

APPENDIX A

Committee: Cabinet	Date: 6 May 2009	Classification: Unrestricted	Report No:	Agenda Item :
Report of: Corporate Director: Steve Halsey, Communities Localities & Culture Originating officer(s): Heather Mallinder, Operations manager, Community Safety Service		Title: Joint Drinking Control Zone with LB Hackney for Arnold Circus and Shoreditch Wards Affected: Weavers		

1 **SUMMARY**

- 1.1 The report seeks Cabinet's endorsement for the proposal for Council to authorise the implementation of a further Drinking Control Zone (DCZ). Following the statutory public consultation, as a joint initiative with the London Borough of Hackney in the area around Arnold Circus and St Leonard's Church Shoreditch. The area has a history of anti-social behaviour associated with street drinking and the proposed DCZ has strong support from Weavers Safer Neighbourhood Team.
- 1.2 The establishment of a DCZ is a Council not an executive function, but the endorsement of this proposal by Cabinet is sought, given Cabinet's wider role in relation to community safety.

2 **RECOMMENDATIONS**

Cabinet is recommended to:-

- 2.1 Endorse the proposal to undertake statutory consultation for a Drinking Control Zone in accordance with the Criminal Justice and Police Act 2001 (and associated regulations), in Arnold Circus and the surrounding area as indicated in the plan attached at Appendix A to this report.

Local Government Act, 1972 Section 100D (as amended)
List of "Background Papers" used in the preparation of this report

Brief description of "background papers"	Name and telephone number of holder and address where open to inspection.
Criminal Justice and Police Act 2001	Heather Mallinder x 6107
Tower Hamlets Partnership Crime and Drug Reduction Strategy	Emily Fieran – Reed x 0248

- 2.2 Recommend to Full Council that the Director of Communities Localities & Culture be authorised to:
- (a) Consider any representations received to the consultation referred to in 2.1 above.
 - (b) Approve the making of the proposed Drinking Control Zone for the area indicated on the plans attached as Appendix A.
 - (c) Consider the inclusion of any additional areas within the Drinking Control Zone, referred to above, identified during the consultation as appropriate for such inclusion.

3 BACKGROUND

- 3.1 As part of the Council's strategy to deal with street drinking and the associated anti-social behaviour two Drinking Control Zones were introduced, one in Whitechapel and one in Bethnal Green (Museum Gardens and Bethnal Green Gardens) in August 2006.
- 3.2 The current Grade 1 listed church of St Leonard's in Shoreditch dates from about 1740, although there has been a church on this site since Saxon times. The church being famous for the nursery rhyme Oranges and Lemons – "When I grow rich, say the bells of Shoreditch", is also noted as being the resting place of many actors from Shakespeare's time, when the area hosted England's first purpose built playhouse.
- 3.3 St Leonard's continues to be a place of worship and is a significant focal point for the local community within this historically rich and culturally vibrant area. The surrounding church yard is now a public park and is in constant use as a place of recreation by both Hackney and Tower Hamlets residents and visitors to both boroughs.
- 3.4 At the other end of Calvert Avenue there is Arnold Circus which encircles a Grade 1 listed bandstand, which is the centrepiece of the nearby Boundary Estate. It comprises a central garden and bandstand, which is now preserved by English Heritage and subject to a substantial regeneration project by Parks and Open Spaces.
- 3.5 Recently residents and local businesses have expressed their concerns regarding alcohol related anti-social behaviour in the area around St Leonard's Church, Calvert Avenue and Arnold Circus. Particularly an increase in the number of incidents in relation to the churchyard and bandstand areas.
- 3.6 There have been recent incidents identified by the Community Safety Services ASB disorder Patrols of groups of youths congregating in Calvert Avenue and the band stand in Arnold circus causing nuisance and disorder. They were clearly

under the influence of alcohol. Their behaviour included making an excess noise, pushing and shoving each other and spitting. The youth are congregating in groups of up to seven at a time. One arrest was made on 27 February 2009.

- 3.7 Information received from LB Hackney concur with the findings of LB Tower Hamlets that street drinking is a significant contributor to ASB in the local area. With a large number of incidents recorded between October 2007 and September 2008 being linked to excessive consumption of alcohol.
- 3.8 In addition to the recorded 999 calls during this period there have been increasing complaints from residents and businesses in regard to the rising levels of alcohol related ASB. The data in table 1 below shows that in the relevant period, there were 457 incidents in the immediate area. The criteria for selection were any call relating to violence, noise, hate crime or anti-social behaviour. This activity peaks in the summer months between the hours of 9.00pm and 3.00am.

Table 1

CADMIS (999) Call Type	1st October 2007 to 30th September 2008	% of Total
Violence against the person	204	44.6
Rowdy / inconsiderate behaviour	141	30.8
Criminal Damage	43	9.5
Robbery	27	5.9
Street Drinking	17	3.7
Other	25	5.5
Totals	457	100

- 3.9 Further research shows that within the proposed DCZ boundary area there was a heavy concentration of 180 crimes between 1st April 2008 and 31st August 2008. More than 50% of these consisted of allegations of Theft (27%), Drug Possession (19%) and Pick- pocketing (6%). In the same period there were 149 calls to the police directly relating to ASB, including begging/ vagrancy issues, street drinking, noise, prostitution, substance misuse and rowdy / inconsiderate behaviour.
- 3.10 Whilst the table shows street drinking complaints to comprise only 3.7% of the total offences relating directly to the consumption of alcohol within this area are known to be under reported. Many are alcohol related, especially the reports of ASB, street drunkenness, begging, noise nuisance and criminal damage. This is not always recorded on the police CRIS crime reporting system.
- 3.11 The precise nature and numbers of street drinkers in the area tends to vary. To better understand this and to examine the work already undertaken with this group further research is being undertaken by the Spitalfields Crypt Trust. The Trust is a charity based at the junction of Calvert Avenue and Shoreditch High

Street that regularly conducts outreach work with the street drinkers. The Trust offers education and training whilst helping service users to address their addictions to alcohol and substance misuse.

- 3.12 In addition to this service the Tower Hamlets Drug and Alcohol Action Team (DAAT) will be providing an extra outreach worker to work along side the Trust and Community Safety Operations Team to encourage street drinkers to build links in the community and engage with support services to enable them to move away from the street lifestyle

4 Proposed Drinking Control Zone

- 4.1 Both the London Borough of Tower Hamlets and the London Borough of Hackney are keen to work in partnership to find solutions to these alcohol related problems, looking at ways of tackling them as part of a wider programme of work that includes joint police patrols in the area, and outreach and counselling programmes working with street drinkers.
- 4.2 The Drinking Control Zone is defined under a Designated Public Place Order (DPPO) which grants Police Officers and Police Community Support Officers (and Generic Enforcement Officers under the Community Safety Accreditation Scheme) the power to seize and confiscate alcohol being consumed in a designated area by persons acting in an anti-social manner. Offenders who fail to comply may be prosecuted or issued a fixed penalty notice.
- 4.3 Designated Public Place Orders are made by local authorities using powers under section 13 of the Criminal Justice and Police Act 2001 as amended by section 26 of the Violent Crime Reduction Act 2006 and the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.
- 4.4 Any such designated public place is one where the local authority is satisfied that nuisance, annoyance or disorder is associated with the consumption of intoxicating liquor in the area.
- 4.5 In order to make such a designation, a statutory consultation process must be undertaken, taking into account any research and recent complaints and have due regard to the representations of the police, Community Safety Services and the local Safer Neighbourhood Teams.
- 4.5 The proposed area for the Drinking Control Zone includes the churchyard surrounding St Leonard's Church, Boundary Street, Calvert Avenue, Austin Street, Virginia road, Hocker Street and Arnold Circus (including Boundary Gardens and bandstand).
- 4.7 The effect of this proposal would be to control alcohol consumption in the designated public place and provide the Police and Tower Hamlets Enforcement

Officers with additional powers to deal with ant-social behaviour and unruly individuals who drink alcohol in the streets, park, gardens and bandstand.

- 4.8 The process for implementing a Drinking Control Zone requires that local consultation be undertaken with both the public and affected businesses being given the opportunity to comment on the proposal. Newspaper advertisements will publicise the intended measures and will offer the opportunity for further comment. All households in the area have been sent an information leaflet.
- 4.9 The regulations of the CJPA require the licensees of all premises selling alcohol within any proposed control zone to be consulted. A formal notice of consultation will be placed in East End life.
- 4.10 If, following formal consultation, the Drinking Control Zone is adopted, there will be an obligation to announce the area affected and the commencement date. This will be managed by the delivery of an information leaflet to every home and business in and around the zone and by a formal notice in East End Life.
- 4.11 Table 2 below details an estimated cost of the consultation and implementation of the proposed zone.

Table 2

Newspaper Advertising	£7,500
Signage for the Zone	£1,500
Leaflet Campaign (consultation)	£1,000
Leaflet Campaign (launch)	£1,000
Total	£11,000

- 4.12 All costs are non-recurrent and will be met from within the Community Safety Services existing budgets. The enforcement of the zone will be met within existing police and partnership budgets.

5 COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 5.1 No specific financial implications emanate from this report with the exception of costs associated with consultation and advertising, which are detailed in paragraph 4.11, and will be met from within approved Community Safety Services Budgets in 2009/10.

6 CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)

- 6.1 The Council has power under the Criminal Justice and Police Act 2001 (“CJPA”) to make an order designating a part of the Borough as a “public place” and to control the drinking of alcohol in the designated public place. This is generally

referred to as a drinking control zone (“a DCZ”). A DCZ works by giving the police powers to request a person who is within the DCZ either not to consume alcohol within his or her possession or to surrender that alcohol to the officer. Criminal liability will only arise in the event of failure to comply.

- 6.2. The making of an order designating a DCZ is a non-executive function that falls within the responsibility of Full Council under the Council’s Constitution. It is, however, open to Cabinet to provide an endorsement of the proposed order to Full Council if it chooses.
- 6.3. The Council can only consider making a DCZ where it is satisfied that either nuisance or annoyance is being caused to members of the public or a section of the public or disorder has been associated with the consumption of alcohol in that place. The Council should also be satisfied that the making of the DCZ is both necessary and proportionate, having regard to its obligations under the Human Rights Act 1998. The DCZ should be necessary, achieve a fair balance and not go beyond what is strictly necessary to achieve the purpose involved.
- 6.4. The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001 specify procedural steps that the Council must take before making an order and also for the order to take effect. These include requirements for consultation which have been complied with. There is a requirement for publication of notice of the order which will have to be carried out.

7 ONE TOWER HAMLETS CONSIDERATIONS

- 7.1 The provision of a Drinking Control zone in the Arnold Circus area involves actively engaging the communities through consultation and has been proposed as a result of the very positive feedback from the local communities for the initiative.

8 SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 Complaints about street drinkers include references to littering and their use of doorways, alleyways and open spaces for urination and defecation. Controlling alcohol consumption will reduce the amount of litter and create a more welcoming environment.
- 8.2 Any zone established under the CJPA must have ‘adequate’ signage. The majority of signs will be displayed on the streets and open spaces with the remainder deployed in the bandstand and churchyard areas. Every effort will be taken to ensure that the signage is effective while not overly obtrusive.

9 RISK MANAGEMENT IMPLICATIONS

- 9.1 The key risks associated with this proposal are set out below. The mitigating action associated with each risk is designed to ensure successful outcomes.
- (a) Consultation does not support the proposal: a strong case has been made on the basis of evidence and stakeholder consultation. The point of formal consultation is to check against community views, but the initial work indicates that the proposal will be welcome.
 - (b) The DCZ is not effectively implemented: close partnership working, building on the experience of the other DCZ's in the borough will ensure effective implementation. The introduction of the Borough's THEO's will provide additional enforcement. All activity will be monitored through the partnership structure.
 - (c) The DCZ is not effective in tackling the negative impact of street drinking: work on the other zones has helped to prove the effectiveness of this strategy and will be monitored.
 - (a) The DCZ results in displacement: this will be carefully monitored and contingency plans, which could include proposing an extension of the zone, implemented as necessary,
 - (e) The DCZ will also contribute to ensuring that the Council meets the targets set in the National Indicators:
 - NI 41 – Perceptions of drunk or rowdy behaviour as a problem
 - NI 27– Understanding the local concerns about anti-social behaviour and crime by the local community.
 - NI17 - Perceptions of anti-social behaviour.
 - NI21 – Perceptions that the Police and Local Authority are dealing with crime and anti-social behaviour

10 EFFICIENCY STATEMENT

- 10.1 The partnership approach with LB Hackney will act as a deterrent to rowdy drunken behaviour and general anti-social behaviour as a result of consuming alcohol by increasing the enforcement powers available to deal with these issues in the area.

11. APPENDICES

Appendix 1 – Map of the proposed Drinking Control Zone.

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