



CABINET

20 SEPTEMBER 2017

Subject Heading:

Restrictions on Alcohol Consumption in Romford Town Centre

Cabinet Member:

Councillor Osman Dervish, Cabinet Member for Environment and Community Safety

SLT Lead:

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Report Author and contact details:

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Policy context:

On 20th October 2014, the Government overhauled the tools and powers available to local authorities and the Police to tackle anti-social behaviour. The Public Space Protection Order (PSPO) allows local authorities to set conditions to tackle anti-social behaviour in a specific defined area.

Following on from the successful Schools PSPO and the pending expiry of the current Drinks Banning Order pertaining to Romford town centre, the Council is seeking to introduce a Public Space Protection Order with conditions to control alcohol related nuisance within Romford town centre.

The governance process for agreeing PSPOs is set out in the Council's Anti-Social Behaviour Policy.

Financial summary:

Implementation of the Romford Town Centre PSPO is anticipated to cost no more than £10k, which is deliverable within existing resources.

Is this a Key Decision?

No

When should this matter be reviewed? Once in force the PSPO will last for 36 months. It is therefore recommended that review commence in April 2020 (allowing six months for Member and public consultation).

Reviewing OSC: Crime and Disorder Overview and Scrutiny Sub-Committee

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

SUMMARY

Romford Town Centre is currently subject to a Drinks Banning Order. This tool for tackling anti-social behaviour has been superseded by the Public Space Protection Order (PSPO) within the Anti-Social Behaviour, Crime and Policing Act 2014.

The Drinks Banning Order will cease to be in effect as of 20 October 2017. As such, the Council is seeking to replace the current Drinks Banning Order with a Public Space Protection Order in order to continue to control alcohol related anti-social behaviour within Romford town centre. Additionally, the Council is seeking to expand the area subject to the control, so that it encompasses Oaklands Avenue to the north, Junction Road to the east, Valley Way to the south and Nursery Walk to the west. A map of the proposed control area is attached at **Appendix 2**.

RECOMMENDATIONS

That the Cabinet **approves** the proposed Romford Town Centre Public Space Protection Order (attached at **Appendix 1**), which contains the following conditions:

- Persons must not be in possession of an open container of alcohol in a public place within the Alcohol Control Area (save on licensed premises), and
- Persons must not consume alcohol in a public place within the Alcohol Control Area (save on licensed premises).

REPORT DETAIL

1. Work on preparing the Romford Town Centre PSPO began in 2015. The work stalled to allow for a review of the Anti-Social Behaviour Policy to confirm the governance processes through which a PSPO is implemented. Work then resumed on developing the Romford Town Centre PSPO.
2. In accordance with the policy, a PSPO proposal was submitted on 10th January 2017, which contained the following conditions:
 - a. No consumption of alcohol outside of a licenced premises or designated drinking area
 - b. No possession, consumption or sales of psychoactive substances, controlled substances or illegal substances
 - c. No spitting (including discharge of chewing gum), public defecation or urination
 - d. No begging or seeking of alms
 - e. No unlicensed street trading or charity solicitation ("chugging")
 - f. Busking only within areas designated by Havering Council
 - g. No busking with amplified equipment
 - h. No littering, fly tipping, fly-posting and/or graffiti
 - i. No discharging of fireworks or fire crackers unless in an area designated by Havering Council
 - j. No drifting, racing, excessive revving of vehicular engines and/or carrying out vehicular manoeuvres which are deemed to be dangerous to pedestrians or other parked vehicles
 - k. No deliberate obstruction of the vehicular highway, double parking or obstruction of private driveways and/or dropped kerbs
 - l. Animal owners must clear up any faeces produced by any animal under their control
3. On 17th January 2017, the PSPO proposal was considered by the Tasking Enforcement Group (TEG) and officers were authorised to progress to the next stage of the process. Accordingly, on 19th January 2017, the Strategic Enforcement Board (SEB) authorised statutory public consultation on the proposal.
4. Between March and May 2017 a public consultation exercise was conducted in accordance with s.64 of the Anti-Social Behaviour, Crime and Policing Act 2014. As part of the consultation, comments and evidence were collated from key partners and stakeholders including the Police, local residents and retailers.
5. Whilst it is clear from the totality of the evidence that the existing Drinks Banning Order has been useful as an additional tool in controlling alcohol related nuisance within Romford town centre, it is also evident (particularly from

data supplied by the Metropolitan Police Service setting out alcohol related nuisance occurring within Romford town centre between January 2014 and October 2016) that there remains a high level of anti-social behaviour connected with alcohol consumption within the town centre area.

6. Comments received from Police colleagues working in both Licensing and the town centre neighbourhood policing team, as well as a statement submitted by the Chairman of Havering Pubwatch, indicated a fear of alcohol related nuisance (and possibly also the incidence of violence with injury) escalating if the existing Drinks Banning Order was not replaced, along with the need for improved methods of control. Respondents also expressed concern regarding the additional demand that may be placed on all emergency services if the existing Drinks Banning Order is not replaced with the proposed PSPO. Other concerns raised in relation to the potential failure to replace the existing Drinks Banning Order included:

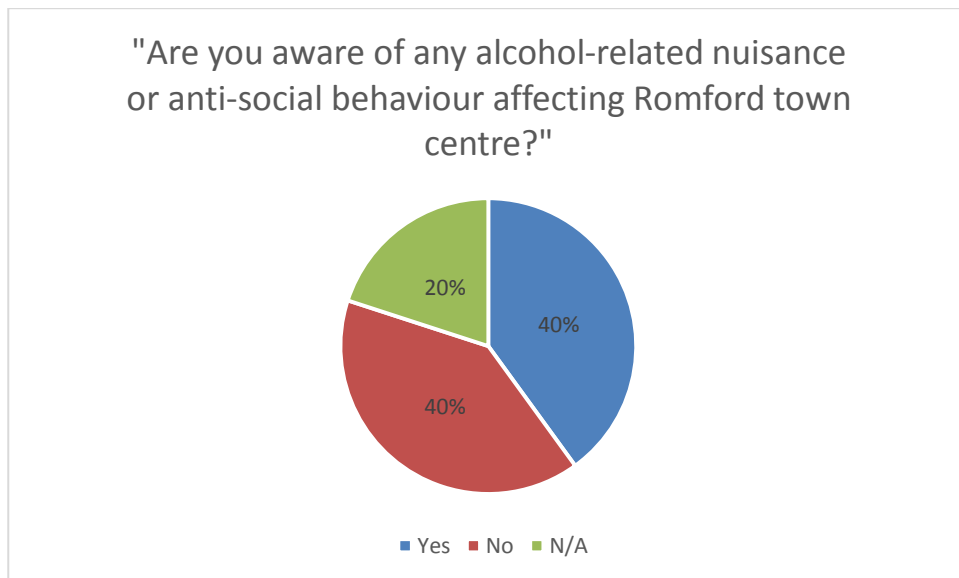
- A possible rise in the level of street litter and detritus;
- The anticipated detrimental impact on regeneration plans for the town centre;
- A possible increase in underage drinking, and
- A possible detrimental impact on the trade of local licensed premises.

7. During this initial consultation phase, support for the proposals was received from a number of internal and external stakeholders including the Council's Youth Offending Service, Youth Service, Housing Services, Children's Services and Multi-Agency Safeguarding Hub, as well as the organisation "Is this Fun for Everyone?", the safer Neighbourhood Board, a number of local councillors and the Metropolitan Police Service.

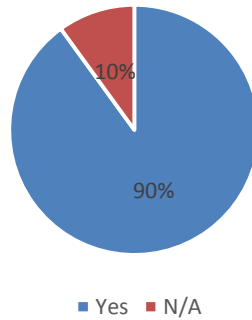
8. However, there were also several substantive and significant objections to elements of the proposal lodged through the consultation, so further legal advice was obtained and a further evidence review was carried out at this stage. This concluded that the evidence currently available to support some of the conditions was not sufficiently robust and that, in many cases, existing legislation and tools, such as Community Protection Notices (CPNs) and licensing schemes and conditions, were already available to tackle the related behaviours and offences. As such, the proposed PSPO was amended to limit its remit and to focus specifically on tackling alcohol related nuisance with the town centre. The condition relating to the control of alcohol was altered and expanded to include the following:

- a) Persons must not be in possession of an open container of alcohol in a public place within the Alcohol Control Area (save on licensed premises), and
- b) Persons must not consume alcohol in a public place within the Alcohol Control Area (save on licensed premises).

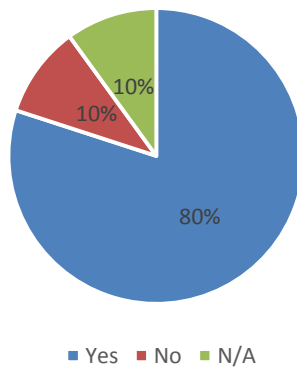
9. The Strategic Enforcement Board (SEB) was asked to consider the revised PSPO proposal at its meeting on 29th June 2017, and authorised its progression to the next stage of the process.
10. In accordance with legal advice, the altered PSPO proposal was required to undergo a further 21-day period of public consultation prior to proceeding to Cabinet. This was due to the addition of condition (a) and the alteration of the wording of condition (b). This new public consultation was launched on 15th August 2017 and closed on 5 September 2017. An article was published in the Romford Recorder providing an update on the previous consultation held between March and May 2017 and prompting the public to submit fresh comments in relation to the new consultation.
11. There were ten responses received from members of the public, with the responses to each question summarised below:



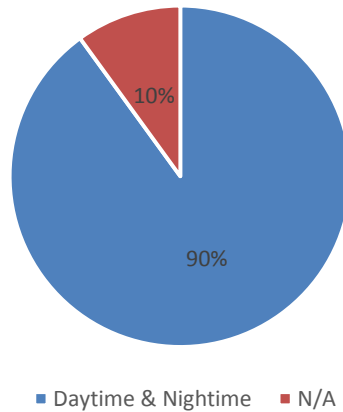
"Do you think that restricting alcohol within the town centre would be likely to reduce nuisance or anti-social behaviour or improve the experience of residents and visitors?"



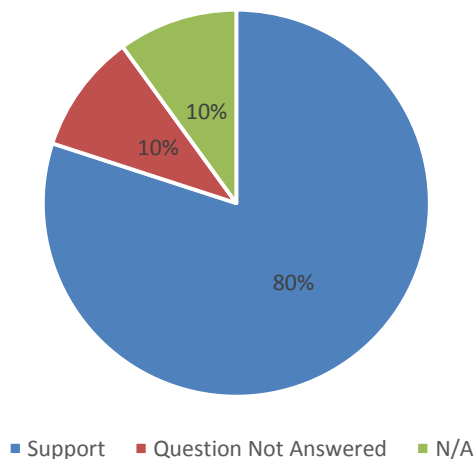
"Do you think that the proposed Alcohol Control Area targets the correct parts of the town centre?"



"Do you think that the Order should apply during the daytime and / or nighttime?"



"Overall, do you support or oppose the PSPO?"



The findings of the public consultation therefore support the implementation of a Public Space Protection Order to control alcohol based nuisance and anti-social behaviour in Romford town centre.

12. The full evidence bundle, including free text responses to the initial consultation, is available as a background paper to this report.

REASONS AND OPTIONS

Reasons for the decision:

Romford Town Centre has a vibrant and busy daytime and night-time economy with many licenced premises within the town centre selling alcohol and alcohol related products to local residents, businesses, members of the public and visitors.

Previously, alcohol related nuisance was dealt with under the Romford Town Centre Drinks Banning Order, which covers a smaller area of the town centre and is due to lapse on 20th October 2017 in accordance with the succession of legislation within the Anti-Social Behaviour, Crime and Policing Act 2014, of which the Public Space Protection Order (PSPO) is part. With the introduction of the Public Space Protection Order (PSPO) legislation, the Police and other partners of the local authority wish to maintain methods of enforcement for alcohol related nuisance in the town centre, by way of a fixed penalty. It was also felt that the area covered should be expanded to include local retail parks and Queen's Hospital which also suffer from alcohol related nuisance.

With the above in mind, the Council is seeking to introduce a PSPO for Romford town centre, to supersede the outgoing Drinks Banning Order and provide continued methods of controlling alcohol related nuisance in Romford town centre.

Other options considered:

Consideration was given to not implementing a Public Space Protection Order, however failure to replace the existing Drinks Banning Order could lead to an increase in alcohol related crime and anti-social behaviour in the town centre, so this option was discounted.

As detailed above, consideration was also given to implementing a broader PSPO, with a wider range of restrictions, however it was concluded that the evidence currently available to support some of the potential conditions was not sufficiently robust and that, in many cases, existing legislation and tools were already available to tackle the related behaviours and offences. The risk of legal challenge was consequently advised to be very high in respect of certain aspects of the original proposal. Whilst it is therefore not recommended to include these within the PSPO at this stage, a Member / officer subgroup of the Strategic Enforcement Board (SEB) is to be convened to determine how best to tackle each of the areas of concern that were the subject of the initial consultation but which have not been included in the proposed PSPO as they are able to be dealt with under alternative legislation. The findings and recommendations of the subgroup will be the subject of further reports in due course.

IMPLICATIONS AND RISKS

Financial implications and risks:

Implementation of the Romford Town Centre PSPO is anticipated cost no more than £10k. This is deliverable within existing resources.

Additionally, whilst the Police will be the main enforcers of the proposed Romford town centre PSPO, all monies collected through breaches of the terms have to be paid to the Council.

Legal implications and risks:

This proposal is made in accordance with Chapter 2 Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 and the Anti-Social Behaviour Crime and Policing Act 2014: Reform of anti-social behaviour powers – Statutory Guidance for frontline professionals (Home Office, July 2014) and its factsheet “Drunken Behaviour in Public Places”. In addition, the guidance issued by the Local Government Association dated June 2017 has been considered in preparing this report.

The legal criteria for a PSPO require the Council to demonstrate that:

- Each of the activities to be restricted cause a detrimental effect on the quality of life of local persons;
- The detrimental effect of these activities is likely to be persistent or continuing;
- The persistence or continuation of detrimental effects is such that it makes the activities unreasonable;
- Detrimental effects resulting from the activities justify the restrictions proposed, and
- The proposed restrictions are reasonable for the purpose of preventing the detrimental effect from continuing. This means ensuring that the restrictions are no greater than reasonably required to prevent the detrimental effect (i.e. that there are not less intrusive measures that could be adopted, and that the severity of the restrictions do not outweigh the Council’s objective).

The oneSource Legal Service is satisfied that the proposed PSPO, as amended, is proposed in accordance with law, and that there appears sufficient evidential basis for such Order to be made, which is justified by the detrimental effect or likely effect of alcohol-fuelled anti-social behaviour in Romford town centre which is likely to be persistent or continuing, and that the proposed restrictions set out in the draft PSPO are justified and proportionate. As such, there are no significant identified risks at this time.

Human Resources implications and risks:

The penalty for breaching the terms of a PSPO takes the form of a Fixed Penalty Notice (FPN). This can be escalated to a fine at Court if required.

Enforcement of the proposed Romford town centre PSPO will be led by the Metropolitan Police Service in the first instance. However, the legislation allows for officers of the Council also to issue Fixed Penalty Notices and fines and, as such, there may be an element of training required for existing enforcement staff.

Equalities implications and risks:

The Council must have regard to the Equality Act 2010 in making a PSPO. An Equality Impact Assessment (EIA) has therefore been conducted with a view to assessing the proposed conditions and ensuring that their application does not negatively impact on any particular group. The EIA is attached at **Appendix 3** and concludes that, as a blanket tool, the conditions relating to alcohol consumption set out in the proposed Romford Town Centre PSPO do not seek to target any specific persons but rather any person found to be causing nuisance through excessive consumption of alcohol.

BACKGROUND PAPERS

Report and Proposal for Public Space Protection Order in respect of Romford Town Centre (Report to the Strategic Enforcement Board, 28 June 2017)

Full evidence bundle, including free text responses to the initial consultation