

LICENSING AND REGULATION COMMITTEE

5 OCTOBER 2004

ALCOHOL CONSUMPTION DESIGNATION ORDER

REPORT OF CITY SECRETARY AND SOLICITOR

Contact Officer: Howard Bone Tel No: 01962 848552

RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

Under the Criminal Justice and Police Act 2001, the Council is able to make an order designating public places in the district. Designation allows the police to control the consumption of alcohol in the public place. A police constable has a range of powers in respect of a person drinking alcohol in a public place, including requiring him or her to cease drinking and/or surrender the alcohol to the constable.

These designation provisions replace the previous byelaw scheme which was previously considered by the Council, but not implemented.

The Police have submitted a report to the Council, setting out a number of places in the Winchester town area in respect of which they have concerns about the levels of crime and anti-social behaviour as a result of alcohol consumption in these places.

Before making an order, the Council is required to consult the police, parish councils (if any), and licensees of premises in the area. This consultation process will be carried out alongside the consultation exercise on the licensing policy under the Licensing Act 2003, as many of the consultees for the licensing policy would have to be consulted for the designation order.

This report recommends that the making of a designation order is approved in principle in respect of specified parts of the central area of Winchester, and that a consultation exercise is carried out on such an order. The results of the consultation process would be reported to the meeting of the Committee on 14 December 2004.

RECOMMENDATIONS:

- 1 That the Committee approve in principle the making of a designation order under Section 13 of the Criminal Justice and Police Act 2003 for the areas set out in this report.
- 2 That the consultation process set out in Section 4 of this report be agreed.
- 3 That a report on the results of the consultation be brought back to the Committee at its meeting on 14 December 2004.

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### LICENSING POLICY – CONSULTATION DRAFT

#### REPORT OF CITY SECRETARY AND SOLICITOR

#### DETAIL:

##### 1 Introduction

- 1.1 Chapter 2 of the Criminal Justice and Police Act 2001 introduced provisions for combatting alcohol-related disorder. The powers were intended to replace byelaws which had been put in place by some district councils. The City Council had previously considered making such byelaws, but, following an extensive consultation process, it concluded that a byelaw was not appropriate at that time.
- 1.2 The Police have now submitted a report to the City Council, setting out a number of areas where they consider there are significant problems of crime, disorder, and nuisance, caused by people consuming alcohol in those places.
- 1.3 This report sets out the relevant legal provisions, and recommends that a designation order be made for the central part of Winchester town.

##### 2 Legal Provisions

- 2.1 Under Section 13 of the Act, the Council is able to make an order designating public places in the district for the purposes of the Act. Before making a designation order, the Council must consult the police, parish councils (if any), and licensees in the relevant area. In addition, a newspaper notice must be posted, and representations made up to 28 days after the date of publication must be taken into account.
- 2.2 An order can be made designating a public place where the Council is satisfied that:
  - a) nuisance or annoyance to members of the public or a section of the public; or
  - b) disorderhas been associated with the consumption of alcohol in that place.
- 2.3 A public place means any place to which the public or a section of the public has access, on payment or otherwise, as of right or by express or implied permission. Privately owned land where the public has access (e.g. Cathedral Close) can be designated, as can areas of the public highway, and council-owned parks and open spaces.
- 2.4 Once made, the police can control the consumption of alcohol in the designated public place. A police constable has a range of powers in respect of a person drinking alcohol in a designated area, including requiring him or her to cease drinking, and/or surrender the alcohol to the constable. Failure to comply can lead to a fine of up to Level 2 on the standard scale (£500).

- 2.5 After the order has been made, a further newspaper notice must be published setting out details of the designated area. Signs must be erected in the area to draw attention to the designation.
- 2.6 The order does not mean that alcohol cannot be consumed in the designated areas. It allows a discretion to the police to require a person to cease consuming alcohol, or to surrender alcohol. The police would have to justify the exercise of such discretion as they have to in any similar situation.
- 2.7 Places which are licensed premises, or within the cartilage of such premises, or where consumption is associated with tables and chairs placed on the highway with the Council's consent, are not designated places. Pub gardens, and pubs with a "Tables and Chairs" licence will not be affected by any designation.

### 3 Proposed Area

- 3.1 The Police identify the following areas as being suitable for a designation order:-
- a) Jewry Street
  - b) The Square
  - c) Cathedral Green
  - d) Abbey Gardens
  - e) St. Maurice's Covert and St. Lawrence's Covert
  - f) Registry Office Gardens
  - g) Orams Arbour
- 3.2 The police have produced evidence in respect of these areas of nuisance and disorder which can be associated with the consumption of alcohol in these areas.
- 3.3 In addition, it is considered that the major streets and thoroughfares in the town centre have experienced problems of nuisance and disorder as a result of consumption of alcohol, and therefore these should also be designated under the Act. This would also avoid problems of displacement from e.g. Abbey Gardens into the Broadway. This proposal is supported by the Police
- 3.4 It is therefore recommended that consultation is carried out in respect of a designation area comprising the places in 3.1 above, together with the streets in an area bounded by:-
- a) Colebrook Street
  - b) Eastgate Street
  - c) Friarsgate
  - d) Upper Brook Street (between Friarsgate and St George's Street)
  - e) St. George's Street

- f) Jewry Street
- g) City Road
- h) Station Approach
- i) Station Road
- j) Upper High Street
- k) The Square
- l) Market Street
- m) Colebrook Street

A map of the area will be displayed at the meeting.

#### 4 Consultation Process

- 4.1 Before making an order, the Council is required to consult the police, parish councils, and licensees of premises in the area. This consultation process will be carried out alongside the consultation exercise on the licensing policy under the Licensing Act 2003, as many of the consultees for the licensing policy would have to be consulted for the designation order.
- 4.2 The results of the consultation process will be reported to the meeting of the Committee on 14 December 2004, when the order can be made, taking into account the representations which have been submitted.

#### OTHER CONSIDERATIONS:

##### 5 CORPORATE STRATEGY (RELEVANCE TO):

- 5.1 The Licensing Policy relates to the Key Priority of Cultural and Leisure Opportunities.

##### 6 RESOURCE IMPLICATIONS:

- 6.1 The costs are primarily associated with the consultation exercise, which can be accommodated within existing budgets

#### BACKGROUND DOCUMENTS:

Police report on Implementing Alcohol Exclusion Zones

#### APPENDICES:

None