



Full Council
 29th October 2007
 Referred from the Executive 8th October 2007

**Report from the Director of Policy
 and Regeneration**

For Action

Wards Affected:
ALL

**Report Title: Proposal for a Borough Wide Controlled
 Drinking Zone**

PRU-07/08-08

1.0 Summary

- 1.1 This report provides a review of the pilot Controlled Drinking Zone (CDZ), in the Kilburn High Road area (Brent), from July 1st – 31st December 2006 and considers further options and the financial implications of designating the whole of the borough as a CDZ.

2.0 Recommendations

- 2.1 That Council notes the report and approves the implementation of a controlled drinking zone covering the whole of the Borough of Brent, in accordance with Section 13 of the Criminal Justice and Police Act 2001.

3.0 Brent Alcohol Harm Reduction Strategy 2006-2008

- 3.1 The Council is a co-signatory to the Brent Alcohol Harm Reduction Strategy 2006-2008, published in September 2006. The strategy is a product of the partnership working between the Drug and Alcohol Action Team, based at the tPCT, Brent Council, the police and other partners. Its aim is to ensure that local residents enjoy the benefits of alcohol whilst managing to limit its negative impacts so that negative outcomes in relation to alcohol, health and community safety are reduced and avoided where possible.
- 3.2 There are four high level objectives in the strategy. These are to:
- Reduce the level of alcohol related ill health, accidents and injuries
 - Reduce anti social and criminal behaviour associated with alcohol

- Address the alcohol related needs of young people, their families and the communities they live in.
- Develop better information systems on alcohol misuse

3.3 Street drinking impacts negatively upon the communities in Brent in two ways. The behaviour of street drinkers, including begging, rough sleeping and disorderly conduct affects the quality of life of residents, businesses and members of the public who feel anxious and harassed if approached. On the other hand alcohol misuse gives rise to long term health and mental health problems in the street population themselves.

3.4 The anti social behaviour and the poor health outcomes associated with street drinking influenced the design of a pilot Controlled Drinking Zone in the Kilburn area from July 2006. The evaluation of that pilot is reported below.

Kilburn Pilot Controlled Drinking Zone

3.5 The Criminal Justice and Police Act 2001 gives local authorities the power to designate public spaces as Controlled Drinking Zones (CDZ) by way of an order, where there is evidence of nuisance, annoyance or disorder caused by the public consumption of alcohol. It **does not** mean it becomes an offence to drink on the street in a CDZ. Within the zones it merely gives to the local police powers to require people to stop drinking and confiscate and remove alcohol. A person can only be arrested if they refuse to comply with the police instruction.

3.6 Full Council agreed the designation of the Kilburn Town Centre Controlled Drinking Zone (CDZ) on 24th April 2006. The zone was implemented on July 1st 2006 for a pilot period with the implementation being delivered through a partnership between the Metropolitan Police, Brent Council and the Brent Drug and Alcohol Action Team (DAAT). Although the pilot phase finished in December 2006, the CDZ remains in operation until a decision on its future is made.

3.7 Alongside the police enforcement powers, a support project funded by Brent Drug and Alcohol Team – Brent Outreach Engagement Team - has been in place in Kilburn to direct hard to reach, vulnerable street drinkers to appropriate services and to work with people who have dropped out of treatment. This has been delivered in partnership with the London Borough of Camden. Camden has since June 2006 had a borough wide CDZ on which the east side of Kilburn High Road falls. They also fund an outreach team. The police and support organisations for both boroughs have been working jointly in the pilot phase to ensure that a consistent service is delivered. They hold regular tasking and targeting meeting to ensure that street drinkers are accessing services e.g. Brent Community Alcohol Service, structured day care interventions, housing services, Cricklewood Homeless Concern and detoxification centres.

Evaluation of the pilot

3.8 The total number of police stops in the CDZ over the 6 month period using the new powers was 253, with only 12 of those leading to an arrest. The action taken by the police was mainly to remove the drink. The police officers from the Kilburn Safer Neighbourhood Team regard this as a good outcome, as they now are able to stop people drinking in the area, which in the past could

lead to anti social behaviour, and refer on those vulnerable residents to the appropriate service.

- 3.9 The police have identified areas in the Kilburn CDZ which suffer a greater level of alcohol misuse than others. These are the Kilburn High Road (93 stops) Salusbury Road (15), Glengall Road (18), and outside No. 147 Kilburn High Road (17). This is a well known bus stop where drinkers are hidden from the CCTV cameras. The safer neighbourhood teams have been able to be pro active with this information and patrol in these areas more often when possible.
- 3.10 In the first four months of the initiative the Brent Outreach Engagement Team (BOET) team had 346 contacts with people involved in street activity. 190 of these were in relation to street drinking, 29 rough sleeping, 23 begging, 28 for Class A drug use and 11 sex working. Significant work was undertaken with 79 individuals with 11 helped into accommodation and 14 into treatment.
- 3.11 The Kilburn Partnership, made up of local Brent and Camden businesses, at their meeting on the 9th January 2007 stated that “there was strong support for the CDZ” and reported that there had been a definite reduction at the northern end of the high road. Businesses identified some issues of concern such as the visibility of the signage, the drinkers using soft drink cans and bags to hide their alcohol and moving around and outside the zone to avoid the police and the BOET team.
- 3.12 The cost of implementing the pilot CDZ was as follows:

Item	Cost
Legal costs and Advertising	£4,000
Publicity cost	£1,000
Production, installation of signage	£8,000
BOET services	£75,000
Total	£88,000

Funding from the Council was used for the first 3 items and was sourced from crime and disorder partnership funds. The Brent Drug and Alcohol Action Team funded the outreach service.

- 3.13 Whilst it was never envisaged that the introduction of the CDZ would completely remove street drinking from the area, the results have shown a general successful trend in tackling street drinking. There is also a reduction in the numbers of groups of on street drinkers, in the traditional areas, Glengall Road, and Salusbury Road and this has given the local community some relief of the problematic drinking. The joint working between the police, the support agencies and the Councils from both Brent and Camden, has been beneficial to all. This has included regular meetings, using a multi agency approach to address problematic drinking. The police in particular have welcomed the work of the Outreach Team.
- 3.14 No views have been expressed that this is a failed measure and that the designation of the area as a CDZ should be discontinued.

4. Proposals for Extensions to the CDZ

- 4.1 During the course of the implementation of the pilot zone evidence has been brought by Councillors, residents and police officers of problematic drinking in other areas of the Borough. In particular these have identified Wembley High Road, Ealing Road, Neasden, parts of Queens Park, Harlesden town centre and Willesden Green, especially outside the library. Whilst some of this may be activity displaced from Kilburn all these areas have had these problems at some level for some time, prior to the designation of the Kilburn CDZ. Members and police officers in these areas have all expressed a desire to see them designated as CDZ's.
- 4.2 At the same time Council officers and the police have held discussions about measures for management of community safety in the borough on event days at Wembley Stadium. The issues around problematic street drinking are different in this situation – i.e. the 'street drinkers' are a different group of non resident, short term visitors coming to the Borough for a specific purpose and other tactics are required to manage them. However the police believe it would be of benefit to have a CDZ power as one of those tactics to employ around the stadium on event days.
- 4.3 The Executive of the Council considered two options for the way forward if they were to recommend to Full Council that the designation of areas as CDZ's was to be extended. The first was to approach this in a piecemeal fashion and designate the individual areas noted above and new ones as they emerge. The second approach would be to designate the whole Borough as a Controlled Drinking Zone.
- 4.4 The second option is being recommended because:
- There is evidence of problematic public drinking across the borough, to a greater or lesser degree, at different times, in different places and involving different groups.
 - It gives clarity to the situation and there is no uncertainty about whether a particular street is in or outside of the zone.
 - It will prevent and stop issues arising from displacement which has already been seen in relation to the Kilburn zone.
 - It allows the police and Safer Neighbourhood Teams to use the CDZ powers as an enforcement tool, as and when required
 - It matches the decisions taken by other neighbouring boroughs to have borough wide CDZ's (Camden, Westminster, Hammersmith and Fulham) and will prevent displacement to Brent from these areas.)
 - Cost efficiency. The cost of designating several individual zones would have to be replicated for each one. The designation of the whole borough significantly reduces the legal and advertising costs.
- 4.5 The enforcement of a borough wide zone would be the responsibility of the police, in particular through their Safer Neighbourhood Teams. These are more likely to be pro-active when they identify with local residents that street drinking is one of the key priorities that they wish the police to deal with in their area. Street and leisure drinking would not be categorised separately in terms of the use of these 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 of crime or anti-social behaviour. CDZ powers also support the enforcement approach adopted in implementing the Licensing Act 2003.

- 4.6 Any extension of the CDZ to cover the whole of the borough would need to consider what level of support is given to the street drinkers. The existence of outreach and support services for street drinkers is not a condition or requirement for the implementation of a CDZ but is an example of good practice that has been popular in the Kilburn pilot. The police are keen to be able to refer all vulnerable drinkers that they come into contact with, that are causing anti social behaviour, onto local support services.
- 4.7 The DAAT has continued to fund the 2 BOET workers in 2007/08 but funding pressures mean that there is no capacity within existing DAAT resources to increase the number of outreach workers if the CDZ goes Borough wide. EACH (Ethnic Alcohol Counselling – the Brent Service) received short term funding until March 2007 to operate a similar scheme in Wembley and along Ealing Road targeting Tamil street drinkers. Outreach services will exist but will be spread very thinly. If the Council wished to invest in more Borough wide outreach services this would have to be considered as part of the budget and service planning process. Wards that identify street drinking as a priority could consider utilising neighbourhood funds to increase the provision of outreach services in their areas or combine with other wards to increase provision.

5 Consultation, publicity and implementation

- 5.1 The regulations require that the Borough consults with licensees of licensed premises in the area and with the chief officers of the police and the local authority in areas adjacent to the zone and likely to be affected by it. The Borough is required to take reasonable steps to consult with local people and place a public notice in a local newspaper seeking representations as to whether or not the proposed area is designated as a Controlled Drinking Zone. A notice was placed in the Willesden and Brent Times on 26th September. A 14 day deadline was given to anyone wishing to respond to the notice. A presentation was made to the Brent Community Safety Board (CSB) on 20th September. The Brent CSB is a community based consultation forum on crime, policing and community safety. Letters have been sent to all the licensees and letters have been sent to the Chief Executives and Borough Commanders of neighbouring boroughs.
- 5.2 Replies have been received by Brent's Licensing Service from 108 of the 900 licensees in the Borough. 105 indicated that they supported the CDZ proposal. 3 did not. In particular, proprietors of restaurants and bars in the Borough feel that it is unfair that they have to abide by strong regulations when selling alcohol in their own premises but that off licenses are comparatively unregulated and can sell drink to people which is then consumed on the street causing nuisance and distress.
- 5.3 Responses have been received from Camden Council and Borough Commander, Barnet police, Hammersmith and Fulham and Kensington and Chelsea Councils. Kensington and Chelsea asked for more information,

Barnet police expressed concerns about displacement, Hammersmith and Fulham and Camden were fully supportive, Camden having implemented a Borough wide zone themselves 18 months ago and been part of the joint working that made the Kilburn CDZ successful.

- 5.4 Members of the Brent Community Safety Board expressed broad support for the proposal in principle and any concerns expressed were about the implementation. Of particular concern was the limited capacity of the outreach workers to get street drinkers into treatment once the zone became borough wide if there was not an increase in staff doing such work. Representatives from agencies who work with the street drinking population also expressed concern about the slow speed of responses from health services when they are seeking programmes for clients who wish to come off the streets. They also wanted to see restrictions placed upon off-licenses to prevent them from selling super strength alcohol to street drinkers.
- 5.5 The decision to designate an area as a CDZ is not in the hands of the Executive and can only be made by Full Council. A report was considered by the Executive at its meeting on 8th October. The Executive supported the implementation of a Borough wide zone in principle and agreed to refer this report and its recommendations to Full Council for decision.
- 5.6 Once agreed, signage must be placed around the whole boundary of the area designated as a CDZ. Signage must be sufficient to draw attention to members of the public that they are in a CDZ. The council is responsible for providing and implementing additional signage. Further notices have to be placed in the local press giving the commencement date of the CDZ, which will be a minimum of 28 days from the date of the decision.

6.0 Financial Implications

- 6.1 The cost of the pilot in Kilburn has informed the estimate of the costs associated with implementing a borough wide CDZ. The set up and implementation costs (legal fees, notices and signage) are one-off items. Funding to cover these costs will come from the Local Area Agreement pump priming funds. This project fits within the LAA theme of developing Welcoming Streets and Parks, reducing health inequalities and making the Borough a safer place to live. The costs are broken down as follows:

Item	Cost
Legal notices, advertising and publicity	£8,000
Production and installation of signs across the borough	£42,000
Total Borough Wide CDZ	£50,000

- 6.2 As the police enforce the zone there are no ongoing costs to the Council for maintaining the Controlled Drinking Zone apart from those associated with the costs of renewing or replacing the signage. The signage to be ordered will last between 5 to 10 years and some stock will be held in reserve to deal with lost or damaged signs or areas where officers discover that a greater level of signage is required.

7.0 Legal Implications

- 7.1 Section 13 of the Criminal Justice and Police Act 2001 allows local authorities to designate public areas through the introduction of Designated Public Places Orders (DPP) where it is an offence to drink alcohol after being required by a police officer not to do so. The police will have the power to require individuals to surrender the alcohol and any opened or sealed containers, and if they fail to comply with the request they can be arrested.
- 7.2 Before designating such an area the Council has to be satisfied that public nuisance, annoyance or disorder has been associated with public drinking in the area concerned and that a designation order under section 13 is appropriate. In designating such an area the Council is not required to conduct a formal assessment of the nature of the problem. Whether or not a designation order is appropriate is a matter of local judgement, based on the circumstances applying.
- 7.3 Prior to exercising its judgement the Executive and subsequently full Council must take into account the results of the consultation which the Council is required to undertake before making an Order.

8.0 Diversity Implications

- 8.1 The quality of life of all members of the community is negatively affected by the anti-social behaviour caused by problematic street drinkers. This measure, therefore should improve quality of life for residents and businesses.
- 8.2 However the street drinkers themselves are regarded as a vulnerable group who suffer from health and mental health problems associated with their alcohol abuse. Alcohol abuse affects all communities and street drinkers in Brent can and do originate from any community. Those in the Kilburn area/south of the borough often originate from Irish, British or other European backgrounds whilst Wembley is witnessing problems from Tamil and South Asian groups. The provision of outreach services has to take account of these cultural differences.

9.0 Staffing/Accommodation Implications (if appropriate)

- 9.1 None

Background Papers

Brent Alcohol Harm Reduction Strategy 2006-2008

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