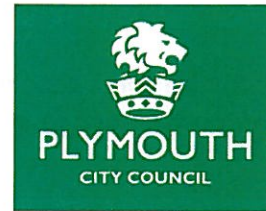


**BEST ACHIEVING
COUNCIL OF THE YEAR**



Environmental Services
Department for Community Services

Plymouth City Council
Civic Centre
Plymouth PL1 2AA

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

Please ask for: Licensing Team - DPPO Consultation

Date 6th January 2011

My Ref

Your Ref

Dear Sir/Madam

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

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

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

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

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

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

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

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

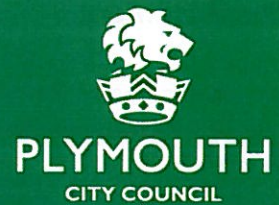
Following the consultation a report will be submitted to the Licensing Committee, which will make the final decision on whether to grant, vary or refuse the application.

Yours faithfully

Licensing Team
Public Protection Service

DESIGNATED PUBLIC PLACE ORDERS (DPPO'S)

Information Sheet



Background

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

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

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

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

The Legal Framework

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

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

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

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

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

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

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

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

The Process

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

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

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

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

Displacement

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

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

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

Frequently Asked Questions

Q. Can police confiscate alcohol from young people?

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

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

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

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

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

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

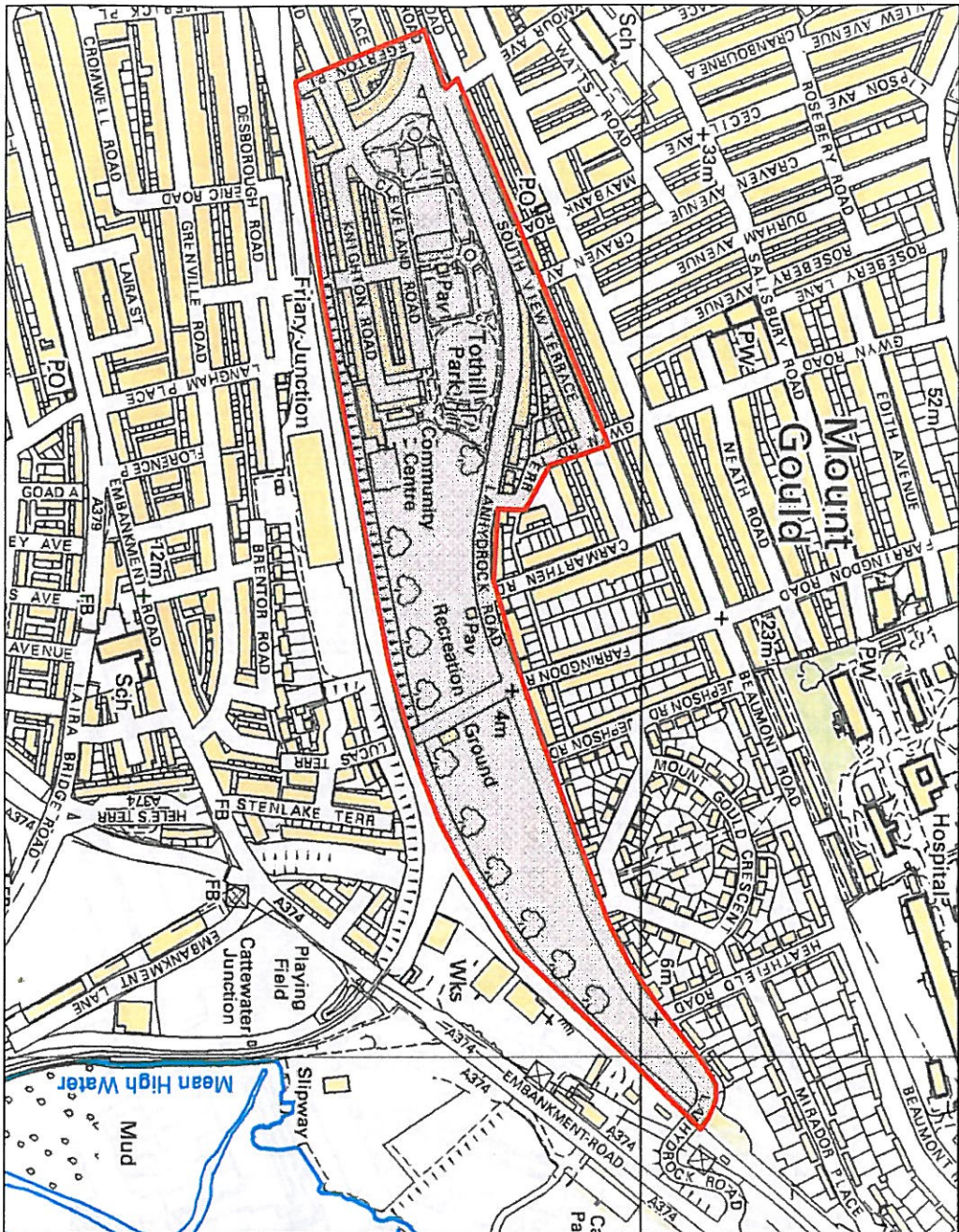
Q. Can councils introduce a blanket restriction on alcohol consumption or create alcohol free zones?

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

Q. How can local authorities extend a DPPO area?

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

TOTHILL PARK – BOUNDARY DEFINITION



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DESIGNATED PUBLIC PLACES ORDERS (DPPO)

Consultation Response Form



PLYMOUTH
CITY COUNCIL

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

Name	
Address	
Post Code	
Business Name	
Tel.	
Email	

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

YES/NO

Question 1

Have you experienced alcohol related anti-social behaviour in or around Freedom Fields Park or Tothill Park in the last 12 months? Yes / No

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

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

Question 2

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

Once Twice Weekly

Question 3

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

Verbal abuse Physical assault Anti-social behaviour Drunkenness

Question 4

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

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

Question 5

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

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

Question 6

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

Please state your reasons overleaf.

Question 7

The application outlines concerns that if a DPPO were granted for Freedom Fields Park then the problem could be displaced to nearby Tothill Park. Do you support the proposal that Tothill Park should also be designated? Yes / No

Please state your reasons overleaf.

Please submit any other relevant comments overleaf.

Additional Comments;

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

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