

BASFORD AND BESTWOOD DPPO - TIMETABLE

<u>Step</u>	<u>Action</u>	<u>Timescale</u>	<u>By Whom</u>
1	Obtain evidence and prepare draft plan of area to be covered by Order.	By October 2010	Jointly by CPO, local Police and Neighbourhood management
2.	Obtain approval to proceed from Area Committee	24 November Draft Reports by 2 November, final reports by 11 November	CPO and DPPO contractor and Legal Services
3.	Report to full Council with request to authorise consultation and publication and proceed with proposals (and to report back if substantive representations received)	13 December 2010 Draft Reports by 16 November, final reports by 30 November	Director of Community Protection and DPPO contractor and Legal Services
4.	Publication of Newspaper advertisement under Reg 5	By end December 2010	DPPO contractor and Legal Services
5.	Prepare draft Order and consultation letter.	By end of December 2010	DPPO contractor and Legal Services
6.	Consult with statutory consultees (Police, parish/community councils, licensees,	By end December 2010 to mid-February 2011	Police, CPOs, Neighbourhood Management and DPPO contractor

	owners and occupiers)		
7.	Report back to Full Council regarding representations and seeking confirmation of the Order	11 April 2011 Draft Reports by 15 March, final reports by 29 March	Director Community Protection
8.	(1) Publication of notice of making of Order and (2) Erection of signs on street.	April 2011	(1) DPPO contractor (2) Neighbourhood Services
9.	Order planned to come into force.	May 2011	

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What is this about?

This note explains the process to be followed and the powers given to local authorities in England and Wales to introduce Designated Public Place Orders (DPPOs) and to authorised officers to enforce such an order.

Relevant Law

The provisions are contained in section 13 of the Criminal Justice and Police Act 2001 and section 26 of the Violent Crime Reduction Act 2006.

How does a DPPO work?

A DPPO is used to control nuisance and annoyance that may come from people drinking alcohol in a public place. The police and other authorised officers (e.g. Community Protection Officers) can require a person in a DPPO area not to drink alcohol in that area where the officer reasonably believes that the 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.

These powers are not intended to disrupt peaceful activities, for example families having a picnic in a park with a glass of wine or a beer. Police officers and community protection officers have discretion to ask someone to stop drinking alcohol regardless of behaviour, but official advice is that it is not appropriate to challenge this where that person is not causing a problem.

It is important to note that these powers do not make it a criminal offence to drink alcohol within a designated area. An offence is committed if the individual refuses to comply with a constable's request to stop drinking.

How is the area covered by the order identified?

Usually the police will collect evidence for where problems are occurring involving nuisance and annoyance from people drinking

alcohol. Complaints will come from a variety of sources including police officers, community support officers, neighbourhood management and other council staff, residents and so on. In deciding the area to cover consideration needs to be given to the likely displacement of the problems to areas outside that currently affected. The boundary of the area is usually a road, street or piece of land that is easily identified.

The process to bring in a DPPO

An Assessment is made - The evidence required is that there is an alcohol related nuisance or annoyance to the public in the proposed area. An assessment needs to be made as to the likelihood that the problem will continue unless these powers are adopted. Additionally, there must have a belief that the problem could be remedied by the use of these powers. Evidence should be based not just on information from one source, but may also be from the police and the local community who have reported incidents of alcohol-related anti-social behaviour or disorder. Examples of alcohol-related nuisance could include litter from drinking of alcohol (e.g. bottles and cans) as well as police information and residents' complaints.

People are consulted - Before making an order the chief officer of police for the area in question must be consulted so too the Area Committee covering all or part of the public place to be designated, the neighbouring council if applicable and licensees in the area and just beyond. Reasonable steps must also be taken to consult the owners or occupiers (including residents) of the land proposed to be designated.

The matter is publicised - Before making an order the proposal must be published as a notice in the local newspaper:

- identifying specifically or by description the place in question and setting out the effect the order will have;
 - identifying the premises/streets that will be affected by the order;
- and
- inviting representations as to whether or not an order should be made.

Afterwards - After making an order and before it takes effect a further notice must be published in the same local newspaper:

- identifying the place to which the order refers;

- setting out the effect the order will have on that place;
 - identifying any premises/streets that will be affected by the order;
- and
- indicating the date on which the order will take effect.

A copy of the DPPO is also sent to the Home Office.

Signs are also put up at the edge of the area and inside it telling people that the order is in place and what effect it has.

