

SPECIAL MEETING OF LICENSING AND SAFETY COMMITTEE

Tuesday, 25th September, 2007 at 6.00 p.m.
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Ryder (Chairman)
Councillor D Blood (Vice Chairman)
Councillors Mrs Ameson, Mrs Aston, Mrs Cowell, Ms Craigie, Mrs Dunn,
J Martin, Mottram, Nottingham, Taylor, Tomkinson and Woodall.

Officers

Director of Law and Property, Assistant Director Legal and Democratic Services, Licensing Officer, Head of Public Protection, Food and Occupational Safety Manager and Trading Standards Manager (Directorate of the Urban Environment) and Mr J Jablonski (Directorate of Law and Property).

6 **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of Councillors Mrs Coulter and J Finch.

7 **DECLARATIONS OF INTEREST**

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

8 **MINUTES**

RESOLVED

That the Minutes of the Meeting of the Committee held on 24th May, 2007, be approved as a correct record and signed.

9 **ALCOHOL CONSUMPTION IN PUBLIC PLACES – MARY STEVENS PARK, STOURBRIDGE**

A report of the Director of Law and Property was submitted on a proposal that an Order be made making Mary Stevens Park and Swinford Common a designated public place where the consumption of alcohol would be prohibited.

Attached at Appendix 1 to the report submitted was a report from West Midlands Police summarising the problems associated with the consumption of alcohol in and around Mary Stevens Park. In view of the problems associated with Mary Stevens Park West Midlands Police believed that it would be sensible to include Swinford Common in the Order in order to avoid any possible problem with displacement. Attached at Appendix 2 to the report submitted was a copy of a plan showing the proposed area to be designated.

In his presentation of the report the Director of Law and Property referred to the procedure for the making of an Order, as outlined in the report submitted. In accordance with that procedure should the Committee agree to the making of an Order, in principle, further consideration would be given to this matter at a future meeting of the Committee following the necessary consultations and publishing of a notice in a local newspaper. It was also noted that this matter would be considered at the meeting of Stourbridge Area Committee to be held on 19th November, 2007.

Arising from the consideration given to this matter, it was

RESOLVED

That approval be given to the introduction, in principle, of a Designation Order for Mary Stevens Park and Swinford Common, Stourbridge, as shown on the plan attached at Appendix 2 to the report submitted, the effect of which, if introduced, will prohibit the consumption of alcohol within the designated area, and that the Director of Law and Property be authorised to undertake necessary consultations and publish a notice in a local newspaper in accordance with the procedure for the making of an Order, as outlined in the report submitted.

10

GAMBLING ACT 2005 UPDATE

A report of the Director of Law and Property was submitted on the current position following the completion of the implementation of the transitional phase of the Gambling Act, 2005.

RESOLVED

That the information contained in the report submitted, on the current position following the completion of the implementation of the transitional phase of the Gambling Act, 2005, be noted.

11

THE ENFORCEMENT OF THE LICENSING ACT, 2003: UNDER AGE SALES OF ALCOHOL

A report of the Director of the Urban Environment was submitted on enforcement action taken by the Trading Standards Service under the Licensing Act, 2003 regarding the sale of alcohol to persons under the age of 18 years and on the results of the 2007 Tackling Underage Sales of Alcohol Campaign carried out by the Trading Standards Service in conjunction with West Midlands Police.

Arising from the presentation given by the Trading Standards Manager on the content of the report submitted it was noted that further action was being proposed by Trading Standards and that work with the Magistrates, arising from actions taken, was also being proposed.

RESOLVED

That the information contained in the report submitted be noted with particular reference to: -

- (a) The enforcement action taken by the Trading Standards Service under the Licensing Act, 2003 regarding the sale of alcohol to persons under the age of 18 years;
- (b) The results of the 2007 Tackling Underage Sales of Alcohol Campaign carried out by the Trading Standards Service in conjunction with West Midlands Police; and
- (c) Those cases where repeated illegal sales had taken place at a premises and convictions secured against the Premises Licence Holder, that Trading Standards together with the Police would be considering the seeking of a review of the Premises Licence in order to deter further criminal activity.

HEALTH AND SAFETY ENFORCEMENT SERVICE PLAN

A report of the Director of the Urban Environment was submitted on the Health and Safety Service Plan 2007-08. A summary of the Plan was attached as Appendix 1 to the report submitted.

The Food and Occupational Safety Manager in her presentation of the report submitted referred in particular to paragraphs 5 and 6 of the Plan Summary relating to a Review of 2006-07 and the Health and Safety Work Programme Summary 2007-08.

Arising from the presentation given a member raised the issue of smoking in communal areas of blocks of flats and the provision of signage indicating that smoking was prohibited. It was noted that this matter had been raised with the Directorate of Adult, Community and Housing Services and the member was asked to let the officer have relevant details so that the matter could possibly again be raised with that Directorate.

RESOLVED

That the information contained in the report, and Appendix 1 to the report submitted on the Health and Safety Service Plan 2007-08, be endorsed.

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DELEGATION OF APPLICATIONS FOR RENEWAL AND VARIATION OF STREET TRADING CONSENTS FOR SPECIALISED MARKETS

A report of the Director of Law and Property was submitted on a proposal to delegate to the Director of Law and Property determination of applications for renewals and variations of Street Trading Consents in respect of Farmers Markets.

Arising from the presentation of the report by the Assistant Director Legal and Democratic Services, reference was made to an issue, involving competition, that had arisen at a meeting of a Licensing Sub-Committee held earlier in the day. Arising from the consideration given to these matters, it was

RESOLVED

- (1) That approval be given to the delegation to the Director of Law and Property of the determination of applications for renewals and variations of Street Trading Consents in respect of the Farmers Markets.
- (2) That, as a general principle, it be agreed that when considering future applications for Street Trading Consents the issue of competition would not be a relevant factor for Licensing Sub-Committees in determining such applications.

The meeting at 7.15 pm

CHAIRMAN