

CITY COUNCIL - 16 JULY 2007

REPORT OF THE PORTFOLIO HOLDER FOR ENVIRONMENT, TRANSPORT AND STREET SERVICES

MEASURES TO REDUCE HARM CAUSED BY ALCOHOL CONSUMPTION AND ARRANGEMENTS FOR THE CONSULTATION ON THE AUTHORITY'S STATEMENT OF LICENSING POLICY

1.0 SUMMARY

1.1 This report outlines three matters that are linked to the City Council's work on alcohol harm reduction and to its role as a Licensing Authority.

1.2 The matters referred to are:

- The contribution being made by the City Council to the delivery of the Nottingham Alcohol Harm Reduction Strategy;
- Consultation on establishing two new Designated Public Place Orders (DPPO's); and
- Consultation on the Draft Statement of Licensing Policy.

1.2 A copy of the relevant documents accompanying these matters have been circulated separately to Members with the Council agenda. Maps showing the areas under consideration for DPPO's and the evidence supporting the establishment of the proposed Orders will be available for inspection by Members in the Members' room at the Council House and will further be on deposit at the full Council meeting itself.

2.0 RECOMMENDATIONS

2.1 IT IS RECOMMENDED THAT:-

- (1) the matters in the report regarding the City Council's contribution to the delivery of the Nottingham Alcohol Harm Reduction Strategy be noted.

- (2) with regard to the Designated Public Places Orders:-
- (a) the timetable for implementation of the Designated Public Places Orders, as detailed in Appendix 3 to this report, be approved;
 - (b) the publication and consultation period for the Orders, as detailed in Section 4 of this report, be approved;
 - (c) the position regarding future reporting, in the event of 'substantive representations' being received following the consultation procedure, be noted.
- (3) Council has regard to the recommendation of the Executive Board at its meeting on 19 June 2007 and approves the Statement of Licensing Policy for consultation.

3 BACKGROUND

Statement of Licensing Policy

- 3.1 As a Licensing Authority, the City Council is required to produce a Statement of Licensing Policy that it will apply when it determines applications for licences. The Statement has a three year life during which time it may be subject to review as necessary.
- 3.2 The Council's current policy is nearing the end of its 3 year lifespan and Council must adopt a new Statement of Policy. Before it can do so, the draft proposals must go through a statutory consultation.

Designated Public Place Orders

- 3.3 The introduction of the Hyson Green and City Centre DPPO's, has led to a decrease in the problems caused by irresponsible drinkers in those two areas. However, recent evidence shows that there is also an emerging problem in relation to anti-social behaviour linked with alcohol consumption in the Forest, Mapperley and Sneinton areas. There has also been some evidence of displacement of the problem from the current areas which has led to the migration of

alcohol abusers into the areas under consideration, as outlined above.

- 3.4 At the time of making the original DPPOs, the legislative regime did not permit control to be exercised over areas in anticipation of problems arising due to alcohol misuse. Evidence supplied from the Neighbourhood Offices, with support from the Police and local residents and business groups, has indicated that most of the problems occur in the areas referred to on the maps provided, as Areas A and B (see maps provided). The evidence referred to in this report is in the separate folder that has been put on deposit for inspection in the Members' Room at the Council House and will be available at the Council meeting.
- 3.5 By virtue of the Criminal Justice and Police Act 2001, the City Council may make an Order to curb the problems brought about by irresponsible alcohol consumption in public places. The effect of the Order would be to make it an offence either to continue drinking when asked to stop, or by failing to surrender alcohol when asked to do so. The Order also gives powers to confiscate alcohol.
- 3.6 Enforcement will be by the Police and the Neighbourhood Community Protection Officers. The Order also gives Police powers of arrest for the act of continued consumption. This proposal will complement the objectives of 'Respect for Nottingham' and is part of the Alcohol Harm Reduction Strategy in tackling alcohol related crime and disorder.

Nottingham Alcohol Harm Reduction Strategy

- 3.7 The National Alcohol Harm Reduction Strategy (published March 2004) requires partnership organisations to agree through their local community safety partnership, a local strategy that seeks to reduce alcohol harm by addressing four key aims:
 - To improve the information available to individuals and the start the process of change in the culture of drinking to get drunk
 - To better identify and treat alcohol misuse

- To prevent and tackle alcohol-related crime and disorder and deliver improved services to victims and witnesses
- To work with the (drinks) industry in tackling the harms caused by alcohol.

3.8 Nottingham's local Strategy was produced by the City Council together with key stakeholders and partners. It identifies five themes which have been identified from the analysis of data relating to alcohol consumption in Nottingham, through which the national key aims will be promoted:

1. **Information, Communication and Prevention:** To increase the knowledge and understanding of alcohol misuse and alcohol-related harms with a view of changing attitudes to irresponsible drinking.
2. **Crime and Disorder and Anti-social Behaviour:** To reduce the rate of alcohol-related crime, disorder and nuisance.
3. **Identification, Treatment and Support:** To improve identification and ensure treatment and support services for people with alcohol related problems and their families or carers are appropriate, effective and accessible.
4. **Young People:** To reduce the negative impact alcohol has on young people and their families, and to encourage a safe relationship with alcohol.
5. **University Students:** To reduce the negative impact that alcohol has on students and their communities, and to promote a safe relationship with alcohol.

3.9 Three further cross cutting themes are identified that will drive strategic partnership working:

- **Health:** To reduce the level of alcohol-related ill health
- **Workplace:** To promote alcohol awareness at work and support employers in adopting workplace alcohol policies
- **Working with the Industry:** To work in partnership with the alcoholic drinks industry at a local level to promote responsible management of premises, sensible drinking and highlight and contribute to the reduction of alcohol-related harms

4 PROPOSALS

Statement of Licensing Policy

- 4.1 The proposed Statement of Licensing Policy (at Appendix 1) has been circulated separately to members. The main changes to the Statement are listed in Appendix 2. Consultation will last for the recommended period of three months and responses made during this time will be taken into account. The results of the consultation will be reported back to Council later this year in November.

Designated Public Place Orders

- 4.2 The procedures that the Council needs to adopt are reasonably straightforward, and outlined in the Local Authorities (Alcohol Consumption in Designated Places) Regulations 2007.
- 4.3 In summary the Council is required to undertake the following actions:-
- (i) consult on the proposal with the Police, existing premises licence holders within/on the boundaries of the proposed area and with owners and occupiers of land within the area to be covered by the Order;
 - (ii) notify the Public by placing a notice in the local press and inviting representations as to the proposed Order;
 - (iii) erecting permanent signs to inform the public as to the effect of the Order; and
 - (iv) after the Order is made, undertake further public notification measures by placing a notice in the local press confirming the making of the Order.
- 4.4 The areas shown in documentation deposited in the Members Room at The Council House are those for which relevant evidence of public disorder or nuisance exists that is linked with alcohol consumption. The Council would not be in a position to include other areas if such evidence did not exist. The latest government

guidance does allow the Council to take into account the potential issue of displacement but only if there is some Police evidence that this is likely to occur. If any future relevant evidence justified new or additional areas to be designated, then the Council would be able to put in place a specific DPPO for those areas as they came to light. A city wide order could not be made unless there was evidence to show public disorder linked with alcohol consumption throughout the city.

- 4.5 Subject to the results from consultation, it is proposed that the Orders come into force early in 2008. The current timetable is shown in Appendix 3. To achieve this date, the Council must undertake a public and business/landowner consultation process, prior to the formal making of the Orders.

Nottingham Alcohol Harm Reduction Strategy

- 4.6 Responsibility for delivery of the Strategy is with the CDP and lead responsibility for particular actions in the accompanying Action Plan has been previously agreed. The local Strategy and 2007-8 Action Plan is shown in Appendix 4. Those actions that involve the City Council are shown in Appendix 5.
- 4.7 The agreed actions link across Corporate Priorities and Themes and National priorities including key local community strategies such as Respect for Nottingham, the Drug and Alcohol Strategy, Nottingham's Health Schools Programme, Healthier Communities/Tackling Health Inequalities and the national Choosing Health programme. The other matters dealt with by this report and linked to the aims Strategy.
- 4.8 The 3-year Strategy and Action Plan will be reviewed in September to identify achievements and emerging issues. Report will be made as necessary to the CDP Board with recommendations for inclusion of any additional actions. On-going work will be monitored and redefined as necessary through thematic task groups and a strategic stakeholder group.

5 FINANCIAL IMPLICATIONS

- 5.1 Statement of Licensing Policy - The statutory fees levied for the regime are intended to cover the cost of the review of the Statement.
- 5.2 Designated Public Place Orders - The total cost, including administration, legal costs, consultation, notices and signage is to be met from money allocated for this purpose in the 2007/08 budgets for Area Committees 4, 5 and 6, being the areas covered by this proposal.
- 5.3 Alcohol Harm Reduction Strategy - City Council led actions are intended to be delivered within current budgets or self-funded. The CDP has agreed funding for Trading Standards in relation to increased test purchasing from a share of £130,000.

6 LEGAL IMPLICATIONS

- 6.1 **Statement of Licensing Policy** - The draft Statement of Policy has been the subject of legal advice to try to ensure conformity with the relevant legislation and guidance. It is a statutory requirement that the draft policy be the subject of consultation with prescribed bodies and individuals and that thereafter a Statement of Policy be approved by full Council to come into effect on 7 January 2008.
- 6.2 **Designated Public Place Orders** - All decision's regarding the making of a DPPO must be made by full Council. This includes the process of consultation. If consultation is not carried out as directed in the regulations, then the order will be invalid. The Council will need to consider the evidence and make an assessment as to whether there is anti-social drinking and disorder in the areas proposed for designation. If an order is made on the basis of insufficient evidence then the order could be challenged by way of judicial review.
- 6.3 **Alcohol Harm Reduction Strategy** - None.

7 EQUAL OPPORTUNITIES IMPLICATIONS

The irresponsible operation of alcohol licensed businesses and misuse of alcohol may have an impact on the health, good order and wellbeing of local communities and the individuals within them; health (including mental and sexual health), families and young people, avoidable injuries, crime (including domestic violence), employment and social networks are all at an increased risk of harm from such actions. The City Council, together with the Director of Public Health and Crime and Disorder Reduction Partnership, is taking positive action to address health inequalities in Nottingham including reducing alcohol consumption and the promotion of sensible drinking.

8 CORPORATE OBJECTIVES

The matters detailed in this report contribute to the Council's priorities and corporate themes. The consultation procedures outlined in this report meets the Council Core Values in consulting with citizens and customers about the impact and effect of the Council's proposals.

9 BEST VALUE

The above matters will be delivered within current budgets or self-funded and should result in no adverse cost to the local community.

10.0 CRIME & DISORDER IMPLICATIONS

Nottingham has the second highest alcohol related death rate in the East Midlands. During 2004/05 it was estimated that over 6,000 crimes committed were alcohol related of which 56% were violent offences against the person. Figures provided by the Police show that in the City Centre, between 2004/06, the incidence of alcohol-related violence was reduced by 36%.

11.0 List of background papers other than published works or those disclosing confidential or exempt information

- Evidence in support of two new Designated Public Place Orders.

12.0 Published documents referred to in compiling this report

- Minutes of the Executive Board June 19, 2007.
- Guidance issued under section 182 of the Licensing Act 2003.
- Guidance issued under the Criminal Justice and Police Act 2001 and the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.
- Nottingham City Council Statement of Licensing Policy 2004-07.
- Nottingham City Alcohol Harm Reduction Strategy.

**COUNCILLOR BRIAN GROCOCK
PORTFOLIO HOLDER FOR ENVIRONMENT,
TRANSPORTATION AND STREET SERVICES**

Contact Officer: Tim Coulson
Telephone number: 0115 9156781
email: tim.coulson@nottinghamcity.gov.uk

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APPENDICES TO THE REPORT
CIRCULATED SEPARATELY

APPENDIX 1

**NOTTINGHAM CITY COUNCIL'S PROPOSED STATEMENT OF
LICENSING POLICY FOR 2008 – 2011**

APPENDIX 2

**PROPOSED STATEMENT OF LICENSING POLICY
SUMMARY OF MAIN CHANGES**

APPENDIX 3

**DESIGNATED PUBLIC PLACE ORDERS
- TIMETABLE FOR IMPLEMENTING THE PROPOSED ORDERS**

APPENDIX 4

**NOTTINGHAM CITY ALCOHOL HARM REDUCTION STRATEGY
ACTION PLAN 2007/08**

APPENDIX 5

**ALCOHOL HARM REDUCTION STRATEGY ACTION PLAN
CITY COUNCIL ACTIONS/INPUTS**