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**Meeting:** Regulation Committee

**Date:** 14 October 2009

**Subject:** Alcohol Designation Order - Shefford

**Report of:** Director of Corporate Resources

**Summary:** The report proposes to inform the Regulation Committee of the progress and further steps required for a Designation Order in Shefford

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Contact Officer: Mark Woolsey, Principal Solicitor

Public/Exempt: Public

Wards Affected: Shefford

Function of: Council

## **CORPORATE IMPLICATIONS**

### **Council Priorities:**

- Crime reduction and tackling anti-social behaviour
- To encourage community members to feel safe, at ease and free from crime in their homes and neighbourhoods.

### **Financial:**

No direct financial implications, although there will be implication on the use of officer time to progress the matter.

### **Legal:**

Criminal Justice and Police Act 2001

The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007

### **Risk Management:**

None

### **Staffing (including Trades Unions):**

To progress the matter will require Officer time, but there are no other staff implications

### **Equalities/Human Rights:**

To be taken into account when considering the evidence for the making of the order.

**Community Safety:**

The use of the powers given to the Police as a result of the Designation Order will contribute to the reduction of anti-social behaviour in the District.

**Sustainability:**

None.

**RECOMMENDATION:**

**that the Regulation Committee:-**

- (a) appoint three members to act as a panel which is authorised to review the Alcohol Designation Order and determine the appropriate area for public consultation.**
- (b) subject to the comments and decision of the panel members, authorise the Assistant Director Legal and Democratic Services to undertake the necessary public consultation.**

**Background**

1. On the 10 September 2008 the former Mid Bedfordshire District Council Regulation Committee, considered a report relating to an application received from Shefford Town Council, in association with the Police, for an Alcohol Designation Order (ADO) for Shefford.
2. The Mid Bedfordshire District Council Regulation Committee appointed a panel of three Members to meet in order to consider and discuss the proposed ADO. The committee also provided the Director of Corporate and Democratic Services with authorisation to undertake the necessary consultations.
3. Attached at Appendix A for members' information is the original report with the application and supporting information.

**Legislative Provisions**

4. By virtue of the Criminal Justice and Police Act 2001, a Local Authority is permitted to designate areas as a designated public place.
5. In order to designate an area the Local Authority must be satisfied that nuisance, or annoyance to members of the public have taken place in that area, or that disorder has taken place in that area, and the nuisance, annoyance or disorder is associated with the consumption of alcohol in that place.
6. Should a public place be designated, the designation order provides the Police with the power to require a person or persons to cease drinking any alcohol and to ask them to surrender the alcohol. Failure to comply with either or both of these requirements would be an offence.

## Steps So Far

7. The panel members along with the Town Council and local Police Officers met on the 18 December 2008, to discuss the application. The panel members listened to the evidence of the Town Council and Police and determined the appropriate areas to include for consultation for the ADO application. A plan and schedule of roads outlining the area is attached for information at Appendix B.
8. The first stage for consultation for an ADO is to consult with Licensees of licensed premises affected by the ADO and any land owners. This consultation began on the 24 February 2009 and lasted until Friday 27 May 2009. Any comments from those consulted needed to be within that time.
9. Two negative responses were received during the consultation period. Set out below are the individuals who proved a response and a summary of its contents.
  - (a) The licensee of The Brewery Tap Public House, 14 North Bridge Street, Shefford

The objection raised outlined that the area consulted upon was too large, and that there was no evidence of there being any alcohol related problems in the northern part of the town. The objector considered that the Police already had sufficient powers to deal with any problems.
  - (b) The licensee of The Woolpack Public House, 1 Hitchin Road, Shefford.

The objection raised is a lack of evidence of nuisance, annoyance or disorder associated with alcohol for the extent of the area proposed.
10. The objections have not been removed.

## Conclusion and Next Steps

11. Since the objections have been received Mid Bedfordshire District Council no longer exists and therefore the appropriate authority to progress this matter is now Central Bedfordshire Council.
12. Unfortunately, the Local Government Review has meant that the 3 members originally appointed to be panel members are no longer part of the Regulation Committee for Central Bedfordshire Council. The work undertaken due to Local Government Review has meant that this is the first opportunity for the Central Bedfordshire Council Regulation Committee to consider the matter.
12. The Regulation Committee are asked to appoint a panel of three members, who be authorised to review the ADO and determine the appropriate area to be included.

13. The Regulation Committee are further asked to authorise the Assistant Director Legal and Democratic Services to progress the matter by undertaking the public consultation, subject to the comments and decision of the panel members.
14. The draft order will be brought before the Regulation Committee for consideration prior to the making being taken to full Council.

**Appendices:**

Appendix A – Mid Bedfordshire District Council Regulation Committee Report of 10 September 2008.

Appendix B – Plan and Schedule of proposed area for designation.

**Background Papers:** (open to public inspection)

Mid Bedfordshire District Council Regulation Committee Report of 10 September 2008.

Plan and Schedule of proposed area for designation.

Criminal Justice and Police Act 2001

Home Office Letter of Guidance

The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007

**Location of papers:** Priory House, Chicksands