

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

1 Purpose

- 1.1 For the Licensing Committee to consider:
- 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/for decision

- 2.1 For members of the Licensing Committee to consider:
- 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.
- 3.6 The Council generally considers enforcement action as the last resort, and a decision to take formal enforcement action will be determined by the individual circumstances of a particular case. Enforcement action can only be taken where there is evidence that an offence has taken place. Where enforcement action is deemed warranted, the Council reserves the right to discharge its duties in one of three ways: written warnings, fixed penalty notices and prosecution.
- 3.7 Written warning may be used when there is evidence that shows beyond reasonable doubt that a person has committed an offence and it is considered inappropriate to issue a fixed penalty notice. A written warning will contain the following information: date, time and location of the offence, the nature of the offence and relevant legislation.
- 3.8 Police officers, community support officers and authorised council officers may issue fixed penalty notices to anyone they have reason to believe has failed to comply with an order. A fixed penalty notice will be issued to a person who has committed an offence where it is considered that a warning is not appropriate. For example, somebody who has already been issued a written warning(s) or has been repeatedly advised that they have breached the Order or if the nature of the breach warrants it. The fixed penalty notice will contain the following information: date, time and location of the offence, the nature of the offence and the relevant legislation. The notice states that by opting to pay the fixed penalty the Council will not take legal action for the prescribed offence, provided that the payment is received within 14 days of issuing the notice.
- 3.9 In certain cases prosecution through the courts may be the most appropriate course of action or where other enforcement actions have had no effect. Prosecution will likely follow when:
 - A fixed penalty notice is issued to an offender is returned unpaid after the 14 day payment period.
 - Three fixed penalty notices have been issued to a person.
 - A fixed penalty notice is considered insufficient.
- 3.10 A PSPO cannot be in effect for more than 3 years, unless it is formally extended. Orders can be extended for further 3 year periods 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.
- 3.11 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.
- 3.12 The Council may also decide to discharge a PSPO if it is no longer considered necessary.

- 3.13 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 owners or occupiers of the land within the restricted area.

Aylesbury Town Centre

- 3.14 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.

- 3.15 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.

- 3.16 As reported and agreed at the meeting on 28 May 2019 a consultation has been conducted on the basis that it be proposed that the order be extended for a further 3 years. A copy of the consultation questionnaire is shown as Appendix 2 with a list of consultees. The consultation was published on the Council's website and publicised through the Council's usual media channels.

- 3.17 The consultation ran for 6 weeks, 3 June to 14 July 2019. 58 responses were received from a broad range of interested parties: local residents, workers and visitors to the area, local residents' association, drug and alcohol agencies, the local church, AVDC Councillors and officers, Aylebury Town Council, the Housing Trust, Bucks Fire and Rescue and Thames Valley Police. 25% of respondents live in the town centre area, 30% work in the town centre area and 21% are visitors to the town centre area.

- 3.18 In relation to the current PSPO, the greatest perceived problems from respondents relate to street drinking, intimidating or aggressive behaviour and parking on the paved areas of Kingsbury and Market Square. Overall the vast majority of respondents supported all the existing controls being maintained:

- 89% of respondents support maintaining the restriction prohibiting the consumption of alcohol or being in the possession of an open container of alcohol in the town centre.
- 96% of respondents support the prohibition of public urination and defecation.
- 96% of respondents support the prohibition on intimidating or aggressive behaviour.
- 91% of respondents support the control of dog fouling.
- 68% of respondents support the parking restrictions on paved areas of Kingsbury and Market Square.

- 3.19 Thames Valley Police have responded that they support the controls on possession and consumption of alcohol, public urination and defecation and intimidating or aggressive behaviour. They do not support the controls requiring the removal of dog faeces and the prohibitions on parking on Kingsbury and Market Square. They have responded that they are not aware of the former being an issue, and the latter they believe should be dealt with through parking legislation. It should be borne in mind that while police support of a particular prohibition or requirement is desirable to assist with enforcement, it is not necessary as authorised officers of the Council may also enforce the requirements of a PSPO
- 3.20 A detailed analysis of the consultation responses is shown as Appendix 3.
- Alfred Rose Memorial Park, Bedgrove Park and Edinburgh Playing Fields**
- 3.21 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 4.
- 3.22 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.
- 3.23 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.
- 3.24 As reported and agreed at the meeting on 28 May 2019 a consultation has been conducted on the basis that it be proposed that the order be extended for a further 3 years. A copy of the consultation questionnaire is shown as Appendix 5 with a list of consultees. The consultation was published on the Council's website and publicised through the Council's usual media channels.
- 3.25 The consultation ran for 6 weeks, 3 June to 14 July 2019. 85 responses were received from a broad range of interested parties: local residents, workers and visitors to the area, local residents' associations, local schools, representatives of Bucks CC and AVDC and Thames Valley Police. The majority of respondents either live and or work near one or more of the parks. Bedgrove Park appears to be the most popular, visited by 46% of respondents, followed by Alfred Rose Memorial Park, visited by 39%, and Edinburgh Playing Fields visited by 16% of respondents.
- 3.26 In relation to the current PSPO prohibiting the possession or consumption of alcohol in the three parks, the majority of respondents, including Thames Valley Police, support these controls being maintained:

- Alfred Rose Memorial Park – 91% support
- Bedgrove Park – 86% support
- Edinburgh Playing Fields – 89% support

3.27 In relation to the proposed new restriction concerning mechanically propelled vehicles, the majority of respondents, including Thames Valley Police, support these new controls:

- Alfred Rose Memorial Park – 96% support
- Bedgrove Park – 93% support
- Edinburgh Playing Fields – 92% support

4 Options considered

- 4.1 The Aylesbury Town Centre PSPO could be allowed to expire in November 2019. The current PSPO can be varied by amending, adding or removing a current prohibition or requirements in which case further consultation will be required. The current PSPO can be extended for a further three year period.
- 4.2 In respect of the parks PSPO, the order can remain unchanged and will need to be reviewed again before October 2020, the current PSPO can be varied to include the additional restriction concerning mechanically propelled vehicles, the order can be discharged or further varied by amending, adding or removing a current prohibition or requirements in which case further consultation will be required.

5 Reasons for Recommendation

- 5.1 The Licensing Committee are recommended to consider the responses from the two consultations and all additional available evidence prior to making a decision.

6 Resource implications

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

Contact Officer Simon Gallacher 01296 585083

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