



# BUCKINGHAM TOWN COUNCIL

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Town Clerk: Claire Molyneux

INTERIM  
FULL COUNCIL

Wednesday, 14 June 2023

Councillor,

You are summoned to an Interim meeting of the Full Council of Buckingham Town Council to be held on Monday 19<sup>th</sup> June 2023 at 7pm in the Council Chamber, Cornwalls Meadow, Buckingham.

Please note that the meeting will be preceded by a Public Session in accordance with Standing Orders 3.e and 3.f, which will last for a maximum of 15 minutes. Members of the public can attend the meeting in person. If you would like to address the meeting virtually, please email [committeeclerk@buckingham-tc.gov.uk](mailto:committeeclerk@buckingham-tc.gov.uk) or call 01280 816426 for details.

The meeting can be watched live on the Town Council's YouTube channel here:

<https://www.youtube.com/channel/UC89BUTwVpjAOEIdSIfcZC9Q/>

Claire Molyneux  
Town Clerk

## AGENDA

### 1. Apologies for absence

Members are asked to receive apologies for absence.

### 2. Declarations of interest

To receive declarations of any personal or prejudicial interest under consideration on this agenda in accordance with the Localism Act 2011 Sections 26-34 & Schedule 4.

### 3. Land south of Brackley Road and land south of the A421/west of Gawcott Road

To receive a presentation from Hallam Land Management.

### 4. Rural Market Towns Group representative

To agree a representative for the group (18/23.7).

### 5. PSPO Complaint

To receive a report from the Deputy Town Clerk.

[IM/30/23](#)



Twinned with Mouvaux, France; Neukirchen-Vluyn, Germany

Members are reminded when making decisions that the Public Sector Equality Duty 2010 requires Members to have due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act, advance equality of opportunity between people who share a characteristic and those who don't, and to foster good relations between people who share a characteristic and those who don't. All Committee documents can be found on the Buckingham Town Council's website. Alternatively, the Clerk can send you a copy of any minutes, reports, or other information. To do this, send a request using the contact details set out above.

**6. Swan trail EMR**

To receive a report from the Finance Officer.

[IM/31/23](#)

**7. S106 funding priorities**

To receive a report from the Deputy Town Clerk.

[IM/32/23](#)

**8. Chair's announcements**

**9. Date of next meetings:**

Full Council: Monday 10<sup>th</sup> July 2023

Interim: Monday 9<sup>th</sup> October 2023

**To all Councillors**

**COMMITTEE IN PRIVATE SESSION**

**Exclusion of public and press**

**RECOMMENDED** In terms of Schedule 12A, Local Government Act 1972, the following items will be likely to disclose exempt information relating to establishment and contractual matters and it is, therefore, **RECOMMENDED** that pursuant to the provisions of the Public Bodies (Admissions to Meetings) Act 1960 the public and press be excluded.

**10. High Street consultant**

To receive a report from the Deputy Town Clerk.

[IM/34/23](#)  
[Appendix A](#)

**BUCKINGHAM TOWN COUNCIL**  
**INTERIM FULL COUNCIL**  
**MONDAY 19/6/2023**

**Contact Officer: Town Clerk and Deputy Town Clerk**

## 1. Recommendations

- 1.1. It is recommended that Members agree to complain to Buckinghamshire Council about the imposition of an altered Public Spaces Protection Order covering the Town without following s61 of the Anti-social Behaviour, Crime and Policing Act, and without considering the formal objection of the Town Council.

## 2. Background Summary

- 2.1. In the summer of 2020, it was noticed that Buckinghamshire Council had put up new signage in Buckingham Town Centre stating that due to a Public Spaces Protection Order (PSPO) “**Consuming alcohol in this area is prohibited...**”



This was a surprise to the Town Council as the order had previously only prohibited drinking in the area after having been asked to stop by a police officer.

- 2.2. It was identified by BTC that at some point the wording of the PSPO had changed making the consumption of alcohol or carrying open containers of alcohol in the public places in the Town Centre an offence. This was a change to the original order which only criminalised the failure to stop drinking after being told to by the police.
- 2.3. At the same time Buckinghamshire Council was running a consultation on the renewal of the Buckingham PSPO. In consultation with the relevant Chair, given the impact on Town Centre events, an objection to the extension of the order was submitted on the basis that the Council wanted a reversion to the original wording.
- 2.4. The then Town Clerk's objection was detailed and made the following clear statements:
- "The Council strongly requests that the PSPO is amended to use the original wording.."
  - "The Town Council's strong view is that this earlier wording should be used for the new PSPO."
  - "The "no alcohol" signs do not fit with the desired feel for the town centre, and in any case the Town Council opposes the outright ban."
- 2.5. In October of 2023 Buckinghamshire Council decided to renew the order using the newer wording. The report that was submitted to Buckinghamshire Council stated incorrectly that the Town Council was in support of the extension of the order when as above this was clearly not the case.
- 2.6. The current Town Clerk contacted Buckinghamshire Council to ask how it had happened that the Town Council's position on the extension of the order had been incorrectly stated. She also advised that the 2020 consultation was based on the original wording and that the Buckinghamshire Council Officer's 5<sup>th</sup> September 2022, Report for Leader Decision on the 2022 renewal also used the original wording.
- 2.7. The formal response from Buckinghamshire Council was received by the Town Centre & Events Committee who have proposed that Full Council make a formal complaint to Buckinghamshire Council.

### **3. Buckinghamshire Council's response**

Dear Claire

Thank you for your email and the attached letter which had been sent in July 2022 to Chris Oliver. I note your concerns appear to be about the following matters;

1. Not receiving an update on the extension of the Buckingham Town centre PSPO.

2. The content of the extension report dated September 2022- in particular the Town council's objection to the wording of the current prohibition.
3. The impact on the Town council holding public events.
4. The perception of the signs in the town centre.

I apologise for you not having received an update from Chris Oliver on this matter. Chris left the council in August 2022 and the letter from your predecessor (Paul Hodson) was not included in any handover work nor mentioned in the draft reports completed by Chris. Therefore, this appears to have been omitted from the report. As Chris has left the Council, we are unable to address this and find out the reasons for this omission.

Having reviewed the content of the letter from Paul Hodson, I note the objections received were on the wording used in the PSPO, but not on the actual extension. It is important to note, the consultation and survey which the town council responded to was only for extending the existing PSPO in its current format. In order to make an amendment or vary the wording used would have required Buckinghamshire Council to follow a different process, this is outlined in [Section 61 of the Anti-Social Behaviour Crime and Policing Act 2014](#). Therefore, we could not have considered amending the order as part of this consultation process. Having reviewed the contents of Paul's letter and the subsequent report for the extension, it is unlikely the final outcome of having the order extended by a further three years would have changed. This is based on 67% of respondents wanting the PSPO to be extended and also the views of the Police at page 14 of the report stating;

#### ***Buckingham Town Centre***

*Our officers advise that the PSPO is used in the management of street drinking as well as behaviour of the public, particularly within the night-time economy. In addition, an increase in homelessness/begging and related anti-social behaviour within Buckingham means that the PSPO is again an important part of our response, although the lack of signage is a barrier to this in Buckingham.*

The results of the consultation and the subsequent report were proposed on the Council [ModernGov site](#) on 27<sup>th</sup> July 2022, published on the 27<sup>th</sup> September 2022 and the decision taken on the 5<sup>th</sup> October. Therefore, the decision has been on the site for around 4 months. I appreciate you may not have seen this earlier.

In the future we are hoping to undertake a wholesale review of all PSPO's across the county and will look to either expire unnecessary orders and implement new orders for areas which still require some level of prohibition. It is anticipated this work will commence in 2024. When this commences, it will give the town council the opportunity to present their views on amending the wording of the existing PSPO and varying the restrictions.

In respect of the current order and the change of wording in 2020 to the current wording as outlined in your email. Having reviewed the order, the current order in its present format has been in place since 2017- [https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/Buckingham Town Centre PSPO Extension 2022 - accessible.pdf](https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/Buckingham_Town_Centre_PSPO_Extension_2022_accessible.pdf). Prior to this, the wording you refer to would have been part of the previous Designated Public Place Orders. These were made obsolete by the introduction of

the Anti-Social Behaviour, Crime and Policing Act in 2014. Therefore, the previous legislation was repealed and local authorities were required to transition previous orders to the current PSPO's. This would have been subject of a consultation process. Unfortunately, this was prior to the creation of the current unitary authority and I have no documentation for this and am unable to clarify what responses were received as part of the consultation.

I note your concerns on the signage used and due to the variety of orders across the county we need to keep these consistent. The signs are a required to be placed on the land or adjacent to which the order applies. This is a legal requirement and the Council has to abide by this. The legislation for this is available on this link-  
[https://www.legislation.gov.uk/ukxi/2014/2591/pdfs/ukxi\\_20142591\\_en.pdf](https://www.legislation.gov.uk/ukxi/2014/2591/pdfs/ukxi_20142591_en.pdf).

I appreciate the order and signs may have an impact on events in the town and as previously advised, if any outdoor events are taking place, please let us know and we will inform the local Police and we will advise that the signs are covered for the duration of the event, allowing for a temporary suspension of the order. We currently operate in this manner in Aylesbury and High Wycombe.

I trust this answers your queries.

#### 4. Questions arising from this response.

- 4.1. The response states – **“I apologise for you not having received an update from Chris Oliver on this matter. Chris left the council in August 2022 and the letter from your predecessor (Paul Hodson) was not included in any handover work nor mentioned in the draft reports completed by Chris”**.

However, Chris Oliver had told Paul Hodson that he had discussed the issue with his manager as Paul had requested to submit a late response.

Therefore, Chris Oliver's manager should have been aware that there was a Town Council response. Also, the report to the Leader specifically states **“Buckingham Town Council and Thames Valley police are both supportive of the PSPO being extended.”**

If there was no report in the handover what was this assertion based on?

- 4.2. The response goes on to say – **“It is important to note, the consultation and survey which the town council responded to was only for extending the existing PSPO in its current format. In order to make an amendment or vary the wording used would have required Buckinghamshire Council to follow a different process, this is outlined in Section 61 of the Anti-Social Behaviour Crime and Policing Act 2014. Therefore, we could not have considered amending the order as part of this consultation process”**.

The problem with this is that the wording was changed in 2020 without using the different process. Indeed the 2020 consultation was based on the original wording.

## Overview



This survey is about the existing Public Space Protection Order (PSPO) in Buckingham Town Centre. The order is due to expire in October 2020 and we would like to know what you think about extending it beyond that date.

PSPOs provide us with legal powers to deal with a particular nuisance or problem in a defined area. It will relate to a problem that negatively affects the quality of life for the local community. The order imposes conditions on the use of that area and these conditions apply to everybody. These orders are designed to ensure that the vast majority of law-abiding people can use and enjoy public spaces without experiencing anti-social behaviour.

The *Anti-Social Behaviour, Crime and Policing Act 2014* introduced PSPOs along with other powers to address anti-social behaviour. In 2017, we introduced a PSPO for Buckingham Town Centre and this order is due to end in October 2020. It states:

*'in the restricted area, any person who fails to comply with an authorised officer or police constable's request (a) not to consume or (b) to surrender alcohol in their possession, commits an offence.'*

Please view the [detailed map](#) showing the area covered by the current PSPO. Then take a few moments to complete our very short online survey below.

Closed 21 Sep 2020

Opened 24 Aug 2020

### Contact

[communitysafety.av@buckinghamshire.gov.uk](mailto:communitysafety.av@buckinghamshire.gov.uk)

The response failed to address this issue or the issue that the 2022 Buckinghamshire Council Report for Leader Decision to have this latest order signed off also used this wording.

- **Buckingham Town Centre PSPO** - within the restricted area, any person who fails to comply with an authorised officer or police constable's request (a) not to consume or (b) to surrender alcohol in their possession commits an offence. The order was automatically converted from a Designated Public Place Order on 20 October 2017.

Therefore, it would appear that the legal process to change the wording of the 2020 order was not followed and was misleading. The following 2022 extension has also been based on a number of errors, not least the fact that Buckinghamshire Councillors were briefed on completely different wording to that which was then signed off.

**Buckingham Town Council**  
**Interim Full Council**  
**Monday 19<sup>th</sup> June 2023**

**Contact Officer: Jodie Baughan – Finance Officer**

Earmarked Reserve

**1. Recommendations**

- 1.1. It is recommended that Members agree to create a new EMR of £585.00 for the Swan Trail. This is the money that was paid in sponsorship during the previous financial year.

**2. Background**

- 2.1. In preparation for The Swan Trail in 2023/2024, sponsorship funding was agreed and paid in the previous financial year.
- 2.2. At the end of the previous financial year the funding received should have been carried forward as an EMR to better show the true income and expenditure of The Swan Trail in the current financial year.



**BUCKINGHAM TOWN COUNCIL**  
**INTERIM FULL COUNCIL**  
**MONDAY 19/6/2023**

**Section 106 Funding Priorities**

**Contact Officer: Louise Stubbs, Deputy Town Clerk**

**1. Recommendations**

**1.1.** It is recommended that Members agree the recommendation from the Neighbourhood Plan Development Working Group - that following sports and leisure projects are allocated section 106 funding connected to site Q, 23/00178/AOP - Land West Of London Road Buckingham.

<b>Type of Provision</b>	<b>Project Name</b>	<b>Cost listed</b>	<b>Ideas for how this budget line could be used</b>	<b>On or Off site</b>
Youth Shelter / Meeting Area	Seating	£42,000	Grouped/conversation seating Could include some shelter from the elements.	On or off site
Community Centre	Community Centre improvements	£600,000	Could be towards any community centre. Lace Hill Centre is preferred as the closest location to site Q. It is requested that active travel routes between site Q and the Lace Hill Centre also be requested as part of this recommendation.	Off site

**2. Background**

2.1. Buckinghamshire Council has requested the views of the Town Council on how a total a sport and leisure contribution of around £1,037,000, associated with the site Q, 23/00178/AOP - Land West of London Road Buckingham, would be allocated, if it is ultimately granted planning permission.

2.2. Submitting suggested projects will not be considered as approval of the planning application by the Town Council.

2.3. On the 25<sup>th</sup> May the Buckingham Neighbourhood Development Plan met to discuss possible projects that could be funded using this allocation and agreed to recommend the provision of a covered meeting space and to

develop an existing community centre, preferably Lace Hill Sports & Community Centre.

2.4. The costs listed are those quoted in the Sport and Leisure Facilities Companion Document: Ready Reckoner. Provided by Buckinghamshire Council for guidance in choosing projects.

2.5. The Working Group also asked if Sports & Leisure contributions could be swapped or moved to the Health or Education contributions pots arising from new development. After consulting with Buckinghamshire Council Officers, it has been confirmed that this is not possible and that these pots are calculated separately.