



**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE LICENSING COMMITTEE**

**MONDAY 26TH JULY 2010, AT 6.00 P.M.**

**COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE**

MEMBERS: Councillors Mrs. R. L. Dent (Chairman), Mrs. C. J. Spencer (Vice-Chairman), Miss D. H. Campbell JP, J. T. Duddy, Mrs. J. M. L. A. Griffiths, D. Hancox, B. Lewis F.CMI, Ms. J. A. Marshall, D. McGrath, S. P. Shannon, Mrs. M. A. Sherrey JP, L. J. Turner and P. J. Whittaker

**AGENDA**

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Licensing Committee held on 24th May 2010 (Pages 1 - 4)
4. DPPO - Designated Public Places Order - Lyttleton Avenue, Recreation Ground, Charford (Pages 5 - 18)
5. DPPO - Designated Public Places Order - Review and Evaluation by Bromsgrove Community Safety Partnership (Pages 19 - 92)
6. Regulation of Sexual Encounter Venues Report (Pages 93 - 104)
7. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS  
Chief Executive

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

16th July 2010

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# Agenda Item 3

## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE LICENSING COMMITTEE

MONDAY, 24TH MAY 2010 AT 6.00 P.M.

PRESENT: Councillors Mrs. R. L. Dent, Mrs. C. J. Spencer, Miss D. H. Campbell JP, Mrs. J. M. L. A. Griffiths, Ms. J. A. Marshall, D. McGrath, S. P. Shannon during Minute No's 1/10 - 5/10, 7/10 and 8/10), Mrs. M. A. Sherrey JP, R. D. Smith, L. J. Turner and P. J. Whittaker

Invitees: Inspector J. Smith, Sergeant S. Tristram, West Mercia Police and Inspector J. Archer, British Transport Police

Officers: Mrs. D. Warren, Ms. S. Garrett and Ms. P. Ross and Mrs. A. Scarce (observing)

1/10 **ELECTION OF CHAIRMAN**

**RESOLVED** that Councillor Mrs. R. L. Dent be elected Chairman of the Committee for the ensuing municipal year.

2/10 **ELECTION OF VICE-CHAIRMAN**

**RESOLVED** that Councillor Mrs. C. J. Spencer be elected Vice-Chairman of the Committee for the ensuing municipal year.

3/10 **APOLOGIES**

An apology for absence was received from Councillor D. Hancox.

4/10 **DECLARATIONS OF INTEREST**

No declarations of interest were received. It was noted that Councillor S. P. Shannon would withdraw as a Member of the Licensing Committee during consideration of Agenda Item Number 6/10 (Designated Public Places Order, Bromsgrove Railway Station) as he was the applicant.

5/10 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 11th January 2010 were submitted.

**RESOLVED** that the minutes be approved as a correct record.

6/10

**DESIGNATED PUBLIC PLACES ORDER (DPPO) - BROMSGROVE RAILWAY STATION, ASTON FIELDS**

(Note: during the consideration of this item, Councillor S. P. Shannon, as the applicant for the DPPO, withdraw as a Member of the Licensing Committee and sat in the public gallery whilst the Licensing Manager presented the report, participating only as the applicant.)

Members were asked to consider an application from the Ward Councillor representing the Charford Ward to introduce a Designated Public Places Order (DPPO) which would prevent, when requested, the consumption of alcohol in the area of New Road from the Junction with Middlefield Road to the Railway Station, (part aka Station Approach), the railway station and car park, Stoke Road from junction with Fininstall Road to junction with South Road and Fininstall Road from junction with Stoke Road to the junction with St Godwalds Road in an attempt to reduce anti social behaviour and drinking in these public areas.

The Licensing Manager introduced the report which also detailed the published Home Office Guidance relating to Designated Public Places Orders (DPPOs) for Local Authorities in England and Wales. The Committee was informed that the document set out guidance for local authorities on the issue of evidence required to justify the making of a DPPO as follows:

*“The evidence you will require for a DPPO is that there is an alcohol related nuisance or annoyance to the public in the proposed area/s. You should make an assessment as to the likelihood that the problem will continue unless these powers are adopted. In addition, you must have a belief that the problem could be remedied by the use of these powers. Evidence should be based not just on information you have obtained, but also from the police and members of the local community who have reported incidents of alcohol-related anti-social behavior or disorder. Evidence of alcohol-related nuisance could for example include litter related to the consumption of alcohol (e.g. bottles and cans) as well as police information and residents’ complaints.”*

The Licensing Manager informed the Committee that Councillor Mrs. C. M. McDonald, Ward Councillor for Charford Ward was also in support of the application.

The Chairman invited Councillor S. P. Shannon, Ward Councillor for Charford, who spoke in favour of introducing a DPPO in this area. In doing so he referred to complaints from residents regarding noise, anti-social behaviour (ASB), issues with litter, namely drink containers and food take away packaging near and around the proposed area, the railway station and its surrounding car parks. Councillor Shannon referred to the Research and Intelligence Unit, Worcestershire County Council, Bromsgrove Profile, August 2009 report. The report provided a rough indication of the 10 wards with the greatest perceived ASB problem, with Charford being one of the wards listed. Councillor Shannon indicated that these concerns had been raised during Partners and Communities Together (PACT) meetings and he had discussed residents concerns with the Police Community Support Officer (CSO) and

Sector Sergeant from Bromsgrove South Sector Local Policing Team. Councillor Shannon responded to questions from Members.

The Chairman welcomed Inspector J. Smith, West Mercia Constabulary to the meeting. Inspector Smith informed Members that currently, there had been insufficient evidence and data over the last 18 months, linked to alcohol in the Aston Fields area to support the introduction of a DPPO. Inspector Smith highlighted to Members that since November 2009 there had been no instances reported to the police that the introduction of a DPPO would alleviate. Sergeant Tristram commended and shared Councillor Shannon's desire to address anti-social behaviour issues but had to agree with Inspector Smith. He also informed Members that concerns were last raised at a PACT meeting in December 2006. Whilst he could not dispute residents having reported incidents to Councillor Shannon, the police had not been notified. Inspector Smith and Sergeant Tristram responded to questions from Members and Councillor Shannon.

The Chairman welcomed Inspector J. Archer, British Transport Police, Birmingham New Street to the meeting. Inspector Archer confirmed that the British Transport Police had no particular issues or reports regarding incidents at the railway station but would support the introduction of a DPPO if the Committee approved the application. Inspector Archer responded to questions from Members and Councillor Shannon and in doing so highlighted that residents should notify the railway network company of any issues or concerns or report any incidents either to the police or to the British Transport Police via their website, this would enable the British Transport Police to build up a profile of incidents that would be addressed via their tasking process.

Following further discussion and on the information provided it was

**RESOLVED** that the request to introduce a Designated Public Places order in the Aston Fields area, Charford Ward be refused.

7/10

### **REGULATORY SERVICES - WORCESTERSHIRE SHARED SERVICES JOINT COMMITTEE**

The Committee considered a report that provided an update on the current situation relating to the Worcestershire Shared Regulatory Service. In January 2010 the Council had agreed to participate in enhanced two tier working with other authorities in Worcestershire. In particular the Council had agreed a unified Regulatory Service comprising Environmental Health functions, Licensing functions and Trading Standards functions for the Worcestershire Councils.

The Council and the Cabinet had both agreed to delegate their Regulatory Services functions to the Joint Committee with effect from 1st June 2010. However, some licensing functions would not be included and would remain the responsibility of each Council – these reserved matters would be set out in the agreement and would include all Licensing Act 2003, Gambling Act 2005 and taxi licensing functions.

**RESOLVED** that the report be noted.

8/10 **STREET TRADING CONSENT POLICY**

The Committee considered a report requesting a minor amendment to the Street Trading Consent Policy. The Street Trading Consent Policy had been adopted in January 2010 and implemented with applications being received by the Licensing Manager. Paragraph 14 of the Street Trading Consent Policy had given rise to some unexpected difficulties and Members were asked to review this paragraph. Members were asked to note that if paragraph 14 was deleted in its entirety, highway safety would not be compromised as the policy required the effect on road safety caused by the siting of the Street Trading Unit or by customers visiting or leaving the Unit and any potential obstruction of pedestrian or vehicular access to be taken into account. The Highways Authority would continue to be consulted in accordance with paragraph 7.5 as detailed in the Street Trading Consent Policy.

**RESOLVED** that paragraph 14 of the Street Trading Consent Policy be deleted in its entirety.

The meeting closed at 7.24 p.m.

Chairman

## BROMSGROVE DISTRICT COUNCIL

### LICENSING COMMITTEE

26TH JULY 2010

#### DESIGNATED PUBLIC PLACES ORDER – LYTTLETON AVENUE RECREATION GROUND, CHARFORD

Relevant Portfolio Holder	Cllr. Mike Webb
Relevant Head of Service	Angela Heighway

#### 1. SUMMARY OF PROPOSALS

- 1.1 To consider introducing a Designated Public Places Order on Lyttleton Avenue Recreation Ground in Charford, Bromsgrove.

#### 2. RECOMMENDATIONS

- 2.1 That Members either:

- approve the creation of a Designated Public Places Order, as outlined on the attached plan, subject to any adverse comments received from the public notice being placed in a local newspaper and/or statutory consultees responses; or
- refuse the request.

#### 3. BACKGROUND

- 3.1 The Council has been approached by the Ward Councillor representing the Charford Ward to look at introducing a Designated Public Places Order to prevent, when requested, the consumption of alcohol in the area known as Lyttleton Avenue Recreation Ground in Charford, in an attempt to reduce anti social behaviour and drinking in these public areas. Details of the request including a map of the area are attached at Appendix A.
- 3.2 The Criminal Justice Police Act 2001 allows local authorities to designate areas for this purpose only where they are satisfied that nuisance or annoyance to the public or disorder has been associated with drinking in a public place. Each DPPO must be considered on its own merits, based on any evidence gathered.

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- 3.3 These powers are not intended to disrupt peaceful activities, for example families having a picnic in a park with a glass of wine. These powers give Police Officers and accredited persons (such as our Neighbourhood Wardens) the power to require a person in a DPPO not to drink alcohol in that area where an officer reasonably believes that a person has, or intends to do so. In addition an officer has the power to ask that person to surrender the alcohol and any opened or sealed containers in their possession.
- 3.4 The Regulations governing the creation of such an Order do not place a requirement on the local authority to conduct a formal assessment of the area in question, over a given period, of the nature of the problem. However the local authority will want to satisfy itself that the powers are not being used disproportionately or in an arbitrary fashion in the case of say, one isolated incident. Consequently there should be clear evidence of an existing problem, with an assessment as to the likelihood that the problem will continue unless these powers are adopted and the belief that the problem could be remedied by the introduction of such an Order. The Council would look to the Police to provide this evidence.
- 3.5 In November 2009 the Home Office published Guidance relating to Designated Public Place Orders (DPPO's): For Local Authorities in England and Wales. This sets out guidance for local authorities on the issue of evidence required to justify making a DPPO as follows:
- “The evidence you will require for a DPPO is that there is an alcohol related nuisance or annoyance to the public in the proposed area/s. You should make an assessment as to the likelihood that the problem will continue unless these powers are adopted. In addition, you must have a belief that the problem could be remedied by the use of these powers. Evidence should be based not just on information you have obtained, but also from the police and members of the local community who have reported incidents of alcohol-related anti-social behavior or disorder. Evidence of alcohol-related nuisance could for example include litter related to the consumption of alcohol (e.g. bottles and cans) as well as police information and residents' complaints.”
- 3.6 In order to gain this necessary evidence, the Regulations require local authorities to consult with the Police Authority to seek their views on the nature of the problem and the appropriateness of introducing such an Order, as well as recognising that it will be the Police who will have the responsibility for enforcing the restrictions on public drinking in the designated area.



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- 3.7 The Regulations also require local authorities to consult with the following interested parties:
- a) The Parish or community Council covering all or part of the public place to be designated;
  - b) The neighbouring police and local authority in cases where a designation order covers an area on the boundaries with that neighbouring authority;
  - c) Any premises licence holder, club premises certificate holder or premises user;
  - d) Reasonable steps should also be taken to consult the owners or occupiers of the land proposed to be designated

#### **4. KEY ISSUES**

- 4.1 On this occasion, West Mercia Police, at present, are unable to support this particular request for a Designated Public Places Order, as they have insufficient evidence of anti social behaviour caused by alcohol consumption in the surrounding area. A copy of their response is attached at Appendix B. The Police Authority has been invited to attend the meeting.
- 4.2 West Mercia Police state within their response dated 10<sup>th</sup> May 2010 that “analytical work for the past 12 months has identified there were no incidents, let alone alcohol related incidents reported to the police concerning this location”.
- 4.3 A public notice has been placed in a local newspaper inviting comments from local residents on the proposed order. The consultation period closed on 13<sup>th</sup> July 2010
- 4.4 No comments were received as a result of the 28 day public consultation through the public notice printed on the 16<sup>th</sup> June 2010.
- 4.5 There are no premises licence holders within the proposed area that require consultation with.
- 4.6 Should Members decide to approve the proposed Order, it will be necessary to place another public notice in the local press, informing the public of the consequences of the Order, as well as arranging for signage to be erected in the area.

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- 4.7 To date no DPPO has been granted without the support of the Police. the Police Authority already have powers under Section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 to seize alcohol or a container for such liquor in the possession of a person under 18 years and dispose of it and require his name and address. A constable may arrest without warrant a person who fails to surrender the intoxicating liquor in his possession or to provide his/her name and/or address.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 Prior the implementation of the Worcestershire Enhanced Two Tier (WETT) programme in June 2010, the costs of public notices and other administrative elements of Designated Public Place Orders (DPPO) were met from existing budgets held by Licensing within Planning and Environment Services. However, as the functions of managing, processing and implementing DPPO's have not been included as part of WETT, currently there is no formal budget available to meet costs related to the DPPO process. The Community Safety Team has taken interim responsibility for DPPO's until a formal arrangement can be made.
- 5.2 There is no budget available for signage currently adopted by Bromsgrove District Council informing the public that an area(s) is within a Designated Public Places Order. However, if Members agree to introduce this Order, an approach will be made to the Bromsgrove Community Safety Partnership to fund this scheme in conjunction with the Council's Community Safety Team.
- 5.3 This DPPO request has currently incurred the cost a public notice to the sum of £300 and approximately 4 hours of Senior Community Safety Officer time. If this order was approved the cost of implementation would be the cost of an additional public notice to the sum of £300 and signage to the cost of approximately £300. The total cost of processing this DPPO request and a subsequent implementation of this order would be estimated at £900 plus officer time.

#### **6. LEGAL IMPLICATIONS**

- 6.1 Licensing Authorities have power under Section 13 of Criminal Justice and Police Act 2001 to introduce and revoke Designated Public Places Orders in association The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.

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- 6.2 There is a requirement under the Criminal Justice and Police Act 2001 – Section 13 (2) that:

“A local authority may for the purposes of subsection (1) by order identify any public place in their area if they are satisfied that-

(a) Nuisance or annoyance to members of the public or a section of the public; or

(b) Disorder;

has been associated with the consumption of intoxicating liquor in that place.”

- 6.3 With reference to Paragraph 4 of the Regulations, it specifies that when a Local Authority is deciding an application for a Designated Public Places Order, it shall consider any representations as to whether or not a particular public place should be identified in an Order.

- 6.4 As previously mentioned, the Police Authority already have powers under Section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 to seize alcohol or a container for such liquor in the possession of a person under 18 years and dispose of it and require his name and address. A constable may arrest without warrant a person who fails to surrender the intoxicating liquor in his possession or to provide his/her name and/or address.

### **7. POLICY IMPLICATIONS**

- 7.1 There are no policy implications.

### **8. COUNCIL OBJECTIVES**

- 8.1 This proposal contributes to the Council’s objective “One Community”.

### **9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

- 9.1 The main risk associated with the detail included in this report are:

- Introduction of a Designated Public Places Order without the support of the Police Authority

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**10. CUSTOMER IMPLICATIONS**

10.1 All relevant parties will be notified in writing within 5 working days of the Council's decision.

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

11.1 None.

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

12.1 None.

**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

13.1 None.

**14. HUMAN RESOURCES IMPLICATIONS**

14.1 None.

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

15.1 None.

**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998**

16.1 The creation of the a DPPO in a location with an identified problem would give the Police and accredited persons additional powers to confiscate alcohol from people drinking in public places to effectively deal with adult-alcohol related disorder.

16.2 The process of conducting consultation with public and stakeholders, and reviewing evidenced based analysis of identified problems in the proposed location assists the local authority in fulfilling it's duty to take due regard in its decision to approve/not approve this request for a DPPO.

**17. HEALTH INEQUALITIES IMPLICATIONS**

17.1 None.

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**18. LESSONS LEARNT**

18.1 None

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 Please see Key issues.

**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	YES
Chief Executive	NO
Executive Director (S151 Officer)	NO
Executive Director – Leisure, Cultural, Environmental and Community Services	YES
Executive Director – Planning & Regeneration, Regulatory and Housing Services	NO
Director of Policy, Performance and Partnerships	NO
Head of Service	YES
Head of Resources	NO
Head of Legal, Equalities & Democratic Services	YES
Corporate Procurement Team	NO

**21. WARDS AFFECTED**

21.1 The outcome of this report may affect the Charford Ward.

**22. APPENDICES**

Appendix A    Request for a Designated Public Places Order and Map  
Appendix B    Response from West Mercia Police

**BROMSGROVE DISTRICT COUNCIL**

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**23. BACKGROUND PAPERS**

Home Office Guidance on Designated Public Places Orders

**AUTHOR OF REPORT**

Name: Chris Santoriello-Smith  
E Mail: [c.santoriello-smith@bromsgrove.gov.uk](mailto:c.santoriello-smith@bromsgrove.gov.uk)  
Tel: (01527) 88 1485



**Criminal Justice and Police Act 2001 – Section 13(4)**  
**Local Authorities (Alcohol Consumption in Designated Public Places)**  
**Regulations 2007**

**NOTIFICATION OF A REQUEST TO INTRODUCE A DESIGNATED PUBLIC**  
**PLACES ORDER (Alcohol Free Zone)**

1. Name of Applicant:  
Councillor Christine McDonald

2. Address of Applicant:  
10 Waseley Road. B45 9TP

3. Contact details:  
Telephone No: [REDACTED]  
Email address: c.mcdonald@bromsgrove.gov.uk

4. In what capacity are you applying (ie Ward Councillor, Parish Council, Resident)  
Ward District Councillor

5. Location and/or description of proposed designated area (Please also attach a location plan showing the EXACT area): Do you think the problem will be displaced, if so, where.  
Recreation Ground  
Lyttleton Avenue. Charford Estate Bromsgrove

6. Why do you feel it is necessary to introduce a designated alcohol free area in this location(s): *(Please use additional sheets if necessary)*  
Because alcohol is being consumed in an area which is designated as a children's play area, and local residents and users of the recreation ground are the recipients of the associated anti-social behaviour.

7. Please give details of any evidence you have to suggest that anti-social behaviour is being fuelled by alcohol in this location. Please include details such as the approx. age of people causing the nuisance; the source of the alcohol;

*(Please use additional sheets if necessary)*

A resident informed the Charford PACT meeting held on the 25<sup>th</sup> March 2010 that alcohol was being consumed on the recreation area making it an unsafe place for children to play. This was supported by others at the meeting.

8. Have you liaised with the local police in putting together this request and are they in support? Please give details: *(Please use additional sheets if necessary)*

Yes, it was agreed at the last PACT Meeting which the police play an active part.

9. Signed:

*E. McDonald*

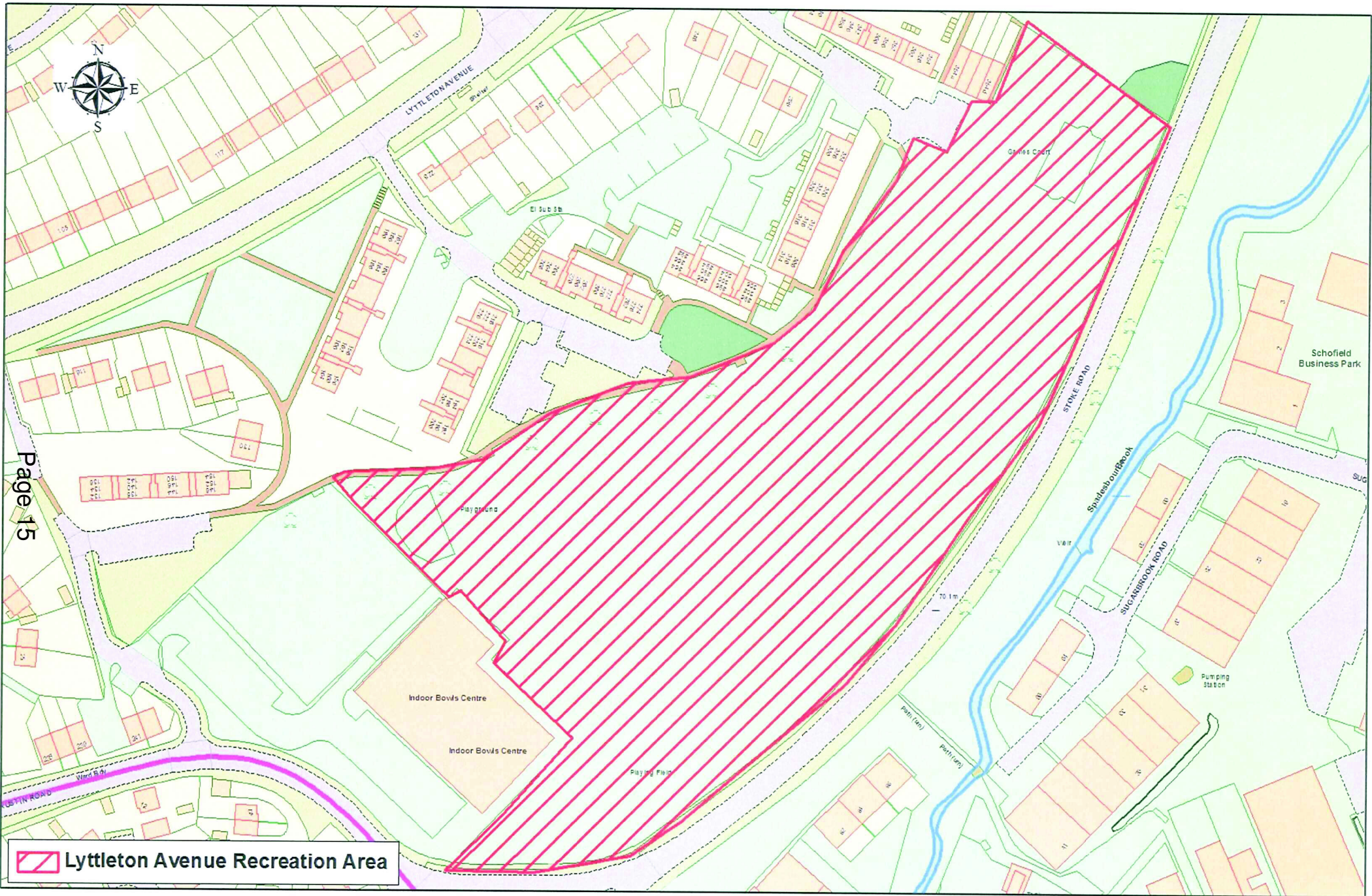
10. Dated:

*31-03-10*


Please complete this form in full, together with the location plan outlining the proposed designation area and return it to the Licensing Section, Bromsgrove District Council, Planning and Environment Services, Burcot Lane, Bromsgrove, Worcs., B60 1AA. If you have any queries with regard to completing this form, please telephone (01527) 881626 or email [licensing@bromsgrove.gov.uk](mailto:licensing@bromsgrove.gov.uk).

A copy of the completed form and plan will be submitted to the Chief Officer of Police for his/her comments.





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 Lyttleton Avenue Recreation Area

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 Worcestershire County Council 100015914  
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# Lyttleton Avenue Recreation Area

Produced on behalf of the R&I Unit, July 2010



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Bromsgrove Police Station  
The Crescent  
Bromsgrove  
B60 2DF  
Tel: 08457 444888 Ext. 3233



West Mercia  
**POLICE**



SERVING - PROTECTING - MAKING THE DIFFERENCE

10<sup>th</sup> May 2010

Mrs S. Garratt  
Licensing Manager  
Planning and Environment Services  
The Council House,  
Burcot Lane  
Bromsgrove  
Worcs, B60 2DF

Dear Mrs Garratt,

**Proposed application for an order to prohibit alcohol Recreation Ground, Lyttleton Avenue, Charford, Bromsgrove**

At this time I cannot support the application for the order put forward by Cllr. McDonald.

This decision is based on the fact that analytical work for the past 12 months has identified there were no incidents, let alone alcohol related incidents reported to the police concerning this location.

I have also consulted the local policing officers that cover this area and nothing has been brought to their attention, through any of their community engagement activities, that has identified any issues at this location that are alcohol related.

If I can be of any further assistance or you require any more information please do not hesitate to contact me.

Yours Sincerely

Julian Smith  
Bromsgrove District Inspector



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## BROMSGROVE DISTRICT COUNCIL

### LICENSING COMMITTEE

26<sup>th</sup> JULY 2010

#### DESIGNATED PUBLIC PLACES ORDER – REVIEW AND EVALUATION

Relevant Portfolio Holder	Cllr. Mike Webb
Relevant Head of Service	Angela Heighway

#### 1. SUMMARY OF PROPOSALS

- 1.1 To consider recommendations from a review conducted by Bromsgrove Community Safety Partnership of existing DPPO within Bromsgrove District, and;
- 1.2 To acknowledge the publication of the Home Office Guidance for local authorities on DPPO and consider recommendations to conform with this guidance; and
- 1.3 To review the process in which requests for new DPPO are processed.

#### 2. RECOMMENDATIONS

- 2.1 That Members approve some or all of the following recommendations:
- a) To authorise officers to review Bromsgrove DPPOs identified in para 4.1 of this report to enable the licensing committee to consider revocation in line with legislative requirements.
  - b) To approve the change of signage to conform with the Home Office guidance for local authorities on DPPOs.
  - c) To approve a biannual evaluation of existing DPPOs to ensure that all active DPPOs in Bromsgrove District continue to be effective, appropriate and proportionate.
  - d) To delegate to the Head of Community Services the authority to decline a DPPO request in the event that:-
    - (i) analytical work does not warrant further consideration by the Licensing Committee; and/or
    - (ii) the order does not have the support of West Mercia Police Authority.

#### 3. BACKGROUND

- 3.1 On 1<sup>st</sup> September 2001, sections 12-16 of the Criminal Justice and Police Act 2001 came into force, giving local authorities the power to designate

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places where restrictions on the consumption of alcohol in public places apply. These were referred to as Designated Public Place Orders (DPPO).

- 3.2 These powers are not intended to disrupt peaceful activities, for example families having a picnic in a park with a glass of wine. These powers give Police Officers and accredited persons (such as the local authorities Neighbourhood Wardens) the power to require a person in a DPPO not to drink alcohol in that area where an officer reasonably believes that a person has, or intends to do so. In addition an officer has the power to ask that person to surrender the alcohol and any opened or sealed containers in their possession.
- 3.3 These powers are also not intended to deal with any other type of nuisance other than alcohol related disorder committed by persons over the age of 18 years old (adult). A common problem nationally and within Bromsgrove District is alcohol misuse by young people in public places. Powers already exist in the Confiscation of Alcohol (Young Persons) Act 1997 and such offences would be dealt with under this existing legislation and not new powers under the introduction of a DPPO.
- 3.4 Bromsgrove District Council adopted its first DPPO in 2003 in three areas of Stoke Prior. Since this date a total of 22 separate DPPO have been granted in many areas spanning the entire Bromsgrove District including parks and open spaces, high streets, Bromsgrove Town Centre and in some cases entire villages.
- 3.5 The last DPPO in Bromsgrove District was granted on 28<sup>th</sup> October 2008 in areas of the Beacon Ward. Since this date there have been many requests for new DPPO to be granted of which none have been due to the lack of evidence to support the need for a DPPO and/or the lack of support from stakeholders, primarily West Mercia Police Authority.
- 3.6 Bromsgrove District Council has adopted a process to receive requests for DPPO. This process involves receiving a request via an application form with a map outlining the proposed area. Stakeholders and members of the public through a public notice in the local newspaper are invited to comment on the application. All requests are considered by the licensing committee.
- 3.7 Section 13 (2) of the Criminal and Justice Act 2001 clearly states that a local authority may by order identify any public place in their area if they are satisfied that nuisance or annoyance to members of the public or a section of the public; or disorder; as been associated with the consumption of intoxicating of liquor in that place.

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- 3.8 The process for implementing a DPPO is set out in the Local Authorities (Alcohol Consumption in Designated Places) Regulations 2001 and subsequent amendments in the 2007 regulations. The regulations outline the process local authorities must take when considering whether to grant a DPPO. All requests for a DPPO within Bromsgrove District have been assessed against the criteria set out in these regulations and those which have been granted were implemented in accordance.
- 3.9 In November 2009 the Home Office published their first ever Guidance for local authorities relating to Designated Public Place Orders since the introduction of DPPO in 2001. This sets out guidance for local authorities on several aspects of implementing DPPO which were either not covered or unclear within the Local Authorities (Alcohol Consumption in Designated Places) Regulations 2007. The guidance provides clarity on evidence that should be gathered, consultation and publicity. The guidance also sets out a number of best practice recommendations. See appendix 1 for copy of this guidance publication.
- 3.10 Although there is no statutory requirement to review a DPPO, the Home Office guidance clearly recommends that they should be evaluated and reviewed as a matter of good practice ideally at least every two years. The aim of an evaluation is to find out whether the DPPO has been effective to reduce alcohol related anti-social behaviour and disorder. If not the local authority should consider the revocation of the DPPO.
- 3.11 Following the release of this guidance the Bromsgrove Community Safety Partnership conducted a study on the 22 DPPO in Bromsgrove to assess the effectiveness of the DPPO to establish whether they are still appropriate, necessary and proportionate. This study would also provide Bromsgrove District Council with a detailed assessment to reflect on the need and appropriateness of the current DPPO within Bromsgrove District. This report for the study can be found in appendix 2.
- 3.12 In June 2010 the administration of DPPO was transferred from the Licensing Team to the Community Safety Team. This was because the administration and management of DPPO was not included in the Worcestershire Enhanced Two Tier arrangements. The Community Safety Team volunteered to take interim responsibility for DPPO until a formal arrangement is agreed by the local authority.

#### **4. KEY ISSUES**

- 4.1 The study carried out by Bromsgrove District Council clearly shows that 16 of the DPPO have proven to be either ineffective or inappropriate. They are:

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<u>DPPO</u>	<u>Ward/Area</u>	<u>Reason</u>
Hanbury Road Recreation Area	Stoke Prior	Inappropriate
Ryefields Road Recreation Area	Stoke Prior	Inappropriate
Shaw Lane Recreation Area	Stoke Prior	Inappropriate
Church Street	Hagley	Inappropriate
Playing Fields	Hagley	Inappropriate
Railway Station	Hagley	Inappropriate
Sweetpool Nature Reserve	Hagley	Inappropriate
Worcester Road	Hagley	Inappropriate
Alleyway, Belmont – Meadowfield Rd	Rubery	Inappropriate
Callowbrook Open Space	Rubery	Inappropriate
St Chads Park	Rubery	Ineffective
Lingfield Walk	Catshill	Ineffective
Belmont Road	Rubery	Ineffective
Aston Fields Recreation Ground	Charford	Ineffective
New Road, Rubery	Rubery	Ineffective
Alvechurch Village	Alvechurch	Ineffective

- 4.2 The study identified 10 DPPO as inappropriate because when implemented there were no recorded alcohol related issues within the designated place. This raises the issue of whether the District Council when granting these orders had met the requirements of the Criminal and Justice Act which states that a local authority may by order identify any public place in their area if they are satisfied that nuisance or annoyance to members of the public or a section of the public; or disorder has been associated with the consumption of intoxicating liquor in that place.
- 4.3 According the Criminal and Justice Act legislation the local authority must be in possession of evidence to come to a satisfaction that there is a problem of disorder or nuisance associated with alcohol consumption in the proposed area, the DPPO study carried out shows clearly this could not have been achieved through reviewing police recorded data as there had not been any reports of alcohol related disorder in these areas prior to the DPPO being granted.
- 4.4 Therefore it is likely these DPPO were granted on the basis of the stakeholder consultation. The evidence gathered through the consultation



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- process for each DPPO has been reviewed which shows that most stakeholders gave overwhelming support for the implementation of DPPO. However it was clearly evident that there may have been a lack of understanding amongst stakeholders on the purpose of a DPPO as stakeholders supported the implementation of a DPPO predominantly on the basis that it would reduce youth related disorder.
- 4.5 A further 6 DPPO have been proven to be ineffective in reducing adult alcohol related disorder as there have been more reports of alcohol related disorder since the orders were granted than there was prior to the implementation of the order.
- 4.6 These 16 DPPO should be considered for revoking; to revoke these DPPO regulations require a full evidence base and consultation with public and stakeholders similar to the process that was undertaken to implement them. The revoking of each DPPO would need to be assessed on its own merit by the Licensing Committee against the evidence gathered and the results of public and stakeholder consultation. Subject to approval from the Licensing Committee officers would wish to progress this aspect by drawing up a timetable for the 16 DPPO in question to be considered. As part of this process evidence would be gathered and consultation would take place. Following the evidence gathering and consultation the DPPOs would be reported back to Licensing Committee with a recommendation as to whether they should be revoked.
- 4.7 The remaining 6 DPPO have been proven to be effective in reducing adult alcohol related disorder.
- 4.8 The home office guidance on DPPO also gives advice on correct signage to be used within the designated areas. The Local Authorities (Alcohol Consumption in Designated Places) Regulations 2001 and 2007 never gave any guidance on signage; as a result Bromsgrove District Council erected signage with the phrasing "Alcohol Free Zone". Under the Home Office guidance terms such as Alcohol Free Zone are misleading and confusing to members of the public as the purpose of the legislation is not to ban alcohol in public places, but to give police and accredited officers the powers to deal with anti-social drinking.
- 4.9 The use of this misleading signage may raise expectation amongst members of the public that officers will enforce a blanket ban on alcohol which is not the case. This signage also deters members of the public who can drink responsibly such as a member of the public enjoying a glass of wine as part of a picnic at one of Bromsgrove's recreation areas.

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- 4.10 If a DPPO revoking programme was delivered, Bromsgrove Community Safety Partnership would have a sufficient amount of new signage in stock that conforms to Home Office guidance; this could replace the current signage pending the amount of DPPO that remained. This would prevent substantial costs to replace signage. See appendix 3 for example of new DPPO signage.
- 4.11 The Home Office Guidance for DPPO recommends that existing DPPO be evaluated and reviewed at least every two years. The Bromsgrove Community Safety Partnership analyst has conducted the first review as part of the study in relation to this committee report however this exercise was time intensive with 22 DPPO in place to review. If Bromsgrove District Council was to continue this good practice to review DPPO regularly, officer capacity would need to be established to carry out a review for all 22 DPPO.
- 4.12 The current process of receiving requests for DPPO is both costly and time consuming for officers and time consuming for the licensing committee to consider. There are currently no mechanisms in place to filter requests to prevent costs being unnecessarily incurred.
- 4.13 The current process of putting all requests through a full consultation with stakeholders and the public by purchasing space in the local newspaper for public notice is costly and time consuming. Officer time, committee time and financial costs could be prevented if the process could be halted with the lack of evidence and/or the lack of support by the primary enforcers, West Mercia Police.
- 4.14 DPPO requests which have evidence that such an order could be justified and has support of the police authority could then justify a full public consultation and consideration at a licensing committee.

### **5. FINANCIAL IMPLICATIONS**

- 5.1 A programme of revoking a DPPO would incur costs in relation to officer time to deliver the necessary consultation with stakeholders and license premises, and to complete a comprehensive licensing committee report. The duration of this process would vary pending the amount of DPPO that would be considered to be revoked; these costs could be met with in the current capacity of the Community Safety Team.
- 5.2 Under the regulations each DPPO must be considered on its own merit however many elements of the evidence gathering process and consultation could be done collectively for all DPPO which are being

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- considered to be revoked. This would reduce costs in relation to officer time, and the cost of public notices.
- 5.3 The cost of an individual public notice is £300. There would be a total of £600 per DPPO as two public notices are required; one to start the public consultation process and another to announce the DPPO revocation. It is recommended that any revocations of DPPO are considered collectively to reduce the costs in relation to public notices.
- 5.4 There would not be a cost in relation to changing signage of a limited amount of DPPO within the District as Bromsgrove Community Safety Partnership already has a stock of 150 signs which conforms to the Home Office Guidance. However quantity of signage would not be enough to change the current DPPO signage of all current 22 DPPO within the District. It is unclear exactly how many alcohol free zone signs currently exist with the district, but a fair estimation would be approximately 300. Signage costs £20 per unit and therefore if no DPPO were revoked and all 22 required new signage an additional £3000 would be required.

### **6. LEGAL IMPLICATIONS**

- 6.1 Licensing Authorities have power under Section 13 of Criminal Justice and Police Act 2001 to introduce and revoke Designated Public Places Orders in association The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.
- 6.2 There is a requirement under the Criminal Justice and Police Act 2001 – Section 13 (2) that:
- “A local authority may for the purposes of subsection (1) by order identify any public place in their area if they are satisfied that-
- (a) Nuisance or annoyance to members of the public or a section of the public; or
- (b) Disorder;
- has been associated with the consumption of intoxicating liquor in that place.”
- 6.3 With reference to Paragraph 4 of the Regulations, it specifies that when a Local Authority is deciding an application for a Designated Public Places Order, it shall consider any representations as to whether or not a particular public place should be identified in an Order.

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6.4 Under section 13(3) of the Criminal Justice and Police Act 2001, local authorities have the power to revoke a DPPO. However, the same processes of consultation and publicity will need to be observed when any revocation is being considered.

6.5 As previously mentioned, the Police Authority already have powers under Section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 to seize alcohol or a container for such liquor in the possession of a person under 18 years and dispose of it and require his name and address. A constable may arrest without warrant a person who fails to surrender the intoxicating liquor in his possession or to provide his/her name and/or address.

### **7. POLICY IMPLICATIONS**

None

### **8. COUNCIL OBJECTIVES**

8.1 This proposal contributes to the Council's objective "One Community".

### **9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

9.1 There is a risk that Bromsgrove District Council could be accused of not conforming to Home Office Guidance on DPPO.

9.2 There is a risk that the enforcement of the current DPPO could be legally challenged as the current designated places are not clearly marked with the correct signage

9.3 Under the current process for receiving requests for DPPO the Community Safety Team may not have the capacity to deal with all requests as the responsibility for DPPO has not been formally adopted by the Community Safety Team and is therefore not been included in existing budgets or officer responsibility/capacity.

### **10. CUSTOMER IMPLICATIONS**

10.1 The existence of a DPPO within an area that has no previous and/or current alcohol related disorder may give the impression that there are such problems within Bromsgrove's neighbourhoods. This can raise the fear of crime amongst residents. This would have a negative effect against the local authorities' performance against its LAA target for NI 17: Perception of anti-social behaviour.

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10.2 The current signage which utilises the phrasing 'alcohol free zone' gives residents the impression that a blanket ban on alcohol can be enforced which is not the intention of the legislation and therefore this customer expectation can not be met. This may give the impression that the local authority and police are not effectively dealing with crime and disorder. This would have a negative effect against the local authorities performance against its LAA target for NI 21: Dealing with local concerns about anti-social behaviour/crime issues by local council and police.

### **11. EQUALITIES AND DIVERSITY IMPLICATIONS**

None

### **12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

12.1 There would be greater value for money if all DPPO that the licensing committee would like to consider for revocation to be consider collectively rather than individually. This would reduce costs in relation to officer time and the cost of public notices.

12.2 Although regulations state that DPPO must be revoked individually in their own merit, it is possible to carry out a single consultation process and publish one public notice to cover all the DPPO rather than one for each DPPO. However to confirm with regulations the licensing committee would be required to consider the evidence and results from consultation on each individual DPPO.

12.3 For example, if all 16 DPPO highlighted in this report were considered for revocation collectively rather than individually it is estimated that not only would vast amount of officer time be saved, it estimated that the cost of publishing public notices would be reduced to £2'000 rather than £9'800.

### **13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

None

### **14. HUMAN RESOURCES IMPLICATIONS**

None

### **15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

None

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**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998**

- 16.1 DPPO in a location with an identified problem gives the Police and accredited person's additional powers to confiscate alcohol from people drinking in public places to effectively deal with adult-alcohol related disorder.
- 16.2 A DPPO in an area which has no previous and/or current identified alcohol related disorder is in danger of raising the fear of crime and the fear of disorder amongst those who live there.
- 16.3 The process of conducting consultation with public and stakeholders, and reviewing evidenced based analysis assists the local authority in fulfilling it's duty to take due regard in its decision to revoke a DPPO or to make a decision to let it remain in place.

**17. HEALTH INEQUALITIES IMPLICATIONS**

None

**18. LESSONS LEARNT**

- 18.1 With the publication of the Home Office Guidance on DPPO local authorities and stakeholders can now have better understanding of the interpretation of the legislation. The guidance also offers clarification on the implementation and management of DPPO which will assist the local authority in granting DPPO which are appropriate and proportionate.

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

- 19.1 Under the regulations there will be a requirement to carry out full public and stakeholder consultation before any decisions are made to revoke any DPPO.
- 19.2 The Bromsgrove Community Safety Partnership has endorsed the content of the DPPO study, and the recommendations within this report.

**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	YES
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Chief Executive	NO
Executive Director (S151 Officer)	NO
Executive Director – Leisure, Cultural, Environmental and Community Services	YES
Executive Director – Planning & Regeneration, Regulatory and Housing Services	NO
Director of Policy, Performance and Partnerships	NO
Head of Service	YES
Head of Resources	NO
Head of Legal, Equalities & Democratic Services	YES
Corporate Procurement Team	NO

#### **21. WARDS AFFECTED**

21.1 All wards within Bromsgrove District are affected by the content of this report either because they have a DPPO currently located within the ward or because the ward may have a requirement to request a DPPO in the future.

#### **22. APPENDICES**

Appendix 1 - Home Office Guidance: Designated Public Place Orders (DPPOs)

Appendix 2 - Bromsgrove District Designated Public Place Orders Review – March 2010

Appendix 3 - Example or Art work for new DPPO signage.

#### **23. BACKGROUND PAPERS**

Home Office Guidance: Designated Public Place Orders (DPPOs)  
Bromsgrove District Designated Public Place Orders Review – March 2010

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# **GUIDANCE ON DESIGNATED PUBLIC PLACE ORDERS (DPPOs): FOR LOCAL AUTHORITIES IN ENGLAND AND WALES**



**Home Office**



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## Introduction

This guide explains the powers given to local authorities in England and Wales to introduce Designated Public Place Orders (DPPOs). The provisions are contained in section 13 of the Criminal Justice and Police Act 2001 and section 26 of the Violent Crime Reduction Act 2006.

The purpose of this guide is to help you get the best out of DPPOs. If your local area has found its own effective system for using this power, then there is no need to consider making changes. Our aim is to ensure good practice from practitioners. The examples we give are merely suggestions that you may wish to try in your local area, particularly if DPPOs are new to you. We are not looking to replace existing local protocols.

This guidance is therefore not compulsory. It merely sets out examples of good practice which you may wish to follow in your local area. Legislative obligations mentioned here are, naturally, compulsory, and we have highlighted all references for your convenience.

## Purpose of the powers

On 1 September 2001, sections 12–16 of the Criminal Justice and Police Act 2001 came into force. DPPO powers enable local authorities to designate places where restrictions on public drinking apply. However, they can only be used in areas that have experienced alcohol-related disorder or nuisance.

These powers are not intended to disrupt peaceful activities, for example families having a picnic in a park or on the beach with a glass of wine. While police officers have the discretion to require an individual to refrain from drinking regardless of behaviour, our advice is that it is not appropriate to challenge an individual consuming alcohol where that individual is not causing a problem. Bodies responsible for introducing and enforcing DPPOs must keep in mind section 13 of the Criminal Justice and Police Act 2001 which makes it clear that this power is to be used explicitly for addressing nuisance or annoyance associated with the consumption of alcohol in a public place.

It is important to note that these powers **do not** make it a criminal offence to consume alcohol within a designated area. An offence is committed if the individual refuses to comply with a constable's request to **refrain from drinking**. Those enforcing these powers must take care that they do not state (either verbally or via signage) that the consumption of alcohol in a designated area, in itself, constitutes a criminal offence.

## Byelaws

By virtue of section 15 of the Criminal Justice and Police Act 2001, existing public drinking byelaws cease to have effect once an area is designated in accordance with section 13 of the 2001 Act. Any relevant local authority byelaw which was not replaced by a section 13 Designation Order has therefore lapsed by virtue of section 15 of the 2001 Act. Drinking byelaws that were not replaced by a DPPO ceased to have effect on 31 August 2006.

## The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007

Section 13 of the Criminal Justice and Police Act 2001 enabled local authorities to introduce Designated Public Place Orders (DPPO). The 2001 Act also ensured that pubs and clubs that have a premises licence to sell and supply alcohol under the Licensing Act 2003 could not be designated by a DPPO.

The Licensing Act 2003 brought the licensing arrangements for a range of activities under the same regime. So premises licensed for the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshments hold the same, single authorisation. The Licensing Act 2003 Statutory Guidance also encourages local authorities to seek premises licences for public spaces in order to allow local community events such as open-air festivals, concerts and carnivals to take place without the need for each individual event organiser having to apply for a separate licence. This allows these various events to operate within the terms of licence.

An unintended consequence of this was that, where local authorities were granted a premises licence in respect of public spaces in order to hold regulated entertainment (and in some cases allow the sale of alcohol at certain times) these places could not be designated with a DPPO. This conflicted with local authority wishes to promote community events by licensing public spaces, while also intending to make use of DPPOs in tackling anti-social behaviour drinking.

This unintended problem was rectified by section 26 of the Violent Crime Reduction Act 2006, which came into force on 6 April 2007 amending the 2001 Act, to ensure that premises used by local authorities in this way will only be excluded from a DPPO in which they are located at times when alcohol is actually being sold/supplied and for 30 minutes thereafter. The 2006 Act also ensures that a premises for which a Temporary Event Notice (TEN) permits the supply of alcohol will also be excluded from a DPPO in which it is located for 30 minutes following the supply of alcohol, rather than 20 minutes as was previously the case.

## Which authority has the power to make a DPPO?

The local authorities with the power to make a designation order under section 13 are:

- in England, unitary authorities and district councils so far as they are not unitary authorities; and
- in Wales, county councils or county borough councils.

In this context unitary authorities are defined as county councils (so far as they are councils for an area for which there are no district councils), district councils (in areas for which there are no county councils), London borough councils, the common council of the City of London (in its capacity as a local authority) and the council of the Isles of Scilly.

## Partnership working

As with any decision to introduce a particular power to tackle anti-social behaviour in a local area, it is essential that you work with the relevant agencies within the Crime & Disorder Reduction Partnership (CDRP) – such as the police – from the start of the DPPO process. In particular, this is to ensure that when the order comes into force, the DPPO is monitored and the police have the resources to be able to enforce it.

# The DPPO process

## 1. Evidence

The evidence you will require for a DPPO is that there is an alcohol related nuisance or annoyance to the public in the proposed area/s. You should make an assessment as to the likelihood that the problem will continue unless these powers are adopted. In addition, you must have a belief that the problem could be remedied by the use of these powers. Evidence should be based not just on information you have obtained, but also from the police and members of the local community who have reported incidents of alcohol-related anti-social behaviour or disorder.

Evidence of alcohol-related nuisance could for example include litter related to the consumption of alcohol (e.g. bottles and cans) as well as police information and residents' complaints.

## 2. Consultation

Before making an order you should consult with the chief officer of police overseeing the area in question. This is to seek the police's views on the nature of the problem and the appropriateness of adopting the powers. It is also in recognition that it will be the police who will have the responsibility for enforcing the resulting restrictions on public drinking.

You should also consult the following:

- the parish or community council covering all or part of the public place to be designated;
- the neighbouring police and local authorities, parish or community councils in cases where a designation order covers an area on the boundaries with that neighbouring authority. This is in order to assess the consequences of the designation order on the neighbouring authority (such as the possible displacement of anti-social public drinking problems) before the designation order is made; and
- any premises licence holder, club premises certificate holder or premises user (as appropriate), in relation to each premises in that place which may be affected by the designation. These are premises where:
  - (i) a premises licence granted under part 3 of the 2003 Act has effect;
  - (ii) a club premises certificate granted under part 4 of the 2003 Act has effect; or
  - (iii) a temporary event notice has been given so that premises may be used for a permitted temporary activity by virtue of part 5 of the 2003 Act.

You should also take reasonable steps to consult the owners or occupiers of the land proposed to be designated. Where residential areas are proposed to be included in the DPPO area, you should endeavour to consult with residents of those areas. Some councils have notified the local residents by means of a leaflet drop. You may also wish to consider holding residents' meetings. Some have carried out surveys of their residents and businesses to gauge their opinion on the proposal to introduce a DPPO and to identify any experience of alcohol-related anti-social behaviour or disorder. These data can add to the evidence base required before a DPPO is introduced.

When you consult any of the parties above, you should describe in writing the effect the order will have at particular times in relation to each category of premises (set out in section 3 (3) (b) of the 2007 Regulations) listed below:

- Premises in respect of which a premises licence has effect which authorises the premises to be used for the sale or supply of alcohol (section 14(1)(a) of the Criminal Justice and Police Act 2001 (“the 2001 Act”) but where section 14 (1B) of that Act does not apply). This provision covers licensed premises at all times of the day.
- Premises in respect of which a premises licence has effect which authorises the premises to be used for the sale or supply of alcohol but only at times when it is being used for the sale or supply of alcohol or at times falling within 30 minutes after the end of a period during which it has been so used (section 14(1)(a) of the 2001 Act where section 14 (1B) of that Act does apply). This provision covers licensed premises during the times of operation of the licence and 30 minutes thereafter – so for example they are not covered at times that they are licensed to sell or supply alcohol.
- Premises in respect of which a club premises certificate has effect which certifies that the premises may be used by the club for the sale or supply of alcohol (section 14(1)(aa) of the 2001 Act). This provision covers clubs that have club premises certificates.
- A place within the curtilage of licensed premises or club premises (section 14 (1B) of the 2001 Act). This provision covers any place within the enclosed area of licensed premises or club premises.
- Premises which by virtue of Part 5 of the Licensing Act 2003 may for the time being be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the last 30 minutes (section 14(1)(c) of the 2001 Act). This provision covers any premises for which there is a valid temporary event notice in force and for 30 minutes thereafter.
- A 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 (section 14(1)(e) of the 2001 Act). This covers places in which the council has given permission for alcohol to be sold pursuant to section 115E of the Highways Act 1980.

### **3. Publicity**

Before making an order, you should publish a notice in the local newspaper:

- identifying specifically or by description the place in question; setting out the effect the order will have on that place, particularly as regards certain times in relation to each category specified in section 3 (3) (b) of the 2007 Regulations;
- identifying any premises to which section 14 (1B) of the Act applies at the time the notice is published; and
- inviting representations as to whether or not an order should be made.

No order should be made until at least 28 days after the publication of the notice. Some local authorities have published the notice in a council publication that is delivered to all residences and businesses within the local authority boundaries. We believe this is an example of good practice as such a newsletter will most likely cover a larger proportion of the population. However, any publications in newsletters of this sort must be in addition to the notice in a local newspaper as this is a legal requirement.



## 4. Once an order is made

After making an order and before it takes effect, you should publish a further notice in the same local newspaper:

- identifying the place to which the order refers;
- setting out the effect the order will have on that place, particularly as regards certain times in relation to each category specified in section 3 (3) (b) of the 2007 Regulations;
- identifying any premises to which section 14 (1B) of the Act applies at the time the order takes effect; and
- indicating the date on which the order will take effect.

You should send a copy of the DPPO as soon as possible after the order is made to the following address:

Joanne French  
Home Office  
Alcohol Strategy Unit  
4th Floor  
Peel Building  
2 Marsham Street  
London  
SW1P 4DF

Telephone number: 020 7035 0066

The Home Office will send you an acknowledgement to confirm receipt of the DPPO order. If you don't receive an acknowledgement within two weeks of sending your paperwork to the Home Office you should contact the Alcohol Strategy Unit to confirm whether or not it has been received.

## Timescales

In respect of the length of time allowed for the consultation process, it is for you to decide what constitutes a reasonable consultation period. This might depend on how many premises licence holders and neighbouring local authorities may be affected by the proposed DPPO area. However, our advice is that a period of 4 to 6 weeks gives residents and others a fair opportunity to make representations.

The only statutory requirement in the regulations is that no order can be made until at least 28 days after the notice has been circulated in the local press. There are no other statutory timescales. However, you must consider what, in your view, is both fair and reasonable in terms of timescales for all other aspects of the DPPO process.

## Time lapses

If you find that a significant amount of time has elapsed since you first consulted about introducing a DPPO, we would advise you to go back to the initial results of the consultation and review whether there is likely to have been any changes in your local area which might have had an effect on your decision to implement a DPPO.

You will need to:

- look at why the DPPO was not implemented at the time (was it due to resource issues or were there any valid objections?);

- assess whether any circumstances are different now, compared to when the consultation took place;
- revisit the evidence to see if the DPPO is still justified; and
- consider whether any objections are more valid now as compared to when the consultation took place.

## Displacement

The creation of designated areas may well lead to anti-social drinking or nuisance being displaced into areas that have not been designated for this purpose. So, prior to designating an area, you should make an assessment of all the areas to where you reasonably believe that the nuisance or disorder could be displaced, ensuring that all those affected by the designation and possible displacement are appropriately consulted. It might be appropriate for you to designate a public area beyond that which is experiencing the immediate problems caused by anti-social drinking if the evidence suggests that the existing problem is likely to be displaced once the DPPO is in place.

## Extending a DPPO area

In order to extend the area of a DPPO, a new order has to be produced. This is to ensure that the extended area is just and reasonable. The consultation and publicity processes will need to be re-visited for the new area.

## Borough-wide DPPOs

Borough-wide DPPOs are not specifically prohibited in the legislation; however, we would advise caution, as, in order for the DPPO to be proportionate, you need to ensure that there is evidence of alcohol-related anti-social behaviour in each and every part of the borough. Any local authority considering a borough-wide DPPO will need to satisfy themselves that they can justify their decision by pointing to evidence of alcohol-related nuisance or annoyance in each and every part of their borough.

## Managing objections

Any objections to a DPPO should be properly considered. Questions that you might wish to consider include:

- does the person/people making an objection have a valid reason?
- does further evidence of alcohol-related anti-social behaviour need to be obtained?

Objections to a DPPO will not necessarily result in its rejection. However, all objections should be thoroughly considered. It would be good practice for you to send a letter to the person objecting, explaining why their objection has been accepted/rejected. In cases where there have been a number of objections on the same or similar points, you may wish to explain more publicly the reasons for continuing with the DPPO. This could be through residents' meetings or an article in a council newsletter.

## Evaluating DPPOs

There is no statutory requirement to review a DPPO. However, we would advise that they should be evaluated and reviewed as a matter of good practice. How often a DPPO should be evaluated is a decision for you to make. It would be good practice to review the DPPO at least every two years. The aim of an evaluation is to find out whether the DPPO has stopped/helped to reduce alcohol-related anti-social behaviour/disorder. If it has, is the DPPO still required? Does the area covered by the DPPO need to be reviewed?

The evaluation need not be a lengthy bureaucratic exercise. The policy leads responsible for implementing the DPPO would be advised to review the data on alcohol-related anti-social behaviour before the DPPO was in force, and compare it with more recent data, along with information from the police as to how often the DPPO has been enforced. A judgement can then be made as to the effectiveness of the DPPO in dealing with alcohol-related anti-social behaviour.

As part of the consultation with the police when a DPPO is originally being proposed, it is advisable that local authorities should make their own local agreement with the police about how data will be collected and/or disseminated on how often the DPPO powers are used. This will enable you to have the relevant information available when reviewing the effectiveness of the DPPO.

If it is judged that the DPPO has not proved effective at reducing alcohol-related anti-social behaviour, you will need to identify the reasons behind this before deciding on the next steps. It might be that the problems have been displaced, in which case you may wish to think about extending the area of the DPPO. Alternatively, it might be that the DPPO is not being enforced, in which case you will need to discuss with the police what steps can be taken to address this issue.

## Revocation of a DPPO

Under section 13 (3) of the Criminal Justice and Police Act 2001, local authorities have the power to revoke a DPPO. However, the same processes of consultation and publicity will need to be observed when any revocation is being considered. Any local authority which revokes a DPPO must send a notice to the Home Office (at the address above) informing them that a DPPO has been revoked.

### Portsmouth – an example of good practice

When Portsmouth Council decided to introduce a DPPO, they agreed a protocol with the police to provide guidance for both the public and the police as to how the DPPO would be enforced. The police and the local authority agreed that individuals with alcohol would not be approached and asked to stop drinking unless 1) they were engaged in anti-social behaviour or disorder; 2) the police were of the view that there was likely to be anti-social behaviour or disorder; or 3) complaints had been received from other members of the public. This approach allowed Portsmouth to target those individuals causing nuisance related to the consumption of alcohol while leaving undisturbed those who were not causing a nuisance.

The guidance from Portsmouth highlighted the importance of not alienating the public by challenging individuals not engaged in anti-social behaviour, and that the use of the power was a discretionary one on behalf of the police, and not a duty to challenge any individual with alcohol. The guidance produced by Portsmouth Council can be found at Annex E and is also available on the Crime Reduction website.

## Enforcement

Section 12 of the Criminal Justice and Police Act 2001 provides the police with powers to deal with anti-social drinking in areas that have been designated for this purpose by the relevant local authority under section 13 of the Act. The police (and other accredited persons, under sections 41 and 42 and schedule 5 to the Police Reform Act) have the power to require a person in a DPPO area not to drink alcohol in that area where an officer reasonably believes that the person has, or intends to do so. In addition an officer has the power to ask that person to surrender the alcohol and any opened or sealed containers in their possession.

As Police Community Support Officers (PCSOs) and other accredited persons do not have the power of arrest in these circumstances, a police officer will need to be called if someone fails to comply with the request to refrain from drinking. It is not an offence to drink alcohol in a designated public place, but failure to comply with an officer's requirements in respect of public drinking or the surrender of alcohol without reasonable excuse is an arrestable offence.

Penalties for this offence include:

- penalty Notice for Disorder (PND) £50; or
- arrest and prosecution for a level 2 fine, maximum of £500.

Bail conditions can be used to stop the individual from drinking in the public place pending prosecution for the offence.

Accreditation of PCSOs and others is at the discretion of the Chief Constable of the police force concerned.

## Breaches

There is no power to arrest someone who regularly consumes alcohol in a designated public place **unless** they fail to comply with an officer's request to stop when asked under section 12 of the Criminal Justice and Police Act 2001. However, the police can use a whole range of other powers to deal with regular public/street drinkers either by giving them a PND for being drunk or disorderly or by using Acceptable Behaviour Contracts (ABCs) and Anti-Social Behaviour Orders (ASBOs). Directions to Leave under Section 27 of the Violent Crime Reduction Act 2006 could also be used for up to 48 hours if appropriate.

## Signs

It is for you to decide on how many signs are required to draw the public's attention to the effect of an order in a particular place. You may also wish to consider any specific local requirements when producing the signs such as having the wording of the sign in other languages. This will obviously be dependent on budgetary constraints.

Signs should not conflict with or obscure traffic signs – you should consult with the local highway authority. They should be placed at the approaches to designated areas and repeated within them.

We suggest avoiding the use of diagonal lines through bottles or glasses on signs as they may suggest some sort of prohibition or ban on alcohol itself. Signs should not suggest that the consumption of alcohol is a criminal offence.

Each sign erected should also indicate the effect the order will have at particular times in relation to each category specified in section 3 (3) (b) of the 2007 Regulations:

- premises falling under section 14 (1) (a) of the 2001 Act (places which are not designated public places) to which section 14 (1) (b) of the 2001 Act does not apply;
- premises falling under section 14 (1) (a) of the 2001 Act to which section 14 (1) (b) of the 2001 Act does apply;
- premises falling under section 14 (1) (aa) of the 2001 Act;
- premises falling under section 14 (1) (b) of the 2001 Act;

- premises falling under section 14 (1) (c) of the 2001 Act; and
- premises falling under section 14 (1) (e) of the 2001 Act.

A model sign can be found at Annex A.

## Replacement signs – wording

If you are considering replacing a sign erected under the 2001 regulations, the wording **does not** need to reflect the amendments made in the 2007 Regulations.

## Wording of a DPPO

The legal title is a Designated Public Place Order (DPPO). DPPOs are sometimes misleadingly referred to as Alcohol Free Zones, Drinking Control Areas and Drinking/Alcohol Ban Areas. This can be confusing to members of the public as the purpose of the legislation is not to ban alcohol in a public area, but to give police the powers to deal with anti-social drinking. You will need to take this into account when producing signs/literature for your DPPO. An example of good practice is a leaflet produced by Ipswich Borough Council (on the Crime Reduction website and reproduced at Annex F).

## Other alcohol powers

There are a number of other powers that are available to deal with alcohol-related issues including the confiscation powers available under the Confiscation of Alcohol (Young Persons) Act 1997, Alcohol Disorder Zones, Directions to Leave and Dispersal Orders.

As there are a large number of powers available, you must consider which is the best suited to address any specific issues in your area. A guidance document is available which lists all of the alcohol powers: *A Practical Guide for Dealing with Alcohol Related Problems; What you need to know*. This document can be downloaded from the Crime Reduction website, or a hard copy is available from the address previously on p.7.

## Future legislative changes

On 4 March 2008 the Culture Secretary announced that the maximum fine for breach of a DPPO would be increased to £2,500. No timescale for this has yet been announced.

There will also be further provisions relating to alcohol powers in the forthcoming Policing and Crime Bill. Information on the new provisions will be available on the Crime Reduction website in due course.

## FAQs

**Q** Can local authorities introduce blanket restrictions on alcohol consumption or create Alcohol Free Zones?

**A** There are no provisions in the Criminal Justice and Police Act 2001 which allow the creation of Alcohol Free Zones or blanket restrictions of drinking in public. Before an area is proposed for designation, you must obtain some evidence that the area has alcohol-related anti-social behaviour or disorder associated with it. Any proposals for a comprehensive ban on public drinking would be considered disproportionate to the intended measures in the 2001 Act.

**Q** Does a DPPO lead to a universal ban on drinking in the open?

**A** No. Section 13 of the Criminal Justice and Police Act 2001 allows local authorities to designate public areas for the purposes of section 12 of the Act where they are satisfied that nuisance, annoyance or disorder have been associated with public drinking in that area. A universal ban on drinking in public would be considered disproportionate, and a DPPO should not be introduced for this purpose.

**Q** Can DPPOs be used for non-alcohol-related anti-social behaviour or disorder?

**A** No. DPPOs should only be used to tackle alcohol-related anti-social behaviour or disorder. Local agencies should consider using other anti-social tools and powers provided, for example Dispersal Orders, ASBOs and ABCs to tackle non-alcohol-related anti-social behaviour or disorder.

**Q** Are DPPOs indefinite?

**A** No. Like section 30 Dispersal Orders they can be reviewed while the order is in place. DPPOs can and should be revoked if they are no longer required.

## List of DPPO areas

An alphabetical list of DPPO areas can be found on the Crime Reduction website:  
[www.crimereduction.homeoffice.gov.uk/alcoholorders/alcoholorders09.htm](http://www.crimereduction.homeoffice.gov.uk/alcoholorders/alcoholorders09.htm)

## Contact details for local authorities in relation to DPPOs

Home Office contacts

Joanne French

Tel: 020 7035 0066

E-mail: [Joanne.French@homeoffice.gsi.gov.uk](mailto:Joanne.French@homeoffice.gsi.gov.uk)

Emma Lawrence

Tel: 020 7035 4671

E-mail: [Emma.Lawrence8@homeoffice.gsi.gov.uk](mailto:Emma.Lawrence8@homeoffice.gsi.gov.uk)

## Legislative provisions

### **Premises that are not designated as public places – Section 14 of the Criminal Justice and Police Act 2001, as amended by the Violent Crime Reduction Act 2006**

- (1) A place is not a designated public place or a part of such a place if it is –
- (a) premises in respect of which a premises licence has effect which authorises the premises to be used for the sale or supply of alcohol;
  - (aa) premises in respect of which a club premises certificate has effect which certifies that the premises may be used by the club for the sale or supply of alcohol;
  - (b) a place within the curtilage of premises within paragraph (a) or (aa);
  - (c) premises which by virtue of Part 5 of the Licensing Act 2003 may for the time being be used for the supply of alcohol which, by virtue of that Part, could have been so used within the last [30] minutes;
  - (e) a place where facilities or activities relating to the sale or consumption of alcohol are for the time being permitted by virtue of permission granted under section 115E of the Highways Act 1980 (c66) (highway related uses).
- (1A) Subsection (1B) applies to premises falling within subsection (1) (a) if –
- (a) the premises is held by a local authority in whose area the premises or part of the premises is situated; or
  - (b) the premises licence is held by another person but the premises are occupied by such an authority or are managed by or on behalf of such an authority.
- (1B) Subsection (1) prevents premises to which this subsection applies from being, or being part of a designated place only –
- (a) at times when it is being used for the sale or supply of alcohol; and
  - (b) at times falling within 30 minutes after the end of a period during which it has been so used.
- (1C) “Premises Licence” and “Club Premises Certificate” have the same meaning as in the Licensing Act 2003.

## Annex A

### Model sign

**This area has been designated under the  
Local Authorities (Alcohol Consumption in Designated Public Places)  
Regulations 2007**



If you continue to drink alcohol in this area designated under section 13 of the Criminal Justice and Police Act 2001 when asked not to do so by a police officer or any other person designated to carry out this task under sections 41 and 42 of the Police Reform Act 2002, or fail to surrender any alcohol to a police officer in this area, you may be arrested and would be liable on conviction to a

**Maximum fine of £500**

- Each sign erected should also indicate the effect the order will have at particular times in relation to each category of premises specified in section 3 (3) (b) of the 2007 Regulations – please see Section 2 (Consultation).



## Annex B

### **NOTICE TO PRESS – PROPOSED AREA TO BE IDENTIFIED (PRE MAKING AN ORDER)**

**Name of Local Authority**

**Local Authorities (Alcohol Consumption in Designated Public Places)**

**Regulations 2007**

NOTICE IS HEREBY GIVEN THAT (**Name of Local Authority**) in exercise of its powers under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 proposes to make an order identifying the places detailed in the schedule below.

The Order allows a constable and other accredited persons under section 41, section 42 and schedule 5 to the Police Reform Act to require a person, in a designated place, not to drink alcohol in that place if the officer reasonably believes that a person has consumed or intends to do so, and to surrender the alcohol and any opened or sealed containers in the person's possession. Any person who fails without reasonable excuse to comply with a constable's request under this provision may commit an offence and be liable to prosecution.

**[need to set out the effect the order will have at particular times in relation to each category of premises specified in regulation 3 (3) (b) – please see DPPO Process Section 2 – Consultation]**

If you wish to make representations about the proposed Order you should send them in writing to the undersigned by **(enclose date)**

#### SCHEDULE

LAND DESIGNATED BY DESCRIPTION

**[Insert Details of the place to be identified]**

**[Insert Name]**

**[Insert Name and Address of Local Authority]**

**[Insert Date]**

## Annex C

### **NOTICE TO PRESS – AREA IDENTIFIED IN THE ORDER**

#### **Name of Local Authority**

#### **Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007**

NOTICE IS HEREBY GIVEN THAT (**Name of Local Authority**) in exercise of its powers under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 has made an order which shall come into effect on the (**insert date**) identifying places detailed in the schedule below as designated public places pursuant to the Criminal Justice and Police Act 2001 (as amended by the Violent Crime Reduction Act 2006).

The Order allows a police officer, police community support officer (where accredited under section 41, section 42 and schedule 5 to the Police Reform Act) and people accredited through a community safety accreditation scheme to control the consumption of alcohol within designated public places. If they believe that someone is consuming alcohol or intends to consume alcohol they can require them to stop or they can confiscate the alcohol.

Any person who fails without reasonable excuse to comply with an officer's request under this provision may commit an offence and may be issued with a penalty notice for disorder or may be liable to prosecution.

**[need to set out the effect the order will have at particular times in relation to each category of premises specified in regulation 3 (3) (b) – please see DPPO Process Section 2 – Consultation]**

#### SCHEDULE LAND DESIGNATED BY DESCRIPTION

**[Insert Details of the place which has been identified in the Order]**

**[Insert Name]**

**[Insert Name and Address of Local Authority]**

**[Insert Date]**

# Annex D

## SAMPLE – DESIGNATED PUBLIC PLACES ORDER

[Insert name of Council]

CRIMINAL JUSTICE AND POLICE ACT 2001

ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES [Insert name and number of Order]

The Council of [Insert name] (in this Order called “the Council”) hereby makes the following Order under Section 13(2) of the above Act:

1. The land described in the Schedule below and or shown on the map attached to this Order, being a public place in the area of the Council which is a public space in which the consumption of alcohol has been associated with disorder, nuisance or annoyance to member of the public or a section of the public, is hereby designated for the purposes of section 13 (2) of the above Act
2. This Order may be cited as Alcohol Consumption in Designated Public Places for the area of.....Order (No....) 2008 and shall come in to force on (*insert date*)

### SCHEDULE

#### List of roads/areas etc

Dated this .....day of .....2008

The Common seal of the ..... **Council**  
was hereunto fixed in the presence of (seal)

## Annex E

### **EXAMPLE OF GOOD PRACTICE GUIDANCE TO POLICE AND OTHERS ENFORCING THE DPPO**

**Hampshire Constabulary  
Portsmouth Basic Command Unit  
Designated Public Places Order  
Enforcement Guidance**

#### **1. About this Guidance**

Hampshire Constabulary is committed to working in partnership with Portsmouth City Council in supporting the Safer Portsmouth Partnership to deliver the Crime and Disorder Strategy. Key areas of the strategy are to reduce alcohol-related violent crime, disorder and anti-social behaviour and in doing so create a safer Portsmouth where residents and visitors feel reassured.

This guidance is primarily aimed at all operational police staff and other personnel within Portsmouth City boundary who are, or who may be in the future, authorised to stop members of the public consuming alcohol in public places.

It explains how Portsmouth BCU will approach the enforcement of legislation which governs Alcohol Consumption in Designated Public Places. The whole of Portsmouth City has, from 15 August 2005, been designated.

#### **2. General Principles**

##### **Discretion**

Discretion will be used in the exercise of the new powers which will be carefully monitored to ensure that they are being used appropriately.

Circumstances likely to warrant the use of these powers are where:

- There is current anti social behaviour or disorder
- There is a high likelihood of anti social behaviour or disorder
- Complaints have been received from members of the public concerning an on going or developing problem which may lead to the above

Anti-social behaviour is defined as any behaviour which causes or is likely to cause harassment, alarm or distress.

##### **Street Drinkers**

It has been agreed by partners that 'street drinkers' are informed about the new law by outreach workers. They are also being provided with information on treatment services. Officers should use sound judgement when dealing with individuals who are thought to be alcoholics or who may have mental health issues. They should deal with any person in this category in line with Force policy and base any use of the power on the above criteria.

### Legislation

The legislation that governs the consumption of alcohol in public places, is provided by, Section 12 of the Criminal Justice and Police Act 2001 as amended by section 199 and schedule 7 of the Licensing Act 2003. (PNLD Ref H3882 and D9612/3/4)

The order covers all public places within Portsmouth City. **It does not cover private enclosed shopping precincts such as Cascades but does cover Gunwharf. It does not apply to licensed premises including outside drinking areas which form part of a licensed premises.**

Section 12(1) states that if a constable reasonably believes that a person is, or has been, consuming intoxicating liquor in a designated public place or intends to consume intoxicating liquor in such a place.

Section 12(2) The constable **MAY** require the person, not to consume within that place and surrender anything in his possession that the constable reasonably believes to be intoxicating liquor or a container for such liquor.

Section 12(3) A constable may dispose of anything surrendered to him under (2) above in a manner that he considers appropriate. The containers can be either sealed or unsealed, although it is anticipated that it would be rare to seize sealed containers from a compliant person.

**Section 12(4) If a person fails to comply with the above requirement, they commit an offence.**

Section 12(5) A constable who imposes a requirement under (2) above will inform the person that failure to comply, without reasonable excuse, with the requirement is an offence.

**If an individual fails to comply with the request then they can be arrested, it is an arrestable offence.**

EXAMPLE OF REQUEST TO STOP DRINKING:

“This is a designated public place in which I have reason to believe that you are/have been drinking intoxicating liquor. I require you to stop drinking and give me the container from which you are/have been drinking and any other containers (sealed or unsealed). I must inform you that failure to comply with my request, without reasonable excuse, is an offence for which you can be arrested.”

**IT IS NOT AN OFFENCE TO CONSUME ALCOHOL IN A PUBLIC PLACE UNLESS A PERSON HAS BEEN PROPERLY DIRECTED TO STOP.**

### Fixed Penalty

Where an offence has been committed it can be dealt with by way of a Penalty Notice for Disorder (PND) with the relevant fine being £50. It is important to remember that this PND can only be issued to offenders 16 years and over, the PND can also be issued on the street.

## 3. Implementation

**Portsmouth City Council has erected signs which promote responsible drinking and inform the public that the area is subject to drinking control. The signs will be clearly visible on the approaches to the City and in areas likely to be most affected by alcohol-related incidents.**

As stated above, the object of this order and policy is to prevent crime and disorder and the powers available can be used at the officer's **discretion**. It is **important not to alienate the public**. **For example, it would be inappropriate to challenge individuals consuming alcohol whilst enjoying a quiet picnic on the beach or in one of the city parks.**

This legislation does not affect the placing of tables and chairs outside licensed premises to allow consumption within that seating area, provided that they are properly licensed. Any incidents arising from the consumption of alcohol in these circumstances should be dealt with under the Licensing Act. If non urgent, such matters should be referred to the Licensing Departments of Portsmouth BCU and/or Portsmouth City Council. In urgent cases the advice of the Duty Inspector should be sought.

This order does not affect the power of the Police to seize and retain alcohol from young persons under the Confiscation of Alcohol (young persons) Act 1997.

### **Disposal of Alcohol**

Officers should dispose of alcoholic drinks according to the existing procedures followed in respect of the Confiscation of Alcohol (Young Persons) Act 1997. A compliant adult would normally be asked to pour the alcoholic contents from any open container in their possession. Any debris should be disposed of by placing in the nearest bin. It would be rare to take possession of sealed containers from an adult in these circumstances unless there was a reasonable belief that the person will continue to drink in a public place.

Where a person is non-compliant an officer may find it necessary to seize the alcohol from a person and pour it away. An offence would have been committed in these circumstances and consideration should be given at that point to what penalty measures should be taken. In the event of an arrest being made, where practicable, unopened containers should be retained and shown to the custody officer and then discarded. No receipt will be given but a brief description of what has been seized will be recorded on the C12.

Officers should continue to exercise discretion in the finalising of such a case. Final disposal of the matter could result in no further action/informal warning, PND on the street, arrest with PND or summons/charge disposal. In any case **a C12 stop and account form MUST be completed**. The ASB and seizure of alcohol boxes should be ticked and blue copy forwarded to CSU at KF.

## **4. Impact of this Guidance**

### **Consultation**

Prior to the drinking control order being made, extensive public consultation took place. Portsmouth City Council members, community groups, licensees and trade bodies all supported its introduction.

### **Equality**

The use of these powers by the police in these circumstances has been assessed to have a risk of affecting race or other community relations. This will be under continual review and based upon public feedback and the monitoring of stop and account records.

### **Monitoring**

Along with our partners the Constabulary will continue to seek feedback from all sections of the community to ensure that these powers are being used appropriately. Police Officers and PCSOs are required to fill in a C12 stop and account form when exercising this power.

# Annex F

Continued heavy drinking or binge drinking can cause problems for a individual's health. Where drinking is associated with criminal or anti-social behaviour, it has an impact on the individual, their family and the whole community.

## What is a Designated Public Place?

The Criminal Justice and Police Act 2007 introduced the power for local authorities to designate public places in which it will become an offence to drink alcohol after being requested not to do so by a police officer. The police will have the power to require the surrender of alcohol and containers in these circumstances and their role to enforce will be later to arrest. The mechanism for such a ban is a Designated Public Place Order.

## What are the aims of a DPO?

- The key aims for DPOs are to:
  - provide additional powers to police to deal with persistent alcohol drinking and alcohol related anti-social behaviour;
  - reduce disturbances in public places which are alcohol related;
  - reduce disturbances in public places;
  - contribute to the range of actions which are being delivered to reduce alcohol misuse;

Forwicks Borough Council is promoting responsible drinking to people who live south of the town. As part of this campaign, the Council has introduced a Designated Public Places Order which will be effective from 1st December 2007.

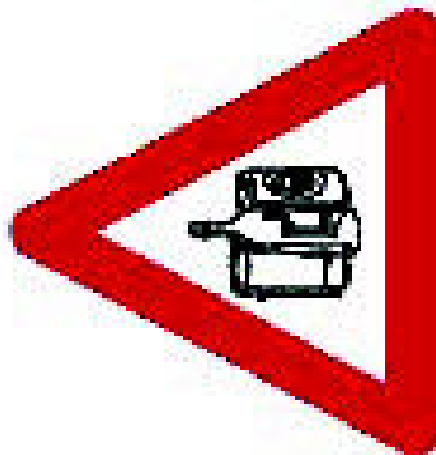
## What is the rationale for DPOs?

Over 50% of the adult population drink and the majority do so without any problems, the majority of the time. Drinking alcohol is widely associated with socialising, relaxing and pleasure. Drinking within the recommended limits can even provide some health benefits.

The Government's Recommended Safe Drinking levels are:

- a maximum intake of 2-3 units per day for women and 3-4 for men, with two alcohol-free days after heavy drinking, contained alcohol consumption at the upper limit is not advised;
- a dose intake of up to two units a day can have a protective protective effect against heart disease for men over 40 and post-menopausal women and some groups such as pregnant women and those engaging in potentially dangerous activities (such as operating heavy machinery) should drink less or nothing at all.

# designated public place



Drink responsibly or the police could use their powers to take away your alcohol and fine you

## Helpful numbers

- reduce the numbers of street drinking and festival areas through continuing enforcement with outreach services.

### 4000 077 6266

This is the number for the National Alcohol Helpline (NAH) which is a Police Officer or a Police Community Support Officer (PCSO) who will help you to stop drinking in a public place if:

- you are causing disorder or behaving in an anti-social manner (while drinking alcohol or under the influence of alcohol);
- there is a likelihood of anti-social behaviour or disorder (while drinking or under the influence of alcohol);
- complaints have been received from the public concerning an ongoing or developing problem.

**This order will not affect you if you are drinking responsibly in a public place**

### National Alcohol Helpline

0800 077 6266

Confidential advice and information to all aspects of alcohol. Call us free.

### Alcoholism Anonymous National Helpline

0800 709 7800

Call charged at local rate.

### 19000063

01470 626000

Open hours drug and alcohol services.

### Anti-Social Behaviour

0800 100 6620

Free phone - reporting anti-social behaviour.

### Souths Downville Welfare & Advice

0800 763 8124

0800 763 8124

### National Domestic Violence Helpline

0808 2000207

### 4TIP

0800 518 0160

Information and support for young people.

### Crisis Stopgap

0800 006 111

Call anonymously with information about a crisis.

### Sexual Offences

0800 789 00 00

Confidential non-judgemental

confidential support.



### Would you prefer to drink in a public place?

If you continue to drink when asked not to you should not be convicted and disposed of by the officer.

### Why is your police officer asking you to stop drinking?

If you consider your alcohol use to be normal, to behave in an anti-social manner there will be no further action.

### Will you be arrested or convicted if you don't stop drinking?

You may be arrested and convicted to a maximum fine of £2400 or issued with a three day police notice.

### What will happen if I do not stop drinking when asked to do so by a police officer?

You may be arrested and convicted of a Public Order offence.

The aim is to ensure that residents, businesses and visitors are able to enjoy the benefits of the relaxed licensing community. This should be without risk or fear of any nuisance or disorder caused by the behaviour of a few people introduced by alcohol to public.













# **Bromsgrove District Designated Public Places Orders (DPPOs) Report**

**March 2010**

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## Section 1: Overview and Recommendations

It is worth noting that the process of implementing a DPPO is outlined within legislation, namely section 12-16 of the Criminal Justice and Police Act 2001. There were amendments to this act within the Violent Crime Reduction Act 2006, and the Local Authorities (Alcohol Consumption in Designated Places) Regulations 2007.

In November 2009 a Home Office document was produced which sets out guidance for implementing DPPOs<sup>1</sup>. The recommendations set out in the guidance are not compulsory, but would assist in the delivery of good practice. The guidance also clarified the legislative obligations, which are compulsory. Every DPPO within Bromsgrove District was implemented prior to the publishing of the Home Office guidance and therefore Bromsgrove District Council would have implemented their DPPOs in line with legislation only.

The compulsory legislative obligations set out in the Local Authorities (Consumption in Designated Public Places) Regulations 2001 predominantly cover consultation and publicity; this can be seen in appendix 1. In 2007 an amendment to the act was introduced extending the requirements for consultation and publicity, but also included requirements for signage, see appendix 2. Bromsgrove District designated 5 new public place orders following this amendment.

After auditing documentation in relation to the implementation process for each of the Designated Public Place Orders within Bromsgrove District, it can be concluded that the local authority has consulted, publicised and conformed according to the legislative obligations within the 2001 and 2007 regulations.

It is uncertain with some orders whether the local authority had ascertained if a location is suitable as a designated public place, as interpreted under the Crime and Justice Act 2001 which underpins the 2001 and 2007 regulations. Section 13 (2a) and (2b) of the Crime and Justice Act 2001 states that “A local authority may for the purpose of subsection (1) by order identify any public place in their area if they are satisfied that nuisance or annoyance to members of the public or a section of the public; or disorder; has been associated with the consumption of intoxicating liquor in that place.”

Figure 5 in the following report shows that in 10 of the 22 DPPO areas within Bromsgrove, no adult alcohol-related disorder was recorded by the Police before implementation, and therefore statistical evidence does not support the implementation of a DPPO. During the consultation period with police, parish councils, elected members, and licensees varied anecdotal evidence was provided, but it mostly covered disorder which should not be linked with DPPOs, such as youth-related disorder.

Many of the replies to consultation refer to supporting an “alcohol ban” which suggests that consultees have misinterpreted the nature of the order; this is due to the lack of information provided. The misinterpretation of the DPPO as a blanket ban on alcohol is evident during most of the consultation processes including consultation returned from elected members, Parish Councils, West Mercia Police and other Community Safety Professionals.

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<sup>1</sup> available online at: <http://www.crimereduction.homeoffice.gov.uk/alcoholorders/alcoholorders01.htm>

The home office guidance on DPPOs gives advice on how to manage each element of the implementation process. Some of the notable advice includes:

- Partnership Working: “It is essential to that you work with the relevant agencies within the Crime and Disorder Reduction Partnership (CDRP) – such as the police – from the start of the DPPO Process”
- Evaluating DPPOs: Although there is no statutory requirement to a review a DPPO the guidance suggests that it would be good practice to review a DPPO every two years to ensure the order is effective and still required.
- Signs: This is the first time that there has been guidance on suggested wording and layout for DPPO signs. The current signs within Bromsgrove District do not conform to the guidance. The current signage simply say “Alcohol Free Zone” which misleads the reader to thinking there is a blanket ban on alcohol and raises expectation for enforcement which can not legally carried out.

Bromsgrove District Council has not had to consider this guidance as all of their DPPOs were designated prior to the publishing of the guidance. However, as the guidance is now in existence, the authority should take note of the recommendations, specifically the 3 listed above.

### ***Recommendations***

1. Bromsgrove District Council Licensing Committee should consider the findings of this report and consider a programme of revoking the DPPOs which are proving ineffective, inappropriate or disproportionate.
2. DPPOs which the licensing committee may wish to consider for revoking are:

<b>DPPO</b>	<b>Ward/Area</b>	<b>Reason</b>
Hanbury Road Recreation Area	Stoke Prior	Inappropriate
Ryefields Road Recreation Area	Stoke Prior	Inappropriate
Shaw Lane Recreation Area	Stoke Prior	Inappropriate
Church Street	Hagley	Inappropriate
Playing Fields	Hagley	Inappropriate
Railway Station	Hagley	Inappropriate
Sweetpool Nature Reserve	Hagley	Inappropriate
Worcester Road	Hagley	Inappropriate
Alleyway, Belmont – Meadowfield Rd	Rubery	Inappropriate
Callowbrook Open Space	Rubery	Inappropriate
St Chads Park	Rubery	Ineffective
Lingfield Walk	Catshill	Ineffective
Belmont Road	Rubery	Ineffective
Aston Fields Recreation Ground	Charford	Ineffective
New Road, Rubery	Rubery	Ineffective
Alvechurch Village	Alvechurch	Ineffective

3. All DPPO signage should be changed to new signage which conforms to the Home Office Guidance.



4. Bromsgrove District Council should consider utilising the Bromsgrove Community Safety Partnership as a mechanism for gathering evidence and consultation for future DPPO requests.
5. A programme of communications and marketing around DPPOs should be delivered aimed at public, elected members and partners to re-enforce the correct purpose of a DPPO and the context in which they are appropriate and effective.
6. Provision should be made to evaluate DPPOs on a bi-annual basis to ensure they are effective, appropriate and proportionate.

## **Section 2: Success of Designated Public Places Orders – Bromsgrove District**

**Report to:** Bromsgrove Community Safety Team

**Author:** Emily Humphreys, Community Safety Partnership Analyst

**Date:** January – March 2010

### ***1. Purpose***

- i. To assess the effectiveness of DPPOs by considering the level of alcohol related anti-social behaviour and crime before and after implementation.
- ii. Assess the level to which the legal process in place when implementing a DPPO have been followed in the Bromsgrove District

### ***2. Background***

#### **2.1 DPPO Legislation**

- i. A Designated Public Place Order (DPPO) may be introduced to create an area where restrictions apply on public drinking, making it an offence to refuse to comply with a police officers request to refrain from drinking. A DPPO gives the Police, and Community Safety Officers accredited through a community safety accreditation scheme, the powers to control alcohol consumption in these designated areas. Though commonly termed as “Alcohol Free Zones” they are not areas where the consumption of alcohol is banned.
- ii. The Confiscation of Alcohol (Young Persons) Act 1997 and Section 155 of the Licensing Act 2003 provide the police with powers to confiscate alcohol from persons under the age of 18 in any area, therefore DPPO legislation is not designed to prevent underage drinkers from consuming alcohol in the designated area.
- iii. Though there is no statutory requirement to evaluate DPPOs, Home Office guidance recommends that they should be regularly evaluated and reviewed to assess their effectiveness in dealing with alcohol-related anti-social behaviour

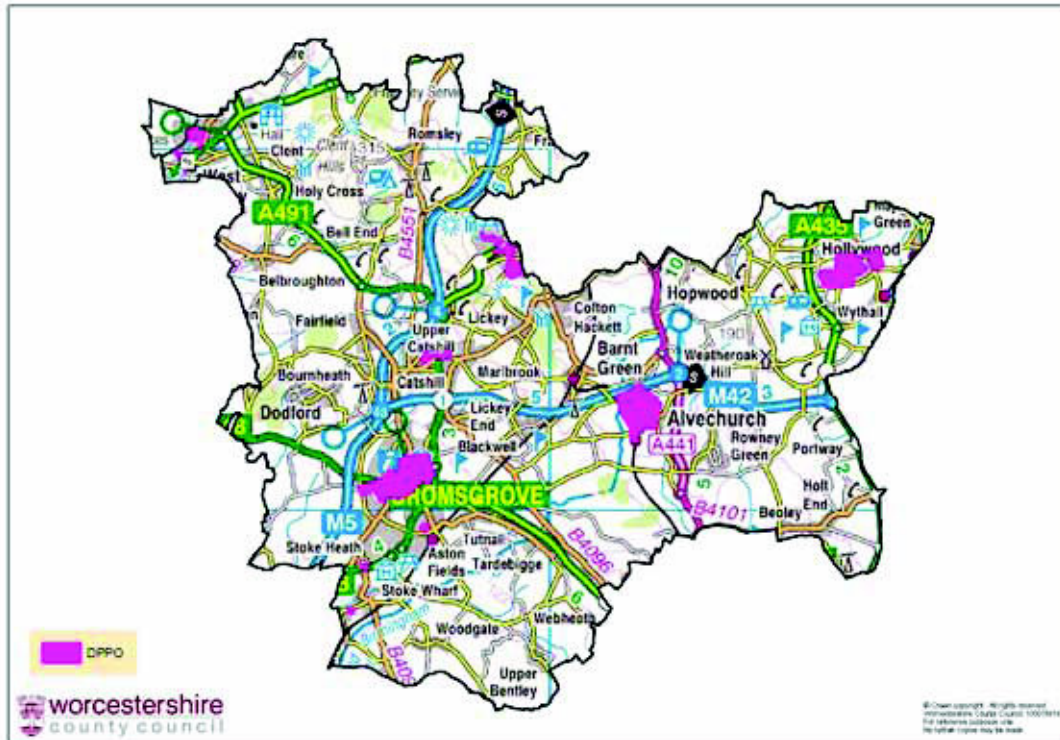
#### **2.2 Implementing a DPPO**

- i. The process of implementing a DPPO requires:
  - a. evidence of an alcohol-related problem which is likely to continue unless DPPO powers are adopted.
  - b. consultation with the local police and parish or community councils both within the designated area and in neighbouring areas, premise license holders in the area, and owner/occupiers of the land.
  - c. A published notice in the local paper at least 28 days before implementation, and again before the order takes effect.
- ii. The consultation period must be sufficient to allow local residents to make any representations.

## 2.3 Bromsgrove DPPOs

- i. The Bromsgrove District has a total of 22 separate DPPOs currently in place implemented on various dates from August 2003 onwards.

FIGURE 1: LOCATION OF THE 22 DPPOs IN BROMSGROVE DISTRICT



For more information on the location and extent of individual DPPOs, see appendix 3.

FIGURE 2: LIST OF BROMSGROVE DPPOs, INCLUDING AREA, GRANTED DATE AND WARD LOCATION.

DPPO	Area m <sup>2</sup> (approx.)	Date Granted <sup>2</sup>	Ward Location
Ryefields Road Recreation Area	8,776	15/07/2003	Stoke Prior
Shaw Lane Recreation Area	2,426		
Hanbury Road Recreation Area	12,255		
St Chads Park	34,462	25/06/2004	Waseley
Callowbrook Open Space	51,430		
Alleyway between Belmont Road and Meadowfield Road	257	25/06/2004	Beacon
Worcester Road, Hagley	11,882	25/06/2004	Hagley
Church Street, Hagley	2,017		
Hagley Playing Fields/Car Parks/Allotments/Community Centre & Library	43,875		
Hagley Railway Station, Car Park & Station Drive	5,188		
Sweetpool Nature Reserve, Hagley	8,525		
Lingfield Walk Park	32,208	02/11/2004	Catshill
Lower Marlbrook Recreation Area	19,814	02/11/2004	Marlbrook
Drakes Cross & Hollywood	809,441	18/11/2004	Drakes Cross & Walkers Heath, Hollywood & Majors Green.
Belmont Road at junction with Rednal Hill Road	3,943	08/04/2005	Beacon
Aston Fields Recreation Area	22,158	01/12/2006	Charford
Bromsgrove Town Centre	1,178,564	22/01/2007	Sidemoor, St Johns, Whitford
New Road Rubery	15,517	02/10/2007	Waseley
Alvechurch	101,531	15/01/2008	Alvechurch
Rednal Hill Lane	20,048	28/10/2008	Beacon
Rednal Hill Lane (Valley Farm Road)	21,162		
Alleyway between Belmont Road and Waterhaynes Close	564		

- ii. As the Hagley and Catshill/Marlbrook DPPOs were implemented on the same date and are either adjoining or in close proximity to each other, they can be grouped together for analysis purposes.
- iii. Though there are a total of 8 DPPOs in the Rubery area (Waseley and Beacon wards) implementation dates and proximity varies, making it difficult to group them for analysis.

### 3. Data Sources

- i. Information from the Police OIS recording systems was extracted from the West Mercia Constabulary computer systems for the period 1st April 2003 to 31<sup>st</sup> December 2009.
- ii. Anti-social behaviour incidents were defined as involving alcohol if the log text of the incident included the words 'drunk', 'drink', 'alcohol', 'intoxicated',

<sup>2</sup> Date granted taken from information provided by Bromsgrove District Council Licensing Department on 19<sup>th</sup> January 2010

'public house', 'licensed premise', 'wine', 'beer', 'vodka', 'lager', 'spirit', or 'cider'.

- iii. It is likely that the above will underestimate the number of incidents where alcohol or drugs were a factor.

#### ***4. Effectiveness of Bromsgrove DPPOs on Reducing Alcohol-related Anti-Social Behaviour***

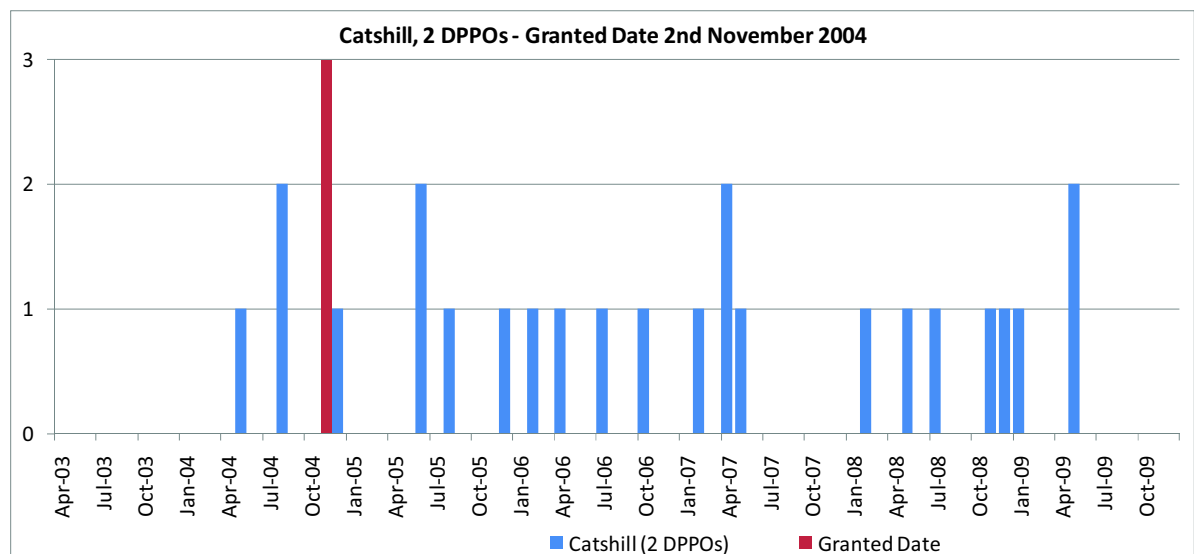
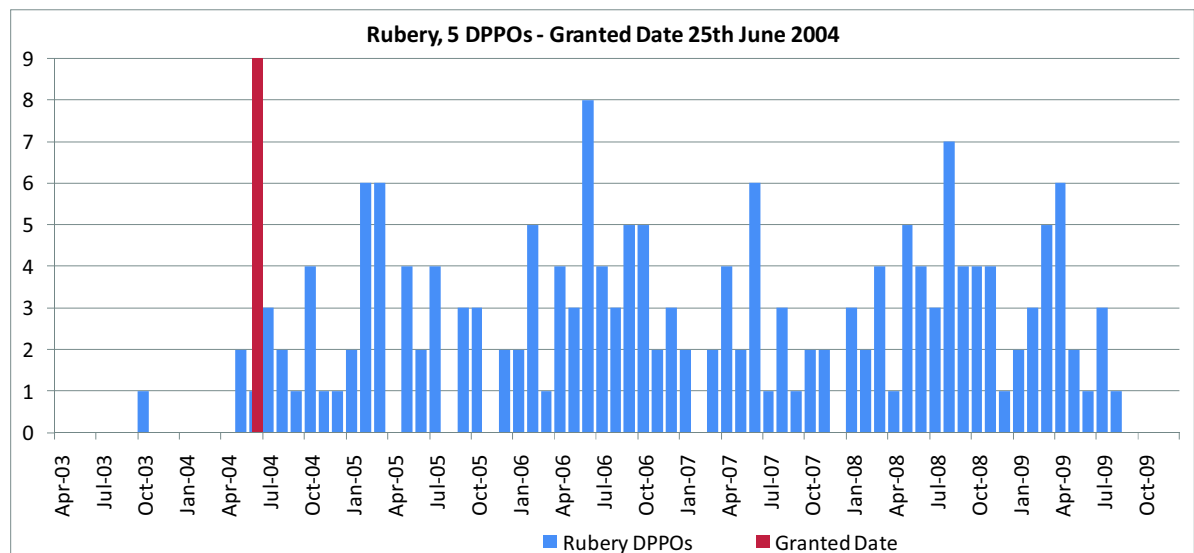
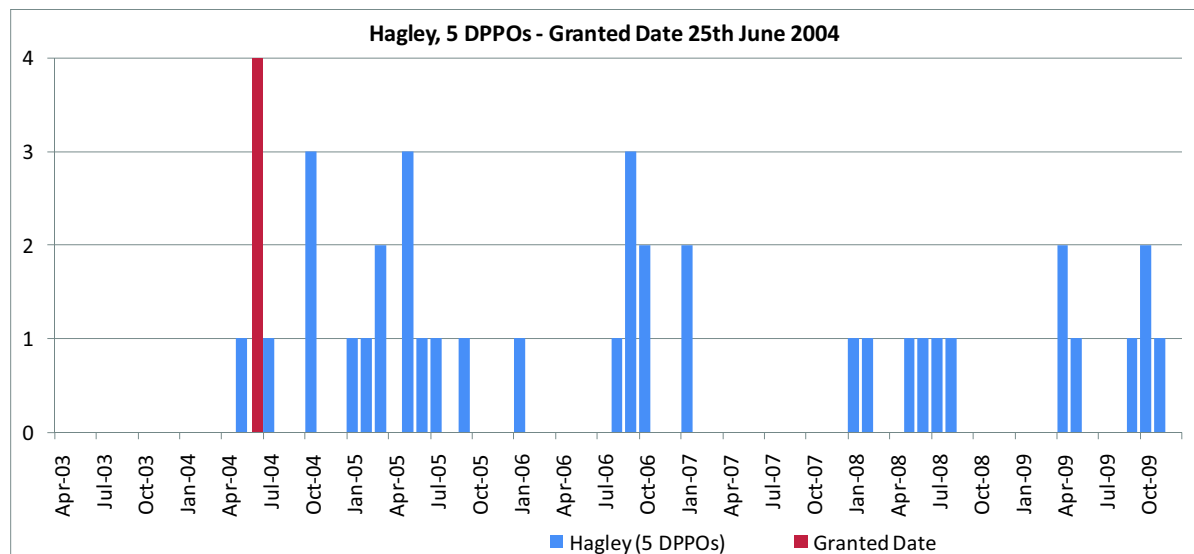
##### **4.1 Method of linking incidents to DPPOs**

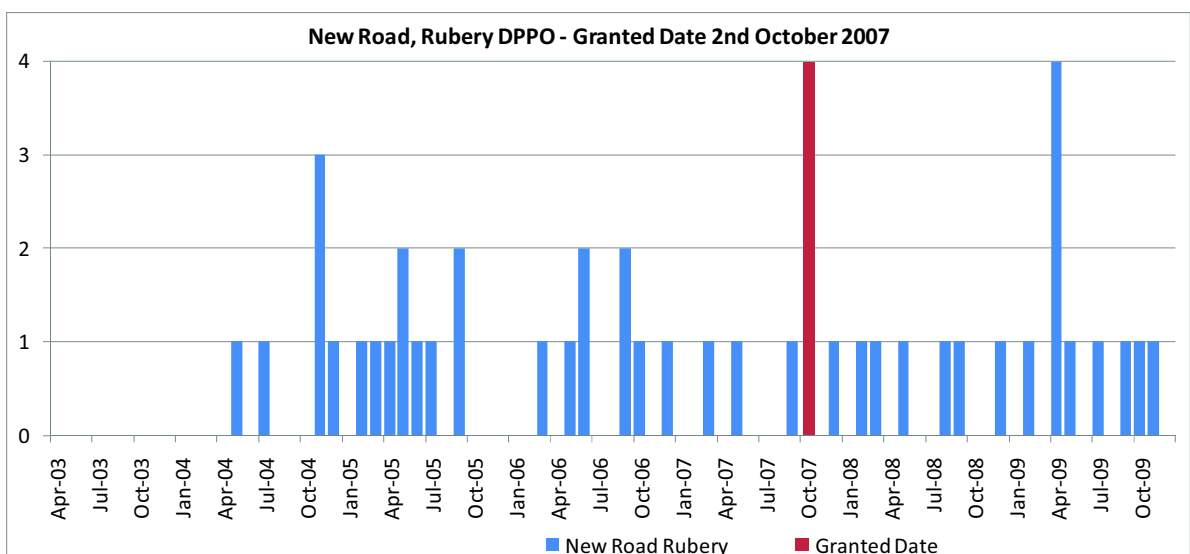
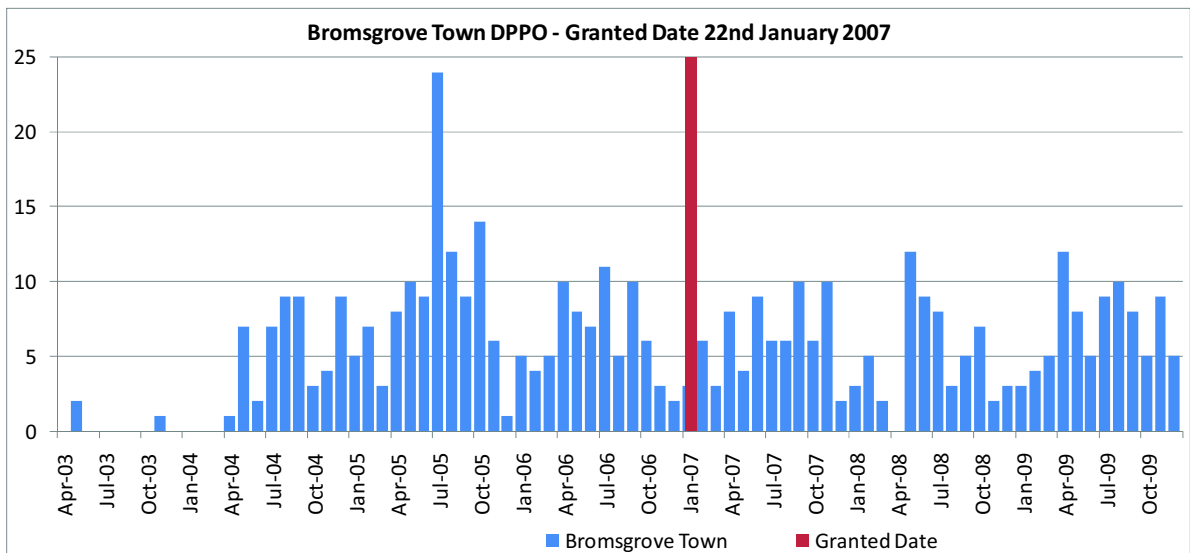
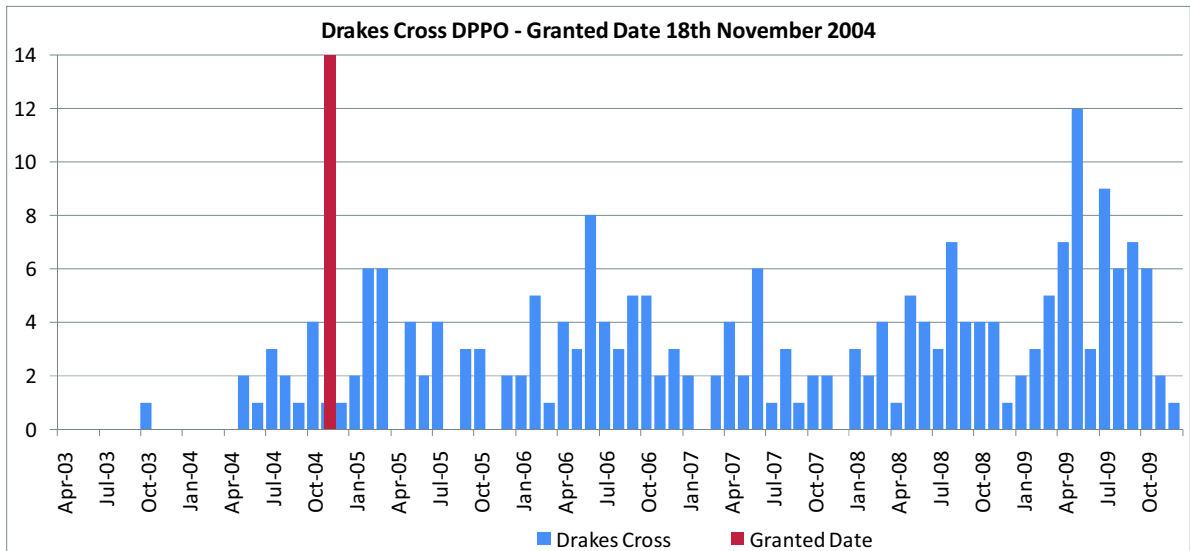
Incidents were defined as having occurred within the DPPO where the grid co-ordinates provided by the OIS system placed them directly with the zones (as mapped by Bromsgrove District Council GIS Department) or within a 50m buffer of each zone. The 50m buffer was chosen as most incidents are assigned the grid reference of the nearest property to the stated location, even if they did occur outside on the street. DPPO legislation only applies to outdoor areas. The average distance between the street and the back of houses was thought to be roughly 50m.

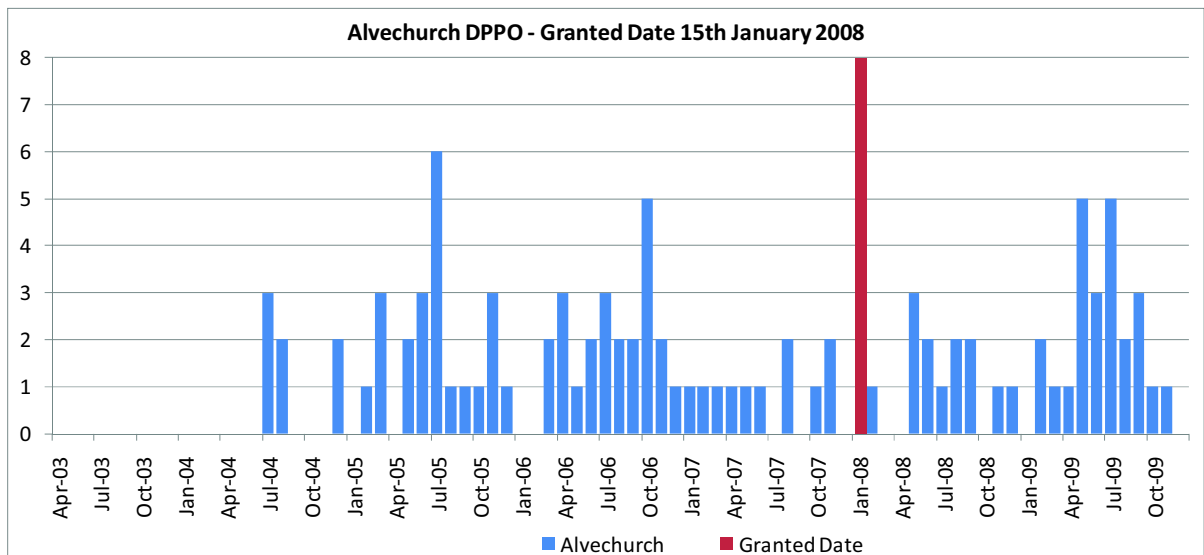
##### **4.2 Assessment Method 1 – Incidents per month**

- i. The following graphs show how visually how the number of alcohol related ASB incidents in DPPO areas has changed over time. On each graph, the number of incidents per month from April 2003 to December 2009 is displayed, and the red line indicates the date when the DPPO was granted. Only those DPPOs, or where appropriate, groups of DPPOs with 20 or more alcohol related ASB incidents occurred within the buffer area during the 6 year study period have been included. It is thought that fewer than 20 incidents would not provide a meaningful result.

FIGURE 3: THE NUMBER OF ALCOHOL RELATED ASB INCIDENTS PER MONTH BEFORE AND AFTER DPPO IMPLEMENTATION



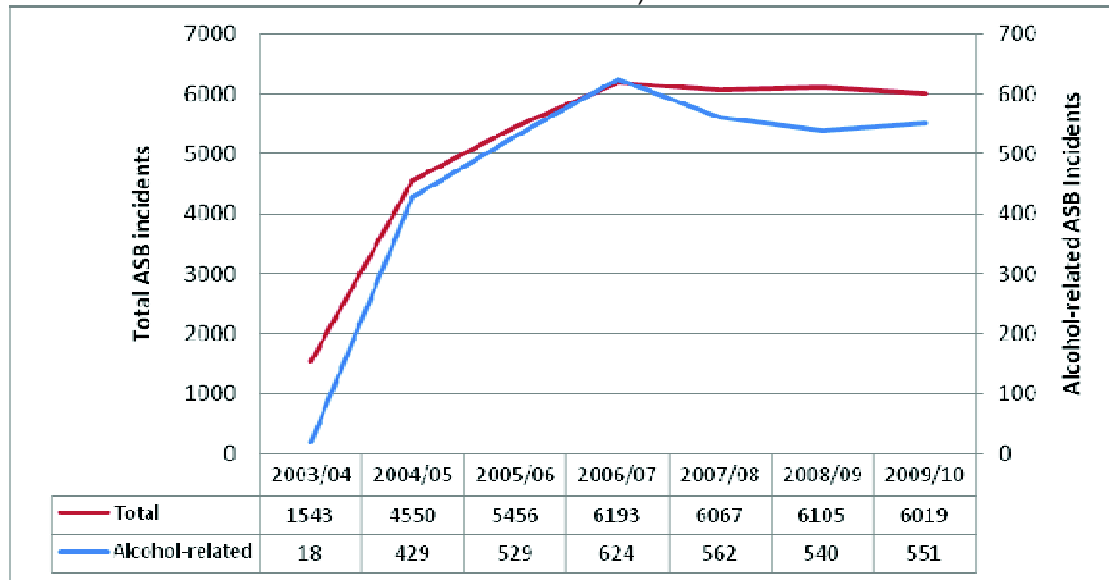




- ii. Figure 3 demonstrates visually the level of alcohol related ASB per month in the DPPO areas both before and after implementation to give an indication as to the success of the DPPO.
- iii. Few conclusions can be drawn from the graphs alone, though it does seem that the level of alcohol related ASB in the Bromsgrove Town DPPO area dropped after the implementation of the DPPO.
- iv. In many other areas, it appears that there have been too few incidents to assess a meaningful result on a month by month basis, for example in Catshill the average is less than one incident per month.
- v. Furthermore, in all areas, the level of ASB reporting between 2003 and 2005 was much lower than that of 2005 onwards. In fact, over the course of the last 7 years, the number of ASB reports across the District each financial year rose quickly from 2003/04 to 2005/06 and has been roughly maintained for the last 4 years (see figure 4 below). Levels of anti-social behaviour recording before 2005 were fairly low, and so little data is available for comparison in some of the older DPPO areas, compromising the validity of analysis. Therefore, DPPOs that were implemented before 2005 are likely to have experienced a large increase in total and alcohol-related ASB since implementation simply because reporting levels were so low in previous years.



FIGURE 4: TOTAL AND ALCOHOL RELATED ASB INCIDENTS PER FINANCIAL YEAR IN THE BROMSGROVE DISTRICT 2003/04 TO 2009/10 (PREDICTED OUTTURN CALCULATED USING DATA FROM APRIL TO DECEMBER 09)



#### 4.3 Assessment Method 2 – Incidents per Day

- i. Comparing the average number of incidents per day before and after directly may be misleading as it does not account for the rapid increase in overall reporting of ASB incidents that took place throughout the Bromsgrove District between 2003 and 2007. This would cause the "before" figures to be naturally significantly lower than the "after", especially for those DPPOs implemented before 2007. In order to make allowances for these trends, the change in the number of anti-social behaviour incidents on average per day both before and after implementation was compared to the change in the District as a whole. This also enables all areas, regardless of implementation date, to be directly compared.

FIGURE 5: CHANGE IN AVERAGE NUMBER OF INCIDENTS PER MONTH BEFORE AND AFTER DPPO IMPLEMENTATION, EXPRESSED AS A PERCENTAGE.  
DATA PERIOD: 01 APRIL 2003 TO 31<sup>ST</sup> DECEMBER 2009

Area	DPPO	Date Granted	% change in:			Indication of Positive Effect?		
			Within Buffer	District	Within Buffer	District	Total	Alcohol
Stoke Prior	Hanbury Road Recreation Area	15/07/2003		202.29%		3358.86%	n/a*	n/a
Stoke Prior	Ryefields Road Recreation Area	15/07/2003		202.29%		3358.86%	n/a	n/a
Stoke Prior	Shaw Lane Recreation Area	15/07/2003		202.29%		3358.86%	n/a	n/a
Hagley	Church Street, Hagley	25/06/2004	716.95%	190.36%		760.15%	No	n/a
Hagley	Playing Fields, Hagley	25/06/2004	1071.33%	190.36%		760.15%	No	n/a
Hagley	Railway Station, Hagley	25/06/2004		190.36%		760.15%	n/a	n/a
Hagley	Sweetpool Nature Reserve, Hagley	25/06/2004		190.36%		760.15%	n/a	n/a
Hagley	Worcester Road, Hagley	25/06/2004	102.84%	190.36%		760.15%	Yes	n/a
Rubery	Alley Belmont Rd-Meadowfield Rd	25/06/2004	70.10%	190.36%		760.15%	Yes	n/a
Rubery	Callowbrook Open Space	25/06/2004	535.65%	190.36%		760.15%	No	n/a
Rubery	St Chads Park	25/06/2004	748.28%	190.36%	1220.55%	760.15%	No	No
Catshill	Lingfield Walk Park	02/11/2004	278.27%	125.73%	947.96%	264.29%	No	No
Catshill	Lower Marlbrook Recreation Area	02/11/2004	269.87%	125.73%	-38.36%	264.29%	No	Yes
Wythall	Drakes Cross & Hollywood	18/11/2004	121.58%	117.86%	175.65%	252.23%	No	Yes
Rubery	Belmont Road	08/04/2005	43.20%	88.10%	250.21%	146.50%	Yes	No
Charford	Aston Fields Recreation Area	01/12/2006	182.64%	38.25%	177.68%	34.73%	No	No
Bromsgrove	Bromsgrove Town	22/01/2007	54.83%	38.26%	34.55%	36.53%	No	Yes
Rubery	New Road, Rubery	02/10/2007	88.03%	28.43%	110.91%	21.19%	No	No
Alvechurch	Alvechurch	15/01/2008	56.27%	28.03%	139.32%	24.10%	No	No
Rubery	Alley Belmont Rd-Waterhaynes Cl.	28/10/2008	-3.10%	142.96%	111.03%	135.25%	Yes	Yes
Rubery	Rednal Hill Lane	28/10/2008	5.84%	142.96%	94.25%	135.25%	Yes	Yes
Rubery	Valley Farm Road	28/10/2008	42.45%	142.96%	-0.04%	135.25%	Yes	Yes

Colour Codes:	
Red	= increase in incidents
Green	= decrease in incidents

\*n/a result indicates no incidents recorded within the buffer zone area before implementation of the DPPO.

Green = positive result  
Amber = partially positive result  
Red = no evidence of positive impact

- ii. Two of the DPPOs in the District showed a decrease in the level of alcohol-related ASB incidents per day since implementation – Marlbrook Recreation Area and Valley Farm Road.
- iii. However, it is important to note that in some cases, the apparent percentage change is misleading due to the very low number of incidents reported in the area overall – for example, in Marlbrook Road Recreation Area, a total of 3 alcohol-related incidents were reported within the DPPO buffer zone throughout the entire study period.
- iv. The positive impact of DPPOs can also be demonstrated where even though the number of alcohol-related incidents per day within the area has increased, this increase has been significantly smaller than that of the district as a whole during the same time period.
- v. Based on this method, the instigation of a DPPO appears to have had a positive effect in reducing alcohol-related ASB in Drakes Cross & Hollywood and Rednal Hill Lane.
- vi. A positive impact on alcohol-related incidents was also apparent, though to a lesser extent, in the DPPOs in Bromsgrove Town and the alleyway between Belmont Road and Waterhaynes Close.
- vii. For the DPPOs in Ryefields Road, Shaw Lane and Hanbury Road Recreation Grounds, all zones in Hagley, Callowbrook Open Space and the alleyway between Belmont Road and Meadowfield Road, it was not possible to indicate whether or not an impact was made, as no incidents of alcohol related anti-social behaviour were recorded within the areas before the implementation of the DPPO.
- viii. No positive improvement could be demonstrated using this method in St Chads Park, Lingfield Walk Recreation Area, Belmont Road, Aston Fields Recreation Area, New Road (Rubery) and Alvechurch.

#### **4.4 Assessment Method 3 – Alcohol-related ASB as a proportion of total ASB**

- i. Further conclusions can be drawn by looking at the change in the proportion of total ASB that is made up of alcohol-related incidents before and after implementation of a DPPO, again compared to that of the District as a whole to account for general trends over time.
- ii. If the proportion of incidents that were alcohol-related decreased, even though the overall levels of ASB increased, this would indicate success.

FIGURE 6: CHANGE IN PROPORTION OF TOTAL ASB THAT CONSISTS OF ALCOHOL RELATED INCIDENTS BEFORE AND AFTER DPPO IMPLEMENTATION EXPRESSED AS A PERCENTAGE. DATA PERIOD: 01 APRIL 2003 TO 31 DECEMBER 2009

DPPO		Buffer	District
Ryefields Road Recreation Area		11.11%	8.35%
Shaw Lane Recreation Area		9.09%	8.35%
Hanbury Road Recreation Area		6.67%	8.35%
Rubery	St Chads Park	10.75%	5.14%
	Callowbrook Open Space	-8.89%	5.14%
	Belmont Rd	11.67%	1.73%
	Alleyway Belmont-Meadowfield	21.25%	5.14%
	New Road, Rubery	-0.49%	-0.07%
	Rednal Hill Lane	20.16%	-0.01%
	Valley Farm Road	22.14%	-0.01%
Drakes Cross & Hollywood		1.25%	0.02%
Aston Fields Recreation Area		8.57%	0.02%
Bromsgrove Town Centre		0.16%	0.07%
Alvechurch		0.64%	1.14%
Hagley (5 DPPOs)		5.47%	5.14%
Catshill (2 DPPOs)		-5.43%	3.06%

- iii. DPPOs showing a proportionate decrease in alcohol-related incidents, indicating the potentially positive effect of the DPPO are: Callowbrook Public Open Space, New Road (Rubery) and the Catshill area DPPOs.
- iv. DPPOs where the proportion of incidents that are alcohol-related has increased, though not as greatly as in the District as a whole, again indicating a potential positive impact, are: Hanbury Road and Alvechurch.
- v. DPPOs where the alcohol-related proportion of total ASB has increase above and beyond the rate of the District as a whole are: Ryefields Road, Shaw Lane, St Chads Park, Belmont Road, Alleyway between Belmont Road and Meadowfield Road, Rednal Hill Lane, Valley Farm Road, Drakes Cross & Hollywood, Aston Fields, Bromsgrove Town and the Hagley DPPOs.

#### 4.5 Assessment Method 4 – Different Data Periods

- i. In the following table, data is analysed using different data periods, one with an even number of days either side of implementation, and another from April 2005 (from which time the level of reporting of ASB per year has been largely consistent) to the most recent quarter of data available (to 31<sup>st</sup> December 2009). This alternative method is another way to attempt to analyse the data whilst accounting for the skewing of figures caused by the much lower levels of ASB reporting pre-2005.
- ii. Two DPPOs with implementation dates fairly central to the data period (April 2005 – December 2009) and a fairly high number of incidents reported overall have been selected in order to maximise the chances of a meaningful result.

FIGURE 7: CHANGE IN AVERAGE NUMBER OF INCIDENTS BEFORE AND AFTER DPPO IMPLEMENTATION, BROMSGROVE TOWN AND ALVECHURCH DPPOS, EXPRESSED AS A PERCENTAGE. VARIOUS DATA PERIODS

DPPO	Data Period used	Date DPPO Granted	Change in level of alcohol-related ASB incidents per day	
			DPPO	District
Bromsgrove Town	01/04/05 – 13/11/08	22/01/2007	-10.98%	-4.96%
	01/04/05 – 31/12/09	22/01/2007	-18.19%	-7.94%
Alvechurch	29/01/06 – 31/12/09	15/01/2008	38.24%	-10.43%
	01/04/05 – 31/12/09	15/01/2008	63.15%	-7.88%

- iii. The above table indicates that a positive reduction in alcohol-related ASB has occurred in the Bromsgrove Town DPPO area since implementation, whereas an overall increase in alcohol-related incidents has occurred in the Alvechurch DPPO area.
- iv. It may be that the legislation relating to DPPO is better suited to town centre areas than village or open space areas, such as Alvechurch.

#### 4.6 Youth-related Incidents

- i. DPPO legislation is not designed to tackle youth drinking problems; there are other powers in place to confiscate alcohol from minors without the need for a DPPO. Therefore, DPPOs in areas where a high proportion of alcohol-related ASB involves youths may not be the most appropriate intervention.
- ii. In order to assess the extent to which alcohol-related ASB issues are caused by youths, a key word search has been used to identify the relevant incidents in each DPPO area<sup>3</sup>. Alcohol-related incidents that are linked to youths have then been expressed as a percentage of total alcohol-related ASB.
- iii. Data from April 2007 to December 2009 has been used.

<sup>3</sup> Youth-related incidents are defined as those where the log text of the incidents contains one or more of the following words: youth, young, kid, child, teen, underage, under age, lad (not lady), boy (not boyfriend), girl (not girlfriend), yth (not ything)

FIGURE 8: PROPORTION OF TOTAL ALCOHOL-RELATED ASB THAT CONSISTS OF YOUTH-RELATED INCIDENTS. DATA PERIOD: 01 APRIL 2007 TO 31 DECEMBER 2009

DPPO Area	No. of Incidents linked to:		% alcohol incidents also youth related
	Youth & Alcohol	Alcohol	
Lower Marlbrook Recreation Area	14	18	77.78%
Sweetpool Nature Reserve, Hagley	7	10	70.00%
Alley Belmont-Meadowfield	24	38	63.16%
Belmont Road	54	87	62.07%
Alley Belmont Waterhaynes	21	34	61.76%
Callowbrook Open Space	48	79	60.76%
Alvechurch	351	595	58.99%
Valley Farm Road	22	38	57.89%
Rednal Hill Lane	88	162	54.32%
Railway Station, Hagley	31	60	51.67%
Lingfield Walk Park	71	140	50.71%
New Road, Rubery	185	390	47.44%
Drakes Cross and Hollywood	460	974	47.23%
Playing Fields, Hagley	41	103	39.81%
Aston Fields Recreation Area	13	36	36.11%
Bromsgrove Town	957	2670	35.84%
St Chads Park	44	123	35.77%
Worcester Road, Hagley	43	127	33.86%
Church Street, Hagley	13	39	33.33%
<b>Total</b>	<b>2487</b>	<b>5723</b>	<b>43.46%</b>

- i. On average for all DPPOs in the Bromsgrove District, 44% of alcohol-related ASB reported is youth-related.
- ii. The proportion is greatest in the Lower Marlbrook Recreation Area DPPO (78%) and lowest in Church Street, Hagley (33%).
- iii. Youth-related alcohol disorder seems to be fairly high in the adjoining DPPOs around Belmont Road (62-70%)
- iv. There are 11 DPPOs where more than half of all alcohol-related incidents reported are linked to youths and therefore not strictly applicable to DPPO legislation.

## ***5. Summary of Conclusions based on all data methods***

- i. It was possible to demonstrate some level of positive effect, in terms of reducing alcohol-related ASB, based on the various analysis methods for 11 of 22 DPPOs in the District.
- ii. For 10 of 22 areas, all analysis methods either indicated a negative impact (increase in alcohol-related ASB) or a lack of available data made analysis impossible.
- iii. A positive effect was demonstrated using more than one analysis method in only 2 of the DPPO areas: Lower Marlbrook (though the very low number of incidents overall reduces the validity of this result) and Bromsgrove Town. Further investigation using data from different time periods further supports the positive result in Bromsgrove Town DPPO, making this the most successful of the areas assessed in this way.

- iv. The poorest results based on multiple methods seem to have been for the DPPOs in St Chads Park and Belmont Road, Rubery.
- v. For almost half of all the DPPOs in the District (10 out of the total 22), it was not possible to find any alcohol-related ASB incidents that were recorded within the 50m of the zone before it was implemented. This suggests a lack of police evidence of an alcohol-related disorder issue in the area leading to the application for the DPPO.

## ***6. Issues with the Data***

The above conclusions are open to scrutiny as a number of issues have been identified when analysing this data which pull into question the accuracy of conclusions drawn.

- i. Perhaps because many of the DPPOs are very small in area, the total number of ASB incidents reported within the buffer zones over the 7 year study period was extremely low in a number of areas. Fewer than 20 alcohol-related incidents were recorded within 50m of 10 DPPOs (equivalent to less than one incident every 4 months), and fewer than 50 in a further 5 areas. In fact, there were only 2 DPPOs where more than 100 alcohol-related incidents were recorded over the course of 7 years – meaning the number of incidents available for analysis is very small.
- ii. Increased ASB reporting due to introduction of DPPOs – residents are more likely to call when witnessing public drinking because of the advertisement of reporting channels and increased focus on street drinking issues due to publicity when a new DPPO is granted leading to a potential for incidents to spike.
- iii. Levels of anti-social behaviour recording before 2005 were fairly low, and so little data is available for comparison in some of the older DPPO areas, compromising the validity of analysis. Trends in alcohol-related ASB in any DPPOs granted before 2005/06 or even a bit later will be severely skewed by the lack of reports before implementation.
- iv. The current available method for defining those incidents that are alcohol related may lead to an under-representation in numbers as the key word search may not include all relevant incidents.
- v. All incidents occurring within the 50m buffer of each DPPO area have been included, but there is no method to define what proportion of these incidents actually relate to behaviour tackled by DPPO legislation. Incidents included may have actually been located within premises or residences.
- vi. DPPOs are designed to prevent anti-social behaviours associated with drinking, but the incidents for example in the town centre, could well be those where perpetrators have consumed alcohol in a pub or club, going on to then instigate incidents outside on the streets, which could not be affected by the restrictions imposed by DPPO as no alcohol consumption has taken place outside.
- vii. DPPO legislation is not intended to tackle youth drinking problems; there are other powers in place to confiscate alcohol from minors without the need for a DPPO. Therefore, when providing evidence for the implementation process, youth related incidents should not necessarily be considered.
- viii. All of the above factors make it impossible to make a firm conclusion as to the effectiveness of the Bromsgrove DPPOs. Furthermore, without a confirmed positive or negative effect, it is not possible to establish whether or not dispersal has occurred.

## ***7. Recommendations***

- i. Though it is possible to loosely demonstrate from this study that some DPPOs have had a positive effect on reducing alcohol related anti-social behaviour in Bromsgrove, to draw any firm conclusions, each of the 22 DPPO areas would need to be assessed individually. The level of detailed analysis necessary would be extremely time-consuming.
- ii. It is therefore recommended that one or more DPPO, or group of DPPOs, is assessed in greater detail to eliminate data errors. Detailed analysis of the incident log text will make it possible to identify incidents that are specifically relevant to DPPO legislation for a more accurate assessment of effectiveness. In order for this to be possible, an area needs to be identified where there are sufficient incidents to analyse, but too great a number will necessitate a substantial amount of study time to reach firm conclusions. The area should also demonstrate a definite problem pre-implementation to ensure the after effect can be measured, and hence should not be an area with an implementation date too close to the beginning or end of the 6 year data study period.
- iii. A comparison area may also benefit the study. This area should have similar characteristics, in terms of land use, resident population and incident levels to the study area, but not have a current DPPO. Suggestion: King George's area of Sidemoor.
- iv. Relying on incidents being called in to the OIS recording system may not give as holistic a picture of incidents in the area as possible. There is a need for a wider range of data sets to be used, including evidence from local residents in the form of PACT surveys and the like. Furthermore, there is currently no recording system in place to log alcohol confiscations. A pilot scheme to record this type of information, and in doing so, gather further intelligence on levels of drinking in DPPOs to enable a fuller understanding of issues would give this study a wider knowledge base.
- v. There is a need for further process evaluation of the implementation of each current DPPO to ensure that adequate evidence was collected, and all relevant process were followed. Suggested method: list all process stages, cross reference using information from Licensing files to ensure each stage was adequately completed for each DPPO. It would be beneficial for this to be completed by an officer not within the licensing department.



## Section 3 – Appendices

### *Appendix 1: Local Authorities (Consumption in Designated Public Places) Regulations 2001*

2001 No. 2831

#### POLICE, ENGLAND AND WALES

#### LOCAL GOVERNMENT, ENGLAND AND WALES

#### The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001

<i>Made</i>	<i>3rd August 2001</i>
<i>Laid before Parliament</i>	<i>10th August 2001</i>
<i>Coming into force</i>	<i>1st September 2001</i>

The Secretary of State, in exercise of the powers conferred on him by section 13(4) and (5) of the Criminal Justice and Police Act 2001<sup>[1]</sup> and sections 13 and 105(2) of the Local Government Act 2000<sup>[2]</sup> hereby makes the following Regulations:

#### **Citation, commencement and extent**

1. - (1) These Regulations may be cited as the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001 and shall come into force on 1st September 2001.

(2) These Regulations extend to England and Wales, except that regulation 10 extends to England only.

#### **Interpretation**

2. In these Regulations:

"the 2001 Act" means the Criminal Justice and Police Act 2001;  
"licensed premises" has the same meaning as in the Licensing Act 1964<sup>[3]</sup>;  
"local authority" and "public place" have the same meaning as in section 16 of the 2001 Act; and  
"order" means an order under section 13(2) of the 2001 Act identifying specifically or by description a public place in the area of a local authority.

#### **Consultation**

3. - (1) Before making an order, a local authority shall consult -

- (a) the chief officer of police for the police area in which the public place proposed to be identified in the order is situated;
- (b) the parish or community council in whose area the public place is situated;
- (c) the chief officer of police, the local authority and the parish or community council for any area near to the public place which they consider may be affected by the designation; and

(d) the licensee of any licensed premises in that place or which they consider may be affected by the designation.

(2) Before making an order, a local authority shall also take reasonable steps to consult the owners or occupiers of any land proposed to be identified.

4. A local authority shall consider any representations as to whether or not a particular public place should be identified in an order whether made as a result of consultation under regulation 3, in response to a notice under regulation 5, or otherwise.

### **Publicity**

5. Before making an order, a local authority shall cause to be published in a newspaper circulating in their area a notice -

- (a) identifying specifically or by description the place proposed to be identified;
- (b) setting out the effect of an order being made in relation to that place; and
- (c) inviting representations as to whether or not an order should be made.

6. No order shall be made until at least 28 days after the publication of the notice referred to in regulation 5.

7. After making an order and before it takes effect, a local authority shall cause to be published in a newspaper circulating in their area a notice -

- (a) identifying the place which has been identified in the order;
- (b) setting out the effect of the order in relation to that place; and
- (c) indicating the date on which the order will take effect.

8. Before an order takes effect, a local authority shall cause to be erected in the place identified such signs as they consider sufficient to draw the attention of members of the public in that place to the effect of the order.

9. A copy of any order made shall be sent to the Secretary of State.

### **Amendment to Local Authorities (Functions and Responsibilities) (England) Regulations 2000**

10. - (1) The Local Authorities (Functions and Responsibilities) (England) Regulations 2000[4] shall be amended as follows.

(2) In Schedule 1[5] (Functions not to be the responsibility of an authority's executive) there shall be added in Part I (Miscellaneous functions) at the end:

- (a) in Column (1):

" 49. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption."; and

(b) in Column (2):

" Section 13(2) of the Criminal Justice and Police Act 2001 (c. 16).".

*Beverley Hughes*  
Parliamentary Under-Secretary of State

Home Office  
3rd August 2001

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations set out the procedure to be followed by local authorities in connection with orders designating a public place under section 13 of the Criminal Justice and Police Act 2001. Once an order is made under that section in relation to a public place in their area, the police powers under section 12 of the Act (to require a person not to consume intoxicating liquor and to surrender opened containers of such liquor) will be available.

Regulations 3 and 4 set out the consultation requirements before making an order. Regulations 5 to 9 set out the publicity requirements before and after making an order. Regulation 10 adds the power to make an order under section 13(2) to those functions of a local authority in England which are not to be the responsibility of the executive.

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#### Notes:

[1] 2001 c. 16.[back](#)

[2] 2000 c. 22.[back](#)

[3] 1964 c. 26.[back](#)

[4] S.I. 2000/2853.[back](#)

[5] Schedule 1 is amended by regulation 2(b) of and the Schedule to the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations (S.I. 2001/2212).[back](#)

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**Appendix 2: 2007 Amendment to Local Authorities (Consumption in Designated Public Places) Regulations 2001**

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STATUTORY INSTRUMENTS

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**2007 No. 806**

**POLICE, ENGLAND AND WALES**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007**

<i>Made</i> - - - - -	<i>12th March 2007</i>
<i>Laid before Parliament</i>	<i>16th March 2007</i>
<i>Coming into force</i> - -	<i>6th April 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 13(4) of the Criminal Justice and Police Act 2001(a) and sections 13 and 105(2) of the Local Government Act 2000(b).

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 and shall come into force on 6th April 2007.

(2) These Regulations extend to England and Wales, except that regulation 10 extends to England only.

**Interpretation**

2. In these Regulations—

“2001 Act” means the Criminal Justice and Police Act 2001;

“2003 Act” means the Licensing Act 2003(c);

“2001 Regulations” means the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001(d);

“local authority” and “public place” have the same meaning as in section 16 of the 2001 Act (interpretation of provisions relating to designation of public places); and

“order” means an order under section 13(2) of the 2001 Act (designated public places) identifying specifically or by description a public place in the area of a local authority.

**Consultation**

3.—(1) Before making an order, a local authority shall consult—

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(a) 2001 c. 16. The duty in section 13(4) of the 2001 Act is supplemented by section 13(5) of that Act.  
(b) 2000 c. 22.  
(c) 2003 c. 17.  
(d) S.I. 2001/2831; which has been amended by paragraph 2 of Part 2 of the Schedule to S.I. 2005/3048.

- (a) the chief officer of police for the police area in which the public place proposed to be identified in the order is situated;
  - (b) the parish or community council if any in whose area the public place is situated;
  - (c) the chief officer of police, the local authority and any parish or community council for any area near to the public place which it considers may be affected by the designation; and
  - (d) the premises licence holder, the club premises certificate holder or the premises user, as appropriate, in relation to each premises in that place which it considers may be affected by the designation and which are premises in respect of which—
    - (i) a premises licence granted under Part 3 of the 2003 Act (premises licences) has effect;
    - (ii) a club premises certificate granted under Part 4 of the 2003 Act (clubs) has effect; or
    - (iii) a temporary event notice has been given so that the premises may be used for a permitted temporary activity by virtue of Part 5 of the 2003 Act (permitted temporary activities).
- (2) Before making an order, a local authority shall also take reasonable steps to consult the owners or occupiers of any land proposed to be identified.
- (3) When a local authority consults any of the parties in paragraph (1) it shall—
- (a) describe in writing the effect that the order will have at particular times in relation to each category of premises specified in paragraph (b);
  - (b) the categories of premises are—
    - (i) premises falling under section 14(1)(a)(a) of the 2001 Act (places which are not designated public places) to which section 14(1B)(b) of that Act does not apply;
    - (ii) premises falling under section 14(1)(a) of the 2001 Act to which section 14(1B) of that Act does apply;
    - (iii) premises falling under section 14(1)(aa)(c) of the 2001 Act;
    - (iv) premises falling under section 14(1)(b)(d) of the 2001 Act;
    - (v) premises falling under section 14(1)(c)(e) of the 2001 Act; and
    - (vi) premises falling under section 14(1)(e)(f) of the 2001 Act; and
  - (c) identify in writing by postal address or, if there is none, ordnance survey map reference or description any premises within that public place to which section 14(1B) of the 2001 Act applies at the time of consultation.

4. A local authority shall consider any representations as to whether or not a particular public place should be identified in an order whether made as a result of consultation under regulation 3, in response to a notice under regulation 5, or otherwise.

**Publicity**

5. Before making an order, a local authority shall cause to be published in a newspaper circulating in its area a notice—

- (a) identifying specifically or by description the place proposed to be identified;

---

(a) Section 14(1)(a) of the 2001 Act was substituted by paragraphs 119 and 123(1) and (2)(a) of Schedule 6 to the 2003 Act and further substituted by section 26(1) and (2)(a) of the Violent Crime Reduction Act 2006 (c. 38).

(b) Section 14(1B) of the 2001 Act was inserted by section 26(1) and (3) of the Violent Crime Reduction Act 2006.

(c) Section 14(1)(aa) of the 2001 Act was inserted by section 26(1) and (2)(a) of the Violent Crime Reduction Act 2006.

(d) Section 14(1)(b) of the 2001 Act was substituted by paragraphs 119 and 123(1) and (2)(a) of Schedule 6 to the 2003 Act and further amended by section 26(1) and (2)(b) of the Violent Crime Reduction Act 2006.

(e) Section 14(1)(c) of the 2001 Act was substituted by paragraphs 119 and 123(1) and (2)(a) of Schedule 6 to the 2003 Act and further amended by section 26(1) and (2)(c) of the Violent Crime Reduction Act 2006.

(f) Section 14(1)(e) of the 2001 Act was amended by paragraphs 119 and 123(1) and (2)(b) of Schedule 6 to the 2003 Act.

- (b) setting out the effect of an order being made in relation to that place, including the effect that order will have at particular times in relation to each category of premises specified in regulation 3(3)(b);
- (c) identifying any premises within that place to which section 14(1B) of the 2001 Act applies at the time the notice is published; and
- (d) inviting representations as to whether or not an order should be made.

6. No order shall be made until at least 28 days after the publication of the notice referred to in regulation 5.

7. After making an order and before it takes effect, a local authority shall cause to be published in a newspaper circulating in its area a notice—

- (a) identifying the place which has been identified in the order;
- (b) setting out the effect of the order in relation to that place, including the effect that order will have at particular times in relation to each category of premises specified in regulation 3(3)(b);
- (c) identifying any premises within that place to which section 14(1B) of the 2001 Act will apply at the time the order takes effect; and
- (d) indicating the date on which the order will take effect.

#### **Signage**

8.—(1) Before an order takes effect, a local authority shall cause to be erected in the place identified such signs as it considers sufficient to draw the attention of members of the public in that place to the effect of the order.

(2) Each sign erected pursuant to paragraph (1) shall in particular indicate the effect the order will have at particular times in relation to each category of premises specified in regulation 3(3)(b).

#### **Notification to Secretary of State**

9. A copy of any order shall be sent to the Secretary of State as soon as reasonably practicable after it has been made.

#### **Amendment to Local Authorities (Functions and Responsibilities) (England) Regulations 2000**

10.—(1) The Local Authorities (Functions and Responsibilities) (England) Regulations 2000(a) shall be amended as follows.

(2) In Schedule 1 (Functions not to be the responsibility of an authority’s executive) in Part I (Miscellaneous Functions)—

- (a) for the final entry in Column (1) substitute—

“49. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption”; and

- (b) for the final entry in Column (2) substitute—

“Section 13(2) of the Criminal Justice and Police Act 2001 (c. 16).”.

#### **Revocation and saving**

11.—(1) Subject to paragraph (2), the following instrument and provision are revoked—

- (a) the 2001 Regulations; and

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(a) S.I. 2000/2853. This instrument has been amended but none of the amendments are relevant to these Regulations.



(b) paragraph 2 of Part 2 of the Schedule to the Licensing Act 2003 (Consequential Amendments) Order 2005(a).

(2) The 2001 Regulations shall continue to have effect in relation to any order for which consultation began, in accordance with regulation 3 of those Regulations, prior to 6th April 2007 and nothing in these Regulations shall apply in respect of such an order.

Home Office  
12th March 2007

*Vernon Coaker*  
Parliamentary Under-Secretary of State

#### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations consolidate with amendments the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001 (“the 2001 Regulations”) which are revoked by regulation 11(1)(a) of these Regulations. These Regulations set out the procedure to be followed by local authorities in connection with orders designating a public place under section 13 of the Criminal Justice and Police Act 2001 (“the 2001 Act”). Once an order is made under that section in relation to a public place in their area, the police powers under section 12 of the Act (to require a person not to consume intoxicating liquor and to surrender opened containers of such liquor) will be available.

Regulations 3 and 4 set out the consultation requirements before making an order. Regulations 5 to 7 set out the publicity requirements before and after making an order, regulation 8 sets out the signage requirements and regulation 9 requires a copy of any order to be sent to the Secretary of State as soon as reasonably practicable after it has been made. Regulation 10 repeats an amendment made to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 by the 2001 Regulations to ensure that the making of an order under section 13 of the 2001 Act is not to be responsibility of the executive of a local authority in England. Regulation 11 revokes the 2001 Regulations with the saving that they will continue to apply in respect of orders which have been consulted on prior to 6th April 2007.

Section 14 of the 2001 Act was amended by the Violent Crime Reduction Act 2006 to provide that certain licensed premises within a designated public place which were previously excluded from that place for the purposes of the 2001 Act are only excluded when alcohol is being sold or supplied on those premises and for 30 minutes following any such period. Those premises are ones in respect of which a premises licence is held by a local authority and those in respect of which a premises licence is held by another person but the premises are occupied by such an authority or are managed by or on behalf of such an authority. The amendments made by these Regulations ensure that the consultation and publicity requirements include requirements to indicate the extent and effect of those temporary exclusions. They also require the consultation and publicity requirements to specify the extent to which any other type of premises falling within section 14(1) of the 2001 Act will not form part of the designated public place.

**2007 No. 806**

**POLICE, ENGLAND AND WALES**




**LOCAL GOVERNMENT, ENGLAND AND WALES**





The Local Authorities (Alcohol Consumption in Designated  
Public Places) Regulations 2007



### Appendix 3: Detailed location of DPPO

FIGURE 2: INDIVIDUAL LOCATION, DATE GRANTED AND GROUPING STATUS OF BROMSGROVE DPPOS

	<p><b>Stoke Prior</b>  <b>DPPO(S):</b></p> <ul style="list-style-type: none"> <li>i. Ryefields Road Recreation Area</li> <li>ii. Shaw Lane Recreation Area</li> </ul> <p><i>Granted:</i> 15<sup>th</sup> July 2003</p> <p><i>Grouped:</i> Though they are not adjoining, they can be grouped together for study purposes based on implementation date, and because they are recreation areas similar in size.</p>
	<p><b>Stoke Heath</b>  <b>DPPO(S):</b></p> <ul style="list-style-type: none"> <li>i. Hanbury Road Recreation Area</li> </ul> <p><i>Granted:</i> 15<sup>th</sup> July 2003</p>
	<p><b>Hagley</b>  <b>DPPO(s):</b></p> <ul style="list-style-type: none"> <li>i. Hagley Playing Fields/Car Parks/Allotments/Community Centre &amp; Library</li> <li>ii. Hagley Railway Station, Car Park &amp; Station Drive</li> <li>iii. Worcester Road</li> <li>iv. Church Street</li> <li>v. Sweetpool Lane Nature Reserve</li> </ul> <p><i>Granted:</i> 25<sup>th</sup> June 2004</p> <p><i>Grouped:</i> Though they are not all adjoining, they can be grouped together for study purposes based on implementation date.</p>

	<p><b>Catshill</b></p> <p><i>DPPO(s):</i></p> <ol style="list-style-type: none"> <li>i. Lingfield Walk Park</li> <li>ii. Lower Marlbrook Recreation ground.</li> </ol> <p><i>Granted: 2<sup>nd</sup> November 2004</i></p> <p><i>Grouped: They are not directly adjoining, and fall into separate wards separated by the Birmingham Road, but they can be grouped together for study purposes based on implementation date.</i></p>
	<p><b>Hollywood and Drakes Cross</b></p> <p><i>DPPO(s):</i> single area covering a substantial section of the Wythall/Hollywood area including sections in Drakes Cross &amp; Walkers Heath and Hollywood &amp; Majors Green. A large housing area is covered as well as Wythall Park and a school site.</p> <p><i>Granted: 18<sup>th</sup> November 2004</i></p>
	<p><b>Aston Fields Recreation Area</b></p> <p><i>DPPO(s):</i></p> <ol style="list-style-type: none"> <li>i. Aston Fields Recreation Ground</li> </ol> <p><i>Granted: 1<sup>st</sup> December 2006</i></p>
	<p><b>Bromsgrove Town Centre</b></p> <p><i>DPPO(s):</i> Bromsgrove Town Centre DPPO covers the entire town centre including sections in Sidemoor, Whitford and St Johns wards. This covers the central shopping and night time economy areas, as well as a recreation ground, Asda store and Sanders Park.</p> <p><i>Granted: 22<sup>nd</sup> January 2007</i></p>





**Alvechurch**

*DPPO(s):* Alvechurch DPPO covers the entire village of Alvechurch.

*Granted:* 15<sup>th</sup> January 2008



**Rubery**

*DPPO(s) granted 25<sup>th</sup> June 2004:*

- i. Callowbrook Public Open Space
- ii. St Chads Park
- iii. Alleyway between Belmont Road & Meadowfield Road

*DPPO(s) granted 8<sup>th</sup> April 2005:*

- i. Belmont Road at junction with Rednal Hill Road

*DPPO(s) granted 2<sup>nd</sup> October 2007:*

- ii. New Road DPPO

*DPPO(s) granted 28<sup>th</sup> October 2008:*

- i. Rednal Hill Lane and Valley Farm Road
- ii. Alleyway between Belmont Road and Waterhaynes Close

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# ALCOHOL RESTRICTED AREA

This area has been  
designated under the  
Local Authorities (Alcohol  
Consumption in Designated  
Public Places) Regulations 2007



Community  
Safety Scheme  
**Accredited**

If you continue to drink alcohol in this area designated under section 13 of the Criminal Justice and Police Act 2001 when asked not to do so by a police officer or any other person designated to carry out this task under sections 41 and 42 of the Police Reform Act 2002, or fail to surrender any alcohol to a police officer in this area, you may be arrested and would be liable on conviction to a

**MAXIMUM FINE OF £500**



**Bromsgrove**  
District Council

[www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)



*Bromsgrove Community  
Safety Partnership*

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## BROMSGROVE DISTRICT COUNCIL

### LICENSING COMMITTEE

Date 26<sup>TH</sup> JULY 2010

#### LICENSING - REGULATION OF SEXUAL ENCOUNTER VENUES UNDER SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Relevant Portfolio Holder	Councillor. P. Whittaker
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services.

#### **1. SUMMARY OF PROPOSALS**

1.1 The Policing and Crime Act 2009 reclassifies lap dancing clubs as Sexual Encounter Venues and gives Local Authorities in England and Wales the power to regulate them as Sex Establishments under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

1.2 These new measures took effect on the 6<sup>th</sup> April 2010 in England and when adopted by the Council will give local people a greater say over where, and how many, lap dancing clubs open and operate in their neighbourhoods.

#### **2. RECOMMENDATIONS**

##### **2.1 The Committee is asked to recommend that Council**

- a) **Re-affirm the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, and adopt Section 27 paragraph 2(2) of Schedule 3 to the Policing and Crime Act 2009 with effect from (no more than 1 month after the day on which the resolution was passed).**
- b) **To set a fee for a Sex Shop and/or a Sexual Encounter Venue Licence and include that fee within the Council's Fees and Charges register:-**
- **Grant**                      **£920.00**
  - **Renewal**                    **£890.00**
  - **Transfer**                    **£135.00**
- c) **To delegate to the Head of Worcestershire Regulatory Services all powers under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, and section 27 paragraph 2(2) of Schedule 3 to the Policing and Crime Act 2009.**

**LICENSING COMMITTEE**

Date 26<sup>TH</sup> JULY 2010

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**3. BACKGROUND**

3.1 The Council has adopted the Local Government (Miscellaneous) Act 1982 and, under Schedule 3 can regulate the licensing of Sex Shops.

3.2 The Policing and Crime Act 2009 came into force on 6<sup>th</sup> April 2010 and introduced a new category of sex establishment called a "Sexual Encounter Venue" which will allow Local Authorities to regulate lap dancing clubs and similar venues as an amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) 1982.

3.3 Such venues offer entertainment commonly described as:

- Lap dancing
- Pole dancing
- Table dancing
- Strip Shows
- Peep shows
- Live sex show

3.4 A full definition of Relevant Entertainment is attached at Appendix 1.

3.5 Premises that are not sexual encounter venues include:

- Sex shops and sex cinemas (which are separately defined in Schedule 3 to the 1982 Act).
- Premises which provide 'Relevant Entertainment on an infrequent basis.

3.6 It also includes premises where:

- No 'Relevant Entertainment' has been provided on more than 11 occasions within a 12 month period.
- No such occasion has begun within a period of one month beginning with the end of the previous occasion; and
- No such occasion has lasted longer than 24 hours
- Other premises or types of performances or displays exempted by the Secretary of State.

3.7 These premises will continue to be regulated under the Licensing Act 2003.



**LICENSING COMMITTEE**

Date 26<sup>TH</sup> JULY 2010

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**4. KEY ISSUES**

- 4.1 Local Authorities are not required to publish a licensing policy relating to Sex Establishments but can produce a different policy or criteria for different types of sex establishments. This might be appropriate to reflect distinctions between the operating requirements of different Sex Establishments or the fact that the location deemed appropriate for a Sex Shop may be different to that of a Sexual Encounter Venue. A draft Policy statement is attached at Appendix 2.

**5. FINANCIAL IMPLICATIONS**

- 5.1 Schedule 3 to the 1982 Act states that an application for the grant, renewal or transfer of a sex establishment licence shall pay a reasonable fee determined by the appropriate authorities, but does not expand on what would be considered to be reasonable.

- 5.2 The suggested fee for a Sexual Encounter Venue is as follows:

• Grant	£920.00
• Renewal	£890.00
• Transfer	£135.00

**6. LEGAL IMPLICATIONS**

- 6.1 Licenses for Sexual Encounter Venues can be granted for up to one year and most Sexual Encounter Venues will also require a 2003 Act Licence.

- 6.2 The Council is able to impose conditions and restrictions on a Licence, in the form of Conditions and may address such matters as:

- The hours of opening and closing
- Displays and advertisements on or in sex establishments
- The visibility of the interior of a sex establishment to passers-by
- Any change of use from one kind of sex establishment to another.

- 6.3 When considering an application for grant, renewal or transfer of a licence, the appropriate authority should have regard to any observations submitted to it by the Chief Officer of Police and any objections that they have received from anyone else within 28 days of the application.

- 6.4 Objections should not be based on moral grounds or values.

**LICENSING COMMITTEE**

Date 26<sup>TH</sup> JULY 2010

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- 6.5 Objectors must give notice of their objection in writing, stating the terms of the objection.
- 6.6 In the event that the appropriate authority refuses an application for the grant, renewal or transfer of a Sexual Encounter Venue, the applicant may appeal the decision in a Magistrates' Court.
- 6.7 Authorities may refuse an application on grounds related to an assessment of the 'relevant locality'
- 6.8 Where adopted, these provisions will allow Local Authorities to refuse an application on potentially wider grounds that is permitted under the 2003 Act and will give local people a greater say over the regulation of lap dancing clubs and similar venues in their area.
- 6.9 A licence can be refused if either at the time, the application is determined the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put, or the layout, character or condition of the premises.
- 6.10 Nil may be the appropriate number.

**7. POLICY IMPLICATIONS**

- 7.1 Please refer to 4.1 and Legal implications.

**8. COUNCIL OBJECTIVES**

- 8.1 This proposal contributes to the Council's objective "One Community"

**9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

- 9.1 The main risk associated with the detail included in this report is:
- Entertainment as described in 3.3 being conducted without the necessary licence or safeguards in place.
- 9.2 This risk is being managed as follows:

Risk register: Planning and Environment Services

**LICENSING COMMITTEE**

Date 26<sup>TH</sup> JULY 2010

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Key Objective Ref No. 7

Key Objective: Effective, efficient and legally compliant Licensing Service

**10. CUSTOMER IMPLICATIONS**

10.1 None

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

11.1 None

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

12.1 None

**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

13.1 None

**14. HUMAN RESOURCES IMPLICATIONS**

14.1 These changes will be incorporated within the current licensing workforce.

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

15.1 None

**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998**

16.1 None

**17. HEALTH INEQUALITIES IMPLICATIONS**

17.1 None

**18. LESSONS LEARNT**

18.1 None

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

## BROMSGROVE DISTRICT COUNCIL

### **LICENSING COMMITTEE**

Date 26<sup>TH</sup> JULY 2010

19.1 Consultation with Local People; while there is not statutory duty to do so, prior to deciding whether to pass a resolution, Local Authorities may, as a matter of good practice, seek the views of local people and businesses.

19.2 Each application for a Sex Encounter Venue will be consulted upon within its location and in line with local policy.

#### **20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	Yes
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

#### **21. WARDS AFFECTED**

All Wards are affected by this report

#### **22. APPENDICES**

- Appendix 1 - Definition of relevant entertainment
- Appendix 2 - Draft Policy Statement

**BROMSGROVE DISTRICT COUNCIL**

**LICENSING COMMITTEE**

Date 26<sup>TH</sup> JULY 2010

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**23. BACKGROUND PAPERS**

Local Government (Miscellaneous Provisions) Act 1982  
Policing and Crime Act 2009 (Web based)  
Home Office Guidance for England and Wales (Web based)

**AUTHOR OF REPORT**

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# Appendix 1

## Definitions (S.27 Policing and Crime Act 2009)

### MEANING OF “SEXUAL ENCOUNTERS VENUE”

2A

- (1) In this Schedule “sexual encounter Venue” means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.
- (2) In this paragraph “relevant entertainment” means -
  - (a) any live performance; or
  - (b) any live display of nudity;Which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
- (3) The following are not sexual encounter venues for the purposes of this Schedule -
  - (a) sex cinemas and sex shops;
  - (b) premises at which the provision of relevant entertainment as mention in sub-paragraph (1) is such that, at the time in question and including any relevant entertainment which is being so provided at that time –
    - (i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;
    - (ii) no such occasion has lasted for more than 24 hours; and
    - (iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in sub-paragraph (i));

### NOTES

‘audience’ includes an audience of one

‘display of nudity’ means –

- (a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
- (b) in the case of a man, exposure of his pubic area, genitals or anus;

‘the organiser’ in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of –

- (a) the relevant entertainment; or
- (b) the premises;

‘premises’ includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted.

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## Appendix 2

# SEXUAL ENCOUNTER VENUE POLICY STATEMENT AND GUIDELINES

### POLICY STATEMENT

The Bromsgrove District Council will treat each case on its own merits but is unlikely to approve applications for a Sexual Encounter Venue in areas that are predominantly residential or close to 'sensitive premises' such as schools, places of religious worship etc., or where they consider such an application is inappropriate to the character of the relevant locality or the use or layout, character or condition of the premises, vessel or vehicle.

### GUIDELINES

The Policing and Crime Act 2009 (Section 27) introduced from 6<sup>th</sup> April 2010 a new category of sex establishment called "Sexual Encounter Venue" which will allow local authorities to regulate lap dancing clubs and similar venues under Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

#### Meaning of 'Sexual Encounter Venue'

*'Any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer'*

#### Relevant Entertainment is

*'Any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or others means)'*

An audience can consist of just one person (e.g. where the entertainment takes place in private booths).

The Local Authority will judge each case on its merits but would expect that the definition of relevant entertainment would apply to the following forms of entertainment as they are commonly understood:

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live Sex Shows

For the purpose of these provisions a premises includes any vessel, vehicle or stall, but does not include a private dwelling to which the public are not admitted.

**A licence must not be granted**

- (a) to a person under the age of 18 years
- (b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the authority within the last 12 months
- (c) to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not incorporated in an EEA State; or
- (e) to a person who has within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel, or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

**A Licence may be refused where:**

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal, or transfer of such a licence if he made the application himself; or
- (c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time of the application is determined is equal to or exceeds the number of which the authority consider it appropriate for that locality; Nil may be an appropriate number.
- (d) That the grant or renewal of the licence would be inappropriate having regard:-
  - (i) to the character of the relevant locality
  - (ii) to the use to which any premises in the vicinity are put; or
  - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

A decision to refuse a licence must be relevant to one or more of the above grounds.