

Wiltshire Council

Council

13 July 2010

**Warminster Town - Alcohol Consumption in
Designated Public Places Order (DPPO)**

Summary

Warminster Area Board has recommended that the Council make a Designated Public Place Order (DPPO) in respect of a prescribed area of Warminster Town.

A DPPO gives the police the power to ask persons who are behaving or likely to behave in an alcohol induced anti-social manner within the area, to stop drinking and hand over any alcohol in their possession. Refusal is an offence, which may result in arrest and a fine.

The Area Board report is attached and provides the full background to the process including the consultation findings, which have found in favour of the order.

Proposal

That Wiltshire Council makes a Designated Public Place Order under section 13 of the Criminal Justice and Police Act 2001 in respect of the land described in the attached map in the town of Warminster.

Reason for Proposal

A working group has been addressing alcohol related anti-social behaviour in Warminster. An action plan was developed to respond to each of the issues identified. With the evidence of almost 400 hundred alcohol related incidents in six months it was felt necessary to investigate the implementation of a DPPO and a consultation was initiated. At the meeting of 24 June 2010 the Warminster Area Board considered the consultation findings, implications of the order being granted, benefits and potential drawbacks and agreed to support the recommendation that the full DPPO be made.

Maggie Rae
Joint Director of Public Health

Wiltshire Council

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Warminster Town - Alcohol Consumption in Designated Public Places Order (DPPO)

Purpose of Report

1. This report requests the Council to make a Designated Public Place Order in respect of prescribed areas of Warminster Town.

Background

2. Power has been given to local authorities in England and Wales to introduce Designated Public Place Orders (DPPOs), the provisions of which are contained in section 13 of the Criminal Justice and Police Act 2001 and section 26 of the Violent Crime Reduction Act 2006. In Wiltshire the local authority is Wiltshire Council.

3. A DPPO gives the police the power to ask persons who are over 18 and who are behaving or likely to behave in an alcohol induced anti-social manner within a defined area, to stop drinking and hand over any alcohol in their possession. Refusal is an offence, which may result in arrest and a fine.

4. A due process has considered a DPPO for Warminster Town and found in favour of an order being made.

5. Following a review of the process and results of the consultation by the Cabinet Member for Health and Wellbeing, the Service Director for Public Protection, the Warminster Community Area Manager and Legal Services it was considered that the Full Council should consider and if appropriate by order specify the prescribed areas as a designated public place under section 13 of the Criminal Justice and Police Act 2001.

Main Considerations for the Council

6. Following the gathering of evidence of alcohol related anti-social behaviour, crime and disorder in Warminster, a report was submitted and a presentation given to the Warminster Area Board on the 4 March 2010 explaining the scope and powers within a DPPO and setting out the case for initiating a DPPO process. The Area Board supported the proposal. In accordance with requirements of the legislation, wide ranging consultation was carried out which found in favour of the order.

7. At the meeting of 24 June 2010 the Warminster Area Board considered the consultation findings, implications of the order being granted, benefits and

potential drawbacks. The Board agreed to support the recommendation that the full DPPO be made.

8. The full Area Board report and all appendices is attached and sets out the evidence base, the consultees and consultation findings, the boundaries of the DPPO area proposed and the financial costs.

Environmental and climate change considerations

9. The designated area will be identified by signs mounted on lighting columns at the perimeter of the area and at appropriate intervals within. Locations will be agreed with Wiltshire Council Department of Neighbourhood and Planning. There are no implications for climate change.

Equalities Impact of the Proposal

10. The DDPO is an order enabled by the Criminal Justice and Police Act 2001 and the Violent Crime Reduction Act 2006 both of which comply with equalities frameworks.

Risk Assessment

11. The DPPO empowers local police officers to tackle individuals who are behaving or likely to behave in an alcohol induced anti-social manner within a defined area, to stop drinking and hand over any alcohol in their possession. Without this power the police are restricted in their ability to deal with this type of behaviour.

12. There is a small risk of challenge to the Council with regard to the DPPO either by individuals or groups opposed to the restriction of personal freedoms; or by individuals to the police when requested to stop drinking.

13. Consultation has found in favour of the DPPO locally, and the order has been recommended by the Warminster Area Board. If the council does not make the order there is a risk to the credibility of local decision making.

Financial Implications

14. The financial implications are set out in Appendix F of the Area Board report. There are no ongoing financial implications for the Council.

Legal Implications

15. Before making such an order the Council must be satisfied that nuisance or annoyance to members of the public or a section of the public or disorder has been associated with the consumption of alcohol in the area specified to justify the Order. The full evidence is set out in the Area Board report.

16. If the order is made it must be advertised in the local press, signs installed and Secretary of State notified. The order will then take effect.

Options Considered

17. The DPPO is one of a range of measures in place to address alcohol related crime, disorder and anti-social behaviour in Warminster Town.

Conclusions

18. The national guidance recommends a swift process. If a significant amount of time has elapsed since the first consultation and the granting of the order it is advised to go back to the initial results of the consultation and review whether the process needs to be revisited.

19. For this reason this report is being brought to Full Council at the earliest opportunity.

Report Author: Pippa McVeigh, Head of Crime Reduction, Safer Communities Team, Public Protection Service

Date of report 24 June 2010

Background Papers

Criminal Justice and Police Act 2001

Violent Crime Reduction Act 2006

Guidance on Designated Public Place Orders (DPPO) Home Office November 2009

The following unpublished documents have been relied on in the preparation of this report:

Warminster Alcohol Working Group notes

Warminster Alcohol Working Group Action Plan

Appendices

The Appendices form part of the Area Board report attached and include:

Appendix A list of consultees

Appendix B consultation signs and boards

Appendix C consultation results

Appendix D survey

Appendix E proposed DPPO boundary

Appendix F estimate of costs

Additional Information:

Appendix G – Schedule of Alcohol Related Incidents (Warminster Town Centre)
