

## PSPO - Frequently Asked Questions

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### **What does PSPO mean?**

PSPO is an abbreviation for Public Space Protection Order.

A PSPO is a tool available to Councils under the Anti-Social Behaviour, Crime and Policing Act 2014 and are intended to be used to deal with a particular nuisance or problem in a specific area that is having a detrimental effect to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are intended to help ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

### **Why does it not cover the whole of the Council area?**

The legislation states that proposals to introduce a PSPO need to meet the legal tests:

The legal tests focus on the impact that anti-social behaviour is having on victims and communities. A Public Spaces Protection Order can be made by the council if they are satisfied on reasonable grounds that the activity or behaviour concerned, carried out, or likely to be carried out, in a public space:

- has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

A range of information has been assessed and those areas which are deemed to meet the legal threshold are being consulted on to be included in the PSPO.

Those areas not included were not deemed to meet the threshold at the time.

### **Would it be illegal to drink on the streets?**

No. A PSPO is not an alcohol ban and it does not make it illegal to drink alcohol responsibly in a public place.

### **Can I be stopped or arrested for carrying alcohol on the streets?**

No. A PSPO does not make it illegal to carry alcohol or to drink alcohol responsibly in a public place. PSPOs will only be used to tackle alcohol-related anti-social behaviour or disorder. Under these circumstances Police Officers, Police or other authorised persons, will have the power to stop people who are drinking alcohol and acting, or likely to act, in an anti-social manner and seize or confiscate alcohol within the area covered by the PSPO. If you fail to comply with an officer's request to stop drinking and/or dispose of alcohol, you could face prosecution or a Fixed Penalty Notice.

### **Would this also include alleyways, streets, parks, car parks and shopping areas?**

A 'public place' is any place in which the public have access. Relevant public spaces could include streets, parks and open spaces. Public Space Protection Order Frequently Asked Questions

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### **What about street parties and events in parks?**

Events within a public place which have an authorised Premises Licence, or a Temporary Event Notice (TEN) will be excluded from the PSPO powers during the time for which the licence is approved.

### **Will there be any extra policing to enforce a PSPO?**

No. The police and PCSO's will continue to patrol and respond to incidents as part of their community response.

### **Why do we need a PSPO for drinking?**

Excessive drinking can lead to behaviours that make people feel intimidated and unsafe; rowdy behaviour, noise nuisance, public urination and littering. When these behaviours arise, authorities need to be able to respond swiftly and prevent them escalating. Being able to prevent continued drinking is an effective, low level intervention.

### **What about drinking alcohol outside pubs and bars?**

The order is not designed to interfere with the conditions that apply to licensed premises. However, drinking beyond the legal boundary of the premises would mean that the order applies and an authorised officer would have the power to issue a requirement under the order.

### **Why do we need a PSPO for charity collecting?**

Before a charity collector can collect in any London Borough, they must first seek approval from the Police and the local authority. This gives Brent the ability to check that a charity is collecting for genuine purposes and not obstructing the public highway when they interact with members of the public.

### **Why do we need a PSPO for psychoactive substances (nitrous oxide formerly known as legal highs or balloons)?**

These drugs are designed to replicate the effects of other illegal drugs, and have the capacity to stimulate or depress the central nervous system. This is due to one or more chemical substances used in the manufacturing process, and the effects of taking them can cause erratic behaviour which can be anti-social.

The sale of nitrous oxide for its psychoactive effects was made illegal after the Psychoactive Substances Act in 2016, but it is not currently a crime to be caught in possession of the drug. The government has concerns that this could be a significant factor resulting in the increasing consumption of the substance.

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The Advisory Council on the Misuse of Drugs (ACMD) had previously provided advice on nitrous oxide in 2015 and concluded that it did not seem to warrant control under the Misuse of Drugs Act 1971. However, given the increase in use among young people and concern over potential long-term effects, the Home Secretary has requested an updated assessment. Being able to prevent the use of nitrous oxide is an effective, low level intervention.

### **Why do we need a PSPO for smoking cannabis?**

It is illegal to smoke cannabis anywhere in the United Kingdom. The smell of cannabis and the anti-social behaviour related to smoking can be seen as a nuisance to members of the public.

### **Why do we need a PSPO for leaflet distribution?**

In order to distribute free matter including sampling, prior consent must be sought. The consent includes a fee to clean up matter that is littered in the streets. The cost of cleaning up this type of matter where consent has not been given, can be costly to local authorities.

### **Why do we need a PSPO for aggressive begging?**

Members of the public can find aggressive begging intimidating. Where persons are vulnerable and/or homeless, the intention is not to fine them, but to refer them to appropriate services. However, where persons refuse assistance, further action can then be undertaken.

### **Why do we need a PSPO for busking?**

Busking is not a licensable activity. However, a minority of members of the public who carry out busking do not take into consideration that they are obstructing the public highway or causing a noise nuisance to local residents and businesses.

### **Why do we need a PSPO for the illegal trading of goods (including food items)?**

In order to trade on the public highway or in parks and open spaces, you must first apply for consent. Unfortunately, there a minority that choose to set up the sale of items, which are often of substandard quality, not fit for purpose and there is no opportunity for recourse. In relation to the sale of food items, there may be no food hygiene preparation in place or labelling with a risk of allergies being present.

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### **Why do we need a PSPO for the use of megaphones or microphones with speakers?**

Members of the public are free to speak in public (with a few exceptions). However, the use of a megaphone or microphone with a speaker can cause a nuisance to members of the public using the same space or neighbouring residents and businesses particularly when this can go on for prolonged periods of time.

### **Why do we need a PSPO for littering (urination & defecating)?**

Persons who are relieving themselves at will in public do so in close proximity to restaurants, fast food outlets and coffee shops. It also takes place on the public highway at entrances to resident's homes and in parks and open spaces where members of the public often sit. The smell of such littering can be overwhelming, not to mention the alarm it can cause to those passers-by that witness such activity. The removal of urinating and defecation is costly to the Council, businesses and residents.

This has historically been seen as something that only the homeless do but this is not the case.

### **Why do we need a PSPO for littering (spitting)?**

Members of the public report spitting as anti-social. It also has the ability to spread disease.

In Brent the level of paan-spitting in some locations is high and causes staining to the public highway. The effects of this can cause permanent damage to the public highway's pavements and is costly when attempting to remove the stains.

### **Why do we need a PSPO for littering (cigarettes, bottles, cans, packets, food)?**

Littering of the public highway, parks and open spaces is unsightly and attracts vermin. Members of the public should take any litter home or to a nearest receptacle where a bin is not available in the immediate area. The culture surrounding littering needs to change so that all members of the public take responsibility for their own waste in order to keep the streets clean and our parks and open spaces maintained.

### **Why do we need a PSPO for bird feeding?**

Bird feeding is unsightly and attracts vermin. It also prevents other members of the public from using parks and open spaces for their intended use.

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### **Why do we need a PSPO for unauthorised sporting activities?**

Use of areas specified for sports often require booking. When a member of the public turns up for their booking and someone is already using the space and refuses to leave, this can be frustrating.

In other areas in parks and open spaces, members of the public set up sporting activities without taking into consideration others that may be using the same space.

### **Why do we need a PSPO in relation to dogs?**

Those who use the Council's parks and open spaces to exercise their dogs, need to do this in a responsible manner. As a dog owner, you may understand your dog's behaviour but not all members of the public feel the same about this. It is therefore a matter of balancing the need of exercising dogs without having a negative impact on others using the same space.

It is therefore important to keep dogs under control, on leads where required and prevented from entering areas where they are banned. You also told us that dog fouling is a big issue across Brent where owners are not picking up after their dogs.

### **Why do we need a PSPO for the lighting of fires or use of BBQs ?**

The cost of replacing furniture is costly; a new picnic table is over £650 to replace. The use of BBQs in our parks and open spaces also pose the risk of causing a fire.



### **Why do we need a PSPO for the use of fireworks in a banned area?**

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Anti-social behaviour involving fireworks ranges from them being set off late at night, in areas where they are banned, to deliberate physical harm or threat of harm caused to people, animals and property. Not only is there a danger from fireworks exploding, they can also pose a serious fire risk as well.

Firework displays when carried out correctly can be enjoyable. Unfortunately a small minority of people are using them irresponsibly.

It is an offence to throw or set off any firework (including sparklers and category 1 fireworks) in or into any highway, street, thoroughfare or public space.

### **Why do we need a PSPO for the unauthorised use of motor vehicles (including e-scooters and e-bikes) in parks and open spaces?**

The use of motorised vehicles in parks and open spaces is dangerous to members of the public. Unlike a pavement in a public highway, a park is a pedestrianised area where people walk in all directions including on the path and in the grass. This includes adults, children and animals such as dogs. Members of the public should be able to walk freely and do not expect to come across vehicles, when walking through these types of spaces.



### **How would the PSPO be enforced?**

- Breach of a PSPO occurs when a person does not comply with the requirement made under the order
- Breach of a PSPO is a criminal offence subject to, up to a level three fine on prosecution (up to £1,000), level two fine for street drinking (£500)

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- A Fixed Penalty Notice can be issued for £100 for failing to comply with an officer's request. This fine is payable within 14 days.
- If paid within ten days, a discounted charge of £75 is applied
- Payment of the FPN discharges liability to conviction for the offence
- The police will work in partnership with the council to ensure the effective enforcement of these new regulations.