

**REPORT TO:** LICENSING COMMITTEE

**DATE:** 6 SEPTEMBER 2022

**TITLE:** STREET DRINKING AND LICENSING CONTROLS  
- UPDATE 3

**LEAD OFFICER:** MICHAEL PITT, ASSISTANT DIRECTOR  
ENVIRONMENT (01279) 446114

**CONTRIBUTING OFFICER:** ADAM SHERWOOD, PRINCIPAL LICENSING  
OFFICER (01279) 446561

**RECOMMENDED that:**

- A** The Licensing Committee note the content of the report.
- B** The Licensing Committee recommend a more targeted approach at restricting the sale of high strength (ABV per cent) alcoholic drinks from single cans.

**BACKGROUND**

1. Street drinking may cause an adverse effect on the sense of security and wellbeing of users of public spaces which may in turn impact the viability of business seeking to trade in such spaces.
2. Harlow Council is a licensing authority for the purposes of the Licensing Act 2003 (the Act) which regulates the supply of alcoholic beverages, and in this capacity may have an influence on the availability of alcohol to people engaging in street drinking.
3. The Local Government Association (LGA) have provided support to licensing authorities in the form of their "Reduce the Strength" guidance, aimed at ensuring that certain types of low-cost high alcohol content beverages associated with alcohol misuse are not available in areas where issues have been identified.
4. The LGA in its guidance makes clear that schemes that are likely to be successful when developed:
  - a) After fact finding
  - b) In collaboration with agencies having a range of insights
  - c) With the cooperation of the majority of businesses affected
5. The LGA Guidance and case studies suggest that for the successful implementation of a "Reduce the Strength" scheme to tackle Street Drinking, that the police and local authority enforcement teams are involved.
6. Progressive project work has been carried out between the Council's Licensing and Community Safety teams with Essex Police to engage with small business

premises in Harlow Town Centre that hold a premises licence authorisation for the sale of alcohol (off-sales).

7. Five premises have been identified to encourage to be involved in the project. On 25 May 2022, visits were conducted at the premises to discuss basic licensing principles about their conditions, Challenge Policy and the display of the licence. The Town Centre Public Space Protection Order (PSPO) to prevent consumption of alcohol, the issues of street drinking and how it can be a detriment to the town centre as well as the long-term implications for their business formed part of these discussions. Current levels of anti-social behaviour were explained by officers and how street drinking has a negative impact on people's behaviour.
8. During the visits, an introduction was made regarding a scheme in Harlow that aims to reduce street drinking. The two main proposals were discussed around:
  - i) Ceasing "single cans" sales
  - ii) Marking containers to show where they were bought
9. There was a general reluctance from premises owners to engage in such a scheme. Premises were informed that officers would return to discuss the project further.

## **ISSUES/PROPOSALS**

10. On 13 July 2022, officers from Licensing, Community Safety and Essex Police revisited each of the premises. Targeted discussions took place regarding the methods to assist in the reduction of street drinking. Positive talks were held with all five premises, whereby each premises agreed to use the coloured labels for their single can products provided by the officers.
11. However, the ceasing of single can sales was not something that premises were willing to engage in currently. The main reason provided was the impact on sales.
12. The Community Safety Team and Essex Police will be checking for the coloured label when carrying out enforcement on the Town Centre and where necessary shall feedback to premises selling the alcohol that the person purchasing from them is consuming the alcohol on the town and provide intervention techniques to avoid their customers behaviour having a detrimental effect on the town.
13. Members will need to consider the ceasing of single cans option and whether there is any method or incentive to increase participation.
14. It is proposed that the Licensing Team collate a list of canned beers and ciders being sold in the town centre, calculate the minimum price for each product using the minimum permitted price formula and compare to what price they are being sold for by local premises.

15. The PSPO / Street Drinking Working Group shall reconvene in September / October to discuss progression of the scheme and the findings regarding the minimum permitted price research. Invitation shall also be sent to the Council's Public Health Officer. Any points of interest or recommendations raised at the Group shall be put forward in a report at a future meeting of this Committee.
16. It is hoped this data may provide some additional insight into products sold. Other considerations to include whether there are any alternative methods to effectively achieve the aim of a street drinking reduction scheme. This could include ways to target high strength cans rather than the entire ABV per cent range of drinks. Details to further consider:
  - a) The alcohol by volume (ABV per cent) strength of the drink / or UK Units
  - b) Container size
  - c) The minimum permitted price – defined as the level of alcohol duty plus VAT
17. A further update shall be presented to the next Licensing Committee.

## **IMPLICATIONS**

### **Strategic Growth and Regeneration**

The measures proposed in this report will help to support the work to deliver wider regeneration objectives for Harlow Town Centre.

**Author: Andrew Bramidge, Director of Strategic Growth and Regeneration**

### **Finance**

None specific.

**Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance**

### **Housing**

As outlined in the report.

**Author: Andrew Murray, Director of Housing**

### **Communities and Environment**

None specific.

**Author: Jane Greer, Director of Communities and Environment**

### **Governance and Corporate Services**

The Public Spaces Protection Order made by the Council under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 in August 2019 was extended in August 2022 for a further three years.

Restrictions apply, at any time, on the consumption of alcohol or having an alcohol container, in the restricted town centre area unless subject to exemptions to premises or the curtilage of premises.

Any person who, without reasonable excuse, continues drinking intoxicating liquor in the restricted area or fails to surrender any intoxicating liquor in their possession

when asked to stop by an authorised officer, commits an offence. The scheme seeks to lessen the likelihood of transgressing the order.

**Author: Julie Galvin, Legal Services Manager on behalf of Simon Hill, Director of Governance and Corporate Services**

## **Background Papers**

Reducing the strength: Guidance for councils considering setting up a scheme [LGA] <https://www.local.gov.uk/case-studies/reducing-strength-guidance-councils-considering-setting-scheme>

## **Glossary of terms/abbreviations used**

LGA - Local Government Association

PSPO - Public Space Protection Order

SHP - Safer Harlow Partnership