

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 24TH MAY 2010 AT 6.00 P.M.

PRESENT: Councillors Mrs. R. L. Dent, Mrs. C. J. Spencer, Miss D. H. Campbell JP, Mrs. J. M. L. A. Griffiths, Ms. J. A. Marshall, D. McGrath, S. P. Shannon during Minute No's 1/10 - 5/10, 7/10 and 8/10), Mrs. M. A. Sherrey JP, R. D. Smith, L. J. Turner and P. J. Whittaker

Invitees: Inspector J. Smith, Sergeant S. Tristram, West Mercia Police and Inspector J. Archer, British Transport Police

Officers: Mrs. D. Warren, Ms. S. Garrett and Ms. P. Ross and Mrs. A. Scarce (observing)

1/10 **ELECTION OF CHAIRMAN**

RESOLVED that Councillor Mrs. R. L. Dent be elected Chairman of the Committee for the ensuing municipal year.

2/10 **ELECTION OF VICE-CHAIRMAN**

RESOLVED that Councillor Mrs. C. J. Spencer be elected Vice-Chairman of the Committee for the ensuing municipal year.

3/10 **APOLOGIES**

An apology for absence was received from Councillor D. Hancox.

4/10 **DECLARATIONS OF INTEREST**

No declarations of interest were received. It was noted that Councillor S. P. Shannon would withdraw as a Member of the Licensing Committee during consideration of Agenda Item Number 6/10 (Designated Public Places Order, Bromsgrove Railway Station) as he was the applicant.

5/10 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 11th January 2010 were submitted.

RESOLVED that the minutes be approved as a correct record.

6/10

DESIGNATED PUBLIC PLACES ORDER (DPPO) - BROMSGROVE RAILWAY STATION, ASTON FIELDS

(Note: during the consideration of this item, Councillor S. P. Shannon, as the applicant for the DPPO, withdraw as a Member of the Licensing Committee and sat in the public gallery whilst the Licensing Manager presented the report, participating only as the applicant.)

Members were asked to consider an application from the Ward Councillor representing the Charford Ward to introduce a Designated Public Places Order (DPPO) which would prevent, when requested, the consumption of alcohol in the area of New Road from the Junction with Middlefield Road to the Railway Station, (part aka Station Approach), the railway station and car park, Stoke Road from junction with Fininstall Road to junction with South Road and Fininstall Road from junction with Stoke Road to the junction with St Godwalds Road in an attempt to reduce anti social behaviour and drinking in these public areas.

The Licensing Manager introduced the report which also detailed the published Home Office Guidance relating to Designated Public Places Orders (DPPOs) for Local Authorities in England and Wales. The Committee was informed that the document set out guidance for local authorities on the issue of evidence required to justify the making of a DPPO as follows:

“The evidence you will require for a DPPO is that there is an alcohol related nuisance or annoyance to the public in the proposed area/s. You should make an assessment as to the likelihood that the problem will continue unless these powers are adopted. In addition, you must have a belief that the problem could be remedied by the use of these powers. Evidence should be based not just on information you have obtained, but also from the police and members of the local community who have reported incidents of alcohol-related anti-social behavior or disorder. Evidence of alcohol-related nuisance could for example include litter related to the consumption of alcohol (e.g. bottles and cans) as well as police information and residents’ complaints.”

The Licensing Manager informed the Committee that Councillor Mrs. C. M. McDonald, Ward Councillor for Charford Ward was also in support of the application.

The Chairman invited Councillor S. P. Shannon, Ward Councillor for Charford, who spoke in favour of introducing a DPPO in this area. In doing so he referred to complaints from residents regarding noise, anti-social behaviour (ASB), issues with litter, namely drink containers and food take away packaging near and around the proposed area, the railway station and its surrounding car parks. Councillor Shannon referred to the Research and Intelligence Unit, Worcestershire County Council, Bromsgrove Profile, August 2009 report. The report provided a rough indication of the 10 wards with the greatest perceived ASB problem, with Charford being one of the wards listed. Councillor Shannon indicated that these concerns had been raised during Partners and Communities Together (PACT) meetings and he had discussed residents concerns with the Police Community Support Officer (CSO) and

Sector Sergeant from Bromsgrove South Sector Local Policing Team. Councillor Shannon responded to questions from Members.

The Chairman welcomed Inspector J. Smith, West Mercia Constabulary to the meeting. Inspector Smith informed Members that currently, there had been insufficient evidence and data over the last 18 months, linked to alcohol in the Aston Fields area to support the introduction of a DPPO. Inspector Smith highlighted to Members that since November 2009 there had been no instances reported to the police that the introduction of a DPPO would alleviate. Sergeant Tristram commended and shared Councillor Shannon's desire to address anti-social behaviour issues but had to agree with Inspector Smith. He also informed Members that concerns were last raised at a PACT meeting in December 2006. Whilst he could not dispute residents having reported incidents to Councillor Shannon, the police had not been notified. Inspector Smith and Sergeant Tristram responded to questions from Members and Councillor Shannon.

The Chairman welcomed Inspector J. Archer, British Transport Police, Birmingham New Street to the meeting. Inspector Archer confirmed that the British Transport Police had no particular issues or reports regarding incidents at the railway station but would support the introduction of a DPPO if the Committee approved the application. Inspector Archer responded to questions from Members and Councillor Shannon and in doing so highlighted that residents should notify the railway network company of any issues or concerns or report any incidents either to the police or to the British Transport Police via their website, this would enable the British Transport Police to build up a profile of incidents that would be addressed via their tasking process.

Following further discussion and on the information provided it was

RESOLVED that the request to introduce a Designated Public Places order in the Aston Fields area, Charford Ward be refused.

7/10

REGULATORY SERVICES - WORCESTERSHIRE SHARED SERVICES JOINT COMMITTEE

The Committee considered a report that provided an update on the current situation relating to the Worcestershire Shared Regulatory Service. In January 2010 the Council had agreed to participate in enhanced two tier working with other authorities in Worcestershire. In particular the Council had agreed a unified Regulatory Service comprising Environmental Health functions, Licensing functions and Trading Standards functions for the Worcestershire Councils.

The Council and the Cabinet had both agreed to delegate their Regulatory Services functions to the Joint Committee with effect from 1st June 2010. However, some licensing functions would not be included and would remain the responsibility of each Council – these reserved matters would be set out in the agreement and would include all Licensing Act 2003, Gambling Act 2005 and taxi licensing functions.

RESOLVED that the report be noted.

8/10 **STREET TRADING CONSENT POLICY**

The Committee considered a report requesting a minor amendment to the Street Trading Consent Policy. The Street Trading Consent Policy had been adopted in January 2010 and implemented with applications being received by the Licensing Manager. Paragraph 14 of the Street Trading Consent Policy had given rise to some unexpected difficulties and Members were asked to review this paragraph. Members were asked to note that if paragraph 14 was deleted in its entirety, highway safety would not be compromised as the policy required the effect on road safety caused by the siting of the Street Trading Unit or by customers visiting or leaving the Unit and any potential obstruction of pedestrian or vehicular access to be taken into account. The Highways Authority would continue to be consulted in accordance with paragraph 7.5 as detailed in the Street Trading Consent Policy.

RESOLVED that paragraph 14 of the Street Trading Consent Policy be deleted in its entirety.

The meeting closed at 7.24 p.m.

Chairman