

**Public Space Protection Order – Enforcement Process and Penalties.**

- 1 It will be for the Head of Service responsible for the Council's Community Safety and Corporate Enforcement Functions to ensure that the PSPO is effectively enforced. This Head of Service together with the Chief Executive and other members of the Corporate Management Team are the Council's Proper Officers for PSPO enforcement and can delegate other officers accordingly.
- 2 When any person is caught consuming alcohol in any controlled drinking zone declared by Boston Borough Council by an officer(s) from Lincolnshire Police the individual will be requested to desist drinking forthwith. The officer(s) providing the request will use their discretion about confiscation and disposal of alcohol.
- 3 Where any person is requested to desist from consuming alcohol forthwith and immediately complies, Lincolnshire Police will verify the details of the person and pass them to Boston Borough Council for recording on Sentinel or any successor secure ASB platform. A warning letter will be sent to the person which will contain suitable narrative.
- 4 Where any person is requested to desist from consuming alcohol forthwith and **fails** to comply immediately they commit an offence and the instructing officer(s) from Lincolnshire Police will secure a Witness Statement in an agreed form and pass to Boston Borough Council for recording on Sentinel or any successor secure ASB platform.
- 5 In respect of 4 above, for a first offence, an officer duly authorised by Boston Borough Council will issue a **Fixed Penalty Notice** to the person concerned. Where a Fixed Penalty Notice is issued and duly paid within the timeframe prescribed, no further action will be taken and the offence will have been discharged. Where a Fixed Penalty Notice is not duly paid, the Council will consider all of the recovery options open to it in accordance with the Law and its Corporate Enforcement Policy.
- 6 Should any person requested to desist drinking alcohol in a controlled drinking zone by an officer from Lincolnshire Police as set out in 4 above **fail** to do so for a **second** time within any **six month** period, a duly authorised officer from Boston Borough Council will consider issuing a **formal prosecution** against the individual in accordance with the Law and the Council's Corporate Enforcement Policy.

**Notwithstanding any failure to comply with 4 above, Lincolnshire Police retain all other prevailing powers to deal with anti-social behaviour and public order offences. Boston Borough Council also has the right to use any and all other powers vested in it to deal with any person who commits any alcohol related anti-social behaviour.**

**Any Fixed Penalty Notice issued by Boston Borough Council for breach of the PSPO approved by Council on 8 December 2014 will carry a £100 fine.**