

LONDON BOROUGH OF RICHMOND UPON THAMES

REGULATORY COMMITTEE

Agenda Item No.

5

DATE: 20 JUNE 2007

REPORT OF: ASSISTANT DIRECTOR OF DEVELOPMENT
AND STREET SCENE & HEAD OF POLICY

SUBJECT: CONTROLLED DRINKING ZONES

WARDS: TWICKENHAM RIVERSIDE, RICHMOND SOUTH, HAM
PETERSHAM & RICHMOND RIVERSIDE

1. Summary

1.1 On 23 April 2007, Regulatory Committee instructed the Assistant Director of Development and Street Scene to undertake statutory consultation, to collate feedback and report back to the Committee. Consultation responses have now been received.

2. Recommendations

2.1 That Members consider the responses and decide whether to authorise the making of the Richmond Town Centre (Alcohol Consumption in Designated Public Places) Order 2007 and Twickenham Town Centre (Alcohol Consumption in Designated Public Places) Order 2007.

3. Details

3.1 The powers under s14 of the Criminal Justice and Police Act 2001 should be clarified, further to the report to Regulatory Committee on 23 April 2007. The Order would not apply to:

- a. Premises and their curtilage in respect of which a premises licence or club premises certificate is in effect and which authorises the supply/sale of alcohol,
- b. Premises that authorise the supply of alcohol by virtue of a temporary event notice and for 30 minutes after the expiry of the temporary event notice;
- c. Any place where facilities or activities relating to the sale or consumption of alcohol are for the time being permitted by virtue of a permission granted under section 115E of the Highways Act 1980.

3.2 Where the local authority holds a premises licence or occupies or has managed for it a premises that is subject to a premises licence authorising the sale or supply of alcohol, that premises will only be excluded from the Order in which it is situated at times when alcohol is actually being sold or supplied and for 30 minutes thereafter. So in effect there would be a temporary suspension of the area of the designated public place that is covered by the local authority's premises licence. Some local authorities have licensed public spaces for the sale of alcohol (such as a Green) in their borough and the effect would be that the public space would be excluded from the controlled drinking zone ("CDZ") at times when alcohol is being sold and 30 minutes thereafter. At all other times when alcohol is not sold under the premises licence, the public space (i.e. Green) would be included in the CDZ. However, Richmond Council does not currently hold, occupy or

manage any premises licences within the two areas proposed to be designated. For example, the Council do not have a premises licence for Richmond Green or any other open space in the borough.

3.3 Were Regulatory Committee minded to authorise the making of the two orders for Richmond and Twickenham town centres, a copy of the maps outlining the proposed boundaries (Appendices A and B) are attached to this report together with the draft Orders (Appendix C). It is not recommended that the proposed boundaries be extended at present, but that they should be kept under review. If in the light of future complaints a case can be made for extensions, that should be considered at that time in the light of evidence of problems.

3.4 The consultation findings were as follows:

3.4.1 Licence holders and members of the public

One hundred and sixty four letters were sent to licence holders within the proposed CDZs. A notice was published in the Richmond and Twickenham Times, a press release issued to all local newspapers and pages established on the council's web site. In addition the proposal was raised at the meeting of the Community Police Partnership.

In total, 23 written consultation responses were received together with 4 telephone calls. One letter was returned as the business was no longer located at that address.

		In favour of the proposed CDZs	Against the proposed CDZs	Other
4	Phone calls	2	1	1 seeking further information
18	Emails	14	3	1 seeking further information for company's head office.
7	letters	6	-	1 offering no objection.

The anonymised responses are contained in Appendix D.

As well as asking whether people were in favour of the proposed CDZs the consultation also offered opportunities to comment on:

- The benefits or drawbacks of the proposal
- Whether the respondents had experienced or seen any nuisance, annoyance, disorder or other anti-social behaviour associated with the consumption of alcohol in Richmond and/or Twickenham Town Centres.
- Whether the two zones should be extended or reduced in size
- Whether other parts of the borough should have CDZs.

Findings

The benefits were seen as providing an additional tool for the police to tackle anti-social behaviour.

One respondent questioned whether this would increase police paperwork.

Of those in favour of the proposal, most had experienced anti-social behaviour. Of those against two had not seen anti-social behaviour and one felt that those people who were committing anti-social behaviour were already drunk and not consuming alcohol in public.

Those against felt that the police already had adequate powers to deal with anti-social behaviour; one respondent questioned whether this would be the 'thin end of the wedge' leading to a total alcohol ban.

There were suggestions that the proposed CDZs should be extended to cover the following areas in the Richmond Zone:

- extend to Petersham Meadow and cover The Terrace Gardens;
- cover Old Deer Park;
- be extended to St Margaret's Station;
- cover the Old Deer Car Parks;

Suggestions for extensions to the Twickenham Zone included:

- extend past the Green;
- extend to Poulett Gardens and covering Orleans School;
- extend to cover the statutory garden at York House.

Most people felt unable to comment on whether other parts of the borough should have CDZs but there were some comments about possible displacement.

3.4.2 Borough Commander

The Borough Commander has written supporting the proposed zones and setting out proposals for training his staff to use them with discretion only when anti-social behaviour is associated with the consumption of alcohol. He is also proposing to monitor the use of the power for evaluation at a later date.

3.4.3 British Transport Police

Members had requested that British Transport Police (BTP) be specifically consulted as both proposed zones were adjacent to train stations. BTP responded by pointing out that railway stations are private premises and they believe them to therefore not be subject to CDZs. They also highlighted specific byelaws relating to railway premises, set out below. These relate to intoxicated persons but do not specifically allow for removal of alcohol without other aggravating factors being present.

Section 219 of the Transport Act 2000 allows for the creation of byelaws in relation to the railways. The byelaws made by the Strategic Rail Authority and confirmed under Schedule 20 to the Transport Act 2000. Byelaw 4 relates to intoxication and possession of intoxicating liquor. It states:-
4(1) No person shall enter or remain on the railway where such person is unfit to enter or remain on the railway as a result of being in a state of intoxication.4(2) Where reasonable notice is, or has been, given prohibiting intoxicating liquor on any train service, no person shall have any intoxicating liquor with him on it, or attempt to enter such a train with intoxicating liquor with him.

Note:

Bylaw 24(6) provides that an authorised person acting in the course of his duties shall not be liable for breach of bylaw 4(2).

*4(3) Where an authorised person reasonably believes that any person is unfit to enter or remain on the railway, or has with him intoxicating liquor contrary to Byelaw 4(2), an authorised person may:(i) require him to leave the railway; and
(ii) prevent him entering or remaining on the railway until an authorised person is satisfied that he has no intoxicating liquor with him and/or is no longer in an unfit condition.*

Notes:

- (i) *Byelaw 23 make provisions in relation to name and addresses.*
- (ii) *[Byelaw 24](#) gives additional powers for the removal of persons.*

Copies of the responses from the Police are attached as Appendix E.

3.5 Observations of street drinking by Erskine Corporation

The Erskine Corporation carried out an observational study of public drinking behaviour in Richmond and Twickenham Town Centres over four nights (between 20:00 hrs and 02:00/03:00 hours). They defined public drinking as “Any individual carrying a vessel of alcohol, open or closed, whether or not they are drinking from that vessel.” They found that “underage drinking was relatively limited compared to the overall numbers of individuals drinking in public.”¹ On the Green and Riverside in Richmond and in King Street, Twickenham the proportion of underage drinking increased. The report also found that “The majority of public drinking observations in both locations passed off without connection to incidents of crime, antisocial behaviour or nuisance. Of the 552 observations of public drinking in Richmond, 54 were incident-related. In Twickenham, of the 179 incidents, 19 were incident-related. Where connected, observations of public drinking were mainly related to rowdiness and littering.”²

The full report is attached as Appendix F.

- 3.6 If Members authorise the making of the Orders in Richmond and Twickenham Town Centres on this occasion, before the Orders can come into effect the local authority must publish in the Richmond and Twickenham Times a Notice which complies with The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007. The Notice could be placed in the Richmond and Twickenham Times on Friday 29 June 2007, as there would be insufficient time to arrange a Notice for Friday 22 June. Furthermore, before an order takes effect, the local authority shall cause to be erected in Richmond and Twickenham Town centres signs as it considers sufficient to draw the attention of member of the public in that place to the effect of the order. This would allow nine days (i.e. between Wednesday 20 June and Friday 29 June) to erect the signs.

4. Consultation

- 4.1 The Council has met the consultation requirements under The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 and consulted with:

- Chief Officer of Police;
- Licensed trade;
- Residents

- 4.2 As part of the consultation process and as required under the 2007 Regulations, the local authority also publish a notice in the Richmond and Twickenham Times on 4 May 2007 inviting consultation responses.

5. Financial Implications

- 5.1 There were financial implications of consulting, namely the cost of publishing the Notice in the Richmond and Twickenham Times and writing to the statutory consultees, together with the time spend by council officers. Were Members minded to authorise the making of the Orders, there would be the cost of the additional Notice in the Richmond and Twickenham Times and the cost of signage.

6. Policy and Equality Implications

- 6.1 The report seeks to ensure that the Council maintains high standards. There are no equality issues arising from this report, as to consultation.

¹ “Assessing Public Drinking in Richmond and Twickenham” Erskine Corporation LLP for the London Borough of Richmond upon Thames, May 2007.

² *ibid*

7. Legal Considerations

- 7.1 Further to the legal advice in the last report, Members are asked to consider the consultation responses and decide whether to authorise the making of the Richmond Town Centre (Alcohol Consumption in Designated Public Places) Order 2007 and Twickenham Town Centre (Alcohol Consumption in Designated Public Places) Order 2007.

8. Background Papers

Consultation Responses
Erskine Corporation Report
Report to Regulatory Committee, 23rd April 2007
Draft Orders and map

9. Contacts

Anne Lawtey, Community Safety Partnership Manager, 020 8831 6195,
a.lawtey@richmond.gov.uk

Robert Munday, Anti-Social Behaviour Co-ordinator, 020 8831 6296,
r.munday@richmond.gov.uk