

<b>Surrey Heath Borough Council</b> <b>Public Spaces Protection Order (PSPO) – Joint Enforcement Strategy</b>		
Key Stakeholders	Community Safety Portfolio Holder: Executive Head, Transformation, Business, Community, and Finance: Corporate Enforcement Manager, Senior Business Officer, Green Space Team Leader, Community Safety Officer, Surrey Police Local Commander, Surrey County Council, Legal Services Surrey Heath, Housing Services Manager, Public Health:	Effective Date: 13/10/2017 updated 13/10/2020
The Order Part. 1	<p>Persons within the area defined as the <b>whole of the Borough of Surrey Heath</b> known as the ‘exclusion’ zone will not: ingest, inhale, inject smoke or otherwise use psychoactive substances:</p> <ul style="list-style-type: none"> <li>• Psychoactive substance is given the following definition: Drugs that are commonly referred to and previously known as ‘legal highs’: Substances with the capacity to produce a psychoactive effect in a person who consumes it: (this excludes alcohol, tobacco, medical products, caffeine and controlled drugs which are governed by their own licence and legislation).</li> <li>• Exemption shall apply in cases where the substances are used for a valid demonstrable medicinal use, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation.</li> <li>• Persons within Exclusion zone who breach this prohibition shall: surrender intoxicating substances in his/her possession to an authorised person.</li> <li>• An authorised person could be a Police Constable, Police Community Support Officer. Council Officer or any other person with a delegated authority from the Council, (and must be able to present their authority upon request).</li> </ul>	
Approach	<p>The Psychoactive Substances Act 2016 provides the legal framework to follow relating to the supply of these substances formerly known as legal highs.</p> <p>Where persons are witnessed by an authorised officer to be consuming psychoactive substances this will be classified as an offence. Evidence of consumption can vary and the strongest enforcement position will be from an authorised officer directly witnessing.</p> <p>Where members of the public or CCTV reports users consuming these products either by witnessing or caused by suspicion due to smells, location, behaviour or past experience, Authorised Officers may approach and where persons are found to be actively consuming this will be dealt with as an offence. Where use is suspected and not directly witnessed, upon an Authorised Officer attendance, a request will be made for the surrender of any intoxicating</p>	

	<p>substances that that person(s) possession. Should the person(s) fail to surrender items or claim not to be in possession of the substances the Police Officer may have reasonable grounds, based upon the evidence presented to conduct a search under the Misuse of Drugs Act 1971. If Psychoactive Substances are found then an offence will have been committed under the PSPO.</p>
<p>Enforcement Steps</p>	<p>Those found to be using the Psychoactive Substances will be required to surrender the substances which can be sealed or unsealed at the request of an authorised officer.</p> <ul style="list-style-type: none"> <li>• 1<sup>st</sup> Offence: at the discretion of the officer a warning letter or a fixed penalty notice can be issued (only by SHBC).</li> <li>• 2<sup>nd</sup> Offence: a fixed penalty notice of £100 fine will be issued (by SHBC), and referral to Catalyst or Catch 22.</li> <li>• 3<sup>rd</sup> Offence: Further action to be reviewed that can lead to a court prosecution where the fine could be £1000, and or a Criminal Behaviour Order can be applied for in the most serious cases of breach.</li>   <li>• Future options could consider a Community Protection Notice to mandate people to treatment and/or restrict their activities.</li> <li>• Police and Enforcement Officers will report and evidence breaches on to Ecins (a secure data-base).</li> </ul>
<p>The Order Part 2.</p>	<p>Persons within the <b>9 areas defined below within Surrey Heath</b>, will at the request of an authorised person cease to consume alcohol: Those found to be causing antisocial behaviour by consuming alcohol within the designated areas, are required to surrender any alcohol (sealed or unsealed) at the request of an authorised officer, either a Police officer or <i>Local Authority Officer</i>. It is at the time of any person failing to surrender their alcohol when requested that the offence occurs.</p> <ul style="list-style-type: none"> <li>• Frimley Green Recreation Ground.</li> <li>• Southwell Park to Surrey Avenue.</li> <li>• Old Dean Shopping Parade.</li> <li>• Camberley Town Centre, town park, Obelisk, railway station and car park.</li> <li>• Chobham Road Recreation Ground.</li> <li>• Heatherside Recreation Ground, to include toilets and off road parking area.</li> <li>• Southcote Park.</li> <li>• Frimley Lodge Park.</li> </ul>

	<ul style="list-style-type: none"> <li>• London Road Recreation Ground.</li> </ul> <p>An authorised person could be a police Constable, Police Community Support Officer. Council Officer or any other person with a delegated authority from the Council, (and must be able to present their authority upon request).</p>
<p>Approach</p>	<p>To take proportionate action against those whose anti-social behaviour impacts upon the enjoyment of others within the above designated areas. The ASB Crime and Policing Act 2014 provides the statutory guidance relating to powers that can deter this behaviour.</p> <p>Those found to be consuming alcohol in the designated areas, and whose behaviour is antisocial and requires a delegated officer to request the surrender of their alcohol (in either a sealed or unsealed vessel) will breach the order if this request is denied.</p>
<p>Enforcement Steps</p>	<ul style="list-style-type: none"> <li>• 1<sup>st</sup> Offence: at the discretion of the officer a warning letter or a fixed penalty notice can be issued.</li> <li>• 2<sup>nd</sup> Offence: a fixed penalty notice of £100 fine will be issued.</li> <li>• 3<sup>rd</sup> Offence: Further action to be reviewed that can lead to a court prosecution where the fine could be £1000, and or a Criminal Behaviour Order can be applied for in the most serious cases of breach.</li> <li>• Future options could consider a Community Protection Notice to mandate people to treatment and/or restrict their activities.</li> <li>• Police and Enforcement Officers will report and evidence breaches on to Ecins..</li> </ul>
<p>The Order Part 3.</p>	<p>To exclude those who beg within Camberley Town Centre as outlined on annex 2 map as The Vagrancy Act 1824 is of limited application to address modern day issues.</p> <p>An authorised person could be a Police Constable, Police Community Support Officer, Council Officer or any other person with a delegated authority from the Council, (and must be able to present their authority upon request).</p>

<p>Approach</p>	<p>To enable a sensitive approach to the visible homelessness and begging that has occurred in Camberley Town Centre. No intention to issue Fixed Penalty Notices, the intervention will direct that said person/s firstly engage with local council services. Should this fail, then through the multi-agency partnership CHARMM (Community Harm and Risk Management Meeting) a proportionate court order will be sought to exclude the person from Camberley.</p>
<p>Enforcement Steps</p>	<ul style="list-style-type: none"> <li>• 1<sup>st</sup> Offence: a verbal and/or written warning will be issued, noted and evidenced.</li> <li>• 2<sup>nd</sup> Offence: a further verbal and/or written warning will be issued and evidenced, referral made to the Council's Outreach Housing Service.</li> <li>• 3<sup>rd</sup> Offence: The situation to be reviewed which may result in a court prosecution from a Community Protection Notice that will mandate people to engage with specialist services and/or restrict activities and/or exclude from certain areas, if the most serious cases of breach a Criminal Behaviour Order will be sought.</li> <li>• Police and Enforcement Officers will report and evidence breaches on to Ecins..</li> </ul> <p>An authorised person could be a Police Constable, Police Community Support Officer, Council Officer or any other person with a delegated authority from the Council, (and must be able to present their authority upon request).</p>
<p>The Order Part 4.</p>	<p>Public areas within Surrey Heath that include highways, parks, and greenspace (as per maps in annex 1) will be subject to a control order to encourage responsible dog ownership that will.</p> <ol style="list-style-type: none"> <li>1. Introduce designated areas where dogs will be required to be on a lead.</li> <li>2. Designate that all children's playgrounds will be an exclusion zone for dogs.</li> <li>3. Place dog/s on a lead/s at the request of an authorised officer.</li> <li>4. Place a responsibility upon dog owners/walkers to remove their dog faeces.</li> </ol>
<p>Approach</p>	<p>To encourage responsible dog ownership by introducing proportionate deterrants to the small minority who do not consider the community impact of their behaviour on the highways, parks and greenspaces within Surrey Heath.</p>

<p>Enforcement Steps</p>	<p><b>For 1-4 above:</b></p> <ul style="list-style-type: none"> <li>• 1<sup>st</sup> Offence: at the discretion of the officer a warning letter or a fixed penalty notice can be issued.</li> <li>• 2<sup>nd</sup> Offence: a fixed penalty notice of £100 fine will be issued.</li> <li>• 3<sup>rd</sup> Offence: Further fixed penalty notice fine to be issued and then consideration given to further action relating to a Community Protection Warning Notice to be applied in the most persistent cases of breach.</li> </ul> <p>Corporate Enforcement Officers to report and evidence cases on Ecins.</p>
<p>Resources</p>	<p>On-street enforcement of this order will be delivered in partnership with Surrey Police. It is anticipated that in the main this will be delivered through Community Policing and the Surrey Heath Corporate Enforcement Team.</p> <p>Back office support, co-ordination and on-going enforcement will be delivered by the Borough Council Corporate Enforcement/Community Safety Department.</p> <p>Community Policing Resource  Inspector  Police Sargeant  Police Constables  Police Community Support Officers</p> <p>Corporate Enforcement/Community Safety/Greenspace Team  Corporate Enforcement Manager  Community Safety Officer  Corporate Enforcement Officers  Greenspace Team Leaders  Greenspace Senior Business Officer  Environment Officers  Legal Services</p>

	<p>Fixed Penalty Books to be supplied and kept by the Corporate Enforcement Team. All fee's will be payable to Surrey Heath Borough Council failure to pay will result in the SHBC taking action against the original breach.</p> <p>Publication to support brief interventions and roll – out of the order can be found on the website.</p>	
National/Local Framework	Relevant Legislation	Anti-social Behaviour, Crime and Policing Act 2014, Human Rights Act 1998, Equality Act 2010, Misuse of Drugs Act 2001 and 1971
	Relevant Guidance	Statutory Guidance for Frontline Professionals – ASB Crime and Policing Act 2014 National Policing Guide on the Breach of PSPOs (ACPO)
	Local Partnership	Surrey County Council The Surrey Heath Partnership and Partnership Officer Group
Objectives	<p>This order has been developed with the following objectives in mind:</p> <ul style="list-style-type: none"> <li>• To reduce the usage of psychoactive substances within Surrey Heath.</li> <li>• To reduce the antisocial behaviour from the consumption of alcohol within the 9 designated areas.</li> <li>• To exclude begging within Camberley Town Centre.</li> <li>• To encourage responsible dog ownership within Surrey Heath.</li> </ul>	
Communications	<p>The Public Space Protection Order will be published in the local press in the run up to launch of the Order as the final consultation step (a legal requirement).</p> <p>All relevant areas will be identified and signage installed. Further signage will be installed in hot spot locations to be identified in conjunction with the partnership.</p> <p>A Policing Operational order will be created and communicated to Police Staff.</p> <p>A briefing will be communicated by SHBC, and the Surrey Heath Partnership to partners and available on the council website.</p>	