



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY 12TH DECEMBER 2011 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), Mrs. J. M. Boswell, J. R. Boulter, Ms. M. T. Buxton, S. J. Dudley, K. A. Grant-Pearce, Miss P. A. Harrison, Mrs. H. J. Jones, R. J. Shannon, S. P. Shannon, L. J. Turner and P. J. Whittaker

AGENDA

LICENSING COMMITTEE HEARING PROCEDURE (Pages 1 - 2)

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 31st October 2011 (Pages 3 - 4)
4. Review of Alvechurch Designated Public Place Order (Pages 5 - 32)
5. 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

2nd December 2011



INFORMATION FOR THE PUBLIC

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Declaration of Interests - Explained

Definition of Interests

A Member has a **PERSONAL INTEREST** if the issue being discussed at a meeting affects the well-being or finances of the Member, the Member's family or a close associate more than most other people who live in the ward affected by the issue.

Personal interests are also things relating to an interest the Member must register, such as any outside bodies to which the Member has been appointed by the Council or membership of certain public bodies.

A personal interest is also a **PREJUDICIAL INTEREST** if it affects:

- The finances, or
- A regulatory function (such as licensing or planning)

Of the Member, the Member's family or a close associate **AND** which a reasonable member of the public with knowledge of the facts would believe likely to harm or impair the Member's ability to judge the public interest.

Declaring Interests

If a Member has an interest they must normally declare it at the start of the meeting or as soon as they realise they have the interest.

EXCEPTION:

If a Member has a **PERSONAL INTEREST** which arises because of membership of another public body the Member only needs to declare it if and when they speak on the matter.

If a Member has both a **PERSONAL AND PREJUDICIAL INTEREST** they must not debate or vote on the matter and must leave the room.

EXCEPTION:

If a Member has a prejudicial interest in a matter being discussed at a meeting at which members of the public are allowed to make representations, give evidence or answer questions about the matter, the Member has the same rights as the public and can also attend the meeting to make representations, give evidence or answer questions **BUT THE MEMBER MUST LEAVE THE ROOM ONCE THEY HAVE FINISHED AND CANNOT DEBATE OR VOTE.**

However, the Member must not use these rights to seek to improperly influence a decision in which they have a prejudicial interest.

For further information please contact Committee Services, Legal, Equalities and Democratic Services, Bromsgrove District Council, The Council House, Burcot Lane, Bromsgrove, B60 1AA

Tel: 01527 873232 Fax: 01527 881414

Web: www.bromsgrove.gov.uk email: committee@bromsgrove.gov.uk

Appendix

LICENSING COMMITTEE

DESIGNATED PUBLIC PLACE ORDERS (DPPOs) REVIEW MEETING PROCEDURE

1. The Chairman will introduce members of the Licensing Committee and officers present.
2. The Chairman will ask all other persons present to introduce themselves.
3. The Chairman will inform those present that the meeting is being recorded.
4. The Senior Community Safety Project Officer will present the report.
5. The Chairman will invite Members of the Licensing Committee and all other parties present to put any relevant questions to the Senior Community Safety Project Officer.
6. Consultees will be invited to present their representations or elect a spokesperson to speak on their behalf. New representations must not be raised. A maximum of 10 minutes will be allowed per Consultee to present their case. If two or more representatives of a single Consultee wish to address the Licensing Committee the 10 minutes will be divided between them.
7. The Chairman will invite Members of the Licensing Committee and all other parties present to put any relevant questions to the Consultees.
8. The Chairman will invite the Police to present their representations. New representations must not be raised. The Police will be allowed a total of 10 minutes to present their case.
9. The Chairman will invite Members of the Licensing Committee and all other parties present to put any relevant questions to the Police.
10. The Consultees will be invited to sum up. A maximum of 5 minutes will be allowed.
11. The Police will be invited to sum up. A maximum of 5 minutes will be allowed.

Please note:

Each Designated Public Place Orders (DPPOs) Review coming before the Licensing Committee will be treated on its own merits, and the Licensing Committee will take its decision based upon Home Office Guidance.

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 31ST OCTOBER 2011 AT 6.00 P.M.

PRESENT: Councillors Mrs. R. L. Dent (Chairman), Mrs. J. M. Boswell, J. R. Boulter, Ms. M. T. Buxton, S. J. Dudley, K. A. Grant-Pearce, Miss P. A. Harrison, R. J. Shannon, S. P. Shannon, Mrs. C. J. Spencer, L. J. Turner and P. J. Whittaker

Officers: Mrs. S. Sellers, Mr. M. Kay, Ms. S. Garratt and Ms. P. Ross

7/11 **ELECTION OF VICE-CHAIRMAN**

The Chairman informed the Committee that Councillor P. J. Whittaker had decided to resign as Vice-Chairman of the Licensing Committee due to his commitments as Chairman of the Overview and Scrutiny Board. The Chairman thanked Councillor P. J. Whittaker.

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

8/11 **APOLOGIES**

An apology for absence was received from Councillor Mrs. H. J. Jones.

9/11 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

10/11 **MINUTES**

The minutes of the Licensing Committee meeting held on 6th June 2011 were submitted.

RESOLVED that the minutes be approved as a correct record.

11/11 **STREET TRADING CONSENT POLICY REVIEW**

The Committee considered a report detailing the revised Street Trading Policy Statement, Information Pack and the Standard Conditions following a consultation exercise undertaken during the period 10th June 2011 to 13th September 2011.

The Senior Licensing Practitioner introduced the report and in doing so informed the Committee that no representations or objections had been received as part of the consultation exercise. The Senior Licensing

Practitioner requested that the Committee note the minor changes to the Information Pack and the Street Trading – Standard Conditions.

The Senior Licensing Officer and Licensing Manager responded to Members questions regarding apportionment of fees for traders wishing to trade for less than a year, the process for renewal of applications, whether buskers fall into the definition of street traders and the regulation of the reproduction of sound by Street Traders and if there was a requirement to register with the Performing Right Society.

The Senior Licensing Practitioner informed the Committee that the Consent holder was required whilst trading to display in a conspicuous position the Consent issued by the Council.

Following further explanation and discussion with the Senior Licensing Practitioner with regard to the minor changes it was

RESOLVED that, the agreed changes to the documents highlighted in the preamble above, be incorporated and that the Street Trading Policy Statement, Information Pack and the Street Trading – Standard Conditions be adopted to form the Council's Street Trading Policy.

RECOMMENDED that the Council approves and adopts the fees and charges as detailed at Appendix 2, Part 5 and Part 7 of the report.

The meeting closed at 6.20 p.m.

Chairman

LICENSING COMMITTEE

12th December 2011

REVIEW OF ALVECHURCH DESIGNATED PUBLIC PLACE ORDER

Relevant Portfolio Holder	Margaret Sherrey – Portfolio Holder for Community Service, Older People, the Young and Vulnerable People
Portfolio Holder Consulted	YES
Relevant Head of Service	Angela Heighway – Head of Community Services
Wards Affected	Alvechurch
Ward Councillor Consulted	YES
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 This report details the conclusions of analytical work carried out by the Community Safety Team on police recorded data in relation to alcohol related disorder; this will provide the Licensing Committee with key information to consider the future of the Alvechurch Designated Public Place Order (DPPO) locally known as the Alcohol Free Zone.
- 1.2 This report also contains the results of a stakeholder and public consultation carried out on the proposal that the order should be revoked; this report also provides information on key aspects of DPPO legislation and Home Office guidance for local authorities on DPPOs.
- 1.3 Members are asked to consider the most appropriate course of action in light of the information in this report and make a decision whether to retain the DPPO in Alvechurch, or amend it or revoke it.

2. RECOMMENDATIONS

The Committee should consider the most appropriate course of action in light of the information contained in this report and RESOLVE that Alvechurch Village Designated Public Place Order be:

- a. Retained in full; or
- b. Revoked; or
- c. Geographically amended to such area or areas as are determined by Members

LICENSING COMMITTEE

12th December 2011

3. KEY ISSUES

Financial Implications

- 3.1 In the event that the Licensing Committee resolve that the Alvechurch DPPO be revoked the associated costs will be in relation to a public notice in the local newspaper and removal of current signage; this is estimated to be £800
- 3.2 Should the Licensing Committee resolve that the Alvechurch DPPO remain, the only cost that will be incurred is associated with changing the current signage; this is estimated to be £1,800.
- 3.3 If the Licensing Committee resolve that the Alvechurch DPPO be amended, there will be costs in relation to changing signage and publishing a public notice in the local newspaper; this is estimated to be between £1,000 and £1,800 depending how the order is expanded or condensed.
- 3.4 It is necessary to change signage to comply with Home Office guidance that says signs should not suggest that the consumption of alcohol is a criminal offence. Appendix 1 is an example of the artwork contained in the altered DPPO signage.
- 3.5 There is currently no designated budget within Bromsgrove District Council associated with the implementation, management and revocation of DPPO. The main financial implication associated with DPPO management is the administrative function which is currently absorbed by the Community Safety Team. The costs associated with the implementation, amendments or removal of these orders is associated with the publishing of public notices and street signage. The cost of public notices are also being absorbed by the Community Safety Team and the team has a limited stock of new signage which will assist in reducing the costs associated with changing DPPO signs across the District.

Legal Implications

- 3.6 Sections 12 to 16 of the Criminal Justice and Police Act 2001 set out the powers of local authorities to create Designated Public Place Orders. Under section 13 a local authority can decide to identify an area as a Designated Public Place. Before making an order the test set out in the legislation that has to be satisfied is as follows:-

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(2) 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 alcohol in that place.

- 3.7 Under section 13(3) of the Criminal Justice and Police Act local authorities have the power to revoke or amend orders previously made.
- 3.8 Where a Designated Public Place Order has been made, the Police and delegated officers have extra powers to tackle alcohol related ASB. Under section 12 of the Act the Police/ delegated officers have the power to request a person to desist from drinking in the area and to require the surrender of any alcohol to them whether in an open or sealed container.
- 3.9 In areas where a Designated Public Place Orders applies it is an offence for an individual not to comply with a reasonable request of a Police or delegated officer who chooses to exercise his/her powers under the Act. The perpetrator may be liable to a fixed penalty fine of £50 or liable to be arrested, and upon prosecution receive a maximum fine of £500.
- 3.10 The Police 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/her name and address. A constable may arrest without warrant a person who fails to surrender the intoxicating liquor in his/her possession or to provide his/her name and/or address. The power to confiscate alcohol from minors has been delegated to Community Support Officers and the Council's Neighbourhood Wardens. These powers apply to any geographical area whether there is DPPO in place or not.
- 3.11 The Licensing Committee should make their decision to keep, amend or remove the Alvechurch DPPO, with due regard to statutory obligations outlined in Section 17 of the Crime and Disorder Act. This states that without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder, issues adversely affecting the environment, and the harm caused by drugs and alcohol.

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- 3.12 In the terms of this report Section 17 of the Crime and Disorder Act requires the local authority through the Licensing Committee to give consideration to the likely impact of their decision to retain, remove, or amend the Alvechurch DPPO to meet their obligations to do all the authority reasonably can to prevent crime, and disorder in its area.

Service / Operational Implications

- 3.13 In January 2008 Bromsgrove District Council exercised its powers under section 13 of the Criminal Justice and Police Act 2001 and designated Alvechurch Village as a designated public place (see appendix 2). This DPPO is 1 of 22 designated public places that are in existence across the District.
- 3.14 In November 2009 the Home Office produced guidance on Designated Public Place Orders for local authorities in England and Wales. This guide explains the legislative obligations involved which are naturally compulsory and set out examples of good practice to help local authorities get the best out of DPPOs.
- 3.15 Although there is no statutory requirement to undertake a review of DPPOs, the Home Office recommends that they should be evaluated and reviewed as a matter of good practice, ideally at least every two years. The aim of such an evaluation is to establish whether the DPPO has stopped or helped reduce alcohol related ASB /disorder. Once the effectiveness of the order has been established judgments can be made as to whether the DPPO is still required.
- 3.16 On 26th July 2010 the Licensing Committee were presented with a report which detailed the results of an evaluation into the effectiveness of all DPPOs within Bromsgrove District. This evaluation highlighted 16 DPPOs and asked the Committee to consider their future as they were initially proving ineffective in dealing with alcohol related ASB or were inappropriately granted. The Licensing Committee authorised officers to review these 16 DPPOs to enable the Committee to consider revocation in line with legislative requirements; Alvechurch DPPO was highlighted for consideration.
- 3.17 The Community Safety Team has carried out a review into the effectiveness of Alvechurch DPPO including an analysis of police recorded data in relation to alcohol related ASB; this report can be found in full in Appendix 2. This report has reviewed data since April 2003 until 31st October 2011 to compare the impact of the DPPO when it was granted in January 2008. The conclusions of this analysis are:

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COMMITTEE**

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-
- 3.18 There was a definite increase in alcohol-related ASB after the implementation of the DPPO in Alvechurch compared to the period immediately before, suggesting the area was a hotspot for this type of issue at that time. This suggests that that the DPPO was not an effective deterrent for alcohol ASB.
- 3.19 The relative proportion of ASB in the area that is alcohol related, when compared to the average for the district, further suggests that the area was a definite hotspot in the two financial years after implementation – but that it was not a problem area (compared to district averages) in the years before implementation or from 2010/11 onwards. This further indicates that the DPPO was ineffective, but also suggests that there was not a substantial issue with alcohol ASB before implementation either.
- 3.20 It is important to note that the increases in the years after implementation may well be the product of increased interest in the area as promotion of the new DPPO raises the awareness of residents in the area, and encourages them to report anything they see. The increase therefore may not have been the product of an increase in the actual problem behaviour.
- 3.21 The level of incidents has decreased since November 2009 – however, it would not be fair to attribute this trend to the success of the DPPO as there were a large range of activities undertaken throughout the village during this period to combat ASB, resulting in an overall decrease in all types of ASB.
- 3.22 The level of reported alcohol-related incidents in the area is extremely low – only 3 per month even at the peak between January and November 2009.
- 3.23 Most of the incidents which are reported are youth related and dealt with under alternative legislation.
- 3.24 In fact none of the incidents reported since January 2010 could actually have been prevented by enforcement of the DPPO legislation – either because they involved underage drinking or because they involved drinking indoors rather than out on the street.
- 3.25 At the time of this report being published The Community Safety Team were unable to obtain any statistical information of the numbers of times the DPPO legislation has been used in terms of alcohol confiscations from adult drinkers and fixed penalties that have been issued.

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Customer / Equalities and Diversity Implications

- 3.26 The Community Safety Team has also carried out a stakeholder consultation. Stakeholders include West Mercia Police; Bromsgrove District and Worcestershire County Council elected Members, Alvechurch Parish Council, Alvechurch Village Society and any premises that hold a licence to sell alcohol that is likely to be affected by the order.
- 3.27 Representations have been received from West Mercia Police, Alvechurch Parish Council, and Alvechurch Village Society. Copies of these representations can be seen in Appendix 3. No representations were made by any premises that hold a licence to sell alcohol.
- 3.28 On the 14th October 2011, a public notice was placed in Redditch Standard inviting members of the public to make any representations on a proposal that the DPPO be revoked; this marked the start of a 28 day public consultation period. Two representations were made; copies of these representations can be seen in Appendix 4.
- 3.29 In the event that the Licensing Committee decide to alter or revoke this order there will be implications on customers predominantly members of the public who live, work and visit Alvechurch. Police and delegated officers will have additional powers to tackle alcohol related anti-social behaviour. Powers will still remain to tackle underage alcohol misuse and Police Constables will also have a wide range of legislation that can be used to tackle alcohol related nuisance and public order offences.

4. RISK MANAGEMENT

- 4.1 The main risk associated with removing this order is that the Alvechurch Community perceive Bromsgrove District Council in taking a diluted stance in their efforts to tackle anti-social behaviour and disorder within their community. There is also a risk that potential adult street drinkers could see the removal of the order as an excuse to surface in the community and consume alcohol in public leading to actual and/or perceived nuisance.
- 4.2 The main risk of not removing this order is that Bromsgrove District Council may be accused of not conforming to Home Office Guidance on DPPOs.
- 4.3 There is also a risk of having an order in place to tackle alcohol related disorder without substantial evidence of an alcohol related problem; the order could therefore give the impression that a village has a significant street drinking problem. This could in turn unnecessarily increase the fear amongst some general public for their safety.

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- 4.4 Some member of the public may also feel safer with the order in place; even though there may not be a significant street drinking problem in the village the order will be comforting to some that a drinking restriction is in place.

5. APPENDICES

Appendix 1 – Example of DPPO signage

Appendix 2 – Report: Alcohol Related ASB in Alvechurch DPPO

Appendix 3 – Representation Received by Stakeholders

Appendix 4 – Representations Received from the Community

6. BACKGROUND PAPERS

Home Office Guidance on Designated Public Place Orders: for Local Authorities in England and Wales

7. KEY

DPPO	Designated Public Place Order
ASB	Anti-social Behaviour

AUTHOR OF REPORT

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ALCOHOL RESTRICTED AREA



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

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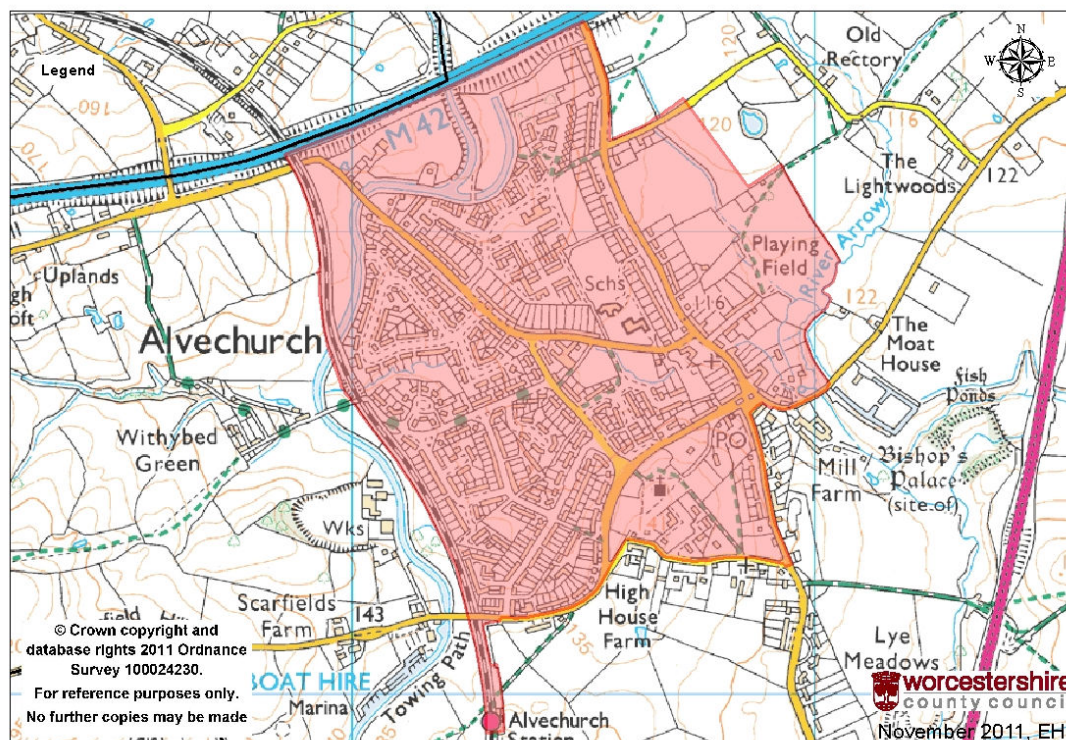
Alcohol-related ASB in Alvechurch DPPO

Report Date: 11th November 2011

1. Background

- Alvechurch DPPO covers the entire village of Alvechurch (location and extent can be seen in figure 1.1)
- The DPPO was granted on 15th January 2008.

Figure 1.1: Location of Alvechurch DPPO



- In the report dated March 2010, Alvechurch DPPO was deemed to be ineffective based on the following:
 - There were significant increases in the average number of alcohol-related incidents after implementation, much greater than the county average increases in the same period, suggesting the DPPO did not have a positive impact on levels of alcohol-related disorder in the area as intended.
 - It was also found that more than 50% of alcohol related incidents in the area were youth related; as DPPO legislation is not a suitable method for reducing youth-related anti-social behaviour, this further suggested that the use of a DPPO in this area was inappropriate.
- Therefore, the DPPO has been highlighted for further investigation and possible revocation.
- The following report provides information on levels of alcohol related ASB in the DPPO area in the period since the report from March 2010 – covering incidents occurring between 01 January 2010 and 31 October 2011.

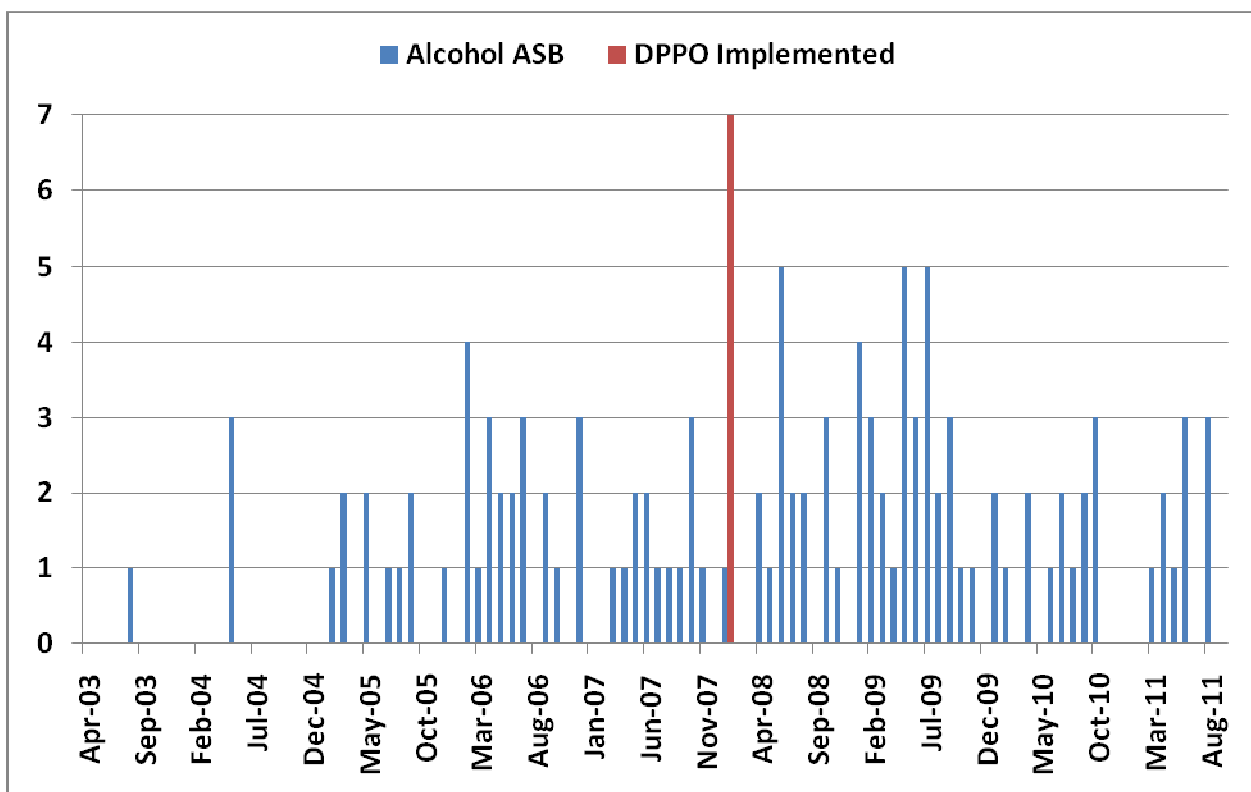
2. Data Parameters

- All data taken from West Mercia Police OIS Incident Records
- Data period from 01 April 2003 to 31 October 2011 (information on the level of incidents between April 2003 and December 2009 is taken from previous analysis).
- Total ASB defined as any OIS incident recorded under the AS (anti-social behaviour) category codes
- Alcohol related incidents defined as those ASB incidents given the alcohol qualifier, or where the log text includes one or more of the following key words:
 - Drink, drunk, alcohol, intoxicated, public house, licensed premise, wine, beer, cider, spirit, lager, vodka
- District totals include all incidents with section codes in Bromsgrove District.
- Incidents are linked to the DPPO if the incident location, when mapped based on the grid reference provided, falls within the defined DPPO area or within a 50 meter buffer of the DPPO

3. Findings

- As can be seen in figure 3.1, the level of reported alcohol-related anti-social behaviour within the Alvechurch DDPO area was at it's greatest between January 2009 and November 2009

Figure 3.1: Number of Alcohol-related ASB incidents within Alvechurch DPPO or the 50m buffer zone, per month, April 2003 to October 2011, with implementation date



APPENDIX 2

- During this period there was an average of three incidents reported per month, compared to an average of just over one per month from January 2010 to October 2011.
- The level of reported alcohol-related ASB in the area has been much lower in the last 12 months than any other time since the implementation of the DPPO.
- This seems to indicate that there was an increase in alcohol ASB after the implementation of the DPPO, which has since subsided.

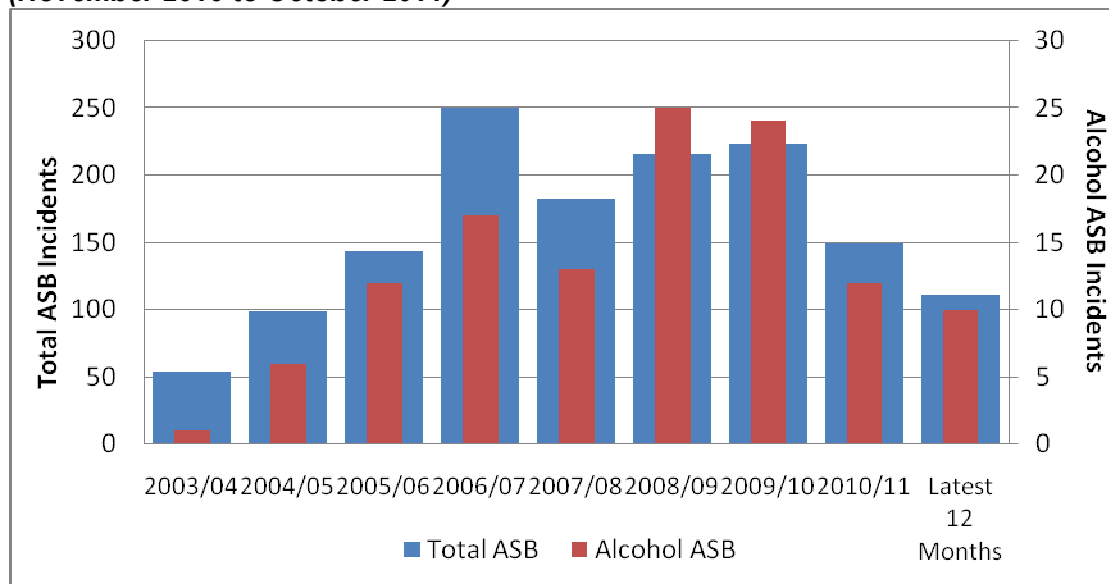
Figure 3.2: Number of Total and Alcohol-related ASB incidents within Alvechurch DPPO or the 50m buffer zone, per financial year, with proportion that is alcohol related and District-wide comparison.

Financial Year	Total ASB	Alcohol ASB	% Alcohol	% Alcohol in Bromsgrove District
2003/04	54	1	1.85%	
2004/05	99	6	6.06%	
2005/06	143	12	8.39%	9.68%
2006/07	250	17	6.80%	10.11%
2007/08	182	13	7.14%	9.35%
2008/09	216	25	11.57%	8.89%
2009/10	223	24	10.76%	8.71%
2010/11	149	12	8.05%	8.36%
Most recent 12 months (Nov 2010 to Oct 2011)	111	10	9.01%	9.16%

- When looking at alcohol ASB as a percentage of total incidents per financial year, using the district as a whole as a base for comparison as shown in figure 3.2, a similar pattern is apparent.
- In both 2008/09 and 2009/10 (i.e. just after the DPPO was implemented), alcohol-related incidents accounted for a much higher proportion of the total incidents in the area than in previous years (i.e. pre-DPPO years).
- The proportion during these two years was also much higher than the average proportion for Bromsgrove District – indicating that this was a potential hotspot for alcohol ASB. The same cannot be said for the period immediately before the DPPO was implemented – suggesting there was not a serious alcohol-related problem in the area at that time.
- In 2010/11, the proportion fell significantly – just 8% of total incidents in the area were linked to alcohol, compared to almost 12% in 2008/09. This proportion was also once again lower than the district average.
- This suggests that though the area was a viable hotspot for alcohol related ASB in the period soon after implementation, the level of incidents before implementation and from 2010/11 onwards was such that the area did not, and does not, stand out as a particular problem on a district-wide level.
- To use the information in figure 3.2 in a slightly different way, it is clear that total ASB in the Alvechurch DPPO area decreased significantly between 2009/10 and 2010/11 dropping from 223 to 149 incidents, a 33% decrease.

- During the same period, the number of alcohol-related incidents fell by a much greater percentage – from 24 to just 12, a 50% decrease.
- This further emphasises the point that, if there was an alcohol-related issue in the area, it no longer seems to be a clear problem because as overall levels of ASB have decreased overtime, the level of alcohol related incidents has decreased even faster – to put this another way, improvements in alcohol-related ASB in the area have been even better than improvements in overall ASB.

Figure 3.3: Number of Total and Alcohol-related ASB incidents within Alvechurch DPPO or the 50m buffer zone, per financial year plus most recent 12 months (November 2010 to October 2011)



- It is also of interest to look at the differences in "peak" years for total and alcohol-related ASB in the DPPO area – total ASB peaked in 2006/07 at 250 incidents, whereas alcohol ASB peaked in 2008/09 at 25, closely followed by 2009/10 at 24.
- This again shows the disproportionate increase in alcohol-related ASB in the 24 months following the implementation of the DPPO – if the increase in alcohol ASB was inline with changes in total ASB it could be said that the pattern was a simple reflection of background levels. However, though ASB in total did increase slightly between 2007/08 and 2008/09, the increase in alcohol incidents was greater and so cannot be attributed to simple fluctuations in overall incidents – it indicates a definite focus on alcohol ASB in the area during those months, and therefore the ineffective nature of the DPPO.
- It is also important to note that since this 24 month period, the levels of both total and alcohol related ASB have decreased significantly in the village.
- Though the proportion of ASB that is alcohol related has increased slightly in the most recent 12 month period¹, it is still lower than that of the district as a whole, hence indicating that Alvechurch is not currently an alcohol ASB hotspot.

¹ A full 12 month period must be used as a comparator rather than the YTD to account seasonal trends – most ASB occurs in the first half of the financial year so to compare April to October to a full year would be inappropriate.

Figure 3.4: Proportion of alcohol ASB that is youth-related from January 2010 to October 2011, within the Alvechurch DPPO or the 50m buffer zone with District-wide comparison

Type of ASB	No. of Incidents, Jan 10 – Oct 11
Total ASB	245
Youth ² ASB	117
Alcohol ASB	24
Youth & Alcohol ASB	16
% of Alcohol ASB that is Youth-related in:	
Alvechurch DPPO buffer zone	66.7%
Bromsgrove District	52.06%

- Of the 24 alcohol-related incidents since January 2010, 16 were flagged in key word search as youth related².
- That is two-thirds (66.7%) of all alcohol related incidents – well above the district average of 52% in the same time period.
- This suggests that issues relating to alcohol in the village are highly likely to be linked to youth drinking, which is not what the DPPO legislation is designed for as there are other powers available to the police to tackle underage drinking – and therefore suggests that a DPPO is an inappropriate tool to use in tackling issues in Alvechurch.

The above information indicates that the Alvechurch DPPO was ineffective after implementation. In order to establish the extent to which the DPPO is currently required in the village, a full assessment of all alcohol related incidents reported within the DPPO since January 2010 has been completed to highlight the number of incidents which would have been tackled using DPPO legislation.

4. Detail of Incidents

All alcohol-related ASB incidents from January 2010 to October 2011 were assessed in detail during a read through of the log text. The key findings are as follows:

- There were a total of 24 alcohol-related incidents in the time period.
- Of those, only 11 (46% - less than half) actually involved alcohol being drunk on the streets.
- All of these 11 street drinking incidents were linked to young people, either where the age had specifically been estimated by the caller as under 18, or where youth key words (such as lads or kids) have been used.
- One incident specifically states that *"youths are drinking in a no drinking area, not causing trouble but this is an Alcohol Free Zone. We are trying to stamp this out so hard"*.
- This one incident highlights a number of issues in relation to the impact of the DPPO:
 - This is an incident of underage drinking to which the DPPO legislation does not apply (as there are other statutes in place to deal with underage drinking of alcohol)

² Youth ASB is defined as those ASB incidents given the youth qualifier or where the log text contains one or more of the following key words: youth, young, child, kid, teen, underage, lad (but not lady), boy (but not boyfriend), girl (but not girlfriend)

- The perpetrators are not causing any trouble – so even if they were adults, the DPPO legislation would not apply as it is **not** a blanket ban on drinking alcohol, it only applies where a nuisance is being caused to the public.
 - This demonstrates how the implementation of a DPPO raises the expectations of residents, especially where the term “Alcohol Free Zone” has been used – residents expect that no consumption of alcohol whatsoever will be tolerated, which cannot be legally enforced, and expect the police to respond swiftly to all reported instances of street drinking, which they often do not have the resources to do.
 - This raised expectation may well be the reason for the increase in alcohol related ASB reporting in the months after implementation in Alvechurch – promotion around the new zone may well have brought issues to the attention of the public which they would not have thought of reporting or expected a response to before.
- The remaining 13 incidents involved either drinking inside houses or vehicles, drunken behaviour in general rather than actual drinking (to which the legislation does not apply), or theft or damage of alcohol.
 - None of the alcohol related incidents reported since January 2010 could actually have been prevented by enforcement of the DPPO legislation therefore suggesting that a DPPO is not required in the area.

5. Summary and Conclusions

- There was a definite increase in alcohol-related ASB after the implementation of the DPPO in Alvechurch compared to the period immediately before, suggesting the area was a hotspot for this type of issue at that time. This suggests that that the DPPO was not an effective deterrent for alcohol ASB.
- The relative proportion of ASB in the area that is alcohol related, when compared to the average for the district, further suggests that the area was a definite hotspot in the two financial years after implementation – but that it was not a problem area (compared to district averages) in the years before implementation or from 2010/11 onwards. This further indicates that the DPPO was ineffective, but also suggests that there was not a substantial issue with alcohol ASB before implementation either.
- It is important to note that the increases in the years after implementation may well be the product of increased interest in the area as promotion of the new DPPO raises the awareness of residents in the area, and encourages them to report anything they see. The increase therefore may not have been the product of an increase in the actual problem behaviour.
- The level of incidents has decreased since November 2009 – however, it would not be fair to attribute this trend to the success of the DPPO as there were a large range of activities undertaken throughout the village during this period to combat ASB, resulting in an overall decrease in all types of ASB.

APPENDIX 2

- The level of reported alcohol-related incidents in the area is extremely low – only 3 per month even at the peak between January and November 2009.
- Most of the incidents which are reported are youth related and dealt with under alternative legislation.
- In fact none of the incidents reported since January 2010 could actually have been prevented by enforcement of the DPPO legislation – either because they involved underage drinking or because they involved drinking indoors rather than out on the street.

Findings from Previous Report

FIGURE A2: CHANGE IN AVERAGE NUMBER OF INCIDENTS PER MONTH BEFORE AND AFTER DPPO IMPLEMENTATION, EXPRESSED AS A PERCENTAGE.

DATA PERIOD: 01 APRIL 2003 TO 31ST DECEMBER 2009

DPPO	Date Granted	% change in:				Indication of Positive Effect?	
		Total ASB		Alcohol-related ASB		Total	Alcohol
		Within Buffer	District	Within Buffer	District		
Alvechurch	15/01/2008	56.27%	28.03%	139.32%	24.10%	No	No

FIGURE A3 CHANGE IN AVERAGE NUMBER OF INCIDENTS PER MONTH BEFORE AND AFTER DPPO IMPLEMENTATION, EXPRESSED AS A PERCENTAGE.

DATA PERIOD: 01 APRIL 2003 TO 31ST DECEMBER 2009

DPPO	Buffer	District
Alvechurch	0.64%	1.14%

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,

FIGURE A4: 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
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%

- An overall increase in alcohol-related incidents has occurred in the Alvechurch DPPO area, despite a decrease in the district as a whole.
- 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.

FIGURE A5: 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	
Alvechurch	351	595	58.99%
Total	2487	5723	43.46%

More than half of all alcohol-related incidents in the DPPO area are youth related – ineffective.

Received 10th November 2011

Appendix 3



Affiliations:
Association of Small Historic Towns & Villages of the UK (ASHTAV)
British Trust for Conservative Volunteers (BTCV)
Council for the Protection of Rural England (CPRE)

Adrian H Smith
Chairman AVS.
Penlock Cottage
Ash Lane
Hopwood
0121 445 0481.
penlock@btinternet.com
avsoc@tiscali.co.uk

Chris Santoriello-Smith

Senior Community Safety Project Officer
Community Safety

Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA

Dear Sir,

Alvechurch Village Society and its members ask that the current DPPO in operation in Alvechurch be continued.

Looking to your figures, which are quite sparsely collected and not particularly current we find it quite difficult to draw a rational opinion based solely on them. Consequently we feel that local views and opinions give a far better gauge and should carry far more weight than slightly vague percentage charts when coming to a final decision on such an important matter.

It is indicated that levels of incidents have not reduced according to the figures but they do mention "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".

Leading to our thoughts that it would be remiss of BDC to remove such an order, by stating it is ineffective. Perhaps it is not seen to be effective by the poorly acquired statistics or less than adequate enforcement.

Whatever the reason AVS feel it far better to leave in place such an order than to go through the process of removing it, which may lead to increased alcohol related problems.

Better some visual deterrent than removing all of the in situ signs, even if they have to be up graded, considering there are 3 drinking establishment all within 500 or 600 yards of Alvechurch square, and with a youth club slap in the middle of it all.

In our opinion the younger people of Alvechurch, if they were to see enforcement measures aimed at certain irresponsible members of the adult population being relaxed.... would be receiving the wrong sort of messages

Finally we would like to recommend the retention of this order for Alvechurch and we do hope you can take these worries and concerns from Alvechurch Village Society into consideration when making your conclusion.

Many thanks and Yours Sincerely,
Adrian.



Adrian Smith

Chairman, Alvechurch Village Society

Received 24/10/11 *KLW*



Clerk - Yvonne Goode

Christopher Santoriello-Smith
Senior Community Safety Project Officer
Bromsgrove District Council
Burcot Lane
Bromsgrove
B60 1AA

Your ref: 1110- DPP0- Alvechurch

20 October 2011

Dear Mr Santoriello-Smith

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

The possible removal of the Designated Public Place Order from Alvechurch was discussed at the Council's Planning meeting of 17th October 2011 and the following comments were made:

- Councillors believed that it is particularly important that the Designated Public Place Order remained in the Meadows and the Cricket Ground
- The Community Services Officer Mark Hyder would not have authority to remove and tip alcohol away without the order.
- The Police had stated that they had not yet been consulted.
- Andy Humphries Chairman of PACT obtained a paper stating if nothing is happening then the zones would come to an end, do the police routinely give to Bromsgrove District Council feedback re the results figures.
- The Alcohol Free Zone has contributed to the lack of Anti Social Behaviour because the police can remove alcohol.
- There is an off licence, the Co-op and the Lounge in The Square. Police have had to come and remove alcohol from youths in these areas.

In conclusion PACT, APC and the Police response is to strongly recommend that the Designated Public Place Order stays in place, as it is a sufficient deterrent to stop problems.

Yours sincerely



Yvonne Goode
Clerk to the Council



West Mercia
POLICE



SERVING - PROTECTING - MAKING THE DIFFERENCE

Community Safety
The Council House,
Burcot Lane,
Bromsgrove,
Worcestershire,
B60 1AA.

Bromsgrove Police Station,
17 The Crescent,
Bromsgrove,
B60 2DF.

15 November 2011

Ref DPP0 Alvechurch.

Dear Chris,

With regard to your enquiry concerning the Police view of the potential revocation of the DPP0 for the Alvechurch area.

I have reviewed the incidents reported to police that would concern incidents involving anti social behaviour in a public place, in this area, combined with the drinking of alcohol. I have also sought the views and experiences of my officers, including CSOs, who are involved in the actual policing of the area.

The only incidents I am able to identify that would fit the above behaviour criteria, involve young persons under the age of 18, who tend to gather in open spaces. My officers have appropriate powers to deal with these young persons, including the confiscation and disposal of alcohol found with them. I would be hard pressed to justify the continued need for the DPP0 in this area, if my officers have not had the need to actual make use of it.

I therefore have no objection to the order being revoked.



S. Fulton
District Inspector
Bromsgrove

Appendix 4

Chris Santoriello-Smith

From: Andy Humphries [REDACTED]
Sent: 07 November 2011 10:52
To: Chris Santoriello-Smith
Cc: Alvechurch Parish Council; John Cypher, PC; Simon Albut
Subject: RE: Review of DPPO
Follow Up Flag: Follow up
Flag Status: Completed

Thanks for this Chris

I am starting to get individual comments and messages of concern about the proposed de-zoning in Alvechurch. You may have received some of these directly.

Given that Police resources are become more stretched at the Local Policing Team level and that this situation may not improve, I think we must be very careful using statistics which appear to show that drink-related incidents have decreased in Alvechurch. The perception of most people I've spoken to about this, is that incidents have stayed the same or in certain areas at certain times of the week, increased.

I still feel that the consultation timescale should formally include a PACT meeting to present any proposed changes and supporting statisticsif Police data is being used to support any proposed DPPO change, this is even more important. Our next APC meeting is on Monday 14th November and I'll check whether this can be discussed then.

Regards
Andy H

From: Chris Santoriello-Smith [mailto:c.santoriello-smith@bromsgroveandreditch.gov.uk]
Sent: 07 November 2011 08:32
To: Andy Humphries
Subject: RE: Review of DPPO

Thanks Andy – I will feed all of your thoughts into my report where possible. I will keep you up to date with the progress of this exercise and I will ensure that the outcomes with any reasoning behind it are available to the PACT panel and at the subsequent PACT meeting; either through my attendance or through you as chair.

Thanks for all of you contribution to date.

Chris Santoriello-Smith

Senior Community Safety Project Officer
Community Safety
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcestershire

Cc: Alvechurch Parish Council; Sarah Sellers; John Cypher; Roger Hollingworth

Subject: FW: Review of DPPO

Importance: High

Chris

We spoke about this earlier in the year, after the issue came up at an Alvechurch PACT panel meeting.

The PACT panel expressed serious reservations then about de-zoning Alvechurch without full consultation...+ that should include a discussion at a public PACT meeting. That discussion needs to incorporate why BDC believe the current zone is now ineffective (compared to similar zones), what the costs and benefits are for retaining or not retaining the zone and data on drink-related incidents in the Parish. I don't just mean convictions here but Police information on drink confiscations etc.

There may well be a case for removing the zone but the reasons need to be clear and supported by the local community. This does seem an ideal issue for PACT and Localism to work together.

Could you please let me have your comments on the above before the 11th November so I can inform the Alvechurch PACT panel.

Many thanks
Andy Humphries

From: Andy Humphries
Sent: 03 November 2011 09:45
To: Chris Santoriello-Smith
Cc: Alvedchurch Parish Council; John Cypher; Roger Hollingworth
Subject: RE: Review of DPP0

Chris

Thanks for such a speedy and comprehensive replyreally appreciate that.

I now understand much more of the background + will read through the Government guidance notes this week. Two observations come to mindmost if not all of the community will not appreciate the legal differences between adult and underage "outdoor-drinking"and probably didn't appreciate them when the zone was publicly launched 2/3 years ago. Secondly your cost case should really include a write-off of the old signs but again I appreciate the sign issues better now.

I'll circulate to the PACT panel (which includes yourself of course) to check for comments + get back to you/BDC by the 11th.

Thanks again + speak to you soon.
Andy

2011/11/03

Chris Santoriello-Smith

From: [REDACTED]
Sent: 06 November 2014 20:44
To: Chris Santoriello-Smith
Cc: Andy Humphries
Subject: Fw: Review of DPPO (Alvechurch)

Dear Mr Santoriello-Smith

I am writing as a member of the Alvechurch Village society committee , and also as a concerned resident regarding the potential removal of the DPPO within Alvechurch. Andy Humphries recently circulated your exchange of Emails and attached documents to members of the committee asking for our comments, and I was sufficiently concerned to send the email below, which I am happy to share with you.

As an individual, I live with my family in [REDACTED] and over the years we and our neighbours have had to put up with the effects of incidents involving drunkenness in the street and the square.

We believe that the detail of this problem is somewhat irrelevant, but it is interesting for your report to confirm our continuing concerns that the level of incidents has not reduced. We therefore cannot accept any proposal by Bromsgrove council to revoke the above order.

We are grateful to the police for their continuing attendance at incidents, which minimises disturbance to swan street residents, but we believe the existing resource into this problem has to continue, because the outcome in terms of police attendance and disturbance will be the same if not worse if the order is removed.

Hoping you can include my comments in your review.

Yours sincerely

[REDACTED]

----- Original Message -----

From: [REDACTED]
Sent: Sunday, November 06, 2011 8:10 PM
Subject: Re: Review of DPPO

Hi Andy

I rarely pick up and read everything on a particular issue , but this one is a big one for me, and I won't bother you with the two pages of notes I made, particularly as the PC have objected any way, for which I am extremely grateful.

Just for the record, what I can come to terms with, is that BDC think that 6 DPPO's should remain because they have been effective in reducing the number of incidents and 10 DPPO's should be revoked because they never had any incidents before or after the DPPO was put in. What I cannot come to terms with is that we in Alvechurch are part of 6 DPPO's that are regarded as ineffective and should therefore be revoked because we have suffered MORE incidents since the DPPO came in.

this has to be like removing all the neighbour hood watch signs because we get more robberies, and then allow the offenders to notice and react accordingly, i.e more and more incidents.

Obviously our wish would be for the DPPO to remain in force, but if it is removed, then presumably it doesn't matter if the present signs remain, as they are irrelevant but very "to the point" in terms of making someone who is drunk realise that they are out of order. Any reference as in the BDC report 4.9 to signs being a bit misleading and not allowing a responsible person to drink a glass of wine in an area like a Bromsgrove park, should take into account that all the signs in Alvechurch to my knowledge are in the square/ the carpark and the streets where we shouldn't be advocating drinking.

When you read the report in full, it becomes obvious that **Page 30** of BDC is to avoid cost by revoking

several DPPO's at once, and the knock ons of the report detail :-

- not conforming to home office guidance
- current signs could be challenged
- capacity to deal with alcohol related incidents (someone has the time in their team at present)
- could raise fear of crime where none exists at present (LAA target)
- wrong signs could lead to people thinking that a total ban is not being enforced (LAA target)
- VFM , more revocations =less cost

In contrast, there is not one mention of the residents who have to put up with and witness incidents outside residential areas, caused by shear drunkenness and irresponsibility, and how their circumstances will improve with the removal of the DPPO which will become a talking point amongst the drinkers causing the very challenge to the police that they have been ably trying to deal with for the past few years.

I hope you don't mind, but considering the timescale for comments on this matter, i think I will forward this email to Chris Santoriello-smith at BDC directly.

Cheers



