

Anti Social Behaviour Report

Committee:	South West Area Panel	Agenda Item
Date:	23 November 2006	8
Title:	Designated Public Places Order	
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Summary

To advise the panel of a Designated Public Places Order.

Background

There have been regular reported incidents of alcohol related anti social behaviour in Stansted Mountfitchet to the police. These incidents are causing concern and are intimidating to local residents and commuters. The litter that is generated in these areas is also a becoming more of a problem for the village.

What is a Designated Public Places Order?

In some areas, bye-laws, restricting drinking in public places have enabled prosecution of an individual for contravening such 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).

DPPOs are orders made by local authorities under powers given to them under 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 unopened or open.

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)

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- Bail conditions can be used to stop the individual from drinking in public.

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.

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

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.

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.

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.