

## **Public Space Protection Order (PSPO) – Enforcement Process and Penalties.**

### **Draft Enforcement Protocol: Street Drinking & Begging**

The PSPO allows an authorised person to control the consumption of alcohol within the designated public place if they believe that someone is causing or likely to cause anti-social behaviour. If someone is consuming alcohol or intends to consume alcohol they can require them to stop or they can confiscate the alcohol.

- It is only if they fail to surrender the alcohol to you do they commit an offence, breaching the PSPO.
- All incidents of alcohol being confiscated or disposed of to be reported for evidence purposes.

A separate PSPO makes it an offence to beg within the designated public place. The precise activities which are prohibited or required by this PSPO are;

- All persons are prohibited from approaching another person, either in person, verbally or through action in a misleading manner in a public place in order to solicit monies from the other person.
- All persons are prohibited from sitting or loitering in a public place between the hours of 08:00 to 20:00 hrs, being in possession of a receptacle used to obtain monies in a misleading manner. This includes the use of signage, children or animals to solicit monies from members of the public.

### **Enforcement of the Street Drinking PSPO**

The statutory guidance states that those found to be consuming alcohol within the area, against the terms of the order (causing or likely to cause Anti-Social Behaviour), are required to surrender any alcohol (sealed or unsealed) at the request of an authorised officer, be them a Police officer, PCSO or Local Authority officer.

Only if they fail to surrender Alcohol will it be dealt with as an offence.

This means that as an Officer if you are called or see somebody drinking in the street within the area of the PSPO you should approach that individual and ask them to surrender the alcohol they are drinking and it also gives you the power to take from them any sealed containers.

It is only if they fail to surrender the alcohol to you do they commit an offence, breaching the PSPO.

#### Warning

Where any person is requested to desist from breaching a PSPO and immediately complies, the officer will verify the details of the person, record the details on the appropriate police system and pass the information onto SSDC. A warning letter will then be sent to the person by SSDC.

In relation to disposal of any alcohol seized the act states that you can dispose of it by any means you see as reasonable, this most likely means simply pouring it away in the street and putting in the bin the empty containers, there is no need to bring it back to the Police Station.

The area of the PSPO has been identified due to complaints and Anti-Social Behaviour reports from the public so there will be a presumption that Officers will enforce the PSPO within the area.

However like all Police Powers, officers have the discretion to use them as you see fit and they must be applied sensibly in compliance with an individual's Human Rights. For instance if an individual is drinking in the street that is known for street drinking and causing problems you would remove both the sealed and unsealed containers. However if an individual who is not known to the Police is walking down the street drinking from a can going to a house party carrying another 4 cans to consume them at the party officers may want to only take the open container from them. It is expected for officers to use professional judgement in how you apply these powers.

### Direct Breach

If somebody breaches the PSPO in not handing over the alcohol on request officers will complete a statement, supported by BWV evidence, giving the details of the offence, location, how they have breached the order, the individuals details (Name, DOB, Address) and that they will be reporting them to the council for the consideration of whether to issue a warning, FPN or prosecuting them for the Breach of the PSPO.

This statement should be sent electronically by email to a single point of contact (SPOC) at South Somerset District Council for consideration of what further enforcement action is required (Warning/FPN/prosecution).

SSDC will provide Avon and Somerset Police with feedback on what enforcement action has been take in each case, referencing the Niche number.

### **Enforcement of the Begging PSPO**

It was felt important to target the wording of the restrictions in such a manner that it does not capture people in need such as the homeless or those with other vulnerabilities. The intention is to target the restrictions at those individuals who are begging for profit, have other known incomes and have accommodation options open to them.

The council will make enforcement decisions based on the evidence provided in line with the council enforcement policy. Generally this will mean that the minimum enforcement stance will be taken in order to achieve compliance. This initially will typically take the form of warning letters. The council should also give due regard to issues of proportionality and reasonableness.

Repeated breaches of the PSPO restrictions by the same individuals will likely result in escalated enforcement in the form of fixed penalty notices (FPNs) and where these are not paid, possible prosecution.

## Direct Breach

If somebody breaches the requirements of the PSPO officers will complete a statement, supported by BWV evidence, giving the details of the offence, location, how they have breached the order, the individuals details (Name, DOB, Address) and that they will be reporting them to the council for the consideration of whether to issue a warning, FPN or prosecuting them for the Breach of the PSPO.

This statement should be sent electronically by email to a single point of contact (SPOC) at South Somerset District Council for consideration of what further enforcement action is required (Warning/FPN/prosecution).

SSDC will provide Avon and Somerset Police with feedback on what enforcement action has been take in each case, referencing the Niche number.



**Public Space Protection Notice enforcement**

**DIRECT BREACH/WARNING**

Date: ..... Time: .....

**All incidents must be captured on body camera.**

Is it a direct breach                      Yes      No

PSPO breached, please list the PSPO breached (*if breach is in relation to a warning or request already issued please ensure the previous warning is attached when submitting to local sergeant*)

.....  
.....

Confiscate Alcohol?	Yes	No	NA
Are they obviously intoxicated	Yes	No	NA
Has the offender breached before	Yes	No	Unknown?

Offender details:

Name:  
.....

Address:  
.....  
.....

Postcode  
.....

Statement completed                      Yes                      No

Niche raised      Niche number:

Body cam footage uploaded to D.E.M's and linked to niche

Yes                      No

**Please forward completed paperwork to:**