

CITY COUNCIL 22 NOVEMBER 2004

REPORT OF PORTFOLIO HOLDER FOR TRANSPORT AND STREET SERVICES

INTRODUCTION OF ALCOHOL DESIGNATION ORDER IN NOTTINGHAM CITY CENTRE

1 SUMMARY

This report outlines the procedure through which the Council will replace its existing City Centre Alcohol Bye-Laws.

2 RECOMMENDATIONS

It is RECOMMENDED that :-

- 2.1 the timetable for implementation of the Order, as detailed in Appendix 1 to this report, is approved;
- 2.2 the publication and consultation of the Order, as detailed in Section 4 of this Report, is approved;
- 2.3 the position regarding future reporting in the event of 'substantive representations' being received following the consultation procedure, is noted.

3 BACKGROUND

- 3.1 By virtue of the Criminal Justice and Police Act 2001, the three sets of Alcohol Bye - Laws (in relation to the City Centre, Victoria and Sneinton Markets and City Centre public conveniences) lapse in September 2006. The City Council needs to ensure that the new Alcohol Designation Order (ADO) is brought in to replace the current Bye – Laws, by September 2006 at the very latest.
- 3.2 The purpose of the proposed Order is to control street drinking and drinking in public places by making 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 destroy alcohol.

- 3.3 The Order differs from the existing Bye – Law in that it gives greater powers to enforce restrictions by allowing accredited bodies to enforce, in addition to the Police. For the City Council, this currently extends to (accredited) Street Wardens but could in future include other staff provided they had been trained and accredited accordingly. The Order also introduces Police powers of arrest, solely for the act of continued consumption.
- 3.4 The timetable for implementation is being brought forward from the September 2006 deadline, designed to ‘dovetail’ with the objectives of ‘Respect for Nottingham’ and to complement the actions of the Alcohol Related Violence Task Group in tackling alcohol related crime and disorder. It is proposed that the Order comes into force on 1st May 2005. To achieve this date, the Council must undertake a public and business/landowner consultation process, prior to the formal making of the Order.

4 PROPOSALS

- 4.1 The procedures that the Council needs to adopt are reasonably straightforward, and outlined in the Local Authorities (Alcohol Consumption in Designated Places) Regulations 2001.
- 4.2 As part of the statutory procedures the Council is required to undertake the following :-
- (1) consult with the Police, as an ongoing process in preparation of the Order;
 - (2) consult with existing Licensees within/on the boundaries of the proposed area to be covered by the Order;
 - (3) consult owners and occupiers of land within the area to be covered by the Order;
 - (4) notify the Public by placing notice in the local press and inviting representations as to the proposed Order;
 - (5) erect permanent signs to inform the public of the effect of the Order to comply with enforcement capability;
 - (6) after the Order is made, further public notification measures by

placing notice in the local press confirming the making of the Order;

- 4.3 As part of the preparation, the Order allows Local Authorities to designate additional areas to those already defined by the Bye – Law, provided there is relevant evidence of alcohol related nuisance or disorder in that area. It is proposed that extensions to the existing Bye – Law be put forward and consulted on in three additional areas including Mansfield Road and Trent University Campus in the north, Castle and Canal side areas in the south – west and London Road, southern gateway. These are shown in the map in Appendix 2.
- 4.4 Currently the additional areas shown in Appendix 2 are those for which relevant evidence of public disorder or nuisance exists. The Council would not be in a position to include other areas if such evidence did not exist. 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 ADO for those areas as they came to light.

5 FINANCIAL IMPLICATIONS

The total cost, including administration, Legal, consultation, notices and signage is estimated at £10,000 which will need to be met from current and 2005/06 budgets.

6 LEGAL IMPLICATIONS

6.1 The new Order replaces the existing Bye – Law and Legal Services have been leading on/involved in the essential administrative work to put the Order in place.

6.2 The key implications for the Council are :-

- (1) statutory consultation;
- (2) preparation of Draft Order and supporting evidence.
- (3) publication of Notices.
- (4) making of Order.
- (5) enforcement of Order.

7 STRATEGIC AIMS

7.1 The Council's proposal to replace the existing Alcohol Bye – Law with the new Alcohol Designation Order for the City Centre refers to the Council's corporate aim 'Making Nottingham a safer City'. The consultation procedure outlined in this report meets Council Core Values in consulting with citizens and customers about the impact /effect of the Council's proposals.

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

None

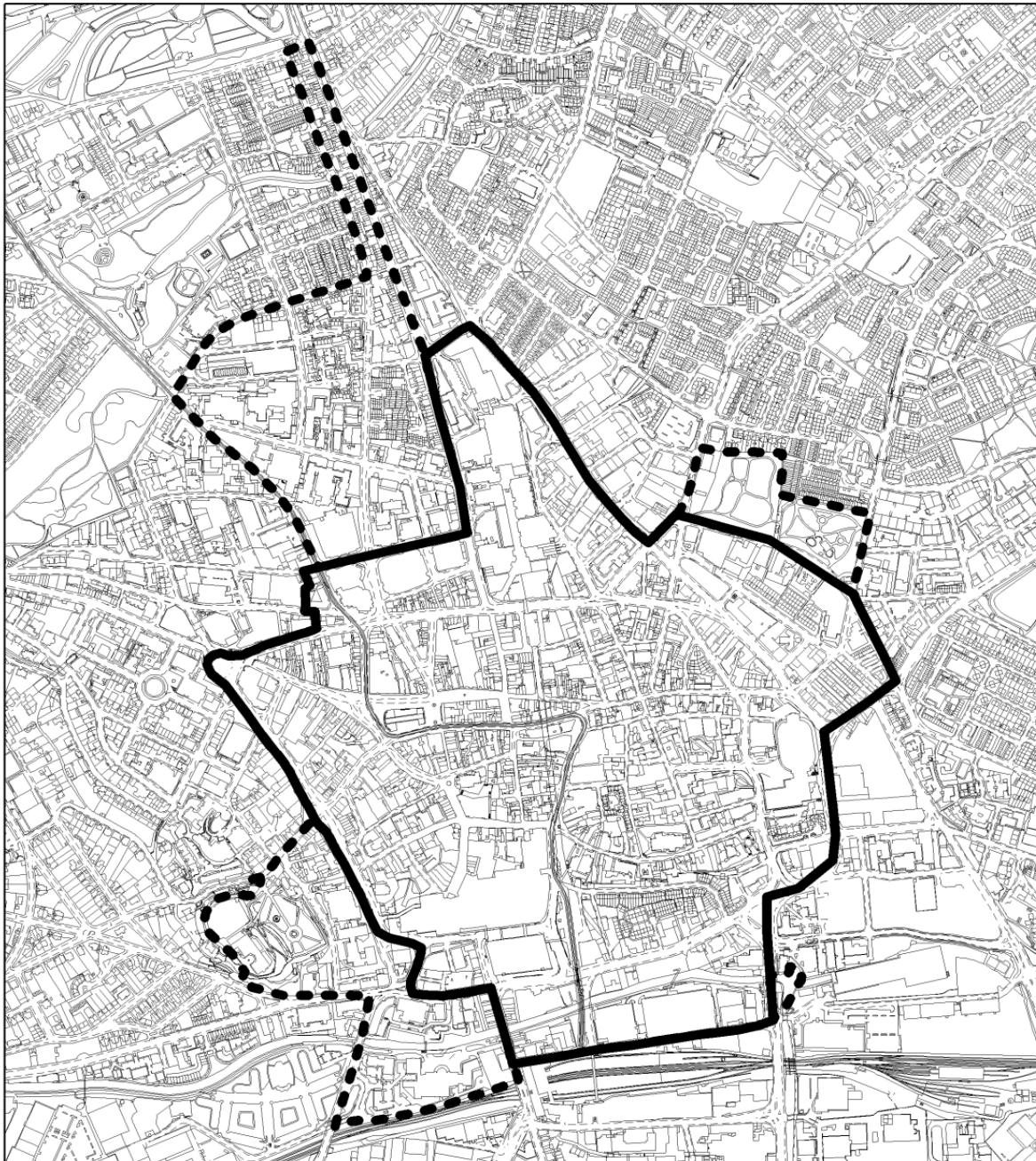
**COUNCILLOR BRIAN GROCOCK
PORTFOLIO HOLDER FOR TRANSPORT AND STREET SERVICES**




APPENDIX 1 : ALCOHOL DESIGNATION ORDER TIMETABLE

<u>No.</u>	<u>Action</u>	<u>Timescale</u>	<u>By Whom</u>
1	Prepare draft plan of area to be covered by Order.	By 28 June 2004	Jointly by JI/Legal Services and JD/City Centre Manager
2.	Agree draft plan with internal interested parties and Police	By 26 July 2004	Ji/Legal Services
3.	Prepare list of statutory consultees (Police, parish/community councils, licensees)	By 6 September 2004	Jointly by JI/Legal Services and JD/City Centre Manager
4.	Obtain and consider supporting evidence from Police and other parties	By 6 September 2004*	Jointly by JI/Legal Services and JD/City Centre Manger and TC/Licensing
5.	Prepare draft Order and consultation letter.	By end of September 2004	Ji/Legal Services – in consultation with JD/City Centre Manager and TC/Licensing
6.	Report to full Council with request to authorise consultation and publication and proceed with proposals (and to report back if substantive representations received)	22 November 2004	JD/City Centre Manager
7.	Send out consultation letter to statutory consultees.	23 November 2004	Ji/Legal Services
8.	(1) Publication of notice of proposals in local newspaper and (2) Delivery of leaflets to all households within Order area (and at boundary) -landowner notification. (3) Depositing of leaflets in public places and licensed premises	23 November 2004	(1) JI/Legal Services to arrange (2) JD/City Centre Manager to arrange
9.	Closing date for receipt of representations.	21 January 2005	-
10.	(If appropriate) report back to full Council regarding representations.	7 March 2005	JD/City Centre Manager
11.	Make Order.	14 March 2005	Ji/Legal Services
12.	(1) Publication of notice of making of order and (2) Erection of signs on street.	21 March 2005	(1) JI/Legal Services to arrange (2) JD/City Centre Manager to arrange
13.	Order comes into force.	1 May 2005	-

Lead Officers : JI = Judith Irwin, TC = Tim Coulson, JD = Jane Dykes

APPENDIX 2 : MAP OF DESIGNATED AREA



Title: CITY CENTRE ALCOHOL DESIGNATED AREA		
Key  Proposed Extension to Designated Area Under New Order  Existing Designated Area Under Bye-Law	Map produced on: 22/10/04 Map produced by: SB Media & Mapping	 City of NOTTINGHAM City Development Scale 1:10,000
<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Nottingham City Council 100019317, 2004. W:\GIS\Projects\cc4739\citycentrealcohol_A4.mxd</small>		

N.B. A larger version of the above map will be available in the Members' Room from Monday 15 November 2004