

Licensing and Safety Committee – 28th May 2009

Report of the Interim Director of Law Property and Human Resources

Review of Orders in respect of Designating Places for the Banning Alcohol Consumption in Public

Purpose of Report

1. To review the orders made by the Council for the designation of places for the banning of alcohol consumption in public within the Dudley Metropolitan Borough.

Background

2. Over the past seven years the Council have made orders designating several areas of the Borough as designated places for the banning of alcohol consumption. The most recent of these, was Brierley Hill Town Centre, made on the 11th May 2009 The other orders currently in force are as follows

Area	Date of Designation
Halesowen Town Centre	7 th June 2002
Stourbridge Town Centre	2 nd January 2004
Dudley Town Centre	29 th April 2005
Lye Town Centre	10 th July 2007
Mary Stevens Park and Swinford Common	1 st February 2008
Sedgley Town Centre	12 th May 2008

3. Before making these orders the police submitted a report for each of these areas that provided sufficient evidence to satisfy the Council that: -
 - (a) nuisance or annoyance to members of the public or a section of the public; or
 - (b) disorderhad been associated with the consumption of intoxicating liquor in that place.

4. When an order is in force, 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 a Magistrates' Court

a Constable has the power to arrest any person who commits an offence.

5. To assess the impact of the orders banning alcohol consumption in these public areas (with the exception of Briefly Hill Town Centre) the Licensing Officer consulted with the relevant Police Sectors.
(Copies of the responses to the consultation from Halesowen, Stourbridge, Dudley, Lye and Sedgley are attached to this report as appendix 1).
6. It can be concluded from these responses that the orders banning alcohol consumption, currently imposed by the Council, have been very effective both in terms of crime reduction and prevention of under age drinking. .

Finance

7. There are no financial implications to the Council

Law

8. 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

9. This report has no direct equality implications. The Orders help the Police to tackle the growing problem of under-age drinking in public places.

Recommendation

10. It is recommended that the Committee note the content of the police consultation.

A handwritten signature in black ink, appearing to be 'J. Elliott', written in a cursive style.

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DIRECTOR OF LAW AND PROPERTY

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List of Background Papers