

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

30TH NOVEMBER 2009

DESIGNATED PUBLIC PLACES ORDER – COFTON HACKETT

Responsible Portfolio Holder	Cllr. Peter Whittaker
Responsible Head of Service	David Hammond

1. SUMMARY

1.1 To consider introducing a Designated Public Places Order in the Cofton Hackett area.

2. RECOMMENDATION

2.1 That Members either:

- approve the creation of a Designated Public Places Order as outlined on the attached plan; or
- refuse the request.

3. BACKGROUND

3.1 Members may recall at the Licensing Committee Meeting held in February 2009, the Council had been approached by the County Councillor representing the County Electoral Division for Beacon to look at introducing a Designated Public Places Order to prevent, when requested, the consumption of alcohol in the Cofton Hackett area in an attempt to reduce anti social behaviour and drinking in these public areas. Details of the request are attached at Appendix 'A'. It was agreed that the matter be deferred pending information from PACT meetings and recent neighbourhood watch meetings.

3.2 Members may further recall that it was agreed at a previous meeting of the Licensing Committee held in May 2009, that the determination of the request for a DPPO be further deferred pending the results of a 'Face to Face' survey scheduled to be carried out by West Mercia Constabulary during June and July this year.

3.3 Details of findings of the 'Face to Face' survey are summarised at Appendix 'B'. From the findings, it would suggest that from those local residents who had responded to the survey they felt that it was unnecessary to introduce a DPPO. Furthermore the Police already have powers to confiscate alcohol

from a person under 18 years if they are in possession of alcohol in a public place. Representatives from the local policing team have been invited to the meeting to discuss the findings.

- 3.4 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.
- 3.5 These powers are not intended to disrupt peaceful activities, for example families having a picnic in a park with a glass of wine. Police Officers can use their discretion when deciding to request an individual to refrain from drinking regardless of their behaviour. Home Office guidance suggests that it is not appropriate to challenge an individual consuming alcohol where that individual is not causing a problem.
- 3.6 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.
- 3.7 In December 2008 the Home Office published Guidance relating to Designated Public Place Orders (DPPOs): 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.”
- 3.8 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.

3.9 On this occasion, the Police, at present, are not willing to give their support to this particular request for a Designated Public Places Order, as they have insufficient evidence of anti social behaviour caused by alcohol consumption in this area. They feel that they already have sufficient measures in place to keep any anti social behaviour occurring in this area, under control. A copy of their response submitted in December 2008 is attached at Appendix 'C'. A further statistical update is also attached showing the number of reported incidents to the Police since December 2008.

3.10 During the period from 1st June 2007 and 31st October 2009 only 7 incidents out of a total of 86 reports of anti social behaviour were linked to the consumption of alcohol in the area.

3.11 Members may recall at the meeting in February 2009, it was agreed that minutes from recent Neighbourhood Watch meetings and PACT meetings for the Cofton Hackett area be provided to Members. Copies of the minutes from recent Neighbourhood Watch Meetings are attached at Appendix 'D'. Members will note from these minutes, the issue of a DPPO was raised on a number of occasions, the following is an extract taken from each set of Neighbourhood Watch minutes:

- Meetings held on 1st September, 1st October and 22nd October 2009 – there was no mention in the minutes of a need for a DPPO for Cofton Hackett.
- **3rd March 2009 - “Alcohol Free Zone for Cofton Hackett (“AFZ”) –** PACT has taken it forward to the licensing committee – they depend upon “figures of disorder” i.e., reported incidents to the police / Council. Only 9 people attended Cllr McDonalds meeting of which 7 voted for an AFZ. A decision has been deferred as the police want to investigate what is happening in Cofton Park and West Midlands police area; Sgt Wilkes also requested assistance from CHNW and PACT in gathering a more comprehensive view of local opinion as Cllr McDonalds meeting unfortunately clashed with others. Sgt Wilkes wishes to hear from anyone with incidents, either current or historical, so that he can present true opinion. Please email: mark.wilkes@westmercia.pnn.police.uk - see attached leaflet at the end of the minutes.”
- **7th October 2008 - “A meeting has been arranged by Councilor Peter McDonald to discuss Cofton Hackett becoming an Alcohol Free Zone. Cofton Village Hall, 16th October at 7pm.** CHNW encourages all residents to attend and await the outcome with interest. NW have made some enquiries from a local police perspective, who are supportive of an alcohol free zone, however, the District Council and licensing committee utilise Police Crime report statistics and the level of alcohol fuelled disorder, according to the a, may not provide enough justification at this

time for an alcohol free zone to be adopted within Cofton Hackett. The meeting therefore encourages all residents to report alcohol related incidents (including ASB., litter etc). Issues raised at tonight's meeting included Cofton Park being included in such a scheme. Please raise at Cllr Mc Donalds Meeting.

- **4th September 2008** – “Two applications for play areas to become “**Alcohol Free Zones**” have been denied in Bromsgrove. This decision was made due to insufficient evidence, as only three incidents have been reported for the two areas in the past two years. As this has been a raised issue at Cofton Hackett PACT, Emily stressed the significance and importance of reporting all incidents to the police. Drink related incidents and antisocial behaviour are being tackled in Bromsgrove by the local Police Tasking Team (LPTT) by serving Section 27 notices. This can be used on anyone aged 17 or above and requires them to leave a specified area for up to 48 hours (The Standard Aug 22nd)”
- **5th February 2008** – “**Alcohol Free Zones:** A member asked why this scheme, presently in use in Rubery and Alvechurch, could not be adopted in Cofton Park? The meeting was advised to bring up this issue at the next PACT – particularly if attended by West Midlands Constabulary police.”

3.12 The proposal to introduce a DPPO was discussed at the PACT meetings held on 24th April 2008, 17th July 2008, 16th October 2008 and 15th January 2009 and it was agreed to take it forward as a priority. However, since the meeting in January 2009, the issue has not been raised at subsequent PACT meetings. Attached at Appendix 'E' is a resume of the PACT meetings.

3.13 The Regulations also require local authorities to consult with the following interested parties:

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

3.14 A public notice was placed in the Bromsgrove Standard on 10th April 2009 inviting comments on the proposed order. A response has been received from a local resident and a copy is attached at Appendix 'F' for members information. The resident feels that it is not necessary to include Oakfield Drive in the proposal.

3.15 A verbal response has been received from the Premises licence Holder who operates the premises on Parsonage Drive, who also feels that he has not

encountered any anti social behaviour as a result of people drinking alcohol in the vicinity of his premises, he further stated that he has not had to deal with under age people trying to purchase alcohol from his premises.

- 3.16 A response has been received from Birmingham City Council who offer no objection to the proposals. In compiling their response they had consulted with West Midlands Police. A copy of their response is attached at Appendix 'G'.
- 3.17 Cofton Hackett Parish Council were not happy to endorse the whole area put forward, however, they may consider a more specific area. Further information has been requested from the Parish Council relating to the specific area(s) they were referring to. A verbal update will be provided at the meeting.
- 3.18 A plan showing the location of the proposed Order is attached at Appendix 'H'.
- 3.19 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.
- 3.20 Finally, for information purposes, Members may wish to note that Appendix 'I' set out those areas in the District where DPPO's have already been granted, following the support of the Police. To date no DPPO has been granted without the support of the Police.

4. FINANCIAL IMPLICATIONS

- 4.1 The cost of the public notice and other administrative costs will be met from existing budgets held by Planning and Environment Services.
- 4.2 There is no budget available for signage informing the public that an area(s) area is within a Designated Public Places Order. However, if Members agree to introduce the Order in Cofton Hackett, an approach will be made to the Crime and Disorder Reduction Partnership to fund this scheme in conjunction with the Council's Community Safety Team.

5. LEGAL IMPLICATIONS

- 5.1 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.
- 5.2 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.”

- 5.3 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.
- 5.4 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. Failure to comply with this request is an arrestable offence.

6. COUNCIL OBJECTIVES

- 6.1 This proposal contributes to the Council’s objective “Sense of community and well being”.

7. RISK MANAGEMENT INCLUDING HEALTH AND SAFETY CONSIDERATIONS

- 7.1 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

- 7.2 This risk is being managed as follows:

Risk register: Planning and Environment Services

Key Objective Ref No. 7

Key Objective: Effective, efficient and legally compliant Licensing Service

8. CUSTOMER IMPLICATIONS

- 8.1 All relevant parties will be notified in writing within 5 working days of the Council’s decision.
- 8.2 If Member’s decide to adopt this scheme, there is a risk that members of the public may complain to the Council that the Police are not enforcing the terms of the Order, as expected.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 There are no equalities and diversity implications.

10. VALUE FOR MONEY IMPLICATIONS

10.1 If Members are minded to approve the introduction of the Order, it could be conceived that the Council is not providing value for money as the Police are not in support of the proposal and may not be in a position to enforce the restrictions imposed by the Order. The Police already have alternative powers to deal with anti social behaviour.

11. CLIMATE CHANGE AND CARBON IMPLICATIONS

11.1 None

12. OTHER IMPLICATIONS

Procurement Issues None
Personnel Implications None
Governance/Performance Management None
Community Safety including Section 17 of Crime and Disorder Act 1998 The creation of the Order would give the Police additional powers to confiscate alcohol from people drinking in public places.
Policy None
Biodiversity None

13. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director (Partnerships and Projects)	No
Executive Director (Services)	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	No

Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No
Head of Street Scene and Community Services	Yes

14. **WARDS AFFECTED**

The proposed Order will be situated in the Hillside ward.

15. **APPENDICES**

Appendix A	Request for a Designated Public Places Order
Appendix B	Findings from the 'Face to Face' Survey
Appendix C	Response from the Police Authority
Appendix D	Minutes from Neighbourhood Watch Meetings
Appendix E	Resume of Cofton Hackett PACT meetings
Appendix F	Response from a local resident
Appendix G	Response from Birmingham City Council
Appendix H	Location plan of proposed designated area
Appendix I	List of approved DPPO's

16. **BACKGROUND PAPERS**

Request received from Cllr. P. McDonald
Summary of findings from the Face to Face Survey
Response received from West Mercia Police Authority
Neighbourhood Watch Minutes
PACT priorities
Home Office Guidance on Designated Public Places Orders.
Response received from Birmingham City Council
Response received from a local resident
Response received from Cofton Hackett Parish Council

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