If you receive a PSPO

PSPO Consultation

I have been given a fixed penalty notice. Does this mean I have a criminal conviction?

Receiving a Fixed Penalty Notice does not amount to a criminal conviction. But if the fine is not paid, is not successfully appealed and the council decides to prosecute for non-payment of the fine, this could lead to a criminal conviction.

Can I challenge the PSPO?

Yes, if you believe you have not committed an offence, you have the choice of not paying the penalty notice and challenging our police partners, or delegated officers' evidence in court.

If I get a Fixed Penalty Notice, how long do I get to pay?

A constable or authorised person may issue a Fixed Penalty Notice to anyone he or she believes has committed an offence. A person committing an offence will have 14 days to pay the fixed penalty of £100 failing which they may be prosecuted. The person issued with the penalty may appeal or make representation to the Issuing authority if they are struggling to pay or believe the offence did not occur.

What if someone can't pay the fine?

Anyone unable to pay a fine can make representation to the council and it will be looked at on a case by case basis, taking into consideration any mitigating factors and statements made in respect of the circumstances of the breach.

If you receive a PSPO

PSPO Consultation

Prosecution at the Magistrates Court

A decision may be made to prosecute a person for the offence of breach of the PSPO. This may occur as a result of non-payment of the Fixed Penalty Notice or where the individual is repeatedly in breach of the PSPO and it is decided that the Magistrates Court is best placed to determine the matter.

When appearing at the Magistrates Court the defendant is required to pay a court fee. A guilty plea typically incurs a charge. The charge varies depending on whether the case goes to trial and the seriousness of the offence.

Depending on the circumstances, the court may also decide to punish the defendant by use of a fine. The court must also impose the victim surcharge (a fine used to fund services that support victims). Magistrates are able to require a person to engage in positive activities by granting a Criminal Behaviour Order (CBO), applied for by the prosecuting authority on conviction of a criminal offence. Such an order may include prohibitions to stop the behaviour reoccurring and/or include positive requirements. For example, there could be a requirement to engage with a support service relating to the reoccurrence of the offence.