

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

Report By: Head of Environmental Health and Trading Standards

Wards Affected

Bromyard, Golden Valley North, Aylestone, Three Elms, Belmont, Stoney Street

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

Local authorities have for some time had the power to bring in byelaws to control the consumption of alcohol in streets, roads and other such places within their areas. Herefordshire Council and its predecessor Councils brought such byelaws into effect in parts of the City of Hereford, Ross-on-Wye, Ledbury, and Bromyard.

Where the byelaw is in place, 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. The powers are therefore available to control antisocial behaviour and reduce the chances of drinking vessels being used in acts of violence.

Since 2001 Herefordshire Council has made 3 Orders relating to areas of the City of Hereford as well as the village of Madley.

Should the recommendation be agreed then an advertisement will be placed in a local newspaper informing the public that an order has been made and will come into effect on a given day and signs will be erected at the three areas. The Home Office, landowners, police and Parish Councils will be informed of the commencement of the Order.

The proposed designated public places

The proposed areas are 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 areas have often been the subject of reports to the police of drink-related anti-social behaviour and nuisance.

An advertisement was placed in the Hereford Times on 9th March 2006 inviting representations regarding this matter. The closing date for representations is 28 days after the date of advertisement. **At the time of writing this report there were a number of days remaining for receipt of representations. Any such representations will be presented at the meeting.** No correspondence has been received objecting to the proposal although there has been discussion and correspondence relating to the inclusion of additional areas. Certain land owners/occupiers (inc. Herefordshire Council, Herefordshire Housing, and the Parochial Church Council), the Police and Belmont Rural Parish Council, Bromyard Town Council, Peterchurch Parish Council, and Hereford City Council have been formerly approached with respect to obtaining their views on the proposals. No 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' is 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. In addition, appropriate signage must be purchased and erected in suitable places. Advertisement will cost approximately £300.00. Signs erected at the principal entrances to each of the areas of land along with some located within the land should result in between 30 and 40 signs being purchased and erected. Such signs cost approximately £15 each and the cost of erecting them should not exceed £500.

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.

Public open space (inc. Ball Court) to the west of Waterfield Road and south of Kestrel Road, Belmont
Public open space (inc. Skateboard Park) to the east of Brampton Road, to the west of the dismantled railway line and south of Ethalstan Crescent, Newton Farm
Public open space to the north of Luard Walk and south of the River Wye, Belmont
Eastholme Centre, Eastholme Road, Belmont (i.e. areas adjacent to and around the library, health centre and community centre including the car park)
Public open space at Northolme Road, Belmont (to include the Building, tarmacaded areas adjacent to the building, children's play area and land between the Building and the play area as defined on the attached plan)
Churchill Gardens, Aylestone, Hereford (in its entirety) Recreation ground off Grandstand Road, Bobblestock (i.e. those areas comprising the football pitch, car park, play area, changing rooms, bowling green and areas between these parts)
Recreation Field (inc. its car park), Peterchurch Peterchurch Churchyard, Peterchurch Chapel Road (aka Station Road), Peterchurch
Bromyard Cemetery Broad Street High Street Rowberry Street Church Lane (to the entrance to Old School Court) Church Street (to its jct. With Porthouse Industrial Estate) Cruxwell Street Tenbury Road (to its jct. With Firs Lane) Tenbury Road car park Land within the curtilage of Bromyard Leisure Centre Council Offices Alleyway adj. to Library Pump Street (to its jct. With Little Hereford Street) Market Square Queens Passageway Kempson Players (formerly the Playing Fields) St Peter's Closed Churchyard Nunwell Park The Knapp Recreation Ground Bowling Green and Tennis Courts, Rowberry Street