

14 October 2015

Dear Councillor

I am writing to you following a lot of questions being asked about the Public Spaces Protection Order report going to the City Executive Board on Thursday.

We have had a letter from Liberty challenging the legality of the Order. Jeremy Thomas, as the Council's Monitoring Officer and lead legal advisor, informed me that the proposed Order may lawfully be adopted. If it is approved by the City Executive Board any interested party can challenge its legality by way of an appeal before it comes into force.

Jeremy is presenting a supplementary report to the Board to answer the issues raised by Liberty. It will be important that the Board makes a decision on the Order based on the information in the reports before it.

I understand that a Council posting on Change.org last week stated the Council would not impose a Fixed Penalty Notice for aggressively begging. That is not correct. The aim of the release was to correctly say our approaches would be to:

- Deter anti-social behaviour;
- Seek to change individual behaviours to avoid action;
- Connect people with help and support.

However, it is important to be clear that the proposed Order would enable the Council, if none of this has worked to either:

- Report the offense to the police;
- Issue a fixed penalty notice;
- Prosecute in the Magistrates Court.

In Court we would normally ask for an Order directing the individual to engage with support services to help deal with the underlying problem, but that Court does charge a court fee and could decide to issue a fine.

I do not want the Board to agree the Order but misunderstand the financial penalties which could follow from an aggressive begging offence. Our desire would be

prevention, positive help and encouragement of behaviour change but fines, penalties and court charges could end up being applied.

In terms of how the policy would be enforced our anti-social behaviour policy states:

- *Enforcement action must be proportionate and fair;*
- *We will seek to resolve cases at the lowest level of intervention;*
- *We will only take enforcement action when behaviour is serious or persistent or where people's health and safety is threatened.*

I am sorry if our statement to Change.org was misleading. There is a correct statement to the public on our website and the matter is covered in the supplementary report.

With best wishes

A handwritten signature in blue ink that reads "Peter Sloman". Below the signature is a long, horizontal blue line that tapers at both ends, serving as a decorative underline.

Peter Sloman
Chief Executive