

TITLE: DESIGNATION OF THE ENTIRE BOROUGH UNDER THE CRIMINAL JUSTICE AND POLICE ACT 2001

1. EXECUTIVE SUMMARY

- 1.1 This report informs Cabinet of the decision of the Licensing, Health and Safety and General Purposes Committee to carry out the necessary consultation to designate the entire Borough under the Criminal Justice and Police Act 2001 ("the Act") subject to funding to do so being identified.

2. Background

- 2.1 The Act introduced new powers to enable local authorities to designate any public place within its area. A public place is one to which the public generally have access, with or without payment. An area can be designated if the authority is satisfied that nuisance or disorder has occurred in that area connected to the consumption of alcohol. Prior to designating any area the council must consult with the police.
- 2.2 If an area is designated the police are given additional powers in that area to prevent people drinking alcohol. They can stop people drinking alcohol and confiscate any alcohol in a person's possession in that area. If any person fails to stop drinking when asked by a police officer to do so in a designated area or to give up their alcohol to the officer then they commit an offence. This is punishable by a fine of up to £500. Any offence can also now be dealt with by way of the issuing of a fixed penalty notice. It is important to note that designations do not have any effect on under age drinking. Police officers already have powers to confiscate alcohol from people under 18 which apply everywhere in England and Wales.
- 2.3 The provisions of the Act replace "No alcohol Bylaws" previously used by local authorities. Such bylaws were previously in place in parts of New Brighton and Birkenhead. All such bylaws automatically lapsed on 1 September 2006, 5 years after the Act came in to force. The byelaws in New Brighton and Birkenhead have now been replaced by designations under the Act.
- 2.4 This committee has considered a number of reports on the powers contained in the Act. This has led to designations of;
- (a) parts of Hoylake and West Kirby;
 - (b) parts of Moreton, Leasowe and Upton;
 - (c) parts of Upton and Woodchurch;

- (d) parts of Central Birkenhead;
- (e) parts of New Brighton; and
- (f) Liscard and Central Park, Wallasey.

3. Designation of the Entire Borough

3.1. The Licensing, Health and Safety and General Purposes Committee considered a report on 30 May 2007, a copy of which is attached to this report as appendix 1. The Committee (minute 5) resolved:

(1) That the proposal to undertake statutory consultation on the designation of the entire Borough of Wirral under the Criminal Justice and Police Act 2001, be approved subject to funding of £25,750 being identified to do so.

(2) That the report be referred to the Cabinet to identify funding.

3.2. The costs of carrying out the consultation and, if appropriate implementing the designation are set out in paragraph 4 below. The report to committee explained that the funding required to designate the entire borough could not be met from anywhere within existing resources. Since the committee resolution officers have sought to identify where funding might exist to meet these costs. However, there are no unallocated budgets which could meet these costs.

4. Financial implications

4.1 It is estimated that the costs of implementing a designation would be as follows:

Technical Services

Costs of Signage, administration and Erection costs	£10,000
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Asset Management

Identifying ownership, including land registry fees preparing plans	£13,000
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Legal and Member Services

Preparing reports/consultation, statutory notices	£2,750
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Total	£25,750
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Some of those costs are external fees such as Land Registry Fees, fees for the placing of statutory notices and purchasing signs. The remainder is made up of staffing costs which would be incurred in assigning staff away from other tasks to carry out the work required to consult upon and implement the scheme.

5. Staffing implications

5.1 Existing staff would carry out the work.

6. Equal Opportunities implications

6.1 There are none arising from this report.

7. Community Safety implications

7.1. The designation of the entire Borough would increase the powers available to the police to tackle crime and anti-social behaviour associated with alcohol use.

8. Local Agenda 21 implications

8.1 There are no implications directly arising from this report

9. Planning implications

9.1. There are no implications directly arising from this report.

10. Anti-poverty implications

10.1. There are no implications directly arising from this report.

11. Human Rights implications

11.1. The confiscation of alcohol belonging to a person is an interference with their rights to property under Article 1 of the First Protocol of the European Convention on Human Rights. However, the interference will be justified and proportionate to improve the general environment for everyone

12. Social Inclusion implications

12.1. There are no implications directly arising from this report.

13. Local Member Support implications

13.1. The issues raised have implications for the whole of Wirral.

14. Background Papers

14.1 Previous reports to Licensing, Health and Safety and General Purposes Committee and legislation.

RECOMMENDATION

Cabinet's views on whether funding should be identified to carry out the necessary consultation and, if appropriate, implement a designation of the entire Borough are sought.

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