

Arboretum, Dunkirk and Lenton, Radford and Park Area Committee

Title of paper:	Street Drinking and associated Anti-social Behaviour		
Director(s)/ Corporate Director(s):	Andrew Errington Director, Community Protection	Wards affected: Arboretum, Dunkirk and Lenton, Radford and Park	
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Date of consultation with Portfolio Holder(s) (if relevant)	Not Applicable		
Relevant Council Plan Key Theme:			
Strategic Regeneration and Development			<input type="checkbox"/>
Schools			<input type="checkbox"/>
Planning and Housing			<input type="checkbox"/>
Community Services			<input checked="" type="checkbox"/>
Energy, Sustainability and Customer			<input type="checkbox"/>
Jobs, Growth and Transport			<input type="checkbox"/>
Adults, Health and Community Sector			<input type="checkbox"/>
Children, Early Intervention and Early Years			<input type="checkbox"/>
Leisure and Culture			<input type="checkbox"/>
Resources and Neighbourhood Regeneration			<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):			
<p>Street Drinking (the drinking of alcohol on the streets and in other similar public places) and anti-social behaviour that is associated with street drinking has been identified as an area of concern within Arboretum, Dunkirk and Lenton and Radford and Park.</p> <p>This report summarises the nature of street drinking activity within the area, the legal tools and powers that are available to tackle the issue, identifies some current initiatives being used to tackle the problem within the Area Committee boundary and outside.</p>			
Recommendation(s):			
1	To note the contents of the report and to comment on the effectiveness of actions taken to date to tackle street drinking		
2	To discuss further initiatives for officers to investigate to tackle street drinking with the intention of minimising the impact of the activity on those living, working and visiting the area.		

1 REASONS FOR RECOMMENDATIONS

- 1.1 The drinking of alcohol in public places such as on streets, in local parks or children's play areas is not unlawful. However, street drinking is often accompanied by anti-social behaviour that can have a significant impact on an individual's or community's sense of safety and well-being.
- 1.2 Councillors within Arboretum, Dunkirk and Lenton and Radford and Park are directly involved with their local communities and are able to understand the impact that street drinking is having within their wards.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

2.1 The Issues

- 2.1.1 Councillors and residents have raised concerns regarding the impact of street drinking activity and associated behaviours within the Arboretum, Dunkirk and Lenton and Radford and Park wards.
- 2.1.2 Within Arboretum, Dunkirk and Lenton and Radford and Park a variety of different types of street drinking activity can be identified including:
- Alcohol dependant individuals and groups
 - Individuals and groups from new and emerging communities amongst which street drinking is seen as a cultural norm
 - Groups of University students en-route to and from the City Centre
- 2.1.3 Each of these types of activity bring with them different challenges to partners working within the area to minimise the impact of anti-social behaviour.
- 2.1.4 Problems associated with street drinking can include:
- Drunken, aggressive, abusive behaviour of individuals or groups towards themselves or others;
 - Noise from rowdy behaviour;
 - Residents, passers-by, those working in the area feeling a sense of intimidation by the mere presence of groups of street drinkers;
 - Environmental issues including vomiting, urination, defecation and alcohol related detritus

2.2 Legal Tools and Powers

As stated above the drinking of alcohol in public places is not, per se, unlawful. However there are a number of tools and powers available to the Police, Community Protection and other partners to help tackle anti-social behaviour associated with street drinking and the main ones are outlined below.

2.2.1 Designated Public Places Order (DPPO)

- 2.2.1.1 DPPOs were introduced by the Criminal Justice and Police Act 2001 and enable local authorities to designate areas where restrictions on public drinking apply. Nottingham has a DPPO operating throughout the City, after existing locality based DPPOs were extended to give whole city coverage in early 2014.

- 2.2.1.2 The city wide DPPO provisions allow an authorised officer (Police, PCSO, CPO) to require the surrender of alcohol from anyone within the designated area. However, statutory guidance issued with regards DPPOs makes it clear that the power should not be used to tackle peaceful activities and that it is not appropriate to challenge an individual consuming alcohol where that individual is not causing a problem.
- 2.2.1.3 Accordingly, the DPPO should not be interpreted as a ban on drinking alcohol in the street. Officers can only require surrender of alcohol where they feel the person consuming the alcohol is causing a problem or appears likely to cause a problem. An offence is committed upon failure to surrender the alcohol when asked.
- 2.2.1.4 During the 2016 calendar year 118 alcohol confiscations were recorded in Arboretum, with 79 recorded across Radford and Park and Dunkirk and Lenton.
- 2.2.1.5 DPPOs were effectively abolished by the ASB, Crime and Policing Act 2014 and replaced by Public Spaces Protection Orders (PSPOs). However, transitional arrangements mean that DPPOs in existence at the commencement of that Act in October 2014, including Nottingham's DPPOs, will remain in force as DPPOs until October 2017.

2.2.2 Public Spaces Protection Orders (PSPOs)

- 2.2.2.1 PSPOs were introduced, in October 2014, by the ASB, Crime and Policing Act 2014 and are designed to help stop individuals/groups committing anti-social behaviour in a public place.
- 2.2.2.2 A local authority may make a PSPO if it is satisfied on reasonable grounds that activities in a public place have had a detrimental impact on the quality of life of those in the locality, and that the effect is persistent and unreasonable and justifies any restrictions imposed by the PSPO.
- 2.2.2.3 PSPOs can prohibit specific behaviours and can require specific things to be done. They can last for an initial period of 3 years (which is capable of further extension). PSPOs can only be introduced after significant formal consultation with the Police, community representatives and the owners and occupiers of land within the area affected.
- 2.2.2.4 Any PSPO introduced may be subjected to legal challenge on defined grounds by any "interested person" which is defined as anyone who lives in the restricted area or regularly works in or visits that area.
- 2.2.2.5 Whilst a PSPO may contain a prohibition on consuming alcohol in a public place, and thus go further than a DPPO in imposing a ban on street drinking itself, the process to be followed in challenging a person who is drinking in contravention of either a DPPO or PSPO is very similar. Nottingham has recently introduced a PSPO within the Hockley area which does include a ban on street drinking itself.
- 2.2.2.6 PSPOs can be enforced by Police/PCSOs and CPOs. Breach of a PSPO is an offence, but is only punishable at court by means of a financial penalty. A Fixed Penalty Notice may be offered as a means of discharging liability for any alleged offence.

2.2.2.7 Such a financial penalty may have an impact on some of those causing problems by street drinking i.e. some students, but may be of limited impact on those who are alcohol dependant and who are in need of treatment rather than enforcement.

2.2.2.8 In October 2017, Nottingham's existing DPPOs will convert to PSPOs on their current terms unless appropriate consultation has been carried out beforehand on a varied set of restrictions. It is possible to have different PSPOs for different areas within the City.

2.2.2.9 Area Committee may wish to consider the greater use of current DPPO powers and review the effectiveness of the Hockley PSPO in reducing street drinking within that area before deciding what approach to take with regards the DPPO/PSPO conversion within Arboretum, Dunkirk and Lenton and Radford and Park.

2.2.3 Dispersal Powers

2.2.3.1 Dispersal powers contained within the ASB, Crime and Policing Act 2014 are also available to the Police to disperse anti-social individuals and to provide short term respite to communities.

2.2.3.2 A Police Officer of the rank of at least Inspector may authorise the use of the dispersal power in a specified locality for a specified period of up to 48 hours if satisfied, on reasonable grounds, that it is necessary for the purpose of removing or reducing the likelihood of members of the public suffering harassment, alarm or distress or the occurrence of crime and disorder in the locality.

2.2.3.3 In exercising the power, the Officer must have regard to the rights of freedom of expression and freedom of assembly set out in the European Convention, and thus in the context of street drinking it cannot easily be used in isolation to tackle groups who may be congregating socially.

2.2.4 Community Protection Notices (CPNs) and other ASB, Crime and Policing Act tools

2.2.4.1 CPNs were also introduced by the ASB, Crime and Policing Act 2014 and can be issued by Authorised Officers (including Police/PCSOs/CPOs) to stop a person aged 16 years or over committing anti-social behaviour which is of a persistent nature, is unreasonable, and which is having a detrimental impact on the quality of life of those in the locality. If this threshold is met, CPNs can be issued to individual street drinkers.

2.2.4.2 CPNs can contain prohibitions and positive requirements. They are a two stage process with a Community Protection Notice Warning (CPNW) needing to be served before a CPN itself can be issued. Breach of a CPN is a criminal offence and may result in a Fixed Penalty Notice being issued or a prosecution being taken.

2.2.4.3 If a CPN is not effective in curtailing the anti-social behaviour of individual street drinkers both stand-alone Civil Injunctions and Criminal Behaviour Orders (available upon conviction for a criminal offence including breach of a CPN) may be considered. Both of these remedies allow the court to include positive requirements i.e. to compel engagement with alcohol support services.

2.2.5 Criminal Offences (Police)

- 2.2.5.1 Further options available to Police officers to deal with unacceptable behaviour include intervention and arrest in some circumstances, for committing offences of disorderly conduct (Section 5 Public Order Act 1986) or being drunk and disorderly (Section 91 Criminal Justice Act 1967). Instances of criminal damage (Section 1 Criminal Damage Act 1971) also provide opportunities for Police officers to investigate, interview and bring resolution.

2.3 **Current Initiatives**

2.3.1 Operation Absenter

- 2.3.1.1 Operation Absenter forms part of the overall Arboretum Project and specifically targets street drinking activity in the Radford East, Forest Recreation and Arboretum and Hyson Green Police beats.
- 2.3.1.2 Police staff and CPOs conduct pro-active alcohol confiscations under the terms of the current DPPO, consider the use of CPNs against repeat offenders, and work closely with Framework to manage those street drinkers whom it is believed would benefit from Framework's intervention. Experience shows that most problematic street drinkers who have on-going alcohol dependency are already known to Framework and thus new referrals are seldom needed.
- 2.3.1.3 Information is also gathered from empty alcohol containers with regards bottle marking which may identify the property from which the alcohol was obtained. This may provide the grounds for a review of a specific premise's licence or may support a representation against new licence applications in respect of those premises or others in the immediate vicinity.
- 2.3.1.4 Operation Absenter has included targeted work around smaller parks within the area including Kirkstead, Bridlington, the Sunken Garden and Peppers Park and has also delivered high visibility patrols and changes to the layout of benches on the Forest Recreation Ground.

2.3.2 Community Trigger Action Plan regarding off campus University Student ASB

- 2.3.2.1 A multi-agency Community Trigger meeting was held in December 2016 to develop an Action Plan to tackle the issue of anti-social behaviour perpetrated off-campus by University students, much of which is concentrated within Arboretum, Dunkirk and Lenton and Radford and Park.
- 2.3.2.2 One of the behavioural issues raised was that of street drinking and associated behaviours and, in response, a specific action has been identified to undertake some targeted DPPO enforcement action during the current University term in identified hotspot locations to clarify the size and nature of the current problem. This enforcement action may be a valuable source of information for Area Committee in determining future options regarding the stipulations of any future PSPO.

2.3.2.3 Data from initial operations which are planned to take place after the writing of this report, but before the Area Committee meeting will be presented at the Area Committee meeting.

2.3.3 Alcohol Saturation Zone

2.3.3.1 In 2014 the local authority created a “Saturation Zone” covering elements of the Arboretum, Berridge and Radford and Park wards. The creation of the Zone took account of the cumulative impact of the number of licensed premises, in particular off-licences, selling alcohol in the area. There was evidence that the high numbers of licensed premises was adding to the cumulative impact, underpinning street drinking in the area.

2.3.3.2 The Zone allows a presumption of refusal for any applications for new premises licences, new club premises certificates and variations to licences, except for minor changes in the area. In 2016 there were two applications relating to off-licences in the Arboretum ward which, following objections, were refused at Licensing panel. One related to a new licence, the other extending licensing hours.

2.3.3.3 Another action within the Community Trigger Action Plan mentioned above is for consideration to be given to the extension of the current Alcohol Saturation Zones contained within the City Council’s Licensing Policy to include high density student areas within Radford and Park and Dunkirk and Lenton. Any such extension, which would be subject to significant public consultation, may help to limit the number of new alcohol licences granted within the specified area.

2.3.4 Good practice – City Centre Street Drinking and Begging monthly case conference

2.3.4.1 Street drinking and begging has, for some time, been an issue of concern within the City Centre, and good practice in providing support for some of the most prolific and vulnerable offenders has been developed in the form of the monthly Street Drinkers and Beggars Case Conference meeting.

2.3.4.2 This is a multi-agency meeting attended by the Police, Community Protection, Framework, NHS (QMC Emergency Department High Dependency Nurse) Nottingham Recovery Network, Clean Slate, Emmanuel House, the Friary (West Bridgford) and occasionally the Big Issue. Other drug and alcohol support agencies attend on an ad hoc basis.

2.3.4.3 Individuals referred to the meeting are monitored in terms of current offending, mental health, physical health, housing status, current offending, engagement with services and drug and alcohol. Updates on each individual are made by any agency working with them and tasks and agreed actions are taken until their removal from the forum.

2.3.4.4 A similar case conferencing system has been tried in the Arboretum ward. However, some of the subjects were common to both areas as were virtually all the partners attending. Consideration could be given to including Arboretum, Dunkirk and Lenton, and Radford and Park problematic drinkers in the City Centre meeting.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 None

4 FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

4.1 Finance have not been asked to provide comments as present as this report is to prompt discussion on what further actions may be deemed appropriate. However, any such actions agreed may have financial implications and these can be explored once identified.

5 LEGAL AND PROCUREMENT COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

5.1 The report summarises a range of powers which are available to the Police, Community Protection and/or other partners to help tackle anti-social behaviour associated with street drinking in paragraph 2.2. above. The report does not recommend a particular course of action. If the Council wish to explore a particular legal power which is available to the Council in more detail specific legal advice will be required

6 STRATEGIC ASSETS & PROPERTY COMMENTS (FOR DECISION RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE) (AREA COMMITTEE REPORTS ONLY)

6.1 None

7 EQUALITY IMPACT ASSESSMENT

7.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required as this report does not contain any firm proposals and accordingly no key decisions or changes on citizens are being considered

8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

8.1 None

9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

9.1 Criminal Justice and Police Act 2001

Anti-social Behaviour, Crime and Policing Act 2014