

COUNCIL

**CONSUMPTION OF ALCOHOL IN PUBLIC PLACES - WESTCLIFF
PRECINCT**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To consider the designation of the Westcliff Precinct area as an alcohol restriction zone.
- 1.2 The key points in this report are as follows:
- There are powers available to council under the Criminal Justice and Police Act 2001 to restrict anti-social public drinking in specified designated places;
 - An application has been made by the Safer Neighbourhoods Partnership for the making of an Order placing restrictions on the consumption of alcohol in the Westcliff Precinct area;
 - This application is part of an ongoing problem-solving exercise and is considered to be the most viable course of preventative action; and
 - This report invites members to consider whether or not the council should proceed with a formal consultation process with a view to making such an Order.

2. BACKGROUND INFORMATION

- 2.1 At its meeting on 30 March 2005, council approved a formal process for the consideration of applications to make an Order under Section 13 of the Criminal Justice and Police Act 2001 for the restriction of alcohol consumption in specified 'designated areas'.
- 2.2 By virtue of Section 13, local authorities are able to designate areas where they are satisfied that nuisance, annoyance or disorder has been associated with public drinking in that area.

- 2.3 The areas must be public places and the boundaries have to be clearly stated. A public place is any place to which the public has the right of access either freely or on payment. It does not include any licensed premises, including areas outside licensed premises where permission has been given for consumption of alcohol.
- 2.4 Designating an area makes it an offence for any person to drink alcohol after being required by a police officer not to do so. The police also have the power to confiscate and dispose of any alcohol and containers in the person's possession. Failure to comply with the Police request is an arrestable offence and is punishable by a fine.

Consultation Process

- 2.5 A consultation process is required by the Statutory Instruments to the Act. Before designating an area the local authority must consult the Chief Superintendent of Police and the chair of any parish or town council, which covers or might be affected by the proposed area to be designated and the licensee of any licensed premises that might be affected. The authority must also take reasonable steps to consult the owners of any land that is to be designated.
- 2.6 The local authority must publish in the local press a notice giving details of their intention to designate areas under the legislation, and must allow at least 28 days for receipt of comments. If an Order is made, notice must be published in the local press, and suitable signs erected to warn the public before the Order comes into effect.

Application by the Safer Neighbourhoods Partnership

- 2.7 An application has been received from the Safer Neighbourhoods Partnership for the designation of the Westcliff Precinct area in the electoral ward of Brumby as an Alcohol Restriction Zone. The application is part of an ongoing problem-solving exercise and this is considered to be the most viable course of preventative action.
- 2.8 Led by the Safer Neighbourhoods Area Team, a SARA problem-solving exercise has gathered information as follows:
- Local retailers complain street drinking and related anti-social behaviour is disturbing for shoppers and other visitors to the Precinct.
 - They believe that this is severely affecting their trade and is damaging the economic vibrancy of the area.

- The local North Lincolnshire Homes Resident Group (Swinburn Road) has also raised similar concerns.
- When questioned in October 2009, 28 visitors to the Precinct said that the biggest problem in the area was the congregation of adult street drinkers at the entrance to the Precinct.
- When asked to quantify the severity of the problem on a scale of 1-10 where 1 is not a problem and 10 is an extreme problem, they gave an average severity score of 8.2.

The aim of the SARA is to reduce this score to 5 or below by March 2010 and to retain it below that level until October 2010.

- 2.9 The area is ranked the highest of all areas of North Lincolnshire in the Vulnerable Localities Index (VLI). The VLI is a statistical Index developed by the Jill Dando Institute of Crime Science at University College London. The VLI uses a particular combination of crime, deprivation and demographic data to identify those areas that have persistent problems and are most at most risk of community fragmentation. Any area scoring over 200 on the index is considered a vulnerable locality. The Lower Level Super Output Area in which Westcliff Precinct is located has a VLI score of 290.96, making it significantly vulnerable.
- 2.10 There are also concerns from partner agencies regarding mothers who are in drink who attend the Precinct with young children. In response to the high level of perceived anti social behaviour, Humberside Police and other partners have been engaged in formal problem solving activities.
- 2.11 Currently the Precinct has a Direction to Leave instrument in place under section 27 of the Violent Crime Reduction Act 2006. This gives the Police, under certain circumstances, the power to give a direction to any individual who is 16 years or over who is in a public place to leave the area. The direction prohibits them from returning to a defined area for a period specified by a police officer, not for a period exceeding 48 hours. See Appendix 1 for area covered by the S27 Direction to Leave. The Direction to Leave instrument has not brought about the behavioural changes needed at Westcliff Precinct.

2.12 The alcohol related problems in the area are highlighted in the latest Joint Strategic Intelligence Assessment conducted by the Safer Neighbourhoods Partnership. Those involved see the imposition of an alcohol-restricted area as an essential tool in helping to resolve the problem. The Designated Public Place Order (DPPO) would complement the powers of the S27 Direction to Leave in that they would operate in the same defined area (appendix 1).

3. OPTIONS FOR CONSIDERATION

3.1 Council is asked to consider designating Westcliff Precinct as an alcohol restriction zone. The alternative is to deny the application made by the Safer Neighbourhoods Partnership.

4. ANALYSIS OF OPTIONS

4.1 The option of designating Westcliff Precinct as an alcohol restriction zone is preferred. No viable courses of preventative action are available and the problems being experienced must be addressed.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 Financial

The cost of consultation, order publication and necessary signage would be met from current Safer Neighbourhoods budgets.

5.2 Staffing

There are no direct staffing implications.

5.3 Property

There are no implications.

5.4 Information Technology

There are no implications.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

6.1 This proposal makes a direct contribution to the council's duty under Section 17 of the Crime and Disorder Act 1998. A level one diversity impact assessment has been carried out. This confirms that there are no diversity implications that need to be addressed.

7. **OUTCOMES OF CONSULTATION**

7.1 The application is fully supported by B Division, Humberside Police. The Scunthorpe South Area Team also supported the proposal at its meeting in December. A consultation process for the designation order will be required as described in this report.

8. **RECOMMENDATIONS**

8.1 That the statutory consultation be progressed as a matter of priority in connection with designating the Westcliff Precinct area under Section 13 of the Police and Criminal Justice Act 2001; and

8.2 that the consultation results be presented at the earliest opportunity for further deliberation by full council.

SERVICE DIRECTOR LEGAL AND DEMOCRATIC

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Date: 8 January 2010

Background Papers used in the preparation of this report:

Application by Safer Neighbourhoods

Joint Strategic Intelligence Assessment

Appendix 1

Area of existing s27 / proposed area of DPPO

