

WIRRAL COUNCIL

LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES  
COMMITTEE

30 May 2007

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REPORT OF THE DEPUTY CHIEF EXECUTIVE AND DIRECTOR OF  
CORPORATE SERVICES

**DESIGNATIONS UNDER THE CRIMINAL JUSTICE AND POLICE ACT  
2001**

1. Executive Summary

1.1 This report seeks the committee's views on the designation of the entire Borough of Wirral under the Criminal Justice and Police Act 2001 ("the Act").

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 The byelaws in New Brighton and Birkenhead have now been replaced by designations under the Act.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. Proposal to Designate the Entire Borough

3.1 This committee considered a report on this proposal 22 January 2007. It resolved:

*(2) That the officers be requested to present a more detailed report to a future meeting of the Committee upon the designation of the entire Borough under the Criminal Justice and Police Act 2001, and the Police Area Commander be invited to attend.*

3.2 Officers have consulted more widely on the costs associated with pursuing individual designations and the costs of a “one-off” designation of the entire borough. These costs are set out at Appendix 1 to this report.

3.3 Officers have also sought the views of the police on the justification for the designation of the entire borough and the effectiveness of the existing designations. In order to designate the entire Borough the committee must be satisfied that nuisance or disorder has occurred in that area connected to the consumption of alcohol. The Director of Regeneration reported to the Housing and Community Safety Overview and Scrutiny Committee on 27 March 2007. A copy of that report is attached as appendix 2 to this report.

3.4 The Joint Community Safety Team have carried out some analysis of the reported alcohol related crime and anti-social behaviour associated with street drinking reported to the police. A plan showing the areas currently designated and the areas with the most reported problems associated with alcohol is attached as Appendix 3 to this report. The analysis shows that generally those areas which are currently designated have the highest number of incidents of alcohol related crime and anti-social behaviour. This is particularly the case in central Birkenhead. It can be seen that whilst there are “hot spots” within the Borough there is a fairly even spread of reported incidents and some areas with an equal number of incidents are not designated whilst areas nearby are

3.5 The police have expressed a wish for the Council to consider designating an area in and around Victoria Park and Mersey Park in Birkenhead. This request has not been the subject of a detailed report to committee as the possibility of designation of the entire borough was raised at a similar time. If the committee does not wish to pursue consultation on the designation of the entire Borough it may wish to consider

consultation on the designation of this area. A copy of the request from the Area Inspector in relation to this proposal is attached as Appendix 4.

- 3.6 The police have raised concerns over displacement an increase in incidents of alcohol related anti-social behaviour in parts of Birkenhead falling outside of the existing designated area. A copy of the letter from Inspector Blease, the Neighbourhood Inspector for Birkenhead is attached as Appendix 5. The police would be able to respond more effectively and promptly to alcohol related crime and disorder if the entire Borough is designated.

#### 4. Financial and Staffing Implications

- 4.1 A breakdown of the costs is contained at Appendix 1. There is no existing budget for these costs. The costs of making previous designations have been met from `existing resources within the budgets of the Regeneration and Corporate Services Departments. However, the estimated costs of designation of the entire Borough are beyond unallocated capacity.

#### 5. Equal Opportunities Implications

There are no specific equal opportunities implications arising out of this report.

#### 6. Planning Implications

There are no planning implications arising out of this report.

#### 7. Local Agenda 21 Implications

The designations would enhance the local environment by reducing the damage caused by discarded alcohol containers and damage caused by people who have drunk excessive alcohol.

#### 8. Community Safety Implications

The aim of any designation would be to improve community safety by reducing incidents of disorder in the areas associated with misuse of alcohol.

#### 9. Human Rights Implications

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.

10. Background Papers

Criminal Justice and Police Act 2001.  
Regulations made under the Act.  
Home Office Guidance letter on designations  
Previous Reports to the Licensing, Health and Safety and General  
Purposes Committee.

10. Local Member Support Implications

This report affects all wards.

11. Recommendation

The committee's views are sought on whether to proceed with the designation of the entire Borough under the Criminal Justice and Police Act 2001

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