



Walsall Council

LICENSING AND SAFETY COMMITTEE

22nd October 2008

REPORT OF ASSISTANT DIRECTOR OF LEGAL & CONSTITUTIONAL SERVICES

ALCOHOL CONSUMPTION IN PUBLIC PLACES DESIGNATED PUBLIC PLACES ORDER – WALSALL METROPOLITAN BOROUGH

1.0 PURPOSE OF REPORT

1.1 The Committee is asked to delegate to the Assistant Director of Legal and Constitutional Services the authority to revoke the following orders:-

1. Walsall Town Centre (Alcohol Consumption in Designated Public Place) Order 2004
2. Streetly and Pheasey (Alcohol Consumption in Designated Public Place) Order 2004
3. Brownhills Town Centre ((Alcohol Consumption in Designated Public Place) Order 2004
4. Bloxwich (Alcohol Consumption in Designated Public Place) Order 2006

2.0 RECOMMENDATION

2.1 The Licensing and Safety Committee is recommended : -

2.2 to delegate to the Assistant Director of Legal and Constitutional Services the power to revoke Alcohol Consumption in Designated Public Place Orders made previously.

3.0 BACKGROUND

3.1 On the 5th March 2008 the Licensing and Safety Committee passed a resolution that the Committee was satisfied that it was appropriate to make a Designated Public Places Order covering the whole Borough. A copy of the resolution is at Appendix A.

- 3.2** The Committee authorised the Assistant Director of Legal and Constitutional Services to implement the procedure to make the Order and, subject to no adverse representations being made, to make the Order at the conclusion of the procedure.
- 3.3** If there are adverse representations the Committee will consider them and any other representations on the 3rd December 2008. The Committee having considered all representations may make the order at Appendix B.
- 3.4** The Order, if made, should by virtue of powers given by section 13(3) (b) of the Criminal Justice and Police Act 2001 revoke orders previously made. The orders are as follows:
- i. Walsall Town Centre (Alcohol Consumption in Designated Public Place) Order 2004
 - ii. Streetly and Pheasey (Alcohol Consumption in Designated Public Place) Order 2004
 - iii. Brownhills Town Centre ((Alcohol Consumption in Designated Public Place) Order 2004
 - iv. Bloxwich (Alcohol Consumption in Designated Public Place) Order 2006
- 3.5** The orders at 3.4 were made by the Committee in respect of particular public places in the Borough and will be superseded by the 2008 order which will cover the whole Borough. It is both good practice and good governance to revoke obsolete orders upon the coming into effect of superseding orders.
- 3.6** If the making of the Order comes before this Committee on the 3rd December the Committee can revoke the orders.
- 3.7** If however there are no adverse representations and the Committees decision of the 5th March 2008 requires no further consideration, the Order will be made by the Assistant Director of Legal and Constitutional Services who does not have power to revoke orders previously made. A further delegation to include powers to revoke earlier orders remedies this shortcoming.

4.0 FINANCIAL IMPLICATIONS

None

5.0 POLICY IMPLICATIONS

Accords with council policy to protect residents against crime and disorder.

6.0 LEGAL IMPLICATIONS

The Legal Implications are as set out in the body of the report.

7.0 EQUAL OPPORTUNITIES IMPLICATIONS

None.

8.0 WARDS AFFECTED

All.

9.0 CONSULTEES

None

**10.0 CONTACT OFFICER Dominic Patouchas Legal Services
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