

| Report of | Meeting | Date |
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| Corporate Director (Neighbourhoods) (Introduced by the Executive Member for Neighbourhoods) | Executive Cabinet | 3 rd December 2009 |

ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES CRIMINAL JUSTICE AND POLICE ACT 2001

PURPOSE OF REPORT

1. This report deals with the issue of nuisance, annoyance, disorder and associated anti-social behaviour in Chorley Town Centre and Astley Park. The report proposes the usage of a Designated Public Places Order (DPPO) in the areas detailed and named as Chorley Town Centre and Astley Park (Appendix 5).

RECOMMENDATION(S)

2. Executive Cabinet agrees consultation begins on the proposal to make a Designated Public Place Order under Section 13 of the Criminal Justice and Police Act 2001 for the area named as Chorley Town Centre and Astley Park as detailed on the plan (Appendix 5).
3. Executive Cabinet, where evidence is supported, and following recommendations from the Responsible Authority Group (RAG), delegate the decision on a designation order for the Town Centre and Astley Park area to the Executive Member for Neighbourhoods.

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 crime and 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 is 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 an entity 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. This report sets out the background and recommendations for the declaration of an Order under Section 13 of the Criminal Justice and Police Act 2001 so that the area, as detailed in Appendix 5 is made a Designated Public Place.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

10. 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.
11. 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.
12. 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.
13. 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.
14. 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

15. 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 activity.
16. Any permanent police or Police Community Support Officer presence would not be cost effective or proportionate in relation to the levels of activity.
17. Alcohol Disorder Zones 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.
18. A range of multi-agency initiatives have been implemented via the MATAC (Multi Agency Tasking and Co-ordinating) process. Whilst these have achieved success, they cannot offer the same enforcement powers and deterrence that a Designated Public Places Order would have.

19. 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. Whilst they are effective in many instances they lack the deterrence of a Designated Public Places Order would have. (Appendix 3)

CORPORATE PRIORITIES

20. This report relates to the following Strategic Objectives:

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| 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 | x |

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 persons¹ 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 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 found that 43% of

¹ Accreditation of PCSOs and other officers is at the discretion of the Chief Constable

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. Clitheroe also introduced an order covering the 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 5 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 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.

IMPLICATIONS OF REPORT

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

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

ISHBEL MURRAY
CORPORATE DIRECTOR (NEIGHBOURHOODS)

| Report Author | Ext | Date | Doc ID |
|---------------|------|----------|--------|
| Paul Lowe | 5758 | 29/09/09 | |

Appendix 1

PLACES WHICH ARE NOT DESIGNATED PUBLIC PLACES

(1) A place is not a designated public place or a part of such a place if it is-

- (a) licensed premises or a registered club;
- (b) a place within the curtilage of any licensed premises or registered club;
- (c) a place where the sale of intoxicating liquor is for the time being authorised by an occasional permission or was so authorised within the last twenty minutes;
- (d) a place where the sale of intoxicating liquor is not for the time being authorised by an occasional licence but was so authorised within the last twenty minutes;
- (e) a place where facilities or activities relating to the sale or consumption of intoxicating liquor 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).

(2) In subsection (1)-

- “licensed premises”, “occasional licence” and “registered club” have the same meaning as in the Licensing Act 1964 (c. 26); and
- “occasional permission” has the same meaning as in the Licensing (Occasional Permissions) Act 1983 (c. 24).

Appendix 2

Process

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.

Completed

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 months

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.

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.

3months

Signs

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
Above Chorley Town Centre
Below Astley Park



