

LEGAL OPTIONS FOR DEALING WITH BUSKERS – PSPO v CPN

Information quoted as at 27 May 2015

INTRODUCTION

This note sets out the comparison between powers under the Anti-social Behaviour, Crime and Policing Act 2014.

This is a general comparison of legal options for dealing with behaviour which can be construed as anti-social, for example, busking.

FOR FURTHER INFORMATION CONTACT:

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27 MAY 2015

NAME OF ORDER	PSPO PUBLIC SPACES PROTECTION ORDER	CPN COMMUNITY PROTECTION NOTICE
PUBLIC OR INDIVIDUAL REMEDY?	PUBLIC	INDIVIDUAL
WHO CREATES RESTRICTION?	Council subject to challenge through court	Council subject to challenge through court
LEGAL THRESHOLD?	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. Effect, or likely effect, of the activities: * Persistent	Conduct carried out by individual * Conduct of individual is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and

	<ul style="list-style-type: none"> * Unreasonable * Justifies the restrictions 	* The conduct is unreasonable.
DOES IT INCLUDE OPTIONS FOR POSITIVE REQUIREMENTS?	Can require specified things to be done by persons carrying on specified activities in that area	<p>Can include:</p> <ul style="list-style-type: none"> * A requirement to do specified things; * A requirement to take reasonable steps to achieve specified results.
PENALTIES FOR BREACH?	<p>CRIMINAL OFFENCE: Level 3 fine – currently £1,000</p>	<p>CRIMINAL OFFENCE Level 4 fine – currently £2,500 Further options include:</p> <ul style="list-style-type: none"> * Remedial action by the Council * Court making order to remedy the problem * Forfeiture / seizure of items used in commission of offence
DETERRENT EFFECT?	Deterrent effect may come from publicity that certain activities have been criminalised by the Council	<p>Prosecution for breach would take place in open court so unless reporting restrictions apply the media could report on breaches if they wanted to. Prosecutions normally published</p>