

Implementing a Public Spaces Protection Order: A Good Practice Guide

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1 Introduction

This guide is intended for practitioners, particularly those working within local authorities or police forces, who are considering the use of Public Spaces Protection Orders (PSPOs) to address anti-social behaviour (ASB). It is evidence-based, drawing directly on the author's research into the application of this power (Archer, 2023).

It aims to support practitioners in interpreting and applying the legal framework set out in the Anti-Social Behaviour, Crime and Policing Act 2014. The guide outlines the statutory tests, thresholds, and procedures involved, clarifying key aspects of the legislation. In doing so, it promotes consistency in the use of PSPOs and helps prevent the introduction of orders that may be subject to criticism or legal challenge.

Rather than offering prescriptive answers, the guide encourages critical reflection on professional judgement and decision-making. This introductory section outlines the legal context and scope of ASB in England and Wales, introduces PSPOs as a regulatory power, and summarises the research methodology underpinning this guide.

1.1 Anti-Social Behaviour in England and Wales

ASB was first conceptualised in England and Wales under the Crime and Disorder Act 1998. The current legal definition, relevant to place-based, non-residential ASB, is set out in section 2(1)(a) of the Anti-Social Behaviour, Crime and Policing Act 2014, which defines it as “conduct that has caused, or is likely to cause, harassment, alarm or distress to any person”.

The definitional boundaries of ASB have long been debated. Scholars have described it as an “elastic” (Burney, 2009: 8) and “vehicular” concept (Carr & Cowan, 2006: 57) or simply observed that “you know it when you see it” (Millie, 2007: 617). The statutory definition is notably subjective, focusing on the perceived impact of conduct rather than the behaviour itself (Armitage, 2002; Harradine et al., 2004). It blurs the line between criminal and sub-criminal behaviour, incorporating a broad spectrum of actions that may not otherwise attract formal sanction (Darke, 2011).

The most recent classification of forms of ASB comes from the National Policing Improvement Agency (2011); these are:

- personal: the targeting of an individual/small group
- nuisance: incidents against groups/the local community
- environmental: actions affecting the surrounding and natural/built environment

According to the Office for National Statistics (2025), the police recorded approximately one million incidents of ASB in the year ending March 2025. These figures highlight that ASB remains a persistent concern among the public, as well as for practitioners and policymakers.

1.2 Tools and Powers to Tackle Anti-Social Behaviour

Through the Anti-Social Behaviour, Crime and Policing Act 2014, the Conservative-led Coalition government introduced six tools and powers to address ASB. These are:

- Civil Injunctionsⁱ
- Criminal Behaviour Orders (CBOs)ⁱⁱ
- Community Protection Notices (CPNs)ⁱⁱⁱ
- Public Spaces Protection Orders (PSPOs)
- Closure powers^{iv}
- Dispersal powers^v

Acceptable Behaviour Contracts (ABCs),^{vi} also known as Acceptable Behaviour Agreements, while not statutory powers under the Anti-Social Behaviour, Crime and Policing Act 2014, also remain in use. They are non-legal interventions that often precede legal action.

Many of these powers are examples of civil preventive orders, which are “two-step prohibitions” (Simester & von Hirsch, 2006: 147). They are civil powers that, upon exercise, generate a criminal offence for those in breach (Ashworth & Zedner, 2014).

This document focuses on PSPOs, the scope of which is detailed below.

1.2.1 Public Spaces Protection Orders

PSPOs are place-based legal powers introduced by local authorities to regulate behaviour within a designated public space (a ‘restricted area’). Implemented without the approval of the judiciary (Brown, 2017; Stanford, 2019), PSPOs contain prohibitions and requirements that regulate the ASB of those within the restricted area. Statutory penalties for breaching a PSPO include a fixed-penalty notice (FPN) of up to £100¹ issued on the spot, or a fine of up to £1,000 imposed by the Magistrates’ Court. PSPOs operate for a maximum period of three years at a time.

¹ Clause 4 of the Crime and Policing Bill proposes increasing the value of an FPN to £500.

PSPOs have been controversial, particularly when local authorities have introduced orders that regulate the behaviour of vulnerable groups, such as young people (Brown, 2017; Ford et al., 2018), ethnic minorities (Brown, 2017), Gypsy, Roma, and Traveller communities (Patchett, 2017), and people experiencing street homelessness² (Brown, 2020; Heap et al., 2022; Moss & Moss, 2019; Roberts & Archer, 2022).

Since their introduction, data on the use of PSPOs has remained scarce, largely because the central government does not maintain any oversight of their use (Heap & Dickinson, 2018).³ Freedom of information requests submitted by the Manifesto Club found that an average of 15 PSPOs were introduced each month (2019), and that 303 local authorities had introduced a total of 2,003 PSPOs, with only 29 councils never having done so (2023). Localised decision-making, operating without central oversight, risks inconsistency and a 'postcode lottery' in the implementation of PSPOs.

This document provides good practice recommendations to help local authorities avoid criticism and challenge when introducing these orders.

1.3 Providing An Evidence-Led Basis for Good Practice

This document is based on the empirical findings of the author's research, which sought to answer three substantive questions about PSPOs:

- i) How are PSPOs implemented?
- ii) How are PSPOs enforced?
- iii) How do practitioners perceive the effectiveness of PSPOs?

Semi-structured interviews were conducted in 2020 with 32 participants across nine local authorities in England. The sample included 18 local authority employees (e.g. ASB/Community Safety Officer/Manager), 10 police officers, and four elected officials, broadly representative of each group's involvement in the implementation of a PSPO.

The project received ethical approval from Sheffield Hallam University and adhered to the British Society of Criminology's (2015) 'Statement of Ethics'. Each participant received an

² This document adopts the inclusive term 'people experiencing street homelessness', as recommended by Crisis (2021).

³ Clause 7 of the Crime and Policing Bill proposes a provision to provide information about ASB to the Secretary of State.

information sheet and gave either written or (audio-recorded and transcribed) verbal informed consent.

1.4 Structure Of This Document

Following this introduction, the next section outlines the key statutory provisions relevant to PSPOs.⁴ It then presents a series of good practice recommendations informed by the author's research. The document concludes with a summary and reference list.

1.5 Legal Disclaimer

This guide is intended for informational and professional development purposes only. It does not constitute legal advice from the author, Sheffield Hallam University, or Green & Burton ASB Associates, and should not be relied upon as such.

The guide does not override or replace any existing local policy. However, it may be used to inform policy review and development in light of current good practice and case law.

The information contained herein is accurate at the time of publication. Users should be aware that subsequent changes in legislation, statutory guidance, or case law may affect the applicability of the content.

⁴ This guide does not reference all statutory provisions related to PSPOs. It focuses only on those provisions that informed the development of good practice recommendations through the author's empirical findings.

ⁱ Civil Injunctions are applied for by various public authorities in response to ASB occurring or being likely to occur, based on the civil standard of proof (the balance of probabilities). For adults and those under 18 years old, they are issued by the County Court, High Court (for adults) or the Youth Court (for under-18s), and can last indefinitely (for adults) or for up to 12 months (for under-18s). Breach constitutes civil contempt of court, which can lead to arrest and imprisonment.

Clause 1 of the Crime and Policing Bill proposes the replacement of Civil Injunctions with Respect Orders, which will be applied for by a relevant authority to the County Court or High Court. Unlike the current Civil Injunctions, breach of a Respect Order constitutes a criminal offence, punishable by up to two years' imprisonment, a fine, or both. While Respect Orders are intended for adults aged 18 and over, Clause 2 of the Crime and Policing Bill also restructures existing civil injunctions for young people aged 10–17, renaming them Youth Injunctions.

ⁱⁱ Criminal Behaviour Orders (CBOs) are issued by a judge following a criminal conviction in the Crown or Magistrates' Court and can contain prohibitions and/or positive requirements for behaviour. For adults, they last for a minimum of two years; for those under 18, they must be reviewed annually. Breach of a CBO must meet the criminal standard of proof (beyond reasonable doubt), with penalties including a fine or imprisonment for up to four years.

ⁱⁱⁱ Community Protection Notices (CPNs) can be issued to anyone aged 16 or over, or to a business. Preceded by a written Community Protection Warning (CPW), they can contain prohibitions and/or positive requirements relating to acceptable behaviour. They may be appealed in the Magistrates' Court within 21 days of issue. Breach of a CPN is a criminal offence, with penalties including a fixed-penalty notice of up to £100, or a Level 4 fine of up to £2,500 for individuals and up to £20,000 for businesses.

Clause 4 of the Crime and Policing Bill proposes increasing the value of a CPN to £500.

^{iv} Closure powers prohibit individuals from accessing premises where the use of the premises has, or is likely to, result in a nuisance to the public. They are issued by a police officer of at least the rank of Inspector, or a local authority, for up to 48 hours (Closure Notice), or up to six months by order of a court (Closure Order).

Clause 3 and Clause 5 of the Crime and Policing Bill propose extending these powers to housing associations and increasing the maximum duration of Closure Notices to 72 hours.

^v Authorised by a police officer of at least the rank of Inspector, dispersal powers allow officers to exclude individuals from a designated public area for up to 48 hours. Officers may also require individuals to surrender items believed to be used in causing ASB (e.g. alcohol, sound equipment). Officers may use this power where they have reasonable grounds to suspect that the presence or behaviour of an individual may cause harassment, alarm, or distress to the public, and where giving a direction is considered necessary to prevent such harm. Failure to comply may result in arrest.

Clause 3 of the Crime and Policing Bill proposes increasing the maximum duration for dispersal powers to 72 hours.

^{vi} Acceptable Behaviour Contracts (ABCs) are written agreements between ASB perpetrators and local authorities, housing providers, and police forces. These documents contain a list of prohibited behaviours, although they are not legally binding. They can also include positive requirements or support provisions offered by involved agencies. Typically lasting for six months, ABCs can vary in duration, but it is good practice to set a clear review or end date. Where breached, ABCs may lead to escalation to legal intervention, such as a Civil Injunction or CBO. Whilst still available for use, JUSTICE (2023) notes that their use has been in gradual decline.

2 Anti-Social Behaviour, Crime and Policing Act 2014

This section provides an overview of key provisions of the Anti-Social Behaviour, Crime and Policing Act 2014 relevant to PSPOs. This overview is supplemented by the Home Office (2025) ASB statutory guidance, the Local Government Association (2018) PSPO guidance, and judgments from the limited case law discussing PSPOs.

The Anti-Social Behaviour, Crime and Policing Act 2014 is intentionally broad, offering local authorities wide-ranging discretion in decision-making (O'Brien, 2016). This approach was affirmed in *Dulgheriu & Orthova v London Borough of Ealing* [2018] EWHC 1667, where the High Court confirmed that such discretion was Parliament's intention. This statutory flexibility underscores the value of this good practice guide.

2.1 Who Can Introduce a Public Spaces Protection Order?

Only a local authority can introduce a PSPO.⁵ Under section 74(1), this includes:

- a district council
- a county council (where there is no district council)
- a London borough council
- the Common Council for the City of London (in its capacity as a local authority)
- the Council of the Isles of Scilly

2.2 Where Can a Public Spaces Protection Order Be Introduced?

Section 74(1) defines a 'public place' as "any place to which the public has access on payment or otherwise, as of right or by virtue of express or implied permission".

Section 64(1)(a)–(c), and the Home Office (2025) ASB statutory guidance clarifies that this definition extends to both highways⁶ and quasi-public spaces.⁷

⁵ Section 68 of the Criminal Justice Bill (2023) proposed to confer the power to issue PSPOs to police forces. At the time of writing, the Bill has not been enacted, due to the dissolution of Parliament ahead of the 2024 General Election.

⁶ For a definition of a highway, see section 328 of the Highways Act 1980.

⁷ Meert et al. (2006: 3) define quasi-public spaces as environments "that are legally private but part of the public domain." Examples include out-of-town retail parks, shopping centres, and gated communities.

When determining a restricted area, the potential displacement of ASB must be carefully considered, particularly where it involves vulnerable groups. The Home Office (2025: 73) ASB statutory guidance warns that “Restrictions that are too broad or general in nature may force young people into out-of-the-way spaces and put them at risk.”

2.3 When Can a Public Spaces Protection Order Be Introduced?

A PSPO may be introduced when a local authority has reasonable grounds to believe that two statutory conditions are met (section 59).

Section 59(2) outlines the first condition:

- (a) activities carried on in a public place within the local authority’s area have had a detrimental effect on the quality of life of those in the locality, or
- (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect

Section 59(3) outlines the second condition as being that the effect, or likely effect, of these activities:

- (a) is, or is likely to be, of a persistent or continuing nature
- (b) is, or is likely to be, such as to make the activities unreasonable, and
- (c) justifies the restrictions imposed by the notice

2.3.1 Operationalising a “detrimental effect on the quality of life”

Neither the statute, Home Office (2025) ASB statutory guidance, nor the Local Government Association (2018) PSPO guidance provides any substantive clarification on how the “detrimental effect on the quality of life” threshold should be applied in practice.

This phrasing has been criticised for being “vague, framed broadly, and rely[ing] heavily on subjective assessments” (JUSTICE, 2023: 10). The ruling in *Summers v Richmond upon Thames LBC* [2018] EWHC 782 clarified that ASB does not need to affect *all* public space users to pose a “detrimental effect on the quality of life”. It also affirmed that local authorities have a broad remit to determine whether behaviours pose a “detrimental effect on the quality of life” of citizens.

ASB does not need to affect the same person to be classed as persistent or continuing, per *Dulgheriu & Orthova v London Borough of Ealing* [2018] EWHC 1667. This ruling allows a “detrimental effect on the quality of life” to affect occasional visitors to the restricted area.

2.4 Who Do I Need to Consult?

A local authority must conduct a 'necessary consultation' before making, extending, varying, or discharging a PSPO (section 72(3)).

Section 74(4) defines a 'necessary consultation' as consultation with:

- (a) the chief officer of police, and the local policing body, for the police area that includes the restricted area
- (b) whatever community representatives the local authority thinks it appropriate to consult⁸
- (c) the owner or occupier of land within the restricted area⁹

The statute does not explicitly require local authorities to consult public space users. However, according to the Home Office (2025: 67) ASB statutory guidance:

It is strongly recommended that the council engages in an open and public consultation to give the users of the public space the opportunity to comment on whether the proposed restriction or restrictions are appropriate, proportionate or needed at all.

2.4.1 Seeking Approval from Local Government Cabinets

The Home Office (2025) ASB statutory guidance recommends that all proposed orders be submitted to cabinet-level decision-making for full council approval. The Local Government Association's (2018: 14) PSPO guidance offers recommendations for political accountability, scrutiny, and sign-off, highlighting examples of areas that adopt this process. It states that:

Discussions at senior political level by those who understand their local areas best, will help to ensure that the views of all parts of the community are reflected, and find an appropriate balance between the interests of those affected by the ASB and those likely to be affected by the proposed restrictions.

⁸ The phrase 'community representative' is defined as "any individual or body appearing to the authority to represent the views of people who live in, work in or visit the restricted area" (section 74(1)).

⁹ This requirement does not apply in circumstances where the local authority both owns and occupies the land, and applies only if, or to the extent that, it is reasonably practicable to consult the owner of the occupied land (section 74(5)).

2.4.2 Necessary Publicity and Notification

Section 72(3) outlines the 'necessary publicity' a local authority must undertake in relation to a PSPO:

- (a) in the case of a proposed order or variation, publishing the text of it
- (b) in the case of a proposed extension or discharge, publicising the proposal

It also defines 'necessary notification' as informing the following authorities of the proposed order, extension, variation, or discharge:

- (a) the parish council or community council (if any) for the area that includes the restricted area
- (b) in the case of a public spaces protection order made or to be made by a district council in England, the county council (if any) for the area that includes the restricted area

2.4.3 Signage

The Home Office (2025: 76) ASB statutory guidance outlines that:

It will be for local councils to consider what changes to signage are necessary to sufficiently draw the matters set out in Regulation 2 of the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulation 2014 to members of the public's attention.

The Local Government Association's (2018: 17) PSPO guidance adds:

Signs publishing the order in the affected locality do not necessarily need to set out all the provisions of the order, but rather state where this information can be found. Multiple signs are likely to be required, particularly where the Order covers a large area.

2.5 What Behaviour Can a Public Spaces Protection Order Regulate?

Prohibitions and requirements within a PSPO must meet the conditions set out in Section 59(5):

- (a) to prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurring, or
- (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence

Section 59(6) provides that a prohibition or requirement may exist so as to apply:

- (a) to all persons, or only to persons in specified categories, or to all persons except those in specified categories
- (b) at all times, or only at specified times, or at all times except those specified
- (c) in all circumstances, or only in specified circumstances, or in all circumstances except those specified

Proportionality is important when determining what behaviour a PSPO will regulate. The Home Office (2025: 67) ASB statutory guidance states that “In deciding to place restrictions on a public space, councils should consider the knock-on effects of that decision and ensure that this is a reasonable and proportionate response to incidents of anti-social behaviour in the area.” This principle is especially important when restrictions may impact particular groups.

PSPOs are designed to address persistent issues affecting public spaces, not to target the behaviour of a small number of identifiable individuals. Where specific persons are known to be causing harm, alternative legal tools such as Civil Injunctions or CPNs may be more appropriate.

2.6 How Is a Public Spaces Protection Order Enforced?

There are three considerations relating to the enforcement of PSPOs: designating policing bodies to enforce orders, issuing the statutory penalties, and the use of informal enforcement mechanisms.

2.6.1 Designating Policing Bodies

Through sections 68(11) and 69, a wide range of actors can be designated to enforce a PSPO.¹⁰ Designated individuals may include:

- local authority employees
- police officers/Police Community Support Officers
- private security firms (employed as either local authority employees or third-party companies)

¹⁰ They are referred to in this guide as ‘policing bodies’.

2.6.2 Issuing The Statutory Penalties

Section 67(1) declares that it is an offence for a person, without reasonable excuse:

- (a) to do anything that the person is prohibited from doing by a public spaces protection order
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order

The High Court in *Wycombe District Council v Snowball* [2020] EWHC 1656 held that, in the context of alcohol-related restrictions, a breach may be established based on an authorised officer's reasonable belief, even if the facts differ.

There are two statutory penalties available for breach of a PSPO: a FPN or a fine on summary conviction. An FPN is defined as "a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to a local authority specified in the notice" (section 68(2)).

Section 68(5) sets out that an FPN must:

- (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence
- (b) state the period during which proceedings will not be taken for the offence¹¹
- (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

Section 68(6) states that the penalty must not exceed £100. Section 68(7) allows for a discounted amount if paid within a shorter period (less than 14 days), if specified in the notice.

Where a case proceeds to court, Section 67(2) provides for a fine not exceeding Level 3 on the standard scale, currently £1,000, following a summary conviction in the Magistrates' Court. Where a PSPO breach results in prosecution, local authorities may also consider applying for a Criminal Behaviour Order.

¹¹ Section 4(a) states that "no proceedings may be taken for the offence before the end of the period of 14 days following the date of the notice".

2.6.3 Employing Informal Enforcement Mechanisms

The statute does not include any provisions relating to informal enforcement mechanisms.¹² However, the Home Office (2025) ASB statutory guidance outlines that policing bodies should adopt an incremental approach to enforcement. Such an approach emphasises education and engagement before escalation.

The Local Government Association's (2018: 17) PSPO guidance also says that "Warnings may often be sufficient and in many areas the initial preferred response... Councils have reported that in most cases this has been sufficient to address the behaviour and there has been no need to take further action."

2.7 Can A Public Spaces Protection Order Be Challenged?

A PSPO (or the variation of an order) can be challenged in the High Court. Section 66(2) outlines the two grounds of challenge as being:

- that the local authority did not have the power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied)
- that a requirement under this Chapter was not complied with in relation to the variation of an order

A challenge must be brought by an 'interested person', which section 66(1) defines as "an individual who lives in the restricted area or who regularly works in or visits that area." Such a challenge must be brought within six weeks of the order being made or varied, per section 66(3). Separately, a non-interested person may seek judicial review (Brown, 2017).¹³

2.8 Can I Renew/Rescind/Vary A Public Spaces Protection Order?

PSPOs can be in place for no more than three years at a time, as set out in section 60(1). Before a PSPO is due to expire, the issuing local authority must consider whether the order should be extended for a further period.

¹² This document uses the phrase 'informal enforcement mechanisms' to mean interactions which do not generate a legal sanction (Heap et al., 2022).

¹³ For more information about judicial review, see Courts and Tribunals Judiciary (2024).

Under Section 60(2), the authority must be satisfied that an extension is necessary on reasonable grounds to prevent the:

- (a) occurrence or recurrence after that time of the activities identified in the order, or
- (b) an increase in the frequency or seriousness of those activities after that time

A PSPO can be varied. Section 61(1) provides that a local authority may vary it:

- (a) by increasing or reducing the restricted area
- (b) by altering or removing a prohibition or requirement included in the order, or adding a new one

A local authority can discharge a PSPO at any time, under section 61(4). If this occurs, section 61(6) prescribes that a notice must be published, specifying the date on which the order will cease to have effect

3 Good Practice for Implementing a Public Spaces Protection Order

3.1 Who Can Introduce a Public Spaces Protection Order?

- Establish clear communication channels with your police force and multi-agency partners from the outset. Involve them in every stage of PSPO consideration and implementation to promote joint ownership and ensure informed decision-making.
 - You may wish to formalise this through a dedicated PSPO working group, which can enhance transparency, accountability, and shared responsibility across agencies.
- Engage with neighbouring local authorities, particularly where reported ASB incidents cross geographical boundaries. These conversations can help coordinate responses, prevent duplication of effort, and identify potential for joint action.

3.2 Where Can a Public Spaces Protection Order Be Introduced?

- Designate a restricted area that can be enforced consistently and proportionately. This should be informed by discussions with your police force and enforcement partners about capacity and resourcing. In many cases, targeting specific ASB 'hotspots' may be more manageable and effective than covering a broad geographic area.
- Ensure that your proposed restricted area is supported by robust evidence demonstrating the nature, frequency, and impact of ASB. Given the potential for PSPOs to limit individual freedoms, strong evidence is essential for demonstrating necessity and proportionality and will help protect against public or legal challenge.
- Consider the risk of displacement, especially concerning vulnerable groups. Avoid designating areas in a way that could restrict access to essential services or place people at risk. If displacement is a likely outcome, assess whether a PSPO is the most appropriate tool for the problem.
 - In such cases, explore whether alternative interventions may better address the underlying ASB without unintended harm.

3.3 When Can a Public Spaces Protection Order Be Introduced?

- PSPOs are blunt instruments and should not be the default response to ASB. Consider whether non-criminal justice interventions – particularly those focused on support – might be more effective, especially where the behaviour involves vulnerable individuals or groups.

- Engage your multi-agency partners early. If they do not support the proposal to introduce a PSPO, this should prompt a serious reconsideration of whether the order is necessary or proportionate.
- Evaluate whether a PSPO is the most appropriate power for the issue at hand. Ask:
 - Would a CPN achieve a similar result with fewer implications for public freedoms?
 - If the issue occurs in a quasi-public space, is it more appropriate to require the landowner to take action rather than relying on public enforcement?
 - Could short-term measures, such as dispersal powers, address the issue more flexibly?
 - Where young people are involved, would an ABC be a more proportionate, supportive intervention?
- Conduct a proportionality assessment before progressing. Even if there are no Equality Act 2010 implications, a documented proportionality assessment will help demonstrate that:
 - The proposed PSPO is necessary and the least restrictive option, and
 - You have considered the potential impact on rights and freedoms, particularly under Articles 10 and 11 of the Human Rights Act 1998.

3.3.1 Operationalising a “detrimental effect on the quality of life”

- Collate a broad and robust evidence base of ASB reports, drawing from both statistical and anecdotal sources. Engage a range of stakeholders, including residents, community groups, and multi-agency partners. A well-rounded dataset will help justify your decision-making and support you in the event of scrutiny or legal challenge.
- Critically assess who is reporting ASB, and why. Consider how to balance appropriate responses to victimisation with the need to avoid overregulating sub-criminal behaviour – particularly where this may affect vulnerable or marginalised groups. Be alert to the risk of reinforcing existing biases or discrimination.
- If impact data is limited, seek alternative sources, such as police incident logs, community safety partnership data, or public attitudes surveys. These can provide additional insight into both the prevalence and perception of ASB.

3.4 Who Do I Need to Consult?

- Engage the public through a mix of consultation methods, including online platforms and in-person opportunities. Go beyond surveys to facilitate two-way dialogue. Avoid leading questions and ensure the process allows for honest, reflective feedback.
 - Make a concerted effort to consult those whose behaviour the proposed PSPO would directly regulate. Targeted engagement with groups often labelled as ‘hard to reach’ (Jones & Newburn, 2001), such as young people, rough sleepers, or street drinkers, may require working closely with voluntary sector or statutory partners.
- Consult frontline practitioners who have daily contact with the community, including ASB officers, neighbourhood policing teams, and outreach workers. Their insights can shape a proportionate, enforceable response.
- Consult specialist groups where the PSPO may affect communities. This may include homelessness charities, youth organisations, faith-based groups, or equality advocacy bodies. Their expertise can help identify unintended impacts and enhance fairness.
- Ensure that the consultation addresses the specific prohibitions and requirements under consideration. You should not add new conditions after the consultation process without repeating the consultation on those elements.
- Analyse and publish consultation findings as soon as possible. Present the results in accessible, plain English so a non-specialist audience can understand them.
- Approach the consultation process with genuine openness. Be prepared to reconsider or abandon the PSPO proposal if the findings do not support it. Any decision to proceed despite opposition should be clearly explained and supported by evidence.

3.4.1 Seeking Approval from Local Government Cabinets

- Secure formal approval from senior decision-makers within your local authority, both to initiate consultation and to implement any proposed PSPO. Submitting the proposal to cabinet and elected members ensures the process is democratically accountable and allows the order to be stress-tested before implementation.
- Complete an Equality Impact Assessment (EIA) to demonstrate compliance with the Public Sector Equality Duty (PSED) under Section 149 of the Equality Act 2010. This should be included as an appendix to your cabinet submission. The EIA should show how you have given due regard to the need to:
 - eliminate unlawful discrimination, harassment, and victimisation.

- advance equality of opportunity and access for people from different backgrounds.
 - foster good relations between groups in the community.
- An EIA may reveal that the proposed PSPO risks disproportionately impacting certain groups, such as people experiencing homelessness, ethnic minorities, or disabled individuals. Where this is the case, a legal challenge may follow, potentially on grounds of indirect discrimination or failure to comply with the PSED.

3.4.2 Necessary Publicity and Notification

- Publicise the PSPO using multiple accessible channels, such as your local authority website, local press, community noticeboards, and social media. This ensures that a wide cross-section of the public is informed.
- Communicate the rationale for the order, including:
 - The behaviours it seeks to address.
 - The evidence base supporting it.
 - The planned enforcement approach.
 - How members of the public can raise questions or concerns.
- Ensure all materials are written in plain English, accessible, and available in alternative formats or languages where appropriate.

3.4.3 Signage

- Develop a clear and proportionate signage plan as part of your implementation strategy. Consider:
 - The number and distribution of signs (e.g. number per square metre/mile, balanced against available resources).
 - The content of the signage (e.g. visual infographics, plain text, and enforcement messaging).
 - Accessibility features (e.g. clear font size, plain English, community languages, and appropriate height/placement for visibility).
- Ensure signage is installed before or at the time the order comes into effect. This may require the removal or replacement of existing signage to avoid confusion.
- Be realistic about the limits of signage as a tool. While it can act as a deterrent, signage alone will not ensure compliance. It should be supported by:
 - The visible presence of authorised officers.

- Wider public education efforts (e.g. posters, flyers, digital campaigns).
- Consider the potential impact of signage on how the space is used. Excessive or poorly positioned signage may discourage people from entering the space. This can be especially problematic in town and city centres.

3.5 What Behaviour Can a Public Spaces Protection Order Regulate?

- When seeking to regulate behaviour that is not inherently criminal, ensure you have a strong and defensible evidence base. This should include:
 - Clear data showing that the conduct is persistent or continuing.
 - Evidence of its detrimental impact on the local community.
 - Why a PSPO is the most proportionate and effective response.
- If the behaviour may soon be addressed through new or updated legislation, consider whether a short-term or alternative measure (e.g. dispersal powers or support-based interventions) would be more appropriate.
- Avoid using a PSPO to impose vague or overly broad prohibitions. A PSPO should not include:
 - A "catch-all" clause prohibiting behaviour that causes "harassment, alarm or distress." This language is too subjective and risks overreach. PSPOs must address clearly defined, evidenced conduct, not speculative or future behaviours.
 - Restrictions on begging, aggressive begging, or related behaviours linked to people experiencing street homelessness. Such measures have been widely criticised as discriminatory and are vulnerable to legal challenge.
 - Dispersal-type conditions. The Anti-social Behaviour, Crime and Policing Act 2014 provides a separate, specific power for dispersal. This is deliberately time-limited and subject to oversight to promote proportionality.

3.6 How Is a Public Spaces Protection Order Enforced?

3.6.1 Designating Policing Bodies

- Engage in early and open discussions with your local police force to understand their capacity and willingness to support enforcement. A PSPO is unlikely to be effective if it cannot be proactively enforced. If adequate police resourcing is not available, reconsider whether a PSPO is the most appropriate tool.

- Explore the potential role of other authorised policing bodies, such as local authority enforcement officers or private security firms. However:
 - Ensure clear lines of accountability are established, particularly when outsourcing enforcement to third parties.
 - Put in place robust training and oversight mechanisms to prevent inconsistent or disproportionate use of powers.

3.6.2 Issuing The Statutory Penalties

- Reserve FPNs for individuals who repeatedly breach a PSPO, particularly where the conduct is otherwise non-criminal. Ensure that robust systems are in place to record who has been issued with an FPN to promote consistency across all authorised policing bodies.
- Where repeated breaches occur, consider whether escalating to an alternative intervention, such as a CPN, may be more effective than continuing to issue FPNs.
- Do not issue FPNs to people experiencing street homelessness or other vulnerable individuals, nor use the threat of enforcement to coerce engagement with support services. This approach is unlikely to lead to meaningful behaviour change and risks reinforcing cycles of vulnerability and criminalisation. Instead, prioritise support-led interventions. Work with outreach teams and voluntary sector organisations to connect individuals with appropriate services.
- Develop a tailored enforcement framework for each PSPO, clearly outlining:
 - When formal enforcement (e.g. FPNs) is appropriate.
 - What behaviours or circumstances trigger enforcement.
 - How discretion should be used by different policing bodies.
- This ensures consistency, accountability, and avoids disproportionate responses.

3.6.3 Employing Informal Enforcement Mechanisms

- Use verbal warnings or informal interventions – such as alcohol confiscation – as your initial response to a breach of a PSPO. Clearly explain:
 - The existence of the PSPO.
 - The behaviour it prohibits or requires.
 - The consequences of further breaches.
- Always record the encounter to ensure traceability and accountability.

- Consider introducing a ‘PSPO Transition Period’ following implementation, during which no FPNs are issued. This should be for at least one month, but could be extended for larger geographic areas or orders involving complex issues. This allows for public awareness, engagement, and behavioural adjustment.
- Where the individual breaching the order is vulnerable, such as someone experiencing street homelessness, prioritise signposting to multi-agency support services rather than formal sanctions.
 - If not already in place, develop a shared database of individuals experiencing street homelessness in your area, including any existing engagement with service providers.
- Avoid issuing an FPN for sub-criminal behaviour unless there is a record of prior informal intervention. Keeping track of informal enforcement is essential for ensuring a proportionate response and avoiding unnecessary criminalisation.
- Where multiple agencies are involved in PSPO enforcement, establish:
 - A centralised record-keeping system for warnings and interactions.
 - Consistent templates for communications (e.g. written warnings).
 - An agreed multi-agency enforcement framework, including escalation pathways and decision-making protocols.
- This should be agreed upon during the consultation and planning stage, ensuring consistency and clarity across all partners.

3.7 Can A Public Spaces Protection Order Be Challenged?

- While it is relatively rare for an ‘interested person’ to bring a legal challenge against a PSPO, it is not impossible. To protect your authority’s decision:
 - Embed accountability, transparency, and proportionality into all stages of PSPO implementation and enforcement.
 - Maintain detailed records of consultation, decision-making, enforcement activity, and responses to feedback.
- Treat the potential for judicial review as a prompt for good governance. Documenting your rationale, evidence base, and engagement strategy will help demonstrate that you have acted lawfully and proportionately if challenged.
- Look to other local authorities as informal benchmarks. Reviewing how neighbouring or comparable councils have introduced and enforced PSPOs, particularly those upheld under scrutiny, can inform and support your process.

3.8 Can I Renew/Rescind/Vary A Public Spaces Protection Order?

- Develop a clear and realistic process for evaluating the effectiveness of each PSPO. Be mindful that:
 - PSPOs are only as effective as the resources allocated to their enforcement.
 - Measuring impact may be challenging when PSPOs are used alongside other ASB tools.
- Reflect critically on whether the PSPO has achieved its intended outcome. If ASB is likely to return immediately upon removal, consider whether the order has truly resolved the issue or simply displaced it.
- Do not assume automatic renewal. Each prohibition and requirement must be scrutinised individually. Renewal should only occur where robust evidence demonstrates that:
 - The ASB continues to cause, or is likely to cause, a detrimental effect on the quality of life, and
 - The specific conditions remain necessary and proportionate.
- Remember: PSPOs are not required to remain in force for the full three-year term. Build in processes for ongoing review. If the ASB problem appears to be resolved, consider rescinding the order early to ensure a proportionate approach.
- Treat PSPO renewal with the same rigour as the original order. Conduct at least the same level of public consultation and stakeholder engagement. This ensures compliance with statutory obligations and protects the local authority against legal challenge.
 - The renewal process exists to re-test the necessity and proportionality of the order, not to act as a procedural formality. Shortcutting this process risks rendering the renewed order unlawful.

4 Conclusion

This guide has outlined the key provisions of the Anti-Social Behaviour, Crime and Policing Act 2014 and provided good practice recommendations for local authorities and police forces considering the use of PSPOs. These recommendations are informed by empirical research.

It would be impossible to offer definitive guidance on every aspect of PSPO implementation without a large-scale, comparative study of all local authorities, their decision-making processes, the content of their orders, and the outcomes following enforcement. What this guide does offer is a framework for critical reflection, drawing on the experiences of different areas and aiming to support more consistent, accountable practice.

The Anti-Social Behaviour, Crime and Policing Act 2014 and accompanying Home Office (2025) ASB statutory guidance deliberately grant local authorities discretion in the design and use of PSPOs. While this enables tailored responses to local needs, it has also contributed to inconsistency, creating what can be described as a postcode lottery of criminalisation. Such variation risks undermining both the legitimacy and effectiveness of PSPOs.

The recommendations in this document are designed to support greater consistency and fairness across local areas. They also aim to prompt further dialogue and the sharing of practice among practitioners. Through future research and policy engagement, the author will continue to make evidence-led contributions toward legislative and procedural reform in this area.

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[Green & Burton ASB Associates](#) are a specialised group of experts who offer reliable solutions for individuals, organisations, and communities dealing with anti-social behaviour. Their team of associates have over 50 years of experience and skill in handling even the most complex of ASB cases. They are dedicated to supporting organisations with up-to-date, relevant and helpful support to upskill practitioners and improve community outcomes.

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