



Committee and Date
Council
30 September 2010

Item/Paper
17
Public

Declaration of Designated Public Places

Responsible Officer Andy Goldsmith
e-mail: andy.goldsmith@shropshire.gov.uk Tel: 01743 251017 Fax:

Summary

Under section 13 of the Criminal Justice and Police Act 2001, local authorities can designate areas that have experienced alcohol-related disorder or nuisance so that there can be restrictions on public drinking. Such orders, which are made under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007, are called Designated Public Place Orders (DPPOs). While it is not an offence to consume alcohol within a “designated” area, the police have powers to control the consumption of alcohol within that place.

In 2009 Oswestry Borough Council resolved to designate a number of areas in the Borough as Designated Public Places. Subsequently when Shropshire Council took over responsibility for these implementing these orders it became evident that due to a procedural error it was not possible for the intended orders to be completed. The full procedure has now been followed. During the consultation West Mercia Police requested that an area of Shrewsbury, that is suffering from alcohol related crime and disorder, be designated and this has been included in these proposals. Officers have consulted on designating places in accordance with the legal procedure and Council are asked to approve the designations.

Recommendations

That Council:-

- A Makes Designated Public Places Orders for each of the areas defined (in purple) in Appendices 1-12, to take effect on 15 October 2010.
- B Amends Part 8 of the Constitution in that the Chief Executive be delegated to make Designated Public Places Orders under the Criminal Justice and Police Act 2001 and Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.

REPORT

Background

1. Designated Public Place Order (DPPO) powers enable local authorities to designate places where restrictions on public drinking apply. However, they can only be used in areas that have experienced alcohol-related disorder or nuisance.
2. These powers are not intended to disrupt peaceful activities, for example families having a picnic in a park with a glass of wine. The places created by these powers are not alcohol free zones. The power is to be used explicitly for addressing nuisance or annoyance associated with the consumption of alcohol in a public place. It is important to note that these powers do not make it a criminal offence to consume alcohol within a designated area. An offence is committed if the individual refuses to comply with a Police officer or other accredited officer's request to refrain from drinking.
3. The police (and other accredited persons) have the power to require a person in a DPPO area not to drink alcohol in that area where an officer reasonably believes that the person has, or intends to do so. In addition an officer has the power to ask that person to surrender the alcohol and any opened or sealed containers in their possession.
4. There is no power to arrest someone who regularly consumes alcohol in a designated public place unless they fail to comply with an officer's request to stop when asked under section 12 of the Criminal Justice and Police Act 2001. However, the police do have other powers to deal with regular public/street drinkers.
5. A process of consultation and publicity must be undertaken before a place may be designated.

Current Position

6. Acting upon representations made to them, the former Oswestry Borough Council began the process of making DPPOs, but it did not successfully complete the process. Further representations have been made by Parish Councils and account has been taken of ongoing incidents of alcohol related antisocial behaviour in parts of Oswestry, Weston Rhyn, Chirk Bank, St Martins and Gobowen, and also Becks and Burrs Fields in Shrewsbury.
7. On 7 May 2010 a consultation was undertaken in the areas set out in Appendices 1–12 in accordance with the provisions of the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007. No objection to the implementation of the orders was received and the proposals are supported by West Mercia Police.
8. The formal responses that were received supported the making of the DPPOs. No further consultation is necessary.

9. The proposals are supported by the Community Safety Performance Management and Commissioning Group.
10. If a decision to designate the places identified in Appendices 1-12 is made, a further notice would be required to be placed in a local newspaper, setting out the decision and its implications. Advisory signs would need to be placed at the entrances and exits to, and at appropriate places within, the identified places, in advance of the Orders taking effect.
11. Designated Public Places Orders provide an additional tool to the Police to use to tackle drink related anti social behaviour. Such behaviour can give rise to significant community concern and a timely and expedient response is often necessary to prevent problems continuing. Currently the power to make an order rests with Council and given the workload of Council and administrative arrangements Shropshire Council is unable to respond quickly to requests to make an order. It is therefore recommended that the power to make an order is delegated to the Chief Executive to deliver a quicker response.

Conclusion

12. Local Authorities may make Designated Public Place Orders, following a period of consultation, where there is evidence that they may be effective in tackling alcohol related antisocial behaviour. A number of such places have been identified as being appropriate for such an Order. DPPOs are an effective way to reduce anti-social behaviour by tackling those individuals who cause problems when they are drinking in outdoor areas, whilst not restricting the social amenity of outdoor areas for individuals or groups who act responsibly.
13. The proposed designations are supported by the town and parish councils, local Shropshire Council members and West Mercia Police.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Criminal Justice and Police Act 2001. Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007

Consultation documentation and responses

Human Rights Act Appraisal

The recommendations contained in this report are compatible with the provisions of the Human Rights act 1998.

Environmental Appraisal N/A

Risk Management Appraisal

Correctly made DPPOs would permit the Police to take appropriate action in the event of antisocial behaviour, providing an effective legal sanction thereby reducing the legal, economic and reputational risk.

Community / Consultations Appraisal

Statutory consultation has been undertaken for each of the proposed Public Places and consultation has taken place with local members and with the Community Safety Performance Management and Commissioning Group.

Cabinet Member:

Councillor Mike Owen

Local Members

Keith Barrow, Martin Bennett, Bill Benyon, Steve Davenport, Trevor Davies, Vince Hunt, David Lloyd, Anne Chebsey