



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY 16TH APRIL 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, Mrs. J. M. L. A. Griffiths, Miss P. A. Harrison, Mrs. H. J. Jones, R. J. Shannon, S. P. Shannon and L. J. Turner

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 19th March 2012 (Pages 1 - 4)
4. Public Awareness Raising Programme for Designated Public Place Orders (DPPOs) (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

4th April 2012



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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

Tel: 01527 873232 Fax: 01527 881414

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

Agenda Item 3

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 19TH MARCH 2012 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, K. A. Grant-Pearce, Mrs. J. M. L. A. Griffiths, Miss P. A. Harrison, Mrs. H. J. Jones, R. J. Shannon, S. P. Shannon and L. J. Turner

20/11 **MS. S. GARRATT**

The Chairman congratulated Ms. S. Garratt on her recent promotion to Acting Licensing Manager.

21/11 **APOLOGIES**

An apology for absence was received from Councillor Ms. M. T. Buxton.

22/11 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

23/11 **MINUTES**

The minutes of the Licensing Committee meeting held on 5th January 2012 were submitted.

RESOLVED that the minutes be approved as a correct record.

24/11 **LICENSING ACT ANNUAL REPORT**

The Committee considered a report which provided an overall view of functions carried out, under the Licensing Act 2003, by Worcestershire Regulatory Services (WRS) Enforcement and Licensing Teams for Bromsgrove District during 2011.

The Acting Licensing Manager informed the Committee that she had introduced the report to Bromsgrove in order to inform Members of the register of applications, temporary event notices, personal licences and all other functions, as detailed at Appendix 1 to the report, carried out under the Licensing Act 2003 during 2011. Members were informed that the Council must promote the four licensing objectives:

- a) Prevention of crime and disorder
- b) Public Safety
- c) The prevention of public nuisance
- d) The protection o children from harm

There had been 13 credible complaints about licensed premises made to WRS during the period 1st January to 31st December 2011. Some of these complaints had been resolved very quickly through mediation, letter or advice from Environmental Health Officers, WRS Licensing Enforcement Officers and Licensing Police Officers. Others had been prolonged whilst evidence had been gathered.

The Acting Licensing Manager responded to Members' questions with regard to the frequency and attendance of Pubwatch meetings and the number of under 18's reported. Members were informed of the use of Refusal Books in licensed premises, which were monitored by Police Licensing Officers and WRS Licensing Officers.

The Acting Licensing Manager provided Members with a verbal update on the recent WRS taxi enforcement exercise conducted in partnership with the Vehicle and Operator Services Agency (VOSA) on Saturday 17th March 2012. This had been the first enforcement exercise for sometime in Bromsgrove. The operation had been scheduled to run from 1.00 p.m. to 4.00 p.m. however, it had been very quiet. A total of 8 vehicles had been brought to the Council's depot for checking and had been of a good mechanical standard with only minor licensing breaches found. The exercise ceased at 3.15 p.m. The Acting Licensing Manager responded to Members' questions with regard to the time the exercise had been carried out. Councillor R. J. Shannon expressed concerns about the number of taxis situated on the Worcester Road taxi rank during late evening and early morning. The Acting Licensing Manager agreed to report his concerns to WRS licensing officers.

RESOLVED that the Annual report on the Licensing Act 2003 be noted.

25/11

POLICE AND SOCIAL RESPONSIBILITY BILL - VERBAL UPDATE FROM THE ACTING LICENSING MANAGER

The Acting Licensing Manager provided the Committee with a verbal update on "Dealing with the problems of late night drinking". This was a Home Office consultation on secondary legislation for the proposed late night levy and early morning restriction orders. The late night levy was a proposal for local licensing authorities to have the ability to impose a charge (levy) on premises open for the sale of alcohol between 12.00 a.m. and 6.00 a.m. Any funds raised would be split 70% and 30% between the police and local licensing authority respectively. Early morning Restriction Orders would give local licensing authorities the power to restrict the sale of alcohol between 12.00 a.m. and 6.00 a.m. in areas where they considered the restriction was necessary to promote the licensing objectives. Members were asked to note that the consultation would run until 10th April 2012.

RESOLVED that the Committee Services Officer be tasked to provide Members with a copy of the Worcestershire Regulatory Services Licensing Update – February 2012.

The meeting closed at 6.22 p.m.

Chairman

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PUBLIC AWARENESS RAISING PROGRAMME FOR 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 details of how the Community Safety Team plans to deliver a programme of public awareness raising activities regarding Designated Public Place Orders (DPPOs). This report also outlines how this work will impact on timescales for a DPPO review. The information in this report is in response to the Licensing Committee who agreed on 5th January 2012 to suspend the current review programme of DPPOs and tasked officers to report back to the this Licensing Committee detailing how a programme of raising public awareness would be achieved.

2. RECOMMENDATIONS

- 2.1 That members consider the current position in respect of the DPPO review process and agree the following recommendations;
- a) That officers undertake the programme of public awareness raising activities as detailed in this report;
 - b) That the DPPO review be suspended until July 2013;
 - c) That Officers report back to the committee in June 2013 with details of the review process prior to it recommencing, including details of proposed public and stakeholder consultation.

3. KEY ISSUES

Financial Implications

- 3.1 Community Safety do not have an allocated budget for the management of DPPOs therefore costs will be kept to a minimum by using existing stock for signage, and offsetting reprographic costs by recycling the obsolete aluminium signs.

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- 3.2 The cost of a new sign is £19.00 and there are currently 150 new signs already held in stock. These were funded through a grant by Bromsgrove Community Safety Partnership. There are 127 signs located within Bromsgrove district covering 22 designated areas. Therefore no new signs will need to be purchased. The cost of exchanging old signage with the new signs will be met within existing budgets as council operatives will change signs whilst they are conducting their day to day business.
- 3.3 There will be some reprographic charges for producing an information leaflet however these costs will be met from income generated through the recycling of the old aluminium signs. In the event that the old signs do not generate the income necessary to fund the information leaflets, the costs will be met through existing budgets within Community Safety.
- 3.4 Officer time will be spent dealing with enquiries from members of the public and producing briefing notes for public meetings and other community groups that will have an interest in DPPOs.

Legal Implications

- 3.5 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".
- 3.6 Where a Designated Public Place Order has been made, the Police and delegated officers have extra powers to tackle alcohol related anti-social behaviour (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.
- 3.7 In areas where a Designated Public Place Order 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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- 3.8 The proposals set out in this report do not present any significant legal risks to the Council as the DPPOs will remain in place whilst public awareness raising activities are delivered.
- 3.9 Therefore, 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.
- 3.10 The updated signs will enable DPPO powers to be exercised in the appropriate manner where circumstances arise that require the police to deal with adults drinking and behaving in an anti-social manner in any area covered by an order.

Service / Operational Implications

- 3.11 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.
- 3.12 On 5th January 2012, Bromsgrove District Council Licensing Committee suspended the DPPO review so that officers could carry out a programme of public awareness raising activities. Officers were tasked to report back to the Licensing Committee with details of how this will be achieved and how it would impact on the overall review timetable.
- 3.13 At the same Licensing Committee on the 5th January 2012 members noted that officers would arrange for the old Alcohol Free Zone signs to be replaced with new Designated Public Place Order signs that comply with the Home Office Guidance. This change in signage would allow the Police and designated officers to exercise the powers granted through the orders should they need to.
- 3.14 In conjunction with Environmental Services, officers in Community Safety have arranged for all old signage to be changed for the new signs. This will be done as part of council operative's routine work around the district. This work will commence in April 2012 and it is estimated that all 127 signs will be replaced the end of May 2012.

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- 3.15 Public awareness raising activities will be carried out alongside the change of signage so that the public are informed why signs are being changed, what it means, and what the impact is. Therefore this work will be delivered over a 4 month period from April 12 to July 12.
- 3.16 Bromsgrove District Council's Community Safety Team has assessed its current work commitments and resources available to carry out the public awareness raising activities for DPPOs across the district and has identified the following activities that can be delivered throughout April to July 2012:
- Production of a public information leaflet to be distributed to areas where a DPPO is in place.
 - A press release for all district and community publications.
 - An article in the next edition of the Council Magazine due for distribution in July 2012.
 - A briefing paper for chairs of public meetings such as PACT, Neighbourhood Watch and Parish Councils.
 - An information page on Bromsgrove District Council's public website.
 - Attendance at the next round of West Mercia Police's officer training session to deliver a briefing on the use of DPPO powers.
- 3.17 Members are asked to suspend the DPPO review until July 2013. This will allow 12 months to pass following the completion of the public awareness raising programme of activities. The justification for this 12 month suspension of the review is threefold. Firstly, the benefits of the public awareness raising activities should be given sufficient time to take effect before the public is consulted on the future of DPPOs in their community.
- 3.18 Secondly, a full 12 months should pass for the benefits of the new legally compliant signage and the re-briefing of police officers to be realised. This will allow time for appropriate statistical analysis on crime and disorder and the use of DPPO powers to be assessed as part of a future DPPO review.
- 3.19 Finally, Members should note that the Home Office have carried out consultation on the introduction of new anti-social behaviour tools and powers. The proposal is to streamline the toolbox of anti-social behaviour powers (which includes use of DPPO) so that they are easier to implement by practitioners, more understandable to the public and easier to enforce. One change the Home Office is proposing is to introduce a single anti-social behaviour power called a Community Protection Order which can be used by local authorities and/or the

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police to stop persistent anti-social behaviour by restricting use of a place or the closure of premises.

- 3.20 This new ASB power would replace the use of many current ASB powers including DPPO. Should the Home Office decide to legislate these new ASB tools and powers; the use of DPPO will no longer be available to local authorities. At the time of this report being published the Community Safety Team are awaiting confirmation from the Home Office of timescales for these changes. If introduced, the changes would have a significant impact on the future DPPO review. The latest update from the Home Office suggests that draft legislation for the new ASB power could be introduced in 2012 and would receive Royal Assent in 2013. Therefore, as timescales and details are as yet unknown, it would be premature to undergo a DPPO review and public consultation before knowing whether Community Protection Orders are going to be introduced and what impact they would have on existing DPPOs already in place.

Customer / Equalities and Diversity Implications

- 3.21 The programme of public awareness raising activities was developed as a result of the Licensing Committee and officers listening to the responses of their customers. The suspension of the review and the delivery of a public awareness raising programme will facilitate a more comprehensive public and stakeholder consultation when a DPPO review recommences.

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 carrying out public awareness raising activities whilst a suspension of the review is in place; these actions will support the delivery of more effective and comprehensive public/stakeholder consultation as part of any DPPO review thereafter.
- 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

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6. BACKGROUND PAPERS

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

AUTHOR OF REPORT

Name: Angela Heighway – Head of Community Services
E Mail: angie.heighway@bromsgroveandredditch.gov.uk
Tel: 01527 881400