

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.