

LICENSING AND REGULATION COMMITTEE

14 December 2004

ALCOHOL CONSUMPTION DESIGNATION ORDER – CONSULTATION RESPONSES

REPORT OF CITY SECRETARY AND SOLICITOR

Contact Officer: Howard Bone    Tel No: 01962 848552

RECENT REFERENCES:

LR110 – Alcohol Consumption Designation Order – 5 October 2004

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.

At its meeting of 5 October 2004, the Committee agreed to consult on proposals to make an order covering parts of the Winchester Town area. A consultation exercise on the proposals has been carried out, and this report gives details of the results of this consultation.

In broad terms, respondents were happy with the proposed order. In a number of cases, they sought the inclusion of other places in the order, including parts of Badger Farm and Alresford, as well as other areas of Winchester. This would require further consultation, and it is therefore considered that the appropriate way forward is to introduce to order in respect of the area which was consulted upon, and give further consideration at a later date to other possible areas, taking into account the representations which have been submitted in support of such areas, and experience gained in the Winchester Town area.

RECOMMENDATIONS:

TO COUNCIL

- 1 That the City Secretary and Solicitor be authorised to make a designation order under Section 13 of the Criminal Justice and Police Act 2003 for the following areas:-

Jewry Street	The Square	Cathedral Green
Abbey Gardens	Orams Arbour	Registry Office Gardens
St. Maurice's Covert	St. Lawrence's Covert	

together with the streets and other public areas (including local authority land) in an area bounded by (and including):-

The Weirs	College Street
St. Swithun Street	Southgate Street
High Street	Romsey Road
Clifton Road	St. Pauls Hill
Stockbridge Road	City Road
North Walls	Durngate Place
Water Lane	Bridge Street

- 2 That further consideration be given in due course, to consider other areas which respondents have suggested are suitable for a similar order, taking into account experience gained on the implementation of the order for the Winchester town area, and the availability of resources after the Transition Period under the Licensing Act 2003 is over (late 2005 under the current programme).

## LICENSING AND REGULATION COMMITTEE

14 December 2004

### ALCOHOL CONSUMPTION DESIGNATION ORDER – CONSULTATION RESPONSES

#### REPORT OF CITY SECRETARY AND SOLICITOR

##### DETAIL:

#### 1 Introduction

- 1.1 At its meeting of 5 October 2004, the Committee approved in principle the making of a designation order under Section 13 of the Criminal Justice and Police Act 2001 for the areas set out in the report (LR110 refers). The area covered the central part of the Winchester Town area. It also agreed the carrying out of a consultation process on the proposed order. This report sets out the results of this consultation process, and recommends that an order is made for that area.
- 1.2 Many of the consultation responses sought the making of an order in areas other than the proposed area. These included parts of Badger Farm, Alresford, and other parts of the Winchester Town area. Making an order in respect of these additional areas would require further investigation, and it is suggested that this should be carried out in due course, taking into account the experience gained as a result of the order for the central Winchester Town area, and the availability of resources after the Transition Period under the Licensing Act 2003 is over (late 2005 under the current programme).
- 1.3 Report LR110 gives the legislative background for making orders under the 2001 Act, including the consultation requirements. Appendix 1 shows the proposed area which was agreed by the Committee for consultation purposes.

#### 2 Consultation Exercise

- 2.1 The proposal was advertised by public notice in the Hampshire Chronicle, with a consultation period running from 6 October until 15 November 2004. In parallel with the consultation exercise on the draft Licensing Policy, details of the proposals were sent to all licensees in the District. The Police were also consulted.
- 2.2 Eight responses were received. None of the responses opposed the making of the order as proposed, but several sought the inclusion of other areas in the order.
- 2.3 The request for an order came originally from the Police. The Police have written in, confirming there are in full agreement with the proposals.
- 2.4 Badger Farm Parish Council have written, supporting the proposals. They refer to drink-related problems which occur on the parish's two recreation grounds, and seek the extension of the order to include the whole of the Badger Farm parish area.
- 2.5 St. Thomas Street Residents' Association endorse and support the designation Order, and agree with the proposed area.

- 2.6 Mr. Atkins, Director and Secretary of Arlebury Park Club seeks an exclusion order for the four recreation grounds in Alresford (Arlebury Park, Stratton Bates, Sun Hill and Memorial Gardens), and for the area of West Street and Pound Hill to Arlebury Club. The reasons cited are drinking and related problems being experienced, particularly at Arlebury Club, litter and smashed bottles in the area, and youths congregating and drinking at the junction of Jacklyns Lane/Pound Hill/West Street.
- 2.7 Councillor Maynard has written, seeking the area surrounding the Victoria Housing Project (Hyde Gate/Gordon Road/King Alfred Terrace, excluding the Leisure Centre playing fields) to be included in the order, due to problems in that area of drinkers intimidating passers by. Mrs. Barbara Hall has also written in seeking this area (including the Hyde Abbey Garden) to be covered by the order. She refers to anti-social behaviour in this area associated with drink consumption.
- 2.8 Bishops Waltham Parish Council have asked for an order covering St. George's Square and the High Street, Bishops Waltham.
- 2.9 Augusta Wolff of St. Swithuns Street has written asking for the inclusion of College Street and Wharf Hill [College Street is included in the proposed area, but College Walk and Wharf Hill are outside the area].

### 3 Officer Response

- 3.1 There is clear support for the making of an order covering the area in Appendix 1. The main issue concerns the question of whether this should be extended to cover other areas.
- 3.2 There is a requirement to consult before an order is made. It would not therefore be possible to include any of these additional areas in an order without carrying out further consultation. In addition, any owners of areas of private land must consent to the making of an order, which may require tracing of ownership in some cases referred to by respondents.
- 3.3 In view of this, it is recommended that the appropriate way forward is to make the order in respect of the proposed area as shown in Appendix 1, and to give further consideration in due course in respect of the other additional areas proposed by respondents, taking into account the results of experience gained when the order is implemented. In this way, any problems of displacement can be dealt with at the same time, and it will allow the order to be in place for the Spring, when problems associated with drinking in open areas usually recur.

### OTHER CONSIDERATIONS:

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

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

#### 5 RESOURCE IMPLICATIONS:

- 5.1 The costs are primarily associated with the consultation exercise, which can be accommodated within existing budgets. Signs will be required, which will be funded from the Community Safety budget.

- 5.2 Until the Transition Period under the Licensing Act 2003 has ended in November 2005, the necessary further staffing resource needed to carry out the further work to extend the scope of the order is unlikely to be available.

BACKGROUND DOCUMENTS:

Police report on Implementing Alcohol Exclusion Zones.

Responses to consultation exercise as set out in Report.

APPENDICES:

Appendix 1 – Map of proposed Designation Area