



Public Spaces Protection Order (PSPO) Enforcement Policy

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|----------------|-------------|--------------------|
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1. Introduction

- 1.1. Anti-social behaviour is a broad term that encompasses everyday incidents of crime, nuisance, and disorder that can significantly impact people's quality of life. These behaviours range from littering and vandalism to public drunkenness, aggressive dogs, and noisy or abusive neighbours. Often, such actions are directed at the most vulnerable members of society, and even so-called 'low-level' anti-social behaviour can have a devastating effect on victims.
- 1.2. Due to the wide variety of behaviours involved, responsibility for addressing anti-social behaviour is shared among several agencies, including the police, local councils, and social landlords. In July 2014, legislation was revised to provide these authorised bodies with more streamlined and effective powers.
- 1.3. One such power is the ability for councils to create and enforce Public Spaces Protection Orders (PSPOs). The process for implementing a PSPO is outlined in [Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014](#). Under this section, a council may introduce a PSPO if it is satisfied, on reasonable grounds, that two specific conditions set out in the Act are met.
 - i. The first condition is that:
 - (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
 - (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect
 - ii. The second condition is that the effect, or likely effect of the activities:
 - (a) is, or is likely to be, of a persistent or continuing nature,
 - (b) is, or is likely to be, such as to make the activities unreasonable, and
 - (c) justifies the restrictions imposed by the Order
- 1.4. A Public Spaces Protection Order (PSPO) grants local councils and police additional powers to address anti-social behaviour in specific areas. These orders help regulate activities that are having a detrimental impact on the local community.

2. Power to make a Public Spaces Protection Order

- 2.1. Braintree District Council has the authority to introduce a Public Spaces Protection Order (PSPO) for any public space within its district.
- 2.2. The term *public space* is broadly defined. It includes any area to which the public - or a section of the public - has access, whether by payment, by right, or through express or implied permission. This can include locations such as shopping centres.
- 2.3. Once a PSPO is formally established by the Council, this enforcement policy will guide officers in its implementation and enforcement.
- 2.4. The Council has considered the guidelines provided by Essex Police and aims to maintain consistency in its approach. However, it recognises that the powers and methods available to each agency may differ.
- 2.5. For example, local authority officers do not have the power to arrest individuals or to require someone to provide their name and address.

3. Braintree District Council - Enforcement

- 3.1. Details of Braintree District Council's live PSPOs can be found on the [Braintree District Council website](#).
- 3.2. Enforcement of the restrictions and requirements set out in a Public Spaces Protection Order (PSPO) will be carried out by authorised Braintree District Council Enforcement Officers and Police Officers.
- 3.3. The Braintree District Council serves as the prosecuting authority for any breaches of a PSPO.
- 3.4. A Public Space CCTV system owned by the Council operates in various locations across the district and will be used, where possible, to support enforcement and prosecutions. This system is operated overtly and in compliance with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR), in line with standards set by the Information Commissioner's Office (ICO) and the Biometrics and Surveillance Camera Commissioner.

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| Purpose | Designed to stop individuals or groups committing anti-social behaviour in a public space. |
| Who can make a PSPO | Councils issue a Public Spaces Protection Order (PSPO) after consultation with the Police, Police & Crime Commissioner, the owner or occupier of land in the restricted area and other community representatives they see fit |
| Test | Behaviour being restricted has to: <ul style="list-style-type: none"> • be having, or be likely to have, a detrimental effect on the quality of life of those in the locality; • be persistent or continuing nature; and • be unreasonable. |
| Details | <ul style="list-style-type: none"> • Restrictions and requirements set by the council • These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. • Can restrict access to public spaces (including certain types of highways) where that route is being used to commit anti-social behaviour. • Can be enforced by a police officer and council officers |
| Penalty on breach | <ul style="list-style-type: none"> • Breach is a criminal offence. • Enforcement officers can issue a Fixed Penalty Notice (FPN) of up to £100 if appropriate. • A fine of up to level 3 on prosecution |
| Appeals | <ul style="list-style-type: none"> • Anyone who lives in or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue. • Further appeal is available each time the PSPO is varied by the council. |
| The legislation | Sections 59 to 75 of the Anti-Social Behaviour, Crime and Policing Act 2014. |
| Protecting the vulnerable | <ul style="list-style-type: none"> • Consideration should be given to how the use of this power might impact on the most vulnerable members of society. • Consideration should also be given to any risks associated with displacement, including to where people may be dispersed to. • There is value in working in partnership to resolve ongoing problems and find long term solutions. |

4. Enforcement Process

4.1. Authorised Enforcement Officers will adopt the 3-stage approach

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| Stage 1 Engage | <ul style="list-style-type: none">• Early engagement and intervention |
| Stage 2 Explain | <ul style="list-style-type: none">• Authorised officer speaks to subject to discuss complaint, consequences and possible resolution. |
| Stage 3 Enforce | <ul style="list-style-type: none">• Fixed Penalty Notice (FPN)• Formal Prosecution• Consideration for Criminal Behaviour Order (CBO) |

- 4.2. The district will not operate a zero tolerance to PSPO infringement all breaches will be considered on their individual merits.
- 4.3. Where a visitor is clearly unfamiliar with the PSPO and complies with an authorised persons request to carry out an action no further action will be taken.
- 4.4. If a request for an individual to comply with the PSPO is recorded two times, or they are known to be a regular visitor, and as such very familiar with the PSPOs requirements, they will be subject to more formal action.
- 4.5. Where a visitor refuses or is unable to comply with any request to abide by any PSPO, an FPN will normally be issued, or evidence recorded for formal prosecution where an FPN is not an appropriate way forward.
- 4.6. Where an authorised person deals with an incident where an FPN would normally be issued but where they don't have an FPN with them at the time, they will collect all evidence/information they would need to issue an FPN and then issue by post.
- 4.7. Routine enforcement will typically be carried out through the issuance of an FPN. However, in accordance with the Braintree District Council Enforcement Policy, enforcement action may be escalated directly to formal prosecution in certain circumstances. These may include:

- Seriousness of the offence
- Alignment with council priorities
- Repeated offences where previous FPNs have been issued
- Failure to follow previous advice or warnings

4.8. Braintree District Council will always consider applying for a Criminal Behaviour Order (CBO) on anyone found guilty of a breach or repeated breaches of the PSPO.

5. Issue of Fixed Penalty Notices (FPNs)

5.1. When there is sufficient evidence that a Public Spaces Protection Order (PSPO) has been breached, Braintree District Council or Essex Police will typically issue a Fixed Penalty Notice (FPN) to the individual responsible, as identified by authorised Enforcement Officers (Council officers or Essex Police).

5.2. At the time a breach is witnessed, the officer will request the individual's name and address and inform them that they will be issued a Fixed Penalty Notice for the breach they have committed.

5.3. FPNs may be issued to anyone over the age of criminal responsibility. In England this is currently 10 years of age.

5.4. If the breach is committed by someone under the age of criminal responsibility or under 16, the Council will notify their parents or guardians, as well as relevant services such as Children's Social Care.

5.5. In cases where the individual's behaviour also constitutes a criminal offence, the matter will be referred to Essex Police. The police will address the criminal offence first and then determine whether a PSPO breach has occurred and whether further enforcement action is appropriate.

6. Non-payment of a Fixed Penalty Notice

6.1. The Fixed Penalty Notice (FPN) must be paid within 14 days of the date of issue.

6.2. A discount of 25% will apply if the Fixed Penalty Notice (FPN) is paid within 10 days.

6.3. If the FPN remains unpaid on the 15th day, Braintree District Council will issue a reminder letter giving a further 7 days to comply with the notice.

- 6.4. The letter will also state that if the notice remains unpaid, prosecution proceedings will be commenced in relation to the original breach which led to the issue of the notice.
- 6.5. Once the extension period has expired a formal prosecution will be commenced.
- 6.6. Any income generated from Fixed Penalty Notices must be used to support Street Scene Activities.

7. Enforcement Disputes

- 7.1. There is no formal appeal process for a Fixed Penalty Notice (FPN). Appeals can only be made through court proceedings. However, individuals may submit a written representation explaining why they are contesting the issuance of the FPN. Representations must be received within seven days of the FPN being issued; late submissions will not be considered.
- 7.2. The Council will review the facts of a case when invited to do so. However, the formal route to challenge the allegation and plead not guilty is through prosecution, via summons, and trial at a Magistrates' Court.
- 7.3. Requests for reconsideration of an FPN must be made in writing to:
ASB & Enforcement Manager
Braintree District Council
Causeway House
Bocking End
Braintree, Essex CM7 9HB
- 7.4. Such correspondence may help identify issues requiring resolution or investigation before court proceedings begin. Legal arguments or disputes over the penalty amount are not relevant at this stage. However, claims that a legal defence applies may be considered. Withdrawal of an FPN or a decision not to proceed to summons will only occur in exceptional circumstances, such as:
 - New information becoming available that was not known at the time of issuance.
 - It is not in the public interest to prosecute.
 - The FPN was issued to the wrong individual.

- 7.5. If reconsideration is requested and the decision to issue the FPN is upheld, the appellant will be notified within five working days. The original payment terms will apply, including the opportunity to pay the discounted rate, which will be calculated from the date of the notification letter.
- 7.6. If reconsideration results in the withdrawal or cancellation of the FPN, the appellant will be informed within five working days of the decision.
- 7.7. Complaints regarding the appropriateness or proportionality of an FPN will be handled under the Council's complaints procedure. Details are available on the Council's [website](#).
- 7.8. Complaints regarding the conduct of a Police Officer must be directed to:
- Essex Police Professional Standards: www.essex.police.uk
 - Independent Office for Police Conduct: www.policeconduct.gov.uk

8. Safeguarding

- 8.1. All enforcement officers authorised to issue Fixed Penalty Notices (FPNs) will have completed the required safeguarding training, as determined by either Braintree District Council or Essex Police.
- 8.2. If a vulnerable adult or minor is subject to a PSPO enforcement action, the appropriate reporting procedure for safeguarding and welfare of concerns as detailed in Appendix 1 of the [Braintree District Council Safeguarding policy](#) will be followed to ensure their welfare and protection.

9. Regulators Code

- 9.1. The Regulators' Code came into statutory effect on 6 April 2014 under the Legislative and Regulatory Reform Act 2006 and provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate. Braintree District Council will adhere to this Regulator's Code; for example, by undertaking risk assessments of patrols. Further information can be found [here](#).

10. Training, Administration and Monitoring

- 10.1. All council officers authorised to issue Fixed Penalty Notices (FPNs) will have completed appropriate training in anti-social behaviour enforcement and health and safety procedures.

- 10.2. Essex Police officers follow their own internal training protocols for the issuing of FPNs, ensuring consistency with national policing standards.
- 10.3. The administration of Fixed Penalty Notices (FPNs) will be carried out by the Street Scene Protection Team at Braintree District Council.
- 10.4. The Public Spaces Protection Order (PSPO) will be monitored regularly by Braintree District Council, with quarterly reports prepared for presentation to the Braintree Community and Safety Partnership.

11. Information Sharing and Data Protection

- 11.1. Information obtained as part of the Council's investigations into breaches of a PSPO will include personal information. Any personal information the Council obtains will be treated in accordance with Braintree District Council's Data Protection Policy and the relevant data protection legislation including the UK General Data Protection Regulations and the Data Protection Act 2018.
- 11.2. The Council will share information it obtains with other Council departments, and the Police information may be shared with our community safety hub partners, and any sharing will be undertaken in accordance with the Community Safety Hub Information Sharing Agreement.
- 11.3. While we aim to obtain consent before disclosing personal data, there are specific situations where consent is not required, including:
 - When the Council is legally required to provide the information.
 - When the information is necessary to prevent or detect crime.
 - When the Council is legally obliged to publish the information.
 - When disclosure is necessary to protect the vital interests of the individual concerned.
- 11.4. Full details about how personal information obtained when investigating breaches of PSPO and related antisocial behaviour will be used will be set out in the Council's relevant privacy notices available on the Council's website [Data Retention](#)

- 11.5. Information relating to enforcement cases of the PSPO will be retained for a period of six years from the date the case is officially closed. This retention period aligns with the Council's data management policies and legal obligations.

12. Monitoring, review and accountability

- 12.1. The Street Scene Protection Team receive regular reports on the level and type of antisocial behaviour across the Braintree District.
- 12.2. This will be used to monitor the effectiveness of the policy and ensure accountability for service delivery. The service standards set out in this policy will be used to measure performance and will be reported to relevant panels and forums.
- 12.3. This policy will be reviewed every three years or sooner to incorporate legislative and/or regulatory amendments, best practice developments, or to address any operational issues identified with the process.

13. Measuring Success and Service Improvement

- 13.1. We are committed to continually improving our ASB service. We will use resident feedback, complaint trends and performance data to ensure our services align with the expectations of the communities we serve and the Regulator. We measure our success and drive service improvements through the following:

How we measure success:

- Customer satisfaction – through community Safety Partnership Surveys
 - Resolution rates – the number of cases resolved successfully and within appropriate timescales
 - Response times – how quickly we acknowledge and act on reports
 - Audit outcomes – quality and consistency checks through regular case reviews
 - Feedback from residents and partners – used to identify areas for improvement
- How we improve the service:
- Performing regular internal audits of ASB cases by Team Leaders
 - Ensuring ASB Officers are professionally qualified, and all necessary training is up to date

- Collaborating with community members to ensure the service reflects local priorities.
- Learning the lessons through Case Review outcomes & recommendations