
Meeting: Regulation Committee
Date: 14 October 2009
Subject: Prohibiting the consumption of alcohol in designated public places – Arlesey
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 Arlesey

Contact Officer: Mark Woolsey, Principal Solicitor
Public/Exempt: Public
Wards Affected: Arlesey
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 7 January 2009, the former MBDC Regulation Committee considered a report relating to the application for an Alcohol Designation Order (ADO) in Arlesey. The application had been received from Arlesey Town Council with the full support of the Police.
2. The MBDC 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, 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 previous panel members, town council representatives and the local Police met on the 4 March 2009 to discuss the application. After hearing evidence presented by the town council and the Police, the panel members decided upon the proposed area to be taken forward to the first stage of the consultation for the ADO.
8. A plan and schedule of roads taken forward for consultation is attached at Appendix B for Members' information.
9. The first stage for consultation for an ADO was to consult with Licensees of licensed premises affected by the ADO and any land owners. This consultation began on the 25 March 2009 and lasted until 22 April 2009.
10. It is pleasing to note that no adverse comments were received during this initial state of consultation. However, there has been a request from Network Rail to extend the ADO to include the station platforms and car park in its ownership.
11. The proposed extension to the Order necessarily requires approval from the members appointed to consider this matter. However, due to The Local Government Review the originally appointed panel members are no longer members of the Regulation Committee and therefore it is necessary to bring the matter back before Central Bedfordshire Council's Regulation Committee.

Conclusion and Next Steps

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 7 January 2009.

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

Background Papers: (open to public inspection)

Mid Bedfordshire District Council Regulation Committee Report of 7 January 2009.

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