

SPECIAL MEETING OF LICENSING AND SAFETY COMMITTEE

THURSDAY 7TH MARCH, 2013

**AT 6.00 PM
IN THE COMMITTEE ROOM 3
AT THE COUNCIL HOUSE
DUDLEY**

If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, could you please contact Democratic Services in advance and we will do our best to help you

JOE JABLONSKI
ASSISTANT PRINCIPAL OFFICER (DEMOCRATIC SERVICES)
Internal Ext – 5243
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You can view information about Dudley MBC on
www.dudley.gov.uk

IMPORTANT NOTICE

MEETINGS IN DUDLEY COUNCIL HOUSE

Welcome to Dudley Council House

In the event of the alarm sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

There is to be no smoking on the premises in line with national legislation. It is an offence to smoke in or on these premises.

Please turn off your mobile phones and mobile communication devices during the meeting.

Thank you for your co-operation.

Our Ref:

JJ/JJ

Your Ref:

Please Ask For:

Mr J Jablonski

Telephone No:

01384 815243

27th February, 2013

Dear Councillor,

Special Meeting of Licensing and Safety Committee –7th March, 2013

You are requested to attend a Special Meeting of the Licensing and Safety Committee to be held on Thursday, 7th March, 2013, commencing at 6.00pm in Committee Room 3 at the Council House, Dudley, to consider the business set out in the agenda below.

The agenda and public reports are available on the Council's Website www.dudley.gov.uk and follow the links to Councillors in Dudley and Committee Management Information System.

Yours sincerely



Director of Corporate Resources

A G E N D A

1. APOLOGIES FOR ABSENCE

To receive apologies for absence from the meeting.

2. DECLARATIONS OF INTEREST

To receive declarations of interest in accordance with the Members' Code of Conduct.

3. MINUTES

To approve as a correct record and sign the minutes of the Meeting of the Committee held on 20th February, 2013 (copy attached).

4. ALCOHOL CONSUMPTION IN PUBLIC PLACES – QUARRY BANK AREA
(PAGES 1 - 7)

To consider a report of the Director of Corporate Resources

5. TO ANSWER QUESTIONS UNDER COUNCIL PROCEDURE RULE 11.8(IF ANY)

To:- Members of the Licensing and Safety Committee: -

Councillors Mrs Ameson, M Aston, Bills, Blood, Cowell, K.Finch, James, Perks, Roberts, Russell, Taylor and Woodall

SPECIAL MEETING OF LICENSING AND SAFETY COMMITTEE

Wednesday, 20th February, 2013 at 5.00 pm
in Committee Room 3, The Council House, Dudley

PRESENT:-

Councillor Bills (Chair)
Councillor Cowell (Vice-Chair)
Councillors Mrs Ameson, Mrs Aston, Blood, K Finch, James, Perks,
Taylor and J Woodall.

Officers

Mr T.Holder (Solicitor), Mrs L. Rouse (Licensing Clerk) and Mr J Jablonski
(Democratic Services) (all Directorate of Corporate Resources)

17 **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of
Councillors Roberts and Russell.

18 **DECLARATIONS OF INTEREST**

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

19 **MINUTES**

RESOLVED

That the minutes of the Special Meeting of the Committee held on
19th December 2012, be approved as a correct record and
signed.

20 **REVISION OF LICENCE FEES**

A report of the Director of Corporate Resources 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,
gambling machine permits and lotteries and amusements.

During the consideration of this matter the Chair agreed to raise with the
Assistant Director, Law and Governance, concerns raised by Councillor
James regarding street trading consents.

RESOLVED

That approval be given to an increase of 2%, with effect from 1st April, 2013, in respect of fees for licences and consents, other than those where the fees are imposed by statute in respect of liquor licensing, gambling machine permits and lotteries and amusements, as set out in column (2) of Table A of the report submitted.

The meeting ended at 5.20 pm

CHAIR

Licensing and Safety Committee – 7th March 2013

Report of the Director of Corporate Resources

Alcohol Consumption in Public Places – Quarry Bank Area

Purpose of Report

1. To consider the response to the consultation in relation to the proposal to make an Order making Quarry Bank a designated public place where the consumption of alcohol would be prohibited, other than the curtilage of licensed premises.

Background

2. On 19th November 2012, West Midlands Police submitted a map detailing the proposed area to be considered in relation to the introduction of a Designated Order in Quarry Bank. In support, they submitted a report summarising the problems with the excess consumption of alcohol and associated problems in and around Quarry Bank together with a significant number of detailed incident logs.
3. Although the Police already have powers to confiscate alcohol from any person who is or appears to be under the age of 18, the benefit of making an Order under Section 13 of the Criminal Justice and Police Act, is that it provides the Police with the power of arrest which is both an important deterrent and a valuable method of enforcement in dealing with this type of anti-social behaviour.
4. At the Licensing and Safety Committee meeting on 19th December 2012, the Committee received verbal verification of the logs from the Chairman and Vice Chairman, and considered the police report and map of the proposed area. (A map of the proposed area is attached to this report as Appendix 1).
5. The Committee resolved that approval be given to the introduction, in principle, of a Designation Order for Quarry Bank as shown on the map attached at Appendix 1 to this report.
6. Following the Committee decision consultation has taken place with the licensee of any licensed premises within the proposed designated area and the Police. In addition a notice has been published in the press setting out the details of the proposal and a letter has been delivered to the occupier of every property in the proposed designated area fully explaining the proposal and inviting any comments or objections.

7. There have been 84 responses, 82 of which supported the proposal. The letters of support come from businesses and local residents.
8. Some of the representations asked whether the proposed designated area could be extended as set out below:-
 - Include Saltwells Wood
9. Under the legislation the Council can only include an area if there is sufficient evidence from the police to link the consumption of alcohol with anti social behaviour or disorder.
10. A copy of the draft Designation Order is attached at Appendix 2.
11. This application falls within the Council's responsibility for licensing as a direct link to the Council's key corporate priority that safety matters.

Finance

12. The cost of the consultation and public notices in the press will be met from existing resources. The costs of street signage will be met by the Police.

Law

13. The Order will be made under Section 13 of the Criminal Justice and Police Act 2001:-

14. In order to make an Order designating a public place, the Council must be satisfied that: -

(a) nuisance or annoyance to members of the public or a section of the public;

or

(b) disorder

has been associated with the consumption of intoxicating liquor in that place.

The report from the Police provides sufficient evidence to satisfy this requirement for the proposed designated area.

15. When a public place has been designated, a Police Constable has the following powers if they reasonably believe that a person is, or has been, consuming alcohol within the designated public place or intends to do so:-

(a) the constable may require the person concerned:-

- not to consume anything which the Constable reasonably believes to be alcohol.
 - to surrender any alcohol in their possession
- (b) the Constable may dispose of anything surrendered to them in an appropriate way
- (c) any person who fails without reasonable excuse to comply with a requirement imposed by a Constable, commits an offence for which they may be prosecuted in the Magistrates' Court
- (d) a Constable has the power to arrest any person who commits an offence.

Procedure for Making an Order

16. There is a statutory procedure which must be followed if the Council wish to make an Order under this legislation. First, before making an Order, the Council must consult with the Chief Officer of Police and the licensee of any licensed premises within the designated area, or which the Council considers may be affected by the designation. Reasonable steps must be taken to consult the owners or occupiers of any land proposed to be identified. Any representations received as a result of the consultation must be taken into account.
17. Before making an Order, the Council must also publish a notice in a local newspaper:-
- (a) identifying specifically, or by description, the place proposed to be identified:
 - (b) setting out the effect of an Order being made in relation to that place; and
 - (c) inviting representations as to whether or not an Order should be made.
18. An Order cannot be made until at least 28 days after the publication of a public notice
19. After making an Order, but before it takes effect, the Council must again publish in a local newspaper a notice:-
- (a) identifying the place which has been identified in the Order:
 - (b) setting out the effect of the Order in relation to that place; and
 - (c) indicating the date on which the Order will take effect.
20. Before an Order takes effect, the Council must erect within the designated area, such signs as the Council considers sufficient to draw the attention of members

of the public in that place to the effect of the Order. A copy of that Order must also be sent to the Secretary of State.

21. The relevant statutory provisions referred to in this report are contained in Sections 12-13 of the Criminal Justice and Police Act 2001 and the Local Authorities (Alcohol Consumption in Designated Places) Regulations 2001.

Equality Impact

22. This report has no direct implications. The making of an order will help the Police to tackle the growing problem of under-age drinking in public places.
23. This report takes into account the Council's policy on equal opportunities.

Recommendation

24. It is recommended that the Committee consider whether a Designation Order for the area bounded by and including,

Alexander Hill, Anne Road, Bath Road, Birch Tree Gardens, Belle Vue Road, Bavaro Gardens, Bobs Coppice Walk, Birch Coppice, Birch Avenue, Brick Kiln Street, Bickon Drive, Bower Lane, Charles Road, Coppice Rise, Church Street, Coppice Close, Chapel Street, Chancery Way, Coxcroft Avenue, Coppice Lane, Dunns Bank, Dunslade Road, Dunsmore Road, East Street, Evers Street, Edwinstowe Close, Hampden Close, Hillside Avenue, Hammerbank, Hill Street, High Street, Honister Close, Judge Road, James Dee Close, Jury Road, King Street, Lawnsdown Road, Lynval Road, Ladywood Close, Maughan Street, Marion Close, Montgomery Crescent, Merry Hill, Malpass Road, Maryland Drive, Mears Coppice, Nottingham Way, New Street, Old High Street, Osbourne Close, Oak Street, Park Walk, Pembridge Close, Park Road, Patina Close, Queen Street, Robin Hood Road, Rose Hill, School Road, Saltwells Lane, Simeons Walk, Stour Hill, Sun Street, Sheffield Street, Stevens Park, Sheriff Drive, Sherwood Drive, Tyne Place, Thorns Road, Victoria Road, Woodland Avenue, Woods Crescent, White City Road, West Street, Westacre Drive, Wavell Road, Westfield Road, Watchman Avenue

should be introduced and authorise the Director of Corporate Resources to undertake the necessary procedure as outlined in this report.



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DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. L Rouse
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Email: liz.rouse@dudley.gov.uk

List of Background Papers

1. Correspondence with West Midlands Police



**WEST MIDLANDS POLICE -
DUDLEY LPU,
QUARRY BANK & DUDLEY WOOD (DYDF)**

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LPU, Dudley, DYDF (Quarrybank & DudleyWood), 17022010



**QUARRY BANK (ALCOHOL CONSUMPTION IN
DESIGNATED PUBLIC PLACE) ORDER 2013**

The Borough Council of Dudley (in this Order called "the Council") hereby make the following Order:

1. The land described in the Schedule below and shown edged red on the map attached to this Order, being land in the area of the Council, is hereby a designated public place for the purpose of Section 13 of the Criminal Justice and Police Act 2001.
2. This Order may be cited as Quarry Bank (Alcohol Consumption in Designated Public Place) Order 2013 and shall come into force on the

SCHEDULE

The area bounded by and including, Alexander Hill, Anne Road, Bath Road, Birch Tree Gardens, Belle Vue Road, Bavaro Gardens, Bobs Coppice Walk, Birch Coppice, Birch Avenue, Brick Kiln Street, Bickon Drive, Bower Lane, Charles Road, Coppice Rise, Church Street, Coppice Close, Chapel Street, Chancery Way, Coxcroft Avenue, Coppice Lane, Dunns Bank, Dunslade Road, Dunsmore Road, East Street, Evers Street, Edwinstowe Close, Hampden Close, Hillside Avenue, Hammerbank, Hill Street, High Street, Honister Close, Judge Road, James Dee Close, Jury Road, King Street, Lawnsdown Road, Lynval Road, Ladywood Close, Maughan Street, Marion Close, Montgomery Crescent, Merry Hill, Malpass Road, Maryland Drive, Mears Coppice, Nottingham Way, New Street, Old High Street, Osbourne Close, Oak Street, Park Walk, Pembridge Close, Park Road, Patina Close, Queen Street, Robin Hood Road, Rose Hill, School Road, Saltwells Lane, Simeons Walk, Stour Hill, Sun Street, Sheffield Street, Stevens Park, Sheriff Drive, Sherwood Drive, Tyne Place, Thorns Road, Victoria Road, Woodland Avenue, Woods Crescent, White City Road, West Street, Westacre Drive, Wavell Road, Westfield Road, Watchman Avenue

Dated this

THE COMMON SEAL OF
THE BOROUGH COUNCIL
OF DUDLEY was hereunto
affixed in the presence of:-