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| <b>Committee:</b><br>General Purposes Committee                                  | <b>Date:</b><br>14 June 2006 | <b>Classification:</b><br>Unrestricted   | <b>Report No:</b> | <b>Agenda Item No:</b> |
| <b>Report of:</b><br>Assistant Chief Executive                                   |                              | <b>Title:</b><br>Proposed Drinking Control Zones – Bethnal Green and Whitechapel                           |                   |                        |
| <b>Originating officer:</b><br>Olivia McLeod<br>Head of Crime Reduction Services |                              | <b>Wards Affected :</b> Bethnal Green South, Bethnal Green North, Mile End and Globe Town and Whitechapel. |                   |                        |

## 1. Summary

- 1.1. This report seeks the General Purposes Committee's endorsement for the proposal to Council to authorise the implementation of a Drinking Control Zone (DCZ), subject to the outcome of statutory public consultation, in an area around Museum Gardens and Bethnal Green Gardens, Bethnal Green. The area has a history of anti-social behaviour associated with street drinking and the proposed DCZ has strong support from the local Police Safer Neighbourhood Team.
- 1.2. This report also seeks the General Purposes Committee's endorsement of the proposal to Council to confirm the DCZ currently running as a pilot initiative (since June 2005) in the Whitechapel area. It is proposed following consultation to extend the scope of this DCZ to cover the streets around Vallance Road to prevent displacement.

## 2. Recommendations

The General Purposes Committee 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 the Museum Gardens area indicated on the plan attached at Appendix B to this report;
- 2.2. Endorse the proposal to confirm the Drinking Control Zone currently running as a pilot initiative in the Whitechapel area, as indicated on the plan attached at Appendix A to this report, and to extend the scope of zone to cover the streets around Vallance Road, for the reasons outlined in paragraph 7.3.
- 2.3. Endorse the proposal to Council that the Assistant Chief Executive 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 Zones for the areas indicated on the plans attached at Appendices A and B to this report.

- (c) Consider the inclusion of any additional areas within the Drinking Control Zones, referred to above, identified during the consultation as appropriate for such inclusion.

### **Proposed DCZ Museum Gardens**

#### **3. Background**

- 3.1. Museum Gardens and Bethnal Green Gardens are very attractive park areas between Cambridge Heath Road, E2 and Victoria Park Square, E2, bordered by St John's at Bethnal Green Church on one side and Bethnal Green Museum of Childhood on the other. Bethnal Green Museum of Childhood is one of the most popular tourist attractions in Tower Hamlets, of which the Borough can rightly feel proud. Children from all over the South of England visit this site and frequently eat their lunch in the park known as Museum Gardens. Maintaining and improving the quality and usage of our parks is a key element of the Council's Open Spaces Strategy.
- 3.2. Unfortunately these parks have now been taken over by street drinkers. These drinkers take up all of the available seating, shout and swear at each other loudly, urinate in full view of other visitors to the park and fight amongst themselves. This behaviour from a small, but growing minority of park users is clearly unacceptable.
- 3.3. The number of drinkers at any one time can range from twenty to thirty people. Increased patrols by the Safer Neighbourhood Team can deal with the problem in the short term but mostly displace the drinkers to nearby Paradise Row and Bethnal Green Gardens. Interim ASBOs have been made against three of the drinkers banning them from the park, but the number involved is still increasing.
- 3.4. There have been numerous complaints received about the conduct of a small hard core of street drinkers received by the Metropolitan Police, and Crime Reduction Service. These complaints have been made both by individuals and by local residents' groups.
- 3.5. It should be emphasised that the problems being faced refer explicitly to street drinkers, as opposed to being related to individual licensed premises. It is for this reason and the relative success of the pilot zone in Whitechapel that the DCZ option is being explored.

#### **4. Proposal**

- 4.1 Sections 12-16 of the Criminal Justice and Police Act 2001 (CJPA) came into force on September 1<sup>st</sup> 2001. This Legislation gives a Local Authority the power to make an Order designating a part of the Borough as a "public place" and to control the drinking of alcohol in that designated public place.
- 4.2 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 that area. In these designated areas a Police Officer can require a person to stop drinking and to surrender open containers of alcohol.

If a person refuses to hand over an open container of alcohol or continues to drink they may be arrested. This new power allows the Police to tackle nuisance street drinkers and is being widely adopted throughout the country.

- 4.3 In order to make such a designation, a statutory consultation process must be undertaken. Under the terms of the CJPA, the decision to undertake the consultation process must be taken at Member level. This report requests that the Head of Crime Reduction Services be authorised to engage in consultation regarding the introduction of a DCZ, as legislated by the CJPA. The consultation will take place in the Museum Gardens area as defined on the map at Appendix B. A report on the findings of this consultation will be brought to Council at the earliest opportunity.
- 4.4 Taking account of the research and recent complaints and having regard to the representations of the police and the local community, Crime Reduction Services and the Police Safer Neighbourhood Team have produced a proposal to introduce a DCZ the area around Museum Gardens and Bethnal Green Gardens. A list of the streets and open spaces effected is included at Appendix A to this report. The DCZ will also include the Subways leading to Bethnal Green Underground Station and the Entrance Foyer to the Station.
- 4.5 The effect of this proposal would be to control alcohol consumption in the said designated public place and provide the Police with additional powers to deal with anti-social and unruly individuals who drink alcohol in the park and surrounding streets.
- 4.6 Reports supporting the request for a DCZ in Museum Gardens and Bethnal Green Gardens have been received from The London Ambulance Service, The Director of the Museum of Childhood and the Rector of St John at Bethnal Green Church.

## **5. Consultation Process**

- 5.1 The process for implementing a DCZ 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 areas will be sent an information leaflet, with an explanation of how to raise an objection or make comments. In addition, the Police and Crime Reduction Service will conduct a street survey in the affected areas concurrent with this process.
- 5.2 In addition to these measures, specific comments will be sought from the Museum of Childhood, St John in Bethnal Green Church, London Underground and the London Ambulance Service responsible for this area. The views of the appropriate Local Area Partnerships (LAPs 1 and 2) will also be sought.
- 5.3 The regulations of the CJPA require the licensees of all premises selling alcohol within any proposed control zone to be consulted. This requirement will be met by canvassing all such premises individually.

- 5.4 If, following the local consultation, the DCZ is adopted, there will be an obligation to announce the area affected and the commencement date. This aspect will be managed by the delivery of an information leaflet to every home and business in and around the zone and by advertisements in the local press.

## **Proposed confirmation of Whitechapel DCZ**

### **6. Background**

- 6.1 The Cabinet approved in June 2005 a proposed pilot DCZ in Tower Hamlets to cover the Whitechapel area as defined in Appendix A to this report. It was proposed that the Whitechapel DCZ be implemented as a pilot in order to assess the effectiveness of this measure and to determine its suitability for possible expansion to other areas of the borough which are shown to exhibit similar problems.
- 6.2 Whitechapel was selected as the pilot site because street drinking has been a long standing and unresolved issue, particularly the area of Whitechapel Station and its precincts. This was evidenced in a report by Building Research Establishment Ltd in 2003, commissioned by the Council, which found street drinking to be a major source of ASB.
- 6.3 In addition to this independent research, there were numerous complaints received about the conduct of a small hard core of street drinkers received by the Metropolitan Police, the British Transport Police, the Crime Reduction Service and by local Councillors, the local MP and GLA Member. These complaints have been made both by individuals and by local residents' groups.

### **7. The proposal**

- 7.1 A six month evaluation of the Whitechapel zone was carried out on 15 December 2005 by the ASBCU to assess the impact of the zone during the winter months (the summer months are the most crucial as this is when the street drinking problem is rife). A total of 56 residents in the local area were prepared to take part in the interviews. The results demonstrated that 35 of those interviewed were already reassured by the introduction of the DCZ, and 27 believed that it had reduced the impact of street drinking in the area.
- 7.2 The Limehouse Safer Neighbourhood Team carried out a survey of local traders on 16 January 2006. Their results showed that 85% of the local traders had seen an improvement in the area since the introduction of the scheme and were satisfied with the police response to the problem.
- 7.3 During the implementation of the pilot, further representation was made about areas around Vallance Road amid concerns about displacement. Further consultation was undertaken and it is proposed that the DCZ be extended to cover that area.
- 7.4 In the light of the positive pilot outcomes and ongoing support from all partners, The General Purposes Committee is asked to endorse the

recommendation to Council that the Whitechapel DCZ, as amended, be confirmed.

## **General issues**

### **8. Impact of a Street Drinking Ban**

- 8.1 The introduction of a DCZ does not make drinking in public an offence. It only becomes an offence when an individual refuses to hand over open containers of alcohol or continues to drink when they have been warned not to. Therefore, police can target individuals who cause nuisance, annoyance or disorder when drinking alcohol in public.
- 8.2 The potential problems with DCZs are lack of police enforcement and displacement of the nuisance to nearby areas. However, in this case, local police managers are committed to policing the zone and the local Safer Neighbourhood Teams will closely monitor displacement. Many of the street drinkers who frequent the Museum Gardens and Bethnal Green Gardens areas travel there by bus and are not local residents. It is not anticipated that these individuals will travel to the zone and then drink in nearby side streets. Should this be the case the zone will be supported by action with the Anti-Social Behaviour Control Unit. This assertion is supported by the experience of the Whitechapel DCZ. As part of the preparation for implementation we will also be working in partnership with service providers to engage problematic alcohol users in support and treatment.

### **9. Police Support**

- 9.1 The Commander of Tower Hamlets Police fully supports the introduction of this DCZ recognising it as the preferred method of dealing with the low-level anti-social behaviour of street drinkers. The Sector Inspector responsible for the Bethnal Green areas is committed to policing the zone. The Safer Neighbourhoods teams for each ward will implement policing in the area.
- 9.2 The Crown Prosecution Service (CPS) or the Council's legal services would conduct any prosecutions resulting from this legislation. The Chief Inspector managing Tower Hamlets Police Criminal Justice Unit has been briefed on the scope of the project and has given his commitment to the processes involved. This enforcement will therefore place a potentially extremely limited burden on Legal Services and any prosecution work can be easily absorbed into the general workload of the Criminal Prosecution Team.

### **10. Timetable for Implementation**

- 10.1 It is intended that, subject to Council approval, that consultation on the proposed Museum Gardens DCZ be carried out during June 2006 prior to an implementation, subject to the result of the consultation, in August 2006. A review of the impact of the DCZ will be carried out in August 2006 and will be reported back to Cabinet and Council in September 2006.

- 10.2 It is proposed that the Whitechapel DCZ be confirmed to run for a further six months, with extension subject to a further report of its impact in September 2006.

## **11. Conclusion**

- 11.1 The experience of the Whitechapel pilot has demonstrated that a DCZ can be a cost-effective method of dealing with nuisance, annoyance and disorder caused by the public consumption of alcohol and strengthens the Partnership's ability to deal with these issues. It is considered that a DCZ will therefore contribute to the regeneration of the Museum Gardens and Bethnal Green Gardens areas helping to create a more welcoming environment for visitors to the museum and reducing the fear of crime. This issue will be further clarified by undertaking the consultation noted in this report.

## **12. Financial Comments**

- 12.1 The table below details an estimated cost of the consultation and implementation of the proposed DCZs.

|                                 |         |
|---------------------------------|---------|
| Newspaper Advertising           | £7,000  |
| Signage for Zone                | £1,000  |
| Leaflet Campaign (Consultation) | £1,000  |
| Leaflet Campaign (Launch)       | £1,000  |
| Total                           | £10,000 |

- 12.2 All costs are non-recurrent and will be met from within the Crime Reduction Services' existing budgets.
- 12.3 The enforcement of the DCZs will be met within existing police and partnership budgets.

## **13. Legal Implications**

- 13.1 Sections 12-16 of the Criminal Justice and Police Act 2001 (CJPA) give a Local Authority the power to make an Order designating a part of the Borough as a "public place" and to control the drinking of alcohol in that designated public place.
- 13.2 The legislation specifies various procedural steps that the Council must take before the zone takes effect. These include advertising the proposals in the local press, taking reasonable steps to consult the owners of any private land which might be affected (for example, shop doorways, petrol station forecourts, shopping centres), and considering the responses generated by that consultation.
- 13.3 The Human Rights Act 1998 has effectively incorporated a large number of the rights set out in the European Convention on Human Rights into English

law. The Council is under a duty not to act incompatibly with such of those rights as are relevant to this issue.

13.4 The relevant human rights in this instance are those under:

- Article 6, which includes the right to a fair trial by an independent tribunal;
- Article 8, which includes the right of respect for private/family life; and
- Article 1 of Protocol 1, a person's right to peaceful enjoyment of their possessions.

13.5 The DCZs work by giving the police powers to request people either not to consume alcohol in their possession, or to surrender that alcohol voluntarily. Criminal liability (and therefore the issue of a fair trial) will only arise in the event of failure to comply with such requests. It is well established that procedures for criminal prosecutions comply with Article 6.

13.6 The other rights listed above are not absolute, and may lawfully be infringed in certain defined circumstances. In the case of Article 8, this includes infringements that are necessary for the protection of the rights and freedoms of others. With regard to Article 1 of Protocol 1, infringement is permissible where in the public interest.

13.7 If the Council decides to act in a way that infringes those rights, then it may only do so in accordance with, or subject to the conditions provided for by, the law. In this instance, the infringement occurs through restricting people's ability to consume alcohol in the proposed DCZ, rather than through seizure of alcohol (surrendering the container being a matter of choice for the individual). This restriction can only be introduced in accordance with the enabling legislation, and its exercise could only occur within the provisions laid down by the law.

13.8 The infringement must also be proportionate; i.e. it must achieve a fair balance and not go beyond what is strictly necessary to achieve the purpose involved. Officers consider that the DCZ would achieve a fair balance between competing interests.

## **14 Crime and Disorder Implications**

14.1 The Crime Audit and associated consultation identified anti-social behaviour as being a high priority for the public. The Crime and Drugs Strategy 2005-2008 includes a priority of tackling anti-social behaviour and links anti-social behaviour to the fear of crime.

14.2 The proposed zone is intended to address issues of anti-social behaviour such as disorderly behaviour, aggressive begging, public urination, public drunkenness and the fear of crime as referred to above.

## **15 Equal Opportunities Implications**

15.1 Those most effected by the negative behaviour of street drinkers are the vulnerable, such as lone women, the elderly and small independent retailers.

The most worrying effect is the intimidation people suffer from the behaviour of street drinkers. In this way, this initiative helps to mitigate the disproportionate impact of ASB on some groups.

- 15.2 The needs of street drinkers must be balanced against the needs of vulnerable people who visit our places of interest and parks and our need to reduce the fear of crime and regenerate the area. It is acknowledged as well that street drinkers themselves may be vulnerable, for example as a result of mental illness or disability. Street drinking only exacerbates that vulnerability, however and through working with service providers, street drinkers will be encouraged to access support and treatment.

## **16 Anti-Poverty Implications**

- 16.1 ASB, including street drinking, is often concentrated in less affluent areas. Furthermore, street drinking is often linked to chronic alcohol abuse which itself is both a cause and effect of poverty. In this way this initiative supports the anti-poverty agenda by tackling a driver and consequence of deprivation.

## **17 Sustainable Action for a Greener Environment**

- 17.1 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, less threatening environment.
- 17.2 Any zone established under the CJPA must have "adequate" signage. Up to 40 signs would be purchased for the zone with approximately 28 featuring on the streets and open spaces. The other 18 signs will be deployed in and around the Museum of Childhood and the church. Efforts will be taken to ensure that the signage is effective while not overly obtrusive.

## **18 Concurrent Report of the Assistant Chief Executive (Legal Services)**

- 18.1 Legal Services have been actively involved in giving advice of the process of making controlled drinking zones. Indeed, the report sets out the legal implications in paragraph 13 of the report and members attention is drawn specifically to paragraph 13.8 where it is advised that the making of the drinking controlled zone is a proportionate response to nuisance being caused by street drinking in these areas.

## **19. Concurrent report of the Chief Financial Officer**

- 19.1 The costs of this initiative have been assessed above at para 12 and will be met from existing budgets.

## **20. Risk Management Implications**

- 20.1 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 proposals: a strong case has been made on the basis of evidence and stakeholder consultation. The point of

consultation is to check this against community views, but the initial work indicates that the proposals will be welcomed.

- (b) The DCZ is not effectively implemented: close partnership working, building on the experience of the Whitechapel pilot, will ensure effective implementation. This will be monitored through the partnership structure.
- (c) The DCZ is not effective in tackling the negative impact of street drinking: work on the pilot has helped to prove the effectiveness of this strategy and this will be monitored.
- (d) The DCZ results in displacement: this will be carefully monitored and contingency plans, which could include proposing an extension of the DCZ, implemented as necessary.

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**Local Government Act, 2000 (Section 97)**  
**List of “Background Papers” used in the preparation of this report**

| Brief description of “back ground papers”                    | Name and telephone number of holder and address where open to inspection. |
|--|---|
| Criminal Justice and Police Act 2001                         | Heather Mallinder x6107   |
| Evaluation of Whitechapel DCZ                                | Heather Mallinder x6107   |
| Tower Hamlets Partnership Crime and Drugs Reduction Strategy | Jon Underwood x0396   |
| Tower Hamlets Council’s Open Spaces Strategy                 | Alex Cosgrave x3220   |

## APPENDIX A

### Whitechapel Pilot Drinking Control Zone

#### Streets included in consultation process and implementation of the zone.

ADLER STREET  
ASHFIELD STREET  
ASSAM STREET  
BRADY STREET (PART)  
CAVELL STREET  
COKE STREET  
COMMERCIAL ROAD  
COURT STREET  
DAVENANT STREET  
DURWARD STREET  
EAST MOUNT STREET  
FIELDGATE STREET  
FORDHAM STREET  
FULBOURNE STREET  
GRANARY STREET  
GREATOREX STREET (PART)  
GREENFIELD ROAD  
LOMAS STREET  
MONTAGUE STREET  
MOSS CLOSE  
MOUNT TERRACE  
MOUNTFORD STREET  
MILWARD STREET  
MULBERRY STREET  
MYRDLE STREET  
NELSON STREET  
NEW ROAD  
NEWARK STREET  
PARFETT STREET  
PHILPOT STREET  
PLUMBERS ROW To Fieldgate Street  
ROMFORD STREET  
RAVEN ROW To Cavell Street  
REGAL CLOSE  
SELBY STREET  
SETTLES STREET  
STEPNEY WAY To Cavell Street  
TURNER STREET  
VALLANCE ROAD (PART)  
VARDEN STREET  
VINE COURT  
WALDEN STREET

WHITECHAPEL ROAD  
WHITE CHURCH LANE  
WINTHROP STREET  
WOOD'S BUILDINGS  
WYEHILL ROAD

From Greatorex Street to Brady  
Street

Map Attached at Appendix A1

## **APPENDIX B**

### **Museum Gardens Drinking Control Zone Proposed Consultation Area**

#### **BETHNAL GREEN GARDENS**

CAMBRIDGE HEATH ROAD (from Old Ford Road to Three Colts Lane)

#### **MUSEUM GARDENS**

ROMAN ROAD (from Cambridge Heath Road to Victoria Park Square)

Map Attached at APPENDIX B1