

Bath & North East Somerset Council		
MEETING/ DECISION MAKER	Cllr Tim Ball - Cabinet Member for Neighbourhood Services	
MEETING/ DECISION DATE:	Not before 29th March 2025	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3609
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 amend the schedule of charges cited in Single Member Decision dated 14th December 2024 for Fixed Penalty Notices (FPNs) issued under section 63 and 67 of the Anti-Social Behaviour, Crime and Policing Act 2014.
- 1.2** No FPNs have been issued during the period 14th December 2024 – 10th March 2025.

2 RECOMMENDATION

The Cabinet Member is asked to agree the following amendments:

- 2.1** Agree the Fixed Penalty charge for breach of Public Spaces Protection Orders at the following levels:
- 2.2** The FPN must be paid within a maximum of 14 days. (updated from 28 days)
- 2.3** An early payment amount of less than £100 can be offered if paid within a period of less than 14 days. (in our case: £75 if paid within 10 days).
- 2.4** On failure to pay an FPN, the maximum penalty on conviction for a section 63 offence is level 2, which is £500.

3 THE REPORT

- 3.1** The amendments to the schedule of payments and timescales have been advised by the Council's Legal Officers.

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).
- 4.2** S68(4) ASBCPA 2014 – “Where a person is issued with a notice under this section in respect of 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.”
- 4.3** S68(7) ASBCPA 2014 – “A fixed penalty notice 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** A Fixed Penalty Notice 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.

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

A fixed penalty notice 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.

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

8 CLIMATE CHANGE

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

9 OTHER OPTIONS CONSIDERED

- 9.1 None. This is an amendment to part of the previous decision.

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 the original report.
- 10.2 Legal Services have recommended this amendment.

Contact person	Samantha Jones, Inclusive Communities Manager.
Background papers	Executive Forward Plan reference number E 3592
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