

## Record of individual Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

<b>Decision made by</b>	Cllr Jenny Hannaby
<b>Key decision?</b>	Yes
<b>Date of decision</b> (same as date form signed)	27/07/2020
<b>Name and job title of officer requesting the decision</b>	Katharine Doherty (Community Safety Team Leader)
<b>Officer contact details</b>	Tel: 01235 422591 Email: <a href="mailto:Katharine.doherty@southandvale.gov.uk">Katharine.doherty@southandvale.gov.uk</a>
<b>Decision</b>	To vary and extend the Abingdon PSPO until 30 September 2021 to enable the police to respond to any alcohol related anti-social behaviour (ASB) in the town centre which arises from the enactment of the Business and Planning Bill.
<b>Reasons for decision</b>	<p>In August 2017, the Vale of White Horse District Council introduced a Public Spaces Protection Order (PSPO) in Abingdon.</p> <p>In accordance with the Anti-social Behaviour, Crime and Policing Act 2014, the PSPO replaced the existing Designated Public Places Order (DPPO) which had been in place to tackle problematic street drinking in Abingdon. In addition to the alcohol related anti-social behaviour (ASB), the Order also covered vehicle related noise nuisance as this had been identified by agencies as having an adverse impact on the local community.</p> <p>The police enforce the Order and people who breach it can be issued with a Fixed Penalty Notice (fine) or arrested. When the Abingdon PSPO was introduced, the police agreed to make use of the Order in a proportionate way, offering verbal warnings prior to formal action.</p> <p>Prior to the Covid-19 situation, anecdotal evidence from the police (a critical stakeholder in relation to the PSPO as they enforce it) and information gathered by the district council's Community Safety Team indicated that there was no longer a need for the Order:</p> <ul style="list-style-type: none"> <li>• alcohol related ASB and vehicle related noise nuisance were not significant issues that the police</li> </ul>

	<p>were having to respond to in Abingdon town;</p> <ul style="list-style-type: none"> <li>the police have other powers they can use to tackle these problems which are more proportionate and effective.</li> </ul> <p>Based on this feedback, along with responses from a consultation with key stakeholders, the district council was not planning to extend or vary the Order.</p> <p>However, in response to the unprecedented Covid-19 situation, the Government is proposing to change licensing laws to enable pubs and other licensed premises to sell alcohol for consumption off site. The Business and Planning Bill (currently going through Parliament) will automatically extend the terms of on-sales alcohol licences to allow for off-sales. Once enacted, it will be known as the Business and Planning Act 2020, and this is expected to be by the end of July. The aforementioned changes to off-sales will be in place until 30 September 2021.</p> <p>The Community Safety Team is concerned that these changes may lead to an increase in the prevalence of alcohol related ASB in public spaces and therefore proposes that the district council varies and extends the current Abingdon PSPO as follows:</p> <ul style="list-style-type: none"> <li>retains the conditions relating to alcohol consumption (section 1 of the existing Order) until 30 September 2021;</li> <li>removes the conditions of the existing Order which relate to vehicle related ASB (section 2 of the existing Order)</li> </ul> <p>If this is approved, the police will retain the power to tackle alcohol related ASB in a proportionate, swift and targeted way</p> <p>Chief Inspector Bullivant, LPA Deputy Commander, fully supports this approach.</p> <p>It is important to clarify that the Order tackles alcohol related anti social behaviour in a public place and is <b>not</b> an alcohol ban; the Order will not affect people drinking alcohol in public who are doing so peacefully and are not causing alarm or distress to others. If the Order is extended as proposed, the Community Safety Team will work with the Council's communications team and the police to ensure a clear message goes out to residents to this effect.</p>
<p><b>Alternative options rejected</b></p>	<p>Extend the existing Order without varying it – no robust evidence available to demonstrate the need to retain the conditions relating to vehicle related ASB in Abingdon.</p> <p>Let the Order expire – reputationally, it would be damaging</p>

	for the Council if the anticipated increase in alcohol related ASB happened and we had removed a power from the police which could have helped them tackle the problem.			
<b>Legal implications</b>	<p>The district council has a statutory duty to review its PSPOs before they expire and must be able to demonstrate a clear need for any extensions or variations. We are satisfied that the changes to the licensing laws as outlined above are reasonable grounds for the Order to be varied and extended to prevent the occurrence or recurrence of alcohol related ASB after 1 August 2020.</p> <p>There is a list of statutory consultees whom the district council needs to engage with to seek feedback on any proposed changes to an Order and we have completed this; no concerns or issues were raised.</p>			
<b>Financial implications</b>	None.			
<b>Other implications</b>	None.			
<b>Background papers considered</b>	<p>Existing Abingdon PSPO:  <a href="http://www.whitehorsedc.gov.uk/services-and-advice/community-advice-and-support/community-safety/anti-social-behaviour">http://www.whitehorsedc.gov.uk/services-and-advice/community-advice-and-support/community-safety/anti-social-behaviour</a></p> <p><a href="#">Anti-social Behaviour, Crime and Policing Act 2014</a></p> <p><a href="#">PSPOs – LGA guidance</a></p>			
<b>Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?</b>				
<b>List consultees</b>		<b>Name</b>	<b>Outcome</b>	<b>Date</b>
	Ward councillors	All Abingdon ward Cllrs	No issues raised	22/07/20
	Legal	Pat Connell	No issues raised	22/07/20
	Finance	n/a		
	Human resources	n/a		
	Sustainability	n/a		
	Diversity and equality	Lynne Mitchell	No issues raised	10/07/20
	Communications	Gavin Walton	No issues raised	13/07/20
	Senior Management Team	SMT	No issues raised	15/07/20

<b>Confidential decision?</b> If so, under which exempt category?	No.
<b>Call-in waived by Scrutiny Committee chairman?</b>	No
<b>Has this been discussed by Cabinet members?</b>	No
<b>Cabinet portfolio holder's signature</b> To confirm the decision as set out in this notice.	Signature: Cllr Jenny Hannaby (by email) _____  Date: 27/07/20

**ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.**

For Democratic Services office use only		
Form received	Date: 4 August 2020	Time: 16:20
Date published to all councillors	Date: 5 August 2020	
Call-in deadline	Date: 12 August 2020	Time: 17:00

## Guidance notes

1. This form must be completed by the lead officer who becomes the contact officer. The lead officer is responsible for ensuring that the necessary internal consultees have signed it off, including the chief executive. The lead officer must then seek the Cabinet portfolio holder's agreement and signature.
2. Once satisfied with the decision, the Cabinet portfolio holder must hand-sign and date the form and return it to the lead officer who should send it to Democratic Services immediately to allow the call-in period to commence.  
Tel. 01235 422520 or extension 2520.  
Email: [democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk)
3. Democratic Services will then publish the decision to the website (unless it is confidential) and send it to all councillors to commence the call-in period (five clear working days) if it is a 'key' decision (see the definition of a 'key' decision below). A key decision cannot be implemented until the call-in period expires. The call-in procedure can be found in the council's constitution, part 4, under the Scrutiny Committee procedure rules.
4. Before implementing a key decision, the lead officer is responsible for checking with Democratic Services that the decision has not been called in.
5. If a key decision has been called in, Democratic Services will notify the lead officer and decision-maker. This call-in puts the decision on hold.
6. Democratic Services will liaise with the Scrutiny Committee chairman over the date of the call-in debate. The Cabinet portfolio holder will be requested to attend the Scrutiny Committee meeting to answer the committee's questions.
7. The Scrutiny Committee may:
  - refer the decision back to the Cabinet portfolio holder for reconsideration or
  - refer the matter to Council with an alternative set of proposals (where the final decision rests with full Council) or
  - accept the Cabinet portfolio holder's decision, in which case it can be implemented immediately.

## Key decisions: assessing whether a decision should be classified as 'key'

The South Oxfordshire and Vale of White Horse District Councils' Constitutions now have the same definition of a key decision:

**A key decision is a decision of the Cabinet, an individual Cabinet member, or an officer acting under delegated powers, which is likely:**

- (a) to incur expenditure, make savings or to receive income of more than £75,000;**

- (b) to award a revenue or capital grant of over £25,000; or**
- (c) to agree an action that, in the view of the chief executive or relevant head of service, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council.**

Key decisions are subject to the scrutiny call-in procedure; non-key decisions are not and can be implemented immediately.

In assessing whether a decision should be classified as 'key', you should consider:

- (a) Will the expenditure, savings or income total more than £75,000 across all financial years?
- (b) Will the grant award to one person or organisation be more than £25,000 across all financial years?
- (c) Does the decision impact on more than one district council ward? And if so, is the impact significant? If residents or property affected by the decision is in one ward but is close to the border of an adjacent ward, it may have a significant impact on that second ward, e.g. through additional traffic, noise, light pollution, odour. Examples of significant impacts on two or more wards are:
  - Decisions to spend Didcot Garden Town funds (significant impact on more than one ward)
  - Changes to the household waste collection policy (affects all households in the district)
  - Reviewing a housing strategy (could have a significant impact on residents in many wards)
  - Adopting a supplementary planning document for a redevelopment site (could significantly affect more than one ward) or a new design guide (affects all wards)
  - Decisions to build new or improve existing leisure facilities (used by residents of more than one ward)

**The overriding principle is that before 'key' decisions are made, they must be published in the Cabinet Work Programme for 28 calendar days. Classifying a decision as non-key when it should be a key decision could expose the decision to challenge and delay its implementation.**