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Date: 5<sup>th</sup> March 2025

**INDIVIDUAL CABINET  
MEMBER DECISION**

Dear Sir/Madam,

The Cabinet Member for Planning and Enforcement (Councillor R. Roze) is to consider the following report and make a decision on **Monday, 17<sup>th</sup> March 2025** at **1.30pm** in the Council Chamber, Town Hall, Nuneaton.

Yours faithfully,

TOM  
SHARDLOW  
Chief Executive

# A G E N D A

## PART 1

### PUBLIC BUSINESS

#### 1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds, please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside Lloyds Bank on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.

#### 2. PUBLIC CONSULTATION - Members of the public will be given the opportunity to speak on specific agenda items if notice has been received.

Members of the public will be given three minutes to speak on a particular item and this is strictly timed. The chair will inform all public speakers that: their comments must be limited to addressing issues raised in the agenda item under consideration: and that any departure from the item will not be tolerated.

The chair may interrupt the speaker if they start discussing other matters which are not related to the item, or the speaker uses threatening or inappropriate language towards Councillors or officers and if after a warning issued by the chair, the speaker persists, they will be asked to stop speaking by the chair. The chair will advise the speaker that, having ignored the warning, the speaker's opportunity to speak to the current or other items on the agenda may not be allowed. In this eventuality, the chair has discretion to exclude the speaker from speaking further on the item under consideration or other items of the agenda.

#### 3. DECLARATIONS OF INTEREST - To receive declarations of Disclosable Pecuniary and Other Interests, in accordance with the Members' Code of Conduct.

##### **Declaring interests at meetings**

If there is any item of business to be discussed at the meeting in which you have a disclosable pecuniary interest or non-pecuniary interest (Other Interests), you must declare the interest appropriately at the start of the meeting or as soon as you become aware that you have an interest.

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda (**Page 4**). Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Committee Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

There are, however, TWO EXCEPTIONS to the general rule:

1. When the interest amounts to a Disclosable Pecuniary Interest that is

engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.

2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

Note: Following the adoption of the new Code of Conduct, Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room. Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Audit & Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.

Note: Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.

Where a Member has a Deemed Disclosable Interest, the Council's Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.

4. PUBLIC SPACE PROTECTION ORDER ENFORCEMENT PROTOCOL – a report of the Communities and Communities Safety Manager attached **(Page 5)**

**Councillor Roze - Schedule of Declarations of Interests – 2024/2025**

	<b>Name of Councillor</b>	<b>Disclosable Pecuniary Interest</b>	<b>Other Personal Interest</b>	<b>Dispensation</b>
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> <li>- Housing matters</li> <li>- Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992</li> <li>- An allowance, payment given to members</li> <li>- An indemnity given to members</li> <li>- Any ceremonial honour given to members</li> <li>- Setting council tax or a precept under the Local Government Finance Act 1992</li> <li>- Planning and Licensing matters</li> <li>- Allotments</li> <li>- Local Enterprise Partnership</li> </ul>
	R. Roze	Director – InfiniTEN Ltd	Representative on the following Outside Bodies: <ul style="list-style-type: none"> <li>• A5 Member Partnership</li> <li>• Nuneaton and Bedworth Community Enterprises Ltd</li> <li>• PATROL (Parking and Traffic Regulations Outside of London) Joint Committee Services.</li> <li>• Building Control Partnership Steering Group</li> <li>• Bedworth Town Deal Board</li> </ul>	

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**Report Summary Sheet**

**Date: 17<sup>th</sup> March 2025**

**Subject: Public Space Protection Order Enforcement Protocol**

**Portfolio: Planning and Enforcement**

**From: Communities and Community Safety Manager – Abu Malek**

**Summary:**

The cabinet member is being asked to approve the protocol for enforcing the Public Space Protection Order (PSPO) covering both town centres. The PSPO was approved in January by cabinet, this plan details how it will be implemented for both adults and young people.

**Recommendations:**

That the protocol to be approved has been attached as **Appendix B**

**Options:**

1. To approve the protocol.
2. Approve with amendments.
3. Not to approve.

**Reasons:**

If the protocol is approved, it will allow all agencies to be involved to enforce the order

**Consultation undertaken with Members/Officers/Stakeholders**

There was an open consultation for the order that received over 300 responses with the vast majority supporting the order.

**Subject to call-in:**

**Yes**

**Ward relevance:**

**St Marys, Chilvers Coton, Bede and Slough**

**Forward plan: N/A**

**Building a Better Borough Aim:**

**Aim 1 - LIVE**

We want to make our Borough a place where residents enjoy living and where others choose to make their home. Working alongside our partners, we want to transform the Borough into a place that recognises the challenges and opportunities for our residents, by reducing the number and types of barriers they face, and which maximises all opportunities to improve their lives.

**Building a Better Borough Priority:**

Priority 4: Prioritise Community Safety & Empowerment

**Relevant statutes or policy:**

Anti-Social Behaviour, Crime and Policing Act 2014

**Equalities Implications:**

No

**Human resources implications:**

No

**Financial implications:**

Resource (officer time) to process fixed penalty notices.

**Health Inequalities Implications:**

None

**Section 17 Crime & Disorder Implications:**

This will lead to positive action being taken to reduce ASB in both town centres.

**Risk management implications:**

None as the Police will have primacy in enforcing the PSPO.

**Environmental implications:**

None

**Legal implications:**

The protocol outlines a phased approach in dealing with contraventions of the order.

**Contact details:**

**Telephone 02476376358**

**Email: [Abubaker.malek@nuneatonandbedworth.gov.uk](mailto:Abubaker.malek@nuneatonandbedworth.gov.uk)**

## AGENDA ITEM NO.4

### NUNEATON AND BEDWORTH BOROUGH COUNCIL

**Report to:** Individual Cabinet Member Decision

**From:** Communities and Community Safety Manager – Housing and Community Safety

**Subject:** Public Space Protection Order Enforcement Protocol

**Portfolio:** Planning and Enforcement - (Councillor R. Roze)

**Building a Better Borough Aim: One**

**Building a Better Borough Priority: Four**

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1. Purpose of Report

- 1.1 The cabinet member is being asked to approve the protocol for enforcing the Public Space Protection Order (PSPO) covering both town centres. The PSPO was approved in January by cabinet, this plan details how it will be implemented for both adults and young people.

2. Recommendations

- 2.1 That the protocol to be approved has been attached as **Appendix B**

3. Background

- 3.1 Public Space Protection Orders were introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 and can set restrictions or requirements on groups or individuals to prevent them committing anti-social behaviour in a public place. Key tests must be met. These are;
- *it must be having, or be likely to have, a detrimental effect on the quality of life of those in the locality;*
  - *be of persistent or continuing nature; and*
  - *be unreasonable.*
- 3.2 The order covers three areas that are detailed below;
- An authorised person, where they reasonably suspect, may request that a group of three or more within the restricted area acting in such a manner as to cause harassment, alarm or

distress to any person immediately disperse and not return to the restricted area within 48 hours.

- An authorised person may request a person to dismount if they are cycling, skateboarding, scootering or using similar devices within the restricted area where they reasonably suspect that the person is riding in a malicious and/or dangerous manner as to cause harassment, alarm or distress to any person within that area.
- A person is prohibited from wearing face coverings in an attempt to conceal their identity to cause harassment, alarm or distress to any person; this includes scarves, balaclavas, and masks. This would not include a face covering worn in respect of religious or cultural beliefs.

#### 4. Body of Report

- 4.1 The protocol attached in Appendix B outlines how both adults and young people who contravene the order will be managed. Our aim is to make our town centres an environment that is safe for all visitors and businesses. Following on from a significant response during the consultation phase in support of this order we have carefully developed this protocol in partnership with Warwickshire Police and other partners.

#### 5. Conclusion

- 5.1 The cabinet members approve the protocol, this will allow the order to be enforced.

#### 6. Appendices

- 6.1 **Appendix B – PSPO Enforcement Protocol.**

#### 7. Background Papers (if none, state none)

- 7.1 None

## Public Spaces Protection Order Enforcement Protocol- Nuneaton and Bedworth Town Centres



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## Introduction

Introduced by the Anti-social Behaviour Crime and Policing Act 2014, Public Spaces Protection Orders (PSPO) are intended to tackle identified problem behaviour in a specific location rather than individuals or properties. Local authorities can implement PSPOs to prohibit specified activities, and/or require certain things to be done by people engaged in particular activities, within a defined public area.

The threshold for making a PSPO is set out in Section 59 Anti-social Behaviour Crime and Policing Act 2014 which permits local authorities to make a PSPO if satisfied, on reasonable grounds, that the following conditions are met as defined by the Act:

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

it is likely that activities will be carried on in a public place within that area and that they will have such an effect

the activities is, or is likely to be, of a persistent or continuing nature,

is, or is likely to be, such as to make the activities unreasonable, and

justifies the restrictions imposed by the Order

A breach of the PSPO is a criminal offence, which can be dealt with, either by way of a fixed penalty notice (FPN) of up to £100 or prosecution. If prosecuted, an individual could be liable to a fine no higher than £1,000.

Any PSPO introduced can only be valid for a maximum of three years or shorter and must thereafter be extended if still required. Such extension is subject to Nuneaton and Bedworth Borough Council being satisfied that it is reasonable and necessary to do so and is subject to the same publication requirements as the introduction of a PSPO. The extension period is also restricted to a maximum of three years.

## Enforcement

### Partnership Working

Warwickshire Police will be granted delegated authority to enforce the Public Space Protection Orders (PSPOs) within Nuneaton and Bedworth. As the primary enforcers, Warwickshire Police will manage enforcement duties. Officers assigned to enforcement will adhere to guidelines provided by Warwickshire Police and will share the offender's personal details, along with supporting evidence of the breach, with the local authority. This will enable the issuance of warning letters or Fixed Penalty Notices (FPNs) when deemed appropriate (Appendix A).

Relevant agencies will be informed of any breaches, in cases where an individual has accumulated more than two breaches resulting in FPNs, consideration will be given to a referral to explore options for addressing the underlying issues associated with repeated offending. This could involve support, intervention, or additional enforcement measures, such as an Anti-Social Behaviour Injunction or Criminal Behaviour Order.

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## Issuing Fixed Penalty Notices

An authorised officer of the Council may issue a Fixed Penalty Notice (FPN) to any individual they reasonably believe has committed an offence under section 67 of the Anti-social Behaviour, Crime and Policing Act 2014. FPNs can be issued to individuals aged 10 or older.

An FPN provides the recipient with the opportunity to discharge any liability to conviction for the offence by paying the specified amount to the Council. No legal proceedings can be initiated until 14 days after the FPN is issued. If the recipient pays the fine within this period, no conviction will be sought.

Nuneaton and Bedworth Borough Council will set the FPN amount at £100, payable within 14 days, with a reduced fee of £80 if paid within 10 days of issuance. If the fine remains unpaid, a final reminder will be sent, offering an additional seven-day notice period. Failure to pay after this reminder will lead to prosecution. Instalment payments will not be accepted.

Each FPN must include the following information: (a) A detailed description of the alleged offence; (b) The period during which legal proceedings will not be initiated; (c) The fixed penalty amount; (d) The name and address of the recipient to whom payment should be made; (e) The methods of payment accepted.

The Council will issue FPNs to individuals identified as violating the prohibitions or requirements of the PSPO. All FPN details will be accurately recorded and monitored at each stage, from issuance to closure, on SafetyNet.

Failure to pay the FPN within 14 days may result in prosecution. To maintain the integrity of the FPN scheme, all cases of non-payment will be referred to the Council's legal services for potential prosecution. If convicted, the individual may face a fine, be required to pay prosecution costs, and incur a criminal record.

Although there is no set timeframe for serving an FPN, it will generally be issued within 15 working days of the offence to prevent any allegations of process abuse.

All income received from FPN payments will be ring-fenced and used solely for Council functions related to community safety. Any costs recovered from a defendant following successful prosecution will be received by the Council once recovered by the court.

## **Young People**

Under the law, a local authority is permitted to issue a Fixed Penalty Notice (FPN) to any individual over the age of 10 if they are believed to have committed an offence. Parents or guardians are not legally responsible for paying FPNs issued to minors. However, a court may require a parent or guardian to pay any fine imposed on a young person.

In accordance with the Children Act 2004, local authorities and other agencies, including the police, are required to carry out their functions while considering the need to safeguard and promote the welfare of children.

If an enforcing officer believes that the offender is under 18, they should record the individual's name and address and inform them that their details will be forwarded to

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Nuneaton and Bedworth Borough Council, which will issue a formal warning letter and notify the offender's parents or guardians.

If an individual under 18 offends for a second time, they will be visited by the relevant Police Neighbourhood Officer or Police Youth Justice Officer. An appointment will be arranged with the offender's parent or guardian to discuss the offence. The Youth Justice Team will be notified, and, where appropriate, alternative restorative measures or an Anti-Social Behaviour Contract (ABC) may be pursued. Other relevant agencies be informed of the breaches as necessary.

For a third offence, an FPN will be issued by Nuneaton and Bedworth Borough Council by post, and the offender's parents or guardians will be notified.

Prosecution of a young person under 18 will only be considered if the FPN remains unpaid or if the offender is identified as a persistent offender.

## **Mitigating Circumstances**

A Fixed Penalty Notice (FPN) will only be issued when there is sufficient admissible evidence to support a potential prosecution. This includes offences that have been directly witnessed by an authorised officer or supported by reliable witness testimony.

An FPN will only be issued if the local authority is confident that the correct identity details have been provided. Failure to supply a name and address, or providing false information to an authorised officer, constitutes an offence.

FPNs should not be issued if there is reason to believe that the individual does not fully understand the nature of the offer, such as in cases where there are doubts about their ability to understand English. In such cases, every effort should be made to ensure that the individual understands the necessary information.

If an individual's behaviour indicates that they may have learning difficulties, a mental disorder, or if they are under the influence of alcohol or drugs, the local authority should assess whether issuing an FPN is appropriate. In such instances, it may be more suitable to consider educational intervention or, if necessary, pursue prosecution if it serves the public interest.

If there is no satisfactory address for enforcement purposes, such as when the local authority suspects the individual is homeless or a non-resident foreign national, further consideration will be given before issuing the FPN.

## **Disputes about enforcement**

Once a FPN has been issued, the recipient may decide to phone or write to the local authority pleading mitigation or contesting the fact that a FPN was issued. An alleged offender contesting a FPN should be advised that there is no obligation to pay a fixed penalty and there is no formal appeal procedure.

Whilst the Council should review the facts of a particular case when invited, the opportunity to challenge the allegation and plead not guilty to the alleged offence at an independent hearing is open to the recipient of the FPN. This will be by the way of prosecution, on summons, and trial in a Magistrates' Court.

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Any person requesting a reconsideration of the decision to issue a FPN should do so in writing to the Community Safety Team, Town Hall, Coton Rd, Nuneaton CV11 5AA.

Such letters may help identify any issues that need resolving or investigating before a case is prepared for court. Arguments over the law, the amount of the fixed penalty etc. will not be relevant, but claims that a defence applies will. Only in exceptional circumstances will it be appropriate to withdraw a FPN or not proceed to summons on non-payment. Examples of this may be when information that was not available at the time the FPN was issued becomes available, that it would not be in the public interest to prosecute, or that the notice should not have been issued to the person named in the notice.

Where reconsideration has been requested, and the decision to issue the FPN upheld, the appellant shall be informed within five working days of the decision and the original payment terms, including the opportunity to pay the charge at the discounted rate, which will apply from the date of letter notifying the appellant of the results of the reconsideration.

Where a reconsideration has been requested which results in the withdrawal or cancellation of the FPN, the appellant shall be informed within five working days of the decision.

Any complaint regarding the issue of a FPN to do with its appropriateness or proportionally in the circumstances shall be dealt with under the Council's complaint procedure, details of which are available on the Council's website.

Any complaint regarding the conduct of a Police Officer must be made directly to Warwickshire Police Professional Standards [www.warwickshire.police.uk](http://www.warwickshire.police.uk) or to the Independent Office for Police Conduct, [www.policeconduct.gov.uk/](http://www.policeconduct.gov.uk/).

Appendix A

