

LICENSING COMMITTEE

**Venue: Town Hall, Moorgate
Street, Rotherham**

Date: Tuesday, 16 January 2007

Time: 12.00 p.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 (Pages 1 - 4)

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Licensing Committee
2.	Date:	16th January, 2007
3.	Title:	Supporting Responsible Drinking – Use of Alcohol Exclusion Zones (Designated Public Places) – WathTown Centre
4.	Directorate:	Neighbourhoods and Adult Services

5. Summary

- 5.1.** The purpose of this report is to recommend that Members of the Licensing Committee exercise their power to make an order designating public places in Wath Town Centre 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 UNDER THE CRIMINAL JUSTICE AND POLICE ACT 2001, MEMBERS OF THE LICENSING COMMITTEE DESIGNATE THE PART OF WATH TOWN CENTRE THAT FALLS WITHIN THE AREA DEFINED ON THE MAP AT PAGE 1 OF APPENDIX 'A' AS A DESIGNATED PUBLIC PLACE .
- 6.2** THAT THE ORDER SHALL COME INTO FORCE AT 00.01 ON THURSDAY, 1ST FEBRUARY, 2007.

7. Proposals and Details

Reason and Support

7.1. The recommendation at 6.1 and 6.2 has the approval and support of South Yorkshire Police and The Safer Rotherham Partnership including the Safer Neighbourhoods Joint Action Group (JAG).

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 area to be designated is a policing/police resource issue.

Delegation

7.3. The making of an order is a function of the full Council or a Committee of it. It is not a function of the executive under the terms of the Local Government Act 2000. An appropriate committee is the Licensing Committee constituted under the Licensing Act 2003. On the 26th April, 2006, the full Council supported the Cabinet's recommendation to delegate the powers to designate 'alcohol exclusion zones', in relation to any place or places in the Borough, to the Licensing Committee.

Impact

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 Police Community Support Officer (PCSO).

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.

Consultation

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. This notice appeared in the Rotherham Advertiser on 8th December, 2006, and the consultation period concluded on 5th January 2007.

7.10. Consultation has been undertaken which commenced on 8th December, 2006 and concluded on 5th January, 2007. This consultation included South Yorkshire Police, South Yorkshire Passenger Transport Executive, licensees of premises which may be affected, Wentworth North Area Assembly and Ward Members. The Councils Green Spaces Unit was also consulted as a representative for the owners or occupiers of land likely to be affected. Furthermore the consultation also included neighbouring local authorities likely to be affected by the proposed Order. Details of relevant responses are attached at Appendix 'B'.

7.11. After the order is made, but before it comes into force, 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 order's effect. It is proposed that a final public notice be placed in the Rotherham Advertiser on Friday, 19th January, 2007. The placement of signage will be completed in time for the implementation date. A copy of the sign is attached at Appendix 'C'.

Proposed Order

7.12. The proposed order is at Appendix 'D' and is in the form of the Government model order.

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. Funding to the amount of £4700 has been allocated by the JAG as part of the Safer Stronger Communities Funding (2006/07) to complete the 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. However two of the responses received to the consultation have questioned why the proposed area does not extend to include the skate park and children's play area across Biscay Way next to the swimming baths on the recreational area. These responses will need to be considered by the Licensing Committee in the light of any further observations from South Yorkshire Police.

9.4 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 cease 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 the 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

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