

DESIGNATION OF ALCOHOL FREE ZONE CITY CENTRE

RECOMMENDATION

- 1.1 To approve the designation of land in the City Centre listed in Appendix 2 as an Alcohol Free Zone.
- 1.2 To authorise the Director of Corporate Services to make the necessary Order; advertise it in a local paper and erect signs in the designated area.

SUPPORTING INFORMATION

Background

- 2.1 The Council has previously made byelaws which regulate the consumption of alcohol in certain public areas in the city. Three areas are currently covered, the City Centre, Sinfen and Spondon. However these byelaws will automatically cease to have effect by 2006.

New Legislation

- 2.2 In September 2001 the Government introduced new powers for local authorities to restrict anti-social drinking in public places by designating an area as an Alcohol Free Zone (AFZ).
- 2.3 The new designation procedure has two main advantages over the existing byelaws. Firstly it gives the Police much greater enforcement powers, including the power of arrest. Secondly the designation process is less onerous; byelaws could only come into force if confirmed by the Home Office and a great deal of supporting documentation had to be submitted.

Effect of Designation

- 2.4 The effect of designation as an AFZ is that the Police will have the power to require a person in the designated area not to drink where a Police Officer believes that the person is, has or intends to so do. The Officer can also require the person to surrender any alcohol. Failure to comply with the Officer's request without reasonable excuse will be an arrestable offence.

Criteria for Designation

- 2.5 The new law is not intended to lead to a complete ban on drinking in the open air but rather to restrict drinking which is associated with nuisance or annoyance to the public.
- 2.6 Before making an AFZ Order the Local Authority should be satisfied that public nuisance, annoyance or disorder have been associated with public drinking in the area concerned and that a Designation Order is appropriate.
- 2.7 The Home Office guidance stresses that local authorities will want to satisfy themselves that their new powers are not being used disproportionately or in an arbitrary fashion and comments that, "clearly there should be evidence of an existing problem with an assessment of the likelihood that the problem will continue unless these powers are adopted".

Existing Zones

- 2.8 Five areas in the City have so far been designated as Alcohol Free Zones:
- North Parade and the surrounding area (April 2003)
 - Alvaston shopping precinct (October 2003)
 - Oakwood shopping precinct and surrounding area (May 2004)
 - Chaddesden Park and the surrounding areas (August 2004)
 - Part of Normanton (August 2005).

City Centre Designation

- 2.9 The area of the City Centre currently covered by the byelaws is shown on the plan at Appendix 3 and this was the starting point for the proposed new AFZ. However, following consultations with the Police and Councillors it was decided to extend the proposed zone to include the additional areas shown on the plan at Appendix 3 because of the alcohol related incidents in these areas. A large scale map showing the areas to be designated will be displayed at the Council meeting.

Justification for Designation

- 2.10 In support of the proposal the Police have submitted a letter from Inspector Graham McLaughlin and a report from Sergeant Alan Sandeman, who is in charge of the City Centre policing team. The report attached at Appendix 4 states that "there have been 999 Crimes of Violence reported to the Police in the City between 1 January to 17 October 2005. These range from assaults to street robberies to public order offences, many of which are exacerbated by alcohol. For the same period there have been 1899 calls for anti-social behaviour, which include rowdy behaviour, aggressive begging and street drinking".
- 2.11 In relation to that part of the proposed AFZ that falls into the Police area known as the Stockbrook neighbourhood; the Area, Inspector Gary Parkin comments, "This is an area of high crime and anti-social behaviour. A great deal of the low level criminality is associated with problematic public drinking by gangs of teenagers which leads to crime in and around the Stockbrook Park area.

There is also a well documented problem of anti-social behaviour around Abbey Street and Monk Street, Derby by a number of offenders who are usually drunk or drinking. There is an increase of crime in that area as persons make their way home from the City Centre". He adds, "An alcohol free zone would allow the Police to control the behaviour of these offenders and improve the lives of the community in the Stockbrook area".

Other Consultees

- 2.12 In addition to consulting the Police, the Council must before making a Designation Order:
- consult licensees within that area or those who may be affected by it
 - take reasonable steps to consult the owners and occupiers of private land identified in that Order.
- 2.13 Letters of consultation have therefore been written to 122 licensed premises (Appendix 5) in the area and to private landowners. A letter detailing the proposals has also been sent to Ward Councillors and Derby Community Safety Partnership.

Public Notice

- 2.14 A public notice has also appeared in the Derby Evening Telegraph on 24 October 2005 setting out the effect of the Order and inviting any representations by 21 November 2005. This is attached at Appendix 6.

Response to Consultations

- 2.15 A summary of responses to the consultation process, most of which are very supportive of the proposal, are attached at Appendix 7.

Next Steps

- 2.16 Should Council approve the making of the AFZ for the City Centre, the decision would have to be published in the local newspaper (Derby Evening Telegraph) and signs erected (to ensure the public were made aware of the restrictions on public drinking) before the Order takes effect.
- 2.17 It is hoped that we can use some of the signage erected when the byelaws come into force but some will need replacing and new ones will be needed for the areas not previously covered.
- 2.18 In total therefore it is currently estimated that about 30 new signs will be needed. The exact location of these will be fixed in consultation with the Police and our own planning and highway officers.

When Come into Effect

- 2.19 It is hoped to bring the Order into effect on 23 December 2005.

For more information contact:	Stuart Leslie 01332 255450 email stuart.leslie@derby.gov.uk
Background papers:	None
List of appendices:	Appendix 1 – Implications Appendix 2 – List of streets/land to be included Appendix 3 – Plan showing area covered by old byelaws and new areas Appendix 4 – Police Response to Consultation Appendix 5 – Letter to Licensed Premises Appendix 6 – Public Notice in Derby Evening Telegraph Appendix 7 – Summary of Responses to Public Consultation

IMPLICATIONS

Financial

- 1.1.1 The cost of advertising the proposed designation was £646.10 and the same sum will be spent again if the designation is approved. It is estimated that the signs will cost approximately £2,500.00 to order and install.
- 1.2 There is no specific provision within the Council's 2005/2006 revenue budget. Attempts will be made to contain expenditure within the existing budgets.

Legal

- 2. Section 12 – 16 of the Criminal Justice and Police Act 2001 gives local authorities the power to designate AFZ and the procedure to designate is set out in the Local Authorities (Alcohol Consumption on Public Places) Regulations 2001.

Personnel

- 3. None

Equalities

- 4. None

Corporate objectives and Priorities for change

- 5. The introduction of the AFZ should contribute towards the following by reducing alcohol related incidents;

Objectives : Healthy, safe and independent communities

Priorities for Change: Responding to people's needs

ALCOHOL FREE ZONE – CITY CENTRE – STREETS / LAND TO BE INCLUDED

Abbey Street (from Curzon Street to its junction with Spa Lane)
Abbotts Barn Close
Albert Street
Albion Street
Amen Alley
Assembly Rooms Car Park approach
Babington Lane
Back Sitwell Street
Becket Street
Becket Well Lane
Bloom Street
Bold Lane
Bourne Street
Bradshaw Way
Bramble Street
Castle Street
Cavendish Court
Cavendish Street
Chapel Street
Cheapside – including footpath to Bold Lane Car Park
Churchside Walk
College Place
Colyear Street
Cornmarket
Corporation Street
Curzon Street
Degge Street
Derwent Street – from Corporation Street to Exeter Bridge
East Street
Exchange Street
Ford Street
Friar Gate – from Wardwick to its junction with Ford Street
Full Street
George Street
George Yard
Gower Street
Green Lane
Irongate
Jury Street
King Street – from St Alkmunds Way to Causey Bridge
King Street Passage – from King Street to Chapel Street
London Road – from The Spot to Bradshaw Way
Macklin Street
Market Place – excluding licensed premises fronting Assembly Rooms)
Morledge
Newland Street
Normanton Road – from Green Lane to Sacheverel Street
Queen Street

Osmaston Road – from The Spot to its junction with Charnwood Street
Sacheverel Street
Sadler Gate
Sadler Gate Bridge
St James' Street
St Mary's Gate
St Michael's Church Yard
St Michael's Lane
St Peter's Churchyard
St Peter's Street
Sitwell Street
Sowter Street – from Full Street to King Street
Strand
Tenant Street
The Cockpitt – western side from Traffic Street to St Alkmunds Way
The Spot
Thorntree Lane
Traffic Street
Upper Hill Street
Victoria Street
Walker Lane
Wardwick
Willow Row
Uttoxeter New Road – from Curzon Street up to and including its junction
with Peet Street
Peet Street
Drewry Lane
Kensington Street
Talbot Street
Drewry Court
Laverstoke Court
Ward Street
Jackson Street
Lynton Street
Parliament Street – from No.106 to No. 83
Edensor Square
Bakewell Street
Stockbrook Street – from Abbey Street up to and including frontage of number 61
Werburch Street
King Alfred Street
Wolfa Street
Dunkirk
Forman Street
Monk Street
Alma Street
Gerard Street
Grey Street
Spa Lane
Harcourt Street
Rosengrave Street
Webster Street
Forester Street

Wilson Street
Crompton Street
Gerard Court
Hill Brow

Covered Shopping Areas

Public Ways and Amenity areas within Market Hall
Public walkways through Audley Centre (Private)
Walkway through Strand Arcade (Private)

Service Areas, Accesses and Roadways

Market Hall Service Yard and Access
Access to Oakes Yard off Green Lane (Private)
Access adjacent to 7 Green Lane (Private)
Access to south of Industrial Museum

Car Parking Areas, Coach/Bus Station

Assembly Rooms Car Park
Car Park adjacent to Council House
Public Car Park – Ford Street
Public Car Park – Sacheverel Street
Public Car Park – Bold Lane
Public Car Park – Drewry Lane
Car Park adjoining Forester House, Becket Street (Private)
Car Park off Bradshaw Way (Private)
Car Park including access off Babington Lane (Private)
Amenity, service parking and taxi ranks at the Bus Station
Abbey Street Public Car Park
Green Lane Public Car Park
Car Park – Gerard Street/Eley Walk
Dunkirk garage court
Jackson street garage court
Car Park fronting 94-112 Parliament Street
Car Park between 91 and 93 Parliament Street
Car Park fronting 66-74 Parliament Street
Car Park fronting 1-7 Edensor Street

Open and Amenity Areas

Open Space – Bold Lane
Land surrounding the Council House
Open Space to south of Industrial Museum
Guildhall approach, Market Place
Land fronting Ambulance Station, Willow Row (Private)
Open Space and parking fronting Museum Stores, Willow Row
Market Place, including Sir Peter Hilton Gardens
Museum Square and access
Osnabruck Square
Riverside Gardens

Riverside Walk/Cycle Path from St Alkmund's Bridge to Causey Bridge
Riverbank between St Alkmund's Bridge to Causey Bridge
Open Space north of Industrial Museum
The Spot (part)
St Werburgh's Church Grounds, Friar Gate (Private)
Frontage to St Peter's House, Gower Street (Private)
Frontage to County Court, Morledge
Lane adjacent to 2 Sadler Gate Bridge (Private)
Blacksmith's Yard
Frontage of 1 -4 and 17 Victoria Street
Open Space – Wilson Street/Gerard Street/Abbey Street
Open Space – Forester Street/Wilson Street/Gerard Street
Open Space – Gerard Street/Gerard Court
Open Space – Spa Lane/Grey Street
Open Space – Drewry Lane/Peet Street

LETTER TO LICENCED PREMISES

Your Reference

Our Reference

SL/TLC/9475

Date

10 October 2005

Contact

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«Address_1»

«Address_2»

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Dear Sir/Madam

ALCOHOL FREE ZONES

The Council are considering introducing an Alcohol Free Zone in the City Centre. The streets/land proposed to be designated are shown on the attached notice. I have also included a plan for identification purposes.

The effect of the designation if introduced will be that a police officer will have the power to require a person on designated land not to drink alcohol where the officer believes that that person is, has or intends to. The officer can also require the person to surrender any alcohol. Failure to comply with the officer's request without a reasonable excuse will be an arrestable offence.

I would stress that the designation is not intended to be a complete ban on drinking in the open air, it is intended to restrict drinking where it is associated with nuisance and annoyance to the public.

As a licensee near the proposed land, I would welcome any comments you have on the proposed designation. **Can you please let me have this in writing in the next 21 days.**

If you require any further information please contact me on 01332 255450 or email stuart.leslie@derby.gov.uk.

Yours faithfully

Stuart Leslie
Chief Legal Officer

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ALCOHOL FREE ZONE: CITY CENTRE

SUMMARY OF RESPONSES TO CONSULTATION

City Centre Management -	"We are in full support of the proposal".
La Cave Robert (Market Hall) -	"... I support the proposals ... an alcohol free zone in the City Centre as proposed is an excellent idea ... "
Marks & Spencers -	"I totally support this ..."
Derby Cathedral Gift Shop -	"I welcome the initiative"
Assembly Rooms and Guildhall -	"I am quite happy for the proposed designation to go ahead"
Tonic (Friar Gate) -	"I ... confirm our support for the initiative ..."
Bar Lisi (Sadlergate) -	"I would welcome a ban on street drinking"