

## Report to: Executive Board

<p><b>Report of: David Hill, Head of Strategic Policy and Research</b></p> <p><b>Report Author:</b> <b>Richard Adams, Crime Strategy Adviser</b></p> <p><b>Lead Member Councillor responsible:</b> <b>Councillor Susan Brown (Crime and Community Safety Portfolio)</b></p> <p><b>Overview and Scrutiny Committee Responsibility:</b> <b>Economic and Social Well-Being</b></p> <p><b>Key Decision: Yes</b></p>	<p><b>WARDS AFFECTED</b> Carfax, Holywell, St Clement's, St Mary's, Northfield Brook</p>
<p><b>SUMMARY AND RECOMMENDATIONS</b></p> <p>As a result of preliminary consultation with Area Committees and Thames Valley Police, the Executive Board are asked to note that the areas listed below have been identified for possible Designation Orders under the Local Authorities (Alcohol Consumption in Designated Public Place) Regulations 2001.</p> <p>The Executive Board is asked to authorise the Head of Strategic Policy and Research to embark on the consultation exercise set out in the regulations. On completion of the consultation, full Council will be invited to designate the areas identified, in accordance with the Criminal Justice and Police Act 2001.</p> <p>The areas identified for further consultation are:</p> <ul style="list-style-type: none"> <li>• Cornmarket Street, Queen Street, Bonn Square, New Inn Hall Street, Frewin Court, George Street, Shoe Lane, St Michael's Street, Gloucester Street, Friar's Entry, Magdalen Street, Victoria Court, Red Lion Square, St George's Place, Gloucester Green, Chain Alley, Gloucester Green Bus Station and Gloucester Lane.</li> <li>• Little Clarendon Street and Wellington Square.</li> <li>• Blackbird Leys Shopping Parade.</li> <li>• Magdalen Bridge and The Plain.</li> <li>• Manzil Way, SS Mary and John Churchyard, Chapel Street, Union</li> </ul>	

**Street Car Park and the section of Cowley Road from Union Street to  
Magdalen Road.**

### Introduction

On 27<sup>th</sup> May 2002, the Executive Board considered the first report on Alcohol Free Zones and resolved:-

- to ask the Strategic Policy and Research Manager, liaising as necessary with other appropriate Business Units, to discuss with the Police the possibility of designating public areas in Oxford in which it could become an offence to drink alcohol after being required by a police officer to cease to do so, and to report back;
- to invite the Economic and Social Well-Being Overview and Scrutiny Committee/Environment Overview and Scrutiny Committee to consider the issues raised by the report.

### Background

On 1<sup>st</sup> September 2001 Sections 12-16 of the Criminal Justice and Police Act 2001 came into force. These provide local authorities with new "adoptive" powers to restrict anti-social public drinking in designated public places and also provide the Police with power to enforce this restriction. Regulation 10 of the Local Authorities (Alcohol Consumption in Designated Public Place) Regulations 2001 makes an amendment to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, to the effect that making designation orders will not become a function of the Executive but will remain with the Council.

### The Designation Order

The Order gives the police the power to require a person not to drink alcohol in a designated public place and to surrender alcohol. It will not be an offence to drink alcohol in a designated place but failure to comply with a police officer's requirements in respect of public drinking in a designated place, without reasonable excuse, will be an arrestable offence.

A person will be liable on conviction by a Magistrates' Court to a maximum fine of £500. There is an automatic exemption where the Council has permitted tables/chairs on the highway or where the sale of alcohol has been allowed under an occasional licence, i.e. for events.

The Council has to satisfy itself that there is evidence of an existing problem of nuisance or annoyance to the public, or disorder, associated with public drinking in the place it wishes to designate as an Alcohol Free Zone, and that it is likely to continue without using these powers. It is not intended that the power should be used for blanket bans on drinking in the open air. The power to make an Order includes a power to identify a place either specifically or by description. Designation without necessary evidence would breach the Human Rights provision that every person is entitled to peaceful enjoyment of their possessions.

Home Office Guidance warns Councils against using the power disproportionately or in an arbitrary fashion. Where there have been no drink-related problems associated with a particular place it is considered that its inclusion within a designation Order would not be appropriate. Further more, isolated incidents will not be sufficient justification.

### Overview and Scrutiny

The Economic and Social Well-being Scrutiny Committee set up a working group to work alongside the report author in the production of this report. The report will be discussed by a special meeting on the 12<sup>th</sup> August where further views of the committee will be submitted to the Executive Board.

### Areas considered

All Area Committees discussed the issue during July 2002 and were asked to propose areas.

The areas considered were : the city centre, Grandpont, Little Clarendon Street, Mill Street (Osney), Magdalen Bridge and The Plain, Cowley Road area surrounding Manzil Gardens, Underhill Circus (Barton), Mill Lane (Old Marston), London Road shops (Headington), Atkyns Road (Wood Farm), Broad Oak (Wood Farm) and Magdalen Woods (Wood Farm), Blackbird Leys Road by the shops and Rose Hill.

### Evidence gathering

A four point assessment of each area was undertaken.

- The police, particularly the local community police officers were asked for their opinion of alcohol related anti-social behaviour caused by drinking in a public place.
- The number of incidents reported to the police in the 12 month period 1<sup>st</sup> July 2001 – 30<sup>th</sup> June 2002 that were considered as being “Disorder on the street or in licensed premises”, or “Disorder through drunkenness” were collated. This gave an indication of the size of the problem within an area but does not capture all relevant incidents.
- All incident logs for each area were scrutinised for any reference to alcohol between 1<sup>st</sup> April 2002 and 23<sup>rd</sup> July 2002. The incidents were then logged.
- Collation of all consultation with the public or retailers in the proposed areas.

After assessment some proposed areas were not considered suitable for a Designation Order, due to a lack of evidence of anti-social behaviour caused by drinking alcohol in a public place or lack of support for an Order. Some proposed areas only had reports of isolated incidents of “street drinking”, whilst other reports perceived to be related to alcohol were actually mental health incidents.

### Areas Recommended for a Designation Order

After considering the results of the four stage assessment the following areas are recommended for a designation Order :

- Cornmarket Street, Queen Street, Bonn Square, New Inn Hall Street, Frewin Court, George Street, Shoe Lane, St Michael’s Street, Gloucester Street, Friar’s Entry, Magdalen Street, Victoria Court, Red Lion Square, St George’s Place, Gloucester Green, Chain Alley, Gloucester Green Bus Station and Gloucester Lane.

- Little Clarendon Street and Wellington Square.
- Blackbird Leys Shopping Parade.
- Magdalen Bridge and The Plain.
- Manzil Way, SS Mary and John Churchyard, Chapel Street, Union Street Car Park and the area of Cowley Road from Union Street to Magdalen Road.

#### Consultation

The Council is required to :

- consult with licensees and owners/occupiers of any land affected by an Order;
- place a public notice in a local newspaper identifying the areas to be included in an Order. No Order can be made for at least 28 days after this notice has been published;
- after the Order has been agreed a newspaper notice must be placed informing the public of the area of the Order;
- signs must be erected in the designated area;
- planning permission may not be needed if placed on Local Authority buildings under schedule 3 of part 1 of class 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992, however a more accurate assessment can be made when specific locations are known;
- the costs of the signs will be funded by the Strategic Policy and Research Unit.

#### **Recommendation**

**As a result of preliminary consultation with Area Committees and Thames Valley Police, the Executive Board are asked to note that the areas listed below have been identified for possible Designation Orders under the Local Authorities (Alcohol Consumption in Designated Public Place) Regulations 2001.**

**The Executive Board are asked to invite the Head of Strategic Policy and Research to embark on the consultation exercise set out in the regulations. On completion of the consultation, Full Council will be invited to designate the areas identified in accordance with the Criminal Justice and Police Act 2001.**

**The areas identified for further consultation are:**

- **Cornmarket Street, Queen Street, Bonn Square, New Inn Hall Street, Frewin Court, George Street, Shoe Lane, St Michael's Street, Gloucester Street, Friar's Entry, Magdalen Street, Victoria Court, Red Lion Square, St George's Place, Gloucester Green, Chain Alley, Gloucester Green Bus Station and Gloucester Lane.**

- **Little Clarendon Street and Wellington Square.**
- **Blackbird Leys Shopping Parade.**
- **Magdalen Bridge and The Plain.**
- **Manzil Way, SS Mary and John Churchyard, Chapel Street, Union Street Car Park and the section of Cowley Road from Union Street to Magdalen Road.**

THIS REPORT HAS BEEN SEEN AND APPROVED BY :  
Councillor Susan Brown, Crime and Community Safety Portfolio  
David Hill, Head of Strategic Policy and Research