

Licensing Committee

Tuesday 26 August 2014

PRESENT:

Councillor Rennie, in the Chair.

Councillor Mrs Bowyer, Vice Chair.

Councillors Downie, K Foster, Fry, Morris, Mrs Nicholson, Parker, Riley, Singh and John Smith.

Apologies for absence: Councillor Mrs Nelder

Also in attendance: Ann Gillbanks (Senior Lawyer), Dave Hughes (Environmental Health Officer), Fred Prout (Senior Licensing Officer), Helen Rickman (Democratic Support Officer) and Lynn Young (Democratic Support Officer – observing).

The meeting started at 10.00 am and finished at 10.45 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.

38. **DECLARATIONS OF INTEREST**

The following declaration of interest was made by a member in accordance with the code of conduct –

Name	Minute Number	Reason	Interest
Councillor John Smith	38	Board member of Credit Union, an organisation with premises located within the proposed DPPO	Personal

39. **MINUTES**

Agreed that the following minutes are approved as an accurate record of the meeting:

- Licensing Committee – 29 April 2014
- Licensing Sub Committee – 15 April 2014, 29 April 2014, 13 May 2014 and 15 July 2014.

40. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

41. **INFORMATION REGARDING DELEGATED DECISIONS FOR APPLICATIONS FOR THE GRANT/VARIATION OF PREMISES LICENCES**

Fred Prout (Senior Licensing Officer) provided Members with an update on information regarding delegated decisions for applications for the grant or variation of premises licences.

Members were advised that the licensing department had received representations from responsible authorities or other parties that had been mediated out by agreement with both the applicant and the respective responsible authority without the need to bring the application before the committee for determination. The majority of issues raised linked to conditions on the license in relation to noise issues, CCTV, training for members of staff and outside bar issues.

The Chair thanked Fred Prout for his report and attendance at the meeting.

Members noted the update.

42. **APPLICATION FOR THE DESIGNATED PUBLIC PLACES ORDER (DPPO) TO CONTROL STREET DRINKING IN MARLBOROUGH STREET, DEVONPORT AND THE SURROUNDING AREA**

Dave Hughes (Senior Environmental Health Officer), Inspector Sean Harris (Sector Inspector Devonport & West), PC Ryan Pengelly (Neighbourhood Beat Manager) and Councillor Coker (Devonport Ward Councillor) provided the Committee with the application for the Designated Public Places Order (DPPO) to control street drinking in Marlborough Street, Devonport and the surrounding area.

Members were advised that –

- (a) on 29 April the Licensing Committee agreed that the Public Protection Service was authorised to facilitate the public consultation in the specified DPPO area in Devonport;
- (b) as part of the six week consultation process a public notice was displayed in the Evening Herald, an information pack was sent to various community groups, information was posted on the Council's website, a mail shot was undertaken in the proposed DPPO area and 6000 leaflets were distributed; 82 DPPO feedback questionnaires were also completed by local business and residents;
- (c) a scatter diagram was provided within the agenda pack to detail where respondents lived who responded to the consultation;
- (d) there was an overwhelming majority in support of the DPPO; in total 91 residents responded;
- (e) a second notice was required to be published in the Evening Herald confirming the date the DPPO was due to come into effect, if granted by Members;
- (f) throughout 'Community Focus Week' the Police had undertaken

questionnaires in specific streets in Devonport regarding the proposed DPPO and residents experiences of alcohol related problems; 82 questionnaires were completed in which 81 were in support of the introduction of a DPPO in Devonport;

- (g) 82% of people questioned confirmed that they had experienced alcohol related crime in the past 12 months within the proposed DPPO area including Devonport park, Marlborough Street, Stoke Village and Mount Wise;
- (h) 78% of people questioned confirmed that they had been subject to alcohol-related behaviour or anti-social behaviour on a weekly or monthly basis;
- (i) residents were asked to specify what type of alcohol-related behaviour they had experienced due to street drinking including intimidation, alcohol litter, urination/ defecation, verbal abuse, physical assault or noise/ begging; there were 190 responses to this question from 82 questionnaires completed;
- (j) residents were asked what action they took as a result of behaviour; 60% of respondents confirmed that they had not reported this to the police;
- (k) 81 of 82 questionnaires completed confirmed that they did support the proposed DPPO;
- (l) the Police recorded incidents in Devonport between 1 January 2014 to 31 July 2014 in order to evidence the continued on-going problem with alcohol related crime and disorder; 95 Police logs were created during this period and 53 were specifically linked to alcohol related crimes. Members were advised that crimes could be recorded without a log being generated and most police logs generated did not result in a crime being recorded;
- (m) 20 key offenders had been identified by the Police as causing ASB and alcohol related crime in this area; those identified had been put on an acceptable behaviour programme and were being supported by Harbour;
- (n) a section 30 Anti-Social Behaviour Act 2003 order was introduced in a small area of Devonport which provided Police and PCSOs with powers to disperse people engaging in ASB away from the area for a period of time; this power was introduced on 12 June 2014 and was due to expire in November 2014;
- (o) the introduction of the DPPO would enable the Police to have discretionary powers linked to alcohol related crime and disorder and this would not prevent people responsibly enjoying a glass of wine at several of the events planned for this area of the city;
- (p) within the DPPO boundary there were three primary schools and many children had to travel through areas where street drinking was an issue;

- (q) the powers attributed to the DPPO were essential to residents' quality of life; several people were scared of going to specific areas within Devonport;
- (r) Councillor Coker had worked alongside Councillor Kate Taylor, the Police, Licensing Officers, the local community, local businesses and support groups to progress the DPPO consultation and process. It was a community led project that had received overwhelming support.

Members commented that –

- (s) several million pounds had been injected into Devonport from Government in the past few years which had resulted in the enhancement of the area; it was now considered to be a balanced community and a natural progression of the area;
- (t) there were concerns that anti-social behaviour could displace to other areas of the city however this DPPO would help to improve the area.

In response to questions raised it was reported that –

- (u) multiagency work would continue to develop if the DPPO was granted;
- (v) additional police resources were identified and tasked to deploy on a Street Drinker Day of Actions to target street drinking; plain clothed police officers were also in attendance and still had full police powers;
- (w) a definitive map detailing DPPOs throughout the city was not provided to Members as each application was treated individually on its own merits;
- (x) housing associations had been consulted as part of the consultation and were fully supportive of the DPPO and were willing to work with the police to make the DPPO a success;
- (y) there was a requirement in the legislation that adopted DPPOs needed to have a reporting mechanism for feedback; the Licensing Committee would receive updates in the future if the DPPO was approved;
- (z) officers considered that the implementation of the DPPO would have a positive impact on the local neighbourhood and the people that lived, worked or visited the area;
- (aa) the DPPO could not be implemented before the 15 September 2014 as the public notice needed to be published in the Evening Herald.

Members unanimously Agreed that they considered that there was sufficient evidence to show that a nuisance or annoyance or disorder is caused to members of the public in the Marlborough Street, Devonport and the surrounding area which is associated with the consumption of alcohol.

Members also unanimously Agreed to –

- (1) authorise a DPPO for Marlborough Street, Devonport and the surrounding area as indicated 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 15 September 2014 or as soon as reasonably practical after this date;
- (2) authorise Officers to place a public notice in the local press confirming the order as is required under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007;
- (3) authorise Officers to arrange the production and installation of the signage notifying persons of the existence of the DPPO to be in place by the 15 September 2014 or as soon as reasonably practical after this date (an order is not enforceable until after the signs have been erected).

43. **EXEMPT BUSINESS**

There were no items of exempt business.