

CITY COUNCIL – 7 FEBRUARY 2011

JOINT REPORT OF THE LEADER AND PORTFOLIO HOLDER FOR TRANSPORT AND AREA WORKING

DESIGNATED PUBLIC PLACE ORDER – BASFORD

1 SUMMARY

- 1.1 This report outlines the procedure through which the Council will consult on making a Designated Public Place Order (“DPPO”) that covers part of the area of Basford ward, (hereinafter referred to as “the Order”).

2 RECOMMENDATIONS

It is recommended that Council:

- 2.1 note the draft Order and map detailed in Appendix 1 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.

3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

It is believed that the Order may be required:

- 3.1 to reduce crime and anti-social behaviour, including nuisance and disorder arising from people drinking alcohol in public places in the ward 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 similar Orders for other parts of the City including Hyson Green, the City Centre and Sneinton and St Anns
- 5.2 The Basford and Bestwood Area 2 Committee has approached the Community Protection Service and Police about problems of anti-social behaviour linked to the drinking of alcohol in the Vernon Park and surrounding area. Evidence to support the making of a DPPO for the area has been gathered. This shows some problems are caused by people from the Hyson Green area displaced because of the Order in force in that area who are causing nuisance and disorder affecting the enjoyment of the Park and surrounding areas and the general quality of life of residents, businesses and visitors alike due to the effects of alcohol.
- 5.3 Enforcement will be by Community Protection Officers and the Police as accredited persons for whom training has been given in respect of these powers. The Police have powers of arrest, for both of 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.
- 5.4 The draft Order and map of the area in question is

attached at Appendix 1 and the timetable for implementation is shown at Appendix 2. A larger copy of the map will be available prior to the meeting together with a copy of the evidence so far provided in support of the Order. The procedures that the Council needs to follow are outlined in Appendix 3. 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 Area 2 Committee 2010/11 budget.

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 Act where it is satisfied that nuisance, annoyance 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 EQUALITY IMPACT ASSESSMENT (EIA)

- 8.1 The results from the consultation will be used to assess

any impact on equality which will be reported back to the Council should the results confirm that the Order proceed.

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

9.1 Evidence in support of making the Order

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

10.1 Sections 12 – 16 Criminal Justice and Police Act 2001

10.2 Guidance on Designated Public Place Orders (DPPOs): for Local Authorities in England and Wales – Home Office December 2008

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

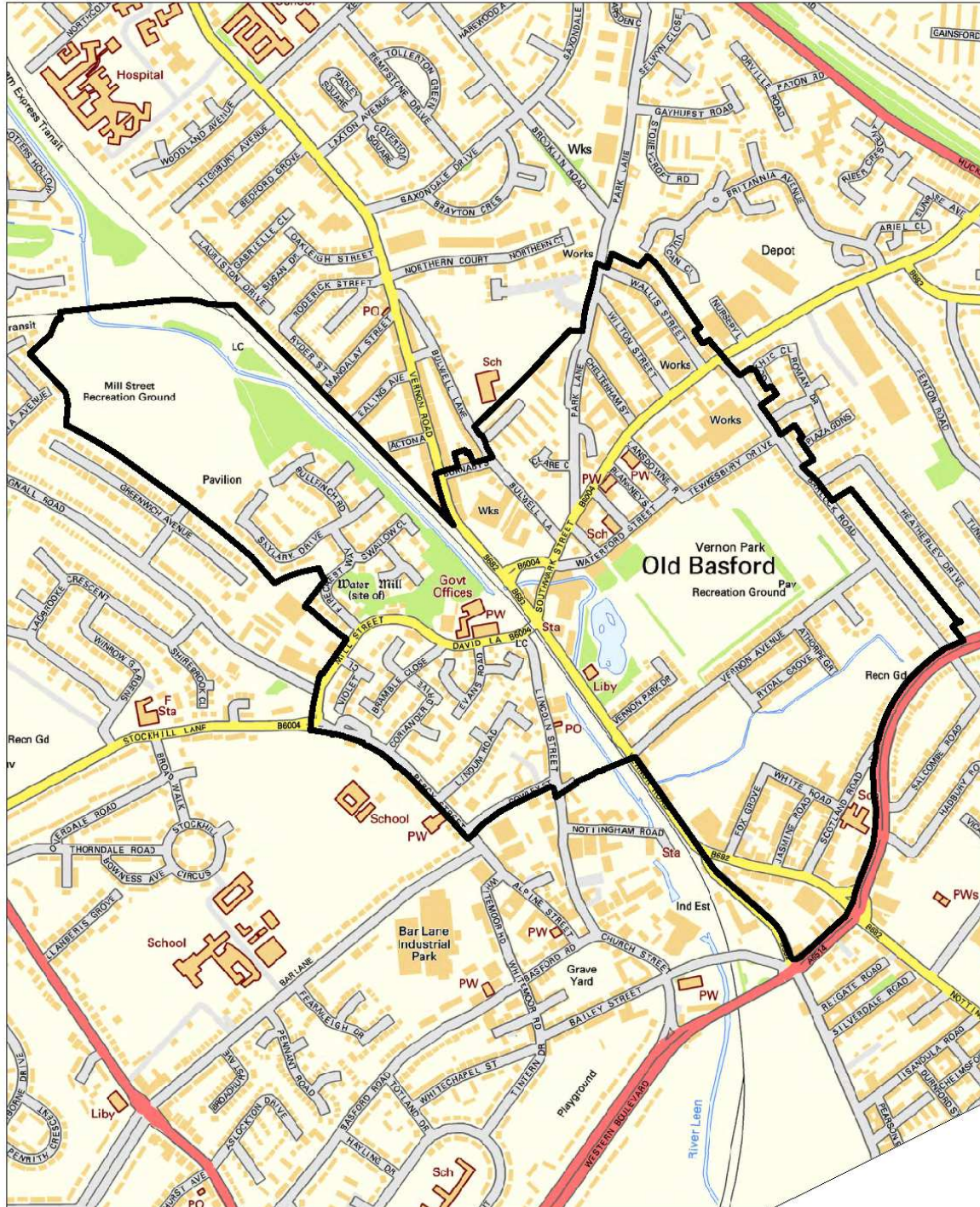
10.4 Report to Basford and Bestwood (Area 2) Area Committee, 29 September 2010

**COUNCILLOR JON COLLINS
LEADER OF THE COUNCIL**

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

MAP OF THE PROPOSED BASFORD DESIGNATED PUBLIC PLACE ORDER

Proposed Basford DPPO Boundary



Key
 Proposed Basford DPPO Boundary



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NB A Larger version of this map will be available at the meeting

DRAFT BASFORD DESIGNATED PUBLIC PLACE ORDER**CRIMINAL JUSTICE AND POLICE ACT 2001, SECTION 13(2)****THE NOTTINGHAM CITY COUNCIL BASFORD 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 Basford Designated Public Place Order 2011 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 red line on the Plan. These include those places described in Parts 1 to 3 or 4 to this Schedule but in the event of a conflict between the Plan and the Parts to this Schedule the Plan shall have precedence.

PART 1 - STREETS

Academy Close	Mill Street
Arkers Close	Norburn Crescent
Arnold Road (Nos.45-75; 60-62)	Nottingham Road (Nos.419-429; 463–505; 398 – 430; Highland Court)
Athorpe Grove	Park Lane (Nos.38-92; 51-65)

Barlock Road	Percy Street (Nos.12-16)
Blankney Street	Queensbery Street
Bramble Close	Roseberry Street
Browns Croft	Rosegarth Walk
Bullfinch Road	Rydal Grove
Bulwell Lane (Nos.1-13)	St Aidan's Court, Park Lane (Nos.1 – 16)
Burnaby Street (Nos.4-30)	Skylark Drive
Cheltenham Street	Southwark Street (Even numbers between Mill Street & Cowley Street)
Clare Close	Stockhill Lane
Clove Green	Swallow Close
Coriander Drive	The Mill Close
Corncrake Avenue	Tewkesbury Drive
Cowley Street	Towlsons Croft
David Lane	Valley Road (Nos.388-400; 536; 542-550)
Evans Road	Vernon Avenue
Firecrest Way	Vernon Park Drive
Francis Grove	Vernon Road (Nos.2–30; 160–174; 188–200; 340-352; 434-470)
Jasmine Road	Violet Close
Lansdowne Road	Wallis Street
Lincoln Street (Nos.14-20; 30-56; 45a)	Waterford Street
Lindum Road	White Road
Manor Court	Wilton Street
Michael Rayner Court	Wilton Terrace

PART 2 – PUBLIC PARKS AND OPEN SPACES

Lincoln Street Playground	Mill Street Playing Fields
Vernon Park	Fox Grove Playing Fields
David Lane Tram Stop	

BASFORD AND BESTWOOD DPPO IMPLEMENTATION TIMETABLE

<u>Step</u>	<u>Action</u>	<u>Timescale</u>	<u>By Whom</u>
1.	Publication of Newspaper advertisement under Regulation 5 Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007	By mid February 2011	DPPO contractor and Legal Services
2.	Prepare consultation letters.	By mid of February 2011	DPPO contractor and Legal Services
3.	Consult with statutory consultees (Police, parish/community councils, licensees, owners and occupiers)	21 February 2011 to 1 April 2011	Police, CPOs, Neighbourhood Management and DPPO contractor
4.	Report back to Full Council regarding representations and seeking confirmation of the Order if appropriate	June 2011	Director Community Protection
5.	(1) Publication of notice of making of Order and (2) Erection of signs on street.	End of June 2011	(1) DPPO contractor (2) Neighbourhood Services
6.	Order to come into force.	July 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.