

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 10th 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 13th July 2010
- 4.4 No comments were received as a result of the 28 day public consultation through the public notice printed on the 16th 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

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23. BACKGROUND PAPERS

Home Office Guidance on Designated Public Places Orders

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