

## Statement

Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 introduced new powers for local authorities to create Public Space Protection Orders (PSPO) to tackle crime and disorder and create safer communities.

This protocol is an agreement between the partners of the Community Safety Partnership (CSP) to ensure that enforcement of the new PSPO is proportionate, efficient and co-ordinated. The legislation does not describe a set process for enforcement, so this document outlines the process considered most appropriate for Welwyn Hatfield.

By signing this protocol partners confirm their commitment to the process and procedures described.

This protocol supports Welwyn Hatfield Community Safety Partnership's priority to prevent anti-social behaviour, reduce the damage caused to neighbourhoods by drugs and alcohol misuse and protect vulnerable people.

## Introduction

A Public Space Protection Order (PSPO) is one of a number of tools and powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 and are used to address a range of anti-social behaviours in particular areas to which they apply.

On **[date to be included]**, agreement was given by Welwyn Hatfield Council (WHBC) to replace the existing Designated Public Space Protection Order (DPPO) in Hatfield Town Centre with a zoned PSPO.

The exact boundaries for these zones can be viewed on the maps and supplementary affected streets in Appendix A.

The PSPO will commence on **[date to be included]** once appropriate signage has been put in place and the relevant staff have been briefed and trained. From this date, the behaviours in the PSPO will be prohibited in certain areas of Welwyn Hatfield. The PSPO states the following:-

*Person(s) within this area will not:*

- *Consume alcohol in a public place*
- *Be in possession of an open vessel(s) of alcohol in a public place*
- *Seek or accept monies from any member of the public in any public place, street, highway or passage(unless a registered charity)*
- *Loiter at or within ten metres of any pay machine (including banks, supermarkets and car parks) unless waiting legitimately to use the machine for the purpose it is designed for*
- *Sit on the ground in a public place, street, highway or passage in a manner that may be perceived that you are inviting people to give you money*
- *Urinate or defecate in a public place*
- *Sleep in any public place which is or includes:*
  - *Open to the air*
  - *Within a vehicle*
  - *Within a car park*
  - *A non-fixed structure including a caravan or tent**Without the prior permission of the owner or occupier of the land.*

The PSPO can be enforced by accredited council officers, police officers and police community support officers (PCSO) once satisfied that there are sufficient grounds for enforcement. It should be noted that this will **not** be a reactive service by Council officers. Warnings and Orders could be issued if the breach is witnessed whilst officers are carrying out their normal day to day duties.

DRAFT PSPO Procedure Guide

Kerry Clare

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Failure to comply with either a prohibition or requirement of the order is an offence and carries criminal sanctions. Breaches of the order will be discharged by use of a Fixed Penalty Notice (FPN). The cost of the FPN will be set at £75, reduced to £50 if paid for within 13 days. For persistent breaches, defendants can face a fine upon summary conviction (offences heard within the Magistrates Court) not exceeding level three of the standard scale (currently £1000).

The PSPO will apply for a maximum of three years, upon which a process of reviews and consultation must be repeated to ascertain if the issues are still occurring and that the order is having the required impact of the reduction of anti-social behaviour. The PSPO can be extended for a further three years if evidence supports the necessity.

## **Publicity**

Council officers will organise and implement publicity of the PSPO, in order to increase public awareness.

The order will be available to view on both the council and Police websites and online URL links will be posted via relevant social media. WHBC will prepare maps of the PSPO zones outlining streets and boundaries, supplemented by a list of streets affected by the PSPO.

WHBC will create and display signage both inside and on the boundaries of the PSPO zones. This will clearly state the prohibitions under the Order and associated penalties of the PSPO is breached.

The signage will displace the logos of the CSP, WHBC and Hertfordshire Constabulary. Subject to written consent, contact details of local support services including CGL and Resolve will also be displayed, in order to signpost vulnerable individuals towards local recovery services.

WHBC will design and print a leaflet containing information about the PSPO and contact details of support services.



Text for PSPO  
leaflet.docx

## **Enforcement**

The PSPO will be enforced by accredited council officers, police officers and PCSO's. Only council officers with legal accreditation to issue FPN's are authorised to enforce the PSOP. A list of accredited council officers can be found in Appendix B. It should be noted that this will not be a reactive service by Council officers. Warnings and Orders will be issued if the breach is witnessed whilst officers are carrying out their normal day to day duties.

Implementation and enforcement of the PSPO is included in the CSP action plan for 2016/17 and will primarily be enforced by police officers and PCSOs without the need for additional resources. The Order allows for officers to use the powers where they witness someone in breach of the prohibitions within the specified zones.

Council officers will also be able to enforce the PSPO where they witness someone in breach of the prohibitions within the specified zones. It may be necessary, from time to time, for the Police to provide assistance if there is a heightened element of risk to a Council officer's personal safety, or the possibility of a breach of the peace occurring. In these circumstances, officers should approach at their own discretion and should request police assistance if necessary. Officers should not approach any intimidating or potentially threatening situation without police assistance.

## **Training**

Police and council officers are required to undergo specialised training before the PSPO is implemented. This training will be provided by Hertfordshire Constabulary through the Community Safety Accreditation Scheme (SAS). Accredited staff will be granted powers to issue FPNs to anybody that they witness in breach of the PSPO and will benefit from additional protection under the Anti-Social Behaviour, Crime and Policing Act 2014.

**Enforcement Procedure**

The Anti-Social Behaviour, Crime and Policing Act 2014 does not specify a particular process for enforcement of PSPOs; therefore, the CSP have agreed some general procedures for officers approaching persons believed to be in breach of the PSPO.

Due to the distinct nature of the various prohibitions, it is important that anti-social behaviour under the PSPO is dealt with on the individual circumstances of each case. Where necessary, officers should take the opportunity to signpost vulnerable people in breach of the PSPO (e.g. homeless or substance dependant) towards help services relevant to their circumstances. Officers will also be supplied with leaflets containing information on local help services that can be offered to vulnerable individuals who may be affected by the PSPO.

Procedures have been created for the prohibitions categories under the PSPO.

1. Begging related breaches (Figure1)
2. Alcohol related breaches (Figure 2)
3. Urinating/Defecating breaches (Figure 3)

The procedures are intended as general guidelines to ensure consistency between WHBC and police staff. Accredited officers should use these guidelines with discretion and diplomacy, and regard should be given to individual circumstances.

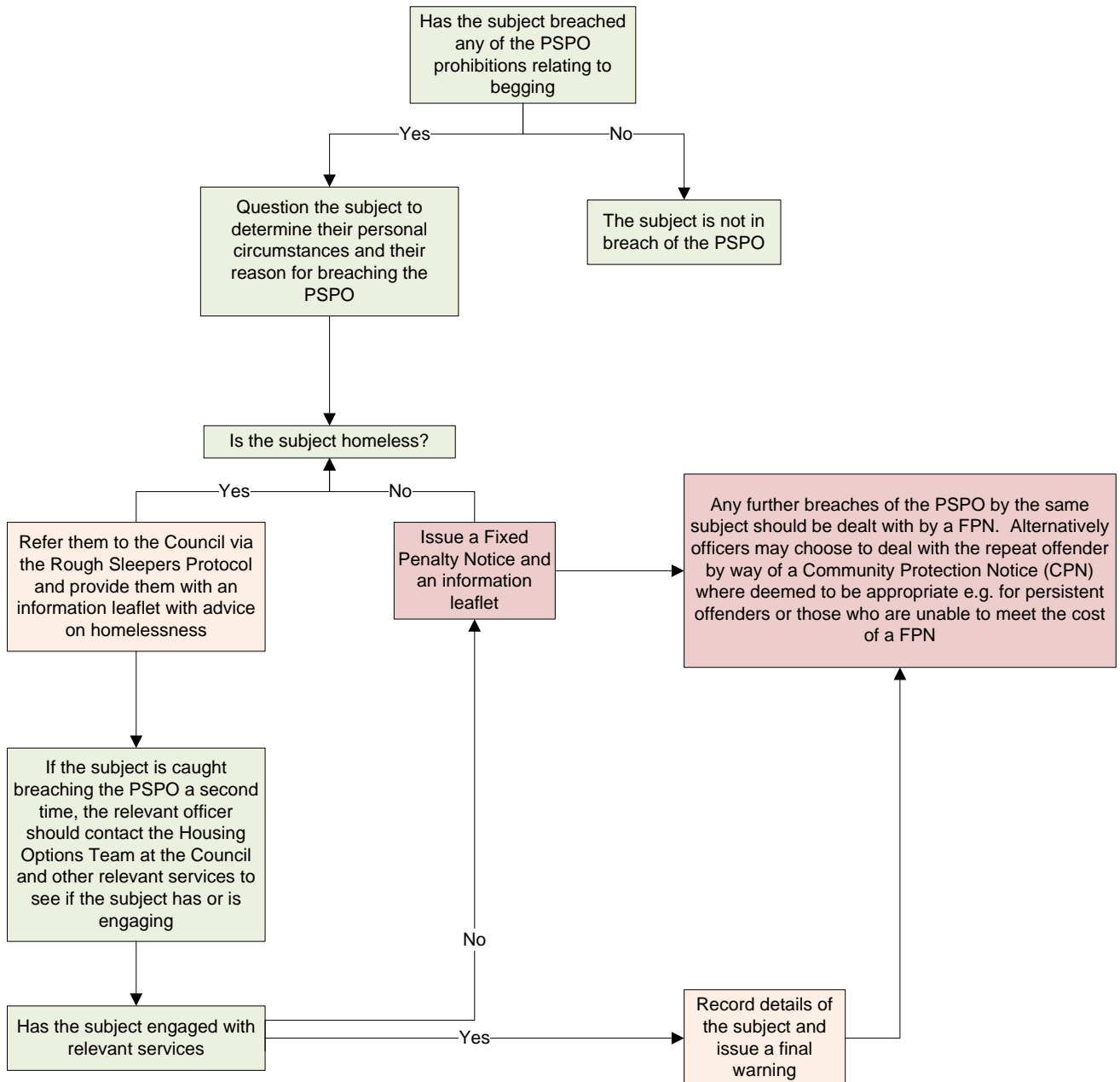
Any verbal or written report received by WHBC’s Customer Service Centre from members of the public regarding a breach of the PSPO should be immediately referred to the non-emergency police number (101) or to the emergency number (999) where there is immediate or imminent danger. Council officers will not respond to such reports from the public unless there is an available officer near the scene who is able to deal with the incident. Any calls received by the Customer Service Centre regarding a breach of the PSPO should be logged through the standard Council procedure.

All calls to the Police regarding a breach of the PSPO should be recorded and callers should be provided with a police reference number. Any reports of a breach will be used by the police and other relevant CSP partners to build intelligence on specific individuals, incidents and locations. Any incidents or locations of importance or concern should be raised at the local Joint Agency Group (JAG) Part I meeting. Any individual of concern of significance should be raised that Anti-Social Behaviour Forum.

I confirm that I have considered the PSPO Enforcement Protocol with regard to all relevant considerations and authorise commitment to the process and procedures described.	
<b>Signed:</b>	<b>Name</b>
<b>Position:</b>	<b>Date:</b>
<b>Signed:</b>	<b>Name</b>
<b>Position:</b>	<b>Date:</b>

Figure 1

## Begging Related Breaches

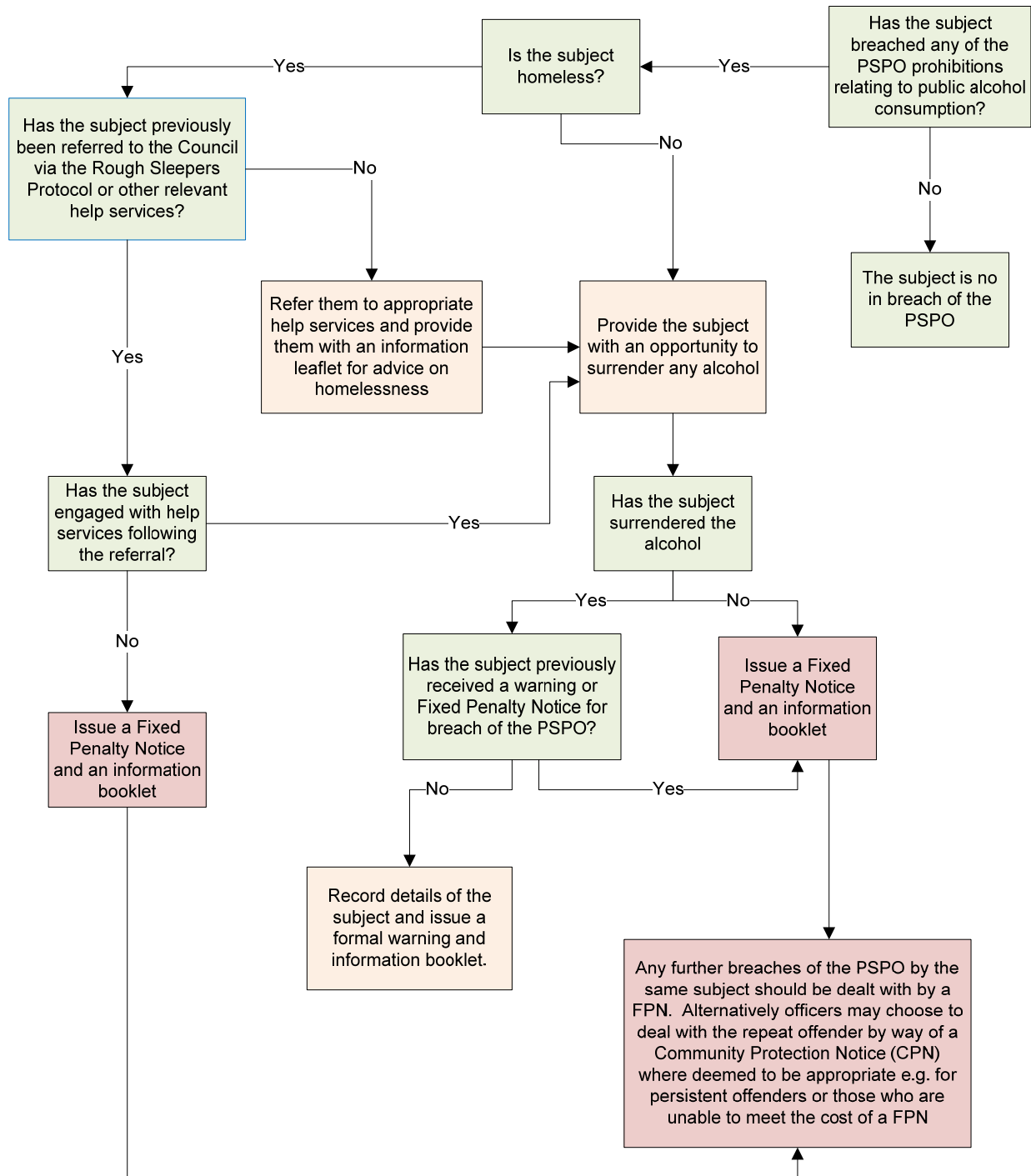


### ALL ACTIONS TAKEN SHOULD BE RECORDED ON SAFETYNET

These procedures are only intended as general guidelines to ensure consistency between officers. Accredited officers should use these guidelines with discretion and regard should be given to individual circumstances.

Figure 2

### Alcohol Related Breaches

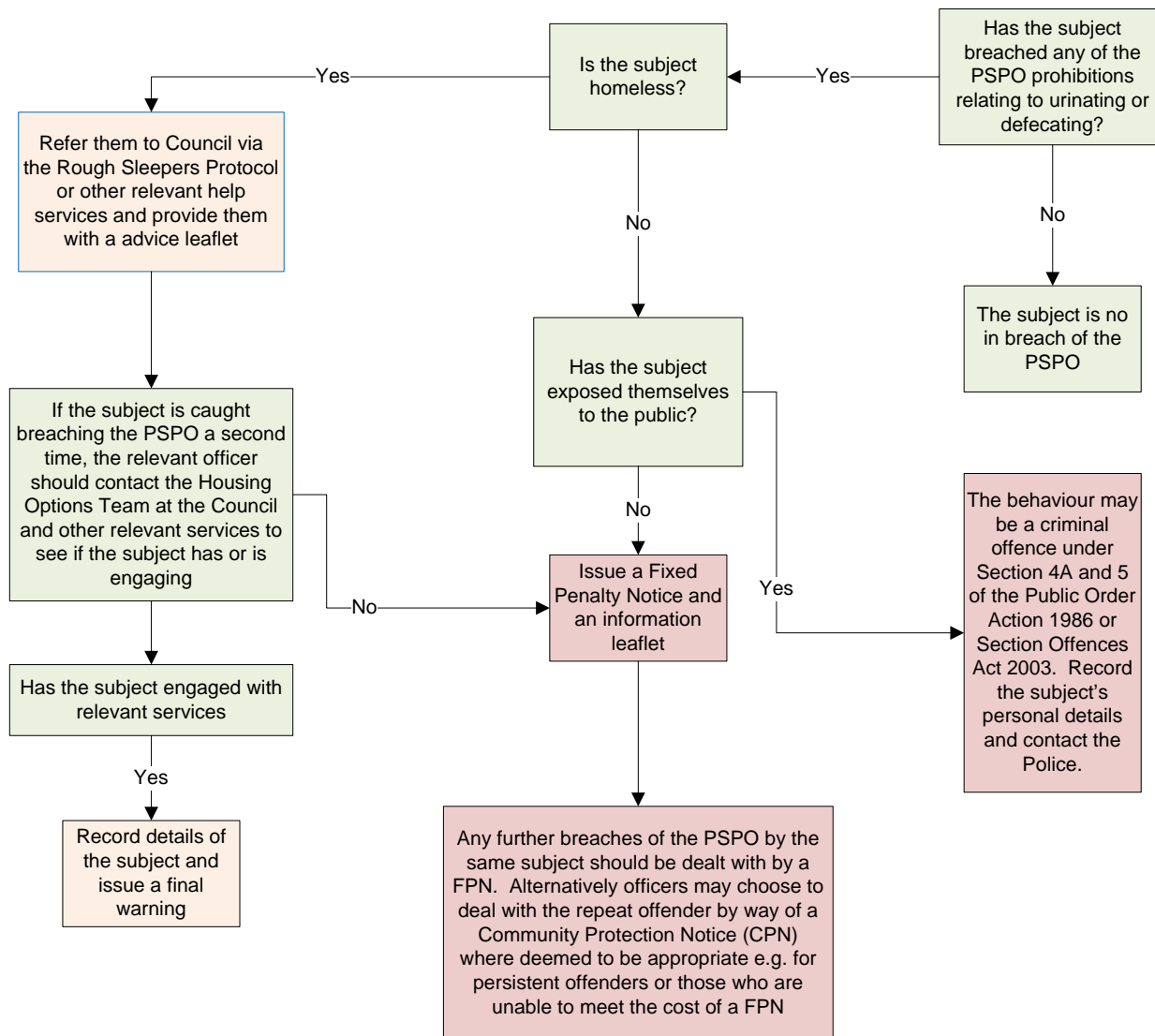


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Figure 3

### Urinating/Defecating Related Breaches



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