



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

THURSDAY 5TH JANUARY 2012
AT 6.00 P.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors Mrs. R. L. Dent (Chairman), Mrs. C. J. Spencer (Vice-Chairman), Mrs. J. M. Boswell, J. R. Boulter, Ms. M. T. Buxton, S. J. Dudley, K. A. Grant-Pearce, Miss P. A. Harrison, Mrs. H. J. Jones, R. J. Shannon, S. P. Shannon, L. J. Turner and P. J. Whittaker

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Licensing Committee held on 12th December 2011 (Pages 1 - 4)
4. Update Report re: Review of Designated Public Place Orders (Pages 5 - 10)
5. 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

21st December 2011



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Declaration of Interests - Explained

Definition of Interests

A Member has a **PERSONAL INTEREST** if the issue being discussed at a meeting affects the well-being or finances of the Member, the Member's family or a close associate more than most other people who live in the ward affected by the issue.

Personal interests are also things relating to an interest the Member must register, such as any outside bodies to which the Member has been appointed by the Council or membership of certain public bodies.

A personal interest is also a **PREJUDICIAL INTEREST** if it affects:

- The finances, or
- A regulatory function (such as licensing or planning)

Of the Member, the Member's family or a close associate **AND** which a reasonable member of the public with knowledge of the facts would believe likely to harm or impair the Member's ability to judge the public interest.

Declaring Interests

If a Member has an interest they must normally declare it at the start of the meeting or as soon as they realise they have the interest.

EXCEPTION:

If a Member has a **PERSONAL INTEREST** which arises because of membership of another public body the Member only needs to declare it if and when they speak on the matter.

If a Member has both a **PERSONAL AND PREJUDICIAL INTEREST** they must not debate or vote on the matter and must leave the room.

EXCEPTION:

If a Member has a prejudicial interest in a matter being discussed at a meeting at which members of the public are allowed to make representations, give evidence or answer questions about the matter, the Member has the same rights as the public and can also attend the meeting to make representations, give evidence or answer questions **BUT THE MEMBER MUST LEAVE THE ROOM ONCE THEY HAVE FINISHED AND CANNOT DEBATE OR VOTE.**

However, the Member must not use these rights to seek to improperly influence a decision in which they have a prejudicial interest.

For further information please contact Committee Services, Legal, Equalities and Democratic Services, Bromsgrove District Council, The Council House, Burcot Lane, Bromsgrove, B60 1AA

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Web: www.bromsgrove.gov.uk email: committee@bromsgrove.gov.uk

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 12TH DECEMBER 2011 AT 6.00 P.M.

PRESENT: Councillors Mrs. R. L. Dent (Chairman), Mrs. C. J. Spencer (Vice-Chairman), C. J. Bloore (substituting for Ms. M. T. Buxton), Mrs. J. M. Boswell, J. R. Boulter, S. J. Dudley, Mrs. H. J. Jones, R. J. Shannon and L. J. Turner

Invitees: Councillor Miss P. A. Harrison, Ward Member for Alvechurch
Inspector S. Fulton, District Inspector, Bromsgrove, West Mercia Police,
and Mr. A. Humphries, Alvechurch Parish Council.

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

12/11 **APOLOGIES**

Apologies for absence were received from Councillors Ms. M. T. Buxton, K. A. Grant-Pearce, S. P. Shannon and P. J. Whittaker.

13/11 **DECLARATIONS OF INTEREST**

No declarations of interest were received. It was noted that Councillor Miss P. A. Harrison was attending the meeting as Ward Member for Alvechurch not as a member of the Committee.

14/11 **MINUTES**

The minutes of the Licensing Committee meeting held on 31st October 2011 were submitted.

RESOLVED that the minutes be approved as a correct record.

15/11 **REVIEW OF ALVECHURCH VILLAGE DESIGNATED PUBLIC PLACE ORDER**

The Chairman welcomed everyone to the meeting and requested brief introductions from Members, Officers and Invitees present.

The Committee considered a report that detailed the conclusions of analytical work carried out by the Community Safety Team on police recorded data in relation to alcohol related disorder. The report provided Committee Members with key information in relation to consideration of the future of Alvechurch Village Designated Public Place Order (DPPO).

The Senior Community Safety Project Officer introduced the report and in doing so informed the Committee that in July 2008 Bromsgrove District Council had exercised its powers under section 13 of the Criminal Justice and Police Act 2001 and designated Alvechurch Village as a designated public place.

In November 2009 the Home Office had produced guidance on Designated Public Place Orders (DPPOs) for local authorities in England and Wales. The guidance explained the legislative obligations involved and set out examples of good practice to help local authorities get the best out of DPPOs. Although there was no statutory requirement to undertake a review of DPPOs, the Home Office recommended that they should be evaluated and reviewed as a matter of good practice, ideally every two years to ascertain if the DPPO was working and still required. The guidance also suggested that police recorded data on alcohol related disorder be used as a foundation for any review.

At the Licensing Committee meeting held on 26th July 2010 Members had been presented with a report that detailed the results of an evaluation into the effectiveness of all 22 DPPOs within Bromsgrove District.

The Head of Community Services reiterated to the Committee that the report presented to Members detailed the conclusions of analytical work on police recorded data together with the results of the stakeholder and public consultation facilitated by Bromsgrove District Council's Community Safety Team. This key information had been provided in order for Members to make an informed decision on whether to retain, amend or revoke Alvechurch Village DPPO.

The Senior Community Safety Project Officer responded to several questions from Members regards current signage used, the location of signage and the new signage as detailed at Appendix 1 to the report.

The Senior Community Safety Project Officer informed the Committee that all of the DPPOs in Bromsgrove District were granted prior to the publication of the Home Office Guidance in November 2009 and were granted on the basis of the legislative information given prior to 2009.

The Head of Community Services informed the Committee that there had been some confusion regarding DPPOs. Initially introduced as Alcohol Free Zones and then transferred through legislation to DPPOs, hence the publication of the Home Office Guidance.

The Chairman invited Mr. A. Humphries, Alvechurch Parish Council, who spoke in favour of retaining Alvechurch Village DPPO. In doing so he stated that he welcomed the review. He informed the Committee that he was a member of Alvechurch Parish Council and Chairman of Partners and Communities Together (PACT). He expressed his concern about the uncertainties raised during the meeting regards signage and that police statistical data may not tell the full story. Residents who attended PACT meetings had expressed concerns with issues on Friday and Saturday

evenings around Meadow Lane and Redditch Road. The Committee of the recently opened youth facility, The Lounge, along with PACT members had expressed concerns that Alvechurch Village DPPO may be removed.

Mr. Humphries suggested to Members that PACT could be used to give a clear message to the community and residents on the changes that had taken place. This would then allow the community to make a better, informed decision on the DPPO. Mr. Humphries further suggested that PACT could be used to consult more specifically with residents on Alvechurch Village DPPO. He informed Members that Alvechurch Parish Council and West Mercia Police Community Fund may be able to provide funding for new signage.

The Chairman invited Councillor Miss P. A. Harrison, Ward Councillor for Alvechurch, who spoke in favour of retaining Alvechurch Village DPPO. In doing so she stated that statistics did not always reflect what was actually happening in the village and that the DPPO gave residents comfort and she would like Alvechurch Village DPPO to be retained. She was also concerned that the public had been consulted on the proposal to introduce an Alcohol Free Zone in Alvechurch Village but had not been consulted on the possible revocation of the DPPO.

The Chairman invited Inspector S. Fulton, District Inspector for Bromsgrove to speak. Inspector Fulton stated that he was unlikely to object to any tools that would help his policing team in relation to crime and anti-social behaviour, but he had to base his representation on police data and the effectiveness of the DPPO. There were issues around licensed premises but these issues were usual for night time activities in any area. He had looked at incidents over the last 12 months. He had also spoken to officers under his control including CSO's who police the area. The vast majority of incidents they came across were young people under the age of 18 and the police had other powers available to them to deal with this. Other issues involving alcohol that had arisen had been in private premises namely inside homes and gardens. He had no evidence to object to the revocation of Alvechurch Village DPPO and thought the widespread use of the DPPO throughout the whole of Alvechurch Village quite strange in relation to residential areas where the DPPO legislation could not be used in private homes and gardens.

The Chairman invited the Consultees present to sum up their representations. Councillor Miss P. A. Harrison, Ward Member for Alvechurch, endorsed Mr. A. Humphries view that residents were concerned and she would like to endorse that Alvechurch Village DPPO remain or that another period of review take place. Inspector S. Fulton summed up that the majority of incidents in Alvechurch involving alcohol had involved people under 18 years of age.

Further discussion followed on the evidence and statistical information provided to the Committee and the questions raised and answered during the meeting. Members then discussed and considered the recommendations detailed in the report.

The Chairman announced that, in light of a revised recommendation which had been proposed, she was prepared to adjourn the meeting to allow officers to seek legal advice.

Accordingly, the meeting stood adjourned from 7.06pm to 7.15pm.

Having re-convened, the Senior Solicitor informed Members that, having received information and representations, Members would need to determine if further consultation was required and whether in the meantime the need to change the signage should be prioritised.

The Head of Community Services responded to Members questions with regard to timescales for further consultation and officer capacity to facilitate this. She informed the Committee that residents needed to be made aware of DPPO legislation and what they were being consulted on.

Following further discussion it was:

RESOLVED:

- (a) that Alvechurch Village DPPO be retained in full,
- (b) that the current signage in Alvechurch Village DPPO be replaced with the signage as detailed at Appendix 1 to the report; and
- (c) that the Senior Community Safety Project Officer be tasked to provide a report detailing consultation timescales to the next meeting of the Licensing Committee.

The meeting closed at 7.24 p.m.

Chairman

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UPDATE REPORT RE: REVIEW OF DESIGNATED PUBLIC PLACE ORDERS

Relevant Portfolio Holder	Cllr Kit Taylor – Portfolio Holder for Licensing
Portfolio Holder Consulted	Yes
Relevant Head of Service	Angela Heighway – Head of Community Services
Wards Affected	All Wards
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 This report provides members with an updated position following the Licensing Committee meeting on 12th December 2011. Members will recall that it was clear from the representations made at this meeting that there was a need to engage with the community further in respect of their understanding of the purpose of a DPPO. In light of this meeting and further representations received from a variety of sources throughout the DPPO review it was felt that it would be appropriate for members to reconsider the process and timeline.

2. RECOMMENDATIONS

- 2.1 That members consider the current position in respect of the DPPO review process and that accordingly they agree to;
- a) **Suspend the current review programme of Designated Public Place Orders.**
 - b) **Task Officers to undertake a comprehensive programme of raising public awareness in accordance with the details within this report.**
 - c) **Task Officers to report back to the committee in 3 months detailing how this will be achieved and the impact that this will have on the overall review timetable.**
- 2.2 **The Committee is requested to note that during this time Officers will be undertaking a programme to replace the current signage displayed within existing areas covered by DPPOs throughout the District.**

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3. KEY ISSUES

Financial Implications

- 3.1 There are none save for the possible additional costs associated with replacing the signage.
- 3.2 The cost of a new sign is £19.00 and there are currently 150 new signs already held in stock. It not known how many signs will be needed to replace those already displayed. This will become clearer following an audit of current sign coverage. Should the number of signs currently in place be deemed excessive, any new signage will be erected in line with Home Guidance relating to the positioning of signs which may allow officers to minimise the number of signs in each DPPO area. Attempts will be made to make the stock of new signs cover as many of the DPPOs as possible to reduce any further financial costs.

Legal Implications

- 3.3 Sections 12 to 16 of the Criminal Justice and Police Act 2001 set out the powers of local authorities to create Designated Public Place Orders. Under section 13 a local authority can decide to identify an area as a Designated Public Place. Under section 13(3) of the Criminal Justice and Police Act local authorities have the power to revoke or amend orders previously made. The relevant regulations are the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007. The relevant guidance is the Home Office "Guidance on Designated Public Place Orders (DPPOS): For Local Authorities in England and Wales".
- 3.4 Where a Designated Public Place Order has been made, the Police and delegated officers have extra powers to tackle alcohol related ASB. Under section 12 of the Act the Police/ delegated officers have the power to request a person to desist from drinking in the area and to require the surrender of any alcohol to them whether in an open or sealed container.
- 3.5 In areas where a Designated Public Place Orders applies it is an offence for an individual not to comply with a reasonable request of a Police or delegated officer who chooses to exercise his/her powers under the Act. The perpetrator may be liable to a fixed penalty fine of £50 or liable to be arrested, and upon prosecution receive a maximum fine of £500.

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- 3.6 The proposals set out in this report do not present any significant legal risks to the Council as although it is anticipated that more time will be needed to complete the DPPO review, the DPPOs will remain in place in the meantime until final decisions are made by the Licensing Committee.
- 3.7 Accordingly it will continue to be an offence for an individual within a DPPO area not to comply with a reasonable request of a Police or delegated officer to stop drinking and surrender any alcohol in their possession to the officer exercising his/her powers under the Act.
- 3.8 The replacement of the existing signage with updated signs will enable the DPPO powers to be exercised in the proper manner where circumstances arise that require the police to deal with adults who are drinking in areas affected by an order and behaving in an anti social manner.

Service / Operational Implications

- 3.9 On 12th December 2011, Bromsgrove District Council Licensing Committee was presented with a report to consider and review the Alvechurch DPPO. During this meeting it was apparent that more information was required by the Licensing Committee in order that a decision could be made.
- 3.10 Public places to be designated as a DPPO are identified and reviewed using information supplied by the police, stakeholders and any public representation that has been made. Research is required to provide this information for each particular public place. Practice has shown that reliance on police data alone is not sufficient.
- 3.11 During the Licensing meeting, representations were received from members of the community namely the Alvechurch Parish Council and Alvechurch Village Society. It was clear from these representations that there was a misunderstanding as to the exact purpose of the DPPO. For example during the meeting community members referred to the DPPO as an alcohol free zone. It was also clear that members of the public believe that where DPPOs exist that there is a blanket ban on the consumption of alcohol.
- 3.12 Representations also made reference to DPPOs being necessary in order to tackle youth related ASB. This is not the case as the Police and Delegated Officers have powers under section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 to seize alcohol from a person under 18 years old and dispose of it in any geographical area regardless of whether a DPPO is in place or not. It was also clear

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that the community was concerned that there would be a detrimental impact on the area if the DPPO was revoked.

- 3.13 It is clear that in order for the community to properly and fully engage with the DPPO review process that they understand the impact that a DPPO and the difference that a DPPO can make along side other powers that are available to the police and the Council in respect of alcohol related anti social behaviour.
- 3.14 Based on the meeting that has already taken place and other representations that have been received in respect of other parts of the District that there is a widespread misunderstanding of how the DPPO powers work and how they can be used.
- 3.15 Members are therefore being asked to consider a revised programme for the review of the District DPPOs in order that time can be built into the process to enable officers to undertake a more detailed and widespread public awareness raising campaign.
- 3.16 The campaign will centre on providing those communities affected by the review with a more detailed understanding of the range of powers that are available to tackle alcohol related issues. It is felt that in doing this members of the public would be placed in a better and more informed position and thereby be more effectively involved with the review process. It is not felt that they are sufficiently informed at the present time.
- 3.17 If agreed, all DPPO reviews will be suspended forthwith and Officers in consultation with relevant Elected Members will identify the best way to undertake a programme to raise public awareness of the purpose and conditions of DPPOs with residents and community organisations. Officers will provide a progress report to licensing committee in 3 months providing an outline of the current position and an amended review timetable.
- 3.18 Members are asked to note that where consultation has already taken place or is currently underway that all responses will be used to assist the officers in detailing the appropriate methods for conducting their programme of community awareness raising.

Customer / Equalities and Diversity Implications

- 3.19 Officers have listened to the responses of their customers and as a result will be undertaking a public awareness raising exercise which will include a wide range of community groups.

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4. RISK MANAGEMENT

4.1 Bromsgrove has 22 DPPOs and each DPPO has been in place for some time. In accordance with Home Office Guidance it is considered to be best practice to review DPPOs at least every two years. There is little risk associated with suspending the current DPPO review as the Council has shown intent to review and is currently in the process of gathering and assessing information on community concerns.

4.2 There will be no impact on levels of crime and disorder as all DPPOs will remain in place. Officers will be replacing signage which will make the purpose of the DPPO clearer and support more effective enforcement of the orders.

5. APPENDICES

None

6. BACKGROUND PAPERS

DPPO Reviews - All representations received to date
The Criminal Justice and Police Act 2001
Violent Crime Reduction Act 2006, Section
The Local Authorities (Alcohol Consumption in
Designated Public Places) Regulations 2007
Home Office Circular 013/2007

7. KEY

DPPO – Designated Public Place Order
ASB – Anti-Social Behaviour

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