

Licensing and Safety Committee - 24th May 2007

Report of the Director of Law and Property

Alcohol Consumption in Public Places – Lye High Street

Purpose of Report

1. To consider an Order making Lye High Street and adjoining roads a designated public place where the public consumption of alcohol would be prohibited other than within the curtilage of licensed premises.

Background

2. At its meeting on the 7th March 2007 the Committee resolved that a Designation Order for Lye High Street and adjoining roads 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 dated the 5th October 2006 from West Midlands Police summarising the problems associated with the consumption of alcohol in and around Lye High Street. The proposed area to be designated is shown at Appendix 2.
4. Since the meeting on the 7th March 2007 a letter setting out the effect of the proposal has been delivered to the occupier of every property within the proposed designated area (Appendix 3). In addition a letter dated the 4th April 2007 has been sent to the licensee of all licensed premises within the proposed area (Appendix 4). Also, the Council has published a notice in the Express and Star setting out the details of the proposal and invited any comments or objections. The proposal has also been reported to the Stourbridge Area Committee at its meeting on the 12th March 2007 when it was resolved to support the proposal.
5. Following the above public consultation we have received 10 letters or e-mails of support for the proposed ban. Whilst supporting the ban, some consultees did query whether there would be adequate enforcement of it and their concerns have been reported to the Police. Some consultees also queried whether the area of the ban could be extended to the south of Cemetery Road and the east of Cross Walks and Talbot Street. However, there is no evidence of alcohol-related public nuisance or annoyance in this extended area but this will be kept under constant review and, if circumstances change, the Council, in consultation with the Police, could consider extending the area at a later date.

6. A copy of the draft Designation Order is attached at Appendix 5. There is a legal requirement for us to consult with the Home Secretary before the Order is made.
7. 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 place.
8. Before the Order takes effect we must erect within the designated place such signs as we consider sufficient to draw the attention of members of the public in that place to the effect of the Order. Following consultation with the Police we have determined the number and location of these signs and a budget of £3,000 has been allocated to this by the Stourbridge Area Committee.
9. If an Order is made, the Police will monitor its impact and a review will take place in 12 months time.

Finance

10. 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 £3,000 approved by the Stourbridge Area Committee at its meeting on the 12th March 2007.

Law

11. The Order will be made under Section 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 and around Lye High Street.

Equality Impact

12. 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

13. It is recommended that the Committee approve the Lye High Street (Alcohol Consumption in Designated Public Place) Order 2007 and authorise the Director of Law and Property to take all necessary action connected with the making of the Order.

John Polychronakis

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J. Polychronakis.

Director of Law and Property

Contact Officer: John Polychronakis.
Telephone: 01384 (81)5300
Email: john.polychronakis@dudley.gov.uk

List of Background Papers

1. None.



NOT PROTECTIVELY MARKED

WG401 (11/97)

MEMORANDUM**To:**
Insp. BOARDMAN**Ref:****From:**
P.C. 6858 MANNERSON**Ext:****Date:**
5 /10/ 06**SUBJECT:**
2006LYE High Street
Alcohol Free Zone

Sir,

I have started to make enquires in relation to this subject and it's possible implementation in Lye High Street.

Over the past 12 months Lye High Street has become more popular for alcohol consumption with many shop traders reporting to me on a daily basis that mostly male youths are walking up and down the street drinking from cans and this has become intimidating to the customers who use Lye for there shopping.

I can identify through my local knowledge of the town over the past 8 years the persons who are now drinking on a regular basis, are adult males and some females and again most of them are class 'A' heroin users.

The areas that attract the most presence of drinkers, are outside the Christ Church which has a large grass area, benches and a long wall for them to sit on. The Library which has a long wall to sit on. The new Pocket Park in the High Street which has benches to sit on. Other areas include shop doorways and steps leading to shops.

So as you can see they have numerous areas to sit and drink which is and can be intimidating to the general public.

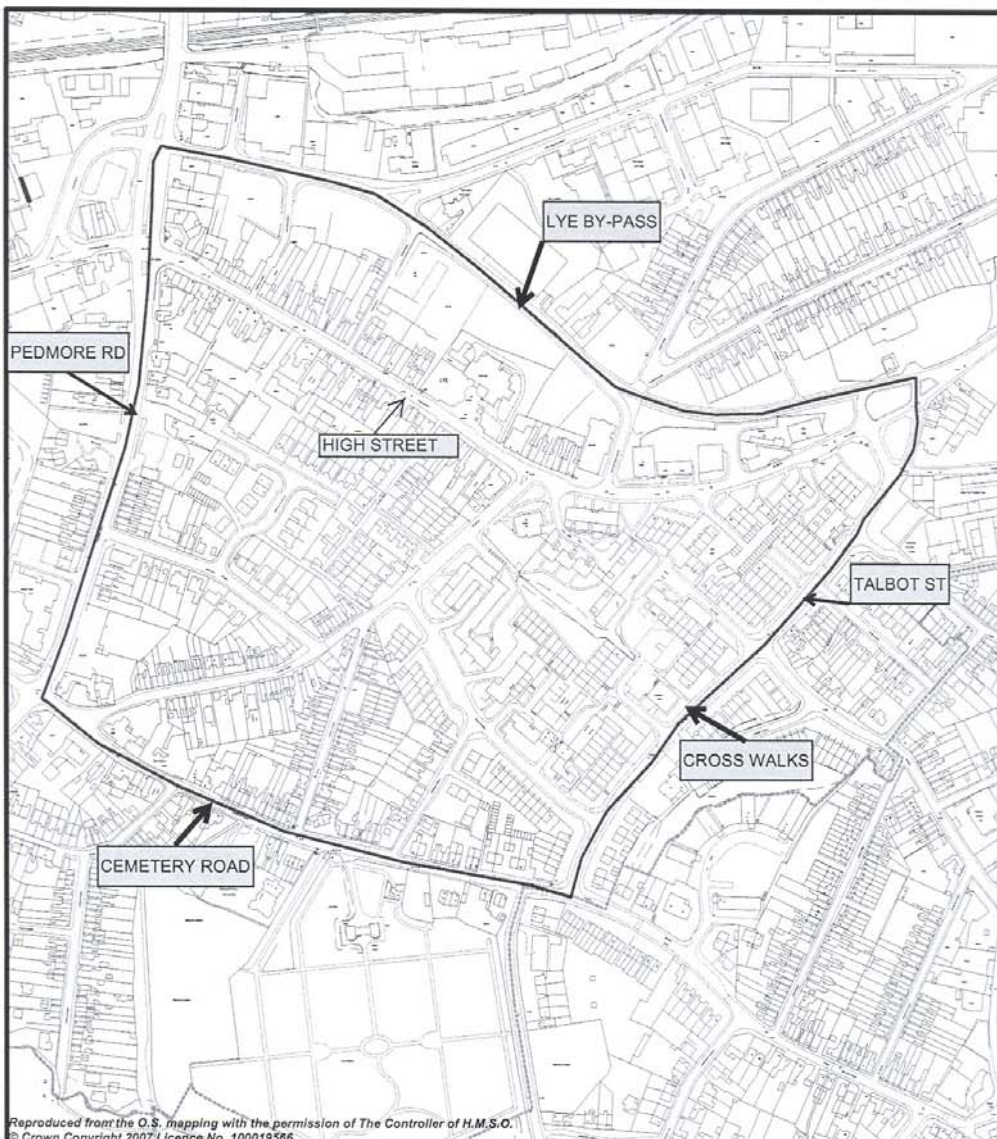
This problem has become the talking point at the last few meetings held in Lye, from the LYE COMMUNITY SAFETY GROUP the LYE and WOLLESCOTE PARTNERSHIP GROUP the DRUGS and ALCOHOL steering Group and the ANTI SOCIAL BEHAVIOUR GROUP.

I was asked to look at the possibility to implement that Lye became an ALCOHOL FREE ZONE and to speak to all the traders in the High street by the chairman Simon FALSHAW and councillors Peter LOWE, John DONEGAN and Adrian TURNER from the Lye and Wollescote Partnership who all gave there full support.



I canvassed every shop and had a signature of support from every trader in Lye High Street who welcomed the idea.

I submit this report, with the full support of the High Street Traders and Chairman of the Lye Partnership for your consideration.

P.C. MANNERSON



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<p>TITLE:</p> <p>PROPOSED ALCOHOL BAN IN LYE</p> <p>OS data reproduced with the permission of the Controller of HMSO 2007 Licence No 100019566</p> <p>CREATED BY: GILL HUDSON, PROPERTY MANAGER. EXT 5311</p>	 <p>SCALE: 1 : 4000</p> <p>DATE: 01-FEB-2007</p>	<p>Corporate Estate Services Directorate of Law and Property</p> <p>3 St James's Road DUDLEY West Midlands DY1 1HZ</p> 
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Dear Occupier,

Following a recommendation from West Midlands Police, the Council is considering a proposal that Lye 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. **This would not apply to licensed premises or a registered club.**

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 the High Street in Lye 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 ...

2.

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 Lye Town Centre, the Council would like to receive the views of the public, owners, occupiers and licensees of premises in the Town Centre, organisations operating in the Town Centre, and the Stourbridge 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:-

John Polychronakis,
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 16th May 2007 if they are to be taken into account.

Yours sincerely,

John Polychronakis.
Director of Law and Property.

815300 Our ref: JP/RG/31108

Mr. Polychronakis

4th April 2007

01384

Dear Occupier

You should have recently received a copy of my letter dated the 14th March 2007 setting out a proposal that Lye Town Centre should be designated as an area where the consumption of intoxicating liquor in public would be prohibited.

As a result of new Regulations that will come into effect on the 6th April 2007 the Council is required to explain to the occupiers of licensed premises the effect that the proposed order would have at particular times.

If an order is made, it will mean that any alcohol purchased in the licensed premises cannot be consumed in any public place within the proposed designated area. This will apply at any time whilst the order is in force.

Accordingly, if an order is made, you may consider it advisable to place one or more notices within your premises to remind customers that any alcohol which they remove from the premises cannot be consumed in a public place within the designated area.

Following this period of consultation a decision on whether or not to make an order will be taken by the Licensing and Safety Committee of the Council at its meeting on the 24th May 2007 and any comments that you may have should be sent to me by the 16th May 2007.

Please contact me if you have any queries regarding this letter or my letter of the 14th March 2007.

Yours faithfully

Director of Law and Property

THE BOROUGH COUNCIL OF DUDLEY
CRIMINAL JUSTICE AND POLICE ACT 2001

**LYE HIGH STREET (ALCOHOL CONSUMPTION
IN DESIGNATED PUBLIC PLACE) ORDER 2007**

The Borough Council of Dudley (in this Order called “the Council”) hereby make the following order:

1. The land described in the Schedule below and shown edged black on the map attached to this Order, being land in the area of the Council, is hereby a designated public place for the purpose of Section 13 of the Criminal Justice and Police Act 2001.
2. This Order may be cited as the Lye High Street (Alcohol Consumption in Designated Public Place) Order 2007 and shall come into force on the 10th July 2007.

SCHEDULE

The area of Lye Town Centre bounded by and including Lye By-Pass, Talbot Street, Cross Walks, Cemetery Road and Pedmore Road.

Dated this 25th day of May 2007

THE COMMON SEAL OF
THE BOROUGH COUNCIL
OF DUDLEY was hereunto
affixed in the presence of: -

Director of Law and Property