

COMMITTEE:	CABINET
DATE:	10 APRIL 2002
SUBJECT:	DESIGNATION ORDER PROHIBITING THE CONSUMPTION OF INTOXICATING LIQUOR IN DESIGNATED PLACES
REPORT OF:	DIRECTOR HOUSING, HEALTH AND COMMUNITY FINANCE
Ward(s):	Devonshire, Upperton and Roselands.
Purpose:	To inform Cabinet of the progress on obtaining the Designation Order, which prohibits the consumption of intoxicating liquor in designated places.
Contact:	Justine Armstrong, Strategic Development Officer, Telephone 01323 415346 or internally on extension 5346. For legal issues Samantha Pullin, Barrister, Telephone 01323 415044 or internally on extension 53044.
Recommendations:	<ol style="list-style-type: none"> 1. That Cabinet is satisfied that in the public place to be designated, nuisance or annoyance to members of the public or a section of the public or disorder has been associated with the consumption of intoxicating liquor in that place. (Map attached Appendix 1) 2. That Cabinet take into account all representations received as a result of the consultation and publicity of the proposed designated area. 3. That officers are instructed to take the necessary further steps to implement the Designation Order. 4. That a provision of £1,500 be made in the 2003/4 budget and allocated to the Amenities Division for future maintenance of signage.

1.0	<u>Background</u>
1.1	On the 9 th October Council approved the following recommendation; That Council take steps to adopt a byelaw prohibiting the consumption of intoxicating liquor in designated places within the Town Centre and that the Action Group Report to Cabinet on the appropriate area to be included within the scope of the prohibition.
1.2	On the 6 December 2000 Cabinet approved the designated area for the byelaw.
1.3	On the 30 July 2001 Cabinet agreed to await for further guidance on the procedure for applying to prohibit drinking in designated places.
1.4	On the 31 October 2001 Cabinet approved the consultation method described in paragraph 5.3. of the report, that the whole of the proposed area be designated rather than target known “hotspots” of hardened street drinkers, that provision be made of £13,500 from the enforcement budget to meet the cost of making the proposed Designation Order, and that the design and placement of signs identifying the proposed designated area described at Appendix 3 be approved.
2.0	<u>The Procedure for applying for a Designation Order</u>
2.1	The procedure for adopting a Designation Order requires extensive consultation, publicity and the erection of signage within the designated area. The procedure for applying for the designation order is attached at Appendix 2 . Progress made towards applying for the Order is attached at Appendix 3 .
3.0	<u>Consultation and Publicity preceding the Order</u>

3.1	<p><u>Consultation and publicity mechanisms</u></p>
3.1.1	<p>The following consultation mechanisms were undertaken within the prescribed 28 day period necessary for the Order:</p> <ol style="list-style-type: none"> 1. A consultation letter and response form was sent to the statutory consultation list, available as a background paper. 2. 1,000 leaflets were distributed within the Town Centre including Terminus Road, Grove Road, South Street, Bolton Road, Cornfield Terrace. 3. Notices were erected within the area bounded by Whitley Road, Seaside and Belmore Road. 4. The information and response form was placed on the Council Internet site. 5. A public notice was placed in the Gazette. 6. Press releases were published in the Herald.
3.2	<p><u>Response to the Consultation</u></p>
3.2.1	<p>198 responses were received from the consultation exercise, of these 187 were in support of the Order and 11 objected to the Order.</p>
3.2.2	<p>In summation respondents in support of the Order felt that the introduction of the Order would:</p> <ul style="list-style-type: none"> · prevent anti-social behaviour caused by public alcohol consumption, · improve the quality of life of residents and visitors within the area, · project a positive image of Eastbourne to visitors, · reduce the opportunity for under age drinking, and · increase the feelings of safety in the town centre

3.2.3	<p>In summation respondents objecting to the Order were concerned that:</p> <ul style="list-style-type: none"> · anyone harmlessly consuming alcohol in the area would be penalised, · the problems caused by excessive alcohol consumption would be moved into public houses and clubs and therefore the problems would not be resolved, · the problems of public alcohol consumption would be moved to areas outside the designated area, and · that the Police would not have the resources to enforce the Order.
3.2.4	<p>The Police Authority have responded in support of the Order but highlight that no additional police resources can be made available to enforce the Order, over and above the officers who are already committed to patrolling the town centre. The letter from the Police Authority is attached at Appendix 4.</p>
3.2.5	<p>7. All responses received are available as a background paper.</p>
4.0	<p><u>Publicity requirements before an Order takes effect</u></p>

4.1	<p>After making an order and before it takes effect, a local authority shall cause to be published in a newspaper circulating in their area a notice-</p> <p>a) identifying the place which has been identified in the order;</p> <p>b) setting out the effect of an order being made in relation to that place; and</p> <p>c) indicating a date on which the order will take effect. (Reg 7)</p>
5.0	<u>Signage for the Designated Area</u>
5.1	The final stage before the Order comes into effect is that the Council must erect sufficient signs to draw to the attention of members of the public the effect of the Order (Reg. 8).
5.2	The Leader of Council has approved the design of the signage for the designation order. The Highways department is currently surveying the proposed area to determine placement of signage. A company to manufacture the signage has been selected. A company to erect the signage has been selected.
5.3	There will be a need to replace and maintain the signage for the Order.
6.0	<u>Human Resource Implications</u>
6.1	The process for applying for the byelaw requires the assistance of a number of Council Services. This project has involved additional work for a number of officers across the council.

7.0	<u>Financial Implications</u>
7.1	Cabinet has make provision of £13,500 from the enforcement budget to meet the cost of making the proposed designation order (Cabinet 31 October 2001 11.1)
7.2	<p>There will be a need to replace and maintain the signage for the Order. Sufficient signage has been ordered to ensure replacement and maintenance for the next financial year. The Amenities Group estimate that there will be a need to replace 50 – 75 signs per annum at an estimated cost of £1,500. This provision should be taken into account in the next budget cycle of the Council.</p>

8.0	<u>Environmental Implications</u>
8.1	The designated area for the Order is largely a conservation area. This has been taken into account when determining the location and number of signs required in denoting the prohibition of alcohol consumption.
9.0	<u>Summary</u>
9.1	Members are requested to note the progress in designating an area where it will be an offence to consume alcohol in public. The consultation on the designation order has been carried out as required by legislation. There is overwhelming support for the Designation Order, 94.4% of the 198 responses received were in favour. The next steps are publication of a notice in the local press (to ensure that the area covered and the date of the order coming into effect are well known) finally notices need to be erected around the designated area. It is anticipated that the designation order will be fully in place and operational by the 30 th June 2002.
Justine Armstrong Strategic Development Officer	

<p>Background Papers:</p> <p>The Background Papers used in compiling this report were as follows:</p> <p>The Criminal Justice and Police Act 2001</p> <p>Cabinet Report 27th September 2000</p> <p>Cabinet Report 6th December 2000</p> <p>Cabinet Report 30th July 2001</p> <p>Cabinet Report 31st October 2001</p> <p>Statutory Consultation List</p> <p>Responses to Consultation</p> <p>To inspect or obtain copies of background papers please refer to the contact officer listed above.</p>	
<p>P&SGroup\Justine Armstrong\Community Safety Plan\Town Centre Action Group\By law/Designation Order Report 10.4.02</p>	

APPENDIX 2

Statutory Instruments

2001 No.2831

The Local Authorities (Alcohol Consumption in Designated Places) Regulations 2001

Consultation

3. (1) Before making an order, a local authority shall consult –

- a) the chief officer of police or police area in which the public place proposed to be identified in the order is situated;
- b) the parish or community council in whose area the public place is situated;
- c) the chief officer of police, the local authority and the parish or community council for any area near to the public place which they consider may be affected by the designation; and
- d) the licensee of any licensed premises in that place or which they consider may be affected by the designation

(2) Before making an order, a local authority shall also take reasonable steps to consult the owners or occupiers of any land proposed to be identified.

4. A local authority shall consider any representations as to whether or not a particular public place should be identified in an order whether made as a result of consultation under regulation 3, in response to a notice under regulation 5, or otherwise.

Publicity

5. Before making an order, a local authority shall cause to be published in a newspaper circulating in their area a notice –

- a) identifying specifically or by description the place proposed to be identified;
- b) setting out the effect of an order being made in relation to that place; and
- c) inviting representations as to whether or not an order should be made

6. No order shall be made until at least 28 days after the publication of the notice referred to in regulation 5.

7. After making an order and before it takes effect, a local authority shall cause to be published in a newspaper circulating in their area a notice-

- d) identifying the place which has been identified in the order;
- e) setting out the effect of an order being made in relation to that place; and
- f) indicating a date on which the order will take effect.

8. Before an order takes effect, a local authority shall cause to be erected in the place identified such signs as they consider sufficient to draw the attention to members of the public in that place to the effect of the order

9. A copy of the order made shall be sent to the Secretary of State.

APPENDIX 3

Task	Activities	Completed	Timescale

Consultation	<p>1. Consultation letter and response form sent to the statutory consultation list</p> <p>2. 1,000 leaflets distributed within the Town Centre including Terminus Road, Grove Road, South Street, Bolton Road, Cornfield Terrace</p> <p>3. Notices erected within the area bounded by Whitley Road, Seaside and Belmore Road</p> <p>4. Information and response form placed on the Council Internet site</p>	<p>Y</p> <p>Y</p> <p>Y</p> <p>Y</p>	January to February 2002
Publicity	<p>1. Public notice placed in the Gazette</p> <p>2. Press releases published in the Herald</p>	<p>Y</p> <p>Y</p>	January to February 2002
Report to Cabinet	Report to Cabinet 14.4.02 to consider representations	Y	April 2002
Order sealed, signed and dated	<p>1. Order drafted by Legal Services</p> <p>2. Order signed sealed and date</p>	Y	<p>January 2002</p> <p>April 2002</p>

Signage	<ol style="list-style-type: none"> 1. Leader of Council approve the design of the signage for the designation order 2. The Highways department surveying the proposed area to determine placement of signage 3. Order sent for manufacture of the signage 4. Order sent to the Company who will erect the signage 	Y	<p>February 2002</p> <p>February to March 2002</p> <p>April 2002</p> <p>May /June 2002</p>
Further publicity	<ol style="list-style-type: none"> 1. Public Notice in Gazette 2. Press release 3. Information placed on the Council Internet site 		<p>May / June 2002</p> <p>May / June 2002</p> <p>May /June 2002</p>
Order sent to the Secretary of Sate	Legal Services		May / June 2002