



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

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

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors Mrs. R. L. Dent, Mrs. C. J. Spencer,
Dr. D. W. P. Booth JP, Miss D. H. Campbell JP,
Mrs. J. M. L. A. Griffiths, D. Hancox, Ms. J. A. Marshall,
D. McGrath, S. P. Shannon, Mrs. M. A. Sherrey JP, R. D. Smith,
L. J. Turner and P. J. Whittaker

AGENDA

1. Election of Chairman
2. Election of Vice-Chairman
3. To receive apologies for absence and notification of substitutes
4. Declarations of Interest
5. To confirm the accuracy of the minutes of the meeting of the Licensing Committee held on 11th January 2010 (Pages 1 - 4)
6. Designated Public Places Order (DPPO) - Bromsgrove Railway Station, Aston Fields (Pages 5 - 28)
7. Regulatory Services - Worcestershire Shared Services Joint Committee (Pages 29 - 34)
8. Street Trading Consent Policy (Pages 35 - 40)

9. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

13th May 2010

Agenda Item 5

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 11TH JANUARY 2010 AT 6.00 P.M.

PRESENT: Councillors Mrs. R. L. Dent (Chairman), Mrs. C. J. Spencer (Vice-Chairman), Dr. D. W. P. Booth JP, Mrs. J. M. L. A. Griffiths, Ms. J. A. Marshall, S. P. Shannon, Mrs. M. A. Sherrey JP, R. D. Smith, L. J. Turner and P. J. Whittaker

Invitees: PC L. Smith

Observer: Councillor Mrs. C. McDonald

Officers: Mrs. D. Warren, Mrs. S. Smith and Ms. P. Ross

20/09 **APOLOGIES**

Apologies for absence were received from Councillors Miss D.H. Campbell, D. Hancox and D. McGrath.

21/09 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

22/09 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 30th November 2009 were submitted.

RESOLVED that the minutes be approved as a correct record.

23/09 **DESIGNATED PUBLIC PLACES ORDER - HUMPHREY AVENUE, CHARFORD**

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 Humphrey Avenue, Charford area in an attempt to reduce anti-social behaviour and drinking in these public areas. This matter was being brought before the Committee as the Police, who are responsible for enforcing any restrictions on public drinking in designated areas, were not willing to support this particular request as they had insufficient evidence of anti-social behaviour caused by alcohol consumption in the area, and felt that they already had sufficient measures in place to keep any anti-social behaviour occurring in the area under control.

The Principal Licensing Officer 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 Chairman invited Members to put any relevant questions to the Principal Licensing Officer. In response, the Principal Licensing Officer asked Members to note that no application had been granted without the agreement and support of the Police and that Bromsgrove District Housing Trust were not in support of the DPPO.

The Chairman welcomed Councillor Mrs. C. McDonald, Ward Councillor for Charford, who spoke in favour of introducing a DPPO in this area. In doing so she 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 Mrs. McDonald indicated that anti-social behaviour in the area had been the number one priority at a Partners and Communities Together (PACT) meeting held on the 3rd March 2009.

The Chairman welcomed PC L. Smith to the meeting and invited Members to put any relevant questions to PC Smith. In response, PC Smith informed Members that, currently, there had been insufficient evidence and data to support the introduction of a DPPO and that between the 1st January 2008 and 31st December 2008 only 4 incidents recorded were ASB related and none were alcohol related. PC Smith requested that Members note that general ASB raised as a priority during PACT meetings held on 3rd March 2009 and 2nd June 2009, were regarding a family who lived in an adjacent street and were not alcohol related incidents and that the Local Policing Team had sufficient measures in place to keep any anti-social behaviour occurring in this area, under control. PC Smith expressed concern that in her opinion the introduction of a DPPO could be detrimental in labelling the area as an anti-social hot spot and therefore increase residents’ perceptions regarding anti-social behaviour and the fear of crime.

Following further discussion and on the information provided it was

RESOLVED that the request to introduce a Designated Public Places Order in the Humphrey Avenue, Charford area be refused.

The meeting closed at 6.43 p.m.

Chairman

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BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

24th MAY 2010

DESIGNATED PUBLIC PLACES ORDER – RAILWAY STATION, ASTON FIELDS AREA

Relevant Portfolio Holder	Cllr. Peter Whittaker
Relevant Head of Service	David Mellors

1. SUMMARY OF PROPOSALS

- 1.1 To consider introducing a Designated Public Places Order in Bromsgrove Railway Station, Aston Fields area.

2. RECOMMENDATIONS

- 2.1 That Members either:

- approve the creation of a Designated Public Places Order, as outlined on the attached plan, subject to any adverse comments received from the public notice being placed in a local newspaper and/or statutory consultees responses; or
- refuse the request.

3. BACKGROUND

- 3.1 The Council has been approached by the Ward Councillor representing the Aston Fields Ward to look at introducing a Designated Public Places Order to 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. Details of the request including a map of the area are attached at Appendix A.
- 3.2 The Criminal Justice Police Act 2001 allows local authorities to designate areas for this purpose only where they are satisfied that nuisance or annoyance to the public or disorder has been associated with drinking in a public place. Each DPPO must be considered on its own merits, based on any evidence gathered.

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- 3.3 These powers are not intended to disrupt peaceful activities, for example families having a picnic in a park with a glass of wine. Police Officers can use their discretion when deciding to request an individual to refrain from drinking regardless of their behaviour. Home Office guidance suggests that it is not appropriate to challenge an individual consuming alcohol where that individual is not causing a problem.
- 3.4 The Regulations governing the creation of such an Order do not place a requirement on the local authority to conduct a formal assessment of the area in question, over a given period, of the nature of the problem. However the local authority will want to satisfy itself that the powers are not being used disproportionately or in an arbitrary fashion in the case of say, one isolated incident. Consequently there should be clear evidence of an existing problem, with an assessment as to the likelihood that the problem will continue unless these powers are adopted and the belief that the problem could be remedied by the introduction of such an Order. The Council would look to the Police to provide this evidence.
- 3.5 In December 2008 the Home Office published Guidance relating to Designated Public Place Orders (DPPO's): For Local Authorities in England and Wales. This sets out guidance for local authorities on the issue of evidence required to justify making 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.”
- 3.6 In order to gain this necessary evidence, the Regulations require local authorities to consult with the Police Authority to seek their views on the nature of the problem and the appropriateness of introducing such an Order, as well as recognising that it will be the Police who will have the responsibility for enforcing the restrictions on public drinking in the designated area.

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- 3.7 As the area concerned includes Bromsgrove Railway station there is a cross over between West Mercia Police who are responsible for the surrounding area and the British Transport Police who are responsible for the Railway including the station.
- 3.8 The Regulations also require local authorities to consult with the following interested parties:
- a) The Parish or community Council covering all or part of the public place to be designated;
 - b) The neighbouring police and local authority in cases where a designation order covers an area on the boundaries with that neighbouring authority;
 - c) Any premises licence holder, club premises certificate holder or premises user;
 - d) Reasonable steps should also be taken to consult the owners or occupiers of the land proposed to be designated

4. KEY ISSUES

- 4.1 On this occasion, West Mercia Police, at present, are unable to support this particular request for a Designated Public Places Order, as they have insufficient evidence of anti social behaviour caused by alcohol consumption in the surrounding area. A copy of their response is attached at Appendix B. The Police Authority has been invited to attend the meeting.
- 4.2 West Mercia Police state within their response that they have only had seven ASB incidents in the area over the last 18 months which can be linked to alcohol.
- 4.3 The British Transport Police are in favour of the application and have stated they would support enforcement activity to ensure compliance within their jurisdiction. They state that although it is not a 24 hour station they are able to ensure police action via their tasking process if it was suggested that the Order was being contravened. A copy of their response is attached at Appendix C. Members will note that although they support the application they have not provided evidence of alcohol related nuisance or annoyance to the public in the proposed area. The British Transport Police have been invited to attend the meeting.

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- 4.4 A public notice has been placed in a local newspaper inviting comments from local residents on the proposed order. The consultation period closed on 7th May 2010.
- 4.5 Comments have been sought from premises licence holders in the area that retail alcohol, namely Bromsgrove Rugby Football Club, The Ladybird Inn, Co-op, Local and Aston Fields Social Club, no responses have been received.
- 4.6 A response has been received from Worcestershire County Council Highways Department, stating they have no objection to the making of this order, however, they have pointed out that New Road from the mini-roundabout towards the railway station is not publicly maintained highway, and that any signs proposed should be agreed with the highway authority prior to their erection. A copy of their response is attached at Appendix D
- 4.7 Should Members decide to approve the proposed Order, it will be necessary to place another public notice in the local press, informing the public of the consequences of the Order, as well as arranging for signage to be erected in the area.
- 4.8 To date no DPPO has been granted without the support of the Police.

5. FINANCIAL IMPLICATIONS

- 5.1 The cost of both public notices and other administrative costs will be met from existing budgets held by Planning and Environment Services.
- 5.2 There is no budget available for signage informing the public that an area(s) is within a Designated Public Places Order. However, if Members agree to introduce the Order in Aston Fields covering the Railway Station, an approach will be made to the Crime and Disorder Reduction Partnership to fund this scheme in conjunction with the Council's Community Safety Team.

6. LEGAL IMPLICATIONS

- 6.1 Licensing Authorities have power under Section 13 of Criminal Justice and Police Act 2001 to introduce and revoke Designated Public Places Orders in association The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.

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- 6.2 There is a requirement under the Criminal Justice and Police Act 2001 – Section 13 (2) that:

“A local authority may for the purposes of subsection (1) by order identify any public place in their area if they are satisfied that-

(a) Nuisance or annoyance to members of the public or a section of the public; or

(b) Disorder;

has been associated with the consumption of intoxicating liquor in that place.”

- 6.3 With reference to Paragraph 4 of the Regulations, it specifies that when a Local Authority is deciding an application for a Designated Public Places Order, it shall consider any representations as to whether or not a particular public place should be identified in an Order.

- 6.4 As previously mentioned, the Police Authority already have powers under Section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 to seize alcohol or a container for such liquor in the possession of a person under 18 years and dispose of it and require his name and address. A constable may arrest without warrant a person who fails to surrender the intoxicating liquor in his possession or to provide his/her name and/or address.

7. POLICY IMPLICATIONS

- 7.1 There are no policy implications.

8. COUNCIL OBJECTIVES

- 8.1 This proposal contributes to the Council’s objective “One Community”.

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 9.1 The main risk associated with the detail included in this report are:

- Introduction of a Designated Public Places Order without the support of the Police Authority

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9.2 This risk is being managed as follows:

Risk register: Planning and Environment Services

Key Objective Ref No. 7

Key Objective: Effective, efficient and legally compliant Licensing Service

10. CUSTOMER IMPLICATIONS

10.1 All relevant parties will be notified in writing within 5 working days of the Council's decision.

10.2 If Member's decide to adopt this scheme, there is a risk that members of the public may complain to the Council that the Police are not enforcing the terms of the Order, as expected.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 None.

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 If Members are minded to approve the introduction of the Order, it could be conceived that the Council is not providing value for money as the Police are not in support of the proposal and may not be in a position to enforce the restrictions imposed by the Order. The Police already have alternative powers to deal with anti social behaviour and underage drinking of alcohol.

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 None.

14. HUMAN RESOURCES IMPLICATIONS

14.1 None.

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 None.

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16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

16.1 The creation of the Order would give the Police additional powers to confiscate alcohol from people drinking in public places.

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None.

18. LESSONS LEARNT

18.1 None

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 Please see Key issues.

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	YES
Chief Executive	NO
Executive Director (S151 Officer)	NO
Executive Director – Leisure, Cultural, Environmental and Community Services	YES
Executive Director – Planning & Regeneration, Regulatory and Housing Services	YES
Director of Policy, Performance and Partnerships	NO
Head of Service	YES
Head of Resources	NO
Head of Legal, Equalities & Democratic Services	YES
Corporate Procurement Team	NO

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21. WARDS AFFECTED

21.1 The outcome of this report may affect the Aston Fields Ward.

22. APPENDICES

Appendix A	Request for a Designated Public Places Order and Map
Appendix B	Response from West Mercia Police
Appendix C	Response from the British Transport Police
Appendix D	Response from Worcestershire County Council Highways

23. BACKGROUND PAPERS

Request received from Cllr. Shannon
Response received from West Mercia Police Authority
Response received from the British Transport Police
Response received from Worcestershire County Council Highways
Home Office Guidance on Designated Public Places Orders

AUTHOR OF REPORT

Name: Sue Garratt – Licensing Manager
E Mail: sue.garratt@redditchbc.gov.uk or
s.garratt@bromsgrove.gov.uk
Tel: (01527) 534100



Criminal Justice and Police Act 2001 – Section 13(4)
Local Authorities (Alcohol Consumption in Designated Public Places)
Regulations 2007

**NOTIFICATION OF A REQUEST TO INTRODUCE A DESIGNATED PUBLIC
PLACES ORDER (Alcohol Free Zone)**

1. Name of Applicant:

Sean Shannon

2. Address of Applicant:

21 Shaw Lane
Stoke New
Bromsgrove B60 4DP

3. Contact details:

Telephone No: 01527 878736
Email address: s.shannon@bromsgrove.gov.uk

4. In what capacity are you applying (ie Ward Councillor, Parish Council, Resident)
Ward Councillor

5. Location and/or description of proposed designated area (Please also attach a location plan showing the EXACT area): Do you think the problem will be displaced, if so, where.

New Rd from junction with Middlefield Rd to rail station (part also AKA Station Approach) The railway station car park. Stoke Rd from junction with Mansell Rd to junction with South Road, Mansell Road from junction with South Road, with St Goodwals Rd
Why do you feel it is necessary to introduce a designated alcohol free area in this location(s):
(Please use additional sheets if necessary)

6.

Complaints from residents near and around the site (proposed) Drinkers on foot path out side post office/oh licence Drinkers on and around rail station. Snobs/drinkers on path outside Ladbroke PH. Church Ward indicates some of the biggest levels of alcohol related crime levels in district, also from "Bromsgrove Public" work related crime, A.S., Page 13 associated issues are a target priority for 2009 Bromsgrove Com Safety Plan.

7. Please give details of any evidence you have to suggest that anti-social behaviour is being fuelled by alcohol in this location. Please include details such as the approx. age of people causing the nuisance; the source of the alcohol;
(Please use additional sheets if necessary)

Nase from shouting/lewd voices when drinking and gathering on other cut-side Post Office, litter from drink containers and food like away packaging. Some for railway station and its surrounding car parks, Young people 12-20yrs Drinkers cut side local Road P.H. mainly in smoking cabin but also on pavement, loud voices late at night all appear to be 18yrs +

8. Have you liaised with the local police in putting together this request and are they in support? Please give details: (Please use additional sheets if necessary)

Has been raised at PACT meetings, have spoken to Sgt Steve Trustain about this application. Also discussed with CSO John Tilt, Both officers from Bromsgrove south section,

9. Signed:

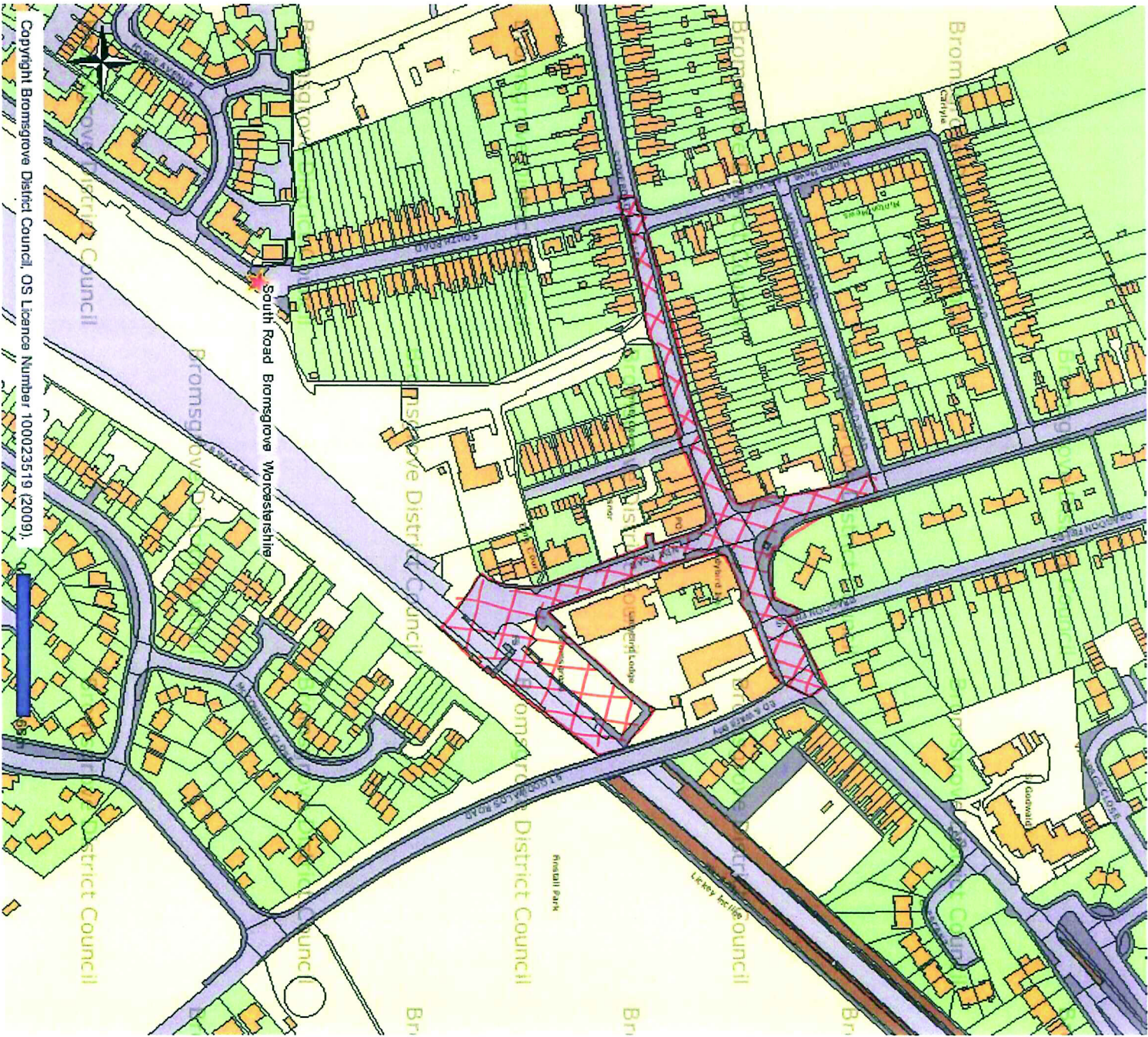
S. Sharma

10. Dated:

5th November 2024

Please complete this form in full, together with the location plan outlining the proposed designation area and return it to the Licensing Section, Bromsgrove District Council, Planning and Environment Services, Burcot Lane, Bromsgrove, Worcs., B60 1AA. If you have any queries with regard to completing this form, please telephone (01527) 881626 or email licensing@bromsgrove.gov.uk.

A copy of the completed form and plan will be submitted to the Chief Officer of Police for his/her comments.



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Bromsgrove
District Council
www.bromsgrove.gov.uk



Department: Aston Fields DPPO
 Title:
 Scale: 1:2500

Bromsgrove Police Station
The Crescent
Bromsgrove
B60 2DF
Tel: 08457 444888 Ext: 3219 Fax: 01527 586227
Direct Line: 01527 583724
www.westmercia.police.uk



**West Mercia
POLICE**



SERVING - PROTECTING - MAKING THE DIFFERENCE

11 December 2009

Our Ref: DS/DP
Your Ref:

Mrs S Smith
Planning and Environment services
The Council House
Burcot Lane
Bromsgrove
B60 1AA

Dear Sharon

Please find the enclosed report from PS Tristram and the statistical information supplied by the CDRP analyst.

With just seven ASB incidents in the area over the last 18 months, linked to alcohol, I am unable to support the application.

It is worthy of note that the railway station is mentioned in a number of instances, that area is policed by the Transport police and not ourselves.

If I can be of further assistance do not hesitate to contact me.

Yours sincerely

D. Shaw
Inspector
Bromsgrove District



NOT PROTECTIVELY MARKED



To: Insp. D. Shaw

Date: 07 December 2009

Ref:

From: PS 929 S. Tristrom

Station/Dept: Bromsgrove

Ref:

Tel/E xt No: 01527 559514

Subject: Designated Public Places Order (DPP O) (Alcohol Free Zone)

Sir,

I refer to the attached application submitted by Cllr. Sean Shannon for the area indicated in Aston Fields.

I share Cllr. Shannon's desire to address anti-social issues which occur in the Aston Fields area, particularly where such behaviour is fuelled by alcohol. I have discussed the issue with CS O Tilt, who performs regular foot patrols in the area. Our records do show that there have been several incidents of anti-social behaviour in the area over the previous 12 months. However, there are few which can be attributed to drinking in the street.

The area in question is served by 4 licensed premises as outlined in the report from Bromsgrove District Council. One of these is the Ladybird public house, with the remainder being off-licence premises. Generally offences relating to the off-licences involve theft of produce (cans of beer etc).

The Ladybird is obviously licensed for consumption of intoxicants on the premises, and has a smoking area to the side of the premises, but within the perimeter of the licensed premises itself. This area is within a few yards of the public highway.

CS O Tilt has researched incidents of anti-social behaviour (ASB) within, and slightly beyond, the hatched area on the attached map. Within the previous 12 months, we have recorded 13 incidents of ASB. 5 of these incidents involved alcohol, with two being related to the Ladybird public house, and one being a football fan intoxicated from an unrelated premises. One of the incidents involved youths sitting on the train station platform drinking and dangling legs over the edge.

I would agree with Sean's comments regarding noise from drinkers using the smoking area to the side of the Ladybird. However, we have no recorded complaints from residents in relation to this. I would be willing to work with Sean and the landlord to reduce incidents of this kind if necessary. I cannot dispute reports of litter including drinks containers and takeaway packaging near to the Co-op and railway station.

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED



Sean states that the subject of alcohol related AS B has been raised at T or debigge and Slideslow P ACT meetings. This type of incident was last raised on 9th December 2006, and was resulted with high profile policing and advice to licensed premises.

I would suggest that there are many incidents of disorder which are not reported to the police, and would further suggest that the majority centre on the Ladbird and the Co-op store. Most incidents not linked to the Ladbird public house are committed by young people and I am sure that many of these are linked to drinking in the street. Clearly the police have powers to deal with juveniles who are drinking intoxicants in public, and I am not sure that the introduction of a DPP O would lead to a significant reduction in AS B reports to the police in this area.

I have recently discussed the issue of DPP Os with Chief Inspector Burnet. Whilst the local policing team are more than willing to provide views and data in relation to particular areas, you will be aware that this has led to friction, often amongst P ACT panel members, especially where views differ and where the police do not support such applications.

I would suggest, therefore that any future applications are submitted as part of the CDR P process, where the analysts can provide accurate information, the local policing sergeant or LPO can be present to offer further advice, and the application can be approved or otherwise by the panel.

Submitted for your attention,

S. T. Istram
Police sergeant 929
Bromsgrove South

NOT PROTECTIVELY MARKED

ASB and Crime in Proposed DPPO area:
Bromsgrove Train Station/Stoke Road

Data period: 23 May 2008 to 23 November 2009 (18 months)

Location of the proposed DPPO:



Figure 1 : Map to show the location of the proposed DPPO

Incidents and offences recorded as having occurred within 30 metres of the proposed zone have been selected for analysis in order to capture all potentially relevant reports.

Total ASB and Criminal Offences per month:

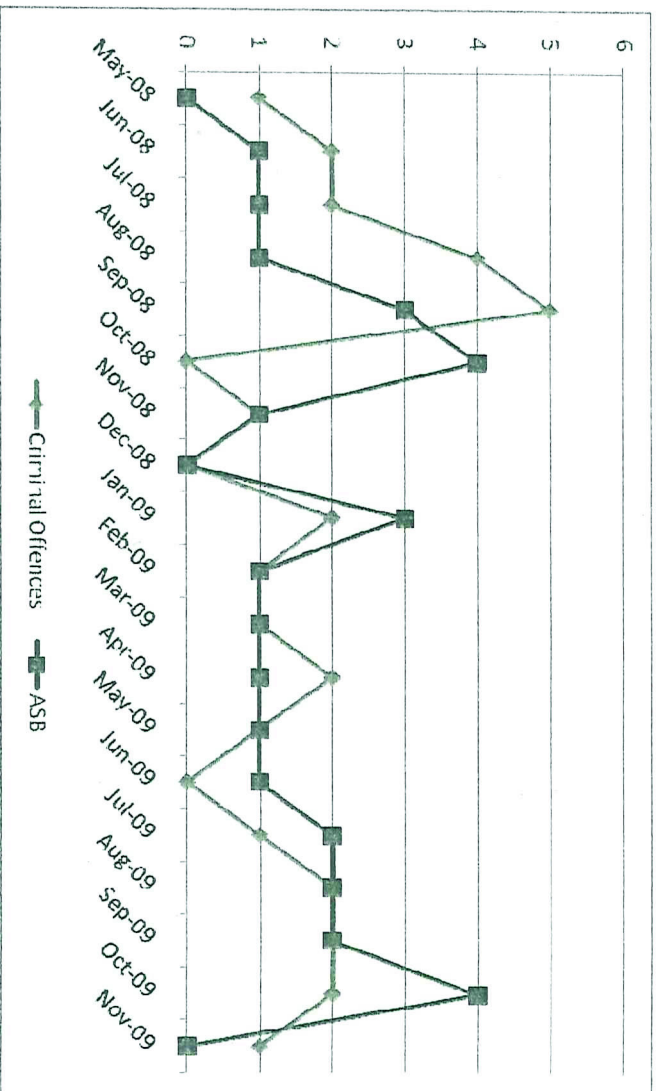


Figure 2: Total ASB and Criminal Offences per month

On average, over the last 18 months, there have been 1.5 ASB incidents reported per month in the area, and 1.5 criminal offences. This works out as about one incident every 2 or 3 of weeks, which is not a huge amount but it must be noted that the study area is quite small.

Alcohol-related Incidents/Offences

A total of 7 ASB incidents over the last 18 months in the area were linked to alcohol in some way, of which 5 were also linked to youths.

Incident Description	Suitable evidence of Alcohol Disorder linked to DPPo Legislation?
June 2008 – Youths drinking on a public footpath near to the railway line	No – area is not covered by proposed DPPo, and incident refers to youths
July 2008 – Youths (aged 15 or 16) drinking beer in a playing field (already an AFZ)	No – area is not covered by proposed DPPo, and incident refers to youths
August 2008 – Request for an ambulance for an extremely intoxicated woman outside the pub who had been unconscious.	Potentially, though it is not stated if the woman was consuming alcohol in the street
September 2008 – Male with alcohol on the railway station	Yes.
May 2009 – 4 youths drinking on the railway station	Potentially – though separate legislation applies to youths, depending on their age.
September 2009 – Group of drunken youths outside the Co-op causing nuisance noise and feelings of intimidation	Potentially – though separate legislation applies to youths, depending on their age.
September 2009 - an intoxicated male using threatening behaviour on the train station	Potentially – though it is not stated whether or not alcohol was being consumed in the street

A total of 8 criminal offences in the area were in some way linked to alcohol:

Offence Description	Suitable evidence of Alcohol Disorder linked to DPPO Legislation?
6 offences of shoplifting where alcohol was taken, 3 in the Co-op, 3 in The Local off licence	No – no link mention of alcohol consumption in the street
September 2009 - criminal damage where stones were thrown at the victim's house, rebounding to hit her car, after a slight altercation with a drunken male outside in the street.	Potentially – though it is not stated whether or not alcohol was being consumed in the street
July 2008 – Criminal damage where the window of an off-license was smashed	Potentially – criminal damage could be linked to alcohol related disorder, this offences was flagged as "alcohol involved" by the police.

Therefore, a total of 5 ASB incidents and 2 criminal offences over the course of an 18 month period were potentially linked to drunken people in the street – 3 between July and September 2008, one in May 2009 and 3 in September 2009. In most cases, it was not stated if the people involved were actually drinking in the street, or whether alcohol consumption elsewhere had led to the intoxicated behaviour.

Therefore, there is some evidence to suggest that there are issues with drunken disorder in the area, however the volume of incidents and offences reporting is extremely low – 7 potentially linked incidents/offences over the course of 18 months.

Repeat Locations (all incidents/offences in the 18 month period):

1. *The Ladybird (9 ASB Incidents)*
 - o 3 incidents in October 2009 suggesting a slight increase in recent months.
 - o 5 incidents took place out on the street including drunken disorder, urinating in public, throwing items at the premise and fighting.
 - o 2 incidents refer to cars having been left in the car park.
2. *Train Station (9 ASB incidents)*
 - o 6 incidents linked to youths
 - o 4 incidents linked to alcohol
 - o 4 incidents located actually on the station, 1 in the car park and 3 on land adjacent to the railway line.
 - o Most incidents related to general disorder on the station for example drinking alcohol, aggressive behaviour, trespassing or endangering safety near to the railway lines.
3. *Co-op/One Stop Shop, 1 Stoke Road (2 ASB incidents, 13 criminal offences)*
 - o ASB incidents involve:
 - A group of drunken youths outside the shop intimidating customers and staff
 - Young people potentially shoplifting
 - o 9 criminal offences were shoplifting from the store.

- 2 offences were criminal damage including smashing an alarm box from the exterior wall, and the breaking of a window by a group of youths who had been causing problems outside the store.
 - The other criminal offences included the use of counterfeit currency, the attempted robbery of a Co-op delivery lorry.
4. *The Local, 37 Stoke Road (5 criminal offences)*
- 4 offences of shoplifting.
 - Criminal damage in the form of a smashed window.

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Inspector Justin Archer
British Transport Police
Birmingham New Street
PO Box 5585
B2 4QB
0121 654 2792

01/12/2009

Sharon Smith
Principal Licensing Officer
Planning and Environment Services
The Council House
Burcot Lane
Bromsgrove
Worcs
B60 1AA

Re: Local Authorities (Alcohol Consumption in Designated Places)
Regs 2007

Dear Ms Smith

I write with reference to your letter of 16 November 2009 to Chief Superintendent Davies, British Transport Police regarding the above.

I can confirm that British Transport Police would support this application for the Order at Aston Fields, Bromsgrove and do not seek to extend or reduce the proposed area.

I can also confirm that British Transport Police would support enforcement activity to ensure compliance. Although it is not a '24 hour' station we are able to ensure police action via our tasking process if it was suggested that the Order was being contravened.

Should you have any further queries please do not hesitate to contact me.

Yours sincerely
Justin Archer
Police Inspector
Justin.archer@btp.pnn.police.uk

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APD

Sharon Smith

From: Hawley, Stephen (ES) [SHawley@worcestershire.gov.uk]
Sent: 07 December 2009 09:50
To: Sharon Smith
Subject: Prohibition of Alcohol Consumption Order - Aston Fields, Bromsgrove

Sharon,

With regards to you letter of 16th November 2009, I can confirm that there is no objection from the highway authority to the making of this order.

Please be aware that New Road from the mini roundabout towards the railway station is not publicly maintained highway, and that any signs proposed should be agreed with the highway authority prior to there erection.

Stephen Hawley

Stephen Hawley, BSc (Hons) Certngmt(Open) MIHE MIHT
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BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

24th May 2010

REGULATORY SERVICES – WORCESTERSHIRE SHARED SERVICES JOINT COMMITTEE

Relevant Portfolio Holder	Cllr. P. Whittaker
Relevant Head of Service	David Mellors

1. SUMMARY OF PROPOSALS

- 1.1 This report updates the Committee on the current situation relating to the Worcestershire Shared Regulatory Service.

2. RECOMMENDATIONS

- 2.1 **That the Committee notes this report.**

3. BACKGROUND

- 3.1 In January 2010 the Council agreed to participate in enhanced two tier working with other authorities in Worcestershire. In particular Council agreed that a unified Regulatory Service comprising Environmental Health functions, Licensing functions and Trading Standards functions for the Worcestershire Councils, jointly hosted by Bromsgrove and Redditch Councils would be established from 1st June 2010 under the auspices of a Joint Committee. Council further agreed that with effect from 1st June 2010 this Council's Regulatory Services functions would be discharged by that Joint Committee and accordingly agreed to delegate its Regulatory Services functions to that Joint Committee with effect from 1st June 2010. The Cabinet has also agreed to delegate its Regulatory Services functions to the Joint Committee with effect from 1st June 2010.
- 3.2 The Joint Committee will be responsible for a range of environmental health, licensing and trading standards functions, the details of which will be included in an agreement to be signed on behalf of all the participating authorities. However, some licensing functions will not be included and will remain the responsibility of each Council – these reserved matters will be set out in the agreement and will include all Licensing Act 2003, Gambling Act 2005 and taxi licensing functions. The project is on target to commence on 1st June 2010.

4. KEY ISSUES

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- 4.1 Currently, the Council has tasked the Licensing Committee with responsibility for exercising all powers and duties of the Council in licensing and registration and for enforcement of licensing and registration. The Licensing Committee has delegated the day to day administration of the function and also specific duties and functions to the Head of Planning & Environment Services as set out in the Scheme of Delegation.
- 4.2 The Scheme of Delegation operates in such a way that reference to any post holder shall be deemed to refer to any successor post holder charged with the same responsibilities following any reorganisation of functions. Therefore, since 20th April 2010 when the restructuring of the senior management team took effect, the functions delegated to Head of Planning & Environment Services have been exercisable by the Head of Regulatory Services. The Scheme of Delegations also enables the Head of Regulatory Services to authorise other officers to exercise those powers on his behalf. The Committee is asked to note the position.
- 4.3 Once the Shared Regulatory Services project is implemented, Regulatory Services functions (other than the reserved matters) will become the responsibility of the Joint Committee. This will delegate functions to the Head of Regulatory Services, who in turn may authorise other officers to exercise those powers on his behalf. Again the Committee is asked simply to note this position.
- 4.4 The implementation of the Shared Regulatory Services project should not affect the work programme and matters which come before the Licensing Committee and its Sub-Committees for consideration and the Committee is asked to note this.

5. FINANCIAL IMPLICATIONS

- 5.1 None

6. LEGAL IMPLICATIONS

- 6.1 Section 101(5) of the Local Government Act 1972 as amended enables two or more local authorities to arrange for the discharge of any of their functions jointly and where arrangements are in force for them to do so they may arrange for the discharge of those functions by a joint committee.

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

24th May 2010

6.2 S102 of that Act enables authorities to appoint members to a joint committee established for the purpose of discharging functions in pursuance of arrangements made under s101 and requires.

7. POLICY IMPLICATIONS

7.1 N/a.

8. COUNCIL OBJECTIVES

8.1 CO2 – Improvement, CP3 Value for Money, KD Shared Services

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

9.1 There are no significant risks associated with the details included in this report.

10. CUSTOMER IMPLICATIONS

10.1 N/a

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 N/a

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 N/a

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 N/a

14. HUMAN RESOURCES IMPLICATIONS

14.1 None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 None

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16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

16.1 None

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None

18. LESSONS LEARNT

18.1 None

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 None

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

24th May 2010

21. WARDS AFFECTED

All wards

22. APPENDICES

None

23. BACKGROUND PAPERS

None.

AUTHOR OF REPORT

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Tel: (01527) 881609

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BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

24th May 2010

AMENDMENT TO STREET TRADING CONSENT POLICY

Relevant Portfolio Holder	Cllr. P. Whittaker
Relevant Head of Service	David Mellors

1. SUMMARY OF PROPOSALS

- 1.1 This report requests the Committee to consider making a minor amendment to the Street Trading Consent Policy.

2. RECOMMENDATIONS

- 2.1 **That the Committee revises the Street Trading Consent Policy by deleting paragraph 14 of the Policy.**

3. BACKGROUND

- 3.1 In September 2009 the Committee considered a report which reviewed the Council's policy including the fee structure, in respect of street trading consent. The report also referred to the possibility of extending the designated area to cover the entire district, with the exception of Bromsgrove High Street and its immediate environs. It was proposed that the whole district (other than the High Street and surrounding streets) as detailed in Appendix 2 of the report be designated as a Consent Street and that the High Street and the surrounding area as detailed in Appendix 1 of the report be designated as a Prohibited Street. It was resolved that the extension of the designated consent streets area to cover the whole of Bromsgrove district, with the exception of the High Street area be approved and that the streets in the High Street area be designated as prohibited streets.
- 3.2 Council approved the new fee structure in January 2010 with the proviso that after six months officers report to the Scrutiny Board on the operation of the Street Trading Consent Policy.

4. KEY ISSUES

- 4.1 The policy has now been implemented and applications are being received by Licensing. Paragraph 14 of the policy has given rise to some unexpected difficulties and Members are asked to review this paragraph.

BROMSGROVE DISTRICT COUNCIL

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- 4.2 The issue has arisen because traders who have occupied sites in lay-bys for many years without any concerns about traffic or highway obstruction being raised by the Highway Authority or Police, now find that they do not meet the very prescriptive provisions of paragraph 14 of the policy, notwithstanding that no obstruction is being caused. Unless the policy is modified, there is the potential for a significant and disproportionate number of objections from the Highway Authority, notwithstanding the lack of traffic obstruction, and the likelihood of a very considerable number of hearings.
- 4.3 Officers therefore suggest that paragraph 14 is deleted in its entirety. If the Committee agrees to do so, highway safety will not be compromised as the policy requires 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 will continue to be consulted in accordance with paragraph 7.5.
- 4.4 If Members are uncomfortable with deleting paragraph 14 in its entirety, an alternative might be to reword it along the lines of:

“Each application for trading from lay-bys will be considered on a case-by-case basis on its own merits.”

5. FINANCIAL IMPLICATIONS

- 5.1 There are no significant financial implications associated with this report. However, deletion of paragraph 14 will result in fewer hearings before the Licensing (Miscellaneous Hearings) Sub-Committee.

6. LEGAL IMPLICATIONS

- 6.1 The Street Trading Consent Policy is governed by the Local Government (Miscellaneous Provisions) Act 1982.

7. POLICY IMPLICATIONS

- 7.1 These are specified in the report.

8. COUNCIL OBJECTIVES

- 8.1 CO2 – Improvement, CP3 Value for Money, KD Efficiencies

LICENSING COMMITTEE

24th May 2010

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

9.1 There are no significant risks associated with the details included in this report.

10. CUSTOMER IMPLICATIONS

10.1 N/a

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 N/a

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 N/a

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 N/a

14. HUMAN RESOURCES IMPLICATIONS

14.1 None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 None

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

16.1 None

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None

BROMSGROVE DISTRICT COUNCIL

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24th May 2010

18. LESSONS LEARNT

18.1 None

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 None

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

All wards

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

24th May 2010

22. APPENDICES

None

23. BACKGROUND PAPERS

None.

AUTHOR OF REPORT

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