
North Dudley Area Committee – 1st December 2010

Lower Gornal (Alcohol Consumption in Designated Public Place)

Report of the Director of Corporate Resources

Purpose of Report

1. To consider a proposal by the Licensing and Safety Committee for an order making the Lower Gornal Area a designated public place where the consumption of alcohol would be prohibited other than the curtilage of licensed premises.

Background

2. At its meeting on the 8th of November 2010 the Licensing and Safety Committee agreed in principle to the making of an Order under Section 13 of the Criminal Justice and Police Act 2001 designating the Lower Gornal Area as a place where the consumption of alcohol in public (apart from the curtilage of licensed premises) would be banned.
3. Attached at appendix 1 is a report dated 21st of September 2010 received 21st of October 2010 from West Midlands Police explaining why an Order would be justified and suggesting the area to be covered by the Order (Appendix 2). The report and supporting evidence (over 232 detailed logs) makes it clear that there have been numerous incidents in which there is a direct link between disorder and alcohol. The view of the Police is that the prohibition of alcohol consumption in public within the proposed designated area would greatly improve the quality of life for many residents and visitors to the Lower Gornal Area.
4. In order to make an Order designating a public place, the council must be satisfied that:-
 - (a) nuisance or annoyance to members of the public or a section of the public;
 - or
 - (b) disorderhas been associated with the consumption of intoxicating liquor in that place.

The report and the Police logs provides sufficient evidence to satisfy this requirement.

5. When a public place has been designated, a Police Constable has the following powers if they reasonably believe that a person is, or has been consuming alcohol within the designated public place or intends to do so:-
 - (a) The Constable may require the person concerned –
 - Not to consume anything which the Constable reasonably believes to be alcohol.
 - To surrender any alcohol in their possession.
 - (b) The Constable may dispose of anything surrendered to them in an appropriate way.
 - (c) Any person who fails without reasonable excuse to comply with a requirement imposed by a Constable commits an offence for which they may be prosecuted in the Magistrates' Court.
 - (d) A Constable has the power to arrest any person who commits an offence.
6. Before making the Order, the Council must follow a statutory process which includes consultation with the Police and the licensee of any licensed premises within the designated area. In addition the Council has to publish a notice in a local newspaper setting out the details of the proposal and has to deliver to the occupier of every property in the designated area a letter fully explaining the proposal and inviting any comments or objections. The results of the consultation will then be reported to the Licensing and Safety Committee before any final decision is taken.
7. The consultation will be completed on the 10th of January 2011 and the Licensing and Safety Committee will meet in later in January to consider the responses.
8. If the Licensing and Safety Committee decide to make an Order, this must be approved by the Home Office and the Order must be published in a local newspaper.
9. Before an Order takes effect, the Council must place within the designated area sufficient signs to draw the attention of members of the public to the effect of the Order.
10. If an Order is made, the Police have advised that its impact should be monitored and reviewed in 12 months time.

Finance

11. The cost of public notices in the press and signs in the street will be met from existing resources. A contribution of the cost of the signs could come from the capital allocations budget of the North Dudley Area Committee.

Law

12. The relevant statutory provisions referred to in this report as contained in Sections 12-13 of the Criminal Justice and Police Act 2001 and the Local Authorities (Alcohol Consumption in Designated Places) Regulations 2001.

Equality Impact

13. This report has no direct implications. The making of an Order will help the Police to tackle the growing problem of under-age drinking in public places.

Recommendation

14. It is recommended that the Area Committee support a Designation Order for the Lower Gornal Area and consider whether a contribution of the costs for the requisite signage should be met from the Capitol Allocations budget of the North Dudley Area Committee.



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List of Background Papers

Correspondence with the Police