

## Licensing & Regulatory Committee

Wednesday 29 May 2024

An additional meeting of the above Committee will be held at Shire Hall, Market Place, Warwick on Wednesday 29 May 2024, at **4.30pm**.

### Agenda

#### 1. Apologies & Substitutes

- (a) to receive apologies for absence from any Councillor who is unable to attend; and
- (b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

#### 2. Declarations of Interest

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

#### 3. Minutes of the Licencing & Regulatory Committee

To confirm the minutes of the meetings held on:

- a) 13 May 2024; and
- b) 15 May 2024.

**(Pages 1 to 4)**

**(Pages 1 to 2)**

#### 4. Minutes of Licencing & Regulatory Panels

To confirm the minutes of the Licensing & Regulatory Panel held on 14 November 2023.

**(Pages 1 to 4)**

## 5. **Public Spaces Protection Orders (PSPOs) - 2024 Review**

To consider a report from Safer Communities, Leisure, and Environment.

**(Pages 1 to 10)**

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# Licensing and Regulatory Committee

Minutes of the meeting held at Shire Hall, Warwick on Monday 13 May 2024 at 4.30pm.

**Present:** Councillors Gorman (Chair), Armstrong, C Gifford, Kohler, Luckhurst, Matecki, Redford, Rosu and Syson.

## 20. **Apologies and Substitutes**

- (a) apologies for absence were received from Councillors Barton, Dray, D Harrison, King, Roberts, Sinnott; and
- (b) there were no substitutes.

## 21. **Declarations of Interest**

Councillor Matecki declared he was a Warwickshire County Council Councillor and Portfolio Holder for Transport and Planning but did not consider himself to be predetermined in any way.

## 22. **Minutes**

The minutes of the meeting of 11 March 2024 meeting were taken as read and signed by the Chair as a correct record.

## 23. **Minutes of the Licensing & Regulatory Panels**

The minutes of the meeting of 21 March 2024 were taken as read and signed by the Chair as a correct record.

(Councillor Rosu arrived during this item and therefore did not vote on this item.)

## 24. **Request to classify and permit the showing of an unclassified film.**

The Committee considered a report from Safer Communities, Leisure, and Environment regarding a request to permit the showing of an unclassified film.

Under the Licensing Act 2003 any film which had not been given a classification by the British Board of Film Classification (BBFC) had to receive permission from the Local Authority before it could be shown in that Local Authority.

On 12 April 2024 Warwick District Council Licensing Department received a request from Grand Union Productions to permit the showing of two films at The Royal Spa Centre, Newbold Terrace, Royal Leamington Spa, CV32 4HN.

The application form submitted by Mr Michael Clifford on behalf of Grand Union Productions was attached as Appendix 1 to the report.

The BBFC performed a national Film Classification role on behalf of the Licensing Authority, classifying films shown in Warwick District for public exhibition under the Licensing Act 2003. However, when a film was not

## **LICENSING & REGULATORY COMMITTEE MINUTES (Continued)**

classified by the BBFC the decision fell to the Licensing and Regulatory Committee to authorise a film to be shown in Warwick District, and to classify the film under the protection of children from harm licensing objective.

Section 182 Guidance issued under the Licensing Act contained some information which was particularly relevant to this decision, and this was highlighted in the report as below:

“The protection of children from harm includes the protection of children from moral, psychological, and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.” (Paragraph 2.28)

Under Section 20 of the Licensing Act 2003, a mandatory condition was applied to all premises issued with a premises licence which authorises the exhibition of films. The mandatory condition related to the restriction of the admission of children. Children were defined as persons aged under 18. The condition was as follows:

“The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made:

A. By the British Board of Film Classification (BBFC) where the film has been classified by that board, or

B. By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3) (b) of the Licensing Act 2003 applies to the film.

The Licensee shall comply with such provisions of the Cinematograph (Safety) Regulations 1955 as restrict the use of the premises.”

Premises had to restrict the admission of children to the exhibition of any film to either the film classification recommended by the BBFC or the Licensing Authority.

A copy of the film had been made available to the Committee to view prior to the meeting. However, as the films total less than 12 minutes in length it was recommended that the Committee adjourn to view the films during the Licensing and Regulatory Committee.

In terms of guidance on how to classify a film, it was recommended that the Committee use ‘The British Board of Film Classification Guidelines’. A copy of this document was attached as Appendix 2 to the report.

The classifications were listed and categorised as:

“U Universal – Suitable for all

## **LICENSING & REGULATORY COMMITTEE MINUTES (Continued)**

U-rated content is suitable for audiences of all ages, although not all U-rated content is aimed at children. Children's content should be set within a positive framework and should offer reassuring counterbalances to any violence, threat or scary scenes. Generally, a U is unlikely to unsettle a four-year-old, although it is impossible to predict what might affect any particular child.

PG Parental Guidance – General viewing, but some scenes may be unsuitable for young children.

PG-rated content is suitable for general viewing. A PG should generally not unsettle a child aged around eight, although parents and caregivers should be aware that some scenes may be unsuitable for more sensitive children.

12A/12 – Suitable for 12 years and over

No one younger than 12 may be permitted to attend a 12A cinema screening unless they are accompanied by an adult. Adults planning to take a child under 12 to a 12A should consider whether the main feature is suitable for that child. To help them decide, we recommend that they check the BBFC's content advice for the film in advance.

No one younger than 12 may rent or buy a 12-rated video.

15 – Suitable only for 15 years and over

No one younger than 15 may see 15-rated content in a cinema.

No one younger than 15 may rent or buy a 15-rated video.

18 – Suitable only for adults

No one younger than 18 may see 18-rated content in a cinema.

No one younger than 18 may rent or buy an 18-rated video.

R18

R18 is a legally restricted classification for explicit pornographic works of consenting sex or strong fetish material involving adults. R18-rated cinema content may only be shown to adults in specially licensed cinemas, and R18-rated video works may be supplied to adults only in licensed sex shops and may not be supplied by mail order."

In terms of alternative options, the Committee could decide not to give authorisation for the films to be shown in Warwick District. The Committee also could have decided to give this an alternative classification to that set out in the recommendations of the report.

(At 4.35pm the meeting was adjourned to allow for both films to be played and reconvened at 4.49pm.)

It was proposed by Councillor Redford, seconded by Councillor Armstrong and

### **Resolved that**

- (1) permission be given for the showing of the films, 'School Run' and 'A Green Network' in Warwick District and that the classification of 'U' is given to both films; and
- (2) subject to permission being granted the Committee the Committee classify the film in

## **LICENSING & REGULATORY COMMITTEE MINUTES (Continued)**

accordance with the BBFC guidelines.

### **25. Public and Press**

**Resolved** that under Section 100A of the Local Government Act 1972 that the Public and Press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within paragraphs 1 & 2 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

### **26. Confidential Minutes of the Licensing & Regulatory Panels**

The minutes of the following Licensing and Regulatory Panels were taken as read and signed by the Chairman as a correct record:

- a) 29 February 2024;
- b) 10.00am 13 March 2024; and
- c) 11.00am 13 March 2024.

(The meeting ended at 4.52pm)

CHAIR  
29 May 2024

# Licensing & Regulatory Committee

Minutes of the meeting held on Wednesday 15 May 2024 at Shire Hall, Warwick at 7.20pm.

**Present:** Councillors, Armstrong, Browne, Barton, C Gifford, Dray, Gorman, King, Kohler, Luckhurst, Matecki, Redford, Roberts, Rosu and Syson.

## 1. Appointment of Chair

It was proposed, duly seconded and

**Resolved** that Councillor Gorman be appointed Chair of the Committee for the 2024/2025 municipal year.

## 2. Apologies

Apologies for absence were received from Councillor D Harrison.

## 3. Declarations of Interest

There were no declarations of interest made.

## 4. Appointment of Vice-Chair

It was proposed, duly seconded and

**Resolved** that Councillor Browne be appointed Vice-Chair of the Committee for the 2024/2025 municipal year.

## 5. Appointment to Licensing & Regulatory Panels

The Committee considered the proposals for membership of the Panels and

**Resolved** that

- (1) the membership of the Licensing & Regulatory Panels for the municipal year 2024/25, be

Panel	Councillor	Councillor	Councillor
A	Barton	C Gifford	Gorman
B	Browne	Roberts	Matecki
C	Luckhurst	Rosu	Redford
D	D Harrison	King	Syson
E	Armstrong	Dray	Kohler

- (2) all members of the Committee be appointed as substitutes for the above Panels; and

- (3) by virtue of the Licensing Act 2003, the Panels are not politically proportionate to the Council and the departure from political proportionality for the Panels not considering matters made under the Licensing Act 2003, be approved.

(The meeting ended at 7.25pm)

CHAIR  
29 May 2024



# Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held at the Town Hall, Royal Leamington Spa, on Thursday 14 November 2023, at 10.00am.

**Present:** Councillors Gorman, Matecki and Sinnott.

**Also Present:** Rob Edwards (Principal Committee Services Officer); Alaa Cronin (Council's Solicitor); and Rachael Russell (Licensing Team Leader).

## 1. Appointment of Chairman

**Resolved** that Councillor Gorman be appointed as Chairman for the hearing.

## 2. Substitutes

Councillor Gorman substituted for Councillor Syson.

## 3. Declarations of Interest

There were no declarations of interest made.

## 4. New Mobile Street Trading Consent holder wishes to trade outside of the restrictions set out within Warwick District Council's Street Trading Policy

The Panel considered a report from Safer Communities, Leisure and Environment which brought forward a new application for a Street Trading Consent to trade outside the hours and restrictions set out within Warwick District Council's Street Trading Policy.

The Panel was asked to consider the information contained in this report and decide whether the Street Trading Consents for Mr Chiles should be granted.

Mr Chiles currently had a touring street trading consent for his ice cream van (WDCSTC0001) Mr Chiles renewed his consent annually and the current consent had expired on 31 October 2023. Licensing Department records for Mr Chiles had gone as far back as 2008.

Mr Chiles had applied for two new static Street Trading Consents: one for Newbold Street, Royal Leamington Spa and one for Dormer Place, Royal Leamington Spa. The applications were attached as Appendix 1 to the report. Mr Chiles also wished to trade to 07.00pm.

Mr Chiles had previously appeared before a Licensing and Regulatory Panel in May 2022 to request that condition 5 of his touring street trading consent be removed. This request was refused. The decision letter was attached as Appendix 2 to the report.

By way of background information, and to explain the applications before the Panel, the Licensing Department had been undertaking proactive enforcement

during the summer months of 2023 and had witnessed Mr Chiles breaching his touring Street Trading Consent on occasions, specifically condition 5.

There were also three complaints received from residents on Newbold Terrace in March 2022 and June 2022 regarding ice cream vans parked for prolonged periods of time outside Jephson Gardens and on Newbold Street. Mr Chiles' ice cream van was identified as being one of those ice cream vans.

Both of the streets that Mr Chiles was applying to trade from had parking restrictions, limiting parking to two hours (unless a permit holder) and no return within four hours. Licensing Officers therefore felt it was appropriate that, should the Panel choose to grant the consents applied for, that a condition was added restricting the time Mr Chiles could trade at each location, to ensure that parking restrictions were not breached.

The Licensing team consulted with Warwickshire Police, Environmental Health, and Warwickshire County Council when a new application was received. No objections were received for either application.

A copy of the Street Trading Policy was attached as Appendix 3 to the report. Details of the procedure adopted by the Licensing Committee for Panel Hearings had been supplied to the applicant.

The Chairman introduced the Panel and officers present.

At the Chairman's request, the Licensing Team Leader introduced the report.

Mr Chiles was invited to give a statement. Mr Chiles explained that:

- He wished to amend the operating hours to trade between 12.00 and 18.00, which complied with the Council's guideline operating hours.
- He wanted to continue selling soft serve ice cream from his van, but he also applied for Static Consent as the standard conditions to Touring Consents were felt to be restrictive.
- Following complaints from residents, he started operating away from Newbold Terrace, Jephson Gardens, and Newbold Terrace, and had since had no further complaints.
- He would be happy to agree to a condition restricting the time he could trade at each location, to ensure parking restrictions were not breached.

At 10.20 am, the Chairman asked all parties other than the Panel, the Council's Legal Advisor, and the Principal Committee Services Officer to leave the meeting, in order to enable the Panel to deliberate in private and reach its decision. The decision would be communicated in writing via email to the applicant later on the same day, followed by a written notice with a full decision within seven days.

**Resolved** that the application be granted.

The Licencing Panel received a report from Warwick District Council's Licensing Department in respect of an application from Mr Dennis Chiles for two new Static Street Trading Consents ('Static Consent') - one for Newbold Street, Leamington Spa and one for Dormer Place, Leamington Spa.

In reaching this decision the Panel considered the written report, the Licensing Officer's presentation of the report and the oral representations made at the meeting by the Mr Chiles. The Panel took into account the Council's "Street Trading Consent Policy" dated 2016 and the provisions of Schedule 4 Local Government (Miscellaneous Provisions Act) 1982.

The Panel noted Mr Chiles' representations that he has been trading within the district for several years and held a Touring Street Trading Consent ('Touring Consent') for his ice cream van since the introduction of such Consents within the district. The Panel also noted that the last Touring Consent issued to Mr Chiles expired on 31 October 2023.

With the consent of the Chair, Mr Chiles applied to amend the operating hours requested on his written application and asked that the Panel instead consider granting Street Trading Consents that permitted him to trade between 12:00 and 18:00 hours. The Panel noted that these hours comply with the Council's guideline operating hours. Mr Chiles' explained to the Panel that he intended to continue selling soft serve ice-cream from his ice-cream van, but on this occasion, he has decided to apply for Static Consents as he found the standard conditions attached to Touring Consents restrictive. Mr Chiles specifically referred to the condition prohibiting Touring Consent holders from trading from the same location for more than 15 minutes (or until queuing customers have been served) at any one time, explaining that it takes him 2 to 3 minutes to set up his soft-serve machine before he can start serving customers.

The Panel was concerned to note that the Council's Licensing Department had received three complaints from residents on Newbold Terrace in March 2022 and June 2022 regarding ice cream vans parked for prolonged periods of time outside Jephson Gardens and on Newbold Street and that Mr Chiles' ice cream van had been identified by Officers as being one of those ice cream vans. In response to questions from the Panel about this, Mr Chiles stated that following the complaints he started operating away from these areas and that as far as he is aware no further complaints had been received.

The Panel had regard to the fact that no objections were received by the Licensing Department from any of those consulted about the application. It did however note the Licensing Department's concerns that both the streets that Mr Chiles is applying to trade from have parking restrictions. The Panel also noted the request from Licensing Officers that should the Panel grant the Consents applied for, that consideration is given to adding a condition restricting the time Mr Chiles could trade at each

location, to ensure that parking restrictions are not breached. Mr Chiles' indication at the hearing that, he would be happy to agree to such condition was also taken into account by the Panel.

Accordingly, the Panel considered that, at the time of their decision, there were no relevant grounds on which to refuse the applications. In the circumstances, the Panel resolved to grant Mr Chiles two Static Street Trading Consents for his ice-cream van with the amended operating hours requested at the hearing (12:00 to 18:00 hours) for the following locations:

- Dormer Place, Royal Leamington Spa– Restricted to the parking area on the south side of road, adjacent to what is currently the Royal Pump Rooms Gardens.
- Newbold Street, Royal Leamington Spa– Restricted to the area West of Rosefield Street, i.e., the section of the street between Newbold Terrace and Rosefield Street outside what is currently the Royal Spa Centre.

In addition to the Council's standard conditions for Static Street Trading Consents the Panel considered it appropriate that the Static Consents for the above locations should also include the following condition:

- The consent holder shall not breach the parking restrictions in operation at the location permitted by the consent.

A copy of this Record of Decision will be served on all relevant parties.

Under Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 there is no statutory right of appeal against this decision. An aggrieved applicant may apply to the High Court for a judicial review to challenge any errors in the administrative process. Alternatively, applicants have recourse to the Council's complaints procedure.

(The meeting ended at 10.35am)

CHAIR  
29 May 2024

Title: Public Spaces Protection Orders (PSPOs) - 2024 Review

Lead Officers: Lorna Hudson, Licensing and Regulatory Manager  
Liz Young, Safer Communities & Civil Contingencies  
Manager

Portfolio Holder: Councillor Jim Sinnott

Wards of the District directly affected: All

<b>Approvals required</b>	<b>Date</b>	<b>Name</b>
<b>Portfolio Holder</b>		Jim Sinnott
<b>Finance</b>		Andrew Rollins
<b>Legal Services</b>	17.05.24	Sue Mullins
<b>Chief Executive</b>	18.05.24	Chris Elliott/Darren Knight
<b>Director of Climate Change</b>	17.05.24	Dave Barber
<b>Head of Service(s)</b>	15.05.24	Marianne Rolfe
<b>Section 151 Officer</b>		Andrew Rollins
<b>Monitoring Officer</b>	17.05.24	Graham Leach
<b>Leadership Co-ordination Group</b>		
<b>Final decision by this Committee or rec to another Cttee / Council?</b>	Yes – (Final decision to consult, but not a final decision re the WDC PSPOs)	
<b>Contrary to Policy / Budget framework?</b>	No	
<b>Does this report contain exempt info/Confidential? If so, which paragraph(s)?</b>	No	
<b>Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?</b>	No	
<b>Accessibility Checked?</b>	Yes	

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## Summary

The District's Public Space Protection Orders (PSPOs) are due for review and this report seeks approval to consult with relevant stakeholders and the wider community regarding the next generation of PSPOs, which will 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.

## Recommendations

- (1) Approve consultation for the Warwick District Council PSPOs
  - (2) Note 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.
  - (3) Note the timetable contained in the body of the report and the Communications Plan in Appendix 1.
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## 1 Reasons for the Recommendation

- 1.1 Public Spaces Protection Orders (PSPOs) are intended to deal with nuisance or problems that are 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

1. [Dog Fouling](#)
2. [Dog on Lead](#)
3. [Dog on Lead by Direction](#)
4. [Dog Exclusion](#)
5. [Intoxicating Substances](#)

PSPOs provides local authorities with the necessary powers to introduce restrictions and prohibitions within a designated area. The implementation of a PSPO is applied to everyone within the designated area. Whilst designed to prohibit certain activities, PSPOs are also intended to enable people to feel that their area, such as Warwick District, is a safe and welcoming place for all.

## 1.2 Supporting Evidence and Consultation

The Antisocial Behaviour Crime and Policing Act 2014 provides the legal framework for the implementation and administration of PSPOs. Orders can be introduced in specific public areas<sup>1</sup> where the local authority is satisfied, on reasonable grounds, that certain conditions have been met.

The conditions that the local authority has to be satisfied are met are that:

- Activities that have taken place have or are likely to take place have 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.

<sup>1</sup>Definition of a public area – any place where the public or any section of the public has access to, whether this is by payment, by right or by express or implied permission (e.g. can include certain private or common land).

The Council needs to be satisfied that the legislative requirements are met before an Order can be introduced, and obtaining clear evidence to support this is important.

- 1.3 Collating information about the nature and impact of the behaviour subject to the PSPO is a core element of the evidence gathering and the consultation process and will help inform the Council's view as to whether the evidential requirements have been fulfilled. The evidence will also need to be weighed before the Council can determine whether it is appropriate and proportionate to introduce a PSPO at all, and if so, whether a draft proposal is suitable.
- 1.4 Police, Council officers and officers authorised by the Council can enforce the conditions of PSPOs and may issue Fixed Penalty Notices for non-compliance. Failure to comply with a PSPO is an offence which could result in a fine of up to £1,000 in a Magistrates' court.
- 1.5 PSPOs must be reviewed at least every 3 years, and they can be discharged/expire, or the conditions can be varied.
- 1.6 An officer working group has been set up including officers from - Community Safety, Environmental Health, Green Spaces, Media, Police, Warwickshire County Council, Parking, Neighborhood Services, Climate Change.
- 1.7 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.

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

[LGO PSPO 2018 Guidance for Councils](#)

- 1.8 Before introducing, extending, or varying PSPOs, the Council is required to consult with statutory consultees as well as the public. Statutory consultees include:
  - Chief Officer of Police for the area
  - Police & Crime Commissioner
  - Owners/occupiers of land affected by the PSPO (where practicable)
  - Community representatives

This report seeks approval to launch the consultation exercise for the District's PSPOs.

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

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

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

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.

## **2 Alternative Options**

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

Police officers have additional legislative powers to manage criminal activities and offences, however, their resources are limited and ability to tackle this type of anti-social behaviour can be restricted.

## **3 Legal Implications**

The Council must consider the impact a PSPO may have on the vulnerable and should ensure that it is not aimed at specific groups of people but at specific activity and behaviour.

An interested person can challenge the validity of a PSPO in the High Court within six weeks of the PSPO (or variation) being made, but only on the basis that the Council did not have the power to make the order or variation or that a requirement of the legislation was not complied with. The decision to make or vary a PSPO may also be challenged by judicial review on public law grounds within three months of the decision to make the or vary the PSPO.

## **4 Financial Services**

There are no costs associated with this report, but new signage would be required for any new PSPOs which would be funded from the appropriate Community Safety budget.

## **5 Corporate Strategy**

5.1 Warwick District Council has adopted a Corporate Strategy which sets out three



strategic aims for the organisation. Each proposed decision should set out how the report contributes to the delivery of these strategic aims. If it does not contribute to these aims or has a negative effect on them the report should explain why that is the case.

## **5.2 Delivering valued, sustainable services**

In order that the Council can continue to focus its efforts and activities on the needs of its residents, communities and businesses, this priority will be further reviewed in Phase 2.

## **5.3 Low cost, low carbon energy across the district**

No contribution identified by these recommendations of the report.

## **5.4 Creating vibrant, safe, and healthy communities of the future**

5.4.1 PSPOs have the potential to foster vibrant, safe, and healthy communities of the future in several ways:

5.4.2 Enhancing safety by regulating activities that pose safety risks or create public nuisances such as drug dealing or antisocial behaviour, PSPOs will contribute to creating safer environments for residents and visitors. This fosters a sense of security and encourages community members to engage more freely in public spaces.

5.4.3 PSPOs can play a role in promoting public health and well-being by regulating activities that have negative health impacts such as consuming alcohol and other intoxicating substances in public spaces. By creating environments that support healthy lifestyles, PSPOs contribute to improving overall community health outcomes.

5.4.4 PSPOs can protect and preserve green spaces, parks and recreational areas from activities that may cause environmental degradation or damage by ensuring the sustainability of these spaces.

5.4.5 PSPOs promote opportunities for outdoor recreation exercise and relaxation, which are essential for physical and mental well-being.

5.4.6 By empowering communities to participate in the development and enforcement of PSPOs, local authorities can promote civic engagement and ownership of public spaces. This collaborative approach fosters a sense of responsibility among residents and encourages active participation in shaping the future of communities.

5.4.7 Well managed public spaces can attract visitors, support local businesses, and stimulate economic activity by creating attractive and welcoming environments. PSPOs contribute to the vitality in commercial areas and support sustainable economic development.

5.4.8 Overall PSPOs have the potential to create vibrant safe and healthy communities by fostering inclusive, accessible, and well-maintained public spaces that support the well-being and quality of life of all residents.

## **6 Environmental/Climate Change Implications**

PSPOs may promote sustainable behaviour by prohibiting activities that harm the environment. This can lead to increased awareness and adoption of eco-friendly practices among the public.

## **7 Analysis of the effects on Equality**

- 7.1 PSPOs can help create inclusive communities by ensuring that public spaces are accessible and welcoming to all individuals, regardless of background or socio-economic status. By prohibiting discriminatory behaviour or actions that exclude certain groups PSPOs promote equity and social cohesion.
- 7.2 The government guidance on PSPOs states that the restrictions of a PSPO can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. The PSPOs will apply to all individuals committing anti-social behaviour within the designated areas, without discrimination. No particular group should be disadvantaged through publicity or enforcement of the PSPOs. Therefore, a full Equality Impact Assessment is not deemed necessary.

## **8 Data Protection**

The personal details of contributors to the survey will be confidential and held in accordance with the Council's standard privacy process. A privacy impact Statement will be published with the survey.

## **9 Health and Wellbeing**

Anti-social behaviour can have a significant effect on mental health. The Orders seek to reduce ASB and are a positive contribution to community and individual well-being.

## **10 Risk Assessment**

- 10.1 Not having valid PSPOs in place can impact negatively on the Police and Council officers' ability to enforce problem drinking, use of intoxicating substances and dog-related nuisance across the district. This may have a detrimental effect on the reputation of the Council by:
- People drinking alcohol and taking intoxicating substances and engaging in anti-social behaviour as a result.
  - An increase in dog fouling.
  - No way to control dogs causing nuisance, (i.e. requirement to place a dog on a lead).
  - Dogs entering children's play areas, sports areas, and marked pitches.
  - Potential for increase in crime and disorder.
- 10.2 There will be risks associated with Council enforcement officers who will be tasked with enforcing a PSPO and appropriate training is provided and will be maintained.
- 10.3 There are also reputational risks in terms of the Council being perceived as enforcing against vulnerable persons and seeking to criminalise certain behaviours which wouldn't normally attract fixed penalty notices or prosecution for non-payment.

10.4 PSPOs may raise expectations that prohibited behaviours will be eliminated entirely; however, due to difficulties in identifying some of the contraventions and taking a proportionate approach to enforcement, there will not always be immediate results which may be noticeable to the public.

**11 Background papers:**

[L&R Committee 20 February 2023](#)

**12 Supporting documents:**

[LGO PSPO Guidance for Councils](#)

## **Communications Plan – Public Space Protection Orders (PSPOs)**

### **Aims/Objectives**

1. Ensure the right groups are engaged with at the right time.
2. Ensure that each group is clear about what is required of them at each phase.
3. Councillors and stakeholders are informed so they can support the process.
4. Ensure the public know the timescales and the process involved.

### **Key Milestones**

1. Phase 1 – June 2024
  - a. Report to May Committee
  - b. A 6-week strategic consultation to key stakeholders.
  - c. Statement on the website – clear milestones and process of decision making.
  - d. Website page with FAQs
  - e. Report to October Committee
2. Phase II – Nov/Dec 2024
  - a. A formal 6-week consultation for the public, using insight from Phase 1
  - b. Updated narrative for stakeholders
  - c. Update website and FAQs
  - d. Report to April 2025 Committee
3. May 2025 Adoption of reviewed/new PSPOs

### **Key Narrative/comms lines**

1. What do you think about our current orders and what would you change?
2. Additional areas include vehicles, car parks, Pump Room Gardens, BBQs, and anything that comes out of the survey.
3. Draft Website statement

Warwick District Council is beginning the process of reviewing its PSPOs (Public Spaces Protection Orders). There are two stages to this process, which will review our current PSPOs and investigate whether there is a requirement for additional ones. There will be the opportunity to share your thoughts and help shape our community in phase II. We'll keep you updated."

### **Background – issues/context**

1. Process needs to be transparent and collaborative and not predetermined.
2. Newbold Comyn – dog walkers have become a vocal group and quick to share information from their perspective.
3. During the 2020 review information was inadvertently released to the public and created some negative publicity, this is the main reason why the consultation has been divided into two clear phases for this review.

## **Stakeholder mapping**

Phase 1 (stakeholder list to be finalised)

Police, WCC, Parish Councils, Dogs Trust, Kennel Club, Vets, Canal River Trust, Leamington BID, Youth Organisations, Churches, Crem, Green Spaces team, Licensed premises, Licensing team, Forestry Commission, Parks & Gardens Trust, Warwickshire Wildlife Trust, RSPB, Warwick Racecourse, Sport England (football pitches), Fire Service, English Heritage, EA, schools, Warwick Uni – union, Network Rail, Stagecoach, CGL, Ward Cllrs, Neighbourhood Services, Housing, Pub Watch, CJ Events

Briefing to group leaders at appropriate times during the process.

## Action Plan – key dates

Date	Action	Notes
May 2024	Prepare the website – statement/timescales/process Prepare the FAQs Finalise the phase 1 consultation	Media
May 2024	Committee report	LH/LY
June 2024	Launch phase 1 consultation. Prepare a reactive statement for and media enquiries (as this one is not a public consultation) Update FAQs as enquiries come in.	Media LY/JB
After 6-week period	Survey results – where do they go? Who are they shared with?	All
October 2024	Committee report Press Release – updated recommendations/next steps Update website/FAQs Update phase 1 consultation group to ensure they know outcome.	LH/LY Media
November 2024	Launch public consultation – phase II Update the website statement for public involvement/timescales. Use platforms to reach all hard-to-reach groups. Use social media to target groups. Ensure paper versions are available at key places (tbc) Consider whether in-person engagement is required – media to monitor and recommend, depending on feedback.	
April 2025	Committee report Press Release – next steps in the decision-making process	
June 2025	Launch the “new” PSPOs. Press Release – target all relevant groups. Website update – new statement of thanks/confirm process and timescales Update all FAQs	