

DUDLEY METROPOLITAN BOROUGH

BRIERLEY HILL AREA COMMITTEE – 3RD FEBRUARY 2004

REPORT OF THE DIRECTOR OF LAW AND PROPERTY

ALCOHOL STREET BAN WITHIN DUDLEY MBC BOUNDARIES

1. PURPOSE

- 1.1 To invite Committee Members to consider the issue of an alcohol street ban within Dudley MBC boundaries

2. BACKGROUND

- 2.1 An Order banning the consumption of alcohol in public can only be made in relation to a designated area if the Council are satisfied that –

(1) nuisance or annoyance to members of the public or a section of the public; or

(2) disorder

has been associated with the consumption of alcohol in that place.

In order to obtain evidence of alcohol related anti-social behaviour the Police must examine their records and provide justification for the Order. The support of the Police is vital and they will look at each case on its merits. The Police will only support an Order where this will help them to tackle alcohol related problems in a defined area as they have done in Stourbridge and Halesowen.

If an Area Committee wishes to identify an area where a ban should be considered it will be necessary to consult with the Police but if the Police have not already raised the issue then they may report that there is insufficient evidence to justify an Order.

2.2 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.

2.3 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 must publish a notice in a local newspaper setting out the details of the proposal and must 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.

2.4 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.

2.5 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.

2.6 If an Order is made, the Police have advised that its impact should be monitored and reviewed in 12 months time.

3. PROPOSAL

- 3.1 That the Committee be invited to comment in respect of an alcohol street ban within the Committee's boundaries and identify areas it would wish investigated as being suited to such a ban.

4. FINANCE

5. LAW

- 5.1 The relevant statutory provision 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. EQUAL OPPORTUNITES

- 6.1 There are no specific equal opportunities implications arising from this report.

7. RECOMMENDATIONS

- 7.1 That the proposal set out in paragraph 3.1 of this report be approved.

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