



Leicester  
City Council

## MINUTE EXTRACT

### Minutes of the Meeting of the NEIGHBOURHOOD SERVICES AND COMMUNITY INVOLVEMENT SCRUTINY COMMISSION

Held: MONDAY, 13 OCTOBER 2014 at 5:30 pm

#### P R E S E N T :

Councillor Singh (Chair)  
Councillor Bhatti (Vice Chair)

Councillor Dr Chowdhury      Councillor Gugnani  
Councillor Corrall              Councillor Waddington  
Councillor Desai

#### In Attendance

Councillor Chaplin – Member for Stoneygate Ward  
Councillor Russell – Assistant City Mayor (Neighbourhood Services)  
Councillor Sood – Assistant City Mayor (Community Involvement,  
Partnerships and Equalities)

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#### **26. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

#### **27. DECLARATIONS OF INTEREST**

No interests were declared.

#### **31. CITY-WIDE STREET DRINKING ORDER**

The Commission welcomed John Leach, the newly appointed Director of Local Services and Enforcement, to his first meeting.

The Director of Local Services and Enforcement submitted a report providing details of the work undertaken to establish a city-wide street drinking order. In introducing this report, the Assistant Mayor (Neighbourhood Services) reminded Members that the consultation on the introduction of this order had still been underway when the agenda had been despatched. The findings of

the consultation therefore had been circulated separately.

It was noted that a final decision on whether this order should be introduced would be taken at the Council meeting to be held on 13 November 2014.

The Assistant Mayor explained that a number of Designated Public Places Orders (DPPOs), banning drinking in the street in small areas of the city, previously had been introduced. It was expensive to operate these and street drinkers merely moved to just outside the area(s) covered. The possibility of introducing a city-wide order therefore was being considered.

Considerable research had been undertaken to find precedents for this from other areas and to identify potential problems with this approach. This had enabled a robust proposal to be prepared. Initial government advice had been that a city-wide DPPO could be introduced, as this would be valid for three years and then would be replaced by a PSPO, so consultation on the proposal had been started on this basis. Subsequently, this advice changed, due to the announcement of new legislation, to say that a DPPO could not be used. The consultation period therefore was re-opened for a further four weeks, as the original consultations were considered to be still valid for the new legal framework proposals.

Under the new legislation, DPPOs were to be replaced with Public Spaces Protection Orders (PSPOs). PSPOs did not prevent people from drinking in the street, but gave the Police additional powers within a designated area to tackle street drinking where there was associated anti-social behaviour.

PSPOs were not a solution to problems associated with street drinking, but provided a tool the Police could use, when resources were available, in conjunction with other powers, (such as those for dealing with abusive behaviour or stopping people urinating in the street). Other agencies also had relevant powers, such as the Council's City Wardens, who could issue Fixed Penalty Notices for littering.

The Commission noted that Leicestershire Police currently was being restructured. It was hoped that this would result in more Police Community Support Officers (PCSOs) patrolling the streets, but the Council could not influence their deployment beyond making requests as a partner organisation.

The Assistant Mayor then made the following comments in response to questions and comments from the Commission:-

- The Council could not compel Police Officers to take specific actions or go to specific locations. However, requests for action would continue to be made at all levels. In addition, the number of Police Officers needed to be reduced, as financial savings had to be made, so it could not be guaranteed that the powers would be fully used;
- In order for the Police to make issues around street drinking a local priority, people needed to report problems to the Police, but it was recognised that people often preferred not to get involved in possible incidents. The

Director of Local Services and Enforcement confirmed that the Police had advised that this could be embedded in local action plans as the force moved towards increased local policing. The Council also would maintain records, such as littering associated with street drinking;

- PCSOs had a new power enabling them to seize alcohol, but they still could not arrest people;
- The details of the proposed order had been fully discussed with the Safer Leicester Partnership, which was supportive of the proposals. The Council's Head of Community Safety was working with the Partnership to ensure that appropriate training was in place;
- It was recognised that some people felt that a city-wide order was not necessary, as one of the main problems was the availability of cheap alcohol, particularly high strength alcohol. Work being undertaken with retailers to encourage them not to sell high strength, low price alcohol was proving successful;
- Concern that some retailers were setting up unofficial seating areas for the consumption of alcohol, (for example, by setting crates outside shops), were recognised. However, alcohol bought at an off-licence had to be consumed a certain distance away from where it was bought and retailers who did not discourage people from drinking it within that distance could have their licences reviewed. A separate briefing on this could be provided if required;
- A lot of time had been spent working with the Safer Leicester Partnership to identify possible unintended consequences of the proposed order. This included issues such as:-
  - The criminalisation of young people – work had been undertaken with Youth Workers to ensure that correct information was available and had been distributed;
  - The monitoring system – work with the Police was ongoing to identify where the order was implemented and to ensure that it was used in a fair and proportionate way; and
  - People not understanding the difference between not being able to drink at all and being able to drink if it did not cause disorder;
- Payment of any fine imposed would be made in the same ways as for any other financial penalty;
- A small number of individuals in the city had no home. However, a lot of street drinking was done by those with homes, but who chose to act anti-socially;
- All Councillors had a role in alerting the Police with concerns about

particular areas. Front-line staff also potentially had a role in alerting the Police about anti-social drinking;

- The Council had used the experience of other authorities across the country to identify good practice. This included looking at the reasons why such orders were introduced, how they were consulted on and implemented, and what unintended consequences were identified; and
- It was hoped that the Police would be able to respond to public concerns and focus resources where problems were identified. This would not necessarily mean that the approach would be the same across the city, as some areas could need more resources than others. This illustrated the importance of monitoring to ensure that the Police response was appropriate to each case.

The Head of Community Safety advised the Commission that:-

- When the Police used these powers, they would monitor the individuals in relation to whom they were used. For example, their age, ethnicity and location would be recorded;
- The Police were involved in a project with hospital Accident and Emergency services to record injuries and/or violence attributable to alcohol;
- City Wardens would collate data on littering due to street drinking; and
- The Council would collate information from all sources on a regular basis, so that outreach work by the Council and its partners could be targeted effectively. In this way it was hoped that behaviour could be changed.

Councillor Chaplin, a Member for Stoneygate Ward, addressed the Commission at the invitation of the Chair, making the following points:-

- Street drinking was entrenched in Stoneygate Ward, so the city-wide approach being considered was welcomed, as it removed any ambiguity about what was covered;
- An important issue was where street drinkers, particularly those with an alcohol addiction, could go for help and/or support if the PSPO was made. Safe places needed to be made available to meet this need, to ensure that street drinkers were not harmed;
- Police powers were very limited, so it could be interesting to invite the Police to a meeting of this Commission to explain how they could implement the PSPO;
- It was hoped that people would feel that it was worth reporting incidents of anti-social behaviour caused by street drinking;

- Street drinkers in the Stoneygate Ward had indicated that one reason for their drinking was that they could buy high strength alcohol very cheaply in the area. Cumulative Impact Zones (CIZs) had made a difference in some areas, but it was recognised that limiting sales in one area could displace the problem to another area. CIZs and the PSPO therefore needed to be considered together;
- The two parks in Stoneygate in which drinkers gathered were maintained via Evington Park. That park was some distance from Stoneygate, so maintenance could be improved by managing maintenance via Victoria Park; and
- It would be useful for staff new to the Parks service to receive training on street drinking issues as part of their induction.

Alan Fox, Chair of HART, (a local residents' association in south Highfields), addressed the Commission at the invitation of the Chair. He explained that over two years ago evidence had been compiled to enable DPPOs to be introduced in Onslow Park and Cedar Park. However, they had not been introduced, as the focus changed to introducing a city-wide order. South Highfields was on the edge of the CIZ and the DPPO area, so drinkers were funnelled in to the parks in the south Highfields area. This was aggravated by the parks being in poor condition, due to a lack of maintenance by the Council. Consequently, as well as drinking, anti-social behaviour was occurring, such as urinating, shouting and incidents involving drugs.

As a result of this situation, local people felt abandoned. Mr Fox therefore questioned why it had taken so long to introduce a way of curtailing the problems being experienced and why the Council had not been able to proceed on the basis of the evidence previously obtained.

In reply, the Assistant Mayor explained that CIZs could be introduced under licensing legislation. Outside of a CIZ there was a presumption of approval for licenses for on- and off-sales of alcohol, but within a CIZ there was a presumption that licences would not be approved. CIZs could only be introduced when there was sufficient evidence of crime and disorder problems associated with the premises in the area. This could mean that the broader the CIZ area, the more thinly the evidence would be spread. The CIZ in the city relating to off-licenses therefore had been kept to a reasonable size, so that the evidence would be as robust as possible if challenged.

With regard to addiction issues, the Assistant Mayor confirmed that a number of programmes had been run over recent years, (with mixed success), to try to get support for people. It was recognised that addiction often was one issue in a chaotic life-style and programmes addressing this were resource-intensive. The Anchor Centre was not closing, as some people thought, but would be temporarily moving to an alternative location while works were done on the building. This was a "wet centre", so provided facilities for safe drinking.

The Assistant Mayor further advised that the Commission that the Council

participated in a large programme of work with Public Health services to address addiction. She further advised that she was happy to provide additional information on this work if the Commission wished.

In summary, the Commission noted that there was compelling evidence that street drinking contributed to anti-social behaviour. It also was recognised that it added to the public's fear of disorder. However, any response to this needed to be balanced with the needs of drinkers and needed to be a multi-agency response.

The Commission thanked all involved for their work on this issue.

**RESOLVED:**

- 1) That this Commission supports the implementation of a city-wide street drinking order, provided such an order is balanced with the needs of habitual drinkers;
- 2) That the Assistant Mayor (Neighbourhood Services) be asked to advise the Parks service of the concerns raised above about the maintenance of Onslow Park and Cedar Park;
- 3) That the Head of Community Safety be asked to provide regular monitoring reports on the implementation of the city-wide street drinking order; and
- 4) That the Assistant Mayor (Neighbourhood Services) be asked to advise the Commission of any response from the Executive to the implementation of a city-wide street drinking order.