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LICENSING COMMITTEE (MISCELLANEOUS)

DATE: TUESDAY 15 MARCH 2011

TIME: 10AM

PLACE: COUNCIL HOUSE, PLYMOUTH (NEXT TO THE CIVIC CENTRE)

Members –

Councillor Mrs Bowyer, Chair

Councillor Delbridge, Vice Chair

Councillors Browne, Drean, K Foster, Gordon, King, Lock, Dr. Mahony,
Mrs Nelder, Mrs Nicholson, Rennie, Reynolds, Williams and Wright

Members are invited to attend the above meeting to consider the items of business overleaf

Members and Officers are requested to sign the attendance list at the meeting.

Please note that, unless the Chair agrees, mobile phones should be switched off and speech, video and photographic equipment should not be used during meetings.

BARRY KEEL

CHIEF EXECUTIVE

LICENSING COMMITTEE (MISCELLANEOUS)

PART I (PUBLIC MEETING)

AGENDA

1. APOLOGIES

To receive apologies for non-attendance submitted by Committee Members.

2. DECLARATIONS OF INTEREST

Members will be asked to make any declarations of interest in respect of items on this Agenda.

3. MINUTES

(Pages 1 - 6)

To confirm the minutes of the meeting held on 22 February 2011 (Licensing Committee Miscellaneous).

4. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

5. APPLICATION FOR THE DESIGNATED PUBLIC PLACE ORDER (DPPO) TO CONTROL DRINKING IN FREEDOM FIELDS PARK AND TOTHILL PARK.

(Pages 7 - 38)

The Director for Community Services will provide the Committee with a report on the application for the Designated Public Place Order (DPPO) to control drinking in Freedom Fields Park and Tothill Park.

6. EXEMPT BUSINESS

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE COMMITTEE)

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the Committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed. Nil.

Licensing Committee (Miscellaneous)

Tuesday 22 February 2011

PRESENT:

Councillor Mrs Bowyer, in the Chair.

Councillor Delbridge, Vice Chair.

Councillors Drear, K Foster, Gordon, Lock, Mrs Nicholson, Rennie, Williams and Wright.

Apologies for absence: Councillors Browne, Mrs Nelder and Reynolds

Also in attendance: Kathy Davey - City Centre Operations and Street Trading Manager, Marie Price - Licensing Officer, Dave Hughes - Plymouth City Council Senior Environmental Health Officer, Fred Prout – Devon and Cornwall Police Licensing Officer and Simon Martyn – Devon and Somerset Fire and Rescue Service, Andy Netherton – Unit Manager (Safety, Health and Licensing) and Ann Gillbanks – Senior Lawyer.

The meeting started at 10.00 am and finished at 11.10 am.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

18. **DECLARATIONS OF INTEREST**

There were no declarations of interest made by Councillors in accordance with the code of conduct.

19. **MINUTES**

Agreed that the minutes of the 21 December 2010 Licensing Committee (Miscellaneous) and 8 February 2011 Licensing Sub Committee were approved as a correct record.

20. **CHAIR'S URGENT BUSINESS**

The increasing problem of intimidating and often aggressive charity fundraising individuals in the city centre was raised under this item. The City Centre Operations and Street Trading Manager informed the Committee that she was aware of the problem however it currently couldn't be enforced as it did not fall under street trading regulations.

Agreed that a letter be sent to Alison Seabeck MP, Oliver Colville MP and Gary Streeter MP requesting that they support the Licensing Committee and citizens of Plymouth by raising this issue at Parliament.

21. **Order of Business**

The order of business on the agenda was amended as set out below in the minutes.

(In accordance with Section 100 (B) (4)(b) of the Local Government Act, 1972, the Chair brought forward the above items for consideration because of the need to inform Councillors and seek a decision).

22. **STREET TRADING REPORT**

Kathy Davey, City Centre Operations and Street Trading Manager provided the Committee with an update on street trading.

The Committee was informed that street trading sites and fees had recently been reviewed due to several factors such as shops closing, the development of the west end of the city and the current economic climate which all affected trade.

In response to questions raised it was reported that –

- (a) the fee for one of the ice cream sites at Madeira Road had increased in order to match the increase on the other site, this was due to the same footfall numbers and also the unrealistic fee set originally;
- (b) all ice cream vendors had applied for their sites again indicating that they had accepted the increase in fees charged;
- (c) the vacant ice cream site in at James Street and the trading sites at 1A and 1B Frankfort Gate should be closed due to the business rates still charged for these vacant sites;

Agreed that –

- 1 the consent dates for 2011/2012 are approved;
- 2 the proposed new site identified as Sundial/Armada Way opposite MadHouse known as Sundial West is approved;
- 3 the long standing vacant sites 1A and 1B at Frankfort Gate and Ice Cream site at James Street, Devonport are removed;
- 4 the consent fees set out in Appendix 2 of the report, for 2011/2012 are approved;
- 5 the Assistant Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to existing city centre traders seeking to continue trading during 2011/2012;
- 6 the Assistant Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to new traders for vacant sites;

- 7 the Assistant Director for Economic Development has delegated authority to approve within Committee policy short-term street trading consents in association with other city centre events and commercial activity;
- 8 the Assistant Director for Economic Development has delegated authority to approve and set fees for ad hoc street trading applications, within Committee policy;
- 9 authority is delegated to the Licensing Sub Committee (Miscellaneous) to hold a special meeting in March 2011 to allocate Ice Cream Consent sites.

The Chair commended Kathy on her well written report.

23. **INFORMATION REGARDING DELEGATED DECISIONS FOR APPLICATIONS FOR THE GRANT / VARIATION OF PREMISES LICENCES AND CLUB PREMISES CERTIFICATES.**

Marie Price, Licensing Officer, provided the Committee with an update on seven applications for the grant / variation of premises licences and club premises certificates that had been mediated by officers through delegated powers.

In response to questions raised it was reported that –

- (a) the majority of objections to licensing applications came from Environmental Health, the Police or other interested parties;
- (b) a Bill was being considered by Parliament which may change regulations surrounding representations to licensing applications to enable anyone, despite of their vicinity to the licensed premises, to make an objection;

Agreed that the report be noted.

24. **ENFORCEMENT ACTIVITY REPORT**

Dave Hughes - Plymouth City Council Senior Environmental Health Officer, Fred Prout – Devon and Cornwall Police Licensing Officer and Simon Martyn – Devon and Somerset Fire and Rescue Service provided the Committee with an update of enforcement activity in Plymouth to give an overview of the various aspects of the work undertaken by agencies involved regulating the Evening and Night Time Economy during 2010.

The Committee was informed that –

- (a) this was the third enforcement activity report provided to the Committee;

- (b) in 2010 a three year licensing policy review was undertaken, this amended policy would form a framework for licensing decisions to be made; the Gambling Fees annual report was also completed;
- (c) officers had conducted a test purchase operation in October 2010 designed to test gambling establishments and their ability to restrict underage individuals from using age restricted gambling machines in their premises;
- (d) in the test purchasing operation for gambling establishments 24 premises were visited over a two day period; seven operators and four betting shops were found to allow underage individuals to gamble on age restricted machines. These premises were subsequently visited and steps put in place to prevent this from reoccurring;
- (e) the test purchasing operation for gambling premises was undertaken with the knowledge of the Gambling Commission; the Commission received the report and operation very favorably and stated that this was the second largest operation to have taken place in the country;
- (f) a draft Sex Establishment Policy was launched for public consultation on 20 January 2011; full Council would have the opportunity to ratify the policy;
- (g) Councillors of the Licensing Committee (Miscellaneous) gave permission for a public consultation to take place regarding a Designated Public Places Order (DPPO) for Freedom Fields and Tothill Park; the consultation and accompanying report would be submitted to the Licensing Committee (Miscellaneous) on 15 March 2011;
- (h) licensed premises received an addendum to their licenses stipulating new mandatory conditions such as a ban on irresponsible drinking and access to free tap water and requested that they be attached to the existing license;
- (i) the coalition government had published a consultation document entitled 'rebalancing the Licensing Act' that sets out proposals to amend the Licensing Act 2003; officers viewed the proposals favorably;
- (j) fewer reviews of licensed premises had taken place in 2010 compared to 2009; it was considered that this was due to issues being resolved through the mediation process as enforcement procedures had stayed the same;
- (k) officers from responsible authorities such as environmental health, the police and fire brigade had undertaken a joint visit to 42 licensed premises in December 2010 to inspect several licensing conditions;

- (l) throughout 2010 the Fire Authority has continued to carry out its inspection duties, under the Regulatory Reform (Fire Safety) Order using two approaches; the first a Fire Safety Check and the second Fire Safety Audits;
- (m) Fire authority operational crews conducted 86 Fire Safety Checks within licensed premises to confirm that the general fire precautions were of a reasonable standard and that a fire risk assessment had been conducted; of the 86 checks, 21 resulted in audits from fire safety officers
- (n) the fire safety audit was based on the Chief Fire Officers Association nationally approved enforcement policy and can result in five levels of enforcement:
 - Broadly compliant
 - Non compliant with minor deficiencies
 - Action plan
 - Enforcement notice
 - Prohibition notice - prosecution can be considered particularly where dangerous conditions are found;
- (o) Fire Safety Officers carried out 40 audits within Licensed Premises, 21 of these resulted from Fire Safety Checks and 19 resulted from a pre-programmed inspection strategy and more importantly joint agency work such as a late night operation carried out with officers from Environmental Health, Licensing, the Police and Fire Service in early December 2010;
- (p) of the 40 audits, two resulted in a Prohibition (on inappropriate sleeping arrangements), four resulted in Enforcement Notices, five resulted in Action Plans, 14 resulted in Notification of Deficiencies and 15 were broadly compliant;
- (q) the total number of audits in Licensed Premises was double the number carried out in 2009 in similar premises;

Agreed that the report is noted.

25. **REVIEW OF FEES PAYABLE UNDER THE GAMBLING ACT 2005 AND THE GAMBLING (PREMISES LICENSING FEES) (ENGLAND AND WALES) REGULATIONS 2007**

Andy Netherton – Unit Manager (Safety, Health and Licensing) provided the Committee with a report on the Gambling Act.

The Committee was informed that –

- (a) the Gambling Fees were set by the Committee subject to a statutory maximum;

- (b) fees have been set annually since 2007 and have been set at the maximum level;
- (c) the fees are to be set to allow the Licensing Authority to recover all costs associated with the operation of the system;
- (d) the projected fee income for 2010/11 was £61,000;
- (e) the projected fee income for 2011/12 was £57,000;
- (f) costs detailed in Appendix C of the report have reduced from last year due to a reduction in central support;
- (g) the contingency budget has reduced from 10% to 5% based on the reduction in the threat of a legal challenge;
- (h) it was suggested that fees remain at the maximum for this year;
- (i) all departments are looking at ways to reduce non service related work demands; therefore it was suggested that future reports on fees be brought to the Committee where the difference between income and expenditure is 10% or greater;
- (j) in Appendix A of the report the annual fee for family entertainment centre's should read £750.00

Agreed that –

- (1) the fees for gambling premises licences remain at the maximum levels as specified in the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 as set out in Appendix A.
- (2) a further report be submitted if the difference between future fee income and future expenditure is 10% or more.

26. **EXEMPT BUSINESS**

There were no items of exempt business.

CITY OF PLYMOUTH

Subject: Application for the Designated Public Place Order (DPPO) to Control Drinking in Freedom Fields Park and Tothill Park

Committee: Licensing Committee (Miscellaneous)

Date: 15 March 2011

Cabinet Member: Councillor Mike Leaves

CMT Member: Director for Community Services

Author: David Hughes, Senior Environmental Health Officer (Licensing)

Contact: Tel: 01752 304158
Email: licensing@plymouth.gov.uk

Ref:

Key Decision: No

Part: I

Executive Summary:

On the 21 December 2010 Licensing Committee (Miscellaneous) considered an application submitted by Devon & Cornwall Police, to make a Designated Public Place Order (DPPO) to cover Freedom Fields Park and Tothill Park due to the likely consequence of displacement, to control street drinking. Based on the evidence submitted at that time Members resolved to approve a wider public consultation as prescribed in the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.

This report details the results of that public consultation. Members are asked to consider all the submitted information and decide whether or not to approve the DPPO.

Corporate Plan 2010 – 2013 as amended by the four new priorities for the City and Council:

- Raising Aspiration
 - Value for Communities
-

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

As Members approved to undertake a wider public consultation, officer resources were required to ensure that the consultation has been conducted in accordance with the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.

The Customer Data Integration Project has committed to funding the costs of advertising and purchase of signage if the application was approved. This external grant has been provided by the Department for Communities and Local Government from the National Efficiency and Transformation Capital Fund.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

Recommendations & Reasons for recommended action:

1. Committee consider the results of the public consultation and decide whether or not there is sufficient evidence to show that a nuisance or annoyance or disorder is caused to members of the public or a section of the public in Freedom Fields Park which is associated with the consumption of alcohol.
2. Committee consider the results of the public consultation and decide whether or not there is sufficient evidence to show that a nuisance or annoyance or disorder is caused to members of the public or a section of the public in Tothill Park which is associated with the consumption of alcohol or there is likely to be a displacement of street drinking if an order were granted to cover Freedom Fields Park.

If so satisfied

- a. Agree the creation of a DPPO for Freedom Fields Park for the area shown on the map in **Appendix A** and authorise Officers in the Public Protection Service to take the appropriate steps to create the order to come into effect on 1 April 2011 or as soon as reasonably practicable after that.
 - b. Agree the creation of a DPPO for Tothill Park for the area shown on the map in **Appendix B** (including all walkways leading under the railway embankment) and authorise Officers in the Public Protection Service to take the appropriate steps to create the order to come into effect on 1 April 2011 or as soon as reasonably practicable after that.
 - c. Authorise Officers to place a public notice in the local press as is required under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.
 - d. Authorise Officers to arrange the production and installation of the signs prior to the coming into force of the order (any order is not enforceable until after the signs have been erected).
 - e. A progress report be submitted in 2 years time to outline the effectiveness of the Order in helping to reduce alcohol related anti-social behaviour and disorder.
-

Alternative options considered and reasons for recommended action:

If Licensing Committee decide against introducing the DPPO the Police would have to continue using existing powers and would have no preventative powers to control street drinking and no action could be taken until a public order offence had been committed.

If Licensing Committee approve any amendment to the proposed area or extend the include other areas on the grounds of displacement then this course of action would need to be balanced against the fact that these areas would not have been part of a formal public consultation process.

Background papers:

Cabinet Report 24.05.2005, Minute 10 (C7 05/06) – Control of Anti Social Behaviour
City Council Min 14 - 13.6.2005

S13, Criminal Justice & Police Act 2001

S26, Violent Crime Reduction Act 2006

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

Home Office Circular 013/2007

Crime & Disorder Reduction Partnership Plan 2008 – 2011

Guidance on Designated Public Places orders (DPPO's) for LA's in England and Wales

Licensing Committee report 21 December 2010 Licensing Committee (Miscellaneous) Min 16 – 21.12.10 Application for the Designated Public Places Order (DPPO) to control street drinking in Freedom Field Park and Tothill Park

Sign off:

Fin	CoSF ED1011 008	Leg	AG/11059/ 1.3.11	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member: Carol Burgoyne											

1.0 BACKGROUND

- 1.1 The Criminal Justice and Police Act 2001 introduced the power for Local Authorities to designate public places in which it becomes an offence for a person to carry on drinking alcohol when they have been requested to stop by a police officer. Powers of confiscation of alcohol (or anything which the officer believes to be alcohol) also apply to such areas.
- 1.2 Before the police can invoke these powers the Council must, under Section 13 of the Criminal Justice and Public Order Act 2001, make an order (Designated Public Place Order (DPPO)) that the land is a public place to which the new legislation applies.
- 1.3 An order can only be made if the Local Authority is satisfied that there is nuisance or annoyance to members of the public in a particular area, which is associated with the consumption of alcohol. Local Authorities are required to make an assessment based on the evidence submitted about the level of anti-social drinking and disorder before proceeding.
- 1.4 The Home Office published guidance on DPPO's for LA's in England and Wales in December 2008. It outlines that these powers are not intended to disrupt peaceful activities, for example '...families having a picnic in a park or on the beach with a glass of wine.....' While police officers have discretion to require an individual to refrain from drinking regardless of behaviour, the advice is that it is not appropriate to challenge an individual consuming alcohol where that individual is not causing a problem.
- 1.5 The creation, amendment or revocation of a Designated Public Places Order is not a function that can be dealt with by Cabinet by virtue of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 and was delegated to this Committee by virtue of Council Minute 10 on the 13 June 2005

2.0 THE PROPOSAL

- 2.1 On the 21 December 2010 Licensing Committee (Miscellaneous) considered an application submitted by Devon & Cornwall Police, to make a Designated Public Place Order (DPPO) to cover Freedom Fields Park and Tothill Park due to the likely consequence of displacement, to control street drinking. Based on the evidence submitted at that time, Members resolved to approve a wider public consultation as prescribed in the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.

This report details the results of that public consultation. Members are asked to consider all the submitted information and decide whether or not to approve the DPPO.

- 2.2 The application identified the following main points;

Freedom Fields Park is a heritage park that has been awarded a green flag

There has been a marked increase in anti-social behaviour and disorder associated with 'street drinking' within Freedom Fields Park, throughout 2010. The main problems relate to drunkenness, aggressive behaviour, disorderly behaviour, urination, littering and underage drinking.

The police have contributed proactively to multi-agency problem solving initiatives with Plymouth City Council partners without success to mitigate the anti-social behaviour caused by street drinkers. Currently without a DPPO in place police

officers play 'catch-up' and are unable to formally act until a public order offence arises. A DPPO would allow a more proactive, preventative approach to be taken.

- 2.3 Street drinkers who openly consume alcohol, are characteristically loud, fall asleep, occupy benches, intimidate by numbers and appearance and generally take over defined areas. This makes it difficult for a police officer to address the root causes before circumstances escalate to the point where offences occur and action can be taken. This is a continuing frustration to the persons using the amenity of Freedom Fields Park.
- 2.4 A DPPO would allow officers to remove the alcohol element, which fuels this behaviour and prevent escalation towards criminal behaviour. In addition the introduction of an order will demonstrate to habitual street drinkers that this conduct is no longer tenable.

3.0 THE CONSULTATION METHODOLOGY

- 3.1 The consultation procedure is set out in the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 and officers have had full regard to this prescribed procedure throughout the consultation process.
- 3.2 The consultation was launched on the 6 January 2011 with the publication of a Public Notice in the Evening Herald, see **Appendix C**. To publicise the launch a press notice was released on the same day and as a result a news article appeared in the Evening Herald on the 10 January 2011. The consultation ran for 4 weeks and ended on the 4 February 2011.
- 3.3 An information pack consisting of an introductory letter, information sheet, maps of the proposed areas and customer feedback response form, were sent to local residents, local businesses, ward councillors, statutory consultees, Parks Department, community groups and organisations within the Freedom Fields and Tothill neighbourhoods which amounted to a circulation of over 2000. The information pack is exhibited in the consultation report in **Appendix D**.
- 3.4 All information and documents were also posted on the Licensing web page of the Council's website and were available for collection from First Stop and by post on demand.

4.0 GENERAL POINTS FOR CONSIDERATION

- 4.1 The introduction of a DPPO does not impose a total ban on drinking alcohol in public places but does make it an offence to carry on drinking when asked to stop by a police officer. It is designed to tackle anti-social drinking.
- 4.2 The Police already have powers under the Confiscation of Alcohol (Young Persons) Act 1997 to confiscate alcohol from any person who is under 18 and dispose of that alcohol in an appropriate manner. In addition, from any person where a police officer reasonably suspects that they intend to supply a person under 18.
- 4.3 The Police also have powers under Section 6-8 of the Violent Crime Reduction Act 2006 to apply for a Drinking Banning Order in situations where an individual of at least 16 years of age has engaged in criminal or disorderly conduct while under the influence of alcohol and a court considers that such an order is necessary to protect the public.
- 4.4 Freedom Fields park has the benefit of a premises licence to provide regulated entertainment i.e. performance of a play, exhibition of a film, live and recorded music, performance of dance. This licence does not include the sale and supply of alcohol. Where the organisers of an event or festival were granted a Temporary

Events Notice (TEN) to permit the sale and supply of alcohol within the park, the event would be excluded from the DPPO in which it is located for its duration, together with a period of 30 minutes following the completion of the event.

- 4.5 The application outlines that a consequence of the declaration of the previous DPPO for the City Centre and Stonehouse Neighbourhoods was that street drinkers who did frequent Beaumont Park migrated to Freedom Fields Park. Consequently the effect of granting an order for Freedom Fields Park could also have a similar effect of displacing street drinking to nearby Tothill Park.
- 4.6 Members must be satisfied that the information provided in the application and a result of the public consultation does establish that there is a problem in that area associated with the consumption of alcohol in that place and that this causes a nuisance or annoyance or disturbance to those people.
- 4.7 Funds associated with the costs of advertising the application and if approved, the costs of signage that are required to be displayed publicising the extent of the area has been committed by the Customer Data Integration Project and is estimated at £4,000. This external grant has been provided by the Department for Communities and Local Government from the National Efficiency and Transformation Capital Fund. The resources required to run the consultation process have been absorbed within existing budgets.
- 4.8 Up to this point in time in excess of 700 DPPO's have been implemented in local authorities throughout the country.

5.0 CONSULTATION OUTCOMES

- 5.1 The results of the public consultation can be seen in **Appendix D** of this report and is presented in both qualitative and quantitative terms. The qualitative section seeks to present a representative anecdotal account of respondent's personal experiences concerning Freedom Fields and Tothill parks. The quantitative section sets out the statistical results taken from the feedback response forms that were supplied with the information pack.
- 5.2 The report seeks to present a representative account of the outcome of the public consultation and all responses will be available for scrutiny by Members during the hearing.

6.0 DISPLACEMENT

- 6.1 The question of displacement is an important matter for consideration. It should be noted that it is not possible to create an order that affects the whole City, as that is likely to be considered as disproportionate. Decisions should be taken based on the evidence submitted, as it affects the areas under consideration.
- 6.2 For this particular application, Members considered evidence that displacement from Freedom Fields Park to Tothill Park was likely if an order were granted solely to cover Freedom Fields Park and resolved that Tothill Park should form part of the public consultation.

7.0 CONCLUSIONS

- 7.1 A total of 113 returns were received in response to the public consultation, 79 from persons living in the Freedom Fields neighbourhood and 34 from persons living in the Tothill neighbourhood. The vast majority (97%) were in favour of a DPPO being granted for Freedom Fields Park and also that Tothill Park (89%) should also be designated.

- 7.2 A total of 5 responses were against the proposal for various reasons and these are outlined in details in the public consultation report.
- 7.3 With regard to the Tothill Park area, the tunnel entrance leading to Lucas Terrace was included in the public notice for consultation. During on-goings surveys it has become evident that there is a second tunnel entrance linking the two sections of Bulmer Road. If Members are minded to grant an order to cover Tothill Park, Members are requested to consider a slight amendment to the boundary to include this tunnel.
- 7.4 There is no statutory requirement to review the effectiveness of a DPPO. However it would be a matter of good practice to evaluate its effectiveness in two years time to establish whether its introduction has helped to contribute towards the reduction of alcohol related anti-social behaviour and disorder.

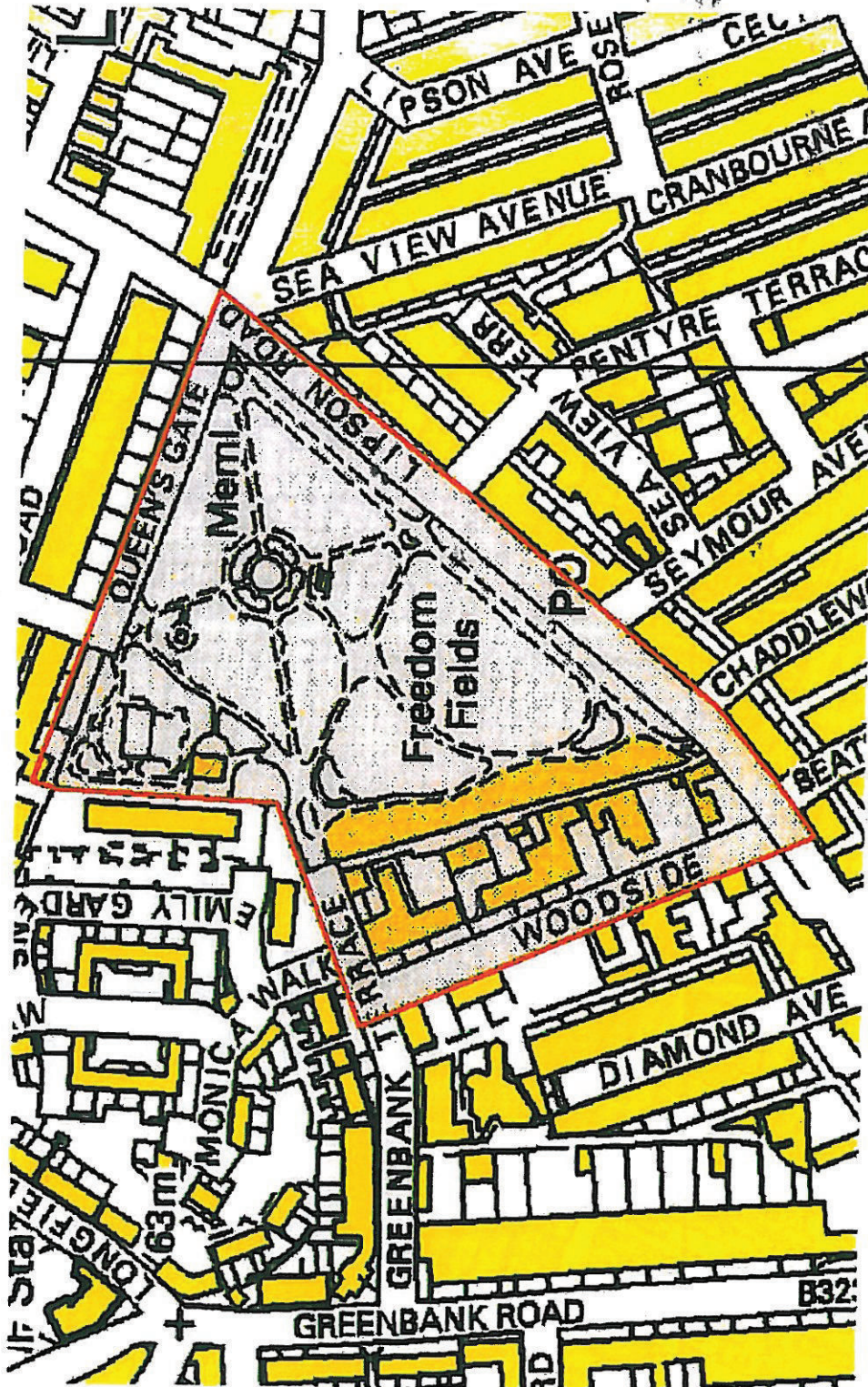
8.0 RECOMMENDATIONS

- 9.1 Committee consider the results of the public consultation and decide whether or not there is sufficient evidence to show that a nuisance or annoyance or disorder is caused to members of the public or a section of the public in Freedom Fields Park which is associated with the consumption of alcohol.
- 9.2 Committee consider the results of the public consultation and decide whether or not there is sufficient evidence to show that a nuisance or annoyance or disorder is caused to members of the public or a section of the public in Tothill Park which is associated with the consumption of alcohol or there is likely to be a displacement of street drinking if an order were granted to cover Freedom Fields Park.

If so satisfied

- a. Agree the creation of a DPPO for Freedom Fields Park for the area shown on the map in **Appendix A** and authorise Officers in the Public Protection Service to take the appropriate steps to create the order to come into effect on 1 April 2011 or as soon as reasonably practicable after that.
- b. Agree the creation of a DPPO for Tothill Park for the area shown on the map in **Appendix B** (including all walkways leading under the railway embankment) and authorise Officers in the Public Protection Service to take the appropriate steps to create the order to come into effect on 1 April 2011 or as soon as reasonably practicable after that.
- c. Authorise Officers to place a public notice in the local press as is required under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.
- d. Authorise Officers to arrange the production and installation of the signs prior to the coming into force of the order (any order is not enforceable until after the signs have been erected).
- e. A progress report be submitted in 2 years time to outline the effectiveness of the Order in helping to reduce alcohol related anti-social behaviour and disorder.

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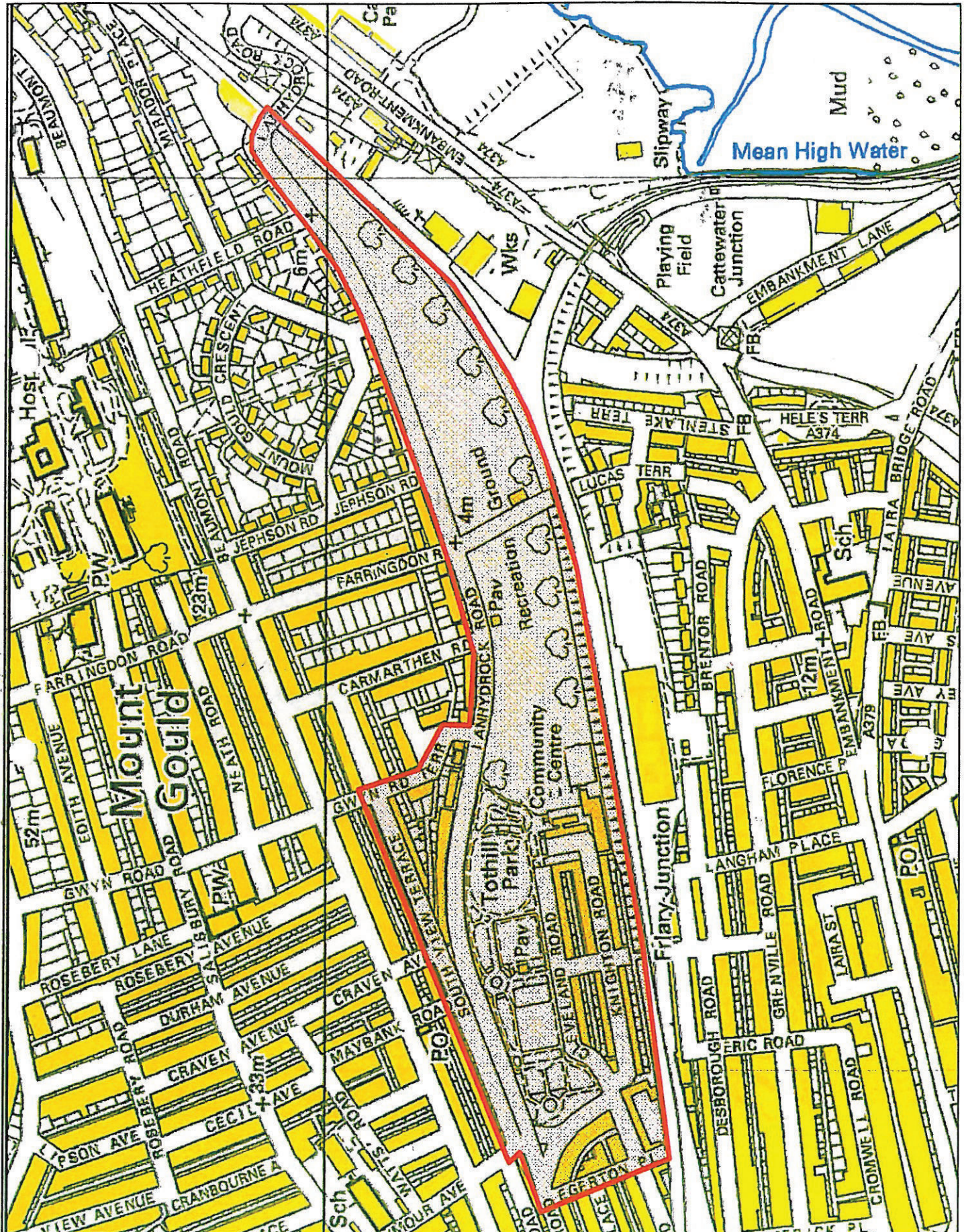
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Public Notices

Plymouth City Council



NOTICE

DESIGNATED PUBLIC PLACES ORDER

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

NOTICE IS HEREBY GIVEN THAT Plymouth City Council in exercise of its powers under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 proposes to make an order identifying the area detailed in the schedule below.

The Order allows a constable and other accredited persons under Section 41, Section 42 and Schedule 5 to the Police Reform Act 2002 to require a person, in a designated place, not to drink alcohol in that place if the officer reasonably believes that a person has consumed or intends to do so, and to surrender the alcohol and any opened or sealed containers in the person's possession. Any person who fails without reasonable excuse to comply with a constable's request under this provision may commit an offence and be liable to prosecution.

A place is not a designated public place for the purposes of the Order if it is:

- Premises with a premises licence, which authorises the premises to be used for the sale or supply of alcohol;
- Premises with a club premises certificate, which authorises the premises to be used by the club for the sale or supply of alcohol;
- A place within the curtilage of premises with a premises licence or club premises certificate;
- Premises that are the subject of a Temporary Event Notice for the period authorised by the notice and for 30 minutes following the sale or supply of alcohol; and
- Premises permitted for the sale or consumption of alcohol by virtue of a permission granted under section 115E of the Highways Act 1980.

SCHEDULE

LAND DESIGNATED BY DESCRIPTION

Freedom Fields Park

Following the boundary starting from the junction of Lipson Road and Queens Gate, heading east along Queens Gate the boundary line abuts the dwellings known as Queens Gate, passing over the junction with Queens Gate Villas Road and continues to abut the defined boundaries of the dwellings known as Queens Gate Villas. From this point the boundary line continues south dividing the park and the defined boundaries of Emily Gardens flats up to the entrance to the park from Greenbank Terrace. From this point the boundary line continues west along Greenbank Terrace and abuts Freedom House and other dwellings up to a point immediately opposite Woodside. From this point the boundary line continues south along Woodside and abuts the dwellings on the left hand side of the road until you reach the junction with Lipson Road. From this point the boundary line continues north east along Lipson Road and abuts the junctions with Beatrice Avenue, Chaddlewood Avenue, Seymour Avenue, Pentyre Terrace and all dwellings located there in up to a point immediately opposite Queens Gate.

Tothill Park

Following the boundary starting at the tunnel entrance leading to Lucas Terrace, heading west where the park abuts the boundary to the railway line up to where the railway line passes under Lanhydrock Road. From this point the boundary line continues back along Lanhydrock Road and abuts the junctions with Heathfield Road, Mount Gould Crescent, Jephson Road, Farringdon Road, Carmarthen Road and all dwellings located there in, up to the junction with Gwyn Road Terrace. From this point the boundary line continues north up Gwyn Road Terrace and abuts the defined dwellings on the right hand side up to a point immediately opposite South View Terrace. From this point the boundary line continues east along South View Terrace and abuts the junctions with Craven Avenue, Maybank Road, Seymour Avenue and all dwellings located there in up to a point immediately opposite Egerton Place. From this point the boundary line continues south along Egerton Place where the boundary line abuts Anson Place and Knighton Road and all dwellings located there in up to the defined boundary of the railway line. From this point the boundary line continues west where the rear of dwellings known as Knighton Road and the park abut the defined boundary with the railway line up to, and including the tunnel entrance leading to Lucas Terrace.

Maps and associated information showing the proposed designated areas are available at First Stop and the Licensing Desk in the Civic Centre during normal opening hours, alternatively the information may be viewed on the City Council website by using the following link www.plymouth.gov.uk

If you wish to make representations about the proposed Orders you should send them in writing to the undersigned by the 3rd February 2011.

**R Carton, Head of Public Protection Service, Plymouth City Council,
Civic Centre, Plymouth PL1 2AA.**

www.plymouth.gov.uk

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Application for a Designated Public Places Order (DPPPO) to Control Street Drinking in Freedom Fields and Tothill Parks

Annex to the Main Report - Findings of the Public Consultation

Public Protection Service
Plymouth City Council
February 2011

Introduction

On the 21 December 2010 Licensing Committee (Miscellaneous) considered an application submitted by Devon & Cornwall Police, to make a Designated Public Place Order (DPPO) to cover Freedom Fields Park and Tothill Park due to the likely consequence of displacement, to control street drinking. Based on the evidence submitted at that time Members resolved to approve a wider public consultation as prescribed in the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.

The consultation was launched on the 6 January 2011 with the publication of a Public Notice in the Evening Herald and release of a press notice, and concluded on the 4 February 2011.

An information pack that was sent to the following individuals, groups and interested parties who live or work in the vicinity of both neighbourhoods to ensure that reasonable steps were taken to advertise the consultation.

- Local Residents
- Local Businesses
- Ward Councillors
- Council departments
- Police
- Licensees
- Local Community Groups

The information pack consisted of an introductory letter, a map of the proposed areas, an information sheet and a customer feedback response form. The questionnaire was devised to provide a framework that focused on the main points and allow the information to be quantitatively assessed and in addition space was provided to enable the respondent to include their own personal experience of whether or not they had experience alcohol-related anti social behaviour. These documents are exhibited in Appendix 1 of this report.

The application included 21 messages of support from a range of local businesses, residents and ward councillors who live, work and represent the community in the Freedom Fields area. These messages were included in the document pack considered by Licensing Committee on the 21 December 2010.

660 information packs were distributed to homes, businesses and other interested parties who live or work in the vicinity of Freedom Fields Park and 1400 in the Tothill Park.

At the launch of the public consultation all persons who did submit a message of support, were also sent an information pack by letter or email where supplied.

A total of 113 returns were received in response to the public consultation, 79 from persons living in the Freedom Fields neighbourhood and 34 from persons living in the Tothill neighbourhood.

The results to the completed returns are set out below.

Qualitative Results

A representative selection of personal responses from local residents and community groups, are exhibited in this section of the report and reflect personal experiences and the impact that street drinking has on their lives. We have also received 5 non-supportive responses and these have also been included for comparison purposes.

It is not possible to include a verbatim response in this report, however all the responses will be available for scrutiny when Members consider the results of the public consultation.

Freedom Fields

Local Residents

“As regular park users, my family and I find the gatherings of alcoholics and drug users in the shelters extremely intimidating and having spoken with other regular park users, I know that this feeling is shared with families and dog walkers alike. The numbers have increased dramatically over the last year.....” – name and address supplied. (Respondent No.2)

“The people, who congregate mainly in the shelter in the centre of the park, are often abusive to one another, swear and fight. For this reason I keep to the perimeter of the park when I walk my dog. Some of these people have dogs and let them roam around the park unattended.....” – name and address supplied (8)

“....I am a new mum and feel threatened by the presence of the drunks in the park and avoid using the park when they are there.....” – name and address supplied (10)

“I use Freedom Fields Park every day in order to walk my dogs and to meet friends. There seem to be a group of people who appear very drunk, there every day, mostly in the shelter. They are often arguing and swearing at a volume that can be heard all around the park. I make sure that I do not go near them. There is also the problem with rubbish. There are often cans and broken bottles around. Last year my dog stepped on a shard of broken glass and had to go to the vet.....” – name and address supplied (21)

“There are frequently a group of adults in the shelter in the centre of Freedom Park drinking – their drunkenness/urinating in public and swearing and shouting is unacceptable in a park where there are children playing nearby.....” – name and address supplied (23)

“.....There has been a continued problem of ASB in Freedom Fields park.....historically caused by teenagers but over the past 18 months there has been an increased presence of adults and youths drinking alcohol in groups around the Freedom fields area.....” – name and address supplied (24)

“Freedom Park is well kept and is spoiled by groups of teenagers and adult drinkers at all times of the day and night. Litter, urine and faeces from these groups is evident. The central shelter is unusable by the general public.....” – name and address supplied (61)

“When groups of people are drinking in the parks, it can be very intimidating and can make you feel unsafe.....” – name and address supplied (70)

“.....The street drinkers act as though the park is their home/own territory. Both shelters where they congregate are no go areas for much of the day.....” – name and address supplied (72)

Community Groups

“There has been ongoing problems with the daily presence of the large groups of drinkers. Foul language, fighting, mess and rubbish left, urinating in park both against the trees and in shelters. I have also witnessed members of the group using Woodside Lane by the park as a toilet. I am at the park on a daily basis helping to run the community café and have seen all the problems created by the drinkers.....” Café in the Park “Mind Charity” (56)

Respondents against the Designation of the Order for Freedom Fields

Local Residents

“I do not support DPPO for Freedom Park or Tothill Park. This problem could then move to Trefusis Park, Lipson Park (schools nearby) or Mount Gould Park. We have to accept that it is a problem and moving them around the City will not solve anything.....” – name and address supplied (59)

“I am not in favour of a DPPO being granted to cover Freedom Fields. If you look at the Home Office’s new ‘Crime Map’ you will see that there have been no reported crime at Freedom Fields. I walk through Freedom Field most days and I have seen nothing to indicate that acts of anti-social behaviour have taken place.....” – name and address supplied (111)

Tothill Park

Local Residents

“My husband and myself have lived overlooking Tothill park for the past 25years. Alcohol consumption in the park is becoming an increasing problem to the extent that at night the park can be described as a ‘no-go’ area. The anti-social behaviour goes on into the early hours of the morning during periods of good weather and at weekends. We feel concerned that if the DPPO is granted to Freedom Park, then the problems at Tothill will increase. Also the new play area being installed in this park will also attract night time drinkers.....” – name and address supplied (12)

“Groups of teenagers; Underage drinking; Damage to cars and garden; Fires being set on cycle path (frequently)....supporting extension to Lucas Terrace bridge/tunnel between Landhydrock playing fields” – name and address supplied (26)

“Include South View. Steps directly from Landhydrock Road park up to South View are regularly used as a seating area for drinking also used for toilet and dumping bottles and cans.....” – name and address supplied (30)

“.....The whole of the local community should be able to enjoy access to the city parks and open spaces without feeling threatened by those who use alcohol/drugs to excess.....” – name and address supplied (32)

“.....”I found out that lots of teenagers come from other places.....” – name and address supplied (82)

Community Groups

“.....We have had a few problems in the past from the general public with alcohol related problems. We support the plan for DPPO at Tothill Park, especially with the new children’s playground it should be a place for families to enjoy the new play areas for the younger children.....” – Tothill Library, Knighton Road (31)

“I have walked through Freedom Fields park and seen displays of drunk people and their behaviour was intimidating.....parents with young children should not be subjected to this, now Tothill has been refurbished it would be sad to see it subject to vandalism or anti-social behaviour.....This order will be a brilliant area.....” - Tothill Community Centre, Knighton Road (90).

Respondents against the Designation of the Order for Tothill Park

Local Residents

“We have lived in the Tothill Park area for over 40 Years and have never experienced any alcohol related behaviour....we walk our dog twice a day.... and found the park to be very good” – name and address supplied (86)

“Having lived in the area for 4years I have never come across any form of anti-social behaviour in Tothill Park. I find this measure completely unnecessary and an absolute waste of Council money.....” – name and address supplied (35)

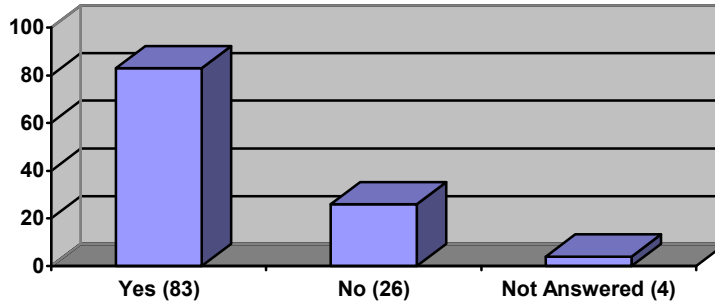
“Concerns only that the problem will move to Tothill, is not enough to grant a DPPO there, without any evidence to substantiate it on concerns only.....” – name and address supplied (101)

Quantitative Results

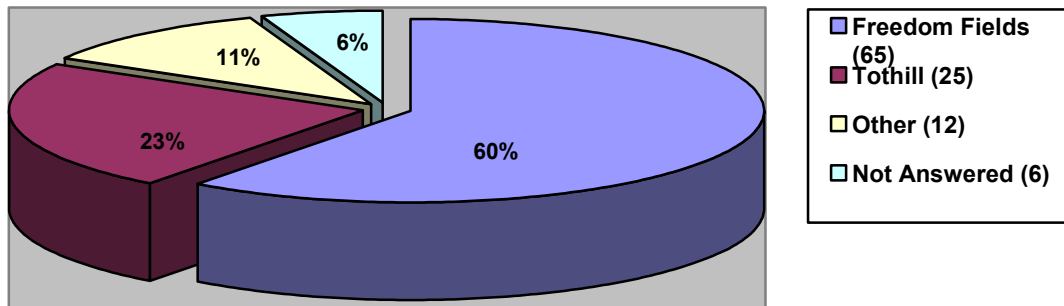
The statistics set out below have been drawn from the completed answers submitted on the feedback response form.

Question 1

Have you experienced alcohol related anti-social behaviour in or around Freedom Fields or Tothill Park in the last 12 months?



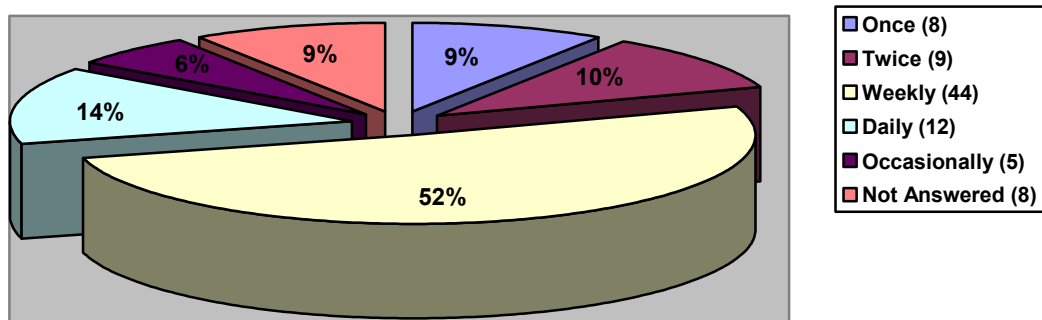
If so where has this been?



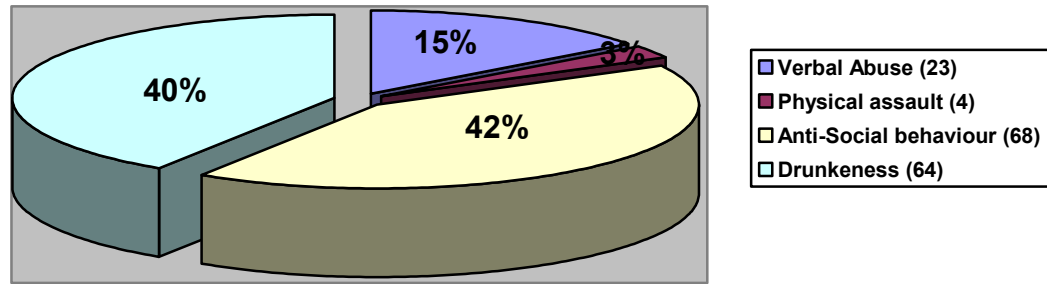
The two parks are the focal point for the surrounding residential neighbourhoods and these results indicate that the vast majority of respondents have suffered some form of alcohol-related anti-social behaviour when using Freedom Fields Park or Tothill Park.

Question 2

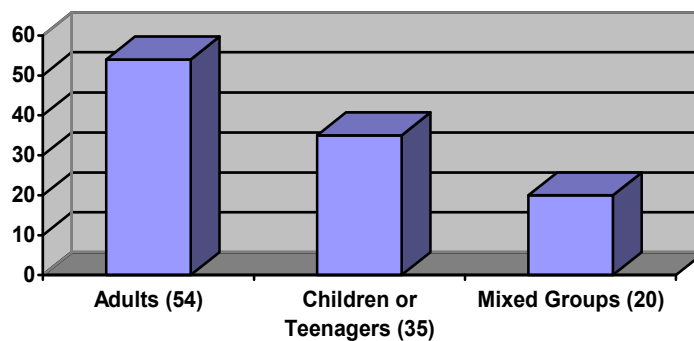
How often have you been subjected to this alcohol-related behaviour?



The majority of respondents stated that they were subjected to a form of anti-social behaviour on a weekly basis, others indicated daily contact.

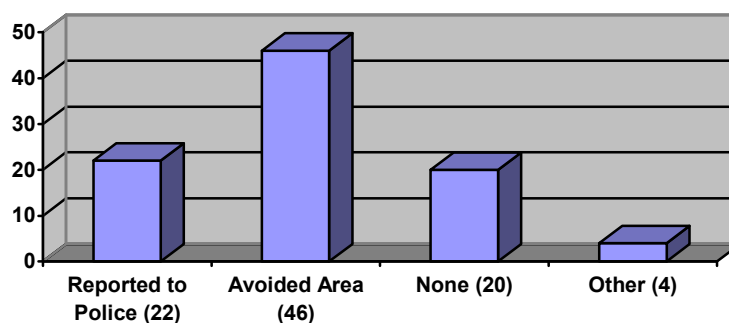
Question 3**What form did the alcohol-related behaviour take?**

The responses suggest that the majority are incidents either examples of anti-social behaviour or drunkenness and therefore not necessarily public order offences actionable by the police.

Question 4**Who was causing the problem?**

The responses indicate that the main problem grouping are adults who would include those known as 'street drinkers' who are known to frequent the parks two main shelters located at the main entrance from Greenbank Terrace and the shelter located in the centre of Freedom Fields Park.

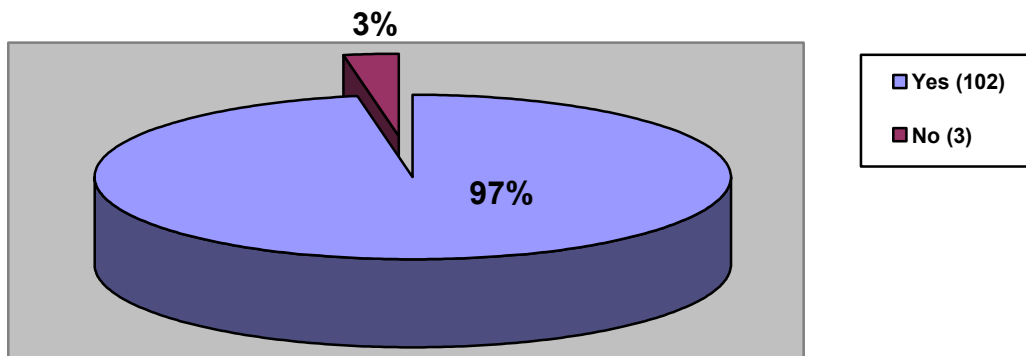
In addition the area surrounding the community café attracts teenagers in the late evenings and early hours of the morning.

Question 5**What action did you take as a result of this behaviour?**

Approximately 25% of the instances were reported to the Police, however it is significant that the rest noted the instance but either did nothing or took steps to avoid the area. This supports the response to Question 3 in that instances of anti-social behaviour tended to be low-level nuisance and intimidation rather than public order offences that discouraged people using particular public areas.

Question 6

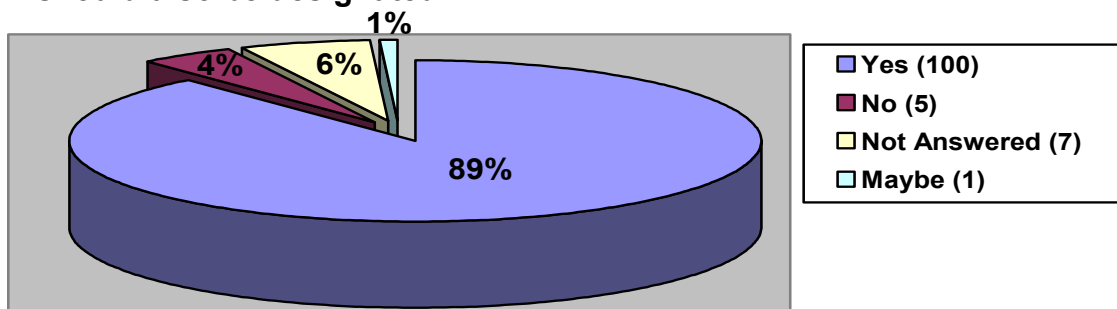
Do you support the proposal of a Designated Public Places Order for Freedom Fields Park?



It is evident that the vast majority of respondents who responded to the public consultation were in favour of the adoption of the order for Freedom Fields Park.

Question 7

If a DPPO were granted for Freedom Fields Park then the problem could be displaced to nearby Tothill Park. Do you support the proposal that Tothill Park should also be designated?



There has been a significant response from residents living in the Tothill neighbourhood who expressed concern that if Freedom Fields Park were designated then the problem could be displaced to their locality. The vast majority of respondents living in the Freedom Fields neighbourhood also appreciated that the problem could be displaced to Tothill Park. Of the respondents who answered yes, 73 were from residents living in the Tothill Area and 27 from the Freedom Fields area.

Respondents not in Favour

There were two respondents living in the Freedom Fields neighbourhood who did not support the granting of DPPO for Freedom Fields or Tothill parks, the first on the grounds that the problem would move on to other parks including Trefusis, Lipson or Mount Gould parks. Accepting that there was a problem, moving street drinkers around the City would not solve anything and proposed that a small area in one park be designated for street drinking and for residents to be made aware of the arrangement so that they could avoid contact.

The second objection references the Home Office's new 'Crime Map' that would appear to have no reported crime at Freedom Fields, in addition the respondents states that he personally walks through Freedom Field most days and has not witnessed any acts of anti-social behaviour personally. In addition the response contends that the person termed as a 'street drinker' requires help rather than prosecution or confiscation of the alcohol.

There were two respondents living in the Tothill Park neighbourhood who similarly did not support the introduction of a DPPO, both on the grounds that he had not experienced any alcohol-related social behaviour in the time that he had lived in the area, additionally the second of these respondents considered that the extension of a 'police state' in Plymouth should be actively discouraged.

Lastly, a respondent who lived in the Freedom Fields neighbourhood expressed concern that an order should not be granted for Tothill park simply on the grounds of likely displacement, without any evidence to substantiate the claim.

Conclusions

This report has sought to recount the personal responses of local residents, businesses and community groups who have taken the trouble to participate in this public consultation in such a detailed and personal fashion. Much of the information is anecdotal but does reflect the personal experiences of many living within these local communities. These accounts should be considered in tandem with the application that included background information, statistical data on anti-social behaviour and the messages of support.

The evidence gathered as a result of the public consultation, both qualitatively and quantitatively, overwhelmingly supports the proposal to establish and implement a Designated Public Place Orders (DPPO) for both Freedom Fields and Tothill Parks as outlined.

Many residents have also raised concerns over unacceptable foul language, fighting, mess and rubbish left, urinating in the parks both against trees and in the shelters and that visual evidence of this can be seen throughout the park.

The respondents state that Freedom Fields Park has been 'taken over' and low level anti-social behaviour and disorder associated with alcohol occurs regularly and the Police only have powers to prevent public order offences occurring. The vast majority of respondents find this unacceptable and have responded accordingly by stating that they would like the Police to have these additional preventative powers to be able to confiscate alcohol where they have reason to believe that if persons continue drinking then public order offences will occur.

A significant number of respondents living in the Tothill neighbourhood submitted their own account of street drinking in Tothill Park and how incidents have been increasing over the last few years, particularly in the summer months. This raises

the issue that the Tothill Park neighbourhood could be designated in its own right as opposed to as a consequence of displacement.

These powers where applied will help mitigate nuisance and disorder to members of the public that is associated with consuming alcohol in public places.

A small minority of respondents have an alternative view and in the interests of balance the details of their concerns have all been set out in this report.

Some respondents raised concerns of how, if granted, the police would be able to enforce the DPPO and others suggested that a telephone response number should be actively promoted for residents to report incidences of anti-social behaviour arising as a consequence of street drinking.

In conclusion, of those who contributed to this public consultation the overwhelmingly majority were in favour of the granting of a DPPO for Freedom Fields Park and also for Tothill Park.

**BEST ACHIEVING
COUNCIL OF THE YEAR**



Environmental Services

Department for Community Services

Plymouth City Council
Civic Centre
Plymouth PL1 2AA

T 01752 304141
F 01752 226314
E licensing@plymouth.gov.uk
www.plymouth.gov.uk

Please ask for: Licensing Team - DPPO Consultation

Date 6th January 2011

My Ref

Your Ref

Dear Sir/Madam

**PUBLIC CONSULTATION on Designated Public Place Orders
for Freedom Fields Park and Tothill Park**

Devon and Cornwall Police have submitted an application to the Council for two Designated Public Place Orders (DPPOs) to be adopted in Freedom Fields Park and Tothill Park.

Both parks have been identified as areas that suffer from disorder or nuisance associated with people drinking alcohol in public. The Council's Licensing Committee has therefore approved a public consultation on the DPPO application and local residents are being invited to share their views.

A DPPO does not ban people from drinking alcohol outside. However it does give police officers powers to stop people drinking and order them to hand over bottles or cans if necessary. It would then be an offence for that person (or group of people) not to comply.

Places that are licensed to sell or supply alcohol (because they hold a premises licence, club premises certificate or temporary events notice) and premises where alcohol can be sold or consumed under Section 115E of the Highways Act 1980 are not included in a DPPO.

Please take a few minutes to read through the information and maps enclosed, which explain how the DPPOs would work and what areas they would cover. There is also a consultation form that you can fill in if you would like to share your views.

You must submit your name and address but this is for reference purposes only and all information submitted will be treated in confidence. Please return your forms by Friday 4 February 2011.

The consultation documents can also be viewed on the licensing pages of Plymouth City Council's website at www.plymouth.gov.uk and are available from the Licensing Desk in the Civic Centre.

Following the consultation a report will be submitted to the Licensing Committee, which will make the final decision on whether to grant, vary or refuse the application.

Yours faithfully

Licensing Team
Public Protection Service

DESIGNATED PUBLIC PLACE ORDERS (DPPO'S)

Information Sheet



Background

Plymouth City Council adopted byelaws in 1998 that made it an offence to drink alcohol in public in certain parts of the city centre, the Barbican and West Pier.

In 2001 the Government made new regulations to replace these byelaws.

The Council's Licensing Committee approved four new Alcohol Designated Place Orders for North Hill, Mutley, Union Street and the Barbican in 2006. It then approved an application for a Designated Public Place Order (DPPO) covering the City Centre and Stonehouse neighbourhoods in 2009.

The Council has since received a number of requests for new designated areas in other parts of the city, where drinking in public places is considered to be a contributory factor to anti-social behaviour.

The Legal Framework

The Council's power to designate a public place is devolved from Section 13 of the Criminal Justice and Police Act 2001. Once in place, a DPPO gives the police the power to ask people to surrender alcohol in opened or sealed containers if they that person is or has been consuming or intends to consume alcohol and if they fail to comply they can be arrested.

These powers replaced the old drinking byelaws and were introduced to help the police deal with the problems of anti-social drinking in public places. DPPOs make it easier for the Council to restrict public drinking in areas that have experienced alcohol-related disorder or nuisance.

A DPPO does not ban drinking in public places but it makes it an offence to continue drinking when asked to stop by a police officer.

The procedure on how to implement a DPPO is set out in the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.

Section 26 of the Violent Crime Reduction Act 2006 clarifies the time at which certain licensed premises fall within a DPPO and specific requirements were introduced for premises serving alcohol in a DPPO area.

A DPPO does not apply in an area that is covered by a premises licence or temporary event notice while alcohol sales are taking place or for 30 minutes after the last sales.

Other forms of authorisation (for example regulated entertainment-only authorisations) are not affected and premises subject to this type of licence can operate within a designated area.

If you would like further information on how DPPOs apply to licensed premises and those operating under a temporary event notice contact our Licensing Team on 01752 305465/307981 or email licensing@plymouth.gov.uk.

The Process

A DPPO can only be made if the Licensing Committee is satisfied that there is enough of disorder - or nuisance and annoyance to members of the public – and that this is associated with the consumption of alcohol in a public place.

An application can be made by any person, group or organisation but are more likely to be successful if a combined submission is made, with supporting evidence provided by all interested groups (for example local community groups, police, PACT or support agencies).

It is not possible to create an order to cover the whole City, as this would be considered as disproportionate. Therefore, any evidence must relate to a particular area.

There is a statutory procedure laid out in the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 which councils must follow in dealing with DPPO submissions.

Displacement

Introducing a DPPO can move problems into the surrounding areas that are not designated. This is known as 'displacement'. Before designating an area the Licensing Committee is expected to consider the potential impact on neighbouring areas and ensure that everyone that could be affected has been appropriately consulted.

Where evidence suggests that problems caused by anti-social drinking are likely to be displaced by a DPPO it may be appropriate for the committee to consider designating an area beyond that which is experiencing the immediate problems.

However the Committee should always be satisfied that these powers are used proportionately and with enough evidence to suggest that they will be successful in tackling the problem.

Frequently Asked Questions

Q. Can police confiscate alcohol from young people?

A. The police have powers to confiscate alcohol in both sealed and opened containers from young people in public and certain other places under the Confiscation of Alcohol (Young Persons) Act 1997. The Licensing Act 2003 makes it clear that an officer may only confiscate a sealed container where he or she reasonably believes that the person is drinking, has been drinking, or intends to drink the alcohol in that place.

Q. Who else can have powers to confiscate alcohol containers?

A. Police officers and community support officers have powers to control the consumption of alcohol within the designated area. If they believe someone is consuming alcohol or intends to consume alcohol they can:

- Require them to stop; and
- Confiscate alcohol from people whether the drinking vessel is unopened or not.

Q. Does a DPPO lead to a universal ban on drinking in the open air?

A. No. The premises can apply for a temporary event notice (TEN) for specific events to allow for the temporary suspension of the DPPO in that area.

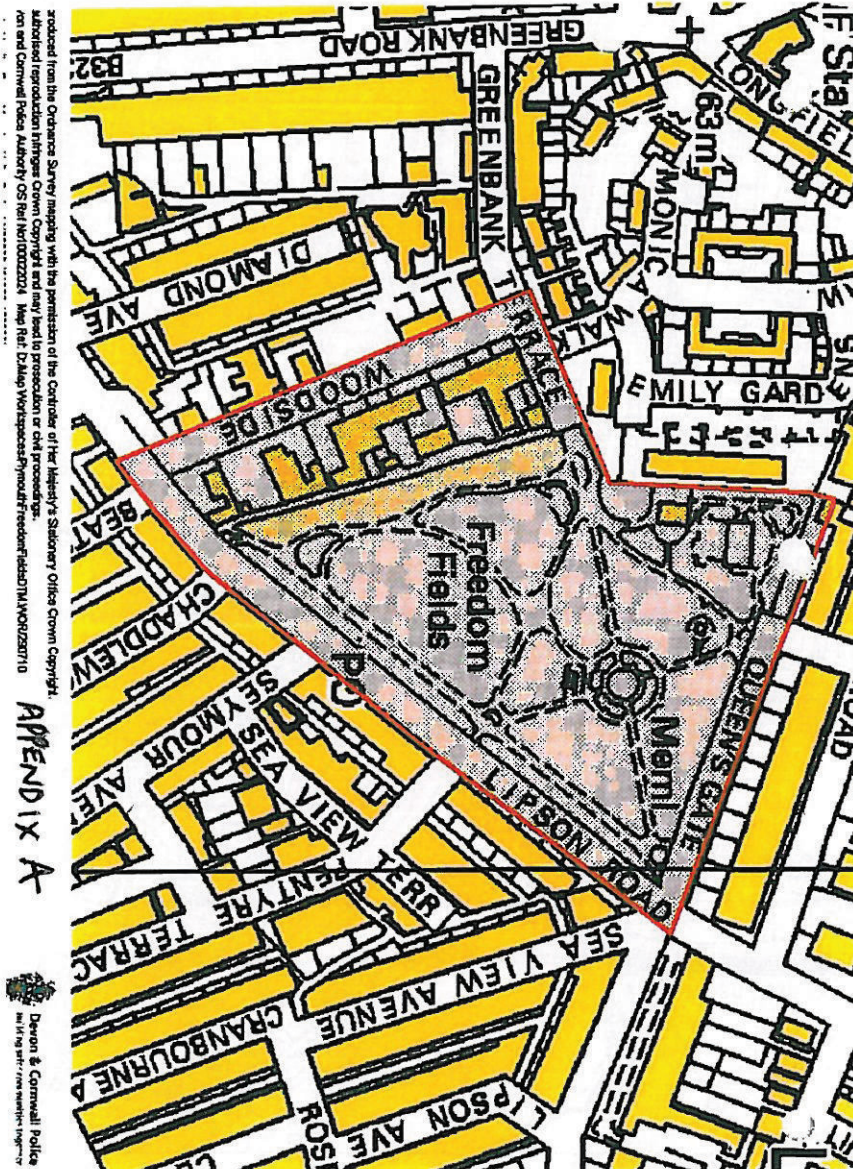
Q. Can councils introduce a blanket restriction on alcohol consumption or create alcohol free zones?

A. No. There are no provisions in the Criminal Justice and Police Act 2001 allowing the creation of alcohol free zones or blanket restriction on drinking alcohol in public. Before an area is proposed for designation, councils must obtain some evidence that the area has anti-social nuisance or disorder with drinking in that area. To create a blanket ban on drinking alcohol in a public place would be disproportionate.

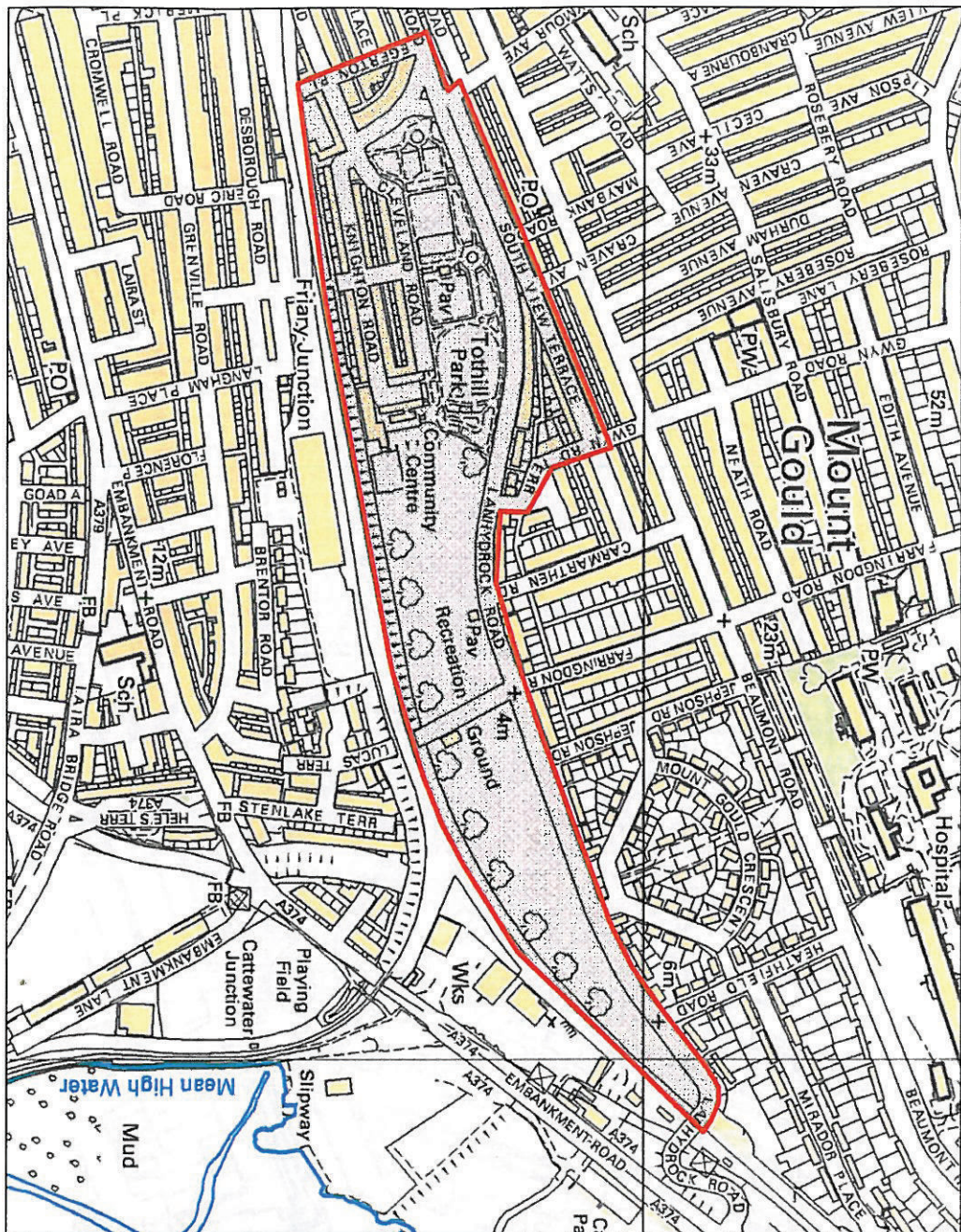
Q. How can local authorities extend a DPPO area?

A. A new order would have to be produced to ensure that the extended area is just and reasonable.

FREEDOM FIELDS PARK – BOUNDARY DEFINITION



TOTHILL PARK – BOUNDARY DEFINITION



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DESIGNATED PUBLIC PLACES ORDERS (DPPO)

Consultation Response Form



PLYMOUTH
CITY COUNCIL

Application for a Designated Public Places Order (DPPO) for Freedom Fields Park and Tothill Park

Name	
Address	
Post Code	
Business Name	
Tel.	
Email	

Please note you must provide your name and contact details for your comments to be considered. However, all submissions will be treated in confidence. If you are happy for your personal details to be included in the evaluation report that will be considered by the Licensing Committee please indicate this here:

YES/NO

Question 1

Have you experienced alcohol related anti-social behaviour in or around Freedom Fields Park or Tothill Park in the last 12 months?

Yes / No

If so, where has this been? (Please circle as appropriate)

Freedom Fields Park Tothill Park Other (please state).....

Question 2

How often have you been subjected to this alcohol-related behaviour?

Once Twice Weekly

Question 3

What form did the alcohol-related behaviour take? **(Please circle as appropriate)**

Verbal abuse Physical assault Anti-social behaviour Drunkenness

Question 4

Who was causing the problem? (Please circle as appropriate)

Adults Children or teenagers Mixed groups Other (please state).....

Question 5

What action did you take as a result of this behaviour? **(Please circle as appropriate)**

Reported to police Avoided area None Other (please state).....

Question 6

Do you support the proposal of a DPPO for Freedom Fields Park? Yes / No

Please state your reasons overleaf.

Question 7

The application outlines concerns that if a DPPO were granted for Freedom Fields Park then the problem could be displaced to nearby Tothill Park. Do you support the proposal that Tothill Park should also be designated?

Yes / No

Please state your reasons overleaf.

Please submit any other relevant comments overleaf.

Additional Comments;

Completed forms should be sent to Public Protection Service, Plymouth City Council, Civic Centre, Plymouth, PL1 2AA or emailed to licensing@plymouth.gov.uk. Forms must be received by Friday 4 February 2011.

For more information call 01752 304141 or email licensing@plymouth.gov.uk.