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Licensing Committee

9 MAY 2016

PRESENT: Councillor J Brandis (Chairman); Councillors M Hawkett (Vice-Chairman), P Cooper, A Harrison, A Huxley, T Mills, G Powell, S Renshell and B Russel

APOLOGIES: Councillors S Lambert and Sir Beville Stanier Bt

1. TEMPORARY CHANGES TO MEMBERSHIP

There were none.

2. MINUTES

RESOLVED –

That the minutes of the meeting held on 29 February 2016 be approved as a correct record.

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

At the Licensing Committee held on 29 February 2016 Members considered the first draft of a Public Space Protection Order (PSPO) for Aylesbury Town Centre. As noted at the time, PSPOs were introduced in October 2014 via the Anti-Social Behaviour, Crime and Policing Act to replace Designated Public Place Orders.

The first draft of the Aylesbury Town Centre PSPO sought to address 6 behaviours that could have a detrimental effect the quality of life of those in the town centre and were considered persistent and continuing. These were:-

- Public consumption of alcohol or having an open container of alcohol;
- Public urination or defecation;
- Aggressive or intimidating begging;
- Aggressive or intimidating behaviour;
- Control of dogs; and
- The unauthorised parking of motor vehicles on Kingsbury and Market Square.

Following the meeting in February a consultation process had been conducted including consultation with the Thames Valley Police Area Commander, AVDC Cabinet Members and Ward Members, Bucks County Council Highways, Aylesbury Town Council, Aylesbury Old Town Residents Association and the Aylesbury Hackney Carriage Association. In addition notices were prepared for the press and various websites as outlined in the officer's report.

Attached as an appendix to the report was a summary of the responses received, all supporting the draft PSPO. Also attached as an appendix was the response from the Local Police Area Commander.

A number of comments received during the consultation needed further consideration. Both the police and another consultee pointed out the need to ensure that the PSPO would not be used inappropriately against people who, for example, found themselves homeless.

The Area Commander recommended the adoption of a broader prevention strategy which would have to be agreed between the police and local authorities. Guidance in the Act suggested that issues are resolved at the lowest level of intervention as possible, such as offering advice and perhaps referral to a support agency.

Formal action under the PSPO was expected to be very infrequent.

A number of other local authorities had been criticised by the National Council for Civil Liberties and similar groups, particularly those councils that had targeted rough sleepers and the homeless.

As the police had been able to deal successively with aggressive beggars as documented in the area commander's response, it was proposed to remove this section from the final PSPO.

The police had also questioned the issue of illegal parking on Kingsbury and Market Square and whether this should be addressed under normal parking enforcement rules rather than the PSPO. However, the public realms of Kingsbury and Market Square in legal terms do not permit enforcement in the normal way. Apart from the structural damage caused to the surfaces, the illegal parking had also prevented the lawful trading for some of the businesses and town centre events. However, this part of the PSPO could be enforced by the County enforcement officers, and perhaps the District's civic enforcement officers but not the police. A number of solutions to the problem parking were discussed by Members and it was hoped that solutions would be quickly found and in time this behaviour be dropped from the PSPO.

The Aylesbury Hackney Carriage Association had also proposed that parking in taxi ranks be part of the PSPO. There was evidence that the public do park in the ranks. However, this was already unlawful and the problem arose because of the lack of enforcement, so could not be part of a PSPO. However, this issue would be brought to the attention of Bucks County Council.

It had been assumed that prior to the consultation on the draft PSPO that Aylesbury Town Centre had been covered by a Dog Control Order (DCO). However, this turned out not to be the case and dog fouling had been enforced under the Dogs (Fouling of Land) Act, 1996, which in itself was piecemeal with regards to the areas covered in the town centre. Including dog fouling in the final PSPO would be a useful tool for those that disregard convention towards dog fouling.

Implementation of the Order would require a public notice to be published in a local newspaper, notification on the Council's website and press releases. Although not specifically mentioned in the Act, signage would normally be required in the area explaining the Order in plain English. This would provide support for enforcement and prevent risks of mitigation pleas. It was acknowledged that communication about the Order would require careful drafting to ensure that the public do not perceive its enforcement as exclusively police led. As agreed at the last Licensing Committee meeting, Members would receive an update in early 2017 regarding a review of its practical effectiveness.

As well as the problems of parking in Kingsbury and Market Square, Members also discussed aspects of aggressive begging/aggressive behaviour and who would be responsible for enforcing each of the five behaviours. Thames Valley Police would enforce Alcohol, Public Urination etc., and Aggressive behaviour. The control of dogs would come under Environmental Health and Enforcement officers and Parking would be enforced by BCC Parking Enforcement officers. Members suggested that if there were problems monitoring parking in these areas after 5 pm, then the council should consider employing an enforcement officer for those hours. It was acknowledged that

there was a lack of public toilets in the town, particularly after the shops had closed and although there were toilets in locations other than the pubs and clubs, there were people who still chose not to use them.

RESOLVED –

1. That Members noted the comments received during the consultation period in respect to the draft Public Space Protection Order;
2. That Members recommended that the Public Space Protection Order attached as an appendix to the report be subject to Cabinet Member approval; and
3. That appropriate signage be put in place around the perimeter of the PSPO area of Aylesbury Town Centre; that the post of an evening parking enforcement officer be considered if found necessary and that a report be brought back to Committee in 2017.

4. LICENSING REQUIREMENTS FOR DOG DAY CARE ESTABLISHMENTS

It was reported that Aylesbury Vale District Council were responsible for licensing kennels and catteries within its area under the Animal Boarding Establishment Act 1963. It was also reported that home boarding was rising in popularity, which also required licensing. Currently about 50 home boarders were licensed.

In the last year or so there had been enquiries from individuals proposing to set up dog day care facilities on a much larger scale in purpose built premises and such premises would require a licence under the Act. At present, neither the current standard conditions for animal boarding nor home boarding were entirely appropriate for this kind of operation.

In respect to the licensing requirements the Act had regard to the nature of the accommodation, including construction, size, number of occupants, temperature, lighting, ventilation and cleanliness; the availability of food, drink and bedding; the control and spread of infectious disease; protection of animals in case of fire, and various documentation requirements. Further, the Animal Welfare Act 2006 had introduced “5 freedoms” in respect to animal welfare:-

- Freedom from hunger and thirst;
- Freedom from discomfort;
- Freedom from pain, injury and disease;
- Freedom to behave normally; and
- Freedom from fear and distress.

Following an enquiry and in anticipation of a business eventually setting up in the Vale, a draft set of conditions were drawn up. These had been based on other authorities licensing conditions and other sources. The draft conditions were sent to one of AVDC’s designated vets, the individual who had made the enquiry and the council’s Environmental Health team for feedback. The draft conditions were attached as an appendix to the report.

The council was also required to determine a fee for dog day care establishments based on the recovery of delivering the service. Based on fees for commercial boarding establishments, as agreed in 2015, it was recommended that the fee for a new application be £450 which included the vet costs, and a renewal be £110.

The situation regarding any new establishments would be monitored and if necessary a report would be brought back to a future Licensing Committee.

Members commented and sought clarification on various matters including disease control, fees to be charged, temperature controls in the premises, disposal of waste and the different types of boarding facilities. It was confirmed the conditions attached to any licence only considered the welfare of the dogs, and other issues such as noise and location/size of premises came under separate legislation.

Officers also confirmed that DEFRA had been consulting on changes to all animal establishment licensing as current licensing was based on out of date legislation. DEFRA were proposing to introduce new secondary legislation under the Animal Welfare Act 2006. Consequently it was felt better to wait for the outcome on this as standard conditions may be put in place for all such establishments.

Subject to a couple of minor changes in the conditions, it was

RESOLVED –

1. That members noted the report;
2. Agreed the standard licensing conditions as attached to the report as an appendix and the fees as outlined above for Dog Day Care Establishments; and
3. That an update be brought back to Licensing committee at a future meeting.