

## **Report of Cabinet**

17 July 2012

Members:-

Councillor Richard Cornelius (Chairman)  
Councillor Daniel Thomas (Vice-Chairman)

Councillor Dean Cohen	Councillor David Longstaff
Councillor Tom Davey	Councillor Sachin Rajput
Councillor Andrew Harper	Councillor Robert Rams
Councillor Helena Hart	Councillor Joanna Tambourides

\* denotes Member Present

### **4.1.1 SAFEGUARDING IN BARNET**

For the reasons set out in the Cabinet Members' report, Cabinet

RESOLVED TO RECOMMEND: -

1. To request full Council to note the content of the report attached as enclosure A which outlines governance arrangements and activity as it relates to the Council and partners' safeguarding responsibilities.
2. To note and comment on the progress made in relation to safeguarding since last year, including in response to the recommendations set out in 9.2 of the report at enclosure A.
3. That an annual report on safeguarding continues to be submitted to Cabinet and Council.
4. That safeguarding across the Council and partners continues to be strengthened through the full engagement of all providers of health services, including through the Health and Wellbeing Board.

### **4.1.2 CREATION OF A BOROUGH-WIDE DESIGNATED PUBLIC PLACE ORDER**

For the reasons set out in the Cabinet Member's report, Cabinet

RESOLVED TO RECOMMEND: -

1. To approve the implementation of a borough wide Designated Public Place Order (DPPO) as set out in the report at enclosure B by creating the Order under seal.

#### **4.1.3 BARNET'S LOCAL PLAN - CORE STRATEGY AND DEVELOPMENT MANAGEMENT POLICIES - ADOPTION**

For the reasons set out in the Cabinet Member's report, Cabinet

RESOLVED TO RECOMMEND: -

1. To approve the Local Plan Core Strategy Development Plan Document and Development Management Policies Development Plan Document as set out in enclosure C for formal adoption.

## ENCLOSURE A

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Meeting	Cabinet
Date	17 July 2012
<b>Subject</b>	<b>Safeguarding in Barnet</b>
Report of	Cabinet Member for Education, Children and Families Cabinet Member for Adults Cabinet Member for Safety and Resident Engagement Cabinet Member for Public Health
Summary	This report provides Members with an overview of governance arrangements and activity as it relates to the Council's safeguarding responsibilities.

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Status (public or exempt)	Public
Wards Affected	All
Key Decision	No
Reason for urgency / exemption from call-in	Not applicable
Function of	Council/Executive
Enclosures	Appendix 1: The Governance of Safeguarding in Barnet Appendix 2: Further information on the key safeguarding governance structures in Barnet
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## CONTENTS

<b>1. RECOMMENDATIONS</b>	<b>p3</b>
<b>2. RELEVANT PREVIOUS DECISIONS</b>	<b>p3</b>
<b>3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS</b>	<b>p3</b>
<b>4. RISK MANAGEMENT ISSUES</b>	<b>p3</b>
<b>5. EQUALITIES AND DIVERSITY ISSUES</b>	<b>p4</b>
<b>6. USE OF RESOURCES IMPLICATIONS</b>	<b>p6</b>
<b>7. LEGAL ISSUES</b>	<b>p7</b>
<b>8. CONSTITUTIONAL POWERS</b>	<b>p9</b>
<b>9. BACKGROUND INFORMATION</b>	<b>p9</b>
Update on last year's recommendations	p10
Listening to the views of children, young people and adult service users	p13
Trends and issues	p14
Key Developments	p16
Supporting a learning culture	p18
Future challenges and opportunities	p21
APPENDIX 1	p23
APPENDIX 2	p24

## **1. RECOMMENDATIONS**

- 1.1 Cabinet requests full Council to note the content of this report which outlines governance arrangements and activity as it relates to the Council and partners' safeguarding responsibilities.**
- 1.2 That Cabinet notes and comments on the progress made in relation to safeguarding since last year, including in response to the recommendations set out in 9.2.**
- 1.3 That an annual report on safeguarding continues to be submitted to Cabinet and Council.**
- 1.4 That safeguarding across the Council and partners continues to be strengthened through the full engagement of all providers of health services, including through the Health and Wellbeing Board.**

## **2. RELEVANT PREVIOUS DECISIONS**

- 2.1 Council, 12 July 2011, Decision Item 4.1.1: 'Safeguarding in Barnet' (Report of Cabinet).**
- 2.2 Cabinet, 15 June 2011, Decision Item 5: 'Safeguarding in Barnet' (Report of the Cabinet Members for Education, Children and Families, Cabinet Member for Adults, Cabinet Member for Community Safety and Cohesion and Cabinet Member for Health).**
- 2.3 Council, 3 November 2009, agreed to note safeguarding activities and governance arrangements set out in the Cabinet Members' report.**
- 2.4 Cabinet, 21 October 2009, Decision Item 5: 'Safeguarding in Barnet' (Report of the Cabinet Members for Children's Services and Community Services).**

## **3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 3.1 Safeguarding is a key priority for the Council and safeguarding children and adults from avoidable harm or abuse underpins everything we do. Safeguarding is the responsibility of everyone who works for or with the London Borough of Barnet.**
- 3.2 The Corporate Plan 2012/13 outlines the Council's commitment to safeguarding which underpins everything we do and aims to protect the most vulnerable people, both children and adults, from avoidable harm or abuse. The Corporate Plan includes the strategic objectives 'Safeguarding vulnerable children and adults', and 'Working with our partners and residents to keep Barnet safe.' A survey of residents' priorities for Barnet (2011) identified crime and community safety services as one of the top three concerns of Barnet residents. Our aim is to work with partners such as the police, the NHS and with residents to ensure that Barnet remains a place where people want to live and where people feel safe. These are reflected in both Adults Services and Children's Service business plans.**

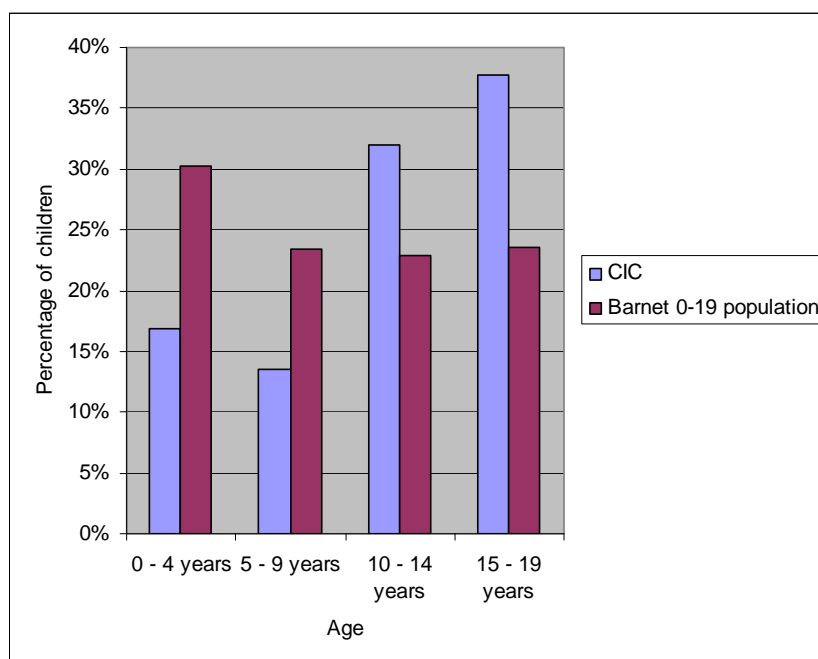
#### **4. RISK MANAGEMENT ISSUES**

- 4.1 A failure to keep children or vulnerable adults safe represents not only a significant risk to residents but also to the reputation of the Council. Failure to keep children safe is identified as a key risk in the Children's Service, a key risk for Adult Social Care and is also embedded within the Community Safety team risk register. Although safeguarding must be the concern of all agencies working with children and vulnerable adults, the Local Authority is the lead agency for safeguarding children and vulnerable adults. As such, both members and senior officers carry a level of accountability for safeguarding practice in Barnet. Governance structures are in place to ensure that other lead stakeholders, including health and the police, are represented to ensure that practice across the partnership meets safeguarding requirements.
- 4.2 There are a number of strategic boards with oversight of safeguarding, as outlined in appendix 1 of this report. Links between these boards have been strengthened in recent years to support joined up working. Furthermore, a single Overview and Scrutiny Committee on Safeguarding has been introduced to help to provide Councillors with greater oversight of safeguarding issues across the Council. There remain ongoing challenges to ensure that learning related to safeguarding is effectively coordinated and disseminated across service areas and partner agencies.
- 4.3 There are a number of areas where the Council and its partners are undergoing significant change in terms of governance and practice in relation to economic challenge, and service improvement. This paper outlines the current arrangements to safeguard the outcomes for children and vulnerable adults. Further work will be undertaken to ensure these functions remain compliant as the Council and its partners address the changes required. Barnet Safeguarding Children Board, Adults Safeguarding Board and the Safeguarding Overview and Scrutiny Committee will be kept updated and will be consulted with regard to any changes.
- 4.4 The Secretary of State for Education has the power to intervene if he considers that a Local Authority is failing in its safeguarding duties toward children. This is considered to be a low risk in Barnet; the recent Ofsted and CQC inspection of safeguarding and looked after children judged safeguarding services and outcomes for looked after children as good overall in Barnet. Nevertheless, a risk remains should insufficient regard be paid to the Council's statutory responsibilities relating to safeguarding.

#### **5. EQUALITIES AND DIVERSITY ISSUES**

- 5.1 Equality and diversity issues are a mandatory consideration in decision-making in the Council pursuant to the Equality Act 2010. This means the Council and all other organisations acting on its behalf must have due regard to the equality duties when exercising a public function. The broad purpose of this duty is to integrate considerations of equality and good relations into day to day business requiring equality considerations to be reflected into the design of policies and the delivery of services and for these to be kept under review.

- 5.2 As at 31 March 2012<sup>1</sup>, males were overrepresented in the children in care population; 59.7% of children in care were male, compared with 51.1% of males in Barnet's 0-19 population<sup>2</sup>. 18.3% of the children in care population were Black/Black British children compared to 14.3% of the 0-19 population. In contrast, children with ethnicities of White British/White Irish/White Other make up only 46.4% of the children in care population, but make up 56.9% of the 0-19 population. As demonstrated in the graph below, children aged 0-4 years and 5-9 years are underrepresented in the children in care population, and children and young people aged 10-14 years and 15-19 years<sup>3</sup> are overrepresented in the children in care population. Barnet will continue to monitor the demographic profile of children at risk and children in care and will seek to address the differences which are identified.



- 5.3 Over half of the adults referred to Adults Safeguarding services in 2011/12 were over the age of 65, and nearly a quarter aged 85 or over. This largely reflects the age profile of Barnet service users receiving a care package throughout the year, although safeguarding cases involve higher proportions of younger adults, particularly those aged between 30-44, and a lower proportion of older adults, particularly those over the age of 85.

	18-44	45-64	65-74	75-84	85+	N/A
Safeguarding cases, 2011/12	143	103	65	97	126	6
	27%	19%	12%	18%	24%	
Care packages, 2011/12	18%	17%	11%	22%	33%	

- 5.4 42% of all Adults Safeguarding cases concerned men, compared to only 33% last year. This increase has occurred across all age groups, but in particular amongst those aged under 65. Compared with women, men are more likely to

<sup>1</sup> Provisional

<sup>2</sup> As at November 2011

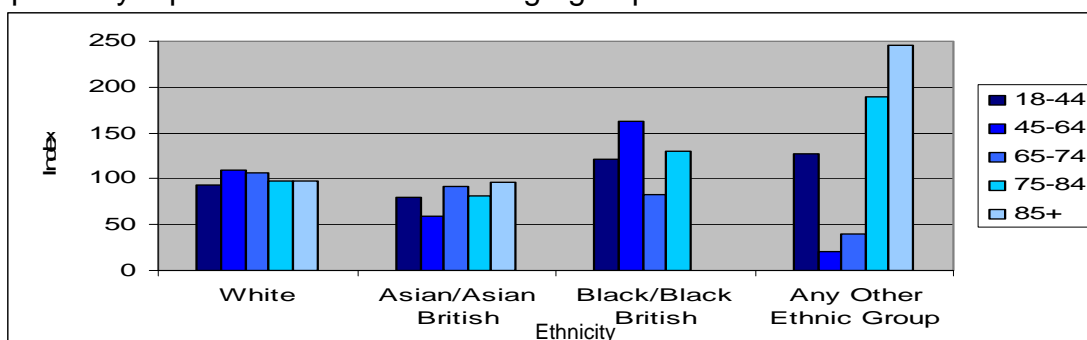
<sup>3</sup> 15-18 for children in care

be abused by paid carers, and less likely by family and friends. Where they are abused by family friends this is more likely to be a friend or neighbour (13.5% compared to 5% of women).

- 5.5 Ethnicity was recorded for 523 of 534 vulnerable adults. Of these 523 adults, 73% were from a White ethnic background, 9.4% were from an Asian background, 9.4% from a Black background, and the remaining 7.6% were from other ethnic groups, including Chinese and Middle Eastern groupings. Despite the numbers increasing from last year, the proportion of alerts involving white adults dropped significantly from 80% to 73%. The number of cases involving Black/Black British adults has increased by more than 50% and the number of cases involving adults from Chinese and any other ethnic group more than doubled. It should be noted that the percentages relate to relatively small cohorts.

Ethnic grouping	2008/09	2009/10	2010/11	2011/12
White	282	313	379	385
Asian / Asian British	21	34	46	49
Black / Black British	17	29	32	49
Any Other Ethnic Group	23	24	18	40
Ethnicity not known	2	20	21	11

- 5.6 The chart below shows how the 2011/12 case list compares to the 2012 population estimates for Barnet; an index of 100 means that the case list is perfectly representative within that age group.



The figures show that cases involving White adults make up roughly the proportion that we would expect; there are fewer cases involving Asian adults, and there are generally more cases than we would expect involving Black adults (particularly younger adults) and adults from other ethnic groups (in this case those aged 75+).

## 6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 There are no significant resource implications arising from the recommendations of this report.
- 6.2 The demographic funding pressure of an ageing population and the likely requirement for additional resources in Adult Social Services has been recognised in the Medium Term Financial Strategy. £800,000 has been allocated to the Adults budget for each of 2012/13 and 2013/14, with £1.194m allocated for demographic pressures in 2014/15.



- 6.3 The increasing demand for Children's safeguarding and social care services has been recognised as a pressure over the next three years, with £750,000 allocated each year for demand led statutory and targeted services. In 2011/12, the Children's Service invested £1m in early intervention and prevention services, providing earlier support to reduce the number of children and families experiencing complex problems.
- 6.4 Safeguarding training is currently provided and is allowed for within Children's Service, Adult Social Care and Health, and Community Safety budgets.
- 6.5 The current annual budget of the Barnet Safeguarding Children Board (BSCB) is £98,000, most of which covers the staffing requirements including the Independent Chairs of the BSCB and the Serious Case Review Panel. This budget includes the contributions made by partner agencies.
- 6.6 The current annual budget for the Safeguarding Adults Board is £182,000 most of which covers three specialist safeguarding posts and the post of independent Chair, and training for the health and social care workforce. This year the board has secured a financial contribution from most of the statutory partners towards these costs.

## **7. LEGAL ISSUES**

- 7.1 A brief summary of the relevant statutory provisions and guidance relating to safeguarding for both children and adults is given below:
- 7.2 Parts 3, 4 and 5 of the Children Act 1989 (CA 1989) together with statutory guidance place various statutory duties upon local authorities including the general duty to safeguard and promote the welfare of all children within their area who are in need. In cases where children are found to be at risk of significant harm as defined in the CA 1989, the Local Authority has a clear legal duty to take steps to protect them by invoking the powers contained in Part 4 of the CA 1989. Upon being satisfied that the relevant criteria are met and that an Order is necessary for the protection of the child, the Court may grant an interim care or supervision order as an interim measure when care proceedings are commenced. An interim care order (placing the child in the care of the Local Authority) will give the Local Authority parental responsibility whereas an interim supervision order will put the child under the supervision of the Local Authority. At the conclusion of the proceedings the court will determine whether a final care or supervision order should be made.
- 7.3 The Children Act 2004 (CA 2004) provides the legislative framework for integrated planning, commissioning and delivery of children's services and for lines of accountability through the appointment of directors of all Children's Services. It created a statutory framework for local co-operation between local authorities, key partner agencies (health, police, schools, housing, early years, youth justice, probation etc) and other relevant bodies including the voluntary and community sector, in order to improve the wellbeing of children in the area. This provided for the framework for Children's Trusts within which agencies have been able to integrate commissioning and delivery of children's services with arrangements for pooled budgets. Barnet has chosen to keep a Children's Trust Board and to publish a Children and Young People Plan each

year. The Act also imposes a duty on the relevant agencies to carry out their functions having regard to the need to safeguard and promote the welfare of children and to guidance provided by the Secretary of State. The duty continues to apply where services are contracted out.

In addition, sections 18 and 19 of the CA 2004 impose a duty on the children's services authority to appoint a director of children's services (DCS) and a lead member for children's services (LMCS) respectively for the purposes of the functions conferred on or exercisable by the authority as prescribed by statute.

- 7.4 In April 2012, the Department for Education updated the statutory guidance on the roles and responsibilities of the DCS and the LMCS. Pursuant to s18(7) of the CA 2004 a children's services authority *must* have regard to any guidance given to them and should only depart from it with good reason. One of the key aspects of this guidance is that given the breadth and importance of children's services functions that the DCS and LMCS cover, local authorities should give due consideration to protecting their discrete roles and responsibilities before allocating to them any additional functions other than children's services.
- 7.5 The CA 2004 also requires Local Authorities to establish Local Safeguarding Children Boards (LSCB) for their area and it has been a requirement for local authorities to have a board since 2006. The LSCB replaced the former non statutory Area child Protection Committees. The intention of Parliament was for the LSCB to have a wider remit than ACPCs and to be more pro-active. The Apprenticeships, Skills, Children and Learning Act 2009 subsequently introduced a requirement for the LSCB to produce and publish an annual report on the effectiveness of safeguarding in the local area.
- 7.6 Statutory guidance Working Together to Safeguard Children (2010) sets out how organisations and individuals should work together to safeguard and promote the welfare of children and young people in accordance with the Children Act 1989 and the CA 2004. The latest version (2010) followed the publication of Lord Laming's report. Following the Munro Review, the government will make a full revision of Working Together to Safeguard Children. This is currently expected by July 2012.
- 7.7 The legal framework for the provision of adult social care services dates back to 1948 and has been described by the Law Commission as a complex, incoherent and confusing patchwork of legislation. The duties, powers and responsibilities conferred upon local authorities to ensure that appropriate steps can be taken to protect and safeguard vulnerable adults can be found in a number of statutes, including the National Assistance Act 1948, the Mental Health Acts of 1983 and 2007, the NHS & Community Care Act 1990, the Human Rights Act 1998, the Domestic Violence Crime & Victims Act 2004 and the Mental Capacity Act 2005 including the Deprivation of Liberty Safeguards confer certain protections to people who lack capacity in care and health settings. A change in terminology by practitioners from "protecting vulnerable adults" to "adult protection work" and now "safeguarding adults" reflects the change in context over the years and the out of date legislation. The phrase "Safeguarding adults" referred to in the 2005 ADSS report means all work which enables an adult *"who is or may be eligible for community care services"* to retain independence, wellbeing and choice and to access their

human right to live a life that is free from abuse and neglect. This definition specifically includes those people who are assessed as being able to purchase all or part of their community care services, as well as those who are eligible for community care services but whose need - in relation to safeguarding - is for access to mainstream services such as the police.

- 7.8 “No secrets: guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse” was issued by the Department of Health and the Home Office in 2000 under section 7 of the Local Authorities Social Services Act. It provides guidance to local authorities on developing and implementing multiagency policies and procedures to protect vulnerable adults from abuse.
- 7.9 The Law Commission undertook a review of adult social care legislation and reported in May 2011. It provides the foundation for the most significant reform of adult social care law in 60 years. It recommends a single, unified adult social care statute that will consolidate, modernise and simplify the law which will bring much needed clarity and accessibility to this key area of the law for service users and practitioners. The report recommends strengthening the law in relation to safeguarding adults placing clear duties on the authority that will have lead co-ordinating responsibility for multi-agency safeguarding procedures. It also recommends placing safeguarding boards on a statutory footing. . The government is pressing ahead with reform of adult social care legislation and the Queen’s speech on 9 May 2012 announced a draft Bill on adult social care.
- 7.10 The Crime and Disorder Act 1998 places a duty on a Local Authority and other relevant authorities to exercise their functions to do all that is reasonably practical to prevent crime and disorder in its area.
- 7.11 A range of legislation such as the Licensing Act 2003, Gambling Act 2005, Anti Social Behaviour Act 2003, confer certain powers and responsibilities upon local authorities to ensure that vulnerable adults and children are safeguarded.
- 7.12 A range of legislation such as the Equality Act 2010, Racial and Religious Hatred Act 2006, Public Order Act 1996, Criminal Justice Act 2003, confer certain powers and responsibilities on authorities to ensure that Hate Crime is treated with a specific focus.
- 7.13 Section 9 of the Domestic Violence, Crime and Victims Act 2004 creates an expectation for local areas to undertake a multi-agency review following a domestic violence homicide. This came into force on 13 April 2011.

## **8. CONSTITUTIONAL POWERS**

- 8.1 As set out in Part 3 of the Council’s Constitution, Responsibility for Functions, the Executive holds responsibility for those functions which comprise safeguarding. Furthermore, several specific safeguarding functions are delegated to individual Cabinet Members.
- 8.2 Responsibility for enhancing the Council’s corporate parenting role is delegated specifically to the Cabinet Member for Education, Children and

Families. However, in reflecting both the cross-cutting importance of safeguarding, and the wider relevance of the authority's role as a corporate parent, Cabinet are asked to refer their report on safeguarding to Council for consideration and noting on an annual basis.

- 8.3 This is not a key decision as it does not involve significant expenditure and does not require a decision that could impact on more than one ward.

## **9. BACKGROUND INFORMATION**

- 9.1 The Council has a statutory duty to promote the safeguarding of both children and vulnerable adults. Safeguarding children is defined by the Department for Education as protecting children from maltreatment, preventing impairment of children's health or development, and ensuring children are growing up in circumstances consistent with the provision of safe and effective care. A vulnerable adult is defined as anybody over the age of 18 years who is or may be in need of Community Care Services by reason of mental or other disability, age or illness and is or may be unable to take care of himself or herself or is unable to protect themselves against significant harm or serious exploitation. The Council also has statutory duties to help prevent crime and disorder and anti social behaviour, and to ensure that Hate Crime is treated with a specific focus.

- 9.1.1 In 2011 it was resolved that an annual report on safeguarding in Barnet would go to Cabinet and Council to support effective scrutiny and oversight. This report provides an update on the implementation of recommendations approved by Council on 12 July 2011. It also highlights key developments over the past 12 months, outlines how Barnet is responding to and learning from these, and sets out some emerging challenges and opportunities.

- 9.1.2 Further information on the safeguarding activities of the Barnet Safeguarding Children Board and the Safeguarding Adults Board can be found in their respective annual reports, which are due to go to the Safeguarding Overview and Scrutiny Committee.

## **9.2 Update on last year's recommendations**

- 9.2.1 *An annual report on safeguarding continues to be submitted to Cabinet and Council.*

This report fulfils this recommendation and outlines the work that has been undertaken to address the recommendations and future issues set out in last year's report.

- 9.2.2 *Cabinet requests full Council to note the content of this report, in particular the formal governance arrangements that exist to ensure that the Council conducts its statutory safeguarding responsibilities properly, and the present safeguarding activity undertaken by the Council and its partner agencies.*

A robust governance framework is in place to ensure that safeguarding duties are appropriately carried out and scrutinised, as set out in appendix 1. Further detail on the key structures within Barnet that help to provide effective oversight of safeguarding is contained in appendix 2. In summary they are:

- Safeguarding Overview and Scrutiny Committee
- Barnet Partnership Board
- Safer Communities Partnership Board

- Children's Trust Board
- Health and Wellbeing Board
- Barnet Safeguarding Children Board
- Barnet Safeguarding Adults Board

To provide assurance to these boards there are some key internal mechanisms. Safeguarding processes are embedded into HR and recruitment and performance indicators are regularly reported to monitor the provision of safeguarding services and to identify trends requiring further analysis. Audit and quality assurance frameworks are also in place in Children's Service, Adults Services and Health Services to ensure that responsibilities in relation to safeguarding are being effectively undertaken. The recent Social Care Institute of Excellence (SCIE) Review and Ofsted Inspection of Safeguarding and Looked After Children have strengthened Children's Service audit work over the past year. More information on outcomes of the Ofsted inspection can be found in 9.6.1 and more information on the SCIE Review can be found in 9.6.4. The findings of Children's Service case audits are examined in detail, with action plans developed and recommendations made in relation to thematic issues which emerge. As part of the quality assurance framework for Adult Services, case audits are undertaken by safeguarding practice leads in conjunction with Heads of Service, with action plans developed where practice needs improvement. Independent case audit and peer case audits are taking place in 2012 to inform practice development at an individual case and service wide basis.

**9.2.3 *Safeguarding training continues to be part of the induction process for newly-elected Members and senior officers/directors, and that opportunities for updated and ongoing training for current Members and Officers continue to be provided.***

A multi-agency safeguarding training programme continues to be delivered to officers. Safeguarding Member development sessions have been delivered over the past year, covering issues such as how the Council keeps residents safe, how to recognise a safeguarding concern and the Council's role as a corporate parent. All Members, including newly-elected Members, are encouraged to attend these sessions which are run periodically throughout the year and are given a particular focus during safeguarding month.

**9.2.4 *The agreed safeguarding procurement standards are put into effect.***

Over the past year, safeguarding changes in relation to procurement have been implemented across the Council. The Council's standard terms and conditions have been updated to correctly capture the Council's policy on safeguarding. The safeguarding self assessment form presented last year to Cabinet has been incorporated within the Council's safeguarding contract clauses, requiring providers to submit the safeguarding self assessment form within 14 days upon request from the contract owner. In addition, there have been localised developments within service areas. As part of Children's Service tender processes, the pre-qualification questionnaire has been updated to include questions covering safeguarding accountability structures, safer recruitment practices, and staff training and development in relation to safeguarding. All providers are still required to submit their safeguarding and whistle-blowing policies.

A safeguarding adults specification is included in all care group contracts with providers including residential and nursing care, supported living and home and community support. This has been extended to include all health contracts. Adults Services Supply Management and Commissioning Team are currently developing enhanced ways of working to improve Quality Monitoring procedures and development of supplier relationships which can lead to better service delivery and reduction of poor care and other incidents. There will be continuing involvement and dialogue through the Adults Safeguarding Board and Health and Wellbeing Board to ensure that all providers of NHS services, including Primary and Acute Care, are fully involved in the safeguarding agenda.

- 9.2.5 *There is continuing involvement and dialogue through the Health and Wellbeing Board to ensure that all providers of NHS services, including Primary and Acute Care, are fully involved in the safeguarding agenda.*
- In order to join up commissioning and support integration of local NHS services, social care and health improvement, the Health and Wellbeing Board receives updates on assessments of Quality and Safety in health services in Barnet and North Central London. A work programme has been developed by the Board for 2012/13, part of which will be focussed on continuing to ensure that all providers of NHS services, including Primary and Acute Care, are fully involved in the safeguarding agenda.

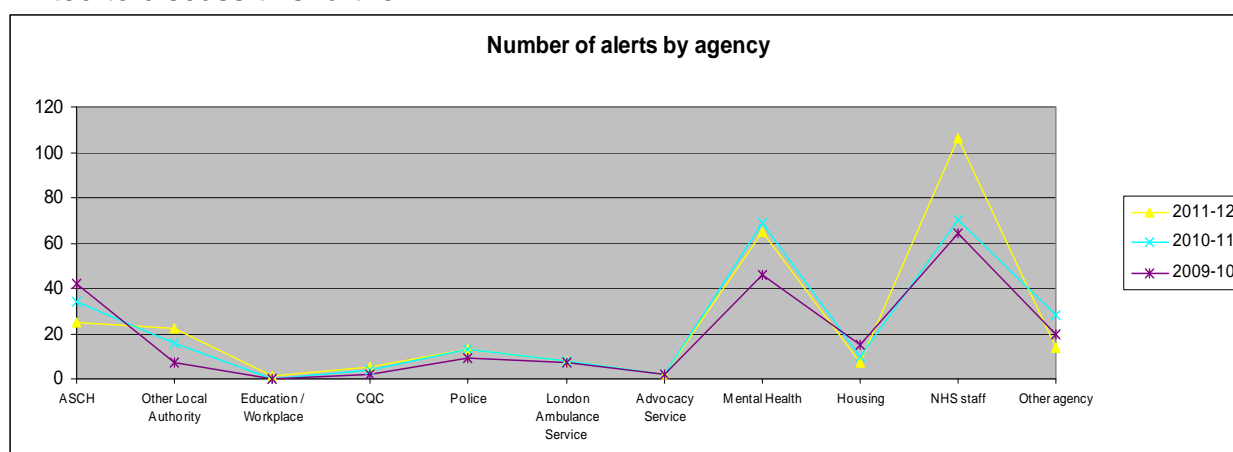
Since April 2012 NHS Barnet has sat within North Central London health commissioning cluster. NHS Barnet commission community health services from Central London Community Healthcare, acute services from Barnet Hospital and Royal Free Hospital, and mental health services from Barnet, Enfield and Haringey Mental Health Trust. Barnet are also lead commissioners for the Royal National Orthopaedic Hospital, Stanmore. By April 2013 current NHS responsibility for children's and adults safeguarding will be handed over to the Clinical Commissioning Groups under new health strategic arrangements. The role of the NHS commissioning board in monitoring the safeguarding aspect of Clinical Commissioning Groups will be made clearer nationally within the forthcoming months.

The following mechanisms are in place to assure NHS Barnet that its providers have arrangements in place to safeguard children under Section 11 Children Act 2004:

- each health organisation provides a programme of safeguarding children training for their staff in addition to the multi-agency programme delivered by the Local Authority
- bespoke training is provided for independent health contractors with support from colleagues in the Metropolitan Police and Barnet social care services as required
- the Care Quality Commission requires each health provider organisation to provide assurance in a number of domains for children
- acute healthcare providers and Barnet Walk in Centres now receive lists of children subject to child protection plans electronically. Staff within these units have worked with London Borough of Barnet safeguarding teams to make adaptations to their systems to ensure that vulnerable children are identified

- health organisations across Barnet have given specific focus to ensure that staff are aware of the impact of domestic violence has on children
- a member of the team within Central London Community Hub represents health organisations at the Multi-Agency Risk Assessment Conference in Barnet and feeds back information to health staff following this meeting
- to improve the emotional well-being of Barnet children the Child and Adolescent Mental Health Services (CAMHS) Strategy is being updated and the service redesigned

Sources of referrals for adult safeguarding alerts in Barnet highlight the involvement of health providers in the safeguarding agenda. In 2011-12 the largest increase was in alerts from NHS staff, as demonstrated in the graph below. Part of this increase may be accounted for by the NHS requirement for all grade 3-4 pressure ulcers to be reported into safeguarding procedures. Grade 3-4 pressure ulcers were reported as a possible indicator of neglect in 61 cases (11%), 38 of these occurred in a care home setting, mainly nursing care. Although it is positive that these are being reported, the Adult Safeguarding Board has identified it as a growing problem and has set up a working group to address the issues. North Central London are also addressing this through a Quality, Innovation, Productivity and Prevention (QIPP) programme in 2012, and the Health and Wellbeing Board have been invited to discuss this further.



### 9.3 Listening to the views of children, young people and adult service users

9.3.1 Barnet is a customer centred Council which is committed to putting the customer at the centre of everything we do and listening to their views. During 2011/12, key feedback has been given by both children and adults about issues relating to safeguarding.

#### 9.3.2 The views of children and young people

Barnet Young People's Safeguarding Consultation 2011, undertaken by Barnet Youth Shield, provides useful feedback on the views of over 400 children and young people relating to a range of safeguarding topics. Some of the key findings reported to Barnet Safeguarding Children Board were:

- domestic violence exists in teenage relationships, and that awareness needs to be raised among young people about what a healthy relationship is
- there is significant peer pressure to use drugs and alcohol. Young people need to be educated on the effects and outcomes, and to have access to a

- many disabled young people are not experienced in travelling independently or being out on their own, and over a quarter of a disability focus group consulted said they had been victims of hate crime
- awareness and support around bullying and being vulnerable to exploitation is necessary to develop skills that would be beneficial throughout adulthood
- many young people were aware of another young person who has a mental health difficulty, but only just over half knew where to go for help or support, saying that there is a need for more education and access to resources

### 9.3.3 The views of adult service users

The national adult social care user survey 2011 provides an insight into how safe Barnet adults feel: 92% of Barnet responders to the national survey said that they always or mostly felt safe (90% was the London average). 8% did not feel adequately safe or safe at all. The Barnet Safeguarding Adults Service User Forum meets quarterly to scrutinise the practice and policy of the Council and partner agencies. It consists of wide representation from different community groups such as the 55+ forum and Barnet Voice for Mental Health. This year the forum has:

- scrutinised reports from the Royal Free Hospital and Learning Disability Services
- received presentations about advocacy in care homes, and about financial abuse
- developed its own mission statement
- produced an accessible booklet to inform and support adults on what happens after abuse is reported

## 9.4 **Trends and issues**

9.4.1 During 2011/12 several trends and potential issues have been identified in relation to safeguarding, which have required further analysis.

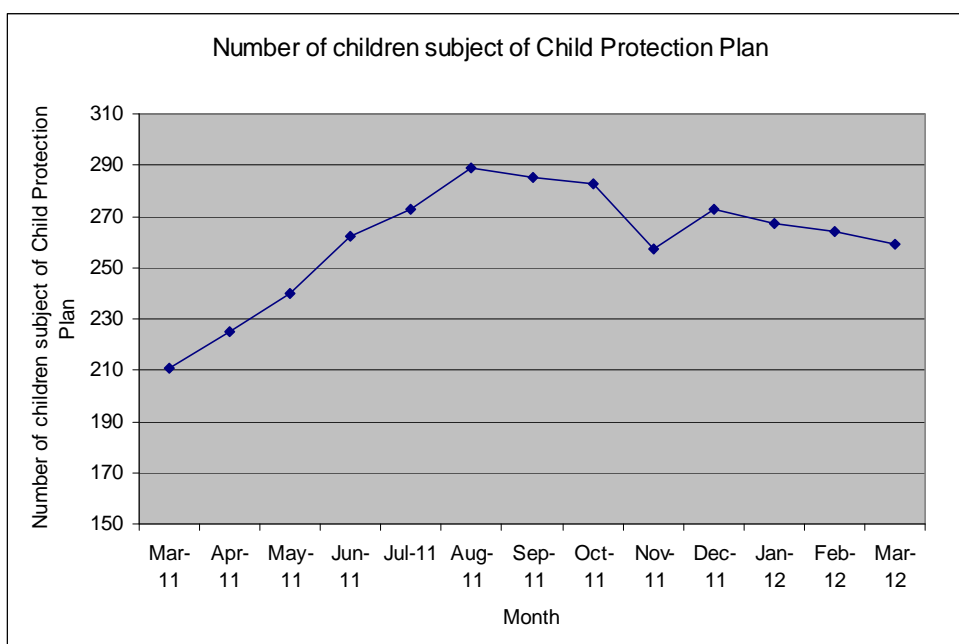
### Children's Service

9.4.2 Barnet has followed a national trend, seeing a rise in the number of children becoming the subject of a Child Protection Plan. The number of children subject to a child protection plan in Barnet has risen from 145 in 2006/07 to 211 in March 2011 and to 259<sup>4</sup> in March 2012. This must be seen in the context of Barnet's increasing under 18 population and the number of Child Protection Plans per 10,000 of the under 18 population. As at March 2011 26.7 per 10,000 of Barnet's under 18 population were subject to a Child Protection Plan compared with 38.3 for London and 38.3 for England. In addition to increases in population, strengthened knowledge and understanding across the population and the workforce about safeguarding children will have contributed to the increase being seen nationally.

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<sup>4</sup> Provisional



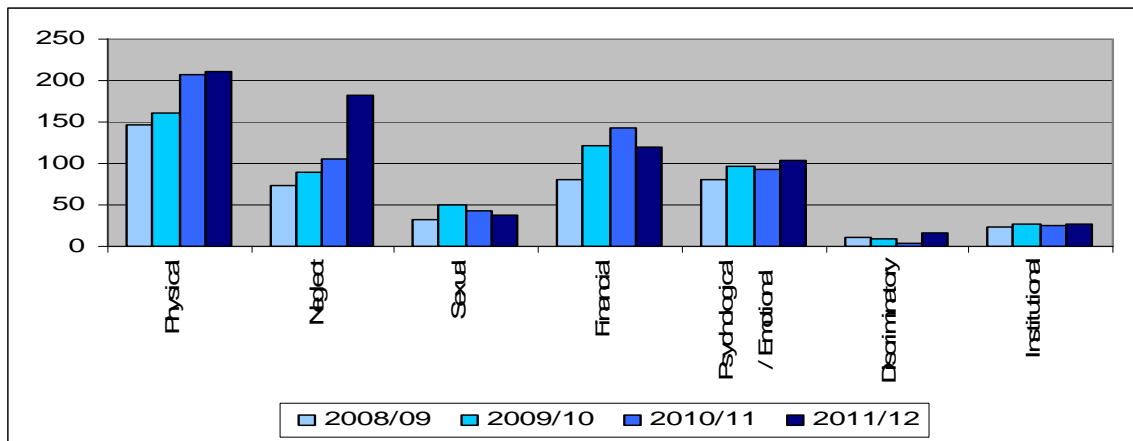


9.4.3 In Barnet there was particular concern during the year about the rising percentage of children subject to a child protection plan for a second or subsequent time. High levels of subsequent child protection plans could suggest that the professionals responsible for the child's welfare are not intervening effectively either to bring about lasting change or to make alternative plans for the child's long term care. At March 2011, the cumulative percentage of children becoming the subject of a child protection plan for a second or subsequent time in 2010/11 was 18% (37 children). At March 2012, the same indicator was 13.78% (35 children). The percentage measure fluctuated during the year, in part due to the small cohort of children, and also due to the changing number of children subject of a child protection plan, which is the measure's denominator. The following actions have been taken to reduce the number of subsequent child protection plans:

- strengthening support when children cease to be subject of a child protection plan
- carrying out the style of audits recommended by Professor Eileen Munro (see 9.5.2) to draw out organisational issues and other key themes to improve practice
- a newly developed Protection Panel now meets on a monthly basis to examine the findings of case audits in detail and make recommendations both in terms of thematic organisational issues that emerge

#### Adults Services

9.4.4 This year has seen a slight increase in the number of adult safeguarding alerts concerning physical abuse, institutional abuse and psychological abuse, and the numbers of alerts concerning sexual and financial abuse have dropped slightly, as demonstrated in the graph below. There has been a significant increase in the numbers of alerts involving neglect, with numbers increasing by over 70%. This includes allegations where neglect was reported along-side other types of abuse. Physical abuse remains the most prevalent type of alert.



### Health Services

- 9.4.5 Health Services have identified a key issue around the capacity of health visitors and are seeking to ensure there is sufficient capacity for essential health promotion and early intervention work. This was also identified by the Care Quality Commission Inspection in January 2012 and a recommendation was made for the capacity of health visitors and school nurses to be reviewed. North Central London has developed a compliance monitoring matrix, part of which reports health visiting capacity, to be reported quarterly. The introduction of the Family Nurse Partnership programme, a preventative programme for first time mothers offering intensive and structured home visiting from early pregnancy until the child is two, will also provide increased capacity for health visiting services.

### Drugs and alcohol

- 9.4.6 Substance misuse covers both drugs and alcohol. Rates of substance misuse in Barnet are below national levels. An adult substance misuse needs assessment has identified key drug and alcohol trends in Barnet:
- the rate of Opiate and Crack Users engaging in support provision is currently 56%; regionally this is 69% and nationally it is 68%. Further work is needed to increase this rate
  - the number of treatment completions amongst the Crack using client group are significantly lower than for other substances. A review of service provision has been recommended to ensure effective engagement and movement through the treatment system
  - a low percentage of parents are in treatment in Barnet when compared against regional and national percentages. A whole family approach needs to be adopted to ensure effective treatment and appropriate safeguarding
- 9.4.7 A substance misuse strategy is currently in development to address these key trends, to ensure provision of and access to effective treatment services. The strategy seeks to support the transition to Public Health in Barnet, ensuring that commissioning arrangements are in line with changing structures. It will also develop the relationship with primary care and will work with acute care providers to reduce alcohol related hospital admissions.

### Community Safety

- 9.4.8 Despite a decrease in the number of reports over the past year, rowdy or inconsiderate behaviour still makes up the majority of anti-social behaviour

reports. Over the past year, Police Safer Neighbourhood Teams worked on 392 cases where anti-social behaviour reports were not one off incidents. 26 vulnerable people were identified within these cases and were referred to appropriate agencies for support. A total of 376 hate incidents or hate crime incidents were recorded by the Community Safety Team at Colindale Police Station. A further 34 cases were reported via the 3rd party reporting sites. Investigation by the Priority Intervention Team resulted in 11 of these 34 cases identifying vulnerable people who were subsequently referred to appropriate agencies for support.

## **9.5 Key Developments**

### **9.5.1 Growing population**

Barnet's population has been growing consistently over the last ten years and is expected to increase by a further 5.5% (19,400) by 2016. Significant growth is projected in the under 18 population, and proportionally high growth in the over 85s. Over the next five years, there will be 3,250 (7.4%) more residents aged over 65 and 783 (11.3%) more residents aged over 85. Both of these increases are above the average growth rate of 5.5%. This will continue to pose challenges; even if levels of safeguarding and social care activity remain constant there will be an increased need for services due to an overall increase in the population.

### **9.5.2 Munro Review**

Professor Munro published her final report of the review of the child protection system in May 2011. It focussed on strengthening the social work profession, and strengthening officer support and autonomy; enabling well-informed judgements to be made, based on up-to-date evidence in the best interests of children. The Munro Review also highlighted the importance of Local Safeguarding Children Boards in ensuring services are working together to safeguard and promote the welfare of children.

The final report made recommendations, of which the most pertinent in the context of this report are:

- the Local Safeguarding Children Board should submit an annual report to the Chief Executive, Leader, Police Commissioner and Chair of Health and Wellbeing Board
- statutory guidance should be amended to focus on meeting local need and the effectiveness of multi agency training
- the scope of the roles of Director of Children's Service and Lead Member for Children should not be expanded outside of Children's Services
- Local Authorities and partners should start an ongoing process to review and redesign the way in which child and family social work is delivered
- Local Authorities should designate a Principal Child and Family Social Worker who is still actively involved in frontline practice

The Council has responded to these recommendations; it already meets the arrangements for the Local Safeguarding Children Board submitting an annual report; a broad multi-agency training programme is already in place; the Council's reorganisation of the Senior Officer and Council structures takes into account the new statutory guidance on the role and status of the Director of Children's Service; and Barnet are currently creating a post for a Principal Child and Family Social Worker. The Council will continue to develop its

services and strengthen its safeguarding functions in line with these recommendations.

#### **9.5.3 Early intervention and prevention**

There is a key commitment to early intervention and prevention across the Council and partners. The key developments in 2011/12 are as follows.

To address issues arising from an increasing young population and a sustained rise in the numbers being referred to Children's Service, additional investment has been made in early intervention and prevention services to improve the identification of those at risk and work with families to address problems before they escalate. Central to early intervention and prevention services is the use of the Common Assessment Framework (CAF), which has had 398 new completions in Barnet in the 12 months to March 2012. For the 2012/13 year, a target is in place for the completion of 770 new CAFs, to ensure that more families receive support at an earlier stage.

Barnet's Family Focus work is starting to show results, as highlighted in the findings of the January 2012 Ofsted inspection of safeguarding and looked after children. Family Focus work provides early interventions to build families' resilience; concentrating on supporting families to improve parenting skills and relationships within the family. As part of the Troubled Families initiative, Intensive Family Focus work is supporting troubled families with multiple, complex problems. The pilot cohort of 18 families in 2011 have seen many positive outcomes relating to safeguarding, including: 12 children ceased to be subject of a child protection plan, a significant reduction in offending or anti-social behaviour for 13 families, and reduced adults substance misuse and re-engagement with drugs and alcohol treatment services in 7 families.

A multi-agency approach is also being taken to the provision of domestic violence support which, for example, has involved the Domestic Violence coordinator attending GP safeguarding training. The Safer Families Project is an early intervention project based in the community which is identifying children and families where domestic abuse and conflict is a feature of family life and is providing early intervention support to prevent escalation to social care. Additionally, the Family Nurse Partnership programme is starting to help young parents to look after their children better, and to support the health and wellbeing of the parents themselves.

### **9.6 Supporting a learning culture**

#### **9.6.1 Ofsted and Care Quality Commission**

Barnet's provision of services for safeguarding and looked after children were inspected by Ofsted in January 2012, alongside the inspection of health provision by the Care Quality Commission (CQC). The ten-day inspection involved extensive scrutiny of case files, analysis of performance information, and over 70 focus groups and interviews.

The outcomes of the both the Ofsted and CQC elements of the inspection were that safeguarding services were good overall and that the outcomes for looked after children were good overall. As at 24 February 2012, of the 97 Local Authorities for whom such an inspection has been undertaken (excluding those who had been re-inspected) in relation to the overall

safeguarding judgement 2 were rated as 'outstanding', 31 as 'good', 47 as 'satisfactory' and 17 as 'inadequate'. For the looked after children judgement, 0 were rated as 'outstanding', 50 as 'good', 44 as 'satisfactory' and 3 as 'inadequate'.

Barnet was judged to be good on 20 out of the 22 assessment criteria. Two criteria, quality of provision for safeguarding and quality of provision for looked after children, were judged to be 'adequate'. 12 recommendations were made by Ofsted and five made by the CQC as a result of the inspection. These included:

- continue to increase the consistent quality of social care assessments and supervision and incorporate the use of research into practice and assessment
- review the services provided through housing for victims of domestic abuse
- ensure clear protocols around child protection decision-making are fully embedded
- continue to work with schools to provide safeguarding advice and ensure safeguarding procedures are clear and understood
- strengthen the case audit and complaints systems and reporting mechanisms and use this to continually improve the quality of practice
- ensure that all looked after children and young people are made aware of the existence of the Pledge for Children in Care and use this to continue to provide good quality care and support
- develop and embed into practice a permanency planning policy for looked after children to secure long term, stable placements
- appoint a designated doctor for looked after children and ensure there is sufficient health capacity to safeguard children

The implementation of these recommendations are being closely scrutinised by senior officers and across the multi-agency partnership. There has been a focus on developing the wider learning from the inspection, particularly to help further raise the quality of provision for safeguarding and for looked after children. The Children's Service has been scrutinising this with partners and is developing an integrated service improvement plan to focus on continually raising the quality of provision, with a sustained emphasis on the experience of the child receiving services.

The Ofsted and CQC inspection schedule changed in April 2012, see 9.7.3, to focus on the effectiveness of multi-agency arrangements for identifying children who are suffering, or likely to suffer, harm; for the provision of early help; and in protecting these children if the risk remains or intensifies. It is unlikely that Barnet will be inspected under this framework as it has recently been inspected and a new multi-inspectorate framework (Ofsted, CQC and HMIP) for the inspection of child protection services is expected to be in place during 2013/14. This will be a harder test for the partnership and one we will be preparing for across all partners represented on the Children's Trust Board.

#### 9.6.2 Domestic Violence Homicide Review

A Domestic Violence Homicide Review was undertaken last year as a result of the unlawful killing of a mother of a young child by her partner. For the lessons of the review to be learned as widely and thoroughly as possible, a series of multi-agency workshops are being held by Barnet Safeguarding

Children Board in May-July 2012. Some of the key learning points from the Domestic Violence Homicide Review focussed on:

- working with personality disorder
- ensuring all health providers have a Domestic Violence policy which is consistent with Barnet and Pan-London Safeguarding Adults Policies and ensuring that protocols are followed health professionals
- ensuring Adult Services, including health services, have a clear Service Level Agreement with domestic violence services to outline clear referral pathways and a protocol for risk management
- ensuring appropriate referrals are made by drug and alcohol services, mental health services and adults safeguarding services
- ensuring that the Local Authority and mental health services for parents are aware of safeguarding and vice versa
- developing safeguarding adults training for police officers to support decision making about who is an 'adult at risk'

#### 9.6.3 Adults Serious Case Review

The Safeguarding Adults Board have received regular reports on the progress of the action plan developed as a result of a serious case review following the death of a young man with learning disabilities and complex health needs. The action plan has seen work completed in the following areas:

- a review of contracts for commissioned services including the terms and conditions, service specification and the support plan. This included the development of a reportable incidents stipulation
- the development of suspension policy where providers fail to meet requirements
- arrangements for sharing intelligence about poor performing services
- a procedure to ensure that local health services are available to people placed outside of the Barnet area
- training for key staff in assessment and support planning for people with learning disabilities and complex health needs
- a protocol to prioritise reviews based on complexity and risk

A learning event was held in September 2011, in conjunction with Enfield Safeguarding Adults Board. Over 160 professionals and providers of care met to reflect on the findings of the review and what we need to do to prevent such a tragic accident happening again. Commissioners and supply management came together with health and social work professionals from the Learning Disability Service to focus on action planning for improvements. This was followed by the learning disability providers from the two boroughs considering issues of safer recruitment, risk assessment and partnership working.

#### 9.6.4 Social Care Institute of Excellence (SCIE) Review

Barnet sought to review a case following the murder of a mother in a household where, although not present at the time, a vulnerable small child normally resided. The Barnet SCIE Review was commissioned by Barnet Safeguarding Children Board with the final report accepted in October 2011. As recommended by the Munro Review, a systems approach was taken; the multi-agency network worked together to learn about both the SCIE model, and what the case told us about the systems affecting safeguarding work in Barnet. Health agencies were represented in both the Review team and the case team and are in the process of ensuring that themes learned are

disseminated to all staff. The key themes emerging from the SCIE Review were:

- the importance of regular reflective supervision, support and challenge
- the necessity for multi-agency audits and for groups of cases to be discussed to identify themes
- the importance of multi-agency working, consistent attendance of key agencies at child protection conferences and continuing a multi-agency network after the ending of a child protection plan
- a need to explore how often Core Assessments are revised and to look at how risk factors are identified and re-assessments are triggered
- resource implications of record keeping and a need to understand the type of information which is missing from records
- the message that “safeguarding is everybody’s business” needs to become a more integral part of practice in all agencies
- multi-agency working with adults who have a personality disorder needs to be strengthened

#### **9.6.5 Serious health incidents**

Two child deaths in 2011 resulted in referrals to both the SCR sub-committee of the LSCB and also the Child Death Overview Panel. Both child deaths had similarities in that the young people involved had attended independent schools out of borough and were in receipt of private mental health services. Reviews into the child deaths were held to identify any gaps in service or factors which may have changed the outcome for these young people. The actions from these reviews were that:

- oversight of private healthcare provision is a national issue, it is the role of the Child Death Overview panel is to ensure this is identified regionally and nationally
- the Child Death Overview Panel nationally will look at trends nationally for comparison
- for Barnet the two child deaths highlighted how essential it is that full information is passed from NHS provision to Independent and private healthcare and vice versa. Safeguarding training for Independent Contractors including primary care contractors now highlights this issue
- NHS Barnet has representation from two independent providers of care at their Safeguarding Children Advisory group. Contacts with local boroughs are being made to ensure they are supporting Independent Providers within their catchment area
- a joint flow chart will be developed to ensure that in the event of a child death consistent actions are taken by the multi-agency group, such as support to the family and school

### **9.7 Future challenges and opportunities**

#### **9.7.1 Multi-Agency Safeguarding Hub**

Multi-Agency Safeguarding Hubs (MASH) co-locate professionals and are designed to give better decisions and outcomes for vulnerable people, by improving the sharing and integration of information. They provide a high level of knowledge and analysis on information at the point of referral and promote informed, risk based decision-making to safeguard vulnerable people. The development of a MASH is currently underway in Barnet. The Domestic

Violence Homicide Review highlighted the importance of developing the MASH and emphasised the need for this work to be expedited.

#### 9.7.2 Continued integration with health

Public Health is moving to come under the Local Authority and the Health and Wellbeing Board in Barnet. The Health and Wellbeing Board has been established to provide coordination and integration for the whole of health and care services. Moving forward there will be continuing changes to health structures with the development of the Clinical Commissioning Group. There will be continuing work needed to ensure the safeguarding agenda is embedded into new arrangements. Health representation on both the Safeguarding Children Board and the Safeguarding Adults Board, in particular the GP representatives on both Boards, will become increasingly important. Over the coming year, health is seeking to continue to work with designated safeguarding professionals within the commissioning clusters, to develop the strategic work programme for safeguarding children across North Central London. The Health and Wellbeing Board will need to maintain and strengthen its work to continue to strengthen the multi-agency safeguarding agenda.

#### 9.7.3 New Children's Service inspection Framework

The Munro Review has informed the development of a new inspection framework, from April 2012, for Local Authority arrangements for the protection of children which focuses on:

- early help and intervention
- the child's journey from needing help to receiving help
- the child's voice through this journey
- the number professionals involved in the life of the family and the impact of changes of professionals
- the effectiveness of the services and the impact on the child
- identifying cases of good practice is an effective way to better understand the mechanisms underpinning effective help

It is unlikely that all local authorities will be inspected under this framework as a multi-inspectorate framework for the inspection of child protection services will be in place from 2013/14. As part of service improvement, Barnet is strengthening its provision of services in line with the recommendations of the Munro Review and findings from the Ofsted inspection of safeguarding and looked after children.

#### 9.7.4 Demographic and budgetary pressures

Demographic pressures for the Children's Service and Adult Social Services have been recognised in the Medium Term Financial Strategy (see 6.2 and 6.3). However, Barnet's growing population, as highlighted at 9.5.1, will continue to pose challenges, particularly in the context of reduced budgets.

#### 9.7.5 New Council Structure

Barnet is redesigning the way it provides Council services, with services re-aligned into commissioning, assurance and delivery units. This will require new ways of working and we need to ensure that challenge and support in relation to safeguarding continues to be strengthened in these new structures.



## **10. LIST OF BACKGROUND PAPERS**

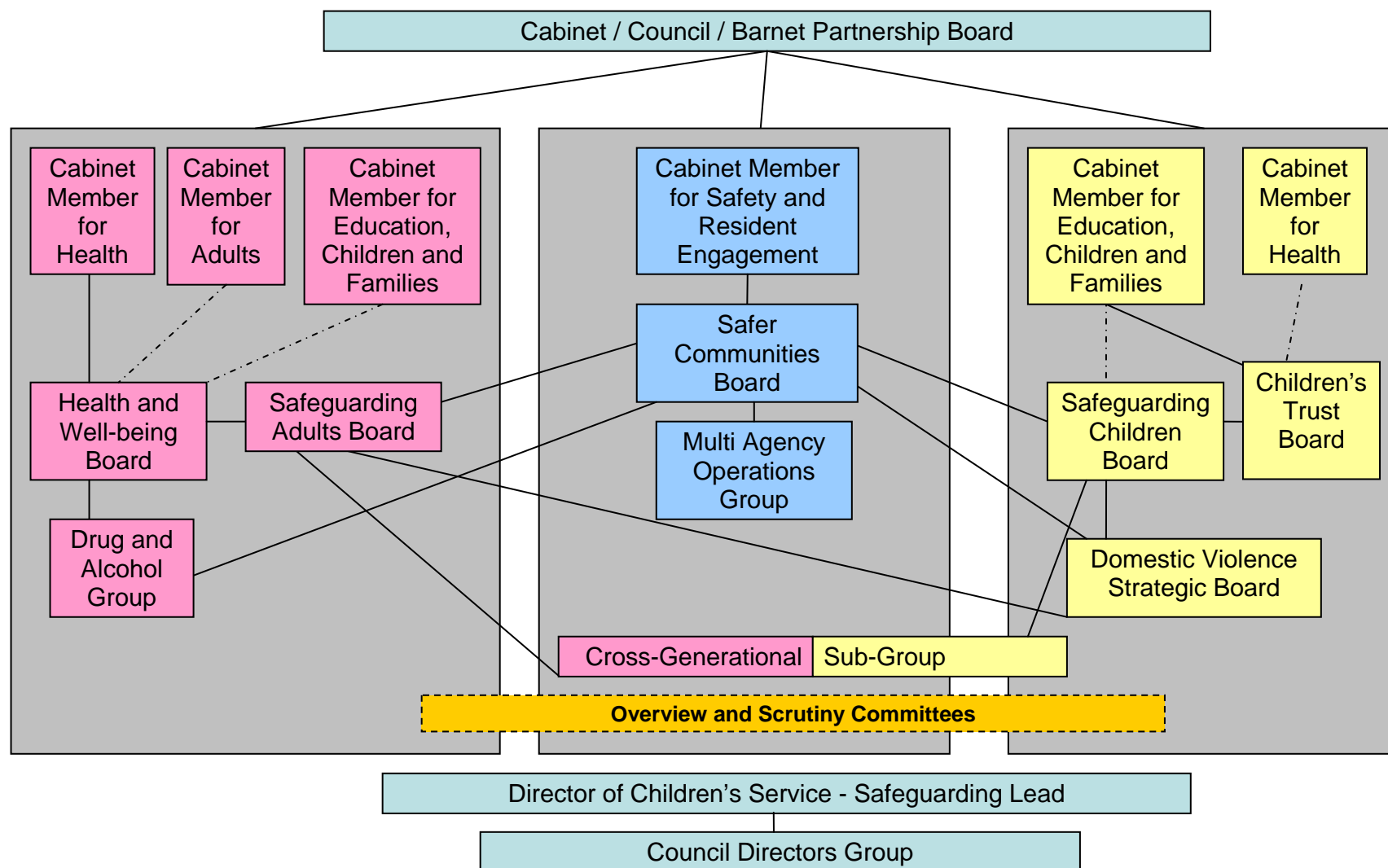
Department for Education. May 2011. *The Munro Review of Child Protection: Final Report*

Ofsted. April 2012. *Framework for the inspection of Local Authority arrangements for the protection of children*

Ofsted and CQC. February 2012. *Inspection of safeguarding and looked after children services: London Borough of Barnet*

<b>Cleared by Finance (Officer's initials)</b>	<b>JH</b>
<b>Cleared by Legal (Officer's initials)</b>	<b>SS</b>

## APPENDIX 1: The Governance of Safeguarding in Barnet



## APPENDIX 2: Further information on the key safeguarding governance structures in Barnet

**Safeguarding Overview and Scrutiny Committee** provides Member scrutiny of the Council and its partners in the discharge of statutory duties in relation to safeguarding. Over the past year, reports to the Safeguarding Overview and Scrutiny Committee have included the implications of the Munro review and the implementation of recommendations, Adult Services workforce approach to safeguarding and proposals for strengthening the partnership with other statutory organisations, and a plan to address recommendations from the Ofsted Inspection of Safeguarding and Looked After Children.

The **Barnet Partnership Board** meets in public and is an overarching partnership board that takes an overview of the cross-cutting challenges facing the Borough. The Council agreed new arrangements for the Board in February 2012.

The **Safer Communities Partnership Board** recognises safeguarding as a priority and is the inter-agency mechanism in Barnet to reduce crime and anti-social behaviour and reoffending, and to promote social cohesion. Reports from the Children's and Adults' safeguarding boards are a standing item on the Safer Communities Partnership Board. The Safeguarding Adults Manager is also now a member of the Safer Communities Partnership Board.

The **Barnet Children's Trust Board** provides inter-agency governance to ensure that partners in Barnet are working together effectively, to improve the wellbeing of children and young people. Responsibilities cover the needs of all children and young people in Barnet under the age of 19 as well as young people under who are leaving care, up to the age of 21 or 25 (depending on whether they are in education) and young people who have disabilities and/or learning difficulties, up to the age of 25.

The **Health and Wellbeing Board** provides the function of joining up commissioning of local NHS services, social care and health improvement at a strategic level and support integration across health, adult social care and children's services.

**Barnet Safeguarding Children Board** is the key statutory mechanism for agreeing how organisations will co-operate to safeguard and promote the welfare of children. There are currently 4 sub groups in addition to the Standing Serious Case Review (SCR) Panel and the Child Death Overview Panel (CDOP). These are;

- Performance and Quality Assurance Sub Group
- Training and Development Sub Group
- Professional Advisory Sub Group
- Cross-Generational Sub Group

**Barnet Safeguarding Adults Board** co-ordinates activity between agencies, and monitors and audits progress in safeguarding vulnerable adults. Membership has been reviewed and changes have been made to extend membership to include the Domestic Violence Co-ordinator, a GP representative, and London Probation Service. A representative from the London Ambulance Service was secured earlier in the year. Barnet

Safeguarding Children Board continues to be represented at Safeguarding Adults Board and the Safeguarding Adults Manager attends the Barnet Safeguarding Children Board to promote links at a strategic level.

## ENCLOSURE B

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Meeting	Cabinet
Date	17 <sup>th</sup> July 2012
<b>Subject</b>	<b>Creation of a borough wide Designated Public Place Order</b>
Report of	Cabinet Member for Safety and Resident Engagement
Summary	This report seeks approval to implement 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
Key Decision	Yes
Reason for urgency / exemption from call-in	N/A
Function of	Cabinet
Enclosures	None
Contact for Further Information:	Paul Lamb, 020 8359 7491

## **1. RECOMMENDATIONS**

- 1.1 That Cabinet approves the implementation of a borough wide Designated Public Place Order (DPPO) and authorises a report to Council to create the Order under seal.

## **2. RELEVANT PREVIOUS DECISIONS**

- 2.1 Cabinet 29 September 2003, decision item 12, 'Declaration of Alcohol Free Zones'.
- 2.2 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.
- 2.3 Council 17 May 2010, Designated Public Place Order – Controlled Drinking Zone for Childs Hill Ward, ratification of Cabinet recommendation to create an order.
- 2.4 Delegated Powers Report 1670, 21<sup>st</sup> May 2012, approval to commence consultation with regard to the creation of a borough wide Designated Public Place Order.

## **3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 3.1 The Corporate Plan 2011 – 13 states the following objective within the priority of 'A successful London suburb';
- Work with all strategic partners (particularly the Police) to ensure Barnet is a safe place
- The implementation of a DPPO supports the delivery of this objective.
- 3.2 The Safer Communities Strategy 2012 – 2013 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.

## **4. RISK MANAGEMENT ISSUES**

- 4.1 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 proportional. The effectiveness of any zone therefore needs to be monitored, including the operational regulatory response.
- 4.2 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.

## **5. EQUALITIES AND DIVERSITY ISSUES**

- 5.1 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 rehabilitation and recovery.

## **6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)**

- 6.1 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.
- 6.2 The Police and Police Community Support Officers will be responsible for regulating the proposed borough wide Order.

## **7. LEGAL ISSUES**

- 7.1 The 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.
- 7.2 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.

- 7.3 An Equalities Impact Assessment will need to be conducted in order to consider the impact of the proposed borough wide DPPO.

## **8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)**

- 8.1 Constitution Part 3, Responsibility for Functions, Section 3 – Responsibility for Executive Functions, ‘policy formulation and implementation in relation to community safety’.

## **9. BACKGROUND INFORMATION**

### **9.1 Powers to designate public places**

- 9.1.1 On 1<sup>st</sup> 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 intoxicating liquor in an area proposed to be designated before it creates an Order.

- 9.1.2 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 intoxicating liquor. An authorised officer can also require a person to surrender anything in their possession which is, or the officer believes to be, intoxicating liquor or a container for such liquor. 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.

- 9.1.3 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

- 9.1.4 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.

- 9.1.5 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.

9.1.6 The Police have further stated that they believe there has been displacement into the London Borough of Barnet subsequent to 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 is understood by Safer Neighbourhood Teams, all other Police response teams do not understand. There would be no confusion if there was a borough wide designation.

9.1.7 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;

## 9.2 Crime, Disorder and Nuisance:

9.2.1 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.

9.2.2 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.

9.2.3 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.

9.2.4 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	<p>Cricklewood Broadway, Golders Green Station, Golders Way, Golders Green Crescent</p> <p>(reported as some displacement from Cricklewood zone and from Brent within Cricklewood)</p>	<p>Group of 5 in Cricklewood</p> <ul style="list-style-type: none"> <li>• Violence</li> <li>• Urination and defecation</li> <li>• Intimidation</li> <li>• Littering</li> </ul> <p>Group up to 15 in vicinity of</p>

		<p>Golders Green Station</p> <ul style="list-style-type: none"> <li>• Intimidation</li> <li>• Begging</li> <li>• Littering</li> <li>• Urination</li> </ul>
Golders Green	<p>Boundary with Childs Hill ward along Golders Green road and environs</p> <p>(reported as some displacement from Cricklewood zone)</p>	<p>Group of 15 as above moving between ward boundaries.</p> <ul style="list-style-type: none"> <li>• As above</li> </ul>
West Hendon	<p>The Broadway and surrounding roads</p>	<p>Group of 10</p> <ul style="list-style-type: none"> <li>• Theft</li> <li>• Violence</li> <li>• Intimidation</li> <li>• Urination</li> <li>• Littering</li> </ul>
West Finchley	<p>Tally Ho Corner and Ballards Lane</p> <p>(displacement reported to surrounding roads)</p>	<p>Group of 8 historically</p> <ul style="list-style-type: none"> <li>• Urination</li> <li>• Littering</li> <li>• Intimidation</li> </ul>
Woodhouse	<p>Boundary with West Finchley and related to attendance at Homeless Action in Barnet</p>	<p>As above</p>
Finchley Church End	<p>Vicinity of TESCO, Hendon Lane, Victoria Park and Station Approach</p>	<p>Group of 7 historically</p> <p>Another group of up to 10 street drinkers is emerging</p> <ul style="list-style-type: none"> <li>• Intimidation</li> <li>• Littering</li> <li>• Urination</li> <li>• Drugs</li> </ul>
Edgware	<p>Station Road, Rectory Lane, Herons Gate and Manns Road</p> <p>(reported as some displacement from Harrow)</p>	<p>Group of 16</p> <ul style="list-style-type: none"> <li>• Intimidation</li> <li>• Begging</li> <li>• Sleeping rough</li> <li>• Violence</li> <li>• Urination and defecation</li> <li>• Littering</li> <li>• Arson</li> </ul>
Burnt Oak	<p>Watling Avenue, The Broadway, Watling Park, Silkstream Park, Tube Station and stairwells</p> <p>(reported as some displacement from Harrow)</p>	<p>Group of 15</p> <ul style="list-style-type: none"> <li>• Urination / defecation</li> <li>• Intimidation</li> <li>• Begging</li> <li>• Littering</li> <li>• Violence</li> <li>• Abusive language</li> </ul>
High Barnet	<p>Around the Church, rear of Spires Shopping Centre (reported as displacement from West Finchley area)</p>	<p>Group up to 5</p> <ul style="list-style-type: none"> <li>• Urination</li> <li>• Intimidation</li> </ul>

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.

- 9.2.5 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.

### 9.3 Perceptions of alcohol related issues

- 9.3.1 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%

- 9.3.2 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?



- 9.3.3 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.

## 9.4 Effectiveness of Designated Public Places

9.4.1 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.

9.4.2 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.

9.4.3 No reports of crime or nuisance associated with street drinking were received from across agencies regarding the existing Hendon DPPO.

9.4.4 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.

9.4.5 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.

9.4.6 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.

## 9.5 DPPO Process

9.5.1 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.

9.5.2 A notice was published in the local press on 7<sup>th</sup> June 2012 inviting representations within a minimum 28 day period, concerning the proposed designation order. The other parties stated in 9.5.1 above were also written to individually and a public on line web survey commenced. The representation period ended on 4<sup>th</sup> July 2012.

9.5.3 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.

9.5.3 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.

## 9.6 Consultation response

9.6.1 Consultation commenced on the 7<sup>th</sup> June and closed on the 4<sup>th</sup> July. A total of 210 responses were received. 83.8% were in favour of the introduction of a borough wide DPPO and 10.9% were not. 5.3% of respondents did not know.

9.6.2 Barnet borough Police expressly supported the proposal stating that it will create a mechanism to 'support the drive to reduce alcohol related criminality' and provided a commitment 'to using the powers in a pragmatic and proportionate way based on an intelligence or evidenced case by case basis'.

9.6.3 No adverse comments were received from neighbouring local authorities or neighbouring borough Police commands.

9.6.4 Attached as Appendix 1 is a full set of consultation comments received. In summary those supporting the proposal believe it will be a useful tool to tackle nuisance related to street drinking and will make the community safer, whilst those not in favour cited the proposal as not being proportionate nor necessary.

## 10. LIST OF BACKGROUND PAPERS

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

<b>Cleared by Finance (Officer's initials)</b>	
<b>Cleared by Legal (Officer's initials)</b>	

## Appendix 1 – Comments received from consultation responses

- I am aware of the ongoing problem in the area that I live in.
- Too much anti social drinking in our streets. A complete ban is ideal.
- I think that drinking should be limited to private homes/gardens and bars/pubs/restaurants.
- I do not understand the need to drink whilst walking in the street
- I believe there is still far too much public drunkenness in Cricklewood.
- I live in Cricklewood where there is currently such an order in place. I hope that if a DPPO were made Borough-wide it would mean that the restrictions on street were enforced more rigorously.
- Problems with street drinking and associated anti-social behaviour have improved since the restrictions were introduced but there are still too many occasions when the rules are not enforced.
- In Barnet there is widespread street drinking. This is particularly evident to me in Cricklewood, when out walking with my children in broad daylight, we will invariably encounter people drinking beer on the street. Also, wine and spirits are regularly seen.
- Places where street drinking is visible include Cricklewood Lane (bus stop opposite Coop supermarket, B&Q grassy area), Cricklewood Broadway (outside the Travelodge, behind the Travelodge, outside the bookmakers at the corner with Chichele Rd, in the playground on Kara Way.

This is a bad thing because;

1. it gives a very bad example to children
  2. it is intimidating - I have had to turn away from the playground on Kara Way on several occasions due to the groups of men drinking beer and spirits.
  3. it drags our neighbourhood down and gives a very bad impression to visitors - this will of course have a knock on effect on business and house price growth.
  4. I imagine that it leads on to crime in terms of antisocial behaviour associated with public drunkenness.
  5. littering - cans of beer and empty alcohol bottles make the area look miserable and depressing.
- Cricklewood Broadway is still full of street drinkers despite the Controlled Zone. This leads to the unpleasant side effects of rubbish, vomit and urination which we residents are forced to sidestep on a daily basis.
  - If Cricklewood is to have any chance of social improvement this element must be removed.
  - In the Cricklewood area there is a serious problem with street drinkers and the other two bordering councils have Designated Public Place Orders.
  - We are tired of complaining about street drinking and need some serious and immediate enforcement to stop it.
  - Street drinkers are a problem in the Burnt Oak area and giving the SNT/Police more powers to discourage it would be a positive thing.
  - Drinking alcohol should only be allowed in licensed premises
  - The streets are not safe for me or my family to walk around.

- Unless I am misunderstanding, this would mean a blanket ban on alcohol in public in Barnet. I am middle aged and not really a drinker but there are issues:
1. If people are breaking the law, then they can be stopped anyway whether they are drinking or not.
  2. People can just as easily get drunk inside then cause trouble.
  3. Even I enjoy a glass of wine with a picnic on occasion - this is not troublesome.
- Again, how can drinking in the street be a crime if no other crime is being committed?
  - Blanket bans just serve to make life more uncomfortable for all.
  - Alcohol driven public disorder is on the increase. I would, nevertheless, comment that the existing provision is not successfully policed at the moment and would be sceptical of a borough wide DPPO being successfully policed. It is all well and good for the council to pursue such powers and it looks good that the council is doing this, but the reality on the ground is of a council in retreat.
  - I am concerned about my personal safety on the streets.
1. It is not necessary and there is insufficient evidence for its justification
  2. There is no guarantee it will be enforced fairly and properly
  3. The Police lack the required level of resource to manage on a borough-wide level
  4. It doesn't tackle the fundamental issue or provide any help for problem drinkers
- CIP - Cricklewood Improvement Programme  
[http://www.cricklewoodcip.org/support\\_us.html](http://www.cricklewoodcip.org/support_us.html) is an initiative in Cricklewood led by local people concerned about the quality of our local community e.g. anti social behaviour, street drinking, criminal activity etc. The group is made up of residents from Childs Hill, Fortune Green and Mapesbury.
- As Barnet residents we are fed up with the level of anti social behaviour usually associated with street drinking and want the council and ourselves to work together to resolve this. We fully support a DPPO for all of Barnet. It's good for the police to have this powers.
- Provides for a more ordered, tranquil and family-orientated community and living environment.
  - Cannot really see what the benefits may be and whether the difficulties in enforcement will generate any meaningful long term benefit.
  - I shop regularly in Edgware and find it very intimidating to pass the betting shops and grocery stores on Station Road as there are groups of males that congregate outside with cans of alcohol. I cannot wait until this proposal is brought in.
  - This may help reduce the number of people drinking in public places and enable the police to have more powers in this area.
  - Drinking in public spaces can pose problems as it sometimes makes people behave in an antisocial manner which they wouldn't when sober.
  - Drinkers tend to congregate in areas with seats in them such as church yards and can be disruptive to the public using those areas.  
our neighbourhood will be safer for both adults and children.
  - We frequently have people sitting in our graveyard drinking excessively and it makes some of the elderly people in the congregation afraid to walk past them to get into the church.
  - As the administrator of St Margaret's Church, Edgware, we have a churchyard open to the public which from time to time is used as a drinking spot and public toilet by local street drinkers, much to the dismay and distress of church visitors and neighbours. Anything that will help to curb the drinking meets with our approval.
  - Most crime and in particular anti social behaviour out in the community is very



frequently related to alcohol and its excess. Such activities often disturb interrupt and sometimes frighten the public especially the very young, elderly and young women on their own

- We need to be vigilant in stopping/controlling alcohol drank in open spaces.
- This does not of course include families ,couples or groups having picnics and/or out on a day out where reasonable drinking should be permitted. Officers will know when intervention is required.
- I personally was abused by one of those people who were drinking alcohol on the public pavement in.
- Finchley Central sometime ago, and I have never forgotten the experience. Residents need some sort of protection from such experiences, and your future plan will go some way to dealing with this.
- I live in Cricklewood land and its permanently full of people drinking on the streets the is together with all the chicken shops and pubs makes it very unpleasant. I have also had to intervene after seeing children on their own drunk and being approached by 'adult' police simply do not police the area.
- I grew up in Hampstead Garden Suburb. I had not realised until many many years later that there are no pubs within the area.
- On the one hand you might say I was spoilt but on the other hand I think I was blessed by living in an area which did not encourage drinking and residents never came into contact with drunken behaviour in the neighbouring streets.
- Without realising it the residents of the Suburb are protected from an alcohol and once I understood what it had achieved, I realised that I had never missed the pub on my doorstep.
- That is why I am in favour of the proposal;
- 1. It is the drunks outside who cause a lot of problems and intimidate others on the roads and pavements either through abuse or just generally being load and difficult.
- 2. Drinking should only be carried out in Pubs and clubs, it is not right for people to walk the street drinking Special Brew etc.
- 3. Due to the nuisance and problems caused for local residents by people drinking in public places.
- 4. They are intended to tackle nuisance or annoyance associated with drinking alcohol in a public place.
- 5. Feel it would make the Borough a safer place
- 6. Excessive drinking in Pubs & outside Pubs has become very common and leads to anti-social behaviour including very loud talking at late hours when most working people are trying to catch their sleep which is frequently disrupted by people drinking heavily with no control over their behaviour.
- 7. This is just another way to take away people's freedom of choice. If the person consuming alcohol is making trouble the police have enough powers to deal with it. think it will help keep the area safer and a more pleasant place to live.
- 8. Too often there are seen one or two persons walking around or sitting at the edge of the pavement drinking a can of lager or beer, their choice of language needs a lot to be desired. Whether there is a national sports event on or not, unless it is in a licensed area ie: PH forecourt or grounds, drinking in public areas should be controlled.
- 9. I believe this will provide a great level of safety in the area and reduce the crime rate.
- Although in favour I don't see how you will stop drinking in Edgwarebury Park, when the park is closed and with the police having no access. Regular park patrols by the police is what is needed.
- To combat antisocial behaviour.
- I think it would help to clean up our streets.

- Anything that reduces public consumption of alcohol and consequential behaviour related issues seems like a good thing.
- Too many drunk people cause disruption at night times and are a danger to the people in the area.
- There is often a lot of noise particularly at night from Station Road, Edgware when people spill out of the pubs. It can be quite frightening to walk in those areas and I know of people who have been racially abused by drunken groups who are in the street
- It will at least give young people a boundary (which is not already in their lives) to stop and think before drinking.
- I regret the change I see occurring in Edgware, particularly centred around the changing nature of the retail outlets in Station Road, including betting shops, bars and other alcohol sources. In tandem, the kind of people now seen even mid-morning in the area who are intoxicated and or drinking openly - whilst respectable children, shoppers and commuters are walking the area is unwholesome and unwelcome. The police presence is all but gone now and the only authority figures now seen are over-zealous parking wardens. A shift in emphasis in favour of respectable, law-abiding, tax-paying residents will be most welcome.
- I am in favour of making the Borough a socially safer, environmentally friendlier area, and I think this would definitely help.
- There is nothing worse than seeing people being drunk and disorderly in the street and all that goes with people being so drunk...e.g urinating in the street, vomiting in the street and being aggressive.
- It will make the area safer for the public.
- Fed up with drunken lots.
- It will provide far better control to stop people from drinking in public places. They can drink in a pub or at home but, if they are causing problems for the rest of the community and are drinking (the two normally go together) in a public place, then this proposal will enable the police to properly tackle the issues.
- This will make the local area safer and more enjoyable for the vast majority of those who live in Barnet who conduct themselves properly.
- This will improve the safety of the neighbourhood  
the aggressive nature of the drinkers make it feel an insecure and intimidating area for the public.
- We are in-between to alcohol free zones. We have street drinkers at all times, when moved on they go into the parks, this makes the area they are in very intimidating, as they get very loud, swearing and threatening making it difficult to pass. them to extremely the elderly and young who are scared to pass them. The government are trying to stop extreme drinking, surely an alcohol free zone would also help reduce the consumption of excessive alcohol on our streets in Burnt Oak which is part of the borough of Barnet.
- The police already have powers to arrest people for drunk and disorderly behaviour. They are most likely already aware of who these problem people are, and should deal with them more severely, to prevent repercussions.
- This ban would impose upon the enjoyment of ordinary, sensible residents who are simply enjoying a glass of Pimms in the park on a lovely summers day. Why let the few spoil things for the many?
- Being drunk in public is a thing to be discouraged.
- In my opinion, about 60% of anti-social behaviour is drunkenness related. I am in total support of any ORDER which will curtail drunkenness in public places.
- I think that the police should have the powers to deal with people behaving in an anti-social way, due to consumption of alcohol.

- Drastic overkill to declare entire borough as DPPO. Utterly disproportionate and adds nothing that cannot be dealt with existing legislation.
- Do not consider this proposal to be reasonably, necessary or proportionate.
- Nuisance caused by drinking in public places is not common in Mill Hill where I live, but there is the rare instance when such an Order might be helpful. However, I am concerned that family picnics in parks in which the adults may have an alcoholic drink, and no nuisance is caused, are not caught by this Order.
- It will allow the police to penalise people innocently drinking small amounts in eg. a park, or even outside their front door. This proposal covers the WHOLE borough, not carefully targeted problem areas.
- I can say that I can't remember ever seeing any problem drinking anywhere near where I live, or anywhere in the borough, so it's totally unnecessary. What happens if an 'enforcer' oversteps the mark - is there any comeback at all? Any restraint?
- The causes of street drinking and drug use may be closely linked, but are little understood, studied or confronted. Enabling contact with 'offenders' during enforcement will provide opportunity for qualified professionals to gain improved and recorded access to case history information. The measure would form a useful background contribution to Barnet's Health and Wellbeing Strategy.
- Am not informed enough.
- To enhance the pleasure of walking around LBB without being pestered or offended by the objectionable and intrusive behaviour of those who aren't in control due to excess alcohol and/or drugs consumption.
- I have 2 teenage boys and I feel it is a good proposal for the area.
- Seeing youths drinking does not help the younger children. it only encourages and harms.
- I don't want drunk people drinking in my road.
- Will hopefully reduce crime
- Drinking alcohol in public places may set a bad example for minors.
- Excessive use of alcohol is directly connected with anti-social behaviour, therefore drinking in public should be stopped before it results in trouble or crime.
- I can see a need to control/prevent public disorder. I worry about the police or others abusing or using such powers unreasonably and in an authoritarian manner. Human rights are threatened in a number of ways these days. We should proceed with care down this road for a more safe environment because there are too many young people standing on street corners just drinking and annoying people walking past
- Keep streets cleaner, less problems with those who have drunk too much.
- It will help encourage people who are thinking of breaching normal codes of behaviour to become aware of their responsibilities to fellow citizens, give them an understanding of what is and is not acceptable in a decent society, respect the rights of others and acquire self-respect and dignity for themselves.
- I don't agree with people drinking alcohol outside of licensed premises.
- The Order would assist in reducing the growing levels of alcohol abuse present not only in Barnet but across the UK generally. i support the proposal.
- My local high street / Station Road in Edgware is now a "dump". Lots of young men drink openly on the pavement and intimidate females and old people as they pass.
- It is an absolute disgrace.
- To ensure everyone has the right to move about the borough in safety.
- To reduce antisocial behaviour public safety is paramount. Excess alcohol not only endangers the drinker but is a danger to onlookers / residents.
- If known places can be identified where such danger exists control would be in the public interest.

- I don't like people to congregate in public areas and drink it's not nice for the public. let them drink in bars pubs clubs not on the street.
- It represents a further incursion of regulation into everyday life. While it may not be the intention that the police should prevent the enjoyment of, say, wine during a picnic in the park, one can envisage a situation where it is more convenient to impose consistent blanket policing. Indeed with an increasing political sensitivity to profiling, one can see this on the horizon.
- With the limited information I have been able to gather about your proposals and because I have not been provided with any evidence for the claims of success of the existing trial zones, I am therefore disposed to say that I disagree with the proposal for a Designated Public Place order. It is clear to me that nothing has done more than the introduction of 24/7 alcohol sales to encourage the drinking culture that you may be wishing to suppress. Perhaps you could handle the issue with less risk of unintended consequences by curtailing the availability of alcohol and of course by engaging rather than regulating the energies of young people.
- I believe instead of draconian controls to manage the few spots of difficulty that education and support for young people, giving them more sustainable life opportunities is a better way forward. As a council tax payer I am not in favour of spending money on this scheme. It will simply lead to community unrest, disproportionate application and could lead to divisive community relations, where engagement with community issues and ensuring alternatives and education on alcohol and drug misuse are addressed is a better investment for the individuals themselves and for positive community approaches.
- Anti-social behaviour caused by excessive alcohol consumption in public area is a nuisance to everyone.
- Stop thugs.
- Don't like to see rowdy drinking in public.
- The area I live in is predominantly residential. Families with young children and elderly residents are seriously affected by loutish behaviour. This then impacts on the social environment, property prices and general behaviour can then deteriorate further (graffiti etc).
- I am therefore strongly in favour of the introduction of a "Designated Public Place Order".
- We are all in favour of efforts by the authorities to maintain law and order and we believe these suggestions will not only further that aim but also lead to an improvement in public behaviour and local cohesion.
- Need more police presence to deter anti-social behaviour.
- Yes please go ahead. alcohol is getting cheaper through supermarkets stores; that does not mean we have to put up with more nuisance.
- I believe there should be more control over the way we use alcohol in the UK, especially with regard to binge drinking and the way that alcohol affects people when they are grouped together.
- It will assist in maintaining a good community spirit and hopefully prevent over drinking by the youth.
- better, safer neighbourhood, less incidents requiring medical treatment, reduced noise.
- I go shopping in Edgware every day and it is very intimidating passing the betting shops as there are always men outside smoking and drinking cans of alcohol. They have also been outside the Broadwalk shopping centre.
- For safer neighbourhoods.
- Providing it was introduced with care and implemented with sensitivity it would help to protect and improve our environment.

- I like most people enjoy social drinking however the trend for large quantities of alcohol to be consumed on the street on the way to and returning from a 'night out' has increased significantly with the decline prices offered by supermarkets.
- Often this is associated with a decline in social behaviour which is often not acceptable to other pedestrians or local residents.
- So that the authorities have some control over anti social behaviour in public spaces
- It will make streets more safer.
- It gives too wide powers to the police.
- I would accept a proposal less widely drafted in respect of seizure - 'anything they believe to be alcohol' is too widely drafted.
- Anything that makes Barnet a more peaceful place and control's drink related public disorder is to be welcomed.
- Drunkenness is bad under any circumstances: for the drinker and for the unwilling observer/sufferer.
- I cannot understand why it is regarded as something clever or admirable. We do not have to experience it on the street. One of the advantages of the Muslim population is that most do not smoke or drink.
- There are too many occasions now when we become intimidated by alcohol induced poor behaviour.
- I am in favour of any deterrents.
- To reduce/prevent a nuisance to other users of public areas.
- Barnet should continue to be a safe and secure borough for families
- It will reduce anti social behaviour as we live close to the park and empty beer cans are left everywhere along with some noisy behaviour.
- Too many young people sitting in parks and old!!! making noise and being rude. The shops should not sell it too them. So I am in favour of this.
- There are public places around the borough where drinking alcohol takes place such as parks and certain street locations and this can lead to unsocial behaviour and can be intimidating to local residents.
- There are plenty of pubs etc. where drinking can legitimately take place or people should drink at home if they do not want to use a pub.
- If this would help keep our communities safe, it is a very good idea.
- The community (of all ages) should be able to live in a non-threatening environment.
- Rather obvious but here goes: Keeps noise, litter and bad behaviour down.  
do not think it is necessary.
- This will help citizens to go about their business safely and peacefully which is a good thing.
- It will cut down on the cost of dealing with anti social behaviour as knowledge and understanding of the consequences spreads.
- Anyone causing problems due to drunkenness would have less opportunity to do so. I would think that in certain places it is good to have a PPO but I do not know what the implications would be to have a blank order across the borough, so I cannot be either in favour or against it at the moment.
- If action isn't taken now to keep the area civilised the future will be shameful.
- You are of course treating a symptom of social decay, we should be eradicating the cause via citizenship education There has been a lot of talk about this being part of the curriculum, Is it happening ?
- These yobs are tomorrows parents, god help us,
- We in Edgware have been ignored by the council for many years. We live close to the town centre Garden City and have to put up with alcoholics vomiting urinating and defecating especially in the local churchyard. In addition to this they shout use abusive language and now we are confronted by East Europeans sitting on garden walls and

doorsteps drinking away the afternoon. Now that Harrow have the ban in situ on their side of the row all their alcoholics spend the day in Edgware.

- The late night drinking in North Finchley has, over the years, caused lots of damage and high nuisance to residents and shopkeepers.
- Any sensible measure designed to reduce the consumption of alcohol should be implemented.
- The area around and behind Burnt Oak Underground station (Watling Avenue and the car-park) is flooded by drunks, and they urinating in public and to date the council has failed to tackle this or keep up the cleaning of the area.
- Therefore it makes sense to get to the source of the problem, even though in my view the council should be more proactive in sorting out the problem.
- To reduce drunkenness and the risk of alcohol-related harm.
- I feel very strongly that something has to be done about the excessive drinking that is so prevalent now and if people can only drink in places licensed to serve drinks it would be a great improvement to the whole ethos of the Borough.
- I think this is an excessive restriction on people's rights. To apply a blanket order borough-wide and would probably also be unenforceable in practice.
- It's a good thing to have dedicated people to be on the case of those that feel that alcohol related anti social behaviour is acceptable.
- I am against drunkenness in public, but the proposal would not prevent people getting drunk in licensed premises or in private premises and then going out and causing a nuisance in the street.
- I haven't noticed these people recently but there were frequently people sitting and drinking outside the Tesco's in Ballards lane and I found this very unpleasant. They also used to congregate in the little alleyway which connected the wide pavement to the one way street behind Tesco's. I never use this short cut because of this as I always felt very intimidated.
- I would feel safer knowing that there were no drunks roaming the streets causing trouble.
- I am in favour of any effort to control unpleasant side effects of alcohol consumption and I am assuming this is the intention of DDPO. It would help to stop drinking on public places such as station road Edgware and surrounding area which is causing problems with rough living people and drunks on the street also people taking drinks outside public houses onto the street, best
- Concerned that an unneeded heavy handed approach may be taken by the authorities.
- Common provision in USA cities in which I have lived and without question keeps alcohol related trouble to a minimum.
- It would stop groups of people gathering together to drink in public and give the police powers to move on any person drinking in the street.
- Drinking alcohol in public places is often the cause of offensive behavior and the general public can feel threatened by it.
- I feel that the proposal has merit and will help curtail crime and nuisance behaviour!
- One can feel intimidated and threatened when walking through public areas where there are people drinking.
- This will stop people coming over from Harrow to drink where they have the DDPO and make it safer for us to travel in Barnet where we live.
- I am very aware that being drunk causes violence and behaviour which poses a risk to law abiding citizens who do not wish their neighbourhood to attract characters who are disreputable even before they have had a drink!
- Police and Barnet council allow premises to be licensed until hours past midnight and often these

premises involve use of drugs, decent people do not need these undesirables to congregate in that which is a peaceful area.

- Calling the police to sort out problems results in police/ambulance sirens to be sounded at any hour, disturbing the elderly, the unwell and often causing difficulty in sleeping amongst babies and children.
- The drunk defecate in people's front gardens and leave their litter
- The clientele who congregate for 10pm opening use foul language which is very embarrassing when we leave a restaurant with guests!
- In one particular supermarket, staff have to clear away syringes and the like before opening next day!
- Cut down on litter, nuisance, and enable everybody to enjoy the public spaces
- Let's limit excess drinking if we can.
- Anything that will discourage antisocial behaviour is good. I don't think streets should have people drinking and the public should feel safe during their daily routines.
- This is an invasion of Civil Liberties by the Council. The answer to public drunkenness is to arrest the perpetrators, and not to make it impossible for a member of the Public to have a glass of wine or beer in a "Public" place.
- Brings safety aspects to the borough It will benefit the borough if anti-social behaviour as a result of excess alcohol consumption can be reduced.
- Anything that reduces antisocial behaviour is a good thing.
- I can see no good reason to consume alcohol in a public place other than licensed premises.
- I am assuming that the proposal is to eliminate drinking outside anywhere in the Borough though, presumably there may be exemptions such as a family picnic.
- Recent rioting in London was largely fuelled by alcohol, proving once again the old adage "when the drink's in the wit's out".
- I do not think that we need anymore drinking places.
- Any action which makes Barnet safer is welcome  
If someone is causing a public nuisance because they're drinking, the police ought to be allowed to take the drink away.
- I find it unacceptable that people use parks to overindulge in alcohol and then use them as a public convenience. Drinking in public places needs to be more controlled generally so that drinkers anti social behaviour does not impact on the general public.
- Drinking alcohol in a public place increases the likelihood of irresponsible and potentially harmful behaviour to both the drinker and passers-by. It interferes with and disrupts the usual activities of such public places, preventing people from going about their usual business.  
Also, importantly, drinking in a public place has no time limits or geographical boundaries; meaning people inclined to drink in public places can do so when and where they wish making the problem unmanageable. For these reasons, drinking in a public place must be condemned as an anti-social behaviour and legislated against accordingly.
- Occasional nuisance drinking in E. Finchley High Rd. Also observed same in N. Finchley Tally Ho area.
- Unacceptable behaviour takes up too much of police and hospital time and skills.
- As you have explained it will help create and maintain a safe, healthy and enjoyable environment.
- It might ease the rowdiness on the streets.
- I am happy for anyone to drink in appropriate premises or their homes, but I do not wish to see drinking or drunken behaviour in public places.
- If it helps to reduce the young drinkers who walk around and congregate on the local street corners with cans and large bottles of cider, then it has to be worth while. Most

people who enjoy a drink can do so in a pub or house etc without causing grief/noise/litter to local residents.

- Too many people believe that cheap alcohol purchased from local supermarkets can be consumed in public places nearby. Sentinel Square, Brent Street, NW4 is a prime example.
- All too often drinking to excess in these instances leads to anti-social behaviour, or possibly criminal offences, to the annoyance of passer-by and residents.
- There are a nuisance and causing litter around the area with their cans and they are particularly at Cricklewood Broadway and some of these people are coming over from Brent.
- I am in favour of this proposal because I see it as a positive step towards reducing under age alcohol consumption and antisocial behaviour.
- I am not aware of any evidence that such a widespread order would address any perceived issues.
- I expect current laws may give police sufficient powers to tackle the effects of alcohol abuse (Public Nuisance offences such as violent disorder, affray, disorderly behaviour or drunk and disorderly). If not, then the law needs to be changed by parliament. A hotch-potch of local rules can only lead to confusion. It may be that better or more prominent policing is required rather than more sweeping powers.
- People should not be allowed to make a public nuisance of themselves when they have been drinking.
- If they will not control their own behaviour then sanctions need to be imposed. We need to reclaim the streets for 'normal' people.
- Deals with nuisance.
- Drinking in public places [ as described ] must give rise to increased display of drunkenness therein and ultimately to a greater risk of offence to people going about their business and offences that may result in violence in public.
- I think the Borough is too large for this Proposal to be policed properly. The problem drinkers will just move on to another area within the Borough to continue their 'activities'.
- We are so fed up with drunken, loutish behaviour which does not seem to be controlled or monitored.
- These designated areas will be a "Breath of Fresh Air" for us residents who have to put up with abuse and threats from these empty-headed louts... Old and Young alike...
- Thank you and hope all residents agree with us.
- This is using a hammer to crack a nut. Sensible managed crime prevention precludes having to impose draconian rules/laws that affect normal law abiding citizens. Deal with the problem of troublesome drinking without imposing restrictions on law abiding citizens. Stop this "lowest common denominator" simplistic nonsense.
- There is too much disorder in our Society, where citizens flout the law and conduct all sorts of abusive behaviour which is undesirable, unproductive, and affects a lot of innocent citizens who are law abiding.
- Bad behaviour and Crime should be reduced at all costs to maintain law and order so that all citizens can move freely without fear and live in peace in their own home and neighbourhood.
- Move street drinkers off the streets as they bring problems to areas.
- Much as I realise that this will just move the problem on and is not a social response. I am also resident in this neighbourhood and don't want to see it on my doorstep. I do think we should be looking at why it is happening too, however.
- I am in favour because this will help Edgware to become a safer more attractive environment for which to live work shop and socialise.



- People will be able to go about their normal lives without feeling intimidated by these individuals.
- I believe the public will feel safer knowing they are not going to be confronted by drunk people as they go about their day to day business.
- This goes beyond what Parliament planned for either the Licensing Act or the DPPO legislation
- I don't believe it is necessary to drink in the street. Anyone doing this is likely to be an addict or a drunkard.
- The Police need this proposal to enable them to help addicts by guiding them towards support and take others off the streets.
- There is no problem that needs these draconian measures.
- The police already have powers to arrest people who are drunk and disorderly. the area needs to be cleaned up from street drinkers and homeless down and outs and we need the police to be given all the support possible in their endeavours to keep our areas as we want to see them, there is a lot going on this year and we need to be a window for the world to see how lovely Barnet is, Edgware used to be such a beautiful area and now it is on a rapid downhill slide getting a lot of bad publicity for all the wrong reasons and most of which could be avoided and a great place brought back to life. please let us have the good old days back, it is not difficult to keep law and order if the support is there.
- Unfortunately many people especially towards the weekends spend the money on Alcohol and Drugs which on occasions spills out on to the street. Which results in unsocial behaviour, fighting and people being sick and causing a nuisance to other people...Having this Would be a Improvement, Though the Only problem I see is Policing it. Since recently the Met Police are Cutting the Frontline officers to save money etc...I think you need to ensure you have enough Met Police patrolling before you make these proposals...this should have done a long time ago!
- Street drinking is becoming a threat to public safety in the borough and the police must enforce a ban as soon as possible
- Street drinking is a major problem in the Borough and was most likely a factor involved in an incident in Golders Green Road on Saturday night 9th where nearly a dozen police officers were involved in breaking up a very violent fight. Such an incident was virtually unheard of before street drinking became prevalent in Golders Green.
- The DPPO should be passed as soon as possible and local Police should adopt a zero tolerance to street drinking to protect the public.
- It would reduce street drinking and the attached ASB and make me feel safer walking around Barnet.
- Litter and rowdy behaviour.
- It would hopefully put a stop to some of the bad behaviour currently seen around and go some way to stop residents from being offended by it.
- It can be very scary walking down Brent Street or in Sentinal Square when there are groups of men drinking. It feels very threatening and it also occurs in Hendon Park
- At the moment drinking on the streets and in public places is becoming more and more widespread.
- This has definitely led to more and more raucous and anti social behaviour on the streets and a litter problem.
- Wherever you go there are discarded drink bottles and cans.
- You have presented no evidence to support the idea that this measure is reasonable, necessary or proportionate.
- It will help the police to keep street drinkers away from Barnet  
any proposals which can make Barnet the best borough to live in must be a good thing.

- The residents we know all take a great pride in their homes and the streets in many shopping areas are a disgrace, not least because of the neglect and also the nomadic people roaming around and living in doorways and using public places as toilets - all of them are stoned out of their minds on drink/drugs.
- If people get together for an outdoor picnic with food and alcohol this is a pleasure which should not be infringed upon.
- I think the new powers would be a useful tool for the Police who don't want to resort to the more heavy handed existing powers.
- It's about time this was done. Men using our shop fronts as loos!!!
- I am concerned about people who drink on the streets as this is anti social and unpleasant particularly when groups of alcoholics gather and cause a public nuisance. The authorities should have powers to deal with this.
- Small group of street drinkers causing ASB in the Burnt Oak area urinating in public taking up all seating at bus stops shouting abuse at members of public and empty cans dumped in the street.
- Such a regulation is long overdue and has been a success in other adjoining boroughs.
- Often respectable family shopping streets like Golders Green road have people loitering in the street openly drinking alcohol. Such behaviour severely impacts on the amenity value of the area and increases litter. It is a highly unpleasant experience for both adults and children wanting to use the many respectable eating place in Golders Green.
- The local police should be given this additional power to adopt a zero tolerance regime to street drinking
- Stop ABS.
- I am against the proposal. A borough wide order is not necessary and disproportionate, it will impact people enjoying parks and open spaces, many people will be prevented from enjoying wine with a picnic in the parks. This will discriminate against those without gardens.
- According to your own DPR  
On 1<sup>st</sup> 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.  
I do not believe Barnet can be satisfied of the above requirements and I do not believe anybody could be satisfied because the nuisance will not have been caused in every part of the borough. As this cannot be the case, the council will be opening itself to legal challenge which it would lose, therefore this proposal does not provide value for money.
- I am against the proposal.
- I don't trust this measure to be sensibly enforced. It is a sledgehammer to crack a nut.
- I doubt that there is sufficient resource to fully, properly and effectively enforce the proposed order 24 hours a day, 7 days a week
- It doesn't fix the problems that the problem drinkers have. Resource should be put into solving the real problem of the 84 chaotic drinkers. You would have the first £12,500 for targeted remedial measures by not proceeding with the DPPO

- Approximately 90% of Edgware Quaker meeting are in favour of the proposed order. The remainder have concerns regarding the infringements to civil liberties that the order may impose.
- I am writing to express my support for the extension of anti drinking laws to cover the whole of Barnet. This summer I have witnessed a sudden rise in the number of street drinkers in the Leicester Road/Station Road area of New Barnet.
- There are often many street drinkers in Highlands gardens ( a small park in Leicester Road).Your website has pointed out that these powers are NOT directed against people enjoying a picnic in the park. Therefore in principle I believe the extension of police powers in this area is a good thing – as long as those powers are not exercised unnecessarily.
- Please ensure my objections to the above proposed order is recorded in the appropriate Cabinet report on the following grounds
  - 1) This order is completely unnecessary and is an extension of petty regulation and will make little difference because these “blanket bans “are totally unenforceable due to the lack of Police manpower and indeed willpower
  - 2) It is on a par with those Boroughs that are “nuclear free zones “or “fair-trade Boroughs”. Just because a local authority declares it does not mean it is so
  - 3) It has been consistently rejected by Council Administrations over the last 10 years as the Police who continuously propose it refuse to commit any manpower to enforce. It falls into the same category as the suggested “Borough wide dangerous dog bans “
  - 4) So called alcohol free zones have been in place at four sites (considered hotspots) in the Borough since 2003 and the Metropolitan Police have taken little action to enforce them, just visit North Finchley
  - 5) The power to stop drunkenness already exists, it is a criminal offence to be drunk in the street, and there is also a substantial amount of legislation already in place to deal with anti- social behaviour and the Licensing Act covers inappropriate alcohol sales . The Criminal Justice and Police Act 2001 is one of the worst pieces of legislation introduced by the Labour Government in their then desire to be “seen to be doing something “
  - 6) As currently worded picnics in parks and open spaces would be affected
  - 7) The recent Diamond Jubilee street parties would have fallen foul of this order as it is currently worded
  - 8) There is no statistical evidence from Boroughs that have done this that it in any way contributes to the reduction in crime
  - 9) The Borough Commander has provided no evidence as to why this is a priority for example how many of the 21 ward CAP panels have listed “tackling street drinking “as a priority ?

## ENCLOSURE C

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Meeting	Cabinet
Date	17 July 2012
Subject	<b>Barnet's Local Plan – Core Strategy and Development Management Policies – Adoption</b>
Report of Summary	<p>Cabinet Member for Planning</p> <p>The Local Plan is one of the most important statutory plans that must be produced for Barnet. The Core Strategy sits at the heart of the Local Plan and sets out where, when and how change will take place up to 2026. All other planning documents need to accord with its strategic direction and planning policies.</p> <p>The Development Management Policies (DMP) document sits beneath the Core Strategy. It sets out the borough-wide planning policies for implementing development. It forms the basis for decision making by planning committees and the planning service.</p> <p>The Core Strategy and DMP documents have, following an Examination in Public (EIP), been found sound, legally compliant and capable of adoption by an Inspector appointed by the Secretary of State. The Inspector's Report is binding upon the Council and therefore no further material changes can be made. Upon adoption these documents will replace 170 policies in the Unitary Development Plan (UDP) as the planning framework for Barnet.</p>
Officer Contributors	Director of Environment, Planning and Regeneration Assistant Director, Strategic Planning & Regeneration
Status (public or exempt)	Public
Wards affected	All
Enclosures	Appendix A: Inspector's Report for Core Strategy and

## Development Management Policies

Appendix B: Core Strategy – version for adoption

Appendix C Development Management Policies - version for adoption

For decision by	Cabinet
Function of	Executive
Reason for urgency / exemption from call-in (if appropriate)	N/A

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Contact for further information: Nick Lynch - Planning Policy Manager - 0208 359 4211

## **1. RECOMMENDATIONS**

- 1.1 That Cabinet approve the Local Plan Core Strategy Development Plan Document (Appendix B) and Development Management Policies Development Plan Document (Appendix C) for reference to the meeting of Council on September 11 2012 for formal adoption.**

## **2. RELEVANT PREVIOUS DECISIONS**

- 2.1 On 7 September 2011 (decision 1388) the Interim Director of Environment, Planning and Regeneration in consultation with the Cabinet Member for Planning approved Pre Submission Amendments to the Development Management Policies document before submission to the Secretary of State.
- 2.2 On 10 August 2011 (decision 1387) the Interim Director of Environment, Planning and Regeneration in consultation with the Cabinet Member for Planning approved Further Pre Submission Amendments to the Core Strategy before submission to the Secretary of State.
- 2.3 On 12 April 2011 Council (Decision item 5.1.1) approved the Core Strategy and Development Management Policies documents for submission to the Secretary of State.
- 2.4 On 29 March 2011 Cabinet (Decision items 6a and 6b) approved the Core Strategy Pre-Submission Amendments and the Development Management Policies submission draft for public consultation and recommended that Council formally approve the documents for submission to the Secretary of State. It also delegated authority to agree any consequent changes to the two documents for consideration at the Examination in Public.
- 2.5 On 6 September 2010 Cabinet (Decision items 6 and 7) approved the Core Strategy – Publication Stage and Development Management Policies – Preferred Approach
- 2.6 On 21 October 2009 Cabinet (Decision Item 9) approved the Core Strategy – Direction of Travel.
- 2.7 On 22 April 2009 Cabinet (Decision Item 6) approved a request to the Secretary of State to issue a direction saving all the policies of the UDP other than those listed in the Appendix.
- 2.8 On 18 June 2008 Cabinet (Decision Item 7) approved Core Strategy Issues and Options.

## **3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 3.1 All three Corporate Plan 2012-13 priorities are embedded within the Core Strategy and DMP documents.

In providing better services with less money the two documents address need to: -

- make more efficient use of our community assets in order to improve service delivery. Further integration of services such as libraries and children's centres in 'hubs' is highlighted as the way forward
- establish the Community Infrastructure Levy (CIL) as replacement for S106 funding and set out evidence on infrastructure requirements in the Infrastructure Delivery Plan which will form basis for a CIL charging schedule

In sharing opportunities and sharing responsibilities the two documents address need to: -

- provide increased housing choice in mixed communities including extra care housing and the need for lifetime homes in order to promote independence and to support vulnerable adults;
- enable children and young people to develop skills and acquire knowledge to lead successful adult lives through our programme for improvements to the schools estate, provision of children's centres and commissioning of youth services;
- improve delivery of clinical care as well as targeting unhealthy lifestyles and tackling health inequalities;

In enabling Barnet to continue to be a successful London Suburb the two documents address need to: -

- protect and enhance our natural environment through provision of new improved, multi-functional and accessible green spaces.
- protect and enhance our suburban environment by ensuring development respects local context and distinctive local character.
- ensure economic prosperity and enterprise through a mix of compatible uses including retail, housing and affordable and flexible workspace for business is provided in vibrant town centres to create local employment opportunities;
- make Barnet a safer place and through our programme of town centre frameworks enhance our suburban town centres as places which engender civic pride and activity;
- develop a better understanding of how new and growing communities in the regeneration areas integrate cohesively and transform prospects to become thriving diverse neighbourhoods
- support GPs and the plans of NHS Barnet or successor body to deliver modern primary care
- protect Barnet's heritage through designation and management of conservation areas, and protection of listed buildings, locally listed buildings and areas of archaeological interest.

3.2 In March 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF sets out the Government planning policies for England and how these are expected to be applied. The NPPF replaced 44 planning documents, primarily Planning Policy Statements (PPS) and

Planning Policy Guidance (PPG), which previously formed Government policy towards planning. The Core Strategy and DMP documents have been revised to reflect the NPPF. Revisions include renaming Local Development Frameworks as Local Plans and a new policy CS NPPF to support the new presumption in favour of sustainable development.

- 3.3 A new tier of neighbourhood planning has been introduced with the Localism Act which will empower communities to help shape their areas. The 34 policies in the Local Plan Core Strategy and DMP provide the boroughwide planning framework for managing change in Barnet. This is the starting point for neighbourhood planning. Any Neighbourhood Plans that come forward in Barnet should reflect these policies and neighbourhoods should plan positively to support the Local Plan.
- 3.4 The Sustainable Community Strategy 2010 - 2020 is the 'umbrella strategy' for the plans and strategies of key partners in Barnet. The Core Strategy reflects the vision for a successful London suburb with success founded on the borough's residents.
- 3.5 The Three Strands Approach sets out our approach to planning, development and regeneration over the next 15 years and is the Core Strategy priority spatial policy. The approach of protection of Green Belt and open spaces; enhancement of high quality suburbs, the historic environment and vibrant town centres; and management of targeted and consolidated housing growth in the pipeline in areas undergoing significant regeneration and strategic development provides the foundation for 'place shaping' Barnet.
- 3.6 The Core Strategy also reflects the spatial dimensions of the Children and Young People's Plan, Older People's Commissioning Strategy, Housing Strategy, Health and Well-being Commissioning Framework, Regeneration Strategy and the Safer Communities Strategy.

#### **4. RISK MANAGEMENT ISSUES**

- 4.1 As the UDP has become less relevant and ultimately outdated in the absence of a Local Plan replacement the Council's ability to justify and defend planning decisions including at appeal is weakened. Failure to adopt an up-to-date Local Plan which is consistent with the NPPF will hinder delivery of sustainable growth, proper planning of infrastructure and protection and enhancement of what makes Barnet distinctive as a place.
- 4.2 To minimise risk of High Court challenges on points of procedure the Council has demonstrated procedural compliance through assessment toolkits produced by the Planning Advisory Service.
- 4.3 Monitoring mechanisms make the Core Strategy and DMP living documents that are capable of being changed in part or in full. As part of an Annual Monitoring Report the performance of policies will be assessed and need for review identified against a background of any changing trends or assumptions behind our approach.



## **5. EQUALITIES AND DIVERSITY ISSUES**

- 5.1 The Core Strategy provides a high-level framework to help improve opportunities and quality of life. It ensures the delivery of community benefits including educational and healthcare facilities; a range and mix of housing including affordable housing; highways improvements; and open space provision for future and existing residents from all of Barnet's diverse communities. Any new buildings and public spaces within future development will be required to be compliant with disability legislation.
- 5.2 Both documents have been subject to an Equalities Impact Assessment which addresses the six questions for assessing equalities in the Corporate Plan and will ensure that policies developed and implemented through the Local Plan process contribute to improving the lives of local communities.
- 5.3 In order to understand the needs, aspirations and views of all of Barnet's diverse communities in producing the Core Strategy and Development Management Policies we ensured that consultation was as far reaching as possible. The Council produced a Consultation Statement when the documents were submitted to the Secretary of State setting out stages of engagement on the two documents. In an extensive three year period of consultation this included meetings of Barnet Civic Network, Citizens Panel, the Area Forums, the Federation of Residents Associations in Barnet and Barnet 55+ Forum.

## **6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)**

- 6.1 The cost of producing the Local Plan is included in the Environment, Planning and Regeneration Directorate's approved budget in 2012/13. The cost of ongoing monitoring of the implementation of the Core Strategy and DMP documents will be met from the same budget.
- 6.2 To support the EIP hearings in December 2011 an extensive document library was made available on the Council's website providing access to evidence underpinning the two documents. This is now being transferred to the new website so that planning customers can continue to utilise the information.
- 6.3 The Core Strategy has been subject to a Sustainability Appraisal (SA) to identify and minimise any potential harmful impacts of the policies and to maximise the beneficial impacts. The Inspector has endorsed the SA.

## **7. LEGAL ISSUES**

- 7.1 To be sound Development Plan Documents (DPDs) should be positively prepared, justified, effective and consistent with national policy. At the EIP the Council proposed several modifications to address issues of soundness. On basis of these changes the Inspector considers both documents to be legally compliant with the requirements of Section 20(5) of the Planning &

- 7.2 Following adoption of both documents by the Council an adoption statement is published making it possible for any aggrieved party to lodge an appeal to the High Court within 6 weeks of the date of adoption by virtue of section 113 of the Planning and Compulsory Purchase Act 2004. This statement is also sent to the Secretary of State who has the power under Section 21 (9) to direct changes to the Core Strategy and Development Management Policies
- 7.3 Upon adoption the Local Plan Core Strategy and Development Management Policies documents become statutory DPDs that provide part of Barnet's legal planning policy framework.

## **8. CONSTITUTIONAL POWERS**

- 8.1 Submission and adoption of DPDs is the responsibility of Council as set out in the Constitution, Part 3 (Responsibility for Functions) Section 3 (Responsibilities of the Executive).

## **9 BACKGROUND INFORMATION**

- 9.1 The Local Plan Core Strategy comprises the long-term spatial vision and strategic place-shaping objectives for Barnet. It sets out a spatial strategy, core policies, and a monitoring and implementation framework with clear objectives for delivery. It is intended that the Core Strategy will be kept under review and maintain a 15 year time-horizon. Barnet's Core Strategy has a baseline of 2011 and therefore looks ahead to 2026.
- 9.2 The Local Plan Development Management Policies document sets out the boroughwide planning policies that will implement the Core Strategy and will be used for day to day decision making by the Planning Service and for determinations by the planning committees. The document sets out the policy basis for delivering the Core Strategy. The policies will be kept under review in line with the monitoring framework also set out in the Core Strategy.
- 9.3 Barnet's planning strategy is to manage growth so that it meets needs for homes, jobs and services in a way that conserves and enhances the character of the borough. The Three Strands Approach of protection, enhancement and consolidated growth ensures that in consolidating planned and pipeline growth we can provide stronger protection for the suburbs, gardens and Green Belt and enhance our quality residential neighbourhoods and town centres. This is Barnet's place making strategy and is central to our thinking on sustainable development.
- 9.4 Through the Core Strategy we will concentrate and consolidate housing and economic growth in regeneration and development areas such as Brent Cross –Cricklewood, Colindale and Mill Hill East, providing opportunities for

development that help create a quality environment that will have positive economic impacts on surrounding neighbourhoods.

- 9.5 Through the Core Strategy we can also enhance our quality residential neighbourhoods and town centres in particular the priority ones of Chipping Barnet, Edgware, Finchley Church End and North Finchley where opportunities are being identified for private investment.
- 9.6 Barnet will grow in the next 15 years. The Core Strategy reflects known development opportunities as well as the need to address housing need at a local and Londonwide level. By 2026 Barnet's economic and housing growth is expected to consist of :
- 28,000 new homes,
  - Nearly 75,000 m2 (net) of new retail space across Barnet (including 55,000m2 in a new town centre at Brent Cross Cricklewood),
  - 370,000m2 of new office floorspace in a new office quarter at Brent Cross Cricklewood
- 9.7 With a housing target of 28,000 new homes by 2026 the Core Strategy considers that beyond 2021 the opportunities for housing development will diminish reflecting that Barnet's capacity is finite. Continued and unconsolidated growth will impact on the qualities of Barnet which we are seeking to protect and enhance.
- 9.8 The Examination in Public Hearings, which commenced on 6 December 2011 and lasted for five days provided the opportunity through round table discussions led by the Inspector to address particular subjects, such as planning for Barnet's town centres. At the EIP Hearings the Inspector highlighted a number of deficiencies (five main issues of soundness and one of legality as set out below at paras 9.9 to ) in the submitted versions of both documents. These deficiencies were addressed by the Council in order to make the documents sound and legally compliant.

#### **9.9 Brent Cross Cricklewood (BXC)**

The spatial vision for BXC has developed over time. This includes the 2005 Area Planning Framework Supplementary Planning Guidance (SPG) prepared jointly with the Mayor of London, the 2006 UDP policies affirming the approach to managing development in BXC, the 2008 hybrid planning application accompanied by an Environmental Impact Assessment and the October 2010 planning permission with legal agreement which provides clear timescales for the discharge of its many conditions. A lawfulness challenge was made which questioned the reliance in the Core Strategy on retention of 13 saved UDP policies and the 2005 SPG as the planning framework for the BXC regeneration area. The soundness challenges to Barnet's approach on BXC advocated review of the planning framework to reflect current market conditions. The progress of the 2010 planning permission was also raised given the need to secure a compulsory purchase order (CPO) as was the error on the UDP Proposals Map with regard to land at Geron Way.

- **Barnet's EIP Modification** – The Council's modifications confirm that the framework for development in BXC will be reviewed if, at the end of 2014, the Phase 1 CPO for BXC regeneration proposals has not been made and submitted for confirmation. The effect of these modifications is to make more precise the date after which existing UDP policies covering the area are likely to be reviewed.
- **Inspector's Report** – The Inspector considered that the link to UDP policies in the Core Strategy together with the 2014 time limit clarified which policies will be used to determine planning applications that affect BXC regeneration in the short to medium term. He considers the BXC planning permission to represent a commitment to comprehensive development over a 20 year period. Therefore a major review of BXC at this stage has the potential to create uncertainty for this long term activity. The Inspector considered Barnet's approach to be a pragmatic response and stated that the North London Waste Plan (NLWP) is the document to allocate sites for waste management purposes.

#### **9.10 Provision for Gypsies, Travellers and Travelling Showpeople**

The Inspector considered at the EIP that Barnet's approach was not in line with national guidance and the London Plan which requires local authorities to make provision for potential need. He was also concerned that there needs to be a clearer policy to ensure the Council is able to effectively deal with an application for a gypsy or traveller site if it were to receive one

- **Barnet's EIP Modification** – Amendments have been made to the Core Strategy to conform with national guidance and the London Plan. This now provides a much clearer and more evidence based policy framework for assessing any future application were one to be submitted.
- **Inspector's Report** – The Inspector considers that Barnet's approach provides a framework that plans for unexpected demand and sets a target for provision of pitches and plots informed by the Londonwide Gypsy and Traveller Accommodation Needs Assessment. He supports sub-regional working to revise this target.

#### **9.11 Provision of Affordable Housing**

The Inspector questioned Barnet's interpretation of its evidence on affordable housing, the Affordable Housing Viability Study (AHVS), and considered that our approach (ie a 30% boroughwide target) is not in line with the London Plan which requires boroughs to seek to maximise their provision of affordable housing to help to meet London's housing needs. He also had concerns about the flexible approach to schemes between 10 and 15 units.

- **Barnet's EIP Modification** - Amendments have been made to the Core Strategy to reflect evidence on viability and requirements to address wider housing needs. This supports a move from a 30% affordable housing target to one of 40% on new housing development. However, the revised policy highlights that application of the 40%

- **Inspector's Report** – He concludes that, on the basis of new development being clearly required to deliver the maximum reasonable amount of affordable housing, together with the evidence base before him, a target of 40% appears soundly based. The AHVS recognises the difficulty in pursuing a higher target but advises that such challenges are not unique to Barnet especially in current economic conditions. The DMP satisfactorily sets out circumstances when a reduction in levels of contribution or in lieu contributions might be acceptable. The current Affordable Housing SPD further clarifies that where viability is an issue of contention, the Council seek to have negotiations including a review of exceptional costs and an 'open book' assessment of profitability.

#### 9.12 Residential Conversions

The Inspector was concerned that our approach on restricting conversions from houses to flats is not in line with national guidance in terms of ensuring efficient use of land.

- **Barnet's EIP Modification** – In supporting text to DMP policy DM01 on Protecting Barnet's Character and Amenity we have clarified that conversions may be acceptable in more accessible locations provided that any external alterations seek to minimise their impact on the external appearance of the building and on local character.
- **Inspector's Report** – He considered that Barnet's desire to protect suburban residential character from conversions needs to be balanced as much of the housing stock is within 800m of a town or local centre and principal public transport corridors. Sites enjoying good access to services and a range of public transport options should generally be considered for more efficient and effective use reflecting the London Plan density matrix which acknowledges such sites as more likely to be urban rather than suburban in character with an expectation of higher dwelling density ranges. The Inspector endorsed Barnet's modifications as they state more positively the situations when flat conversions might be supported while at the same time retaining measures to protect residential quality consistent with the Three Strands Approach. Such alterations provide a level of flexibility in the application of DMP Policy DM01 which will assist in making more effective use of sites close to town centres. He highlighted that modifications do not remove the need for decision makers to have regard to character when assessing proposals and indeed would allow the Council or another decision maker to withhold permission if a flat conversion were considered to adversely affect character.

### 9.13 Residential Car Parking Standards

The Inspector was concerned that Barnet's approach to the provision of parking for one and two bedroom homes is not in line with London Plan parking standards and as a result the Mayor considers the DMP document not to be in general conformity.

- **Barnet's EIP Modification** - We have not amended DMP Policy DM17 on Travel Impact and Parking Standards but have reiterated that Barnet has particular needs for parking which differ from other London boroughs and have clarified that our standards are maximums
- **Inspector's Report** – He considers that London Plan Policy 6.13 indicates that parking standards **should** rather than **must** be applied locally. The Inspector recognised Barnet's substantial empirical evidence showing car parking demand in new developments and the consequences of providing inadequate parking. He further recognised the broad settlement pattern of Barnet and its separation by a swathe of Metropolitan Open Land / Green Belt. This pattern makes cross-borough movements difficult by public transport in contrast with other boroughs closer to central London. Difficulties of connectivity provide some justification for loosening of London Plan standards. He also highlighted that by contrast parking standards stricter than those in the London Plan will continue to be applied in BXC. Barnet's approach was considered to be both more restrictive in parts and marginally less restrictive elsewhere when assessed against the London Plan. He concluded that on balance, this approach is broadly consistent with the thrust of the London Plan which seeks to balance promoting new development against excessive subsequent car parking provision. He found the Council's localist approach in general conformity with the London Plan and, furthermore, one that is supported by the NPPF (para 39).

- 9.14 In conclusion the Inspector considered Barnet's approach to be pragmatic without being overly prescriptive or being read as giving the 'green light' to inappropriate development. He considered that it reflects the necessary balancing act that long term plans of this nature should adopt, including the need to build in an element of flexibility as well as the Council's obligations to determine planning applications in accordance with the development plan and other material considerations.

## 10. LIST OF BACKGROUND PAPERS

- 10.1 Core Strategy and Development Management Policies Examination Library
- 10.2 Anyone wanting to inspect these papers should contact Nick Lynch on 0208 359 4211.

The Appendices can be view on the Council's website via the following link:

**<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=120&MId=6747&Ver=4>**

Appendix A: Inspector's Report for Core Strategy and Development Management Policies

Appendix B: Core Strategy – version for adoption

Appendix C Development Management Policies - version for adoption