

Date of Meeting	16 May 2007
Title of Report	Alcohol Consumption in Designated Public Places – Proposed Order In Calne
Link to Corporate Priorities	Community Safety and Crime and Disorder reduction work is in support of the Council's Corporate Priority for Community Involvement / partnerships.
Public Report	YES

Summary of Report

Under the Criminal Justice and Police Act 2001 the District Council may make an Order identifying any public place in their area as a Designated Public Place. 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.

Once such a designation has been made, it will be an offence for a person to drink alcohol in that place after being requested by a Police Officer not to do so. The order gives subsequent powers to police officers to require the surrender of alcohol and make an arrest if the drinker refuses to do so after the request has been made or issue a fixed penalty ticket.

Having had discussions with the local police and the Town Council, officers are satisfied that there are sufficient grounds for a Designation Order to be made in Calne. The proposed zone is indicated in the attached appendix, which also shows where the enforcement signs will be located.

Calne Town Council have agreed to fund the signs and erect them. The District Council's contribution will be Officer time and the cost of two newspaper notices estimated to be £2,000.

Officers have successfully conducted the consultation phase. It is now the intention that a Designation Order be made for the area concerned.

Recommendations

- **That under s.13 Criminal Justice and Police Act 2001, the Council designate those streets and public areas in Calne identified on the plan in Appendix 1 as areas in which the drinking of alcohol can be controlled and authorise the Team Leader Legal Services to make the appropriate Order.**
- **That the required notice is placed in the local press advertising the Order and that in partnership with Calne Town Council the necessary signs are erected as agreed.**

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
YES	YES	YES	NO	NONE
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1. Introduction

- 1.1. The purpose of this report is to ask the Council to make the Order designating parts of Calne as an area in which the drinking of alcohol in public places can be controlled.

2. Options and Options Appraisal

- 2.1 Option 1: To make a Designated Public Places Order (DPPO) under s. 13 Criminal Justice and Police Act 2001 for those parts of Calne highlighted on the plan at Appendix one.
- 2.2 Option 2: Not to make a Designated Public Places Order (DPPO) under s. 13 Criminal Justice and Police Act 2001 for those parts of Calne highlighted on the plan at Appendix one.

3. Background Information

- 3.1 The request for an alcohol exclusion zone came from Calne Town Council and the Local Police Officers, and was discussed at the multi agency Anti Social Behaviour Panel. It is another example of working in partnership to control alcohol fuelled anti social behaviour in the town.
- 3.2. As stated above, a designation order can only be made if the Council is satisfied that disorder or nuisance or annoyance to members of the public has been associated with the consumption of alcohol in that place. Wiltshire Constabulary have provided evidence regarding the level of incidents involving the consumption of alcohol in the streets and other public areas in Calne. This is included in appendix two. More detailed evidence, including weekly inspection reports from Calne Town Council, has been placed in the Group Rooms for Members' information.
- 3.3. It is the view of Officers that the criteria for making the order have been met.
- 3.3. Formal consultation with the Community has taken place by way of a newspaper notice along with formal consultation with all licensees and landowners in the area affected.

4. Objectives of the requested order

- 4.1 There was an identified issue in the Calne Town Centre area with respect to anti social behaviour involving alcohol, and the consumption of alcohol on the streets. The objectives of the proposed Alcohol Consumption in Designated Public Places Order (DPPO) order are to:
 - Provide additional powers to police (key partners in the North Wiltshire Community Safety Partnership) to deal with persistent street drinking and alcohol related antisocial behaviour.
 - Reduce disturbances in public places that are alcohol related.
 - Reduce drunkenness in public places.
 - Give a clear message about the unacceptability of anti-social behaviour, consistent with the priorities of the North Wiltshire Community Safety Partnership.
 - Contribute to the range of actions that are being delivered to reduce violent crime in public places (largely alcohol related), to reduce fear of crime and improve the quality of life for residents and visitors to the town.
 - Contribute to the range of actions that are being delivered to reduce alcohol misuse.
 - Reduce the numbers of street drinkers and hotspot areas through combining enforcement with outreach services.

- Recommend environmental improvements in order to sustain the positive changes, particularly in hot spot areas.

4.2. These objectives will be supported local partnership working.

5. **Crime and Disorder reduction**

5.1 Under section 17 of the Crime and Disorder Act 1998 and the Police Reform Act of 2002, the Council has to take Crime Reduction into consideration in all decisions that it makes.

5.2 Implementation of an Alcohol Consumption in Designated Public Places Order (DPPO) for Calne would support the priorities in the emerging Crime and Disorder Reduction Strategy, in tackling anti social behaviour.

6. **Legal Implications**

6.1 As stated above, Section 13 of the Criminal Justice and Police Act 2001 gives the authority the power to make an order designating any public place within their area if they are satisfied that nuisance or annoyance or disorder has been associated with the consumption of alcohol in that place.

6.2 Whether or not a designation order is appropriate will be a matter for local judgement based on the circumstances that apply and the available evidence.

6.3 The Regulations require Local Authorities to place a public notice in the local newspapers advertising the proposal to make a Designation Order and allowing a period of at least 28 days for any representations to be made. The Council must also consult the Police prior to making an order. In addition other bodies must be consulted before a designation order is made. These are: -

- Any parish/community council (including the Town Council) covering any or part of the public place to be designated.
- The Police and neighbouring local authorities, parish councils where a designation order covers an area on the boundaries with that neighbouring authority. (This allows for consideration to be given to the possible displacement to their area).
- Licensees within the area or who may be affected by the order.
- The owners or occupiers of any land that may be identified in a designation order.

These consultations have taken place and no objections have been received.

7. **Community and Environmental Implications**

7.1. The involvement of residents of North Wiltshire, including community and voluntary groups, local businesses and other organisations, in addressing Community Safety helps to identify clear and sustainable community solutions. This includes a multi-agency joined-up approach to solve the alcohol fuelled anti-social issues in Calne. This gives the Police, along with the Dispersal Order already in place, an additional tool to use.

8. **Financial Implications**

8.1. The two public notices required as a part of the statutory consultation required a revenue commitment of £2,000, £1000 was provided from the 06/07 budget, the remaining £1000 will be provided from the Council's 2007/08 Community Safety budget.

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9. Human Resources Implications

9.1. Community Safety is resourced in terms of staffing support from the Council and its partner organisations, there are therefore no human resources implications arising from this report.

10. Risk Analysis

10.1 The risk of not accepting the proposal could lead to the Police not having this additional power to control underage drinking in the public places within Calne.

Appendices:	<ul style="list-style-type: none"> • Appendix 1 - Plan of Area • Appendix 2 – Wiltshire Constabulary Report
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none"> • Calne Police Report • Calne Town Council Reports of alcohol related litter • Crime Concern Report • HMSO Statutory Instrument 2001 No 2831

Previous Decisions Connected with this Report

Report	Committee & Date	Minute Reference