



AYLESBURY VALE DISTRICT COUNCIL Democratic Services

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Text Relay Prefix your telephone number with 18001

16 May 2019

LICENSING COMMITTEE

A meeting of the **Licensing Committee** will be held at **10.00 am** on **Tuesday 28 May 2019** in **The Olympic Room - Aylesbury Vale District Council**, when your attendance is requested.

Contact Officer for meeting arrangements: Chris Ward; cward@aylesburyvaledc.gov.uk;

Membership: Councillors: S Renshell (Chairman), T Mills (Vice-Chairman), J Brandis, P Cooper, M Hawkett, S Lambert, L Monger, S Morgan, G Powell, B Russel and Sir Beville Stanier Bt (ex-Officio)

AGENDA

1. APOLOGIES

2. TEMPORARY CHANGES TO MEMBERSHIP

Any changes will be reported at the meeting.

3. MINUTES (Pages 3 - 6)

To approve as a correct record the Minutes of the meetings held on 18 March 2019 and 15 May 2019.

4. DECLARATIONS OF INTEREST

Members to declare any interests.

5. REVIEW OF PUBLIC SPACE PROTECTION ORDERS (Pages 7 - 26)

For Members to consider the attached report.

Contact officer: Simon Gallacher 01296 585083

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Public Document Pack Agenda Item 3

Licensing Committee

18 MARCH 2019

PRESENT: Councillor J Brandis (Chairman); Councillors T Mills (Vice-Chairman), M Hawkett, A Huxley, L Monger, S Morgan, G Powell, S Renshell, B Russel and Sir Beville Stanier Bt (ex-Officio)

APOLOGIES: Councillors S Lambert

1. MINUTES

RESOLVED –

That the Minutes of the meeting held on 21 January 2019 be approved as a correct record.

2. AYLESBURY HACKNEY CARRIAGE REVISED FARES PROPOSAL

The current tariff for hackney carriage fares operating in Aylesbury Town had last been reviewed in April 2010. Rural hackney carriage fares had been reviewed in November 2016. The Aylesbury Carriage Taxi Association, the organisation that represented taxi drivers operating in Aylesbury Town, had proposed a new tariff. The proposals had been considered by the Licensing Committee on 11 December 2018. At that meeting, Members found anomalies with the figures proposed and felt clarification was needed so the Committee resolved for this to come back in 2019. Since then, the Principal Licensing Officer had met with representatives from the Aylesbury Hackney Carriage Association and new fares had been prepared. The Committee report outlined a new schedule of proposed fares across various Tariffs depending on the day and time and the Principal Licensing Officer highlighted the main changes to Members. This included the removal of a luggage charge, as most hackney carriages had capacity, and the reasonable inclusion of a soiling of vehicle charge. Aylesbury Vale currently had one of the lowest hackney carriage fares in the country. Even with the proposed changes, Aylesbury Vale would continue to present one of the cheapest fares for an average two mile journey when compared to other local authority areas.

Local authorities had the power to set fares for hackney carriages under section 65 of the Local Government (Miscellaneous Provisions) Act 1976. When making changes to the fares, the Council must publish in at least one local newspaper the proposed tariff for a period of 14 days minimum and invite objections. A copy of the notice would also be available for inspection at the council offices. Any objections received and not withdrawn during this period would be reported to the Committee for consideration. The ultimate decision was made by the Cabinet Member, however historically the Licensing Committee were consulted on this.

Members sought more information and were advised that:-

- i. A higher tariff had previously been agreed for 'rural' Hackney Carriages operating outside of Aylesbury Town Centre because they typically cover further distances. The higher rural tariff was to off-set the number of 'dead miles' which was described as those miles when no passenger was being carried.
- ii. The figures proposed by the Aylesbury Carriage Taxi Association were believed to be a reasonable increase, particularly given as there has been no change for nearly nine years.
- iii. Aylesbury Vale did have a unique two tariff system of urban and rural rates. The type of tariff used would depend on the vehicle. Black taxis (white plates)

- operated to the Aylesbury Town tariff and the white taxis (red plates) operated to the rural tariff.
- iv. Officers had considered that the proposed increase was generally less than the inflationary adjusted figure and had discussed this with representatives from the ACTA. The ACTA were concerned that if fares were too high then this would put them at a competitive disadvantage. Officers preferred to be led by the trade in considering revised fare proposals, providing they were reasonable. Interested parties had the opportunity to respond to the consultation.
 - v. Deliberate avoidance of the soiling charge would be a criminal offence. Having this fare included in the fares would give drivers the ability to charge customers for soiling the vehicle if appropriate.

Members felt that the soiling charge could be considered a low amount given the cost for cleaning and potential loss of income whilst this took place. Additionally and for the avoidance of customer doubt, if the proposals went ahead then the Committee saw merit in there being signage inside Hackney Carriages to advise customers of the soiling charge.

RESOLVED –

- i. The Principal Licensing Officer be authorised to conduct the statutory consultation as per the recommendation.
- ii. If no objections are received during the consultation then the Principal Licensing Officer progress to adopt the new tariff in conjunction with the Cabinet Member.
- iii. If any objections are received and not withdrawn then they are reported to Licensing Committee for their consideration.

At the meeting's conclusion, Councillor Mrs Brandis advised that this would likely be her last meeting as the Chairman of the Licensing Committee and thanked Members and the Principal Licensing Officer for their work.

LICENSING COMMITTEE

15 MAY 2019

PRESENT: Councillors J Brandis, T Mills, P Cooper, M Hawkett, S Lambert, L Monger, S Morgan, S Renshell, B Russel and Sir Beville Stanier Bt (ex-Officio)

APOLOGY: Councillor G Powell

1. ELECTION OF CHAIRMAN

RESOLVED –

That Councillor Mrs Renshell be elected Chairman of the Committee for the ensuing year.

2. APPOINTMENT OF VICE CHAIRMAN

RESOLVED –

That Councillor Mills be appointed Vice-Chairman of the Committee for the ensuing year.

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REVIEW OF THE PUBLIC SPACE PROTECTION ORDERS FOR AYLESBURY TOWN CENTRE, ALFRED ROSE MEMORIAL PARK, BEDGROVE PARK AND EDINBURGH PLAYING FIELDS

Tracey Aldworth

1 Purpose

- 1.1 To seek the views of the Licensing Committee on:
- i) the extension of the Public Space Protection Order, "PSPO", for Aylesbury town centre;
 - ii) the variation of the existing PSPOs for Alfred Rose Memorial Park, Bedgrove Park and Edinburgh Playing Fields.

2 Recommendations

- 2.1 For members of the Licensing Committee to consider, prior to formal consultation:
- i) an extension of the existing PSPO for Aylesbury Town Centre for a further 3 year period;
 - ii) a variation of the existing PSPOs for Alfred Rose Memorial Park, Bedgrove Park and Edinburgh Playing Fields to include prohibition on the use of mechanically propelled vehicles in a way that has caused or may be capable of causing nuisance and/or annoyance anywhere within the park.

3 Supporting information

- 3.1 PSPOs were introduced under the Anti-Social Behaviour, Crime and Policing Act 2014 as a means to tackle anti-social behaviour. They are designed to deal with a particular nuisance or problem in a specific area that is having a detrimental effect on the quality of life of the local community. This is achieved by imposing conditions on the use of that area that apply to everyone. They are intended to help ensure that the law abiding majority can use and enjoy public spaces, safe from anti-social behaviour.
- 3.2 Local Councils are responsible for making PSPOs, and within Aylesbury Vale, decision making responsibility on this matter has been delegated to AVDC's Licensing Committee.
- 3.3 A PSPO can be made by the Council if they are satisfied on reasonable grounds that the activity or behaviour concerned, carried out, or likely to be carried out, in a public space:
- i) has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
 - ii) is, or is likely to be, persistent or continuing in nature;
 - iii) is, or is likely to, unreasonable; and
 - iv) justifies the restriction imposed.
- 3.4 A PSPO must identify the public 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 that area. This means that the Council can, by virtue of the order, require people to do specific things in a particular area or not to do things. The Council can grant the prohibitions, or 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.

- 3.5 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 (£500 for offences involving the consumption of alcohol) in the Magistrate's Court. Breaches of the order can also be discharged by use of a fixed penalty notice, up to £100. The Council has adopted an enforcement plan to discharge its duties in one of three ways: written warnings, fixed penalty notices and prosecution.
- 3.6 PSPOs cannot be in effect for more than 3 years, unless they are formally extended. An order can be extended for a further period of up to 3 years if the Council is satisfied on reasonable grounds that it is necessary to prevent occurrence, reoccurrence or an increase in the frequency or seriousness of the activities identified in the order.
- 3.7 PSPOs can be varied by increasing or decreasing the restricted area and by altering or removing a prohibition or requirement in the order, or adding a new one.
- 3.8 The Council may also decide to discharge a PSPO if it is no longer considered necessary.
- 3.9 When deciding whether to make, extend, vary or discharge a PSPO, the Council must consult with the Chief officer of Police, the Police and Crime Commissioner, appropriate community representatives and owner or occupier of the land within the restricted area.
- 3.10 The Council has made numerous PSPOs across the District, specifically for the centres of Aylesbury, Buckingham, Winslow and Aston Clinton, as well as for a significant number of the parks and greenspaces. With the exception of the Aylesbury Town PSPO, all other PSPOs were automatically converted from Designated Public Place Orders in October 2017 and relate solely to prohibitions on the consumption of alcohol in public spaces. These automatically converted PSPOs must be reviewed prior to their expiration in October 2020.

Aylesbury Town Centre

- 3.11 The PSPO in respect of Aylesbury Town Centre was made in November 2016 and prohibits several activities:
 - 1) Consuming alcohol or being in possession of an open container of alcohol.
 - 2) Public urination or defecation.
 - 3) General behaviour reasonably perceived to be intimidating and/or aggressive.
 - 4) Failure of owner or person in control to remove dog faeces.
 - 5) Parking without permission or authority on the public realm of Kingsbury and Market Square.The order and a map of the restricted area are shown as Appendix 1.
- 3.12 The Aylesbury Town Centre PSPO must be reviewed prior to its expiration in November 2019 and a decision made whether to extend it for a further period, vary its existing scope, discharge it or allow it to lapse.

- 3.13 Preliminary enquiries were made with the policing team responsible for Aylesbury Town Centre and they have indicated that would wish to see the PSPO remain in place. In addition, Council Officers continue to report persistent street drinking in the town centre areas, which has been associated with anti-social behaviour. In the last 12 months the Council has issued warning letters to individuals for breaches of the order in respect of activities 1, 2, 3 and 5 shown in 3.10.
- 3.14 It is proposed to proceed with a consultation on the basis that the order be extended for a further 3 years. A draft consultation questionnaire is shown as Appendix 2 with a list of proposed consultees. It is also proposed to use the Council's usual media channels to promote the consultation.
- 3.15 The consultation will run for 6 weeks, from 3 June to 14 July 2019. The results of the consultation will be reported back to the Licensing Committee at the meeting on 9 September 2019, and the Committee will be invited to make a final decision concerning the order.

Alfred Rose Memorial Park, Bedgrove Park and Edinburgh Playing Fields

- 3.16 The PSPOs in respect of the above parks were automatically converted from DPPOs in October 2017 and relate solely to prohibitions on the consumption of alcohol. Geographic maps in respect of these 3 parks are shown in as Appendix 3.
- 3.17 The Council's parks team have received a number of complaints, especially during the warmer months, concerning the use of motor bikes, including scrambler bikes and mini motos, and occasionally cars, accessing and driving around these parks. The Police and the Council's Community Safety team have also been involved in trying to resolve this issue. The bikes are often ridden in the evening, but reports have been received during the daytime which poses an increased risk to members of the public lawfully using the park area. These 3 parks are also available to hire and are used regularly throughout the summer by football clubs and cricket at the Alfred Rose Park. At Edinburgh Playing Fields motorbikes were seen on the field when it was being hired by a football club and the bikes were being ridden near to the players and spectators. The riding of the bikes on the park area leads to damage to the grass, which is worse when the weather has been wet and can also leave ruts.
- 3.18 In September 2017 a TVP Special Sergeant was responding to a report of a quad bike in Alfred Rose Park and was seriously injured when the driver hit him.
- 3.19 The Council's Parks Team and the local Police would support a variation of the existing PSPOs to prohibit the use of mechanically propelled vehicles in these 3 main parks.
- 3.20 It is proposed to consult on the basis that these PSPOs be varied to include a prohibition on the use of mechanically propelled vehicles in a way that has caused or may be capable of causing nuisance and/or annoyance anywhere within the park.
- 3.21 A draft consultation questionnaire is shown as Appendix 4 with a list of proposed consultees. It is also proposed to use the Council's usual media channels to promote the consultation.

- 3.22 This consultation will also run for 6 weeks, from 3 June to 14 July 2019. The results of the consultation will be reported back to the Licensing Committee at the meeting on 9 September 2019, and the Committee will be invited to make a final decision concerning the order.

4 Options considered

- 4.1 The Aylesbury Town Centre PSPO could be allowed to expire in November 2019, however given indications from the Police and observations from Council officers concerning ongoing problems of antisocial and nuisance behaviour within the town centre it is recommended that the consultation be carried out in the first instance before a final decision is made.
- 4.2 In respect of the parks and antisocial behaviour associated with mechanically propelled vehicles, other options have been explored since this problem was first identified, for example the possible use of CCTV and Police seizure powers under the Police Reform Act 2002.

5 Reasons for Recommendation

- 5.1 Preliminary comments from the Police and Council Officer observations indicate there is an ongoing problem with antisocial behaviour and nuisance behaviour in Aylesbury Town Centre. A full consultation will provide an opportunity to explore the issue more fully before a final decision is made.
- 5.2 In respect of the 3 parks, to date a practical solution to the problems arising from mechanically propelled vehicles has not been found. The introduction of a prohibitive order may prove an effective deterrent and provide Police and other authorised officers the necessary power to tackle persistent offenders. A full consultation will provide an opportunity to explore the issue more fully before a final decision is made.

6 Resource implications

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

Contact Officer Simon Gallacher x5083

Background Documents:

Anti-Social Behaviour, Crime and Policing Act 2014

Public Spaces Protection Orders, Guidance for Councils
Local Government Association Feb 2018

Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals
Home office guidance, updated December 2017

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 or intimidating behaviour.
 - 4) Dog fouling.
 - 5) 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) General behaviour reasonably perceived to be intimidating and/or aggressive.
 - 4) Failure of owner or person in control to remove dog faeces.
 - 5) 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 -5) 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 and £60 in respect to unauthorised parking.

THE SCHEDULE

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

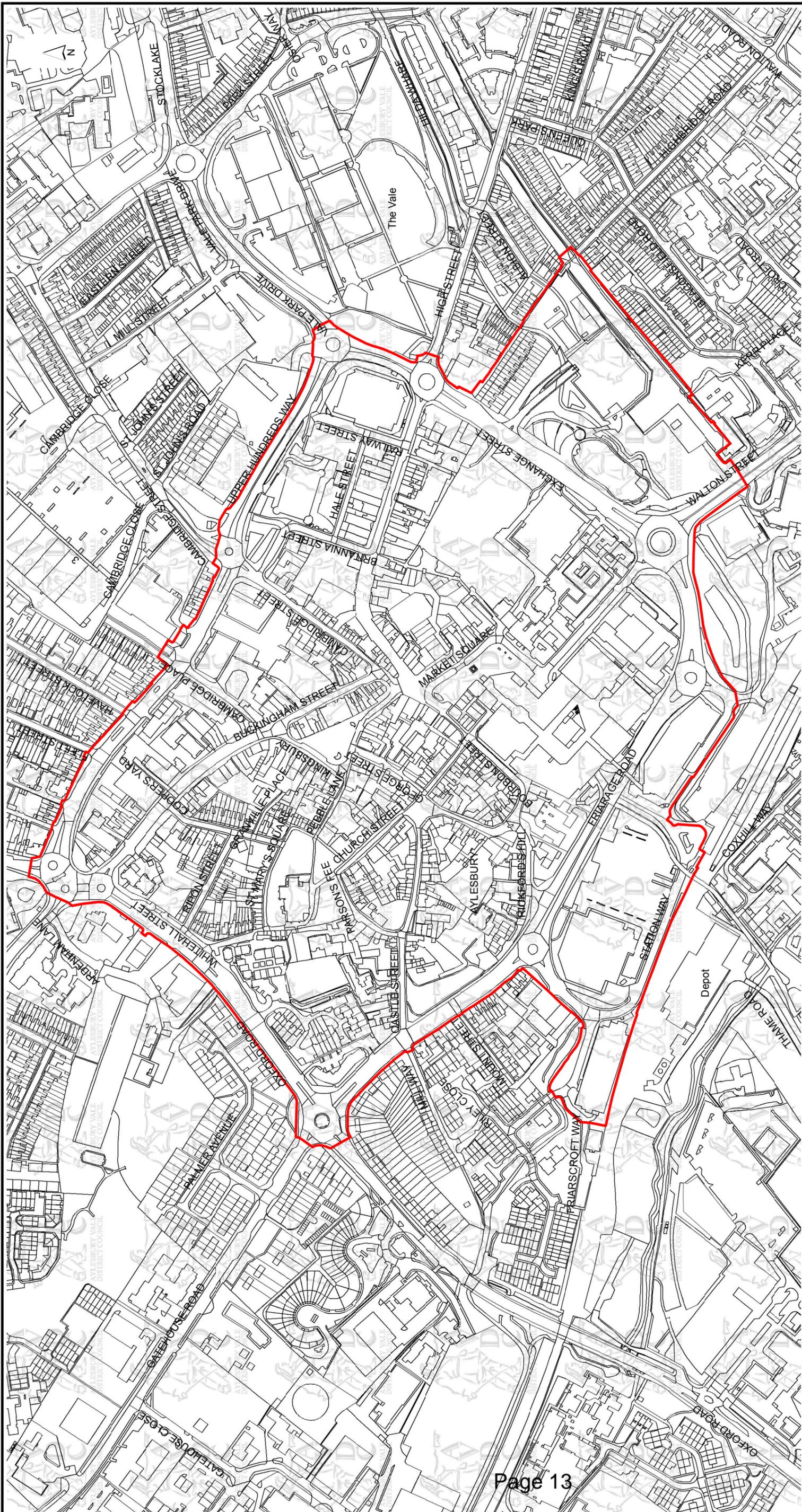
APPEAL

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.

11 November 2016



PROJECT : PSPO ATC DRAFT 1

TITLE:- Proposed PSPO Area
 Aylesbury
 Bucks
 2015

OS Ref : SP8113

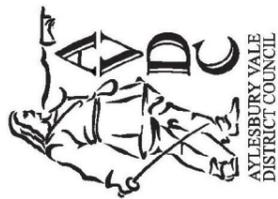
(C) CROWN COPYRIGHT. ALL RIGHTS RESERVED
 AVDC LICENCE - No. 100019797 2015

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



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 DISTRICT COUNCIL
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 The Gateway
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Aylesbury Town Centre PSPO proposed consultees

- Chief Officer of Police
- PCC
- Ward Councillors
- Cabinet Members for Community Safety, Civic Amenities, Environment and Leisure and Waste and Licensing
- BCC Highways and Parking Service
- Aylesbury Town Council
- Town Centre Manager and the Town Centre Partnership
- Aylesbury Anti Social Behaviour Officer
- Aylesbury Community Safety Partnership
- Licensed premises – Aylesbury Pubwatch
- Aylesbury Old Town Residents Association
- AVDC Corporate Services
- Licensing Committee
- Drug and Alcohol Support Services
- South Central Ambulance Service
- AVDC social media and press channels

Introduction

What is your name? (Responses can be provided anonymously)

Name

What is your email address? (Only provide if you wish to receive feedback on the outcome of the consultation)

Email

What is your organisation? (if applicable)

Organisation

About you

Please select all that apply:

I live in the Aylesbury Town Centre area

I live outside Aylesbury Town Centre area

I work in the Aylesbury Town Centre area

I am a visitor to the Aylesbury Town Centre area

Other (please specify): _____

Please see attached map of Aylesbury Town Centre, which shows the restricted area under the current Public Space Protection Order.

Thinking about Aylesbury Town Centre how much of a problem do you think each of the following are? (please tick)

	A very big problem	A fairly big problem	Not a very big problem	Not a problem	No opinion
Street drinking					
Public urination or defecation.					
Intimidating or aggressive behaviour.					
Dog Fouling					
Vehicles parking on paved area of Kingsbury/Market Square					

1) Street Drinking

We are proposing to maintain the restriction prohibiting the consuming of alcohol or being in possession of an open container of alcohol in Aylesbury Town Centre. The restriction does not apply to people drinking at licensed premises.

Do you support this proposed restriction?

Yes No No opinion

Please give a reason(s) for your answer if you can:

2) Public Urination and Defecation Restriction

We are proposing to maintain the prohibition on public urination and defecation in Aylesbury Town Centre.

Do you support this proposed restriction?

Yes No No opinion

Please give a reason(s) for your answer if you can:

3) Intimidating and or aggressive behaviour

We are proposing to maintain the prohibition on intimidating and/or aggressive behaviour in Aylesbury Town Centre.

Do you support this proposed restriction?

Yes No No opinion

Please give a reason(s) for your answer if you can:

4) Failure to remove dog faeces

We are proposing to maintain the requirement on dog owners, or persons in control of a dog, to remove the dog's faeces from Aylesbury Town Centre.

Do you support this proposed requirement?

Yes No No opinion

Please give a reason(s) for your answer if you can:

5) Parking on Kingsbury and Market Square

We are proposing to maintain the prohibition on vehicles parking without permission or authority on Kingsbury and Market Square.

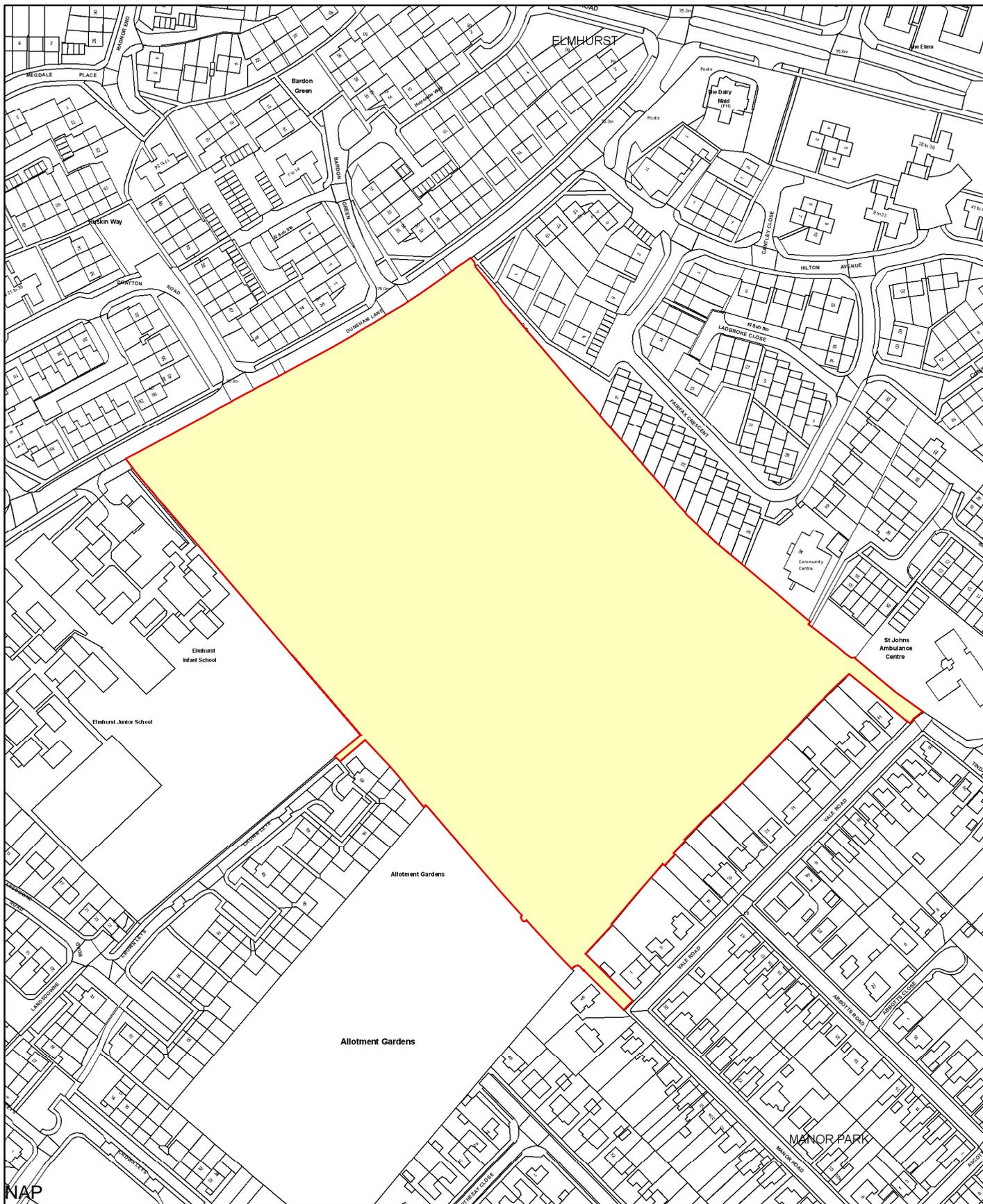
Do you support this proposed restriction?

Yes No No opinion

Please give a reason(s) for your answer if you can:

6) Do you have any other comments or observations you would like make concerning antisocial behaviour in Aylesbury Town Centre?

Appendix - 1 - Proposed DPP0 - 1



Alfred Rose Park Aylesbury

Legend

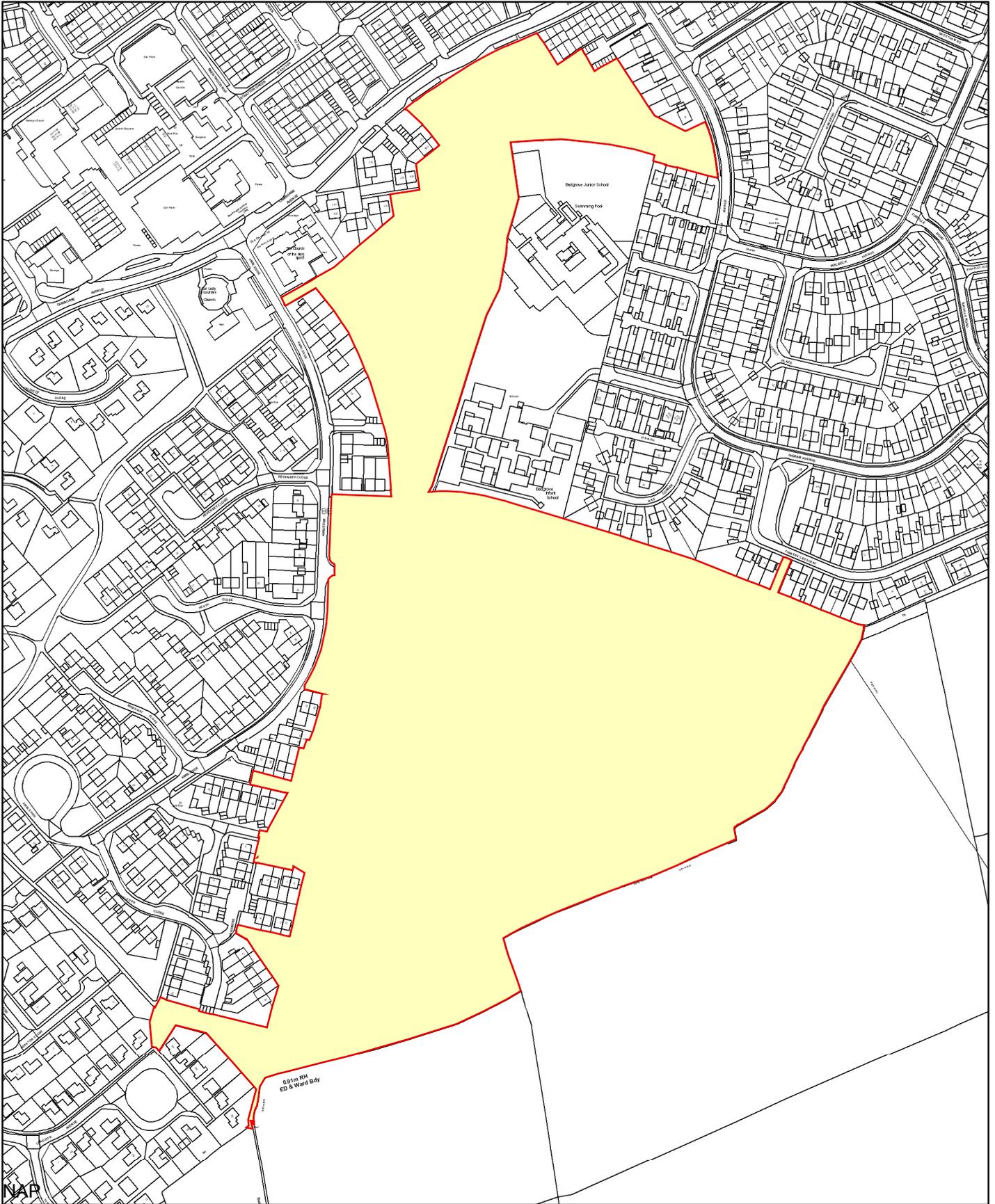
 Alcohol Free Zones



AYLESBURY VALE DISTRICT COUNCIL

1:2,500

Appendix - 1 - Proposed DPP0 - 3



Bedgrove Park and Spinney Aylesbury

Legend

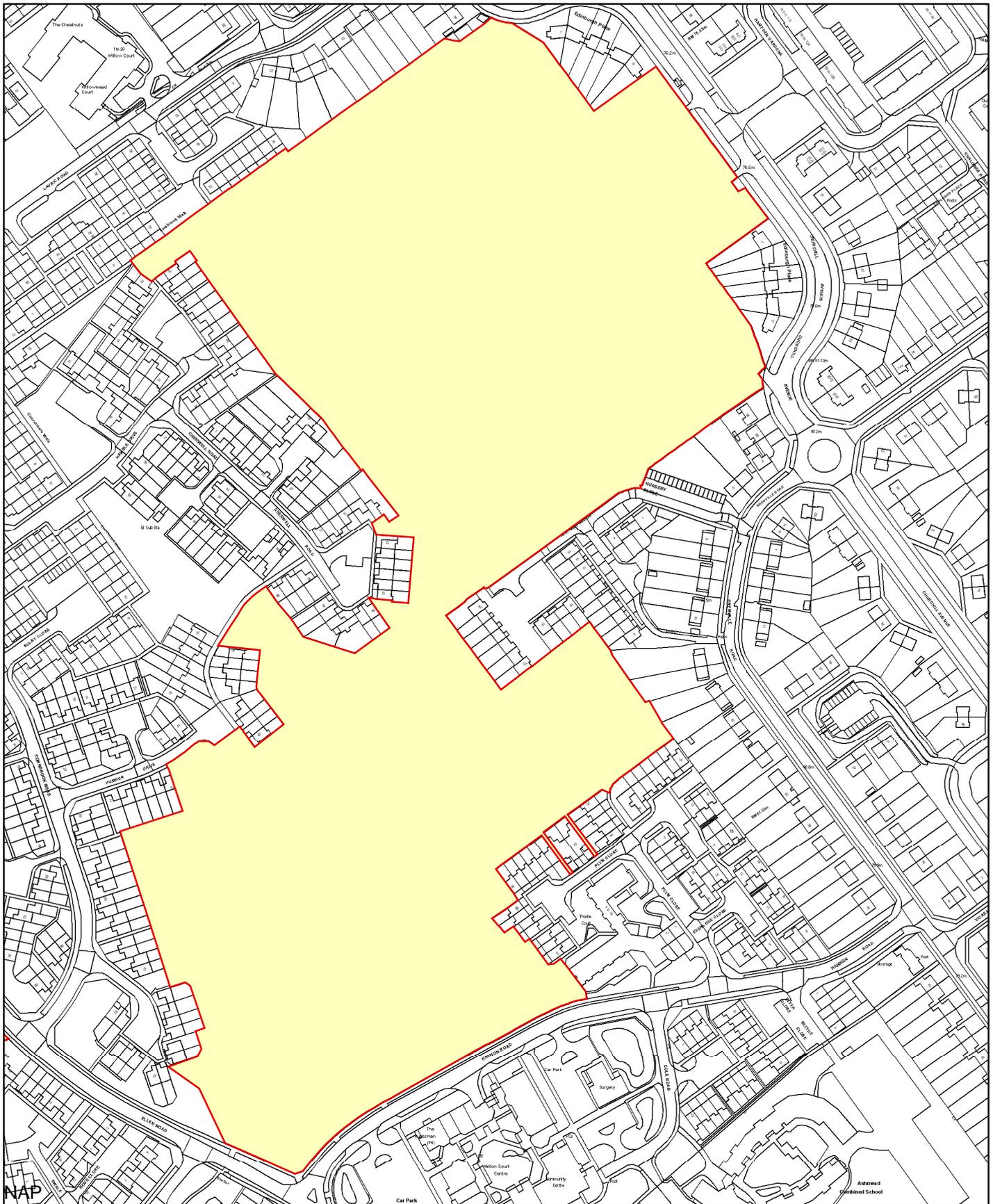
 Alcohol Free Zones



AYLESBURY VALE
DISTRICT COUNCIL

1:4,000

Appendix - 1 - Proposed DPP0 - 11



Edinburgh and Walton Court Playing Fields Aylesbury

Legend

 Alcohol Free Zones



AYLESBURY VALE
DISTRICT COUNCIL

1:3,000

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Parks PSPO proposed consultees

- Chief Officer of Police
- PCC
- Ward Councillors
- Cabinet Members for Community Safety, Civic Amenities, Environment and Leisure and Waste and Licensing
- Aylesbury Anti Social Behaviour Officer
- Aylesbury Community Safety Partnership
- Aylesbury Vale Parks Department
- Licensing Committee
- BCC Youth Service
- South Central Ambulance Service
- AVDC social media and press channels

Alfred Rose Memorial Park, Bedgrove Park and Edinburgh Playing Fields PSPOs–

Draft Consultation Questions -

Introduction

What is your name? (Responses can be provided anonymously)

Name

What is your email address? (Only provide if you wish to receive feedback on the outcome of the consultation)

Email

What is your organisation? (if applicable)

Organisation

About you

Please select all that apply:

	Alfred Rose Memorial Park	Bedgrove Park	Edinburgh Playing Fields
I live near:			
I work near:			
I visit:			

Other (please specify): _____

1) Street Drinking

We are proposing to maintain the restriction prohibiting the consuming of alcohol or being in possession of an open container of alcohol in the 3 parks.

For each park please indicate whether you support this proposed restriction?

	Support	Don't support	No opinion
Alfred Rose Memorial Park			
Bedgrove Park			
Edinburgh Playing Fields			

Please give a reason(s) for your answer if you can:

2) Prohibition on mechanical propelled vehicles (mini motos, motor bikes, quad bikes, etc).

We are proposing to introduce a new prohibition on the use of mechanically propelled vehicles in a way that has caused or may be capable of causing nuisance and/or annoyance anywhere within the 3 parks.

For each park please indicate whether you support this proposed restriction?

	Support	Don't support	No opinion
Alfred Rose Memorial Park			
Bedgrove Park			
Edinburgh Playing Fields			

Please give a reason(s) for your answer if you can:

3) Do you have any other comments or observations you would like to make concerning antisocial behaviour in Aylesbury Vale parks?

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