

ALCOHOL DISORDER ZONES**(Report by Head of Administration)****1. Introduction**

- 1.1 The Cabinet has recently asked for further information on Alcohol Disorder Zones (ADZs), arising from a report submitted by the Overview and Scrutiny Panel (Service Delivery) on the introduction of an enhanced cleansing service on Sundays in the market towns in the District to counteract the after-effects of the night time economy in town centres. The Panel had recommended an investigation of the introduction of ADZs in the District in the long term.
- 1.2 The purpose of this report is to explain the circumstances in which ADZs can be introduced.

2. The Legislation

- 2.1 ADZs were introduced by the Violent Crime Reduction Act 2006 in response to problems in city and town centres as a result of excessive alcohol consumption. It was unrelated to but reflected growing concern about the implications of the Licensing Act 2003 on longer opening hours for licensed premises. The accompanying regulations only came into effect in June 2008 with guidance issued by the Home Office shortly beforehand.
- 2.2 The designation of an area as an ADZ is defined as a non-executive function. It is therefore a responsibility of Council as opposed to Cabinet. As ADZs are related exclusively to alcohol consumption, as will be explained later in this report, it seems appropriate for this to fall within the terms of reference of the Licensing Committee.

3. Implications of an ADZ

- 3.1 The designation of an area as an ADZ is a last resort. It is a course of action to be embarked upon by an authority, either of its own volition or at the request of the police, when all other measures possible under the various legislation to control the adverse effects of alcohol consumption has failed to resolve a problem.
- 3.2 Both authorities (and other agencies) have enforcement powers to deal with contravention of the legislation in individual premises, in public spaces and by members of the public. ADZs are appropriate where problems relating to alcohol consumption cannot easily be attributed to individual licensed premises and registered clubs. Where all other remedies have been attempted without success, an authority and the police can contemplate designating the area concerned as an ADZ.
- 3.3 It is important to note, especially in the context of the discussions at the Scrutiny Panel and Cabinet meetings, that ADZs are intended only to address high levels of alcohol related nuisance and annoyance to members of the public or disorder that is not attributable to a single premises. The decision to proceed has to be evidence based and demonstrate that the problems cannot be dealt with by other means. Evidence must include police incident, crime and custody data and CCTV incident logs but can be backed up by NHS Emergency Department data, licensing authority evidence, bus and taxi

incident forms and feedback from the public. The latter in themselves are not sufficient.

- 3.4 If the authority is considering proceeding with an ADZ, there is an extensive consultation process that involves public notice in the press and to various bodies and licence holders inviting representations on the proposals. The response to any representations also must be published. If the authority intends to proceed, it must compile an action plan setting out preventative measures with voluntary charges to licence holders within the area designated. If those measures do not work within 8 weeks, the authority can proceed to designate an ADZ. This involves another round of public consultation. If an ADZ is designated, it must be reviewed every 3 months with public notice of any decision to continue, amend or lift a designation.

4. Measures and Charges

- 4.1 The measures that can be taken to address any alcohol related nuisance and annoyance are restricted to activities by Trading Standards Officers relating to the sale of alcohol to children, by Environmental Health Officers relating to noise nuisance from licensed premises, by Licensing Officers of the licensing authority and by police constables and community safety officers. A baseline level of service has to be calculated for a period preceding designation and an enhanced level after designation.

- 4.2 Costs can be recovered from licensed premises and registered clubs selling alcohol within the designated area for the delivery of the enhanced services plus the administrative cost of the ADZ process. In calculating individual charges, these must be scored on rateable values and hours of opening of premises with a facility for discounts and exemptions to be granted. Failure to pay the charge demanded by the licensing authority for the enhanced services can lead to the suspension of licences and certificates.

5. Conclusion

- 5.1 The measures described are appropriate only when all other measures have failed to deal with nuisance and annoyance to members of the public relating to alcohol consumption. They cannot be applied to other problems associated with late night entertainment such as hot food outlets or litter. They are therefore inappropriate in the case of an enhanced cleansing regime in town centres which was the subject of the investigation by the Overview and Scrutiny Panel (Service Delivery).

- 5.2 The situation in the town centres in the District will continue to be monitored in association with partner organisations and if it is felt that an ADZ would be appropriate, this will be brought to the attention of the Licensing Committee.

6. Recommendation

It is therefore

Recommended

That the position with regard to the new powers to designate alcohol disorder zones be noted.

Background Papers:

Violent Crime Reduction Act 2006

The Local Authorities (Alcohol Disorder Zones) Regulations 2008

Home Office Guidance on the Designation of Alcohol Disorder Zones.

Report by the Overview and Scrutiny Panel (Service Delivery) on Enhanced
Cleansing Services Proposal for Market Towns.

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