

**LICENSING BOARD  
21st March, 2012**

Present:- Councillor Wootton (in the Chair); Councillors Andrews, Barron, Dodson, Falvey, Foden, Goulty, J. Hamilton, N. Hamilton, Jack, Nightingale, Read, Sangster and Swift.

Apologies for absence were received from Councillors Buckley, Havenhand, McNeely and P. A. Russell.

**Q49. MINUTE'S SILENCE - VINCE MCNEELY.**

Members of the Licensing Board stood in silence as a token of their respect at the recent death of Vince McNeely, husband of the former Mayor, Councillor Rose McNeely.

**Q50. MINUTES OF THE BOARD HELD ON 15TH FEBRUARY, 2012.**

The minutes of the previous Licensing Board, held on 15<sup>th</sup> February, 2012, were considered.

Resolved: - That the minutes of the previous meeting of the Licensing Board be agreed as a correct record for signature by the Chairman.

**Q51. RESULT OF CONSULTATION – DESIGNATED PUBLIC PLACE ORDER.**

Consideration was given to the submitted report presented by Steve Parry, Neighbourhood Crime and Justice Manager, Neighbourhood and Adult Services, which provided an update on the consultation exercise that had been undertaken in relation to establishing a single multi-use Designated Public Place Order as prescribed by the Local Authorities (Alcohol Consumption in Public Places) Regulations 2001. Pursuant to Minute Q29 (Single Rotherham Designated Public Place Order) of the Licensing Board held on 16<sup>th</sup> November, 2011, giving permission to enter into consultation with stakeholders, the consultation period had ended on 10<sup>th</sup> February, 2012 in relation to the areas where it had been proposed that a Designated Public Place Order take effect.

The report detailed the consultation process that had been followed. A wide-range of stakeholders had been consulted through the provision of a covering letter and legal notice. A legal notice was displayed in the Rotherham Advertiser on Friday 6<sup>th</sup> January, 2012, that identified the areas that the Order would cover and its intended effects. A consultation page was also made available on the Council's internet site.

The consultation period had lasted for twenty-eight days and stakeholders consulted included:-

The Police, the British Transport Police, Licensees of licensed premises in the proposed Designated Public Place, owners or occupiers of land that may be affected, Parish Councils, Local Councillors, South Yorkshire Passenger Transport Executive, Supermarkets, Doncaster Council, Barnsley Council and Sheffield City Council. Where requested, presentations had also been made to Area Assemblies.

At the close of the consultation, eighteen responses had been received. With the exception of one response, all comments were in favour of the introduction of a Designated Public Place Order. There was support for the Order's boundary to be extended to include areas not suggested within the original scope and also representations for the Order to cover the entire borough.

The consultation responses received were presented at appendix 1 of the submitted report, and a map that demonstrated the original scope of the Designated Public Place Order and the additional areas suggested following consultation was inspected by the Licensing Board. Also shown on the map were the areas from where no consultation responses had been received.

Based on the consultation responses it was now recommended that a borough-wide Designated Public Place Order be implemented.

The Neighbourhood Crime and Justice Manager referred to the process the Local Authority had to follow if it was to agree to implement a borough-wide Designated Public Place Order. This included satisfying itself that the Order was justified by reference to past problems of alcohol-related crime, disorder or antisocial behaviour in that place.

It was also noted that Home Office guidance stated that, if considering implementing Designated Public Place Orders borough-wide or in multiple locations, Local Authorities must be satisfied that 'nuisance or annoyance to members of the public or disorder had been associated with the consumption of alcohol in that place'. The guidance also recognised that creating designated areas may lead to anti-social behaviour being displaced into areas that had not been covered by the designation.

Justification for the provision of a borough-wide Designated Public Place Order in Rotherham included: -

- Sending out a clear message to all of our communities of the intent of the Police, Council and partners to tackle alcohol-related crime and disorder;
- A borough-wide Order would be less confusing to the public than having a number of individual areas where an Order existed;
- There was a real need to consider and address the issue of displacement of alcohol-related anti-social behaviour;
- Consultation responses and anecdotal evidence from neighbourhood forums had suggested that there were areas that did suffer from alcohol-related disorder but did not formally report them.

Discussion ensued and the following issues were raised: -

- Resources available for enforcing the proposed Designated Public Place Order;
- Communication of the proposed borough-wide Order to the areas that had not responded to the consultation exercise;
- The need to ensure that consistent enforcement happened across the borough;
- The role of the Designated Public Place Order in allowing preventative work to take place before issues escalated within communities;

- The use of the Order to further tackle issues relating to under-age purchase of alcohol;
- The positive impact that the Designated Public Place Orders already in place in the Rotherham Town Centre and Wath community were having;
- The role of Police Officers, Police Community Support Officers and Special Constables in enforcing the Order.

Resolved: - (1) That the introduction of a borough-wide Designated Public Place Order be approved.

(2) That an operational review of the Designated Public Place Order take place twelve-months from the date of commencement.

(3) That the Neighbourhood Crime and Justice Manager and the agencies who undertook the review and consultation process be thanked for the positive way that the exercise had been conducted.

**Q52. CONSULTATION RESPONSES IN RELATION TO PROPOSED 2012/13 FEE INCREASES.**

Further to minute Q45 (Licensing Services: Proposed Fees – 2012-13) of the Licensing Board held on 15<sup>th</sup> February, 2012, a further report was considered in relation to the outcome of the consultation process regarding the proposal to increase licensing fees for the 2012/13 financial year by 3.6% (rounded up to the nearest pound). This figure represented the most recent Consumer Prices Index (CPI) figure that was available at the commencement of the consultation process and related to January, 2012.

The proposed fee increase applied to the administrative and enforcement services undertaken by the Licensing Service, as detailed in appendix A of the submitted report. A number of other fees that the service charged would remain unaffected by this proposal as they were provided by external partners or legislation existed that prescribed the fee level. These fees included the testing of Private Hire and Hackney Carriages vehicles, which was carried out by Translinc, and the fees charged for administering the Licensing Act 2003, as these were set by Central Government and were standard throughout the country.

It was noted that the fees in relation to the licensing of sex establishments would not be subject to the 3.6% increase at this time as further work was underway in relation to the licensing, and associated fees, of these establishments.

The consultation process had included the placing of a public notice in the Rotherham Advertiser outlining the proposed changes. A letter was also sent to trade representatives including the Rotherham Hackney Carriage Association, Rotherham Private Hire Drivers' Association and the Rotherham Private Hire Operators' Association.

No formal responses had been received in response to this consultation.

Resolved: - That the proposed fee structure for the 2012/13 financial year in

relation to non-statutory licensing fees, as outlined in the submitted report, be approved.

**Q53. APPLICATIONS FOR EXEMPTION FROM DISPLAY OF PRIVATE HIRE VEHICLE PLATE AND DOOR SIGNS - POSH TRAVEL.**

Consideration was given to the submitted report that requested an exemption from the Local Government (Miscellaneous Provisions) Act 1976, Section 75 (3) that stated private hire vehicle plates and door signs must be displayed on a specified vehicle. This request had been made in relation to 'Posh Travel', a licensed operating company.

Agreed: - That consideration of the request be deferred pending receipt of further information.

**Q54. EXCLUSION OF THE PRESS AND PUBLIC.**

Resolved: - That the following items be considered in the absence of the Press and the Public as being exempt under the Police Act 1997 and Paragraphs 3 and 7 of Part 1 of Schedule 12A to the Local Government Act 1972 (business affairs and prevention of crime).

**Q55. DETERMINATION OF LICENSING ISSUES - HOUSE TO HOUSE COLLECTIONS.**

The Senior Licensing Officer submitted a report concerning the following applications for the grant of a licence to carry out house to house collections:-

ORGANISATION	AREA	DATE
UK National Kidney Federation	Whole of Rotherham Borough	1 <sup>st</sup> & 2 <sup>nd</sup> May, 2012, 21 <sup>st</sup> & 22 <sup>nd</sup> June, 2012, 9 <sup>th</sup> & 10 <sup>th</sup> August, 2012, 27 <sup>th</sup> & 28 <sup>th</sup> September, 2012, 15 <sup>th</sup> & 16 <sup>th</sup> November, 2012.
Children's Hearts	Whole of Rotherham Borough	1 <sup>st</sup> March, 2012, to 28 <sup>th</sup> February, 2013.

Resolved: - (1) That the application on behalf of the UK National Kidney Federation be approved.

(2) That the application on behalf of Children's Hearts be refused.

**Q56. HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES.**

The Licensing Board considered reports by the Director of Housing and Neighbourhood Services relating to the hackney carriage / private hire drivers' licenses in respect to Messrs. S.A., S.R. and M.Q.J..

Messrs. S.A., S.R. and M.Q.J. attended the meeting and were interviewed by the Board.

Resolved: - (1) That the hackney carriage / private hire driver's licence held by

Mr. S.A. be immediately suspended pending the receipt of further information by this Board.

(2) That Messrs. S.R. and M.Q.J. be warned about their future conduct and be issued with a final written warning.

**Q57. HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES - APPLICATIONS.**

The Licensing Board considered reports by the Director of Housing and Neighbourhood Services relating to the applications for the grant of hackney carriage / private hire drivers' licences in respect to Messrs. J.S., D.H. and K.K..

Messrs. J.S., D.H. and K.K. attended the meeting and were interviewed by the Board.

Resolved: - (1) That the application in respect of Mr. J.S. be refused.

(2) That the applications in respect of Messrs. D.H. and K.K. be granted for a period of three-years, subject to passing the DSA driving test and medical examination.