

Brighton & Hove City Council

For general release

Meeting: Policy & Resources Committee
Date: 18th June 2003
Report of: Acting Director of Environment
Subject: Designated Public Places Order to ban street drinking throughout the city and deal with alcohol related anti-social behaviour.

Ward(s) affected: All

1. Purpose of the report

1.1 The purpose of this report is to:

- a.) Inform the Policy and Resources Committee about a broad range of actions to deal with alcohol related anti-social behaviour and persistent perpetrators of street drinking
- b.) To obtain approval for a Designated Public Places Order to ban street drinking throughout the City and following advertisement of that Order (in accordance with legislation), to introduce the Ban from the end of July 2003
- c.) Highlight the wider implications of such a ban and set out other aspects of street behaviour that are to be tackled alongside the street drinking issue.

2. Recommendations

- 2.1 That the Committee give provisional approval to a 'Designated Public Places Order' for the City of Brighton & Hove, which will give Police Officers the powers to require the surrender of alcohol and to make an arrest if the drinker refuses to do so after being requested.
- 2.2 That the Chief Executive be delegated authority to take all necessary actions to bring the Order into effect following the publication of the 'notice of intention' to make the order in a local newspaper and a 28 day period for receipt of representations. A final report will then be submitted to Policy and Resources Committee to make the Order by fixing the Council seal.

2.3 That the Committee give approval to the objectives of the Designated Public Places Order and the partnership work to reduce alcohol related anti-social behaviour, as set out in 4.2 of this report.

3. Information/background

3.1 The Criminal Justice and Police Act 2001 introduced the power for Local Authorities to designate public places in which it will become an offence to drink alcohol after being required by a Police Officer not to do so. The Police will have the power to require the surrender of alcohol and containers in these circumstances and those who fail to comply will be liable to arrest. The mechanism for such a ban is a 'Designated Public Places Order'.

3.2 Street drinking in Brighton and Hove is of major and consistent public concern and the anti-social behaviour which arises from it, contributes to fear of crime, as well as "turning off" those areas for more general public use. This effect in itself, can be the catalyst for further deterioration of an area and for an increasing incidence of serious crimes such as drug dealing. Tackling street drinking and the associated incivilities and anti-social behaviour is therefore a priority for the Council and for the Crime and Disorder Reduction Partnership (CDRP).

3.3 A Bye-law banning street drinking was introduced for the St. James's Street area in 2001. The ban has been instrumental in helping to achieve the regeneration of the area and the reduction of crime and fear of crime. The involvement of the community which was one of the outcomes of consultation undertaken to support the introduction of the ban has sustained and they have significantly contributed to an evaluation of the effect of the Bye-law upon that area. The evaluation findings have confirmed that while street drinking in the area has decreased as a result of the bye-law, displacement has occurred and has almost certainly contributed to the increasing problem of other 'hotspot' drinking sites.

3.4 The Crime and Disorder Reduction Partnership (CDRP) is taking forward the Designated Public Places Order and is working partnership with other services to develop and put in place a range of enforcement remedies and other interventions which will be necessary to enable the Order to be successfully implemented. Representatives from the Police, Crime Reduction Initiatives (CRI) Street Outreach Services, Single Homeless and Rough Sleepers Project Manager, Equinox, Addaction, the Primary Care Trust and Council officers are working together on the initiative, through a Project Board.

3.5 The first meeting of the partnership Project Board was attended by the Assistant Director of the Anti Social Behaviour Unit at the Home Office and a senior officer from the Homelessness Directorate at the Office of the Deputy Prime minister whose involvement and support will be ongoing. They will greatly assist in developing good practice solutions, and particularly with sharing information from other authorities who are tackling similar priorities of reducing street crime, anti-social behaviour and street drinking. Those authorities include Camden and Westminster.

4.0 Objectives of the Designated Public Places Order and of work to reduce alcohol related anti-social behaviour

It is known that -

- there are approximately 30 individuals who are street drinking on the streets of the city at any one time. The group contains both transient and local drinkers.
- These numbers are often increased as clients leave Equinox and other day centres and by begging and unlicensed vending populations (Equinox operates at full capacity throughout the day with 42 clients at any one time; they are therefore significantly already meeting a known level of need)
- research also indicates that approximately 75% of the street drinking population are also addicted to other substances and 35% have significant mental health problems. They also have a range of primary health care needs.
- street drinkers are not necessarily homeless, but are likely to be insecurely housed.
- there have been recent reports of children being part of street drinking groups.

4.1 17 Street Drinking Hotspot areas have been identified which include:

The Level

St. Peter's Church

Royal Pavilion Gardens

St. James Street (ongoing)

The Cottages (bus stop on Upper Rock Gardens)

Public toilets in Upper Rock Gardens

Outside St. Anne's/Fitzherbert Centre/HALO (grassed area)

Trafalgar St. car park

Norfolk Square

York Place / London Road

Back of St. Andrew's Church, Hove

Opposite Goldstone Villas beside public toilets
Outside St. Patrick's Hostel, Hove
Inside HSBC North St. out of hours cashpoint area
Pelham Square, Off Trafalgar Street
Souprun at middle level Madeira Terrace
Seafront promenade (above Madeira Terrace)

4.2 The Objectives of the Designated Public Places Order and of joint work to tackle the problem are therefore proposed as --

- To provide additional powers to the Police who are a key partner in the Crime and Disorder Reduction Partnership to deal with persistent street drinking and alcohol related anti-social behaviour. In particular, the new powers will also deal with the offences (as recorded by the police)
 - Disturbances within licensed premises
 - Disturbances in Public places that are alcohol related
 - Drunkenness

- To give a clear message about the unacceptability of anti-social behaviour, consistent with the priorities of the Crime and Disorder Reduction Partnerships (CDRP) and the work of the new anti-social behaviour team
- To contribute to the range of actions which are being delivered by the CDRP to reduce violent crime in a public place (largely alcohol related), to reduce fear of crime and improve the quality of life for residents and visitors in the City
- To contribute to the range of actions which are being delivered by the CDRP to reduce alcohol misuse and which are expected to be further developed, building on the anticipated recommendations of the Government's Alcohol Strategy (publication awaited)
- To reduce the numbers of street drinkers and hotspot areas through combining enforcement with outreach services
- to tackle the 'root cause' of alcohol misuse where possible by increasing the capacity of treatment options and support currently available to street drinkers in the city and the number of referrals into treatment and support
- To recommend environmental improvement in order to sustain the positive changes, particularly in hot-spot areas

5.0 Options for the boundary of the Designated Public Places Order

5.1 Three options have been considered by the CDRP (Police and Council) about the most effective boundary and focus for the Designated Public Places Order. These are –

5.2 Designating individual street drinking 'Hotspots'.

The seventeen hotspots are located at various points throughout the central area of the City. The Police and Council have considered in some detail the effect of having such a large number of scattered boundaries and the extreme difficulty of such an arrangement being able to realistically contribute to giving out a clear message about what action is being taken and why, the difficulties in achieving effective enforcement and of managing displacement. The 'hot-spot' arrangement is therefore not recommended by the CDRP.

5.3 Designating the Central Policing Area. The boundary of the Central Policing Area is approximately inclusive of the 17 hot-spot areas and the boundary of any Designated Public Places Order could reasonably be amended to include those hot-spots. While the advantages of this boundary would allow for a concentration of police resources, an ability to target those resources at concentrated areas of anti-social behaviour and alcohol related crime, while still preventing displacement within the City Centre, the potential for displacement of street drinkers to new areas outside of the central area is high. This could create new hotspots, and the length of time required to get Designated Public Places Orders for any new emerging street drinking areas, could allow these areas to become established hotspots making enforcement and remedies more difficult in the long term.

5.4 A Designated Public Places Order for the whole City (City-wide Street Drinking Ban)

The Police and Council have taken into consideration the information set out above and have agreed that a city-wide ban offers the best opportunity for achieving

- ability to tackle street drinking and alcohol related crime in all areas of the City
- the best means of managing displacement from current hotspots, with immediate effect
- a consistent policy for the City as a whole
- all of the objectives set out in 4.2 of this report

6.0 Work to be undertaken to support a City-wide Street Drinking Ban

6.1 The following are some of the actions that the Police, Council and partners on the Project group are already pursuing to support and successfully implement a City wide, Designated Public Places Order and to deliver the wider objectives set out in 4.2 of this report.

These are

- The collation and recording of evidence and monitoring procedures to support implementation, assess effectiveness, review progress and make recommendations to further target resources or actions and evaluate outcomes. The evidence will include recorded police data. Good practice which 'works' will be 'packaged', recorded and shared.
- Consultation will be undertaken with residents/traders in hot-spot and 'sample' locations throughout the city and with licensees, including pub and club owners, both in the 'run up' to the implementation of the Order and at intervals throughout the process
- Developing an enforcement strategy and operational protocol which prioritises a focus on anti-social behaviour and street nuisance and which sets out how those arrangements link with work to tackle other crime and disorder issues such as street drug dealing and using, rough sleeping and aggressive begging
- Identifying the impact on treatment services locally; how they can be further co-ordinated to achieve the best outcome and identifying gaps in services delivery, together with resource implications. Taking every action possible to bring in new resources to the City for alcohol related services.
- Developing initiatives which will support sustained good progress, e.g. changes to the physical environment which do not 'invite' groups of congregating street drinkers.

7.0 Timescales: A notice of intention will be published in a local newspaper immediately following approval of the Designated Public Places Order. A period of 28 days will be given for members of the public to submit representations. These representations will be considered and the final recommendation presented to the Policy and Resources Committee thereafter. It may be necessary to hold a special meeting of Policy and Resources Committee.

8.0 Consultation

8.1 Evidence is held on file from consultations already undertaken with residents and traders in the St. James's Street area and in the York Place, St. Peter's Church area. There is an amount of correspondence from residents and traders in some of the other hot-spot areas. All of this

information is expected to be confirmed by police data and analysis which is currently under preparation.

- 8.2 Street Drinking Incident Diaries were sent out at the end of April to approximately 70 households who have been affected by Street Drinking in and around the vicinity of Norfolk Square. To date the community safety team has received 21 completed Street Diary sheets (from 7 households) that contain approximately 50 – 60 separate incidents. (This may include the same incidents been reported by more than one household.)
- 8.3 Over the coming weeks as already indicated, consultation will take place with residents and traders in hotspot and other 'sample' areas and with licensees including pubs and club owners. Further detailed discussion and joint working will also be undertaken with the main support agencies that street drinkers currently access and whose services will be most effected.

Appendix

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| Meeting/Date | Policy and Resources Committee: 18 th June 2003 |
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| Wards affected | All |

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| <p>Financial implications Costs will be incurred for advertising and signage. It is assessed that these costs could be up to £20,000. Approval is being sought from the Home Office, to those costs being met from underspend from funding streams to the Crime and Disorder Reduction Partnership.</p> | |
| <p>Legal implications Section 13 of the Criminal Justice and Police Act 2001 gives the authority the power to make an order designating any public place within their area if they are satisfied that nuisance or annoyance or disorder has been associated with the consumption of alcohol in that place. The Home Office has been consulted and is aware of the problem of displacement and is sympathetic to wider designated areas that link together hotspots. There is no other local authority precedent at present for an authority-wide ban, although it is understood that Westminster City Council is planning to expand their designated area to cover their whole area. There is a risk that such a wide ban as proposed may be beyond the scope of the legislation and could be challenged. To minimise this risk it is important that there is adequate evidence to support the Order. Regulations (SI 2832) prescribe the procedure for making a 'Designated Public Places Order'. They require consultation and publication of a notice of intention to make an order and inviting representations. These statutory procedures must be followed before an order is made.</p> | |
| <p>Corporate/Citywide implications The proposals support the Council's priority of a safer city and are wholly consistent with the statutory plan, the Community Safety and Crime Reduction Strategy 2002 –2005.</p> | <p>Risk assessment As indicated in the legal implications set out above, there is a risk of challenge to the Order. However, wherever it occurs, anti-social behaviour associated with street drinking is considered unacceptable by the majority of the residents and visitors to Brighton & Hove and the seventeen hot-spot areas already identified encompass a large area of the City.</p> |

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| <p>Sustainability implications The objectives of the proposals include actions which will be targeted at achieving improvements to the physical environment in order that change can be sustained.</p> | <p>Equalities implications Those who drink on the street are likely to be disadvantaged by insecure housing and ill health. The objectives include the delivery of outreach services and an intended increase in the number of referrals to services.</p> |
| <p>Implications for the prevention of crime and disorder The City-wide, Designated Public Places Order to ban street drinking, particularly that which is associated with anti-social behaviour, together with the partnership work to further develop outreach and alcohol services is wholly consistent with the priorities of the Crime and Disorder Reduction Partnership and those set out in the Community Safety and Crime Reduction Strategy 2002 – 2005.</p> | |
| <p>Background papers Community Safety and Crime Reduction Strategy 2002 –2005. Evidence and papers held on file.</p> | |
| <p>Contact Officer Linda Beanlands: Community Safety Manager: 291115.</p> | |