

LR211
FOR DECISION
WARD(S): ALL WINCHESTER WARDS
OLIVER'S BATTERY AND BADGER FARM
COMPTON AND OTTERBOURNE
KINGS WORTHY
LITTLETON AND HARESTOCK

LICENSING AND REGULATION COMMITTEE

1 MARCH 2007

EXTENSION OF THE ALCOHOL CONSUMPTION DESIGNATION ORDER

REPORT OF DIRECTOR OF COMMUNITIES

Contact Officer: Sandra Tuddenham Tel No: 01962 848132

RECENT REFERENCES:

LR110 – Alcohol Consumption Designation Order, 5 October 2004

LR114 – Alcohol Consumption Designation Order – Consultation Responses, 14 December 2004

EXECUTIVE SUMMARY:

In December 2004 the Committee authorised the City Secretary and Solicitor to make an Alcohol Designation Order (specifically in the areas as listed in the report) covering the central part of the Winchester Town area. In response to requests for additional areas to be included within the Order (which had been received as part of the consultation), it was agreed that further consideration be given in due course to these other areas, taking into account experience gained on the implementation of the order for the Winchester town area, and the availability of resources once the transition period of the Licensing Act 2003 had ended.

The Winchester Community Safety Partnership has commissioned a report entitled "Street Drinking and the Alcohol Exclusion Zone In Winchester", which recommends that consideration should be given to extending the area covered by the Order.

This report recommends that the making of an extended designation order is approved in principle in respect of the rest of the Winchester Town area, and that a consultation exercise is carried out on such proposals in accordance with the statutory requirements.

RECOMMENDATIONS:

- 1 That the Committee approve in principle the making of an extended designation order under Section 13 of the Criminal Justice and Police Act 2001 for the areas set out in this report (in addition to those areas already included in the existing Designation Order).
- 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 a Special Meeting on 7 June 2007.

LICENSING AND REGULATION COMMITTEE

1 MARCH 2007

EXTENSION OF THE ALCOHOL CONSUMPTION DESIGNATION ORDER

REPORT OF DIRECTOR OF COMMUNITIES

DETAIL:

1 Introduction

- 1.1 Under the Criminal Justice 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 officer 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 officer.
- 1.2 At its meeting of 14 December 2004, the Committee authorised the City Secretary and Solicitor to make a designation order under Section 13 of the Criminal Justice and Police Act 2001 for the areas set out in the report (LR114 refers). The area covered the central part of the Winchester Town area, as shown in Appendix 1.
- 1.3 The area has become known locally as the Alcohol Exclusion Zone (AEZ), although it should be noted that the effect of the order is not to ban the consumption of alcohol in the public places affected by the order, but rather to give the Police powers to control consumption in the area.
- 1.4 Prior to the order being made, public consultation was carried out. During the consultation period (6 October to 15 November 2004), no opposing responses were recorded, but several sought the inclusion of other areas in the order.
- 1.5 It was agreed that the making of an order in respect of these additional areas would require further investigation, and 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 ended.

2 Experience of the AEZ to Date

- 2.1 Since the designation order was implemented in July 2005, the Police, Council Officers and other members of the Winchester Community Safety Partnership have received a number of complaints about displacement to the areas immediately outside of those covered by the Order, notably the Hyde Gate, Abbots Barton, Swan Lane and River Park areas. In response, the Winchester Community Safety Partnership contracted the Trinity Centre in February 2006 to conduct an outreach project for a 3 month period which aimed to:
 - Identify the scope of street drinkers in Winchester
 - Identify where street drinking is a problem for residents

- Understand if the AEZ (designation order) has created problems of displacement
- Suggest direction towards solutions to displacement
- Identify problems with service engagement with street drinkers
- Suggest a direction toward solutions to problems with engagement

The project resulted in the production of a report entitled "Street Drinking and the Alcohol Exclusion Zone in Winchester", available on the Council's website at:-

<http://www.winchester.gov.uk/CommunityAndLiving/Safety/CommunitySafety/General.asp?id=SX9452-A782DC43&cat=5712>

This report found that street drinking was (at least in part) causing nuisance to residents outside the designated Zone, and recommended the extension of the Zone (together with other measures) to help deal with these issues.

- 2.2 Between July 2005 and September 2006 the City Council received 53 documented complaints in respect of drink-related nuisance in these areas outside the Zone. Furthermore, it is estimated that a further 30-50 related telephone calls have been received which were not documented.
- 2.3 Hampshire Constabulary has also found that the issues resulting from the displacement has led to high levels of resources being required to deal with them. Research carried out by them within the Winchester Beat Areas shows a significant level of alcohol-related nuisance and disorder, concentrated within the existing Zone and the area immediately to the north, with lesser levels in other areas. The research is summarised in Appendix 2.
- 2.4 In the summer of 2006, the Council and Hampshire Constabulary successfully applied to the courts for injunctions against 4 individuals, as well as gaining a squatter possession order. The injunctions had powers of arrest attached to them and were applied for to deal with the illegal encampments being set up in the River Park and Hyde Gate area.
- 2.5 In June 2006 the original AEZ Group was reformed to consider the recommendations in the outreach project report and the problems associated with the displacement. This Group was then tasked with presenting their recommendations to the full Community Safety Partnership meeting on 10 October 2006.
- 2.6 The AEZ Group recommended the following:
 - Employ specialist outreach workers to work with those who have alcohol dependency and related issues
 - Extend the existing designated order (AEZ)
 - Make the AEZ city wide in line with the Winchester City police areas (as outlined in Section 3 below)

- 2.7 The Community Safety Partnership supported the above recommendations, subject to the funding being found and the current legislative guidelines for making a designation order.
- 2.8 A bid to the Community Safety Partnership for the specialist outreach workers will be put forward to the Partnership Funding Panel on 20 February 2007. If the Funding Panel supports the bid, it will be considered by the Community Safety Partnership Strategic Group for final approval on 14 March 2007.

3 Proposed Area

- 3.1 Under the Criminal Justice and Police Act 2001, a designation order may be made designating a public place for the purposes of the Act, if the City Council is satisfied that nuisance or annoyance to members of the public or a section of the public, or disorder, has been associated with the consumption of alcohol in that place. A “public place” for the purposes of the Act is a place to which the public has access, on payment or otherwise, as of right or as a result of express or implied permission. This would therefore include public parks, streets, as well as areas such as churchyards where the public have implied permission to access.
- 3.2 Following their research, the Police concluded that an extended Designation Order should be sought for the following Safer Neighbourhood areas, on the grounds that these areas are experiencing nuisance or annoyance, or disorder, associated with the consumption of alcohol within the areas:-
1. North Beat – to include; Harestock, Fulflood, West Hill, Weeke, Hyde, Abbots Barton, Winnall, Highcliffe, City Centre, St Giles Hill.
 2. South Beat – to include; Sleepers Hill, Stanmore, Badger Farm, Bar End, St Cross, Wharf Hill, Olivers Battery.
- 3.3 These areas are shown on the map in Appendix 3. They correspond to the following wards:-
- | | |
|--------------------------|------------------------------------|
| • St Barnabas | • St Michael |
| • St Bartholomew | • Olivers Battery & Badger Farm |
| • St Paul | • Parts of Harestock |
| • St John and All Saints | • Parts of Compton and Otterbourne |
| • St Luke | • Parts of Kings Worthy |
- 3.4 If the Committee consider that the designation of this area is not appropriate, it is suggested that as a minimum, the order should be extended to cover the Hyde Gate/Abbots Barton/Swan Lane/River Park areas, where there were serious problems associated with displacement last summer.

- 3.5 As mentioned above, the consultation process for the original order produced suggestions that certain additional areas should be included. One of these was Bishop's Waltham. The Police have been informally consulted on this suggestion, and have indicated that they would not at this stage wish to seek a designation order. Accordingly, it is proposed that an order should not be made for Bishop's Waltham, but that the situation be kept under review with the Police.

4 Consultation Process

- 4.1 Report LR110 gave the legislative background for making orders under the 2001 Act, including the consultation requirements. Before making an order (including an order extending an existing designation), the Council is required to consult the Police, parish councils, and the owners and occupiers of any land proposed to be included, together with licensees of premises in the area. A newspaper notice must also be published. It is also proposed to consult ward members, and known residents' associations in the proposed area and any adjacent areas which might be affected by the proposed order. An item would also be posted on the Council's website.
- 4.2 The results of the consultation process will be reported to the meeting of the Committee on 7 June 2007. The Committee will then need to decide whether to make the extended order. If the order is made, a further newspaper notice must be published and notices posted in suitable locations to make the public aware of the order.

OTHER CONSIDERATIONS:

5 CORPORATE STRATEGY (RELEVANCE TO):

- 5.1 The implementation of the AEZ directly supports the Council's priority of 'Safe and Strong Communities'.

6 RESOURCE IMPLICATIONS:

- 6.1 The direct costs are primarily associated with the consultation exercise, which can be accommodated within existing budgets.
- 6.2 The associated cost of the specialist outreach workers has been sought from the Community Safety Partnership. A decision is expected in March 2007.

BACKGROUND DOCUMENTS:

"Street Drinking and the Alcohol Exclusion Zone in Winchester" – A report by Trinity Winchester in May 2006

APPENDICES:

Appendix 1 – Map of current designation order

Appendix 2 – Problem Profile Report OCU1

Appendix 3 – Map showing proposed extended Alcohol Exclusion Zone (Designation Order)



Problem Profile



APPENDIX 2

Ref No.	09/06/1OCU
Description	Alcohol Exclusion Zone in WINCHESTER CITY DISTRICT

Summary		
1	Is the problem in line with the control strategy?	Yes. It incorporates Anti-social behaviour, fear of crime and other quality of life issues
2	Are the crimes arrestable offences? <i>(in line with PACE Section 116)</i>	Yes
3	Is the problem concerned with a crime series?	No
4	Is the problem current?	Yes

Operational Objectives	
<ul style="list-style-type: none"> Analysis of all incidents and occurrences within Winchester City district where alcohol is considered a factor for public order or anti-social behaviour that has occurred in a public place. Seizures of alcohol from youths under 18 have also been considered in this report. <p>This report has been written in support of an extension of the current Alcohol Exclusion Zone, which encompasses the beat 1 city centre area of Winchester district. The number of AEZ enforcement stops within the current AEZ area have also been looked at to assess the effectiveness of this legislation.</p> <p>This report should be read in conjunction with the following related reports:</p> <ol style="list-style-type: none"> Winchester AEZ Problem Profile, covering the time period 9.07.05 - 2.11.05, author Charlie Pericleous. Community Perspective Report 9.06, author Ryan Gulliver. It is recognised within the two police Problem Profiles that a currently unknown percentage of reports to police are duplicated by similar complaints to council staff or the Community Safety Officer as per the Community Perspective Report. 	

Analysis	
Details	AEZ Analysis
Authorising Officer	Sergeant Karen Fisher
Author	Sergeant Karen Fisher
File	Z:\O Sub Division\1 OCU\Community Safety\Alcohol Exclusion Zone

1. Key Findings

- There were a total of 524 occurrences and 393 alcohol-related stop checks between 01/08/05 and 31/07/06. The number of stop checks for alcohol related offences is high in comparison to similar geographical areas with no current designated places. Fareham for example, which does not have an Alcohol Exclusion area but is in the process of applying, had 134 for a like period.
- Incidents of alcohol related disorder have been recorded throughout Winchester with every beat area affected by each occurrence type.
- The most prominent occurrence type was Drunkenness, followed by Public Order and Rowdy and Inconsiderate Behaviour. Drunkenness, Public Order and Rowdy and Inconsiderate occurrences were most prominent in Winchester city centre (beat WC01)
- Inappropriate Gathering and Public Order occurrences were fairly evenly spread across all beat areas.
- Alcohol related Stop Checks were most prominent in WC01 although each beat area was affected. This is to be expected due to positive enforcement of the zone.
- There were at least 30 seizures of Alcohol from youths under 18.

2. Introduction

The aim of this report is to analyse all incidents of Drinking in the street, Drunkenness in Public, Seizures of Alcohol from Youths under 18, along with Public Order and Rowdy and Inconsiderate incidents where alcohol is a factor. This report has been written in support of a proposed extension of the current Winchester City Centre Designated Public Place Order (A drinking in public Alcohol Exclusion Zone).

Consideration of an extended AEZ has occurred due to an increase in alcohol-related occurrences and complaints from residents and members of the public in beat areas outside the city centre beat (WC06 and WC02 beats - the Hyde and Riverpark Leisure Centre areas of Winchester) These alcohol-related occurrences were not occurring prior to the introduction of the AEZ.

Because of increased alcohol-related occurrences (i.e. complaints from members of the public) on beats 02 and 06, three police 'hot spot' areas have been created for police monitoring and active policing between since July 05. Daily police patrols were tasked to visit the area to alleviate public concerns, deal with any offences and log findings. These areas were as follows:

- i) King Alfred terrace area
- ii) Hyde Gate Area
- iii) Riverpark Leisure Centre area.

The following RMS extracts give a flavour of the nature of calls to these areas:

14.07.06 1857hours:

'they have set up 4 tents, are drinking, look 'drugged up' and some semi-naked males are rolling around and acting in a very disgusting manner.'

19.7006 2022hours:

'there is a lot of shouting and swearing going on again in the pathway from King Alfred Terrace to Hyde gate. The tent has moved (refers to illegal encampment set up previously in this area) but there are now 7 tents in the park. This is aprt of an ongoing problem.'

16.07.06 2245hours:

'Elderly residents concerned re activities of groups of drunks under King Alfred Statue and outside his house. Approximately 8 male and female drunks'.

This report is based on occurrence and stop check data from the Records Management System (RMS). Additional information on Seizures of Alcohol from Youths under 18 has been provided from anti-social behaviour warning letter records.

The time period covered is from 2nd November 2005 to 31st July 2006. This report should be read in conjunction with the earlier report produced by Charlie Pericleous, Central Hampshire Researcher, which analysed similar data from 8th July 2005 – 1st November 2005. The Designated Public Place Order for Winchester City centre took effect on 8th July 2005.

2. Methodology

This report is primarily based on data provided by RMS. The accuracy of this report is therefore commensurate with the standard of information held.

RMS was interrogated in order to establish the number of incidents reported that involved alcohol in the Winchester area. This was done by searching RMS for five occurrence types namely Public Order, Drunkenness, Inappropriate Gathering, Rowdy and Inconsiderate Behaviour and Street Drinking. Because of the high number of offences being analysed, the notes field for each occurrence was then filtered for the following words: "drink*", drunk*, alcohol*, beer*, can*, confiscate*, bottle* and seizure*. Public Order and Rowdy and Inconsiderate occurrences were then checked manually for relevancy to this report.

In addition, RMS was searched for stop checks under the description of Stop Check public order, Stop Check anti-social behaviour and Stop Check other. These were filtered in the same way as the occurrences above.

3. Schedule of Incidents

From 2nd November 2005 to 31st July 2006, 1090 occurrences were recorded on RMS for the five occurrence types of which 524 were relevant using the stated methodology above. Similarly, there were 1476 stop checks, of which 393 were relevant.

4. Geographical Spread

Figure 1 below shows the spread of all the alcohol-related occurrence types across Winchester. There were 524 occurrences in the data period. It is notable that every beat contains every type of occurrence. Figure 2 shows the spread of alcohol-related stop checks across the district. Figure 3 shows that the same geographical pattern can be seen with the addition of the 393 stop check records.

Figure 1

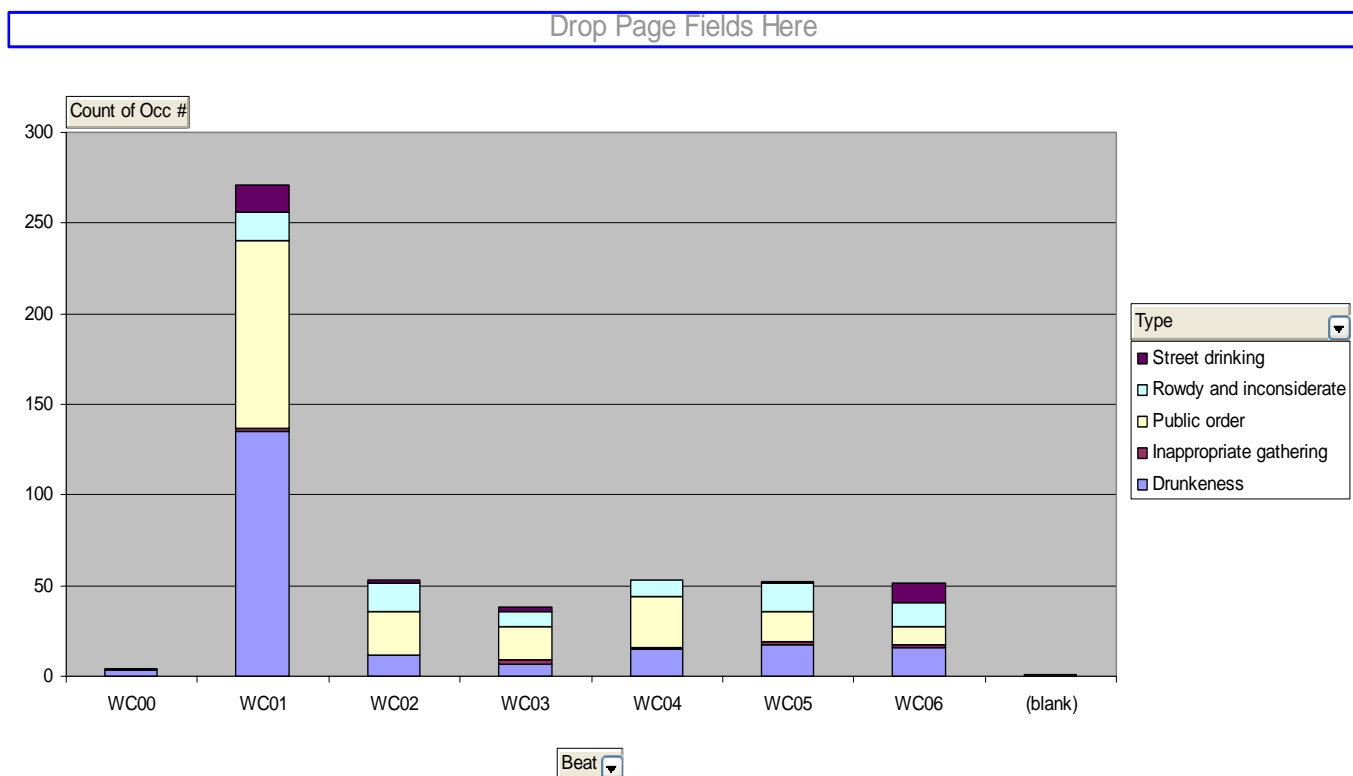
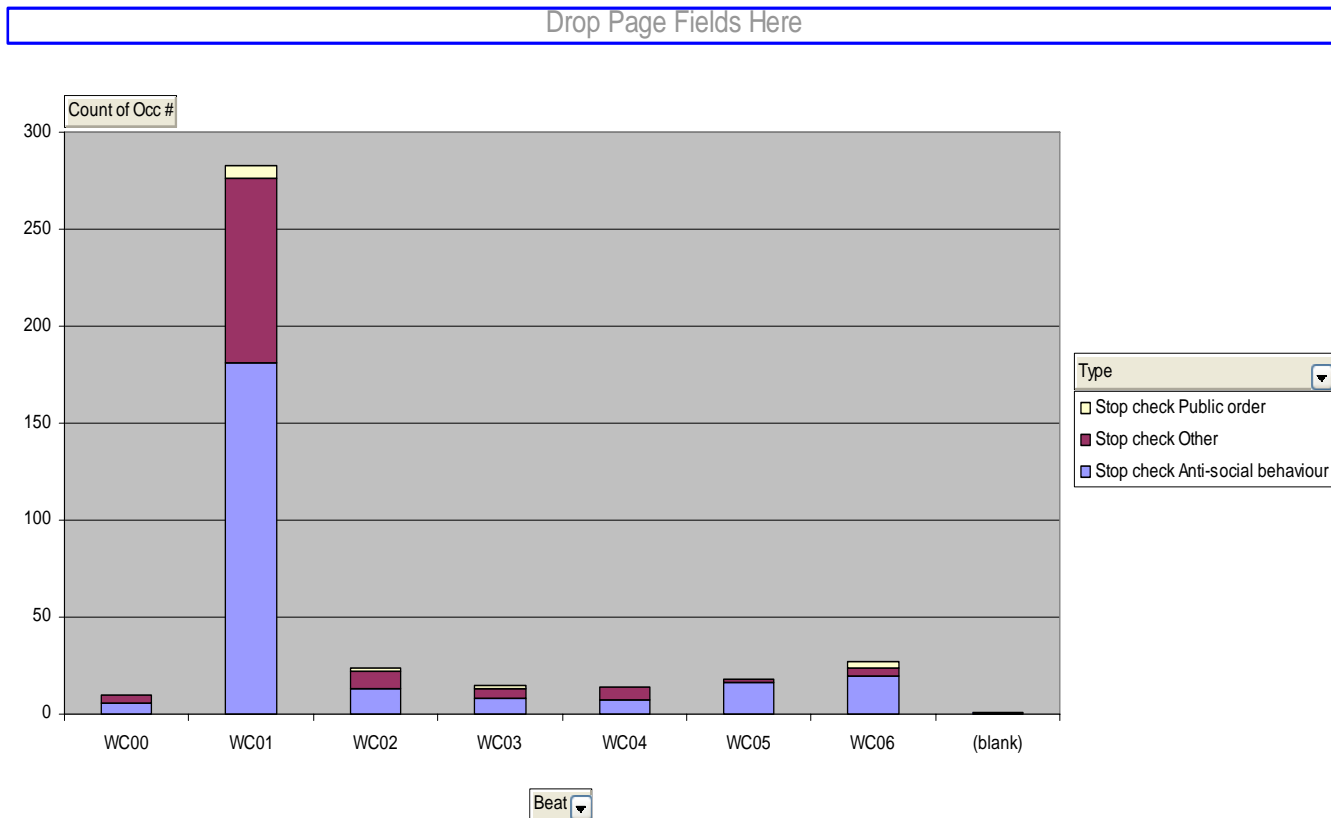


Figure 2



5. Seizures of Alcohol from Youths Under 18

The following figures are based on information provided from a spreadsheet of all warning letters sent to parents in respect of juvenile offences following stop checks. This shows that approximately 30 letters were sent out during the data period in respect of underage drinking.

6. Conclusion

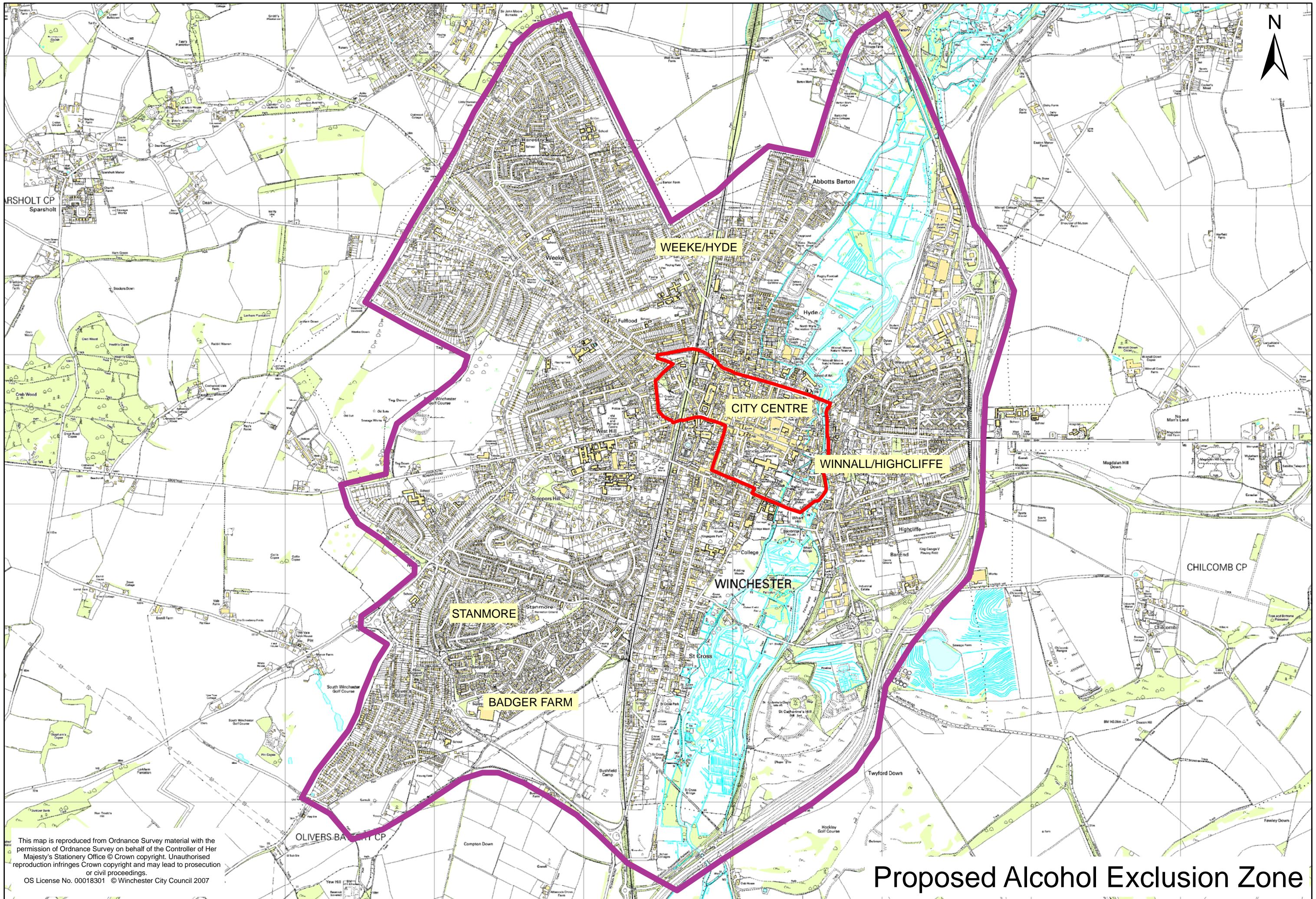
During the data period 02/11/05 – 31/07/06 incidents of alcohol related disorder have been recorded throughout Winchester with every beat area affected by each occurrence type. WC01 beat suffered the highest combined total of occurrences and stop checks. This is to be expected due to the city centre licensed premise economy and existence of the AEZ.

WC06 beat has suffered a disproportionate amount of drunkenness and inappropriate gathering occurrences in relation to the demographic nature of that area. (Hyde is predominantly made up of good quality private housing). It also has the second highest recorded alcohol-related anti-social behaviour stop checks.

This report has been disseminated by e-mail to:

- Sandra Tuddenham, Community Safety Officer
- Inspector Mark Lewis CST
- Chief Inspector France-Sergeant
- Inspector Baxman
- Jim Ingram
- PC Gary Miller

Date Sent: **24.09.06**



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Proposed Alcohol Exclusion Zone