



## **CITY OF GLOUCESTER**

# **LICENSING AND ENFORCEMENT COMMITTEE**

**Meeting: Tuesday, 14th June 2011 at 18:30  
North Warehouse, The Docks, Gloucester**

**Membership:** Cllrs. Durrant, C. Witts, Tracey, Noakes (Chair), Field, Porter (Vice-Chair), Dallimore, Mozol, Ravenhill, Patel, Hansdot and Toleman

## **AGENDA**

### **1. APPOINTMENT OF CHAIR AND VICE CHAIR**

To note the appointment of the Chair and Vice Chair –

Chair – Councillor Lise Noakes  
Vice Chair – Councillor Jim Porter

### **2. APOLOGIES**

To receive any apologies for absence.

### **3. DECLARATIONS OF INTEREST**

To receive from Members, declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any agenda item. Please see Notes 1 and 2 overleaf.

### **4. MINUTES (Pages 1 - 4)**

To approve as a correct record the minutes of the meeting held on 15 March 2011.

### **5. MINUTES OF LICENSING SUB-COMMITTEES**

### **6. PUBLIC QUESTION TIME (15 MINUTES)**

To receive any questions from members of the public provided that a question does not relate to:

- Matters which are the subject of current or pending legal proceedings, or
- Matters relating to employees or former employees of the Council or comments in respect of individual Council Officers

**7. PETITIONS AND DEPUTATIONS (15 MINUTES)**

To receive any petitions and deputations provided that no such petition is in relation to:

- Matters relating to individual Council Officers, or
- Matters relating to current or pending legal proceedings

**8. REVIEW OF THE FUNCTIONS AND STRUCTURE OF THE LICENSING AND ENFORCEMENT COMMITTEE (Pages 5 - 10)**

Report by the Group Manager, Environmental Health and Regulatory Services

**9. CONSIDERATION FOR GRANTING A DESIGNATED PUBLIC PLACES ORDER (AREA 2) GREENWAYS PUBLIC OPEN SPACE AND CHERSTON COURT, BARNWOOD (Pages 11 - 24)**

Report by the Group Manager, Environmental Health and Regulatory Services

**10. EXCLUSION OF PRESS AND PUBLIC**

To consider the following Resolution:

“That the press and public be excluded from the meeting during the following items of business on the grounds that it is likely, in view of the nature of business to be transacted or the nature of the proceedings, that if members of the press and public are present during consideration of this item or these items there will be disclosure to them of exempt information as defined in paragraph 1 of Section 1001 of the Local Government Act 1972 as amended.”

<b>Agenda Item Nos.</b>	<b>Description of Exempt Information</b>
-------------------------	--

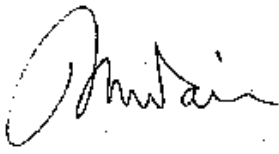
11	Information relating to any individual
----	--

**11. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - DISCIPLINARY MATTER - HACKNEY CARRIAGE DRIVER - LICENCE NO.038 MR W.W (REF ES21112) (Pages 25 - 40)**

Report by the Group Manager, Environmental Health and Regulatory Services

**12. DATE OF NEXT MEETING**

Tuesday, 12 July 2011 at 18:30 hrs..



**Julian Wain**  
**Chief Executive**

### Notes

1. A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District:-
  - (a) the well being, financial position, employment or business of the Councillor, their family or any person with whom they had a close association;
  - (b) a body employing those persons, any firm in which they are a partner and any company of which they are directors;
  - (c) any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
  - (d) the Councillor's registrable financial and other interests.
2. A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Please contact Adam Chalmers, Democratic and Electoral Services Manager, Tel. No. 01452 396125/e-mail: [committeesection@gloucester.gov.uk](mailto:committeesection@gloucester.gov.uk) if you have a general query on any agenda item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Council.

Agenda and enclosures can be viewed on the District Council's Website - [www.gloucester.gov.uk](http://www.gloucester.gov.uk)

**If you would like a translation of agenda/minutes/reports or would like a large text version or an audio version please contact the Democratic and Electoral Services Manager and we will try to accommodate your needs.**

This page is intentionally left blank

**LICENSING AND ENFORCEMENT COMMITTEE**

**MEETING** : Tuesday, 15th March 2011

**PRESENT** : Cllrs. Durrant (Chair), C. Witts (Vice-Chair), Tracey, Noakes (Spokesperson), Gill, Brown, Dee, Porter, Beeley and Dallimore

**Officers in Attendance**

Gill Ragon, Group Manager, Environmental Health and Regulatory Services

Lisa Wilkes, Food Safety and Licensing Service Manager

Rebecca Tuck, Licensing Enforcement Officer

Steve Isaac, Solicitor

Anthony Hughes, Democratic Services Officer (Secretary)

**APOLOGIES** : Cllrs. Gillespie, Field and Taylor

**62. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**63. PUBLIC QUESTION TIME**

There were no questions from the public.

**64. PETITIONS AND DEPUTATIONS**

There were no petitions or deputations.

**65. MINUTES**

The minutes of the meetings held on the 15<sup>th</sup> and 22<sup>nd</sup> February 2011 were confirmed as a correct records and signed by the Chair.

**66. MINUTES OF LICENSING SUB-COMMITTEES**

The minutes of the Licensing Sub-Committee held on the 14<sup>th</sup> December 2010 were confirmed as a correct and signed by the Chair.

**67. DATE OF NEXT MEETING****RESOLVED**

That dependent on business for the next ordinary meeting of the Licensing and Enforcement Committee on 12 April 2011, a Licensing Sub Committee shall be hold in place of, or immediately following, the meeting (to consider an application for a new premises licence under the Licensing Act 2003).

**68. EXCLUSION OF PRESS AND PUBLIC**

**LICENSING AND ENFORCEMENT COMMITTEE  
15.03.11**

**RESOLVED -**

That the press and public be excluded during the following items of business on the grounds that it is likely, in view of the nature of business to be transacted or the nature of the proceedings, that if members of the press and public are present during consideration of these items there will be disclosure to them of exempt information as defined in paragraph 1 of section 1001 of the Local Government Act, 1972 as amended.

**69. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - DISCIPLINARY MATTER - HACKNEY CARRIAGE DRIVER NUMBER 183 - MR S.M.**

The Chair welcomed the licence holder and outlined the procedure for the hearing.

The Licensing Officer presented the report to the Committee and advised of the circumstances of the offence. The Committee was advised that the purpose of the hearing was to determine whether, in view of the offence, the licence holder was a fit and proper person to continue to hold a Hackney Carriage Drivers Licence. The Committee was referred to the paragraphs of the adopted guidelines relating to the relevance of convictions and outlined the courses of the action available to the Committee:

- To take no action
- To issue a written warning
- To suspend the Hackney Carriage Licence for a period of time to be determined by the Committee but not for a period exceeding the expiry date of the current licence.
- To revoke the licence and if the committee so determine to consider whether to give an indication of a suitable time period to elapse before a fresh application would be considered.

The licence holder indicated that he had no questions to ask of the Officer.

A member asked a question of the Officer and a reply was given thereto.

The licence holder presented their case and the officer and committee members indicated that they had no questions to ask of the Licence Holder.

Following the summing up by the Licensing Officer and the licence holder of their respective cases, all parties withdrew from the meeting whilst the committee considered its decision.

On re-entering the room, all parties were advised of the following decision. In advising of the decision, the Chair commented that the committee held concerns regarding the number of traffic offences and, in view of the committee's role to ensure public safety, emphasised the importance that the Licensing Authority should be notified of traffic offences within the prescribed timescale. Having acknowledged Mr. S.M's undertaking to take more care in the future, the committee had -

**LICENSING AND ENFORCEMENT COMMITTEE  
15.03.11**

**RESOLVED -**

That Mr.S.M. holder of Hackney Carriage Drivers Licence (HCD 183) be issued with a final written warning which remains on the Licence Holder's record for a period 12 months.

The Chair indicated that the committee had concerns over the amount of points Mr. S.M had amassed and reminded him to notify the Council in the future.

**70. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 -  
DISCIPLINARY MATTER - PRIVATE HIRE DRIVERS LICENCE 159 - MR G.W.**

The Chair welcomed the licence holder and outlined the procedure for the hearing.

The Licensing Officer presented the report to the Committee and advised of the circumstances of the offence. The Committee was advised that the purpose of the hearing was to determine whether, in view of the offence, the licence holder was a fit and proper person to continue to hold a Private Hire Drivers Licence. The Committee was referred to the paragraphs of the adopted guidelines relating to the relevance of convictions and outlined the courses of the action available to the Committee:

- To take no action
- To issue a written warning
- To suspend the Private Hire Drivers Licence for a period of time to be determined by the Committee but not for a period exceeding the expiry date of the current licence.
- To revoke the licence and if the committee so determine to consider whether to give an indication of a suitable time period to elapse before a fresh application would be considered.

The licence holder asked questions of the Officer particularly in relation to the nature of the offence and court conviction that he had received.

Committee members had no questions to ask of the Officer.

The licence holder presented his case. The Licensing Officer had no questions to ask of the licence holder. Members asked questions of the licence holder and replies were given thereto.

Following the summing up by the Licensing Officer and the licence holder of their respective cases, all parties withdrew from the meeting whilst the committee considered its decision.

On re-entering the room, all parties were advised of the following decision;

**RESOLVED -**

**LICENSING AND ENFORCEMENT COMMITTEE  
15.03.11**

That Private Hire Drivers Licence (PHD 159) be revoked.

The Committee gave an indication that no further application would be entertained for a minimum period of three years, for the following reasons:

The Chair advised that the committee was here to ensure the safety of members of the public when using Private Hire Vehicles for transportation, and to ensure that applicants are a fit and proper person. The Committee had noted that Mr. G.W. had shown reluctance to accept the seriousness of the offence that he was convicted of. Therefore, under Section 61 (1)(a)(i) of the Local Government (Miscellaneous Provisions) Act 1976 which refers to convictions for violence, the Committee has decided to revoke Mr. G.W.'s licence.

**Time of commencement: 18:30 hours**

**Time of conclusion: 20:02 hours**

**Chair**



# Gloucester City Council

<b>COMMITTEE</b>	<b>: LICENSING AND ENFORCEMENT COMMITTEE CABINET BRIEFING CONSTITUTIONAL AND ELECTORAL WORKING GROUP COUNCIL</b>
<b>DATE</b>	<b>: 14 JUNE 2011 13 JULY 2011 20 JULY 2011 22 SEPTEMBER 2011</b>
<b>SUBJECT</b>	<b>: REVIEW OF THE FUNCTIONS AND STRUCTURE OF THE LICENSING AND ENFORCEMENT COMMITTEE</b>
<b>DECISION TYPE</b>	<b>: BUDGET AND POLICY FRAMEWORK</b>
<b>WARD</b>	<b>: ALL</b>
<b>REPORT BY</b>	<b>: GROUP MANAGER ENVIRONMENTAL HEALTH AND REGULATORY SERVICES</b>
<b>NO. OF APPENDICES</b>	<b>: NONE</b>
<b>REFERENCE NO.</b>	<b>: SNR2011-11</b>

## 1.0 PURPOSE OF REPORT

- 1.1 To outline the current Licensing and Enforcement Committee structure and functions and make recommendations for improving the process for customers, Members and officers.

## 2.0 RECOMMENDATIONS

- 2.1 It is recommended to Council that the Licensing and Enforcement Committee is restructured as outlined in paragraph 4.5 to include additional sub-committees made up of a minimum of 3 and max of 5 members for enforcement matters.
- 2.2 It is recommended to Council that where deliberations of sub-committees are held in private that the Committee Clerk and Solicitor remain with Members to record the proceedings and advise on the law and legality of decisions.
- 2.3 It is recommended to Council that all future Licensing and Enforcement meetings considering sensitive matters such as hackney carriage and private hire enforcement matters should be held in private i.e. with the exclusion of press and public but that the decisions will be announced in public and published on the Council's website.
- 2.4 It is recommended that Council agrees that the powers delegated to officers in respect of licensing functions are revised in accordance with the table in paragraph 7.2.
- 2.5 The Licensing & Enforcement Committee agrees that the timings of meetings should, at times, be flexible to ensure that no group is disadvantaged by all meetings being held at 6.30pm.

## 3.0 BACKGROUND

- 3.1 The Council has responsibility for a wide range of licensing matters and most of this responsibility is delegated to the Licensing and Enforcement Committee (see Part 3 of the Council's Constitution). The principal areas of licensing dealt with by the Licensing and Enforcement Committee are hackney carriage and private hire licensing and premises licensing under the Licensing Act 2003 (formerly liquor and entertainment licensing functions).

- 3.2 Where the Council is exercising its functions under the Licensing Act 2003 or Gambling Act 2005 matters such as the size of committee and the procedures to be followed are prescribed by legislation, whereas, in the area of other licensing matters, the Council has more choice about how it organises and conducts its business. There is also a greater volume of statutory guidance issued in respect of Licensing and Gambling Act matters than for other areas of licensing over which the Council has control.
- 3.3 The current arrangements for the Licensing and Enforcement Committee were introduced in 2003 to accommodate the requirements of the Licensing Act but have changed very little since then.
- 3.4 This review covers the following areas of the Licensing and Enforcement democratic process;
- The Licensing and Enforcement Committee structure.
  - The powers delegated to Licensing and Enforcement Committee, Licensing Sub-committees, Members and officers.
  - Licensing and Enforcement Committee and Licensing Sub-committee procedures.
- 3.5 The Review has taken into account the way Planning Committee (the Council's other quasi-judicial Committee) is structured and how other authorities operate, as well as comments from the hackney carriage and private hire trade and the licensed victuallers association and the experiences and views of officers.

Consequently it has been decided to undertake a review of the Committee. Some of the issues that have been raised are listed below:

- Officers are concerned that hackney carriage and private hire vehicle drivers are required to come before a committee of 13 elected Members, plus officers, when disciplinary issues need to be discussed and that this can be intimidating for drivers. Drivers attending hearings have complained that they find the large Committee intimidating.
- Enforcement hearings should be held as soon as possible after the Enforcement Officer is aware of an issue. If additional hearings are required due to the volume of cases (as was the case in late 2010) it is administratively difficult to organise additional meetings of 13 Members and this can cause delay. This delay can cause additional distress for the drivers as well as being inefficient.
- Members of the hackney carriage and private hire trade, when consulted, expressed the view that they considered it would be appropriate for smaller meetings to consider enforcement issues. They think the meetings should have a minimum of 3 Members on the panel.
- Members of the hackney carriage and private hire trade would like to see more powers delegated to officers so that matters can be dealt with without having to wait for a Committee decision.
- The hackney carriage and private hire trade have asked that consideration is given to conducting enforcement hearings in public, allowing the press and public to be present.
- The hackney carriage and private hire trade have requested that consideration is given to disclosing drivers' names on agendas, reports and minutes and not just their initials and badge number.
- The hackney carriage and private hire trade prefer evening meetings to day time ones.
- The Licensed Victuallers Association, however, would prefer to attend daytime Committee Meetings.
- 10 out of 15 District Council constitutions reviewed showed that enforcement matters were considered by sub-committees rather than the full licensing committee.
- Member deliberations for sub-committees and enforcement cases are held in private and the Solicitor and Committee Clerk are not admitted. This can result in the Solicitor being called in and out of the deliberations to advise Members. This causes delays and can appear disorganised to those attending the hearing.

## 4.0 LICENSING AND ENFORCEMENT STRUCTURE

4.1 The Constitution sets out the criteria for calling Licensing Enforcement Committees and Licensing Sub-committees on page 25 of part 3, Responsibility for Functions.

The current Committees and Sub-committees are supported by officers from the following services:

- Environmental Health and Regulatory Services – to provide technical reports and factual information in relation to Licensing and Enforcement Matters.
- Legal Services – to advise on the relevant law, the legality of the decision-making process, constitutional and procedural matters.
- Democratic Services – to organise the meeting and provide procedural advice, record minutes of the meeting and ensure smooth operation.

4.2 Deliberations by Members for decisions on hackney carriage and private hire enforcement matters and Licensing and Gambling Act hearings are currently held in private. All members of the public, applicants, responsible authorities, people making representations and officers including the Committee Clerk and Legal officer are excluded.

4.3 All the District Councils in Gloucestershire have sub-committees to deal with Licensing Act hearings as allowed by Section 9 of the Licensing Act 2003. For taxi licensing matters, some authorities make use of sub-committees whilst others consider such matters at the main Licensing Committee. The Council does have discretion to decide whether it wishes decisions on these matters to be taken by a Committee or Sub-committee.

4.4 On consideration of the issues highlighted in paragraph 3.5, officers recommend that the structure of the Licensing and Enforcement Committee is amended to create additional sub-committees of 5 members with a quorum of 3 members to hear all enforcement matters. Sub-committees will be held as and when necessary. The parent Licensing and Enforcement Committee will sit to hear policy matters and as such, the frequency of these meetings can be reduced to 4 per year.

4.5 The advantages of this are that:

- It would significantly reduce the administrative challenges to the Council.
- It is more flexible and responsive and will reduce the time taken to organise meetings.
- With smaller panels hearing the enforcement cases this will bring the environment more in line with that of the Magistrates Court and will be less intimidating for individuals attending.
- Smaller meetings are less likely to be seen as intimidating and can more easily be arranged at a time that will be convenient to all parties.
- The trade, when consulted, thought that it would be appropriate for enforcement matters to be heard by smaller committees and this addresses the comments received.
- Committees of 5 members with a quorum of 3 members will ensure that there is always a minimum of 3 members in attendance. This is in line with comments received but also gives a safety net for situations where a Member only becomes aware of a conflict of interest at the time they turn up to the hearing.

4.6 It is also recommended that current procedures are amended to allow the Committee Clerk and Solicitor to be present during deliberations. This will help to ensure that advice can be given when it appears to be needed and that the decision making process runs smoothly.

4.7 In addition whilst considering the structure for Licensing Enforcement Committee and Licensing Sub-committees consideration should be given to the timing of these meetings. Feedback from

the trade shows that whilst the Hackney Carriage and Private Hire trade prefer meetings to be held in the evening, the Licensed Victuallers Association would prefer meetings to be held during the day time. Whilst it is appreciated that it may not be possible to always accommodate all parties, it is recommended that the Committee agrees that Democratic Services will, when appropriate, continue to arrange meetings flexibly to ensure that interested parties may be represented. This will also ensure that particular groups are not disadvantaged by the timing of meetings.

## **5.0 COMMITTEE PROCEDURES**

5.1 There are a number of procedures that apply to the Licensing and Enforcement Committee and Licensing Sub-committees. This review is an opportunity to review and update these procedures. In particular minor amendments have been made to the

- Probity in Licensing Enforcement Code of Practice,
- Procedure for a Disciplinary hearing of the Licensing and Enforcement Committee and the
- Procedure for Licensing Sub-Committees.

5.2 These documents have not been attached as the amendments are only of a minor nature and have been made under officer delegated powers.

## **6.0 EXCLUSION OF PRESS AND PUBLIC FOR HACKNEY CARRIAGE AND PRIVATE HIRE ENFORCEMENT MATTERS**

6.1 One of the issues which Members of the Committee are keen to consider and which the hackney carriage and private hire trade have asked to be considered is, whether or not hackney carriage and private hire enforcement matters should be heard in the presence of the press and public.

6.2 A small minority of authorities consider such matters in public (e.g. Cheltenham BC), whilst the majority of others (e.g. Cotswold DC, Exeter City Council, Tewkesbury Borough Council,) hold theirs in private.

6.3 Consideration needs to be given to the interests of the individuals who are the subject of the hearing and the wider public interest, which will include that of the hackney carriage and private hire trade. In addition, the Council needs to ensure transparency about its actions and consider the well being of the general public. Therefore, it is recommended that the Committee continues to hold enforcement hearings in private but that the decisions are announced in public and published on the Council's website.

6.4 This approach will ensure that inappropriate information is not disclosed and the Council will be much less likely to breach data protection or human rights legislation. It will also ensure that Members have access to all the information that they require to make their decision, that they will not be pressured by the presence of others in the public gallery, for example the press, members of the public, or members of the hackney carriage and private hire trade. However, by presenting the committee's decisions in public and publishing them on the City Council website there will be transparency to the process and this also takes account of some of the comments received and listed in paragraph 3.5.

## **7.0 DELEGATED POWERS**

7.1 The Licensing and Enforcement Committee have a range of powers and have delegated a number to officers. The delegated powers are set out in the Constitution.

7.2 We have reviewed our delegation of powers to reduce the burden on Committee Members and allow Officers to deal with clear-cut matters more efficiently. The table outlines the changes recommended by officers to address comments received.

CURRENT POSITION	PROPOSED CHANGES
Urgent, Sensitive and contentious matters are dealt with by the Director of Services and Neighbourhoods in consultation with the Cabinet Portfolio holder/Leader or deputy Leader.	Urgent, Sensitive and contentious matters are dealt with by the Group Manager of Env. Health and Regulatory Services in consultation with the Director of Services and Neighbourhoods.
Determination of Licensing Fees by L&E Committee and CD(Services & Neighbourhoods)	Determination of Licensing Fees by Food and Licensing Service Manger in consultation with Financial Services Manager.

7.3 Officers delegation for functions will be divided further through Officer delegated powers and Officer Authorisations.

**8.0 CONCLUSIONS**

8.1 By adopting the recommendations as outlined above the Licensing and Enforcement Committee process will be more efficient and fit for purpose and will better meet the needs of its customers. This will give greater clarity to the process and enforcement decisions will be reached more rapidly.

8.2 That the contents of this report are noted and that the recommendations detailed in paragraphs 2.1 to 2.5 are agreed.

**9.0 FINANCIAL IMPLICATIONS**

9.1 Minimal costs will be incurred by the change in committee approach (facilitation of additional meetings). This will be met through the current licensing budgets.

**10.0 LEGAL IMPLICATIONS**

10.1 These are set out within the main body of the report.

**11.0 RISK MANAGEMENT IMPLICATIONS**

11.1 There are no high risks associated with this report.

**12.0 PEOPLE IMPACT ASSESSMENT (PIA):**

Please ensure you complete this section even if a PIA is not required.

Is a PIA required?	Yes	No	Explanation: If the recommendations in this report are adopted there will be no negative impact.
		X	
Has an initial PIA screening been completed?	Yes	No	Explanation: PIA screening shows that existing procedures could result in negative impact. However the proposals and recommendations of the report have been made to address these issues and consequently if fully adopted there will be no negative impact.
	X		

Has a full PIA been completed?	Yes	No	Explanation: No there is no negative impact arising from this report.
		X	
Is the PIA available?	Yes	No	Explanation: PIA has been signed off.
	X		
Has the PIA identified any negative impacts on any protected characteristic or community cohesion?	Yes*	No	*Please ensure PIA is available
		X	

**Any Further Relevant Information:**

12.1 By adopting the recommendations in this report the arrangements for the Licensing Enforcement Committee and Licensing Sub-committees will not have any adverse impact on any particular groups for either customers or staff. Not adopting the recommendations contained in this report could result in discrimination and breach of the Data Protection Act.

**13.0 OTHER CORPORATE IMPLICATIONS (this may include Community Safety, Environmental, Staffing, Trade Union)**

Community Safety & Staffing implications are covered in the report.

**Background Papers** : Probity in Licensing Enforcement – Code of Practice  
 Gloucester City Council Constitution 2011  
 Gloucester City Council Procedure for Hackney Carriage and Private Hire Disciplinary Hearing.  
 Gloucester City Council Procedure for Licensing Sub Committee

**Published Papers** : Licensing Act 2003  
 Gambling Act 2005  
 Human Rights Act 1998  
 Data Protection Act 1998

**Person to Contact** : Gill Ragon or Sue Mullins  
 Tel: 396321  
 E-mail: gill.ragon@gloucester.gov.uk

# Gloucester City Council

<b>Committee</b>	<b>: LICENSING ENFORCEMENT COMMITTEE</b>
<b>Date</b>	<b>: 14 JUNE 2011</b>
<b>Subject</b>	<b>: CONSIDERATION OF GRANTING A DESIGNATED PUBLIC PLACES ORDER (DPPO) (AREA 2) GREENWAYS PUBLIC OPEN SPACE AND CHERSTON COURT, BARNWOOD</b>
<b>Decision Type</b>	<b>:</b>
<b>Ward</b>	<b>: BARNWOOD</b>
<b>Report By</b>	<b>: GROUP MANAGER OF ENVIRONMENTAL HEALTH &amp; REGULATORY SERVICES</b>
<b>No. Of Appendices</b>	<b>: A. COPY OF LETTER FROM POLICE AND BARNWOOD COMMUNITY PARTERSHIP REQUESTING A DPPO IN RESPECT OF LAND IN THE BARNWOOD WARD B. LEAFLET FOR PROPOSED DPPO C. ENLARGED MAP OF PROPOSED DPPO D. LETTERS FROM LOCAL RESIDENTS AGAINST THE DPPO E. LETTERS FROM LOCAL RESIDENTS IN FAVOUR OF THE DPPO F. GLOUCESTER CITY COUNCIL POLICY FOR MAKING DESIGNATED PUBLIC PLACES ORDERS (DPPO'S) IN GLOUCESTER</b>
<b>Reference No.</b>	<b>:</b>

## 1.0 PURPOSE OF REPORT

- 1.1 To present to members a request to make a Designated Public Places Order (DPPO) in respect of Cherston Court and the Greenways Public open space in Barnwood, Gloucester.

## 2.0 RECOMMENDATIONS

- 2.1 That the Committee approves the making of a DPPO in the Barnwood area as outlined in the plan attached at Appendix C. The Committee is approving this area as a preventative measure to reduce anti-social behaviour and violent crime.

## 3.0 BACKGROUND

- 3.1 Designated Public Places Orders (DPPO's) are a tool that can be used by local authorities under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 to deal with problems of anti-social alcohol drinking in public places.
- 3.2 Once a DPPO is in place the police can use their confiscation powers to enforce the restriction. It is not an offence to consume alcohol within a designated area, but failure to comply with an officer's request to stop drinking and surrender alcohol without reasonable excuse is.
- 3.3 DPPO's have been used across the country in areas ranging from a single street or park to town centre or city-wide areas. In Gloucester there are currently 2 DPPO's in

place, one covering the City Centre and a second covering part of the Barnwood Ward including the parks and green areas.

- 3.4 This report is to consider a request for a DPPO to cover additional areas of land in the Barnwood area.
- 3.5 Having considered the request, all relevant representations received, the legislative provisions, the Councils policy for making Designated Public Places orders and the guidance issued by the Home Office, members have the following options;
  - (a) If members find that there is sufficient evidence of anti-social alcohol drinking in the area, they should approve the making of the order.
  - (b) If members find that they consider that by implementing the order that would act as a preventative measure to reduce anti-social behaviour and violent crime then they should approve the making of the order.
  - (c) If members find that neither (a) or (b) above apply they should not approve the making of the order.

#### **4.0 THE REQUEST AND REPRESENTATIONS**

- 4.1 A request has been received under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 for a DPPO to be made to prevent irresponsible drinking in the Greenways Estate and Cherston Court, within the Barnwood ward. Representations have been received from local residents both supporting and opposing the proposed order.
- 4.2 The request was received on 8<sup>th</sup> February 2011 by PC Andy Plant and supported by the Barnwood Community Partnership and the Ward Councillor (see Appendix A). The request was also considered by the Anti-social behaviour Steering group on 25<sup>th</sup> February 2011, who indicated that they were in favour of the DPPO. This was also confirmed by the Chief Officer of Police.
- 4.3 A site visit was made by Licensing Officers and the Police and some evidence of bottles and cans were found in the Greenways Open Space.
- 4.4 A public notice was made on the 7<sup>th</sup> March 2011 outlining the proposal and requesting representations to be made to the City Council. The consultation period ended 22<sup>nd</sup> April 2011.
- 4.5 Leaflets and letters were also sent to local residents, nearby licensed premises, local authorities and other interested parties as part of the consultation process (see attached leaflet /letter as Appendix B). The leaflet also shows the streets and areas including the original DPPO which was implemented in 2008. An enlarged map of the proposed order has been attached as Appendix C.
- 4.6. 3 representations have been received from residents who were against the DPPO (see copies of objection letters – Appendix D). These letters refer to concerns that Cherston Court had been singled out as the only location where drinkers were being dispersed to and felt that they were just as likely to move to other areas such as North Upton Lane, Church Lane and Newstead Road. They also suggested that the DPPO would not solve the problem of Anti-Social behaviour and that perhaps other measures should be considered. Other objections suggest there is no disorder in Cherston Court.



4.7 4 representations have been received from residents who were in favour of the DPPO (see copies of letters in Appendix E). These letters refer to the order as a reasonable proposal which would bring benefits to the area. They state that the footpath through the centre of Cherston Court should be included because they feel it has become a noisy trade route for drinkers to and from Barnwood Park. They suggest that all areas in Hucclecote and Barnwood should be included or have none at all.

4.8 Those who made the request as well as those who have made representations have been given Notice of this Committee hearing in accordance with Gloucester City Councils policy for making DPPO's in Gloucester.

## **5.0 FUTURE WORK / NEXT PROCEDURE**

5.1 If members decide to make the order another public notice will be placed in a local newspaper in accordance with Gloucester City Council's policy (See Appendix F).

## **6.0 CONCLUSIONS**

6.1 A request to extend the existing Barnwood DPPO has been made by the Police on behalf of the Barnwood Neighbourhood Partnership. The request is supported by the Police and Ward Councillor Lise Noakes. In the area being considered some evidence of bottles and cans was found by officers in a visit to the area. The proposal has been considered by and has the support of the Anti-Social Behaviour Steering Group and the Chief Officer of Police. During the consultation period 3 representations were received objecting to the proposals whilst 4 were received in support of the proposal. It is therefore recommended that this Second DPPO for the Barnwood Ward should be made.

## **7.0 FINANCIAL IMPLICATIONS**

7.1 The application has incurred a small cost covering the public notice and the consultation leaflet. This process will be repeated if further consultation is required. The total estimated costs are £1,000.

7.2 The above costs will be met from the current food and licensing budget.

## **8.0 LEGAL IMPLICATIONS**

8.1 Should the Council resolve to make the Orders a further public notice must be placed in the local press indicating the effective date of the DPPO. Signage indicating the effect of the order must be erected in key areas prior to the proposed implementation date.

## **9.0 RISK MANAGEMENT IMPLICATIONS**

9.1 There are no high risks associated with this proposal.

**10.0 PEOPLE IMPACT ASSESSMENT (PIA)**

Is a PIA required?	Yes	No	Explanation: Screening showed that the impact was neutral for all groups.
		x	
Has an initial PIA screening been completed?	Yes	No	Explanation: All impact identifies as neutral as proposal will benefit all groups alike by reducing / preventing anti-social behaviour
	x		
Has a full PIA been completed?	Yes	No	Explanation: As there is no adverse impact a full PIA has not been completed.
		x	
Is the PIA available?	Yes	No	Explanation:
	x		
Has the PIA identified any negative impacts on any protected characteristic or community cohesion?	Yes*	No	*Please ensure PIA is available
		x	

**Any Further Relevant Information:** If the DPPO is made it will protect the local community from anti-social drinking and the associated anti-social behaviour.

**11.0 Other Corporate Implications (this may include Community Safety, Environmental, Staffing, Trade Union)**Community Safety

DPPO's are a tool that can be used by local authorities to deal with problems of anti social alcohol drinking in public areas. The community safety implications are dealt with in the main body of the report.

**Background Papers:** Local Authorities (Functions and Responsibilities) (England) Regulations 2001  
Local Authorities Functions and Responsibilities Regulations 2001

**Published Papers:** The Criminal Justice and Police Act 2001  
The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007

**Person to Contact:** Gill Ragon Group Manager,  
Environmental Health and Regulatory Services  
Tel: 01452 396321 Fax 01452 39634  
Email: GillR@gloucester.gov.uk

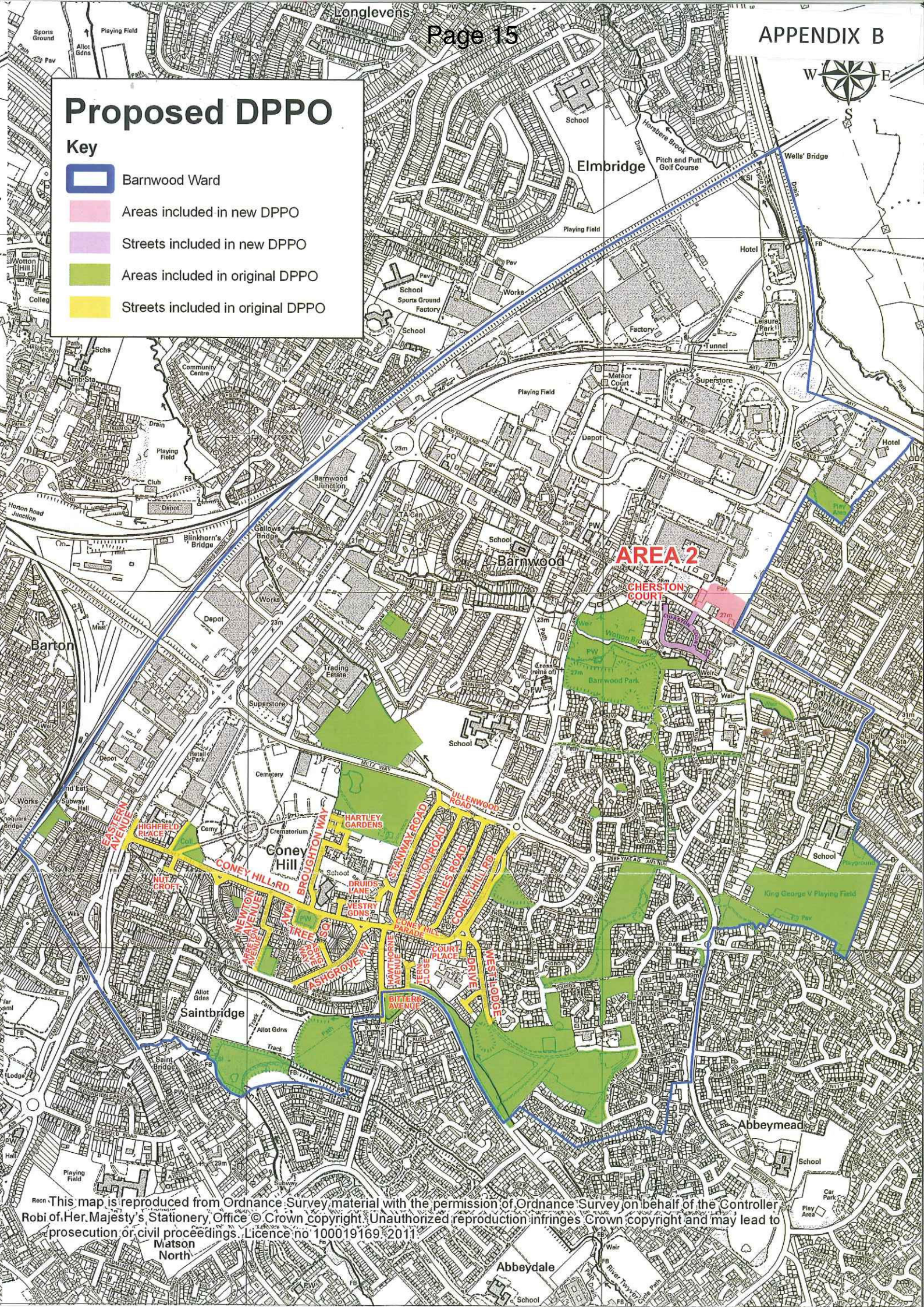




# Proposed DPPO

## Key

-  Barnwood Ward
-  Areas included in new DPPO
-  Streets included in new DPPO
-  Areas included in original DPPO
-  Streets included in original DPPO



**AREA 2**  
**CHERSTON COURT**

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence no 100019169 2011.



This page is intentionally left blank

Our Ref: LW/

11<sup>th</sup> March 2011

Dear Resident / Proprietor

**Controlling Alcohol in Barnwood (Area 2)**

**Area Proposed: Greenways Public Open Space and Cherston Court**

Some people are acting anti-socially and causing nuisance in the area covered by the Barnwood Ward of Gloucester when they are drinking alcohol in a public place. New powers are available to help to reduce this where there is evidence of serious and sustained nuisance. These powers allow district Councils to make what are known as Designated Public Places Order(s) (DPPO's) in their area. In any area covered by a DPPO, it would be against the law to continue to drink alcohol after being told not to by a Police Officer or Police Community Support Officer. The Officers would also have the power to take and dispose of alcohol (or substances they reasonably believe to be alcohol) that they think is about to be consumed.

Gloucester City Council can bring in these powers after consulting local people. Based on the trouble being caused in the Barnwood area, Barnwood Community Partnership has asked for an Order to be introduced in the streets and areas highlighted on the map enclosed. Your local Police support the proposal. I would also stress that this Order will not affect you if you are drinking sensibly in a public place.

Whatever your view of the proposal it is now your chance to have your say. Please contact us if you have any questions that are not answered by the enclosed information.

The Council is required to consult with the community and you are hereby invited to comment on the proposal having considered the following questions:-

1. Do you agree with the proposal?
2. What do you see as the benefits or drawbacks of this proposal?
3. What experience, and or evidence do you have of crime and disorder caused by alcohol in the area covered by the Barnwood Ward (Area 2)?
4. Is the proposed area sufficient to reduce the problem, if not why not?

It is important to us that you have your say. We will be collating all responses and they will form part of the formal application.

Letters can be sent to Lisa Wilkes, Food & Licensing Service Manager, Environmental Health & Regulatory Services, Gloucester City Council, Herbert Warehouse, The Docks, Gloucester GL1 2EQ or by email to [heretohelp@gloucester.gov.uk](mailto:heretohelp@gloucester.gov.uk).

Please ensure that all responses are made no later than 22<sup>nd</sup> April 2011.

Yours sincerely



Lisa Wilkes  
Food & Licensing Service Manager  
enc.

**ENVIRONMENTAL HEALTH & REGULATORY SERVICES**

Gloucester City Council    Tel 01452 396396    Fax 01452 396340  
Herbert Warehouse        Email [heretohelp@gloucester.gov.uk](mailto:heretohelp@gloucester.gov.uk)  
The Docks                    Minicom 01452 396161  
Gloucester GL1 2EQ        www.gloucester.gov.uk



This page is intentionally left blank

**Controlling Alcohol in Barnwood (Area 2)**

**Area Proposed: Greenways Public Open Space and Cherston Court**

The proposed Order covers highways and public open spaces to which members of the public have access as indicated on the map in the enclosed leaflet as listed below:-

The area / streets proposed (in part or whole) are:-

Greenways Public Open Space

Cherston Court

This Order will not apply to any area within the curtilage of premises licensed for the sale of alcohol such as pubs, licensed restaurants, registered members clubs etc.

**Frequently asked questions:-**

**What happens with future redevelopment?**

The Order would remain during any redevelopments in the area and any new or existing licensed premises would remain excluded from the new powers.

**How would drinkers be affected?**

New laws must consider the implications for human rights. The powers are considered reasonable because they are intended only for use against people who are causing a nuisance to others in a public place. Persons who are dependent on alcohol can continue to drink in private premises where they are not affecting others, and may be referred to organisations able to help or treat their dependency.

**What is the Police view?**

The Police welcome the initiative as a strategy to reduce both anti-social behaviour and violent crime.

**What is covered by the proposed zone?**

The proposed area is shown on the enclosed map. If you are unsure if a particular area is covered by the proposed zone please contact the Licensing Team on 01452 396396 or by email to [heretohelp@gloucester.gov.uk](mailto:heretohelp@gloucester.gov.uk).

**Where can I find out details about this law?**

If you want more details about this legislation the full text can be found on [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk) or by contacting the Licensing Team on 01452 396396 or by email to [heretohelp@gloucester.gov.uk](mailto:heretohelp@gloucester.gov.uk).

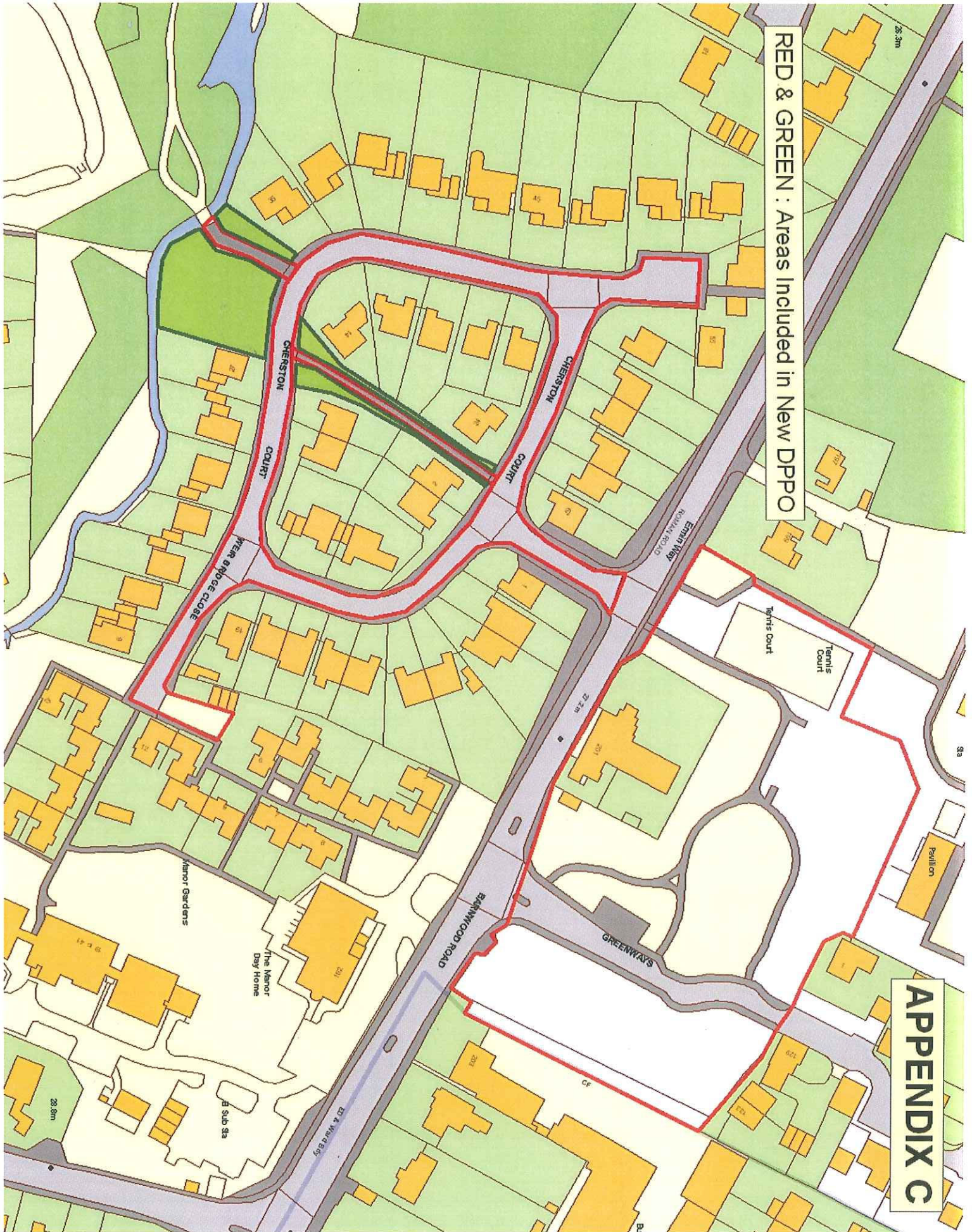
For more information on Safer Neighbourhood Policing contact PC Andy Plant on 0845 090 1234 or by email to [Andrew.plant@gloucestershire.police.uk](mailto:Andrew.plant@gloucestershire.police.uk).

To report anti-social behaviour call the Police on 0845 090 1234 or 999 if you are witnessing something happen.

To report environmental crime such as litter, graffiti, fly tipping and dog fouling call us on 01452 396396 or by email to [heretohelp@gloucester.gov.uk](mailto:heretohelp@gloucester.gov.uk).

This page is intentionally left blank





RED & GREEN : Areas Included in New DPPO

APPENDIX C

This page is intentionally left blank



**DPPO CRITERIA AND PROCEDURE**

**CRITERIA:**

- Evidence must show that there is currently a problem with consumption of alcohol in public places.
- The area to be included to be identified together with reasons. To include a map of the area, scale to be no less than 4 inches to the mile.
- Documented evidence of Police Support for proposed DPPO.
- Documented evidence of the support for the proposed DPPO from the Anti-Social Behaviour Steering Group.
- That the procedure below has been followed correctly.

**PROCEDURE:**

- Application made for a DPPO including a map of the area to be included and documented evidence of a current problem with consumption of Alcohol in the public place identified .
- On receipt of an application a multi agency group will be established to consider the case. To include representatives from the Police INA, the local community, Ward Councillors, relevant local authority departments, residents, land and property owners, premises licence holders, club premises certificate holders.
- The matter will be presented to the Anti-Social Behaviour Steering Group for comment and support.
- Local Authority Officers to survey location identified to assess situation. (In order to make a DPPO the Local Authority must be satisfied that the proposed area has a history of anti-social drinking and disorder).
- Multi Agency Group to agree area to be covered by request including any amendments suggested by Local Authority Officers.
- Statutory consultation process to be undertaken in accordance with The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007. This will include consultation with the Police, any Parish or Community Councils, Licensees, landowners, or occupiers and Councillors for adjacent wards.
- A public notice will be inserted in a local newspaper inviting people to make representations as to whether or not the proposed DPPO should be made. A minimum period of 28 days will be given from the day after the notice is published for representations to be made. The public notice will:
  - Identify the place/area which has been identified in the proposed DPPO.
  - Set out the effect of the proposed DPPO in relation to that place.
  - Invite representations as to whether or not the proposed DPPO should be made.
- If no representations are received after the consultation period the EHM in consultation with the Chair, Vice Chair and Spokesperson for Licensing and Enforcement Committee shall make the decision as to whether the proposed DPPO should be made.
- If representations are received these will be considered by Licensing and Enforcement Committee who will make a decision regarding the matter.
- Where the decision is to make a DPPO after it is made and before it takes effect a public notice will be placed in a local newspaper . The notice will:
  - Identify the place/area which has been identified in the DPPO.
  - Set out the effect of the DPPO in relation to that place.
  - Indicate the date on which the DPPO will take effect.
- Once made a copy of the DPPO will be sent to the Secretary of State.
- Subject to appropriate permissions signage will be erected in the place/area identified within the DPPO such as are considered sufficient to draw attention of members of the public in that place/area to the effect of the DPPO.
- Each sign will indicate the effect the DPPO will have at particular times in relation to each category of premises specified in regulation 3 (3) (b).

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank