

DELEGATED POWERS REPORT NO.**1670****SUBJECT:** Consultation for creation of a Borough wide Designated Public Place Order**Control sheet**

All of the following actions MUST be completed at each stage of the process and the signed and dated report MUST be passed to the Governance Service for publishing

All reports		
1. Governance Service receive draft report	Name of GSO Date	Andrew Charlwood 03/05/2012
2. Governance Service cleared draft report as being constitutionally appropriate	Name of GSO Date	Andrew Charlwood 13/05/2012
3. Finance clearance obtained (<i>report author to complete</i>)	Name of Fin. officer Date	Jayne Fitzgerald 18/05/2012
4. Staff and other resources issues clearance obtained (<i>report author to complete</i>)	Name of Res. officer Date	Not applicable
5. Strategic Procurement clearance obtained (<i>report author to complete</i>)	Name of SPO Date	Lesley Meeks 06/05/2012
6. Legal clearance obtained from (<i>report author to complete</i>)	Name of Legal officer Date	Victoria Gray 18/05/2012
7. Policy & Partnerships clearance obtained (<i>report author to complete</i>)	Name of P&P officer Date	Andrew Nathan 04/05/2012
8. Equalities & Diversity clearance obtained (<i>report author to complete</i>)	Name of officer Date	Andrew Nathan 04/05/2012
9. The above process has been checked and verified by Director, Head of Service or Deputy	Name Date	Tim Wallis 21/05/2012
10. Signed & dated report, scanned or hard copy received by Governance Service for publishing	Name of GSO Date	Chidilim Agada 22/05/2012
11. Report published by Governance Service to website	Name of GSO Date	Chidilim Agada 22/05/2012
12. Head of Service informed report is published	Name of GSO Date	Chidilim Agada 22/05/2012
13. Expiry of call-in period	Date	29/05/2012
14. Report circulated for call-in purposes to Business Management OSC members & copied to Cabinet Members & Head of Service	Name of GSO Date	22/05/2012

**ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER IN
CONSULTATION WITH CABINET MEMBER(S) (EXECUTIVE FUNCTION)**

Subject Consultation for creation of a Borough
wide Designated Public Place Order

Officer taking decision Interim Director of Environment
Planning and Regeneration

Date of decision 21 May 2012

**Date decision comes into
effect** 29 May 2012

Summary	This report seeks authorisation to commence consultation with regard to the creation of a borough wide Designated Public Place Order to control drinking in public places associated with crime, disorder and nuisance
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Officer Contributors Paul Lamb, Community Protection Group Manager

Status (public or exempt) Public

Wards affected All

Enclosures None

**Reason for exemption from call-
in (if appropriate)** Not applicable

Key decision Yes

Contact for further information: Paul Lamb 0208 359 7491

Serial No. 1670

1. RELEVANT PREVIOUS DECISIONS

- 1.1 Cabinet 29 September 2003, decision item 12, 'Declaration of Alcohol Free Zones'.
- 1.2 Cabinet 12 April 2010, Controlled Drinking Zone for Childs Hill, approval to create a Designated Public Place Order covering the environs of Cricklewood Town Centre.
- 1.3 Council 17 May 2010, Designated Public Place Order – Controlled Drinking Zone for Childs Hill Ward, ratification of Cabinet recommendation to create an order.

2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 2.1 The Corporate Plan 2012 – 13 states the following objective within the priority of 'A successful London suburb';
 - Work with the police to keep Barnet a safe placeThe implementation of a Designated Public Place Order (DPPO) supports the delivery of this objective.

- 2.2 The Safer Communities Strategy 2011 – 2014 has three core priorities;
 - Property crime
 - Anti social behaviour
 - Violent crime

The strategy sets out five core approaches to tackling the above priorities which include;

- Broader, cost effective early intervention to prevent crime happening in the first place or to change behaviour and divert potential offenders
- Focusing our joint resources on the places where the most harmful offending takes place
- Reduce the fear of crime through building public confidence and reassurance

The implementation of a DPPO will assist with tackling the above priorities, giving the Police powers to tackle anti social behaviour and crime associated with the consumption of alcohol, which is of concern to residents, primarily within our town centres. In addition to protecting the community, ensuring appropriate support pathways are in place will provide alternatives for individuals who harm themselves by the consumption of alcohol.

3. RISK MANAGEMENT ISSUES

- 3.1 Limitations on Police resources may impact upon their ability to enforce a borough wide zone, especially when other issues may receive higher priority. This may have a negative impact upon public perception. In addition any enforcement must be proportionate. The effectiveness of any zone therefore needs to be monitored, including the regulatory response.
- 3.2 The Council must be satisfied that the creation of a borough wide zone is a proportionate response to the problem(s) faced. The level of crime, disorder and nuisance associated with the consumption of alcohol is therefore presented in this

report for consideration.

- 3.3 I have considered whether the issues involved are likely to raise significant levels of public concern or give rise to policy considerations. They do not as they are about improving Community Safety in its widest sense.

4. EQUALITIES AND DIVERSITY ISSUES

- 4.1 Approximately half of the identified street drinking population in Barnet are White British or Irish, aged on average between 40 – 55 years old and predominantly male. Nearly all of these individuals have previously been involved with drug and alcohol services but few remain in treatment, with the majority dropping out soon after starting. This group can be described as having chronic alcohol issues. The other half of the population is Eastern European, predominantly male and aged on average between 24 – 40 years of age.
Approximately a third of the street drinking population has no fixed abode. Enforcement will be complemented with relevant services such as drug and alcohol treatment and reconnection services to support longer term behaviour change.

5. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for money, Staffing, IT, Property, Sustainability)

- 5.1 The introduction of a borough wide DPPO will be approximately £12,500. This sum will cover publication of notices, signage and other administrative costs. Expenditure will be met from within the existing Community Safety budget.
- 5.2 The Police and Police Community Support Officers will be responsible for regulating the proposed borough wide Order.

6. LEGAL ISSUES

- 6.1 The consultation and possible subsequent introduction of a borough wide DPPO will be in accordance with the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007, conferred by S.13 of the Criminal Justice and Police Act 2001 and published Home Office guidance.
- 6.2 The creation of a DPPO should be a proportionate response to the identified problem. Powers conferred by the Order must be used proportionally. For example, an Order would give a Police Officer the discretion to require an individual to stop drinking anywhere within a designated public place. However, these powers are not intended to disrupt peaceful activities, such as a family enjoying a picnic in a park with a glass of wine.
- 6.3 An Equalities Impact Assessment will need to be conducted in order to consider the impact of the proposed borough wide DPPO.

7. CONSTITUTIONAL POWERS

- 7.1 Constitution Part 3, Responsibility for Functions, section 3 – Responsibility for Executive Functions. Chief Officers can take decisions in consultation with the

Cabinet Member concerned, amongst other things, to discharge the duties allocated to them or dealt with by their staff, except for matters specifically reserved to Executive Members, Cabinet meeting, Cabinet Committees, Committees or Council. in all matters where they have managerial or professional authority, (paragraph 6.1).

8. BACKGROUND INFORMATION

8.1 Powers to designate public places

- 8.1.1 On 1st September 2001, sections 12-16 of the Criminal Justice and Police Act 2001 came into force. The provisions replaced local bye-laws and enable local authorities to designate places where restrictions on public drinking apply. These powers were introduced to explicitly tackle crime, disorder and nuisance associated with the consumption of alcohol in a public place. Local authorities must be satisfied that nuisance to members of the public, or a section of the public, or disorder has been associated with the consumption of alcohol in an area proposed to be designated before it creates an Order.
- 8.1.2 Once designated a Police Officer or accredited person, being a Police Community Support Officer, has the power to require an individual within the area not to consume anything which the officer believes to be alcohol. An authorised officer can also require a person to surrender anything in their possession which is, or the officer believes to be, alcohol or a container for such alcohol. If a person fails to comply then they commit an offence and are liable on summary conviction to a fine up to £500. A Police Officer also has the power of arrest. A person who has committed an offence can be issued a Penalty Notice for Disorder.
- 8.1.3 There are four existing Designated Public Places within Barnet, introduced to tackle anti social behaviour and crime associated with discrete street drinking populations and nuisance related to the night time economy. They are:
- North Finchley Town Centre, introduced January 2004
 - Finchley Town Centre, introduced January 2004
 - Hendon Town Centre, introduced January 2004
 - Cricklewood Town Centre, introduced May 2010
- 8.1.4 Requests have been received from local ward Councillors, Safer Neighbourhood Teams and members of the community for further Designated Public Places to be created to tackle street drinking for;
- Edgware Town Centre and environs
 - Golders Green Town Centre and environs
 - West Hendon Town Centre and environs
 - Burnt Oak Town Centre and environs
- An extension to the existing North Finchley zone has also been requested due to the displacement of street drinkers to surrounding residential areas.
- 8.1.5 In view of the extent of existing areas and those proposed for designation, the Police have requested that a borough wide Order is considered as displacement will occur. The Police have stated that displacement is already evident from existing zones to surrounding areas. For example, in North Finchley street drinkers have dispersed to neighbouring residential roads and since the zone covering

Cricklewood was implemented in 2010, street drinkers have reportedly dispersed to Golders Green and West Hendon. When other local authorities have extended their existing discrete zones to borough wide coverage, such as Ealing, they too have cited displacement as one of the reasons why a borough wide Order is required.

8.1.6 The Police have further stated that they believe there has been displacement into the London Borough of Barnet as a direct result of the implementation of borough wide Orders within the administrative areas of the neighbouring boroughs of Camden, Brent and Harrow implementing borough wide Order's within their administrative areas (Enfield and Haringey have extensive coverage of Designated Public Places but not borough wide). In addition, the Police have stated that discrete areas have proved difficult to regulate because although their extent fully is understood by local Safer Neighbourhood Teams, the other Police response teams are not always aware of the zone boundaries. There would be no confusion if there was a borough wide designation.

8.1.7 Data related to crime, disorder and nuisance associated with the consumption of alcohol across Barnet has been reviewed and the following is presented to support the creation of a borough wide Order;

8.2 Crime, Disorder and Nuisance

8.2.1 Anti Social Behaviour incidents, including those related to alcohol consumption, are classified by the Police as rowdy and inconsiderate behaviour. Levels of rowdy and inconsiderate behaviour have increased steadily from 7027 incidents in 2008/09, to 9060 incidents in 2010/11, representing a 28.9% increase.

8.2.2 Two years of crime data, between January 2010 – December 2011, has been reviewed to identify crime associated with alcohol and street drinking. 4,567 crime reports were identified, which represents 10% of all reported crime to the Police in that period. Care should be taken interpreting this data as it relies upon Police Officers flagging alcohol as a factor in crime types, hence there may be a level of under reporting.

8.2.3 London Ambulance data related to call outs associated to alcohol incidents was interrogated for the period January 2009 – December 2011. Over that period there has been a 17% increase in the number of incidents attended.

8.2.4 The Council's Priority Intervention Team, Town Keepers, CCTV service and Police Safer Neighbourhood teams were asked to conduct environmental audits to identify street drinking issues across Barnet. The table below sets out issues identified:

Ward	Locations	Profile
Childs Hill	Cricklewood Broadway, Golders Green Station, Golders Way, Golders Green Crescent (reported as some displacement	Group of 5 in Cricklewood <ul style="list-style-type: none"> • Violence • Urination and defecation • Intimidation

	from Cricklewood zone and from Brent within Cricklewood)	<ul style="list-style-type: none"> • Littering <p>Group up to 15 in vicinity of Golders Green Station</p> <ul style="list-style-type: none"> • Intimidation • Begging • Littering • Urination
Golders Green	Boundary with Childs Hill ward along Golders Green road and environs (reported as some displacement from Cricklewood zone)	<p>Group of 15 as above moving between ward boundaries.</p> <ul style="list-style-type: none"> • As above
West Hendon	The Broadway and surrounding roads	<p>Group of 10</p> <ul style="list-style-type: none"> • Theft • Violence • Intimidation • Urination • Littering
West Finchley	Tally Ho Corner and Ballards Lane (displacement reported to surrounding roads)	<p>Group of 8 historically</p> <ul style="list-style-type: none"> • Urination • Littering • Intimidation
Woodhouse	Boundary with West Finchley and related to attendance at Homeless Action in Barnet	As above
Finchley Church End	Vicinity of TESCO, Hendon Lane, Victoria Park and Station Approach	<p>Group of 7 historically</p> <p>Another group of up to 10 street drinkers is emerging</p> <ul style="list-style-type: none"> • Intimidation • Littering • Urination • Drugs
Edgware	Station Road, Rectory Lane, Herons Gate and Manns Road (reported as some displacement from Harrow)	<p>Group of 16</p> <ul style="list-style-type: none"> • Intimidation • Begging • Sleeping rough • Violence • Urination and defecation • Littering • Arson
Burnt Oak	Watling Avenue, The Broadway, Watling Park, Silkstream Park, Tube Station and stairwells (reported as some displacement from Harrow)	<p>Group of 15</p> <ul style="list-style-type: none"> • Urination / defecation • Intimidation • Begging • Littering • Violence • Abusive language

High Barnet	Around the Church, rear of Spires Shopping Centre (reported as displacement from West Finchley area)	Group up to 5 <ul style="list-style-type: none"> • Urination • Intimidation
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It is estimated that there is a street drinking population of 84 individuals across Barnet. However, this is an approximation and subject to variation as the population is transient.

- 8.2.5 Although street drinking populations have been included in the table above within areas that have an existing DPPO, the relevant Safer Neighbourhood Teams for Finchley wards have reported a reduction in street drinking related issues over recent months as they have maintained an enforcement approach.

8.3 Perceptions of alcohol related issues

- 8.3.1 The residents perception survey 2011 identified that 19% of residents thought that people being drunk or rowdy in a public place was a big problem.

Although sample sizes at a ward level were quite small further analysis of this result identified the following wards as having the highest level of concern:

- Woodhouse 28%
- Colindale 28%
- Hale 27%
- Burnt Oak 25%
- West Hendon 25%

- 8.3.2 In March 2011, LB Barnet's Community Safety team conducted a crime survey. 50% of residents stated that people being drunk and rowdy in a public place made them feel unsafe in their local area. Furthermore, when residents were asked what priorities they would set for their local area, 50% stated that dealing with anti social behaviour and disorder would be their top priority. The charts below detail the results of the survey:

Chart 1: What makes you feel unsafe in your local area?



Chart 2: What are your top three priorities for improving safety in your area?



- 8.3.3 The Police conduct an Attitudes Survey which they compile quarterly. In 2011/12, 10% of respondents stated that people being drunk or rowdy in a public place was a big problem. This has remained unchanged from 2010/11 but does represent a 6% increase from 2009/10. When compared against the London average of 18%, Barnet compares favourably.

8.4 Effectiveness of Designated Public Places

- 8.4.1 The table below compares disorder levels within the existing DPPO areas from 2009/10 to 2010/11. Data cannot be reliably compared after this date because reporting categories have been changed by the Police:

	2009/10	2010/11	% change
Hendon	699	644	7.9% reduction
North Finchley	753	635	15.7% reduction
Finchley Church End	223	322	48.8% increase
Cricklewood	896	1044	16.5% increase

Disorder levels across the whole of Barnet during the same period increased by 5.75%. It should be noted that the Cricklewood zone was not operational until August 2010 so the impact of enforcement within the DPPO may not have filtered through.

- 8.4.2 Safer Neighbourhood Teams have reported a reduction of issues related to street drinkers within the North Finchley and Finchley zones over the last six months as they have been enforcing within them in response to community requests. Further, they report that sightings of street drinkers have greatly reduced. However, the West Finchley team have reported that some displacement has occurred to surrounding residential roads outside of the DPPO area whilst the Childs Hill team have reported that street drinkers within the Cricklewood area remain but at a reduced level.
- 8.4.3 No reports of crime or nuisance associated with street drinking were received from across agencies regarding the existing Hendon DPPO.
- 8.4.4 Evaluations conducted by other local authorities who have introduced DPPOs were reviewed. In Hammersmith and Fulham street drinking in problematic areas was reported as reducing by 62% and in Southwark street drinking was reported as reducing by 27%. In January 2011, Haringey reported a reduction in alcohol related calls of 36.7% but acknowledged that street drinking was still occurring and hence their zones should continue. Ealing reported in 2011 that street drinking related incidents had reduced by 45.57% following implementation of their controlled drinking zone and that public confidence had improved.
- 8.4.5 Where other authorities have introduced borough wide Orders, public support has been high. For example, 84% of respondents to consultation in the boroughs of Newham and Islington supported a borough wide zone, which were both subsequently introduced in 2011.

- 8.4.6 If a borough wide Order is created the application of it will be monitored to assess effectiveness in preventing and tackling nuisance and disorder associated with the consumption of alcohol and also to ensure that powers have been used proportionately.

8.5 DPPO Process

- 8.5.1 Before considering the creation of an Order, the authority is required to consult with:
- The Chief Officer of Police for the police area in which it is proposed
 - The Chief Officer(s) of Police of any neighbouring boroughs which a proposed zone would border hence, Enfield, Brent, Camden, Haringey, Harrow and Hertsmere
 - The licensee or certificate holder of any licensed premise or club which may be affected by the creation of a zone
 - Any neighbouring local authority which a proposed zone would border, hence LB's of Enfield, Brent, Camden, Haringey, Harrow and Hertsmere
- In addition all reasonable steps should be taken to consult with residents within any proposed area.
- 8.5.2 A notice must be published in a local newspaper inviting representations within a minimum 28 day period, concerning the proposed designation order. The authority should then consider any representations.
- 8.5.3 If the authority, after considering any representations, proceeds with creating an Order, it is required to publish a notice in a local newspaper identifying the place, the effect of the order and the operational date. Signs have to be erected informing members of the public that they are within a designated area.
- 8.5.4 Once an area has been designated, a process similar to the creation of the zone would have to be followed to remove the designation.
- 8.5.5 It should be noted that the creation of an Order should not impact upon local licensed businesses situated within the area as the Order would not have effect upon such licensed premises or clubs. However, clients could risk regulation if they strayed beyond the legal curtilage of a licensed premise if they did not desist from drinking if asked to do so by a Police Officer or Police Community Support Officer.

8.6 Conclusions

- 8.6.1 DPPOs can be a useful tool in tackling crime and disorder associated with drinking in public places. However, they are not in themselves a remedy for all the issues involved and should be seen as part of a wider package of measures or approaches to tackle alcohol related nuisance.
- 8.6.2 The effectiveness of existing DPPOs in Barnet is inconclusive. Their effectiveness does rely upon consistent and regular enforcement and such an approach is dependent upon Police resources and priorities.
- 8.6.3 Street drinking populations in designated areas have reduced but they are

still evident. There has been some engagement with support services but it is not maintained through to a successful treatment outcome. Such engagement is voluntary and hence additional approaches need to be considered to compel individuals to engage such as an Alcohol Treatment Requirement (a Court order to attend treatment).

8.6.4 Other local authority evaluations of their DPPOs have shown them to have been effective when actively and rigorously enforced by the Police.

8.6.5 This report therefore seeks authority to commence consultation as required by the regulations. Once consultation has been completed a report will be submitted to Cabinet to consider any representations, assess public support for creating an Order and seek approval to create an Order.

9. LIST OF BACKGROUND PAPERS

9.1 Home Office Guidance on Designated Public Place Orders for Local Authorities, November 2009.

10. CONSULTATION WITH CABINET MEMBER(S)

10.1 The Cabinet Member for Safety and Resident Engagement has been consulted and has agreed the actions to be taken.

11. OFFICER DECISION

I authorise the following action:

11.1 To publish a 28 day notice stating the Council's intention to create a borough wide Designated Public Place Order and invite representations.

11.2 To consult with the bodies and persons stated in paragraph 8.5.1

11.3 To consider any representations and report to Council to obtain authority to create an order.

Signed	Pam Wharfe <hr/> Interim Director of Environment, Planning and Regeneration
Date	21 May 2012 <hr/>