

Joint Area Committee – West – 18th February 2009

11. Criminal Justice and Police Act 2001 – Alcohol Consumption in Public Places – Crewkerne Town (Excepted Business)

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Purpose of the Report

To advise members of the outcome of the consultation which has been undertaken and to request that the designation order now be made for Crewkerne Town.

Recommendations

- (1) that this Committee make an Order designating the area referred to in the report and identified on the plan attached to this agenda (page 18) pursuant to Section 13 of the Criminal Justice and Police Act 2001 and that the Order is to take effect on the 6th April 2009;
- (2) that provision of up to £1,500 be made from the uncommitted balance in the Area Reserve.

Background

The power under the Criminal Justice and Police Act 2001 to designate an area with the result that it would become an offence to drink intoxicating liquor in that area was delegated by Council to the relevant Area Committee. Council also agreed that the Town or Parish Council who requested that part of their area be so designated should meet 50% of the cost of this procedure.

Drinking in Public

By virtue of section 12 of the Criminal Justice and Police Act 2001 it is an offence in a designated public place if a person fails to comply with a requirement of a constable that they stop drinking intoxicating liquor and that they surrender to him any containers of such liquor. It is an arrestable offence and carries a maximum fine of level 2 on the Standard Scale (currently £500).

Section 13 of the Act allows this Council, by Order, to designate any public place for the purposes of Section 12 if it is satisfied that there is nuisance to the public or disorder and it has been associated with the drinking of intoxicating liquor in that public place. Licensed premises cannot form part of a designated public place.

Before making the Order the Council is required to consult the Police, the Town Council, licensees for the proposed area and owners/occupiers of land proposed to be identified. The Council has also advertised the proposal inviting representations from the public.

The consultation exercise has been completed and the period for making representations has also expired. This Committee is now required to consider the results of the consultation and representations received: -

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- There have been no objections to the making of the order from the public, any licensee or landowner within the proposed area. There has been support from these sections of the community to the proposal.
- The Police and the Town Council identified the area they wished to see form the designated area and the Police support the proposed extension of the designated area. They see it as an integral part of their crime reduction strategy for the Town. This area is the area on which the consultation was based.

The next steps, if the Committee agrees to make the order, are to advertise that the order has been made and indicate the date on which it will take effect. Appropriate signs need to be in place before the order can take effect.

The areas in respect of which the order will be made are as follows: -

STREETS

Market Square, Bincombe Lane, Silk Path, Market Street, Rose Lane, Abbey Street, North Street (from Rose Lane to Market Square), Church Street, Church Steps, Court Barton, Oxen Road, Banking Court, West Street, Gouldsbrook Terrace, Gouldsarton, South Street (from Henhayes Lane to Market Street), Henhayes Lane, Bryants Row, Orchard Lane, Cossins Lane, Falkland Square, George Precinct and George Lane.

OTHER AREAS

Areas known as Abbey Street Car Park, South Street Car Park, Henhayes Recreation Ground and St. Bartholomew's Churchyard.

Financial Implications

The Committee would be required to meet 50% of the costs of any Orders made by them. The total costs of making an Order should be in the region of £2,000 - £3,000. Crewkerne Town Council has already agreed to contribute 50% of the costs, up to £1,500. The costs of enforcement of the order will be a matter for the Police.

Other Implications

There are no other implications.

Background Papers: *Criminal Justice and Police Act 2001 & letter from Home Office dated 24th August 2001, Agenda and Minutes of District Executive meeting held on 4th October 2001 and Council meeting held on 18th October 2001 and authors working papers.*