

REPORT TO CABINET

Title: REVIEW OF DESIGNATED PUBLIC PLACES ORDER
(ALCOHOL CONSUMPTION)

Date: 23rd October 2008

Member Reporting: Councillor Jesse Grey

Contact Officer(s): Brian Martin, Community Safety Coordinator
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Wards affected: Potentially all wards could be affected.

1. SUMMARY

- 1.1 Section 13 of the Criminal Justice and Police Act (2001) introduced Designated Public Places Orders (DPPOs) to replace drinking byelaws (which ceased to have effect from 1st September 2006). DPPOs (also referred to as alcohol free zones) are a tool that can be used by local authorities to deal with problems of anti-social drinking in public places. Once in place a DPPO enables Police Officers and Police Community Support Officers (PCSOs) to use their confiscation powers to enforce the restriction. It is not an offence to consume alcohol within a designated area, but failure to comply with an officer's requests to stop drinking and surrender alcohol without reasonable excuse is.
- 1.2 In July 2002 a Designated Public Places Order was sealed by full Council. Full Council extended this in May 2006 through the introduction of a new order to include streets in Pinkneys Green. Both orders were based on evidence of alcohol related problems and both were subject to consultation before being sealed. These orders are shown in Appendix A which is available in the members room.
- 1.3 This report seeks authority to begin the consultation process of updating the borough's alcohol free zones. The proposal is to revoke the existing orders made in 2002 and 2006 and introduce a new order encompassing the streets currently covered in the existing orders and any new streets where there is sufficient evidence of alcohol related problems taking place.

2. RECOMMENDATION

That the proposal to commence the consultation process, which will lead to revocation of the existing orders and a recommendation put forward to full Council to introduce a new order, be approved.

What will be different for residents as a result of this decision?

Introducing a revised DPPO will increase the number of public places where there are restrictions on public drinking which in turn should help to reduce alcohol related disorder and anti-social behaviour more effectively.

3. SUPPORTING INFORMATION

3.1 Background

3.1.1 Section 13 of the Criminal Justice and Police Act (2001) allows Local Authorities to designate public places where there is reasonable evidence that nuisance or annoyance to the public or disorder have been associated with drinking in that place. The 2002 and 2006 orders were based on evidence derived from the Community Nuisance and Disorder Information System (CADIS) which in turn is based on police records and borough data. CADIS has been used to compile a list of recommended streets that should be covered by a new order based on figures of alcohol related anti-social behaviour for the calendar year 2007. Areas will only be included if there is reasonable evidence (properly recorded incidents on CADIS) of alcohol related anti-social behaviour taking place. Areas for inclusion will require agreement from the Police that they can be properly enforced. The draft order is displayed in Appendix B which is available in the members room at the Town Hall. Maps identifying the proposed areas will be made available in the members room when the formal consultation starts.

3.1.2 The procedure for introducing a DPPO is set out in the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007. These regulations include the consultation, publicity and signage requirements. These regulations are set out in Appendix C which is available in the members room at the Town Hall.

3.1.3 A detailed project plan is available for inspection. Key milestones to note are as follows:

23rd October 2008:	Cabinet
27th October 2008:	Formal consultation begins with the Police, Parish Councils, Local Authority and any licensed premises falling within the DPPO (28 days for representations)
27 th November 2008:	Public consultation starts (proposed order published in local papers, 28 days given for representations)
14 th January 2009:	Directors' Group
27 th January 2009:	Corporate Services Overview and Scrutiny
26 th February 2009:	Cabinet
21 st April 2009:	Representations considered and order sealed at Full Council
Once sealed:	Notification sent to Secretary of State, DPPO published in local papers, signage put up

4. OPTIONS AVAILABLE AND RISK ASSESSMENT

4.1 Options

	Option	Comments	Financial Implications
1.	Do nothing. The existing orders will remain in place.	The 2002 and 2006 orders require updating to incorporate new areas that are experiencing alcohol related problems that are not currently covered.	Nil.
2.	Approve the proposal to revoke the 2002 and 2006 orders and begin the process of introducing an updated order.	A review of the borough's alcohol free zones will support the crack down on crime and disorder and anti-social behaviour associated with drinking. This is the recommended course of action.	Revenue: Officer time - approx 40 hours (Home Office funded). Costs of publicising the proposed order in the local papers and publicising the order once sealed (approx cost £2000 – funded from within existing budgets)

4.2 Risk assessment

4.2.1 A risk assessment has been carried out. It identifies that if the decision is taken not to review the borough's alcohol free zones then it will affect the borough's capability to address alcohol related anti-social behaviour and the associated crime and disorder. This is because some of the streets receiving alcohol related anti-social behaviour are not covered by the current orders.

4.2.2 The main risks associated with extending the borough's alcohol free zones are as follows:

- The DPPO may lead to nuisance or annoyance to the public or disorder associated with public drinking, being displaced into immediately adjacent areas that have not been designated. Adjacent areas to those to be covered in the order, where there is evidence to suggest risk of displacement, will be placed under consideration for inclusion.
- Limitations in Police resources may limit the ability to enforce the order. Signs put up in the areas covered, to notify the public of the restrictions in place, should help to deter people from drinking in public.

5. CONSULTATIONS CARRIED OUT

5.1 The Police are in support of reviewing the boroughs alcohol free zones.

5.2 If Cabinet approves proposals to update the borough's alcohol free zones formal consultation will be carried out in line with government regulations. The legal process will require full consultation with the Police, any parish or community councils, licensees, landowners or occupiers in the area to be affected. The consultation process will provide an opportunity for formal representations to be made about the areas to be affected by the designation order. Before making the order the local authority will also have to publish in the local press, a notice identifying areas proposed for designation, set out the effect of the order being made in relation to that place, and invite representations as to whether or not the order should be made.

6. COMMENTS FROM THE OVERVIEW AND SCRUTINY PANEL

6.1 The report went to Corporate Services Overview and Scrutiny Panel on 24th September 2008. The panel endorsed the report and were in support of the proposal to improve the implementation process by delegating the final decision to the Chief Executive in consultation with the Lead Member, subject to the proviso that the decision would be published in accordance with the rules relating to the publication of decisions of the Executive and the Panel being able to call-in the decision.

7. IMPLICATIONS

7.1 The following implications have been addressed where indicated below.

Financial	Legal	Human Rights Act	Planning	Sustainable Development	Diversity & Equality
✓	✓	✓	N/A	N/A	N/A

Background Papers:

1. Designation of Public Places Order 2002 – Appendix A (i)
2. Alcohol Consumption in Designated Public Places (Pinkneys Green) Order 2006 – Appendix A (ii)
3. Designated Public Places Order (Alcohol Consumption) – Draft Proposed Order – Appendix B
4. Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 – Appendix C