

Report to: **District Council of Easington**  
Date: **4 October 2007**  
Report of: **Head of Neighbourhood Initiatives**  
Subject: **Alcohol Consumption in Designated Public Places Orders**  
Ward: **All**

## **1.0 Purpose of the report.**

1.1 The purpose of this report is to seek Council approval for a declaration of an “Alcohol Consumption in Designated Public Places Order” to cover areas of Horden, Blackhall, Haswell, Peterlee, Seaham and Murton.

## **2.0 Consultation**

2.1 This report has been prepared in consultation with the Director of Community Services, Durham Police, relevant Town and Parish Councils and local licensees. The proposed locations that would be subject to the Orders have been publicized for 28 days as part of the statutory consultation process. No public objections have been received.

2.2 The report has been considered by the Management Team, Working Executive, Labour Group and Minority Group arising from which, this report is presented for full Council consideration.

## **3.0 Background**

3.1 The Home Office Action Plan to tackle alcohol related crime, disorder and nuisance was launched in August 2000. It included specific action to meet three broad objectives; to reduce the problems arising from under-age drinking; to reduce public drunkenness and to prevent alcohol-related violence.

3.2 The Criminal Justice and Police Act 2001 empowers Local Authorities to make an “Alcohol Consumption in Designated Public Places Order” if they are satisfied that nuisance, annoyance or disorder has been caused to members of the public associated with the consumption of intoxicating liquor in a particular place. It is emphasized that whilst the police are empowered to enforce these controls the legislation empowers the local authority, and not the police, to make the Order

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3.3 An “Alcohol Consumption in Designated Public Places Order” gives power to police officers, in situations where they find a person consuming intoxicating liquor in a designated public place and is acting in a way that might cause a nuisance, annoyance or disorder, to require the person;

- not to consume any intoxicating liquor in the designated area; and
- to surrender any intoxicating liquor or the container for such liquor. (other than a sealed container).

A person who fails without reasonable excuse to comply with a requirement imposed on him by a police officer commits an offence and is liable on summary conviction to a fine not exceeding £500.

3.4 These new statutory powers replaced the Home Office model bylaw relating to the consumption of intoxicating liquor in designated public places in September 2006 and the existing bylaws have been rescinded.

3.5 In addition to these powers, police officers, PCSOs and accredited street wardens can confiscate alcohol from underage drinkers anywhere in the district under the provisions of the Confiscation of Alcohol Act 1997.

## **4.0 Position statement and option appraisal**

4.1 The District of Easington Community Services Directorate work in close partnership with the police and other stakeholders under the Community Safety Partnership framework regarding day to day enforcement and also longer term strategic issues. Regular meetings are held with the police to consider data on incidents of crime and anti-social behaviour and to agree how resources should be deployed to best effect. Through the Community Safety Partnership framework evidence has been gathered from front line officers, community groups and National Intelligence Model statistics to demonstrate that there can be significant problems due to alcohol consumption in certain public places resulting in nuisance, annoyance and disorder affecting members of the public.

4.2 The Community Safety Partnership considers that the use of an “Alcohol Consumption in Designated Public Places Order” would be an effective tool in combating problems in certain areas of Horden, Blackhall, Haswell, Peterlee, Seaham and Murton. The boundaries of the areas of concern are highlighted in detailed maps, which are available at the Community Safety Partnership base at Lee House. The locations are :-

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- Areas of Peterlee around Grampian Drive, Fulwell Road, Beverley Way, Yoden Road, Eden Hill Road, Oakerside Drive, Helford Road playing fields, Nesbit Road and the town centre.
- Areas of Haswell around Front Street, Church Street and Salters Lane.
- Areas of Blackhall around Middle Street. Coast Road and Mickle Hill Road.
- Areas of Horden around Cotsford Lane, Sunderland Road and adjacent playing fields, Beaumont Crescent, Shotton Road, Memorial Park and Church Green.
- Areas of Murton around the Recreation Ground
- Areas of Seaham around Seaham Town Park, Dawdon Dene Park, Dawdon, Deneside Estate and Eastlea Estate

Incidents of street drinking have been researched and a total of 137 incidents were reported during a 6 month period in these areas.

A report from the Durham Police Licensing Officer and letters of support from Horden Parish Council and local Police Officers are on record to demonstrate that these areas meet the criteria for declaration of an “Alcohol Consumption in Designated Public Places Order”.

4.3 It is suggested that the Council make an “Alcohol Consumption in Designated Public Places Order” to cover these areas and that this be referred to as the District of Easington Alcohol Consumption in Designated Public Places Number 1 Order 2007. The Council may wish to make additional Orders in future and the numbering of the Orders can follow this pattern. The Council does have the power to revoke Orders and it would be proposed to monitor the impact of any Order on alcohol related problems in these areas and to review the Orders as appropriate.

4.4 The statutory consultation process requires the Council, before making an Order, to publish in a newspaper circulating in their area a notice,

- (a) which describes the place proposed to be identified;
- (b) setting out the effect of an Order being made in relation to that place; and
- (c) inviting representations as to whether or not an order should be made.

Following the outline endorsement from Management Team and Working Executive adverts were placed in the Hartlepool Mail and Sunderland Echo stating an intent to create the designated areas. No objections were received within the 28 day notice period.

4.5 The guidance also notes that the establishment of designated areas may potentially

lead to anti social drinking or nuisance being displaced into areas that have not been designated for this purpose. Prior to making an area designated, Local Authorities are advised to make an assessment of all areas to where they believe nuisance or disorder may be displaced, ensuring that all those affected by the designation are appropriately consulted.

The Police, Horden Parish Council, Haswell Parish Council, Peterlee Town Council, Seaham Town Council and Licensees in the proposed areas support the proposal to seek approval for an “Alcohol Consumption in Designated Public Places Order” and no representations have been made regarding concerns of displacement.

- 4.6 Once the 28 day period following publication of a notice has lapsed the Local Authority can make an order under 13(2) of the Criminal Justice and Police Act 2001. The Order should identify all areas affected and the date it came into effect. The location of any areas that may be designated will be clearly signed with public notices in the streets, etc. advising that the area is subject to an “Alcohol Consumption in Designated Public Places Order” and outlining the implications.

## **5.0 Implications**

### *5.1 Financial Implications*

There is a requirement to place press notices and erect signage in the proposed areas. These costs, which are estimated at around £3,000 for the combined areas can be met through existing Community Safety budgets.

### *5.2 Legal Implications*

The proposals make use of new legal powers and the approach has been agreed with the monitoring officer.

### *5.3 Policy Implications*

If agreed, the approach will establish a protocol for establishing further “Alcohol Consumption in Designated Public Places Orders” developed through the Community Safety Partnership framework for consideration by the Council in order to tackle problems of alcohol consumption in public places.

### *5.4 Risk Implications*

A risk assessment has been carried out and risks are within the corporate appetite.

### *5.5 Communications*

The Consultation process conforms with the statutory requirements and has been agreed with the Communications Manager.

## **6.0. Corporate Implications**

### *6.1. Corporate Plan and Priorities.*

The Designated Orders will support the delivery of the Crime and Disorder Strategy and the Council's corporate objective of "Making the District Safe"

### *6.2. Equality and Diversity.*

There are no implications.

### *6.3 E – Government.*

There are no implications.

### *6.4 Procurement.*

There are no implications.

## **7. Recommendation**

7.1 That Council consider the proposals to make an Order under Section 13 (2) of the Criminal Justice and Police Act 2001 to declare an "Alcohol Consumption in Designated Public Places Order" for the areas described in 4.2 above.

7.2 That proposals be developed through the Community Safety Partnership with the police for monitoring and reviewing any Orders made.

## **Documents and publications used in drafting this report;**

1. Criminal Justice and Police Act 2001.
2. The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001
3. Confiscation of Alcohol Act 1997
4. The Home Office Action Plan to tackle alcohol related crime, disorder and nuisance 2000