

LICENSING AND REGULATION COMMITTEE

7 JUNE 2007

EXTENSION OF THE ALCOHOL CONSUMPTION DESIGNATION ORDER

REPORT OF HEAD OF ENVIRONMENT AND HEAD OF LEGAL SERVICES

Contact Officer: Sandra Tuddenham and Howard Bone Tel No: 01962 848132 and 848 552

RECENT REFERENCES:

LR110 – ‘Alcohol Consumption Designation Order’, 5 October 2004

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

LR211 – ‘Extension of the Alcohol Consumption Designation Order’ – 1 March 2007

EXECUTIVE SUMMARY:

Under the Criminal Justice 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 in a public place, including requiring him or her to cease drinking and/or surrender the alcohol to the constable.

At its meeting on 1 March 2007, the Committee agreed to consult on proposals to make an order covering the Winchester Town area, extending the existing area covered by an earlier Designation Order. A consultation exercise on the proposals has been carried out, and this report gives details of the results of this consultation.

Of the five representations received, three were against the extension of the Alcohol Consumption Designation Order and the other two were in favour.

RECOMMENDATIONS:

- 1 That the Head of Legal Services be authorised to make an extension of the designated order under Section 13 of the Criminal Justice and Police Act 2001 for the following areas:-
 - Part of St John and All Saints Ward (that part of the Ward to the west of the M3)
 - Part of Itchen Valley Ward (that part to the south east of A34)
 - Part of Kings Worthy Ward (that part between the southern ward boundary, the A34 and Worthy Road)
 - Part of Littleton and Harestock Ward (that part between the ward boundary, Andover Road North and Harestock Road)
 - The whole of St Bartholemew, St Barnabas, St Michael, St Paul Ward, St Luke Ward, Olivers Battery and Badger Farm Wards
 - Part of Compton and Otterbourne Ward (that part north of Badger Farm Road and the Hockley Link)
 - Part of Colden Common and Twyford Ward (north of the M3)

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DETAIL:

1 Introduction

- 1.1 At its meeting of 1 March 2007, the Committee approved in principle the extension of the current designation order under Section 13 of the Criminal Justice Act 2001 for areas set out in the report (LR211 refers). The area covered the remainder of the Winchester City area. It also agreed the carrying out of a consultation process on the proposed order. This report sets out the results of the consultation process, and recommends that an extension of an order is made for the remainder of Winchester City area.
- 1.2 Report LR211 gives the legislative background for making orders under the 2001 Act, including the consultation requirements. Appendix 1 shows the proposed extension area which was agreed by the Committee for consultation purposes.
- 1.3 The Winchester Community Safety Partnership was considering financially supporting the posts of specialist alcohol workers for the financial year 2007/08 as part of two-pronged approach to tackling alcohol issues within Winchester (LR211 refers). However, when the other bids for funding were considered, the bid for specialist alcohol workers was not supported due to financial limitations.

2 Consultation Exercise

- 2.1 The proposed extension was advertised by public notice in the Hampshire Chronicle, with a consultation period running from 3 April and 18 May 2007. Details of the proposal were sent to all holders of premises licences in the proposed area, together with Parish Councils and the Police.
- 2.2 Five responses were received. Three opposing and two in favour were recorded as responses (Appendix 2).
- 2.3 The request for an extension of the designated order originally came from the Winchester Community Safety Partnership in response to a number of complaints received last summer, about alcohol related issues which were in areas bordering the current order (LR211 refers).
- 2.4 Hampshire Constabulary has written in, confirming that they are in full agreement of an extension in the hope that it will also support the reduction of violence in public places.
- 2.5 The Riverside Indoor Bowling Club (Winchester) has written, supporting the proposal which received full agreement from the Club Committee.

- 2.6 The Winchester Drug & Alcohol Reference Group (DARG) has written, opposing an extension of the order without the specialist alcohol outreach workers being in post. A 70% majority of those present at the last DARG meeting agreed with this view.
- 2.7 The AEZ sub-group of the Community Safety Partnership has written, opposing an extension of the order without the introduction of specialist alcohol outreach workers. They have expressed their concern that the zone will only have an enforcement element to it and that street drinkers will not be offered a positive intervention. Therefore it was difficult to predict a positive effect by extending the order.
- 2.8 The University of Winchester has written, opposing an extension of the order. The University has two areas of open land which would be treated as public places for the purposes of any extended designation order, at West Downs Student Village.

The first is the area within the Student Village itself and the other is an area known as The Dytche on the southern end of the main King Alfred Campus on Sparkford Road, adjacent to Milnthorpe Lane. The University stated that if the extension applies to both of the above named places they would be opposed to it for the following reasons:

- There are no alcohol related problems that need addressing at this moment in time
- There is adequate security in place to deal with any issues.

3 Officer Response

- 3.1 The Community Safety Partnership recognises the disappointment felt by agencies and organisations hoping for funding for the posts of specialist alcohol outreach workers. However, members of the Community Safety Strategic Group expressed a need to progress the consultation for the extension of the current order because of the problems experienced last summer.
- 3.2 Within the last 6 months the Winchester District has seen the appointment of Police Community Support Officers (PCSOs) and Accredited Community Safety Officers (ACSOs) with different levels of power available to them.
- 3.3 The AEZ sub-group has agreed to consider a proposal by the Community Safety Officer and the Council Portfolio Holder as an interim way of supporting those that may be affected by an extension of the order.
- 3.4 In view of the appointment of the new community related posts and the police support for the extension of an order, it is recommended that the appropriate way forward is to make the order in respect of the extension, in the area shown as Appendix 1.
- 3.5 If, as a result of the consultation the Committee consider that an extension of the designated order to the full extent recommended is not appropriate, the Committee will instead be asked to consider a smaller extension. A smaller extension should take into account the serious problems associated with displacement last summer, in the areas of Hyde Gate/Abbotts Barton.

OTHER CONSIDERATIONS:

4 CORPORATE STRATEGY (RELEVANCE TO):

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

5 RESOURCE IMPLICATIONS:

5.1 Signage will be required, which will be funded from the Community Safety Budget.

BACKGROUND DOCUMENTS:

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

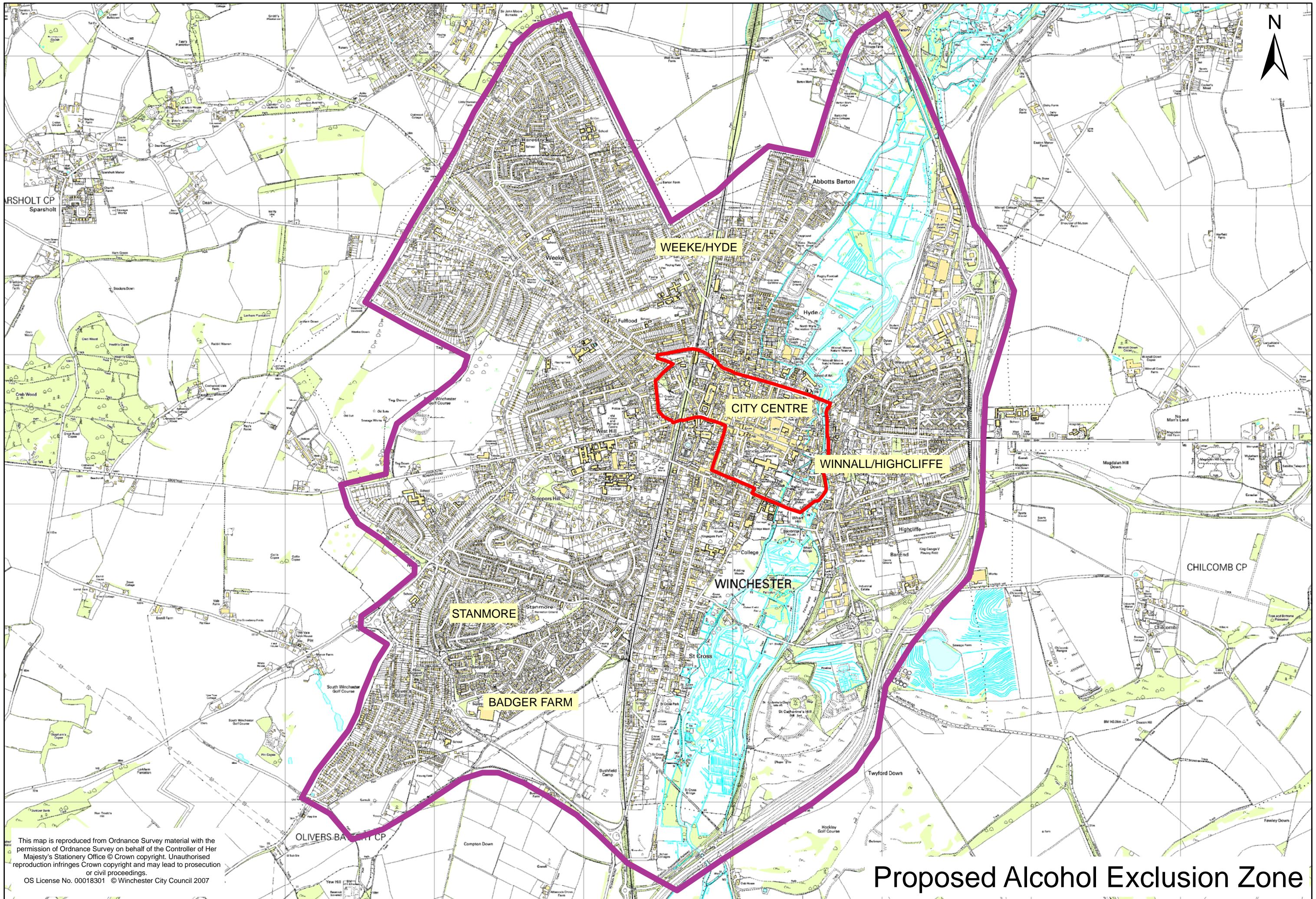
License and Regulation Committee Reports – LR110, LR114 and LR211

Responses to consultation exercise as set out in this Report.

APPENDICES:

Appendix 1 – Map of proposed extension of the current designation order – Appendix 1

Appendix 2 – Copies of responses to the consultation - Appendix 2



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Proposed Alcohol Exclusion Zone



H A M P S H I R E C o n s t a b u l a r y

Chief Constable Paul R. Kernaghan CBE QPM LL.B MA

Our Ref. : Sfs/aez/st

Winchester Police Station
North Walls
Winchester
Hampshire
SO23 8DW

Tel: 0845 045 45 45

Sandra Tuddenham
Community Safety Officer
Winchester District Council Offices,
Colebrook Street
Winchester,
Hampshire
SO23 9LJ

OFFICE SUPPORT
21 MAY 2007

Yes

16th May 2007

Dear Sandra,

I am writing to confirm that Winchester Police approve of the extension of the Alcohol Exclusion Zone as per the most recent reports circulated.

I understand there is now a change of mood in accepting the extension within other partner organisations due to lack of funding being available for outreach workers.

I understand and empathise with that view however from a Policing and Community Safety perspective I believe that the AEZ extension will support the reduction of violence in public places and also the implementation of anti- smoking legislation.

The welfare of the hard core of alcoholics that are of concern to many partners must be borne in mind however must also be put into perspective. They gather only at certain times of year which indicates they do not have a critical NEED to gather and drink in public places. The majority are housed locally so the assumption is that they can drink alcohol within the confines of their homes if that is their desire or indeed in some cases, medical need.

The extension, I have every confidence, will serve the citizens of Winchester well.

Yours Sincerely,

Chief Inspector Steve France-Sargeant
District Commander
Winchester

OFFICE REPORT
21 MAY 2007

Yes

RIVERSIDE INDOOR BOWLING CLUB (WINCHESTER)

City Secretary & Solicitors
Directorate,
Winchester City Council.
Ref HNB.

Gordon Road,
Winchester, SO23 7DD.
16 May 2007.

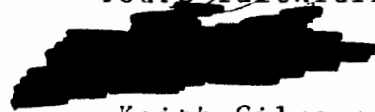
Dear Sir/Madam,

Proposed Extension to Alcohol Consumption Designation Order
Zone.

I have placed your letter before the committee of the above club. We are in complete agreement with the proposal to extend the existing zone.

The club has fortunately not suffered a great deal from the problem of drinkers in the area, though they do inhabit the recreation ground a lot. We have experienced empty bottles and cans being thrown over an enclosed area at the side of the club however the only threat there is if one of kitchen staff are in the yard and get hit. The culprits of this behaviour are not the more elderly drinkers, but the young people who frequent the park, particularly at night.

Yours faithfully,



Keith Gilmour.
General Secretary.

| | | |
|-----------------|----------|-------|
| CSS RECEIVED | | |
| 21 MAY 2007 | | |
| FAO | REPLY BY | NO. |
| JM? | | 1013. |

1/20

Capitol House
12-13 Bridge Street
Winchester
SO23 0HL

Telephone: 01962 826024
Fax: 01962 863554

Enquiries to Mike Webb

My reference

Direct Line 01962 826033

Your

Date 18th May 2007

E-mail Mike.webb@hants.gov.uk

Dear Sandra,

Response of the AEZ Sub-group to the proposed extension of the AEZ

As you are aware, the Alcohol Exclusion Zone Sub-group consists of a wide range of experienced professionals with a knowledge of local alcohol misuse. The group was called together in order to address the issue of problematic street drinking in Winchester.

Membership of the group includes:

Police
Portfolio Holder for Environment, Health and Safety
Chief Executive of the Trinity Centre
Chair of the Winchester DARG
Local housing providers
Alcohol Strategy Co-ordinator
Community Safety Manager
Cllr Pearson

The Police have had to take broader issues into consideration and therefore have submitted a separate response aside from this group.

Due to a conflict of interest, neither the Portfolio holder nor the Community Safety Manager were involved in the discussion of this letter. Their views are not reflected in this document.

The group undertook the task of producing a report and recommendations as how best to address the needs of both the street drinking population and local residents.

**TACKLING
DRUGS**

Its conclusions were that the best approach was to introduce outreach work with the street drinkers, alongside an extension of the zone.

It was a key understanding that both actions needed to go together in order to be able to offer the street drinkers a way to break the cycle that they find themselves in. The nature of a street drinker's problem, their addiction to alcohol, means that they will be unable to avoid being fined many times unless they are offered a way out of the cycle and therefore the problems encountered with street drinkers will remain in the community.

The group now expresses its great disappointment with the decision by the Community Safety Partnership to extend the zone without providing the funding for the outreach work.

The consequences of this are that the zone will only have an enforcement element to it, street drinkers will not be offered a positive intervention, only a negative one. As a result, it is difficult to predict a positive effect of extending the zone on this issue.

The AEZ Sub-group recognises that the needs of this group remain unmet and that this will have an impact on the success of the extension of the Zone. The AEZ Sub-group will continue to meet in order to attempt to address this problem and will look to monitor the effects of the zone, if it is extended.

Yours sincerely,

Mike Webb
Chair of the Alcohol Exclusion Zone Sub Group

Sandra

NO.

-----Original Message-----

From: Tommy.Geddes [mailto:~~Tommy.Geddes@winchester.ac.uk~~]
Sent: 01 May 2007 09:59
To: Sandra Tuddenham
Subject: Proposed Extension to Alcohol Consumption Designated Order Zone

Dear Ms Tuddenham,

I refer to a letter of 3 April from the City Secretary and Solicitor consulting on the Proposed Extension to Alcohol Consumption Designated Order Zone. The proposed extension will include two University sites, at West Downs on Romsey Road and the main King Alfred Campus on Sparkford Road.

The University has two areas of open land which have been designated as "public open space" under the terms of the planning consent for the West Downs Student Village. The first is an area within the Student village itself. The other is an area known as The Dytche on the southern end of the main King Alfred Campus on Sparkford Road, adjacent to Milnthorpe Lane. I assume that "public places" includes for the purpose of the Alcohol Consumption legislation land owned by a private organisation such as the University that has been designated public open space under the terms of a planning consent. Please would you confirm if that is the case.

On occasion, the University uses these areas for outdoor events such as an annual staff barbeque. Students will also occasionally use them as informal social space in the warm weather. Such events can involve consumption of alcohol which the University polices. We would not wish these areas to come within a Designated Order Zone. The problems that these Zones are meant to address do not arise on our property and the arrangements the University has in place are, I believe, sufficient.

If the Designated Zones would apply to these spaces, I wish to register an objection to their inclusion.

Thank you for your consideration of my submission.

Tommy Geddes
Pro Vice Chancellor
The University of Winchester
Tel: 01962 827201
Fax: 01962 879033
email: ~~Tommy.Geddes@winchester.ac.uk~~

No

Sandra Tuddenham

From: Chief Executive Winchester YMCA [REDACTED]
Sent: 03 May 2007 10:59
To: Sandra Tuddenham
Subject: Re: Wrong AEZ Consultation Date

Sandra

As you know, the majority (70%) of those present at the last Winchester DARG did not support the extension of the AEZ without the proposed new support workers being provided.

I hope this email is sufficient to record the views of the DARG with you officially, but if not then please let me know.

Mike Simpson
Chairman Winchester DARG

and
Chief Executive
Winchester YMCA

CHECK OUT OUR WEBSITES

www.ymcawinchester.org.uk
www.winremix.org.uk (our substance misuse project)
and
www.ymcabridges.org (our partnership with the YMCA in Bethlehem)

Winchester YMCA
1 Swan Lane
Winchester
SO23 7AA

Tel: 01962 864234
Fax: 01962 844493

Winchester YMCA is one of the oldest YMCAs in the world (founded in 1847)
Registered Company No 4944334. Registered charity No 1101028
The YMCA is a Christian charity committed to helping young people, particularly at times of need, regardless of gender, race, ability or faith

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Winchester YMCA accepts no responsibility for any virus which may be transferred by this e-mail or attachments.

----- Original Message -----

From: [REDACTED]
To: [REDACTED];
[REDACTED];
[REDACTED]; Mike Webb@hants.gov.uk
Cc: [REDACTED]