

REPORT TO COUNCIL

REPORT OF: Cllr Ray Auger
Portfolio Holder Access and Engagement

REPORT NO.: POI 15

DATE: 17th April 2008

| | |
|---|--|
| TITLE: | Designated Public Place orders (Alcohol Control Zones) |
| FORWARD PLAN ITEM: | Alcohol Control Zones |
| DATE WHEN FIRST APPEARED IN FORWARD PLAN: | 1 October 07 to 31 January 08 |
| KEY DECISION OR POLICY FRAMEWORK PROPOSAL: | Key Decision |

| | |
|---|--|
| COUNCIL AIMS/ PORTFOLIO HOLDER NAME AND DESIGNATION: | Cllr Ray Auger: Access and Engagement |
| CORPORATE PRIORITY: | B: Local Neighbourhoods |
| CRIME AND DISORDER IMPLICATIONS: | Section 17 of the Crime and Disorder Act 1998 as amended by the Police and Justice Act 2006 requires responsible authorities to consider crime and disorder (including anti social behaviour and other behaviour adversely affecting the local environment); and the misuse of drugs, alcohol and other substances in the exercise of all their duties, activities and decision making. This means that in all policies, strategies and service delivery there is a need to consider the likely impact upon crime and disorder. |

| | | |
|---|---|---|
| | Yes- As detailed in the report this proposed initiative will offer new powers to the Police enabling them to confiscate alcohol from individuals should a Police Officer or accredited PCSO consider it necessary | |
| FREEDOM OF INFORMATION ACT IMPLICATIONS: | This report is publicly available via the Local Democracy link on the Council's website: www.southkesteven.gov.uk | |
| INITIAL EQUALITY IMPACT ASSESSMENT | Carried out and appended to report? Yes | Full impact assessment required? YES |
| BACKGROUND PAPERS: | Non Key Decision Report 24 th Dec 2007 Number POI 9 Report to Communities PDG 6 th March 2008 POI 11 Report to Cabinet 7 th April 2008 POI 16 | |

1. INTRODUCTION

A non key decision to carry out formal consultation to establish a number of Designated Public Place Orders (DPPO's) covering the main towns of South Kesteven was made in December 2007. This report sets out the results of this exercise and how such orders will be enforced by the Police. Full Council are asked to consider adopting these Designated Public Place Orders.

Letters of support for the introduction of DPPO's within South Kesteven have been received from the Assistant Chief Constable, Lincolnshire Police and the Divisional Commander, South Division, Lincolnshire Police.

Formal Consultation

The Council is required to demonstrate a thorough consultation process and this has been achieved using the local media, SKDC website and SK today as well as directly consulting with over 500 statutory consultees.

As part of the consultation 513 letters were sent out to the groups as below. So far over 100 responses have been received and nearly all (96%) have been in favour of the DPPO. The results of this consultation

demonstrated overwhelming support for the implementation of a designated public place order.

Elected members of wards covered by the proposed scheme
Statutory Partners
Licensees
Parish/Town Councils
Schools
Licensing service

In the latest residents' survey (November 2007) 90% stated they supported moves for the council to control the consumption of alcohol in public places. A year earlier (2006/07 Best Value User Satisfaction Survey) 30% of residents thought that people being drunk or rowdy in public places was a very or fairly big problem in their local area.

There has also been correspondence from the local Police beat teams, Community groups and local forums pledging their support in this matter.

The introduction of such a scheme has also been discussed at the South Lincolnshire Community Safety Partnership Strategic Board meeting and at a meeting of the South Kesteven Local Strategic Partnership Executive Board, with full support from both partnership groups.

Legislation

The Criminal Justice and Police Act 2001 allows full council, on behalf of the Local Authority, to introduce Designated Public Place Orders (DPPO's) to specified geographical areas that have known problems with anti-social drinking, nuisance and crime and disorder.

Within a DPPO it is an offence to drink alcohol after being requested by a Police Officer or any other accredited person (e.g. Police community Support Officer) not to do so. The police have the power to require the surrender of opened alcohol containers, those who fail to comply with the confiscation will be liable to arrest.

The legislation governing alcohol confiscation is frequently confused with blanket bans on drinking alcohol in public places. It must be emphasised that the powers that the DPPO provide do not equate to a blanket ban. The intention of this legislation is to reduce the incidence of disorder and public nuisance arising from alcohol consumption in public places.

This legislation does not affect the powers or responsibilities for police and/or accredited officers to seize and retain alcohol from young persons under the age of 18. These powers are given in the Confiscation of Alcohol (young persons) Act 1997.

The DPPO also does not affect the right of licensed premises to place table and chairs outside the premises and allow consumption within a designated area, provided that the premises are properly licensed by the local authority.

2. RECOMMENDATION

It is recommended that the Council consider the information contained within this report, including the recommendation from the Cabinet and agree to adopt the Designated Public Place Orders as set out in annexe A.

3. DETAILS OF REPORT

Background information

Purpose

The objective of the enforcement of the DPPO is to reduce the incidence of disorder, anti- social behaviour and public nuisance arising from alcohol consumption in public places. The powers available to a Police Officer, PCSO and other authorised persons can be used at their discretion. It is totally acceptable for groups of people to congregate on public places. Many people often enjoy meeting friends and family in public places, such as parks, outside public buildings, and both inside and outside shopping parades and arcades. Providing they do so within the law and without causing fear, alarm and distress to others there is no reason to assume that confiscation should be automatic. It is important not to alienate the public and for example, it would be inappropriate to challenge individuals having a quiet picnic with a glass of wine or a can of beer in one of the Districts open spaces. There are now over 400 DPPO schemes being used throughout the country, with Boston Borough Council being the closest DPPO area to South Kesteven. The Boston scheme has been operating since December of last year and has proved to be a valuable tool for the Police and PCSO's who patrol the area.

Need

Incidents of alcohol related disorder supplied by Lincolnshire Police and supporting anecdotal evidence obtained from the relevant community police teams strongly suggest that the implementation of a DPPO in the areas as identified (attached at annex A) would reduce these incidents, improve the quality of life for the residents of and visitors to our district and also increase confidence in both the Police and District Council.

Consultation with the police has identified central hot spot clusters in the centres of Bourne, the Deepings, Grantham and Stamford as areas suffering from alcohol related crime and disorder. This is supported by incident statistics supplied by Lincolnshire Police and has supporting anecdotal evidence from the community beat teams and the community safety manager at South Kesteven District Council.

Alcohol-related Police Incidents, Bourne, the Deepings, Grantham and Stamford for the period October 2006- September 2007

Method

All police incidents for the period 1st October 2006 to 30th September 2007 were extracted from the Police incident recording system. Those incidents that had been given 'alcohol-related' qualifiers were then extracted and are shown in the table below.

| | |
|--------------|------|
| Bourne | 91 |
| The Deepings | 79 |
| Grantham | 622 |
| Stamford | 228 |
| Total | 1020 |

Note on Statistics

According to the National Standards for Incident Recording (NSIR), 'alcohol-related' qualifiers must be used "when the incident contains any reference to the behaviour or well being of any person being affected by the consumption of alcohol". Thus these figures do not simply represent incidents where alcohol has been consumed in public places- but can include, for instance, alcohol-fuelled assaults that have occurred on the street, but which are a result of alcohol consumption in a private dwelling. These figures will also exclude incidents of alcohol related anti-social behaviour that has not been reported to the police. Therefore they should be used as a guide only and are not necessarily a

representation of the true number of incidents reported to the police where alcohol has been consumed in a public place.

The Local Strategic Partnership has identified alcohol and the harm caused by excessive consumption (both health and anti-social behaviour) as a key priority to address.

It was agreed however, after further police consultation and in the light of the experiences of many other councils (who had established tightly drawn DPPO areas purely based on disorder statistics) and then observed the disorder being displaced to areas outside the DPPO boundaries to widen the proposed South Kesteven DPPO areas.

This approach has been successfully adopted by other councils such as Ipswich Borough Council, Portsmouth City Council and Brighton and Hove District Council.

The Cabinet considered this proposal on the 7th April 2008 and agreed;

DECISION:

- 1. The Cabinet approves the amended proposed Designated Public Place Order boundaries to include the residential development on the former hospital site (East of the A15) in Bourne and also to include the whole of Belton Park and Belton Village in Grantham.**
- 2. The Cabinet endorses this proposal and recommends to Council the adoption of the proposed Designated Public Place Orders as per the up dated plans circulated at the meeting which include those amendments in 1. above (see attached annex A)**

Enforcement

The designation order will mean that if a person continues to drink in public when asked not to do so by a police officer or a police community support officer they may be arrested and fined £500 if convicted. The police can also arrest someone failing to surrender alcohol in the area when asked to do so.

Financial Considerations

A successful funding bid was submitted to the Lincolnshire Safer and Stronger Communities Board to access £9000 from the Safer and Stronger Communities fund in December of 2007. This funding will pay for the full implementation of the scheme including, consultation, publicity, signage and installation. There are not expected to be any significant revenue costs associated with the scheme.

Performance Monitoring

A 6-month and thereafter yearly review of the performance and effectiveness of the Order should be made. The South Lincolnshire Community Safety Partnership will be asked to manage this review on behalf of the Council. It is anticipated that the cost of monitoring and evaluation of the Orders will be borne within the operational structure and budgets of the South Lincolnshire Community Safety Partnership.

Predicted Timeline

Consultation (Phase 2- Notices in Local newspapers) 14th March- 28th March
Cabinet 7th April
Full Council 17th April (Decision made to implement DPPO's)
Order activated May 19th 2008

4. OTHER OPTIONS CONSIDERED AND ASSESSED

Smaller areas were originally considered but following discussions with Lincolnshire Police it was decided that this would lead to displacement and be difficult to police. Displacement has been a real issue in other Cities/Districts that have implemented smaller DPPO areas, leading to problems in adjacent areas.

A number of other areas were suggested during the consultation, these areas were given due consideration and their inclusion discussed with representation from Lincolnshire Police. Two areas have subsequently been added to the original area, these being;

Bourne- the former hospital site (East of the A15) and;

Grantham- to include the whole of Belton Park and Belton village

Revised maps can be found at annex A

5. COMMENTS OF SECTION 151 OFFICER

The report states that the allocation of funding will be sufficient to finance the associated costs with the erection and installation of the signs. However the on-going maintenance costs will be the responsibility of the Council and the appropriate budget provision will need to be located in the service area.

6. COMMENTS OF MONITORING OFFICER

The consultation has been carried out in accordance with the Local Authorities (Alcohol Consumption in Designated in Designated Public Places) Regulations 2007. As a result of that consultation, representations have been received which have requested amendment to the area covered by the proposed orders. The provisions of the Police and Criminal Justice Act relating to DPPO's are discretionary. There has been very little adverse comment received to date from the consultation carried out.

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

Environmental Protection Service Manager

The introduction of such areas will provide the police with additional powers that will assist in the promotion of the Licensing objectives, which are the corner stones of the Licensing Act 2003. These are the prevention of crime and disorder, prevention of public nuisance, the promotion of public safety and the protection of children from harm.

8. CONCLUSION/SUMMARY

It is expected that Lincolnshire Police and South Kesteven District Council emphasis a proportional and appropriate enforcement approach based on an assessment of need, viewing the DPPO as an additional tool, among many to target alcohol problems as and when appropriate. The introduction of such areas will reduce crime and disorder, have a positive impact upon those affected by street drinking and its associated

problems and also offer assurance to our residents and visitors that the council takes its responsibilities in relation to crime and disorder seriously.

A designated public place order would be a valuable instrument in a multi-pronged approach to addressing the problems of alcohol-related disorder and anti-social behaviour in the areas as detailed in annex A.

9. CONTACT OFFICER

Mark Jones

Service Manager for Partnerships and Community Safety

Contact tel- 01476 406421

Mob- 07803 796180

E-Mail- m.jones@southkesteven.gov.uk