

# **Updated Thame Public Spaces Protection Order - Frequently Asked Questions (FAQ's)**

## **1. What are Public Spaces Protection Orders (PSPOs), how do they work, how are they enforced?**

Public Spaces Protection Orders (PSPO) are a measure to stop individuals or groups committing anti-social behaviour (ASB) in public places.

A PSPO can:

- Prohibit specified things being done in the area
- Require specified things to be done in the area

The district council, in consultation with key stakeholders, is responsible for introducing a Public Spaces Protection Order.

Enforcement of PSPOs is delegated to the Police (and council officers if appropriate). It is important that the PSPO is not seen to be targeting behaviour of individuals where there is a lack of tolerance and understanding by local people.

Appropriate use of signage and information raising awareness of the restrictions and requirements in place are necessary. However, the enforcement of a PSPO will be proportionate and managed within resources available and should not affect response to genuine emergency situations.

Any person (aged 16 or above) found guilty of breaching the Order is liable on summary conviction to a fine not exceeding level 3 on the standard scale. Alternatively, depending on the behaviour in question, the enforcing officer could decide that a fixed penalty notice (FPN) of up to £100 would be the most appropriate sanction. If this is the case, they will ask the district council to issue the FPN. The district council will consider all appropriate information and evidence before deciding whether a fine is justified/appropriate. The district council will not issue FPNs to anybody who is under 16 years of age.

## **2. Are PSPOs a new piece of legislation?**

PSPOs were introduced in the Anti-Social Behaviour, Crime and Policing Act 2014 which became law in October 2014.

They replaced Gating Orders, Dog Control Orders and Designated Public Place Orders. They are one of a number of tools in legislation to tackle anti-social behaviour and provide further options for local authorities and Police.

They should not, however, be seen as a fix for all concerns and must be considered in line with other available actions, legislation and resource.

### **3. What does the PSPO in Thame cover?**

In May 2018, South Oxfordshire District Council introduced a PSPO in Thame to help tackle alcohol and group related ASB.

The district council has extended the PSPO for a further three years so that police officers will continue to have the power to:

- Ask somebody to stop drinking alcohol or confiscate their alcohol if they are behaving (or are likely to behave) anti-socially. An offence is committed if the person fails to comply with the police officer's request.
- Ask a group of three or more people (aged 16 or above) to disperse if their behaviour is causing alarm, distress, harassment or a nuisance. An offence would only be committed under the PSPO if the group refused to disperse when asked to do so by a police officer.

In addition, the district council has also varied the PSPO to include Church Road and the cricket field within the area covered by the order.

### **4. Which parts of the town are covered by the PSPO?**

The geographical area covered by the Thame PSPO is outlined in map that accompanies the written Order. It can be found here:

<https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2021/04/Thame-PSPO-09.04.2021.pdf>.

### **5. Why is the PSPO in Thame still needed?**

Anecdotal evidence from the police (a critical stakeholder in relation to the PSPO as they enforce it) indicated that there was a need to retain the conditions in the order:

- the order has a preventative impact of the levels of alcohol related ASB in the town;
- the order is referred to by police officers when responding to actual and potential alcohol related ASB as part of the night-time economy and during larger scale public events such as late night shopping, food festivals and Christmas markets held within the town centre;
- the police have made use of the order when dealing with group related ASB in the town centre, skate park and recreational ground.

With regards to Church Road and the Thame Cricket Field, the police also outlined that an ability to disperse groups of people aged 16+ who are causing ASB in these areas would support their officers in reducing levels of nuisance, alarm and distress to local residents. In the last 12 months, the police have seen an increase in reports of group related ASB in these locations.

## **6. Will the PSPO prevent me from drinking alcohol in the areas it covers?**

Not necessarily:

A PSPO prohibiting the consumption of alcohol cannot be used against licensed premises. Therefore if an area covered by the PSPO is licensed by a temporary events notice or another type of licence under the Licensing Act 2003 then the PSPO will not be effective for the period of that licence.

The purpose of the PSPO is to tackle anti-social behaviour and when there is no threat of anti-social behaviour there will be no need to challenge an individual.

Furthermore an offence will **only** be committed once an individual does not cease drinking or surrender a container with alcohol in, when challenged by the Police or an authorised person.

## **7. Will I still be able to gather with my friends in a public place in the areas covered by the Thame PSPO?**

The PSPO only affects groups of three or more people who are causing alarm, distress or a nuisance to others in a public place. If you and the group you are in are meeting peacefully and not acting anti-socially, the PSPO will not affect you.

## **8. What if I don't realise that my behaviour is breaching the PSPO?**

If a police officer sees somebody who is, or is likely to be, causing alarm, harassment or distress to others and is drinking/holding alcohol and/or gathering in a group of three or more people, they will respond in a proportionate way. They will first need to ask the person(s) involved to either stop drinking, hand over their alcohol or disperse their group. An offence is only committed if such a request is not complied with.

## **9. How long does the PSPO stay in place for?**

The Thame PSPO will automatically expire after it has been in place for three years. Prior to this, the council will carry out a review of the PSPO to understand if there is a demonstrable and significant need to extend or vary it or if it can expire.