

LICENSING AND SAFETY COMMITTEE

Thursday, 28th May, 2009 at 6.00 p.m.
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Ryder (Chairman)
Councillor Mrs. Dunn (Vice Chairman)
Councillors Mrs. Ameson, Mrs. Aston, Mrs. Coulter, A. Finch, Mottram,
Nottingham, Tyler, Vickers and Woodall

Officers

Licensing Officer and Mr. J. Jablonski (Directorate of Law, Property and
Human Resources) and the Food and Occupational Safety Manager
(Directorate of the Urban Environment)

1 **APOLOGY FOR ABSENCE**

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

2 **DECLARATIONS OF INTEREST**

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

3 **MINUTES**

RESOLVED

That the minutes of the Special Meeting of the Committee held on
24th February, 2009, be approved as a correct record and signed.

4 **LETTERS TO FORMER MEMBERS OF THE COMMITTEE**

Following comments made by the Chairman, it was

RESOLVED

That a letter of thanks be sent to Councillors D. Blood, Cotterill
and Mrs. Cowell, former members of the Committee, in respect of
their work on the Committee and its Sub-Committees.

APPOINTMENT OF SUB-COMMITTEES

A report of the Interim Director of Law and Property was submitted on the appointment of four Licensing Sub-Committees for the municipal year 2009/10 arising from the decision made at the meeting of Annual Council held on 21st May, 2009, to reduce the number of members serving on the Committee from 15 to 12 and as a consequence of this, the number of Sub-Committees from 5 to 4.

Appendix 1 to the report submitted set out the functions allocated to the Committee which it was proposed be delegated to the Sub-Committees. Details of the proposed membership of the Licensing Sub-Committees for 2009/10 and a schedule of meetings of the Sub-Committees from June, 2009 to May, 2010 were attached as Appendices 2 and 3 to the report submitted.

RESOLVED

- (1) That four Licensing Sub-Committees, numbered 1 to 4, be established to deal with all licensing functions requiring member determination in accordance with the functions allocated to the Licensing and Safety Committee as set out in Appendix 1 to the report submitted.

- (2) That the membership of the Sub-Committees for 2009/10, as set out in Appendix 2 to the report submitted, be as follows:-

Sub-Committee 1 - Councillors Ryder*, Nottingham and Tyler.

Sub-Committee 2 - Councillors Woodall*, Vickers and Mrs. Aston.

Sub-Committee 3 - Councillors Mrs. Dunn*, Mrs. Ameson and Mottram.

Sub-Committee 4 - Councillors A. Taylor*, A. Finch and Mrs. Coulter.

with those members whose name appears with an asterisk acting as the Chairman of the respective Sub-Committee.

- (3) That the schedule of meetings of Licensing Sub-Committees for the period June, 2009 to May, 2010 as set out in Appendix 3 to the report submitted, be noted.

- (4) That the substitution arrangements set out in the Council's procedure rules be noted and applied to Licensing Sub-Committees subject to an eligibility requirement that any named substitute must be:-
- (a) appointed to the Licensing and Safety Committee;
 - (b) otherwise eligible to serve on any given occasion; and
 - (c) notified to the Interim Director of Law and Property prior to the commencement of the meeting in question and that Democratic Services be responsible for arranging substitutes for Sub-Committees.

6

REVIEW OF ORDERS IN RESPECT OF DESIGNATING PLACES FOR THE BANNING OF ALCOHOL CONSUMPTION IN PUBLIC

A report of the Interim Director of Law and Property was submitted reviewing the Orders made by the Council for the designation of places for the banning of alcohol consumption in public within the Dudley Metropolitan Borough.

Copies of responses to consultation with the relevant Police Sectors from Halesowen, Stourbridge, Dudley, Lye and Sedgley were attached at Appendix 1 to the report submitted and a conclusion from these responses was that the orders banning alcohol consumption, currently imposed by the Council, had been very effective both in terms of crime reduction and prevention of under age drinking.

Arising from consideration of the content of the report submitted concerns were raised about the alleged activities of youths in parks and green spaces with particular reference to alcohol consumption relating not only to such areas adjacent to designated places banning alcohol consumption, but in the Borough generally.

In response to the concerns raised, it was reported that the Police were looking into the position at Stevens Park and that at the meeting of the Select Committee on Community Safety and Community Services to be held on 10th September, 2009 further consideration would be given, with representatives of the Police, to the overall issue of alcohol related anti-social behaviour.

RESOLVED

- (1) That the information contained in the report, and Appendix 1 to the report, submitted arising from a review of the orders made by the Council for the designation of places for the banning of alcohol consumption in public within the Dudley Metropolitan Borough and in respect of the consultation undertaken with the relevant Police Sectors, be noted.
- (2) That, arising from the concerns raised at the meeting in respect of anti-social behaviour related to drinking in parks/green spaces in the Borough, the Licensing Officer be requested to write to the Police on this matter with a view to further consideration being given to this issue, in the light of the response received, by the Committee at a future meeting.

7

HEALTH AND SAFETY ENFORCEMENT SERVICE PLAN, 2009 -10

A report of the Director of the Urban Environment was submitted on the Health and Safety Plan, 2009-10, including a review of achievements of the service in 2008/09.

The Food and Occupational Safety Manager in her presentation of the report, highlighted various aspects contained within the report, in particular, the key achievements of the health and safety enforcement service in 2008-09, and in this connection it was reported that in the second bullet point there were, in fact, 39 accidents being 35% of reportables and not as set out in the report; details of the two actions from the 2007-08 Health and Safety Service Plan that were not fully achieved in 2008/09; the key delivery priorities in the Service Plan for 2009-10 and details in respect of a new statutory scheme introduced by the Regulatory Enforcement and Sanctions Act, 2008 from April, 2009 known as the Primary Authority Scheme. In connection with this latter scheme, concerns were expressed as to the possible likely impact this would have on the work of the Council.

Arising from consideration of the content of the report submitted, comments were made regarding any powers the Council had in respect of the hospital service, in particular, Russells Hall Hospital, and in response it was reported that enforcement powers for such National Health Service premises rested with the Health and Safety Executive and not the Council.

Arising from further consideration of this matter, it was considered that the issue of developing improved channels of communication for Members representing the people of Dudley in relation to hospitals with particular reference to Russells Hall Hospital, was a matter that should be referred to the Select Committee on Health and Adult Social Care for their consideration.

The Food and Occupational Safety Manager also circulated at the meeting a handbook from LACORS entitled "Your Council's Role in Health and Safety Regulation" for the attention of Members".

RESOLVED

That the information contained in the report submitted, on the Health and Safety Service Plan, 2009-10 be endorsed; that the achievements of the service in 2008-09 be noted and that a letter be sent to the Food and Occupational Safety Manager, thanking her and her team for the work achieved as outlined in the report submitted.

The meeting ended at 6.32 p.m.

CHAIRMAN