



**PROPOSED DESIGNATION ORDER FOR
BRIERLEY HILL TOWN CENTRE AND
NEIGHBOURHOOD POLICING AREA (J113)
FOR RESTRICTING THE CONSUMPTION
OF ALCOHOL IN PUBLIC PLACES.**

**Under Section 12(2) Criminal Justice and Police Act
2001**

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**Police report containing data from 01/06/06 to 1/07/08.
(Appendix 1)**

**Proposed area of restricted area for the consumption
of alcohol.
(Appendix 2)**

**Legislation covering alcohol consumption.
(Appendix 3)**

INTRODUCTION

Brierley Hill town centre consists of a busy traditional High Street shopping area, enhanced with two indoor markets and a private shopping centre at Moor Street. The main industrial sites are on North Street and Talbot Street.

The area has varying types of dwellings including the Chapel Street complex of low and hi-rise flats containing some 690 dwellings.

On and adjacent to the High Street are a number of pubs, restaurants and fast food outlets that meet the demand of both customers to Brierley Hill and late night trade from the nearby Waterfront bar complex.

Brockmoor comprises also of a High Street with several shops, mini-market and fast food outlet, surrounded by private and rented council accommodation.

The area has "green" recreational areas at Lawyers Field, Marsh Park and Norwood Road Cricket Ground and Park. There are two further leisure areas in Bent Street.

Recently there has been a noticeable increase in groups and individuals consuming alcohol in public in the Brierley Hill area which is supported by complaints from the public, Traders Association, Brierley Hill Regeneration Partnership and local councillors alike. It is evident from police investigations that these people are buying alcohol from town centre retailers and consuming it in places of public resorts. Local retailers have been spoken to, to prevent these groups being served with alcohol but this has not prevented the problem. Some individuals have been banned from the off licences but still manage to get

alcohol, either by bringing it into the area or, more commonly, getting other people to get it for them.

Anti social behaviour and disorder is a direct result of their intoxication with instances of petty crime and theft being committed to fund the alcohol. The local police office is frequently contacted by High Street retailers and shoppers to move on groups and individuals who are not only drinking but also begging, particularly outside the public library, and it is no surprise that the beggars have alcohol or use the donations to purchase more. Groups of drinkers gather at certain parts of the neighbourhood area in an intoxicated state which leads members of the community being intimidated and afraid to shop in the area.

The only public toilets in Brierley Hill and Brockmoor are situated in Little Cottage Street. The drinkers are therefore resorting to urinating in any public place possible when drinking in other areas of the town and these occurrences are obviously regular due to the amounts of alcohol being consumed. When the groups move on their cans and rubbish are left leaving the area unhealthy and untidy.

These factors obviously give a poor image of Brierley Hill and Brockmoor.

It is greatly believed that this increase is a direct result of the successful alcohol drinking bans being enforced in Dudley Town Centre, Stourbridge, Halesowen, Sedgley as well as other bans further afield. In fact, one of the main culprits has stated to a police patrol that he drinks on the streets of Brierley Hill because he cannot drink in Dudley.

Two other main culprits currently have injunctions against them, taken out by Dudley Metropolitan Borough Council, not to go to certain blocks of flats in Brierley Hill as they cause problems for residents due to their drunken and anti

social behaviour. One of these has served a custodial sentence after breaching the ban on two occasions, but continues to drink and cause problems in the town.

In order to reduce crime and disorder and to increase public reassurance by making the area a better place to live, work and visit, it is requested that an area surrounding Brierley Hill and Brockmoor be designated as an area for the restriction of the consumption of alcohol.

Appendix 1 details a break down of the Police Command and Control data taken from June 2006 to July 2008 inclusive, for neighbourhood 13 only. 5% (403 incidents) of all incidents reported were alcohol related. However, this data is reliant on staff selecting the appropriate markers on crime reports and command and control logs. As can be seen from the NICL Logs chart that 72% (5676 incidents), of incidents have not been categorised and may well have fallen under the rowdy / inconsiderate behaviour statistics.

Appendix 2 details the proposed area of requested designation. The area is J1 Operational Command Unit Neighbourhood Area 13 in its entirety and includes the area of John Street, Bent Street and Victoria Street, which is on beat area 12.

This additional area is added to include the green areas at each end of Bent Street.

Appendix 3 details the legislation covering alcohol consumption in designated public places.

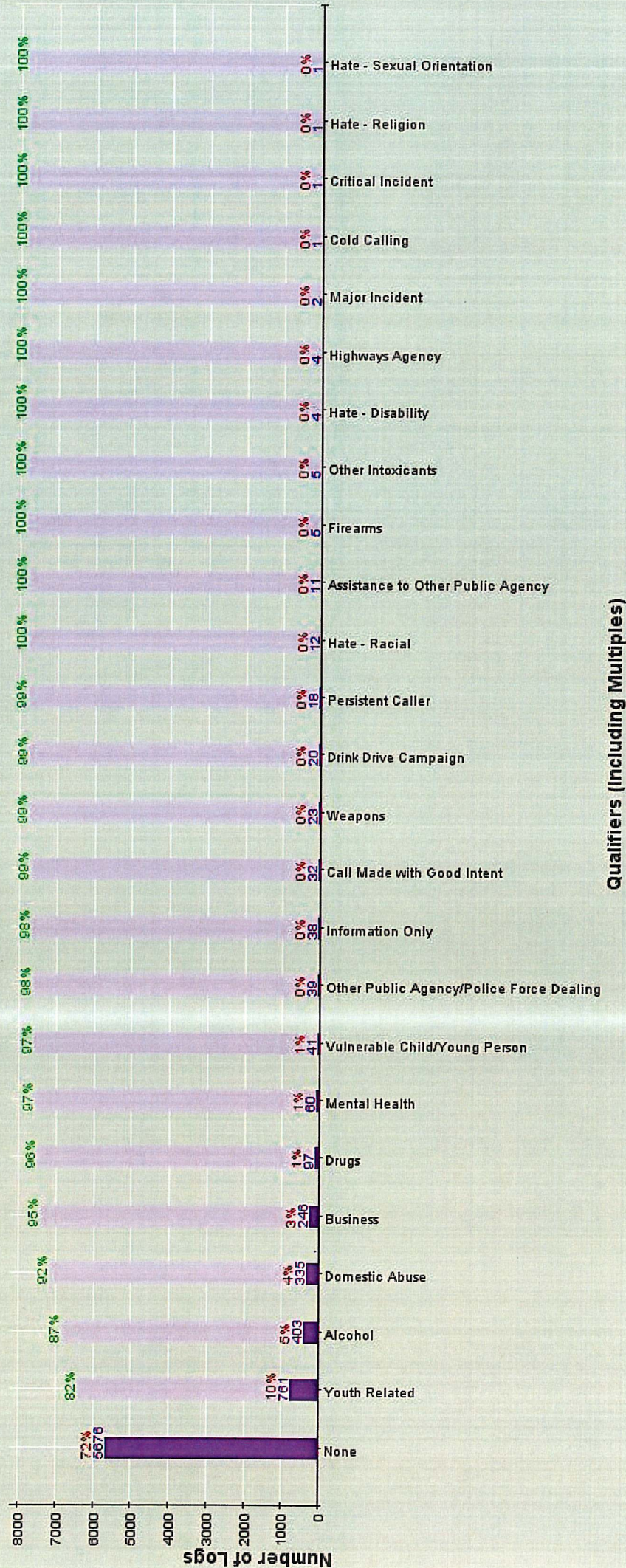
SUMMARY

It is genuinely believed that the implement of an order restricting the consumption of alcohol in public places I Brierley Hill and Brockmoor would significantly reduce the number of incidents of anti-social behaviour and disorder by enabling police resources to address the current problems caused by "street drinking." These measures would also go a considerable way in reassuring the public and making the community feel safer.

APPENDIX 1

Police report containing data from 01/06/06 to 1/07/08.

NICL Logs : J113 - Brierley Hill * Qualifiers (Including Multiples)



TRC : Under the Influence Violence? * J113 - Brierley Hill



Under the Influence Violence?

APPENDIX 2

Proposed area of restricted area for the consumption of alcohol.

APPENDIX 3

Legislation covering alcohol consumption.

D9612 / Alcohol consumption in designated public places

NARRATIVE 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 169A of the Licensing Act 1964 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.

MODE OF TRIAL AND PENALTY Summary: fine not exceeding level 2 on the standard scale
Also consider penalty notice for disorder

POWERS OF ARREST Arrest without warrant

SOURCE(S) Criminal Justice and Police Act 2001

RELATED MATERIAL 12 Alcohol consumption in designated public places.

NATIONAL REGION England and Wales

D9613 / Alcohol - designated public place

NARRATIVE 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.

SOURCE(S) Criminal Justice and Police Act 2001

RELATED MATERIAL 13 Designated public places.

NATIONAL REGION England and Wales

NARRATIVE 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*

SOURCE(S) Criminal Justice and Police Act 2001

RELATED MATERIAL 14 Places which are not designated public places.

NATIONAL REGION England and Wales
