



Haringey Council

Agenda item:

[No.]

**General Purposes Committee**

**on**

**11 March 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: Noel Park, Northumberland Park, Seven Sisters, Tottenham Green, Bounds Green, Bruce Grove, Tottenham Hale, Haringay Woodside, West Green , St. Annes

Report for: Decision

**1. Purpose :** This report seeks approval for a proposed extension of street drinking controls for the Police through adoption of new controlled areas in respect of alcohol consumption in Public places, as defined by sections 12-13 of the Criminal Justice Act 2001. The report confirms the findings of a review of identified problem areas and formal consultation on the proposed extension.

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

2.1 That Members note the evidence collated in relation to crime and disorder, nuisance and anti social behaviour associated with street drinking locations in the borough and the responses to the formal consultation on the proposed Order to control alcohol consumption in the public places proposed for designation as shown in the appendices 1 to 5 of this report.

2.2 That Members confirm that they are satisfied that nuisance or annoyance to members of the public, or a section of the public, and disorder, have been associated with the consumption of intoxicating liquor in the public places proposed for designation as shown in the appendices to this report.

2.3 . That Members make the proposed Order under section 13 of the Criminal Justice and Police Act 2001 identifying and designating the public places shown in the appendices 1 to 5 of this report areas as areas for controlling the consumption of intoxicating liquor.

2.4 That Members agree to the Order taking effect on 1 May 2008 after advance warning of its effect has been given in a local newspaper notice and appropriate street signage.

**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 £10,000 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 10 September 2002
- b. Street Drinking Survey forms
- c. List of consultees for formal consultation
- d. Consultation Responses

### **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. By April 2008, all Crime Reduction Partnerships will be required to have 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.
- 9.5 The matter is being reported to Cabinet Advisory Board on 28 February to seek the informal views of Cabinet Members. These views will be reported by officers to GPC on 11 March.
- 9.6 If agreed, it is anticipated that the Order would come into effect on 1 May 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.
- 9.7 Members will note the responses to consultation that suggest new areas/streets which would be appropriate for a similar order (see appendix 7). It will not be possible, legally, for the proposed order to include these new areas/streets. This is because the areas/streets for control must be set out in the advertised documents at the start of the formal public consultation process as specified in the procedural Regulations (S.I. 2007/806).
- 9.8 In accordance with the views expressed by the Cabinet Advisory Board, it is being recommended that a further separate formal consultation be undertaken for the areas/streets in appendix 7. This consultation would commence as soon as practicable. The Notices would show the additional streets/areas so that the public and the statutory consultees can understand and comment upon the proposals. The outcome of this second consultation will be reported to the first GPC meeting in the next municipal year.
- 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 The two areas covered are broadly Noel Park ward, Ducketts Common and Tottenham High Road from Seven Sisters tube station to Northumberland Park, including the area around Tottenham Hotspurs football Stadium and both local railway stations. See Appendix 3.
- 11.3 Since 2002 it has become clear that a number of areas outside of these controlled areas have developed street dinking issues and the new Police Safer Neighbourhood Teams (SNT) have been attempting to resolve these issues often without the extra powers that are available in designated areas.
- 12 **Pre-consultation Review**
- 12.1 Any decision to extend designation must be traceable to evidence of alcohol related crime, disorder or public nuisance. Evidence prior to formal consultation was collated to confirm where there was evidence of a significant problem with street drinking and levels of crime and anti social behaviour.
- 12.2 Prior to any formal consultation we contacted interested partners including all SNTs, HAGA, Street Scene, Parks Constabulary and the Community Safety Unit to assess other areas where levels of street drinking may be an issue. A number of ward Members also identified areas of concern.
- 12.3 All areas of significance identified at this stage reflected locations in the centre or east of the borough with no SNT recorded problems in the west of the borough. Each location identified by this approach was visited by street enforcement wardens to assess and record the problems at each location. Most received two visits at various times of the day and evening. Problems were recorded and a photographic record is available.
- 12.4 Where safe to do so, Street Wardens interviewed street drinkers and captured information on why they were street drinking. In some locations the street drinking was aligned to cultural norms for some members of the community and did not always include evidence of more addictive alcohol usage. These drinkers congregated to drink socially. Other drinkers, including women, who appeared to demonstrate more addictive behaviour and were found alone or in smaller groups. Again social interaction was important.
- 12.5 From this investigation at this stage it was clear that the worst street drinking and associated problems are in **Seven Sisters Ward**. Areas of concern include urination and fouling, litter, noise, drugs, solicitation, aggressive behaviour, and use of dogs.
- 12.6 Similarly there was evidence that the **Tottenham Green Ward** requires a street designation. This is supported by evidence of numerous locations in the ward that are adversely affected by anti-social behaviour associated with street drinking. Areas of concern include urination and fouling, litter, noise, drugs, solicitation, and aggressive behaviour.

- 12.7 In addition, the current ban does not include the **Scotland Green area**. Due to its close geographical location to Tottenham Hotspurs football ground, the police requested that this area is included in the street drinking ban especially for match days. See appendix 3.
- 12.8 Officers have also received requests from the local Police SNT, Ward Members and other stakeholders asking that the current Noel Park designated street drinking area is extended up to and including the **Civic Centre**, Trinity Road, across into White Hart and linking up with the Peace street drinkers that are currently taking up residence in the **Peace Gardens** and park opposite the Civic Centre.
- 12.9 The Borough Commander confirmed that the no drinking zones that exist are still merited. He has also confirmed that the current bans at Tottenham and Northumberland Park have helped to reduce the violence around the football ground. Wood Green is enforced especially around the evening economy or when officers are available. This has also contributed to reductions in anti social behaviour and violence.
- 13 **Options Appraisal and Consultation Proposal**
- 13.1 The option that was proposed in the formal consultation was to maintain the current designated street drinking areas that exist and extend designation to include the entire wards of Tottenham Green and Seven Sisters, plus Scotland Green and the Civic Centre/Peace Gardens. Other specific areas to be included are in West Green, Tottenham Hale and Woodside wards as identified in appendices 1,2,3,4 and 5.
- 13.2 The formal consultation process began on the 18<sup>th</sup> January 2008 and ended on the 15<sup>th</sup> February 2008 in accordance with the Police and Criminal Justice Act 2001. The formal consultation comprised of the following actions.
- 13.3 A formal notice was advertised on the 18<sup>th</sup> January 2008 in a local journal which was 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 6.
- 13.4 Information on the consultation and a facility for making an online response was available through Haringey's website. This included maps and schedules of the designated areas.
- 13.5 Officers attended Area Assemblies during the consultation period and gave a presentation explaining the council's proposals, provided handouts to the public for information and carried out question and answer sessions. On all occasions there was very strong support from residents for a extension of street drinking controls.
- 13.6 Three hundred and forty one licensees who were directly affected by the Council's proposals were written to directly asking for their comments. Traders Associations, HAGA, DAAT and all nineteen local SNTs were contacted and consulted with.

- 13.7 Placards were 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.
- 13.8 The Police Borough Commander, Chief Inspector in charge of the Police Safer Neighbourhood Teams and the three Police inspectors were all directly written to and consulted with on the Council's proposals.

#### **14 Consultation Findings**

- 14.1 The consultation have been extremely well received with nearly all responses supporting the roads proposed for designation. Some responses whilst welcoming the designations indicated that the Council should go further. This included asking that some locations that had been previously evaluated and rejected should be reconsidered.
- 14.2 A number of new locations were highlighted in the formal consultation process as suitable for drinking control. Appendix 7 includes a summary of these locations and the findings of and initial evaluation of each. This evaluation indicates that some of these locations would satisfy criteria for a designation order. It is proposed that a follow up consultation be undertaken and a report brought forward on more designated areas.
- 14.3 Appendix 8 gives details of the results of the formal consultation. A number of quotes are included from responses received which were indicative of those received and in general very supportive. There was one qualified objection expressing an in principal objection to ward based designations. However, this response in principal does support the existing bans in Tottenham High Road and Wood Green. This is the only negative response received by the consultation team.
- 14.4 The Borough Commander supports the proposals of the report to maintain existing alcohol free zones and expand them where required. The Borough Commander has committed his Safer Neighbourhood Teams as a resource to enforce the designated areas when they are brought into being.

#### **15 Implementation**

- 15.1 A steering group has been established to implement the new controls. This group will determine the implementation strategy including the enforcement policy, communication planning, and monitoring and review. This group will be a task and finish group reporting to the Antisocial Behaviour Partnership Board.
- 15.2 The communication plan will ensure that there is a strong understanding of what controls exist and where they are being implemented. It will focus on the street drinkers and retailers but will also include broader awareness measures. It will also reaffirm the areas already covered by street drinking.

- 15.3 The enforcement approach will be incremental using challenge and support to ensure street drinking is stopped in areas covered by designations but if possible avoiding the necessity for use of powers. This will be supported by outreach work in advance of the designations being implemented in April 08. There would be no tolerance of violent threatening or anti-social behaviour at any stage.
- 15.4 Retailers found selling alcohol to an intoxicated person will receive formal action. A programme of test purchasing to flag up problem premises will be carried out. A code of conduct to support implementation will be introduced.
- 15.5 We will establish a range of activity and outcome performance measures that will be reported back to the steering group. These will include:
- Test purchase activity at retailers in designated areas. This will include licence reviews and prosecutions etc.
  - Site audits and action plans that establish position against benchmark evidence compiled as evidence for the designations. Each location will have an action plan that establishes how locations can be made less friendly to street drinking.
  - A programme of visits will initially take place every week and reduce to monthly after the first quarter. Quarterly audits will continue after the first quarter.
  - Formal actions taken by Police under powers available through designation and otherwise available to control street drinking and associated crime.
  - Referrals and treatment programmes resulting from activity within designated areas.
  - Complaint levels
  - Consultation with local community representatives and Police SNTs
  - Satisfaction tracking
- 15.6 There will be a 3 year review aligned to the requirement for 3 year review of the Councils Licensing Policy Statement. Arrangements to bring forward further proposed designated areas and interim reviews of any evidence of displacement will also be undertaken.
- 15.7 All areas that are designated will be described in the schedules advertised and or referenced on the appendix maps attached.
- 15.8 All areas that are designated will have signage as appropriate.
- 15.9 All boundary lines on the map indicate that both sides of the road are included in the proposal for designation.
- 16 **Conclusion**
- 16.1 It is clear that there is evidence of criminal and antisocial behaviour associated with street drinking in some areas of the borough. The proposed extension of street



drinking control is widely supported although some would like to see further areas considered for designation.

17 **Appendices**

**Appendix 1** : Map of proposed area and schedule of roads. Noel park, Woodside, Harringay, West Green and Bounds Green wards

**Appendix 2** : Map of proposed area and schedule of roads. West Green and Bruce Grove wards

**Appendix 3** : Map of Area and schedule of roads. Northumberland Park and Tottenham wards

**Appendix 4** : Map of proposed area and schedule of roads. Tottenham Green wards

**Appendix 5** : Map of Proposed area and schedule of roads. Seven Sisters ward.

**Appendix 6** : Notice publicised during formal consultation process

**Appendix 7** : Formal consultation additional streets table