

LICENSING COMMITTEE

Venue: Town Hall, Rotherham

Date: Monday, 27 November 2006

Time: 11.00 a.m.

A G E N D A

1. To determine if the following matters are to be considered under the categories suggested, in accordance with the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Apologies for Absence
4. Use of Alcohol Exclusion Zones - Designated Public Places - Wath upon Dearne (report attached) (Pages 1 - 18)
5. Date of Next Meeting - Tuesday 16 January 2007 at 11.00 a.m.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Licensing Committee
2.	Date:	27th November, 2006
3.	Title:	Supporting Responsible Drinking – Use of Alcohol Exclusion Zones (Designated Public Places) – Wath Town Centre
4.	Programme Area:	Neighbourhoods

5. Summary

5.1. The purpose of this report is to recommend that Members exercise their power to make an order designating public places in Wath Town Centre and other public areas in the vicinity as places where it is an offence to continue to consume alcohol after being requested not to do so by a police constable or a community support officer.

6. RECOMMENDATION

- 6.1** THAT MEMBERS NOTE THE APPLICATION SUBMITTED TO THE COUNCIL BY SOUTH YORKSHIRE POLICE (ANNEXURE A) WHICH IDENTIFIES NUISANCE AND DISORDER ASSOCIATED WITH THE CONSUMPTION OF ALCOHOL IN WATH TOWN CENTRE AND THE IMMEDIATE VICINITY.
- 6.2** THAT, WITH IMMEDIATE EFFECT, OFFICERS OF THE COUNCIL BE AUTHORISED TO CARRY OUT THE APPROPRIATE CONSULTATION EXERCISE AS PRESCRIBED BY THE REGULATIONS.

7. Proposals and Details

7.1. The recommendation at 6.1 has the approval and support of South Yorkshire Police, see Annexure A, and The Safer Rotherham Partnership including the Safer Neighbourhoods Joint Action Group (JAG) and is based upon the evidence summarised in the application at Annexure A.

7.2. This prior indication of approval and support is necessary because the policing and enforcement of any order is a matter for South Yorkshire Police; the evidence of nuisance annoyance or disorder associated with the consumption of alcohol is police led; the identification of the entirety of the area to be designated is a policing/police resource issue.

7.3. The making of an order is a function of the full Council which was delegated to the Licensing Committee on 26th April, 2006. It is not a function of the executive under the terms of the Local Government Act 2000.

7.4. Section 13(2) of the Criminal Justice and Police Act 2001, as amended by the Licensing Act 2003, provides that a local authority may designate a public place (or places) within its area, provided it is satisfied that nuisance or annoyance to members or a section of the public, or disorder, has been associated with the consumption of alcohol in that place.

7.5. The result is that by Section 12 of the Act it is an offence for a person to continue to consume alcohol in a designated public place upon being requested not to do so by a constable or by a community support officer. The offence is at the discretion of the constable or CSO.

7.6. The designation of a public place does NOT prevent the sale of alcohol at street cafes, nor the sale of alcohol at markets or festivals provided the latter comply with the requirements of the Licensing Act 2003.

7.7. The making of an order is governed by a procedure laid down by the Local Authorities (Alcohol Consumption in Public Places) Regulations 2001.

7.8. By Regulation 3 the local authority must first consult with - the police and the licensees of premises which may be affected and must take reasonable steps to consult with the owners or occupiers of any land proposed to be identified.

7.9. By Regulation 5 a notice must be published in a local paper setting out the effect of the order and inviting representations from members of the public and businesses as to whether or not the order should be made. The order may not be made until any representation the result of the consultation, the publication of the notice or otherwise has been considered and until not less than 28 days after the publication of the notice.

7.10. After the order is made but before it takes effect the local authority must publish a notice in a local newspaper as to the fact and effect of the order and erect such signs as they consider sufficient to draw public attention to the effect of the order.

7.11. A five stage process to the making of an order is proposed.

First, Members resolve in terms of the recommendation at 6.1 of this report and, further resolve in terms of the recommendation at 6.2 of this report.

Second, delegated authority be given to Head of Neighbourhood Services by the Licensing Committee to (1) formally conclude consultation with the police (2) consult with licensees (3) consult with the known owners or occupiers of land identified within the proposed area of designation and (4) publish a notice in a local newspaper inviting representations from any other party.

Third, Head of Neighbourhood Services reports to the Licensing Committee the result of the consultation and publication of the notice.

Fourth, Licensing Committee considers the report, specifically any representations received, and in the light of representations the Licensing Committee determines whether or not to make the order.

Fifth, in the event that the Licensing Committee makes an order the local authority procures the production and placement of signage and the publication of notice of the fact of the order.

7.12. The proposed order is at Annexure B and is in the form of the Government model order. Also included is the model sign used in Rotherham Town Centre.

8. Finance

8.1. The financial implications are (1) the cost of 2 notices in the local paper (2) the full notional cost of consultation undertaken by the Licensing Manager and Council solicitor (3) the cost of signage and the placement of such signage.

8.2. Funding to the amount of £4700 has been allocated by the Joint Action Group (JAG) as part of the Safer Stronger Communities Funding (2006/07), to complete this process.

9. Risks and Uncertainties

9.1. The one recognised risk consequent upon the making of an order is the displacement of people/problems associated with anti social public drinking out of the designated area into neighbouring areas.

9.2. However, South Yorkshire Police have not indicated that displacement of alcohol related disorder is a problem or concern in relation to this area, and there is no evidence submitted to suggest that the implementation of the designated area in Rotherham Town Centre has resulted in an adverse effect on alcohol related crime and disorder in relation to displacement.

9.3 It is no longer possible to designate public places by byelaw. The effect of section 15 of the 2001 Act is that all existing designation byelaws ceased on 1st September, 2006.

10. Policy and Performance Agenda Implications

10.1. The recommendation meets all relevant policy and performance agenda criteria. Specifically the Corporate Objectives of promoting Rotherham as a place where people feel safe and are safe; a vigorous and exciting place to visit and in which to live and work; a place in which people have pride and take pride.

10.2. Alcohol induced anti social behaviour in public places has a known adverse effect on the public's perception of safety in a town centre, and prejudices the promotion of cultural retail and commercial activity. Late night alcohol fuelled disorder, disruption and noise is not compatible with the ambition to encourage residential occupation into the town centre.

10.3. It is Government policy to encourage local authorities, in co-operation with the police, to designate public places in response to alcohol related anti social behaviour and disorder. To date some 170 local authorities in England and Wales have made one or more designation orders in town and city centres and in other urban and rural centres of population.

10.4. It is intended that the designation of Wath Town Centre will be complimented by an ongoing safe and sensible drinking campaign. The promotional literature for this campaign is already available in support of the Governments Alcohol Harm Reduction Strategy.

11. Background Papers and Consultation

Tackling Alcohol-Fuelled Disorder in Town and City Centres

Alcohol Harm Reduction Strategy

South Yorkshire Police Crime Statistics for Rotherham and South Yorkshire

Home Office letter 24 August 2001 (updated 3 May 2005)

Sections 12 – 16 Criminal Justice and Police Act 2001

Local Authorities (Alcohol Consumption in Designated Places) Regulations 2001 (SI 2001 No 2831

Contact Name : David Stockdale, Licensing Manager, Ext 3167,
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Annexure 'A'

- Letter from District Commander Dave Featherstone South Yorkshire Police
- Application for 'Alcohol Exclusion Zone' – Wath Town Centre
- Map of proposed 'Alcohol Exclusion Zone'



South Yorkshire
POLICE
JUSTICE with COURAGE

Mark Ford
Rotherham Borough Council
Neighbourhood Services
Norfolk House
ROTHERHAM

NOT PROTECTIVELY MARKED

NEIGHBOURHOOD

3 NOV 2006

SERVICES



Your Ref:

Our Ref: DF/dae01

Date: 31 October 2006

Dear Mark

Please find enclosed an application for an Alcohol Exclusion Zone in Wath town centre.

I understand that such a zone has been considered by the JAG and has received support from that group. The next part of the formal process is for me to forward this application in order that it can receive consideration by any interested parties within RMBC.

If there are any aspects of the application that you wish to discuss, please feel free to contact Chief Inspector Watson or Inspector Tattershall about this matter.

Yours sincerely


Dave Featherstone
District Commander

Rotherham District
Main Street
Rotherham. S60 1QY
Tel: 0114 220 2020
Fax: 01709 832185



Tel: 0114 252 3294

The person dealing with this correspondence is:
Chief Inspector Liz Watson
Direct Line:

NOT PROTECTIVELY MARKED

ALCOHOL EXCLUSION ZONE APPLICATION WATH TOWN
CENTRE MAY 2006.

Introduction.

Alcohol exclusion zones have proved successful in areas of York and Coventry as part of a 'tool kit' available to the police and crime and disorder partnerships in tackling alcohol fuelled crime and disorder issues and nuisance and anti-social behaviour.

They should be seen as preventative measures as opposed to prohibitive. They empower the police and communities to respond to crime and disorder or nuisance in a proportionate and considered way which forms part of a partnership response.

Sections 12-16 of the Criminal Justice and Police Act 6 2001 allow the police to apply to a Local Authority to designate a place, (or Places), within its area as alcohol exclusion zones. A local authority may for the purpose of subsection 910 by order identify any public place in their area if they are satisfied that:-

- (a) Nuisance or annoyance is caused to members of the public or a section of the public, Or;-
- (b) Disorder has taken place and:-

Has been associated with the consumption of intoxicating liquor in that place.

The Governments position;

Rights and responsibilities are at the heart of the Governments approach to alcohol. Most people drink responsibly but there is general agreement that the scale of alcohol fuelled disorder is much too high. In 2002/2003 1.2 million violent crimes were alcohol related and 44% of all violent crimes were alcohol related. 35% of all attendance at hospital accident and emergency departments are related to alcohol. One in five violent incidents take place around pubs and clubs. All of this carries with it a high bill, with crime and disorder costs alone estimated to amount to £7.3 billion a year. (Source- Hazel Blears, MP Minister of state Consultation Document 21st January 2005).

Purpose of the Act/Order.

At present the police have no power to seize any alcohol or containers from a person over the age of 18 years of age.

In fact even though there is legislation to confiscate alcohol from persons under the age of 18 years, under the children and young persons act 1997, It is specified that the persons should be in a relevant place and that nuisance and annoyance is being caused. Therefore a person under the age of 18 years can legally drink alcohol in public if they are NOT causing a nuisance or annoyance to the public.

There are clear incidents of alcohol-fuelled crime and disorder along with anti-social behaviour, which takes place within Wath town centre and the immediate surrounding roads and public areas.

A recent incident where a male was attacked and hospitalised occurred when the offenders used beer bottles to assault the male and cause serious wound above his eye.

Other various incidents have occurred recently along with the library and other establishments and members of the public have reported incidence of nuisance and drunkenness during the daytime. Again recently 2 males were arrested for being drunk and disorderly at 2.30pm and during which a male was assaulted by use of a beer bottle. This problem can be encountered into the evening to late night. The police CCTV has captured a compilation of incidents. (*See attached video exhibit CP1*).

The 2001 Act does not ban the consumption of alcohol in the exclusion zone. It permits the Police, (and Police Community Support Officers under the direction of the Police), to target problematic alcohol associated crime and disorder and/or anti-social behaviour within the exclusion zone.

Consultation Process.

The consultation process will be in two stages;

1. Police and Partnerships,

The Command team at Rotherham agrees the need for an alcohol exclusion zone for Wath Town Centre and supports the application. The application should then be put before the Safer Rotherham Partnership (SRP) and agreed. Such support is essential and integral to a successful application. Local Councillors and Member of Parliament John Healey have also supported the application.

Once the application has been agreed and supported by the command team and the SRP it is then sent to the local authority.

2. Local authority consultation.

This part of the process is fixed by the regulations set out in the Criminal Justice and Police Act 2001.

The regulations provide a simple procedure for the making of an order, (this supersedes the procedure for the designation of public places by the local authority by-law), as follows;-

- i) Before making an order, Rotherham Metropolitan Borough Council must consult with the police, any parish or community council, in whose area the public place is situated. The licensees of any licensed premises in the public place or outside the public places if it is considered that they will be affected by the order.
- ii) Before making the order RMBC must advertise, in a local newspaper, the proposal to make an order and must wait at least 28 days, in order to receive and consider any representations by members of the public or businesses as to the result of the advertisement, before making the order (there is no requirement to consult with the public).

- iii) After making the order the RMBC must advertise the fact that of the order in a local newspaper, erect signs in the public place to draw public to the attention to the effect of the order and notify the Secretary of State of the fact of the order.

PROPOSED AREA TO BE COVERED BY THE ORDER AND SUPPORTING EVIDENCE.

The proposed area is designated by an attached map, which is highlighted. The streets affected by the exclusion zone are set out below. This also incorporates the public car parking areas, and Strathmore Park.

Montgomery Square,

Montgomery Road,

High Street,

Sandygate, (*from Montgomery Sq. to the junction of Dearne Way.*)

New Road,

Church Street, (*to it's Junction with West Street*),

Moor Road, (*Town centre side of Biscay Way*).

The area is not too large in that this would be difficult to police, however large enough to have a greater impact on quality of life issues and a reassurance to members of public travelling through the town centre area.

Statistics show that reports in Wath Town Centre have more alcohol related crimes and incidents than any other areas in Wentworth North.

(See below reports over the past 12 months.)

Police officers and Neighbourhood Wardens attached to the Wentworth North Safer Neighbourhood Team have conducted numerous high visibility patrols and plain clothes operations recently in the town and have witnessed a high volume of youths, even during cold and inclement weather, in the town centre. There

has been a vast amount of alcohol confiscated from the youths and a number of prosecutions against persons aged over 18 supplying alcohol to the under aged.

Incidents of alcohol related crime and disorder occasionally occur during the daytime where groups of adult males congregate close to the library.

However it is apparent, even with a significant level of police presence, that the drinking of the alcohol continues in the town to the annoyance of residents and members of the public visiting the area.

**STATISTICS RELATING TO ALCOHOL IN WATH,
MONTGOMERY SQUARE FROM APRIL 2005- MARCH 2006.**

69 REPORTS OF YOUTH NUISANCE AND ANTI-SOCIAL BEHAVIOUR.

26 REPORTS RESULTING IN CRIMINAL DAMAGE.

9 REPORTS RESULTING IN PUBLIC DISORDER.

11 REPORTS RESULTING IN WOUNDINGS AND ASSAULTS.

Updated Information:- (21-10-06).

From March 2006 –October 2006 there have been a further 46 reports in Montgomery Square only, which are drink related.

34 reports of youth nuisance and anti-social behaviour.

1 report of criminal damage.

4 reports of public order-

(significantly one incident on the 1st of July resulted in around 20 people fighting including some females where glasses and bottles were thrown- resulting in 12 arrests. Another incident involves youths throwing bottles and glasses.)

7 reports of violence.

(none of which are included in the public order offences highlighted.)

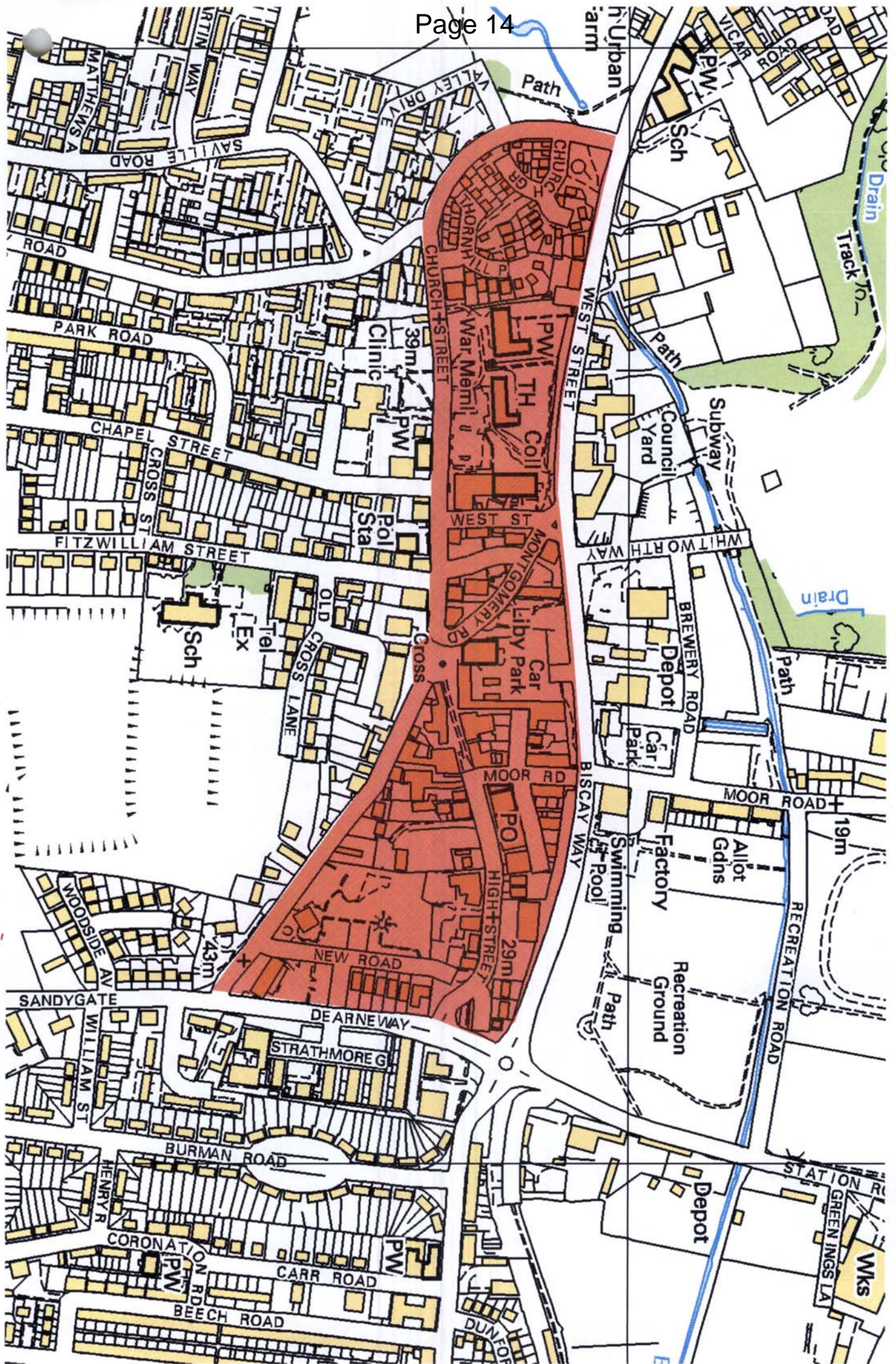
In this regard evidence is still prevalent that alcohol being used and drunk in Wath Town is proving to be a contributing factor to crime and disorder.

BILL BELL

POLICE SERGEANT 714

WENTWORTH NORTH SAFER NEIGHBOURHOOD TEAM.

01709 832485



Annexure 'B'

- Proposed Order
- Model Sign

Proposed Order

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

CRIMINAL JUSTICE AND POLICE ACT 2001

**Local Authorities (Alcohol Consumption in Designated Public Places)
Regulations 2001**

The Rotherham Metropolitan Borough Council (in this Order called “the Council”) hereby make the following order under Section 13(2) of the said Act

The land described in the Schedule below and shown edged red on the map attached to this Order, being land in the area of the Council which is land to which the Criminal Justice and Police Act 2001 applies, is hereby designated for the purposes of that Act.

This Order may be cited as the Alcohol Consumption in Designated Public Places for the area of Wath Town Centre Order (No 1) 2007 and shall come into force on xxxx, 2007.

SCHEDULE

All public places, as defined at Section 16(1) of the said Act, within Wath Town Centre defined as to include xxxxxxxxxxxxxxxx

.

Dated the xxxx day of **2007**.

The Common Seal of Rotherham Borough Council
Was hereunto affixed in the presence of:-

Authorised Signatory

YOU ARE IN A DESIGNATED PUBLIC PLACE



**If you continue to drink alcohol in this area
when asked not to do so by a police officer,
you are liable on conviction to a**

MAXIMUM FINE OF £500

**You may be arrested if you fail to surrender any
intoxicating liquor to a police officer in this area.**

YOU ARE ABOUT TO ENTER A DESIGNATED PUBLIC PLACE



**If you continue to drink alcohol in this area
when asked not to do so by a police officer,
you are liable on conviction to a**

MAXIMUM FINE OF £500

**You may be arrested if you fail to surrender any
intoxicating liquor to a police officer in this area.**