the webpages will be updated to reflect this recent change in legislation.

For further information please contact ASB@wiltshire.gov.uk

Fixed Penalty Notices

A Police Officer may issue an FPN to anyone they have reason to believe has committed an offence and breached the PSPO without reasonable excuse under section 67 of the Anti-social Behaviour, Crime and Policing 2014 Act. The FPN should only be issued to over 18s.

This also applies in the case of orders that prohibit alcohol consumption, where it is reasonably believed that a person has been or intends to consume alcohol. It is an offence under section 63 either to fail to comply with a request not to consume or to surrender alcohol (or what is reasonably believed to be alcohol or a container for alcohol).

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The front copy should be handed to the recipient and the second retained for your records. Wiltshire Council must be notified via ASB@wiltshire.gov.uk with a scanned copy of the FPN. This will enable the Council to prosecute if necessary.

There will also be an option to attend a Wiltshire substance misuse service course to waive the fine. The information is contained on the back page of the FPN and should be handed to the recipient at the time of issue. The Officer should make the recipient aware that this option would waive the fine payment.

Officers should consider circumstances where there may be a 'reasonable excuse' for breaching the Order. It may also provide a further opportunity, to recognise that those responsible may themselves be vulnerable and in need of support. They should therefore consider appropriate referral pathways where there are any safeguarding concerns.

A copy of the PSPO conditions can be found on Niche.

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