

CITY COUNCIL – 13 JUNE 2011

REPORT OF THE PORTFOLIO HOLDER FOR AREA WORKING, CLEANSING AND COMMUNITY SAFETY

BASFORD DESIGNATED PUBLIC PLACE ORDER

1 SUMMARY

- 1.1 On 7 February 2011, Council gave authority to consult on the proposal for a Designated Public Place Order ("DPPO") to cover part of Basford Ward, (Vernon Park and various surrounding streets and public places) hereafter referred to as "the Order". This report outlines the results of that consultation and seeks approval to make, advertise, and implement the Order.

2 RECOMMENDATIONS

It is recommended that Council:

- 2.1 Confirm that it is satisfied that nuisance or annoyance has been caused to members of the public, and/or disorder has arisen, which has been associated with the consumption of alcohol in the area covered by the Order.
- 2.2 Authorise the Corporate Director of Communities and Director of Legal and Democratic Services to make and advertise the Order in accordance with the relevant Statutory processes.
- 2.3 Resolve that the Order shall take effect from 1 August 2011.

3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

It is believed that the Order is 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 of similar Orders for other parts of the City including Hyson Green, the City Centre and Sneinton and St Anns.
- 5.2 Evidence to support the making of a DPPO for the area has been gathered which demonstrates that Community Protection and the Police in Basford have seen an increase in reported problems of people causing nuisance and disorder affecting the enjoyment of the area and the general quality of life of residents, businesses and visitors alike due to the effects of alcohol. This was reported to Council on 7 February 2011 and Council authorised the proposed Order to be the subject of statutory consultation.
- 5.3 Consultation took place between 21 February 2011 and 1 April 2011 with the statutory notice appearing in the Nottingham Post on 21 February 2011. Two responses were received from the public in response to the consultation and one further statement was received from the Neighbourhood Policing Inspector. All 3 responses supported the proposed Order.

- 5.4 Despite there being little response to the consultation it is still felt that there is evidence that nuisance and annoyance has been caused to members of the public, and that disorder has arisen, which has been associated with the consumption of alcohol in the area to be covered by the Order. It is felt that these problems will continue unless the Order is adopted and that the powers granted by the Order will help to remedy the problems. Enforcement will be by Community Protection Officers and the Police (The Police have powers of arrest for both of the offences specified in paragraph 5.1 above). However, 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 proposed Order is attached as Appendix 1 to this report. An A4 plan has been sent with the report and a larger copy of the plan will be available prior to the meeting together with a copy of the evidence in support of the Order.
- 5.6 Should Council authorise the making of the Order it will need to be formally made and advertised before it can take effect. In addition appropriate signage needs to be made and erected and it is therefore recommended that the Order should not take effect until 1st August 2011 to enable these steps to be taken.

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 2011/12 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 Criminal Justice and Police Act 2001 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. If Council is satisfied of these matters it may authorise the making of the Order.

8 EQUALITY IMPACT ASSESSMENT (EIA)

- 8.1 An Equality Impact Screening Assessment has been carried out and is attached as Appendix 2. It demonstrates that the implementation of an Order will not have a negative impact on Equality. There are no results from the consultation that could be utilised to assess any impact on Equality.

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
- 9.2 Consultation responses

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

COUNCILLOR ALEX NORRIS
PORTFOLIO HOLDER FOR AREA WORKING, CLEANSING AND
COMMUNITY SAFETY

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 1 August 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.

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 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	Queensberry 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
Clare Close	Stockhill Lane(Even numbers between Mill Street & Cowley Street)
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
Fox Grove	Scotland Road

PART 2 – PUBLIC PARKS AND OPEN SPACES

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

PART 3 – COMMUNITY CENTRES

Old Basford Community Centre, Bramble Close, Basford, Nottingham. NG6 0QG.

PART 4 – LIBRARIES

Basford Library, Vernon Road, Basford.

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

Authorised Signatory

Dated this day of 2011

Authority
Council 13 June 2011
Minute No: (*state no.*)

Equality Impact Assessment Screening Document

Department: Communities
Service Area: Community Protection
Name and description of policy/ service/ function/ strategy being screened: DPPO
Manager Responsible for Area:
Date screening completed: 19 th May 2011

Key screening questions:

Could this policy or service and the way we deliver it affect some groups in society differently (negative impact)? Can this policy or service and the way we deliver it promote equal opportunities (positive impact)?

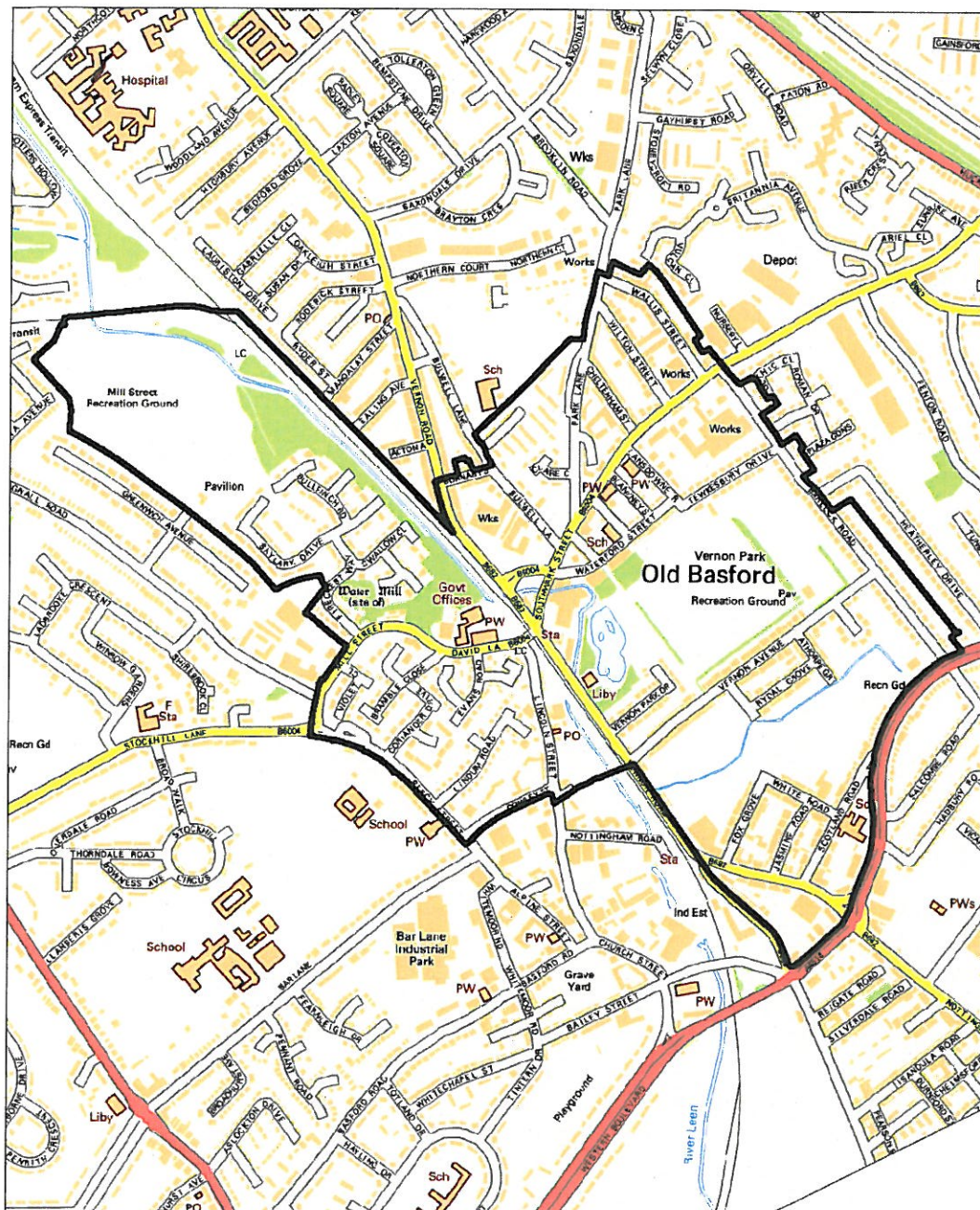
Equality Strand	Assessment of Potential Impact of policy/service (delete as appropriate)		Reason for the Assessment of Potential Impact (provided in previous column)	Are there any mitigating circumstances?	Actions Required (with timescales and name of responsible officer)
Race	Neutral	Low	This order does not have an impact on any particular gender, race, disability, religion or belief or sexual orientation. Anyone found acting in an antisocial manner whilst drinking in the area of the DPPO will be dealt with as per the		
Gender	Neutral	Low			
Disability	Neutral	Low			

EIA Screening Document


Religion/Belief	Neutral	Low	orders direction.		
Sexual Orientation	Neutral	Low			
Age	Neutral	Low			
Other (e.g. Community Cohesion)	Positive	Medium	The enforcement of people acting in an anti social manner within the area of the DPPO will enable other members of the community, including young people, to enjoy the facilities provided without feeling uncomfortable or fearful.		

Please note: if you have identified any negative impacts, a full Equality Impact Assessment must be completed.

Proposed Basford DPPO Boundary



Key

 Procure Bestford (PFB) Boundary

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Map produced on 19/01/2011. SI GIS Team. Agis-projectcartography/20083-dppo-boundaries-proposed-veron-part-extension_NHW.rvt

