

**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

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

**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 26<sup>th</sup> 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 1<sup>st</sup> 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,  
[david.stockdale@rotherham.gov.uk](mailto:david.stockdale@rotherham.gov.uk)