

Appendix C: Enforcement and Support Protocol

Sheffield City Centre Public Spaces Protection Order (PSPO)

Enforcement & Support Protocol

Introduction

Sheffield City Council is committed to ensuring we have a city centre that is thriving, welcoming and safe for everyone who lives, works in, and visits our city centre. We are proposing to introduce a PSPO as part of our strategy with partners to help tackle and reduce anti-social behaviour.

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, which can be dealt with by issuing a fixed penalty notice, or a fine on prosecution. In Sheffield 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 underlying causes of their anti-social behaviour.

After reviewing evidence of anti-social behaviour committed in the city centre, and consulting with the public on a proposed PSPO, the Council are proposing to introduce restrictions covering the following behaviours:

- Drinking alcohol in public
- Begging
- Loitering
- Drug use
- Public urination/defecation

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 enforcement of the PSPO, and that it helps to protect and support the most vulnerable members of our community and keep everyone using the city centre safe.

1. Key principles

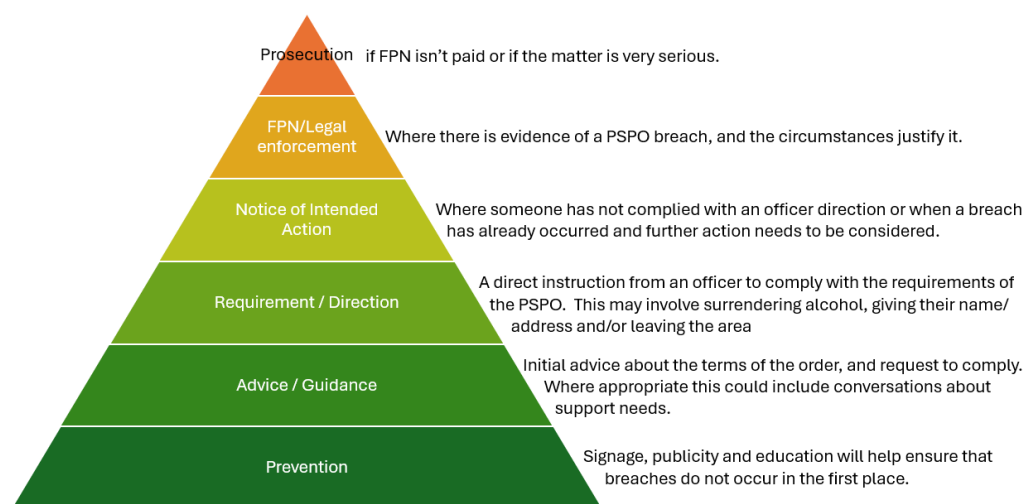
1. Education, advice and prevention will be our first priority.
2. The restrictions set out in the PSPO apply to everyone within the PSPO boundary, and any enforcement of breaches will be fair, reasonable, proportionate and with due consideration to the circumstances of the breach, and the person who committed it.
3. 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.
4. 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 as an alternative to enforcement, or alongside it.

5. 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.
6. 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.
7. 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.
8. 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. SYP will record the PSPO breach for an assessment of appropriate follow-up action.
9. 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, to help prevent, detect, and deal with breaches, than other areas. These 'hotspot' areas will be reviewed and updated regularly (see section 7 below).

2. 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.

3. PSPO Restrictions & Requirements

3.1. Alcohol on the streets:

No person within the restricted area may consume alcohol and/or be in possession of alcohol or items suspected to be alcohol in a public place, in a manner that is causing or is likely to cause anti-social behaviour.

Prohibitions and requirements relating to alcohol contained in this Order do not apply to premises authorised to be used for the supply of alcohol under the

Licensing Act 2003, a place within the curtilage of such premises, or to premises or places otherwise exempt from the operation of this Public Spaces Protection Order by section 62 of the Anti-social Behaviour, Crime and Policing Act 2014.

REQUIREMENTS

Where a constable or an authorised officer reasonably believes that a person is or has been consuming alcohol or intends to consume alcohol in breach of this Order the person must when required to do so by the constable or authorised officer:

- (a) stop consuming alcohol or anything which the constable or authorised officer reasonably believes to be alcohol.
- (b) surrender anything in their possession which is, or which the constable or authorised officer reasonably believes to be alcohol or a container for alcohol (to the relevant constable or authorised officer).

The purpose of this restriction is:

- To prevent people from consuming alcohol on the streets,
- To protect the city centre and ensure visitors to the city centre continue to feel safe,
- To reduce anti-social behaviour related to alcohol consumption.

3.2. Begging

No person within the restricted area shall make verbal, non-verbal, or written request(s) for money, donations or goods including the placing of hats, clothing, signage, or containers, in a manner that causes or is likely to cause harassment, alarm or distress to any person.

The purpose of this requirement is:

- To encourage vulnerable people to access support services to change behaviour and address underlying or unmet need,
- To encourage visitors to the city centre,
- To enable visitors to feel safe and not be harassed.

3.3. Loitering

No person within the restricted area shall loiter, in any temporary structure, in or adjacent to doorways, cash machines, banks or supermarkets in a manner that causes or is likely to cause harassment, alarm or distress to any person.

The purpose of this requirement is....

- To stop people loitering at cash machines or doorways,
- To encourage vulnerable people to access support services to change behaviour and address underlying or unmet need,
- To enable visitors to enter/exit buildings and use cash machines without fear of harassment.

3.4. Drug use

No person within the restricted area will ingest, inhale, inject, smoke, or otherwise use a psychoactive substance (as defined in the Psychoactive Substances Act 2016 section 2 paragraph 1).

REQUIREMENTS

Where a constable or an authorised officer reasonably believes that a person is or has been using a psychoactive substance or intends to use a psychoactive substance in breach of this Order, the person must when required to do so by the constable or authorised officer:

(a) stop using the psychoactive substance or anything which the constable or authorised officer reasonably believes to be a psychoactive substance.

(b) Surrender anything in their possession which is, or which the constable or authorised officer reasonably believes to be a psychoactive substance, or which will be used in connection with taking psychoactive substances (to the relevant constable or authorised officer).

The purpose of this requirement is:

- To stop or prevent people using intoxicating substances/drugs, which are not covered by existing legislation,
- To encourage vulnerable people to access support services to change behaviour and address underlying or unmet need.

3.5. Urination and/or defecation:

No person within the restricted area will urinate and/or defecate in any public place (this does not include public toilets).

The purpose of this requirement is:

- To stop people urinating and defecating on the public streets
- To protect the public from infectious diseases linked to 'open' defecation and urination.

Requirements that apply to all the above restrictions:

For the purposes of enforcing the provisions of this Order any person who a constable or an authorised officer reasonably believes has breached a restriction under Prohibitions 1 to 5 of this Order, shall when required to do so by the constable or authorised officer:

- a. Provide their full name, address and date of birth to the officer. Any such request may be made either verbally or in writing and may stipulate the time within which such information should be provided to the constable or authorised officer. If any person having been asked to provide their details knowingly gives false, inaccurate or misleading information to the constable or

authorised officer requesting that information, that person shall be deemed to have failed to comply with those requirements.

- b. Leave and not return to the restricted area, without reasonable excuse, for a period of 24 hours. Where a person has a known or identifiable reasonable excuse for having to visit or enter the restricted area during the 24 hour period specified this should be identified and explained to the constable or authorised officer so that any such activity or requirement can be expressly permitted during this 24 hour period and can be excluded from the direction imposed.

4. ***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 to 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 Anti-Social Behaviour Team (ASBT) for the Council and Safer Neighbourhood Services (SNS) for SYP. ASBT and SNS will review the NIA, involving other services where necessary, and determine the appropriate next steps based on the circumstances of the offender and the nature of the breach.

The next step could include (more than one could apply):

- 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

It is possible for individuals to be given multiple NIAs as the cumulative effect will assist in informing 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 instruction from an officer (for example to stop drinking/dispose of the alcohol).

The NIA process can be used when young people breaching 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.

5. *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).

Fixed Penalty Notices (FPNs) can be issued by SCC when someone has breached a term of the Public Spaces Protection Order. The FPN gives the offender opportunity to discharge liability for the offence they have committed 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 can use FPNs for breaches of the PSPO, but they are doing so on behalf of SCC and it is the Council which issues the notice, receives the fine, and deals with any follow up legal action/challenge. The NIA process will be used by Police Officers as the mechanism for instigating the issue of an FPN, or consideration of another more appropriate action (see section 4 above).

6. *Addressing underlying causes.*

Our approach to dealing with breaches of the PSPO restrictions will be in line with the Sheffield Harm Reduction Enforcement Pathway ensuring that we take every opportunity to identify and understand 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. These are set out in a City Centre Action Plan. The PSPO is designed to complement and contribute to this plan.

7. Monitoring and Management of the PSPO

The PSPO will be carefully managed and monitored to ensure it is effective. 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 keep an eye out for emerging hot spots and displacement into areas outside of the PSPO boundary.

8. Further Information

Enquiries about the PSPO can made to the Anti-Social Behaviour Team:
asb@sheffield.gov.uk

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