

BASFORD AND BESTWOOD AREA COMMITTEE – 29TH SEPTEMBER 2010

Title of paper:	PROPOSALS FOR CONTROLLING ANTI-SOCIAL BEHAVIOUR IN PARKS & PUBLIC PLACES ACROSS BASFORD & BESTWOOD WARDS	
Director(s)/ Corporate Director(s):	Lianne Taylor Director for Neighbourhoods & Communities	Wards affected: All
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Relevant Council Plan theme(s):		
World Class Nottingham		
Work in Nottingham		
Safer Nottingham		x
Neighbourhood Nottingham		x
Family Nottingham		x
Healthy Nottingham		x
Serving Nottingham Better		
Summary of issues (including benefits to customers/service users):		
There is a need to control problems associated with the misuse of alcohol across the Area which impacts on the quality of life for residents and businesses alike. The use of powers granted to the authorised personnel under a Designated Public Place Order is an effective way to ensure a proportionate approach is taken to dealing with these problems.		
Recommendation(s):		
1	The Area Committee notes the proposal and supports this approach.	
2	The ward councillors agree to jointly fund the costs associated with bringing the Order into force including the erection of signs.	

1 BACKGROUND

- 1.1 The City Council has previously approved Designated Public Places Orders (DPPOs) for the City Centre area and the Hyson Green area. These orders enable the police and Community Protection Officers to request people to cease from drinking alcohol and to hand over alcohol containers, and in this respect have been successful in tackling anti-social behaviour. An offence is committed if the person refuses to comply with such a request allowing the alcohol to be confiscated, disposed of, and the person arrested if necessary.
- 1.2 Evidence has shown that enforcement against alcohol drinkers in these DPPO areas has caused a migration of their activities aided by travel via the Tram system to parts of Basford ward, particularly Vernon Park. It is clear that such activities are influencing youngsters who live in the area to follow their actions and add to anti-social behaviour. There is further concern that enforcement action will spread the problem to nearby parks and green spaces in Area 2 unless action is taken to control this. For this reason it is proposed to make the whole of Area subject to DPPO powers and the Area Committee is asked to endorse the proposal.
- 1.3 These powers are not intended to disrupt peaceful activities, for example families or groups having a picnic in a park with a glass of wine. While police officers have the discretion to require an individual to stop drinking regardless of behaviour, Government advice is that it is not appropriate to challenge an individual consuming alcohol where that individual is not causing a problem. With this in mind, the police and the Area Manager have agreed that individuals with open containers of alcohol in a public would not be approached and asked to stop drinking unless 1) they were engaged in anti-social behaviour or disorder; 2) the police were of the view that there was likely to be anti-social behaviour or disorder; or 3) valid complaints had been received from other members of the public. This approach allows the targeting of individuals causing alcohol-related nuisance or annoyance while leaving others undisturbed who are not causing a problem.
- 1.4 To safeguard the legitimate business of licensed premises, the law provides that properties which have a premises licence are excluded from a DPPO. The Licensing Act Statutory Guidance encourages local authorities to seek premises licences for public spaces, in order to allow local community events such as open-air festivals, concerts and carnivals to take place without the need for each individual event organiser to apply for a separate licence. Premises covered by a Temporary Event Notice are only excluded from the Order during permitted licensed hours and for a period of 30 minutes thereafter. At all other times, those premises

would be subject to the DPPO.

2 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 There are various interventions that are taken by the enforcement agencies to stop nuisance and annoyance arising from the irresponsible drinking of alcohol. The powers under a DPPO will strengthen the approach taken by the agencies in respect of those who choose to continue to disrupt the lives of residents and businesses.
- 2.2 Before such an Order is made the owners and occupiers of properties within the area in question must be consulted in order to gauge their opinion on the proposal. It is proposed that this will be done through residents' group meetings and local newspapers circulating in the area.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 If an Order is not made the police will be limited to using public order powers which do not allow the confiscation of alcohol and its disposal and as such will not be as effective or immediate.

4 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

- 4.1 The cost of bringing the Order into force includes the consultation process and subsequent erection of signs declaring the status of the area in question is estimated at £5,000 and can be met from Area Committee or individual councillor unallocated funds.

5 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS AND EQUALITY AND DIVERSITY IMPLICATIONS)

- 5.1 The police will use these powers fairly and proportionately as described at paragraph 1.3. Those affected will have recourse through the Courts in the normal way.

6 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

- 6.1 Area 2 Designated Public Place Order Application Information - Nottingham City Police (contains some confidential information)

7 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

7.1 Guidance on Designated Public Place Orders (DPPOs): For Local Authorities in England and Wales - Produced by the Home Office. December 2008. Ref: 287025.
ISBN: 978-1-84726-861-7

APPENDIX 1

MAP SHOWING PROPOSED EXTENSION OF ST ANNS & SNEINTON DPPO

TO BE PROVIDED AT THE MEETING