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#plymlicensing

## LICENSING COMMITTEE

Tuesday 26 August 2014

10 am

Council House (Next to the Civic Centre), Plymouth

**Members:**

Councillor Rennie, Chair

Councillor Mrs Bowyer, Vice Chair

Councillors Ball, Downie, K Foster, Fry, Hendy, Morris, Mrs Nelder, Mrs Nicholson, Parker,  
Riley, Singh, John Smith and Sparling.

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

**Tracey Lee**

Chief Executive

# LICENSING COMMITTEE

## AGENDA

### PART I – PUBLIC MEETING

#### 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 - 30)

To confirm the minutes of the Licensing Committee meeting held on 29 April 2014 and the Licensing Sub Committee meetings held on 15 April 2014, 29 April 2014, 13 May 2014 and 15 July 2014.

#### 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. INFORMATION REGARDING DELEGATED DECISIONS FOR APPLICATIONS FOR THE GRANT/VARIATION OF PREMISES LICENCES

(Pages 31 - 34)

The Director of Public Health will submit a report on delegated decisions for applications for the grant/variation of premises licences.

#### 6. APPLICATION FOR THE DESIGNATED PUBLIC PLACES ORDER (DPPO) TO CONTROL STREET DRINKING IN MARLBOROUGH STREET, DEVONPORT AND THE SURROUNDING AREA

(Pages 35 - 70)

The Director of Public Health will submit a report detailing the results of the public consultation for a Designated Public Places Order (DPPO), covering Marlborough Street and the surrounding area within Devonport.

#### 7. 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 I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

## **PART II (PRIVATE MEETING)**

### **AGENDA**

#### **MEMBERS OF THE PUBLIC TO NOTE**

that under the law, the Panel 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.

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## Licensing Committee

Tuesday 29 April 2014

### PRESENT:

Councillor Rennie, in the Chair.

Councillors K Foster, Jordan, Dr. Mahony, Mrs Nicholson, Parker, Singh and John Smith.

Apologies for absence: Councillors Mrs Bowyer, Drear, Gordon, Monahan, Morris and Kate Taylor.

Also in attendance: Ann Gillbanks, Senior Lawyer, Katey Johns, Democratic Support Officer, and David Hughes, Senior Environmental Health Officer (Licensing).

The meeting started at 10 am and finished at 10.55 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.*

### 32. DECLARATIONS OF INTEREST

The following declarations of interest were made by members in accordance with the code of conduct –

Name	Minute Number	Reason	Interest
Councillor Jordan	35	Director of Routeways, an organisation located within proposed DPPO	Personal
Councillor Dr Mahony	35	Lives within area of proposed DPPO	Personal
Councillor John Smith	35	Board member of Credit Union, an organisation with premises located within the proposed DPPO	Personal

### 33. MINUTES

Agreed the minutes of the Licensing Committee meeting held on 18 February and the Licensing Sub-Committee meetings held on 18 February and 24 March 2014.

### 34. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

35. **APPLICATION FOR THE DESIGNATED PUBLIC PLACES ORDER (DPPO) TO CONTROL STREET DRINKING IN MARLBOROUGH ST, DEVONPORT**

The Committee considered the report as submitted by the Strategic Director for People and presented by the Senior Environmental Health Officer (Licensing). Members were advised that –

- (a) an application to make a Designated Public Places Order (DPPO) had been submitted by the Devon and Cornwall Police to cover Marlborough Street and the surrounding area within Devonport;
- (b) the area indicated by the dotted line on the map at appendix 2 was proposed for inclusion within the DPPO;
- (c) the report sought approval to proceed to the public consultation stage after which a further report would be submitted to determine whether there was sufficient evidence to justify making the order.

In addition, the Committee –

- (d) noted that written representations of support for the DPPO had been received from ward councillors Coker and Kate Taylor, the latter of whom was in attendance at the meeting to offer verbal support;
- (e) heard from the Police who stated that there had been an on-going problem concerning anti-social behaviour and disorder associated with 'street drinking' focused on the pedestrian area of Marlborough Street. The main problems being related to drunkenness, aggressive/disorderly behaviour, urination and littering;
- (f) considered evidence submitted in order to substantiate the application.

In response to questions raised, Members heard that –

- (g) the report before Committee today would, if approved, commence a formal consultation process into whether or not a DPPO should be introduced in the area identified. A further report to Committee would be required to approve the actual introduction of a DPPO should that be the recommended outcome following the consultation;
- (h) the area within the dotted line had been included as there were a number of communal areas to which street drinkers could migrate once they had been moved on;
- (i) the DPPO applied to public places only and private areas were therefore excluded;
- (j) the consultation would include, but not be exclusive to, residents groups, community groups, businesses, partner agencies etc.;

- (k) a number of off-licenses in the area were selling single cans of particularly strong lager. These were being targeted by the Police and licensing officers who would try to encourage the licensee to cease sales of these products without having to call the premises in for a review of its licence;
- (l) the success of the DPPO would be dependent upon a multi-agency approach and assurances were given that this would be the case;
- (m) no evidence had been submitted to support inclusion within the DPPO of the playing fields adjoining City College in Kings Road.

Agreed that –

- (1) sufficient evidence had been submitted to demonstrate that nuisance, annoyance and disorder was caused to members of the public, or a section of the public, associated with the consumption of alcohol in the area outlined in Appendix 2 to the report, including that within the dotted line;
- (2) the Public Protection Service be authorised to facilitate the public consultation in the specified area, as prescribed by the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 in order that Committee can consider the report on the results of the consultation and decide whether or not to approve the granting of the Designated Public Place Order.

(Councillors Jordan, Dr Mahony and John Smith declared personal interests in respect of the above item).

36. **EXEMPT BUSINESS**

Agreed that under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

37. **MINUTES (E1)**

Agreed the private minutes of the Licensing Sub-Committee meeting held on 18 February 2014.

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## Licensing Sub Committee

Tuesday 15 April 2014

### PRESENT:

Councillor Rennie, in the Chair.  
Councillor Jordan, Vice Chair.  
Councillor Mrs Bowyer.

Apologies for absence: Councillor Gordon.

Also in attendance: Ann Gillbanks (Senior Lawyer), Rhodri Morgan (Environmental health Officer), Fred Prout (Senior Licensing Officer) and Helen Rickman (Democratic Support Officer).

The meeting started at 10.00 am and finished at 1.00 pm.

*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.*

67. **APPOINTMENT OF CHAIR AND VICE-CHAIR**

Agreed that Councillor Rennie is appointed Chair and Councillor Jordan is appointed Vice Chair for this particular meeting.

68. **DECLARATIONS OF INTEREST**

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

69. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

70. **OMG OF THE PARADE, BARBICAN, PLYMOUTH VARIATION OF PREMISES LICENCE**

The Committee having –

- (a) considered the report from the Strategic Director for People;
- (b) considered the representations (written and in person) from Devon and Cornwall Police, Environmental Health Officers and Ward Councillor;
- (c) heard from the applicant, the applicants witness and the applicant's solicitor that:
  - this was an application by OMG to extend the hours to 04.00 Sunday to Thursday. That OMG is a nightclub for the gay community who do not create crime and disorder as they don't necessarily go to the club for alcohol;

- the club is not a high volume vertical drinking establishment and not testosterone filled. It catered for a broad range of ages and that there was a distinction between OMG and other bars/clubs;
- the premises have been open since December 2013 and have held 9 TEN's events until 4am on Wednesday nights. There has been no crime and disorder related to the venue and no validated noise outbreak from the premises or noise complaints from the customers;
- the cumulative impact policy creates the presumption that the application will not be granted but this policy must be regarded with care as it does not preclude applications by well run, smaller impact premise applications being granted;
- OMG is the biggest gay community club brand and estimated to be worth £4m by the end of the year. It has never had a review of licence. Have worked alongside Bristol City Council to set policy. OMG will have a positive impact on tourism in the area as 50% of the trade travel to the club. The next nearest similar venue is 120 miles. Customers bring the pink pound to the area which is a boost to the local economy, and also boost local trade through use of taxi's and hotels;
- OMG would not add to the incidents of violent crime and disorder the area as the people going there are more likely to be victims of crime rather than creating;
- on operational points, OMG use all polycarbonate vessels, have SIA controlled door staff. It allows customers to use electronic cigarettes in the premises which cuts down the number of smokers outside the premises;
- noise monitoring had been carried out at 11pm on a Monday evening to assess the noise breakout from the music. The music could not be heard in between the passing traffic noise at the rear of the premises on Vauxhall Street. Around at the front, on The Parade some music could be heard, but less than car radio level. Smoking area is outside on The Parade so is remote from residents in Vauxhall Street;
- OMG has good external supervision and has a noise policy with a telephone number for residents to ring and such calls will be logged and will be able to demonstrate any issues over the 12 months period applied for. No drinks will be allowed to be taken outside of the premises;
- formally proposed to committee that they wished to remove Monday and Tuesday from the application for variation;

- people who come to OMG will be well behaved as they know that OMG will ban anyone from the premises who causes problems. The premises have had no problems reported for the 9 TEN's events already held and only one unsubstantiated noise complaint in the time they have been opened;

(d) considered representations under the licensing objectives as follows:

- Prevention of Public Nuisance

(d1) • heard from an Environmental Health officer who stated that:

- the applicant had not demonstrated within the application how the extension of hours until 4am during weeknights of Sunday to Thursday would not have an impact on the surrounding local residents;
- the premises are close to residential properties and assessment of impact of this extension of hours on these properties had not been provided by the applicant;
- the extension of the licence during midweek is not appropriate to the area;
- there is a potential for a wide range of residents to be affected by noise generated from the club (whether music or people) and if the application was successful, there is a potential for 200 people "in drink" to be leaving a very quiet area, very early in the morning and causing disturbance in the vicinity when they would reasonably expect a good night's sleep;
- given the nature of the area, residents are likely to be accustomed to a certain level of noise on Friday and Saturday nights and also on Banks Holidays, but expect a reasonable amount of comfort during weeknights when they are likely to be working the following morning;
- the vast majority of people on the Barbican have left the area by between midnight and 1.00am and noise levels after these times generally decrease quite significantly;
- this application is proposing a possible increase on noise levels which currently do not occur. There is also the potential for noise from taxis waiting to pick-up customers late at night outside the premises;
- the Cumulative Impact Policy has been adapted to protect the local residents. There is a potential knock-on effect on the community by the premises attracting patrons who currently are not in the area. The granting of this application will encourage other businesses to apply for similar timings and the knock-on effect is that precedents will be set and there is the potential for the area to develop from an evening-night time area based on bars and restaurants to a late night

clubbing type area, similar to other less residentially populated areas within the city, seven days a week;

- there is a potential that if the licence is granted as applied that the licensing objective for the prevention of public nuisance and public safety will be undermined. The premise is located within a mixed used area with residential premises within 20 meters on three sides;
- only one unsubstantiated noise complaint had been received about the premises;
- happy with noise report submitted so long as the bay windows at the front of the premises are kept closed;
- invited the Committee to refuse the application;

(d2)

- heard from the Ward Councillor that:
- the area is covered by a cumulative impact policy and as such evidence from responsible authority and residents should be considered;
- she had visited the elderly people in Brook House who had told her of a problem with noise from the rear façade of the building. Some of the residents were on medication and using ear plugs to cope with problems from noise from glass being tipped into bins after closing time and bands leaving from this rear door;
- as the bedrooms of these residents face the rear façade there needed to be a better management of the rear doors;
- when these doors were open the noise is really loud and was not being managed;
- invited the Committee to refuse the application;
- Prevention of Crime and Disorder –
- heard from the representative for the Police that:
- the premises are situated in the Barbican area of Plymouth. This is an area designated a Cumulative Impact Area as adopted by Plymouth City Council. Statistics were provided in respect of the evidence of crime and disorder in the area which led to the imposition of the cumulative impact area.
- OMG management operated to good standards and were no problem to the Police;
- Police evidence shows that the majority of crime in this area occurs between the hours of 18.59 hours and 0300 hours on Monday to

Thursday and figures indicate that in the small area surrounding the premises have resulted in: 39% of all reported crime 2011 42% of all reported crime 2012 39% of all reported crime 2013;

- if granted the extension of hours will significantly increase the footfall within the area up to and including 0430 hours;
- if the application is granted it is the Police contention that it will have a negative impact on the Licensing Objectives of Prevention of Crime and Disorder and the Prevention of Public Nuisance;
- the premises are in close proximity to numerous residential properties the effect of 200 people entering and exiting the club until 0330hours for regulated entertainment/alcohol will inevitably generate noise, anti-social behaviour and alcohol related crime which does not exist on Monday to Thursday at this time;
- evidence will show that during these days there is little or no crime in the area after 0300hours;
- the police consider that the applicant does not provide sufficient detail to as to how the applicant intends to manage the smoking area or the dispersal of patrons at the end of trading;
- that the application should be considered on its merits of being a licenced premises and impact that the additional numbers would place upon the licensing objectives;
- invited the committee to refuse the application;
- Protection of Children from Harm
- no representations heard under this licensing objective
- Public Safety
- no representations heard under this licensing objective

When reaching its decision the Committee has to have regard for its licensing statement of policy and the guidance issued by the Home Office.

The licensing policy provides for a special policy in respect of the Barbican, the area within which the premises are situated. The policy states that where an application for variation will be refused where a relevant representation has been received and it is anticipated that the application will add to the problems of crime and disorder and/or public nuisance in the area and the applicant has been unable to demonstrate, within their operative schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

In considering the representations made by the applicant the committee did not consider that the reference to pink pound and the impact this would have on the local economy was a relevant consideration under the licensing objectives.

Members noted that the management had already demonstrated that they had been able to control, without complaint, the impact the additional opening hours would have upon the local area on 9 occasions this year and that there had been no complaints against the premises since opening in its current form in 2013. Members also noted that the proposal within the application was for a trial period of 12 months and that a reduced occupancy number of 200 were proposed for the extra hours applied for. Members considered that the proposal to have no re-entry to the premises after 03.30 hours was not workable as they considered that in accordance with representations made people should be leaving at this time and would expect numbers to be managed accordingly.

Members considered the representations put forward on behalf of residents but considered that these could be addressed by placing conditions upon the premises.

Having listened to all that was said today the committee consider that they can depart from the special policy for this application and that it is proportionate to grant the application subject to conditions which are considered appropriate for the furtherance of the licensing objectives.

The Committee therefore Agree to grant the application subject to the following conditions being added to the licence:

1. as the premises are in a cumulative impact area the variation of the permitted licensable activities opening hours of 12 noon to 04.00am Wednesday to Sunday, shall be permitted for a period of six months from the date of this variation and thereafter the said hours shall revert to those permitted prior to this variation unless the licence holder shall make a further application for a variation which shall be accompanied by a statement showing the impact of the variation on the cumulative impact area policy;
2. the capacity of the premises shall be reduced to 200 on Wednesdays and Thursdays;
3. signs will be provided in prominent locations indicating free drinking water available on request;
4. at times when premises are open after midnight a minimum of 2 SIA registered door staff will be employed from 22:00hrs for the first 100 persons and then a ratio of 1:100 persons thereafter;
5. existing conditions to be reinforced by a “challenge 25” policy;
6. during opening hours the management will control the exit of customers to only allow exist from the premises via doors to The Parade (except in the event of emergency);

7. the outside smoking area should be limited to a maximum of 20 people at any one time and this is to be controlled and regularly monitored by management during the extra hours granted in the variation application of 2.00am to 4.00am Wednesday, Thursday and Sunday;
8. to keep the bay windows of the premises closed to avoid noise breakout;
9. to publish a contact number which can be used by residents to report or raise concerns that they have about the premises;
10. amend existing condition 3 (Annex 2) to change the number of days for keeping CCTV records from 14 to 28 days;
11. amend existing condition 8 (Annex 2) to say “Sound levels after midnight will be monitored, and recorded, every 30 minutes to ensure no disruption to local residents and no volume escaping the building. The logs to be kept and made available to the responsible authorities and licencing officers for inspection.”

71. **EXEMPT BUSINESS**

There were no items of exempt business.

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## Licensing Sub Committee

Tuesday 29 April 2014

### PRESENT:

Councillor Rennie, in the Chair.  
Councillor Mrs Nicholson, Vice-Chair.  
Councillors Parker (Fourth Member) and John Smith.

Also in attendance: Sharon Day, Lawyer, Marie Price, Licensing Officer and Katey Johns, Democratic Support Officer.

The meeting started at 11.20 am and finished at 1.25 pm.

*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.*

### 72. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Rennie is appointed Chair and Councillor Mrs Nicholson is appointed Vice-Chair for this particular meeting.

### 73. DECLARATIONS OF INTEREST

The following declaration of interest was made in relation to an item under consideration at this meeting -

Name	Minute No.	Reason	Interest
Councillor Rennie	75, 76 and 77	Used to live next door to the applicant	Personal

### 74. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business. However, with the sub-committee's permission, the Chair reported that he would be taking all three applications together.

### 75. TEMPORARY EVENT NOTICE - 4 MAY 2014. PETER WRIGHT 12. THE PARADE, BARBICAN, PLYMOUTH, PL1 2JL

The committee –

- (a) considered the reports from the Strategic Director for People and agreed that they would deal with all three reports together as the applications in respect of each date were the same and the issues raised by the Police were the same in respect of each application;

(b) heard from the Police that –

- no proper plan of the area to be covered had been provided
- no operating schedule showing how the events would be controlled had been provided
- no method or policy had been supplied as to how the numbers in the area will be restricted to 499
- in relation to sale of alcohol no details had been supplied as to how and where that licensable activity will take place within the area
- three door supervisors would not be sufficient to monitor the area; at least 6 would be needed
- putting barriers around to define the area and keep the pathway clear would cause a safety issue in relation to the access of patrons to the area and also entry to the area by the emergency services in the event of an incident
- leaving chairs and tables in the area would create an obstruction and had the potential to cause a public safety issue as people tend to dance on the tables and injure themselves when they fall off
- there were concerns over the ability to control glass and bottles from other premises being brought into the area
- PC Wilkins statement provided details of his experience of working on these bank holiday Sundays over 9 years and evidence of disorder, littering and density of the crowd making it difficult to move through the area. His opinion that the area is unsuitable for this type of event

His statement detailed that in the past there have been problems with the concentration and lack of control of customers. There had been incidents of disorder and as a result his concern was for the potential for crime and disorder in that area

He stated that as a police officer it had been virtually impossible to walk through the area in front of the premises and incidents had occurred in the past which had been difficult to see and then get to

Barriers in the area made access to the controlled area very difficult and he had had to ask for them to be removed to allow ready access to developing situations

- CCTV footage was produced of 5/5/13 showing the difficulty door supervisors and police had in controlling the area during these events. The time of the CCTV was 11.25pm which was after the TEN had finished
- the planned area is in a Cumulative Impact Area and in 2012 in the area surrounding the premises 81 offences occurred between 7pm and 7am. 37 of which occurred between 7pm and midnight. In 2013, 62 offences occurred between 7am and 7pm, 36 of which occurred between 7pm and midnight. Figures indicated that in 2011 39% of all crime, in 2012 42% of all crime and in 2013 39% of all crime occurred in the small area surrounding the premises. The concern was that granting the application would add to these

problems

- the Police concern was that a lack of a plan as to how the event would be managed, the lack of defined controlled area, the lack of detail as to how and where the alcohol would be sold and the lack of a plan to control of the number of people present would have a negative impact on the crime prevention objective. On Bank Holiday Sundays the Barbican was not a family friendly area as lots of people were out drinking and even on quiet bank holidays large fights had occurred and Police resources have to be aimed at the Barbican on these bank holidays. Granting these applications would potentially add to crime and disorder in the area.
- the lack of detail as to how pedestrians and emergency services would be able to have uninterrupted passage through the area and lack of detail as how any emergency would be dealt with, how the crowd would be dispersed and lack of a plan providing access for emergency services would have a negative impact on the licensing objective of public safety. Inspector Deer stated that there had been an incident on one bank holiday when a previous event had been going on when disorder had occurred on the other side of the quay to the premises and officers had had great difficulty getting through the crowd to attend to it

(c) heard from the applicant that –

- the premises have 16 CCTV cameras both inside and out
- all drinks will be served in plastic glasses and bottled alcohol will be poured into plastic glasses. Any glasses brought into the area will be confiscated by door staff
- those entering the area will be asked for proof of age by the door staff and entry will be refused if they can't produce it. They operate a challenge 25 policy
- three glass collectors would be employed
- three door staff will be employed but they would increase this to 6-10 if needed
- door staff will control the volume of customers by making regular checks and refusing entry if the number is exceeding 450 people
- door staff will encourage patrons to keep the walkways clear and be responsible for making sure the public can pass safely. The same barriers as last time could be used with two entrances to the area being manned by door staff
- anyone causing or suspected of causing a public nuisance will be asked to leave and if necessary reported to the authorities. The raised stage gives a good vantage point to spot anyone causing a nuisance before any violence starts. Door Staff would be positioned on the stage to oversee the area and all staff are connected by radio
- outside music will be kept at an acceptable noise level and turned down if requested by Environmental Health
- they will have an outside bar which will help alleviate the volume

of customers inside and helps eliminate any violence inside. Having fully trained bar staff outside to monitor and promote responsible drinking. The Bar would be located against the harbourside where the stage used to be positioned.

- the licensee will be available at all time to assist with any issues or requests from relevant authorities
- the average age of the customer is 30 years and it is later in the evening that the youngsters arrive
- the people on the CCTV were not their customers
- the idea of the event is not to be a binge drinking day but rather a family day and that is why they have a barbeque on as well
- the music ends at 9pm and at that point the DJ goes inside and so the customers follow

In reaching its decision the committee did not have regard to its Cumulative Impact Policy as it they did not consider that it applied to TEN applications.

Having listened to what was said by both parties –

- The committee accepted what the Police said with regards to the problems experienced on bank holiday Sunday's on the Barbican and the CCTV they saw was demonstrative of these problems and the dispersal of patrons from the area. In looking at each application the committee considered that they had to assume that 499 people would be in the area and considered that there was the potential for crime and disorder was high if the applications were granted as they did not consider that the applicant would be able to control the area sufficiently taking into account the lack of management policy. These considerations were relevant to the crime prevention licensing objective.
- The committee were concerned that people using the walkway next to the public house could become involved in problems in the area due to its proximity to people who had been drinking. They also had concerns about the ability of the emergency services to deal with incidents and disorder beyond the licensed area due to overcrowding and blocking of the thoroughfare. The committee did not consider that barriers would overcome these potential problems as from the information they had been provided with the barriers themselves were counterproductive causing problems with entry into the area. These considerations were relevant to the public safety and crime and disorder licensing objective.

It was therefore agreed that having had regard to the objection notice and what had been said by both parties it was appropriate for the promotion of the crime prevention and public safety licensing objectives, due to concerns set out above, to give a counter notice in respect of each of the applications.

(Councillor Rennie declared a personal interest in respect of the above item).

76. **TEMPORARY EVENT NOTICE 25 MAY 2014, PETER WRIGHT, 12 THE PARADE, BARBICAN, PLYMOUTH, PLI 2JL.**

This item was considered under minute number 75.

(Councillor Rennie declared a personal interest in respect of the above item).

77. **TEMPORARY EVENT NOTICE 24 AUGUST 2014, PETER WRIGHT, 12 THE PARADE, BARBICAN, PLYMOUTH, PLI 2JL**

This item was considered under minute number 75.

(Councillor Rennie declared a personal interest in respect of the above item).

78. **EXEMPT BUSINESS**

There were no items of exempt business.

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## Licensing Sub Committee

Tuesday 13 May 2014

### PRESENT:

Councillor Rennie, in the Chair.  
Councillor Gordon, Vice Chair.  
Councillor Mrs Bowyer.

Also in attendance: Sharon Day (Lawyer), Marie Price (Licensing Officer) and Helen Rickman (Democratic Support Officer).

The meeting started at 10.00 am and finished at 12.45 pm.

*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.*

79. **APPOINTMENT OF CHAIR AND VICE-CHAIR**

Agreed that Councillor Rennie is appointed Chair and Councillor Gordon is appointed Vice-Chair for this particular meeting.

80. **DECLARATIONS OF INTEREST**

There were no declarations in accordance with the code of conduct.

(Councillor Jordan (Fourth Member) left the meeting after consideration of this item.)

81. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's Urgent Business.

82. **THE PRINCE ALBERT, 35 MARLBOROUGH STREET, PLYMOUTH - REVIEW OF PREMISES LICENCE**

The Committee having –

- (a) considered the report from the Strategic Director for People;
- (b) heard from the Police (both written and verbal evidence) as follows:
  - that the current Premises Licence Holders (PLH) have held the licence for 19 months;
  - evidence detailing contact with the premises over the last 15 months from 10/12/12 – 11/3/14 showing that the operation of the premises had fallen below the expected standard;

- an outline of offences that have occurred within and outside the premises. This information mainly detailed the problems that have arisen with the Designated Premises Supervisor (DPS) not being able to download CCTV footage which has led to a PCSO having to attend and download the information. It was further confirmed that the DPS had been unable to actually show the footage when requested to;
- other information was provided which indicating that the DPS had not been cooperative with the police when they were seeking evidence in relation to incidents on the premises and an example of such an incident was presented in witness statements from PC Middleton;
- there had been a period between 12/2/14 and 21/3/14 where the CCTV had not been working properly and a section 19 of the Criminal Justice and Police Act 2001 notice had been served to ensure the fault was corrected. The CCTV had been repaired. On checking on the 21/3/14 it was confirmed that the CCTV was then working and capable of being replayed back to the 21/2/14;
- evidence was submitted that there had been intoxicated persons drinking within the bar area on occasions when the police visited within the 15 month period;
- the police licensing team had taken steps to draw the problems to the attention of the DPS and the PLH by way of meetings and letters however there had been no real improvement save that the CCTV had eventually been repaired;
- the police submitted that the DPS had demonstrated by her actions that she did not wish to cooperate or engage with them which undermines the crime prevention licensing objective and that she should therefore be removed from the licence. As a DPS she was reluctant to engage and had not been cooperative during Police Licensing meetings. A DPS should be cooperative and assist the Police;
- in addition in light of the problems experienced they considered that further conditions were necessary on the licence to promote the crime prevention licensing objective and provided a list of suggested conditions;

(c) heard from the Premises Licence Holder that:

- he had been a licensee for 15 years and the DPS had been a licensee for two years;
- the DPS felt that she was being victimised because she had refused to give a witness statement in relation to a racist incident which had occurred on the 21 January 2014. She had not given a statement because she hadn't seen anything;



- the CCTV system they use is capable of storing images for up to six months;
- their CCTV system can only be downloaded onto CD-Rs and not DVDs and so they can provide it to the Police but they need to bring the correct discs to do so;
- the incidents put forward by the Police were a small proportion compared to the number of times they have helped them and provided them with CCTV;
- they always cooperate with the Police;
- they do not let intoxicated people into the premises;
- most of the Police incidents relate to matters outside the premises and are nothing to do with their premises. The DPS stated that she did not understand why she had to show CCTV incidents to the Police which don't relate to their premises;
- the DPS provided an explanation in relation to the Police incidents listed and in relation to the assault on herself and her husband they had not been able to provide statements as they were not in the right frame of mind to answer questions at that time;
- they had been able to show the Police CCTV footage when requested to but the DPS could not download it; she is now able to;
- there is another pub in close proximity to theirs where incidents occur;
- there had been no report of noise problems from Environmental Health;
- they are both the PLH and share the running of the premises equally; the PLH had been on the premises when CCTV was requested but hadn't assisted as his wife was already doing it;
- the smoking area has now been moved to the rear of the premises;
- they have installed more CCTV cameras as well as moving some to provide better pictures;
- there is anti-social behaviour in the area but they are not responsible for this;
- they did not consider that it was their responsibility to police the area outside the premises.

Having listened to all the representations made by both parties the committee considered that the evidence presented demonstrated that the Police had tried to work with the DPS and PLH to address the issues prior to bringing the matter to review. The committee were satisfied that the evidence provided by the Police was relevant to the Crime Prevention licensing objective. It showed that the PLH and DPS had only been running the premises for 19 months but within that period that had been approximately 12 incidents showing a lack of cooperation with the Police. The committee considered that the DPS and PLH should work with the Police to the best of their ability and the evidence before them was that the DPS had not been cooperative and that had the potential to undermine the crime prevention licensing objective. The committee felt that the DPS had demonstrated a disregard and/or a lack of knowledge of her responsibilities for working with the police.

Therefore the committee agreed that it was appropriate to take the following steps to promote the Crime Prevention Licensing objective:

The DPS would be removed from the Premises licence. The DPS had been the main contact for the police and it appeared to the committee that this is where the problems outlined by the Police arose.

Additionally, to assist the management of the premises in the future, to address issues raised by the Police and to ensure the crime prevention licensing objective was upheld it was appropriate and proportionate for the following additional conditions to be applied to the licence:

1. The Premises Licence Holder and/or Designated Premises Supervisor shall ensure that all staff are trained in the legality and procedure of alcohol sales, the operating procedures for refusing service to any person who is/or appears to be intoxicated using the SWERCOTS on-line training pack or equivalent, prior to undertaking the sale of alcohol and the contents of the premises licence including times of operation, licensable activities and all conditions.
2. The above training shall be conducted every 6 months and be recorded in documentary form that will be available for inspection at the request at all reasonable times by any responsible authority officer. The records will be retained for at least 3 years.

*The above conditions replace existing condition 3 under the Protection of Children from Harm section of the current licence (Conditions agreed with the Environmental Health Authority)*

3. An incident book shall be maintained to record any activity of any violence, criminality or anti-social behaviour. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.
4. The incident book shall be available for inspection at all reasonable times by any responsible authority officer. The records will be retained for at least 12 months.

- 5 The Premises Licence Holder will ensure that a CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document ([www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)) regarding installation of CCTV is provided at the premises. *This condition replaces existing condition 1 under Prevention of Crime and Disorder (Conditions agreed with the Police Licensing Authority).*
- 6 The Premises Licence Holder and Designated Premises Supervisor and Responsible Person are to be trained to operate the CCTV system and must show and/or download footage onto a recognised format when requested by an authorised officer of the police & licensing authority at all times the premise are operating.
- 7 The CCTV equipment shall be maintained in good working order and continually recording.
- 8 The CCTV system shall cover all areas of the premises to which the public have access, including outside the frontage of the premises/smoking area and regularly monitored.
- 9 Images shall be retained for a minimum of 30 days.
- 10 The Police Licensing Department will be informed if the CCTV system is not fully working within 48 hours of the issue being discovered.

83. **EXEMPT BUSINESS**

There were no items of exempt business.

84. **THE PRINCE ALBERT, 35 MARLBOROUGH STREET, PLYMOUTH - REVIEW OF PREMISES LICENCE (E1)**

Please refer to minute 82 above.

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## Licensing Sub Committee

Tuesday 15 July 2014

### PRESENT:

Councillor Mrs Bowyer, in the Chair.  
Councillor John Smith, Vice Chair.  
Councillors Ball (fourth member) and Parker.

Apologies for absence: Councillors Mrs Nicholson and Rennie.

Also in attendance: Catherine Fox (Legal Officer), Katey Johns (Democratic Support Officer), Fred Prout (Senior Licensing Officer) and Lynn Young (Democratic Support Officer).

The meeting started at 10.00 am and finished at 11.40 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.*

### 1. **APPOINTMENT OF CHAIR AND VICE-CHAIR**

Agreed that Councillor Mrs Bowyer is appointed Chair and Councillor John Smith is appointed Vice chair for this particular meeting.

### 2. **DECLARATIONS OF INTEREST**

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

### 3. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

### 4. **EMBANKMENT KEBAB AND PIZZA, 76 EMBANKMENT ROAD, PLYMOUTH - GRANT OF PREMISES LICENCE**

The Committee having –

- (i) considered the report from the Director for Public Health;
- (ii) considered both the written and oral representations from the Other Parties;
- (iii) heard from the applicant that:
  - it seeks a late night refreshment licence in respect of the above premises from 11pm to 12 midnight;

- in response to the concern that a public nuisance will be caused by a build-up of litter – that there is a bin inside the shop for customers to use; there are bins along Embankment Road; it is not an area where people stand in the street to eat as it is a residential area; the majority of customers order food for take away or delivery; since opening there have been no complaints from the Council or members of the public about litter problems; it is not the only takeaway along the road so if there was any build-up of rubbish it could come from these premises. Any litter left in the launderette must be minimal as there is only an hours overlap when both are open between 4pm and 5pm each day;
- in response to the concern that a public nuisance will be caused by an increase in noise and disturbance from members of the public, it is reported that since opening there have been no complaints about noise issues by customers. There has been one complaint as part of this application for a licence that on 23 May drunk people were ringing on a door buzzer and banging on the door of a flat upstairs and running away. This was not witnessed from inside the premises and if it was someone exiting the shop they would have noticed. As they ran away the complainant cannot know it was one of the shop's customers;
- in response to the complaint that smells seep into the upstairs flat and that there is a fire risk as the flue ventilation system does not comply with DEFRA standards, the Applicant states that it was professionally fitted. As a result of the neighbours' complaints it has been inspected by environmental health and planning and fire safety departments. Any issues have been resolved or are in the process of being resolved. There is an ongoing fire safety issue between the ceiling of the shop and the floor upstairs. The fire service and environmental health department are involved. It is the freeholder's responsibility to resolve and it is being sorted;
- the firm that fitted the flue fitted one that was different to that specified in the planning application. They have to lodge a fresh planning application in relation to the flue by 29 July 2014;
- since learning of these issues the Applicant has bought and installed a CCTV system which will face down the street and monitor any noise or disturbances from customers and any build-up of litter;
- the applicant is aware of neighbours and does not wish to cause them any problems and have addressed any issue that has been raised since opening. For example they installed silent fans inside the shop and extra filters to limit noise. They are prepared to do anything that assists and comply with anything that is required;
- the Applicant alleges the resident of the flat upstairs is hostile to the

existence of the shop and has acted inappropriately as a result;

(vi) considered representations under the licensing objectives as follows:

a) **Prevention of Public Nuisance –**

The granting of the licence will prolong the noise levels from patrons, delivery drivers and staff of the premises and the emissions from the flue. This was considered to be relevant. The Committee felt there was some potential for additional noise but that the existence of the CCTV and the attaching of conditions would mitigate any additional noise from people and vehicles during the one additional hour of trading. The noise from the flue is addressed below under “other representations”;

the granting of the licence will increase loitering and disturbance. This was not considered to be relevant. Whilst the committee members recognise that any noise from people will continue there has been no evidence produced that it amounts to a public nuisance. The CCTV camera installed directed out into the street will go some way to mitigate any issues that may arise during the one hour of licensable activity;

the granting of the licence would lead to an increase in litter problem. It is said that there are inadequate rubbish bins outside the front of the premises leading to an increase in food waste and litter on the pavement. This was not considered to be relevant. The Committee finds that, whilst there is the potential for an increase in litter, there are bins inside the premises and along Embankment Road. Again the Committee felt the presence of the CCTV cameras would assist to alleviate/mitigate any issue that may arise during the one hour of licensable activity;

b) **Prevention of Crime and Disorder –**

On one occasion it is alleged that unknown persons were banging on front door and running away of flat upstairs. In addition it is alleged that the buzzer has been pressed late in the evening by drunk patron of premises. This was not considered to be relevant. There was no evidence presented to the committee to establish a clear link that these incidents were caused by patrons of the premises. It is accepted that no reports to the police have been made and the police as a Responsible Authority have presented no information nor raised any objections;

c) **Protection of Children from Harm –**

A resident of a neighbouring flat is concerned that there is a nasty smell which gets into their spare room which is to be used as a nursery. This was not considered to be relevant to this committee

because these issues are being appropriately addressed by Responsible Authorities under more appropriate legislation;

d) **Public Safety –**

No representations made to Committee;

e) **Other representations –**

In the view of the Other Parties, the flue from the premises does not meet DEFRA standards as there is no maintenance vents for access and is within 1 meter of a window. As a consequence there is a high risk of fire. This was not considered to be relevant in these terms as the concerns did not fall within one of the four licensing objectives;

both the Applicant and Other Parties agree that there is a fire safety issue between the ceiling of the shop/floor of the flat above and that this is being addressed through the intervention of the Fire Service and discussions with landlords. This was not considered to be a relevant representation as the concerns did not fall within one of the four licensing objectives;

a copy of the application and notice of today's hearing were served on the other Responsible Authorities. No objections to the application have been raised and whilst the Environmental Health Department and Devon and Somerset Fire Service confirmed that they were involved in resolving the issues over the flue and fire safety issue from the ceiling of the shop/floor of the flat above, these issues were not relevant to one of the four licensing objectives and therefore not a relevant consideration for the Committee;

Agreed that having taken into account all of the above representations it is considered appropriate that the application be granted as follows:

- (1) subject to conditions consistent with the applicants operating schedule and
- (2) subject to the following conditions imposed by the Committee -
  - (i) the Premises Licence Holder will ensure suitable signage will be positioned at the exit to request the co-operation of patrons to make as little noise as possible, to not stand around talking in the street outside the premises and to disperse quickly and quietly;
  - (ii) the Premises Licence Holder will ensure suitable signage will be positioned at the exit to request patrons to use the bin provided inside the premises and the public bins outside for disposing of any rubbish;



- (iii) the Premises Licence Holder shall ensure that sufficient measures are in place for the removal of waste or litter arising from their customers and to prevent litter accumulating in the immediate vicinity of their premises i.e. immediately outside the front and rear of the premises; and at the end of trading each day to ensure it is collected and cleaned up;
- (iv) the Premises Licence Holder shall ensure that all its delivery drivers are aware that they should arrive and depart as quickly and quietly as possible, that they should not leave engines idling unnecessarily nor speak on mobile phones or amongst themselves. In addition the staff are to be required to leave as quietly as possible.

5. **EXEMPT BUSINESS**

There were no items of exempt business.

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**Subject:** Information regarding delegated decisions for applications for the grant / variation of premises licences

**Committee:** Licensing Committee

**Date:** 26 August 2014

**Cabinet Member:** Councillor Brian Vincent

**CMT Member:** Kelechi Nnoaham (Office of the Director of Public Health)

**Author:** Fred Prout (Senior Licensing Officer)

**Contact:** Tel: 01752 304792  
e-mail: [licensing@plymouth.gov.uk](mailto:licensing@plymouth.gov.uk)

**Ref:** ERS/LIC/PREM

**Key Decision:** None

**Part:** I

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**Purpose of the report:**

Applications have been received from various premises within Plymouth for the grant / variation of a premises licence under Sections 17 and 34 of the Licensing Act 2003.

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**Corporate Plan 2012 – 2015:**

This report links to the delivery of the City and Council priorities. In particular:

I. Delivering Growth.

See <http://www.plymouth.gov.uk/corporateplan.htm>

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

Not applicable

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**Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**

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.

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**Equality and Diversity:**

Has an Equality Impact Assessment been undertaken? No

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**Alternative options considered and rejected:**

None.

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**Published work / information:**

For more information please see the below links.

**Licensing Policy** [http://www.plymouth.gov.uk/statement\\_of\\_licensing\\_policy.pdf](http://www.plymouth.gov.uk/statement_of_licensing_policy.pdf)

**Licensing Act** <http://www.legislation.gov.uk/ukpga/2003/17/contents>

**Licensing Act Guidance**

<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing/guidance-s182?view=Binary>

**Background papers:**

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	
Applications										

**Sign off:**

Fin		Leg	20432/ag/3 0.5.14	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the content of the report? No													

## 1.0 INTRODUCTION

1.1 Since the introduction of the Licensing Act regime in 2005 applications have been received for the grant and variation of premises licences. Some of these applications have received representations from responsible authorities or other parties and have been mediated out by agreement with both the applicant and the respective responsible authority without the need to bring the applications before the committee for determination.

## 2.0 RESPONSIBLE AUTHORITIES

### 2.1 *Environmental Health*

Baraca	Barbican
Plymouth Albion RFC	Devonport
Oddfellows Arms	Devonport

### 2.2 *Devon and Cornwall Police*

The Real Food Kitchen	Barbican
Asia Oriental Stores	City Centre
Asian Food Store & Uncle J Café	City Centre
Baraca	Barbican
Plymouth Arts Centre	City Centre
Oddfellows Arms	Stoke
Rock Salt Café	Stonehouse
Devonport Playhouse	Devonport
Jakes	City Centre
Milestone (Spar)	St Budeaux
Modern Catering	North Prospect
M & D Soft Drinks	Roborough

### 2.3 *Child Protection*

The Real Food Kitchen	Barbican
Modern Catering	North Prospect

## 3.0 CONSIDERATIONS

3.1 Paragraph 9.27 of the Guidance issued under section 182 of the Licensing Act 2003 and section 18(3)(a) of the act states that a hearing does not have to take place if there are representations but all parties can reach an agreement through a mediation process. When written agreement has been made representations are then withdrawn and the agreed conditions are included within their operating schedule. In such cases officers can determine the application.

3.2 The premises listed above are ones that have been dealt with by way of mediation and written agreement for the period between 22 November 2013 until 29 May 2014 and this report is submitted for the information of the committee.

R. Carton  
Manager of Public Protection Service

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## Plymouth City Council

<b>Subject:</b>	Application for the Designated Public Places Order (DPPO) to Control Street Drinking in Marlborough St, Devonport and the Surrounding Area
<b>Committee</b>	Licensing Committee
<b>Date:</b>	26 August 2014
<b>Cabinet Member:</b>	Cllr Vincent
<b>CMT Member:</b>	Kelechi Nnoaham (Office of the Director of Public Health)
<b>Author:</b>	David Hughes, Senior EHO (Licensing)
<b>Contact details:</b>	Tel: 01752 304271
<b>e-mail:</b>	david.hughes@plymouth.gov.uk
<b>Ref:</b>	ERS/LIC/DPPO/Marl
<b>Key Decision:</b>	No
<b>Part:</b>	I

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### Purpose of the report:

On the 29 April 2014 Licensing Committee considered an application submitted by Devon and Cornwall Police, for a Designated Public Place Order (DPPO) to cover Marlborough Street, Devonport and the surrounding area, to control street drinking. Based on the evidence submitted at that time, Members resolved to approve a 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.

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### The Brilliant Co-Operative Council Corporate Plan 2013/14 – 2016/17

This report links to the delivery of the City and Council priorities.

In particular:

**Growing Plymouth:** Granting the order would provide the police with additional powers to enable a proactive response to controlling street drinking and the effects that it can have on the surrounding neighbourhood in terms of anti-social behaviour and nuisance. This in turn will have positive outcomes of encouraging residents to use public spaces and the surrounding commercial outlets.

**Caring Plymouth:** Granting the order will allow preventative controls to be put in place to manage potential alcohol-related anti-social behaviour or public nuisance related offences that arise as a consequence of street drinking and if granted, would support the 'Strategic Alcohol Plan for Plymouth 2013-2018'.

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

If the Committee consider sufficient evidence has been submitted, the Council can grant the order as submitted or make minor amendments as appropriate.

The applicant has secured funding from a variety of local sources to cover the costs of advertising, public consultation costs, printing costs and purchase of signage (if the application is approved). It is anticipated that these costs will be in the region of £4.5K.

Officer time required to facilitate the public consultation has been absorbed within existing budgets.

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**Other Implications: e.g. Child Poverty, Community Safety, Health and Safety, Risk Management:**

Members should be aware that Section 17 of the Crime Disorder Act 1998 put 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.

The effect of this order is to provide the police with additional preventative powers that will allow alcohol to be confiscated where there is reason to believe that if a person(s) is allowed to continue drinking public order offences would arise. The on-going effect of the order would be to assist in improving community safety by reducing crime and the fear of crime from the consequences of street drinking.

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**Equality and Diversity**

Has an Equality Impact Assessment been undertaken? Yes

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**Recommendations & Reasons for recommended action:**

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 Marlborough Street, Devonport and the surrounding area which is associated with the consumption of alcohol.



If so satisfied

- 1 Agree to the authorise a DPPO for Marlborough Street, Devonport and the surrounding area as indicated 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 15 September 2014 or as soon as reasonably practical after this date.
- 2 Authorise Officers to place a public notice in the local press confirming the order as is required under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.
- 3 Authorise Officers to arrange the production and installation of the signage notifying persons of the existence of the DPPO to be in place by the 15 September 2014 or as soon as reasonably practical after this date (an order is not enforceable until after the signs have been erected).

### **Reason**

When an application for the grant of a DPPO is received the Council is under a duty to consider the application following the outcome of a public consultation. There must be sufficient evidence to show that a nuisance or annoyance or disorder is caused to members of the public or a section of the public which is associated with the consumption of alcohol.

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### **Alternative options considered and rejected:**

To not approve a public consultation would mean that the powers specified within a DPPO could not be applied and existing enforcement options would have to be used to try a manage street drinking in the proposed area.

To utilise new powers available under the Anti-Social, Crime and Policing Act 2014 which replaces some of the existing framework for tackling anti-social behaviour and environmental nuisance. A DPPO will be replaced by a Public Spaces Protection Order (PSPO). It is anticipated that the new provision are likely to be effective from October 2014 onwards although no formal notification has yet been received. An existng DPPO will continue to be in force for a period of 3 years.

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### **Published work / information:**

[The Local Authorities \(Alcohol Consumption in Designated Public Places\) Regulations 2007](#)

[Reform of Anti-Social Behaviour Powers – Draft Guidance Oct 2013](#)

[Statement of Licensing Policy](#)

[Licensing Committee – Application for Application for the Designated Public Places Order \(DPPO\) – 29 April 2014](#)

[Plymouth Herald news article – ‘Children in fear of drunks outside school....’ – 7 May 2014](#)

[Plymouth Herald news report ‘School demands street drinkers ban’ – 8 May 2014](#)

[Plymouth Herald news report ‘Council asking for resident opinion....’ – 14 May 2014](#)

[Plymouth Herald news report ‘Residents to have their say....’ – 15 May 2014](#)

**Background papers:**

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	

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**Sign off:**

Fin	ODPHF PD1415 001	Leg	20796/14.8. 14/ag	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the contents of the report? Yes													

## **1.0 BACKGROUND**

- 1.1 The Criminal Justice and Police Act 2001 introduced a provision 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.
- A 'public place' is defined in the Criminal Justice and Police Act 2001 as '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'
- 1.3 An order can only be made if the Council is satisfied that there is nuisance and 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 concerning the level of anti-social drinking and disorder before proceeding.

## **2.0 THE PROPOSAL**

- 2.1 The Council received an application from Devon and Cornwall Police to create a new DPPO, which would encompass Marlborough Street, Devonport and the surrounding area. The application was considered by Licensing Committee on the 29 April 2014. Based on the evidence submitted Members resolved to approve that a public consultation be undertaken of the proposed area set out in on the map marked as **Appendix A**.
- 2.2 This report details the results of the public consultation and Members are asked to consider all the information submitted and decide whether there is sufficient evidence to justify approving the order as specified, or make changes to the boundaries as considered necessary.
- 2.3 The application identified the following main points;

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.

There are on-going incidences of anti-social behaviour and disorder associated with 'street drinking' in Marlborough Street, Devonport and the surrounding area. The main problems relate to drunkenness, aggressive and disorderly behaviour, urination, littering and begging.

Street drinkers, who openly consume alcohol, are characteristically loud, fall asleep, occupy benches in public places, intimidate by numbers and appearance and generally take over defined areas. This makes it difficult for a police officer to currently address the root causes before circumstances escalate to the point where public order offences occur and action can be taken. This is a continuing frustration to local community using the local shops and the surrounding public parks and amenities.

- 2.4 The granting of a DPPO would allow officers to remove the alcohol element, which fuels this behaviour and thereby 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 A public consultation was launched on the 15 May 2014 with the publication of a Public Notice in the Evening Herald, see **Appendix B**. Several articles have been appeared in the Herald publicising the nature of the problem and these may in viewed using the hyperlinks in the 'Published work / Information' section at the being of this report. The consultation ran for 6 weeks and ended on the 30 June 2014.
- 3.3 An information pack consisting of an introductory letter, a map of the proposed area and customer feedback response form, was sent to local community groups, schools, licensees and ward councillors and posted on the Council's licensing web page.
- 3.4 The proposed area is extensive and contains a significant number of residential property and local businesses so each dwelling received a Public Consultation Information Notice delivered to their door informing them of the public consultation and how to contribute. This task was undertaken by the local police staff and resulted in over 6000 notices being delivered.
- 3.5 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; by post on demand; St Aubyn's Library, Chapel St; Welcome Hall, Fore St and Real Ideas Organisation, Ker St.

### **4.0 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. The order would therefore be used 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 Existing premises or areas licensed under the provisions of the Licensing Act 2003 are exempted. Where a Temporary Events Notice (TEN) is granted for a festival or occasion to permit the sale and supply of alcohol, the event would be excluded from the provisions of the DPPO for the duration of the event, together with a period of 30 minutes following the completion of the event.
- 4.5 The Anti-Social, Crime and Policing Act 2014 has received royal ascent and seeks to streamline and replace some of the existing framework for tackling anti-social behaviour and environmental nuisance. There will be new powers to replace DPPO's with a Public Spaces Protection Order (PSPO), but at the time of writing an implementation date has not been published, although it is anticipated to be October 2014. At that time existing DPPO's will remain in place for a 3 year period after which time a review must be carried out. If grounds still remain for retaining the order, then it would then be re-designated as a PSPO. Any new DPPO must have been formally ratified before the implementation date of the new PSPO procedures.
- 4.6 The PSPO is intended to be more flexible and less costly method for dealing with anti-social behaviour in public spaces and can be applied to street drinking, dog fouling, littering, graffiti and similar activities. The Council must be satisfied that a particular activity has a detrimental effect on the quality of life of those in that locality.

It is likely that further statutory guidance will be issued in due course that will outline how a PSPO will be applied and it is intended that a further report will be presented to Licensing Committee at that time.

## **5.0 DISPLACEMENT**

- 5.1 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.
- 5.2 The applicant has considered displacement as part of the original application. Street drinking is centred on Marlborough St and the immediate area. If the DPPO was limited to this area it is likely that the problem could be displaced to nearby public places such as Devonport Park, Mount Wise Park, Mount Wise Waterfront, Brickfields Triangle and Blockhouse Park.

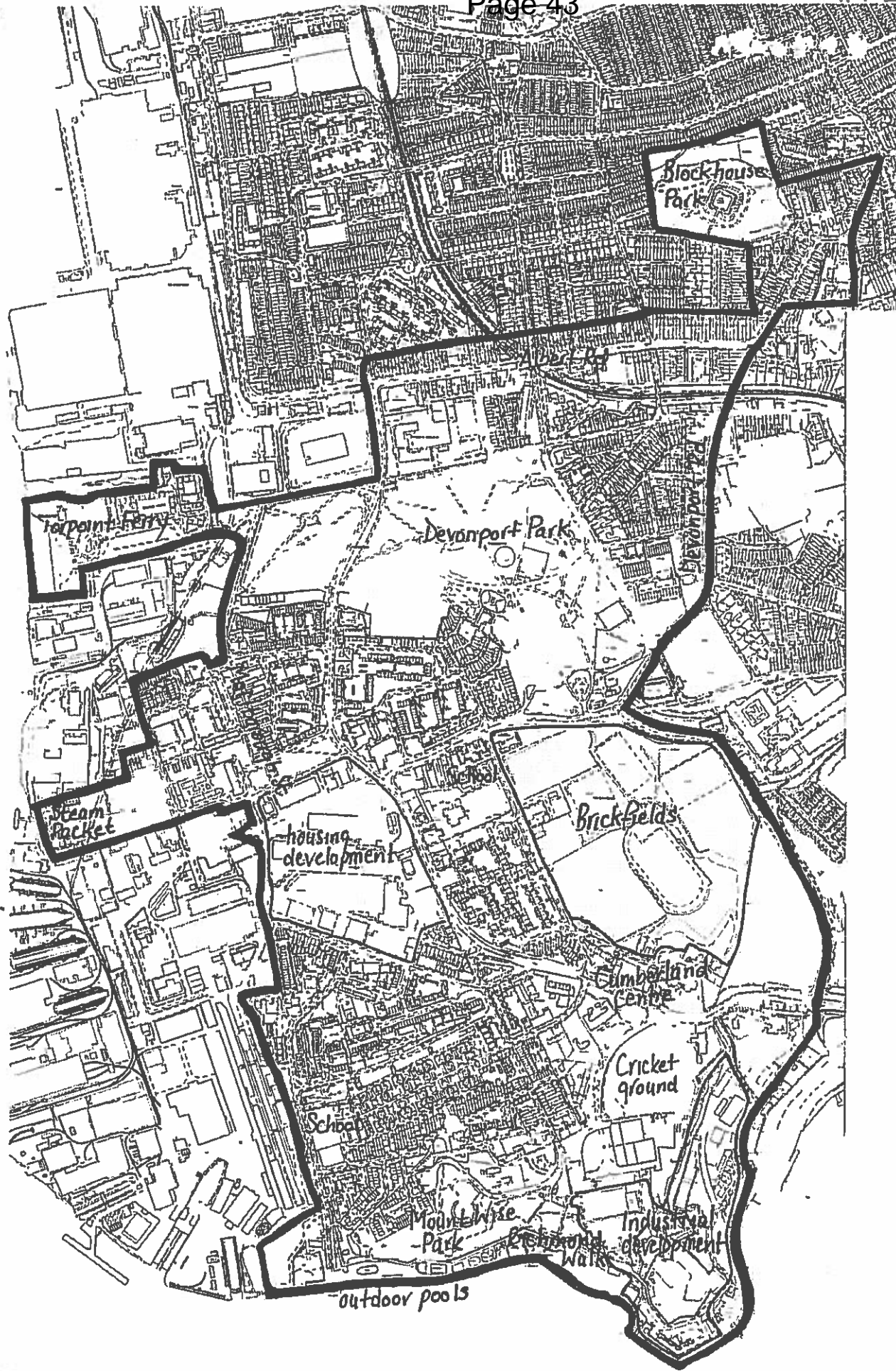
## **6.0 CONCLUSIONS**

- 6.1 A total of 70 responses were received in response to the public consultation. All, apart from one, were in favour of the DPPO. The findings to the public consultation are set out in **Appendix C**.
- 6.2 The proposed area is large and diverse and encompasses three public parks and various other public amenities that are a resource to the local community and connected by main arterial traffic and pedestrian walkways. The boundary line cannot cover all eventualities and the implementation of the new PSPO provisions could be used if any neighbouring area is unduly affected as a consequence of this order being granted.

6.3

- 6.4 The proposed area is also populated with large sections of large residential housing, industrial development and other private areas such as Brickfields, Cumberland Centre, and Cricket Ground and school grounds. It is not intended that the provisions of this order would apply to any private areas unless it is fully compatible with the legal provisions which apply and with the express permission of the land owner, person or organisation responsible.
- 6.5 The applicant Devon and Cornwall Police have submitted additional documents for consideration that set out in **Appendix D**
- 6.6 The neighbourhood team have submitted additional documents for consideration that set out in **Appendix E**
- 6.7 It is for Members to decide whether the extent of the proposed area is justified having regard to the evidence submitted.

R Carton  
Public Protection Service Manager



Devonport - DPPO

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## PUBLIC NOTICE DESIGNATED PUBLIC PLACE 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

Following the boundary starting from Mutton Cove pier heading east to the Dockyard wall, from this point the boundary follows the Dockyard wall north along James Street, Edinburgh Street and part of Duke Street. From this point the boundary line follows the dockyard boundary railings past the Granby Gale entrance to the junction Albany Street. From this point the boundary line follows the Dockyard wall east along Albany Street, east along Cornwall St along the gated rear lane to and including the foreshore of the North Corner Landing Stage. From this point the boundary line follows the Dockyard wall west along Cannon Street, north along Hamoaze Place, north along Queen Street past the HM Naval Base Morice Gate, west to the rear of Ordnance Street, west along rear lane, west along St Aubyn Road, north along New Passage Hill to the junction with Ferry Road. From this point the boundary line follows the Dockyard wall east under the bridge, along Ferry Road to, and including, the foreshore. From this point the boundary line abuts the waterline to the rear of Waterside Mews, Tamar Wharf, including Pottery Quay. From this point the boundary line follows the Dockyard wall to the rear of properties in Tamar Street and John Street to the junction with Pottery Road, east along Ferry Road, north along Park Avenue, across the junction with Albert Road to Healy Place. From this point the boundary line continues west along Healy Place to the junction with Keppel Place. From this point the boundary line continues west along York Place, north along Vauban Place, east along Masterman Road until the edge of the boundary of Blockhouse Recreation Park. From this point the boundary line follows the boundary definition of the park around to Packingham Street. From this point the boundary line continues west along Packingham Street to the junction with Devonport Road and Milehouse Road, south along Devonport Road, south along Church St, east along Somerset Place to the junction with Devonport Road, south along Devonport Road to the junction with Paradise Road, south along Kings Road, where it abuts the boundary wall to Stonehouse Creek Community Centre until the junction with Devonport Hill and Stonehouse Bridge. From this point the boundary line continues south along Richmond Walk to the Devonport New Quay landing stage, along the waterline past the boalyard, swimming baths to Mutton Cove pier.

Maps and associated information showing the proposed designated area are available at First Stop Reception Council Offices, St Aubyn Library, Chapel St; Welcome Hall, Fore St; and Real Idea Organisation, Ker St during normal opening hours, alternatively the information may be viewed on the City Council website by using the following link [www.plymouth.gov.uk/dppdevonport.htm](http://www.plymouth.gov.uk/dppdevonport.htm)

If you wish to make representations about the proposed Order you should send them in writing to the undersigned by the 30 June 2014

R Carlton, Public Protection Service Manager, Plymouth City Council, Civic Centre, Plymouth, PL1 2AA  
[www.plymouth.gov.uk](http://www.plymouth.gov.uk)

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**Application for a Designated Public  
Place Order (DPPO) to Control  
Street Drinking in Marlborough St,  
Devonport and Surrounding Area**

**Annex to the Main Report –  
Findings of the Public Consultation**

**Public Protection Service  
Plymouth City Council  
September 2014**

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## Qualitative Results

A representative selection of extracts 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 one non-supportive response and these have also been included for comparison purposes.

This report seeks to provide a representative selection of the responses received. For confidentiality purposes no names or addresses have been included. All responses will be available for scrutiny when Members consider the results of the public consultation.

### Local Residents

"A DPPO will help Devonport's community by leading a sense of pride and community safety to the area. Many residents are tired of the public perception being of Devonport's past image as a basket case. The DPPO will contribute positively to the on-going process of regeneration." (Respondent 3)

"There are always folk drinking in the park by Marlborough Street, by the bookies and newsagents who sale cans of beer/cider in single quantities, which is wrong! They also disguise said drink in plastic bottles, which in my opinion seems to go unnoticed at times! Also men sit in Devonport Park drinking on benches watching kids, how can this be allowed?" (4)

"We live in Gun lane and shopping in Marlborough Street especially on Saturday large groups of drunken drinkers are all ways there, walking with my granddaughters of 5 and 18months is very distressing. Men openly urinating, women squatting openly and doing all sorts, in all the allies." (7)

"I am in total agreement with limiting drinking in public places. Not only does drinking in public set a poor example to the younger generation, but also ultimately increases council taxes and damages wildlife and the environment. Anti-social behaviour is also a problem with it and swearing in front of children is not particularly good for anyone. Too often when dog walking through Mount Wise Park or the other parks and local streets, I come across so much litter that has just been abandoned and much of it is empty beer cans and broken beer bottles." (10)

"As a local minister and a resident of Devonport (Ker Street) I am fully in support of the plans for a DPPO in the area. Street drinking is a major problem, particularly around Marlborough Street. Heavy drinking is not just damaging to society but the individuals themselves." (14)

"I am fully supportive of this measure. I am pleased to see the very sensible approach in allowing responsible drinkers to enjoy a wine in the Park and at cafe's etc. whilst making contingencies to manage anti-social activity based around consumption of alcohol. The suggested measures have the full support of myself and my wife." (15)

"This anti-social behaviour is undermining all the good work done by the former DRC and the Council to uplift he area and make people want to come and live here." (39)

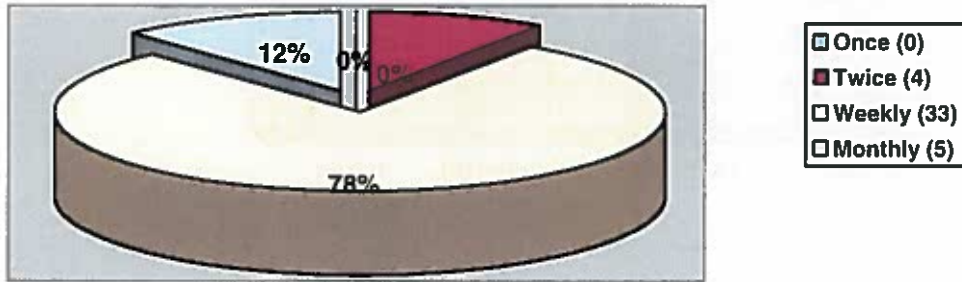
"We have to be careful to avoid people when they are drinking, not always aware how frightening they can be. They shout at you, swear and ask us for money for food but if you give it to them they go straight to the shop for more drink/cans. People are put off coming to Marlborough St (and other areas within these proposals for DPPO) when they see what's going on. Everyone is struggling to improve the area (and Life House,

The main congregating point for street drinking activity is centred on Marlborough St, Granby Green and the nearby linked areas.

**Question 2**

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

(Respondents could select more than one option)

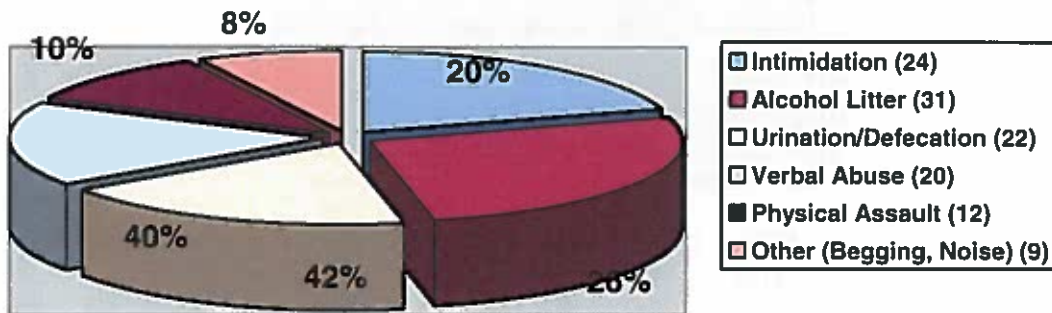


The majority of respondents stated that they were subjected to anti-social behaviour on a weekly basis; others indicated daily contact during the normal course of their activities.

**Question 3**

**What type of alcohol-related behaviour due to street drinking did you experience?**

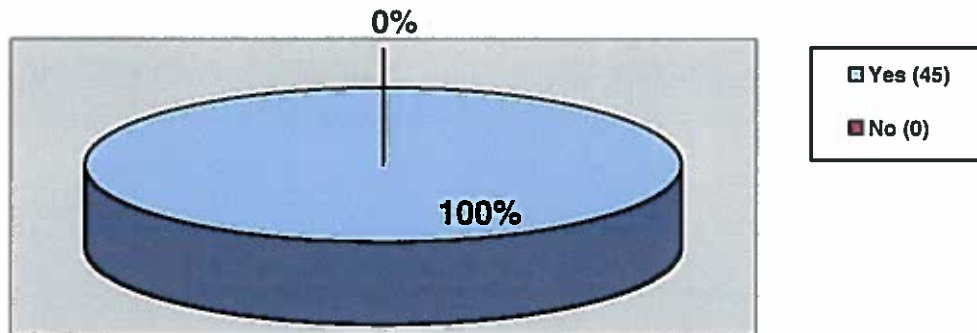
(Respondents could select more than one option)



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 6**

**Do you support the proposal of a DPPO for the specified area?**



It is evident that the vast majority of respondents who responded using the feedback response form were in favour of the adoption of this order.

**Respondents not in Favour**

There was one respondent not in favour on the grounds that due to the reduction of police officers this will not allow effective enforcement and in addition the police have existing powers to challenge a person drinking on the street.

**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 seem to reflect the personal experiences of many living in this area. 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.

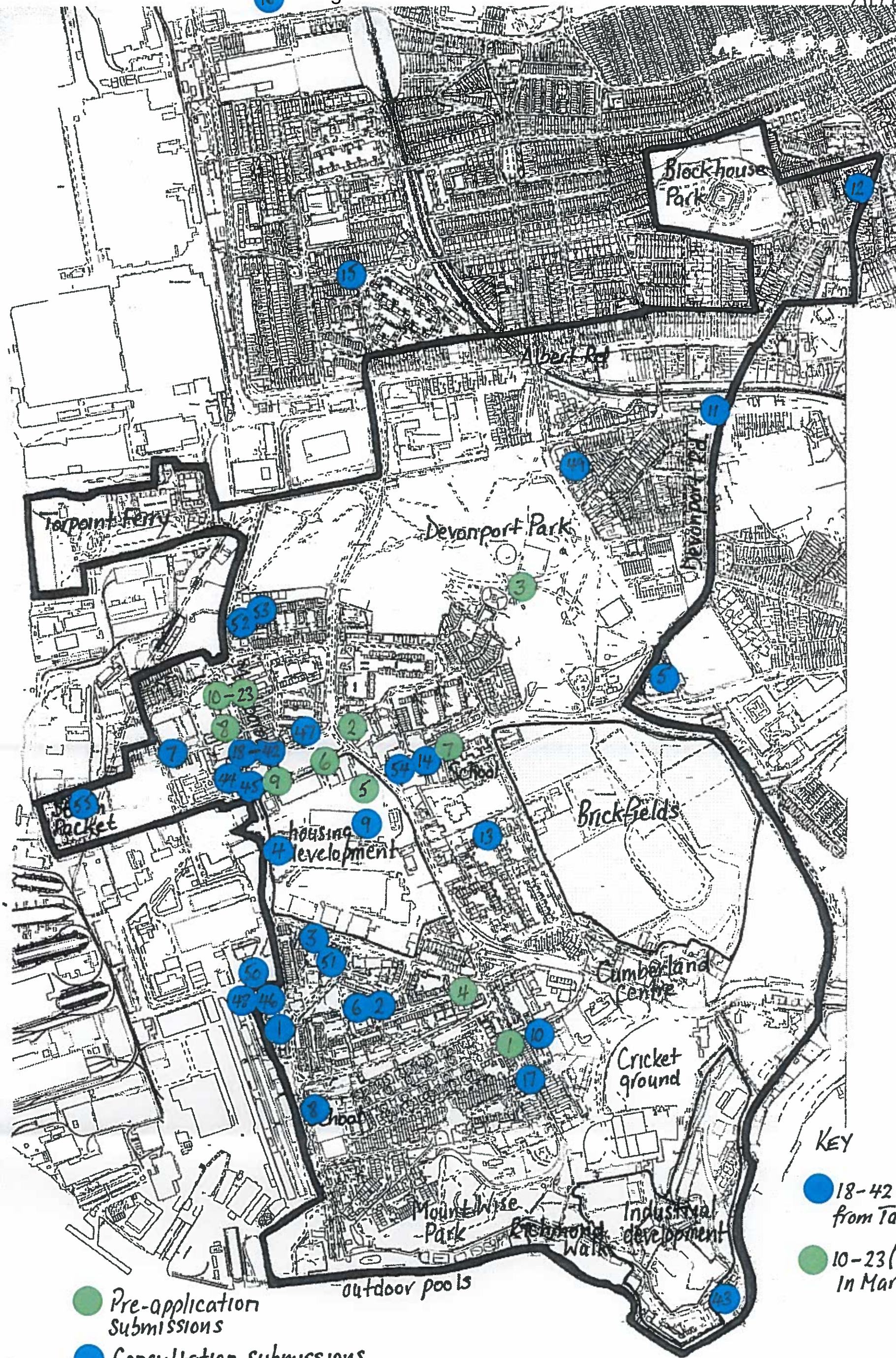
The evidence gathered as a result of the public consultation, both qualitatively and quantitatively, overwhelmingly supports the proposal to establish and implement a Designated Public Place Order (DPPO) for Marlborough Street, Devonport and surrounding area as outlined.

Many residents have also raised concerns over unacceptable foul language, fighting, mess and rubbish left, aggressive begging, urinating in public and that visual evidence of this can be seen in many areas.

The respondents state that some areas such as Marlborough Street and Devonport Park have been 'taken over' and low level anti-social behaviour and disorder associated with alcohol occurs regularly. In these cases residents will simply avoid the areas rather than be potential to be subjected to aggressive behaviours. 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.

The proposed area has included many other public areas beyond Marlborough Street in recognition that displacement could be a major problem.





- Pre-application Submissions
- Consultation submissions

- KEY
- 18-42 (25 Submissions from Tavy House)
  - 10-23 (local businesses in Marlborough St)

Devonport - DPPO



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# Findings of the Public Consultation Process

Devon and Cornwall Police

## **Introduction**

On the 29<sup>th</sup> April, 2014 the Licensing Committee considered an application submitted by Devon & Cornwall Police to introduce a Designated Public Place Order (DPPO) to cover the Devonport and Stoke areas of Plymouth. The DPPO has been requested in order to tackle the anti-social behaviour associated with street drinking and the potential for displacement of the problem.

Based on the evidence presented at the time, members resolved to approve a wider public consultation as prescribed by the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.

The consultation was launched on the 15<sup>th</sup> May, 2014 with the publication of a Public Notice in the Evening Herald and release of a press notice, and concluded on the 30<sup>th</sup> June 2014.

A leaflet explaining the DPPO and providing access to a DPPO information pack consisting of an introductory letter and map was distributed to the following individuals, groups and interested parties who live or work in the vicinity of all properties and premises to ensure that reasonable steps were taken to advertise the consultation. The leaflet also advised on how to provide feedback.

- Local Residents
- Local Businesses
- Licensees
- Local Community Groups
- Partner Housing Agencies
- Educational Establishments

Additionally to this, 82 DPPO feedback questionnaires were completed with local businesses and residents. The questionnaire was devised to provide a framework that focused on the main points and allow the information to be quantitatively assessed. The results to the completed returns are set out below

The original application included numerous messages of support from a range of local businesses, residents and schools and further personal responses were documented since the start of the consultation period.

These messages were included in within the document pack considered by Licensing Committee.

## **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.

The responses will be available for scrutiny when Members consider the results of the public consultation.

*"Because of all the street drinkers in Marlborough Street I get people coming to me and saying they are too afraid to go out because they get intimidated by the street drinkers. The drinkers swear and urinate in the street, if you have friends coming to visit its embarrassing then they group by the children's play area people are fed up with it all we would like to be able to live our lives without having to listen to them carrying on."*

Local Resident. Pg 52

*"I find people who drink regularly on the street can be intimidating and rude. I would like to see an end to it."*

Local Resident Pg 55

*"As you may or may not be aware, this problem has been a significant blight on the neighbourhood and has detrimentally affected resident's quality of life for several years..."*

Devonport Neighbourhood Board Pg 44

*"I am the centre manager of welcome Hall and a pro-active resident of Devonport. I am writing in reference to the above order. Having experienced the effect of the street drinkers and others, I am in full support of a DPPO. Without one the current problems in the area will continue."*

*"These issues include: danger to the members of the public from aggressive behaviour and verbal abuse, falling or stepping on broken glass bottles and other debris hazardous to the environment, Witnessing adults drinking on the streets and outside public houses encourages the younger generation to become involved in alcohol consumption and normalises such behaviour."*

Welcome Hall Manager, pg 50.

*"...we have been waiting far too long for this measure and it's about time something was done."*

Kate Taylor, Councillor. pg 51

*"...there was an incident on Tuesday 27<sup>th</sup> June, when a man quite clearly in drink, was foul mouthed and abusive to a teaching assistant and a group of 4 year old children , who were playing in the nursery playground."*

Marlborough Street Primary School, Pg 54.

### **Personal Responses Made During Consultation Period**

*"In the meantime Devonport school children will continue to be verbally abused by drunks in the street and the decent residents who live in Devonport will continue to have their streets used as toilets and their lives disrupted..*

*Many of the vulnerable older residents were always fearful of going to the local shops because of drunks in Marlborough Street. So, I am not surprised to read that the problem of drunken ant-social behaviour remains in Devonport. The reason that it does is because it has never been dealt with effectively."*

Comment via Plymouth Herald Website

*"The recent application for a DPPO will be welcomed by The Salvation Army Lifehouse because it will enable staff to work with the order especially as it may affect some of the Service Users that reside at the centre.*

*In recent months we have had to respond to complaints from local residents about the anti-social behaviour. Some of the complaints have been connected to people that live with us. There have also been occasions whereby nobody from The Salvation Army was involved with the disturbance. We always try to work with the local Police station so regular patrols are made by staff to deal with any persons connected to the Lifehouse.*

*The Lifehouse does accommodate some very difficult clients. Many are trying to get support for deep rooted addictions. With that in mind we make every effort to work with local agencies so that professional help can be accessed.*

*The order will compliment what we are trying to do within the locally area in continuing to try and improve the relationship within the community.*

*The in house policy for a client that continually flaunts the rules about drinking in the local area consists of a 28 day warning with a 21 day review. We have had to evict people as the last resort but only when all good advice is ignored. We do not like to take this cause of action because it only compounds the problems they are trying to work through and also it possibly impinges on the community. In such cases like this the order will have the desired effect.*

From senior member of staff at local hostel.

*"At present early in the morning to late at night Devonport Park Ferry Road side seems to be a no go area for people this is due to the amount of drunks sat around drinking, I have seen them also urinating and defecating around the shelter in the middle of the park this is when I have been walking my dogs with my daughter (5yrs old). Considering the area has schools and young families nearby I think this needs to be stamped out and is now getting out of hand."* Local resident.

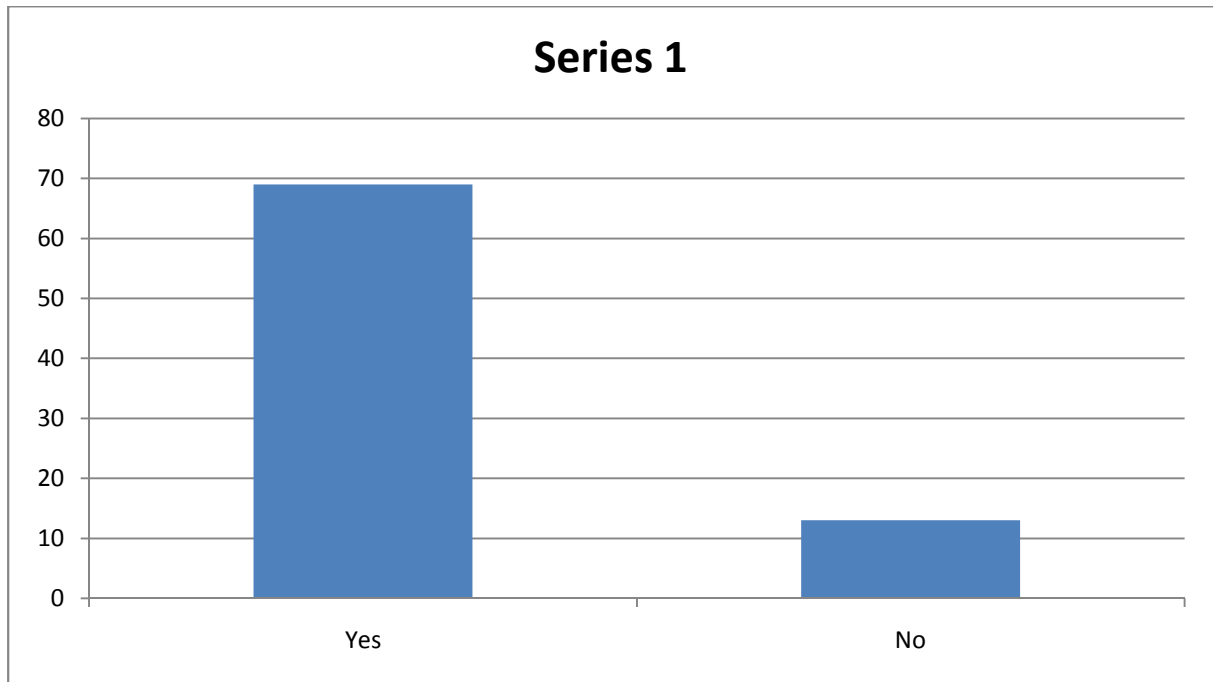
No unsupportive comments were received during the consultation period.

**Quantitative Results**

The statistics set out below have been drawn from the completed answers submitted on the feedback response form. These were completed at both residential and business premises situated across the proposed DPPO area. A total of 82 people were surveyed and the quantitative results are as below.

**Question 1**

**Have you experienced alcohol related crime or anti-social behaviour in the last 12 months?**



From this question, 69 from 82 people surveyed had been subjected to alcohol related ASB or crime in the previous 12 months.

(continued)

Based on this response, people were then asked “**What area was this?**” The respondent was offered 7 options for the response based on the most significant problem areas across the proposed DPPO and “other”. All of the areas that were relevant were recorded allowing for greater information to be extracted from the 69 people who responded “Yes” to question 1.

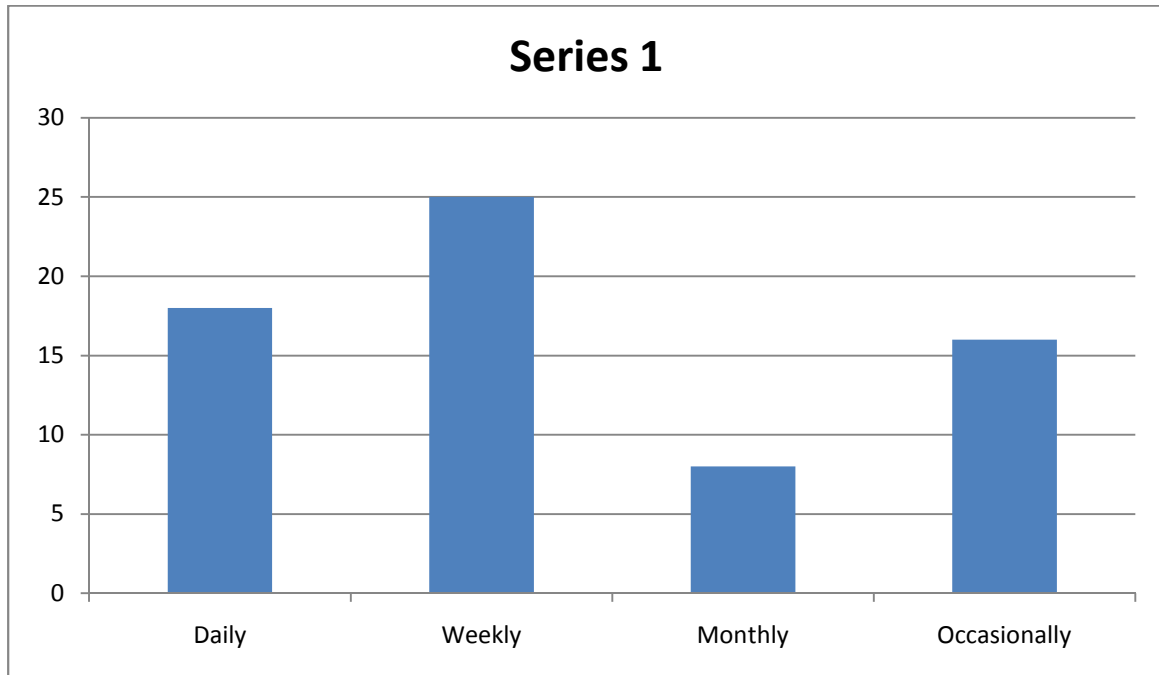


The feedback from these questions demonstrates that the most problematic areas are the Marlborough Street area, Devonport Park and Stoke Village areas within the proposed DPPO area. More significantly, this supports the proposed size of the DPPO as displacement from Devonport Park and the Marlborough Street could end up impacting up on the neighbouring areas, which already has an existing perceived problem with alcohol related anti-social behaviour.

(continued)

**Question 2**

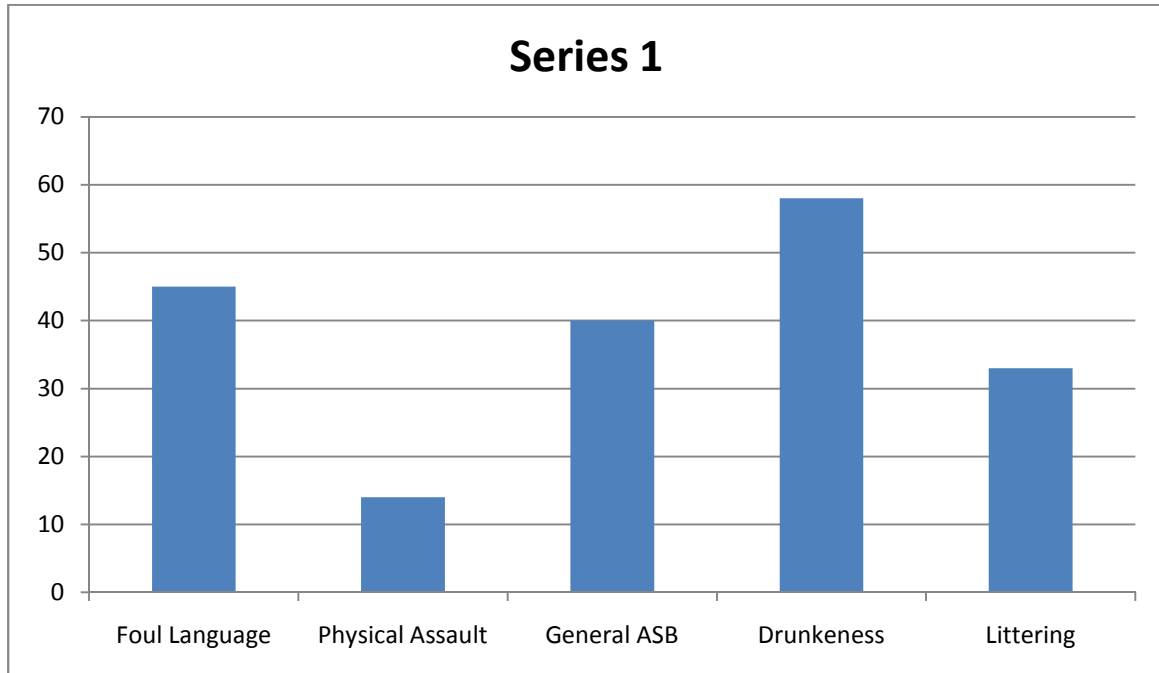
**How often have you been subjected to this alcohol-related behaviour?**



This data is very telling, demonstrating that over 64% of people responding to this question had experienced alcohol related crime or anti-social behaviour on a weekly or monthly basis.

**Question 3**

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

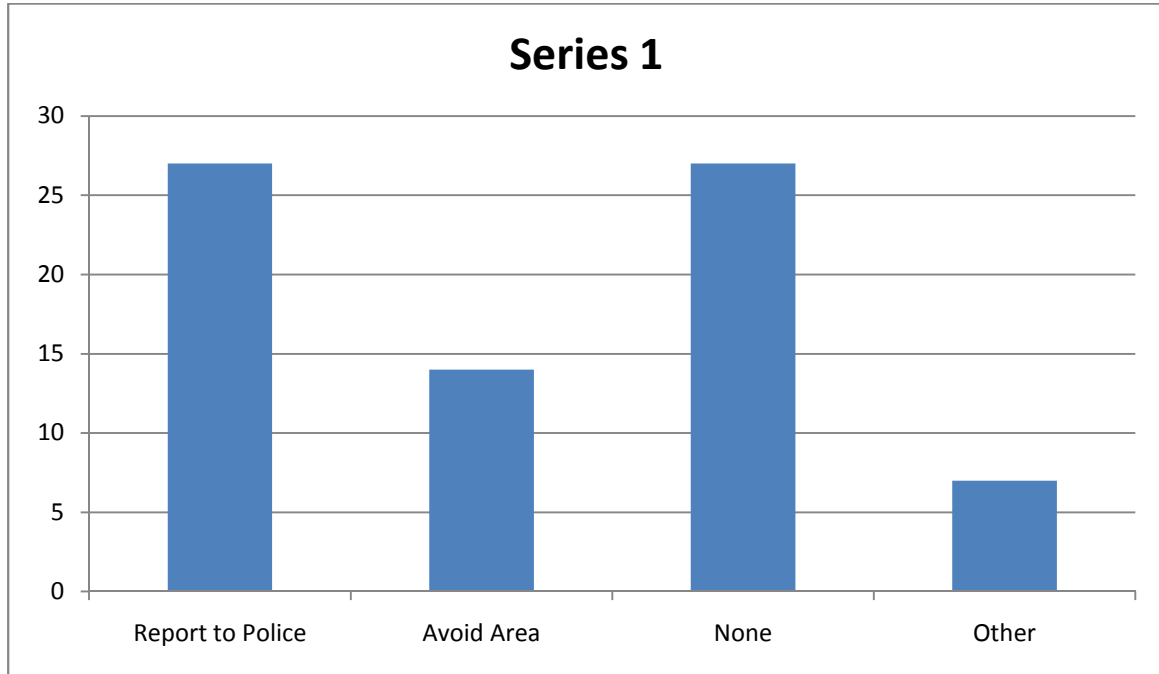


For these responses, the respondent was asked to select as many of the factors as they thought were relevant to the question. The people questioned provided 190

responses, with drunkenness and foul language making up over 53% of the responses.

**Question 4**

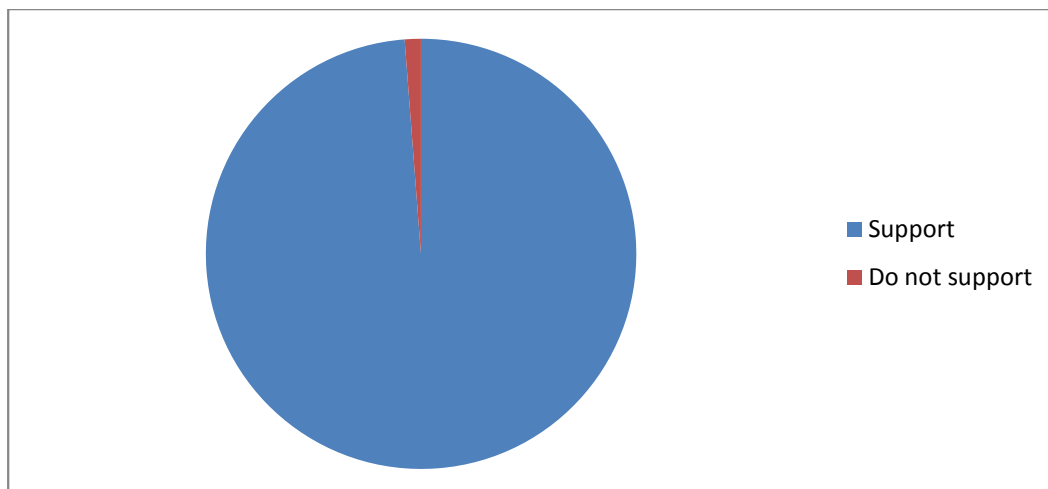
**What action did you take as a result of this behaviour?**



This is also a significant set of results. Whilst the number of incidents reported to police has been significant historically and since the beginning of 2014, this information shows that over 60% people surveyed have not reported these incidents to the Police.

**Question 5**

**Do you support the proposal of a Designated Public Places Order for The Devonport area?**

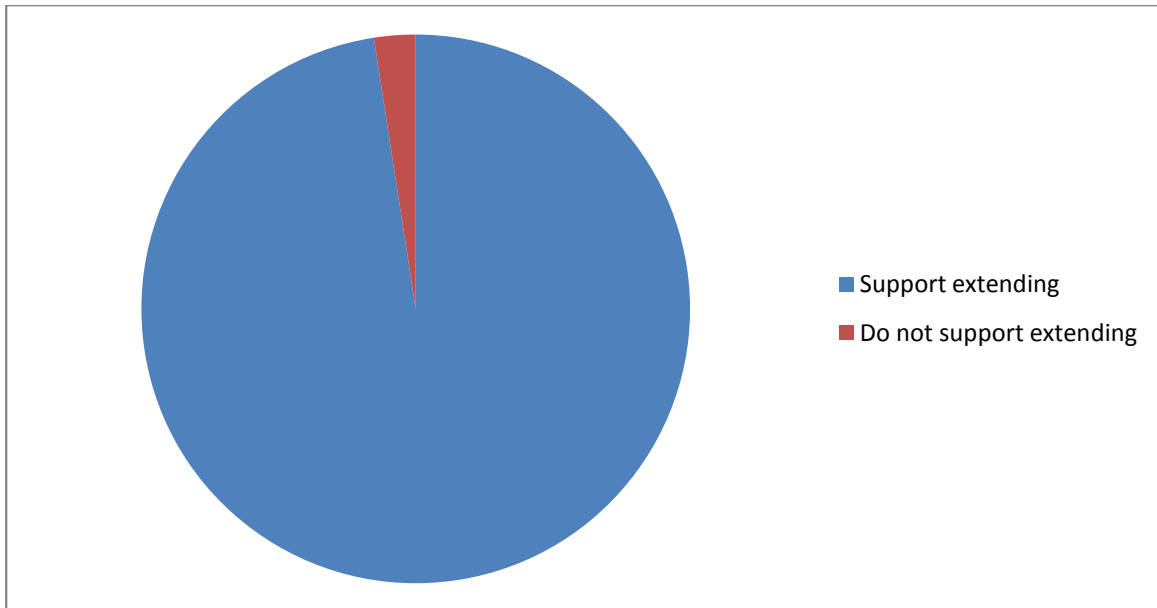


81 of the 82 people questioned supported the proposed DPPO for the Devonport area. The other person did not provide an answer.



**Question 6**

**If a DPPO were granted for the Devonport area then the problem could be displaced to neighbouring areas. Would you support the DPPO area being extended to include neighbouring areas?**



80 of the 82 people questioned supported including neighbouring areas within the proposed DPPO area. One person did not provide an answer and only one did not support the area being extended.

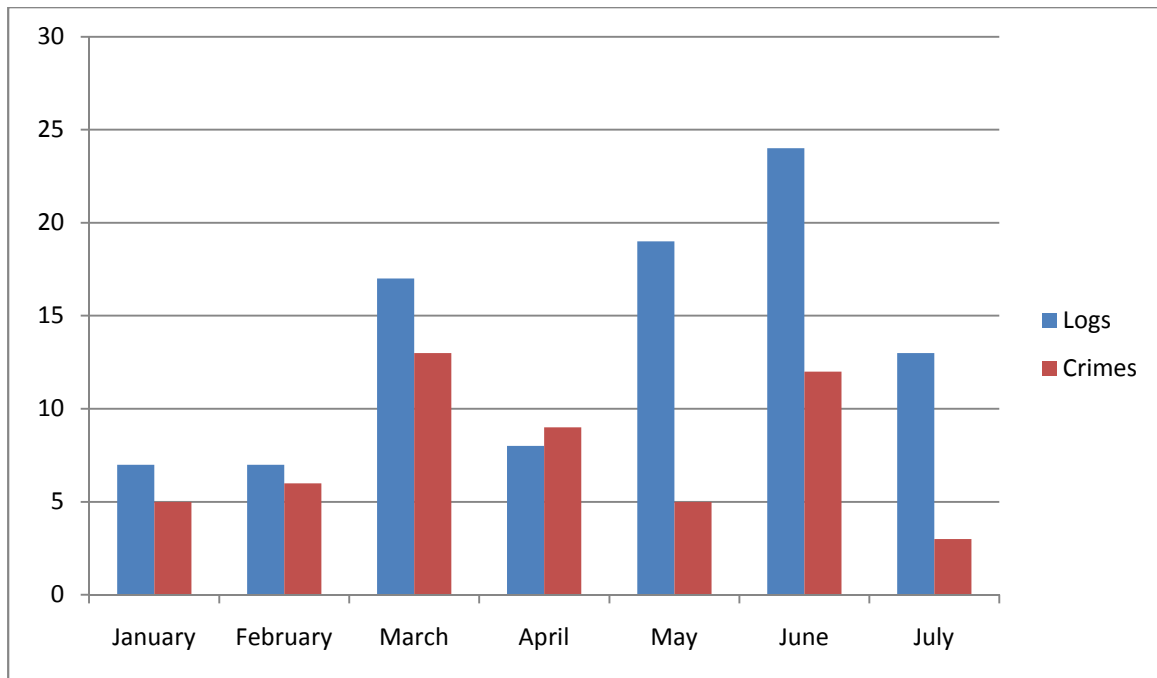
**Police recorded incidents between 1<sup>st</sup> January and 31<sup>st</sup> July 2014**

In order to evidence the continued on-going problem with alcohol related crime and disorder within the proposed DPPO area, research was commissioned into the number of Police logs and recorded crimes which are directly related to alcohol. A log is created whenever a call is received by the Police which requires attendance or resourcing by a Police Officer or PCSO. A crime is recorded in accordance with national crime recording standards when the circumstances of an incident determine that a crime must be recorded. Crimes can be recorded without a log being generated and most police logs generated do not result in a crime being recorded. The below summarises the number of logs and crimes reported within the DPPO area between 1<sup>st</sup> January and 31<sup>st</sup> July 2014.

**Police Incidents**

There have been a total of 95 Police logs created with reference to alcohol related anti-social behaviour across the proposed DPPO area between 1<sup>st</sup> January and 31<sup>st</sup> July 2014. There have been a total of 53 alcohol related crimes across the same period. These figures do not include alcohol related offences occurring within an address, such as domestic incidents.

The below charts show the distribution of alcohol related logs and crimes chronologically throughout 2014.



This chart shows that there has been a significant drop in the number of alcohol related logs and crimes since the introduction of the dispersal order and this thematic appears to have continued into August as well. It is clearly not yet at an acceptable level and a commitment to extend the order has not yet been made.

### **Police Action Taken Around Alcohol Related Disorder**

The problem of alcohol related crime and anti-social behaviour has been a problem for a number of years in the Devonport area. The problem escalated over the winter of 2013 and the on-going problems have placed a significant drain on the Police resources of Plymouth. The Devonport Local Policing Team, supported by the Devonport Response department have engaged in a range of resource intensive problem solving measures that have resulted in an overall decrease in the number of alcohol related crimes across the Devonport sector. Below is a summary of the work undertaken and a brief description of the nature of the work.

#### **Multi-Agency 'Street Drinker' Meetings**

It was identified that there street drinker issue was something affecting Plymouth as a Policing area rather than just Devonport as an individual Policing area. A working group was established and problem drinkers across the Plymouth area were identified. The anti-social behaviour process was escalated against those identified resulting in over 20 people being placed on Acceptable Behaviour Contracts with full Anti-Social Behaviour Orders being obtained against a number of individuals. A number of problem drinkers were given access to accommodation and also support from Harbour with their alcohol and drug addictions. This is an on-going and evolving process.

#### **Street Drinker Days of Action**

Additional Police resources were identified and tasked to deploy on a Days of Action targeting Street Drinking. A combination of plain clothed patrols to identify offences and high visibility zero tolerance enforcement resulted in a number of offenders

being arrested and dispersed from the area using Direction to Leave Powers. Information was also obtained which became of use to the Police licensing department.

#### Outreach

Police Officers accompanied by Plymouth Access to Housing employees and Harbour staff undertook street patrols to engage with people drinking in the streets to offer them 'on the street' support with alcohol addiction and obtaining permanent accommodation.

#### Licensing

The Police licensing department has worked closely with local off licenses to ensure that they are keeping to their respective license conditions. Local shops were encouraged to discontinue selling single cans of high alcohol strength lager and reminded of the legality of selling alcohol to people who appear already under the influence of alcohol.

#### Dispersal Order

A section 30 Anti-Social Behaviour Act of 2003 order was introduced in a small area of Devonport which provided Police and PCSOs with powers to disperse people engaging in ASB away from the area for a period of time. This power was introduced on 12<sup>th</sup> June 2014 and a number of people have been dispersed from the area since its introduction. The dispersal order runs until November 2014.

#### Police Directed Tasking

A tasking log was introduced to ensure that on a shift by shift basis an individual officer would have responsibility for proactively engaging with people drinking on the street and recording any relevant information on to the log. This allowed for close monitoring of emerging nuisance behaviour and provided high visibility presence in the areas affected.

The targeted Police activity has delivered in terms of prosecuting offenders and reassuring the community. It has proved very labour intensive and a lot of the activity is not sustainable in the longer term due to constraints on Police resources.

#### **Views of Devonport Police Officers**

Police Sergeant Steve Fleetwood, Neighbourhood Team Leader, Devonport.

"As NTL for Devonport the DPPO has taken a considerable amount of work, time and resources on behalf of D and C police and their relevant partners. The work that has gone in has been prioritised by the objectivities and outcomes as follows:

The use of the DPPO empowers PCSOS's with powers to remove alcohol from those engaging in anti-social behaviour. This elevates a huge amount of pressure from front line policing and allows the officers who are empowered by the community to effectively serve them. Further to this, it enables the officers who are at the front of community intelligence to approach and dispose of the offenders in a matter far more substantial than offering words of advice. By this I mean they have the power to start the evidential chain in criminal proceedings offering excellent value for money to the community.

In line with the PCC's objectives for 2014 the implementation of the DPPO in consultation with the community effectively assists in the community policing and addressing their own issues."

PC Ryan Pengelly, Neighbourhood Beat Manager, Devonport.

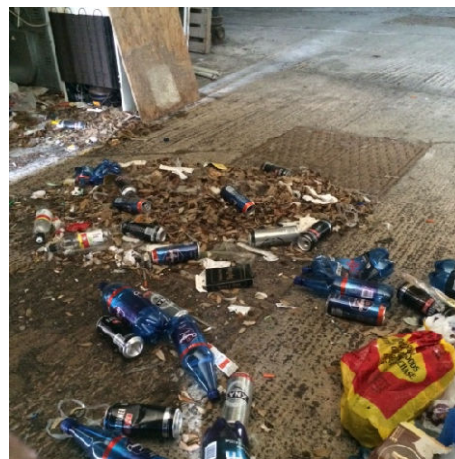
"I have been in this post since January 2014 having previously worked at Devonport as a Response Officer in 2007. Upon my return, it was clear that that the problem of street drinking had continued. This issue has proved a massive drain on Police resources and has a huge impact on the perception of the quality of life in Devonport. I have previously worked in an area where a DPPO has been in force and know that it is a tried and trusted power to significantly reduce alcohol related anti-social behaviour in the longer term. I view the DPPO as an essential tool for reducing the impact of street drinking on the Devonport Community. The discretionary element of the power means that it will only affect those in the community who think it is appropriate to drink to excess and cause problems, meaning that the public spaces in Devonport will still be accessible to people who want to be sensible and considerate in their use of alcohol."

PCSO Sam Blake, Police Community Support Officer, Devonport

"I have worked with officers in areas where DPPOs have been in force and it is clear that this is a powerful tool that PCSOs can use to proactively deal with alcohol related anti-social behaviour. I think that the DPPO will be really useful for Devonport PCSOs when dealing with the on-going problem of street drinking."

### **Photographs**

During the consultation period, photographs were taken in some of the public areas showing the scale of litter that is left behind from street drinking on a regular basis.





## Conclusions

This report has endeavoured to capture the views of all aspects of the community and represent them in a fair and ethical manner. Much of the information is statistical, however this combined with the 'personal responses' does give a clear insight into the public opinion of the alcohol related problems which clearly exist in the Devonport area.

It is clear that the community is thoroughly in support of this tool being introduced and enforced in the Devonport area, entrusting the Police to appropriately make use of their discretion when utilising the DPPO powers. The overwhelming support to include neighbouring areas such as Stoke and Mount Wise (where street drinking has not been as significant a problem as in Devonport) within the order, shows that the community understands the potential for displacement and are supportive of the DPPO area being designed with displacement in mind. However, given the feedback showing the perceived scale of alcohol related problems across Mount Wise and Stoke Village, then there would be legitimate claims that these areas could be included as a DPPO area within their own right and not only to prevent 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. Within the DPPO area there are three Primary Schools and many children have to travel through areas where street drinking is an issue. Clearly, based on the personal responses, the community do not want children to be exposed to this behaviour at key stages of their lives where they are developing their own moral boundaries about what is right and wrong.

The crime police incident statistics show that, in spite of the resource intensive policing operations and multi-agency support work that has been taking place, the consumption of alcohol continues to have a significant impact up on the community. The quantitative information obtained also showed that 60% of people surveyed did not report the incidents to Police. This shows that the number of Police logs and crimes is likely not to reflect the actual scale of the problem.

Also, as evidenced by the account from a senior member of staff from the Salvation Army Hostel, the access to alcohol and the apparent acceptance of drunkenness is

doing little to assist vulnerable people with deep rooted addiction in overcoming their own battles and establishing a platform for them from where they can move forward.

In conclusion, of those who contributed to this public consultation the overwhelming majority were in favour of the granting of a DPPO for Devonport and the neighbouring areas such as Mount Wise and Stoke Village.

Police Constable 1508 Pengelly  
Neighbourhood Beat Manager  
Devonport

Inspector 5362 Harris  
Sector Inspector  
Devonport & West

# Findings of the Public Consultation Process

Devonport Neighbourhood Team

As part of the consultation period, the Neighbourhood regeneration team offered workshops to local residents groups to help them to understand the consultation and ensure that they were able to participate should they wish to do so.

Three residents associations requested workshops: Marlborough Street, Helen Fox House and The Three Towers residents groups.

During these workshops the following points were recorded:

### Marlborough Street:

- Reported daily problems with people drinking/urinating/swearing in the vicinity of the playpark and utility building on Granby Green
- Residents say that local families are reluctant to use playpark for fear that street drinkers/drug users will be there/arrive and be use foul language/urinate/defecate nearby
- Perception is that whilst this often involves 'street drinkers' there is also a small proportion of residents of Marlborough house in are involved in this activity – one example was cited of a couple who came out of the flats drunk and sat on a bench and administered intravenous drugs – and remained there for some hours in a stupor.
- Residents highlighted they felt there was a 'policy' of locating people with a drug/alcohol issue in the area
- Residents also felt that people who were accommodated in the Life house should not be permitted to buy alcohol from local shops
- Residents were angry that they were expected to write in to evidence the problem when they believe it is self-evident
- Reports of frequent problems in shop doorways and rear lanes along Marlborough Street
- Residents allege that despite the voluntary agreement to not sell single cans that both the Premier store and the Polish shop continue to sell single cans to street drinkers. This is unsubstantiated but reflects a fatigue/belief among residents that 'no-one is doing anything' and it is just being allowed to continue.

### Towers:

- Residents reported a number of individuals accommodated within the blocks with alcohol and drug issues who persistently let others in, and this encourages a culture of street drinkers hanging around outside their blocks
- Residents noted that street drinkers are frequently found in the Mount Wise area and in the Cumberland St area (triangle across from the shops) – 'anywhere where there is a wall to sit on'

### Helen Fox House:

- Residents reported feeling intimidated by the presence of drinkers/foul language/urinating against the wall
- Residents report actively avoiding going out if street drinkers are outside and worry about going to local shops because they do not want to encounter the above behaviour

Additionally, we received a report from a resident of Waterloo Yard flats along the perimeter of Stonehouse Creek about persistent issues with street drinkers being loud/swearing/urinating along the hedge perimeter with his garden.



Trevor Cross cited a conversation with a street drinker in April, who explained that he was currently sleeping under the tunnel below Stonehouse Street but comes up to drink/meet associates at Granby Green. Street drinking litter is frequently reported and cleansed from the Brickfields triangle also. NR team member noted frequent signs of street drinking litter along the Stonehouse Creek footpath and through the tunnel to Richmond Walk and also into Victoria Park.

The above information illustrates how habitual street drinkers migrate through the area seeking connections with others/appropriate meeting places. It is known that if they are moved on then they migrate to the next available site, which is why the wider area was identified as important to include in the DPPO area – without this, there is a high likelihood that we would just push the problem to the next street. At least by having wider areas covered, the PCSOs are able to take action if an issue arises and the street drinkers eventually adopt a more mobile habit, lingering less in one particular area (knowing they can be moved on) and therefore reducing the impact on the residents and businesses.

**Sue Rouse**

Neighbourhood Manager  
Homes & Communities  
Plymouth City Council

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