

Licensing and Regulatory Committee

Minutes of the meeting held at Shire Hall, Warwick on Wednesday 29 May 2024 at 4.30pm.

Present: Councillors Gorman (Chair), Barton, Dray, B Gifford, C Gifford, King, Luckhurst, Rosu, and Syson.

6. **Apologies and Substitutes**

- (a) apologies for absence were received from Councillors Armstrong, Browne, D Harrison, Matecki, Roberts, and Redford; and
- (b) Councillor B Gifford substituted for Councillor Kohler.

7. **Declarations of Interest**

There were no declarations of interest made.

8. **Minutes of the Licensing & Regulatory Committee**

The minutes of the meeting of 13 May 2024 and meeting of 15 May 2024 were taken as read and signed by the Chair as a correct record.

9. **Minutes of the Licensing & Regulatory Panels**

The minutes of the meeting of 14 November 2023 were taken as read and signed by the Chair as a correct record.

10. **Spaces Protection Orders (PSPOs) - 2024 Review.**

The Committee considered a report from Safer Communities, Leisure, and Environment regarding the District's Public Space Protection Orders (PSPOs) which were due for review and the report sought approval to consult with relevant stakeholders and the wider community regarding the next generation of PSPOs, which would be in force for a further three-year period thereafter.

In 2023, Licensing & Regulatory Committee resolved that the existing PSPOs would be subject to a full review in 2024.

PSPOs were intended to deal with nuisance or problems that were detrimental to the local community's quality of life by imposing conditions on the use of an area, enabling residents and visitors to use and enjoy public spaces, safe from anti-social behaviour.

Existing WDC PSPOs were as follows:

1. Dog Fouling
2. Dog on Lead
3. Dog on Lead by Direction
4. Dog Exclusion
5. Intoxicating Substances

PSPOs provided Local Authorities with the necessary powers to introduce restrictions and prohibitions within a designated area. The implementation

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of a PSPO was applied to everyone within the designated area. Whilst designed to prohibit certain activities, PSPOs were also intended to enable people to feel that their area, such as Warwick District, was a safe and welcoming place for all.

The Antisocial Behaviour Crime and Policing Act 2014 provided the legal framework for the implementation and administration of PSPOs. Orders could be introduced in specific public areas where the Local Authority was satisfied, on reasonable grounds, that certain conditions had been met. The conditions that the Local Authority had to be satisfied were met were that:

- “activities that have taken place had or were likely to take place had a detrimental effect on the quality of life of those in the locality;
- the effect or likely effect of such behaviours is or is likely to be persistent or continuing or is likely to be unreasonable; and
- the effects justify the restrictions being imposed.”

A public area was defined as any place where the public or any section of the public had access to, whether this was by payment, by right or by expressed or implied permission (e.g. can include certain private or common land).

The Council needed to be satisfied that the legislative requirements were met before an Order could be introduced, and obtaining clear evidence to support this was important.

Collating information about the nature and impact of the behaviour subject to the PSPO was a core element of the evidence gathering and the consultation process and would help inform the Council’s view as to whether the evidential requirements had been fulfilled. The evidence would also need to be weighed before the Council could determine whether it was appropriate and proportionate to introduce a PSPO at all, and if so, whether a draft proposal was suitable.

Police, Council officers and officers authorised by the Council could enforce the conditions of PSPOs and could issue Fixed Penalty Notices for non-compliance. Failure to comply with a PSPO was an offence which could result in a fine of up to £1,000 in a Magistrates’ court. PSPOs had to be reviewed at least every three years, and they could be discharged/expire, or the conditions could be varied.

An officer working group had been set up including officers from - Community Safety, Environmental Health, Green Spaces, Media, Police, Warwickshire County Council, Parking, Neighbourhood Services, and Climate Change to ensure due process was followed for the review, extension, amendment, revocation or proposals for new PSPOs.

The Home Office published statutory guidance in July 2014 to support the effective use of PSPOs to tackle anti-social behaviour, introduced through the Anti-Social Behaviour, Crime and Policing Act 2014. The powers introduced by the 2014 Act were deliberately local in nature.

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The Council was following the guidance produced by the Local Government Association, which set out the process for Councils with the aim of setting out the issues that needed to be considered.

Before introducing, extending, or varying PSPOs, the Council was required to consult with statutory consultees as well as the public. Statutory consultees included:

- Chief Officer of Police for the area
- Police & Crime Commissioner
- Owners/occupiers of land affected by the PSPO (where practicable)
- Community representatives

The report sought approval to launch the consultation exercise for the District's PSPOs.

Phase 1 - which would run for a minimum of six weeks and would cover a review of the PSPOs. Consultees would also be asked for their views (and evidence) for consulting on any potential new PSPOs.

Phase 2 - which would run for a minimum of six weeks and would involve a wider consultation with the public and include consulting on the findings following Phase 1. (NB The questions for this survey would be subject to the findings in Phase 1).

The proposed timetable for consultation and subsequent implementation of PSPOs was:

June 2024	Phase 1 - Strategic stakeholder consultation begins.
July 2024	Phase 1 - Strategic stakeholder consultation ends.
Aug 2024	Consideration of Phase 1 consultation responses and evidence, by the PSPO working group.
Oct 2024	L&R Committee Report - Proposed draft PSPOs to Committee, based on responses received and evidential tests satisfied.
Nov 2024	Phase 2 – Public consultation on draft PSPOs begins.
Dec 2024	Phase 2 - Public consultation on draft PSPOs ends.
Jan 2025	Consideration of Phase 2 public consultation responses, by PSPO working group.
April 2025	Committee Report - for final approval and adoption of PSPOs. (six-week period for legal challenge)
June 2025	Adoption of reviewed/new PSPOs.

There were limited alternative options for the Council's officers to manage anti-social behaviour in public spaces due to available enforcement legislation.

Police officers had additional legislative powers to manage criminal activities and offences. However, their resources were limited and ability to tackle this type of anti-social behaviour could be restricted.

In response to questions from Members, the Community Safety Manager explained that:

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- regarding the petition that had been circulated by residents about PSPOs, it would be passed to the relevant officer and dealt with appropriately;
- after Phase 1 of the consultation, the public would have an opportunity to have their say during Phase 2 of the consultation;
- the PSPO working group had met fairly regularly and aimed to gather evidence and data regarding any issues there had been following implementation of previous PSPOs. It included representation from Warwickshire Police as they played an important role, and it would also include Community Wardens in future as they were key in enforcing the PSPOs once they had been adopted;
- issues with vehicles had been highlighted recently. Issues included joyriding at a fast speed in certain areas such as Baginton and electric bikes or quad bikes riding in open spaces. In this instance, PSPO's might not be the most appropriate solution;
- as a general election had been called, the timeline would be slightly shifted, but there was no statutory guidance as to how long the consultation period should be; and
- the FAQ (frequently asked questions) section on the WDC website was created from previous consultations and from conversations with other local authorities. It would be updated as and when required.

It was proposed by Councillor Barton, seconded by Councillor Syson and

Resolved that

- (1) the consultation for the Warwick District Council PSPOs, be approved;
- (2) the proposed consultation process, allowing initially for a strategic consultation (Phase 1) with key stakeholders, once initial responses from stakeholders have been received and examined, and evidential tests satisfied, a more specific public consultation (Phase 2) will be carried out, be noted; and
- (3) the timetable contained in the body of the report and the Communications Plan in Appendix 1 to the report, be noted.

(The meeting ended at 4.46pm)

CHAIR
24 July 2024