

**LICENSING
COMMITTEE**

5th JANUARY 2012

**UPDATE REPORT RE: REVIEW OF DESIGNATED PUBLIC PLACE
ORDERS**

Relevant Portfolio Holder	Cllr Kit Taylor – Portfolio Holder for Licensing
Portfolio Holder Consulted	Yes
Relevant Head of Service	Angela Heighway – Head of Community Services
Wards Affected	All Wards
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 This report provides members with an updated position following the Licensing Committee meeting on 12th December 2011. Members will recall that it was clear from the representations made at this meeting that there was a need to engage with the community further in respect of their understanding of the purpose of a DPPO. In light of this meeting and further representations received from a variety of sources throughout the DPPO review it was felt that it would be appropriate for members to reconsider the process and timeline.

2. RECOMMENDATIONS

- 2.1 That members consider the current position in respect of the DPPO review process and that accordingly they agree to;
- a) **Suspend the current review programme of Designated Public Place Orders.**
 - b) **Task Officers to undertake a comprehensive programme of raising public awareness in accordance with the details within this report.**
 - c) **Task Officers to report back to the committee in 3 months detailing how this will be achieved and the impact that this will have on the overall review timetable.**
- 2.2 **The Committee is requested to note that during this time Officers will be undertaking a programme to replace the current signage displayed within existing areas covered by DPPOs throughout the District.**

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3. KEY ISSUES

Financial Implications

- 3.1 There are none save for the possible additional costs associated with replacing the signage.
- 3.2 The cost of a new sign is £19.00 and there are currently 150 new signs already held in stock. It not known how many signs will be needed to replace those already displayed. This will become clearer following an audit of current sign coverage. Should the number of signs currently in place be deemed excessive, any new signage will be erected in line with Home Guidance relating to the positioning of signs which may allow officers to minimise the number of signs in each DPPO area. Attempts will be made to make the stock of new signs cover as many of the DPPOs as possible to reduce any further financial costs.

Legal Implications

- 3.3 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. Under section 13(3) of the Criminal Justice and Police Act local authorities have the power to revoke or amend orders previously made. The relevant regulations are the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007. The relevant guidance is the Home Office "Guidance on Designated Public Place Orders (DPPOS): For Local Authorities in England and Wales".
- 3.4 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.
- 3.5 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.

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- 3.6 The proposals set out in this report do not present any significant legal risks to the Council as although it is anticipated that more time will be needed to complete the DPPO review, the DPPOs will remain in place in the meantime until final decisions are made by the Licensing Committee.
- 3.7 Accordingly it will continue to be an offence for an individual within a DPPO area not to comply with a reasonable request of a Police or delegated officer to stop drinking and surrender any alcohol in their possession to the officer exercising his/her powers under the Act.
- 3.8 The replacement of the existing signage with updated signs will enable the DPPO powers to be exercised in the proper manner where circumstances arise that require the police to deal with adults who are drinking in areas affected by an order and behaving in an anti social manner.

Service / Operational Implications

- 3.9 On 12th December 2011, Bromsgrove District Council Licensing Committee was presented with a report to consider and review the Alvechurch DPPO. During this meeting it was apparent that more information was required by the Licensing Committee in order that a decision could be made.
- 3.10 Public places to be designated as a DPPO are identified and reviewed using information supplied by the police, stakeholders and any public representation that has been made. Research is required to provide this information for each particular public place. Practice has shown that reliance on police data alone is not sufficient.
- 3.11 During the Licensing meeting, representations were received from members of the community namely the Alvechurch Parish Council and Alvechurch Village Society. It was clear from these representations that there was a misunderstanding as to the exact purpose of the DPPO. For example during the meeting community members referred to the DPPO as an alcohol free zone. It was also clear that members of the public believe that where DPPOs exist that there is a blanket ban on the consumption of alcohol.
- 3.12 Representations also made reference to DPPOs being necessary in order to tackle youth related ASB. This is not the case as the Police and Delegated Officers have powers under section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 to seize alcohol from a person under 18 years old and dispose of it in any geographical area regardless of whether a DPPO is in place or not. It was also clear

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that the community was concerned that there would be a detrimental impact on the area if the DPPO was revoked.

- 3.13 It is clear that in order for the community to properly and fully engage with the DPPO review process that they understand the impact that a DPPO and the difference that a DPPO can make along side other powers that are available to the police and the Council in respect of alcohol related anti social behaviour.
- 3.14 Based on the meeting that has already taken place and other representations that have been received in respect of other parts of the District that there is a widespread misunderstanding of how the DPPO powers work and how they can be used.
- 3.15 Members are therefore being asked to consider a revised programme for the review of the District DPPOs in order that time can be built into the process to enable officers to undertake a more detailed and widespread public awareness raising campaign.
- 3.16 The campaign will centre on providing those communities affected by the review with a more detailed understanding of the range of powers that are available to tackle alcohol related issues. It is felt that in doing this members of the public would be placed in a better and more informed position and thereby be more effectively involved with the review process. It is not felt that they are sufficiently informed at the present time.
- 3.17 If agreed, all DPPO reviews will be suspended forthwith and Officers in consultation with relevant Elected Members will identify the best way to undertake a programme to raise public awareness of the purpose and conditions of DPPOs with residents and community organisations. Officers will provide a progress report to licensing committee in 3 months providing an outline of the current position and an amended review timetable.
- 3.18 Members are asked to note that where consultation has already taken place or is currently underway that all responses will be used to assist the officers in detailing the appropriate methods for conducting their programme of community awareness raising.

Customer / Equalities and Diversity Implications

- 3.19 Officers have listened to the responses of their customers and as a result will be undertaking a public awareness raising exercise which will include a wide range of community groups.

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4. RISK MANAGEMENT

4.1 Bromsgrove has 22 DPPOs and each DPPO has been in place for some time. In accordance with Home Office Guidance it is considered to be best practice to review DPPOs at least every two years. There is little risk associated with suspending the current DPPO review as the Council has shown intent to review and is currently in the process of gathering and assessing information on community concerns.

4.2 There will be no impact on levels of crime and disorder as all DPPOs will remain in place. Officers will be replacing signage which will make the purpose of the DPPO clearer and support more effective enforcement of the orders.

5. APPENDICES

None

6. BACKGROUND PAPERS

DPPO Reviews - All representations received to date
The Criminal Justice and Police Act 2001
Violent Crime Reduction Act 2006, Section
The Local Authorities (Alcohol Consumption in
Designated Public Places) Regulations 2007
Home Office Circular 013/2007

7. KEY

DPPO – Designated Public Place Order
ASB – Anti-Social Behaviour

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