

ALCOHOL CONSUMPTION IN PUBLIC PLACES - DESIGNATION OF PUBLIC PLACES IN HEREFORD**Report By: HEAD OF ENVIRONMENTAL HEALTH AND TRADING STANDARDS****1. Wards Affected**

Kington Town

2. Purpose

To review 'The Herefordshire (Alcohol Consumption in Designated Places) Order (No.6) 2007 in respect of Kington. The designated streets, roads and other areas are shown within the order at Appendix 1 – Background papers.

3. Background

The Regulatory Committee agreed the following resolution at the meeting on 31 July 2007: -

THAT

(i) an Order be made designating those areas detailed in the report of the Head of Environmental Health and Trading Standards in Kington as public places for the purposes of section 13 of the Criminal Justice and Police Act 2001; and

(ii) the matter be reviewed after 12 months from the date of the Order being made.

4. The Order came into force on 14 September 2007.

5. The Criminal Justice and Police Act 2001 and the Local Authorities (Alcohol Consumption in Designated Places) Regulations 2001 gives powers to local authorities to place restrictions on public drinking within so-called designated places where it is associated with nuisance or annoyance to members of the public, or with disorder.

6. An Order gives the Police (including Community Support Officers) the power to require a person not to drink alcohol in a designated place where the officer believes that the person is, has or intends to do so, and to surrender any alcohol or alcohol containers in the person's possession. Failure to comply with an officer's requirements in respect of drinking or surrendering alcohol is an arrestable offence.

7. The designation of a place under an Order therefore provides potentially effective tools to those wishing to tackle nuisance, annoyance or disorder.

8. Consultation

The Criminal Justice and Police Act 2001 Regulation 3 states: -

(1) Before making an order, a local authority shall consult –

- (a) the chief officer of police for the police area in which the public place proposed to be identified in the order is situated;
- (b) the parish or community council in whose area the public place is situated;
- (c) the chief officer of police, the local authority and the parish or community council for any area near to the public place which they consider may be

affected by the designation; and

- (d) the licensee of any licensed premises in that place or which they consider may be affected by the designation.

9. **Review Process**

Kington Town Council and the West Mercia Constabulary were contacted by letter (Appendix 2 & 3 – Background papers) as well all Licensed Premises who may be affected by the order. (The letter is shown at Appendix 4 & the list of the premises at Appendix 5 – Background papers).

Kington Town Council has responded (Appendix 6 – Background papers) and supports the order and asks it to be made permanent.

West Mercia Constabulary have also responded (Appendix 7 – Background papers) and request that the order remains in force and state that there is no need to extend the area.

No other comments have been received.

10. **Recommendation**

THAT The Committee makes the order permanent and that it should remain in the same form as previously agreed.