
Meeting: Regulation Committee
Date: 24 February 2010
Subject: Prohibiting the consumption of alcohol in designated public places – Arlesey & Shefford
Report of: Director of Corporate Resources
Summary: The report proposes to inform the Regulation Committee of the progress made in the making of the Alcohol Designation Order to restrict anti-social drinking in public places in Arlesey & Shefford.

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) **Note the contents of the report and receive comments from Members;**
 - (b) **Approve the draft Order attached to enable Designation Orders under the Criminal Justice and Police Act 2001 and the Local Authorities (Alcohol Consumption in Public Places) Regulations 2001 to be made and advertised in Stotfold; and**
 - (c) **Subject to there being no adverse responses from the public, to the public consultation, that the Committee recommend the Order to Council for approval.**

Background

1. An application for an Alcohol Designation Order (ADO) within Shefford was made by Shefford Town Council. It was recommended by the Regulation Committee of the former Mid Bedfordshire District Council on the 10 September 2008 that consultation begin in respect of the application.
2. An application for an ADO within Arlesey was made by Arlesey Town Council. It was recommended by the Regulation Committee of the former Mid Bedfordshire District Council on the 7 January 2009 that consultation begin in respect of the application.
3. The panel of Members appointed to consider the applications, and consultation responses was satisfied that sufficient alcohol related nuisance existed to proceed with the consultation procedure and agreed the area to be covered by the ADO. The draft order and plans are attached at Appendix A.

Consultation Undertaken

4. The area to be designated was agreed by the Panel Members following representations from the Town Council and the Police, and the first stage of consultation commenced. Letters were written to Licensees and Land Owners in the affected areas, and included a schedule of roads and a plan. In addition, consultation was also undertaken with the former County Council in their capacity as Highways Authority. This consultation has been completed and the responses are outlined below. Members will recall that the responses were also outlined to them at the Regulation Committee meeting of the 14 October 2009.
5. Subsequently, the second stage of consultation has been started, by publishing a notice in the newspaper circulating in the local area. The advertisement was published on the 14 February 2010 and a period of 28 days is required to allow for the public to raise any questions or queries regarding the proposed Order.

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.

Responses to Consultation

7. The first stage of the consultation for the Shefford application ran from the 24 February 2009 to the 27 March 2009, to allow consultees adequate time to respond. During this period three representations were received, one in support of the application and two in opposition.
8. The negative objections have been considered by the panel members and, upon evidence provided by the local police officer, Members were convinced of the need to include the areas for which there had been received the objections.
9. The first stage of the consultation for the Arlesey application ran from the 25 March 2009 to the 22 April 2009, to allow consultees adequate time to respond. During this period one representation was received from Network Rail, asking for Arlesey Station to be included in the order

10. The second stage of the consultation began on the 14 February 2010 with the publication of a notice in the Bedfordshire Chronicle Newspaper. The Consultation is due to end on the 16 March 2010 and to date no responses have been received.
11. The Town Councils have also been asked to display a copy of the consultation notice on their notices boards.
12. Provided there are no objections or proposed changes to the order then it can be recommended to Full Council for approval.
13. Should there be any objection raised to the proposals then the matter will be referred back to the Regulation Committee for further discussion.
14. The report and proposed draft order has been brought back before the committee, prior to the end of the second consultation period, as it is considered to that the matter is progressed as expediently as possible.

Conclusion

15. To approve the Order and identify a public place as a designated area, a local authority must be satisfied that nuisance or annoyance to members of the public or a section of the public, or disorder is associated with the consumption of alcohol in that place.
16. The panel set up to consider the applications has been satisfied that nuisance, annoyance or disorder to members of the public has been present in the defined areas and is associated with the consumption of alcohol in those areas.
17. It is recommended that the Committee Approve the making of the Order subject to there being no objections or further proposed changes following the public consultations stage.
18. Any objections raised would require the Order to be referred back to the Regulation Committee for resolution.

Appendices:

Appendix A – Proposed Alcohol Designation Order and Plans

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