
**Decision Session – Cabinet Member for Crime and
Stronger Communities**

21st January 2014

Report of the Assistant Director of Housing & Community Safety

Designated Public Place Order / Alcohol Restriction Zone

Summary

1. The purpose of this report is to ask the Cabinet Member to approve the boundary for a new Designated Public Place Order, more commonly known as an Alcohol Restriction Zone (ARZ). The new area will include all of the area within the City Walls and York Railway Station.

Background

2. Earlier this year following reports from North Yorkshire Police (NYP), British Transport Police (BTP), businesses, residents and other interested parties who are represented at the Alcohol, Violence and Night-time Economy Group (AVANTE) a request was made for the council to consider a ARZ given the intelligence provided regarding an increase in issues relating to people consuming alcohol in public places. The intelligence highlighted a combination of known street drinkers and people purchasing alcohol from off licences and consuming it in the street between visiting bars/pubs (alcohol from 'off licences' is cheaper than from 'on licensed' premises).
3. Following the request the Cabinet Member, at the request of the Head of Community Safety, agreed that the Council go out for consultation with regards to introducing a new ARZ that would cover the area within the City Walls and York Railway Station, a plan of the proposed zone can be found at Annex 1.
4. Section 13 of the Criminal Justice and Police Act 2001 (the Act) allows local authorities to regulate the consumption of alcohol in designated public places.
 - Subsection (1) – a place is a designated public place if it is -

- a) a public place in the area of the local authority; and
 - b) identified in an order made by that authority under subsection (2).
- Subsection (2) – a local authority may for the purposes of subsection 1 by order identify any public place in their area if they are satisfied that –
 - a) nuisance or annoyance to members of the public or a section of the public; or
 - b) disorder has been associated with the consumption of alcohol in that place.

5. Section 12 of the Act gives the police powers to deal with alcohol consumption in designated public places.

- Subsection (1) – subsection (2) applies if a constable reasonably believes that a person is, or has been, consuming alcohol in a designated public place or intends to consume alcohol in such a place.
- Subsection (2) – the constable may require the person concerned:
 - a) not to consume in that place anything, which is, or which the constable reasonably believes to be alcohol;
 - b) to surrender anything in his possession which is, or which the constable reasonably believes to be alcohol or a container for alcohol.
- Subsection (3) – a constable may dispose of anything surrendered to him under subsection (2) in such manner as he considers appropriate.
- Subsection (4) – a person who fails without reasonable excuse to comply with a requirement imposed on him under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- Subsection (5) – a constable who imposes a requirement on a person under subsection (2) shall inform the person concerned that failing without reasonable excuse to comply with the requirement is an offence.

6. Section 14 of the Act – places which are not designated public places
 - premises with a premise licence under the Licensing Act 2003 authorising the sale/supply of alcohol;
 - premises with a club premises certificate under the Licensing Act 2003 authorising the sale/supply of alcohol;
 - places within the curtilage of any premises with a premise licence or club premise certificate;
 - premises that are subject to a Temporary Event Notice. NB the proposed order will not apply only at times when alcohol is being served under the notice and with 30 minutes thereafter;
 - places where the sale or consumption of alcohol is permitted on public highway under section 115E Highways Act 1980.

7. Even though street drinking is more evident during daylight hours, the introduction of the ARZ forms part of the AVANTE Groups action plan. This in turn contributes to the Councils wider strategy in relation to the Late Night Economy which covers the wider issues such as revitalising the early evening period between 5.00 pm – 7.00 pm, along with waste and transport issues.

Consultation

8. A formal consultation was undertaken between 13 September to the 13 October. A legal notice was placed in the York Press on the 13 September regarding the consultation and proposed zone. All licensed premises within the proposed ARZ area were consulted along with Ward Councillors, NYP, BTP, all responsible authorities named under the Licensing Act 2003 and representative of AVANTE.

9. Due to the issues of cost it was not possible to consult with every premise within the city walls. All reasonable steps have been taken to consult with businesses and residents, this has been done in the following ways:
 - Consultation took place with the members of the two ward planning teams. These meeting included membership from local community interest groups, local residents associations, local businesses, local education representatives and other interested

parties. Meetings were attended, and the workings of the ARZ and the consultation were explained.

- Information regarding the legal consultation was made available to the public on the Safer York Partnership (SYP) and NPY websites. A series of frequently asked questions and maps were also provided. A feedback mechanism was put in place through the website for people to be able to respond to the consultation. This information was promoted as the key story on the main page throughout the consultation on SYP website.
- Information regarding the consultation was made available to the public via the Safer York Partnership, Twitter and Facebook feeds. The Twitter feed has approximately 1200 followers and the Facebook feed has approximately 500 followers. Of these 1700 followers, it is estimated that around 20% are city centre based business premises within the proposed ARZ.
- Information regarding the legal consultation was made available to the public via the North Yorkshire Police Safer Neighbourhood Area Twitter feeds. This twitter feed has approximately 1500 followers. It is also estimated that around 20% are city centre based business premises and 5% are residents or community interest groups within the proposed ARZ.
- A press release was sent to The Press, detailing the consultation.

10. NYP City Safer Neighbourhood Team ran a postal consultation with residents over the summer months (July to September), these questionnaires were distributed to most residential properties within the city walls which are west of the river. The consultation was aimed at collating views on issues within the city centre which they believed the police could address, some of these issues related to alcohol. Questions ranged from whether residents had witnessed any forms of anti-social behaviour, when and where this had taken place, and solutions that residents could suggest to reduce the level of problems.
11. Safer York Partnership assisted with the collation of responses to this questionnaire. There were 123 replies returned to NYP. The individual responses which mentioned some form of alcohol restriction, have been extracted from the overall response and are contained in the consultation responses. As NYP were already completing a street-level, face-to-face consultation which asked question on a similar theme to the ARZ consultation, it would be reasonable to use this

information, as it helps to build a picture of residents views who live within the proposed zone.

12. Responses to the consultation can be found at Annex 2.

Options

13. Option 1: instruct officers to place a legal Order, under the Criminal Justice and Police Act 2001 Section 13(2), on the area of land within the City Walls and York Railway Station as a Designated Public Place.
14. Option 2: instruct officers to take no further action.

Analysis

15. City of York Council already has 20 Designated Public Places Orders, they cover the following areas:

Area	Year introduced	Area	Year introduced
Glen Gardens, Heworth	April 2002	Cleveland Street	September 2004
Poppleton Community Centre	April 2002	War Memorial Gardens (Leeman Rd)	October 2004
Woodthorpe Green	November 2002	Salisbury Terrace	February 2006
Scarcroft Green	December 2003	Exhibition Square	March 2006
Rawcliffe / Clifton Library	December 2003	Museum Gardens	September 2006
Clifton Moor Community Church	January 2004	Copmanthorpe	March 2007
Rawcliffe Lake	January 2004	Duncombe Place	March 2007
Acomb Green	February 2004	Strensall & Towthorpe	April 2008

Walmgate	March 2004	Clarence Gardens	September 2009
Clifton Without, Rawcliffe and Skelton	March 2009	Union Terrace	October 2010

16. The introduction of Orders for these areas has assisted the police and local communities in dealing with issues relating to people drinking in the street. However, in some areas they have displaced street drinkers into other locations, for example St Saviourgate and The Pavement is a known area for street drinkers, these drinkers have been displaced from Walmgate.
17. A map of the proposed ARZ showing existing ARZ within the vicinity can be found at Annex 3.
18. Over the last 5 years the authority has seen an increase in small supermarkets opening within the city centre. This has led to an increase in the number of issues within the city with people consuming alcohol in the street. It is evident that people visiting the city centre to socialize in the pubs / bars / nightclubs, are now including visits to off licences to purchase alcohol, which they then consume in the street. Alcohol purchased from off licensed premises is cheaper.
19. York has from many years been a popular destination for stag and hen party to spend a weekend and over the last few years for people from the north east visit on a Saturday. Most of the people travel to the city by train. BTP have to deal with a number of issues with people consuming alcohol at York Railway Station, this includes people arriving and departing.
20. Alcohol related incidents data supplied by NYP, BTP, York District Hospital and other parties for the city have been analysed by members of the AVANTE Group to establish a suitable boundary for the zone. This data shows there is a strong long-term evidence base for the proposed boundary of the ARZ for within the City Walls and York Railway Station. The relevant data has been reviewed by council officers and supports the proposed order. This data can be found at Annex 4.
21. Due to the increase in issues relating to street drinking the proposal to introduce a new ARZ for the area within the City Walls and York

Railway Station is supported by NYP, York's Street Angels, York District Hospital, Ward Councillors, local residents and the Council's Public Health, Environmental Protection and Trading Standards Sections. Details of some comments received are as follows:

- Although ASB is reducing across the City of York it is a particular problem in the city centre and the vast majority of it is associated with alcohol. An Alcohol Restriction Zone gives police officers and PCSO's increased powers to seize and dispose of alcohol when its possession / consumption is linked to ASB.
- As part of the Council plan, the City of York Council is committed to creating safer inclusive communities and protecting vulnerable residents within the City. In order to help achieve these objectives, Trading Standards enforce the legislation in relation to the sale of alcohol to under 18's by carrying out the testing of premises to ensure compliance with law.
- We often find that while individuals have some form of control on their alcohol intake whilst inside licensed premises, they are free of this control once they have either been evicted from the premises or left of their own accord.
- It will be a useful tool to assist us in resolving issues around Anti Social Behaviour and Alcohol Related Disorder particularly at weekends but also at relevant times through the week.
- Alcohol related disorder and Anti social behaviour is a very real problem in York city centre, and indeed at the Railway Station and I feel that this legislation would give the police a valuable tool to combat some of the linked issues through the confiscation and control of drinking in public areas.
- We support the inclusion of the station as there has been a recent history of street drinkers gathering opposite the station that Council Officers, the police and other agencies have been trying to address.

22. The Councils are aware that the introduction of this ARZ has the potential to displace known street drinkers into other areas; the extension of the ARZ as suggested should help alleviate this. However, to ensure that any potential displacement is addressed, the AVANTE task groups will consider this issue further and look at what additional measures may be required.

Council Priorities

23. The introduction of a new Order will support the Council's priorities to protect vulnerable people and build strong communities by giving the police relevant power to deal with anti-social behaviour and crime and disorder associated with the consumption of alcohol in public places.

Implications

24. The implications arising from this report are:
- **Financial:** There are no financial implications associated with this report.
 - **Human Resources:** There are no Human Resources implications associated with this report.
 - **Equalities:** There are no Equalities implications associated with this report.
 - **Legal:** The legal basis for the introduction of an ARZ is set out within the body of the report. However, there are no direct legal implications associated with this report.
 - **Crime and Disorder:** The introduction of an ARZ for this area will assist the police address crime and disorder issue in relation to the consumption of alcohol in public places.
 - **Information Technology (IT):** There are no IT implications associated with this report.
 - **Other:** There are no other implications associated with this report.

Risk Management

25. There are no known risks associated with this report.

Recommendations

26. The Cabinet Member is asked to:
- Approve Option 1 to instruct officers to place a legal Order, under the Criminal Justice and Police Act 2001 Section 13(2), on the area of land within the City Walls and York Railway Station as a Designated Public Place.

Reason: To ensure that the issues local communities suffer relating to people drinking in the street are appropriately tackled.

Contact Details

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Safety)

Report
Approved



Date 20th January 2014

Specialist Officer Implications: None

Wards Affected: Guildhall and Micklegate

All

Background Papers:

Criminal Justice and Police Act 2001, Sections 12, 13 and 14

Annexes

Annex 1: Map of the proposed zone

Annex 2: Consultation responses

Annex 3: Map of the proposed zone showing existing zones within the vicinity

Annex 4: Crime / ASB Statistics