Public Spaces Protection Order

The Public Spaces Protection Order is a new power under the Anti-social Behaviour, Crime and Policing Act 2014

PUBLIC SPACES PROTECTION ORDER

Public spaces protection orders (PSPOs) are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community’s qualify of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

Who can make a PSPO?

Councils will be responsible for making the new PSPO although enforcement powers will be much broader. The new power is not available to parish councils and town councils in England.

The test is designed to be broad and focus on the impact anti-social behaviour is having on victims and communities. A PSPO can be made by the council if they are satisfied on reasonable grounds that the activities carried out or likely to be carried out, in a public space as below:

- Have had, or is likely to have a detrimental effect on the quality of life of those in the locality
- Is, or likely to be of a persistent or continuing nature
- Is, or is likely to be unreasonable
- Justifies the restrictions imposed

Where can it apply?

The council can make a PSPO on any public space within its own area. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, for example a shopping centre.

A Public Spaces Protection Order can contain both restrictions and requirements which will be determined by the Council after consultation with the Police and other relevant agencies, partners or communities. These can be targeted against particular behaviours, by particular groups at specific times with more than one restriction being included within the Public Space Protection Order. This means the order can deal with a wider range of behaviours than the orders it replaces.

Breaching a Public Spaces Protection Order is a criminal offence and enforcement officers can issue fixed penalty notices if appropriate to do so.