

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

24th MAY 2010

DESIGNATED PUBLIC PLACES ORDER – RAILWAY STATION, ASTON FIELDS AREA

Relevant Portfolio Holder	Cllr. Peter Whittaker
Relevant Head of Service	David Mellors

1. SUMMARY OF PROPOSALS

- 1.1 To consider introducing a Designated Public Places Order in Bromsgrove Railway Station, Aston Fields area.

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 Aston Fields Ward to look at introducing a Designated Public Places Order to 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. 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. 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.
- 3.4 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 December 2008 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 As the area concerned includes Bromsgrove Railway station there is a cross over between West Mercia Police who are responsible for the surrounding area and the British Transport Police who are responsible for the Railway including the station.
- 3.8 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 that they have only had seven ASB incidents in the area over the last 18 months which can be linked to alcohol.
- 4.3 The British Transport Police are in favour of the application and have stated they would support enforcement activity to ensure compliance within their jurisdiction. They state that although it is not a 24 hour station they are able to ensure police action via their tasking process if it was suggested that the Order was being contravened. A copy of their response is attached at Appendix C. Members will note that although they support the application they have not provided evidence of alcohol related nuisance or annoyance to the public in the proposed area. The British Transport Police have been invited to attend the meeting.

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- 4.4 A public notice has been placed in a local newspaper inviting comments from local residents on the proposed order. The consultation period closed on 7th May 2010.
- 4.5 Comments have been sought from premises licence holders in the area that retail alcohol, namely Bromsgrove Rugby Football Club, The Ladybird Inn, Co-op, Local and Aston Fields Social Club, no responses have been received.
- 4.6 A response has been received from Worcestershire County Council Highways Department, stating they have no objection to the making of this order, however, they have pointed out that New Road from the mini-roundabout towards the railway station is not publicly maintained highway, and that any signs proposed should be agreed with the highway authority prior to their erection. A copy of their response is attached at Appendix D
- 4.7 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.
- 4.8 To date no DPPO has been granted without the support of the Police.

5. FINANCIAL IMPLICATIONS

- 5.1 The cost of both public notices and other administrative costs will be met from existing budgets held by Planning and Environment Services.
- 5.2 There is no budget available for signage informing the public that an area(s) is within a Designated Public Places Order. However, if Members agree to introduce the Order in Aston Fields covering the Railway Station, 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.

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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9.2 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

10. CUSTOMER IMPLICATIONS

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

10.2 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.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 None.

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 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 and underage drinking of alcohol.

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.

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

16.1 The creation of the Order would give the Police additional powers to confiscate alcohol from people drinking in public places.

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None.

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	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

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21. WARDS AFFECTED

21.1 The outcome of this report may affect the Aston Fields Ward.

22. APPENDICES

Appendix A	Request for a Designated Public Places Order and Map
Appendix B	Response from West Mercia Police
Appendix C	Response from the British Transport Police
Appendix D	Response from Worcestershire County Council Highways

23. BACKGROUND PAPERS

Request received from Cllr. Shannon
Response received from West Mercia Police Authority
Response received from the British Transport Police
Response received from Worcestershire County Council Highways
Home Office Guidance on Designated Public Places Orders

AUTHOR OF REPORT

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