

Bath & North East Somerset Council

MEETING	Cllr Tim Ball, Cabinet Member for Neighbourhood Services	
MEETING DATE:	On or after 14th December 2024	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3592
TITLE:	Fixed Penalty Notice charging schedule re Public Space Protection Orders (for anti-social behaviour related to alcohol)	
WARD:	All wards in Bath City, Midsomer Norton Redfield, and Midsomer Norton North wards.	
AN OPEN PUBLIC ITEM		
List of attachments to this report: None		

1 THE ISSUE

- 1.1 To agree the schedule of charges for Fixed Penalty Notices (FPNs) issued under **Section 63 and 67 of the Anti-Social Behaviour, Crime and Policing Act 2014.**

2 RECOMMENDATION

The Cabinet member is asked to:

- 2.1 Agree the Fixed Penalty charge for breach of Public Spaces Protection Orders at the following levels:

Penalty Amount: Set the maximum FPN amount for breach of PSPO at £100, to be paid within 28 days of notice being issued.

Early Payment Reduction: Offer a reduced penalty of £75 if the payment is made within 14 days of the notice being issued.

- 2.2 Consider the legislative requirement for FPNs, as outlined in the Statutory Considerations section below.
- 2.3 Ensure transparency and formal documentation of this decision through the Single Member Decision process.
- 2.4 That the implementation of all future changes to PSPO Fixed Penalty charges are delegated to and implemented by the Director of People and Change, or any

successor or equivalent role to that post, in consultation with the relevant Cabinet Member.

3 THE REPORT

- 3.1** The Anti-Social Behaviour Crime and Policing Act 2014 states that a Fixed Penalty Notice (FPN) may be issued by a constable or authorised person for offences under Sections 63 or 67 of a Public Spaces Protection Order (PSPO), allowing offenders to discharge liability for their breach by paying the penalty specified.
- 3.2** Along with a FPN, a penalty notice letter will be issued outlining the offence. This letter details the offence, penalty amount, payment instructions, and the timeframe for payment.
- 3.3** The enforcement of Public Spaces Protection Orders (PSPOs) involves collaboration between local authorities and the police. Bath and North East Somerset Council will handle the receipt of payments and ensure that appropriate follow-up actions are taken for unpaid penalties, including potential escalation which could lead to prosecution.
- 3.4** On failure to pay an FPN, the maximum penalty is a fine of £1000. Clear communication will ensure the public understands the PSPO restrictions and associated penalties. This includes visible signage in the mapped areas.
- 3.5** Individuals issued with a FPN retain the right to challenge the notice and contest the alleged offence in court, as stipulated under Section 66 of the Anti-Social Behaviour, Crime and Policing Act.

4 STATUTORY CONSIDERATIONS

Legislation

- 4.1** Under Section 68 of the Anti-Social Behaviour, Crime and Policing Act 2014, a Fixed Penalty Notice (FPN) can be issued by a constable or authorised person for offences under Sections 63 or 67 in relation to a Public Spaces Protection Order (PSPO). The maximum fine is £1000.
- 4.2** A FPN provides an alternative to court proceedings, with payment discharging liability for prosecution by payment of a fixed penalty to a local authority specified in the notice.
- 4.3** Further stipulations include that where a person is issued with a notice in respect to an offence –
 - a) no proceedings may be taken for the offence before the end of the period of 14 days following the date of the notice.
 - b) The person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

A FPN must –

- a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;
- b) state the period during which (because of subsection (4)(a)) proceedings will not be taken for the offence;
- c) specify the amount of the fixed penalty;
- d) state the name and address of the person to whom the fixed penalty may be paid;
- e) specify permissible methods of payment;

An amount specified under subsection (5)(c) **must not be more than £100**.

A FPN **may specify two amounts under subsection (5)(c)** and specify that, if the lower of those amounts is paid within a specified period (of less than 14 days), that is the amount of the fixed penalty.

4.4 The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 empowered local authorities to increase penalty levels for specific offences. However, the maximum penalty for PSPO breaches remains governed by Section 68(5) of the Anti-Social Behaviour, Crime and Policing Act 2014.

4.5 This decision complies with the Human Rights Act 1998, particularly Articles 8 and 14, ensuring fairness, proportionality, and non-discrimination.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 Legal and administrative costs of issuing FPNs will be covered within existing budgets. Any revenue received from FPNs will be reinvested into Council-led initiatives, enhancing local services and furthering community safety objectives.

6 RISK MANAGEMENT

6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance. The proposed penalty levels are proportionate, enforceable, and legally compliant, mitigating risks associated with inconsistency or ineffectiveness in enforcement.

7 EQUALITY

7.1 An [Equality Impact Assessment](#) was carried for the Public Spaces Protection Orders (PSPOs). Fixed Penalty Notices are issued solely to individuals engaging in anti-social behaviour offences that breaches a PSPO. This ensures penalties are applied fairly and consistently.

8 CLIMATE CHANGE

8.1 There are no known impacts on climate change associated with this decision.

9 OTHER OPTIONS CONSIDERED

9.1 To set the FPN at the maximum amount of £100 without a reduction for early payment. However, this approach was deemed less effective in promoting prompt compliance and may disproportionately impact individuals.

10 CONSULTATION

10.1 The Council's Monitoring Officer, Section 151 Officer and Director of People and Change have had the opportunity to input to this report.

Contact person	Samantha Jones, Inclusive Communities Manager.
Background papers	B&NES Fixed Penalty Notices for Environmental and Anti-Social Behaviour Offences Approved PSPO Orders for Bath City and Midsomer Norton 2024 Anti-Social Behaviour Crime and Policing Act 2014
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