

# Public Document Pack



## AYLESBURY VALE DISTRICT COUNCIL

### Democratic Services

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23 October 2019

### LICENSING COMMITTEE

A meeting of the **Licensing Committee** will be held at **10.00 am on Monday 4 November 2019** in **The Paralympic Room, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF**, when your attendance is requested.

Contact Officer for meeting arrangements: Craig Saunders , csaunders@aylesburyvaledc.gov.uk;

**Membership:** Councillors: S Renshell (Chairman), T Mills (Vice-Chairman), M Collins, 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 - 8)

To approve as a correct record the Minutes of the meeting held on 9 September 2019, copy attached as an appendix.

#### 4. DECLARATIONS OF INTEREST

Members to declare any interests.

#### 5. MANDATORY CSE SAFEGUARDING TRAINING FOR TAXI AND PRIVATE HIRE VEHICLE DRIVERS (Pages 9 - 12)

For Members to consider the attached report.

Contact officer: Simon Gallacher 01296 585083

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# Agenda Item 3

## LICENSING COMMITTEE

9 SEPTEMBER 2019

**PRESENT:** Councillor S Renshell (Chairman); Councillors P Cooper, S Morgan, G Powell, B Russel and Sir Beville Stanier Bt (ex-Officio).

**APOLOGIES:** Councillors T Mills, M Collins, M Hawkett, S Lambert and L Monger.

### 1. MINUTES

RESOLVED –

That the Minutes of the meeting held on 28 May, 2019, be approved as a correct record.

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

The Committee received a report following a review that had been undertaken of the Public Space Protection Orders (PSPOs) that were in place for the Aylesbury Town Centre, Alfred Rose Memorial Park, Bedgrove Park and the Edinburgh Playing Fields. Members attention was drawn to paragraph 3.24 of the report which should have stated that the PSPO for the three parks was being varied rather than extended.

Following the Licensing Committee meeting on 28 May, 2019, a 6 week period of public consultation had been held on the PSPOs and Members were asked to consider the responses and all the additional available evidence prior to making a decision.

PSPOs had been introduced under the Anti-Social Behaviour, Crime and Policing Act 2014 as a means to tackle anti-social behaviour. They were designed to deal with a particular nuisance or problem in a specific area that was having a detrimental effect on the quality of life of the local community. This was achieved by imposing conditions on the use of that area that apply to everyone. They were intended to help ensure that the law abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

Local Councils were responsible for making PSPOs, and within Aylesbury Vale, decision making responsibility on this matter had been delegated to AVDC's Licensing Committee.

A PSPO could be made if the Council was satisfied on reasonable grounds that the activity or behaviour concerned would be carried out, or was likely to be carried out, in a public space. This related to the activity or behaviour:-

- Having a detrimental effect on the quality of life of those in the locality.
- Being persistent or continuing in nature.
- Unreasonable.

Justification would also need to be given for the restriction imposed. A PSPO had to identify the public space to which it applied ('the restricted area' within which the impact was or was likely to occur) and could make requirements or prohibitions, or both, within that area. This meant that the Council could, by virtue of the order, require people to do specific things in a particular area or not to do things. The Council could grant the prohibitions, or requirements, where it believed that they were reasonable and proportionate in order to prevent, or reduce, the detrimental impact. The order could be made so as to apply to specific people within the area, or to everybody. It could apply at

all times, or within specified times, and equally to all circumstances, or specific circumstances.

Failure to comply with a prohibition or requirement within the order was an offence and a defendant could face a fine of up to £1000 (£500 for offences involving the consumption of alcohol). Breaches of the order could also be discharged by use of a fixed penalty notice, up to £100.

The Council generally considered enforcement action as the last resort, and a decision to take formal enforcement action would be determined by the individual circumstances of a particular case. Enforcement action could only be taken where there was evidence that an offence had taken place. Where enforcement action was deemed warranted, the Council reserved the right to discharge its duties in one of three ways: written warnings, fixed penalty notices and prosecution. Information on these actions was detailed in the Committee report.

A PSPO could not be in effect for more than 3 years, unless it was formally extended. Orders could be extended for a further 3 year periods if the Council was satisfied on reasonable grounds that it was necessary to prevent occurrence, reoccurrence or an increase in the frequency or seriousness of the activities identified in the order.

PSPOs could 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. The Council could also decide to discharge a PSPO if it was no longer considered necessary.

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.

The Committee was provided with details of the current PSPOs that AVDC had in place.

**Aylesbury Town Centre** – a PSPO had been made in November 2016 and prohibited several activities including:

- Consuming alcohol or being in possession of an open container of alcohol.
- Public urination or defecation.
- General behaviour reasonably perceived to be intimidating and/or aggressive.
- Failure of owner or person in control to remove dog faeces.
- Parking without permission or authority on the public realm of Kingsbury and Market Square.

The order and a map of the restricted area was shown at Appendix 1. This PSPO had to be reviewed prior to its expiration in November 2019 and a decision made on whether to extend it for a further period, vary its existing scope, discharge it or allow it to lapse.

Following the Licensing Committee meeting on 28 May, 2019, a consultation had 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 was shown at Appendix 2 with a list of consultees. The consultation had been published on the Council's website and publicised through the Council's usual media channels.

The consultation had run for 6 weeks, from 3 June to 14 July 2019. 58 responses had been 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, Aylesbury Town Council, the Housing Trust, Bucks Fire and Rescue and Thames Valley Police. 25% of respondents lived in the

town centre area, 30% work in the town centre area and 21% were visitors to the town centre area.

In relation to the current PSPO, the greatest perceived problems from respondents related 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.

Thames Valley Police have responded that they supported the controls on possession and consumption of alcohol, public urination and defecation and intimidating or aggressive behaviour. They did 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 were not aware of the former being an issue, and the latter they believed should be dealt with through parking legislation. It should be borne in mind that while police support of a particular prohibition or requirement was desirable to assist with enforcement, it was not necessary as authorised officers of the Council may also enforced the requirements of a PSPO.

A detailed analysis of the consultation responses was included at Appendix 3.

**Alfred Rose Memorial Park / Bedgrove Park / Edinburgh Playing Fields** – the PSPO in respect of these parks had automatically converted from DPPOs in October 2017 and related solely prohibitions on the consumption of alcohol. Geographic maps of the 3 parks were shown in at Appendix 4.

Members were informed that the Council's parks team had 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 had also been involved in trying to resolve this issue. The bikes were often ridden in the evening, but reports had been received during the daytime which posed an increased risk to members of the public lawfully using the park area. These 3 parks are also available to hire and were regularly used throughout the summer by football clubs and cricket at the Alfred Rose Park. At Edinburgh Playing Fields motorbikes had been ridden on the field, including near to players and spectators, when it was being hired by a football club. The riding of the bikes on the park area led to damage to the grass, which was worse during wet weather and could leave ruts in the ground.

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.

Following the Licensing Committee meeting on 28 May, 2019, a consultation had been conducted on the basis that the order be extended for a further 3 years. A copy of the consultation questionnaire was at Appendix 5 with a list of consultees. The consultation had been published on the Council's website and publicised through the Council's usual media channels.

The consultation had run for 6 weeks, from 3 June to 14 July 2019. 85 responses had been 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 appeared 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.

Overall, the vast majority of respondents including the Thames Valley Police supported the existing prohibition on the possession or consumption of alcohol in the three parks.

It had been proposed that a new restriction be introduced concerning mechanically propelled vehicles. The vast majority of respondents including the Thames Valley Police were in support of this proposed restriction being introduced.

Members sought additional information and were informed:-

- (i) that providing more bins might assist in reducing instances of dog fouling, as dog walkers were less likely to carry bags around with them.
- (ii) that a holistic approach needed to be taken to dealing with homeless people and genuine rough sleepers, and to ensure that enforcement actions did not interfere with the support and rehabilitation being provided to people.
- (iii) that where people sat near to cash machines and were begging this could be conceived by people as being more aggressive even if there was no verbal aggression.
- (iv) that drug use in parks was a big issue, particularly in Alfred Rose Park, where capsules and used needles had been left lying around. This then meant that time had to be spent to clear the park. Consultation on a PSPO covering drug paraphernalia had not been undertaken and, as such, could not now be included in a varied PSPO. However, it would be possible to consider a further variation in the future.

Officers gave an undertaking to do some further research on how other Councils were tackling this issue.

- (v) that AVDC had received an offer from a third party to install CCTV in parks. There were also some issues with the operation and monitoring of existing CCTV, which was managed by the Police for the Council. This would need further attention by the new Council.
- (vi) that proposed variation to the three parks PSPO was in relation to mechanically propelled vehicles, i.e. covering remote or radio controlled vehicles or any vehicle which had a motor. The definition of a vehicle was that it was carrying something eg a person or thing. However, this would not extend to drones.
- (vii) that Officers were reviewing signage that would need to be displayed due to the new unitary council, including pictorial signage that would also cover non-English speakers. The police confirmed that the lack of signage did not affect enforcement itself.
- (viii) on the work that was being done to re-assure local residents that action was being taken in response to the high number of complaints regarding anti-social behaviour in parks.
- (ix) that if the Council identified other activities or behaviour that it was believed met the criteria for inclusion as part of a PSPO, then variations to PSPOs could be considered in the future.

RESOLVED –

- (1) That the existing PSPO for the Aylesbury Town Centre be extended for a further three years from November 2019.

- (2) That the existing PSPO for Alfred Rose Memorial Park, Bedgrove Park and Edinburgh Playing Fields be varied to include a prohibition on the use of mechanically propelled vehicles in any way that might cause, or might be capable of causing, nuisance and/or annoyance anywhere within the parks.

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# Agenda Item 5

Licensing Committee  
4 November 2019

## MANDATORY CSE SAFEGUARDING TRAINING FOR TAXI AND PRIVATE HIRE VEHICLE DRIVERS

### 1 Purpose

- 1.1 For Members to consider an amendment to the council's current taxi and private hire licensing arrangements to ensure all Aylesbury Vale District Council licensed drivers have satisfactorily undergone Child Sexual Exploitation (CSE) safeguard training.

### 2 Recommendations/for decision

- 2.1 For Members to agree to an amendment to the current licensing arrangements to ensure all licensed taxi and PHV drivers have undergone Child Sexual Exploitation safeguard training. Specifically any licensed driver who has not attended the council's training by 31 January 2020 will have their licence suspended with immediate effect until such time as they have satisfactorily attended the council's approved training session.

### 3 Supporting information

- 3.1 At its meeting of 11 December 2018 the Licensing Committee agreed to the recommended arrangements proposed by the licensing service to ensure all licensed taxi and private hire vehicle drivers undergo Child Sexual Exploitation safeguard training. Specifically, the licensing service recommended that the council engage CYP First to provide the required training. It was proposed that training be a mandatory requirement imposed on all drivers, with new and renewal applicants required to demonstrate attendance on the CYP First CSE training session. The licensing service aimed to ensure all licensed drivers (approximately 3000) had attended the training within 12 months of implementation.
- 3.2 Training began in February 2019 and the council hosted 72 training sessions over 24 days in the first four months. Since that time three training sessions have been made available each month, held on one day at 9:30, 11:30 and 13:30 hours. Each training session can accommodate up to 50 drivers and lasts between 75 and 90 minutes. Drivers are required to book directly with the training provider via a dedicated text number. At the end of the session delegates are given a CSE advice card which provides a summary of the warning signs to look out for and contact details for reporting concerns. Attendees are issued with an attendance certificate.
- 3.3 To raise awareness, approximately 3000 individual letters were sent to licensed drivers prior to the commencement of the training. This was supported by publicity on the Council's social media platforms and the council's licensing web pages. Regular email reminders and text messages are being sent to those drivers that have not attended and a reminder to book training has been published in the new council trade newsletter distributed to drivers and operators.
- 3.4 To date approximately 2500 drivers have attended the training and feedback from attendees has been highly positive. The licensing team believe it is imperative that the remainder of the council's licensed drivers attend this training. Despite the regular reminders to encourage drivers to attend, there are still approximately 15% of licensed drivers that have not attended. Drivers licences are issued for 3 years, so under the current arrangements

existing licensed drivers could potentially wait until February 2022 before attending the training.

- 3.5 Telephone interviews were conducted with a sample of drivers that had yet to attend training. Various reasons were given by drivers to explain why they had not yet attended. Some were choosing to wait, while others were currently not using their licence because they were licensed in other districts or had changed occupation, some drivers believed because they had attended safeguard training with other councils that they did not need to attend training with AVDC. All AVDC licensed drivers must attend the council's approved training session with CYP First.
- 3.6 It is proposed that the current arrangements be amended and the policy revised so that any existing licensed driver who has not attended training have their licence suspended until such time as they have attended training. To support this approach two additional training days have been scheduled for November and December this year.
- 3.7 Legal advice was sought from a leading taxi and private hire licensing expert about this possible policy change. He has responded as follows:

"As this is not a condition on the licence, there is no reason why the policy cannot be altered and take effect during the currency of a drivers' licence. Provided the requirement has been properly considered by the Council, consultation has taken place and it is not unreasonable in Wednesbury terms, it would be lawful for the council to state that at some point in the future (which must be reasonable length of time) action will be taken against all those drivers who have not attended the training.

I would suggest that the action should be suspension of the licence until such time as the driver demonstrates that they have complied with the requirement."
- 3.8 A brief consultation was carried out by way of emails sent to licensed drivers, operators and Bucks Safeguarding Children Partnership at the beginning of this month. The consultation was also advertised in the newsletter referred to in paragraph 3.3, which has been distributed to existing drivers and operators, and copies displayed at the council's vehicle testing station at Pembroke Road. No comments have been received in respect of the proposed policy amendment.
- 3.9 If agreed, it is proposed that the new policy take effect from 31 January 2020 to allow sufficient time for the policy change to be publicised and afford the remaining untrained drivers the opportunity to comply. Training dates are scheduled for 7 and 25 November and 3 and 19 December. Further dates will be scheduled for January 2020.
- 3.10 Under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may suspend, revoke or refuse to renew a driver's licence if the driver is convicted of certain offences or "any other reasonable cause". Licences may be suspended in accordance with Section 61(2A) or 61(2B) of the LGMPA 1976. In respect of the former, the decision does not take effect until the appeal period has lapsed, which is 21 days or until the appeal proceedings are disposed of. In respect of the latter, a suspension may be implemented with immediate effect if it appears to the council to be in the interests of public safety; under these circumstances a driver aggrieved by the decision still has the right to appeal.

- 3.11 The need for licensed taxi and PHV drivers to undergo training in recognising and knowing how to report instances, or potential instances, of CSE is widely accepted. There appears to be reluctance from some drivers to attend the training despite considerable effort by the licensing service, which is a cause for potential concern. For this reason it is recommended that the suspension take immediate effect in the interest of public safety.
  - 3.12 There are potentially a large number of licences that will need to be suspended which will place additional demands on the licensing team. To minimise disruption the licensing team will increase publicity to encourage drivers to attend voluntarily and warn them of the consequences of non-compliance. Drivers are also being invited to surrender their licences if they are no longer needed.

## 4 Options considered

- 4.1 The current arrangements could remain in place, however there is a risk that a significant number of drivers will continue to defer attending the training for another two years.

## 5 Reasons for Recommendation

- 5.1 Taxi and PHV drivers can play a key role in identifying and reporting instances of child abuse. The CYP First child exploitation training programme presents this message in a clear, memorable and empathic way. It is clearly important that as many drivers as possible attend this training without further delay.

## 6 Resource implications

- 6.1 The licensing service has been able to fund the training from its existing budget. CYP First have managed the booking and attendance arrangements with minimal input required from AVDC staff. AVDC staff have taken responsibility for issuing attendance certificates, which are produced and distributed by electronic means.
  - 6.2 There are potential consequences for existing staff should a large number of drivers' licences need to be suspended. It is anticipated that this risk can be significantly mitigated by escalating the current awareness campaign and specifically targeting drivers who have so far failed to attend a training session.

Contact Officer Simon Gallacher (01296) 585083  
Background Documents None

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