

Alcban – bhct
Our ref: PT/KG/RG/31893

Mr. Tart

6th January 2009

01384 815300

Dear Occupier,

Following a recommendation from West Midlands Police, the Council is considering a proposal that Brierley Hill Town Centre (as identified on the attached plan) should be designated as an area where the consumption of intoxicating liquor in public would be prohibited apart from within the curtilage of licensed premises.

Power to make such a designation is contained in Section 13 of the Criminal Justice and Police Act 2001. In order to make an Order designating a public place, the Council must be satisfied that:-

- (1) nuisance or annoyance to members of the public or a section of the public; or
- (2) disorder;

has been associated with the consumption of intoxicating liquor in that place.

This letter:-

- (1) explains the reasons why the Council considers that a Designation Order should be made;
- (2) explains the consequences of designation;
- (3) invites you to comment on the proposed Designation Order before a final decision is taken.

Why should a Designation Order be made?

West Midlands Police have produced a report stating that there have been many incidents in and around Brierley Hill Town Centre in which there has been a clear link between crime and disorder and alcohol. The view of the Police is that the prohibition of alcohol consumption in public within the proposed designated area would help to reduce crime and disorder and increase public reassurance.

A copy of the Police report is available from me on request.

What will happen if a Designation Order is made?

When a public place has been designated, a Police Constable has the following powers if they reasonably believe that a person is, or has been, drinking alcohol within the designated area or intends to do so:-

continued ...

1. A Constable may require the person concerned –
 - not to drink anything which the Constable reasonably believes to be alcohol
 - to surrender any alcohol in their possession;
2. The Constable may dispose of any alcohol surrendered in an appropriate way;
3. 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 the Magistrates' Court;
4. A Constable has the power to arrest any person who commits an offence.

Enforcement of the law is clearly important, and the Police have recognised that the Designation Order must be enforced firmly to ensure maximum effect. If an Order is made, enforcement will be monitored closely and its impact will be reviewed in 12 months.

What is your view?

Before a final decision is taken on whether or not to designate Brierley Hill Town Centre, the Council would like to receive the views of the public, occupiers of premises adjacent to Brierley Hill Town Centre and the Brierley Hill Area Committee.

If you are not the owner of your premises, please notify the owner as soon as possible and provide them with a copy of this letter.

Please submit your views in writing to:-

Philip Tart,
Interim Director of Law and Property,
Dudley M.B.C.,
3 St. James's Road,
Dudley,
West Midlands, DY1 1HZ.

or e-mail at: director.lawproperty@dudley.gov.uk .

Comments must be received by the 10th February 2009 if they are to be taken into account.

Yours sincerely,



Philip Tart
Interim Director of Law and Property.