

## **CITY COUNCIL – 8 JULY 2013**

### **REPORT OF THE LEADER**

#### **DESIGNATED PUBLIC PLACE ORDER**

##### **1 SUMMARY**

- 1.1 On 28 January 2013, Full Council gave authority to consult on the proposal for a Designated Public Place Order (“DPPO”) that covers part of the Arboretum, Radford & Park and Leen Valley areas (herein after referred to as “the Order”). This report outlines the responses received during consultation and seeks approval to make, advertise and implement the Order.

##### **2 RECOMMENDATIONS**

- 2.1 Confirm that alcohol related 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 proposed area covered by the Order.
- 2.2 Authorise the Corporate Director for Communities and Director of Legal and Democratic Services to make and advertise the Order in accordance with the relevant Statutory processes, as detailed in paragraph 6 of this report.
- 2.3 Resolve that the Order take effect from 12<sup>th</sup> August 2013.

##### **3 REASONS FOR RECOMMENDATIONS**

- 3.1 To reduce crime and anti-social behaviour, including nuisance and disorder arising from people drinking alcohol in the area covered by the Order.
- 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 The Council has considered and utilises other options, including increased street patrols within the area and increased alcohol related

operations, to deal with the problems that arise. However these are unlikely, in isolation, to be effective in remedying alcohol related nuisance and disorder.

- 4.2 The Police have existing powers to seize and retain alcohol from young persons under the Confiscation of Alcohol (Young Persons) Act 1997. These powers do not apply to adults and cannot be used by accredited Community Protection Officers. The powers that would arise under the Order would apply to all persons regardless of age and can be utilised by both Police and all accredited officers. They would also give rise to the power to arrest people who refuse to stop drinking when asked to do so by an Officer.
- 4.3 Dispersal Orders are used by the Police from time to time; however, when applied they only give rise to the ability to disperse a group of two or more persons in any public place in the relevant locality which has resulted in members of the public being intimidated, harassed alarmed or distressed. The power does not specifically relate to preventing the consumption of alcohol.
- 4.4 Whilst directions to leave an area, under the Violent Crime Reduction Act 2006, can apply to individuals who may cause alcohol related crime or disorder, the power can only be utilised by the Police and once again, does not extend to the seizure of alcohol.

## **5 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 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, Sneinton and parts of St Anns and Basford.
- 5.2 Evidence to support the making of a DPPO for the area concerned has been gathered which demonstrates that Community Protection and the Police in the area 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 Full Council on 28 January 2013, and authority was given for the proposed Order to be the subject of statutory consultation.

- 5.3 Consultation took place between 6 February 2013 and 24 March 2013, with the statutory notice appearing in the Nottingham Topper Newspaper on 6 February 2013. As a result of the evidence collated following the consultation, members of the public appear to be in support of the proposed DPPO.
- 5.4 The Council has received a number of letters, attached at Appendix 2 to 4 from members of the public who have completed questionnaires stating that they are in support of the proposed DPPO and welcome the additional powers provided to Community Protection by the making of this Order which will assist in dealing with the issues of alcohol related anti-social behaviour and crime.
- 5.5 The Council has not received any letters or responses to the statutory notice from local businesses in the area.
- 5.6 Overall 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.
- 5.7 Enforcement will be by Community Protection Officers and the Police, 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.
- 5.8 The proposed Order is attached as Appendix 1 to this report. 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 so Councillors can satisfy themselves that the tests for making the Order outlined in 7.1 and 7.3 below have been met
- 5.9 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 12th August 2013 to enable these steps to be taken.

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

- 6.1 Prior to implementing a DPPO, regulations require the Council to publish a Notice in the local newspaper circulated in the area. The notice must:-
- (a) Identify the place to which the Order will apply
  - (b) Set out the effect the Order will have on the place
  - (c) List the premises and times, where and when, the Order would not apply
  - (d) Indicating the date on which the Order will take effect
- 6.2 The notice (see Appendix 5) would be published in the Topper newspaper which circulates in the proposed area. The Topper estimates for the cost of this advert as £483.00 per Notice.
- 6.3 An example of the proposed signs which will be used if an Order is made is shown at Appendix 6. It has been designed with language barriers in mind and is pictorial for those who cannot read English or the other languages displayed. The costs for each sign are approximately £29.40 (materials) with fitting of £90. Several signs would be displayed, one at each entry point to the area and additional signs at prominent points where particular issues with anti-social behaviour resulting from alcohol drinkers have been experienced. This overall cost is reduced when more than 50 signs are ordered. The costs could be reduced further still if all DPPO area signage was renewed.
- 6.4 There would be long term reduced costs for Community Protection and the Police in significantly reducing anti-social behaviour and alcohol related disorder in the area caused by drinking alcohol in public and subsequent behaviour associated with this activity.
- 6.5 There would be long term reduced costs for Community Protection and the City Council in significantly reducing litter caused by alcohol drinkers discarding their empty bottles and cans within the area.
- 6.6 If the Order is approved and the required signage erected, there will be no ongoing financial implications. The costs of enforcing the order will be met within the existing roles of Nottinghamshire Police.

## **7 RISK MANAGEMENT ISSUES (INCLUDING LEGAL**

## **IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS)**

- 7.1 Paragraph 18 of the Home Office Circular 013/2007- Guidance for Designated Public Place Orders states that the local authority will want to satisfy itself that these powers are not being used disproportionately or in an arbitrary fashion which could be the case if one, isolated incident led to a designation order. Clearly there should be evidence of an existing problem, with an assessment as to the likelihood that the problem will continue unless these powers are adopted and belief that the problem could be remedied by the use of these powers. Against this background, it is possible that a single, serious incident might be sufficient to justify adoption of the powers.
- 7.2 The Order would assist the area by way of reducing and preventing criminal and anti-social acts.
- 7.3 As identified in the main body of the report Designated Public Place Orders should only be made where the Council is satisfied that to do so would be a necessary and proportionate response to problems caused by the activities of people drinking alcohol in the area defined and the subsequent anti-social behaviour caused by them. If the Order is to be made then the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 procedure must be followed including consultation and the advertisement of proposals. Subject to compliance with and the outcome of those procedures, the eventual making of the Order would be within the Council's powers.
- 7.4 Officers would use any powers derived from the making of a DPPO fairly and proportionately as described above. The use of the power is a discretionary one for individual officers. Any general offences or other anti-social behaviour would be dealt with under existing legislative powers.

## **8 EQUALITY IMPACT ASSESSMENT (EIA)**

- 8.1 The proposed Order is not intended to restrict those wishing to drink alcohol in a sensible and reasonable manner and therefore would not impact upon such activities. The order does not have an impact on any particular gender, race, disability, religion or belief or sexual orientation. The powers that arise from an Order would only impact those who engage in alcohol related disorder and nuisance. The uses of the powers that arise under the proposed Order are specified in legislation that applies to everyone equally. Enforcement against

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. It is believed that interference with individuals' private lives would only occur in a proportionate and justifiable manner and within a defined area.

- 8.2 An Equality Impact Screening Assessment has been carried out which 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 None.

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

- 10.1 Criminal Justice and Police Act (2001), sections 12-14.
- 10.2 Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 SI 2007/806
- 10.3 Home Office Guidance on Designated Public Place Orders (DPPO's): For Local Authorities in England and Wales.

**COUNCILLOR COLLINS  
LEADER OF THE COUNCIL**