

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

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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, be 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.

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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