

Licensing and Safety Committee - 24th February, 2009

Report of the Interim Director of Law and Property

Alcohol Consumption in Public Places – Brierley Hill Town Centre

Purpose of Report

1. To consider an Order making Brierley Hill Town Centre a designated public place where the consumption of alcohol would be prohibited other than within the curtilage of licensed premises.

Background

2. At its meeting on the 8th December, 2008, the Committee resolved that a Designated Order for Brierley Hill Town Centre should be introduced in principle and authorised me to undertake the necessary consultations and publish a notice in a local newspaper.
3. The plan indicating the original proposed designated area, as previously reported to the Committee, is attached at Appendix 1.
4. Attached at Appendix 2 is the original report submitted to the Council on the 9th October, 2008 from the West Midlands Police summarising the problems associated with the consumption of alcohol in and around Brierley Hill Town Centre within the proposed designated area.
5. Although the Police already have powers to confiscate alcohol from any person who is or appears to be under the age of 18, the benefit of making an Order under Section 13 of the Criminal Justice and Police Act 2001 is that it provides the Police with the power of arrest which is both an important deterrent and a valuable method of enforcement in dealing with this type of anti-social behaviour.
6. Since the meeting of the Committee on the 8th December, 2008, a letter setting out the effect of the proposal has been delivered to the occupiers of some 800 properties in and around the shopping centre of Brierley Hill and the Delph Road area (Appendix 3). In addition the letter has been placed on display in public buildings throughout the proposed designated area. As required by the legislation a public notice of the proposal was published in the Express and Star on the 6th January, 2009 and there has been prominent newspaper coverage of the proposal both at the December meeting of the Committee and the meeting of the Brierley Hill Area Committee on the 29th January, 2009.

7. The Brierley Hill Area Committee resolved to support the proposal and that the cost of supplying and installing the necessary signage would be met by the capital allocations fund subject to part funding by West Midlands Police.
8. At the time of writing this report we have received 23 representations all of which support the proposal.
9. Other representations refer to the need for vigorous enforcement and for additional police resources in Brierley Hill Town Centre.
10. A copy of the draft Designation Order is attached at Appendix 4. There is a legal requirement for us to send a copy of the Order to the Home Office.
11. Before making the Order we must also publish a notice in a local newspaper:-
 - identifying the place that has been set out in the Order;
 - setting out the effect of the Order in relation to that place and
 - indicating the date upon which the Order will take effect.
12. Before the Order takes effect, the Council must erect within the designated place, such signs as are considered sufficient to draw the attention of members of the public in that place to the effect of the Order. The cost of such signage is set out in Section 14.
13. If an Order is made the Police will monitor its impact and a review will take place in 12 months time.

Finance

14. The funding necessary to implement this proposal (eg, cost of advertising) will be met from existing budgets. The Brierley Hill Area Committee have agreed to contribute £2500 towards the cost of providing signage and West Midlands Police have agreed to pay the balance of £2000.

Law

15. The Order is made under Section 13 of the Criminal Justice and Police Act 2001 on the basis that there is evidence from West Midlands Police that the drinking of alcohol in public is connected with nuisance or annoyance to the public and to incidents of disorder within the proposed designated area.

Equality Impact

16. 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

17. It is recommended that the Committee consider the representations summarised in this report, together with the area to be designated as recommended by West Midlands Police, and consider making the Brierley Hill Town Centre (Alcohol Consumption in Designated Public Place) Order 2009. If an Order is made the Committee is asked to authorise the Interim Director of Law and Property to take all necessary action connected with the making of the Order.



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INTERIM DIRECTOR OF LAW AND PROPERTY

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List of Background Papers

1. 20 emails/letters in support of the proposal.
2. Exchange of emails between the Council and West Midlands Police.