ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES, CRIMINAL JUSTICE AND POLICE ACT 2001

PURPOSE OF REPORT

1. To report back to the Committee the findings of the research and assessment of the implementation of a Designation Order.

CORPORATE PRIORITIES

2. Community Safety links very strongly to the Council’s Cleaner, Greener, Safer priority.

RISK ISSUES

3. The issue raised and recommendations made in this report involve risk considerations in the following categories:

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4. The introduction of a Designation Order would have financial implications around consultation, media strategy and signage.

A decision whether or not to make a Designation Order may be subject of a challenge by way of Judicial Review.

The introduction of a Designation Order would have operational implications for Lancashire Constabulary and Chorley Borough Council.

BACKGROUND

5. On the 16th November 2005, a report was forwarded to General Purposes Committee from the Director of Legal Services and the Head of Corporate and Policy Services after two requests had been received for the Council to make Designation Orders under the 2001 Act.
The Committee tasked Audrey Harrison, Community Safety Co-ordinator to assess whether the introduction of a Designation Order was proportionate to the problems in the area, effective and enforceable.

RESEARCH

6. Questionnaires were sent out to councillors, both ward and parish. Councillor Mark Perks requested that questionnaires be supplied to the businesses in Astley Village. Copies of the questionnaire were duly supplied.

Contact was made with other local authorities that had implemented Designation Orders. These included Brighton and Hove, Bolton, Preston and Blackburn with Darwen.

Home Office documents were researched. Looking at best practice and implementation processes to introduce an Order.

Crime Pattern Analysis was obtained and assessed. Meetings were held Police Local Intelligence Officer.

Meetings with local Police Officers were held, including Community Beat Managers, Neighbourhood Sergeants and Geographical Inspectors. Contact was made with Senior Police Officers.

Neighbourhood Warden information was assessed.

FINDINGS

7. Statistics - Police Crime Pattern Analysis and Neighbourhood Warden information shows a consistent picture of alcohol-related nuisance, anti-social behaviour and criminal damage. There are large areas throughout the Borough where this type of activity is occurring regularly in repeat locations. These include Coppull, Clayton-le-Woods and Clayton Brook, Whittle-le-Woods, Euxton, Astley Village, Adlington, Eccleston, Chorley East Wards, South Wards and Chorley Town Centre. Although this appears to cover the whole of Chorley, there are many rural areas that do not suffer to the same extent. The analysis does not specify whether activity is carried out by young people or those over the age of eighteen.

8. Questionnaires – Sixteen questionnaires were returned. The questions were set to try and get a snapshot of what was happening in the two areas that were applying for the orders and to get the a feel of the public perception. Of the sixteen questionnaires, when asked “What are actual problems relating to alcohol in your area”, eleven stated that the problems involved youths, four stated that youths and older people were involved and one stated issues around environmental factors.

Some of the recipients did not understand that the Order was not an alcohol ban, highlighting issues around public perception. Many felt high visible patrols and enforcement was needed to reduce the problems. Some stated that displacement could occur from the introduction of an Order.

All questionnaires wanted to reduce fear of crime, improve their areas and improve community safety.
9. **Home Office Research** – Guidance was sought around restrictions of the Order, consultation, enforcement and areas considered as best practice. If an Order were to be introduced a process would need to be undertaken. This would have to be repeated in respect of each Order introduced. If a boroughwide order was introduced one process would be undertaken, but the scale would be increased reflecting the size of the area covered.

The actions for implementation are as follows if a designation order is considered appropriate:

- Report to General Purposes Committee to determine whether it is appropriate to make a designation order.
- Produce and conduct formal consultation process with Lancashire Constabulary, parish councils, licencees of licensed premises, owner/occupiers of land affected, councillors and public.
- Send out street drinking diaries to residents and traders in hotspot areas.
- Publish notice of intention in local newspaper and wait 28 days for representation.
- Produce and send briefings to all Councillors.
- Press release the notice of intention.
- Collate evidence to support Order, gather crime pattern analysis.
- Obtain quotes for procurement and erection of signage.
- Obtain funding for consultation costs/signage.
- Assess responses to public consultation.
- Take final report to General Purposes Committee/Executive Cabinet for approval, including costs.
- Make Designation Order.
- Publish notice of Order and date it takes effect and make a copy publicly available.
- Press release the start date of the Order.
- Erect signage.
- Send copy of the Order to the Secretary of State.
- Order goes live.
- Work with Police force around enforcement activity.
- Work with Police Force around responding to complaints.
- Work to manage public perception – not an alcohol ban.
- Introduce treatment options for those being prosecuted.
- Implement review and evaluation methods.
- Produce progress report for General Purposes Committee/Executive Cabinet.
- Provide training and briefings for staff, including magistrates.
- Maintain monitoring, evaluation and updating relevant bodies.

10. **Other Areas** – Contact was made with a number of neighbouring authorities. Brighton and Hove had assessed that they had seventeen hotspot areas that were eligible for Designation Orders. They came to the conclusion that by creating the seventeen Orders, they would displace the problems to seventeen other areas. As a result of this they have gone for a Boroughwide Designation Order. The message they are putting out to the public is “Come to Brighton for a good time”. The consultation for a Boroughwide Order is huge and they stressed the need for consultation to all residents, businesses and Councillors. Support was needed from Chief Officers in both the Police and the Council. The message around enforcement needs to be cascaded down to the operational staff. They have found the Order to be a useful tool and found the press to be supportive.
Bolton has previously tried to tackle onstreet alcohol related nuisance through Bye-Laws. With the changes around this legislation, they are now introducing a Designation Order. This Order is to be Boroughwide. The reasoning behind this is around enforcement and management. Previously, it had been found that the offenders were standing outside the area covered by Bye-Laws and taunting Police Officers. There was also confusion from operational Police Officers and Communication Officers, asking for clarification of where the Bye-Law covered etc. They are consulting widely and have estimated that the costs of consulting and signage will cost the Borough in the region of £30,000-40,000.

Preston and Blackburn with Darwen have introduced Designation Orders. The area is restricted to town Centre areas. It is acknowledged that there is pressure locally to go Boroughwide, but there is concern that this is not in the spirit of the legislation, even though other areas have introduced it.

11. **Meetings with relevant parties** – a number of meetings were held to discuss the possibility of an Order or Orders, enforcement issues and other legislation that could be used to the same effect.

Community Beat Managers were more supportive of a Boroughwide Order. They felt that this was more manageable from an operational perspective. The limitations of Fixed Penalty Notices were discussed i.e. actions have to be seen and warnings given before tickets can be issued. Few areas suffer from exclusively adults over the age of eighteen drinking and causing a nuisance outside. Most areas either suffer from underage drinking or a mixture of both age groups.

Enforcement of any type of Order could be an issue for the Police, as would managing the public perception of the limitations of the Order i.e. not an alcohol ban.

Assessment and discussions with the Police Geographical Inspectors showed that evidence from Police sources indicate that the groups are mainly of mixed age or totally underage. This would restrict the effectiveness of an Order being implemented and would not be proportionate to the work and investment needed to implement an Order.

It was found that existing legislation was not being utilised to its full potential. The Confiscation of Alcohol (Young Persons) Act 1997 applies were a constable reasonably suspects that a person is in possession of alcohol and that either – (a) he is under the age of 18; or (b) he intends that any of the alcohol should be consumed by a person under the age of 18; or (c) a person under the age of 18 who is, or has recently been with him, has recently consumed alcohol. This means that the powers under this Act are considerably wider than just applying to minors. To make this more effective, training would have to be cascaded out to operational officers, particularly neighbourhood teams and Community Beat Managers.

**COMMENTS OF THE HEAD OF HUMAN RESOURCES**

12. There are no direct Human Resources implications at the moment.
COMMENTS OF THE DIRECTOR OF FINANCE

13. At present there is no budgetary provision for implementing orders of this nature. Should Members determine that implementing designated orders is the way forward, schemes would need to be costed and resources found from within the Council's current cash budget totals for 2006/07.

COMMENTS OF THE DIRECTOR OF LEGAL SERVICES

14. Section 13 of the Act provides council’s with the power to make a designation order where it is satisfied that nuisance, annoyance or disorder to the public (or a section of the public) or disorder have been associated with public drinking. The Government guidance is that any proposals for a comprehensive prohibition on public drinking would be considered disproportionate to the intended purpose of the Act. However, the Council also has to consider whether the creation of a designation order would lead to the nuisance being displaced into other areas not designated. It would appear that other Authorities have introduced a borough wide designation order on this basis, notwithstanding the government guidance. Any assessment must therefore address the issue of displacement.

An assessment has to be made and evidence gathered on the level of anti-social drinking and disorder in any area proposed for designation. There should be evidence of an existing problem with an assessment as to the likelihood that this problem will continue unless these powers are adopted.

It would appear from the report that the existing powers in relation to the Confiscation of Alcohol (Young Persons) Act 1997 are not being fully utilised and that is a factor that must be considered in determining whether a designation order is appropriate.

RECOMMENDATION(S)

15. (a) That the report be noted.

(b) That existing legislation is utilised more fully than previously and officers are informed of the powers.

(c) The situation continues to be monitored and fully assessed after six months. If evidence suggests there are issues with adults only drinking in areas, then a report prepared for this Committee concerning the making of a designation order(s).

(d) That funding is identified which could be accessed if an Order was to be implemented. It is important to acknowledge both the work commitment and financial commitment needed by the Borough Council if this was to be implemented.

TIM RIGNALL
HEAD OF CORPORATE AND POLICY SERVICES
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