



Proposed designation order for Woodsetton and Upper Gornal Restricting the consumption of alcohol in public places.

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Proposed Designation Order for Woodsetton and Upper Gornal, Policing area DYAG for Restricting the Consumption of Alcohol in Public Places

Section 12(2) Criminal Justice and Police Act 2001.

Reporting officer – Inspector 3491 Jones, Dudley Police Station
0345 113 5000 extension 7901 6000
r.m.jones@west-midlands.pnn.police.uk

Author – PC 7092 Bennett, Sedgley Police Station
0345 113 5000 extension 7908 6601
mark.bennett@west-midlands.pnn.police.uk

Introduction

Woodsetton and Upper Gornal is a largely residential area, with a population of approximately 13 265 (2001 census).

Both communities are located in the Dudley Borough area and both are predominantly residential areas with small shopping arcades and a small park in the Upper Gornal area. The area is currently attracting national retailers such as Tesco's and Mc Donald's and also has several small retail outlets run by local business owners. There is a variety of eateries which generate a thriving night time economy. They are also popular locations for people to enjoy going out to the many public houses to enjoy the consumption of alcohol and soft drinks safely and considerately.

Both Woodsetton and Upper Gornal as other areas in Dudley have become increasingly affected by an increase of alcohol related crime and anti social behaviour. As a result of these incidents Police and local authorities have received many complaints because of the impact on the local community hence the purpose of this report is to address the issues caused by excessive drinking of alcohol in public places.

It is evident that both people over and under 18 are consuming alcohol in public areas. It is also believed that over 18s are supplying younger friends and family members with alcohol. Local retailers have been spoken to, to prevent alcohol being served to these groups but this has not solved the problem. Regular patrols have been conducted by local officers to target the behaviour. There have been several seizures of alcohol in the area but this only acts as a temporary deterrent. Several residents have voiced their concerns regarding some of the issues at the local PACT meetings.

It is proposed to impose an alcohol ban spanning the whole of the AG ward, as depicted on Appendix 1. There are several reasons for this. The alcohol ban which has been imposed on Sedgley Town Centre has been largely effective for Sedgley. However, the impact of this on the AG area has been negative, effectively displacing street drinkers to there. The Gornal Policing area (DYAC) is also in the process of applying for an alcohol ban due to similar issues there. The combined effects of these two areas moving street drinkers on is likely to result in a marked increase in reports in the Woodsetton and Upper Gornal area involving street drinking.

It has been noted that a particular group of drinkers currently congregate just outside the restrictions of Sedgley and just within the Woodsetton and Upper Gornal boundary in order to drink. This serves to prove the effectiveness of the ban for the Sedgley area. These people are over 18, so police have no powers to confiscate alcohol or prevent them from drinking here. They have not been identified as committing any criminal offences and have not been behaving in a drunk and disorderly manner. However, residents report that they find the presence

of these people intimidating, as they drink throughout the day and people avoid walking past them, particularly those with young children. The area is occupied predominantly by pensioners who do not feel able to confront these people themselves, but complain that their quality of life and potentially property prices in the area are adversely affected. Should an alcohol ban be approved, it is felt that such groups of people would no longer congregate in such places. The police would have the option of arresting those who refuse to surrender their alcohol, which is a clear deterrent and valuable enforcement tool.

The greatest numbers of complaints relating to Anti Social Behaviour are the areas surrounding Roberts Green Road and Kent Street, which are on the borders with Gornal and Sedgley respectively. It is feared that should only these areas be subject to an alcohol ban that this will merely serve to continue the cycle of displacement to other areas.

The issues are further worsened by the amount of damage caused to the environment. Regularly there are several empty beer cans and glass bottles left strewn over the area. This then becomes a health hazard for people in the area as it is untidy and unhealthy. This clean up operation also puts extra strain on public services and ruins the appearance of the town to residents and visitors.

All of the above mentioned factors are obviously having a detrimental effect on the image of Woodsetton and Upper Gornal.

It is greatly believed that this increase of issues can be quelled by the introduction of a drinking ban in public areas of Woodsetton and Upper Gornal. Other areas such as Dudley, Brierley Hill and Sedgley have benefited greatly from this type of legislation. The areas report less anti social incidents that are fuelled by alcohol and a general sense of well being for communities that were experiencing issues. In fact there are no negative points raised that would suggest that the bans were a problem.

At present there are no powers to deal with people consuming alcohol in public places unless they are under the age of 18.

Summary

In order to reduce crime and disorder and to make our communities feel safer it is requested that areas where issues are occurring in Woodsetton and Upper Gornal are designated as areas where there is a restriction of the consumption of alcohol. This will increase the trust and confidence that our communities have in the Police and Local authority.

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

The tables below show the incidents that have been reported to Police between 1st July 2009 and 1st January 2011 (18 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 being linked to alcohol.

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 July 2009 and January 2011 in the Woodsetton and Upper Gornal area DYAG	
Date Period	Number of logs
01/07/09 – 01/01/11	154

Disorder related incidents between July 2009 and January 2011 in the Woodsetton and Upper Gornal area DYAG	
Date Period	Number of Logs
01/07/09 – 01/01/11	623

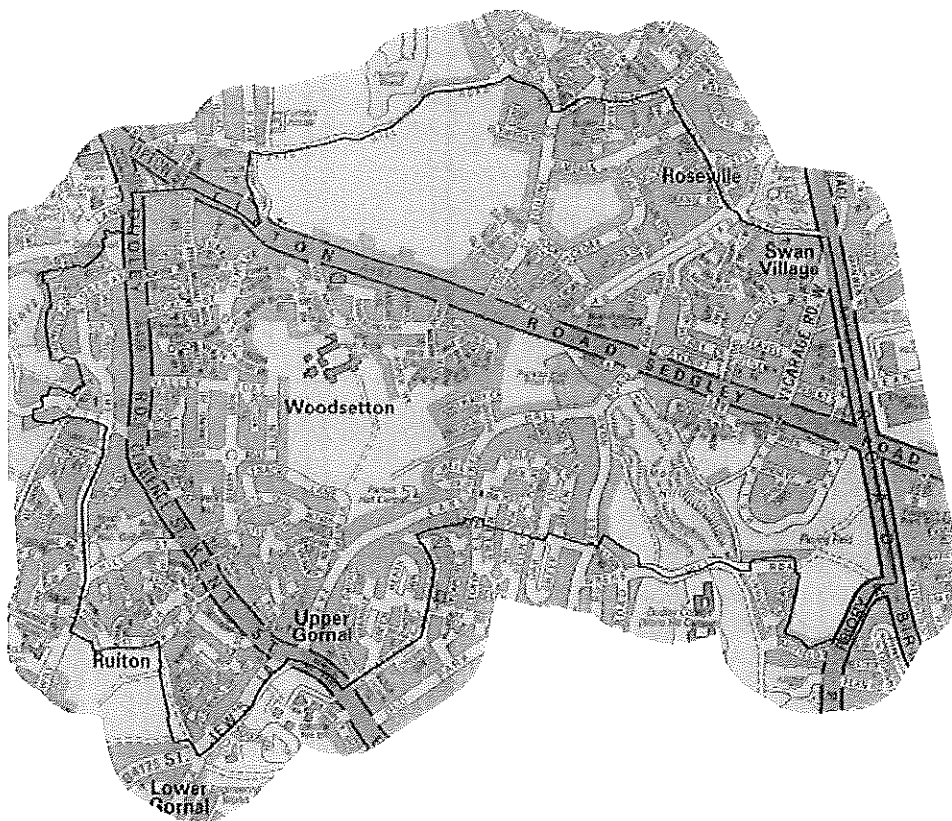
Introducing an alcohol prohibition area in Woodsetton and Upper Gornal would have a large impact on the total disorder and alcohol related incidents reported to police. This would also greatly improve the quality of life for local residents that live in the prohibition area, thus improving Trust and Confidence in not only the Police but also 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 into the early hours of the morning.

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.

Appendix 2 – Proposed prohibition areas

The below map outlines the areas that the prohibition would cover. Basically the whole of the DYAG ward:



The area will border the existing prohibition that currently covers Sedgley and that may in the future cover Lower Gornal. This would then create good cover and not leave any areas out.

There is a particular onus on the local authority to publicise the making and effect of this order. Any areas that are deemed not to be suitable for the designation should be discussed and the map area may be altered to comply with valid reasons.

(Section 13 (5) CJP A 2001.)

Appendix 3 – Legislation information

- Section 12 of the Criminal Justice and Police Act 2001
- Section 13 of the Criminal Justice and Police Act 2001
- Section 14 of the Criminal Justice and Police Act 2001

Section 12

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.

Section 13

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.

Note

SI 2001 No 2831 The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001 set out the procedure for LAs designating a public place for the purposes of this section. Once an order for has been made denoting a public place (in their area) then police powers under section 12 automatically become available.

Section 14

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

