

LICENSING AND SAFETY COMMITTEE - 7TH MARCH 2007

REPORT OF THE DIRECTOR OF LAW AND PROPERTY

ALCOHOL CONSUMPTION IN PUBLIC PLACES – LYE HIGH STREET

Purpose of Report

1. To consider an Order making Lye High Street and adjoining roads a designated public place where the consumption of alcohol would be prohibited other than within the curtilage of licensed premises.

Background

2. As members will be aware, Halesowen Town Centre, Stourbridge Town Centre and Dudley Town Centre, have been designated under Section 13 of the Criminal Justice and Police Act 2001 as a place where the consumption of alcohol in public (apart from the curtilage of licensed premises) is banned.
3. West Midlands Police have recently approached the Council to request that a similar Order be made in respect of Lye High Street and adjoining roads.
4. Attached at Appendix 1 is a report dated the 5th October 2006 from West Midlands Police, summarising the problems associated with the consumption of alcohol in and around Lye High Street.
5. In addition, the OCU Commander for J2 has advised that, for the following reasons, the Police believe that an alcohol ban in this area would be beneficial to local communities and businesses:-
 - It will provide the local Police with an additional power which will help reduce anti-social behaviour within this area
 - It will help to reduce the fear of crime and also the causes of crime and, in some instances, promote reassurance amongst residents
 - It will also reduce the concerns of local traders who are suffering within the area due to the volume of anti-social behaviour
 - It will create a cleaner and safer environment

- It will help the Police to identify those people who have alcohol problems and ensure that they are directed to the appropriate rehabilitative bodies
- It will help to educate those who consume alcohol whilst under age and ensure that their parents are advised of their behaviour.

The OCU Commander also understands that the Police need to engage with offenders in other ways and make sure that other interventions from different agencies go hand in hand with the proposed Order.

6. 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 for the proposed designated area.

7. 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.

Procedure for making an Order

8. There is a statutory procedure which must be followed if the Council wish to make an Order under this legislation. First, before making an Order, the Council must consult with the Chief Officer of Police and the licensee of any licensed premises within the designated area, or which the Council considers may be affected by the designation. Reasonable steps must be taken to consult the owners or occupiers

of any land proposed to be identified. Any representations received as a result of the consultation must be taken into account.

9. Before making an Order, the Council must also publish a notice in a local newspaper:-
 - (a) identifying specifically, or by description, the place proposed to be identified;
 - (b) setting out the effect of an Order being made in relation to that place; and
 - (c) inviting representations as to whether or not an Order should be made.
10. An Order cannot be made until at least 28 days after the publication of a public notice.
11. After making an Order, but before it takes effect, the Council must again publish in a local newspaper a notice:-
 - (a) identifying the place which has been identified in the Order;
 - (b) setting out the effect of the Order in relation to that place; and
 - (c) indicating the date on which the Order will take effect.
12. Before an Order takes effect, the Council must erect within the designated area, such signs as the Council considers sufficient to draw the attention of members of the public in that place to the effect of the Order. A copy of the Order must also be sent to the Secretary of State.
13. If an Order is made, the Police have advised that its impact should be monitored and reviewed in 12 months' time.
14. The proposed area to be designated is shown on the plan attached at Appendix 2.

Finance

15. The cost of public notices in the Press and signs in the street will be met from existing resources. The cost of signs could come from the capital allocations' budget of the Stourbridge Area Committee.

Law

16. The relevant statutory provisions referred to in this report are 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

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

Recommendation

18. It is recommended that the Committee consider whether a Designation Order for Lye High Street and adjoining roads, as shown in Appendix 2, should be introduced in principle, and authorise the Director of Law and Property to undertake the necessary consultations and publish a notice in a local newspaper.

John Polychronakis

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John Polychronakis.
Director of Law and Property

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BACKGROUND PAPERS

1. Correspondence with West Midlands Police.



NOT PROTECTIVELY MARKED

WG401 (11/97)

MEMORANDUM**To:**
Insp. BOARDMAN**Ref:****From:**
P.C. 6858 MANNERSON**Ext:****Date:**
5 /10/ 06**SUBJECT:**
2006LYE High Street
Alcohol Free Zone

Sir,

I have started to make enquires in relation to this subject and it's possible implementation in Lye High Street.

Over the past 12 months Lye High Street has become more popular for alcohol consumption with many shop traders reporting to me on a daily basis that mostly male youths are walking up and down the street drinking from cans and this has become intimidating to the customers who use Lye for there shopping.

I can identify through my local knowledge of the town over the past 8 years the persons who are now drinking on a regular basis, are adult males and some females and again most of them are class 'A' heroin users.

The areas that attract the most presence of drinkers, are outside the Christ Church which has a large grass area, benches and a long wall for them to sit on. The Library which has a long wall to sit on. The new Pocket Park in the High Street which has benches to sit on. Other areas include shop doorways and steps leading to shops.

So as you can see they have numerous areas to sit and drink which is and can be intimidating to the general public.

This problem has become the talking point at the last few meetings held in Lye, from the LYE COMMUNITY SAFETY GROUP the LYE and WOLLESCOTE PARTNERSHIP GROUP the DRUGS and ALCOHOL steering Group and the ANTI SOCIAL BEHAVIOUR GROUP.

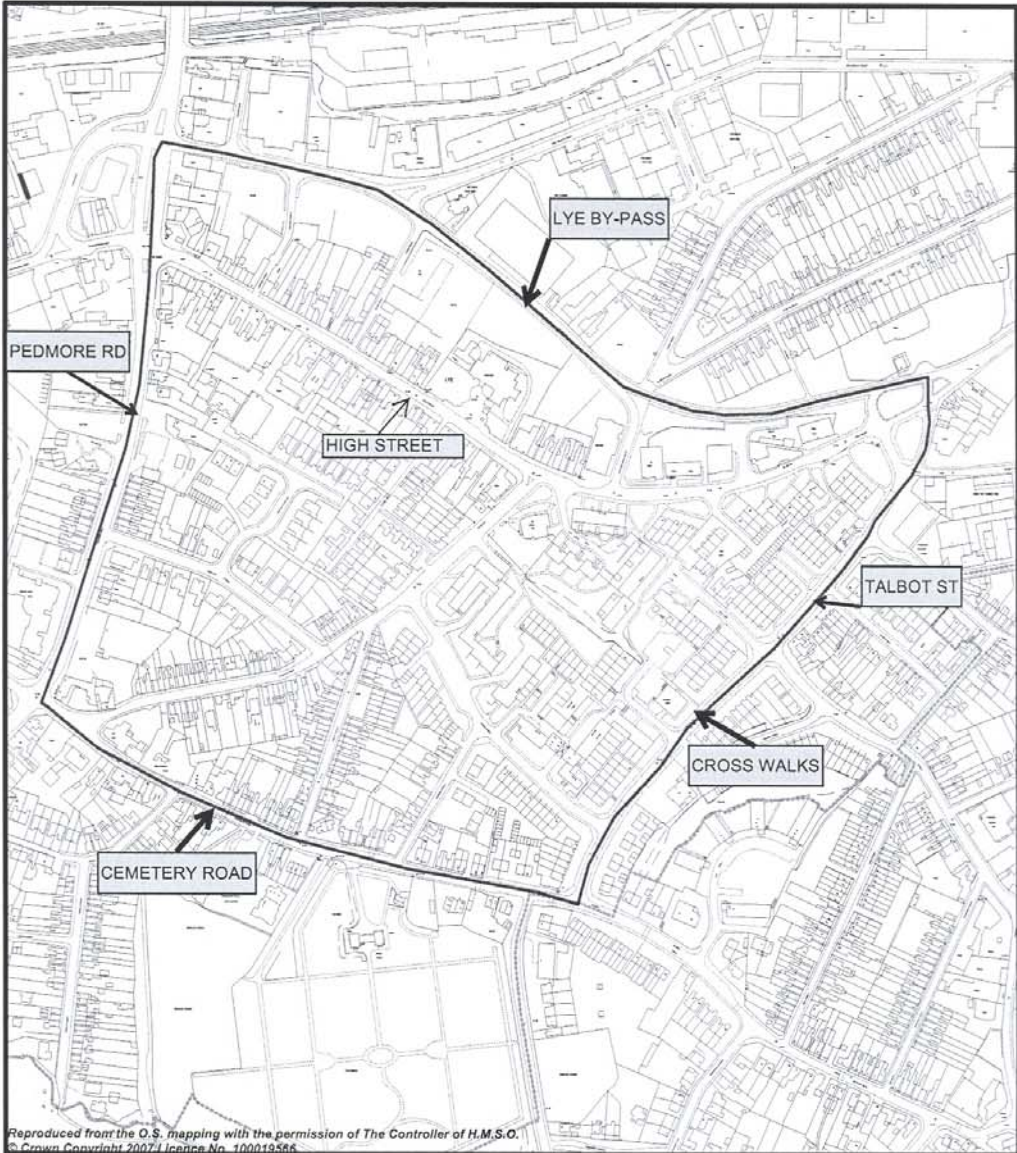
I was asked to look at the possibility to implement that Lye became an ALCOHOL FREE ZONE and to speak to all the traders in the High street by the chairman Simon FALSHAW and councillors Peter LOWE, John DONEGAN and Adrian TURNER from the Lye and Wollescote Partnership who all gave there full support.

I canvassed every shop and had a signature of support from every trader in Lye High Street who welcomed the idea.


I submit this report, with the full support of the High Street Traders and Chairman of the Lye Partnership for your consideration.

P.C. MANNERSON





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