

## DESIGNATION OF ALCOHOL FREE ZONE SINFIN

### RECOMMENDATION

- 1.1. To approve the designation of land in Sinfín listed in Appendix 2 and shown outlined and shaded on the attached plan at Appendix 3, as an Alcohol Free Zone
- 1.2 To authorise the Director of Corporate and Adult Social Services to make the necessary order, to advertise it in the local paper and erect signs in the designated area

### SUPPORTING INFORMATION

#### Background

- 2.1 The Council has previously made byelaws to regulate the consumption of alcohol in parts of Sinfín however under the new legislation these will automatically cease to have effect by September 2006. It's therefore proposed to make a new designation under the latest legislation to replace the byelaws.

#### 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 do so. 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".

### **Consultations with the Police**

- 2.8 The Police were consulted on the proposed AFZ and in March 2006 they responded. The response included a report from the local beat officer, PC Ramwell, who stated, "that the fact that the area is designated alcohol free zone enables it to be policed in a robust manner which has greatly improved the lives of residents".
- 2.9 The Local Inspector, Inspector Parkin, added that the areas designated, under the new legislation "would be a useful tool to combat alcohol related fines and incidents."

### **Other Consultees**

- 2.10 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 land identified in that Order.

Letters of consultation have therefore been sent to the licensed premises in the area.

- 2.11 Letters detailing the proposals have also been sent to Ward Councillors, the Council's Parks and Sport and Leisure Section's and Derby Homes and the Derby Community Safety Partnership.

## Public Notice

- 2.12 A public notice has also appeared in the Derby Evening Telegraph on 30 May 2006, setting out the effect of the Order and inviting any representations by 27 June 2006. This is attached at Appendix 4.

## Response to Public Consultation

- 2.13 One written response has been received to the public consultation. This is from the Derby Golf Club supporting the designation. A copy is attached at Appendix 5.

## Next Steps

- 2.14 Should Council approve the making of the AFZ for Sinfin, 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.
- 2.15 Approximately 10 signs will be erected within the area if it is designated and the Police together with the Council's Planning and Highway, Parks and Sports and Leisure Sections have been consulted on their location.

<b>For more information contact:</b>	Stuart Leslie 01332 255450 email <a href="mailto:stuart.leslie@derby.gov.uk">stuart.leslie@derby.gov.uk</a>
<b>Background papers:</b>	None
<b>List of appendices:</b>	Appendix 1 - Implications Appendix 2 - List of streets/land to be included Appendix 3 – Plan of proposed designated area. Appendix 4 - Public Notice in Derby Evening Telegraph Appendix 5 - Responses to Public Consultation

## IMPLICATIONS

### Financial

- 1.1.1 The cost of advertising the proposed designation was £279.30 and the same sum will be spent again if the designation is approved. It is estimated that the signs will cost approximately £1,000 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