
VIOLENT CRIME REDUCTION ACT 2006

1 INTRODUCTION

- 1.1 The statute received Royal Assent in November and introduced new powers to deal with alcohol related disorder and licensed premises that can be associated with serious crime. The purpose of the report is to appraise Members of the implications of the Act, particularly with regard for the need to urgently convene hearings following Police representations in respect of violent crime incidents.

2 DISCUSSION

- 2.1 In summary, the Act provides for:-

- (a) Drinking banning orders to be issued by a Magistrate's Court either upon application by way of complaint by the Police or a licensing authority or following conviction of any offence to which alcohol was a contributory factor, or an order issued by a County Court where proceedings have been brought by any person.
- (b) Making errant premises or licence holders reimburse local authorities for additional costs incurred through the alcohol-fuelled behaviour of their patrons.
- (c) Closing of premises and review of the premises licence where serious crime and disorder has taken place.
- (d) Closing of premises where three sales of alcohol to underage persons can be evidenced to have taken place within three consecutive months.
- (e) Ameliorating the position where designation of public places in respect of the consumption of alcohol conflicts with the issue of a premises licence for open spaces.

3 DRINKING BANNING ORDERS

- 3.1 'Drinking Banning Orders' will provide for the exclusion of individuals from alcohol-licensed premises named in the order for a period between two months and two years. They may also include additional measures such as the need to attend an approved course.
- 3.2 These can be considered for any individual over 16 years of age, that has engaged in criminal or disorderly conduct whilst under the influence of alcohol and it is considered that such behaviour will continue.
- 3.3 The need for an order will generally be considered at the time an individual is being prosecuted for a related offence on the evidence of the Police. A Joint Enforcement Protocol is already in place between the Police and ourselves on

licensing related issues and this will be expanded to cover Drinking Banning Orders.

4 ALCOHOL DISORDER ZONES

- 4.1 The Act provides that where a local authority is satisfied that strong evidence exists of alcohol-related behaviour having reached an unacceptable level within an area, it may designate that area as an alcohol disorder zone. The making or revoking of an order must have the consent of the Chief Officer of the Police for the area. Before designating such a zone, details must be published inviting representations within 28 days.
- 4.2 The licensing authority and Chief of Police for the area must then publish an action plan by sending a copy to all interested parties, premises licence and club premises' certificate holders that set out: -
- (a) The problems
 - (b) A warning of impending zoning
 - (c) A period of eight weeks in which to implement the plan, and
 - (d) The remedial action required for zoning not to take place.
- 4.3 Rochford does not currently have any areas that fulfil the requirements of the legislation. It is considered that existing powers to review licences provide adequate control and it is, therefore, extremely unlikely that this would need to be considered.
- 4.4 Should a representation be received, it will be this Committee that would determine the matter.

5 UNDER-AGE SALES

- 5.1 Sales of alcohol to under-age persons continue to be of significant concern despite test-purchase campaigns that are carried out both locally and nationally.
- 5.2 The Act introduces an offence of 'persistently selling alcohol to children', punishable upon conviction by a fine of up to £10,000. The Act also provides powers for Police and Trading Standards Officers to serve a 'Closure Notice' on licensed premises where three sales of alcohol have been made to under-age persons within a period of three consecutive months. The effect of the notice would be that premises would be unable to sell alcohol for 48 hours within an identified fourteen day period.
- 5.3 There is every likelihood that such action would also prompt a review of the licence concerned.

6 DESIGNATED PUBLIC PLACES

- 6.1 The Act removes the potential conflict that currently exists where zoning as a Designated Public Place has taken place in an area that local authorities have licensed open spaces for regulated entertainment.
- 6.2 It provides an exemption to the effect of zoning for periods during which the sale of alcohol may take place, provided the premises licence is held by or operated on behalf of the local authority.
- 6.3 Alcohol Free Zones are currently in place in Rochford District in Market Square, West Street, North Street (as far as the junction at the Rose & Crown), part of South Street, Rectory Road, Magnolia Park and Clements Hall. The delegation of Alcohol Free Zones is a function of the Executive Board.

7 RECOMMENDATION

- 7.1 It is proposed that the Committee **RESOLVES**
- (1) To note the contents of this report.

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Background Papers:-

None

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