

Licensing and Safety Committee - 17th December 2007

Report of the Director of Law and Property

Alcohol Consumption In Public Places – Mary Stevens Park and Swinford Common, Stourbridge

Purpose of Report

1. To consider an Order making Mary Stevens Park and Swinford Common a designated public place where the consumption of alcohol would be prohibited.

Background

2. At its meeting on the 25th September 2007 the Committee resolved that a Designation Order for Mary Stevens Park and Swinford Common, Stourbridge, should be introduced in principle and authorised me to undertake the necessary consultations and publish a notice in a local newspaper.
3. Attached at Appendix 1 is a report submitted to the Council on the 23rd July 2007 from West Midlands Police summarising the problems associated with the consumption of alcohol in and around Mary Stevens Park and Swinford Common.
4. 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.
5. Since the meeting on the 25th September 2007 a letter setting out the effect of the proposal has been delivered to the occupier of every property within or immediately adjoining the proposed designated area (Appendix 2). In addition the Council has published a notice in the Express and Star setting out the details of the proposal and inviting any comments or objections. The proposal has also been reported to the Stourbridge Area Committee at its meeting on the 19th November 2007 when it was resolved to support the proposal and to make a capital allocation of £1,500 for the supply and installation of the necessary signage.

6. Following the period of public consultation we have received 66 letters or e-mails from local residents. The breakdown of the responses received is as follows:-
 - 33 in support
 - 25 who would support the proposal if it was extended to include the Bigmoor Playing Fields and adjoining car parks at Albermarle Road. This is also accompanied by a petition presented to the Stourbridge Area Committee with 158 signatories
 - 4 objections which are summarised below
 - 4 which make other representations summarised below.

7. The 4 objectors make the following points:-
 - It is wrong to impose a ban which would penalise the whole community. The park should be secured at night or it should be subject to a curfew.
 - Instead of a ban a high fence should be installed around the park which should be securely locked at night.
 - A ban would move the problem from one place to another. Therefore, the ban should apply to all open spaces in Stourbridge. The existing laws should be more rigorously enforced by the Police.
 - A ban will not stop anti-social behaviour and will simply transfer the problem.

8. The other comments received are summarised as follows:-
 - The ban should also include Love Lane and adjoining roads.
 - The plan of the proposed designated area does not show the exit/public right of way from Avon Road and this should be included.
 - There is a risk of displacement into roads adjoining Avon Road.
 - There is a lack of signage for the existing ban in Stourbridge Town Centre and a lack of enforcement.

9. The possible inclusion of the Bigmoor Playing Fields at Albermarle Road and other roads adjacent to Mary Stevens Park and Swinford Common has been addressed by the Police. However, the legislation only permits the Council to make an Order where there is actual evidence of alcohol related public nuisance or anti-social behaviour. Unfortunately, at present there is insufficient evidence in police records to justify including these other areas within the proposed designated area.

10. However, the Police do recognise the risk of displacement and they will monitor the situation closely. If sufficient evidence of displacement does emerge in the future, they will assess whether a ban in adjoining areas is justified and submit a further report to the Council.

11. A copy of the draft Designation .Order is attached at Appendix 3. There is a legal requirement for us to consult with the Home Secretary before the Order is made.

12. Before making the Order we must also publish a notice in a local newspaper:-
 - a) identifying the place that has been set out in the Order;
 - b) setting out the effect of the Order in relation to that place and
 - c) indicating the date upon which the Order will take effect.
13. 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 in the region of £1,500 and a capital allocation for this sum has been approved by the Stourbridge Area Committee.
14. If an Order is made the Police will monitor its impact and a review will take place in 12 months time.

Finance

15. The funding necessary to implement this proposal (e.g. cost of advertising) will be met from existing budgets. As previously stated the cost of providing signage will be met from a capital allocation of £1,500 approved by the Stourbridge Area Committee at its meeting on the 19th November 2007.

Law

16. The Order will be made under Sections 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 in around Mary Stevens Park and Swinford Common.

Equality Impact

17. 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

18. It is recommended that the Committee consider the representations and petition summarised in this report and consider making the Mary Stevens Park and Swinford Common (Stourbridge) (Alcohol Consumption in Designated Public Place) Order 2007. If an Order is made the Committee is asked to authorise the Director of Law and Property to take all necessary action connected with the making of the Order.

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Director of Law and Property

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BACKGROUND PAPERS

1. 66 e-mails/letters from local residents.
2. Petition signed by local residents.
3. Exchange of e-mails between the Council and West Midlands Police.