

COUNCIL	AGENDA ITEM 7 (i) (a)
14 JULY 2010	PUBLIC REPORT

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DESIGNATED PUBLIC PLACE ORDER (DPPO)

R E C O M M E N D A T I O N S	
FROM :	Strong and Supportive Communities Scrutiny Committee
That Council:	
Adopts the Designated Public Place Order as set out in this report	

1. PURPOSE AND REASON FOR REPORT

- 1.1 A member of public has requested that Council consider a Designated Public Places Order (DPPO) to tackle anti social drinking in the Fletton Ward, specifically the area around the Recreation Ground in Woodston, as shown on the attached map and listed streets. The DPPO would mean that to consume alcohol in public when asked to stop by a police officer would become an offence.
- 1.2 The process requires authorisation from the Cabinet Member for Community Cohesion, Safety and Women's Enterprise to instigate full consultation prior to reports to Scrutiny Committee and then Full Council for decision. Stronger and Supportive Communities Scrutiny Committee has considered this report and its comments are contained within the report.
- 1.3 This report is for Council to consider under paragraph 1.1.1 of its Terms of Reference 'to make, amend, revoke or re-enact bye-laws, and to promote or oppose local or personal Bills'.

2. BACKGROUND

- 2.1 There have been issues with anti social behaviour which are occurring at the Recreation Ground and the surrounding streets which is affecting the quality of life of residents living in the area, particularly, but not exclusively, in the summer months. Complaints centre on groups of rowdy people, swearing, urinating, fighting and littering. The DPPO will assist in tackling this anti social behaviour, however it is recognised that this needs to be used alongside other measures to resolve the issues as effectively as possible.

3. THE EXTENT OF THE PROBLEM

- 3.1 Following Cabinet Member approval to instigate the process, statistical information has been obtained from the Police about anti social behaviour and alcohol related incidents.

Between 1st March 2008 – 28th February 2010:

There were an average of 13 incidents per month occurring in the area of the Recreation Ground, with complaints peaking in July and August, demonstrating some seasonality in incident levels.

The streets which directly overlook the Recreation Ground are Grove Street, Grove Court and Symmington Close. Much of Queens Walk is protected from the Recreation Ground by a band of trees. In this particular part of the proposed area, there were 23 incidents of alcohol related anti social behaviour reported to the police in the designated time frame.

4. DESIGNATION ORDERS

- 4.1 Sections 12-16 of the Criminal Justice and Police Act 2001 provide local authorities with an adoptive power to restrict anti social public drinking in designated public places and provide the police with powers to enforce the restriction. These powers replaced the Alcohol Ban Byelaws.
- 4.2 The Order is not intended to lead to a comprehensive ban on drinking in the open air and should only be used where authorities are satisfied that the nuisance and disorder have been associated with drinking in a public place. The Local Authority must be satisfied that the order is not being used disproportionately or in an arbitrary fashion.
- 4.3 Local authorities must consider the extent of the problem and the likelihood of the anti social behaviour continuing if an order is not made.
- 4.4 The designation order will mean that if a person continues to drink in public when asked not to do so by a police officer they may be arrested and fined £500 if convicted. The police can also arrest someone failing to surrender alcohol in the area when asked to do so.
- 4.5 The designation order will not cover beer gardens and private dwellings.

5. IMPLICATIONS

5.1 Displacement

The Designation Order alone will not provide a complete solution to the problem being experienced. There are many complex reasons why these people abuse alcohol and why they choose to do this in public places. The Designation Order will not tackle the root causes of the problem and it is possible that they will move to an area not covered by the Designation Order.

5.2 Effectiveness

The Designation Order only makes it an offence to continue to drink alcohol when asked to stop by a police officer or Police Community Support Officer (PCSO).

5.3 Financial Implications

The cost incurred in making the order is minimal – only the cost of further public notices and signs for the relevant areas.

Any further support to partnership work to address the root causes of street drinking would have financial implications which have not been addressed within this report.

5.4 Legal Implications

This Designation Order is being made in line with the guidance provided by the Home Office and the powers given to local authorities under the Criminal Justice and Police Act 2001.

6. CONSULTATION

Consultation has been undertaken in line with the requirements of the Criminal Justice and Police Act 2001.

6.1 Public

A public notice was placed in the Evening Telegraph, informing the public that a map of the proposed area and a list of streets can be viewed at: Central Library, Bayard Place and the Town Hall. It also invited the public to respond with their views.

One member of the public has responded in support of the proposed DPPO and no negative feedback has been received.

6.2 Parish Councils

There are no Parish Councils affected in this area.

6.3 Police

We have received written support from the police for the proposed DPPO.

6.4 Licensed premises

All premises in the proposed area holding licenses to sell alcohol have been written to advising them of the proposal and seeking their views. None of the licensees have made contact to express view on the subject.

6.5 Ward Councillors

All ward councillors have been contacted and we have received written support for the DPPO from one elected member.

6.6 Residents' Groups

All of the Residents' Groups in the area have been consulted. We have not received any response.

6.7 Stronger and Supportive Communities Scrutiny Committee

The Committee:

- (i) Endorsed the proposed Designated Public Places Order; and
- (ii) Recommended the adoption of the Designated Public Places Order to Full Council.

8. NEXT STEPS

- 8.1 If Full Council decides to adopt the Order then a public notice will be placed in the press and the Order will come into force 28 days later.

9. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 9.1 Section 12-16 of the Criminal Justice and Police Act 2001
Local Authorities (Alcohol Consumption in Public Places) Regulations 2001

10. APPENDICES

- 10.1 Appendix 1 – map showing proposed area.