



REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE – 19TH FEBRUARY 2013

**SUBJECT: UPDATE ON THE USE OF DESIGNATED PUBLIC PLACE ORDERS TO
CONTROL NUISANCE PUBLIC DRINKING**

REPORT BY: CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To provide Members with an update on the use of Designated Public Place Orders to control nuisance drinking of alcohol in public places.

2. SUMMARY

- 2.1 Since 2006 the Council has used adoptive powers to restrict anti-social drinking in designated public places by introducing a number of Designated Public Place Orders. It is an offence for an individual to continue to consume alcohol having been requested to stop by a police or other authorised officer. The Order does not introduce a ban on the drinking of alcohol in public places and drinking by those under 18 years in any public place which is controlled by separate legislation.
- 2.2 The legal powers conferred upon Police Officers and Community Safety Wardens by Designated Public Place Orders are used regularly and are considered to provide an effective additional tool to assist them in addressing crime and disorder associated with the consumption of alcohol. The areas currently covered by Designated Public Place Orders are listed in Appendix 1 and it is considered that known “hotspots” of nuisance drinking are currently included. It is not proposed to introduce any further Designated Public Place Orders at this time, but it is proposed that this situation is kept under review in consultation with the Neighbourhood Police Teams such that further areas can be considered where there is sufficient evidence of crime and disorder associated with public drinking.

3. LINKS TO STRATEGY

- 3.1 Making Caerphilly a safer place to live and work is a priority within the Corporate Improvement Plan. Nuisance public drinking is a trigger for fear of crime and anti social behaviour and measures taken to control it enhance public reassurance and reduce the fear of crime.
- 3.2 The Safer Caerphilly Community Safety Partnership's Plan has three main priorities that were developed in response to an annual Strategic Assessment, which was carried out to inform it. One of the priorities is “To reduce the harm caused by alcohol”. Safer Caerphilly Community Safety Partnership is delivering a multi-faceted response to the problems associated with the misuse of alcohol from an education, prevention, treatment and enforcement perspective. The use of Designated Public Place Orders forms part of this approach.

4. THE REPORT

- 4.1 The Criminal Justice and Police Act 2001 provides local authorities with an adoptive power to restrict anti-social drinking in designated public places by introducing a Designated Public Place Order. Once made, the Act provides the police and other authorised officers with powers to enforce these restrictions.
- 4.2 The restrictions do not prevent individuals from consuming alcohol in a designated area but make it an offence for a person to continue to do so after having been requested to stop by a police or other authorised officer. It can be seen therefore that a DPPO does not create alcohol free zones; they are perhaps better referred to as alcohol control areas.
- 4.3 Drinking by those under 18 years in any public place is controlled by separate legislation that give identical powers to the police and other authorised officers under the Confiscation of Alcohol (Young Persons) Act 1997.
- 4.4 The first Designated Public Place Order in the county borough came into force on 30th June 2006 when the five areas previously covered by a byelaw were “converted” and a further five areas designated for the first time. Since then further areas have been added annually and the areas presently covered are listed in Appendix 1.
- 4.5 The Act is not intended to lead to a complete ban on drinking in public places. However, the legislation allows the authority to designate areas where there is enough evidence of nuisance, annoyance and public crime and disorder associated with public drinking. It is emphasised that the measure is not designed to combat nuisance public drinking by those under 18 since there are adequate separate legal provisions to deal with this.
- 4.6 In practice, prior to embarking on any process to consider any additional areas, the police are consulted to obtain their views. Local Neighbourhood Police Teams are asked to put forward any areas they feel might benefit from a Designated Public Place Order. The Partnership Inspector for the Caerphilly Local Policing Unit, provided data which shows that recorded incidents of anti-social behaviour are showing a 27% reduction this year (as at 4th November, 2012) compared to this time last year. He is satisfied that localised operations, led by his Neighbourhood Policing Teams, using existing powers and options, will continue to deal with this issue. Any instances of underage drinking can be addressed by existing legal powers. Therefore, following consultation with the Police it is not proposed to designate any further areas at this time.
- 4.7 It is difficult to fully assess the effectiveness of Designated Public Place Orders as police officers do not record occasions when they use the powers conferred. It should be borne in mind that if a person who is consuming alcohol in a designated area complies with a police officer’s request to stop then no offence is committed. Similarly, officers may confiscate alcohol but they do not necessarily report that. It is therefore difficult to assess how often the powers are used.
- 4.8 The Council’s Community Safety Wardens have some of the powers of police officers in respect of Designated Public Place Orders; they are able to require a person to stop drinking alcohol and have the power to confiscate, although they have no power of arrest. Both police officers and Community Safety Wardens are able to issue fixed penalty notices, although this is not used since in practice the vast majority of people comply with a request to stop drinking and are prepared to surrender their alcohol. Thus the measure is effective without necessarily providing evidence of this.
- 4.9 Since September 2008 Community Safety Wardens have recorded the occasions when alcohol has been confiscated, demonstrating the activity in dealing with consumption of alcohol in public places. This is shown in the table below.

| CSW Confiscations of Alcohol | | | | |
|------------------------------|---------------------|---------------|---------------------------------------------|---------------|
| Time Period | Number of Occasions | | Amount Confiscated (number of cans/bottles) | |
| | DPPO Area | Non-DPPO Area | DPPO Area | Non-DPPO Area |
| October 2008 to March 2009 | 23 | 37 | 100 | 221 |
| April 2009 to March 2010 | 48 | 77 | 251 | 372 |
| April 2010 to March 2011 | 64 | 84 | 289 | 380 |
| April 2011 to March 2012 | 64 | 87 | 235 | 383 |
| April 2012 to December 2012 | 16 | 13 | 34 | 56 |

The confiscations in non-Designated Public Place areas relate to alcohol confiscated by Community Safety Wardens from young people under the age of 18 years. High profile enforcement and targeted operations by Community Safety Wardens and the Police have helped to reduce street drinking. In addition there are on-going activities by a range of agencies to discourage alcohol misuse; our Community Safety Wardens made a video last year with the Youth Forum specifically about DPPOs, for example.

- 4.10 Police officers and others involved in enforcing the legislation believe that Designated Public Place Orders provide useful powers to help control nuisance public drinking when used in conjunction with other powers. Anecdotally police believe that having the powers available assists them in dealing with anti-social behaviour, much of which is alcohol-related.

5. EQUALITIES IMPLICATIONS

- 5.1 This report is for purposes of updating Members only and therefore the Council's Equalities Impact Assessment process does not need to be applied.

6. PROPOSED LEGISLATION CHANGES

- 6.1 In May 2012 the Home Office released a White Paper on anti-social behaviour entitled "Putting Victims First – More Effective Responses to Anti-Social Behaviour." The paper sets out the changes that the Home Office intend to bring in to improve the current anti-social behaviour tools. This will include replacing the 19 existing powers with six new ones, which for example will result in Anti-Social Behaviour Orders being replaced with Criminal Behaviour Orders and Crime Prevention Injunctions. The Home Office propose to give local authorities a flexible power to put in place local restrictions called Community Protection Orders (public space). This would replace a number of existing controls including Designated Public Place Orders, and potentially cover a much wider range of problem behaviours. The Home Office has not yet clarified when these proposals might become legislation.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications at this time as no further areas are being proposed.

8. PERSONNEL IMPLICATIONS

- 8.1 None.

9. CONSULTATION

9.1 There are no consultation responses that have not been reflected in this report.

10. RECOMMENDATIONS

10.1 The Scrutiny Committee is asked to note the contents of this report.

10.2 That the Scrutiny Committee endorse the continued use of existing Designated Public Place Orders.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To provide Members of the Scrutiny Committee the opportunity to consider the operation of Designated Public Place Orders and their continued use.

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Appendices:

Appendix 1 Areas Currently Covered by Designated Public Place Orders