

Leicester
City Council

WARDS AFFECTED
Coleman/ Castle

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

Overview & Scrutiny Management Board

Cabinet

Full Council

4 March 2010

8th March 2010

25th March 2010

Extension to the Street Drinking Ban in Leicester

Report of the Strategic Director Adults & Communities

1. Purpose of Report

- 1.1 Leicester City Council introduced a Street Drinking Ban in 2002, with an extension to that ban in 2007 covering many streets in the wards of Castle, Spinney Hill and additional streets in Beaumont Leys.
- 1.2.1 Since the establishment of the extension in February of 2007, additional streets have been identified in the Wards of Castle and Coleman whose inclusion in the street drinking ban would address street drinking issues on those roads. The purpose of this report is to seek approval for the inclusion of these additional streets within the current street drinking ban.
- 1.2.2 The proposed extension to the street drinking ban needs to be seen within the context of a commitment by Leicester City Council working closely with our partners to tackling the issue of street drinking. To progress this a multi agency plan has been drawn up. In addition to the sharing of intelligence of front line workers within the area covered by the ban to aid effective and robust enforcement including City Wardens enforcing issues in respect of littering, this plan includes engaging street drinkers to encourage them off the streets and into suitable treatment.
- 1.2.3 It is recognised that if the confidence of the public in our willingness to address this issue is to be gained and maintained that the ban will need to be visibly enforced. The Police, who have expressed their support and have been consulted with at every stage, will lead in enforcing the ban supported by intelligence supplied by council and voluntary sector officers working within the area who will proactively monitor the situation. In tackling the issue of Street Drinking and in addition to the Street Drinking Ban the Police will also give consideration to the appropriateness of other enforcement issues including a dispersal issue.

2. Report

- 2.1.1 The Street Drinking Ban of 2007 unfortunately left many areas adjacent to the targeted streets available for street drinkers to move on to. In some cases, such as around Sparrow Park and Nelson Street, these areas include sight of a medical facility and a family park, meaning that vulnerable locations are not being protected and in fact are being put at risk by displacement. This is contrary to the intention of the original ban, and has caused considerable consternation and intimidation amongst the users of the park and businesses along Nelson Street.
- 2.2.1. In order to address these issues, it is proposed that Street Drinking Ban be extended to include those areas where displacement has occurred. Owing to the geographical proximity of the displacement from the 2007 ban, it is considered that the modifications needed to make the original ban workable, don't represent any significant changes or encroachments in to other areas. This is provisioned for under section 13 (3) b in the Criminal Justice and Police Act 2001. In this section, the power is given to amend or evoke existing orders made under section 13 (2) (the 2007 ban was made under this legislation).
- 2.2.1 The area of Sparrow Park itself and the area of London Road running across the entrance to Nelson Street were both included in the original ban of 2007 made under section 13 (2). As the streets surrounding Sparrow Park (also known as Uppingham Road Gardens) were not included but are close enough in proximity to the park for any drinkers there to cause the same problems for users of the park it is felt necessary to amend the ban here to include the roads that border and enclose Sparrow Park. These are Cottersmore Close and Quorn Road up to the junction with Fernie Road around the park (see map in appendix 2).
- 2.3 It is recommended the ban around London Road also be modified to include Nelson Street and Upper Nelson Street. This would prevent drinkers from accumulating outside the dentist's surgery and intimidating the staff. The three roads to be included around London Road under section 13 (3) b are Nelson Street, Upper Nelson Street and Regent Street.
- 2.4 Finally and following requests from British Transport Police, it is recommended that Leicester Train Station be included in the extension, together with Slate Street a small cul-de-sac opposite the Dawn Centre, which is adjacent to garages and business units. Both areas are a site of congregation for street drinkers disrupting users of these facilities. Inclusion of the train station and Slate Street would also act as a demonstration of partnership working by being responsive to the needs of the British Transport Police and local industry respectively.

3. Summary

The total number of streets it is proposed be included in an amendment to the existing Street Drinking Ban under 13 (3) b is,

- Cottersmore Close up to junction with Fernie Road
- Quorn Road up to junction with Fernie Road
- Uppingham Road From 1 Uppingham Road to junction with Oakley Road

- Nelson Street
- Upper Nelson Street
- Regent Street
- Slate Street
- Leicester Train Station

Inclusion of these streets within the ban will address the issues which have occurred in respect of displacement and ensure that the intention of the original ban of tackling street drinking within this area can be met.

4. Recommendations

- 4.1 Council is recommended to agree that all areas as detailed above be included in an amended Street Drinking Ban as provisioned for under section 13 (3) b in the Criminal Justice and Police Act 2001.

5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

- 5.1 **Financial Implications** Ravi Lakhani (x29 8806), Accountancy, Personalisation & Business Support, Leicester City Council.

The cost of the proposal would be 16 signs costing a total of £720. This cost would be paid for from the Community Safety budget, which has money available for this proposal. There are no other financial implications arising from this proposal.

- 5.2 **Legal Implications** Caroline Firth, Leicester City Council Legal Services

There are no additional legal implications other than to comply with the Human Right's Act - ensuring action taken is necessary and proportionate to justify interference with people's private and domestic lives. The extension of the ban is necessary as people are reporting issues with street drinking on the proposed ban streets. The action is proportionate as it will be a measure to deal with street drinking and the associated ASB / impact on the community.

Earlier street drinking bans have been deemed to be Human Right's compatible and this extension is no different.

Must be subject to the standard "advertising" / warning of ban being implemented and again once it is implemented.

6. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting information	References
Equal Opportunities	NO		
Policy	YES	1.2	
Sustainable and Environmental	YES	1.1,1.2	

Crime and Disorder	YES	1.1, 1.2
Human Rights Act	NO	
Elderly/People on Low Income	NO	

5. Background Papers – Local Government Act 1972

- 6.1. Criminal Justice and Police Act, 2001 (Appendix 3)
- 6.2. Appendix information, please see attached

6. Consultations

Kevin Southerill - Parks Warden, Leicester City Council	1/10/09
Jane Culley - Leicestershire Constabulary Partnership Liaison	17/09/09

7. Report Author(s)

David Slade
Community Safety Development Officer
Safer & Stronger Division
Leicester City Council
Tel; 2526031
David.slade@leicester.gov.uk

Daxa Pancholi
Head of Community Safety
Safer & Stronger Division
Leicester City Council
Tel; 2528634
Daxa.pancholi@leicester.gov.uk

Key Decision	Yes
Reason	Is significant in terms of its effect on communities living or working in an area comprising more than one ward
Appeared in Forward Plan	Yes
Executive or Council Decision	Executive (Cabinet)

Appendix 1

Displacement will occur with all bans and it is not the intention to follow displaced drinkers around the local areas under the guise of making the 2007 ban practical. However, in the case of Sparrow Park, the specific vulnerability that the ban was in force to implement - the

protection of families using the park - is not being met at present because the adjacent streets are not included. If these streets are included, the drinkers are strategically displaced further away and the park can be considered secure.

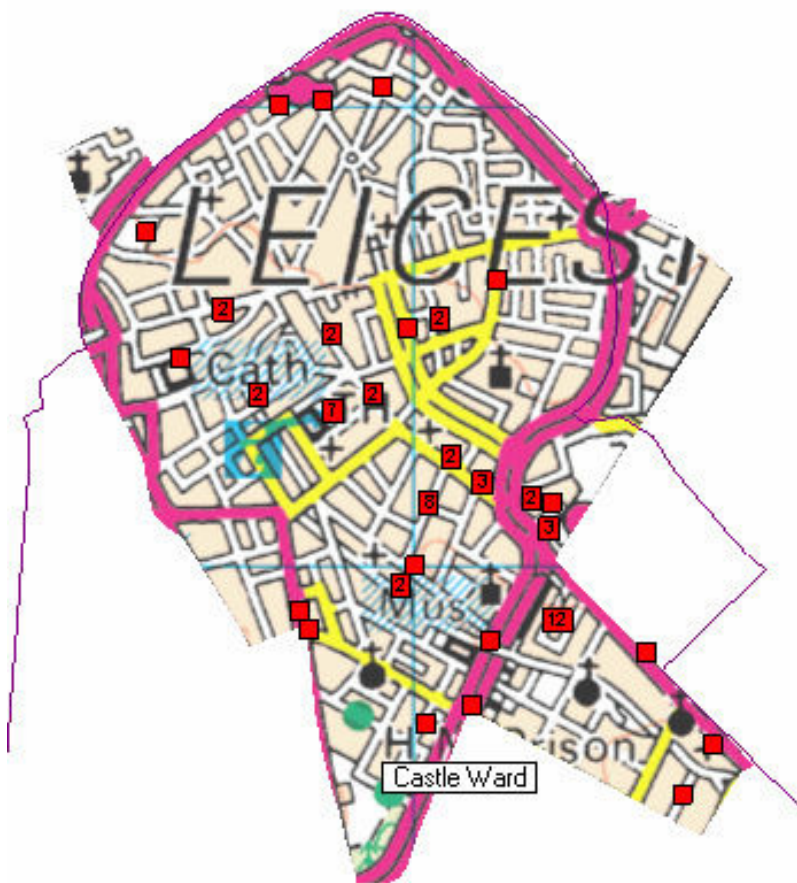
Nelson Street has significant recorded incidents in its own right (see map and information below). However, the inclusion of Nelson Street, Upper Nelson Street and Regent Street is again a strategic move as this will mean street drinkers are forced to walk off of Nelson Street and down Regent Street - doubling back on themselves to re-connect with London road where the original drinking ban is in place. This effectively moves street drinkers out of that area, which was the intention of the 2007 ban.

Consultation

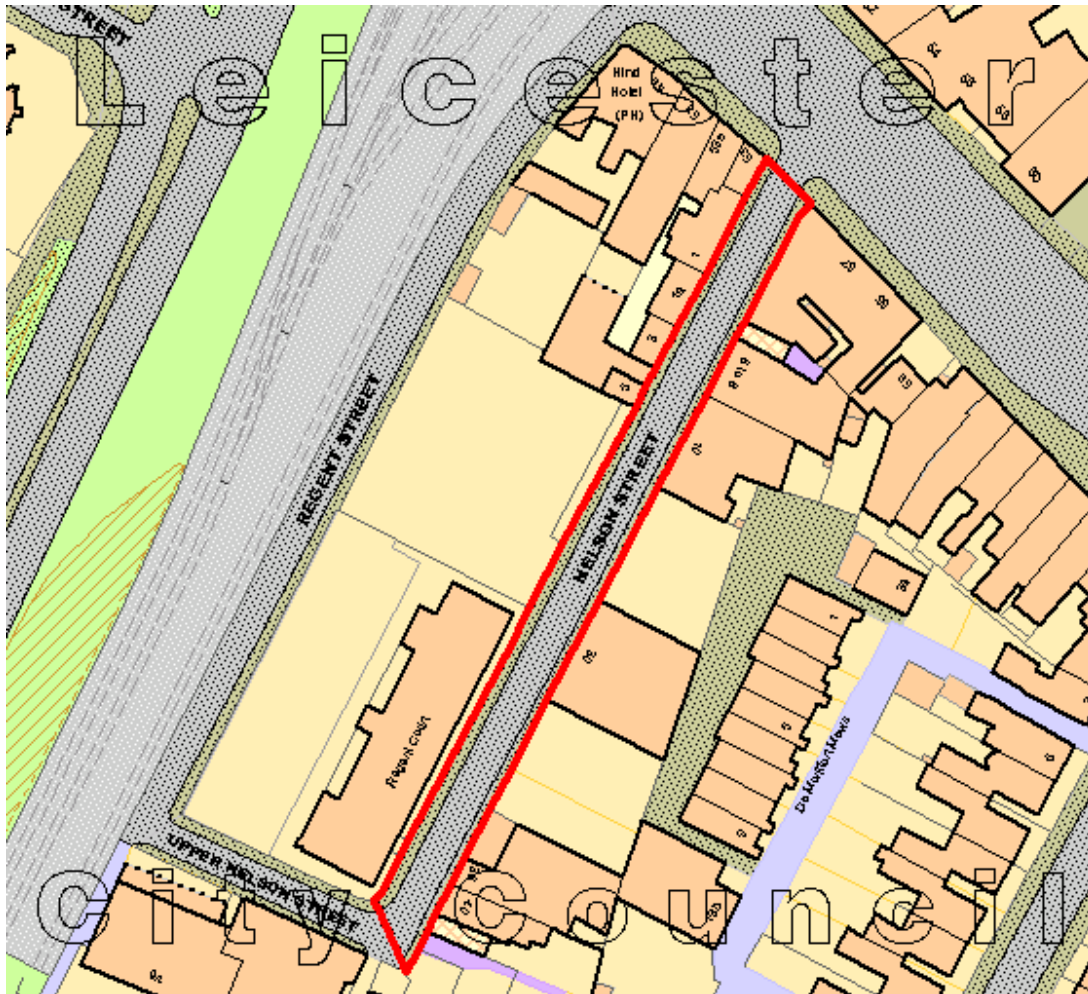
Support has been received from Police and local businesses. The statutorily required 28-day consultation process will also be observed.

Evidence and mapping

The following is a map taken from police analysis showing the number of incidents/call outs for drink related disorder around the City centre. There are 12 incidents reported next to Nelson Street. This is for a 12 month period,



(c) Crown Copyright. All rights reserved. LA01028C



© Crown Copyright Leicester C.C. Licence 100019264 2008

Appendix 2

Map of proposed area around Uppingham Road Gardens.



Appendix 3

12 Alcohol consumption in designated public places

(1) Subsection (2) applies if a constable reasonably believes that a person is, or has been, consuming intoxicating liquor in a designated public place or intends to consume intoxicating liquor in such a place.

(2) The constable may require the person concerned-

(a) not to consume in that place anything which is, or which the constable reasonably believes to be, intoxicating liquor;

(b) To surrender anything in his possession which is, or which the constable reasonably believes to be, intoxicating liquor or a container for such liquor (other than a sealed container).

(3) A constable may dispose of anything surrendered to him under subsection (2) in such manner as he considers appropriate.

(4) A person who fails without reasonable excuse to comply with a requirement imposed on him under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(5) A constable who imposes a requirement on a person under subsection (2) shall inform the person concerned that failing without reasonable excuse to comply with the requirement is an offence.

(6) In section 24(2) of the 1984 Act (offences to which powers of arrest without warrant apply), after paragraph (q) there shall be inserted-

"(qa) an offence under section 12(4) of the Criminal Justice and Police Act 2001."

13 Designated public places

(1) A place is, subject to section 14, a designated public place if it is-

(a) a public place in the area of a local authority; and

(b) Identified in an order made by that authority under subsection (2).

(2) A local authority may for the purposes of subsection (1) by order identify any public place in their area if they are satisfied that-

(a) nuisance or annoyance to members of the public or a section of the public; or

(b) disorder;

Has been associated with the consumption of intoxicating liquor in that place.

(3) The power conferred by subsection (2) includes power-

(a) to identify a place either specifically or by description;

(b) To revoke or amend orders previously made.

(4) The Secretary of State shall by regulations prescribe the procedure to be followed in connection with the making of orders under subsection (2).

(5) Regulations under subsection (4) shall, in particular, include provision requiring local authorities to publicise the making and effect of orders under subsection (2).

(6) Regulations under subsection (4) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

14 Places which are not designated public places

(1) A place is not a designated public place or a part of such a place if it is-

(a) licensed premises or a registered club;

(b) a place within the curtilage of any licensed premises or registered club;

(c) a place where the sale of intoxicating liquor is for the time being authorised by an occasional permission or was so authorised within the last twenty minutes;

(d) a place where the sale of intoxicating liquor is not for the time being authorised by an occasional license but was so authorised within the last twenty minutes;

(e) a place where facilities or activities relating to the sale or consumption of intoxicating liquor are for the time being permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (c. 66) (highway related uses).

(2) In subsection (1)-

"licensed premises", "occasional licence" and "registered club" have the same meaning as in the Licensing Act 1964 (c. 26); and

"occasional permission" has the same meaning as in the Licensing (Occasional Permissions) Act 1983 (c. 24).

15 Effect of sections 12 to 14 on byelaws

(1) Subsections (2) and (3) apply to any byelaw which-

(a) prohibits, by the creation of an offence, the consumption in a particular public place of intoxicating liquor (including any liquor of a similar nature which falls within the byelaw); or

(b) makes any incidental, supplementary or consequential provision (whether relating to the seizure or control of containers or otherwise).

(2) In so far as any byelaw to which this subsection applies would, apart from this subsection, have effect in relation to any designated public place, the byelaw-

(a) shall cease to have effect in relation to that place; or

(b) where it is made after the order under section 13(2), shall not have effect in relation to that place.

(3) In so far as any byelaw made by a local authority and to which this subsection applies still has effect at the end of the period of 5 years beginning with the day on which this subsection comes into force, it shall cease to have effect at the end of that period in relation to any public place.

16 Interpretation of sections 12 to 15

(1) In sections 12 to 15, unless the context otherwise requires-

"designated public place" has the meaning given by section 13(1);

"intoxicating liquor" has the same meaning as in the Licensing Act 1964; and

"public place" means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

(2) In sections 12 to 15 "local authority" means-

(a) in relation to England-

(i) a unitary authority;

(ii) a district council so far as they are not a unitary authority;

(b) in relation to Wales, a county council or a county borough council.

(3) In subsection (2) "unitary authority" means-

(a) the council of a county so far as they are the council for an area for which there are no district councils;

(b) the council of any district comprised in an area for which there is no county council;

(c) a London borough council;

(d) the Common Council of the City of London in its capacity as a local authority;

(e) the Council of the Isles of Scilly.

