

## CITY COUNCIL - 13 DECEMBER 2010

### JOINT REPORT OF THE PORTFOLIO HOLDERS FOR COMMUNITY SAFETY AND PARTNERSHIPS AND TRANSPORT AND AREA WORKING

#### SECOND ST ANNS AND SNEINTON DESIGNATED PUBLIC PLACE ORDER

##### **1 SUMMARY**

- 1.1 This report outlines the procedure through which the Council will consult on making a second Designated Public Place Order ('DPPO') that covers parts of the St Anns and Sneinton wards, (hereinafter referred to as 'the Order').

##### **2 RECOMMENDATIONS**

It is recommended that Council:

- 2.1 Note the map available showing the area proposed to be covered by the Order.
- 2.2 Note the timetable and procedures for making the Order, as detailed in Appendices 2 and 3 of this report;
- 2.3 Approve the publication of the draft Order for public consultation for the second St Anns and Sneinton DPPO.

##### **3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)**

- 3.1 It is believed that the Order may be required to reduce crime and anti-social behaviour, including nuisance and disorder arising from people drinking alcohol in public places in the wards in question.
- 3.2 To improve the quality of life and enjoyment of the area by residents, businesses and visitors.

##### **4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 4.1 Use of current public order powers. These powers do not allow the seizure and disposal of alcohol or the arrest of people who refuse to

stop drinking when asked to do so by a police officer.

## **5 BACKGROUND**

- 5.1 By virtue of the Criminal Justice and Police Act 2001, the City Council may make a DPPO to curb the problems brought about by irresponsible drinking in public places. The effect of an Order is to make it an offence both to continue drinking when requested to stop and to fail to surrender alcohol when requested to do so. The Act also gives powers to destroy alcohol that has been surrendered. Councillors will be aware that there are a number of similar Orders for other parts of the City including Hyson Green, the City Centre, and parts of St Anns and Sneinton.
- 5.2 Community Protection and the Police in St Anns and Sneinton have seen an increase in reported problems of people causing nuisance and disorder affecting the enjoyment of the area and general quality of life of residents, businesses and visitors alike due to the effects of alcohol.
- 5.3 Past experience has shown that once enforcement begins there is some displacement of those causing problems to other public places surrounding the area in question. It is believed that some of the reported problems in the area may be because of such displacement following the creation of DPPOs covering other parts of the City.
- 5.4 Enforcement will be by the Police and the Community Protection Officers as accredited persons for whom training has been given in respect of these powers. The Police have powers of arrest, for the offences specified in paragraph 5.1 above. The powers given by the making of the Order are discretionary and it is not intended that they should be used where people are drinking in public places responsibly and without causing nuisance, annoyance, or disturbance.
- 5.5 The draft Order and map of the area in question are attached at Appendix 1 and the timetable for implementation of the Order is shown at Appendix 2. A larger copy of the map will be available prior to the meeting together with copies of the evidence so far provided in support of the Order. The procedures that the Council needs to follow are outlined in Appendix 3.
- 5.6 It is proposed that any representations received during the

consultation process will be reported to Council at the expiry of the consultation period in order for Council to formally consider whether the Order should be made.

## **6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)**

- 6.1 The total cost, including administration, legal costs, consultation, notices and signage is to be met jointly from the Community Protection budget and from money allocated for this purpose in the relevant Area Committee 2010/11 budgets.

## **7 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS AND EQUALITY AND DIVERSITY IMPLICATIONS)**

- 7.1 A local authority may designate public places under section 13 of the Criminal Justice and Police Act 2001 where it is satisfied that nuisance, annoyance and/or disorder associated with the consumption of alcohol in those places has been caused to members of the public or a section of the public. Home Office Guidance indicates that before an Order is made the Council should be satisfied that the problems will continue unless the powers are adopted and that the use of these powers will remedy them. The Council has some evidence within its possession in this respect and may continue to collect evidence during the consultation process. These tests will however have to be addressed should Council determine to make the Order in the future.

## **8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

- 8.1 Evidence in support of making the Order.

## **9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

- 9.1 Sections 12 – 16 Criminal Justice and Police Act 2001
- 9.2 Guidance on Designated Public Place Orders (DPPOs): for Local Authorities in England and Wales – Home Office December 2008

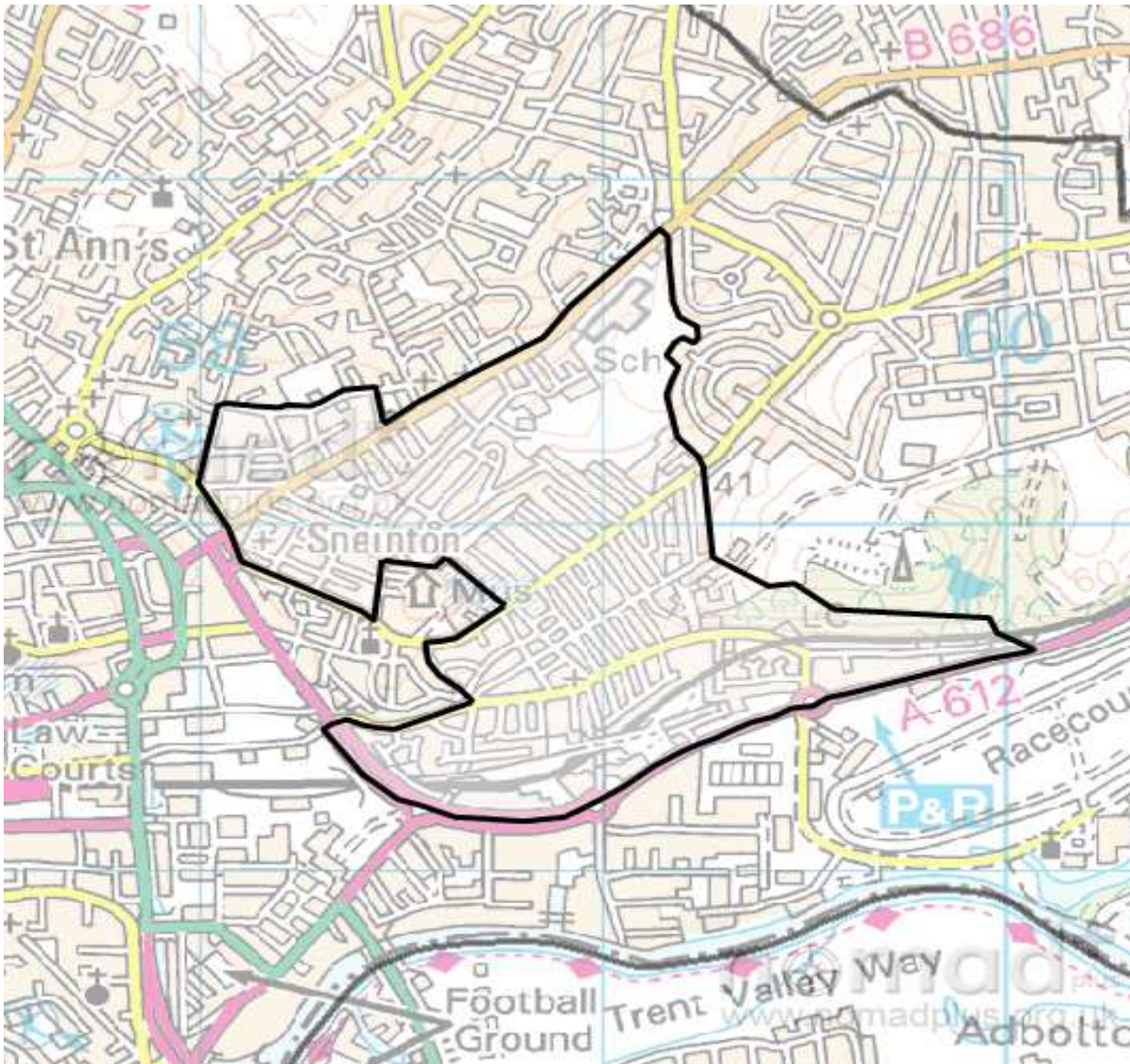
9.3 Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007

9.4 Report to St Anns and Dales (Area 6) Area Committee, 23<sup>rd</sup> November 2010.

**COUNCILLOR JOHN COLLINS  
PORTFOLIO HOLDER FOR COMMUNITY SAFETY AND  
PARTNERSHIPS**

**COUNCILLOR JANE URQUART  
PORTFOLIO HOLDER FOR TRANSPORT AND AREA WORKING**

**MAP OF THE PROPOSED ST ANNS AND SNEINTON DESIGNATED PUBLIC PLACE ORDER**



**N.B. A larger version of the above map will be available in the Members' room from 29 November 2010**

**DRAFT SECOND ST ANNS AND SNEINTON DESIGNATED PUBLIC PLACE ODER**

**CRIMINAL JUSTICE AND POLICE ACT 2001, SECTION 13(2)**

**THE NOTTINGHAM CITY COUNCIL ST ANNS AND SNEINTON DESIGNATED PUBLIC PLACE ORDER 2011**

Nottingham City Council in exercise of the powers conferred by section 13(2) of the Criminal Justice and Police Act 2001 ("the Act") hereby makes the following Order:-

1. The land described in the Schedule below and shown on the plan attached to this Order ("the Plan"), being land in the area of Nottingham City Council which is land to which the Act applies, is hereby designated for the purpose of the Act.
2. This Order may be cited as the Nottingham City Council St Anns and Sneinton Designated Public Place Order 2010 and shall come into force on xx xxxxxx 2011.
3. "Public Place" means any place to which the public or any section of the public has access on payment or otherwise, as of right or by virtue of express or implied permission.

Dated this     day of                         2011

**SCHEDULE OF DESIGNATED PUBLIC PLACES**

All Public Places including all highways, squares, pedestrian areas, public conveniences, doorways, entrances and other open areas within the boundary delineated by a thick black line on the Plan. These include those places described in Parts 1 to 6 to this Schedule but in the event of a conflict between the Plan and the Parts to this Schedule the Plan shall have precedence.

<b>STREETS</b>	KENTWOOD ROAD	WESTHORPE AVENUE
ARDMORE CLOSE	KIMBERLEY STREET	WINDMILL LANE
ASHFIELD ROAD	KINGSLEY ROAD	WORKSOP ROAD
ALFRED STREET SOUTH	KEY STREET	WESTWOOD ROAD

ANSTEY RISE	LIVERPOOL STREET	WHITTIER ROAD
ASHFIELD ROAD	LOWDHAM STREET	WILLIAM BOOTH ROAD
BADEN POWELL ROAD	LADYSMITH STREET	WINDMILL VIEW
BARNSTON ROAD	LICHFIELD ROAD	WINDMILL LANE
BENDIGO LANE	LYNDHURST ROAD	
BLEASBY STREET	LINDUM GROVE	<b>PLAYGROUNDS &amp; OPEN SPACES</b>
BRADBURY STREET	LORD NELSON STREET	Tricketts Yard
BECKFORD ROAD	LOUGHBOROUGH AVENUE	Manvers Pierpoint
BLEASBY STREET	MANVERS STREET	Bentinck Court
CASTLE STREET	MARHAM CLOSE	Rothley Ave Green
COLWICK ROAD	MEADOW LANE	Windmill Lane
COSBY ROAD	MILL VIEW CLOSE	Trent Railway Yard
CHASE PARK	MAFEKING STREET	Castle College - Carlton Road
COLWICK ROAD	MILLERS GREEN	Shiltons Gardens
CAMDEN CLOSE	PORT ARTHUR ROAD	Port Arthur Road
CARLTON ROAD	PULLMAN ROAD	Sneinton Walkway
CHEDWORTH CLOSE	RADBOURNE ROAD	Greenwood Junior School
CLARENCE STREET	RACECOURSE ROAD	Windmill Lane
DENSTONE ROAD	ROSSINGTON ROAD	Dale Allotments
DEVON STREET	ROTHLEY AVENUE	Colwick Woods LNR
DALE GROVE	SEYMOUR STREET	Greenway Community Centre
DALESIDE ROAD	SNEINTON ROAD	Marham Close
DALESIDE ROAD EAST	SOUTHWELL ROAD	Shiltons Gardens
DURHAM AVENUE	SPALDING ROAD	Colwick Wood
DURHAM CLOSE	ST CHAD'S ROAD	

DALE STREET	ST CUTHBERT'S ROAD	<b>COMMUNITY CENTRES</b>
DALESIDE ROAD	ST MATTHIAS ROAD	Sneinton Hermitage Community Centre
EVELYN STREET	STONE BRIDGE ROAD	TRACS
EYRE STREET	SANDRINGHAM ROAD	Greenway Community Centre
EDALE ROAD	SEDGLEY AVENUE	Sneinton Old School Hall
ELFORD RISE	SHREWSBURY ROAD	MCO Centre
ENA AVENUE	SNEINTON BOULEVARD	Beaumont Street Community Centre
EDALE ROAD	SNEINTON DALE	<b>CAR PARKS</b>
ELFORD RISE	SNEINTON BOULEVARD	Manvers Street
GRESLEY DRIVE	SNEINTON DALE	Aberdeen Street
GARNET COURT	SNEINTON HERMITAGE	Playgrounds & Open Spaces
HAROLD STREET	SNEINTON HOLLOWS	Tricketts Yard
HAWKSWORTH STREET	SNEINTON ROAD	Manvers Pierpoint
HOOTON STREET	SOUTHWELL ROAD	
HARDSTAFF ROAD	ST CHRISTOPHER STREET	<b>CAR PARKS</b>
HIGHCLIFFE ROAD	THORESBY AVENUE	Manvers Street
HOLBORN AVENUE	THURGARTON STREET	Aberdeen Street
HAYWOOD STREET	TRENT LANE	
HOLROYD AVENUE	TRENT ROAD	<b>City Council Managed Licensed Premises</b>
HOTEN ROAD	TAYLOR CLOSE	Beaumont Street Community Centre,



		Beaumont Street
HUTTON STREET	TRENT LANE	Sneinton Hermitage Community Centre, Thurgarton Street
IVATT DRIVE	VICTORIA AVENUE	
JUBILEE STREET		

**GIVEN under the COMMON SEAL** )  
) )  
**of NOTTINGHAM CITY COUNCIL** )

Authorised Signatory

Authority  
Council [*state date*]  
Minute No: (*state no.*)

## APPENDIX 2

### DPPO IMPLEMENTATION TIMETABLE

<b><u>Step</u></b>	<b><u>Action</u></b>	<b><u>Timescale</u></b>	<b><u>By Whom</u></b>
1.	Report to full Council with request to authorise consultation and publication	13 December 2010	
2.	Publication of Newspaper advertisement under Regulation 5 Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007	By end December 2010	DPPO contractor and Legal Services
5.	Prepare consultation letters	By end of December 2010	DPPO contractor and Legal Services
6.	Consult with statutory consultees (Police, parish/community councils, licensees, owners and occupiers)	End December 2010 to mid-February 2011	Police, CPOs, Neighbourhood Management and DPPO contractor
7.	Report back to Full Council regarding representations and seeking confirmation of the Order if appropriate	11 April 2011	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 to come into force.	May 2011	

**PROCEDURE TO ADOPT A DESIGNATED PUBLIC PLACE ORDER**

The Council is required to undertake the following actions.

Before the Order is made:-

- (i) consult on the proposal with the Police, licensees within/on the boundaries of the proposed area and with owners and occupiers of land within the area to be covered by the proposed Order;
- (ii) notify the public by placing notice in the local press and inviting representations as to the proposed Order.

After the Order is made:-

- (iii) erect permanent signs to inform the public of the effect of the Order;
- (iv) undertake further public notification measures by placing notice in the local press confirming the making of the Order.

It is proposed that any representations received during the consultation procedure be reported to Council at the expiry of the consultation period.