

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

21ST JULY 2008

DESIGNATED PUBLIC PLACES ORDER – COMPASS WAY, BREAM PARK

Responsible Portfolio Holder	Cllr. Peter Whittaker
Responsible Head of Service	David Hammond

1. SUMMARY

- 1.1 To consider introducing a Designated Public Places Order on a piece of open space at Compass Way, Bream Park, Bromsgrove. The Order will prevent the consumption of alcohol on this piece of land.

2. RECOMMENDATION

- 2.1 That Members either:

- approve the creation of a Designated Public Places Order as outlined on the attached plan, to prevent the consumption of alcohol; or
- refuse the request.

3. BACKGROUND

- 3.1 The Council has been approached by the ward member for Charford to look at introducing a Designated Public Places Order to prevent the consumption of alcohol on a piece of open space off Compass Way, Bream Park in an attempt to reduce anti social behaviour and drinking in this public area.
- 3.2 The Criminal Justice Police Act 2001 allows local authorities to designate areas for this purpose only where they are satisfied that nuisance or annoyance to the public or disorder has been associated with drinking in a public place. The Regulations do not place a requirement on the local authority to conduct a formal assessment of the area in question, over a given period, of the nature of the problem. However the local authority will want to satisfy itself that the powers are not being used disproportionately or in an arbitrary fashion in the case of say, one isolated incident. Consequently there should be clear evidence of an existing problem, with an assessment as to the likelihood that the problem will continue unless these powers are adopted and the belief that the problem could be remedied by the introduction of such an Order. The Council would look to the Police Authority and the Council's Community Safety Team to provide this evidence.

- 3.3 In order to gain this necessary evidence, the Regulations require local authorities to consult with the Police Authority to seek their views on the nature of the problem and the appropriateness of introducing such an Order, as well as recognising that it will be the Police who will have the responsibility for enforcing the restrictions on public drinking in the designated area.
- 3.4 On this occasion, the Police are not willing to give their support to this particular request for a Designated Public Places Order, as they have insufficient evidence of anti social behaviour caused by alcohol consumption in this area. They feel that they already have sufficient measures in place to keep any anti social behaviour occurring in this area, under control.
- 3.5 According to the information provided by the Council's Community Safety Analyst there has only been 2 alcohol related incidents in the area over the last two years.
- 3.6 A plan showing the location of the proposed Order is attached at Appendix 'A'.
- 3.7 Should Members decide to approve the proposed Order, it will be necessary to consult with the land owner and/or occupiers and a public notice will need to be published in the local press, seeking comments on the proposal.

4. FINANCIAL IMPLICATIONS

- 4.1 The cost of the public notice and other administrative costs will be met from existing budgets held by Planning and Environment Services.
- 4.2 The cost of the signage will be met from existing budgets held by Street Scene and Community Services.

5. LEGAL IMPLICATIONS

- 5.1 Licensing Authorities have power under Section 13 of Criminal Justice and Police Act 2001 to introduce and revoke Designated Public Places Orders in association The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.
- 5.2 With reference to Paragraph 4 of the Regulations, it specifies that when a Local Authority is deciding an application for a Designated Public Places Order, it shall consider any representations as to whether or not a particular public place should be identified in an Order.

6. COUNCIL OBJECTIVES

6.1 This proposal contributes to the Council’s objective “Sense of community and well being”.

7. RISK MANAGEMENT

7.1 There are not risks associated with this report.

8. CUSTOMER IMPLICATIONS

8.1 All relevant parties will be notified in writing within 5 working days of the Council’s decision.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 There are no equalities and diversity implications.

10. VALUE FOR MONEY IMPLICATIONS

10.1 If Members are minded to approve the introduction of the Order, it could be conceived that the Council is not providing value for money as the Police are not in support of the proposal and may not be in a position to enforce the restrictions imposed by the Order. The Police already have alternative powers to deal with anti social behaviour.

11. OTHER IMPLICATIONS

Procurement Issues None
Personnel Implications None
Governance/Performance Management None
Community Safety including Section 17 of Crime and Disorder Act 1998 The creation of the Order would give the Police additional powers to confiscate alcohol from people drinking in public places.
Policy None
Environmental None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
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Chief Executive	Yes
Executive Director (Partnerships and Projects)	Yes
Executive Director (Services)	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No
Head of Street Scene and Community Services	Yes

13. WARDS AFFECTED

The proposed Order will be situated in the Charford ward

14. APPENDICES

Appendix 1 Location plan of proposed designated area.

15. BACKGROUND PAPERS

Emails received from the Local Police Authority.
Emails received from Community Safety.

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