

 <b>Regulatory Committee</b> <b>16.12.10</b>		<b>Agenda Item No.</b>
<b>Title</b>	Alcohol Consumption in Public Places	
<b>For further information about this report please contact</b>	Pete Cutts Community Safety Manager 01926 456021	
<b>Service Area</b>	Community Safety	
<b>Wards of the District directly affected</b>	All	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	Regulatory Committee 21 December 2009 Minute number 40	
<b>Background Papers</b>	Minutes of Regulatory Committee 21 December 2009 Results of consultation process	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No

<b>Officer/Councillor Approval</b>		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Relevant Director	25.10.10	Bill Hunt
Legal	25.10.10	John Gregory
Finance	25.10.10	Marcus Miskinis
Portfolio Holder(s)	25.10.10	Councillor Kirton
Section 151 Officer	15.11.10	Mike Snow
<b>Consultation Undertaken</b>		
<p>In accordance with the provisions of the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 the following have been consulted by letter:</p> <ul style="list-style-type: none"> <li>All holders of premises licences in the district</li> <li>All holders of club premises certificates in the district</li> <li>All persons who have served temporary events notices on the Council</li> <li>All parish and town councils in the district</li> <li>Warwickshire Police</li> <li>Chief Constables of adjoining Police Authorities</li> <li>Chief Executives of adjoining Local Authorities</li> </ul> <p>A public notice was inserted in the Courier  Following a press release articles appeared in a number of local papers setting out the Council's intentions with regard to the making of the Order.</p>		
<b>Final Decision?</b>	Yes	

**Suggested next steps (if not final decision please set out below)**

NA

**1. SUMMARY**

- 1.1 The purpose of this report is to inform members of the results of the public consultation exercise following the Committee's previous decision to approve the making of a District Wide Designated Public Places Order.
- 1.2 The Committee is asked to consider whether or not the decision to make the Order should be confirmed in the light of the results of the consultation exercise.
- 1.3 The Committee has delegated authority to make decisions on the making of the order. However, in view of the significance of the decision, it is suggested that the Committee does not use the delegated authority but makes a recommendation to Council. This would allow all members of the Council to take part in the debate and the final decision. Alternatively the Committee could refer the decision to Council without a recommendation.

**2. RECOMMENDATION**

- 2.1 The Committee is asked to consider the confirmation of its previous decision to make a District Wide Designated Public Places Order in the light of the results of the consultation process and either make a recommendation to Council or refer the decision to Council without a recommendation.

**3. REASONS FOR THE RECOMMENDATION**

- 3.1 The Committee recognised at its meeting on 21 December 2009 that
  - nationally alcohol was a major contributory factor to anti-social behaviour, violence and criminal damage.
  - alcohol abuse in Warwick District is a major and consistent public concern and the anti-social behaviour that arises from it contributes to the fear of crime.
  - There were significant disadvantages to taking an incremental approach to the making of Designated Public Places Orders
- 3.2 As a result the Committee resolved that a district wide order be made subject to the statutory consultation process.
- 3.3 The decision to make a district wide order is considered sufficiently significant to warrant being referred to Council.

**4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 To make a decision under delegated authority.

## 5. BUDGETARY FRAMEWORK

- 5.1 Costs have been incurred in carrying out the consultation process and these have been met from within an existing earmarked reserve in the Crime and Disorder budget.
- 5.2 The legal requirement is such that before the Order takes effect the Council will have to provide sufficient signs to draw the attention of members of the public to the effect of the Order. Signs are already in place within the existing DPPO areas but these will need to be replaced as the guidance under the 2007 Regulations suggests a different format. Additional signs will need to be provided to cover other areas of the District and the officers are at present drawing up a list of proposed sites. The cost of the replacement signs and new signs will be met from the existing allocated earmarked reserve budget of £9000.
- 5.3 The cost of monitoring and evaluation of the Order will be able to be borne within the existing operational structure and budgets of the Warwick District Community Safety Team, South Warwickshire Crime and Disorder Reduction Partnership.

## 6. POLICY FRAMEWORK

- 6.1 Making Neighbourhoods feel safer is a priority in the Corporate Strategy 2008-2011.
- 6.2 Reducing Anti-Social Behaviour is also a priority of the South Warwickshire Community Safety Partnership and Warwick District Council is the lead agency.
- 6.3 One of the thematic priorities of the Sustainable Communities Strategy is for Safer Communities, with priorities around;
- Reducing serious violent crime
  - Reducing anti-social behavior, including criminal damage
  - Reducing serious acquisitive crime including vehicle crime
  - Reducing drug and alcohol misuse

## 7. BACKGROUND

- 7.1. Section 13 of the Criminal Justice and Police Act 2001 introduced the power for local authorities to designate public places in which it will become an offence to drink after being requested not to do so by a police officer.
- 7.2 The Council has previously made two DPPOs to try and alleviate problems in those areas where there is evidence of alcohol related crime and disorder. There is now evidence of alcohol related crime and disorder outside of these designated areas.
- 7.3 The legislation provides that a local authority can make an order covering any place if they are satisfied that nuisance or annoyance to members of the public has been associated with the consumption of alcohol in that place. The making of a district wide order could, therefore, be challenged on the grounds that there are not problems associated with the consumption of alcohol in all parts of the district. However the Committee were convinced by the evidence in the report to their meeting on 21 December 2009 that a district wide order could be justified.

- 7.4. If the district wide order is made it will mean that if a Police Officer believes that someone is consuming alcohol or intends to consume alcohol in any public place in the district they can require them to stop and confiscate any alcohol whether the drinking vessel is unopened or not. The police can also arrest someone for failing to comply with their request. If convicted the offence carries a maximum fine of £500. An Order does not make it an offence to drink alcohol in a designated public place. An offence is only committed if the person continues to drink alcohol after being asked to stop or refuses to hand over any alcohol. Police will only exercise their powers under the Order in relation to “problem” drinking.
- 7.5 In accordance with the Regulations an extensive consultation process has been undertaken.
- 7.6 The Council’s Community Safety Manager has answered a number of telephone and email queries which have been received as a result of the consultation and all the enquirers are happy with the answers given.
- 7.7 One letter of support for the Order has been received from a resident of Warwick. The letter also raised questions and these have been answered satisfactorily.
- 7.8 Two emails which could be considered to be objections have been received.
- 7.9 The first is in the following terms: ‘I am totally against this particularly if it means placing signs everywhere. Is this the impression we want to give visitors?’ The Community Safety Manager has replied to the email pointing out that the signs were a requirement of the legislation and giving details of the types of signs to be provided. No further response has been received.
- 7.10 The second is in the following terms: ‘Although I can well understand that there are areas of the district where public alcohol consumption is a serious problem, a blanket ban seems wrong as there are many more areas where such a problem does not arise. It is too easy to encroach on the civil liberties of the majority to deal with such problems. While it is easy to assert that, to use your example, someone having a glass of wine with a picnic is not currently intended to be at risk, such exemptions will be delivered only through the discretion of future enforcement personnel. You may trust this: I don’t’. The Community Safety Manager has replied to the email giving reassurances as regards to the use of the powers. No further response has been received.
- 7.11 A letter has been received from Coventry City Council stating that it has no objection to the making of the Order as it does not believe it will affect any of its area. The letter does point out the City Council has already made a city wide order.
- 7.12 An email has been received from the Chairman of the Inland Waterways Association stating that if the Order would stop his members enjoying a glass of alcohol on the towpath next to their moored boat he would object to the Order. Following assurances from the Community Safety Manager a further email was received withdrawing the objection.
- 7.13 Copies of the various letters and emails are attached.

8. **CONCLUSION**

- 8.1 In December 2009 Members were convinced by the evidence produced that a district wide order would be appropriate. It is considered that the decision on whether or not to confirm that decision in the light of the consultation is sufficiently significant to warrant being referred to Council.