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CLEANER GREENER AND SAFER COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

Wednesday, 29th February, 2012

Present:- Councillor John Williams – in the Chair

Councillors Councillor Peter Hailstones, Councillor Tony Kearon,
Councillor Ian Matthews, Councillor Dennis Richards,
Councillor Simon Tagg and Councillor Andrew Wemyss

10. **MINUTES OF THE PREVIOUS MEETING**

That the minutes of the meeting held on 9th November 2011 be agreed as a correct record.

11. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

12. **LOW CARBON PROJECTS FEBRUARY 2012**

The Council's Head of Housing Services provided the Committee with an update regarding the Low Carbon Projects that had taken place up to February 2012 following a successful bid for funding.

Resolved: That the projects be noted.

13. **NORTH STAFFS GREEN SPACE STRATEGY**

The Strategy would be going to Cabinet in May and it was therefore suggested that an additional meeting of the Committee be convened towards the end of April to consider this item.

14. **TREE PRESERVATION ORDERS**

It was confirmed that the issue of Tree Preservation Orders had now been considered by the Strategic Planning Committee. Members agreed that this was sufficient for the time being but that further information may be requested at a later date.

Resolved: That this be revisited at a later date if required.

15. **POLICE REFORM AND SOCIAL RESPONSIBILITY ACT**

Resolved: That the Head of Performance and Transformation send out a briefing note to Members regarding the Police Reform and Social Responsibility Act.

16. **ALCOHOL STRATEGY**

A report was submitted to inform the Committee of a meeting that had taken place with representatives from Staffordshire Trading Standards on 7th February 2012, to provide information regarding the licensing review process and to request that

members consider proposals for the consolidation of information regarding licensing complaints.

Members discussed the report and agreed that it would be beneficial to invite Officers from Trading Standards to a future meeting of the Committee. The Chair also made clear that Members from the Health Scrutiny Committee would need to be involved in any future alcohol projects and it was agreed to invite Health Scrutiny Members to the next meeting along with representatives from Staffordshire Police.

Resolved: (a) That an additional meeting of the Committee be convened and that representatives from Trading Standards, Staffordshire Police and the Health Scrutiny Committee be invited to attend.

(b) That a process be looked into that would enable the Council's Licensing Department to collate information regarding complaints about off licences.

17. **STRONGER AND SAFER COMMUNITIES STRATEGY 2012-2017**

A report was submitted providing the committee with the first draft of the Safer and Stronger Communities Strategy.

The Strategy would provide the main framework for the work being done by the Borough Council in conjunction with its partners, communities and other key stakeholders in seeking to develop stronger and safer communities in the Borough and beyond.

The Strategy would bring together previously disparate areas of work in order to provide a common basis for future work programmes as well as a set of key indicators and outcomes which those projects listed in the Strategy sought to deliver.

It was proposed that the Strategy be subject to consultation with key sections of the Borough's population.

Resolved: (a) That the contents of the Strategy be noted.

(b) That the Committee endorse the presentation of the Strategy to Cabinet on 14th March 2012.

COUNCILLOR JOHN WILLIAMS
Chair

Brief for Scrutiny Cleaner, Greener and Safer.

Topic to be scrutinised Alcohol issues in Newcastle under Lyme
Questions to be addressed <ol style="list-style-type: none">1. What is the community involvement in the processes undertaken?2. What publicity if any is carried out following action taken against an Off Licence where underage sales have taken place or where counterfeit alcohol has been seized?3. Is there any opportunity for such publicity or would this affect any future prosecutions?4. In what way do Trading Standards work with off-licences – what are the processes involved?5. How is drinking in streets tackled and what is being done to alleviate it?6. What is / can be done to stop the distribution of contaminated alcohol?7. What powers do Trading Standards / Police have in the closure of premises or removal of a Premise Licence.8. What part could the council play in all of the above?9. How can individual Councillors become involved and feed information back to concerned residents.10. How can / should the Health Scrutiny Committee become involved.
Outcome <ol style="list-style-type: none">1. To make the streets of Newcastle a safer place for everyone.2. To protect residents against the consumption of contaminated alcohol.3. To identify the role that this Council will play in tackling the issues.
Background materials <ol style="list-style-type: none">1.2.
Evidence and witnesses <ol style="list-style-type: none">1. Local businesses2. Partner organisations providing business support.3. Local residents4. Officers from the Community Safety team.5. Trading Standards

<p>6. Staffordshire Police 7. Health service representative</p>
<p>Method of scrutiny</p> <p>1. Task and Finish Group – membership consisting of the Chair of Cleaner Greener and Safer Communities Overview and Scrutiny Committee and other relevant members including representative from the Health Scrutiny Committee, officers and partner organisations.</p>
<p>Timetable</p> <p>Start date: To be decided</p>
<p>Constraints</p> <p>Officer and member availability / capacity during April-May</p>
<p>Members to undertake the scrutiny</p> <p>Cllr J Williams Plus others to be agreed</p>
<p>Support</p> <p>Relevant Executive Directors Relevant Heads of Service Alcohol Harm Reduction Officer Democratic Services Team</p>
<p>Newcastle Borough Council Corporate Plan Priority area (s)</p> <ul style="list-style-type: none"> ○ Creating a cleaner, safer and sustainable Borough
<p>CfPS Objectives:</p> <ul style="list-style-type: none"> ● Provides ‘critical friend’ challenge to executive policy makers and decision makers ● Enables the voice and concerns of the public to be heard ● Is carried out by independent governors who lead and own the scrutiny role ● Drives improvement in public services
<p>Brief approved by Overview and Scrutiny Co-ordinating Committee</p> <p>Signed: Date:</p>

Submitting an Application for a Review of a Premise Licence

A review of the licence/certificate can be applied for by:

(a) An interested party

- (i) A person living in the vicinity of the premises.
- (ii) A body representing persons living in the vicinity of the premises.
- (iii) A person involved in business in the vicinity of the premises.
- (iv) A body representing persons involved in business in the vicinity of the premises.

(b) A responsible authority

- (i) Newcastle Police
- (ii) Staffs Fire & Rescue Service
- (iii) Staffordshire County Council, Trading Standards
- (iv) Principal Environmental Health Officer
- (v) Head of Planning & Development Manager

(c) A member of club (for Club Premises Certificates only)

(d) An Elected Member

- The application must be based on at least one of the four licensing objectives:

The prevention of crime and disorder

Public Safety

The prevention of public nuisance

The protection of children from harm

- The application must be submitted to the Licensing Authority (Newcastle Borough Council) and copies sent to all responsible authorities.
- The Licensing Authority must advertise the review in a local newspaper and place notices in the premise.
- Responsible authorities and interested parties have 28 to make representations to the Licensing Authority.
- At the end of the 28 day objection period, a hearing (meeting of the Licensing Sub-Committee) must be held with 20 working days.
- The Sub-committee is made up of three members of the Licensing Committee.

- The Sub-Committee will hear evidence from the applicant, the representatives of the premise and any other responsible authorities or interested parties who have made submissions during the 28 day objection period.
- The Sub-committee will decide based on the empirical evidence provided (speculative evidence must be disregarded) and the Licensing Objectives to carry out any of the following actions:
 - (1) Take no action – there are no steps necessary for the promotion of the licensing objectives.
 - (2) Issue a formal warning or recommend improvement within a given time.
 - (3) Modifying the conditions on the premise licence (adding new conditions, altering existing conditions or omitting existing conditions).
 - (4) Excluding a licensable activity.
 - (5) Removing the Designated Premises Supervisor.
 - (6) Suspend the licence for a period not exceeding 3 months.
 - (7) Revoke the licence.

If the licence is revoked a new licence must be applied for which will again involve submitting an application with a 28 day objection period.

Agenda Item 5

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

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