

**REPORT TO:** LICENSING COMMITTEE

**DATE:** 15 NOVEMBER 2022

**TITLE:** STREET DRINKING AND LICENSING CONTROLS  
– UPDATE 4

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**RECOMMENDED that:**

- A** The Licensing Committee note the content of the report regarding Operation Shopper.
- B** The Licensing Committee note a further report to the Committee to provide data concerning the sale of high strength alcoholic lager and cider 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:
  - a) Ceasing "single cans" sales
  - b) 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.
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.

## **ISSUES/PROPOSALS**

13. Since the start of September, the Town Centre Policing Team, with support of Harlow Council's Community Safety team, have been raising the profile of Operation Shopper. The operation aims at tackling problems in the town centre, with a particular emphasis on enforcement for the Council's PSPO's.

14. There have been several Operation Shopper sessions arranged on the Town Centre, these sessions have produced a number of interventions concerning alcohol consumption.
15. Most recently, on 18 October 2022 officers from both teams were in the Town Centre all day from 11:00-17:00. The following results were achieved:
  - a) Four drink containers seized for breach of the PSPO for alcohol consumption.
16. In addition, there was one Fixed Penalty Notice (FPN) for breach of the PSPO for cycling, four e-scooters seized and seven drug possession related issues.
17. In total, Operation Shopper has seen over 50 containers of alcohol seized for breaching the PSPO.
18. Operation Shopper has also had the following results:
  - a) Over 40 e-scooters seized for being ridden in and around the Town Centre
  - b) Over 60 persons spoken to for breaching any of the PSPO restrictions.
  - c) Over 70 hours of additional foot patrol
19. To maintain the success of the PSPO enforcement, the Town Centre Policing Team, and Harlow Council's Community Safety team will continue with this operation as we move towards Christmas and New Year.
20. It has been proposed that the Licensing Team collate a list of canned beers and ciders being sold individually 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.
21. It is proposed at the next meeting of this committee, that members take a view on the data collected by the Licensing Team regarding individual drinks for sale and to contemplate further proposed steps to be taken by licence holders to support the scheme.
22. It has also been proposed from the Licensing Committee on 6 September 2022 that the following are to be actioned by the Licensing Team:
  - a) Explore case studies that have dealt with single can sales to see how any work carried out may support Harlow
  - b) Put forward at the next Street Drinking Working Group a discussion point of whether signposting street drinkers has had a positive impact on any individuals? this is likely to be an important statistic to measure the impact of the project.
  - c) Put forward to the next Street Drinking Working Group whether any person (working at a licensed premises) has been prosecuted for selling to an inebriated customer? Whether since the commencement of this scheme or since the introduction of the PSPO.

23. The PSPO / Street Drinking Working Group shall reconvene in November / December and shall discuss progression of the scheme. Any findings regarding the minimum permitted price research will be reported to the Group once complete. Any points of interest or recommendations raised at the Group shall be shared in a report at a future meeting of this Committee.
24. The Licensing Team have been in contact with Harlow Council's Public Health Officer, Donna Lee, who will also be attending the next Working Group to offer any additional comments and provide her support to the programme.
25. Current progress on the Street Drinking Reduction Scheme 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**

None specific.

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

### **Communities and Environment**

As set out in the report.

**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: 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