

# **CONTROLLED DRINKING ZONE**

## **IMPLEMENTATION PROTOCOL**

### **1. Introduction**

1.1. Sections 12-16 of the Criminal Justice and Police Act 2001 provide local authorities with an adoptive power to restrict anti-social public drinking and they provide the Police with the power to enforce this restriction. The penalty is a maximum fine of £500.

The Act empowers the police to confiscate open containers of alcoholic drinks within the designated zone. The power is discretionary and does not mean that anybody with any alcohol container, opened or not, is liable to have it confiscated, but is aimed at those involved in Anti-social behaviour. The power does not extend to existing licensed premises, or those, which hold temporary licences.

1.2. Evidence of anti social behaviour related to street drinking across Camden was based on complaints received by the police and within Community Safety from local residents, business groups and Councillors and particularly in relation to South End Green, Queens Crescent, the West End, Kilburn Grange Park and Lincolns Inn Fields.

1.3. The following protocol is designed to ensure an effective response to anti social behaviour related to street based consumption of alcohol by street drinkers. This will be assisted through communication between Camden police officers implementing the Controlled Drinking Zone (CDZ) powers through the Safer Neighbourhood cluster groups that cover the borough, which will oversee the use of the CDZ powers and collection of enforcement data. Community Safety and Street Population officers will attend these meetings.

1.4. Camden has a well-developed Street Services Team that engages with a range of other agencies, service providers including the police through the 'Tasking and Targeting' (T&T) structure. In the case of street population street drinkers a detailed case plan structure will apply for individual clients, agreed through the Tasking and Targeting (T and T) structure. The T&T structure is a multi agency panel consisting of statutory and other service providers who monitor the behaviour of individual clients, track their movements, assess their needs and agree service interventions.

1.5. The implementation of a borough wide CDZ will allow considerable flexibility for the police in terms of the range of enforcement tools at their disposal. The police will also be able to utilise these enforcement powers to deal with potential episodes of crime or violence from both street and leisure drinkers.

1.6. Street and leisure drinking is not categorised separately in terms of enforcement measures. The police have stressed that a degree of commonsense will be utilised in enforcement of the powers and that action toward leisure drinkers would be enforced in situations where it is perceived that there is a potential increased risk of violence or crime. CDZ powers also support the enforcement approach adopted in implementing the Licensing Act 2003.

1.7. The protocol relates to both types of street drinking i.e. street population drinkers being those who invariably have an addiction to alcohol consumption, may be registered for alcohol related services, are often hostel based and may be homeless. They often congregate in particular open spaces for the purposes of street drinking. Leisure drinkers are those who are unlikely to have chronic alcohol misuse problems, have been termed binge drinkers or may those who are moving from bar to bar, queuing at nightspots or are generally walking the streets.

1.8. It is the policy of Camden to engage with the former, offer appropriate services through the Street Services team and T&T's and for the police to enforce the CDZ powers in conjunction with the offer these services. There are no such services for the latter type of street drinker who will be dealt with on a case-by-case basis. It is intended that only those persons engaged in some form of anti social behaviour whereby harassment, alarm or distress has or may be caused to other members of the public would be enforced against using these powers.

1.9. The area covered by the borough-wide CDZ would exclude Hampstead Heath, which is the responsibility of the Corporation of London and the Royal Parks i.e. Regents park and Primrose Hill, which is the responsibility of the Secretary of State for Culture, Media and Sport (managed through the Royal Parks (TRP)).

## **2. General Enforcement of the CDZ powers.**

2.1. Sections 12-16 of the Criminal Justice and Police Act 2001 provide local authorities with an adoptive power to restrict anti-social public drinking and they provide the Police with the power to enforce this restriction. The penalty is a maximum fine of £500.

- The Act empowers the police to confiscate open containers of alcohol drinks within the designated zone.
- The power is discretionary and does not mean that anybody with any alcohol container, opened or not, is liable to have it confiscated, but is aimed at those involved in Anti-social behaviour.
- The power does not extend to existing licensed premises or those, which hold temporary licences. This includes the curtilage of premises that extend onto the footway e.g. al fresco restaurant facilities, table drinking outside licensed premises.

- The power is not enforceable within the Royal parks (Regents park and Primrose Hill) or Hampstead Heath.
- The power is not intended to be used against those persons consuming alcohol in the following circumstances (unless engaged in anti social behaviour).  
Those drinking alcohol outside licensed premises e.g. in hot weather or to smoke where there is a smoking ban.  
Picnics in parks and open spaces.

### **3. Specific Arrangements for ‘Street Population street drinkers.**

3.1. It is acknowledged that in practice, it will not always be possible to implement the CDZ powers completely within the enforcement framework provided by the T and T. This protocol is designed to use the discretionary nature of the powers positively. This is in an effort to ensure that the powers are implemented within the T and T framework as often as possible, and that appropriate information is shared with the T and T when this does not happen.

3.2. Camden Police agree to operate the CDZ powers in relation to ‘street population’ street drinkers taking into account the factors listed below;

- 1) The implementation of the CDZ powers should be focussed on those clients who have been recorded as street drinking within the zone, at either of the appropriate T and T meetings.
- 2) The powers should be further targeted at those clients who have consistently refused offers of service intervention, or who have accepted them without reducing their street drinking or attendant street activity.
- 3) The police action taken with regards to the CDZ with these clients will be taken back to the appropriate T and T. This will form part of the evidence base as regards decisions around future service and enforcement options (such as Acceptable Behaviour Agreements and Anti-Social Behaviour Orders). Camden Police will take the revised T and T case plan into account with regards to any further use of the CDZ powers on the individual although nothing in this protocol affects police discretion to use these enforcement powers in appropriate cases e.g. witnessed anti social behaviour or complaints received.
- 4) The powers may be used against clients street drinking within the zone, who are not recorded on the T and T list. This may be because the client is new to or has recently returned to the area, is associating with other known street drinkers, or has avoided services in the past. In these cases, the information on these clients will be taken to the appropriate T and T. Service providers will target the client for contact, in an effort to agree a case plan and access them into services as appropriate. The T and T will monitor the case; this will include any further use of CDZ powers against the individual.

- 5) The SST will attend the (monthly/2 monthly) Safer Neighbourhood cluster meetings and provide a report on the number of referrals and engagements with street drinkers. Any issues of prioritisation, displacement or concerns in the implementation of the protocol will be agreed by the meeting. Decisions and actions will be minuted at these meetings.
- 6) The SST (Head of Street Population Services) will arrange with the various police teams joint designated CDZ patrols on a monthly basis, to assist with the flow of information described above.

#### **4. Monitoring and Data Collection**

4.1. Performance data will include;

- number of seizures and 'pour away's',
- numbers of street drinkers coming to notice, including ethnicity data,
- details of displacement,
- numbers accessing services through the T&Ts,
- number of ABAs and ASBOs,
- street drinking returns from the monthly street activity surveys (Camden Town and West End) and community audits.

4.2. Police will record details of all seizures and acts of pouring away alcohol on the Crimint database under QQCDZ.

#### **5. Review**

5.1. This protocol will be reviewed by Community Safety every 12 months as part of the annual performance discussions.

5.2. The CDZ powers have been subject to an Equality Impact Assessment, which will be reviewed as above after 12 months.

**No. Borough Wide Controlled Drinking Zone signage in Camden**

Road Name	Location	Comments
1 Argyle Square	LC 01	o/s # 36
2 Argyle Square	LC 02	opp # 39 Garden Side
3 Argyle Square	LC 10	opp # 10 Garden Side
4 Argyle Square	LC 14	opp # 20 Garden Side
5 Arlington Road	LC 08	o/s # 87
6 Arlington Road	LC 01	Corner of Mary Terrace & Arlington Road
7 Arlington Road	LC 12	o/s # 131
8 Arlington Road	LC 14	o/s # 161
9 Arlington Road	LC 13	Corner of Underhill Street
10 Bartholomew Villas	LC 04	o/s # 42
11 Bayham Street	LC 02	opp # 146
12 Bayham Street	LC 03	o/s # 144 (corner)
13 Bayham Street	LC 03	o/s # 142a
14 Bayham Street	LC 04	o/s Gen Hospital opp # 116-134
15 Bayham Street	LC 04	Greenland Rd o/s # 9
16 Bayham Street	LC 05	Greenland Rd o/s # 17
17 Bayham Street	LC 07	Greenland Rd o/s/# 39
18 Bayham Street	LC 03	Plender St/King's Terr o/s # 8
19 Bayham Street	LC 04	Corner opp Ravenscar
20 Bedford Square	LC 30	Adeline Place o/s # 40
21 Bedford Square	LC 01	Bayley St Gdn side nr # 25
22 Bedford Square	LC 14	Garden side opp # 10 Gower St
23 Bloomsbury Square Gardens	LC 08	Garden side opp # 22
24 Bloomsbury Square Gardens	LC 09	Garden side opp # 23
25 Bloomsbury Square Gardens	LC 18	Garden side opp # 45
26 Brunswick Square Gardens	LC 01	Cnr of Hunter St opp O'Donnell Centre Car Pk
27 Brunswick Square Gardens	LC 13	Garden side opp 29-39
28 Brunswick Square Gardens	LC 16	Garden side opp # 40
29 Brunswick Square Gardens	LC 08	Entrance to Gdns opp cinema
30 Brunswick Square Gardens	LC 02	Gdn side opp Bernard St
31 Brunswick Square Gardens	LC 01	Bernard St by Halls of Res U of London
32 Brunswick Square Gardens	LC 09	o/s # 49 Marchmont St
33 Brunswick Square Gardens	LC 01	By playground on Handel St/Kenton St
34 Brunswick Square Gardens	LC 06	Jnct of Coram & Marchmont by Foundling Crt
35 Buck Street	LC 01	opp Buck's Head by Camden Mrkt
36 Buck Street	LC 02	opp Stucely Place
37 Buck Street	LC 03	o/s infant school
38 Buck Street	LC 04	by corner of church
39 Buck Street	LC 04	corner of Kentish Town Rd & Buck St
40 Camden Gardens	LC 02	opp # 166 Camden St
41 Camden Gardens	LC 09	opp # 47 Kentish Town Rd
42 Camden Gardens	LC 01	o/s 53-55 Camden Gdns
43 Camden Gardens	LC 02	o/s 29-31 Camden Gdns
44 Camden Gardens	LC 08	o/s 140-146 Camden St
45 Camden Gardens	LC 09	next along Camden St by Shirley House
46 Camden High Street	LC 01	o/s Camden Palace
47 Camden High Street	LC 04	o/s # 6
48 Camden High Street	LC 07	o/s #14
49 Camden High Street	LC 14	o/s PO on Crowndale Rd
50 Camden High Street	LC 02	o/s PO on Eversholt St
51 Camden High Street	LC 02	o/s Milbrook Place Morningson Crescent Island
52 Camden High Street	LC 08	o/s # 29
53 Camden High Street	LC 10	o/s # 51a
54 Camden High Street	LC 11	o/s # 52-56
55 Camden High Street	LC 12	o/s # 67
56 Camden High Street	LC 14	o/s # 87
57 Camden High Street	LC 16	o/s # 109a (pub)
58 Camden High Street	LC 26	central island by station opp bank
59 Camden High Street	LC 27	corner by station o/s bank
60 Camden High Street	LC 28	o/s # 191-201
61 Camden High Street	LC 29	o/s/ # 178-182
62 Camden High Street	LC 02	corner of # 213-219
63 Camden High Street	LC 30	o/s # 190
64 Camden High Street	LC 01	o/s # 221
65 Camden High Street	LC 32	o/s # 235 opp Buck's Head
66 Camden High Street	LC 34	o/s Elephant's Head Pub
67 Camden High Street	LC 37	o/s # 250
68 Camden High Street	LC 39	canal bridge close to # 250
69 Camden High Street	LC 38	Hampstead Rd Bridge opp # 250
70 Camden High Street	LC 42	Hampstead Rd Bridge just past bridge by # 200-218
71 Camden High Street	LC 02	o/s # 200-218
72 Camden High Street	LC 23	corner o/s # 10 Castlehaven Rd
73 Camden High Street	LC 21	Castlehaven Rd opp Hawley Arms Pub
74 Camden High Street	UP4	opp # 13-14
75 Camden High Street	LC 12	opp # 48
76 Camden High Street	LC 13	o/s pub # 49
77 Camden High Street	LC 14	opp # 56
78 Camden Road	LC 03	o/s # 11 Bonny St
79 Camden Road	LC 17	o/s # 41
80 Camden Road	LC 24	under bridge on Royal College St
81 Camden Road	LC 04	o/s # 18
82 Camden Road	LC 05	o/s St Michael's Church
83 Camden Road	LC 07	o/s # 17
84 Camden Road	LC 06	o/s # 32
85 Camden Road	LC 11	o/s Shirley House opp # 64
86 Camden Road	LC 14	o/s # 82
87 Carol Street	LC 02	diagonally across from # 24 in corner
88 Carol Street	LC 03	o/s # 17
89 Carol Street	LC 16	By playground opp # 94 Camden St
90 Clerkenwell Road	LC 08	(Vine Hill) o/s # 160/162
91 Earham Street	LC 06	On Corner o/s Earham House
92 Earham Street	LC 01	o/s # 2 Shorts Gardens

93 Endell Street	LC 01	o/s # 83
94 Endell Street	LC 04	o/s # 50/51
95 Endsleigh Gardens	LC 06	Cmn of Euston Rd & Upper Woburn Plc
96 Endsleigh Gardens	LC 04	opp jcnct of Endsleigh Gdns & Upper Woburn Plc
97 Endsleigh Gardens	LC 06	opp # 30
98 Endsleigh Gardens	LC 05	o/s Thorne House crnr of E Gdns & Endsleigh St
99 Endsleigh Gardens	LC 04	o/s # 14-14 YWCA
100 Endsleigh Gardens	LC 03	opp jcnct of Taviton St
101 Endsleigh Gardens	LC 01	Cmn of Ends Gdns & Gordon St by Dayton Hs
102 Endsleigh Gardens	LC 06	Cmn of Gower Place/Gordon St
103 Eversholt Street	LC 10	O/S # 174
104 Eversholt Street	LC 14	St Marys Church next to # 130
105 Eversholt Street	LC 15	opp # 130 day centre
106 Eversholt Street	LC 01	opp St Aloysious/garage # 88
107 Eversholt Street	LC 21	opp # 72-76
108 Eversholt Street	LC 22	o/s # 64
109 Eversholt Street	LC 24	o/s 42-44
110 Eversholt Street	LC 25	opp # 34
111 Eversholt Street	LC 27	base of stairs opp Lancing St
112 Eversholt Street	LC 29	opp Grafton Pl by bus lane
113 Eversholt Street	LC 01	Euston Sq opp Fire Station
114 Fitzroy Square	LC 01	crnr w/Conway St opp # 18
115 Fitzroy Square	LC 11	crnr w/Conway St opp # 2
116 Gaisford Street	LC 01	opp # 1a
117 Gray's Inn Road	LC 38	By Island o/s # 241
118 Gray's Inn Road	LC 37	opp # 294
119 Gray's Inn Road	LC 36	o/s # 284-286
120 Gray's Inn Road	LC 35	crnr of Sidmouth St
121 Gray's Inn Road	LC 31	o/s 179/181
122 Gray's Inn Road	LC 28	o/s # 252 (Pub)
123 Gray's Inn Road	LC 25	o/s # 123-129
124 Gray's Inn Road	LC 17	o/s # 144-148
125 Gray's Inn Road	LC 16	o/s pub on corner w/Clerkenwell Rd opp 132-134
126 Gray's Inn Road	LC 04	crnr opp # 14-22
127 Hampstead High Street	LC 06	o/s PO # 78-81
128 Haverstock Hill	LC 10	o/s # 193
129 Haverstock Hill	LC 11	o/s # 194
130 High Holborn	LC 04	o/s # 20 near Pub
131 High Holborn	LC 02	opp 4-13
132 High Holborn	LC 01	crnr of # 4-13 by subway
133 High Holborn	LC 02	o/s # 50 by obelisk
134 High Holborn	?	o/s/ # 147 by War Memorial
135 Inverness Street	LC 06	o/s # 36a
136 Inverness Street	LC 05	o/s Pub # 30
137 Inverness Street	LC 04	Crnr of Bingo Hall
138 Inverness Street	LC 03	o/s # 2
139 Jamestown Road	LC 07	Opp jcnct of Arlington Rd
140 Jamestown Road	LC 10	o/s Oxford Arms Pub
141 Kentish Town Road	LC 01	Jcnct w/ Wolesey Mewso/s bank on Caversham Rd
142 Kentish Town Road	LC 37	o/s Kentish Town Stn
143 Kentish Town Road	LC 39	up frm Stn o/s shelter on crnr of KT Rd
144 Kentish Town Road	LC 01	o/s Pub on crnr/jcnct of Kent Twn Rd & Camden Rd
145 Kentish Town Road	LC 02	o/s # 7
146 Kentish Town Road	LC 06	o/s # 31 near Pub
147 Kilburn High Road	LC 02	back of Natnl Club crnr of Grangeway & Tennis Crt
148 Kilburn High Road	LC 02	Hemstal Rd twrds Linstead St opp # 54 Parkside
149 Kilburn High Road	LC 28	KHR o/s # 220
150 Kilburn High Road	LC 19	o/s # 144-142
151 Kilburn High Road	LC 07	o/s # 52
152 King's Cross Road	LC 01	Pentonville Rd/York Way on King's Cross Island
153 King's Cross Road	LC 02	York Way by Police Office opp KX Island
154 King's Cross Road	LC 07	o/s # 309 Gray's Inn Rd
155 King's Cross Road	LC 01	Cmn of St Chadd's Pl opp # 13 /Grays Inn Rd
156 King's Cross Road	LC 01	O/S # 207-215 K X Rd
157 King's Cross Road	LC 03	o/s # 189
158 King's Cross Road	LC 04	o/s Welsh Church
159 King's Cross Road	LC 06	o/s 150-158
160 King's Cross Road	LC 07	o/s Pub next to # 165-167
161 King's Cross Road	LC 09	o/s # 153
162 King's Cross Road	LC 10	o/s # 114
163 King's Cross Road	LC 08	o/s # 1 Grt Percy St crnr w/ KX Rd
164 King's Cross Road	LC 07	o/s # 2 Frederick St crnr w/K X Rd
165 Kingsway	LC 03	o/s # 94 holborn stn
166 Kingsway	LC 02	o/s # 125-129
167 Lamb's Conduit Street	LC 10	crnr of Grt Ormond St o/s # 68 Lamb's Cond St
168 Lincoln's Inn Fields	LC 19	opp island o/s Imperial Cancer research Fund Bldg
169 Lincoln's Inn Fields	LC 23	opp # 59 Lindsey House
170 Lincoln's Inn Fields	LC 26	crnr opp # 86 Powis House
171 Lincoln's Inn Fields	LC 05	Canada Walk opp # 14
172 Lincoln's Inn Fields	LC 14	Opp Library
173 Lincoln's Inn Fields	LC 17	crnr Opp Library
174 Malet Street	LC 24	o/s ULU
175 Monmouth Street	LC 01	o/s # 1
176 New Compton Street	LC 02	Pendrell House by steps to Playground
177 New Compton Street	LC 03	crnr w/ St Giles Passage
178 New Oxford Street	LC 17	o/s # 38
179 New Oxford Street	LC 10	o/s # 55-59
180 New Oxford Street	LC 02	o/s # 118-132 by steps to subway
181 New Oxford Street	LC 03	o/s Centrepont # 103
182 Oakley Square	LC 06	Cmn of Eversholt St & Oakly Sq
183 Oakley Square	LC 09	Cmn of Eversholt St & Oakly Sq
184 Oakley Square	LC 08	Cmn of Eversholt St & Oakly Sq
185 Oakley Square	LC 07	Oakly Sq opp # 70
186 Oakley Square	LC 06	Oakly Sq o/s # 64
187 Oakley Square	LC 05	Oakly Sq opp # 58

188 Oakley Square	LC 03	Oakly Sq opp # 50
189 Oakley Square	LC 01	Crowndale Rd/Oakly Sq - The Lodge
190 Oakley Square	LC 07	Crowndale Rd/Oakly Sq - The Lodge
191 Oakley Square	LC 01	Godwin Court
192 Oakley Square	LC 04	Oakly Sq
193 Oakley Square	LC 06	Oakly Sq
194 Parker Street	LC 13	crnr w/ Drury Lane
195 Parker Street	LC 07	o/s # 25-37
196 Parker Street	LC 04	crnr w/Newton St
197 Parker Street	LC 01	o/s Pub @ # 51
198 Parkway	LC 03	opp # 16-24
199 Queen's Crescent	LC 16	crnr of QC & Allcroft Rd
200 Queen's Crescent	NN002	crnr of QC & Ashdown Cres by Community Centre
201 Queen's Crescent	LC 13	crnr of QC & Malden Rd
202 Queen's Crescent	LC 17	crnr of QC & Ashdown Cres
203 Queen's Crescent	NN001	Ashdown Cres opp Sheltered Housing
204 Queen's Crescent	LC 20	QC & Grafton Rd opp Pub
205 Queen's Crescent	LC 23	Grafton Rd crnr of QC o/s Pub
206 Queen's Crescent	LC 18	QC & Weedington Rd
207 Queen's Crescent	LC 14	Weedington Rd twrds back of Library
208 Red Lion Square	LC 02	jnctn w/ Proctor St opp Uni of Westminster
209 Red Lion Square	LC 07	jnctn w/ Princeton St o/s # 1-12
210 Regent's Park Road	LC 02	centre of bridge after # 200
211 Regent's Park Road	LC 09	o/s # 115-119
212 Regent's Park Road	LC 33	o/s # 33 by Grafton Bridge
213 Regent's Park Road	LC 32	o/s Vernon House by Canalside Walk
214 Russell Square	LC 16	crnr opp # 44
215 Russell Square	LC 22	crnr opp # 30
216 Russell Square	LC 23	crbr o/s # 24
217 Russell Square	LC 27	opp bus shelter o/s Gvt Ofcs
218 Russell Square	LC 02	opp # 1-8
219 Russell Square	LC 04	opp # 67-72
220 Russell Square	LC 10	opp Imperial Hosp
221 Russell Square	LC 13	crnr w/ Bedford opp # 82
222 Shaftsbury Avenue	LC 02	o/s # 117
223 Shorts Gardens	LC 07	o/s # 23
224 Shorts Gardens	LC 11	o/s # 29
225 Shorts Gardens	LC 12	o/s # 34-42
226 South End Green	LC 16	Pond St/S E Grn by Statue
227 South End Green	LC 01	Crnr of Statue by Fleet Rd
228 South End Green	LC 16	Crnr of Elm Terrace
229 South End Green	NN001	Crnr of S E Rd by Station
230 St Giles's High Street	LC 13	Island w/Andrew Border St
231 St Giles's High Street	LC 09	
232 St Giles's High Street	LC 14	jnctn w/ Princes Circus
233 St Giles's High Street	LC 45	on island jnctn w/ Princes Circus
234 St Giles's High Street	LC 46	opp island
235 St Giles's High Street	LC 11	o/s 190 Shaftsbury Ave
236 St James' Gardens	LC 18	o/s # 108 Hampstead Rd (Margret Centre)
237 St James' Gardens	LC 20	o/s # 110-112 National Temperance Hosp
238 St James' Gardens	LC 07	o/s # 43 Cardington St (Thistle Hotel)
239 St James' Gardens	LC 09	between park entrances on Cardington St
240 St James' Gardens	LC 11	by park entrance on Cardington Street
241 St James' Gardens	LC 13	o/s hotel crnr of Drummond/Cardington/Melton St
242 St James' Gardens	LC 02	Starcross St opp # 15/16
243 Tavistock Square	LC 02	Crnr of Tav Sq & Endsleigh Pl (Tav Crt Side)
244 Tavistock Square	LC 08	opp Gvt Ofc # 1-6 Tav Sq
245 Tottenham Court Road	LC 18	o/s Warren St Stn on crnr of Tott Crt Rd
246 Tottenham Court Road	LC 20	o/s # 177/178 opp Howland St
247 Tottenham Court Road	LC 07	o/s # 260 YMCA
248 Tottenham Court Road	LC 09	o/s # 269 by steps to subway
249 Wellesley Road	LC 08	o/s # 115
250 Whitefield Street	LC 10	opp # 45-61 o/s Whitefield Cong Church

LC = Lamp Column

**Agenda Item No:**

<b>LONDON BOROUGH OF CAMDEN</b>	<b>WARDS: All</b>
<b>REPORT TITLE:</b> Implementation of Camden Borough wide Controlled Drinking Zone (CDZ) HASC/2006/14	

<b>REPORT OF:</b> Director of Housing & Adult Social Care	
<b>FOR SUBMISSION TO:</b> Overview and Scrutiny Commission on 4 <sup>th</sup> April 2006 and Executive on 5 April 2006	<b>DATE:</b> 15 <sup>th</sup> March 2006

**SUMMARY OF REPORT:**

This report provides information on the proposals for a Borough wide CDZ, following a successful pilot in Camden Town, for discussion and comment by the Executive. The report sets out details of the consultation process conducted and legal requirements for the establishment of a Camden Borough wide CDZ.

The decision to implement a borough wide CDZ is a non- Executive decision and will be considered by a Chief Officer on 6<sup>th</sup> April 2006 following the Executive meeting.

**Local Government Act 1972 – Access to Information**

CDZ monthly monitoring reports: November 2004 to September 2005  
CDZ Perception Survey: Aug 2005  
CDZ Mapping Study: June 2004, June 2005  
Stakeholder Interviews: November 2004, April 2005, August 2005

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**RECOMMENDATIONS:**

The Overview and Scrutiny Commission is asked to comment on the proposals for a Borough wide CDZ.  
The Executive is asked to comment upon and indicate support for the proposed Borough wide CDZ.

**Signed by Director (Housing & Adult Social Care).....**

**Date** .....23<sup>rd</sup> March 2006.....

## 1. Introduction

- 1.1 Camden Town is currently subject to a Controlled Drinking Zone (CDZ), which began as a pilot in November 2004. The Camden Town CDZ was subject to extensive monitoring from November 04 – November 05 as well as an evaluation of the monitoring and perception surveys also undertaken during that time.
- 1.2 As part of the Stakeholder Interviews and Perception Survey conducted at intervals throughout the pilot period there was significant support for Camden taking forward a borough-wide CDZ option. In the Perception survey, conducted in August 2005, 81% of respondents said that they agreed with the council's approach to tackle street drinking. All of the stakeholders suggested that the CDZ should continue.
- 1.3 The pilot CDZ reviewed the impact that a Zone would have on levels of crime and anti-social behaviour, attributed to street drinkers, occurring around the Camden Town area. Additionally, the pilot has also monitored the effect of the Zone as a means of encouraging street drinkers to take advantage of support services. It was agreed by officers and the police that a CDZ is effective in its achievements and has been a valuable resource for use by the Police as part of the raft of measures at their disposal.
- 1.4 Under the Criminal Justice and Police Act 2001 a CDZ allows the police the power to remove alcohol from anyone who is carrying it on the street. For the purposes of the pilot these powers were targeted at "street drinkers" in the pilot area as opposed to "leisure drinkers," e.g. those moving from bar to bar. It is intended that a borough wide CDZ would not be limited by those restrictions, that the power would be available to the police to target both "street drinkers" and "leisure drinkers". For the purposes of this report the term 'street drinking' will refer to both these categories unless specified.
- 1.5 The current Camden CDZ model offers support to street drinkers in the form of outreach and assistance services, such as the Wet Service in Camden Town. The Wet Service, which provides medical and dependency services to street drinkers, is supported through funding from Housing & Adult Services' Homelessness Strategy Implementation Grant, secured through the ODPM and funding from Culture & Environment's Liveability Project. The total contribution for 2005/06 is £195,000 to provide core funding for the Wet Service. An additional £20,000 was given to the Wet Service in 2004/05 for part-time funding of a dependency worker. Liveability funding for the Wet Service will cease from April 2006, however, the Homelessness Strategy Implementation Grant will cover Wet Service costs for 2006/07. Mainstream funding will need to be sourced for future years.
- 1.6 Camden has a well-developed Street Services Team that engages with a range of other agencies, service providers including the police through the 'Tasking and Targeting' (T&T) structure. This service will clearly continue but there is no intention to replicate the Wet Service model outside of Camden Town. The borough wide CDZ will be an enforcement led model based upon clearly defined support services accessed through the 'Street Services Team and T&T meetings. Evidence shows that the joint working between the Police and the Council has been very effective. Those street drinkers (as opposed to leisure drinkers) who have alcohol confiscated from them have their details passed to the T&T meetings. This enables them to be tracked through treatment, support and enforcement action to ensure that interventions are targeted and appropriate. T&T operational working arrangements exist throughout Camden and a borough-wide CDZ would look to maintain the role of the T&T in this respect.
- 1.7 Full details of the pilot were contained in the report to the Executive (Environment) Sub Group dated, 17<sup>th</sup> January 2006.

## **2. Evidence to support a Borough Wide CDZ**

- 2.1 Sections 12-16 of the Criminal Justice and Police Act 2001 provide local authorities with an adoptive power to restrict anti-social public drinking and they provide the Police with the power to enforce this restriction. The penalty is a maximum fine of £500. The Act empowers the police to confiscate open containers of alcoholic drinks within the designated zone. The power is discretionary and does not mean that anybody with any alcohol container, opened or not, is liable to have it confiscated, but is aimed at those involved in Anti-social behaviour. The power does not extend to existing licensed premises, or those, which hold temporary licences.
- 2.2 The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001 ("the Regulations") set out the procedures to be followed by Local Authorities in designating public places for this purpose.
- 2.3 Regulation 10 of the Regulations amends other existing regulations to the effect that the function of designating places as Controlled Drinking Zones remains with the Council and is not an executive decision. Non-executive decisions can be taken by Council or committees with appropriate delegations to Officers. The decision to implement a borough wide CDZ is a non- Executive decision which is currently not reserved to any committee of the Council and will be taken by a Chief Officer on 6<sup>th</sup> April 2006 following the Executive meeting.
- 2.4 To make an order, the local authority must be satisfied that public nuisance, annoyance or disorder has been associated with public drinking in the area concerned.
- 2.5 There has been ample evidence of anti social behaviour related to street drinking across Camden. A number of complaints have been received by the police and within Community Safety from local residents, business groups and Councillors concerning street drinking particularly in relation to South End Green, Queens Crescent, the West End, Kilburn Grange Park and Lincolns Inn Fields.
- 2.6 Approximately 32% of all violent crime between April 2005 to August 2005 is linked to alcohol consumption. That is an increase of 278 incidents (34%) over the last three months as compared to the previous year, involving mostly Actual Bodily Harm and Harassment offences. 33% of those incidents occurred on the street. Up to a quarter of all alcohol-related violence is estimated to take place in and surrounding Camden Town. Other locations within the data include Holborn, Kings Cross, Gospel Oak, Kentish Town, Kilburn and West Hampstead.
- 2.7 'Camden Talks Panel' (1268 existing members) conducted an exercise between 2nd November and 9th December 2005 regarding alcohol related crime and behaviour in Camden.  
71% of respondents thought that people being drunk or rowdy in public places in Camden were a very or fairly big problem.  
Over 60% of respondents believed that 'cans and bottles' deposited in streets and gardens and noise arising from those drinking in the streets were a problem in the local area. Drinking in parks and open spaces by homeless or alcoholic persons were seen as a problem by 54% of respondents and 45% thought that there was a problem with intimidating and abusive street drinking.

Only 4% of respondents didn't think there was any problem with rowdy drinking.

50% of respondents would like to see more enforcement on those who drink and behave anti socially and 34% wanted a ban introduced on alcohol in the streets.

### **3. Proposal to designate the whole borough as a CDZ.**

3.1 The implementation of a borough wide CDZ will allow considerable flexibility for the police in terms of the range of enforcement tools at their disposal. The existing approach undertaken in the pilot CDZ will be the basis for a borough police and council enforcement. The police will also be able to utilise their enforcement powers for dealing with potential episodes of increased risk of crime or violence from both street and leisure drinkers.

3.2 In terms of long-term policing the police have stated that they are confident that they can continue to adequately resource the current CDZ boundary to its current levels.

3.3 The terms of the current Designation Order within Camden Town are:

The constable (police officers and community support officers) may require the person concerned-

- a) not to consume in that place which is or which the constable reasonably believes to be, intoxicating liquor;
- b) to surrender anything in his possession, which is, or which the constable reasonably believes to be, intoxicating liquor or a container for such liquor.
- c) a constable may dispose of anything surrendered to him under subsection 2 in such a manner as he considers appropriate.

It is intended that this Order be implemented across Camden.

3.4 A CDZ covering the whole of the borough will provide a sound basis to deal with the problems of street drinking generally within Camden. They will allow the police to utilise CDZ powers as an enforcement tool for all aspects of drinking. The area covered by the borough-wide CDZ would exclude Hampstead Heath, which is the responsibility of the Corporation of London and the Royal Parks i.e. Regents park and Primrose Hill, which is the responsibility of the Secretary of State for Culture, Media and Sport (managed through the Royal Parks (TRP)). Officers recognise the importance of ensuring that there are effective liaison arrangements with the both agencies to deal with any issues around drinking in these Parks.

3.5 Street and leisure drinking would not be categorised separately in terms of enforcement measures. The police have stressed that a degree of commonsense will be utilised in enforcement of the powers and that action toward leisure drinkers would be enforced in situations where it is perceived that there is a potential increased risk of violence or crime. CDZ powers also support the enforcement approach adopted in implementing the Licensing Act 2003.

3.6 Within Camden Town the CDZ would continue to focus on providing support services for street drinkers, however, it should be noted that borough-wide the council and police cannot provide the same level of enforcement or support services as currently seen in Camden Town. The full roll-out of Safer Neighbourhoods across the borough from 1<sup>st</sup> April 2006 will mean however that the police will be able to target specific areas where street drinking is occurring should local residents decide that street drinking is one of the key priorities that they wish the police to deal with in their area. In addition the Tasking and Targeting structure is borough wide enabling the Street Services team to respond to reports of street drinking from the police or other agencies.

3.7 It should be noted that there are no designated wet services commissioned to provide centre-based support street drinkers other than in Camden Town. The costs, planning and consultation difficulties in establishing additional wet centres would be very

substantial. However, the Street Services Team will continue to take the lead across the Borough in enabling street drinkers to access a range of treatment and housing interventions appropriate to their needs.

- 3.8 The Stakeholder analysis also found that the general public were not well-informed about the enforcement of the CDZ. A communications plan will be put in place, particularly around hotspots.
- 3.9 The Camden Town CDZ pilot will terminate when the borough wide model is implemented.

#### **4. Enforcement and the Enforcement Protocol**

- 4.1 The implementation of a borough-wide CDZ will be supported by a new enforcement protocol agreed between the police and the council (Community Safety and Street Services team) so that CDZ powers are actively and appropriately used. The current enforcement protocol was set up between the police and the council as a joint-agreement to underwrite the partnership approach.
- 4.2 Operationally, enforcement and monitoring will be supported through the T&T meetings that cover the whole borough and will also take account of the roll-out of the Safer Neighbourhood scheme and how this can be utilised for enforcement purposes.
- 4.3 Camden and the police would continue to conduct monthly joint-patrols in areas where there are high concentrations of public drinking. These shifts will also be co-ordinated through the T&T.
- 4.4 Performance data being considered will include number of seizures, 'pour away's', numbers of street drinkers coming to notice, details of displacement, numbers accessing services through the T&Ts, number of ABAs and ASBOs, street drinking returns from the monthly street activity surveys (Camden Town and West End) and community audits.

#### **5. Consultation**

- 5.1 There is a requirement for the local authority to undertake a consultation process prior to making a designation order. Within London the following must be consulted:

- The Chief Officer for police for the area;
- Any neighbouring Police and Local Authority, where there area covers an area on the boundary with that neighbouring authority;
- Licensees within the area or those who may be affected by the Designation Order;
- Owners or occupiers of land that may be identified in a Designation Order;

There is also a requirement on the local authority to take reasonable steps to consult the owners or occupiers of any land proposed to be covered by the Order. As it is impracticable to consult individually with all landowners and occupiers in the proposed area, the Home Office has advised that public consultation notices in the local press would be acceptable.

- 5.2 The Local Authority must also publicise any intention to make a Designation Order. A notice must be published in a locally circulated newspaper containing the following information:

- Identification of the place to be designated;
- The effect of any Order made in relation to that place;
- Inviting representations as to whether or not the Order should be made.

The Local Authority must consider any representations made from the consultation process before the Designation of any Order.

Local Authorities should not make an order until at least 28 days after the publication of the notice.

### 5.3 The following consultation has taken place;

- A briefing note (Appendix B) has been sent to the Chief Executives, Police Borough Commanders and Heads of Community Safety of the surrounding boroughs i.e. Islington, Westminster, Haringey, Brent, Barnet and the City of London.
- A statutory notice (Appendix 2) was placed in the Camden New Journal for a period of 2 weeks (16<sup>th</sup> February and 2<sup>nd</sup> March).
- A web entry was included on the Community Safety site with details of how to comment.
- Briefing notes were sent to every Licensed Premises in Camden and every Premises License Holder totalling over 2300 letters.
- Briefing notes were sent to all members of the Camden Community Police Consultative Group, which is made up of a number of tenants associations, residents groups and police sector working groups.
- Personal consultation with Camden Federation of Tenants, Camden Inner London Licensees Association (CILLA), Club Watch (premises with music and other events), Street Services Team (CRI), Camden Town Wet Service (Novas), Wet Service Steering Group, Alcohol Services Users Group and Mungo's.
- Briefing notes sent to the 5 District Management Committees (Housing), Royal Parks, Hampstead Heath Constabulary and Management Board, West End Drugs Partnership, and British Transport Police.
- Camden Police.
- Camden Community Safety Partnership.
- Drug Action Team.
- Briefing notes sent to Camden Neighbourhood Partnerships.

### 5.4 Overall the response to the proposals have been overwhelmingly positive. Of note the following concerns were raised:

One licensee was concerned that the CDZ would be used on customers drinking on their forecourts. The protocol with Camden Police covers this issue and the CDZ does not apply to the curtilage of premises, which have a premises license or club premises certificate under the Licensing Act 2003. This will include forecourts that form part of the premises (but not public pavements).

Members of the Camden 'Alcohol Users Forum' were concerned that the police could misuse the power and that there were not sufficient resources for alcohol treatment. Again the police protocol and T&T structure will cater for the use of the power. It is accepted that there is a need for additional treatment provision as the Alcohol Misuse Scrutiny Panel has identified. However there should not be any increase in referrals from the police since they already operate within the T&T structure across the borough.

A wet service steering group member acknowledged that this proposal was fairer than the Camden Town pilot which only targeted those who were the most disadvantaged in the community i.e. street based drinkers. This proposal targeted both leisure and street based drinkers. However he was concerned that generally there was little in the way of space or services for street based drinkers and what space did exist, for example in Camden Town was extremely limited in terms of opening hours.

An application has been received from the Royal Parks Agency in respect of Regent's Park for alcohol and regulated entertainment - recorded music, live music and facilities for dancing for 29999 people. The Royal Parks Agency have concerns in terms of the CDZ and its impact on Regents Park, if the licensing authority refuse the application. In their view the Council would need to demonstrate that there is (or would be) a problem of crime and disorder as a result of the Park not being in a CDZ and have specifically requested that the Royal parks are excluded from these proposals.

## **Implementation**

- 6.1. After an Order has been made, it can only come into effect after the Local Authority have publicised as follows:
1. A further notice in local newspapers describing the area to be designated, the effect of the Order and the date on which the Order comes into effect.
  2. Sufficient signs in the area designated have been erected which draw attention to members of the public to the effect of the Order

Guidelines state that signage must be placed around the whole boundary of any area designated a CDZ. Signage must be sufficient to draw attention to members of the public that the area is a CDZ. It is intended that the existing signs, used within Camden Town, are placed on all major strategic road access routes into Camden supported by additional signs in priority areas such as Kilburn, West End, South End Green, Holborn and Camden Town.

- 6.2. There is a conflict between the licensing of public open spaces under the Licensing Act 2003 and Alcohol Consumption in Designated Public Places (CDZ)(street drinking controls) under the Criminal Justice and Police Act 2001. Any open space with a premises licence under the Licensing Act 2003 are exempt from the powers of the Criminal Justice and Police Act 2001, meaning that open spaces with a premises licence will not be subject to the CDZ controls.
- 6.3. The street drinking controls in the Criminal Justice and Police Act 2001 apply in "designated public places". The Act says that a place cannot be a "designated public place" if it is "premises in respect of which a premises licence or club premises certificate, within the meaning of the Licensing Act 2003, has effect ". There is no mention of the premises licence authorising the sale of alcohol. While this is of less concern during a public event when effective controls will be in place to ensure drinking does not occur, issues arise during the periods when events are not taking place on the public land.
- 6.4. This issue affects both Camden Council, who are considering the licensing of a number of parks and open spaces in the borough and the Royal Parks who have applied for premises licenses for both Regents Park and Primrose Hill Park. If these are granted then a CDZ would not be enforceable at any time in those areas. Culture and Environment have intimated that the proposals for premises licence status in the boroughs parks and open spaces will be delayed whilst an approach is made to the relevant Government Departments for a change in the law. This will require a change to secondary legislation. The Royal parks are continuing with their application.
- 6.5. The only option available at present is to insist that individual festival organisers apply for a premises licence for the specific dates/periods they require in respect of open space managed/owned by the Council. This is not only costly, as the Council has no discretion to waive licence fees, but also time consuming. This situation may force a number of medium sized festivals who provide regulated entertainment and are not eligible for Temporary Event Notices, to cancel their events as a result of being unable to fund the licence fee.

6.6. Once an order has been made a copy must be sent to the Secretary of State.

## 7. Finance

7.1 The Liveability fund was used to establish and monitor the CDZ pilot and to provide additional resources for the wet centre in Camden Town.

7.2 Liveability funding for the provision of the wet service will cease in April 2006 in line with the conclusion of that funding programme. The Housing & Adult Social Care Directorate will be the cost centre for the future expenditure on the CDZ. £215,000 has been approved for the cost of the Wet Service for 2006/07. This will be funded from Homelessness Strategy Implementation grant (HSIG), the allocation for which was approved by Executive on 22nd February 2006. The HSIG is allocated on a year to year basis, and mainstream funding will need to be considered for 2007/08 and beyond.

7.3 Based upon estimates from the pilot CDZ approximate costs for borough-wide implementation are shown below.

7.4 The above details were included in the Executive (Environment sub group) on 17<sup>th</sup> January 2006.

### 7.5 Initial Implementation costs

Item	Cost
Legal Orders and Advertising	£2,500
Publicity	£2,500
Production + installation of new signage	£6,000
<b>Total</b>	<b>£11,000</b>

## 8. Finance Comments

8.1 The extension of the CDZ throughout the Borough of Camden will not involve the extension of support services provided to drinkers (the Wet Service) currently provided in Camden Town. As a result, the only additional costs generated would be the initial implementation costs of £11,000 outlined in 7.6. These costs will be fully funded from Housing and Adult Social Care 2006/07 budget. Funding for support services to drinkers within Camden Town in 2007/08 and beyond has not yet been identified, and it is likely that this will need to be considered by Members as a cost pressure in the 2007/08 budget process.

## 9. Legal Comments

9.1. The comments of legal services are included within this report.