

Stourbridge Area Committee – 15th November 2010

Extension to Stourbridge Town Centre Alcohol Consumption in Designated Public Place Order 2003

Report of the Director of Corporate Resources

Purpose of Report

1. To consider a proposal by the Licensing and Safety Committee for an order making Stourbridge Town Bus Station and the Old Quarter of Stourbridge designated public places where the consumption of alcohol would be prohibited other than the curtilage of licensed premises.

Background

2. At its meeting on the 25th of October 2010 the Licensing and Safety Committee agreed in principle to the making of an Order under Section 13 of the Criminal Justice and Police Act 2001 designating Stourbridge Bus Station and Stourbridge Old Quarter as places where the consumption of alcohol in public (apart from the cartilage of licensed premises) would be banned.
3. Attached at appendix 1 is a report dated 29th September 2010 from West Midland Police explaining why an Order would be justified and suggesting the area to be covered by the Order (Appendix 2). The report and supporting evidence (over 150 detailed logs) makes it clear that there have been numerous incidents in which there is a direct link between disorder and alcohol. The view of the Police is that the prohibition of alcohol consumption in public within the proposed designated area would assist them in dealing with anti-social behaviour thereby making Stourbridge a safer place particularly at night.
4. In order to make an Order designating a public place, the council must be 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 intoxicating liquor in that place.

The report and the Police logs provides sufficient evidence to satisfy this requirement.

5. 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 consuming alcohol within the designated public place or intends to do so:-
- (a) The Constable may require the person concerned –
 - Not to consume anything which the Constable reasonably believes to be alcohol.
 - To surrender any alcohol in their possession.
 - (b) The Constable may dispose of anything surrendered to them in an appropriate way.
 - (c) 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.
 - (d) A Constable has the power to arrest any person who commits an offence.
6. Before making the Order, the Council must follow a statutory process which includes consultation with the Police and the licensee of any licensed premises within the designated area. In addition the Council has to publish a notice in a local newspaper setting out the details of the proposal and has to deliver to the occupier of every property in the designated area a letter fully explaining the proposal and inviting any comments or objections. The results of the consultation will then be reported to the Licensing and Safety Committee before any final decision is taken.
7. If the Licensing and Safety Committee decide to make an Order, this must be approved by the Home Office and the Order must be published in a local newspaper.
8. Before an Order takes effect, the Council must place within the designated area sufficient signs to draw the attention of members of the public to the effect of the Order.
9. If an Order is made, the Police have advised that its impact should be monitored and reviewed in 12 months time.

Finance

10. The cost of public notices in the press and signs in the street will be met from existing resources. A contribution of the cost of the signs could come from the capital allocations budget of the Stourbridge Area Committee.

Law

11. The relevant statutory provisions referred to in this report as contained in Sections 12-13 of the Criminal Justice and Police Act 2001 and the Local Authorities (Alcohol Consumption in Designated Places) Regulations 2001.

Equality Impact

12. This reports has no direct 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 Area Committee support a Designation Order for Stourbridge Bus Station and the Old Quarter and consider whether a contribution of the costs for the requisite signage should be met from the Capitol Allocations budget of the Stourbridge Area Committee.



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List of Background Papers

Correspondence with the Police