

CITY COUNCIL – 12 MAY 2008

REPORT OF PORTFOLIO HOLDER FOR CUSTOMER SERVICES, CONSULTATION AND AREA WORKING

ALCOHOL CONSUMPTION IN DESIGNATED PLACES ORDER - SNEINTON, FOREST AND MAPPERLEY AREAS

1 SUMMARY

This report follows on from the Council's approval on 16 July 2007 to consult on a proposal to introduce measures to control the consumption of alcohol in public places in the above areas which are delineated on the plans attached at Appendix 2.

2 RECOMMENDATIONS

It is RECOMMENDED

- (i) that Members note the representations received as a result of the consultation contained at Appendix 1;
- (ii) that approval be given to the making of the Order in relation to the areas shown on the plans at Appendix 2;
- (iii) that the Corporate Director of Community and Culture be authorised to carry out all necessary steps for the implementation and publicising of the Order;
- (iv) that the Corporate Director of Community and Culture review the effect of the Order after six months, in particular any consequent migration to adjoining areas of disorder arising from street drinking, with a view to considering whether any further Designated Public Places Orders (DPPOs) were necessary.

3 BACKGROUND

- 3.1 The Criminal Justice and Police Act 2001 enables the City Council to make an Alcohol Consumption in Designated Places Order where disorder, nuisance or annoyance to members of the public has been associated with the drinking of alcohol in those places. The effect of the Order would be to make it an offence either to

continue drinking when asked by an authorised person to stop, or by failing to surrender alcohol when asked to do so.

- 3.2 These new offences are complementary to existing, re-active Police powers under the Public Order Act 1986 and the Criminal Justice and Police Act 2001 to tackle alcohol-fuelled disorder, and provide the opportunity for preventative measures to be applied in order to avoid escalation of street drinking into actual disorder.
- 3.3 Members will be aware that similar Orders have previously been made, for the City Centre area in July 2005, and Hyson Green in 2006.
- 3.4 Enforcement will be by the Police and Community Support and Community Protection Officers as accredited officers for whom training has been given. The Order also introduces Police powers of arrest for the offence of failure to comply. The offence currently carries a fixed penalty notice of £50 and conviction carries a maximum level 2 fine of £500. These amounts are at present under review.
- 3.5 Consultations with owners/occupiers of premises in the two areas were carried out during February and March 2008. (See Appendix 1)
- 3.6 Further extensions proposed in responses by consultees in both Mapperley and Sneinton would need to be the subject of evidenced assessments and public consultation exercises in order to avoid them being open to legal challenge. Any such further extensions would, therefore, have to be the subject of future DPPOs.

4 PROPOSALS

- 4.1 It is proposed that, having regard to the results of the consultation exercise attached at Appendix 1 and the evidence supplied by the police, the Council approves the making of an Order for the areas shown in Appendix 2 to come into force on 23 May 2008.
- 4.2 As a result of representations received from consultees requesting extensions to the two areas, the effects of this Order will be reviewed after six months in order to assess whether migration of problems from street drinking has occurred and whether further DPPOs should be considered.

4.3 As part of the statutory procedures after making the Order, and prior to its coming into force, the Council is required to undertake the following:-

- (i) publicise that the Order has been made and give details of its effects by placing a notice in the local press;
- (ii) erect permanent signs at the boundaries of, and within the areas, in order to inform the public of the effect of the Order and to facilitate enforcement.

These requirements will be put in place following the Council's decision and before the Order comes into force.

At the same time, out-of-date signage for the two existing Orders will be replaced.

5 FINANCIAL IMPLICATIONS

The total estimated cost of £15,000, including administration, consultation, public notices and signage is to be met from money allocated for this purpose in the Community Safety budget and a contribution by the Crime and Drugs Partnership.

6 LEGAL IMPLICATIONS

6.1 Before making the Order, the Council must be satisfied that the statutory criteria are met, namely that disorder, nuisance or annoyance to the public has been caused and that such behaviour is associated with the consumption of alcohol in the proposed designated place.

6.2 Regulations prescribe the consultation and publicity measures which must be carried out before the Order is made as well as the content of the Order, publicity measures and the erection of signage after it has been made.

7 CRIME AND DISORDER ACT IMPLICATIONS

7.1 The making of the Order would complement the objectives of the 'Respect for Nottingham' group and is an action of the Alcohol-

related Crime Task Group in tackling alcohol-related crime and disorder.

8 STRATEGIC AIMS

This proposal promotes the Council's priority of 'People feeling safe in their Communities' and the corporate aim of Securing a Safer Nottingham under the Respect for Nottingham theme. The consultation procedure referred to in this report meets Council core values in consulting with citizens and customers about the impact and effect of the Council's proposals.

9 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

None

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

Report to Council 16 July 2007 and minutes of that meeting;
The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 and Guidance Note;
Criminal Justice and Police Act 2001 Section 13;
Violent Crime Reduction Act 2006 Section 26.

**COUNCILLOR EUNICE CAMPBELL
PORTFOLIO HOLDER FOR CUSTOMER SERVICES,
CONSULTATION AND AREA WORKING**

Responses to consultation on Alcohol Designation Order

Name	Area	Summary of Respondents' Comments	Authorities Appraisal of Comments
Cannon	Mapperley	Would like area to stop at Mansfield Rd as does not feel there is an alcohol problem in Mapperley and imposing an Order, as proposed, would affect plans for organised street parties. He feels that the Council should concentrate on measures to tackle Class A drugs and prostitution rather than alcohol.	Evidence shows that there are problems with street drinkers around Elm Avenue and Bellevue Reservoir. There are other existing powers for the Police to deal with drugs and prostitution. Temporary events such as street parties may still be held providing that they are properly licensed.
Steer	Mapperley	Supports the proposals.	
Reason	Mapperley	Inadequate method of control; problem with supermarkets/shops selling alcohol; suggests making consumption illegal on all highways. Does not support methodology and believes that a single Act of Parliament banning all street drinking would be much simpler.	The Government have advised that even a city-wide Order would be unlikely to be supported; therefore a national law is unlikely. This Order, along with other legislation, adds to Police powers to deal pre-emptively with problem drinking on streets including confiscating alcohol.
Warsop	Mapperley	Support proposal but asks why whole city not designated. Step forward but problem will move from one place to another	See above comment.

Hunt	Mapperley	Wholeheartedly in favour.	
Guy	Sneinton	In favour of proposals	
Higgins	Both	Strongly supports the proposals for the areas concerned	
A W Lymn	Both	In favour of extending the alcohol free area to include the Wet Centre on Handel Street where there are particular problems in Area A.	
Hacking	Mapperley	Does not believe there is a problem in the area of Berkely Ave, Thorncliffe Rd and Redcliffe Rd. Asks for evidence.	The Police, Community Wardens and Neighbourhood Management Teams have evidenced problems in the area which is included in the files on display in the Members' Room.
Crestclub	Sneinton	Fully supports the proposal.	
NCT	Both	Fully supports the Order.	
Hunt	Mapperley	Supports this type of order for Mapperley. Several issues in relation to which streets are included or excluded so does not support order until clarified. "My real concern is that it will take away the enjoyment of the Arboretum for many people."	The Order is only intended to cover areas where there is sufficient evidence to justify it. Some areas questioned are already included in the City Centre Order. The purpose of the Order is to safeguard the enjoyment of the City and public facilities for all and prevent anti-social behaviour. Authorised officers are trained to deal with situations appropriately and proportionately.
Biocity	Both	Fully supports proposals.	

Holmes	Sneinton	Concern that Lord Street and Roberts Street, Sneinton are not included in the Order and would suffer from displacement of the problems around Green's Windmill.	Further extensions cannot be made until an evidenced assessment and consultation exercise is carried out for the additional area. This could be the subject of a future Order.
Simpson	Sneinton	Concerned that Lord Street and Robert Street are not included as these are set in the middle of the problem area.	See above comment.
Wood	Mapperley	Broadly in favour – would like to see police or other official presence in area to ensure that order is policed effectively, but sensibly in respect of the Arboretum where many families enjoy picnics. Need to discriminate between social and problem drinking.	The Order provides the Police and Community Wardens with more powers to deal with problem drinkers. It does not totally ban alcohol in the area. The purpose of the Order is to safeguard the enjoyment of the City and public facilities for all and prevent anti-social behaviour. Authorised officers are trained to deal with situations appropriately and proportionately.
Wong	Both	Do not object to an Order making it an offence to drink on a highway but does not want The Forest and Arboretum Park included as people enjoy park for picnics.	Comments as above.
Charleston House Res. Association	Both	Unanimously supports Orders.	

Dr Robinson	Both	Not in favour – strongly disapproves of an Order covering the Canning Circus area. The problem is minor and there would be social and enforcement costs without compensating benefits.	See comments to Wood above.
Salam	Both	Supports proposed Orders	
Kemp	Sneinton	Supports the Order and requests that the area be extended to include the ‘pocket park’ at Belvoir Hill which also suffers a great deal of alcohol-induced anti-social behaviour.	Further extensions cannot be made until an evidenced assessment and consultation exercise is carried out for the additional area. This could be the subject of a future Order.
Colborne	Mapperley	Agrees that street drinking is a nuisance but questions the need for a total ban covering the whole area. Wishes the two parks to be excluded from the Order.	See comment to Wood above.
Sneinton Tenants and Residents Association	Both	Broadly in favour of the proposals but with the following provisos:- The inclusion of the ‘pocket park’ at Belvoir Hill and parts of Sneinton Dale and a provision that the public might enjoy a picnic with alcohol within the park areas.	See comments to Wood and Kemp above.
Wilson J	Both	Opposes the proposals on the basis that a ban would spoil the enjoyment of parks for the public in general.	See comments to Wood above. After discussion, objection withdrawn.

Peers	Mapperley	Supports the principle of the Order but would like to see it extended to cover Lucknow Road (just outside the boundary) where there is a particular problem area which would be made worse by migration of street drinkers.	This problem, amongst others, was also raised at Mapperley and Sherwood Area Committee. Further extensions cannot be made until an evidenced assessment and consultation exercise is carried out for the additional area. This could be the subject of a future Order.
Area Manager (Area 6)	Sneinton	Supports the Order but wishes it to be extended to cover the park on Belvoir Hill and adjoining streets.	See comments to Kemp above.
Cox	Mapperley	Wholehearted support but wishes the area extended to cover Mansfield Rd far as Tavistock Drive, incorporating Ebers Road (West) and Zulla Road.	This proposal is not supported by the Police as there is no evidence of disorder arising from street drinking in this area.
Frankland	Mapperley	Wholly in favour of Area B.	
Sunderland	Sneinton	Fully supports the proposals	
Winter	Both	Supports the proposals as 'an excellent initiative'	
Wheatley	Both	Very much in favour of proposals	
Cliff	Both	Fully supports the proposals	
Scrimshaw	Both	In total agreement with proposals but concerned that the bus stops on the west side of Mansfield Road are not included, as they are frequented by a particular street drinker.	See comments to Peers above.
Conquer/ Lawson	Both	Strongly support the proposals.	

Wilson B	Sneinton	Supports the Order.	
Fraser	Mapperley	Fully supports the proposals but wishes extensions to cover Ebers Rd and Zulla Rd.	See comments to Cox above.
Mainman	Both	Strongly against the proposal on the following grounds:- Erosion of human rights, freedom of movement, behaviour, assembly etc; Proposal would be unworkable; Current laws are adequate for dealing with drunken and anti-social behaviour; Public consumption of alcohol is 'demonised' by a vocal minority and actual occasions of disorder are rare.	See comments to Wood above.
Mapperley and Sherwood Area Committee	Mapperley	The streets between Mapperley Road and Magdala Road, and New College Park, should be included in the designated area.	Further extensions cannot be made until an evidenced assessment and consultation exercise is carried out for the additional area. This could be the subject of a future Order.
St. Anns and Sneinton Area Committee	Sneinton	In addition to the extension already proposed, a further extension of the area bounded by Sneinton Hollows, Sneinton Blvd, Lord Nelson St and Sneinton Dale should be included.	See above comment.