

Licensing Committee

29 FEBRUARY 2016

PRESENT: Councillor J Brandis (Chairman); Councillors M Hawkett (Vice-Chairman), P Cooper, A Huxley, S Lambert, T Mills, G Powell, S Renshell and Sir Beville Stanier Bt (ex-Officio)

IN ATTENDANCE: Councillors C Adams and A Macpherson

1. TEMPORARY CHANGES TO MEMBERSHIP

There were none.

2. MINUTES

RESOLVED –

That the minutes of the meeting held on 11 January 2016 be approved as a correct record.

3. THE IMPLEMENTATION OF A PUBLIC SPACE PROTECTION ORDER FOR AYLESBURY TOWN CENTRE

In October 2014, the Secretary of State enacted new powers under the Anti-social Behaviour, Crime and Policing Act 2014 ([Anti-social Behaviour, Crime and Policing Act 2014](#)) to tackle anti-social behaviour. The new powers made changes to some existing legislation and the Council was required, within a period of 3 years to reconsider its Designated Public Place Orders (DPPOs) and either withdraw or replace them with the new Public Space Protection Orders (PSPOs).

Although there were numerous DPPOs within the district that would need reconsidering at some point only the DPPO serving Aylesbury town centre was being considered at this time. The Aylesbury town centre DPPO had been introduced in 2002 and allowed either a Police Constable or PCSO to stop people drinking alcohol or surrender any containers of alcohol in a public place.

Although the Aylesbury town centre DPPO had been effective in mitigating public drinking, the issues it was designed to tackle had not been resolved. In addition other anti-social behaviours that occurred in the town centre needed addressing.

The PSPOs were more flexible and allowed authorities to apply them to a much broader range of issues and also allowed authorities the ability to design and implement their own prohibitions or requirements providing certain conditions were met. These were:-

The first condition was that –

- a) 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
- b) It is likely that activities will be carried on in a public space within that area and that they will have such effect.

The second condition was that the effect, or likely effect of the activities –

- a) Is, or is likely to be of a persistent or continuing nature,
- b) Is, or is likely to be such as to make the activities unreasonable, and
- c) Justifies the restrictions imposed by the notice.

Activities can include things that a person or a group does, has done or should do (in order to reduce the detrimental effect).

A PSPO could vary in the length of time it covered (up to a period of three years) and the extent or range of issues covered. A more comprehensive description of a PSPO was given in the officer's report to the committee. Failure to comply with a prohibition or requirement within the order would be an offence and a defendant could face a fine of up to £1000 in the Magistrate's Court. Breaches of the order could also be discharged by the use of a fixed penalty order.

The Act was not overly prescriptive about the process required for application of its powers and it had therefore been necessary to design a process that was considered appropriate and suitably robust.

AVDC was required to consult with the Chief of Police, the Police and Crime Commissioner, community representatives and owners/occupiers of any land affected. The Licensing Services Manager confirmed that a number of organisations were consulted including the Aylesbury Old Town Residents Association, Aylesbury Town Council, the Town Centre Partnership and Pubwatch. An enforcement strategy would also have to be agreed between Thames Valley Police and the district and county councils. The intention was to try and resolve issues at the lowest level of intervention to start with and only escalate to PSPO enforcement options when anti-social behaviours continued to an unacceptable level.

Most of the anti-social behaviours would only be dealt with by the police, however parking restrictions may be better resolved by both council's parking enforcement officers.

The draft order for Aylesbury town centre was attached as an appendix to the report together with a map of the area concerned. The draft PSPO sought to address 6 behaviours that had a detrimental effect on the quality of life of those living there and were considered persistent and ongoing. These were:-

- The consumption of alcohol and anti-social behaviour associated with the consumption of alcohol, taking place in the public place.
- Public urination and defecation.
- Aggressive and/or intimidating begging.
- Aggressive or intimidating behaviour.
- Dog fouling; and
- The unauthorised parking of motor vehicles on the public realm of Kingsbury and Market Square.

Some of the problems were more problematical at night time, such as public urination after drinking in licensed premises; some worse during the daytime, such as aggressive begging and the public consumption of alcohol was seen as a problem at any time. The proposed PSPO would also replace the dog control that was already in place in the town centre.

In recent years there had been an increase in parking on the public areas of Kingsbury and Market Square. It was acknowledged that the Town Centre Manager had been proactive in trying to limit the unlawful parking in these areas but she had no legal powers to enforce it. Apart from the structural damage caused, the parking had prevented the lawful trading of some local businesses and town centre events. It was acknowledged that other areas in the town centre also had problems with unlawful parking.

The proposed “restricted area” essentially covered the same area as that covered by the existing DPPO but now included the public realm area to the south of Exchange Street and land adjacent to Friarage Road. The railway station had not been included as this came under the jurisdiction of the British Transport Police.

Consultation on the draft order would end on 31 March, 2016 after which any comments received would be appraised and if the consultation supported the proposal the Order would be formally made. In addition the taxi and private hire associations would be consulted.

It was confirmed that this legislation was an Executive function. However, any proposed changes in the future would be brought to the Licensing Committee who would make a recommendation prior to any decision by the Cabinet/Cabinet Member.

It was not the intention to include within the PSPO for Aylesbury Town Centre, behaviours that could be addressed by other means; over-zealous charity collectors, or illegal drug use for example.

The areas of Vale Park and White Hill would be subject to separate PSPOs in due course as would other parts of the Vale.

It was intended that once the Aylesbury town centre PSPO was in place there would be extensive publicity and new signage put in place around the area shown on the plan.

RESOLVED –

1. That the Members noted the proposed implementation of a Public Space Protection Order for Aylesbury town centre and that their comments be considered as part of the proposed Order.
2. That a report be brought back to the Licensing Committee early in 2017 to review the Aylesbury town centre Public Space Protection Order.