

## **REGENERATION, COMMUNITY AND CULTURE OVERVIEW AND SCRUTINY COMMITTEE**

**16 AUGUST 2012**

### **MEMBER'S ITEM: EXTENSION OF THE CHATHAM ALCOHOL CONTROL ZONE**

Report from: Robin Cooper, Director of Regeneration, Community and Culture

Author: Tim England, Head of Safer Communities

#### **Summary**

This report sets out a response to an issue, raised by Councillor Osborne, regarding the extension of the current Chatham Alcohol Control Zone.

#### **1. Budget and Policy Framework**

- 1.1 Under Medway Constitution Overview and Scrutiny rules (Chapter 4, Part 5, Paragraph 9.1) Councillor Osborne has requested that an item on this matter is included on the agenda for this meeting.

#### **2. The Issue**

- 2.1. Councillor Osborne has requested that an item was placed on the agenda and the reasons are set out as follows:

“The committee is asked to consider the extension of the Chatham Alcohol Control Zone onto the Luton Road.

First, this development will support the Police and PACTs in reducing levels of anti-social behaviour and be a useful additional tool to the Dispersal Zone and improvement in CCTV provision for the Luton Road area.

Secondly, the zone will give residents assurance that petty criminality is being tackled by all agencies and will support documented evidence of criminality in this area.

There is currently significant pressure in this part of the ward around anti-social behaviour; with the proximity of the Chatham centre Alcohol Control zone leading to a movement of the problem into the Luton Arches area. Residents believe the extension of the zone would reduce anti-social behaviour."

### **3. Director's comments**

- 3.1 Local authorities may designate by order, a Designated Public Place Order (DPPO), any public place within their area if they are satisfied that nuisance, annoyance or disorder has been associated with the consumption of alcohol in that place.
- 3.2 The effect of such an order being made is to allow a constable, who reasonably believes that a person is consuming, has been consuming, or intends to consume alcohol in that place, to require that person to stop consuming alcohol and to surrender any alcohol in his or her possession. Failure to comply, without reasonable excuse, is an offence. There are no other offences specifically connected with Designated Public Places. The existing 'Alcohol Control Zone' in Chatham is such a Designated Public Place.
- 3.3 A map of the current 'Alcohol Control Zone' is shown at Appendix 1.
- 3.4 Regulations govern the conduct of local authorities in making or amending existing orders. To extend the Chatham DPP to include Luton Road would require Medway Council to:
  - a) consult with the chief officer of police for the police area in which the public place proposed to be identified in the order is situated;
  - b) consult with the premises licence holder, the club premises certificate holder or the premises user, as appropriate, in relation to each licensed premises in that place which it considers may be affected by the designation.
  - c) take reasonable steps to consult with the owners or occupiers of any land proposed to be identified in the DPPO.
- 3.5 The DPPO is not the only tool however that is available to local authorities and police working together to tackle alcohol-fuelled crime and disorder.
- 3.6 In individual cases an effective solution will often combine enforcement with supportive action to address physical or mental health issues. Supportive interventions could include alcohol treatment or advice and counselling and education and campaigns or youth diversion programmes.
- 3.7 At the early intervention stage, practitioners have found acceptable behaviour agreements to be a useful and flexible warning tool to address street and underage drinking prior to any formal action being taken.

- 3.8 People who are drunk and causing anti-social behaviour can also be arrested as drunk and disorderly, drunk in a highway or causing harassment, alarm or distress under section 5 of the Public Order Act 1986. Some police authorities refer those arrested, and on bail, to alcohol treatment. Penalty notices for disorder can also be an effective way to deal with these offences.
- 3.9 A constable in uniform may issue a direction under section 27 of the Violent Crime Reduction Act 2006 to leave a locality to individuals aged 16 years or over to reduce the likelihood of alcohol-related crime or disorder taking place. The direction can prohibit their return for 48 hours. This power allows a constable to deal immediately with a situation rather than having to apply to the court to sanction the giving of a direction.
- 3.10 Where someone is causing alarm and distress through their drunken behaviour, it may be necessary to protect the community using an Antisocial Behaviour Order (ASBO) or an injunction. These can be used to exclude the perpetrator from the area in which they have been causing a problem and also from areas where they can obtain alcohol. This can also be an effective way to ban an individual from licensed premises, where they have been causing disruption and disorder.
- 3.11 The Government has announced its intention to introduce new tools to tackle antisocial behaviour. ASBOs and 18 other measures are also expected to be replaced with a streamlined system of six measures that target people, places and police powers.
- 3.12 A drinking banning order can be made against a person aged 16 or over who has engaged in criminal or disorderly conduct whilst under the influence of alcohol. The order can last for between two months and two years and prohibits the recipient from doing certain things in order to protect others from their alcohol-related crime or disorderly conduct. The order also gives recipients access to courses to educate them about the serious social and health impact of heavy alcohol consumption.
- 3.13 Under the Licensing Act 2003, licensing authorities can modify, suspend or revoke individual premises licences. However, there is not always a clear link between problems being experienced in the community and individual licensed premises in a particular area.
- 3.14 Section 16 of the Violent Crime Reduction Act 2006 currently permits local authorities (with the consent of the police) to designate areas where there are problems with alcohol-related nuisance, crime and disorder as Alcohol Disorder Zones (ADZs). To offset the costs of additional policing and other enforcement activities councils could then impose charges on premises and clubs within the ADZ that sell or supply alcohol. ADZs are intended as a tool of last resort when all other approaches have failed.
- 3.15 The Government has signalled its intention to repeal the ADZ provisions and replace them with a late night levy to enable licensing authorities to raise a contribution from late-opening alcohol suppliers towards policing the night-time economy. It will be a local power that licensing authorities can choose

whether or not to exercise. It must cover the whole of the licensing authority's area. The provisions are expected to come into force and further guidance is expected from the Home Office in October of this year. Initial guidance has suggested that the earliest date that a licensing authority could introduce a levy would be approximately June 2013. Further amendments to the Licensing Act 2003 will also introduce Early Morning Alcohol Restriction Orders (EMRO), which will enable a council to restrict the sales of alcohol in any specified period between 12 midnight and 6am. Again it is expected that the power to make an EMRO will be brought in to force in October 2012.

- 3.16 Discussions with the Medway Commander of Kent Police have identified that she believes that there is not sufficient statistical evidence at this time to support extending the alcohol control zone into Luton. However, this will be reviewed on a bi-monthly basis through the Medway Police Tactical Assessment process taking in account contemporary data every two weeks. In previous years when we had issues of crime and disorder and antisocial behaviour in Luton, Kent Police put in place a Dispersal Zone with the support of the Council. There has not been a need to revisit this power in this locality and there is no current Dispersal Zone in Luton.
- 3.17 Should Medway Police subsequently feel that there is sufficient evidence to support a DPPO in the future, then it may become necessary to consider drawing resources from other wards in order to provide sufficient officers to appropriately enforce this order in the extended area. So naturally any decisions of this nature would need to be made following close liaison between the Council and Police.

#### 4. Risk Management

Risk	Description	Action to avoid or mitigate risk
Under-reporting of crime, antisocial behaviour and disorder in Luton area	Under-reporting leads to an inaccurate data picture of the situation in the locality, which would result in police resources not being deployed. There is not the current or historic data to justify an extension of the Chatham Alcohol Control Zone or support its enforcement in Luton.	<ol style="list-style-type: none"> <li>1. Encourage resident reporting, through the police 101 number.</li> <li>2. Identify individual members or groups who would be prepared to provide evidence of a significant amount of unreported ASB.</li> <li>3. Review data through police tactical assessment taking in account contemporary data fortnightly.</li> </ol>
Displacement of crime, antisocial behaviour and disorder	There is a recognised risk that displacement is a common outcome of street drinking interventions, particularly enforcement interventions with street drinkers moving out of the alcohol control area into neighbouring areas	<ol style="list-style-type: none"> <li>1. Consultation with police and local stakeholders to establish the most suitable areas to be included within the DPPO area.</li> <li>2. Should a DPPO be made, review the data on antisocial behaviour in the surrounding area after a period of time.</li> </ol>

## **5. Financial and Legal Implications**

- 5.1 The enforcement of Designated Public Places is a police matter, and consequently there are only minor costs for the Council associated with consulting upon, making a Designated Public Places Order and signage, which can be met through existing revenue budgets.
- 5.2 A local authority has a duty under section 17 of the Crime and Disorder Act 1998 to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
- 5.3 The power for a local authority to make a DPPO is contained within Section 13(2) of the Criminal Justice and Police Act 2001. The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 prescribe the process that must be undertaken to make the necessary Order.
- 5.4 The making of a Designation Order is a matter for full Council and cannot be delegated to Cabinet.

## **6. Recommendation**

- 6.1. Members are asked to consider this matter.

### **Lead contact:**

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### **Background Papers**

Public Order Act 1986 – The Stationery Office Ltd

Crime and Disorder Act 1998 – The Stationery Office Ltd

Criminal Justice and Police Act 2001 – The Stationery Office Ltd

The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 – The Stationery Office Ltd

Licensing Act 2003 – The Stationery Office Ltd

Violent Crime Reduction Act 2006 – The Stationery Office Ltd

Alcohol Disorder Zones a Short Guide to Setting up and Managing ADZs – Home Office. Available online at: <http://library.npia.police.uk/docs/homeoffice/alcohol-disorder-zone-guidance1.pdf>

Kent Police Policy K29, Alcohol Disorder Zones. Available online at:  
[http://www.kent.police.uk/about\\_us/policies/k/k29.html](http://www.kent.police.uk/about_us/policies/k/k29.html)

Police Reform and Social Responsibility Act 2011 – The Stationery Office Ltd

Police Reform and Social Responsibility Act 2011 Late Night Levy Guidance – Home Office. Available online at: <http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/alcohol-proposals-factsheet/late-night-levy?view=Binary>

Medway Council report – 7 December 2006. Available online at:  
<http://democracy.medway.gov.uk/Data/Council/20061207/Minutes/f20061207r-11.pdf>

