
Meeting: Regulation Committee
Date: 24 February 2010
Subject: Prohibiting the consumption of alcohol in designated public places - Sandy
Report of: Director of Corporate Resources
Summary: The report proposes to inform the Regulation Committee of and application received for a Designation Order in Sandy and the process by which the Order will be made.

Contact Officer: Mark Woolsey, Acting Managing Solicitor
Public/Exempt: Public
Wards Affected: Sandy
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(S):

1. **that the Regulation Committee**
 - (a) **Authorise the Assistant Director of Legal & Democratic Services to proceed with the necessary consultations under The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007, in respect of the possible alcohol designation order in Sandy.**
 - (b) **appoint three members to meet informally with the Assistant Director of Legal & Democratic Services to consider the outcome of consultation and report back to Committee.**

Background

1. Sandy Town Council has submitted an application for an Alcohol Designation Order (ADO), with the full support of the local Police Officer.
2. It is a function, and the responsibility, of Central Bedfordshire Council to consider the making of ADO's in its area.

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.

The Application

7. The brief report from the local Police Officer, in support of the application, broadly details the problems that are being suffered, and is attached at Appendix A.
8. An ADO is considered necessary by the Town Council due to the number of alcohol related incidents occurring in the town. However, the precise details of the nuisance and the areas affected have not yet been explored.
9. In order to investigate the nuisance and to satisfy the Council that an ADO is necessary and appropriate in these areas it is proposed that, as with previous applications, the consultation be delegated to the Assistant Director of Legal & Democratic Services. The Assistant Director of Legal & Democratic Services will consult with the consultees identified in the legislation and will also receive representations from the Police and Town Council on the precise areas to be designated.
10. To assist in this process it is proposed that the Regulation Committee appoint three Members to meet on an informal basis with the Assistant Director of Legal & Democratic Services, or her representative, and officers of the Community Safety Team to consider the outcome of the consultation.
11. If it is agreed that an ADO should be made, a recommendation will be made to Council.
12. In view of the Police support it is recommended that consultation The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 be commenced and be delegated to the Assistant Director of Legal & Democratic Services in respect of the request received from Sandy Town Council.

Appendices:

Appendix A – Report of Police Officer

Background Papers: (open to public inspection)

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