

Committee: Full Council
Date: 25 April 2006
Title: Designated Public Places Order
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Item for
decision

Summary

- 1 This report seeks permission from the Council to endorse the request of Elsenham Parish Council for a Designated Public Places Order (DPPO) to be placed on the Recreation Ground, the Memorial Gardens and the Spinney in the Elsenham Village. It is felt necessary to apply for an order of this nature to deal effectively with the alcohol related incidents of anti social behaviour within these areas. Having sought legal advice, it has been advised that all DPPOs have to be granted by Full Council in order to ensure that due process is followed should there be any legal redress in the future.

Recommendations

- 2 That the Council approve the request for the Designated Public Places order to allow the Police and the Police Community Support Officers to deal more effectively with incidents of Anti Social Behaviour, in particular to those in relation to alcohol, in the areas of the Recreation Ground, the Memorial Gardens and the Spinney in Elsenham.

Background Papers

- 3 Reports to South West Area Panel & Community Committee, Minutes of Elsenham Parish Council and notes of meetings with local residents and other interested parties.

Impact

Communication/Consultation	See the main body of the report
Community Safety	As Above
Equalities	Not applicable
Finance	None
Human Rights	Not applicable
Legal implications	A DPPO must be sanctioned by Full Council
Ward-specific impacts	Elsenham
Workforce/Workplace	Not Applicable

Situation

- 4 There have been regular incidents of alcohol related Anti Social Behaviour in the aforementioned areas reported to the police and to the mobile police bus. These incidents have caused concern and are alarming and intimidating to the local residents. Although the Anti Social Behaviour is the main concern, the litter that is generated from these incidents is such, that the Parish Council has employed someone to clear the litter and broken glass from these areas on a regular basis. This allows for the safe use of the facilities by other residents of the village.

What is a Designated Public Places Order?

- 5 In some areas, bye-laws, restricting drinking in public places have enabled prosecution of an individual for contravening the bye-law. However, existing bye-laws will cease to have effect on 31st August 2006 and will be replaced by Designated Public Places Orders (DPPO).
- 6 A DPPO is an order made by a Local Authority under powers given to them in Section 13 of the Criminal Justice and Police Act 2001. These powers make it easier for Local Authorities to designate places where restrictions on public drinking will apply and are available in areas that have experienced alcohol-related disorder or nuisance. While it is NOT an offence to consume alcohol within a 'designated' area, the police, the Police Community Support Officers (PCSO) and other accredited personnel have powers to control the consumption of alcohol within that place. If officers believe that someone is consuming alcohol or intends to consume alcohol they can;
- Require them to stop and
 - Confiscate the alcohol from people whether the drink is sealed or has been opened.
- 7 If someone, without a reasonable excuse, fails to comply with the officers request they are committing an offence and further action can be taken;
- A penalty notice for disorder of £50
 - Arrest and prosecution for a level 2 fine (max £500)
 - Bail conditions can be used to stop the individual from drinking in public.
- 8 A DPPO will only apply in areas that have an experience of public drinking problems they are unlikely to include peaceful, family picnic areas. Similarly, local authorities can, with the agreement of the Police, allow public events like festivals, bar-b-que to take place without any restrictions on alcohol. As the powers are only discretionary, they can be reviewed and exercised if local circumstances demand.
- 9 It is for the local authority to be satisfied that the public nuisance, annoyance or disorder has been associated with public drinking in the area concerned and that a public drinking order is appropriate. There is no requirement on the local authority to conduct a formal assessment, over a given period, of the nature of the problem, although there should be evidence of an existing

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problem, with an assessment as to the likelihood that the problem will continue unless these powers are adopted.

- 10 Consultation must take place with the police prior to making a designation order, as to the appropriateness of the powers associated with the order as they will have the responsibility for enforcing the restrictions on public drinking. Further consultation should take place with parish councils, community councils, licensees within the area who may be affected by the order, and the owners or users of the land identified in the order.
- 11 The intention of making the order should be published in the local newspaper identifying the areas proposed for designation and inviting representation as to whether or not the order should be made. The order should not be made until after at least 28 days consultation.
- 12 Once the consultation process is complete, the order should be made under 13(2) of the Criminal Justice and Police Act 2001. The order should include all areas subject to the order, the date it came into effect and a copy should then be sent to the Home Office.
- 13 Progress to date;
 - Parish Council requested that a DPPO should be put in place for the aforementioned areas.
 - Police have been consulted and have agreed that this should be the way forward.
 - The report has been presented to Parish and District Councillors and to members of the public at a South West Area Panel and to the Community Committee - all consultees have agreed that such an Order should be formally requested.
 - A petition has been received from local residents with regard to the need for a DPPO.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
DPPO not granted	Low	High	The Parish Council and local community would require an undertaking that the situation would be closely monitored by the Police and that immediate remedial action could be taken