

CITY OF PLYMOUTH

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

Committee: Licensing Committee (Miscellaneous)

Date: 21 December 2010

Cabinet Member: Councillor Mike Leaves

CMT Member: Carol Burgoyne – Director of Community Services

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Ref:

Key Decision: No

Part: I

Executive Summary:

Licensing Committee is asked to consider an application submitted by the Devon and Cornwall Police, to make a Designated Public Places Order (DPPO) to cover Freedom Fields Park, to control street drinking. The application from the Devon and Cornwall Police also includes a request to consider extending the proposed DPPO to cover Tothill Park in order to cover any effects of displacement from Freedom Fields Park. This report seeks Committee approval to proceed to the public consultation stage after which a further report will be prepared for Committee to decide whether there is sufficient evidence to justify the making of such an order.

Local Authorities were given powers under Section 13 of the Criminal Justice and Police Act 2001 (as amended by Section 26 of the Violent Crime Reduction Act 2006) to designate an area where nuisance and annoyance to members of the public, or disorder is arising that is associated with consuming alcohol in public places.

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

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

- Raising Aspiration
- Value for Communities

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

If the Committee consider that sufficient evidence has been submitted the Local Authority has a duty to undertake a wider public consultation. Resources would be required to run the consultation process and there are also financial implications in relation to advertising of the proposals and if approved the preparation of signs to be placed throughout the designated area.

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

The resources required to run the consultation process would be absorbed within existing budgets.

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

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

Recommendations & Reasons for recommended action:

1. That Committee consider the evidence submitted and decide whether there are sufficient grounds that 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 in those areas in the area of Freedom Fields Park to authorise a statutory public consultation.
2. That Committee consider the evidence submitted and decide whether there are sufficient grounds that nuisance or annoyance or disorder may be caused to members of the public or a section of the public which is associated with the consumption of alcohol and the effects of displacement to Tothill Park, to authorise a statutory public consultation.
3. If so satisfied then the Committee authorise the Public Protection Service to carry out the required statutory consultation as prescribed by the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 in the areas of Freedom Fields Park and Tothill Park and then report back detailing the results of that consultation in order that Committee can consider approving the application by the granting of the Designated Public Place Order.

Alternative options considered and reasons for recommended action:

Committee could decide that the evidence submitted is not sufficient to justify a consultation in the Freedom Fields Park area or that the evidence is not sufficient to justify a wider consultation on the effects of displacement to Tothill Park and reject the application.

Background papers:

Cabinet Report 24.05.2005, Minute 10 (C7 05/06) – Control of Anti Social Behaviour
City Council Min 14 - 13.6.2005
S13, Criminal Justice & Police Act 2001
S26, Violent Crime Reduction Act 2006
Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007
Home Office Circular 013/2007
Crime & Disorder Reduction Partnership Plan 2008 - 2011

Sign off:

Fin	LG CoSF ED1011 006. 06.12.10	Leg	AG/ 10411/ 7.12.10	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member: Carol Burgoyne											

1.0 BACKGROUND

- 1.1 The Criminal Justice and Police Act 2001 introduced the power for Local Authorities to designate public places in which it becomes an offence for a person to carry on drinking alcohol when they have been requested to stop by a police officer. Powers of confiscation of alcohol (or anything which the officer believes to be alcohol) also apply to such areas.
- 1.2 Before the police can invoke these powers the Council must, under Section 13 of the Criminal Justice and Public Order Act 2001, make an order (Designated Public Places Order (DUPO) that the land is a public place to which the new legislation applies.
- 1.3 An order can only be made if the Local Authority is satisfied that there is nuisance or annoyance to members of the public in a particular area, which is associated with the consumption of alcohol. Local Authorities are required to make an assessment based on the evidence submitted about the level of anti-social drinking and disorder before proceeding.
- 1.4 The creation, amendment or revocation of a Designated Public Places Order is not a function that can be dealt with by the Cabinet by virtue of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 and was delegated to this Committee by virtue of Council Minute 10 on the 13 June 2005

2.0 THE PROPOSAL

- 2.1 The Council have received an application from Devon and Cornwall Police to create a new DPPO, which would encompass Freedom Fields Park and Tothill Park as a consequence of potential displacement. The full application, including statistical and community evidence is contained in Appendix A. The maps has been extracted from the application and is marked Appendix B

The application has identified the following main points;
- 2.2 Freedom Fields park is a heritage park that has been awarded a green flag
- 2.3 There has been a marked increase in anti-social behaviour and disorder associated with 'street drinking' within Freedom Fields Park, throughout 2010. The main problems relate to drunkenness, aggressive behaviour, disorderly behaviour, urination, littering and underage drinking.
- 2.4 The police have contributed proactively to numerous multi-agency problem solving initiatives with Plymouth City Council partners including:
 - Plymouth Access to Housing (PATH)
 - Harbour Drug & Alcohol Services
 - Anti-Social Behaviour Team
 - Community Engagement
- 2.5 None of these initiatives have effectively addressed the existing problem of street drinking within Freedom Fields Park and how it contributes to nuisance and disturbance, in a proactive and effective way. Currently without a DPPO police officers are playing 'catch-up' and are unable to act until public order offences arise as a consequence. A DPPO would allow a proactive, preventative approach to be taken.

- 2.6 Many of the incidences are not criminal offences. Individuals openly consume alcohol, are characteristically loud, fall asleep, occupy benches, intimidate by numbers and appearance and generally take over defined areas. This makes it difficult for a police officer to address the root causes before circumstances escalate to the point where offences occur and action can be taken. This is a continuing frustration to the persons calling for assistance and passers by.
- 2.7 A DPPO would allow officers to remove the alcohol element, which fuels this behaviour and prevent escalation towards criminal behaviour. In addition the introduction of an order will demonstrate to habitual street drinkers that this conduct is no longer tenable.

3.0 POINTS FOR CONSIDERATION

- 3.1 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.
- 3.2 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.
- 3.3 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.
- 3.4 Freedom Fields park has the benefit of a premises licence to provide regulated entertainment i.e. performance of a play, exhibition of a film, live and recorded music, performance of dance. This licence does not include the sale and supply of alcohol. Where a Temporary Events Notice (TEN) were to be granted for a festival or occasion to permit the sale and supply of alcohol within the park, the event would be excluded from the DPPO in which it is located for the duration, together with a period of 30 minutes following the completion of the event.
- 3.5 The application outlines that a consequence of the declaration of a previous DPPO for the City Centre and Stonehouse Neighbourhoods was that street drinkers who did frequent Beaumont Park migrated to Freedom Fields Park. Consequently the effect of granting an order for Freedom Fields Park could also have the effect of displacing street drinkers to nearby Tothill Park that would not have the benefit of an order.

4.0 CONCLUSIONS

- 4.1 The Committee must be satisfied that the information submitted in the application and any additional information submitted during the hearing has established that there is an existing problem in Freedom Fields Park associated with the consumption of alcohol and that this causes a nuisance/annoyance or disturbance to local people, that would warrant a public consultation.
- 4.2 In addition, the Committee must be satisfied as to whether sufficient evidence has been presented that would suggest that if not included Tothill Park would suffer the consequences of displacement and if satisfied confirm that the public consultation is to be extended to include this park.

4.3 Once the Committee has decided the extent of the consultation areas Officers can conduct the consultation and report back the results so that Committee may decide whether to approve the application by the granting of an Order.

4.4 The Customer Data Integration Project is committed to funding the costs of advertising and purchase of signage if the application was approved; these costs have been estimated at £4K. This external grant has been provided by the Department for Communities and Local Government from the National Efficiency and Transformation Capital Fund.

The resources required to run the consultation process would be absorbed within existing budgets.

4.5 It should be noted that the application is for Freedom Fields Park and Tothill Park and not the residential areas that link the parks.

4.6 The question of displacement is an important matter for consideration. The introduction of a DPPO can have the effect of moving street drinking on to neighbouring areas that are not designated. This effect may justify a larger area being designated than solely the identified hot spot.

5.0 RECOMMENDATIONS

1. That Committee consider the evidence submitted and decide whether there are sufficient grounds that 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 in the area of Freedom Fields Park to authorise a statutory public consultation.
2. That Committee consider the evidence submitted and decide whether there are sufficient grounds that nuisance or annoyance or disorder may be caused to members of the public or a section of the public which is associated with the consumption of alcohol and the effects of displacement to Tothill Park, to authorise a statutory public consultation.
3. If so satisfied then the Committee authorise the Public Protection Service to carry out the required statutory consultation as prescribed by the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 in the areas of Freedom Fields Park and Tothill Park and then report back detailing the results of that consultation in order that Committee can consider approving the application by the granting of the Designated Public Place Order.