

Report of	Meeting	Date
Corporate Director (Neighbourhoods) (Introduced by the Executive Member for Streetscene, Neighbourhoods and Environment)	Executive Cabinet General Purposes Committee	14 February 2008 3 March 2008

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

PURPOSE OF REPORT

1. This report deals with the issue of the control of nuisance, annoyance and disorder and associated anti-social behaviour at a location in Coppull. It also reconsiders the use of Designated Public Place Orders generally following previous consideration in March 2006.
2. To agree to undertake a consultative exercise about the proposal to make a Designated Public Places Order under The Criminal Justice and Police Act 2001 to make the area surrounding the Leisure Centre complex at Springfield Rd and the German Lane vicinity, as detailed in appendix 1, Coppull, a Designated Public Place.

RECOMMENDATION(S)

2. That the Council consult about a proposal to make a Designated Public Place Order under S.13 of the Criminal Justice and Police Act 2001 for the area as detailed on the attached plan (appendix 1). (Consultation List attached at Appendix 3 for information)

EXECUTIVE SUMMARY OF REPORT

3. A previous report, at General Purposes Committee on 8 March 2006 (minute 05 GP 18 refers) considered the whole issue of the use of Designated Public Place Orders (DPPO) under the Criminal Justice and Police Act 2001. At this time it was resolved to respond to such neighbourhood problems by other means, short of the making of a designation order.
4. At this time the General Purposes Committee **RESOLVED** –
 - 1) **That the report be noted.**
 - 2) **That Chorley's Multi-Agency Problem Solving (MAPS) Team assess and analyse the problem, in not just the specified areas of Astley Village and Whittle-le-Woods, but other areas of the Borough with a similar problem and report back to a future meeting of the Committee with a strategy to combat the problem.**
5. Since this time the management and staff in the Crime and Disorder team has changed and further experience and a reconsideration of both the generality of the issue and in relation to a specific and intractable problem at Coppull has identified the need to review this previous decision and pursue a DPPO both to control anti-social behaviour at this locality and to act as a template for future designations, where justified, in other neighbourhoods in Chorley.

The reasons for selecting the area in Coppull are set out in the report; the area has been



subject to a wide range of formal and informal interventions and is considered to be the highest priority location in Chorley for consulting on the Borough's first DPPO. If successfully implemented the lessons learned will be applied to other potential areas, including those described in the previous report.

- 6 Anti-social behaviour, caused by drunken youngsters and adults is making people feel unsafe in the area surrounding the public amenities at Springfield Road, Coppull, also, those residents in the immediate vicinity, as outlined, are equally suffering from anti-social behaviour, drunkenness, damage and litter, thus materially interfering with their right of quiet enjoyment of their homes and neighbourhood.
- 7 A number of different schemes have been tried and tested with the intention of preventing and stopping conduct of this type with varying degrees of success. Unfortunately, following each intervention, the 'drinkers' have returned on every occasion. 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 specified on the attached plan (appendix 1) is made a Designated Public Place.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

- 8 The facilities affected are public buildings and facilities that provide a service to the community. If the Council fails to take all reasonable steps to prevent the anti-social behaviour of people at this location then confidence in public services will be lost.
- 9 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.
10. All other means to prevent drunkenness and unruly behaviour at this location have been tried and have had only limited or short-term effect.
11. This type of Order has not been tried in Chorley previously and this location would give us the ideal opportunity to monitor and evaluate its effectiveness for future projects.
12. The Parish Council is willing to pay for all signage
13. A dispersal notice was effective during its period of operation, which gives some confidence that the order would be successful.
14. An Order will support the Parish Council in their efforts to upgrade the facilities, via Lottery Funding and will show that the Council is determined to stop anti social behaviour in this area.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

15. CCTV – installed – failed to resolve this issue
16. Alleygates installed – failed to resolve this issue
17. Design out seating facilities for revellers to use – failed to resolve this issue.
18. Dispersal Notice – was successful during its tenure but now that it has expired the same problems are manifest once again.
19. Gate the front of the complex and restrict access – too many logistical issues and would not be cost effective.

20. Permanent police/PCSO presence – not cost effective or proportionate.

CORPORATE PRIORITIES

21. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the central Lancashire sub region		Improved access to public services	✓
Improving equality of opportunity and life chance		Develop the character and feel of Chorley as a good place to live	✓
Involving People in their Communities	✓	Ensure Chorley is a performing Organisation	✓

BACKGROUND

22. In recent years anti social behaviour fuelled by alcohol abuse has been at the root of disorder incidents outside the Coppull Leisure Centre and the immediate environs. As such, a culture of on street drinking has developed as the first choice for many young people. They have been introduced to alcohol by their peers in an uncontrolled and unregulated environment. The social norms and conformity found within licensed premises has never been a part of their social conditioning.
23. As a result the under-age drinkers of 4- 5 years ago are now adults and they see no harm in continuing the supply of alcohol to those too young to purchase it. Furthermore, having developed their drinking habits without social norms they act as unruly role models for the next generation of drinkers.
24. In order to combat this problem CCTV cameras were erected outside the Leisure Centre and in the general vicinity. It was hoped that this measure would deter them, but CCTV is only effective if it is supported by positive identification of crime and disorder.
25. Alley gates have also been erected in an effort to dissuade these youths and adults from congregating in this area, but this too has proved ineffective. A low wall was altered because it was providing a seat for those gathered with the intention of making the area less hospitable, however this too has met with little success.
26. Despite our best efforts to design out the problems in this area it is true to say that the groups still gather and are a significant and intimidating obstacle to those using the facilities for health or recreational purposes. This is particularly unhelpful because some of the activities affected are diversionary activities designed to reduce anti-social behaviour in the area and organised and funded through MATAC.
27. The ultimate sanction is a Designation Order under the Criminal Justice and Police Act 2001. The difference between this legislation and our previous efforts is that under Section 13 of the Act failure to comply with a Police Officer's request is an arrestable offence. Therefore, whilst it is accepted that the police will not be available to deal with all incidents that occur within the confines of the Designation Order, when they are available they are fully supported by the legislation to arrest those present who fail to comply with their requests.
28. However, the power conferred to the police under section 13 does not grant them authority to arrest merely for drinking, in fact there is no offence, under this section for drinking in a designated public place, the power is only appropriate, "Where a constable reasonably believes that a person is or has been consuming, or intends to consume, alcohol in a designated public place he has the power to require that person not to drink alcohol in that

place and to surrender any alcohol or alcohol containers (including sealed containers) in his possession.”

29. It is not an offence to drink alcohol in a DPP, but failure to comply with an officers' requirements in respect of public drinking or surrender of alcohol, without reasonable excuse, is an arrestable offence.
30. There are savings within the legislation which would still allow public drinking to take place on or in licensed premises. See Appendix 2.
31. The legislation requires the Local Authority to conduct a formal assessment of the following areas:
 - a. The views of the local police – re enforcement
 - b. The Parish Council – in whose area the Designation Order will be invoked
 - c. Premise Licence Holder – in the Public Place, that may be affected by such a designation
 - d. Owners or occupiers of land affected by the Designation Order
32. A notice of intention must be published in a local newspaper, outlining the conditions and area for the proposed order. The Council must consider any representations made.
33. Such a Notice must specify the exact area for the Order and state the effect such an Order will have on those premises mentioned above.
34. If a Designation Order is made then details of the Order must be publicised in a local paper covering the area designated.
35. The area specified as a Public Place for a Designation Order must have adequate signage detailing the fact that the area is a Public Place for the purposes of the Order to ensure that visitors are fully aware.
36. The spirit of the CJPA 2001 and Home Office instructions is that a blanket ban is not appropriate and that orders should be specific to a particular locality where the problem is prevalent. However, displacement to other areas or Authorities must be considered and if displacement to an adjacent area is likely as a result of a DPP then that area should, likewise, be considered for a Section 13 Order.
37. The area specified in this application is particular to an identified locality and is outlined in the attached plan (Appendix 1). As can be seen, three important community buildings are within the catchment area:
 - a. The Library
 - b. The Health Centre
 - c. The Leisure Centre
38. These three complexes are at the centre of the community, providing health, leisure and recreational facilities for the public. As such, the Council should be encouraging the use of these amenities without the need for patrons to feel threatened and intimidated by drunken youths. Additionally litter, graffiti and other detritus is left in the area when their activities have abated. The public should not be left to walk through debris of this nature without the Council doing its utmost to prevent it reoccurring day after day.

39. A DPP Order has not been implemented in the Borough previously. Should it prove successful it would benefit the community immensely and assist the Parish Council's bid for Lottery funding for an all weather pitch outside the Leisure Centre and many have application in other areas of the Borough – subject to assessment and consultation.
40. The opportunity exists to utilise this piece of legislation in a controlled area relevant to a well-documented specific problem. Such an Order would apply to the location as delineated on the attached plan, it is designed to deal with issues of this nature and such an Order would be completely within the spirit of the Act.
41. The Police at Coppull have indicated their support.
42. It should be borne in mind that the granting of an Order for this locality may result in displacement of the problem elsewhere. Having examined recent data for this locality it appears that there are already many problems of drinking, damage and litter in the vicinity of German Lane, Park Rd and Bentham St. It might be argued that the issues currently prevalent in these streets will increase if an Order was confined to the outline on the attached plan, (appendix 2). 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.
43. It would be prudent therefore to consult on the basis of the larger area shown outlined at Appendix 1.
44. PROCEDURE FOR MAKING FUTURE DESIGNATIONS
45. Attention has been given, in the past, and as part of this reconsideration, to the potential for the making of a blanket order covering the whole of the 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 Act allows local authorities to designate areas for this purpose only where they are satisfied that nuisance or annoyance to the public, or disorder have been associated with drinking in that place. Clearly also the consultation requirements would be very onerous and the risk of failure due to negative responses greater.
- 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 s13 is appropriate"
- Whether or not a designation order is appropriate is a matter for local judgement, based on the circumstances applying.
46. It is not proposed to attempt to set closely defined criteria for the appropriateness of a DPPO. It is not considered possible to do this. Clearly it is possible to envisage that a single, very serious, incident could lead to the making of an order or that a very prolonged and unresolved history of low level nuisance similarly could trigger this event.
47. It is recommended that the initial consideration of the suitability for a DPPO be made through the MATAC process, this has several advantages:
- The case would be subject to a multi-agency consideration
Democratic oversight of this process is provided via the Community Safety Partnership Steering Group
The process would deliver the support of key partners necessary for the success of the order

The consideration would be made set against a background of the totality of the requirement for crime and disorder interventions and resources.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE CORPORATE DIRECTOR OF GOVERNANCE

50. The Council will have to satisfy itself that public nuisance, annoyance or disorder to the public (or a section of the public) has been associated with public drinking in the area concerned and that a designation order is appropriate. There should be evidence of a problem, with an assessment of the likelihood that the problem will continue unless these powers are adopted. Whether or not a designation order is appropriate is a matter for local judgement based on the circumstances applying.

ISHBEL MURRAY
CORPORATE DIRECTOR (Neighbourhoods)

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Phil Towndrow	5260	16/10/2007	



SAVINGS FOR LICENCED PREMISES

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).

CONSULTATION LIST

The Springfield Public House, Spendmore Lane, Coppull, Chorley

Bargain Booze, 199 Spendmore Lane, Coppull, Chorley

The Co-op Store, 195 Spendmore Lane, Coppull, Chorley

The Pizzeria Dal Mamolo, 198 Spendmore Lane, Coppull, Chorley

The Coppull Tandoori, 194 Spendmore Lane, Coppull, Chorley

Irene Curtis, Leyland Police, Lancastergate, Leyland

Coppull Ex-serviceman's (RBL) Ltd, Springfield Road North, Coppull, Chorley