

Jeremy Williams

020 8489 2941

020 8489 2660

Jeremy.Williams@haringey.gov.uk

25 June 2008

To: All Members of the General Purposes Committee

Dear Member,

General Purposes Committee - Thursday, 26th June, 2008

I attach a copy of the following reports for the above-mentioned meeting which were not available at the time of collation of the agenda:

**11. NEW ITEMS OF URGENT BUSINESS (PAGES 1 - 14)**

**Order Designating Public Places as Controlled Areas for Drinking in Public**

(Report of the Director of Urban Environment) To Members' agreement to delegate to the Director, in consultation with the Chair, the decision to authorise a proposed extension of street drinking controls for the Police in two new controlled areas. Delegation to the Director is recommended as necessary in order to protect local residents by bringing into force these controls as rapidly as possible.

Yours sincerely

Jeremy Williams  
Principal Committee Coordinator

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Agenda item:

**[No.]**

**General Purposes Committee**

**on**

**26<sup>th</sup> June 2008**

**Report Title: Order Designating Public Places as Controlled Areas for Drinking in Public**

Forward Plan reference number (not applicable):

**Report of: Niall Bolger, Director of Urban Environment**

Wards(s) affected:,

Bruce Grove, West Green ,

Report for: Decision

**4. Purpose :** This report seeks Members' agreement to delegate to the Director, in consultation with the Chair, the decision to authorise a proposed extension of street drinking controls for the Police in two new controlled areas. Delegation to the Director is recommended as necessary in order to protect local residents by bringing into force these controls as rapidly as possible.

**2. Recommendations to the General Purposes Committee**

- 2.1 That Members note the evidence from the Police in relation to crime and disorder, nuisance and anti social behaviour associated with street drinking in The St Loys and Willan Road areas respectively.
- 2.2 That Members delegate to the Director of Urban Environment the decision whether to make the order following the end of the statutory public consultation process and his consideration of the responses to consultation before making the proposed Order under section 13 of the Criminal Justice and Police Act 2001. The areas proposed for designation and new controls are identified in appendices 1 and 2.
- 2.3 That Members agree that the Director's decision will be made in consultation with the Chair of the General Purposes Committee and subject to there being no significant objections to the making of the designation order arising from the formal consultation process. In the event of any objection regarded as significant by the Chair, the matter will be reported to the Committee for decision.

**Report Authorised by:** Niall Bolger, Director of Urban Environment

**3. Contact Officer:** Robert Curtis, Service Manager Environmental Crime, ext 5286/7505

#### **4. Chief Financial Officer Comments**

The service confirms that there will be estimated costs for advertising and signage of £5,000 which will be contained within existing approved Enforcement Business Unit 2007/08 budget.

#### **5. Head of Legal Services Comments**

The main legal implications are set out in section 9 and additional legal issues are explained elsewhere in other parts of the report.

#### **6. Local Government (Access to Information) Act 1985**

- a. General Purposes Committee March 2008
- b. Street Drinking Survey forms

### **7. Strategic Implications**

- 7.1 In 2007 the Government released its renewed alcohol strategy ' Safe. Sensible. Social.' which aims to challenge drunken antisocial behaviour and promote a sensible drinking culture that reduces violence and improves health. Haringey is currently consulting on a strategy to tackle alcohol related crime, disorder and substance misuse in their area.
- 7.2 Controlling alcohol consumption in public places which results in crime, disorder, nuisance or anti social behaviour issue would be an important part of any strategy for Haringey. Any strategy would need to consider use of available powers including those under the Criminal Justice and Police Act 2001 to designate controlled areas for alcohol consumption; the Antisocial Behaviour Act 2003 to disperse persons congregating and associated with criminal and antisocial behaviour; and the Violent Crime Reduction Act 2006 which provides the power for the Police to ban a person from a locality for up to 48 hours and the declaration of alcohol disorder zones.
- 7.3 The Licensing Act 2003 also provides a framework of powers to regulate alcohol at the point of sale. Haringey recently completed its first 3 year review of its Licensing Policy and published a revised Licensing Policy statement to support its responsibilities under the Act.

## 8 Financial Implications

- 8.1 There is a cost to the Police in enforcing any extension of designated places as controlled areas for drinking in public. The 2001 Act makes this a deciding factor in agreeing to an order that the police are able to adequately resource and enforce the designated areas. The Borough Commander has indicated that this will be a Safer Neighbourhood Police Team (SNT) priority.
- 8.2 Implementation will also include the need for some activity by the Council. The placing of signage in designated streets, and street works to improve cleanliness and discourage street drinking will have some cost to be met by Frontline Services budgets.

## 9 Legal Implications

- 9.1 Sections 12-13 of the Criminal Justice and Police Act 2001 (CJA 2001) came into force in 2001. These provide Local Authorities with a discretionary power to restrict anti-social public drinking and they provide the police with the power to enforce this restriction. The maximum penalty is a fine of currently £500.
- 9.2 Alongside the CJA 2001, the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001 came into force. The Regulations were amended last year to avoid inconsistencies with the Licensing Act 2003 (S.I. 2007/806). These Regulations set out the procedures and consultation requirements to be followed by Local Authorities in designating public places for this purpose.
- 9.3 To make an order the Local Authority must be satisfied that public nuisance, annoyance or disorder has been associated with public drinking in the area concerned. In general terms the Police will have the powers to prevent consumption of intoxicating liquor and power of arrest for non-compliance. This is a discretionary order-making power for the Council. Its enforcement will be at the discretion of the police.
- 9.4 The decision to make a street drinking control order is a non-executive function. Under the Council's Constitution this is within the remit of the General Purposes Committee (GPC). GPC has full authority to make the decision without further authorisation from full Council. GPC can delegate such a decision to a Chief Officer in cases where urgent action is needed between scheduled meetings of the Committee and it is usual for the officer's decision to be taken in consultation with the Chair.
- 9.5 If agreed, it is anticipated that the Order would come into effect on 11th August 2008. This would leave time for public notice of the order making to be publicised in a local newspaper and for street signage giving advance warning of the new controls which are both legal requirements.

## 10 Equalities Implications

- 10.1 Street Drinking that causes anti social behaviour affects everyone who lives, works and visits a particular area. Specific groups who maybe adversely affected by this are the vulnerable and elderly. The review has identified that there is evidence that among men from some ethnic groups within Haringey, drinking outside is more of a social norm than it maybe for others. Enforcement activity here will therefore have a greater impact on these groups.

## 11 **Background**

- 11.1 In 2002 Haringey Council approved the designation of two locations under Criminal Justice and Police Act 2001 for the purpose of controlling street drinking and all associated public nuisance and antisocial behaviour demonstrated. This was in part to control drinking associated with match days for Tottenham Hotspurs and to tackle problems associated with street drinkers in the Wood Green area.
- 11.2 On 11 March. Members of General Purposes Committee authorised the making of an order designating several areas in the centre and east of the Borough. This order was made on 14 April and came into effect on 1 May.
- 11.3 During the months of March and April 2008 an informal consultation was carried out by the Council with regard to several proposed areas for designated street drinking control orders. From this consultation several new areas were brought to the attention of the council for investigation and evaluation. Evaluation of these areas has been completed and it is intended to bring further proposals for extension once the existing areas approved have been reviewed. A report detailing this review together with evaluation and consultation findings for new areas will be submitted in November.
- 11.4 However, the Police have advised that two areas require more urgent consideration because the evidence suggests a seasonal activity likely to present a particular problem over the summer period. Specifically the areas of concern are in the locations of Willan Road and St Loy's Road. Appendix 2 and 3 provides details to show the exact locations for extend control areas.

## 12 **Consultation**

- 12.1 The formal consultation on these two locations will begin on the 27<sup>th</sup> June 2008 and will end on the 25<sup>th</sup> July 2008 in accordance with the Police and Criminal Justice Act 2001 and the relevant Regulations. The formal consultation will comprise of the following actions.
- 12.2 A formal notice will be advertised on the 27<sup>th</sup> June 2008 in a local journal which is sold throughout the borough outlining the Councils proposals and clearly showing on maps and schedules the proposed designated areas for street drinking within the borough. A copy of the advertisement is provided as appendix 3.

- 12.3 Information on the consultation and a facility for making an online response will be available through Haringey's website. This will include maps and schedules of the designated areas.
- 12.4 Licensees who are directly affected by the Council's proposals will be written to directly asking for their comments.
- 12.5 Placards will be placed in strategic streets informing people who live, work and visit these areas of the Council's proposals to designate that particular area and inviting the reader to contact the Council and let officers know their views on the matter.
- 12.6 The Chief Inspector in charge of the Police Safer Neighbourhood Teams and the three Police inspectors have been directly written to and consulted with on the Council's proposals.

13 **Conclusion**

- 13.1 There is Police evidence of criminal and antisocial behaviour associated with street drinking in these proposed areas, however, consultation findings are not yet available.. These problems are of a seasonal nature and early action to declare these extensions will support the Police in combating these problems.

14 **Appendices**

**Appendix 1** : Map of proposed area and schedule of roads for the Willan Road  
West Green Ward

**Appendix 2** : Map of proposed area and schedule of roads in St Loys road area in the  
Bruce Grove wards

**Appendix 3** : Notice to be publicised during formal consultation process

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**LONDON BOROUGH OF HARINGEY**

**PROPOSED RESTRICTIONS ON THE CONSUMPTION OF  
ALCOHOL IN DESIGNATED PUBLIC PLACES**

**SECTION 13 OF THE CRIMINAL JUSTICE AND POLICE ACT 2001  
THE LOCAL AUTHORITIES (ALCOHOL CONSUMPTION IN  
DESIGNATED PUBLIC PLACES) REGULATIONS 2007**

1. **THIS NOTICE IS GIVEN** under Regulation 5 of the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007. The London Borough of Haringey (the Council) is proposing to identify the public places described in the Schedules attached to this notice as “designated public places” for the purposes of an Order to be made by the Council under section 13 (2) of the Criminal Justice and Police Act 2001. This section empowers the Council to make Order designating public places where the Council is satisfied that nuisance or annoyance to members of the public, or a section of the public, or disorder have been associate with the consumption of intoxicating liquor in those places.
2. The general effect of the proposed Order would be to give additional powers to the Police. If a Police Constable reasonably believed that a person was or had been consuming intoxicating liquor in a designated public place, or was intending to do so, the Constable could require the person (i) not to consume in that place anything which was, or which the Constable reasonably believed to be, intoxicating liquor, and (ii) to surrender any such liquor in his/her possession or a container for it, other than a sealed container. The Constable would have to warn the person concerned that it was an arrestable offence to fail to comply with a requirement under (i) or (ii) above unless there was a reasonable excuse. The penalty on conviction for such an offence would be a fine not exceeding level 2 on the standard scale, currently £500.
3. The categories of premises or places listed below would not be within a “designated public place” under the proposed Order and therefore the Order would not apply to them:
  - (i) premises in respect of which there is a premises licence under the Licensing Act 2003 (the 2003 Act) authorising the premises to be used for the sale or supply of alcohol, and
  - (ii) premises in respect of which there is a club premises certificate under the 2003 Act certifying that the premises may be used by the club for the sale or supply of alcohol, and
  - (iii) a place within the curtilage of any premises in (i) or (ii) above, and

- (iv) a place where the sale of intoxicating liquor is for the time being authorised by an occasional permission or was so authorised within the last 30 minutes, and
  - (v) a place where facilities or activities relating to the sale or consumption of intoxicating liquor are for the time being permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway related uses).
4. In the case of premises where (i) a premises licence under the 2003 Act is held by the Council or (ii) the premises licence is held by another person but the premises are occupied or managed by or on behalf of the Council, then the premises would not be within a “designated public place” under the proposed Order at a time when the premises are being used for the sale or supply of alcohol under the licence or at any time within 30 minutes after the end of the licence hours. At other times any premises within (i) or (ii) above would be a “designated public place” under the proposed Order if they were situated in a place identified in the Schedules attached to this notice. As at the date of this notice there are no such premises.
  5. Copies of the plans indicating the places to be designated as public places by the proposed Order can be inspected at the Enforcement Service, Technopark, Ashley Road, Tottenham, London N17 9LN between 8.45 a.m. and 4.45 p.m. on Mondays to Fridays inclusive. These plans can also be seen on the Council’s website at <http://www.haringey.gov.uk/>
  6. Any representations as to whether or not the Council should make the proposed Order should be sent in writing to Robert Curtis, Environmental Crime Service Manager, at the Enforcement Service, Technopark, Ashley Road, Tottenham, London N17 9LN to be received no later than Friday 25 July 2008. Representations can also be sent by email to [enforcement@haringey.gov.uk](mailto:enforcement@haringey.gov.uk) to be received by the same closing date. All representations received may be made public and will be considered by the Council’s General Purposes Committee before a decision is taken whether to make the Order.
  7. Further information on this matter can be obtained from Robert Curtis, Environmental Crime Service Manager, on 020-8489-5283.

Niall Bolger, Director Urban Environment  
Haringey Council

24 June 2008

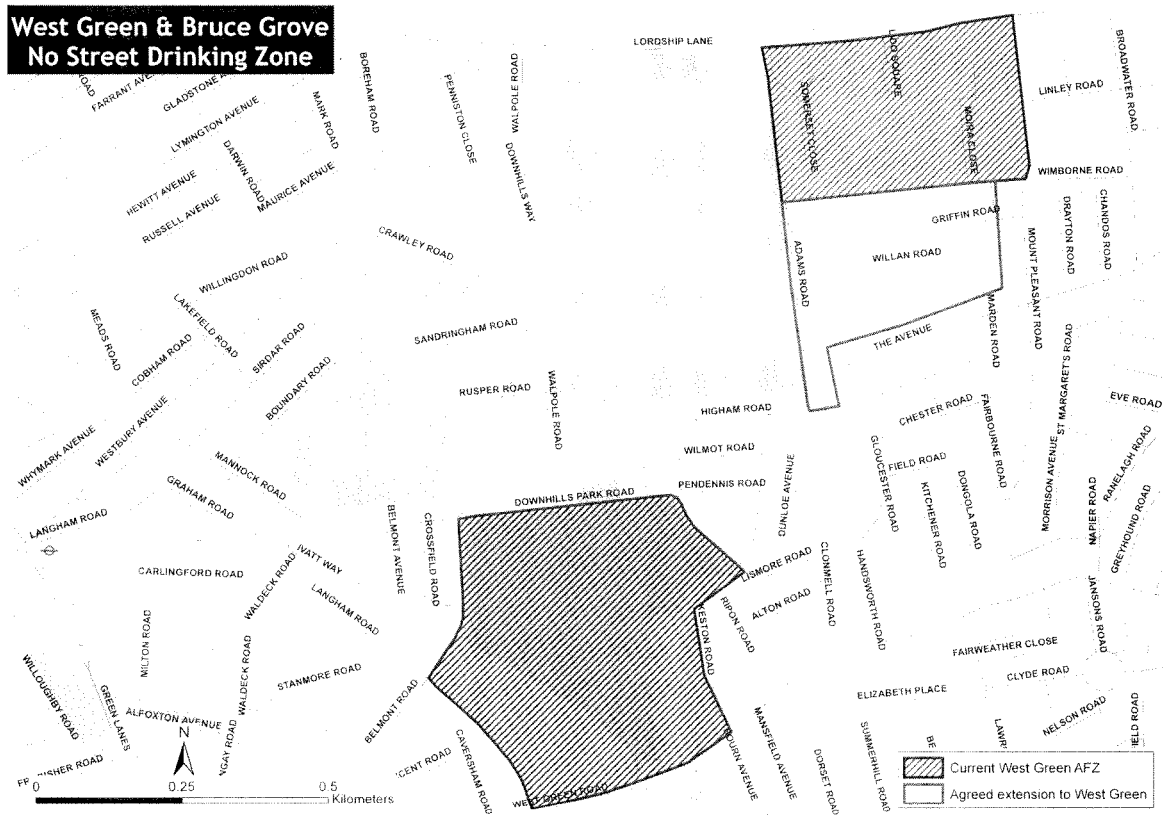
**PUBLIC PLACES TO BE DESIGNATED BY THE ORDER**

**SCHEDULE I**

**West Green Ward**

- **Public Highways West Green Ward - Roads**

FREEDOM ROAD, GLOUCESTER ROAD, GRIFFIN ROAD, WILLAN ROAD



Note : AFZ – Alcohol Free Zone

## SCHEDULE 2

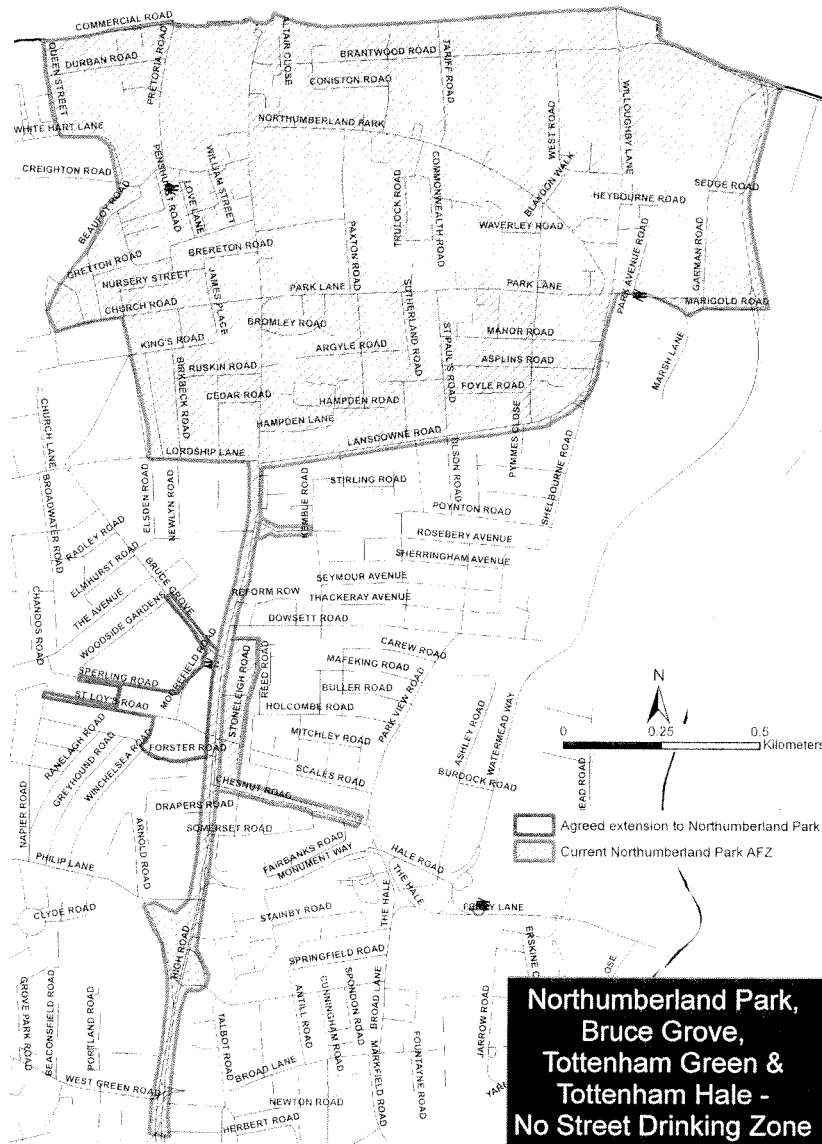
### Bruce Grove Ward

- **Public Highways West Green Ward – Roads**

BRUCE GROVE, CLACTON ROAD, FORSTER ROAD, HOWFIELD PLACE, MOOREFIELD ROAD, ST. LOY'S ROAD, SPERLING ROAD

- **Public Rights of Way**

ALLEYWAY BESIDE ST. LOY'S ROAD



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Niall Bolger, Director Urban Environment  
Haringey Council

24 June 2008

**PUBLIC PLACES TO BE DESIGNATED BY THE ORDER**

**SCHEDULE 1**

**West Green Ward**

- **Public Highways West Green Ward - Roads**

FREEDOM ROAD, GLOUCESTER ROAD, GRIFFIN ROAD, WILLAN ROAD

**SCHEDULE 2**

**Bruce Grove Ward**

- **Public Highways West Green Ward – Roads**

BRUCE GROVE, CLACTON ROAD, FORSTER ROAD, HOWFIELD PLACE,  
MOOREFIELD ROAD, ST. LOY'S ROAD, SPERLING ROAD

- **Public Rights of Way**

ALLEYWAY BESIDE ST. LOY'S ROAD

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