A brief guide to PSPOs and swimming.

These are really useful documents.

It seems these are beginning to be used to stop people swimming. Already in place across the whole of North Lincs, and being suggested in Milton Keynes. It is probably because they are easier to bring in than bylaws, and panicking councils that don’t understand about outdoor swimming, who to target and many other points, are thinking they are an easy fix. They are totally inappropriate to apply to swimming by any groups, and must be challenged.

PSPO = Public Safety Protection Order

Brought in under the Anti-social Behaviour, Crime and Policing Act 2014 along with other new tools and powers for use by councils and their partners to address anti-social behaviour (ASB) in their local areas.

Here are some useful points in the Local Government Association guidance, and the Home Office guidance it refers to. There are many other useful points in these documents, so I think they are essential reading.

Key points – a council can't just impose a PSOP willy-nilly:

*“Under section 59 of the 2014 Act, local authorities must be satisfied on reasonable grounds that the activity subject to an Order:*

*• has a detrimental effect on the quality of life of those in the locality (or it is likely that activities will take place and have such an effect)*

*• is (or is likely to be) persistent or continuing in nature*

*• is (or is likely to be) unreasonable*

*• justifies the restrictions being imposed.*

*PSPOs must set out clearly what the detrimental activities are. What may be regarded as ‘anti-social’ is a subjective concept, and similarly determining whether or not behaviour is detrimental and unreasonable can present some challenges and will require careful consideration.*

*Councils will need to assess how certain behaviours are perceived, and their impact – both on the community broadly, and on its most vulnerable individuals. Some areas have included an additional test locally that the behaviour needs to be severe enough to cause alarm, harassment or distress.*

*Collating evidence that illustrates the detrimental impact of particular activities will be important (see supporting evidence and consultation, below).*

*When assessing what is ‘unreasonable’ activity, councils will need to balance the rights of the community to enjoy public spaces without ASB, with the civil liberties of individuals and groups who may be affected by any restrictions imposed. Further, some of those affected by possible restrictions may be vulnerable and councils need to look carefully at what impact the proposals might have on certain groups or individuals (see assessing potential impact and the Equality Act, below)”*

See this document: (link downloads PDF) <https://www.local.gov.uk/sites/default/files/documents/10.21%20PSPO%20guidance_06_1.pdf> –

some more EXTRACTS:

*“However, PSPOs will not be suitable or effective in all circumstances, and it is important to consider carefully the right approach for identifying and addressing the problem behaviour. This is especially important when the activities may also have positive benefits.”*

*“The Home Office statutory guidance re issued in December 2017 states that proposed restrictions should focus on specific behaviours and be proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.* [3 <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956143/ASB_Statutory_Guidance.pdf> ]

*…*

*It is useful for local areas to seek early contact with interest groups when scoping their proposals, to help identify how best to approach a particular issue, before the formal statutory consultation takes place.*

*…*

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