

**THE IMPLEMENTATION OF A PUBLIC SPACE
PROTECTION ORDER FOR AYLESBURY TOWN CENTRE****1 Purpose**

- 1.1 To seek the views of the Licensing Committee on the implementation of a Public Space Protection Order for Aylesbury town centre.

2 Recommendations/for decision

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| 2.1 For members of Licensing Committee to note the proposed implementation of a Public Space Protection Order for Aylesbury town centre and afford the opportunity for Members to raise questions, comments or concerns. |
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3 Supporting information

- 3.1 In October 2014 the Secretary of State enacted new powers arising from the Anti-Social Behaviour, Crime and Policing Act relating to tackling anti-social behaviour. These new powers make changes to some existing legislation and the Council is 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 Protections Orders (PSPOs).
- 3.2 There are numerous DPPOs within the Vale which will require reconsideration. However at this time it is only the DPPO serving Aylesbury town centre that is being considered. The DPPO for Aylesbury town centre was introduced in 2002 and confers a power on a Police Constable and Police Community Support Officer to stop people drinking alcohol and surrender any open or sealed containers of alcohol. PSPOs are more flexible and can be applied to a much broader range of issues, with local authorities having the ability to design and implement their own prohibitions or requirements where certain conditions are met.
- 3.3 Aylesbury town centre's DPPO has been effective in mitigating public drinking, however the issues it was designed to tackle have not been resolved. In addition there are other anti-social behaviours that occur in the town centre for which legal address is not straight forward.
- 3.4 Local authorities now have the power to make PSPOs if satisfied on reasonable grounds that two conditions are met.
- The first condition is that –
- 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
 - 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 is 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)

- 3.5 A PSPO is an order that identifies the space to which it applies ('the restricted area' within which the impact has or is likely to occur) and can make requirements or prohibitions or both within the area. This means that the local authority can, by virtue of the order require people to do specific things in a particular area or not to do things. The local authority can grant the prohibitions/requirements where it believes that they are reasonable and proportionate in order to prevent or reduce the detrimental impact. The order can be made so as to apply to specific people within the area, or to everybody. It can apply at all times or within specified times and equally to all circumstances or specific circumstances. The order can apply for a maximum of three years upon which the process of review and consultation must be repeated to ensure that the issues are still occurring and the order is having the required effect. Thereafter it can be extended for a further three years.
- 3.6 Failure to comply with a prohibition or requirement within the order is an offence and a defendant can face a fine of up to £1000 in the Magistrate's Court. Breaches of the order can also be discharged by use of a fixed penalty notice.
- 3.7 The Act is not overly prescriptive about the necessary process required for application of these powers. It has therefore been necessary to design a process that is considered to be appropriate and suitably robust. The Act requires consultation with the Chief of police, the Police Crime Commissioner, community representatives and owners and occupiers of land affected. The purpose of this report is to afford members of the Licensing Committee to comment on the proposal.
- 3.8 Attached as Appendix 1 is the draft order for Aylesbury town centre and a map of the restricted area. The PSPO seeks to address 6 behaviours that have a detrimental effect on the quality of life of those in the town centre and are considered persistent and continuing. These behaviours are based on concerns historically and currently expressed by a number of sources. Some local authorities have restricted their PSPOs to the issue of public drinking only, effectively making no practical change to their previous DPPO. Other local authorities have drawn up extensive lists of anti-social behaviour some of which have received criticism from the National Council for Civil Liberties and similar groups e.g. homelessness.
- 3.9 The proposed 'restricted area' essentially covers the same as that covered by the existing DPPO but now includes the public realm on the south side of Exchange Street and land adjacent to Friarage Road. It does not include the railway station as this is under the authority of British Transport Police. The behaviours identified are more problematical either during the daytime or night time or both. For example public urination is likely to occur at night time as a consequence of drinking in licensed premises and the absence of public toilets. Aggressive begging tends to be a daytime activity and causes alarm and anxiety to users of the town centre. The public consumption of alcohol is considered unacceptable irrespective of the time. In recent years some users of the town centre have used the public realm of Kingsbury and Market Square to park their cars. This has had a detrimental effect on the quality of life of

those in the locality in a number of ways. Apart from the structural damage caused to surfaces, they have prevented the lawful trading of some local businesses and town centre events and have aroused some hostility in the town centre.

- 3.10 Before the Order is implemented an enforcement strategy will have to be agreed between Thames Valley Police and the district and county councils. It is the intention to try and resolve issues at the lowest level of intervention as possible. This may start with offering a person advice and depending on the nature of the behaviour a referral to a support agency. If unacceptable behaviours continue PSPO enforcement options are available. It is clear that most of the identified behaviours can only be dealt with by the police who have the skills, experience and resources to do on-street enforcement of this nature. However the parking restrictions might be better enforced by the both council's parking attendants.
- 3.11 Consultation on the proposed PSPO will formally end on the 31 March 2016, after which any comments arising will be appraised and, if the consultation supports the proposal the Order will be formally made.

4 Options considered

- 4.1 The town centre's existing DPPO can be withdrawn or replaced by a PSPO.

5 Reasons for Recommendation

- 5.1 The Anti-Social Behaviour, Crime and Policing Act 2014 has made changes to legislation and requires the Council to reconsider its existing DPPOs.

6 Resource implications

- 6.1 There will be relatively small cost implications in advertising the Order and replacing existing signage.

Contact Officer	Peter Seal x5083
Background Documents	Anti-Social Behaviour, Crime and Policing Act 2014: Statutory guidance for frontline professionals

ANTI-SOCIAL BEHAVIOUR, CRIME AND DISORDER AND POLICING ACT 2014

SECTION 59

PUBLIC SPACES PROTECTION ORDER

This Order is made by Aylesbury Vale District Council ('The Council') under the Anti-Social Behaviour, Crime and Policing Act 2014 Section 59 ('the Act').

1. This order relates to the land described in Paragraph 1 of the Schedule below and defined by the red border on the plan attached to this Order ('the restricted area'), being a public place in the Council's area to which the Act applies:
2. The Council is satisfied that the 2 conditions below have been met, in that:
 - a. Activities carried on in the restricted area as described below, have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and that they will have such an effect. The said activities being:
 - 1) The consumption of alcohol and anti-social behaviour associated with the consumption of alcohol, taking place in the public place.
 - 2) Public urination and defecation.
 - 3) Aggressive and/or intimidating begging.
 - 4) Aggressive or intimidating behaviour.
 - 5) Dog fouling.
 - 6) The unauthorised parking of motor vehicles on the public realm of Kingsbury and Market Square.
 - b. That the effect, or likely effect of the activities described above is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.

BY THIS ORDER

3. The effect of the Order is to impose the following prohibitions at all times:
 - a. In the restricted area any person who continues to carry out the following activities from which they are prohibited commits an offence:
 - 1) Consuming alcohol or being in possession of an open container of alcohol.
 - 2) Public urination or defecation.
 - 3) Begging reasonably perceived to be intimidating and/or aggressive, for example begging near a cash machine.
 - 4) General behaviour reasonably perceived to be intimidating and/or aggressive.
 - 5) Failure of owner to remove dog faeces.

- 6) Parking without permission or authority on the public realm of Kingsbury and Market Square.
4. The order will remain in force for a period of 3 years from the date of this Order, unless extended by further Orders under the Council's statutory powers.
5. A person guilty of an offence under conditions 3.(a.1) above, under Section 63 of the Act is liable on summary conviction to a fine not exceeding level 2 on the standard scale or fixed penalty notice of a maximum £100.
6. In this area any person who fails to comply with any of the conditions set out in 3.(a.2 -6) above, under Section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale or fixed penalty notice of £100.

THE SCHEDULE

1. The Restricted area shown edged in red on the map attached hereto.

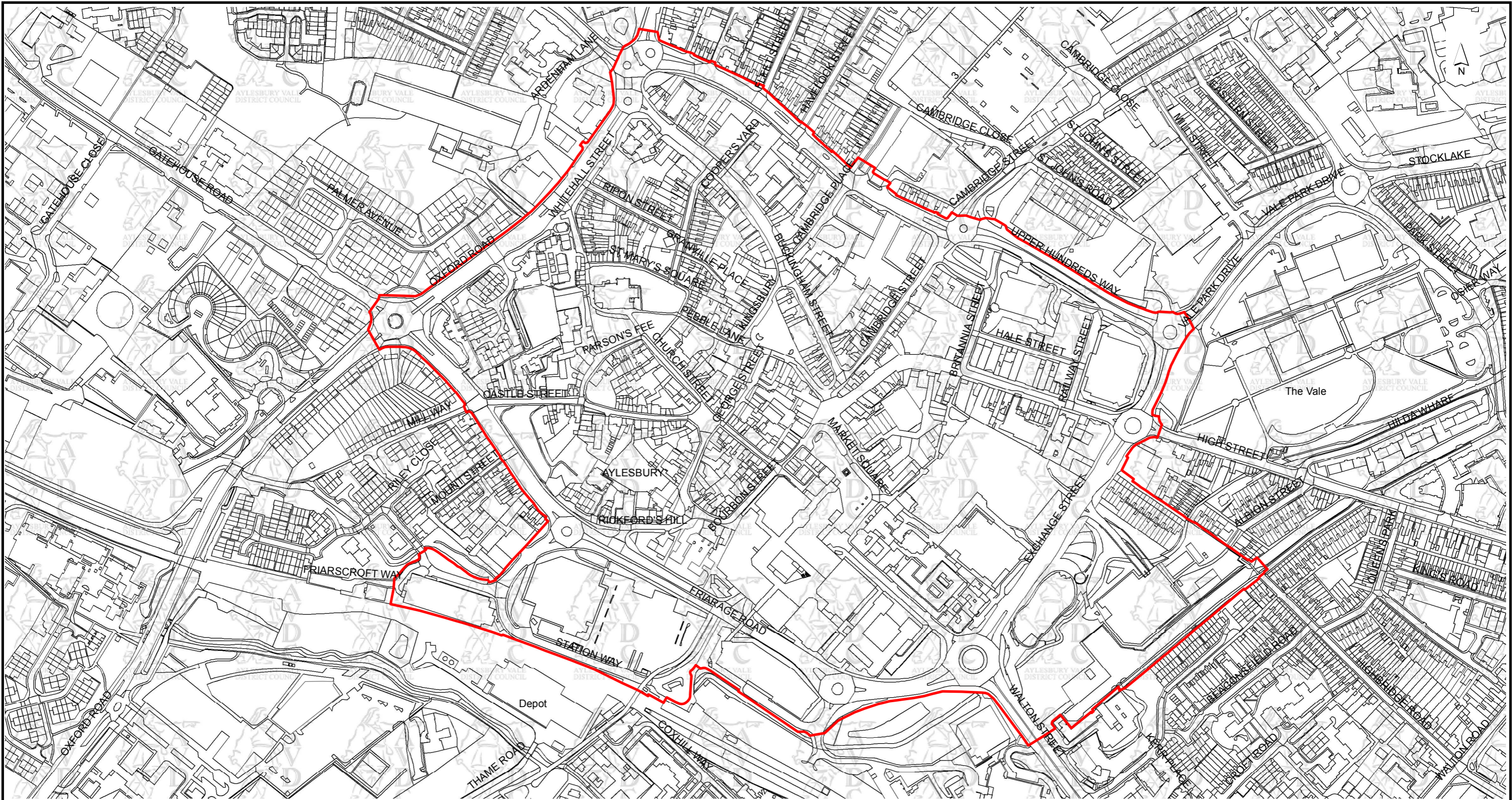
APPEAL

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of the order on two grounds: that the Council did not have the power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the order, quash it, or vary it.

Dated.....



PROJECT : PSPO ATC DRAFT 1

TITLE:- Proposed PSPO Area
 Aylesbury
 Bucks
 2015

OS Ref : SP8113

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 AVDC LICENCE - No. 100019797 2015
 Derived from the 1:2500 O.S. MasterMap.
 N.B. - Further detail has been added to this Ordnance Survey Map from sources held by A.V.D.C.
 No guarantee can be given as to the accuracy of this additional information.

n/a
 Scale : 1/4000 Date : 21/04/2015 Drawn by : IRC
DRG No: PSPO 1

