

SPECIAL MEETING OF LICENSING AND SAFETY COMMITTEE

Wednesday, 7th March, 2007 at 4.00 p.m.
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Ryder (Chairman)
Councillor Taylor (Vice Chairman)
Councillors Mrs Ameson, Mrs Aston, Blood, Bradney, Mrs Coulter, Ms Craigie (for part of meeting only), Donegan, Mrs Dunn (for part of meeting only), Mottram, Rogers, Tomkinson and Woodall.

Officers

Director of Law and Property (for part of meeting only) Assistant Director Legal and Democratic Services, Licensing Officer and Mr. J.Jablonski (all Directorate of Law and Property).

Also in attendance (for part of meeting only)

Food and Safety Occupational Manager, Senior Environmental Health Officer and Smoke Free Implementation Officer (all Directorate of the Urban Environment).
Mr. R. Cooke, Health and Safety Executive, West Midlands Partnership Manager

18 **APOLOGY FOR ABSENCE**

An apology for absence from the meeting was submitted on behalf of Councillor Finch.

19 **DECLARATIONS OF INTEREST**

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

20 **MINUTES**

RESOLVED

That the minutes of the Special Meeting of the Committee held on 19th October, 2006, be approved as a correct record and signed.

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CHANGE IN ORDER OF BUSINESS

Pursuant to Council Procedure Rule 13(c), it was

RESOLVED

That the next item of business be agenda item 7 – Alcohol Consumption in Public Places – Lye High Street

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ALCOHOL CONSUMPTION IN PUBLIC PLACES – LYE HIGH STREET

A report of the Director of Law and Property was submitted on a proposal that an Order be made making Lye High Street and adjoining roads a designated public place where the consumption of alcohol would be prohibited other than within the curtilage of licensed premises.

Attached at Appendix 1 to the report submitted was a report from West Midlands Police summarising the problems associated with the consumption of alcohol in and around Lye High Street. Attached at Appendix 2 to the report submitted was a copy of a plan showing the proposed area to be designated.

In his presentation of the report the Director of Law and Property referred to the procedure for the making of an Order, as outlined in the report submitted. In accordance with that procedure should the Committee agree to the making of an Order in principle further consideration would be given to this matter at a future meeting of the Committee following the necessary consultations and publishing of a notice in a local newspaper.

Reference was also made to the cost of signs and it was noted that a recommendation would be made to Stourbridge Area Committee, at their meeting to be held on 12th March, 2007, when a similar report to that now submitted would be considered, that the cost of signs be met from the capital allocations budget of that committee.

During the consideration of this matter it was suggested that a letter be sent to P.C. Mannerson, the author of the memorandum attached at Appendix 1 to the report submitted, on the occasion of his forthcoming retirement.

RESOLVED

- (1) That approval be given to the introduction, in principle, of a Designation Order for Lye High Street and adjoining roads, as shown on the plan attached as Appendix 2 to the report submitted, the effect of which, if introduced, would prohibit the consumption of alcohol other than within the curtilage of licensed premises within the designated area, and that the Director of Law and Property be authorised to undertake the necessary consultations and publish a notice in a local newspaper in accordance with the procedure for the making of an Order, as outlined in the report submitted.
- (2) That the Chairman, on behalf of the Committee, be requested to write to P.C. Mannerson on the occasion of his forthcoming retirement, at the end of March, 2007, expressing the best wishes of the Committee on his retirement and thanking him for all his work and in respect of the proposal to prohibit alcohol consumption in Lye High Street and adjoining roads.

HEALTH AND SAFETY ENFORCEMENT SERVICE PLAN

A report of the Director of the Urban Environment was submitted on the Health and Safety Enforcement Service Plan 2006-07 and on progress at the three quarter year stage of the Plan. A summary of the Plan was attached as Appendix 1 to the report submitted. Appendix 2 to the report detailed the progress with the activities in the Service Plan up to 31st December, 2006.

The Food and Occupational Safety Manager highlighted aspects of the content of the report, and Appendices to the report, submitted referring in particular to progress with the activities in the Service Plan as set out in paragraph 6 of the report and current and a future pressures; the review of 2005-06 and the Health and Safety Work Programme: Summary of key activities for 2006-07 as set out in the Summary of the Plan.

Particular mention was also made of the award that had been achieved and of the successful outcome at Court, following a fatality, which included the imposition of a fine of £100,000 and the award of costs to the Council of £30,000. This was an exceptionally high fine and the costs awarded would be used to pay the Council's legal fees incurred during the investigation and reimburse officer time spent on the investigation.

At the conclusion of the presentation the Chairman requested that the thanks of the Committee be recorded to all concerned for their work and achievements gained.

RESOLVED

That the Health and Safety Enforcement Service Plan 2006-07 of the Directorate of the Urban Environment as set out in the report, and Appendices to the report, submitted be endorsed and that progress made at the three quarter year stage be noted.

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INFORMATION FROM MR R COOKE, HEALTH AND SAFETY EXECUTIVE, WEST MIDLANDS PARTNERSHIP MANAGER ON HEALTH AND SAFETY ENFORCEMENT

Mr. Cooke in his introduction reported that the Health and Safety Executive in the Midlands covered seventy four Local Authorities in the East and West Midlands. He also considered that Health and Safety not only met the caring matters and safety matters themes in the Council Plan but also contributed to the regeneration matters theme.

The positive benefits of Health and Safety initiatives given the billions of pounds the national economy had to pay out in meeting the cost of accidents was also outlined together with the positive benefits to small and medium sized companies of participating in health and safety initiatives.

Various linkages with initiatives contained in the Health and Safety Enforcement Plan, previously considered, were also highlighted and the partnership, as opposed to the previous relationship, between the Health and Safety Executive and Local Authorities was stressed leading to a positive change in the relationship.

Examples were also given of work carried out by other Local Authorities for example Warwick District Council and Lincolnshire County Council who had undertaken a lead role, with other neighbouring authorities benefiting from the work undertaken. The partnership was now being used as a possible model for partnerships between Local Authorities and other agencies.

Mr Cooke also thanked the Council for the work it was continuing to do in relation to Health and Safety.

Following questions by members Mr Cooke was thanked for the information given.

In connection with this matter a copy of a Councillors Handbook entitled "Local Authority Health and Safety Regulation in Great Britain" was circulated at the meeting.

NO SMOKING LEGISLATION - UPDATE

The Food and Occupational Safety Manager updated the Committee on the provisions, contained within the Health Act, 2006, relating to no smoking in public places which would come into force on 1st July, 2007. Regulations in respect of some of the provisions of the legislation had however not yet been produced. As part of the legislation spot fines and costs would be introduced and it would be the responsibility of the Council to enforce the provisions of the Act. In this regard enforcement would involve a significant increase in the workload of the service and to help in meeting this the Council, as part of national provision, had received an allocation of £27,000 currently with a further £136,000 in the next financial year as a one off payment with no further allocations after March, 2008.

The experiences following the introduction of similar legislation in Scotland and Ireland were also referred to and it was considered that it was the educative work that had been carried out that had led to the high rate of compliance. Regarding the work to be undertaken the Food and Occupational Safety Manager introduced Ruth Olding to the Committee who had been appointed as a Smoke Free Implementation Officer. The funding provided was to help meet the costs of employing officers and for the carrying out of an educative role.

Reference was then made to specific areas of interests within the terms of reference of the Committee relating to taxis and licensed premises. With regard to private hire and hackney carriage vehicles the legislation would apply to all such vehicles and information would be sent to all operators on this matter.

In respect of licensed premises it was considered that it was likely that this particular group would give rise to issues of compliance as had been the case for example in Scotland where licensed premises had given rise to most offences. Work had been and would continue to be undertaken for example with pub watch groups and licensees and the real concerns of these groups on the effects of the legislation on their trade had been noted. Evidence from Scotland and Ireland however indicated that other groups for example asthmatics who had previously not gone to such premises would in future be more likely to visit them.

As members of the Committee were aware consideration had also been given to smoke shelters at licensed premises and this aspect had been complicated due to a delay in the receipt of guidance which it was now understood would not be available until April. Because of this it would be difficult to advise applicants in advance if their particular structure was acceptable. It was the case though that not all smoking shelters needed to be the subject of a variation of licence however in those instances where a variation was required conditions would be suggested in relation to terminal hours of use, in respect of no late entertainment in such shelters and the doors from premises to the shelter being self closing.

Such suggestions would hopefully mitigate any possible increase in noise complaints that might be received.

Arising from a comment made about the need for the activities of development control and licensing to be co-ordinated in respect of smoking shelters it was reported that staff in the respective sections could be made aware of applications received but that members when considering a particular application could not take into account in their deliberations whether planning permission had been granted for a shelter.

RESOLVED

That the information as now reported, updating the Committee in respect of the no smoking legislation, be noted.

(At the conclusion of this item the Committee adjourned for tea).

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REVISION OF LICENCE FEES

A joint report of the Director of Law and Property and the Director of Finance was submitted on the proposed revision of fees for licences and consents (other than those where the fees are imposed by statute in respect of liquor licensing, lotteries and amusements) within the terms of reference of this Committee.

RESOLVED

That approval be given to an increase in the present fee level by a budgeted cost increase of 2% plus 2% from 1st April, 2007, in respect of fees for licences and consents, within the terms of reference of this Committee, and as set out at Option 3 in paragraph 14 of the report submitted.

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REVIEW OF THE LICENSING POLICY

A report of the Director of Law and Property was submitted on proposed revisions to the Licensing Policy. Details of the proposed revisions to be made were presented to the Committee and a copy of the presentation made was circulated at the meeting.

Arising from the consideration given to the proposed revisions further revisions in particular in respect of the display of the summary of licence were made.

RESOLVED

1. That approval be given to the revisions to the Licensing Policy as presented to the Committee and circulated at this meeting.

2. That further revisions be made as follows:-
- (i) That in respect of Section 9 – Premises Licence the date for commencement of the transitional period be changed from April to May, 2007.
 - (ii) That the current provision for the display of licences be revised to the effect that the licence is to be displayed in a prominent position in or on the premises.
 - (iii) That wording be included to the effect that the summary of licence would be sent out in A4 size and that licensees be invited to display the summary of licence in a frame.
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CONSULTATION ON THE PROPOSED REVISIONS TO THE GUIDANCE TO THE LICENSING ACT, 2003

A report of the Director of Law and Property was submitted on proposed responses to the Department for Culture, Media and Sports proposed revisions to the Liquor Licensing Guidance to the Licensing Act, 2003.

A presentation was given to the Committee on the proposed responses and a copy of the presentation was circulated at the meeting.

Following consideration of each of the six questions contained in the presentation and the suggested response by this Council to question 1 and the proposed amendments suggested by the Department for Culture, Media and Sport to the remaining five questions and information in respect of police objections to existing designated premises supervisors, it was

RESOLVED

- (1) That the proposed Council response to question 1 and the content of the proposed amendments suggested by the Department for Culture, Media and Sport in relation to the other five questions considered be endorsed and that the Assistant Director of Legal and Democratic Services be authorised to respond accordingly to the Department for Culture, Media and Sport in relation to the consultation received on proposed revisions to the guidance to the Licensing Act, 2003 subject to further clarification in respect of question 2 relating to the role of Ward Councillors in that it was considered that any member of the Licensing Committee whether or not a member of a Licensing Sub-Committee making a decision should not have any involvement in any application affecting a premises licence.

- (2) That the information contained in the presentation regarding police objections to existing designated premises supervisors be noted.
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AMENDMENTS TO THE TERMS OF REFERENCE OF THE LICENSING AND SAFETY COMMITTEE AND ITS SUB-COMMITTEES

A report of the Director of Law and Property was submitted on amendments to the terms of reference of this Committee and its Sub-Committees.

RESOLVED

That the amendments made to the terms of reference of the Licensing and Safety Committee and the ongoing delegation of functions in relation to the Gambling Act, 2005, as set out the report and Appendix 1 to the report, submitted be noted and that approval be given to the consideration by the five Licensing Sub-Committees of all licensing functions requiring member determination in relation to the Gambling Act, 2005.

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COMMENTS MADE BY MEMBERS

As this was the last meeting of the Committee in the current municipal year Councillor Bradney, who would not be standing for re-election in the forthcoming local elections, commented on his service on this and the predecessor committees and his involvement with members and officers in the work undertaken during his twelve years as an elected member. The Chairman in his response thanked Councillor Bradney for the work that he had undertaken and on behalf of the Committee expressed his best wishes to him for the future.

Councillor Rogers, who would also not be standing at the forthcoming local elections, referred to his membership of the Committee and thanked those involved for the support given.

The meeting ended at 7.30 p.m.

CHAIRMAN