

ALCOHOL CONSUMPTION IN PUBLIC PLACES - DESIGNATION OF PUBLIC PLACES IN HEREFORD

Report By: HEAD OF ENVIRONMENTAL HEALTH AND TRADING STANDARDS

Wards Affected

Kington Town

Purpose

To consider a proposal to designate streets, roads and other areas (listed in Appendix 1) as public places within the meaning contained in the Criminal Justice and Police Act 2001 and thereby restricting anti-social public drinking in those areas.

Background

On 1st September 2001 sections 12-16 of the Criminal Justice and Police Act 2001 and the Local Authorities (Alcohol Consumption in Designated Places) Regulations 2001 came into force. This legislation gave 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.

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. It is an offence to drink alcohol in such places. Failure to comply with an officer's requirements in respect of drinking or surrendering alcohol is an arrestable offence.

The designation of a place under an Order therefore provides potentially effective tools to those wishing to tackle nuisance, annoyance or disorder. However, in designating such places the local authority must be satisfied that the problems are associated with public drinking in those areas. Areas subject to vandalism, littering or noise nuisance, for example, would not be considered appropriate for designation unless the drinking of alcohol there was a contributory factor in the problem. In addition, where other controls are available and more appropriate, designation should not be used as the first resort.

Since September 2001 Herefordshire Council has made 8 Orders designating areas in Hereford City, Whitcross, Copin Rise, the market towns of Ross on Wye, Ledbury, and Bromyard as well as the villages of Madley and Peterchurch. The controls brought in through the Orders have been regarded as effective and successful in combating several facets of anti-social behaviour where alcohol consumption has been involved. This includes loitering (and therefore intimidation of other users), littering, and the use of drinks containers as weapons

The 'sponsors' of recent Orders have ranged from members of the public who overlook particular areas to Parish Councils and the Police. The role of the Police in supporting the designation and more importantly, in the policing of the area cannot be over-stated. To designate a place, advertise its designation, put up signage and then not to police it would not only be a waste of resources but a failure to manage the

expectations of those who are suffering as a result of the consumption of the alcohol. It would also send out the wrong message to the small minority of people who cause the problems. Equally, the Police have a role in confirming that the particular area suffers from the type of problems connected with alcohol consumption. Land owners/occupiers and others also have a role in substantiating the case for designation.

The proposed designated public places

The police have made an approach to this Council in respect of the designation of an area of Kington.

The proposed area is detailed at Appendix I. **[Detailed plans to follow]**

The case for designation

Neither those who have highlighted the problems associated with 'public' drinking, the Police nor Herefordshire Council wishes to bring about a comprehensive ban on drinking in the open air. The concerns expressed relate to the effects of alcohol consumption by a small number of people who directly or indirectly cause problems to the residents neighbouring, or those others wishing to use the areas of land for recreation etc. where no disruptive effects occur.

The Police have confirmed that the proposed area has often been the subject of reports to the police of drink-related anti-social behaviour and nuisance.

Advertisements were placed in the Hereford Times on 10 August 2006 and 28 September 2006 inviting representations regarding this matter. The closing date for representations is 28 days after the date of advertisement. No correspondence has been received objecting to the proposal. Certain land owners/occupiers (inc. Herefordshire Council and Herefordshire Housing), the Police and the relevant Parish Councils have been formerly approached with respect to obtaining their views on the proposals. No written objections have been received.

The proposals accord with initiatives already commenced by the Herefordshire Community Safety Partnership with respect to crime and disorder and in particular tackling alcohol-associated problems.

The effects of making an order

The Police will have the power to require a person not to drink alcohol in a designated place where the officer reasonably believes that the person is, has or intends to do so, and to surrender any alcohol or alcohol containers (other than sealed containers) in the person's possession. It is not an offence to drink alcohol in a designated public place, but failure to comply with an officer's requirements in respect of public drinking or surrender of alcohol, without reasonable excuse, is an arrestable offence.

Unlike the procedure associated with the byelaw, the local authority is not under any obligation to conduct a formal assessment of the nature of any alleged problem(s). However, the local authority has to be satisfied that public nuisance, annoyance or disorder has been associated with public drinking in a proposed area. Where there have been no such problems, a designation order will not be appropriate.

Once in force, an offence exists where a person who is consuming intoxicating liquor in a designated place, continues to do so when told to stop doing so by a Police officer. Such powers have brought about a change in town centres in terms of the previously held perceptions of some that loutish, anti-social behaviour prevailed. A 'tool' was therefore available to control such behaviour and reduce the chances of drinking vessels being used in acts of violence.

Financial Implications

Should the recommendation be agreed then a further advertisement must be placed in the local newspaper giving at least 7 days' notice of the Order coming in to force. There are costs associated with placing notices in newspapers in circulation in the proposed areas and costs associated with the manufacture and erection of signage. Signs erected at the principal entrances to each of the areas of land along with some located within the land should result in between 20 and 30 signs being purchased and erected. Each sign costs approximately £30 to manufacture and erect. The exact number has not yet been determined.

Previous Committee Hearing

This matter was previously before the Committee on 28th November 2006 when the matter was deferred until this date to allow further consultation to take place.

After speaking to the previous consultees it became evident that there was no further to be gained by a further period of consultation and that the Committee would have to arrive at a decision based on the facts.

To assist the Committee in the decision making process Councillor Mrs Newman (Police Community Consultative Group), Councillor James (Herefordshire Council) and a local representative of the West Mercia Constabulary have been informed of the meeting and asked to attend. An invitation was also sent to Kington Town Council but no response has been received.

RECOMMENDATION

THAT The Committee makes an Order designating those areas detailed in Appendix 1 as public places for the purposes of section 13 of the Criminal Justice and Police Act 2001.

BACKGROUND PAPERS

- Crime and Disorder Act 1998
- Criminal Justice and Police Act 2001
- The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001
- Letters and emails from and to various stakeholders

Appendix I – Details of proposed areas for inclusion in an Order

N.B. Detailed scaled plans will accompany this Appendix.

Kington:

Doctors Lane (aka Prospect Road)
Common Close
Park View (where it is adjacent to Lady Hawkins School boundary)
Kington Football Club grounds
Kington recreation ground
Park Avenue
Mill Street
Crab Tree Road
Crab Tree Road Car Park
Marwick Close
Church Street
Church Road
The Square
Greenfields
High Street
Prospect Lane
Prospect Place
Furlong Lane
Bridge Street (to and including the Arrow Bridge)
Duke Street (to its junction with Love Lane)
Oxford Lane
Market Hall Street
Place de Marines
Market Hall
Co-operative Stores' Car Park
Nisa Stores' Car Park
Lady Hawkins School Grounds
The Livestock Market
The Churchyard of St Mary's Church