

Licensing Committee (Miscellaneous)

Tuesday 15 March 2011

PRESENT:

Councillor Mrs Bowyer, in the Chair.

Councillor Delbridge, Vice Chair.

Councillors Browne, Gordon, Mrs Nelder, Mrs Nicholson, Rennie, Reynolds and Wright.

Apologies for absence: Councillors Drean, K Foster, Lock, Dr. Mahony and Williams

Also in attendance: Ann Gillbanks – Senior Lawyer and Dave Hughes – Senior Environmental Health Officer.

The meeting started at 10.00 am and finished at 11.00 am.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

27. DECLARATIONS OF INTEREST

The following declaration of interests were made by Councillors in accordance with the Code of Conduct in relation to an item under discussion at this meeting –

Name	Subject	Reason	Interest
Councillor Mrs Bowyer	Minute 30 – Application for the Designated Public Places Order to control street drinking in Freedom Fields Park and Tothill Park.	Her daughter owns a business in the area.	Prejudicial
Councillor Rennie	As above	He had already responded to the application.	Personal

28. MINUTES

Agreed that the minutes of the 22 February 2011 Licensing Committee (Miscellaneous) were approved as a correct record.

Under this item Councillors requested an update on minute 20, Chair's Urgent Business, from 22 February 2011 Licensing Committee (Miscellaneous). The Democratic Support Officer informed the Committee that an update would be provided to the Chair.

29. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business however under this item Councillor Delbridge was appointed as Chair and Councillor Browne was appointed as Vice Chair for the consideration of minute 30.

30. **APPLICATION FOR THE DESIGNATED PUBLIC PLACE ORDER (DPPO) TO CONTROL DRINKING IN FREEDOM FIELDS PARK AND TOTHILL PARK.**

Dave Hughes - Senior Environmental Health Officer, Martin Worthington – Devon and Cornwall Police and Jacqui Hunt – Devon and Cornwall Police provided the Committee with an update on the application for the Designated Public Place Order (DPPO) to control drinking in Freedom Fields Park and Tothill Park.

Members were informed that –

- (a) consultation for the DPPO was launched on 6 January 2011; an information pack was delivered to local residents, interested parties and other community groups that operated in the area;
- (b) 113 responses were received which help to formulate part of the report submitted to the Committee for their consideration;
- (c) the Police had logged 16 calls directly related to drinking in Freedom Fields Park; of those 16 calls, four related to young people whereas 12 related to the core group of street drinkers that frequented the park;
- (d) local residents felt intimidated by the street drinkers and tended to avoid the park;

In response to questions raised it was reported that –

- (e) 2000 packs were delivered to local residents, groups and interested parties and 113 responses were received; this was considered a significant response in terms of the consultation policy;
- (f) Police officers were unable to arrest the street drinkers as they sat drinking in the park as they were not committing an offence;
- (g) the DPPO would not have the power to stop individuals drinking in the park; it would however allow early intervention from Police officers if anti social behaviour occurred;
- (h) it was difficult for Police officers to arrest individuals for urinating in the park as they had to prove it;
- (i) the Police were looking to try and improve surveillance in the park, the cost and benefits needed analysing;

- (j) there were concerns about underage and vulnerable individuals joining the street drinking group
- (k) the police did not have the power to ban alcohol in the park ;
- (l) there was a possibility that the street drinkers could disperse to Astor Park however it was considered that the individuals would not move someone too remote as they would not be able to buy alcohol
- (m) Police officers regularly patrol Freedom Fields park;
- (n) PCSOs would have the same powers as Police officers when removing alcohol from individuals;

The Committee agreed –

- (1) that there was sufficient evidence to show that a nuisance or annoyance or disorder was caused to members of the public or a section of the public in Freedom Fields Park which was associated with the consumption of alcohol;
- (2) that there was sufficient evidence to show that a nuisance or annoyance or disorder was caused to members of the public or a section of the public in Tothill Park which was associated with the consumption of alcohol and that there was likely to be a displacement of street drinking as the DPPO has been granted to cover Freedom Fields Park;
- (3)
 - (a) to the creation of a DPPO for Freedom Fields Park for the area shown on the map in Appendix A and authorise Officers in the Public Protection Service to take the appropriate steps to create the order to come into effect on 1 April 2011 or as soon as reasonably practicable after that;
 - (b) to the creation of a DPPO for Tothill Park for the area shown on the map in Appendix B (including all walkways leading under the railway embankment) and authorise Officers in the Public Protection Service to take the appropriate steps to create the order to come into effect on 1 April 2011 or as soon as reasonably practicable after that;
 - (c) to authorise officers to place a public notice in the local press as is required under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007;
 - (d) authorise officers to arrange the production and installation of the signs prior to the coming into force of the order (any order is not enforceable until after the signs have been erected);

- (e) that a progress report be submitted in two years time to outline the effectiveness of the Order in helping to reduce alcohol related anti-social behaviour and disorder.

(Councillors Rennie and Mrs Bowyer declared an interest in this item).

31. **EXEMPT BUSINESS**

There were no items of exempt business.