

**CENTRAL DUDLEY AREA COMMITTEE – 8<sup>TH</sup> FEBRUARY 2005**

**ALCOHOL CONSUMPTION IN PUBLIC PLACES - DUDLEY TOWN CENTRE**

**REPORT OF THE DIRECTOR OF LAW AND PROPERTY**

**1.0 Purpose**

- 1.1 To consider a proposal for an Order making Dudley Town Centre a designated public place where the consumption of alcohol would be prohibited, other than within the curtilage of licensed premises.

**2.0 Background**

- 2.1 Following recent discussions with West Midlands Police, it has been proposed that the Council should make an Order under Section 13 of the Criminal Justice and Police Act 2001 designating Dudley Town Centre as a place where the consumption of alcohol in public (apart from the curtilage of licensed premises) would be banned.
- 2.2 Attached at Appendix 1 is a report submitted to the Council in November 2004 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 makes it clear that there have been many incidents in which there is a direct link between crime and disorder, and alcohol. The view of the Police is that the prohibition of alcohol consumption in public within the proposed designated area would assist them in dealing with crime and disorder thereby increasing public reassurance.
- 2.3 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) disorder  
has been associated with the consumption of intoxicating liquor in that place. The report from the Police provides sufficient evidence to satisfy this requirement.
- 2.4 Similar orders have already been introduced for Halesowen Town Centre and Stourbridge Town Centre.
- 2.5 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.

2.6 Before making an 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 published a notice in the Express and Star setting out the details of the proposal and has delivered 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 at its meeting on the 22<sup>nd</sup> February 2005 before a final decision is taken.

2.7 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.

2.8 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.

2.9 If an Order is made, the Police will monitor its impact and a review will take place in twelve months time.

### **3.0 PROPOSALS**

3.1 It is proposed that the Committee consider its views on whether a Designation Order for Dudley Town Centre should be introduced and make representations to the Licensing and Safety Committee.

### **4.0 FINANCE**

4.1 The costs of public notices in the press and signs in the street will be met from existing resources. However, if the Area Committee is minded to support the proposed designation, it is suggested that the cost of providing signs could be met from its capital allocations budget. The estimate for this will be reported verbally at the meeting

### **5.0 LAW**

5.1 The relevant statutory provisions referred to in this report are contained in Sections 12 – 16 of the Criminal Justice and Police Act 2001, and the Local Authorities (Alcohol Consumption in Designated Places) Regulations 2001.

### **6.0 EQUAL OPPORTUNITIES**

6.1. This report complies fully with the Council's policies on equal opportunities and diversity.

**7.0 RECOMMENDATION**

7.1 It is recommended that the Area Committee Support a Designation Order for Dudley Town Centre and that the Committee consider meeting the cost of signage from its capital allocations budget.



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Director of Law and Property

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**BACKGROUND PAPERS**

None