

<b>Date of Meeting</b>	<b>24 June 2008</b>
<b>Title of Report</b>	<b>Alcohol Consumption in Designated Public Places – Proposed Order In Chippenham</b>
Link to Corporate Priorities	Community Involvement / partnerships.
Public Report	YES

**Summary of Report**

Under the Criminal Justice and Police Act 2001 as amended by the Violent Crime Reduction Act 2006 (Section 26) 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 Chippenham. The proposed zone is indicated in the attached appendix, which also shows where the enforcement signs will be located.

Wiltshire Police have agreed to pay a contribution of £1,000 towards purchasing and erecting the signs. The District Council’s contribution will be Officer time of erecting the signs and paperwork and the cost of two newspaper notices estimated to be £4,000.

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

**It is RECOMMENDED**

- **That under s.13 Criminal Justice and Police Act 2001, as amended by the Violent Crime Reduction Act 2006 (Section 26) the Council designate those streets and public areas in Chippenham 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 the Police 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
<b>Contact Officer</b>	Mark Rippon Community Safety Officer 01249 706416 mripton@northwilt.gov.uk			

## **1. Introduction**

- 1.1. The purpose of this report is to ask the Council to make the Order designating parts of Chippenham 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 as amended by the Violent Crime Reduction Act 2006 (Section 26) for those parts of Chippenham 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 as amended by the Violent Crime Reduction Act 2006 (Section 26) for those parts of Chippenham highlighted on the plan at Appendix one.
- 2.3 Option 3: To make a Designated Public Places Order (DPPO) under s.13 Criminal Justice and Police Act 2001 as amended by the Violent Crime Reduction Act 2006 (Section 26) but to amend the plan at Appendix 1.

## **3 Background Information**

- 3.1 The request for the creation of a Designated Public Places Order in Chippenham came from local Police Officers. The power to create a Designated Public Place sits with the District Council. There is a statutory consultation process that must be undertaken to provide consultation feedback which can be considered alongside evidence so that Members can make an informed decision to make an Order.
- 3.2. In response to the request from Wiltshire Police Council Officers facilitated meetings of the key Community Safety partners. The proposal was discussed by the multi agency Anti Social Behaviour panel. 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 Chippenham. A summary of this information is included in appendix two.
- 3.3. It is the view of Officers that the criteria for making the Order have been met.
- 3.4. In line with the statutory requirements formal consultation has taken place with the community through a newspaper notice along with letters to all licensees and landowners in the area affected.
- 3.5. The proposed Order was the subject of debate at the Chippenham Area Committee where local Members, local residents and Town and Parish representatives had the opportunity to discuss the proposal and ask questions.

## **4. Objectives of the requested order**

- 4.1. Issues were identified in the Chippenham Town area with respect to anti social behaviour involving alcohol, and the consumption of alcohol on the streets. These issues have a direct impact on the community in Chippenham. The Council and our Community Safety Partners have a duty to work together to reduce Crime and Disorder. Alleviating the fear of crime and improving public perceptions of anti social behaviour in the local area and gaining public confidence in how we address anti social behaviour, remain key areas of focus for all Community Safety partners.

- 4.2. 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. Officers are satisfied that a DPPO in Chippenham is the appropriate course of action. There is sufficient evidence that disorder or nuisance or annoyance to members of the public has been associated with the consumption of alcohol in the areas covered by the proposed Order. The proposal to include such a broad area is in response to the evidence and to prevent any displacement of the recorded problems. Creation of the Order will facilitate the delivery of the objectives detailed above and will be supported by wider partnership working that will seek to reduce anti social behaviour, and the misuse of alcohol.

## **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 is required 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 Chippenham would support the priorities in the emerging Crime and Disorder Reduction Strategy, in tackling anti social behaviour.
- 5.3. The proposed Order has been developed by Community Safety Partners working together. All Responsible Authorities agree that this is an appropriate course of action given the challenges with alcohol related crime and nuisance in Chippenham. If the Order is made the enhanced powers for Police alongside other partnership work will lead to a reduction in these problems.

## **6. Legal Implications**

- 6.1 Section 13 of the Criminal Justice and Police Act 2001 as amended by the Violent Crime Reduction Act 2006 (Section 26) 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.

6.4 These consultations have taken place within the statutory requirements. The matrix at Appendix 3 is a summary of the representations made.

## **7. Discussion of consultation results**

- 7.1. There have been few formal representations in response to the proposed Order. There have been a total of 9 representations; 2 in support 1 to note 1 objecting and seeking clarity and 5 objections. In a number of individual cases of objection there has been a misunderstanding of the legislation. A DPPO does not prevent or ban the consumption of alcohol in public places. The Order will enable the Police to exercise powers to effectively manage and promote responsible consumption of alcohol in public places in Chippenham. The Order makes it an offence for any person to drink alcohol after being required not to do so by the Police. The Order also gives the power for the Police to confiscate and dispose of alcohol.
- 7.2. Objections have questioned the extent of the Order and the inclusion of specific roads. Officers have reviewed these objections and recommend that the Order formed as originally proposed. The Home Office states that it may be appropriate to include within a DPPO areas outside the immediate area where problems have been 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). The extent of the proposed DPPO is a matter for the Council to consider evidence is provided in this report specific to areas within the proposed DPPO Area. 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.
- 7.3. The order spans the parishes of both Chippenham Town and Chippenham Without. Chippenham Without Parish Council are supportive of the proposal.
- 7.4. Members may be aware that Chippenham Town Council considered a report relating to the proposed Order at a Council meeting in February. At that meeting Chippenham Town Council resolved not to support the proposed scheme as presented to them at that early stage in the development process. The Town Council resolved to give further consideration to such an Order if further evidence were to be presented and if the Order is specific to the boundaries of Chippenham Parish. Chippenham Town Council responded to the formal consultation noting the proposal, there has been no further update on the position of Chippenham Town Council.
- 7.5. Where other Designated Public Places Orders have been made in North Wiltshire they have enjoyed the support of the local Town Council. Despite a lack of support at this stage from Chippenham Town Council Community Safety partners agree that the creation of an Order will address some key alcohol related crime and nuisance issues in the Town.

## **8. Chippenham Area Committee**

- 8.1. An information brief was prepared for discussion at the Chippenham Area Committee on 2 June 2008. Those present in addition to the Area Committee Members included; members of the Public, WCC Councillors, Town and Parish Council representatives and local Police.
- 8.2. The Committee resolved the following

### **CH9. A Proposed Designated Public Places Order in Chippenham (Alcohol Exclusion Zone)**

Consideration was given to Report No. 7 (circulated with the Agenda) which informed members of the proposals regarding a Designated Public Places Order in Chippenham.

Members discussed the following issues:

- It was noted that the proposals were not for an outright ban on outside drinking but would regulate alcohol use in public places.
- The Order would enhance police powers to deal with nuisance caused by alcohol.
- A final decision on this matter would be made by the Council at its meeting on 24 June 2008.
- Some concern was expressed about the cost of these proposals which were likely to be in the region of £5,000.
- Some concern was expressed about the wide area covered by the proposal. It was felt by some members that there was no evidence of any problems in the outer parts of Chippenham and that there was no need to extend the zone to cover these areas.
- It was noted that the Order could be reconsidered or revoked in the future if necessary.
- Members agreed that it would be important to monitor the effectiveness of any Order put in place to ensure that it was achieving its objectives.
- It was noted that the Orders put in place in Malmesbury and Calne had been successful and had reduced problems in these areas.
- Some concern was expressed about the ability of Police resources to deal with these problems even if an Order was in place.
- It was important to ensure that the signs were worded correctly to avoid any confusion about the meaning of the Order.

**Resolved** to recommend to the Council that a Designated Public Places Order be made for the Chippenham area.

## **9. Financial Implications**

- 9.1. The costs of implementing the Order are £4,000 for the required public notices and £750 for the purchase of the signs. In addition to this there will be a resource requirement for staff from the Council's Cleansing and Amenities area to erect the signs.
- 9.2. Wiltshire Police have committed a total of £1000 as a contribution to the costs of the implementation of the Order.
- 9.3. The two public notices required as a part of the statutory consultation required a revenue commitment of £4,000; this cost will be met from the Councils 2008/09 Community Safety budget.

## 10. Community and Environmental Implications

- 10.1. 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 Chippenham. This gives the Police, along with the Dispersal Order already in place, an additional tool to use.

<b>Appendices:</b>	<ul style="list-style-type: none"> <li>• Appendix 1 - Plan</li> <li>• Appendix 2 – Police Response</li> <li>• Appendix 3 - Summary of Representations</li> </ul>
<b>Background Documents Used in the Preparation of this Report:</b>	<ul style="list-style-type: none"> <li>• Chippenham Police Report</li> <li>• Chippenham Town Council Reports of alcohol related litter</li> <li>• Crime Concern Report</li> <li>• HMSO Statutory Instrument 2001 No 2831</li> </ul>