

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 26TH JULY 2010

AT 6.00 P.M.

PRESENT: Councillors Mrs. R. L. Dent (Chairman), Mrs. C. J. Spencer (Vice-Chairman), J. T. Duddy, Mrs. J. M. L. A. Griffiths, D. Hancox, B. Lewis F.CMI, Ms. J. A. Marshall, D. McGrath, S. P. Shannon and L. J. Turner

Invitees: Councillor M. Webb, Portfolio Holder for Community Services and Ms. E. Humphries, Community Safety Partnership Analyst

Officers: Mrs. A. Highway, Mrs. S. Sellers, Ms. S. Garratt, Mr. C. Santoriello-Smith and Ms. P. Ross

9/10 **APOLOGIES**

Apologies for absence were received from Councillors Miss D. H. Campbell JP and Mrs. M. A. Sherrey JP.

10/10 **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 Minute No. 12/10 (Designated Public Places Order, Lyttleton Avenue, Recreation Road, Bromsgrove) as he was acting on behalf on the applicant, Councillor Mrs. C. M. McDonald who had been unable to attend.

11/10 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 24th May 2010 were submitted.

RESOLVED that the minutes be approved as a correct record.

12/10 **DPPO - DESIGNATED PUBLIC PLACES ORDER - LYTTLETON AVENUE, RECREATION GROUND, CHARFORD**

The Chairman welcomed new Members to the Licensing Committee and requested brief introductions from the officers present.

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 known as Lyttleton Avenue Recreation Ground in Charford,

in an attempt to reduce anti social behaviour and drinking in this public area. On this occasion, West Mercia 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 this area. West Mercia Police had been invited to attend the Licensing Committee meeting, but were unavailable and an apology had been received from Inspector J. Smith, Bromsgrove District Inspector.

The Chairman invited Councillor S. P. Shannon, Ward Councillor for Charford to speak on behalf of the applicant, Councillor Mrs. C. M. McDonald, in her absence. Councillor Shannon spoke in favour of the request to introduce a DPPO in this area. In doing so he referred to complaints from residents regarding anti-social behaviour (ASB), bottles left on the grass and palisade fencing used to cause damage to the bowling club. Councillor Shannon referred to the Research and Intelligence Unit, Worcestershire County Council, Bromsgrove Profile. 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. Councillor Shannon responded to questions from Members regarding the reporting of ASB, the recent damage to the bowling club and issues raised during PACT meetings.

The Chairman asked Members to note that each DPPO application was taken on its own merit with the supporting evidence from the applicant and the interested parties consulted.

The Senior Community Safety Project Officer introduced the report which also detailed the 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 Senior Community Safety Project Officer.

Following further discussion and on the information provided it was

RESOLVED that the request to introduce a Designated Public Places Order on Lyttleton Avenue Recreation Ground, Charford, Bromsgrove be refused.

13/10 **DPPO - DESIGNATED PUBLIC PLACES ORDER - REVIEW AND EVALUATION**

The Committee considered a report that provided a review conducted by Bromsgrove Community Safety Partnership of existing Designated Public Places Orders (DPPOs) within the Bromsgrove District.

The Senior Community Safety Project Officer informed Members that although there was no statutory requirement to review a DPPO, the Home Office guidance recommended they should be evaluated and reviewed as a matter of good practice, ideally at least every two years. In June 2010 the administration of DPPO had transferred from the Licensing Team to the Community Safety Team as an interim responsibility until a formal arrangement was agreed by the local authority. Members were informed that there were a total of 22 DPPOs within the Bromsgrove District. The study carried out by Bromsgrove Community Safety Partnership on the 22 DPPOs was to assess the effectiveness and to establish whether they were still appropriate, necessary and proportionate. 10 DPPOs were found to be inappropriate and a further 6 were proven to be ineffective. The remaining 6 DPPOs were proven to be effective in reducing adult alcohol related disorder.

The Head of Community Services responded to questions from Members regards existing signage and the proposed new signage. Members were also informed that there had been some confusion regarding DPPOs. DPPOs did not provide a blanket ban on alcohol but placed restrictions on the consumption of alcohol in public places and gave Police Officers and accredited persons the power to require a person in a DPPO not to drink alcohol in that area, in order to deal with alcohol related disorder committed by persons over the age of 18 years old (adult).

The Portfolio Holder for Community Services thanked officers for their informative report and responses to Members questions.

RESOLVED:

- (a) that approval be given to officers to review Bromsgrove DPPOs as set out in paragraph 4.1 of the report to enable the Licensing Committee to consider revocation in line with legislative requirement;
- (b) Signage -
 - (i) that any future use of signage conforms with the Home Office guidance for local authorities on DPPOs;
 - (ii) that any future change of signage be subject to the review of the current DPPOs;
- (c) that approval be given for officers to carry out biannual evaluations of existing DPPOs be undertaken to ensure that all active DPPOs in Bromsgrove District continue to be effective, appropriate and proportionate; and

- (d) that authority be delegated to the Head of Community Services in consultation with the Portfolio Holder to decline a DPPO request in the event that:
- (i) analytical work does not warrant further consideration by the Licensing Committee and/or;
 - (ii) the order does not have the support of West Mercia Police Authority.

14/10 **REGULATION OF SEXUAL ENCOUNTER VENUES**

The Committee was asked to consider a report on the Policing and Crime Act 2009 that reclassified lap dancing clubs as Sexual Encounter Venues and gave local authorities in England and Wales the power to regulate them as Sex Establishments under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Following discussion on the draft Sexual Encounter Venue Policy Statement and Guidelines as set out at Appendix 2, it was

RESOLVED that the policy statement be amended to include the following -

"On all applications a mandatory condition will be imposed to ensure that no persons under the age 18 or such other age as is stipulated by the relevant legislation may enter or use the premises whilst this type of entertainment takes place."

RECOMMENDED:

- (a) that the Council re-affirm the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and adopt Section 27, paragraph 2(2) of Schedule 3 to the Policing and Crime Act 2009 with effect from (no more than 1 month after the day on which the resolution was passed);
- (b) that the Council set a fee for a sex shop and / or Sexual Encounter Venue Licence and include that fee within the Council's Fees and Charges register as follows:-
- Grant £920.00
 - Renewal £890.00
 - Transfer £135.00
- (c) that the Council delegates to the Head of Regulatory Services all powers under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 27, paragraph 2(2) to the Policing and Crime Act 2009.

The meeting closed at 7.59 p.m.

Chairman