

**Proposal for designation order for the
Coseley (DYAB) area for restricting the
consumption of Alcohol in public places.**

Section 12 of the Criminal Justice and Police Act 2001

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Introduction

Appendix 1 – Details of Police incidents that provide evidence of the issues.

Appendix 2 – Proposed prohibition areas

Appendix 3 – Legislation information

Introduction

Coseley is in the Dudley area and borders onto the areas of Sandwell and Wolverhampton. The area is cut by the Birmingham new road and has a shopping centre at its heart which has a number of public houses and licensed shops that serve the community. There are also a number of fast food outlets and take away restaurants with in the area ranging from burger outlets to the more traditional fish and chips. These provide service to both the local community and the passing trade.

The area is popular with young people and older members of the area alike and provides a focal point. This also provides problems generated with in the area of persons drinking within the street and adjacent streets also we have a problem with persons over the age of 18 purchasing alcohol, drinking and then providing youngsters with alcohol.

Encompassed with in the area there are a number of public parks where disorder which is predominantly fuelled by alcohol also has been a problem with persons drinking in the public domain. This has been highlighted by members of the local community raising the issue at PACT meetings over the last few months. Officers will seize and remove alcohol at every opportunity but at times due to the powers that they currently have, at times they may not have the lawful authority.

The areas adjacent to Coseley are currently applying for similar alcohol bans and as highlighted by the other requests it would be highly likely that if they succeed persons who do not wish to drink on licensed premises will migrate into the Coseley area. Previously officers have taken reports from members of the public who find it intimidating to use the area of Castle Street and the local parks due to the presence of persons under the influence of alcohol. There is also the problem of the rubbish that is left behind such as the bottles and cans. Many of these are smashed and cause a hazard to the young children who want to play in the area and people who walk with in the parks and uses them as an area of relaxation and recreation. The local authority then has to clear the area at extra cost, it provides a poor image to person passing through the Coseley centre and with the parks looking to gain national recognition for there works drinking in public may well be an extra hurdle for them.

Alcohol bans have been applied for and gained with in other areas of the Dudley bough. There has been a marked drop in the calls for service from users of the areas and confidence has returned. Damage and calls to report "minor" incidents have decreased as the bans have come into force and officers have been given the power to remove alcohol from the adult drinkers.

Summary

As shown by the evidence provided there are a large number of calls for service to the police with in the area that are alcohol related. These calls will continue to increase with the implementation of the bans being sort in other areas.

The calls for service are high and clearly show alcohol being a casual factor but in my experience these are only a small part as not included is alcohol that is a factor in the domestic issues that we face where people drink and then return home and alcohol has a detrimental effect.

A ban would provide officers with additional powers that will assist in providing confidence within the community and also clearly show partnership working with in the area.

Appendix 1 – Details of Police incidents that provide evidence of the issues.

The two tables below show the incidents that have been reported to police between January 2010 and January 2011 (12 month period).

The first table shows how many incidents are directly linked to ‘alcohol.’ This will include incidents of street drinking, anti social behaviour etc that have been recorded as alcohol linked.

The second table covers the same time period but this covers ‘disorder’ incidents. These incidents are created by reports of violence, anti social behaviour etc which in many cases will be linked to alcohol excessive consumption.

When an incident is reported to police the incident is given a ‘qualifier’ such as ‘alcohol’ or ‘disorder.’ The actual qualifier is decided at the time of the call by the police operator. Sometimes logs linked to alcohol are given the ‘disorder’ qualifier and vice versa. Therefore to show a truer picture of the scale of the issue I have included both ‘disorder’ and ‘alcohol’ logs. Undoubtedly there will be other qualifiers used where alcohol is involved, but the vast majority are included with the two I have chosen.

Alcohol related incidents between Jan 2010 and January 2011 in the Coseley Area (DYAB)	
Date Period	Number of Logs
01/01/2010 - 01/01/2011	101

Disorder related incidents between Jan 2010 and January 2011 in the Coseley Area (DYAB)	
Date Period	Number of Logs
01/01/2010 - 01/01/2011	786

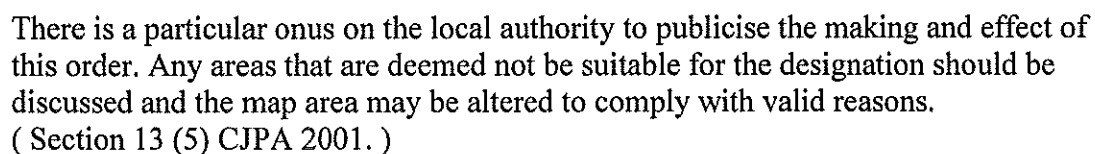
Introducing an alcohol prohibition area in the Coseley area would have a significant impact on the total disorder and alcohol related incidents reported to police. This would also greatly improve the quality of life for local residents that live in the area, thus improving Trust and Confidence in the Police service and satisfaction with the Local Authority.

With the prohibition in place this would save valuable policing resources that could then be utilised to tackle other issues that may cause problems.

There would be fewer calls for service from residents who suffer with late night noise issues into the early hours of the morning and anti-social behaviour.

The local authority would benefit as there will be less litter, less damage to property, fewer reports of noise issues in the area late into the night.

Please see attached map that shows the proposed area for the prohibition. The area covers:



Appendix 3 – Legislation information

Section 12 of the Criminal Justice and Police Act 2001 is intended to reduce the incidence of disorder and public nuisance arising from alcohol consumption in designated public places. A police officer can require a person to cease drinking alcohol (or anything he reasonably believes to be alcohol) in the public place and can confiscate and dispose of the alcohol and its container. The person must be informed that failure to comply with the police officer's request, without reasonable excuse, is an offence.

Section 13 of the Criminal Justice and Police Act 2001 allows Local Authorities to designate areas as public places, for which there will be a set procedure for so doing, as set out in the relevant Statutory Instrument (see note below).

Section 14 denotes those areas which are not designated public places for the purpose of section 13.

Alcohol consumption in designated public places

Section 12 of the Criminal Justice and Police Act 2001 is intended to reduce the incidence of disorder and public nuisance arising from alcohol consumption in designated public places. A police officer can require a person to cease drinking alcohol (or anything he reasonably believes to be alcohol) in the public place and can confiscate and dispose of the alcohol and its container. The person must be informed that failure to comply with the police officer's request, without reasonable excuse, is an offence.

12(1) Subsection (2) applies if a constable reasonably believes that a person is, or has been, consuming alcohol in a designated public place or intends to consume alcohol in such a place.

12(2) The constable may require the person concerned -

- (a) not to consume in that place anything which is, or which the constable reasonably believes to be, alcohol;
- (b) to surrender anything in his possession which is, or which the constable reasonably believes to be, alcohol or a container for alcohol.

12(3) A constable may dispose of anything surrendered to him under subsection (2) in such manner as he considers appropriate.

12(4) A person who fails without reasonable excuse to comply with a requirement imposed on him under subsection 12(2) commits an offence.

12(5) A constable who imposes a requirement on a person under subsection (2) shall inform the person concerned that failing without reasonable excuse to comply with the requirement is an offence.

Notes

(i) Example of constable's request

"This is a designated public place in which I have reason to believe that you are / have been drinking alcohol. I require you to stop drinking and give me the container(s) from which you are/have been drinking and any other containers (sealed or unsealed) . I must inform you that failure to comply with my request, without reasonable excuse, is an offence for which you can be arrested".

(ii) Also see section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 for power to seize alcohol and containers from under 18 year olds; and section 146 of the Licensing Act 2003 for provisions in respect of sale of alcohol to under 18 year olds.

(iii) The Act allows the disposal of alcohol in both sealed and unsealed containers.

Alcohol - designated public place

Section 13 of the Criminal Justice and Police Act 2001 allows Local Authorities to designate areas as public places, for which there will be a set procedure for so doing, as set out in the relevant Statutory Instrument (see note below). Section 14 denotes those areas which are not designated public places for the purpose of section 13.

13(1) A place is, subject to section 14, a designated public place if it is-

- (a) a public place in the area of a local authority; and
- (b) identified in an order made by that authority under subsection (2).

13(2) A local authority may for the purposes of subsection (1) by order identify any public place in their area if they are 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 alcohol in that place.

13(3) The power conferred by subsection (2) includes power-

- (a) to identify a place either specifically or by description;
- (b) to revoke or amend orders previously made.

13(4) The Secretary of State shall by regulations prescribe the procedure to be followed in connection with the making of orders under subsection (2).

13(5) Regulations under subsection (4) shall, in particular, include provision requiring local authorities to publicise the making and effect of orders under subsection (2).

13(6) Regulations under subsection (4) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Alcohol - places not designated as public places

Section 14 of the Criminal Justice and Police Act 2001 as amended by section 26 of the Violent Crime Reduction Act 2006 denotes those areas which are not public places for the purposes of consuming alcohol in public places (ie consumption of alcohol in these places is allowed subject to regulation by other legislation).

14(1) A place is not a designated public place or a part of such a place if it is-

- (a) premises in respect of which a premises licence has effect which authorises the premises to be used for the sale or supply of alcohol;
- (aa) premises in respect of which a club premises certificate has effect which certifies that the premises may be used by the club for the sale or supply of alcohol;
- (b) a place within the curtilage of premises within paragraph (a) or (aa);
- (c) premises which by virtue of Part 5 of the Licensing Act 2003 may for the time being be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the last 30 minutes;
- (d) repealed
- (e) a place where facilities or activities relating to the sale or consumption of alcohol are for the time being permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway related uses).

14(1A) Subsection (1B) applies to premises falling within subsection (1)(a) if:-

- (a) the premises licence is held by a local authority in whose area the premises or part of the premises is situated; or
- (b) the premises licence is held by another person but the premises are occupied by such an authority or are managed by or on behalf of such an authority.

14(1B) Subsection (1) prevents premises to which this subsection applies from being, or being part of, a designated public place only:-

- (a) at times when it is being used for the sale or supply of alcohol; and
- (b) at times falling within 30 minutes after the end of a period during which it has been so used.

14(1C) In this section 'premises licence' and 'club premises certificate' have the same meaning as in the Licensing Act 2003.

14(2) repealed

END

