

**LB Lewisham Mayor and Cabinet**  
**Implementation of a Public Space Protection Order - Appendix 4**  
**Review of existing powers and justification for a PSPO**

**1. Purpose and context**

- 1.1. Following agreement at Mayor and Cabinet in November 2022 the London Borough of Lewisham has undertaken a statutory consultation on the introduction Borough-wide Public Space Protection Order (PSPO) to help tackle anti-social behaviour (ASB).
- 1.2. The public consultation strongly supported the introduction of the proposed measures, but the Council's Safer Stronger Communities Select Committee raised questions regarding the need for further powers and highlighted several risks regarding their use. This appendix outlines the powers already available to the Council and other bodies to tackle anti-social behaviour, how these interact with the proposed PSPO, and why the introduction of a PSPO will make tackling ASB easier and reduce the necessity to criminalise those undertaking it. This appendix should be read in conjunction with the full Mayor and Cabinet Report <https://councilmeetings.lewisham.gov.uk/documents/s103503/PSPO%20Mayor%20and%20Cabinet%20Report%20-%20FINAL.pdf> which contains the full evidence pack consulted on, additional data analysis and response to other concerns raised by the Council's Safer Stronger Communities Select Committee.
- 1.3. It is important to re-iterate that the purpose of a PSPO is to deal with ASB related to an activity, not the activity itself. The PSPO is not designed to tackle the drinking of alcohol or drug taking, or indeed the ownership of a dog. The PSPO is aimed to be used only when those involved in these activities are engaged in ASB, which current powers are not able to address immediately.

**2. London Borough of Lewisham Anti-social behaviour team**

- 2.1. The Anti-Social Behaviour/Statutory Nuisance team is responsible for investigating, and enforcement against, ASB (including statutory nuisance) in public spaces in Lewisham. Lewisham Housing has an independent ASB team, which responds to ASB in LB Lewisham properties and their communal areas and other social landlords are likewise equipped.
- 2.2. The team consists of a team of 7, one Operations Manager, one Senior Officer and five Officers. The team have delegated powers for enforcement functions under the Anti-social Behaviour, Crime & Policing Act 2014. The team's work is largely reactive as the Council does not have a warden service or other resources for preventative patrolling across the Borough.
- 2.3. The team receives reports of ASB and nuisance via email and webforms. An

Officer investigates the request and responds accordingly. The team's priority is the processing of service requests and complaints due to limited resources.

- 2.4. The current powers and processes used by the team in managing and addressing ASB are detailed in this paper, and are generally cumbersome and time consuming which means that active enforcement takes considerable resource and reduces the team's ability to handle day to day cases. This means that, in a significant number of cases, enforcement action is not taken until the situation has become very serious and residents have been unnecessarily suffering for too long.
- 2.5. The PSPO does not grant the Council new powers, but simply reduces bureaucracy required for their use and allows for a more pro-active stance to be taken. The Council is seeking to implement this ASB tool in accordance with their duty of care and statutory guidance.
- 2.6. The Anti-Social Behaviour, Crime and Policing Act 2014 was in part designed as a response to a call from local Councils to streamline enforcement processes and to provide further powers, i.e. PSPOs, in areas of high levels of ASB.

### **3. The Anti-Social Behaviour, Crime and Policing Act 2014**

- 3.1. The Anti-Social Behaviour, Crime and Policing Act (ASBCP) 2014 received royal assent on 13 March 2014. The aim of the Act was to provide simpler and more effective powers to deal with anti-social behaviour (ASB), and to enable victims and communities to have more control over the way in which their complaints were handled.
- 3.2. The ASBCP defines ASB as:
  - Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
  - Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
  - Conduct capable of causing housing-related nuisance or annoyance to any person.
- 3.3. The Act came into force on 20 October 2014, and introduced new powers to tackle antisocial behaviour, simplifying 19 existing powers down to six. These are:
  - **Civil injunction**, in order to obtain a civil injunction, the council is required to gather significant evidence as to the ASB being caused by the perpetrator, a civil injunction is used when an individual is committing serious ASB. Once the evidence is gathered, a case file is produced and then passed to legal services for them to consider. If it is agreed that the evidence is sufficient for an injunction to be sought, legal services will then apply to the courts on the ASB team's behalf, so a lawyer and the officer

who witnessed or brought the case will need to attend court in order to answer any questions posed by the judge.

A breach of a civil injunction needs to be witnessed and action can only be taken by those who obtained it. Therefore, civil injunctions take time to obtain and are costly for the council both in monetary terms but also staff resources.

- **Criminal Behaviour Orders** are only available on conviction of an individual for a criminal offence. The Local Authority is one of a number of bodies who can apply for the Order at court when the individual is being sentenced. Similar to the injunction, the order can apply prohibitions and positive requirements on the individual to address their anti social behaviour.
- **Dispersal powers** enable police and police community support officers to direct people committing or likely to commit anti-social behaviour, crime or disorder to leave a public place for up to 48 hours. These powers are only available to the police.
- **Community Protection Notices (CPN)** cover a wider range of behaviour (all behaviour that is detrimental to the local community's quality of life), which could include the state of a premises, noise emitting from machinery, noise caused by a vehicle or insects emanating from a business premises. CPNs may be used against individuals as well as organisations and businesses. Local authorities (and social landlords if designated by the council) may issue CPNs, as may police officers and police community support officers. Before a CPN can be issued, the person, business or organisation suspected of causing the problem must be given a written warning stating that a community protection notice will be issued unless their conduct changes and ceases to have a detrimental effect on the community. The warning must also detail that a breach of a CPN is a criminal offence.

Currently, when Council Officers from the ASB/Statutory Nuisance team witness anti-social behaviour in the community, they will approach the individual/s if it is safe for them to do so, identify themselves as an Enforcement Officer, and make the individual aware that their conduct is deemed to be anti-social with the aim of engaging and educating them. The Officer will then ask the individual to identify themselves and will write down the details of the incident and the person in their Pocket Book (which can be used as evidence at a later stage). The Officer will then issue the individual with a verbal warning and upon returning to the office, send the individual a letter reminding them of the verbal warning. If the individual refuses to provide their name/contact details, the Officer will write down the location, time and the offence and a description of the individual.

They will then send those details to the ASB Police Officers, who would record

it on their systems (as a CRIMINT). If within 7 days the individual is non-compliant with the request of the ASB/Statutory Nuisance Officer, the CPW enforcement process will be followed (please see graphs below).

Under section 43 of the ASBCP 2014, the CPW allows Officers to give the offender a list of conditions to comply with in relation to the anti-social behaviour. Officers will issue the CPW in person and deliver the warning by hand to the offender. Where this is not possible, the Officer may also send the CPW via post, and in rare circumstances via email. Please see appendix 2 for a template of the CPW.

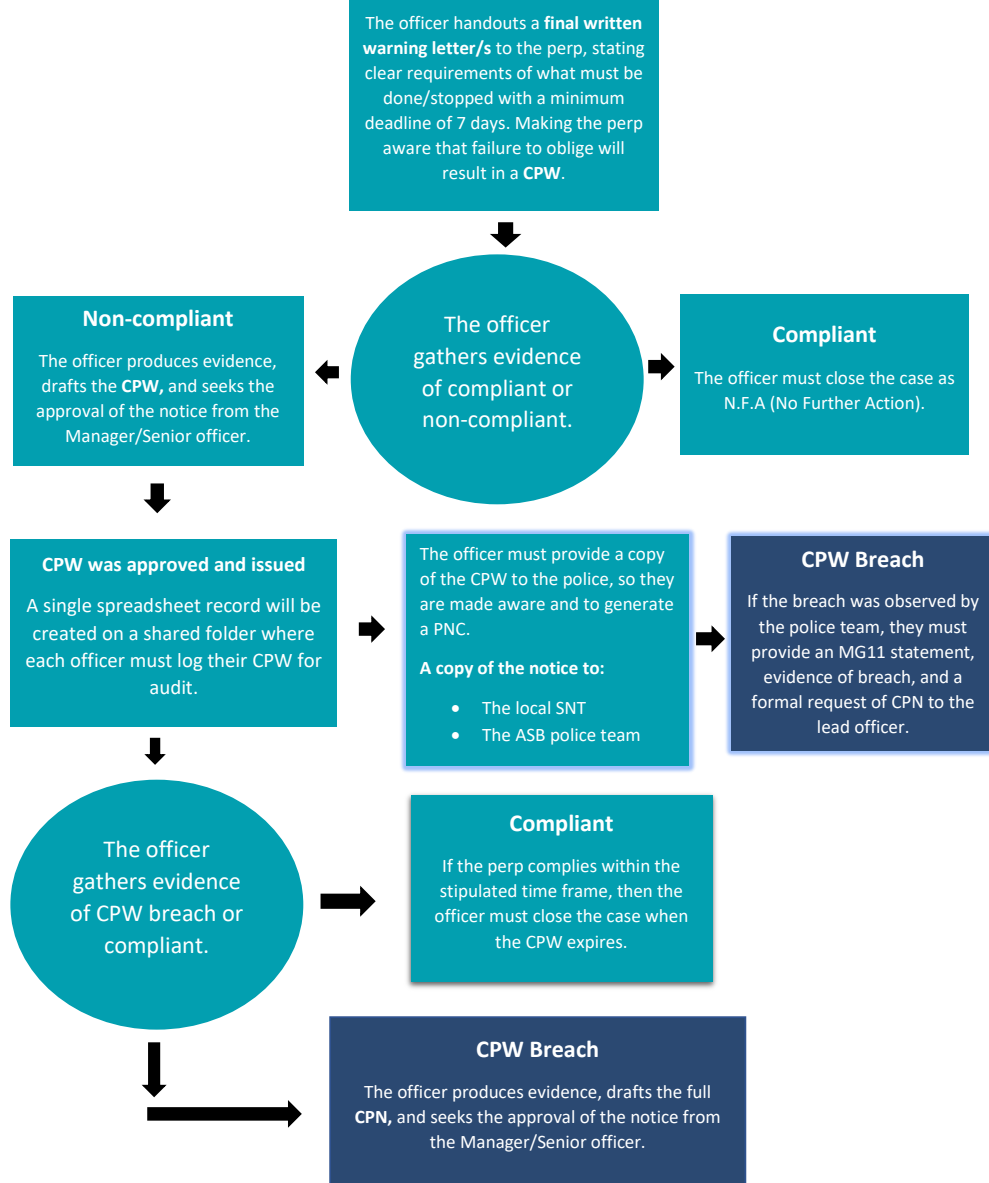
If further breaches of the CPW are witnessed by the Officer, they will gather the evidence and, with the approval of the Operations Manager, draft and issue a CPN. This will also normally be issued in person, however where this is not possible it may be sent via post or email.

Only once a CPN has been issued and breached can the Officer issue an FPN.

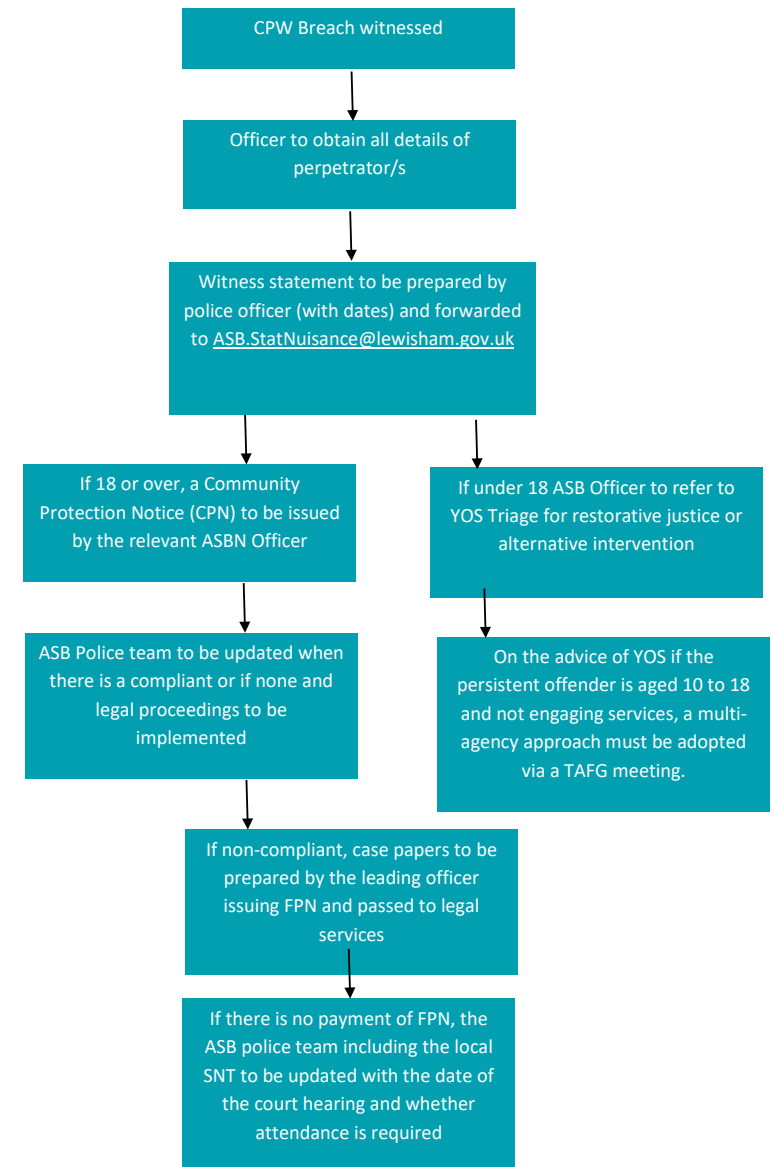
- **Public space protection orders (PSPO)** are designed to stop individuals or groups from committing anti-social behaviour in a public space. This can include restrictions on consuming alcohol in a public place or controlling the presence of dogs such as excluding them from playgrounds or restricting the number of dogs that can be walked by one person at any one time. Local authorities can issue a PSPO after consultation with the police (this is likely to be at Borough Commander level in London), and other relevant bodies. Council officers may enforce PSPOs, a breach of which is a criminal offence. The PSPO is explored in more detail in Section 6.
- **Closure powers** allow the local authority or police to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder. This power can be used for up to 48 hours out of court and is intended to cover a wide range of behaviours in a quick and flexible way. A breach of a closure notice is a criminal offence. Following a Closure notice an application must be made to the Magistrates Court for a Closure Order which could lead to a 3 month closure. However, these powers are limited to premises and therefore are not useful in dealing with ASB in a public place.

3.4 The above narrative is designed to set out the limitations to existing powers in tackling street based ASB but further details are set out in Appendix 3 which compare the current approach to that under the proposed PSPO.

## CPW Enforcement – Council Officers Process



## CPW Enforcement - Police Process



## **4. Byelaws**

- 4.1. Under section 235 of the Local Government Act 1972, local authorities have a general power to make byelaws for “good rule and government” of the whole or any part of the district or borough and for the prevention and suppression of nuisances
- 4.2. They are issued (made) by that Council with the purpose of preventing or reducing some nuisance or harm to people who live, visit or work in that area.
- 4.3. In 2015, Mayor and Cabinet agreed to new byelaws for parks and open spaces in Lewisham. These byelaws cover restrictions for the protection of the grounds, its wildlife and the public, however they do not include restrictions on dogs or dog related ASB.
- 4.4. The biggest disadvantage of using these powers is the process of their enforcement. Lewisham Parks byelaws are enforced through the magistrates’ court. Contravening a byelaw can result in a fine not exceeding level 2 on the standard scale (currently up to £500).
- 4.5. Preparing to take a case to court and attending court are resource-heavy activities. It would be especially difficult for the Council’s Anti-Social Behaviour/Statutory Nuisance team to enforce these, given the team’s level of capacity.
- 4.6. In addition, by a lot of measures byelaws are antiquated and new legislation (such as the ASBCP 2014) has been introduced, which is more suited to the current issues that are faced in today’s society, such as ASB caused by the more prolific use of drugs and great consumption of alcohol in public spaces. It would not be advisable to use outdated legislation, when more modern and streamlined legislation exists which was purposely written, passed and introduced to address the current issues of ASB and criminal activity.

## **5. Police Approach to ASB**

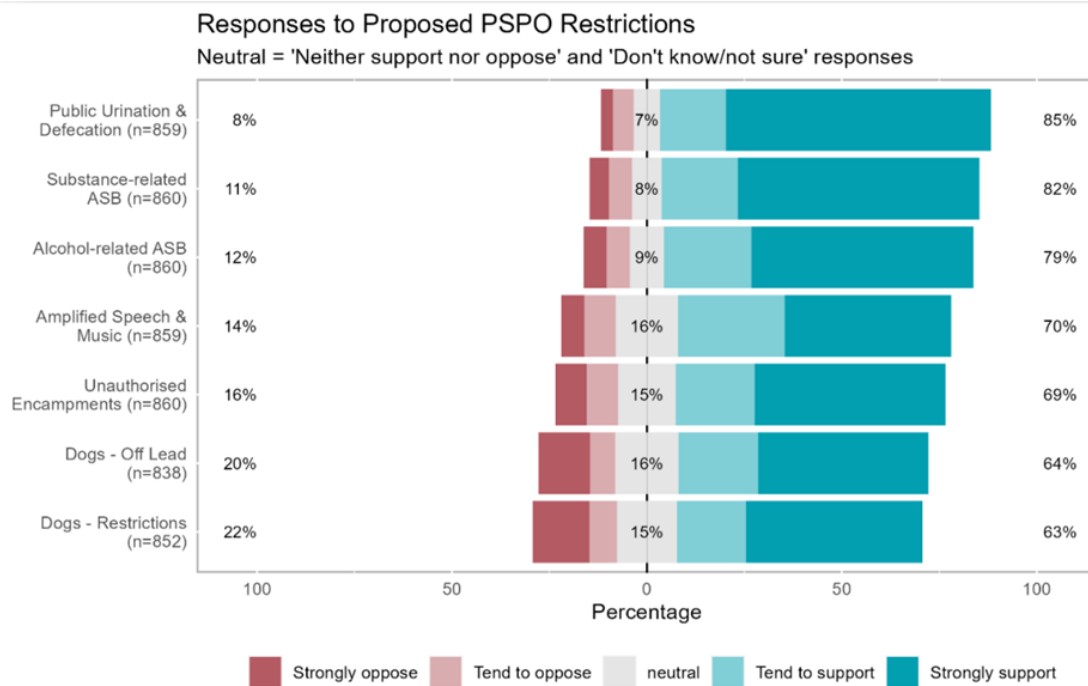
- 5.1. In terms of the volume of calls to police and correspondence with local Safer Neighbourhood Teams, ASB is one of the main issues of concern in the borough.
- 5.2. ASB is a difficult area for the police to address effectively. In general the Police will seek to work in partnership with the local authority using the powers set out in section 3 above with all the limitations as set out.
- 5.3. The current alternative from a police perspective is the use of their existing

powers which may result in arrest and charge for associated activity.

- 5.4. Alternatives to dealing with ASB related to drug use may direct investigations of evidence of drug offences, such as possession or supply. Where this is the case this will take primacy over the PSPO and the Police would pursue criminal charges.
- 5.5. In terms of illegal encampments, the police could use powers given to them under the Criminal Justice and Public Order Act 1994 (CJPOA) and new powers introduced by the Police, Crime, Sentencing and Courts Act 2022. These are designed to be used on large encampments and could lead to criminal convictions. The PSPO would deal with smaller encampments in a softer and less punitive manner.
- 5.6. On the question of whether the PSPO could lead to an increase in Stop and Search activity, the Police are clear that if grounds exist for stop and search, these powers would take precedence over the PSPO.
- 5.7. Finally, arresting and charging an offender with ASB related matters is not an effective use of the capacity of Police Officers. Lewisham is seeing an increase in serious violence, and with this in mind police resources could be targeted at more serious crime types. The PSPO would enable officers to use the FPN as a deterrent and would not require the police to make an arrest to use their enforcement powers.

## **6. Public Space Protection Order (PSPO)**

- 6.1. LB Lewisham is proposing to introduce a PSPO in Lewisham. The proposed PSPO would introduce a more effective use of powers by the Council and partners to address anti-social behaviour (ASB) within the Borough.
- 6.2. PSPOs are designed to ensure the public can use and enjoy public spaces, safe from ASB.
- 6.3. Local issues in scope of the proposed PSPO were as follows; alcohol related anti-social behaviour and disorder, amplified music and speech, anti-social behaviour in public spaces and parks, which involves dogs, drugs and psychoactive substances related anti-social behaviour and disorder, illegal encampments and public urination and defecation.
- 6.4. Public consultation with people living, working and visiting Lewisham evidenced strong support for all measures proposed. The Council's consultation was responded to by 866 people with a summary of the responses set out below:



6.5. The Safer Communities Service liaised with the Head of Parks to agree on the areas and spaces in which the dog restrictions would apply. The key reasons for choosing those areas were:

- Children’s play areas within parks, dens and open spaces in the Borough: Separation of dogs from children playing, running and being boisterous, as this can unnerve some animals and they may act in unpredictable ways. This was also to reduce the risk of dog fouling in play areas.
- Children’s play areas on housing estates within the Borough: Separation of dogs from children playing, running and being boisterous, as this can unnerve some animals and they may act in unpredictable ways. This was also to reduce the risk of dog fouling in play areas.
- Fenced sports areas within parks, gardens and open spaces in the Borough: These areas are designated for sport and people movement, which can unnerve some animals and they may act in unpredictable ways. This was also to reduce the risk of dog fouling in play areas.
- Telegraph Hill Park (lower), Friendly Gardens (upper), Brookmill Park, Horniman’s Play Park, Friendsbury Gardens, Broadway Fields (east of the river), Cornmill Gardens (waterway link exempted), (a section of) Manor House Gardens: Separation of dogs from children playing, running and being boisterous, as this can unnerve some animals and they may act in unpredictable ways. This was also to reduce the risk of dog fouling in play areas.
- Central Field in Mayow Park: Designated for sport with persons running and cricket balls in movement, which can unnerve some animals and they may act in unpredictable ways. This was also to reduce the risk of dog fouling in play areas.
- Reserves, Allotments, Ponds and Cultural Gardens: For the protection of



wildlife & Flora.

- 6.6. Amplified music and speech cannot be enforced by the Environmental Protection Act (EPA) 1990. Section 79 of the EPA 1990 does not list amplified speech or music as a statutory nuisance. The EPA 1990 allows enforcement against 'noise emitted from premises' and 'noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment'. Amplified speech and music does not fall under those two categories and thus Council Officers would not be able to enforce against this activity using the EPA.
- 6.7. In regards to the amplified music and speech restriction, Officers will avoid infringing upon people's right to freedom of assembly and expression by allowing them to continue speaking as long as this is not amplified. Exceptions would not be made for political and religious discourse.
- 6.8. In regards to public urination and defecation, Councils have powers under Section 235 of the Local Government Act 1972 to create byelaws for the suppression and prevention of nuisances. The limitations to byelaws were cover in Section 4 of this report. Public urination and defecation would not be enforced where there is a reasonable excuse for the breach, such as pregnancy or a health issue.
- 6.9. There are already existing legislation which enables enforcement against illegal encampments, however the enforcement process is much longer and requires a lot more capacity, than what would be enabled under a PSPO. The longer an illegal encampment goes on, the bigger the impact on the community and the environment around it, so it is in the Council's best interest to tackle these as quickly as possible. For example:
- Section 171 and 183 of the Town and Country Planning Act 1990, enforcement of which requires a conviction in court;
  - Possession Orders under Part 55 of the Civil Procedure Rules, claims of which are heard in court, with the standard period between the issue of the claim form and the hearing taking up to 8 weeks;
  - Interim Possession Orders under Part 55 of the Civil Procedure Rules, claims of which are also heard in court, with the standard period of the court date being no more than 7 days after the date on which the Order is made.
  - Section 77 of the Criminal Justice and Public Order Act 1994, contravention of this is heard in the Magistrates' Court.
  - Powers to address obstruction of the public highway under the Highways Act 1980, this is only enforceable if someone is obstructing a highway or a street. It does not include obstructions in parks and open spaces.
  - Injunctions to protect land from unauthorised encampments.
- 6.10. None of the above provide a quick and short-term deterrent to illegal

encampments, which is the gap the proposed PSPO would fill.

- 6.11. The PSPO is part of the ASBCP 2014, which is already utilised by Council Officers. The key benefit of the PSPO is the ability to issue Fixed Penalty Notices (FPNs) straight away, which is not currently available to Council Officers.
- 6.12. The first stage of the process will always be to educate individuals and ask them to cease the ASB voluntarily through engagement with the offender. The Officer will identify themselves by stating who they are, who they work for, what department they work for and then by showing their warrant badge or ID card. They will then inform the offender of what part of the PSPO they have breached, and ask that they cease the activity and/or leave the area. It is expected that a significant proportion of the ASB currently being committed in the borough could be dealt with in this proactive yet, ultimately, preventative way which would also act as a deterrent against future activity.
- 6.13. If the offender refuses to cease the activity then the officer will ask for their details. If details are provided, the Officer will issue an FPN. This is done by writing in an official FPN book, where a notice is given to the offender on the spot, and a carbon copy is left with the Officer. Upon return to the office, the Officer will log the issue of the notice on their case management system.
- 6.14. If details of the offender are not provided, the Officer will record a detailed description of the offender, with a view to provide this information to colleagues and the police, in case someone can identify them.
- 6.15. If the police are present, they can request the offender's name and address and inform them that if they fail to provide their details, this is an arrestable offence under Section 50 of the Police Reform Act 2002. The presence of a Police Officer will make the issuing of FPNs simpler, due to the powers they have with regards to obtaining people's details (which Council Officers do not have).
- 6.16. The ASBCP 2014 provides the Police with dispersal powers, which enable police officers to direct people committing or likely to commit ASB to leave a public place for up to 48 hours. It requires a senior police officer (Inspector or above) to authorise dispersal powers on specific grounds in writing. Council Officers would not be able to utilise the power of dispersal and this would continue to be enforced by the Police.
- 6.17. By using the PSPO powers, it streamlines the Council's and local police's approach to ASB and in essence, doubles the resources able to tackle such conduct and promotes joint working.
- 6.18. The PSPO allows for the Local Authority to set clear expectations on what the powers available to them will be used for and can act as a deterrent to prevent

ASB from happening in the first place. The ASBCP 2014 is vague in its definition of ASB, and the PSPO allows the Council to set out what is viewed to be unacceptable behaviour in regards to ASB.

## **7. Conclusion**

- 7.1. Once implemented the Safer Communities Operations Manager will conduct regular operational monitoring meetings with stakeholders to assess the effectiveness of the implementation and enforcement of the PSPO.
- 7.2. Evaluating the impact of a PSPO will be important when considering extending or varying an Order, however assessing the effects, and effectiveness of the Order, will form part of ongoing performance management. Procedures to monitor the impact of the Order will take place to ascertain what is working well and where development is required. A review of the PSPO will be conducted six months post its introduction to evaluate the approach taken, or sooner if there are any concerns.
- 7.3. A PSPO can be implemented for up to three years, after which it must be reviewed. If the review identifies that the ASB concerns remain and the requirements of the PSPO are met, an extension can be granted for a further three years. It must be noted that there is no limit on the number of times an Order may be reviewed and renewed, provided the review supports an extension and all requirements are satisfied.
- 7.4. As set out in the paper above the current powers available to the Council and their partners limit the ability of the authorities to effectively manage ASB. This is either because they are heavily bureaucratic and slow or that they risk over criminalising behaviour that could more appropriately be dealt with through the powers available under a PSPO.
- 7.5. Both Council Officers and the Police have confirmed that the PSPO would offer them powers to effectively allow them to take enforcement against those individuals who act in an anti-social manner within the borough. It would allow for Council officers to have an enforcement tool which can be used when engagement and support fails, one which they do not currently have available to them. And it will allow the Police to be able to tackle ASB within the scope of the PSPO in a manner that is less criminalising than if they had to use their current powers.
- 7.6. Given all the evidence gathered from the Public, Councillors, support groups, officers and the Police, the discussions that have been had on how we manage, implement and monitor the PSPO and the evidence supporting the need to have the proposed PSPO in place to tackle the increasing levels of ASB in line with the

Governments direction on placing more emphasis on tackling ASB in our communities, our recommendation is for the Mayor and Cabinet to implement the PSPO.

## **Appendix 1 - Use of PSPO compared to current powers**

## Use of PSPO compared to current powers

Issue	Current approach/powers	What would happen under a PSPO	Why the PSPO will be an improvement
Alcohol related anti-social behaviour and disorder	<p>Officers use the Anti-Social Behaviour Crime and Policing Act 2014 to enforce against alcohol-related anti-social behaviour.</p> <p>Using the Anti-Social Behaviour Act 2014 for enforcement involves going through the process of issuing a Community Protection Warning, then a Community Protection Notice and then finally a Fixed Penalty Notice. This is a lengthy and capacity-heavy process as set out in the report above.</p>	<p>The PSPO enables Officers to highlight their ability to issue a FPN straightaway as an immediate deterrent to ASB.</p> <p>If this is ineffective then they are able to issue a Fixed Penalty Notice straight away, rather than having to issue a Community Protection Warning and a Community Protection Notice first.</p> <p>The proposed PSPO does not give Officers the powers to confiscate alcohol.</p>	<p>A PSPO will streamline the enforcement process resulting in a quicker result with less admin and resources being used, which is especially important in a borough like Lewisham, which has limited enforcement resourcing and police capacity.</p> <p>An additional benefit of the PSPO is that it allows Officers to define and specify restricted activities (and this is promoted on the website, signage, local adverts etc), which sets expectations amongst the public and deters people from partaking in the restricted activities. Hopefully this means ASB is prevented from taking place, and thus the negative impact of ASB is minimised.</p>
Psychoactive substances related	Council Officers do not enforce against consumption of drugs and	As above the PSPO enables Officers to issue a Fixed Penalty	It allows enforcement Officers/Police to take a softer,

Issue	Current approach/powers	What would happen under a PSPO	Why the PSPO will be an improvement
anti-social behaviour and disorder	<p>psychoactive substances. These matters would be deferred to be dealt with by the Police. Possession of drugs is a criminal offence and as such would be dealt with by the Police.</p> <p>If Council Officers were to take enforcement action on drug-related ASB, they would use the Anti-Social Behaviour Crime and Policing Act 2014.</p> <p>Using the Anti-Social Behaviour Act 2014 for enforcement involves going through the process of issuing a Community Protection Warning, then a Community Protection Notice and then finally a Fixed Penalty Notice.</p>	<p>Notice straight away for drug-related anti-social behaviour, rather than having to issue a Community Protection Warning, then a Community Protection Notice before finally issuing a Fixed Penalty Notice. The PSPO allows Officers to deal with the anti-social behaviour in a much quicker manner.</p> <p>The proposed PSPO does not give Officers the powers to confiscate drugs/psychoactive substances.</p> <p>If an individual is approached on the basis of breach of the PSPO but is then found to be in possession of drugs, criminal legislation under the Misuse of Drugs Act 1971 would take precedence over the PSPO. No individual would be both charged with a criminal offence and issued a Fixed Penalty Notice under the PSPO at the same time.</p>	<p>more protective approach towards offenders of drug-related ASB.</p> <p>It allows Officers/Police to take a less time consuming approach to tackling anti-social behaviour. Often, when arresting people intoxicated through drugs, Police have to take the offenders to A&amp;E before taking them to the police station for processing. This takes a lot of capacity which results in fewer Police Officers patrolling the area and available to respond to crimes.</p>
Amplified music and	Officers use the Anti-Social Behaviour	The PSPO enables Officers to	Currently the Council used the

Issue	Current approach/powers	What would happen under a PSPO	Why the PSPO will be an improvement
speech	Crime and Policing Act 2014 to enforce against amplified music and speech in public.	issue a Fixed Penalty Notice straight away, rather than having to issue a Community Protection Warning, then a Community Protection Notice before finally issuing a Fixed Penalty Notice.	Environmental Protection Act 1990 section 80, to address noise, as such it has to be witnessed by an officers, the a warning given, the an abatement notice is issued, this then has to be breached and then an FPN can be issued. The PSPO will streamline the enforcement process, resulting in a quicker result with less admin and reosurces being used, which is especially important in a borough like Lewisham, which has limited enforcement resourcing and police capacity.
Dog-related anti-social behaviour in public spaces and parks	There are byelaws currently in place within parks in Lewisham, however these do not include restrictions on dogs and dog-related anti-social behaviour.	The PSPO enables Officers with delegated powers to issue a Fixed Penalty Notice for dog-related ASB in parks and public spaces.	The biggest disadvantage of using byelaws is the process of their enforcement. Lewisham Parks byelaws are enforced through the magistrates' court and contravening a byelaw can result in a fine not exceeding level 2 on the standard scale (currently up to £500). This is a costly and ineffective way of enforcement. A

Issue	Current approach/powers	What would happen under a PSPO	Why the PSPO will be an improvement
			<p>PSPO would streamline this process and allow Officers and the police to issue a Fixed Penalty Notice without having to go to the magistrates court.</p>
<p>Illegal encampments</p>	<p>Police have the power to direct unauthorised campers to leave land under section 77 of the Criminal Justice and Public Order Act 1994.</p> <p>Currently, Council Officers attend illegal encampments only with Police Officers present with the aim of supporting the Police Officers, rather than conducting enforcement on their own. This is to ensure the health and safety of Officers.</p> <p>Legal Team have confirmed that Lewisham does not have a Negotiated Stopping Policy. Negotiated Stopping involves Local Authority officers making an agreement with Gypsies and Travellers on unauthorised encampments. The</p>	<p>The PSPO enables Officers to issue a Fixed Penalty Notice straight away to those illegally camping on public land.</p>	<p>The PSPO enables Officers to issue a Fixed Penalty Notice, which allows for a quicker response, minimising the environmental impact of ongoing illegal encampments.</p> <p>The PSPO also allows to set clear expectations of what activity is restricted. The hope is that this knowledge and the possibility of a Fixed Penalty Notice being issued are a deterrent for illegal encampments.</p> <p>The PSPO also allows Police to take a less punitive approach towards small encampments.</p>



Issue	Current approach/powers	What would happen under a PSPO	Why the PSPO will be an improvement
	<p>agreement allows Travellers to stay either on the land they are camped on or move to a bit of land more suitable for all parties.</p>		
Public urination	<p>Officers can use the Anti-Social Behaviour Crime and Policing Act 2014 to enforce against public urination. The environmental enforcement team could also issue Fixed Penalty Notices under the Environmental Protection Act 1990.</p> <p>Using the Anti-Social Behaviour Act 2014 for enforcement involves going through the process of issuing a Community Protection Warning, then a Community Protection Notice and then finally a Fixed Penalty Notice.</p> <p>Police could also could issues fines under the Public Order Act 1986 for public urination (or even punished for indecent exposure, under the Sexual Offences Act of 2003, should an individual be found guilty of exposing</p>	<p>Under a PSPO, more Officers could be given delegated powers to issue Fixed Penalty Notices to those urinating in public.</p>	<p>The PSPO also allows to set clear expectations of what activity is restricted. The hope is that this knowledge and the possibility of a Fixed Penalty Notice being issues are a deterrant for public urination. The public will be made more aware of the possible consequences of public urination, which again will act as a deterrant.</p>

Issue	Current approach/powers	What would happen under a PSPO	Why the PSPO will be an improvement
	their genitals and intending to cause alarm or distress).		