

# General Purposes Committee

Agenda and Reports  
for consideration on

**Monday, 24th May 2010**

in the Council Chamber, Town Hall, Chorley

At 6.00 pm



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18 May 2010

Dear Councillor

**GENERAL PURPOSES COMMITTEE - MONDAY, 24TH MAY 2010**

You are invited to attend a meeting of the General Purposes Committee to be held in the Council Chamber, Town Hall, Chorley on Monday, 24th May 2010 commencing at 6.00 pm.

**AGENDA**

1. **Apologies for absence**
2. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda. If the interest arises **only** as result of your membership of another public body or one to which you have been appointed by the Council then you only need to declare it if you intend to speak.

If the personal interest is a prejudicial interest, you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

3. **Minutes of last meeting (Pages 1 - 6)**

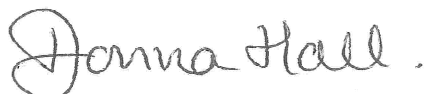
To confirm as a correct record the minutes of the last meeting of the General Purposes Committee held on 17 March 2009 (Minutes enclosed).

4. **Designated Public Places Order for Chorley Town Centre and Astley Park - Outcome of Consultation (Pages 7 - 22)**

To receive and consider the enclosed report of the Director of People and Places.

5. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Donna Hall  
Chief Executive

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Democratic and Member Services Officer  
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**Distribution**

1. Agenda and report to all members of the General Purposes Committee and Directors Team.
2. Agenda and report to Chris Moister (Head of Governance), Simon Clark (Head of Environment), Alex Jackson (Senior Lawyer), Paul Lowe (Community Safety Manager) and Tony Uren (Democratic and Member Services Officer).

**This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.**

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون کیجئے: 01257 515823

**General Purposes Committee****Tuesday, 17 March 2009**

**Present:** Councillor Peter Goldsworthy (Chair), Councillor Pat Case (Vice Chair) and Councillors Alan Cullens, Magda Cullens, Dennis Edgerley, Anthony Gee, Hasina Khan, Adrian Lowe, Marion Lowe, Simon Moulton, Rosie Russell and Ralph Snape

**09.GP.01 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Judith Boothman, Marie Gray, Peter Malpas and John Walker

**09.GP.02 DECLARATIONS OF ANY INTERESTS**

None of the Committee Members declared an interest in the principal agenda item.

**09.GP.03 MINUTES OF LAST MEETING**

**RESOLVED** - That the minutes of the meeting of the General Purposes Committee held on 3 March 2009 were confirmed as a correct record for signature by the Chair.

**09.GP.04 OUTLINE PLANNING PERMISSION FOR THE CONSTRUCTION OF A PRIMARY HEALTH CARE CENTRE AT FRIDAY STREET, CHORLEY**

The Committee was reminded that the Development Control Committee, at its meeting on 3 March 2009, had considered an application for outline planning permission for the demolition and clearance of an existing warehouse and out buildings on the site of the former depot at Friday Street, Chorley and for the erection of a proposed two storey primary health care centre (Use Class D1), including ancillary office accommodation. Following due consideration of the proposal, the Development Control Committee had recommended the General Purpose Committee to grant outline permission for the development.

As the Friday Street site was owned by Chorley Council, the decision on the planning application was required to be made by, or on behalf of, the Council. The Central Lancashire Primary Care Trust required the planning permission before 31 March 2009 in order to enable its completion of the purchase of the land before the end of the 2008/09 financial year. As the full Council was not due to meet until 7 April 2009, the General Purposes Committee had been requested to use its delegated power to exercise any function of the Council in cases of urgency or emergency.

The Committee had been provided with a copy of the Corporate Director (Business)' report on the development proposals that had been considered by the Development Control Committee on 3 March 2009, together with an extract from the addendum note circulated at the meeting, in order to allow Councillors the opportunity of assessing all the relevant factors before making a decision on Development Control Committee's recommendations.

**Decision** - That in accordance with the General Purpose Committee delegated urgency powers:

- (a) outline planning permission be granted to Planning Application 09/00044/OUTMAJ for the demolition and clearance of an existing warehouse and outbuildings on the site of the former Depot at Friday Street, Chorley and the erection of a two storey primary health care centre (Use Class D1),

including ancillary office accommodation, subject to the completion of a Section 106 Legal Agreement to secure a financial contribution towards Chorley Kickstart to improve public transport accessibility to and from the Health Centre and to the imposition of the following conditions:

1. An application for approval of the reserved matters (namely layout, external appearance of the buildings and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

*Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details.

*Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.*

3. No development shall take place until:

a) A methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2001 'Investigation of potentially contaminated site - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;

b) All testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;

c) The Local Planning Authority has given written approval to the remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

*Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use, in accordance with PPS23.*

4. No part of the development hereby permitted shall be occupied or used until the two vehicular accesses have been constructed in accordance with plans, which have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority

*Reason: In the interests of highway safety and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*

5. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

*Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.*

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.*

7. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building (notwithstanding any details shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.*

8. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

*Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.*

9. Before any development hereby permitted is first commenced, full details of the surfacing, drainage and marking out of all car park and vehicle manoeuvring areas shall have been submitted to and approved in writing by the Local Planning Authority. The car park and vehicle manoeuvring areas shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

*Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy RT2 of the North West Regional Spatial Strategy 2008.*

10. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in

writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

*Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.*

11. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all vehicular barriers to be erected to the vehicular access and egress points (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all barriers have been erected in accordance with the approved details. The barriers shall thereafter be retained in accordance with the approved details at all times.

*Reason: To ensure a visually satisfactory form of development and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.*

12. Before the development hereby permitted is first commenced, full details of the work required to the existing retaining wall (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include details of required repair and rebuild in respect of this wall and the methodology for undertaking this work. No building shall be occupied or land used pursuant to this permission until the works have been completed in accordance with the approved details. The retaining wall shall thereafter be retained in accordance with the approved details at all times.

*Reason: To ensure a visually satisfactory form of development, the protect the neighbours amenities and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.*

13. Before the development hereby permitted is first occupied, provision for cycle parking provision, in accordance with details to be first agreed in writing with the Local Planning Authority, shall have been made.

*Reason : To ensure adequate on site provision for cycle parking and in accordance with Policy No. TR18 of the Adopted Chorley Borough Local Plan Review.*

14. No works shall take place on the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

*Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings/site. In accordance with Government advice contained in PPG15: Planning and the Historic Environment*

15. If should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use, in accordance with PPS23.*



16. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

*Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.*

17. The use hereby permitted shall be restricted to the hours between 8am and 10pm on weekdays, between 8am and 8pm on Saturdays and there shall be no operation on Sundays or Bank Holidays.

*Reason: To safeguard the amenities of local residents and in accordance with Policy Nos. EM2 and EP20 of the Adopted Chorley Borough Local Plan Review.*

18. Prior to the first use of the development hereby permitted, a Green Travel Plan shall be submitted to and approved in writing by, the Local Planning Authority. The measures in the agreed Travel Plan shall then thereafter be complied with unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To reduce the number of car borne trips and to encourage the use of public transport and to accord with Policies TR1 and TR4 of the Adopted Chorley Borough Local Plan Review.*

- (b) In the event of the Section 106 Legal Agreement not being signed by 24 April 2009, outline planning permission be referred.

Chair

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| Report of                      | Meeting                    | Date        |
|--------------------------------|----------------------------|-------------|
| Director of People and Places. | General Purposes Committee | 24 May 2010 |

## CHORLEY TOWN CENTRE DPPO CONSULTATION REPORT

### PURPOSE OF REPORT

1. To seek Member approval for the designation of a Designated Public Places Order (DPPO) to deal with the problems of alcohol-related crime, antisocial behaviour, nuisance and disturbance in Chorley Town Centre and Astley Park.
2. To present the results of a consultation undertaken to assess the usefulness of a Designated Public Place Order in Chorley Town Centre.

### RECOMMENDATION(S)

3. The report recommends the following:
  - a. It is recommended that the Designated Public Place Order covering the area indicated on the attached plan be made.
  - b. That the Order be put in place and the Secretary of State notified of implementation no later than June 10<sup>th</sup>.
  - c. That the Order be listed for review by the Executive Member People and Places after a period of 15 months to consider whether to make any further recommendation to General Purposes Committee.

### EXECUTIVE SUMMARY OF REPORT

4. Crime and anti-social behaviour, caused by drunken adults, is making people feel unsafe in the Town Centre. Residents in the immediate vicinity are equally suffering from anti-social behaviour, drunkenness, damage and litter, and thus materially interfering with their right of quiet enjoyment of their homes and neighbourhood.
5. A Designated Public Places Order (DPPO) is a tool that can be used by local authorities to deal with the problems of nuisance or annoyance to the public or a section of the public or disorder related to alcohol in public places. An implementation process requires to be followed in order to create a Designated Public Places Order and there are associated costs involved.
6. A DPPO is already in existence in Coppull and they are used by other neighbouring authorities.
7. The Town Centre has been subject to a wide range of formal and informal interventions and is considered to be the highest priority location in Chorley. Prior to the submission of this report, the Responsible Authority Group (RAG) of the Safer Chorley and South Ribble Partnership, gave its support to Chorley's Community Safety Team in pursuing the implementation of a Designated Public Places Order with support of Chorley Council.
8. Tackling alcohol crime and related issues are a high priority for Chorley Council and its partners. Whilst not considered the whole solution to alcohol related issues in itself, the introduction of a Designated Public Place Order, will enhance the positive and preventative activities already engaged by Chorley Council and its partners on this important issue.

9. Section 13 of the Criminal Justice and Police Act 2001 contains a statutory process to follow to consult and implement a DPPO and this was undertaken in the period January-April 2010. The results of this consultation are set out below.
10. The response to this consultation has been positive. Although there are a number of recommendations for implementing the Order flowing from the consultation, it is overall well supported by residents, local businesses and licensed premises holders. The Order can be implemented before the beginning of the World Cup Football Tournament to help prevent violent alcohol-related disorder in the Town Centre.

### **REASONS FOR RECOMMENDATION(S)**

#### **(If the recommendations are accepted)**

11. The legislation governing this order is tailored specifically to address the problems that are prevalent at this locality and also caters for issues of displacement as a result of an Order.
12. Other means to prevent drunkenness and unruly behavior at this location have been tried and whilst there have been some successes; sustainability over the long term is difficult to maintain. The introduction of DPPO will add another prevention and enforcement tool that should also help improve public confidence and perceptions over the long term.
13. The Safer Chorley and South Ribble Partnership have committed to fund the implementation of the Designated Public Place Order. This is suggested to be in the region of £2,000.
14. Alcohol related issues, including crime and disorder, violent crime and assault with less serious injury, are target priorities for Chorley Council, the Chorley Partnership, Safer Chorley and South Ribble Partnership and included within the Local Area Agreement.
15. Targets within Chorley Council's Corporate Strategy include:
  - a. % of people who feel they can influence decisions in their locality
  - b. % of people satisfied with the neighbourhood as a place to live
  - c. % of people satisfied with parks and open spaces
  - d. Number of parks receiving green flag status
  - e. Feelings of safety during the day
  - f. Feelings of safety during the night

### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

16. 24 Hour CCTV Coverage - Whilst the use of CCTV has shown to reduce the levels of crime, including violent crime in the town centre, any consideration of increasing the already extended hours of operation or expansion of the system would be very expensive and not proportionate to the levels of alcohol related criminality, disorder and antisocial behaviour.
17. Additional Police Presence - Any permanent police or Police Community Support Officer presence would not be cost effective or proportionate in relation to the levels of activity.
18. Alcohol Disorder Zones - these cover licensed premises in areas that experience alcohol-related disorder. Before such a zone is designated, licensed premises would be warned to take their own steps to reduce alcohol disorder or otherwise a designation would be imminent. The licensed premises would also be required to contribute towards the policing and other local costs of dealing with the disorder in this area. Currently licensed premises in the Chorley Town Centre area are well managed and engaged in a successful pub watch scheme and such Zones are not necessary.
19. Alcohol Initiatives - A range of multi-agency initiatives have been implemented via the MATAC

(Multi Agency Tasking and Co-ordinating) process. Whilst these have achieved some success, they cannot offer the same enforcement powers and deterrence that a Designated Public Places Order would have.

Other Police Powers - Section 155 of the Licensing Act 2003, provides police with the powers to confiscate alcohol in both sealed and open containers from young people in public and certain places when exercising the confiscation powers provided by the Confiscation of Alcohol (Young Persons) Act 1997. It should be noted that these powers are restricted to young persons (under 18's) in possession of alcohol.

**CORPORATE PRIORITIES**

20. This report relates to the following Strategic Objectives:

|  |   |   |   |
|--|---|---|---|
| Put Chorley at the heart of regional economic development in the Central Lancashire sub-region |   | Develop local solutions to climate change.                        |   |
| Improving equality of opportunity and life chances   |   | Develop the Character and feel of Chorley as a good place to live | x |
| Involving people in their communities  | x | Ensure Chorley Borough Council is a performing organization       |   |

**BACKGROUND**

21. A Designated Public Places Order (DPPO) is a tool that can be used by local authorities to deal with the problems of crime and disorder, nuisance and annoyance related to adult consumption of alcohol in public places. It must be noted that this legislation does not lend itself to dealing with issues around youth alcohol nuisance. There are already extensive tools and legislation available and being used to combat youth alcohol consumption and supply.

22. Section 13 of the Criminal Justice and Police Act 2001, introduced Designated Public Places Orders that replaced drinking byelaws. It is not an offence to consume alcohol within a designated area but gives the police and accredited persons<sup>1</sup> the power to require individuals to surrender the alcohol and any opened or sealed containers. If an individual fails to comply with the request then the police or accredited person can enforce the order. These powers are not intended to disrupt peaceful activities, for example families having a picnic in a park with a glass of wine. They are used solely to address nuisance, annoyance or disorder associated with alcohol. There are savings within the legislation which would still allow public drinking to take place on or in licensed premises. (Appendix 1)

23. Penalties for not complying with a request to surrender alcohol are as follows:

- Penalty notice - £50
- Arrest and prosecution for a Level 2 fine (maximum £500)
- Bail conditions can be used to stop the individual from drinking in public

24. There are currently 712 Designated Public Places Orders in operation across the country. Although a number of areas locally have implemented orders, there is little evidence to support any direct effect they have had on street drinking, anti-social behaviour, and crime and disorder. A recent fact sheet produced by the North West Public Health Observatory has noted that evaluations have been limited and therefore this currently limits any statistical position.

25. Blackburn with Darwen Council adopted an order covering the Town Centre on 1st March 2002. A survey carried out in 2006 regarding perceptions of crime in Blackburn Town Centre

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<sup>1</sup> Accreditation of PCSOs and other officers is at the discretion of the Chief Constable

found that 43% of people were aware of the order and only 24% of people felt it was effective at reducing alcohol related crime and disorder within the Town Centre

26. Ribble valley Council also introduced an order covering the Clitheroe Town Centre but no records have been kept relating to the DPPO. The number of fixed penalties for the area is high but there is no correlation between them and the order itself. However, the amount of enforcement for alcohol related crime and disorder in the Town centre has been falling.
27. Manchester City Council implemented a number of initiatives to restrict drinking within the City Centre after large increases in alcohol-related violent crime. One of these initiatives was to introduce laws to equip police with measures to target those who drank in the City Centre. Between 1999 and 2002 serious assaults fell by over 20%.
28. A Designated Public Places Order is already in existence within the Chorley Borough, in Coppull. This was implemented in July 2008 with relative success in tackling the issues experienced within the designated area. Perceptions of crime have improved as, anecdotally, residents who live within the area have reported that anti-social behaviour and other alcohol related issues, such as criminal damage, have reduced.
29. As can be seen from the analysis above, there is some positive feedback from residents who live within the DPPO zone with many reporting that anti-social behaviour and other alcohol-related issues such as criminal damage have reduced.
30. It is important to note that the introduction of a DPPO in Coppull was one tool of a number implemented in the tackling of crime and disorder in the area. At the same time as the DPPO was introduced, a number of initiatives including Trading Standards 'Test Purchasing' of off-licence premises, Operation Cherub, provision of diversionary activities and increased police patrols would also have contributed to any reduction in crime and disorder.
31. While few DPPOs have been evaluated they appear to be a useful tool to deal with alcohol-related crime, disorder and anti-social behaviour. Of the areas that have implemented orders, along with a range of other measures to address alcohol-related disorder, feedback about their impact has been positive.
32. DPPOs appear to be seen as a positive addition to additional powers where they cover smaller more specific areas such as Town and City Centres. A number of areas have attempted to implement borough-wide orders. These have generally been unsuccessful due to cost and the issue of enforcement. Where these orders covered residential streets, there would be an expectation from local people that the police would deal with each incident of people consuming alcohol. When enforcement would not be possible, public perceptions would be affected.

### **Chorley Town Centre**

33. In the past attention has been given to the potential for the making of a blanket order covering the whole of the Chorley Borough. The considered advice, based on Home Office views and legal advice, is that this would be disproportionate to the intended purpose and therefore open to legal challenge. Section 13 of the Criminal Justice and Police Act allows local authorities to designate areas for this purpose only where they are satisfied that disorder or nuisance and annoyance to the public have been associated with drinking in that place. It is clear that the Council has to be satisfied that public nuisance, annoyance or disorder has been associated with public drinking in the area concerned and that a designation order under Section 13 of the Act is appropriate.
34. Initial consideration for the implementation of further Designated Public Places Orders, following the introduction of the Coppull DPPO in 2008, was done via the MATAC (Multi Agency Tasking and Co-ordinating) group.

35. Upon careful examination and evaluation of alcohol related crime and disorder across Chorley Borough, the only area currently deemed suitable for a DPPO is the Town Centre. The precise areas highlighted in the plan contained in Appendix 4 are Astley Park and the police Town Centre beat area, which encompasses the night time economy. The police town centre beat records the highest alcohol related crime for the borough and which will importantly also allow for better monitoring, enforcement and evaluation of a DPPO as the police are fully aware of this area's geographical boundaries. Furthermore, coverage for this area via CCTV, is high and will further aid enforcement of any DPPO.
36. Following recommendation from the MATAC, a report was prepared for the Safer Chorley and South Ribble Partnership (Crime and Disorder Reduction Partnership) on the appropriateness of a Designated Public Places Order for Chorley and subsequent recommendation has been made to Chorley Council regarding its implementation.
37. Current figures and information relating to criminal activity for the Town Centre are detailed in the following paragraph. It does need to be noted however that as follows:
- 56% of violent crime is alcohol related, higher than the Borough average of 41%
  - Violent crime increases slightly during the summer months with incidents at their highest between 23:00 and 02:00 hours during the weekend
  - The majority of violence involves males aged between 18 and 24 years of age
  - 44% of violence occurs on the street, with these offences mostly involving drunken arguments and clashes between revellers making their way between licensed premises and acts of public fear, alarm and distress such as shouting, swearing and behaving in an intimidating manner. Other specific issues include verbal / physical abuse at takeaways and disorder at the taxi rank.
38. Other benefits of implementing a DPPO must also be considered such as perception and fear of crime in an area. Both of these are always elevated in Town Centres and circumstantial evidence from DPPOs in other areas supports this. Moving forward, more emphasis will be placed by central government on the importance of the public's perception of crime and disorder, along with their confidence that the Council and partners are responding appropriately to crime and disorder.

### **Astley Park**

39. It should be borne in mind that the granting of an order for the Town Centre locality may result in displacement of the problem elsewhere. Having examined recent information for this locality it appears that there are already drinking issues associated with Astley Park, with several reports to the Council and police with regards to fear and intimidation associated with the drinkers there. It could be suggested that the issues currently evident in Astley Park will increase if a DPPO was confined to the police Town Centre beat area. The legislation does state that where there is likely to be displacement then such an order can be granted to cover the additional area, hitherto unaffected.
40. It is important to remember that the DPPO was one tool implemented in helping combat crime and disorder in Coppull. During the same time period the DPPO was introduced a number of initiatives including but not limited to Test purchasing operations, Operation cherub, CCTV van usage, increased police controls and the provision of diversionary activities were implemented and will have also contributed to reduction in crime and disorder.
41. While it is useful to be able to assess an existing order in the borough, results from this designation order cannot be used as the basis for moving developing further zones in areas with a higher proportion of alcohol-related incidents such as Chorley Town Centre

### **DESIGNATING AN AREA**

42. Section 13 of the Criminal Justice and Police Act provides the process for the designation and introduction of a Designated Public Places Order. Full details are contained within Appendix 2.
43. It is the responsibility of the local authority to designate a particular area. The powers in the aforementioned Act make it simpler for local authorities to designate places where restrictions on public drinking will apply. These are in a public place where:
- Nuisance or annoyance to members of the public or a section of the public; or
  - Disorder has been associated with consuming alcohol in that place.
44. If the nuisance or annoyance is not related directly to alcohol, then the use of DPPOs are not appropriate. The local authority needs to be able to show that:
1. There is an alcohol related problem over a sustained period
  2. The problem is worse than in the surrounding streets
  3. Having this law would tackle the problem effectively
  4. They have assessed the likelihood that the problem would continue unless these powers were adopted
45. Police have the powers to deal with anti-social drinking in areas that have been designated for this purpose by the relevant local authority. The police and other accredited officers, have the power to require a person in a DPPO area not to drink alcohol in that area where an officer reasonably believes that person has, or intends to do so. In addition, the officer has the power to require a person to surrender the alcohol and any opened or sealed containers in their possession.
46. Careful consideration would need to be given to the area covered by the DPPO. The Home Office persuade against Borough-wide orders as there would rarely be evidence of alcohol-related disorder in every part of the borough. The police may also find covering such an area difficult, especially if the public perception was that the authorities would deal with anybody drinking in public spaces within the borough, for example if they saw somebody drinking in their street, which may not be possible at the time.
47. In addition to the need to provide evidence to support the designation of a DPPO, consultation is also required to be undertaken. Parish and community councils, neighbouring police and local authorities, premises license holders and residents located within the proposed area covered by the order and the owners and/or occupiers of the land proposed to be designated.
48. Any premise that is licensed, or any area licensed by the local authority will only be excluded from DPPO in which they are located at times when alcohol is actually being sold/supplied and for 30 minutes thereafter.
49. There are a number of requirements to be satisfied before an order can be made. These include sufficient provisions for the aforementioned consultation; publication of a notice in the local newspaper and inviting representations as to whether or not an order should be made; re-consideration of the area following representation; re-issue of a further notice if a place is to be designated a DPPO with the relevant and effective date.

### **Costs**

50. The Home Office have no specific guidance regarding the cost of implementing orders as it depends upon the location. Costs can vary greatly depending upon the amount of consultation required and the number of signs erected. While the Coppull scheme cost £1,000, other areas



have over £15,000, with an average of around £2,500 excluding officer time and policing costs. The cost of an order covering the Town Centre area would be in the region of £2,000 and would be paid for via the Safer Chorley and South Ribble Partnership Area Based Grant funds.

**THE TOWN CENTRE DPPO CONSULTATION**

**Consultations**

**51. Residents & Businesses**

|   |      |                                   |              |
|---|------|-----------------------------------|--------------|
| Consultation Requests Sent:                                 | 1670 | <b>Return Rate:</b>               | <b>3.9%</b>  |
| Completed Consultations Returned:                           | 65   | Of Which Completed Online Survey: | 62           |
| Positive Responses:   | 53   | <b>% Positive:</b>                | <b>81.5%</b> |
| Negative Responses:   | 3    | <b>% Negative:</b>                | <b>4.6%</b>  |
| Abstentions / Incorrectly Filled In / Incomplete Responses: | 9    | <b>% No clear response:</b>       | <b>13.8%</b> |

- 41 Residents
- 16 Businesses
- 1 other org. – Landlord of a residential property in the area

**52. Licensed Premises Holders**

|   |    |                             |              |
|---|----|-----------------------------|--------------|
| Consultation Requests Sent:                                 | 41 | <b>Return Rate:</b>         | <b>19.5%</b> |
| Completed Consultations Returned:                           | 8  | Of Which Online Survey:     | <b>0</b>     |
| Positive Responses:   | 6  | <b>% Positive:</b>          | <b>75%</b>   |
| Negative Responses:   | 2  | <b>% Negative:</b>          | <b>25%</b>   |
| Abstentions / Incorrectly Filled In / Incomplete Responses: | 0  | <b>% No clear response:</b> | <b>0%</b>    |

**53. Perceptions of Crime Questions**

*Do you believe that alcohol-related crime and antisocial behaviour is a problem in your area?*

|  |       |
|--|-------|
| a) Yes, it is a major problem in our area.       | 22.2% |
| b) Yes, we sometimes have problems in our area.  | 53.7% |
| c) We couldn't really say either way.            | 11.1% |
| d) No, we rarely have problems in our area.      | 11.1% |
| e) No, we never have these problems in our area. | 0.0%  |
| f) I don't know.                                 | 1.9%  |

*Do you think that the Police, Council and other partner agencies are doing enough to prevent alcohol-related crime and antisocial behaviour in your area?*

|  |       |
|--|-------|
| a) Yes, they are doing a lot and being effective.                              | 11.1% |
| b) Yes, their efforts are having an impact but there is much more to do.       | 24.1% |
| c) Their efforts are having very little effect.                                | 20.4% |
| d) No, despite their efforts there is no progress or things are getting worse. | 5.6%  |
| e) No, we are not aware of these agencies taking any action in our area.       | 16.7% |
| f) I am not able to say.   | 22.2% |

**54. Other organisations / individuals making representations**

| <b>Respondent</b>                 | <b>Supportive / Opposed</b> | <b>Detail / Concerns</b>  |
|-----------------------------------|-----------------------------|---|
| Chief Executive – Chorley Council | Supportive                  |   |
| Lancashire Constabulary           | Supportive                  |   |
| British Transport Police          | Supportive                  | <ul style="list-style-type: none"> <li>Require signage within Chorley Railway Station</li> </ul>  |
| Astley Village Parish Council     | Supportive                  | <ul style="list-style-type: none"> <li>Concern over possible displacement into out of Astley Village into Astley Park</li> <li>Possible impact on “innocent” individuals who may be worried about becoming subject to the DPPO</li> <li>Concern that Council resources should be spent on prevention and education rather than addressing misbehaviour</li> </ul> |
| Chorley North West Partnership    | Supportive                  | <ul style="list-style-type: none"> <li>Possible displacement to Rec Grounds and other areas of the town</li> </ul>  |
| Friends of Astley Park            | Supportive                  | <ul style="list-style-type: none"> <li>Possible displacement onto Devonshire Road Rec</li> <li>Suggested that the DPPO is fully reviewed in 12-18 months time</li> </ul>  |
| CDRP                              |                             | <ul style="list-style-type: none"> <li></li> </ul>  |
| Exec Cab                          |                             | <ul style="list-style-type: none"> <li></li> </ul>  |

**55. Other organisations consulted but no response received**

| <b>Respondent</b>                           | <b>Supportive / Opposed</b> | <b>Detail / Concerns</b>                         |
|---|-----------------------------|--|
| Chief Executive – Lancashire County Council | Unknown                     |  |
| Lindsey Hoyle MP                            | Unknown                     | Asked for clarification but no official response |
| Chorley Neighbourhood Watch                 | Unknown                     |  |

**56. Actions arising from public consultation element**

- Required 15 month review
- Supply evidence
- Perceptions of crime / Feelings of safety
- Displacement crime markers (specifically rec. grounds)
- Response Circulation
- Briefing notes to be made available to the Police and Licence Holders.

**57. Overall consultation approach**

Consultation period remained open for 6 weeks – March 5<sup>th</sup> to April 16<sup>th</sup>, for residents and businesses. Licence holders were written to at the start of this period then re-written to in consultation week 5 with a reminder since a low level of response had been received, and the period was extended for an additional 3 days for licence holders only.

## DISCUSSION

58. The strong support for the introduction of the DPPO (80% for residents and businesses, 75% for the holders of licensed premises) indicates that implementing a DPPO would be positively received for the Town Centre and even higher for Astley Park.
59. The timing of the Order is important. The first game of the football world cup takes place on the 11<sup>th</sup> of June and is expected to lead to an increased attendance at Pubs in Chorley. Over the course of the tournament there are expected to be changed hours of pub attendance depending on the timings of televised matches.
60. It is therefore recommended that the DPPO be implemented no later than the 10<sup>th</sup> of June. This will have the effect of making the town centre streets safer and potentially increase the number of people choosing Chorley to enjoy the World Cup.
61. A number of points raised in opposition indicated a review would be welcomed. It is recommended that the incident levels in the Town Centre be monitored for one year from implementation and compared to historical data. Once this has been completed, the achievements of the DPPO in increasing safety and perceptions of safety should be fully reviewed.

## PLAN FOR IMPLEMENTATION

62. In order to implement the DPPO, signs must be placed at the entrances and exists of the indicated zone. The signs must be in place before the order comes into force.
63. A briefing note has been prepared to inform the Police and British Transport Police of the effects of the Order and can be circulated if the DPPO is approved.
64. The 15 month review must specifically cover the following points;
  - Whether alcohol-related disturbances have been reduced within the DPPO zone.
  - Whether Devonshire Road Recreation Area has recorded an increase in crime and disorder. A crime marker has been added to this location specifically to detect displacement. This area did not indicate a problem beyond minor youth nuisance (not included in DPPO) and its geographic location should rule this out for displacement. The area will be closely monitored and upon review, should the area have been shown to have suffered the effects of displacement, consideration will be made to begin the process to include the area in the DPPO boundary.
  - Whether the Order is being effectively enforced in Astley Park
  - Whether perceptions of crime and fear of anti-social behaviour have been reduced within the DPPO area.

## IMPLICATIONS OF REPORT

65. This report has implications in the following areas and the relevant Directors' comments are included:

|                 |   |  |  |
|-----------------|---|--|--|
| Finance         |   | Customer Services                        |  |
| Human Resources |   | Equality and Diversity                   |  |
| Legal           | X | No significant implications in this area |  |

**COMMENTS OF THE DIRECTOR OF TRANSFORMATION**

66. The legal implications for making the order are addressed within the report.

JAMIE CARSON  
CORPORATE DIRECTOR – PEOPLE & PLACES

There is one background paper to this report

| Report Author           | Ext         | Date       | Doc ID       |
|-------------------------|-------------|------------|--------------|
| Paul Lowe / Simon Clark | 5758 / 5732 | 30/04/2010 | Chorley DPPO |

**Appendix 1**

## S:14 Criminal Justice and Police Act 2001

- (1) A place is not a designated public place or a part of such a place if it is--
- [[ (a) premises in respect of which a premises licence has effect which authorises the premises to be used for the sale or supply of alcohol;
  - (aa) premises in respect of which a club premises certificate has effect which certifies that the premises may be used by the club for the sale or supply of alcohol;]
  - (b) a place within the curtilage of premises within paragraph (a) [or (aa)];
  - (c) premises which by virtue of Part 5 of the Licensing Act 2003 may for the time being be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the last [30] minutes;]
  - (e) a place where facilities or activities relating to the sale or consumption of [alcohol] are for the time being permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (c 66) (highway related uses).
- [(1A) Subsection (1B) applies to premises falling within subsection (1)(a) if--
- (a) the premises licence is held by a local authority in whose area the premises or part of the premises is situated; or
  - (b) the premises licence is held by another person but the premises are occupied by such an authority or are managed by or on behalf of such an authority.
- (1B) Subsection (1) prevents premises to which this subsection applies from being, or being part of, a designated public place only--
- (a) at times when it is being used for the sale or supply of alcohol; and
  - (b) at times falling within 30 minutes after the end of a period during which it has been so used.
- (1C) In this section "premises licence" and "club premises certificate" have the same meaning as in the Licensing Act 2003.]

## **Appendix 2**

### **Process for Making a DPPO**

#### 1. Gathering Evidence

The evidence required for a DPPO is that there is an alcohol related nuisance or annoyance to the public in the proposed area(s). An assessment should be made as to the likelihood that the problem will continue unless these powers are adopted. In addition, there must be a belief that the problem could be remedied by the use of these powers.

Evidence of alcohol-related nuisance could for example include litter related to the consumption of alcohol (e.g. bottles and cans) as well as police information and residents' complaints.

#### 2. Consultation

Consultation should include the following:

- The parish or community council covering all or part of the public place to be designated;
- The neighbouring police and local authorities, parish or community councils in cases where a designation order covers an area on the boundaries with that neighbouring authority, to assess the consequences of the designation order on the neighbouring authority (such as the possible displacement of anti-social public drinking problems) before the designation order is made
- Any premises license holder, club premises certificate holder, in relation to each premises in that place which may be affected by the designation; and
- Residents living in the area to be covered by the order.
- Reasonable steps should be taken to consult the owners or occupiers of the land proposed to be designated.

#### 3. Publicity

Before making an order, the local authority must publish a notice in the local newspaper:

- Identifying specifically or by description the place in question; setting out the effect the order will have on that place,
- Identifying any licensed premises to which section; and
- Inviting representations as to whether or not an order should be made.

No order should be made until at least 28 days after the publication of the notice.

*The process to this stage has been completed*

#### 4. Once an order is made

- After making an order and before it takes effect, publish a further notice in the same local newspaper:
- Identifying the place to which the order refers;
- Setting out the effect the order will have on that place, particularly as regards certain times in relation to licensed premises
- Identifying any premises to which the Act applies at the time the order takes effect; and
- Indicating the date on which the order will take effect.

A copy of the DPPO as soon as possible after the order is made to the following address:

Joanne French  
Home Office  
Alcohol Strategy Unit  
4th Floor  
Peel Building  
2 Marsham Street  
London  
SW1P 4DF  
Telephone number: 020 7035 0066

A copy of the order is to be sent to the Secretary of State.

#### 5. Signage

There is no specific guidance on the number of signs that need to be erected to draw the public's attention to the order. The statutory guidance states that a local authority shall erect, as it considers sufficient to draw the attention of members of the public in that place to the effect of the order. However the Home Office publishes guidance on what should be included on the sign.



### **Appendix 3**

#### **Other Powers**

The police have powers to confiscate alcohol in both sealed (amendment provided by section 155 of the Licensing Act 2003) and opened containers from young people in public and certain other places when exercising the confiscation powers provided by the Confiscation of Alcohol (Young Persons) Act 1997.

**Cumulative Impact Policies** allow the local authority and police to define an area where they have concerns about crime and disorder or public nuisance. The effect of this policy is that new applications and applications for material variations to existing licenses will be refused unless applicants can show that their application will not add to the cumulative impact.

**Directions to leave under section 27 Violent Crime Reduction Act 2006** allows a constable to give a direction requiring an individual over 16 years to leave the locality and prohibit them to return for a period not exceeding 48 hours. It is given where the presence of the person is likely to cause or contribute to alcohol-related disorder.

**Section 19, Criminal Justice Act 1967**, allows for any person who in any public place is guilty, while drunk, of disorderly behaviour may be arrested without warrant.

Section 91, Criminal Justice Act 1967 **makes it an offence to be drunk and disorderly in a public space**

**Licensing Act 1872** states it is an offence to be drunk in any highway or other public place, whether a building or not, or on any licensed premises.

**Drink Banning Order: Violent Crime Reduction Act 2006**, a court may make an order for between 2 months and two year that prohibits a person from doing anything listed in the order. The person must be under the influence of alcohol at the time of the offence.

**Section 30, Anti-Social Behaviour Act 2003, Dispersal orders** allow an officer, where they believe that members of the public have been intimidated, harassed, alarmed or distressed as a result of the presence or behaviour of groups of two or more, and where anti-social behaviour is a significant problem, to:

- I. Direct the persons to disperse
- II. Direct them to leave the relevant locality if they do not live there
- III. Prohibit their return for a period not exceeding 24 hours

Caution should be noted that in some areas within these orders have led to nuisance and disorder being displaced into adjacent areas, such as streets that fall outside the jurisdiction of the order. These need to be assessed when looking at the original orders.

Appendix 4



# Town Centre Designation Order



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