



[No.]

Agenda item:

General Purposes Committee

on

26th 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 27th June 2008 and will end on the 25th 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 27th 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