

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 18TH MAY 2009 AT 6.00 P.M.

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

Invitees: Inspector D. Shaw and PC J. Willetts

Observers: Councillor P. M. McDonald

Officers: Mrs. S. Sellers, Mrs. S. Smith and Ms. P. Ross

1/09 **ELECTION OF CHAIRMAN**

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

2/09 **ELECTION OF VICE-CHAIRMAN**

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

3/09 **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Mrs. J. M. L. A. Griffiths.

4/09 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

5/09 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 23rd February 2009 were submitted.

RESOLVED that the minutes be approved as a correct record.

6/09 **DESIGNATED PUBLIC PLACES ORDER - COFTON HACKETT**

Members were asked to consider an application from the County Councillor representing the Electoral Division for Beacon to introduce a Designated Public Places Order which would prevent, when requested, the consumption

of alcohol in the Cofton Hackett area in an attempt to reduce anti-social behaviour and drinking in these public places.

The report provided updates and additional evidence from West Mercia Constabulary, Neighbourhood Watch, PACT Meetings and Birmingham City Council, as requested by the Committee at its meeting held on 23rd February 2009 when the matter had been previously considered.

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 DPPO application had been granted without the agreement and support of the police and that no response had been received from Cofton Hackett Parish Council.

The Chairman invited Members to put any relevant questions to Inspector D. Shaw and PC J. Willetts, West Mercia Constabulary. In response, Inspector Shaw informed Members that, currently, there had been insufficient evidence and data to support the introduction of a DPPO and that not all anti-social behaviour reported in the area concerned was alcohol related. PC Willetts explained that Cofton Hackett Neighbourhood Watch had distributed 800 leaflets asking local residents for their views on a Designated Public Places Order for the Cofton Hackett area with 19 responses being received. PC Willetts also asked Members to note that the issue had remained as one of the top 3 PACT (Partners and Communities Together) priorities due to it being unresolved and no agreement being reached.

At the Chairman’s discretion, Councillor P. M. McDonald, County Councillor representing the Electoral Division for Beacon, addressed the Committee and spoke in favour of introducing a DPPO in this area. In doing so, he stated that it had been raised as a 'top issue' during PACT (Partners and Communities Together) meetings and, in addition, over four hundred people had been contacted, as stated during the Licensing Committee meeting held on 23rd February 2009.

Following further discussion and at the suggestion of Officers from West Mercia Constabulary it was agreed that the Local Policing Team conduct a 'face-to-face' survey in the area surrounding the proposed DPPO within the next 4 weeks and provide the results of the survey to the Principal Licensing Officer.

RESOLVED:

- (a) that the request for the creation of a Designated Public Places Order in the Cofton Hackett area, Bromsgrove be deferred until the next meeting of the Licensing Committee; and
- (b) that the Principal Licensing Officer be tasked to issue a report on the results of the West Mercia Constabulary 'Face to Face' survey to the next meeting of the Licensing Committee.

7/09

DPPO - PUBLIC PARTICIPATION AT COMMITTEE MEETINGS

Members were asked to consider a report on proposals to introduce a new procedure for public speaking at meetings of the Licensing Committee in respect of applications for Designated Public Places Orders.

Members were informed that, currently, there was no procedure to enable public speaking at meetings of the Licensing Committee at which a DPPO was to be considered. Members had requested that officers consider whether a procedure could be introduced in order to enable police officers, residents or any other consultees to speak at the Licensing Committee meetings to give relevant evidence in order to assist the Committee in making an informed decision.

RESOLVED:

- (a) that the introduction of public speaking at meetings of the Licensing Committee on applications for Designated Public Places Orders be agreed, and
 - (i) that the police be requested to attend meetings of the Committee at which an application for a DPPO is to be considered;
 - (ii) that the person, body or organisation applying for the DPPO be invited to ask one or more individuals who live or work in the area which the DPPO is proposed to cover and who may have been directly affected by alcohol-related nuisance or annoyance to attend and address the Committee meeting and answer any questions the Committee may have;
 - (iii) that any parish council consulted as part of the consultation process be invited to attend and address the Committee meeting to give evidence of alcohol-related nuisance or annoyance and answer any questions the Committee may have;
 - (iv) that the holder of any premises licence, club premises certificate or Temporary Event Notices (TENs) in the area which may be affected by the DPPO be invited to attend and address the Committee on the effect a DPPO may have on the licensed premises or on the TEN and to answer any questions the Committee may have;

- (v) that the applicant be allowed to address the Committee for 10 minutes to explain the reasons for the application;
 - (vi) that 10 minutes be allocated to all individuals who live or work in the area which the DPPO is proposed to cover and who have been directly affected by alcohol-related nuisance or annoyance (or a spokesman on their behalf) who wish to address the Committee - if more than one individual wishes to address the Committee the time must be allocated between them;
 - (vii) that 10 minutes be allocated to the police to address the Committee;
 - (viii) that 10 minutes be allocated to all parish councils wishing to address the Committee - if more than one wishes to address the Committee, the time should be allocated between them;
 - (ix) that 10 minutes be allocated to the holders of any premises licenses, club certificates or TENs who wish to address the Committee - if more than one individual wishes to address the Committee the time should be allocated between them;
 - (x) that the Chairman be given a discretion to extend these times with the consent of the Committee;
 - (xi) that the Committee be entitled to ask questions of any person, body or organisation giving evidence and, for the avoidance of doubt, these questions should not form part of the allocated 10 minutes;
 - (xii) that the Committee delegate authority to the Senior Solicitor, in consultation with the Chairman and Vice-Chairman of the Committee, to prepare written guidance and a hearing procedure; and
- (b) that the Committee should not reconsider an application for a DPPO for the same or substantially the same area as a previous unsuccessful application for at least 12 months from the date of the previous application unless the Committee is satisfied that circumstances have substantially changed since the matter was previously considered.

The meeting closed at 6.54 p.m.

Chairman