

SLOUGH BOROUGH COUNCIL

REPORT TO: Council **DATE:** 3rd February, 2009

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WARD(S): All

PART I **FOR DECISION**

RECOMMENDATION OF THE LICENSING COMMITTEE FROM ITS MEETING HELD ON 21ST JANUARY, 2009 – ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES

1. **Purpose of Report**

To consider the recommendation of the Licensing Committee that Alcohol Designation Orders be made under Section 13 of the Criminal Justice and Police Act 2001.

2. **Recommendation(s)/Proposed Action**

The Council –

- being satisfied that public nuisance or annoyance to members of the public, or a section of the public, and disorder has been associated with public drinking in the areas identified;
- being satisfied that the problem will continue unless Orders are made;
- having considered the consultation responses received;

is recommended to make Alcohol Consumption in Designated Public Places Orders under Sections 12 -16 of the Criminal Justice and Police Act 2001 (as amended) in respect of the areas detailed in the plans and descriptions attached to this report as follows:

1. Town Centre
2. Chalvey
3. Baylis
4. Colnbrook
5. Langley 1
6. Langley 2
7. Langley 3
8. Britwell
9. Farnham Road
10. Wexham Central
11. Haymill
12. Cippenham Green and Cippenham Meadows

3. **Community Strategy Priorities – Taking Pride in Slough and Making a Difference to Communities and our Environment**

Priority 1 – Creating safe, environmentally friendly and sustainable neighbourhoods.

By providing police officers with the powers to address anti-social public drinking of alcohol, alcohol designation orders directly contribute to the aims of:

- 1.1 Delivering cleaner and safer neighbourhoods
- 1.3 Protecting and enhancing public health and well being.

Priority 2 – Improving lives for those in need and creating thriving communities.

- 2.5 The provision of the alcohol designation orders supports the Stronger Communities theme in the Safer Slough Partnership Crime, Disorder and Drugs Strategy action plan 2006-2007. In particular objective one of the Stronger Communities theme looks to see an “increase in local participation in governance”. This also reflects the priority to strengthen community activity through collaborative working in the most disadvantaged neighbourhoods.

Priority 4 – Ensuring excellence in customer services

- 4.2 The alcohol designation orders contribute to the aim of engaging, listening and empowering communities by providing a response to problem areas identified through reports made to Council officers and Thames Valley Police by members of the public.

4. **Other Implications**

(a) **Financial**

In addition to officer time, the costs of making the orders are the costs of advertisements, consultation letters and notices. The cost of proceeding with the areas referred to in this report is approximately £5,440 for advertisements and £4,000 for signage, leaflets and consultation. These funds will be committed from sources to be agreed, including the Community Safety project funding and Safer Slough Partnership.

Once designation orders are made, enforcement is entirely in the hands of the police. Therefore once the initial costs of making the orders have been paid, the Council would bear no costs of enforcement.

(b) **Human Rights Act and other Legal Implications**

Article 1 of the Human Rights Act applies – Every person is entitled to peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to conditions provided for by law. Making a Designation Order would provide the legal framework for removal of alcohol from persons in designated public places.

5. **Supporting Information**

Background

5.1 On 1st September 2001, Sections 12 – 16 of the Criminal Justice and Police Act 2001 came into force. These provide local authorities with powers to restrict anti-social public drinking in designated public places and provide the police with power to enforce this restriction. The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001 came into force on the same date - these have now been replaced by the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007. These set out the procedures to be followed by local authorities in designating public places for this purpose.

5.2 Section 12 of the Act provides police powers to deal with anti-social drinking in areas that have been designated for this purpose by the local authority. The police have the power where the officer reasonably believes that a person is/has been/intends to consume alcohol in a designated place and the officer may require the person concerned:

- (a) Not to consume the alcohol.
- (b) To surrender any alcohol or alcohol containers (other than sealed containers).

It is an arrestable offence to fail to comply with such a requirement of a police officer. A police officer may dispose of anything so surrendered to him in such a manner as he considers appropriate in the person's possession.

5.3 It is not an offence to drink alcohol in a designated public place and there is no intention that the provisions of the 2001 Act should lead to a comprehensive ban on drinking/consumption of alcohol in open public places. Accordingly, Section 13 of the Act allows local authorities to designate areas for this purpose only where they are satisfied that nuisance or annoyance to members of the public, or a section of the public, or disorder has been associated with public drinking in that place. The Home Office advises that where there have been no such problems, a Designation Order under Section 13 will not be appropriate.

5.4 The Regulations do not place on the local authority a requirement to conduct a formal assessment, over a given period, of the nature of the problem. The local authority must be satisfied that public nuisance, annoyance or disorder has been associated with public drinking in the area concerned and that a Designation Order under section 13 is appropriate. Whether or not a Designation Order is appropriate will be a matter for local judgement, based on the circumstances and evidence available.

5.5 The Council needs to satisfy itself that these powers are not being used disproportionately or in an arbitrary fashion, which could be the case if one isolated incident led to a Designation Order. There should be evidence of an existing problem, with an assessment as to the likelihood of the problem continuing unless these powers are adopted.

5.6 Officers have been worked closely with Thames Valley Police to establish the areas where the police believe that nuisance or annoyance to the public or

disorder have been associated with public drinking in that place, in order that clearly defined areas, to be included in the formal statutory consultation process, can be considered by Members. The plans for the proposed designated areas are detailed in **APPENDICES 1 – 12**. The descriptions of the areas have been detailed for consideration in **APPENDICES 13 - 24**.

- 5.7 The Regulations require local authorities to consult prior to making a Designation Order and to consider any representations made.
- 5.8 In accordance with Regulation 7, after making an Order and before it takes effect the local authority must publish another notice in a local newspaper that identifies the place designated in the Order, the effect of the Order and the date it will take effect.
- 5.9 Regulation 8 sets out the requirement to erect signs to ensure that the public (including visitors to the area) are made aware of the restrictions on public may apply. The signs must indicate the effect of a Designation Order, must be clear and unambiguous and not conflict with or obscure traffic signs. They should be placed at the approaches to designated areas and be repeated within them, and the local authority Highway Authority should be consulted.
- 5.10 The Licensing Committee on 5th November, 2008 resolved that officers be authorised to commence the necessary consultation and advertisements and that the outcome of the consultation exercise to be reported back through the Licensing Committee before being submitted to Council.
- 5.11 A full consultation exercise commenced on 19th December 2008 and the responses received are set out in **APPENDIX 25** to this report. All are generally supportive of the proposals although the letter from South Bucks District Council does raise concerns at possible displacement of the current problems into their area and a consequent increase in anti-social behaviour in areas such as Burnham, Iver, Farnham and Stoke Poges/Wexham. They suggest close working between the two authorities to ensure that action such as is currently proposed is mutually beneficial to the residents of both areas.
- 5.12 By virtue of Regulation 4, Members are under duty to consider any representations received as a result of the consultation and publicity.
- 5.13 Having considered all representations received, if Members are satisfied that Orders should be made and that the problems will continue unless the Orders are made, the Council may approve the recommendation set out in paragraph 2 above.
- 5.14 If Council approve the recommendation, an Order will be made and in accordance with Regulation 7, the authority must publish another notice in a local newspaper that identifies the places designated in the Order, the effect of the Order and date it will take effect.
- 5.15 In accordance with Regulation 8, appropriate signage will be erected.
- 5.16 In accordance with Regulation 9 a copy of the Order will be sent to the Secretary of State (Home Office) as soon as reasonably practicable after it has been made.

6. **Conclusion and Recommendation of the Licensing Committee**

The Licensing Committee has considered the results of the consultation exercise undertaken and is satisfied that public nuisance or annoyance to members of the public, or a section of the public, and disorder has been associated with public drinking in the areas identified. It is satisfied that the problem will continue unless Orders are made and accordingly recommends to Council that Alcohol Consumption in Designated Public Places Orders be made under Sections 12 -16 of the Criminal Justice and Police Act 2001 (as amended) in respect of the areas detailed in the plans and descriptions attached to this report.

7. **Appendices Attached**

APPENDIX 1 – Plans of proposed ‘Town Centre’ Designation
APPENDIX 2 – Plans of proposed ‘Chalvey’ Designation
APPENDIX 3 – Plans of proposed ‘Baylis’ Designation
APPENDIX 4 – Plans of proposed ‘Colnbrook’ Designation
APPENDIX 5 – Plans of proposed ‘Langley 1’ Designation
APPENDIX 6 – Plans of proposed ‘Langley 2’ Designation
APPENDIX 7 – Plans of proposed ‘Langley 3’ Designation
APPENDIX 8 – Plans of proposed ‘Britwell’ Designation
APPENDIX 9 – Plans of proposed ‘Farnham Road’ Designation
APPENDIX 10 – Plans of proposed ‘Wexham Central’ Designation
APPENDIX 11 – Plans of proposed ‘Haymill’ Designation
APPENDIX 12 – Plans of proposed ‘Cippenham Green & Cippenham Meadows’ Designation

APPENDIX 13 – Description of proposed area for ‘Town Centre’ Designation
APPENDIX 14 – Description of proposed area for ‘Chalvey’ Designation
APPENDIX 15 – Description of proposed area for ‘Baylis’ Designation
APPENDIX 16 – Description of proposed area for ‘Colnbrook’ Designation
APPENDIX 16 – Description of proposed area for ‘Langley 1’ Designation
APPENDIX 18 – Description of proposed area for ‘Langley 2’ Designation
APPENDIX 19 – Description of proposed area for ‘Langley 3’ Designation
APPENDIX 20 – Description of proposed area for ‘Britwell’ Designation
APPENDIX 21 – Description of proposed area for ‘Farnham Road’ Designation
APPENDIX 22 – Description of proposed area for ‘Wexham Central’ Designation
APPENDIX 23 – Description of proposed area for ‘Haymill’ Designation
APPENDIX 24 – Description of proposed areas for ‘Cippenham Green’ and ‘Cippenham Meadows’ Designations

APPENDIX 25 – Responses to the consultation exercise.

8. **Background Papers**

1. The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.
2. Sections 12-16 of the Police and Criminal Justice Act 2001 (as amended), Alcohol Consumption in Designated Public Places.
3. Report to the Licensing Committee, 5th November 2008.
4. Minutes of the Licensing Committee of 5th November 2008.
5. Agenda of the Licensing Committee of 21st January, 2009.