

City of Westminster

Item No.

4

Decision-maker	Date	Title of Report
GENERAL PURPOSES URGENCY SUB- COMMITTEE	20/2/2002	Designating a drinking control area in Victoria and its environs.
CLASSIFICATION FOR GENERAL RELEASE		Report of the Director of Social and Community Services and The Director of Planning and Transportation
Wards Involved	Victoria, St George's, Millbank , Churchill, Belgrave, and parts of St James's and Knightsbridge.	
Policy Context	Rough Sleepers Strategy	
Financial Summary	The estimated £2,000 legal costs will be shared corporately. The cost of signage is estimated at £20,000 (works and fees) and will be met from existing revenue Transport and Infrastructure budgets. There are no other anticipated direct costs to the Council.	

1. Summary

- 1.1 This report proposes an area be designated within Westminster pursuant to powers contained in Chapter 2, of the Criminal Justice and Police and Act 2001. The area covers particular drinking 'hot spots' in Victoria and the surrounding streets so as to minimise the potential to displace street drinkers elsewhere within Westminster (plan attached as Appendix 1).

- 1.2 It is not an offence to drink alcohol in a designated area. However, a police constable can require a person not to consume in that place anything which is, or which the constable reasonably believes to be, intoxicating liquor and may further require the person to surrender anything in his possession which is, or which the constable reasonably believes to be, intoxicating liquor or a container for such liquor (other than a sealed container). Failure to comply with such a requirement without reasonable excuse constitutes an arrestable offence for which the penalty is a fine not exceeding £500.
- 1.3 Section 13 of the Act only allows the Council to designate a public place when it is satisfied that nuisance or annoyance to the public or disorder have been associated with public drinking in that place. Although no formal survey is required, the Council must still ensure that the powers are not being used disproportionately. In general there should be evidence of an existing problem with an assessment as to the likelihood that the problem will continue unless the powers are adopted. There has been extensive consultation of all stakeholders and the Metropolitan Police are supporting the recommendations of this Report.
- 1.4 On 6th November 2001, a General Purposes Urgency Sub Committee agreed in principle to the making of a Designation Order. Officers initially identified an appropriate Designation Area after consulting the Cabinet Members for City Development and Social Services. Thereafter, there was further extensive consultation with the police, licensees, neighbouring boroughs and other interested persons including the voluntary sector. A notice of intent was also placed in local newspapers on 20th December 2001. This consultation process is now complete.

2. Recommendations

- 2.1 That the General Purposes Urgency Sub Committee formally agrees to make the City of Westminster (Alcohol Consumption in Public Places) (Victoria) Designation Order 2002 (attached as Appendix 4).
- 2.2 That the General Purposes Urgency Sub-Committee authorise the Director of Legal & Administrative Services to affix the Common Seal to the Order.

3. Background Information

- 3.1 The City Council has been working in partnership with the Rough Sleepers Unit (RSU), the Metropolitan Police and the Voluntary Sector to reduce the number of people sleeping rough on Westminster Streets. All relevant agencies support this new proposal. We have

successfully managed to reduce the numbers from a base of 237 in June 1998 to 120 in November 2001. This has been achieved by a number of measures including increased Contact and Assessment workers on the Streets and an increase in accommodation of all types.

- 3.2 The decrease in the number of rough sleepers is encouraging but there are 'hot spots' within Westminster that are not affected by this reduction. Indeed numbers in Victoria have risen. A major 'hot spot' that has been successfully overcome was the Charing Cross/Strand Subway. There was much substance misuse and aggressive begging taken place until the introduction of new Byelaws in September 2001. Since the introduction of the Byelaws the objective of a zero count has been achieved. This achievement was made possible because the police were empowered to enforce new conditions, which were added to the existing Byelaws. The experience gained from the above has been invaluable. There is now a need to consider the introduction of new powers to address the problems identified in the Victoria area.
- 3.3 Whilst the government's national strategy employed by the RSU has succeeded in reducing the number of people sleeping rough it has not impacted sufficiently on associated 'street activity'. Street activity includes those who have been accommodated returning to the streets to drink alcohol. The consequence of this activity is that it causes distress to residents, visitors and the business community.
- 3.4 It is particularly difficult for the members of the public to distinguish between street drinkers and rough sleepers because the two groups form an alliance that is not helpful to either group. It sometimes stops rough sleepers accepting offers of accommodation because they prefer to stay in their friendship groups and it is acknowledged that street drinking draws people back to life on the streets and can lead to accommodation being abandoned.
- 3.5 There are 'hot spots' in the Victoria area where excessive street drinking takes place. Those that are drinking are often in sufficient number to cause offence and distress to those who live, work or are visiting the area. Complaints have been received from residents who feel intimidated by those drinking in the streets. The police and contact and assessment teams have noted that the locations favoured by street drinkers are contained within the proposed Designation Area. These locations include the area around Victoria Rail and Bus Station, the Cathedral Piazza, Vincent Square, Tachbrook Street, around the Army and Navy Store (Victoria Street), and Victoria Embankment Gardens (adjacent to the MOD).
- 3.6 The recommendations of this report accords with the objectives outlined in the Leaders Civic Renewal programme. This aims to make Westminster streets, cleaner and safer. Litter and anti-social behaviour and disorderly conduct often accompany street drinking causing distress and annoyance.

- 3.7 The reduction of street drinking and associated nuisance and disorder is one of the Community Safety Team key targets.
- 3.8 The effectiveness of the order will be monitored and a full evaluation will take place twelve months after implementation. The objective of the evaluation will be to measure whether or not the Order has been successfully enforced and has met the overall objective of minimising street drinking in the Victoria area.

4. Proposal for a Designated Drinking Control Area in Victoria and the Environs.

- 4.1 The reasoning behind this proposal is based on evidence secured by the Metropolitan Police; the City Council's Enforcement and Licensing Team; and the Planning and Licensing, and the Social and Community Services Departments. The proposal is also supported by the findings of a research project commissioned by the Director of Social and Community Services (Streets of London, a study of street culture in Westminster, Vision 21, Feb 2002- attached as Appendix 3).
- 4.2 The Metropolitan Police have linked areas of street drinking and rough sleeping to an increase in the incidence of certain types of crime. Street Environment Managers receive a high incidence of complaints relating to litter, noise and fouling where street drinkers congregate.
- 4.3 Vision 21, researchers, concluded that there was a clear expectation that the City Council should act to eliminate street drinking and to minimise the associated problems including antisocial behaviour.
- 4.4 By designating a Controlled Drinking Area the City Council will be acknowledging that it is meeting the expressed wishes of the community to make streets safer and cleaner. In addition to using these new powers, the City Council will also ensure that those drinking to excess and subsequently damaging their health are targeted and offered appropriate access to treatment and where appropriate detoxification. The City Council will also be intervening directly to assist and offer services to those who have developed a life threatening dependence on alcohol and substance misuse.
- 4.5 It is clearly the Government's intention is to make it easier for local authorities to control street drinking as the new procedure for making a Designation Order pursuant to the 2001 Act has simplified and reduced much of the bureaucracy involved in making Byelaws.
- 4.6 As stated in paragraph 1.3 the Council must ensure that the powers are not being used disproportionately. The relevant public place or

places identified in the proposed Order do not represent a disproportionate use of powers. The area recommended is considered to present problems that it is reasonable to presume will continue or worsen unless the powers are adopted.

- 4.7 There are risks to the Council which include displacement. The effect of this would be to displace street drinkers to other parts of the City, thus alleviating the distress of one set of residents and causing a problem for others. However, the proposed Designation Order covers a wide area which is designed to ensure that displacement from the identified 'hot spots' will still fall within the area covered by the Order. Further displacement is considered to be unlikely but, if it does occur it should be possible to make a further Designation Order to include newly affected areas.
- 4.8 It is important not to add to the social exclusion already experienced by street drinkers. The Director of Social and Community Services is committed to ensuring that the Substance Misuse Team (SMT) and the Joint Homelessness Team (JHT) continue to offer appropriate assessment and treatment to those who are motivated to break their dependence and addictions. There has been an increase in detoxification and rehabilitation placements to allow for this.
- 4.9 It is acknowledged that a 'wet' day centre would be the preferred option of many of those who drink on the Streets. However, evidence from the London borough of Camden demonstrates that locating a site that will not be objected to is very difficult. It considered that such an option could not be realistically pursued within Westminster. Consequently the Director of Social and Community Services is seeking local solutions to local problems.
- 4.10 It is the intention of the Director of Social and Community Services to explore the possibility of allowing small groups of people to drink as guests inside existing hostels. This proposal is at the discussion stage and has not yet been agreed by the hostel providers. The users of this facility will be targeted by the Contact and Assessment Teams and referred to hostels as appropriate. There will in such circumstances be a discrete outreach worker presence within the hostel to try to enable and encourage users to consider accepting treatment to resolve their alcohol dependence. This is thought to be a more helpful way to allow those with alcohol dependency to drink in safety and also to have the possibility of access to treatment and advice, whilst at the same time reducing the annoyance and distress that street drinkers cause to the wider community.

5. Consultation Exercise and Proposed Designation Order

5.1 As explained in paragraph 1.4, a full land extensive consultation exercise has been carried out to obtain the views of those affected by the proposed Designated Order. In, particular, there has been consultation with:

- ward Councillors
- recognised amenity societies within the proposed area
- the police
- licensees
- neighbouring boroughs
- landowners
- other interested parties e.g. the Greater London Authority, the Royal Parks Agency, Railtrack and London Underground
- voluntary sector

In total, approximately 500 letters of consultation were sent. In addition, notices of intent have also been published in local newspapers to enable representations to be lodged and considered. Copies of the proposed Order have been deposited at Council libraries and all one Stop Service facilities.

5.2 12 written responses were received as a result of the public consultation. These responses were from Capital & Counties plc, the Chadwick Street Recreation Centre, Councillor Duncan Sandys, Councillor Justin Powell-Tuck, the Crown Estate, Land Securities, London Borough of Lambeth, London Underground Ltd, Parliamentary Estates, Royal Parks Police, Westminster Cathedral and the Westminster Society. These are attached as Appendix 2.

5.3 A detailed summary of all the comments received from the consultation, including responses from ward Councilors and the officers' response, is attached to this report as Appendix 2. This also incorporates the responses from Ward Councillors. Six respondents made no comment with regard to the Order and simply confirmed ownership interests within the proposed area. The remaining respondents generally welcomed the proposed designation of a street drinking control area. The main concern arising from consultation was to ensure that the new powers were enforced, and that Police resources would be available for this. In addition, the Royal Parks Police were concerned about the jurisdiction of the new powers, and that the area be extended to include the Royal Parks. However it is considered that the proposed control area is already large. If evidence shows that further displacement is taking place, the City Council could tackle this by proposing to designate a wider control area, as part of a review and possible second phase of designation.

- 5.4 The proposed Designation Order is attached as Appendix 4 to this report. No changes have been made as a result of the consultation exercise.

6. Signing

- 6.1 There is a requirement to provide signing in the designated area and on its boundary. The design for a sign and wording has been agreed with the Police, who will be responsible for enforcement.
- 6.2 Given the size of the area, and the need to minimise street clutter, it is proposed to restrict the boundary signing to locations at main road entry points. Signs within the area will be confined initially to known hotspots, and outside train, tube and bus stations. Approximately 150 signs will be erected.
- 6.3 The estimated cost of the supply and erection of signs is £20,000 (works and fees). The cost will be met from existing budgets.

7. Financial Implications

- 7.1 The estimated £2,000 legal costs will be shared corporately.
- 7.2 The estimated cost of £20,000 (works and fees) for the supply and fitting of signs will be met from existing Transport and Infrastructure revenue budgets.

8. Legal Implications

- 8.1 The legal implications have been fully addressed in this report. If the recommendations of this report are approved, the public places identified will be designated in accordance with the procedure set out in the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001. These Regulations were made pursuant to section 13 of the Criminal Justice and Police Act 2001. The making of the Designation Order will be advertised in local newspapers and the Order will take effect on 4th March 2002.

9 Staffing Implications

- 9.1 There are no staffing implications

10 Performance Plan Implications

- 10.1 The Community Safety Plan has target reductions for rough sleepers of two thirds by March 2002.

11 Ward Members Comments

- 11.1 All ward Members have been consulted. As indicated in paragraph 5.3 above, a summary of their responses is included in the document attached as appendix 2.

12 Crime and Disorder Act

- 12.1 A Local Authority has a duty under Section 17 of the Crime and Disorder Act “to exercise their various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can to prevent, crime and disorder in its area.
- 12.2 This particular function is specifically designed to combat alcohol-related disorder on the streets of Westminster.

13. Co-operation with Health Authorities

- 13.1 The proposals outlined in this Report are supported by Health Service colleagues and complement the joint Westminster Alcohol Strategy.

14 Human Rights Act 1998

- 14.1 The procedures for designating public places pursuant to the Criminal Justice and Police Act 2001 are not incompatible with the Conventions rights. The Powers that can be exercised by the police once the designation order is in force are designed to prevent disorder and crime and consequently they also protect the rights and freedoms of members of the public who might otherwise be affected by such criminal activity. The power to prevent the consumption of alcohol and to confiscate alcohol will only be exercised when it is in the public interest.

15 Conclusion

- 15.1 In order to promote Civic Renewal, reduce street drinking and eliminate associated problems in the Victoria area, it is necessary to utilise the powers now available under the Criminal Justice and Police Act 2001 and to formally designate a controlled drinking area.

16 Reason for Decision

- 16.1 To allow for an area within Victoria and its environs to be identified as a drinking control area and to thereafter use powers to control and prevent alcohol-related nuisance and disorder within that area.

Appendix 1 Map of Proposed Area
Appendix 2 Consultation Responses
Appendix 3 Vision 21 Research
Appendix 4 Order

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO
INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE
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BACKGROUND PAPERS

The documents used or referred to in compiling the report were: -

1. Provisions For Combating Alcohol-Related Disorder, Criminal Justice And Police Act 2001 – Chapter 2
2. Vision Twenty One Research: Streets of London: A Study of Street Culture in Westminster
3. Report to the General Purposes Urgency Sub-Committee: Designating a drinking control area in Victoria and the environs. 6th Nov. 2001