

CITY COUNCIL – 27 JANUARY 2014

REPORT OF THE LEADER

NOTTINGHAM CITY COUNCIL (CITY WIDE EXTENSION) ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES ORDER 2014

1 SUMMARY

- 1.1 On 21st October 2013, Council gave authority to consult on the proposal for a Designated Public Place Order (“DPPO”) that covers all those areas within the administrative area of Nottingham City Council which are not currently covered by existing DPPOs (herein referred to as “the Order”). This report outlines the evidence gathered to support the making of the Order and the results of the consultation to date. The report also seeks approval to make, advertise and implement the Order subject to the content of any further responses to the consultation received on or before the consultation deadline of 22 January 2014.

2 RECOMMENDATIONS

It is recommended that, subject to the content of any further responses to the consultation received on or before 22 January 2014, Council:

- 2.1 Confirm that it is satisfied 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.
- 2.3 Resolve that the Order take effect from March 27th 2014.

3 REASONS FOR RECOMMENDATIONS

It is believed that, subject to the content of any further consultation responses received on or before 22 January 2014, the Order is required:

- 3.1 to reduce crime and anti-social behaviour, including nuisance and disorder arising from people drinking alcohol in the public covered by the Order within the Nottingham City administrative area;
- 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 dispersal of alcohol or the arrest of people who refuse to stop drinking when asked to do so by a police officer.

5 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 5.1 Under 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 existing DPPOs for parts of Nottingham City Council's administrative area, including Hyson Green, Arboretum, the City Centre, Sneinton and parts of St Ann's and Basford. It is proposed that the Order will cover all those areas within the administrative area of Nottingham which are not currently covered by a DPPO.

- 5.2 It was identified in the 21 October 2013 report that areas not currently covered by the existing DPPOs continue to experience disproportionate and unacceptable levels of alcohol related nuisance and/ or disorder. It was also identified that the evidence suggested anti-social behaviour had been caused by people drinking alcohol irresponsibly in those areas, which had impacted negatively upon the peaceable enjoyment of those areas by the wider community. Council therefore authorised the Order to be the subject of statutory consultation. Further evidence to support making the Order has now been gathered across the area to be covered by it. A copy of all evidence will be made available prior to the Council meeting via Constitutional Services on 0115 8763759 between the hours of 8.30 am and 4.30 pm.
- 5.3 Consultation took place between 6th November 2013 and 22nd January 2014, with the statutory notice appearing in the Nottingham Topper Newspaper on 6th November 2013. The Council received a substantial number of responses to the consultation from members of the public, schools, businesses and workers from across the area covered by the Order (at the date of the report 553 responses to questionnaires were received along with over 10000 members of the public having been spoken to personally and putting their name to agree with the implementation of the proposed order). Of the responses received to date, the vast majority are in support of the Order, and welcome the additional powers which would be provided. The adjoining Parish and County Councils were also consulted in line with the legislation and, to date, only a few have responded with none stating that they were against the proposed Order. None of the responses received to date from either members of the public, businesses councils, libraries, schools, or community centres are opposed to the Order.
- 5.4 In order to consult with as many people as possible throughout Nottingham, Community Protection Officers circulated a document asking members of the public whether they were in agreement with the proposed additional powers to deal with irresponsible drinking in public in order to gauge the public response to the proposal. Throughout the consultation period, to the date of the report, over 10,000 people have signed the document, which indicates a high level of support for the Order.
- 5.5 The Police have been consulted and evidence shows that there are issues with alcohol related crimes and anti social behaviour across Nottingham. They have indicated that the existing DPPO orders are effective in assisting with alcohol related anti social behaviour and are therefore in agreement with the proposed City wide extension.
- 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 across the area which will be covered by the Order. There is therefore evidence demonstrating the need for the Order across all areas covered by it. There is also evidence that existing DPPOs have helped to reduce problems with alcohol related anti social behaviour. It is therefore felt that the Order is required, 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 (who have powers of arrest for both 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.
- 5.8 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, 7.2 and 7.4 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 27th March 2014 to enable these steps to be taken.

6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

- 6.1 The costs of this initiative will be contained within the departments' budget.

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 Guidance produced by the Home Office 'Guidance on Designated Public Place Orders (DPPOs): For Local Authorities in England and Wales' dated December 2008 confirms at page 8 that borough-wide DPPOs are not specifically prohibited: however caution is advised. It states that in order for the DPPO to be proportionate, the Council needs to ensure that there is evidence of alcohol-related anti-social behaviour in each and every part of the borough.
- 7.3 The Order would assist the area by way of reducing and preventing criminal and anti-social acts.
- 7.4 As identified in the main body of the report DPPO 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.
- 7.5 Officers would use any powers derived from the Order 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 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 on 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 covered by the Order 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.

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 Criminal Justice and Police Act (2001), sections 12-16.
- 10.2 Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 SI 2007/806
- 10.3 Guidance on Designated Public Place Orders (DPPOs): For Local Authorities in England and Wales – Home Office December 2008.
- 10.4 Report to City Council on the Nottingham City Council (City Wide Extension) Designated Public Place Order dated 21 October 2013.

**COUNCILLOR COLLINS
LEADER OF THE COUNCIL**