



**Cabinet**  
13 March 2017

**Report from the Strategic Director  
of Regeneration and Environment**

For Information and Action

Wards affected:  
Tokyngton, Kilburn, Harlesden,  
Sudbury, Alperton, Dudden Hill

**Managing Street Drinking and Identified Problem Areas  
– Pilot Programme**

**1.0 Summary**

- 1.1 Under Section 13 of the Criminal Justice and Police Act 2001, Brent Community Safety Service implemented a borough wide Controlled Drinking Zone (CDZ), allowing local authorities to designate public areas through the introduction of Designated Public Places Orders (DPPO). A CDZ pilot was implemented on Kilburn High Road from 1 July-31st December 2006 to deal with persistent issues of street drinking along the High Road. As a result of the successful pilot a, Borough Wide CDZ was enacted on 15 December 2007 for the duration of 10 years and is due to expire in October 2017.
- 1.2 Public Spaces Protection Orders (PSPOs) were made available under the ASB Crime and Policing Act 2014 to enforce anti-social behaviours areas and a decision has been taken to utilise the new legislation and target Brent's drinking hot spot areas.
- 1.3 Brent has identified 12 drinking hot spot areas and the new approach allows for an effective policing plan in those problem areas to be implemented. The current Borough Wide approach has not resulted in a reduction in our drinking hot spots over the years.
- 1.4 The pilot programme recommendation was taken to CMT on 30 January 2017 who approved the pilot programme proposal, highlighting six pilot areas.

**2.0 Recommendation**

- 2.1 That Cabinet authorises consultation on the introduction of six Public Space Protection Order (PSPO) pilot schemes to prohibit street drinking in identified hotspot areas referred to in paragraph 3.7 of this report.
- 2.2 The pilot outcome will help inform the decision making to continue or discontinue Brent borough wide controlled drinking areas which will cease at the end of October 2017.

### 3.0 Detail

- 3.1 Over the years, the reduction in Neighbourhood Policing and the vast area of the order has led to inconsistency in policing these issues via the borough wide Controlled Drinking zones. This has led to challenges in sustainable enforcement, with other MOPAC priorities taking precedence in Neighbourhood Policing.
- 3.2 Street drinking data over the last three years has shown that Brent's problem is restricted to hot spot locations. In October 2014, the new Anti-Social Behaviour Crime and Policing Act streamlined the tools and powers available to tackle anti-social behaviour. New tools are now therefore available to help tackle Brent's street drinking issues and as the data highlights, a more focused model would be better utilised and warranted moving forward.
- 3.3 Under the new legislation, a PSPO may be made by the Council but only after consultation with the Police, Mayor's Office for Policing and Crime and any other relevant bodies, groups or individuals (such as community leaders or users of a particular area/facility). A PSPO can be made by the Council if it is satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space have had, or are likely to have, a detrimental effect on the quality of life of those in the locality, is, or is likely to be, persistent or continuing in nature, is, or is likely to be, unreasonable; and-justified the restrictions imposed.
- 3.4 The maximum duration of a PSPO is three years and breach of a PSPO is a criminal offence. PSPO's replace Designated Public Place Orders (DPPOs) made under the Criminal Justice and Police Act 2001, which concern the misuse of alcohol.

#### Pilot Areas

- 3.5 There have been approximately 1,159 calls to the Police which had an alcohol flag between 30/11/2015 and 29/11/2016. As would be expected the hotspots are generally in the boroughs town centres. There are however some town centres which have no hotspots, and some hotspots which are not in town centres.
- 3.6 Overlaying the Council, Police and Ambulance data and licensing reviews, 12 areas have been identified as drinking hotspots. The areas identified are: Neasden, Sudbury, Ealing Road, Kingsbury, Harlesden, Willesden, Wembley, Wembley Park, Cricklewood, Kensal Rise, Kilburn and Queens Park.
- 3.7 A further analysis using voluntary sector data and local intelligence indicated 5 areas within the 12 priority areas, as being most problematic. CMT also recommended Wembley Park area as an area to consider due to an increased foot fall in the area and linked to current and up and coming events at Wembley Stadium. As a result, the six Pilot areas chosen are: **Harlesden, Kilburn, Ealing Road (including One Tree Hill), Neasden, Wembley Park and Sudbury**. The PSPO area will also encompass some areas off the town centres were appropriate.

#### Implementation Timeline

- 3.8 A four week consultation for the PSPO pilot areas will commence on the March 2017. If the results are favourable the Strategic Director for Regeneration and Environment in

consultation with the Lead Member for Stronger Communities will make the decision on the implementation of these orders in accordance with our Cabinet agreed protocols.

- 3.9 Depending on the outcome of the consultation it is proposed to implement the PSPO's in Mid-April for six months to September 2017. An evaluation report will be sent to Cabinet in August 2017 on the effectiveness of the orders which will inform Brent's decision making on the current Borough Wide Controlled Drinking Zone which ends in October 2017. We hope the pilot scheme will evidence if there has been a reduction in reported anti-social behaviour in the selected areas.
- 3.10 The evidence of street drinking and associated anti-social behaviour will be used to update the Statement of Licensing Policy. There is a direct causal link between the behaviour of street drinkers which is characterised by drinking in the street, park, vacant land or private land in groups or singly, littering the streets etc. urinating and on occasions defecating. At the most recent licensing appeal the District Judge stated such behaviour is clearly anti-social, is a public nuisance and amounts to crime and disorder, resulting in a diminution in the quality of life of local residents."
- 3.11 Therefore, the Statement of Licensing Policy can look to include cumulative impact polices for off-licences in the PSPO areas and limit opening hours of existing businesses for sale of alcohol. It can also propose to promote specific standards such as no sale of single cans of alcohol, no sale of high strength alcohol over 6.0% ABV, no service to people whose photographs have been distributed by Police etc.

#### **4.0 Financial Implications**

- 4.1 The approximate cost of affixing the notices in the Town Centres will be £3,000 and will be funded by the Regeneration and Environmental Services budget.
- 4.2 If the PSPO warnings are breached a Fixed Penalty Notice of £75 is payable, discounted to £50 if paid within 10days. We approximate an income of £500 per month on Fixed Penalty Notices and expect this income to drop steadily once greater compliance is achieved due to increased enforcement. There are no budget implications arising from this proposal.

#### **5.0 Legal Implications**

- 5.1 The Anti-Social Behaviour, Crime, Crime and Policing Act 2014 provides the Council with power to make PSPOs in the proposed pilot areas where a particular nuisance or problem which is detrimental to local community's quality of life , by imposing conditions on the use of those areas. PSPOs can also be used to deal with likely future problems (section 59). However there are 2 conditions that need to be met for issuing PSPOs, in that the Council needs to be satisfied on reasonable grounds that:
- (i) the activities carried on, or likely to be carried on, in a public place are detrimental to the local community's quality of life, and
  - (ii) that the impact justifies restrictions being put in place in a particular area.
- The behaviour must also be ongoing and unreasonable (section 59(2) and (3).
- 5.2 Before deciding to make the PSPOs, the Council must comply with certain statutory requirements relating to publication, consultation, notification and information in respect of the proposed PSPOs in the pilot areas. In addition, the Council will need to evidence that it has given regard to statutory guidance issued by the Secretary of State, and certain

human rights issues. Where the proposed PSPOs restrict access to a public right of way, in any of the pilot areas then the Council must consider the wider impact on those in the locality and the availability of other routes. These requirements also apply to decisions to extend the period of, vary or discharge an order.

- 5.3 The PSPOs for the pilot areas would last for up to three years before requiring a review (section 60(1)). However they can be varied or discharged at any time.
- 5.4 There is an appeal route for the PSPOs or a variation of them to the High Court. The timescale for an appeal is within six weeks of the PSPOs or variation of any of them being applied for. However, this does not preclude other interested parties from seeking judicial review.
- 5.5 Breach of a PSPO is a criminal offence, subject to a fixed penalty notice (of up to £100) or prosecution.
- 5.6 When considering whether the six proposed PSPOs can be made, the Council must consider the equality impacts of the decision to be taken, pursuant to the equalities duty under section 149 of the Equality Act 2010.
- 5.7 The equalities duty requires the Council when carrying out its functions, to have due regard to (i) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (ii) advancing equality of opportunity between those with a relevant protected characteristic and those without; and (iii) fostering good relations between those who have a relevant protected characteristic and those who do not.
- 5.8 The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnership, to a limited extent.
- 5.9 The completed Equality Impact Assessment and consultation responses received in relation to the proposed PSPOs are relevant considerations to be taken into account during the decision making process.

## **6.0 Diversity Implications**

- 6.1 The implementation and policing of PSPO has been in accordance with the Equality Act 2010.
- 6.2 An Equality Impact Assessment will be carried out before the implementation of the PSPOs.

## **7.0 Staffing Implications**

- 7.1 The introduction of the Met Patrol Plus scheme in May/June 16 will also ensure there is robust policing plan of the PSPO areas in the pilot areas.
- 7.2 ASB Localities Officers, Local Safer Neighbourhood Teams and Kingdom Officers will also assist with the policing of these areas. There will be discussions with Quintain to address what resources they could contribute to the policing of the PSPO in Wembley Park.

## **Appendix 1: BCST Analysis drinking hotspots**

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