

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

Agenda Item 15

Brighton & Hove City Council

Subject: *Alcohol Disorder Zones*
Date of Meeting: **26 November 2009**
Report of: *Director of Environment*
Contact Officer: Name: Tim Nichols **Tel:** 29-2163
E-mail: tim.nichols@brighton-hove.gov.uk
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Alcohol Disorder Zone Regulations were approved on 13th May in the House of Lords, despite Merits Committee report having made some “unusually trenchant criticisms” of the regulations .The government committed to report back to Parliament in 12 months or so on how the regulations work and on the operation of the ADZs.
- 1.2 There are now two Local Action Teams apparently considering requesting this although no request to be made by Sussex Police for an ADZ.

2. RECOMMENDATIONS:

- 2.1 That Members adopt the governments favoured approach, only exploring ADZs as a last resort and following a request and receipt of evidence for the need in a tightly defined area.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Violent Crime Reduction Act gives local authorities the power to designate, with the consent of the police, a locality as an alcohol disorder zone, where there is a problem of alcohol related nuisance and disorder. Local authorities would have the power to impose charges on holders of premises licences allowing the sale by retail of alcohol on licence holders. Local authorities and the police have duties to have regard to government guidance
- 3.2 Any ADZ would need evidence to create and maintain. One difficulty is identifying the clear relationship between problems in public spaces and specific premises.

3.3 There is some technical information required for evidence gathering:

- Police incident, custody and crime data and any CCTV evidence.
- Information from Accident & Emergency Department.
- Licensing Authority activity.
- Any information available from transport providers.
- Any public survey work.

3.4 There is some sensitivity that should be considered:

- No other local authority, a year after the legislation, has applied to set an ADZ up, probably as cumbersome - difficult to establish, justify and maintain.
- Financial implications for local licensed trade.
- An ADZ may affect the city's reputation and local economy.
- The Home Office cite ADZs as being the measure of last resort.
- There was opposition from ACPO to this piece of legislation.
- Cost benefit considerations.
- Effectiveness is yet to be tested.

3.5 The Government's preferred approach to reducing alcohol related nuisance, crime and disorder is for local authorities, the police and licence holders to work in voluntary partnerships, backed by enforcement activity where necessary. This section outlines the measures these partnerships can use to tackle problems that:

- can be attributed to individual licensed premises;
- are caused by people consuming alcohol in public places; and/or
- are caused by known individuals.

4. CONSULTATION:

4.1 St James's Street LAT and Kingscliffe Society proposed exploring this course at a recent licensing strategy group with interested parties and responsible authorities. Their letters, and a response from a company with licensed premises in their area is appended to demonstrate different views in the debate. In addition to general discussion at licensing strategy group, Sussex Police were specifically consulted.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

If an Alcohol Disorder Zone is declared, the local authority may impose charges to be paid, for each month of operation, by all licence holders. The local authority scores each licensed premises in an ADZ for two criteria, premises' rateable value; and hours of opening during the service period.

These charges are then used to firstly cover the costs of the scheme, and secondly for the provision of non-baseline services by the local authority, the chief officer of police or the British Transport Police. There should therefore be no additional cost to the Council's revenue budget.

The cost of non-baseline local authority services should be calculated according to the Chartered Institute of Public Finance (CIPFA) Best Value Accounting Code of Practice 2008.

Finance Officer Consulted: Karen Brookshaw

Date: 23/10/2009

5.2 Legal Implications:

Once the local authority has decided to designate an ADZ, it should publicise a Formal Order and notify each licence-holder in the designated area as soon as possible. Under regulation 24, the local authority should also send a copy of the ADZ Designation Order to the Secretary of State as soon as reasonably practicable after it has been made.

Lawyer Consulted: Rebecca Sidell

Date: 04/11/2009

5.3 Equalities Implications:

There would be a financial burden for licensed businesses in an ADZ and closer links between pub watch schemes and LATs might be a preferable approach.

5.4 Sustainability Implications:

The Statutory Instruments Committee wondered "how many local authorities will make use of this policy given its complexity, and we draw the Regulations to the special attention of the House on the ground that they may imperfectly achieve their policy objectives."

5.5 Crime & Disorder Implications:

Business Improvement Districts, or enforcement action such as suspending the licences of delinquent bars, or charging delinquent individuals under existing legislation may be more effective methods of reducing alcohol related disorder.

5.6 Risk and Opportunity Management Implications:

The Home Office originally estimated in the Regulatory Impact Assessment that 30 areas will commence the ADZ process in the first year, but only 6 will move to the charging regime. None have been established.

5.7 Corporate / Citywide Implications:

The Statutory Instruments Committee opined that “the system might be unduly bureaucratic and without a clear idea of how ADZs will fit in with the other items in the local authorities’ toolkit for combating alcohol-fuelled disorder.” The LGA had serious misgivings about this policy.

SUPPORTING DOCUMENTATION

Appendices:

1. Correspondence from Licensing Strategy Group Members.

Documents In Members’ Rooms:

1. None.

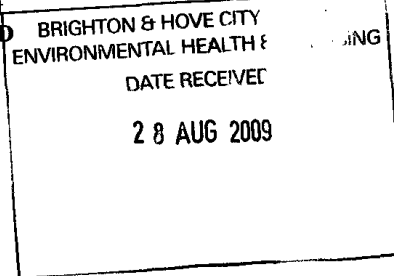
Background Documents:

1. None.

The Kingscliffe Society

ENVIRONMENT CONSERVATION & ENHANCEMENT

12 Princes Street
Brighton BN2 1RD



28 August 2009

Brighton & Hove City Council
Environmental Health
Bartholomew House, Bartholomew Square
Brighton BN1 1JP (Attention: Tim Nichols)

Re: ALCOHOL DISORDER ZONES

Dear Mr. Nichols

We have been asked by the LAT attached to the St. James's Street Area Action Group for our views concerning an Alcoholic Disorder Zone (ADZ) for the St. James's Street area.

We would support this request as many of our members are subjected to the fall out that has followed from the implementation of the Licensing Act 2003 and they suffer nuisance, disorder and annoyance throughout the day and night. We think particularly, but not only, of members in Manchester Street, Charles Street, Princes Street, George Street, Madeira Place and Camelford Street.

Specifically:

1. Our Society's Secretary, who lives in Dolphin Mews, Manchester Street, has recently been obliged to join with the 7 other householders there to spend a collective sum in excess of £50,000 on sound proofing of all windows facing into Steine Street, plus the installation of video equipment to ensure that the licensed club in that street does not breach the conditions of its licence.
2. Another of our members has kept a noise diary since before the new hours (from 2002) which graphically records the huge jump in the night time disturbance at its inception and its continuation since.

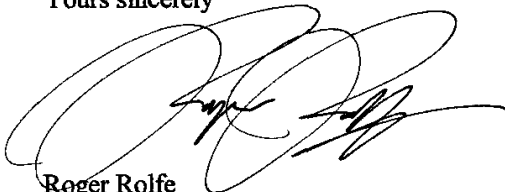
3. Several residents who live in Charles Street have been compelled to install secondary glazing in an attempt to obtain restful nights. This, however, is not always effective, given the narrowness of the street which creates an echo effect, together with the volume of noise generated by the number of people milling around throughout the night and non-enforcement of licensing hours.

4. The quantity and content of material submitted by residents to Licensing Hearings in the area is further evidence of the stress that has been placed on the locality and its inhabitants.

Neither the police nor the Licensing Authority have been able to offer any effective control of these issues, therefore the increase in finance that should follow the introduction of an ADZ would seem to be the only way of providing funds for the necessary additional policing of this hard pressed area.

We look forward to a positive response to this request.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Roger Rolfe', written over a large, stylized circular flourish.

Roger Rolfe
Acting Secretary

St James's Street Area Action Group

For the Attention of Mr T. Nichols
Brighton & Hove City Council
Environmental Health
Batholomew House
Batholomew Square
Brighton
BN

18th August 2009

Dear



Re : ALCOHOL DISORDER ZONES

Our Group would request that Brighton and Hove City Council instigates an **ADZ** under The Local Authorities (Alcohol Disorder Zones) Regulations 2008 for the St James's Street Area.

In support of our request we would refer to the above Regulations and to Step1 Proposal to designate an ADZ to the ' designation conditions ' which have been met as follows;

- That there has been considerable nuisance plus annoyance to local residents each and every night of the week.
- That the disorder plus annoyance is directly related to consumption of alcohol in the area.
- That this nuisance, annoyance and disorder is more than likely to be repeated as we have residents' dairies that prove this situation is continuous day in day out and now year in year out.
- That all existing measures have failed to reduce alcohol-related nuisance, crime and disorder in the St James's Street Area.

Referring to direct and indirect evidence

- At our Group's meeting on the 22nd July 2009 Inspector Rob Leet stated categorically that the Police could not do anything more to resolve this issue. The Police therefore have evidence in support
 - Linda Beanlands stated that she would see what more the Council could do.
 - The A&E Department should also be able to provide evidence in respect to late night alcohol-related incidences.
 - Bus and Taxi incidence records are we believe available.
- and
- Feedback from the residents has been given at our Group's LAT meetings with Environmental Health and Police Officers together with the numerous late night telephone calls to the Police on these issues.

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St James's Street Area Action Group


Re : ALCOHOL DISORDER ZONES

We believe that bearing-in-mind the above and the fact that residents have objected at most local Licensing Applications to the alcohol-related nuisance, noise, crime and disorder in the St James's Street Area that an **ADZ** is our last resort in obtaining our human rights to the quiet enjoyment of our Homes.

Our Group would like to play an active roll in developing the ADZ as we have the local knowledge of this alcohol-related nuisance and to the hot spots in the area.

We hope that you can proceed with Step 2 : Consultation forthwith.

Yours sincerely



Trevor N Scoble
For and on behalf of
St James's Street Area Action Group
c /o 2 Madeira Place
Brighton
BN2 1TN
Tel 01273 622737



Operations Team

Brighton and Hove Division

Date: 1st October 2009

Our Ref: CN081-ADZ-011009

Phone: 01273 665583

To: Mr T Nichols. Head of Environmental Health and Licensing
Brighton and Hove City Council

From: Chief Inspector Nelson. Chief Inspector (Operations) Sussex Police

Dear Mr Nichols,

Re. Consideration for a ADZ – St. James Street Area

I have taken some time to give proper consideration to the above, so as to ensure that the police position would be both proportionate and in the best possible interests of the community we serve. Although ADZs remain untested, that alone should not dissuade us from seriously considering their merits, and there may come a day when Brighton and Hove, will be the first to explore another new opportunity.

An analyst has researched the level of violent crime for that area as an indication of the strength of evidence available to us, should we propose an ADZ. The results are attached below, and indicate that that community experienced a higher level of crime and disorder up to the end of last year.

I am aware that, as a result of these issues, Inspector Rob Leet has sought to improve matters via the local action team; and Inspector Paul Betts has

ensured that officers covered the access from the city centre, during Operation Marble, at the weekends. The data suggests that this has resulted in a reduction of crime. I would be surprised if this was due to under-reporting, bearing in mind the commitment and engagement of the Neighbourhood Policing Team.

In terms of justification: Alcohol Disorder Zones were made available to the authorities as an interim crisis measure, pending the establishment of proper controls. They place stringent requirements, including financial, on all licensed premises. It is my opinion that it would be disproportionate to pursue an ADZ for the area in question and it would create as many challenges as potential benefits to that community. The NPT remain committed to exploring other means of ensuring a peaceful neighbourhood, and the licensing team are always keen to address any problems attributable to a particular premises. The support and cooperation of council colleagues greatly assists with this.

Yours sincerely,

Simon Nelson

Chief Inspector

Operations Team

Brighton and Hove Division

Sussex Police – Serving Sussex

Attachment: Public Place Violent Crime In St James Street Rolling Year 01

Sep 08 to 31 Aug 09 Compared With Previous Rolling Year

Public Place Violent Crime In St James Street
Rolling Year 01 Sep 08 to 31 Aug 09 Compared With Previous Rolling Year

The table below shows the monthly crime levels in the Street for both of the above Rolling years

Month	Number of Crimes Recorded Rolling Year 2008/9	Number of Crimes Recorded Rolling Year 2007/8
September	8	12
October	7	7
November	7	6
December	12	11
January	8	3
February	4	10
March	7	9
April	5	7
May	6	6
June	6	16
July	9	5
August	4	10
Total For Year	83	102

This equates to a reduction year on year of 18.6%

The chart below shows these monthly levels for each of the years.

