

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

**Report By: HEAD OF ENVIRONMENTAL HEALTH AND TRADING
STANDARDS**

Wards Affected

Three Elms, Holmer, Stoney Street, Leominster North, Leominster South, Ledbury, Ross-on-Wye East, Ross-on-Wye West, 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 4 Orders designating areas principally in Hereford but also in the villages of Madley and Peterchurch and the Town of Bromyard. Prior to the Council some of its predecessor Councils brought in byelaws to control alcohol consumption in areas such as Hereford City, Ross-on-Wye and Ledbury. The controls brought in through the byelaws and those more recently introduced by 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

Earlier this Summer, an approach was made to this Council in respect of the designation of an area in Whitecross, Hereford plus the conversion (with some changes) of the existing byelaw areas covering Ledbury and Ross-on-Wye. Recently, further approaches were made regarding designation of Leominster and Kington plus the Coppin Rise area of Belmont.

Note: If the Order includes Ledbury and Ross-on-Wye then the Council will revoke the Byelaw that is currently in force in those towns.

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.

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 although there has been discussion and correspondence relating to the inclusion of additional areas. Certain land owners/occupiers (inc. Herefordshire Council, Herefordshire Housing, and HALO), 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 130 and 150 signs being purchased and erected. Each sign costs approximately £30 to manufacture and erect – the number of signs is likely to be circa 140 (based upon the number erected in Bromyard) – a total cost of between £4000 and £5000. The exact number has not yet been determined.

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.

Hereford:

Open space in Whitecross to the north west and to the south east of the bridge on Yazor Road.

Ledbury:

Bank Crescent (from its junction with The Homend to its junction with Homend Crescent)
 Belle Orchard
 Belle Orchard Close
 Bridge Street
 Bye Street (from its junction with Long Acres to its junction with High Street)
 Church Lane
 Church Road
 High Street
 Lawnside Road
 Long Acres
 Market Street
 New Street (*from its junction with Woodleigh Road to its junction with Market Street*)
 Orchard Lane (from its junction with Belle Orchard to Long Acres)
 The Homend (from its junction with Belle Orchard to High Street)
 The Southend (*from its junction with South Parade to its junction with Mabels Furlong*)
 Upper Cross
 Worcester Road (from Upper Cross to its junction with Cabbage Walk)
 Bye Street Car Park
 Bridge Street Car Park
 Lawnside Road Car Park
 Market House (area underneath)
 Masefield Close Car Park
 Queens Walk
 Recreation Ground adjacent to Queens Walk
 St Katherine's Car Park
 The Walled Garden
 Churchyard of St Michael and All Angels Church
 The public footpath from Orchard lane to Hereford road
 Children's Play Area – Barnett Avenue
 Children's Play Area – Laurette Walk
 Children's Play Area – Yeoman Close

Ross-on-Wye:

Broad Street
 Brookend Street
 Henry Street
 Station Street
 Crofts Lane
 Corpus Christi Lane
 Hill Street
 Cantilupe Road
 Gloucester Road (from its junction with Chase Road to its junction with High Street)
 Old Gloucester Road

Chase Road (from its junction with Gloucester Road to its junction with Gloucester Road)
 High Street
 Church Street
 St. Mary's Street
 New Street
 Kyrle Street
 Palace Pound
 Royal Parade
 Wye Street (from its junction with the approach road leading to the Hope and Anchor Public House to its junction with Edde Cross Street)
 Blake Gardens
 Edde Cross Street
 Edde Cross Street Car Park
 Trenchard Street
 Greytrees Road
 Millpond Street
 Alleyway between Broad street and the Maltings Car Park
 Alleyway between High Street and New Street (known as Pigs Alley)
 Alleyway between Brookend Street and Millpond Street
 Alleyway between Station Street and Cantilupe road
 Alleyway between Henry Street and Cantilupe Road (known as Crofts Lane)
 Alleyway between Cantilupe Road and Gloucester Road
 Kings Acre Car Park
 Kyrle Street Car Park
 Maltings Car Park
 Homs Road Coach and Car Park
 Red Meadow Car Park
 Corn Exchange Car Park, New Street
 One Mill
 Metcalfe Close
 Market Place
 The Market Place
 Fiveways Enhancement Scheme (at the junction of Brampton Street and Overcross Street)
 Rope Walk
 St Mary's Churchyard
 The Prospect
 Copse Cross Street
 Walford Road (to junction Archenfield Road)
 Tennis courts/Bowling Club
 The Maltings Shopping Centre
 Open Space adjoining the Swimming Pool (including the approaches to the pool)
 Car Park serving the Barrell Inn and Jacqueline's Night Spot
 Land Fronting the Baptist Church, 49, and 50 Broad Street
 Morrison's Car Park
 The approach and entrance to Ross Youth Club Hill Street

Belmont:

Open space at Coppin Rise, Belmont

Leominster:

Lion Yard
 Corn Square

Corn Street
Victoria Street
School Lane
Drapers Lane
Grange Walk
High Street
Broad Street
Rainbow Street
West Street
South Street (to its junction with Coningsby Road)
Dishley Street
Burgess Street
The Priory
Westbury Street (including the open grassed area behind the bus stop)
Church Street
School Road
Etnam Street
Worcester Road (to its junction with Caswell Road)
New Street
Cursneh Road
The Grange
Grange Court
Pinsley Road
The Millennium Gardens
Priory Church Grounds
Sydonia playing fields
Coningsby Road
The Bus Station
Central Car park
Somersfield Stores' car park
Broad Street Car Park
Swan Walk
Dukes Walk
Falconer Place
Pinsley Mill
Eaton Close
The Fire Station Car park
Ironmongers' Lane
Cordwainers Lane
Red Cow Lane (aka Miles Court Lane)
Arkwright Close
The Council Offices grounds and Car park
Etnam Street Car park and approach road leading to/from Etnam Street
Bridge Street (to its junction with Mill Street)
Paradise Court
Paradise Terrace
Ryelands Road (between its junction with Westbury Street and the electrical sub station 30 metres to the south west of that junction)
Aldi Stores' Car Park
Minster College Grounds
Leominster Infants School Grounds
Leominster Junior School Grounds
Leominster Cemetery

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