

Leicester
City Council

WARDS AFFECTED:
All Wards

CABINET

11 MARCH 2002

PROPOSED STREET DRINKING BAN IN DESIGNATED AREAS OF LEICESTER

Joint Report of the Town Clerk and Director of Corporate Resources, and the Director of Environment, Development and Commercial Services

1. Purpose of Report

To inform Members of the powers contained in Section 12 –16 of the Criminal Justice and Police Act 2001(the Act), and the effect these powers would have if adopted on areas of Leicester City Centre and its environs.

2. Summary

On 1 September 2001 Section 12-16 of the Act came into force. These Sections provide Local Authorities with an adoptive power to restrict anti-social public drinking in designated public places and they provide the Police with the power to enforce this restriction, in that a failure to comply with an officer's requirement in respect of public drinking or surrender of alcohol without reasonable excuse shall be an arrestable offence.

The problem of street drinking within Leicester City Centre is two fold: firstly there are the casual street drinkers, and secondly, those with mental health and behavioural disorders. Both groups of people have historically presented distinct and differing problems. The whole issue of street drinking was the subject of an intensive report in 1998 by a multi-agency working group established by the Community Safety Forum to investigate the issue. In response to some of the issues raised in the report, a "wet " day centre for homeless people and street drinkers was established in June 2000.

The experience gained from the Wet Day Centre has shown that it provides a safe, clean environment, and access to detox and health services for homeless street drinkers. It is not so popular, however, with some of the street drinkers during the warmer months between April and September, when they prefer to congregate and socialise in public places within and nearby the city centre. This has led to a large number of complaints concerning disorderly conduct, nuisance, criminal damage and the fear of alcohol related violence.

The powers contained within the Act now provide an opportunity to develop Council policy in regard to street drinking, by imposing a street drinking ban in designated areas of the City Centre and its environs. To ensure the success of this ban, clear boundaries are needed. The problem of displacement must also be tackled, and one of the means

of achieving this is by the further development of proactive outreach services like the Wet Day Centre.

Street cafes in any of the designated areas will not be affected provided they operate within the curtilage of the Licensed Premises. In regard to special events within the designated areas such as festivals and carnivals, the decision whether or not to enforce the banning Order will be a matter decided by the City Council in liaison with the Police. *(Town Clerk to add comments on an appropriate procedure)*

Timescale

There is a requirement for advance publicity, which is satisfied by a Notice published in the local press. A 28 day period must then be given following this publication to allow any objections or queries to be raised. The Council will then be under a duty to consider any representations received as a result of this publicity and a further Notice will need to be published if it is decided to proceed and make the Order.

3. Recommendations

It is recommended:

- i) That Cabinet recommends Council to adopt the powers contained in the Act and impose a Street Drinking Ban in accordance with the timescale prescribed by the Act on the designated streets in Beat areas 4,6,1,7, and 9, as identified in Appendix 1 of this report.
- ii) That any minor changes to Recommendation (i) be delegated to Cabinet Lead and Director.
- iii) That a review of the scheme is carried out after six months of operation, with a view to possibly extending the ban to other designated areas.
- iv) That the design of signs be first approved by Cabinet Lead and Director.
- v) During a public event taking place in any or all of the designated areas the street drinking ban can be lifted at the discretion of the Cabinet Lead and Director and the Leicestershire Constabulary

4 Financial and Legal Implications

These new powers are to replace the old byelaw procedure. As such, there is no formal consultation period required, apart from with Licensees within the areas who may be affected by the Order and any other Landowners.

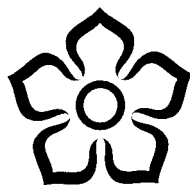
There is a requirement to erect clear signs both at the approach to designated areas.

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SUPPORTING INFORMATION

1. Report

- 1.1 On 1 September 2001 Section 12-16 of the Criminal Justice and Police Act 2001 (the Act) came into force. These Sections provide Local Authorities with an adoptive power to restrict anti-social public drinking in designated public places and they provide the Police with the power to enforce this restriction, in that a failure to comply with an officer's requirement in respect of public drinking or surrender of alcohol without reasonable excuse shall be an arrestable offence.
- 1.2 The problem of street drinking within Leicester City Centre was the subject of an intensive report in 1998 by a multi agency working group established by the Community Safety Forum to investigate the issue. The report of the Alcohol Byelaw Working Group examined the nature and extent of street drinking in the City Centre, and the advantages and disadvantages of implementing a byelaw to tackle the problem, under the powers available to the City Council and the Police at that time. The report distinguished between two types of street drinker; the homeless person with mental health or behavioural problems, and the casual street drinker.
- 1.3 In response to the report, it was decided that the problem should be tackled proactively by the early development of a "wet " day centre for homeless street drinkers. This centre was subsequently established as part of the Single Homelessness Strategy. The introduction of a byelaw was set aside for the time being.
- 1.4 The experience gained from the Day Wet Centre has shown that it provides a safe clean environment and access to detox and health services for homeless street drinkers. It is not so popular, however, with casual street drinkers during the warmer months between April and September, when they prefer to congregate and socialise in public places within the city centre.
- 1.5 This has led to a large number of complaints from members of the public concerning disorderly conduct, nuisance, criminal damage and the fear of alcohol related violence. Five sample witness statements from members of the public and a summary of complaints received by Leicestershire Constabulary are available for inspection.

- 1.6 The powers contained within the Act now provide an opportunity to build on and develop Council policy in regard to street drinking, by imposing a street drinking ban in designated areas of the City Centre and its environs. To ensure the success of this ban, it is important that clear boundaries are identified, and that the problem of displacement is tackled. It is also important that the ban is accompanied by the further development of proactive outreach services, which, like the Wet Day Centre, address the needs of this vulnerable social group.
- 1.7 City Council officers and the Leicestershire Constabulary feel there is evidence of an existing problem in the areas identified in their summary of complaints attached as Appendix 1, and that such a problem will continue in the summer months of 2002 unless these powers are adopted. Cabinet is requested therefore to recommend Council adopt the powers contained in the Act and impose a Street Drinking Ban in accordance with the timescale prescribed by the Act on the areas identified in Appendix 1.

FINANCIAL, LEGAL AND OTHER IMPLICATIONS

1. Financial Implications

There is a requirement to erect clear signs both at the approach to designated areas and repeated within them. This will be at the expense of Leicester City Council.

2. Legal Implications

These new powers are to replace the old byelaw procedure, as such, there is no formal consultation period required apart from with Licensees within the areas who may be affected by the Order and any other Landowners.

There is a requirement for advance publicity which is satisfied by a Notice published in the local press. A 28 day period must then be given to allow any objections or queries to be raised. The Council will then be under a duty to consider any representations received as a result of this publicity and a further Notice will need to be published if it is decided to proceed and make the Order.

“ Street cafes” in any of the designated areas will not be affected provided they operate within the curtilage of the Licensed Premises (as per section 14 of the Act).

The Act makes no provision for the suspension of the Order during specific events held at any of the Designated Areas and therefore the decision whether or not to enforce the Order at such events will be a matter decided by the Council in liason with the Leicestershire Constabulary.

3. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph References within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	

Crime and Disorder	Yes	A ban on street drinking could lead to fewer incidents of disorder and anti-social behaviour in the City Centre
Human Rights Act		
Elderly/People on Low Income	No	

4. Background Papers – Local Government Act 1972

None

5. Consultations

Leicestershire Constabulary

Leicester Partnership Against Crime and Disorder

6. Report Authors

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APPENDIX 1

Criminal Justice and Police Act 2001

Police Recommendations for Designated areas

The Police have conducted an assessment of areas on Central Policing Area, based upon the knowledge of residents or workers in those streets and also the views and knowledge of beat officers and an analysis of incidents reported to the police from 01/04/01 to 30/09/01. This six monthly period was previously used in assessments for a drinking bye-law in the years 1998,1999 and 2000

The following areas have been identified as having incidents of nuisance or disorder associated with the consumption of alcohol in the street:

Upper New Walk Museum Square Granby Street Wellington Street Calais Street Dover Street	Beat 4	108 incidents
Town Hall Square Horsefair Street Every Street	Beat 6	42 incidents
The Clocktower Gallowtree Gate Eastgates Humberstone Gate	Beat 1	49 incidents
Market Place Market Place Sth Dolphin Square Cheapside High Street	Beat 7	23 incidents
Churchgate Gravel Street	Beat 9	18 incidents
Victoria Park	Beat 16	18 incidents
Bushey Park Kamloops Crescent Wharf Street North		

Manitoba Road
Montreal Road
Malabar Road
Everest Court

Beat 12

20 incidents

Asfordby Street LPU

The following areas have been identified by principal beat officers who have extensive knowledge of their particular beats and the residents, and have provided statements regarding their experiences and observations:

Gwendolin Park Road

Beat 25

Spinney Hill Park

Beat 21

Highfield Street
Upper Titchbourne Street
Prebend Gardens
Onslow Street Park

Beat 18

These are initial recommendations and it is anticipated that further applications may be made in the future in response to any displacement.

We are satisfied that the powers given to the police under this enactment can be used effectively to combat the disorder and nuisance associated with street drinking, thus improving the quality of life of residents and users of the city centre and contribute to a safer environment.

Sgt 1611 I E Dawson
Deputy LPU Commander CS