

## REPORT TO CABINET

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

Date: 26 February 2009

Member Reporting: Councillor Rayner

Contact Officer(s): Brian Martin, Community Safety Coordinator  
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Wards affected: Majority of wards 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 1<sup>st</sup> 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 (Alcohol Free Zone) 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 would be. Refusal to comply with an Officer's requests to refrain from drinking can result in a fine of up to £500.
- 1.2 In July 2002 a Designated Public Places Order (Alcohol Free Zone Order) was sealed by Full Council. Full Council extended this in May 2006 through the introduction of a new order to include streets in the Pinkneys Green area of Maidenhead. Both orders were based on evidence of alcohol related problems and both were subject to consultation before being sealed.
- 1.3 On 23<sup>rd</sup> October 2008 Cabinet gave authority to commence consultation regarding extending the borough's Alcohol Free Zones. This report now seeks authority to introduce a new order. The proposal is to revoke the existing orders made in 2002 and 2006 and seal a new order encompassing the streets currently covered in the existing orders and the new streets that have been identified as having sufficient evidence of alcohol related problems taking place (see Appendix A for the list of proposed streets/areas). The proposal is to revoke the existing orders at the same time that the new order is sealed, so there will not be a period of time where the existing areas are not covered by an order.
2. **RECOMMENDATION: That Council be recommended to approve the revocation of the two existing Designated Public Places Orders and seal the proposed inclusive order.**

What will be different for residents as a result of this decision?
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Alcohol related disorder and anti-social behaviour will be restricted by increasing the number of public places where there are restrictions on public drinking.
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### **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 Community Nuisance and Disorder Information System (CADIS), which is a system that is based on police records and borough data, 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 can only be included if there is reasonable evidence of alcohol related anti-social behaviour taking place (i.e. properly recorded borough or Police data, or evidence of alcohol related litter). All the areas proposed for inclusion have received agreement from the Police.

3.1.2 The DPPO (Alcohol Free Zone) powers are not intended to disrupt peaceful activities, for example, families having a picnic with a glass of wine. The Police would only be expected to challenge an individual consuming alcohol if the individual is causing a problem. Section 13 of the Criminal Justice and Police Act makes it clear that the power is to be used explicitly for addressing nuisance or annoyance associated with the consumption of alcohol in a public place.

3.1.3 DPPOs (Alcohol Free Zones) do not address problems caused by underage drinking; there are already Police powers in existence to tackle this.

3.1.4 The procedure for introducing a DPPO (Alcohol Free Zone) 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 can be downloaded from the following address [http://www.opsi.gov.uk/si/si2007/uksi\\_20070806\\_en\\_1](http://www.opsi.gov.uk/si/si2007/uksi_20070806_en_1).

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

26 <sup>th</sup> February 2009:	Representations considered by Cabinet
21 <sup>st</sup> April 2009:	Order sealed by 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 will remain in place but these 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 introduce a new 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. a further 15 hours (Home Office funded). Costs of publicising the order once sealed (approx cost £5000 – funded from within existing budgets). Signs have already been purchased (although due to the number of proposed areas further signs may be needed – this has been accounted for 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 extend 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 experiencing 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 (Alcohol Free Zone) 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 highlighted as hot spots have been placed under consideration for inclusion where there is evidence to suggest that displacement may occur (i.e. where the order may lead to nuisance or annoyance to the public or disorder associated with public drinking, being transferred into immediately adjacent areas that have not

been designated). For example, in the case of Inner Windsor, a zone has been proposed to help prevent displacement.

- 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 irresponsible drinking in public.
- The effect of the order should be minimal on most licensed premises situated within the proposed areas. The order does not relate to those drinking within premises, it applies only to drinking in public places. If clients go outside of a licensed premises with drinks and stray beyond the legal curtilage then they could be at risk of a fine if they do not desist from drinking if asked to do so by the Police.

## **5 CONSULTATIONS CARRIED OUT**

- 5.1 All ward members have been consulted on two occasions (14<sup>th</sup> August 2008 and 13<sup>th</sup> October 2008).
- 5.2 Consultation has been carried out in line with government regulations. The law requires consultation with relevant stakeholders including the Police, Parish Councils and Licensed Premises in the areas to be affected and this exercise took place prior to consultation with the public. The Police are in support of extending the boroughs Alcohol Free Zones.
- 5.3 The law requires local authorities to consult with the public over a period of 28 days before an order can be introduced. A public notice was published in the local press on 4<sup>th</sup> December 2008, identifying the areas proposed for designation, setting out the effect of the order and inviting representations as to whether or not the order should be made. Maps of the proposed locations were also made available for the public to view. All representations received as a result of the public consultation have been considered by the Project Team and the Police. The law stipulates that areas can only be included if there is reasonable evidence of alcohol related anti-social behaviour taking place and new locations can only be included on this basis.
- 5.4 Throughout the consultation process there have been a mixture of responses, all of which have been carefully considered. Only one representation was received (from a member of the public) to express non support of the extension on the view that it shifts public drinking problems elsewhere. Nine representations were received suggesting additions to the proposed order (four of which suggested the same location). Out of the six locations suggested, three were approved and three were declined. A further representation was received from a Parish Council requesting that the order apply only at certain times but this is not possible as the order is valid 24/7.
- 5.5 Please see the table in Appendix A which shows the proposed streets/areas. Maps of the proposed locations are available in the members' rooms.

## 6 COMMENTS FROM THE OVERVIEW AND SCRUTINY PANEL

The report went to the Planning and Environment Overview and Scrutiny Panel on 26<sup>th</sup> January 2009. The Panel endorsed that the report be recommended to Cabinet for approval.

## 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
2. Alcohol Consumption in Designated Public Places (Pinkneys Green) Order 2006
3. Designated Public Places Order (Alcohol Consumption) – Proposed areas – Appendix A
4. Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007

## Appendix A: List of proposed streets/areas

Street/area under Police neighbourhood	Existing/Proposed
<b>Maidenhead Town Centre</b>	
The area bounded by and including: Saint Cloud Way (A4), Bad Godesberg Way (A4), Frascati Way, Grenfell Place, Grenfell Road, Queen Street, York Road and Forlease Road.	Existing/Proposed (Grenfell Place and Grenfell Road are proposed)
Railway Station Forecourt and Station Approach	Proposed
Kidwells Park	Existing
Cookham Road	Proposed
Holmanleaze	Proposed
Leisure Centre and Megabowl Car Park Areas	Proposed
Grenfell Park	Existing
South Road	Proposed
High Town Road	Proposed
<b>Maidenhead Riverside and Belmont</b>	
The area bounded by and including All Saints Avenue (from the junction with Courthouse Road to the junction with St Mark's Road), St Mark's Road (from the junction with All Saints Avenue to the junction with Castle Hill), Wellington Road, Gordon Road, College Rise, College Road (from the junction with Castle Hill to the junction with Belmont Road), College Avenue, Belmont Road, Belmont Drive, Derwent Drive, London Drive and Belmont Crescent.	Proposed
St Mark's Road	Proposed
Bath Road	Proposed
Cookham Road	Proposed
Raymond Road	Proposed
Walker Court	Proposed
Riverside Gardens	Proposed
<b>Pinkneys Green and Furze Platt</b>	
The area bounded by and including Halifax Road, Halifax Way, Halifax Close, Lincoln Road, Blenheim Road and Lancaster Road.	Existing
The green area between Blenheim Road and Alwyn Road	Existing
Oaken Grove Recreation Ground	Existing
Mulberry Walk	Existing
Ashcroft Road	Existing
Bath Road	Proposed
Highway Road	Proposed
Cookham Road	Proposed
Punt Hill Park	Proposed
Shifford Crescent (from the junction with Switchback Road North to the junction with Whitchurch Close), the Service Road which runs between Shifford Crescent and Switchback Road North and the adjacent green area.	Proposed
Deansfield Close	Proposed
<b>Boyn Hill, Cox Green and Woodlands Park</b>	

Altwood Close	Proposed
Altwood Road	Proposed
Barley Mead (including the public footpath which links Barley Mead to Thatchers Drive) and Barley Mead play area/open space	Proposed
Bath Road	Proposed
Children's play area in Phipps Close	Existing
Cox Green Lane	Proposed
Cox Green Road	Proposed
Farmers Way	Proposed
Grenfell Road	Proposed
Haddon Road	Proposed
Heynes Green and Heynes Green Play Area	Proposed
Northumbria Road	Proposed
Pheasants Croft	Proposed
Shoppenhangers Road	Proposed
Small green enclosed by Altwood Road and Haddon Road	Proposed
Wessex Way Shopping Parade, Wessex Way play area/open space (including the Service Road area, St Columba's Close, St Chad's Road (the section between St Columba's Close and Wessex Way) and the short section of Wessex Way from the Service Road to Northumbria Road.	Existing (Shopping Parade and play area/open space)/remaining area is Proposed
Westborough Road	Proposed
Wootton Way	Proposed
<b>Bisham and Cookham and Hurley and Walthams</b>	
The Alfred Major Recreation Ground	Proposed
Bath Road	Proposed
Bridge Avenue	Proposed
High Road	Proposed
Lower Road (the section from Station Hill to the junction with Grange Road)	Proposed
Peace Lane	Proposed
Shergold Way	Proposed
Station Hill	Proposed
Station Parade	Existing
<b>Oldfield and Bray</b>	
Desborough Park	Proposed
Fane Way	Proposed
Shoppenhangers Road	Proposed
Windsor Road	Proposed
The area bounded by and including Stroud Farm Road, Stompits Road and the cul-de-sacs off (Hendons Way, Lynden Close, The Brambles, Farm Close and Bucklebury Close).	Proposed
Guards Club Park (including Guards Club Island) and Reitlinger Open Space	Proposed
<b>Clewer and Oakley Green</b>	
Clewer Memorial Recreation Ground	Proposed
Dedworth Road	Proposed
Maidenhead Road	Proposed

Windsor Road	Proposed
The area bounded by and including Smiths Lane, Maidenhead Road, Gallys Road, Dedworth Road and Manor Road.	Proposed
<b>Eton and Eton Wick</b>	
Bell Lane	Existing
Eton Recreation Ground	Proposed
Eton Wick Recreation Ground and Playground	Proposed
Haywards Mead	Proposed
High Street (Eton)	Existing
Meadow Lane	Proposed
South Meadow Lane	Proposed
Eton Wick Road (the short section from the junction with Princes Close to the junction with Haywards Mead)	Existing
<b>Inner Windsor</b>	
Brocas Street (Eton)	Existing
High Street (Eton)	Existing
Church Street Gardens	Existing
Datchet Road	Proposed
Farm Yard	Existing
Grove Road	Proposed
Lower Thames Street (including the Windsor and Eton Bridge)	Existing
Thames Side	Existing
Stovell Road and the Footway under A332 Bridge	Proposed
Vansittart Road,	Proposed
Maidenhead Road	Proposed
Windsor Leisure Centre Car Park and Pleasure Ground	Proposed
Windsor Skate Park (Vansittart Road)	Proposed
Alexandra Gardens	Existing
Barry Avenue	Existing
The area bounded by and including Alma Road (from the junction with Clarence Road to Windsor and Eton Central Station), Clarence Road (from the junction with Alma Road to Victoria Street), Victoria Street, Sheet Street (from the junction with Victoria Street to the High Street), Park Street (from the junction with Sheet Street to the junction with St Alban's Street), St Alban's Street, Castle Hill, High Street, Thames Street, Thames Avenue, River Street, Barry Avenue (from River Street to the junction with Goswell Road), Goswell Road, Arthur Road (from the junction with Goswell Road to the junction with Alma Road) and the Alma Road Car Park Area.	Existing and Proposed. Existing areas are as follows: Acre Passage/Peascod Place, Bachelors Acre, Barry Avenue, Boots Passage, Bridgwater Terrace, Castle Hill, Charles Street, Church Street Gardens, Clarence Road (Peascod Street to Charles Street), Farm Yard, George V Memorial, Goswell Hill, High Street, James Street, King Edward Court Service Road, Madeira Walk, Mellor Walk (off Acre Passage), Oxford Road East, Peascod Street, River Street, and the streets

	forming the Guildhall triangle, Sheet Street (Victoria Street to High Street), Thames Street, Thames Avenue, Thames Side, The Goswells, Victoria Street and William Street.
<b>Clewer East and Park</b>	
Dedworth Road	Proposed
Green Lane	Proposed
Imperial Road	Proposed
St Leonard's Road	Existing
<b>Old Windsor</b>	
Robin Willis Way and the Old Windsor Recreation Ground	Proposed
St Luke's Road	Existing
St Peter's Road	Proposed
Straight Road	Existing
<b>Ascot, Sunningdale and Sunninghill</b>	
Church Road	Proposed
Footpath from Station to High Street (Ascot)	Existing
Green area bounded by Lyndhurst Road, Church Road and Oliver Road	Proposed
High Street (Ascot)	Existing
Lower Village Road	Proposed
Oliver Road	Proposed
Oriental Road	Proposed
Quince Close	Proposed
Station Forecourt (Ascot)	Existing
Station Hill	Existing
Sunninghill High Street (from the junction with Charters Lane to the junction with Kings Road)	Proposed
Upper Village Road	Proposed
Victory Fields and Playground (London Road)	Existing
Lyndhurst Road (from Ascot Station to the junction with Brockenhurst Road), All Souls Road, Victoria Road (from All Souls Road to the junction with Brockenhurst Road) and the adjacent recreation ground.	Proposed