

Leicester City Public Spaces Protection Orders (PSPOs)

Our Approach – Protocol

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Introduction

Leicester City Council is committed to ensuring we have a city that is thriving, welcoming and safe for everyone who lives, works in, and visits the City.

PSPOs were introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 and enable local authorities to place requirements and restrictions in defined areas to stop individuals and groups from causing anti-social behaviour.

Breach of a PSPO is a criminal offence that can be dealt with by issuing a fixed penalty notice or by imposing a fine on prosecution. In Leicester, we will use a sophisticated approach to managing the PSPO that makes use of all enforcement tools and takes advantage of the opportunities to support people in addressing the underlying causes of their anti-social behaviour.

This document sets out how the Council and Police will work together, and with our partners, to ensure there is a fair and effective approach to the enforcement of the PSPO, and that it helps protect and support the most vulnerable members of our community and keeps everyone using and residing in the city safe.

Key principles

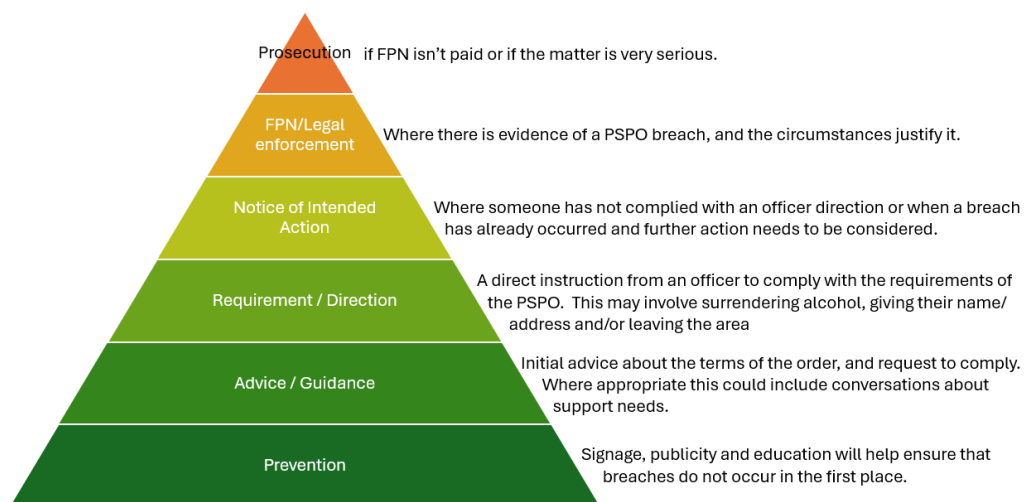
Education, advice, support and prevention will be our priority.

1. The restrictions set out in the PSPO apply to everyone within the PSPO boundary, and any enforcement of breaches will be fair, reasonable, proportionate and with due consideration to the circumstances of the breach, and the person who committed it.
2. In most cases, someone who has breached/is breaching the PSPO will be given the opportunity to cease the activity (for example, surrender alcohol) before any further action is considered.
3. Consideration will be given to how support can be offered to address underlying causes of the anti-social behaviour (for example, addiction, health or housing issues). Depending on the circumstances, this may be an alternative to enforcement, or alongside it.
4. Officers may require someone who has breached the PSPO to leave the area covered by the order, but only as a last resort when other options are not appropriate or have not worked.
5. Further action will be taken when the circumstances justify it, for example, when someone does not comply with a request from an officer or when there are repeat offences.

6. Fixed Penalty Notices will be used, but not as the 'default' response, and an 'ASB Notice of Intended Action' process will be implemented to ensure that appropriate action is taken based on all the circumstances.
7. Where a criminal offence is suspected of being committed at the same time as the PSPO breach, the Police's investigation into that offence will take priority. Leicester City Council will record the PSPO breach for an assessment of appropriate follow-up action.
8. Staff resources will be prioritised in the areas where anti-social behaviour is most likely to occur (based on the available data). This means that some areas within the PSPO boundary will have more regular patrols than others to help prevent, detect, and address breaches. These 'hotspot' areas will be reviewed and updated regularly (see section 7 below).

1. Enforcement & Support Hierarchy

Our approach to managing the PSPO is visualised in the graphic below:



The hierarchy is not a linear process and officers will use professional judgement to ensure that the most appropriate action is taken based on the circumstances of the breach and the person causing the anti-social behaviour.

2. PSPO Restrictions & Requirements

ADD COPY OF SIGNED SEALED ORDERS (will be attached once finalised**)

3. Anti-Social Behaviour Notice of Intended Action Process

A central element of our approach to ensuring appropriate action is taken to address any breaches of the PSPO is a new process called 'Anti-Social Behaviour Notice of Intended Action' (NIA).

The NIA is a written notification that can be given by Council and Police officers to someone who has breached the PSPO. This notifies someone that they have breached the PSPO, warns that their behaviour is unacceptable, and advises them that the council/police may take further action to address the issue and prevent further anti-social behaviour.

The advantage of this process is that it provides both a clear and easy-to-follow process for officers while also ensuring there is a visible intervention to address the breach and appropriate follow-up action where needed. This will include consideration of support needs where necessary.

The NIA acts as both a warning about behaviour and a 'procedural step' to ensure that the relevant information is collected in support of further action.

Issuing an NIA will instigate a 'back office' process, jointly led by the Public Spaces Team (PST) and the Community Safety ASB Officers for Leicester City. These teams will review the NIA, involve other services where necessary, and determine the appropriate next steps based on the offender's circumstances and the nature of the breach.

The next step could include (more than one):

- Record/file the NIA in case of further breaches (no further action required at that stage).
- Issue a Fixed Penalty Notice
- Prosecution (for breach of the PSPO)
- Liaison with support services
- Acceptable Behaviour Contract
- Community Protection Notice/Warning
- Injunction
- Criminal Behaviour Order (if there are pending offences).
- Tenancy enforcement action

Individuals can be given multiple NIAs, as the cumulative effect will help inform an escalated response.

While officers have discretion to take appropriate action based on the circumstances, NIAs

will generally not be required if the person who has breached the PSPO complies with an officer's instruction (for example, to stop drinking/dispose of the alcohol).

The NIA process can be used when young people breach the PSPO. In these cases, contact will also be made with Community Youth Teams and/or Youth Offending Team and (where appropriate) parents to discuss the best course of action to prevent further anti-social behaviour.

As Fixed Penalty Notices (FPNs) for breaching a PSPO are not issued at the time of the offence, but rather by post once the details have been checked, the NIA will act as the first stage of that process.

4. Using Fixed Penalty Notices

It is an offence under section 67 of the 2014 Act to breach an Order without a reasonable excuse. 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).

Leicester City Council can issue fixed Penalty Notices (FPNs) for breaches of a term of the Public Spaces Protection Order. The FPN gives the offender the opportunity to discharge liability for the offence by paying the Council a penalty of up to £100. If the FPN is not paid and/or the offender indicates they wish to challenge it, the Council can seek prosecution in the Magistrates' Court.

Police Officers cannot issue FPNs; however, they can gather the appropriate evidence for the Council, which can issue the notices accordingly and deal with any follow-up legal action/challenge. Police Officers will use the NIA process as the mechanism for instigating an FPN where required, or for considering another more appropriate action (see section 4 above).

5. Addressing underlying causes

Our approach to dealing with breaches of the PSPO restrictions will align with the Council's objectives to identify and understand the underlying causes of ASB.

This will be achieved by utilising existing partnership meetings/forums where individuals with multiple complex support needs are raised, and appropriate multiagency packages of care are agreed around substance misuse treatment, mental health and housing support pathways.

6. Monitoring and Management of the PSPO

The PSPO will be carefully managed and monitored to ensure its effectiveness. Accurate records will be kept of all interventions relating it (advice, requests to comply, NIA, FPN etc).



Information will be collected, stored and used in line with the relevant requirements of GDPR legislation.

Information about specific individuals will be shared between Council and external services as is necessary to ensure that appropriate action is taken to tackle anti-social behaviour and address support needs.

Statistical data will be regularly analysed to monitor the effectiveness of the PSPO and to identify emerging hotspots and displacement into areas outside the PSPO boundary.