

Licensing and Regulatory Committee

Minutes of the remote meeting held on Wednesday 8 July 2020 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

Present: Councillors Heath (Chairman); Councillors Boad, Evans, C Gifford, Grey, Illingworth, Leigh-Hunt, Luckhurst, Mangat, Murphy, Norris, Redford and Syson.

8. **Apologies and Substitutes**

- (a) apologies for absence were received from Councillor Cullinan and Councillor A Dearing; and
- (b) there were no substitutes for the meeting.

9. **Declarations of Interest**

There were no declarations of interests made.

10. **Minutes**

The minutes of the meeting held on 1 June 2020 were taken as read and signed by the Chairman as a correct record.

11. **Consultation on the revision and renewal of the District's Public Space Protection Orders – Restricted Drinking Zones & Dog Control Orders**

At the request of the Chairman, the Democratic Services Manager and Deputy Monitoring Officer advised that a number of questions had been received since the publication of the agenda. Officers considered it appropriate to reflect on these questions and put together a pre-consultation plan, part of which would be contacting the relevant Parish and Town Councils within the District in order to get a better understanding of the specific issues in the local areas. Principally, this was around the Dog Control Orders and what further work could be done in that area. As a result, Members were advised to remove the elements around the Dog Control Public Space Protection Orders from the report and debate, and for officers to bring a separate report to the Committee on this specific matter at a later date.

Therefore, the Committee considered a report from Heath and Community Protection. The district's Public Space Protection Orders (PSPOs) were due to expire on 21 October 2020.

Before introducing, extending, varying or discharging a PSPO, there were requirements under the Anti-Social Behaviour, Crime and Policing Act 2014 Act regarding consultation, publicity and notification. Approval was being sought to consult residents, businesses, partners and relevant stakeholders on the extension and variation of these orders.

Where PSPOs were varied, extended or discharged, there were statutory requirements regarding publishing or publicising this and councils were required to undertake a consultation process.

Local authorities were obliged to consult with the local chief officer of police; the police and crime commissioner; owners or occupiers of land within the affected area where reasonably practicable, and appropriate community representatives. Any county councils (where the Order was being made by a district), parish or community councils that were in the proposed area covered by the PSPO had to also be notified. 'Community representatives' were defined broadly in the Act as 'any individual or body appearing to the authority to represent the views of people who live in, work in or visit the restricted area'.

It was proposed to discharge the Restricted Drinking Zone PSPO and replace it with an Intoxicating Substances PSPO, to include alcohol and making it an offence for a person 'without reasonable excuse' to breach the PSPO in terms of ingestion, inhalation, injection, smoking or otherwise use of an intoxicating substance. This approach had been informally discussed with Warwickshire Police who supported this inclusion.

The consultation would take place during July/August 2020, lasting for a four-week period, after which a further report, including a summary of any representations received, would be submitted to the Licensing Committee for a final decision.

In terms of alternatives, there was the option not to consult or renew the PSPOs. This option was not recommended for the reasons highlighted in Section 6.1 in the report. Allowing the PSPOs to lapse without extending them would result in a recurrence of the activities that were detrimental to the quality of life of people who live, visit or work in the district.

The Regulatory Manager provided an overview of the Public Space Protection Orders, which were different to other antisocial behaviour related tools because they applied to everyone using a particular area. Councils were responsible for making such orders, and their enforcement could be imposed by any authorised officer or a police officer.

In answer to questions from Members, the Regulatory Manager and the Community Partnership Team Manager explained that:

- the Council would need to be able to justify the imposition of Intoxicating Substances PSPO on a specific area, and this was part of the purpose of the public consultation;
- if, during the consultation, a large number of residents of a particular area were to ask for the Intoxicating Substances PSPO to be applied in their area, and were able to give reasons and examples as to why, then this would be possible and it would need to be judged on a case by case scenario;
- if an area had not been identified during the consultation but it subsequently became an issue, this could be reviewed at any time;
- it was a legal requirement to review the PSPOs every three years;
- the PSPOs could be amended in either direction, either to add or remove areas, the intention being for these to remain flexible according to changes in the particular environment;

- if an intoxicated individual refused to stop drinking, they would be committing an offence and the police had the authority to remove the alcoholic drinks from them;
- the option of looking into PSPOs was available to Parish and Town Councils, including those of rural areas, and it was part of the consultation process;
- nitrous oxide was also covered by the Intoxicating Substances PSPO;
- in 2017 when the Council moved over to PSPOs, it was a District-wide coverage, and that question would be raised as part of the consultation. Officers' would advocate to continue as a District-wide PSPO in this respect;
- due to some of the Covid-19 restrictions, there would be an increase in outdoor drinking in the next six to 12 months. As a result, officers felt a District-wide approach would be most appropriate;
- according to the legislation in place, if an individual was likely to become intoxicated, the enforcement officer was able to take that substance away as well;
- a team of street marshals worked with the police during evenings and weekends;
- officers did not believe that stab vests were utilised, unless there was a specific reason to do so;
- a great deal of preparation had been put in place prior to pubs reopening the weekend before the meeting, to make sure the response was well orchestrated;
- the intoxicating substances were included in the PSPO because there had been an increase in the use of drugs, specifically, the nitrous oxide, not just in the towns and areas which were known to officers, but also in the District's parks, with Abbey Fields having been highlighted as an area of concern;
- nitrous oxide was classed as a psychoactive substance which, when inhaled, could cause a number of health issues which could be fatal. Across the County, officers had seen a sharp rise in incidents involving nitrous oxide. On one occasion, the Abbey Fields car park was totally littered with these canisters, with users congregating, also encouraging antisocial behaviour.;
- officers suspected the majority of the drug procurement was done online, which meant it was possible for it to continue during the lockdown period when the shops were closed; and
- officers were in the process of identifying those premises within the District which sold the nitrous oxide canisters, and have a conversation with the owners to make sure they understood the risks associated with selling them to young people.

The Democratic Services Manager and Deputy Monitoring Officer reminded Members the proposal was for the Committee to approve officers beginning the consultation process on the Intoxicating Substances PSPO only.

Resolved that

- (1) a statutory consultation on the Intoxicating Substances Public Space Protection Order be authorised for 4 weeks as outlined in the report; and

- (2) following the consultation, a further report be submitted to this Committee for a decision on extending and varying the PSPOs.

(The meeting ended at 6.42pm)

(At 6.25pm, the meeting was adjourned for one minute, for the Chairman to re-join the remote meeting.)

CHAIRMAN

14 October 2020