

## ASSEMBLY

1 DECEMBER 2004

## REPORT OF THE DIRECTOR OF CORPORATE STRATEGY

<b>BARKING TOWN CENTRE - PROPOSED ALCOHOL CONSUMPTION RESTRICTION IN DESIGNATED PUBLIC PLACES</b>	<b>FOR DECISION</b>	
<p><i>This report recommends the restriction of public drinking of alcohol from bottles or tins in Barking Town Centre to tackle instances of anti-social behaviour</i></p> <p><b>Summary</b></p> <p>As a result of a request by Members, local businesses and users of the Town Centre, consideration was given to eradicating the nuisance of street drinking. It can lead to fighting, abuse and vandalism. An effective solution is proposed by utilising the new power given to the Council under Section 13(2) of the Criminal Justice and Police Act 2001. The Act enables the Council to make an area within Barking Town Centre a Designated Public Place. Following designation, if a Constable or a Police Support Officer has reason to believe a person is consuming alcohol in a Designated Place, he can require the person to stop consuming and surrender the alcohol. Failure to comply without reasonable excuse is an offence for which a person can be arrested and carries a £500 maximum fine.</p> <p>Legislation requires that a decision to make a Designation must be carried out by a full Council, which for the purposes of the London Borough of Barking and Dagenham is the Assembly.</p> <p><b>Recommendation</b></p> <p>That the Assembly uses its powers under Section 13(2) of the Criminal Justice and Police Act 2001 to make the area within Barking Town Centre identified in the report a Designated Public Place under the Act.</p>		
<p><b>Contact Officers:</b> Paul Field</p> <p>Omojefe Agba</p> <p>Ralph Cook</p>	<p>Corporate Lawyer-Solicitor</p> <p>Anti-Social Behaviour Co-Ordinator</p> <p>Town Centre Manager</p>	<p><b>Tel:</b> 020 8227 3133 <b>Fax:</b> 020 8227 3698 <b>Email:</b> <a href="mailto:paul.feild@lbbd.gov.uk">paul.feild@lbbd.gov.uk</a> <b>Minicom:</b> 020 8227 2685</p> <p><b>Tel:</b> 020 8227 2268 <b>Fax:</b> 020 8227 2998 <b>Email:</b> <a href="mailto:omojefe.agba@lbbd.gov.uk">omojefe.agba@lbbd.gov.uk</a> <b>Minicom:</b> 020 8227 2685</p> <p><b>Tel:</b> 020 8270 6015 <b>Fax:</b> 020 8270 6048 <b>Email:</b> <a href="mailto:ralph.cook@lbbd.gov.uk">ralph.cook@lbbd.gov.uk</a> <b>Minicom:</b> 020 8227 2685</p>

## **1. Background**

- 1.1 This summer, increasing concern was expressed about the anti-social behaviour of a variety of individuals within the Town Centre. It was apparent a key cause was intoxication by the means of public and street drinking of alcohol from bottles and tins. On 28 June 2004 a meeting was requested with Members, Officers, the Metropolitan Police and the Drug Support Team.
- 1.2 The Council's Community Safety Manager, Mr Elsom, who chaired the meeting, shared the recent experience that the London Borough of Havering had with utilising the powers given to it under Section 13 of the Criminal Justice and Police Act 2001 (the "Act"), to designate areas in which alcohol consumption in public places can be controlled. It had led to a measurable reduction in anti-social behaviour.
- 1.3 The meeting agreed in principle that Officers should be directed to investigate the feasibility and process of the Council adopting similar powers for Barking Town Centre. This would be with the purpose to make proposals to the Council.
- 1.4 A Working Group involving Community Safety; Legal Services; Town Centre Manager; the Police and the Barking & Dagenham Substance Misuse Engagement Team was set up to progress the matter further.
- 1.5 The Group examined the problems and incident occurrences together with issues of enforceability and remedial action. It was agreed, in consultation with the lead Member, that the designation of the Town Centre would have real potential in improving the environs and attractiveness of the area. Through consultation with interested parties including retailers, the community forum, and discussion they have achieved an agreed area to be the proposed Designated Public Place within Barking Town Centre.
- 1.6 The group established that there was substantial evidence of public drinking in the Town Centre and it was a considerable nuisance. Police reports were received which identified persons drinking in the town centre who were causing disturbances and pestering passers-by. As an example - between 3 August and 30 August 2004 the Police recorded 10 incidents. Some of the incidents involved abuse and substantial discarding of used bottles and cans.
- 1.7 The proposed Designated Public Place is fully described in the draft Order appended to this report.

## **2. Legal Process**

- 2.1 The function of Designation of a Public Place under the Act is an activity, which is excluded from the powers of an Executive by the Local Authorities (Function and Responsibilities) Regulations 2000.
- 2.2 This designation must be made by the Council as Assembly. It must resolve to make a specified area a Designated Public Place under the Act for which there is controlled alcohol consumption.
- 2.3 The legal steps to create a Designated Public Place are as follows:

- (i) Evidence must be produced to demonstrate that there is a problem in the proposed Designated Public Place;
- (ii) The Council must consult with the Police and Licensees of any licensed premises in the proposed Designated Public Place, or whom they may consider will be affected;
- (iii) The Council takes reasonable steps to consult with the owners or occupiers of any land identified which may be affected;
- (iv) An advertisement carrying a Notice is placed in a local newspaper, identifying specifically the place that the Designation will be directed to and setting out the affect of the Order and inviting representations;
- (v) Following consideration of the representations from the consultations and the response to the newspaper, a period of 28 days must be allowed to pass before making the Order;
- (vi) The Order is made by the Assembly;
- (vii) Following the making of the Order by the Assembly a further Notice is placed in a local newspaper identifying the place, setting out the effect and the date of commencement.;
- (viii) The Council must ensure that there are sufficient signs for the public to draw their attention to the place of the effect of the Order;
- (ix) A copy of the Order is sent to the Secretary of State and Police Commander;
- (x) By following these steps the prohibition of alcohol consumption in Barking Town Centre is complete.

### **3. The Practical Effect of the Order**

- 3.1 The effect of the Order is to give the Police the power to require a person in a Designated Public Place not to drink alcohol in that place where the Police Officer reasonably believes the person is, has, or intends to, drink alcohol. Further they must surrender up to the Police Officer, any other alcohol containers in their possession. Failure to comply with an Officer's requirement in respect of public drinking or surrender of alcohol without reasonable excuse, is an arrestable offence.
- 3.2 A Police Support Officer can also exercise this power. A person guilty of such an offence would be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale, which is £500.
- 3.3 A copy of the Notice is to be found at Appendix 1 of this report. A copy of the proposed Order can be found at Appendix 2 to this report. A copy of the proposed sign is to be found at Appendix 3 of this Report.

3.4 The legislation requires that proper notice is given before the Order shall be effective. An advertisement has been prepared and signs are ready. It is proposed the effective date is 20 December 2004.

4. **Recommendation**

4.1 This matter has been referred to the Executive. On 26 October it has resolved to recommend that the Assembly uses its powers under Section 13(2) of the Criminal Justice and Police Act 2001 to make the area identified in this report within Barking Town Centre a Designated Public Place under the Act and that the effective date be 20 December 2004.

**Supporting documentation**

crimereduction.gov.uk  
Alcohol Consumption in Public – Toolkit  
Criminal Justice and Police Act 2001

**Those Consulted**

Barking & Dagenham Substance Misuse Team  
Metropolitan Police Service  
Town Centre Manager