

Appendix 3 Summary of Representations

Representation	Support or Objection	Content of Support or Objection	Response / Context
<p><b>1. Personal Resident of Pewsham</b></p>	<p>Objection</p>	<p>I would like to know what statistical grounds NWDC have to back up such a draconian ban on any public alcohol consumption. We regularly meet as a neighbourhood in Pewsham to strengthen our community bonds and the consumption of alcohol can be an integral part of this bonding process. To my knowledge no disorder has ever occurred in or around Wicks Drive, I'm sure this also the case in the vast majority of streets listed in the restriction order.</p> <p>If Wiltshire Police have specific concerns with individual streets or areas then they should have the right to issue a restriction notice. However I feel to ban alcohol consumption across all streets in our town is a kneejerk reaction to the antisocial behaviour of a minority of the population of Chippenham</p>	<p>This order does not place a blanket ban on the consumption of alcohol in public places. It simply provides the Police with enhanced powers to manage situations that may arise as a result of the consumption of alcohol in public places.</p> <p>We recognise that many residents of Chippenham responsibly enjoy alcohol with no related nuisance or antisocial behaviour, this order will not have a detrimental effect on that.</p> <p>There is strong evidence provided by Wiltshire Police to support this request to enact the enhanced powers. This is further supported by the number of complaints that have been received relating to a minority of individuals who disturb the enjoyment of public open spaces through nuisance or anti social behaviour.</p>
<p><b>2. Personal Resident of Hardens Close Chippenham</b></p>	<p>Objection</p>	<ol style="list-style-type: none"> <li>1. A blanket notice has been drawn up in the most lazy and incompetent fashion without regard to the conditions existing in each street.</li> <li>2.The effect of the order will make it illegal for drinkers to spill out from public houses onto the pavement during periods of hot weather and significant public events such as the Folk Festival.</li> <li>3.The tables set on the pavement outside public houses in the town centre would become unlawful.</li> <li>4.Those who are still smokers and who step outside for a smoke with their drinks in their hand would become criminals.</li> <li>5. In Hardens Close we have an annual custom of gathering underneath the lamp post on Christmas Eve to sing carols together and during which we hand round food and drink titbits to our friends. This would become unlawful.</li> </ol>	<p>Please see above</p>

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<p><b>3. Part one Personal Resident of Clarence Road, Chippenham</b></p>	<p>Question of scale and clarity</p>	<p>It was apparent during the discussion on Monday evening in the Area 3 Committee that councillors were taking action on what they considered to be a good idea rather than considering if they were acting within their statutory powers.</p> <p>In your report to the Committee, you very helpfully gave the relevant wording of the Regulations. These stated:</p> <p>"They may only make such a designation if they are satisfied that disorder or nuisance or annoyance to members of the public has been associated with the consumption of alcohol in that place."</p> <p>It is necessary to look at all the words in that paragraph and I comment as follows:</p> <p><b>1.they may <u>only</u> make such a designation</b> - note the word 'only'. The local authority must comply fully with the regulations. They are not empowered to make an order just because the members think that it would be good idea.</p> <p><b>2.if they are satisfied</b> — the local authority must show how it is satisfied. The councillors at the Area 3 Committee should have had in front of them a report from the police detailing all those streets in which they had encountered a problem associated with the consumption of alcohol.</p> <p><b>3.that disorder or nuisance or annoyance to members of the public</b> — one of the councillors at the Area 3 Committee told how he had been in a police car and the police had chased some youths in Cepen Park South. Note that the regulations require evidence that "disorder or nuisance or annoyance to members of the public" had been caused. The fact that the youths had alcohol or even that they were drinking under-age is not a reason under the Regulations that will permit a local authority to make a designation unless there was also disorder or nuisance or annoyance to members of the public.</p> <p><b>4. has been associated with the consumption of alcohol</b> – note that the verb is in the past tense. There must be evidence that</p>	<p>A decision on whether or not to make a DPPO for Chippenham will be made by full Council. The decision is not made by the Area Committee, who are, in effect, a consultee on this occasion, as the proposal was initiated by officers.</p> <p>The report to full Council includes details of the evidence provided by the police and others to support the statutory grounds for a DPPO being made. It will be for Council to decide whether those grounds are satisfied and, if so, whether it is appropriate to make a DPPO</p> <p>No decisions were made by the Area Committee. After debate they have made a recommendation for Council to consider as a part of its deliberations</p>

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		<p>annoyance or disorder or annoyance to the public <b>has been</b> associated with the consumption of alcohol. Many members were of the opinion that the order would help to reduce the consumption of alcohol in the future. The wording of the Regulations does not allow the local authority to make a designation on the assumption that such action would reduce alcohol consumption in the future, worthy though that might be as an aim.</p> <p><b>5.in that place</b> – from this wording it is clear that the Regulations do not give the local authority the power to apply designation to all the streets in Chippenham unless it can be shown that disorder or nuisance or annoyance to members of the public <b>has been</b> (note the past tense) associated with alcohol consumption in all those streets. Again, note that the Regulations require that such problems have actually occurred in all those streets rather than it might simply be a good idea to include all the streets in the designation.</p> <p>As I have noted above, the proper procedure would have been to have presented a report from the Police to the Area 3 Committee and for the Committee to have considered the proposed designation with the knowledge of those places in which disorder or nuisance or annoyance to members of the public associated with the consumption of alcohol has been recorded as having occurred in those places.</p> <p>I submit that the action taken by the Area 3 Committee last Monday was <i>ultra vires</i>.</p>	
<p><b>3. Part two</b>  <b>Personal</b>  <b>Resident of</b>  <b>Clarence Road,</b>  <b>Chippenham</b></p>	<p>Questions of scale and clarity</p>	<ol style="list-style-type: none"> <li>1.The proposed Order offends the legal principle of proportionality; that is to say, the extent of any legislation should be proportional to the mischief that is intended to abate.</li> <li>2.The notice in <i>The gazette and Herald</i> is headed 'Chippenham Town Centre Area'. By no stretch of the imagination can Clarence Road or any of the roads near it be regarded as part of the Chippenham Town Centre Area'.</li> <li>3. The Regulations state that the local authority "may only make such a designation if they are satisfied that the disorder or nuisance or annoyance to members of the public has been associated with the</li> </ol>	<p>When considering their decision, the Council will need to be satisfied that nuisance or disorder has been associated with the consumption of alcohol within the area covered by the proposed Order, before they can make the Order.</p> <p>The police did provide us with prima facie evidence that the criteria were met, which gave grounds for the consultation process to start.</p> <p>The Home Office states that it may be appropriate to include within a DPPO areas outside the immediate area where problems have been</p>

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		<p>consumption of alcohol <b>in that place.</b>" As a resident of Clarence Road, I can state that there has been no disorder or nuisance or annoyance to members of the public either in Clarence Road or in any of the other roads near it.</p> <p>I am in favour of making an Order to restrict the alcohol consumption in those places where there really is a problem, that is to say, those streets that really do form the Town Centre and other known trouble areas such as the centre of Pewsham. I do object to the blanket application of yet more regulations to the whole of Chippenham.</p>	<p>experienced, if there is evidence that the existing problem is likely to be displaced to those areas ( para 17 of Annex A to Home Office Circular 13/2007).</p> <p>The extend of the proposed DPPO is a matter for the Council to consider and they will have to have some evidence either that there has been a problem in the areas included, or that there are grounds for believing that the problems will be displaced to those areas. If the Council is not satisfied that there are grounds for making the Order for a particular part of the town, then they should exclude it from the DPPO.</p> <p>This evidence has been provided by Wiltshire Police it is up to the Council to form a view.</p>
<p><b>4. Personal resident of St Joseph's Drive, Chippenham</b></p>	<p>Objection</p>	<p>I refer to Section 13 (2)of the Criminal Police Act2001 concerning the restriction of intoxicating liquor in public places.</p> <p>I wish to point out that the inclusion of St Josephs Drive is inappropriate as it is an unadopted and private road.</p> <p>I therefore ask that St Josephs Drive be deleted from the above order.</p>	<p>A public place is defined as any place to which the public, or any section of the public, has access as of right or by virtue of express or implied permission. ( s.16 Criminal Justice &amp; Police Act 2001)</p> <p>In the view of Officers, this would cover a private road such as St. Josephs Drive. Although there may not be any right of access for the general public (as with a public road, whether adopted or not), there will still be an implied permission for visitors, delivery vans etc. to use the road. That implied permission could be withdrawn ( e.g. by putting signs saying 'no entry' or erecting barriers), but unless or until that is done, it would remain a 'public place' for the purposes of a DPPO.</p>
<p><b>5. Personal resident of Hardens Close</b></p>	<p>Objection</p>	<p>1.The majority of Chippenham inhabitants do not cause any problems when consuming alcohol in public places, so why should they be penalized.</p>	<p>Please refer to response at point 1.</p>

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		<p>2. There are many occasions when alcohol may be consumed in public places, e.g. while picnicking in the park, at the Chippenham Folk Festival, while sitting outside a public house, when having a street party, etc. It would not be acceptable if the proposed order were to prohibit such occasions, as you would be curtailing the enjoyment of law abiding citizens.</p> <p>3. There are existing laws to deal with people who are drunk and causing a nuisance.</p> <p>4. It has been quoted in the Western Daily Press that "The object is not to stop people drinking in public places, but to allow police to take action against those that are clearly drunk and acting in an abusive, threatening and anti-social manner". I do not see how you can introduce an order, and then only apply the order to a sector of the public. This is likely to raise claims of "discrimination" and "infringement of human rights", resulting in NWDC passing on legal cost to the local rate payers.</p> <p>5. If I am having a glass of wine with my picnic in Monkton Park and a member of the public brings this to the attention of a passing policeman, will he be obliged to confiscate my alcohol? If so I would be most upset. However, should he confiscate my wine, but then confiscate a can of beer for a youth close to me, that youth would feel he was being discriminated against.</p> <p>I see this Order as a draconian measure, that takes away the rights of the law abiding public in order to simplify, (and save costs), of policing.</p>	
<p><b>6. Personal residents of Little Down, Chippenham</b></p>	<p>Objection</p>	<p>I am writing to make known my and my neighbours in Little Down's concerns on the blanket proposals of drinking on the streets of Chippenham that have been expressed in the local papers.</p> <p>I have lived in this hours for over 30 years, in a caldersac of 12 houses. Over that time We have had street parties for Charles and Diana,s wedding, V.E.day.V.J.day, a65th birthday party and street barbecues.</p> <p>We have decorated our street, put out our tables and chairs and even put up tents and games for all ages. We also have fireworks most bonfire nights.</p>	<p>Please refer to response at point 1.</p>

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		<p>This encourages friendships and interaction between neighbours of all ages, from the smallest through teenagers, youths to the elderly.</p> <p>We find that if problems occur we can usually have a chat to resolve them. This blanket order of all streets in our town will I feel have an adverse effect on Interaction with all ages of the community, when all is needed is some control in the Town centre.</p> <p>Drinking has been going on for years and I daresay that most of your or our councillors have at some time in their lives have overindulged. We need more Communication, not isolation in our community to enable us to live together.</p> <p>I feel that as we get older, we get a little twofaced in our thinking.</p> <p>I know that we had more freedom growing up and learning from experience and our elders, but our civil liberties are eroding day by day.</p>	
<b>7. Chippenham Town Council</b>	Noted	<p>Further to your letter dated 02 May 2008. The above matter was discussed at a meeting of the Town Council's Strategy &amp; Resources Committee held on Wednesday 14 May 2008 and it was resolved to note the information.</p>	
<b>8. Personal residents of Old Hardenhuish Lane, Chippenham</b>	Support	<p>We wish to record that we fully support North Wiltshire District Council's intention to make an order to designate the Chippenham Town Centre (as defined in the notice) an area where the consumption of intoxicating liquor is restricted. <b>In particular we fully support NWDC's intention to specify the whole of Chippenham as such an area.</b> Even in this area we do suffer from drinking out of doors and we frequently have to remove broken glass bottles and cans from Old Hardenhuish Lane, particularly on a Friday and Saturday night. The Redlands shopping area (which we use frequently) also suffers from similar problems as I am sure you are aware. Although the order will not be a panacea for everything, it will certainly be a step in the right direction. Please do not allow NWDC to be deflected or its order watered down by the factually incorrect views of Chippenham</p>	

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		<p>Town Council. Their interpretation of the regulations and their enforcement are quite simply wrong.</p> <p>To reiterate, we fully support the order and its designated public places.</p>	
<p><b>9. Chippenham Without Parish Council</b></p>		<p>Further to the recent publicity and communications which this matter has generated, I have been asked by the Chairman of the Parish Council to reiterate the support for this proposal expressed in our response to the original consultation.</p> <p>The Parish Council considered this matter at length in an open debate and decided to support the District Council in its policy proposals, hence our previous letter of support.</p> <p>The Parish Council believes that this is a sound and realistic proposal which supports the concept of community safety and the work of the police force.</p> <p>The Parish Council for Chippenham Without continues to support the District Council on this matter and is happy for the parish area to be included in any proposal.</p>	