
Meeting: Regulation Committee
Date: 16 February 2011
Subject: Prohibiting the consumption of alcohol in designated public place - Sandy
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 Sandy.

Contact Officer: John Seamarks, Community Safety Officer
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:

The impact on the local community has been taken into account when considering the evidence for the making of the order. There has been local consultation with land owners and residents with the support of Sandy Town council

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 designated area of Sandy.

Sustainability:

The use of the powers will be determined by the availability of Police resources

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 having undertaken consultation ; and**
 - (c) Recommend that Full Council make the Order, as set out in the appendices to this report, and that the order come into force on**

(Please find the date one month after the next Full Council Meeting)

Background

1. An application for an Alcohol Designation Order (DPPO) within Sandy was made by Sandy Town Council. It was recommended by the Regulation Committee on 14th October 2009 that consultation begin in respect of the application.
2. 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 DPPO. The draft order and plans are attached at Appendix A.

Consultation Undertaken

3. 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. In addition, consultation was also undertaken with the Highways Authority. This consultation has been completed and the responses are outlined below.
4. 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 12th December 2010 and a period of 28 days has elapsed to allow for the public to raise any questions or queries regarding the proposed Order.

Legislative Provisions

5. By virtue of the Criminal Justice and Police Act 2001, a Local Authority is permitted to designate areas as a designated public place.
6. 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.
7. 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

8. The first stage of the consultation for the Sandy application ran from the 21st September 2010, to allow adequate time to respond. During this period no representations were received.
9. The second stage of the public consultation began on the 12th December 2010 with the publication of a notice in the Bedfordshire On Sunday Newspaper. The Consultation ended on the 7th January 2011 and no responses have been received.
10. The Town Councils have also been asked to display a copy of the consultation notice on their notices boards.
11. The Highways Authority has been informed and have no objections to the DPPO and they will be advised regarding signage to be placed in the area.
12. In light of there being no objections or proposed changes to the order then it can be recommended to Full Council for approval.

Conclusion

13. 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.
14. 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.
15. It is recommended that the Committee approve to Full Council the making of the Order

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