

## Agenda Item No. 9

Title: **The Violent Crime Reduction Act 2006 and Designated Public Place Order (DPPO)**

Portfolio Holder: **Cllr Chris March**

Reporting Officer: **Ishti Turner, Community Safety Manager**

Key Decision: **Yes**

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### **Purpose**

To advise Cabinet about **The Violent Crime Reduction Act 2006** and the procedural matters that need to be undertaken to justify **A Designated Public Place Order (DPPO) in Trowbridge Town Park**

### **Background**

- **Section 13 of the Criminal Justice and Police Act 2001** enables local authorities to **designate a public place by order – a DPPO**. Once a public place is designated, the police have the power to require individuals in that place to stop drinking alcohol and to surrender any alcohol and any opened or sealed containers they may have. Failure to comply with the request is an offence.

Historically, legitimate business premises within that public place that hold licences to sell or supply alcohol, for instance pubs and clubs, were quite rightly excluded from the effect of the **Designated Public Place Order by virtue of the Criminal Justice and Police Act 2001**.

- **The Licensing Act 2003** brought into being a single Premises Licence that could cover a combination of alcohol sales, entertainment and the late night sale of hot food and drink.  
An unfortunate consequence of the wording of the Licensing Act 2003 is that the areas where DPPOs do not apply was extended to cover all areas where a Premises Licence was in force, irrespective of whether the licence was being used. This includes outdoor areas, such as Trowbridge Park, where Trowbridge Town Council currently holds a Premises Licence.
- **The Violent Crime Reduction Act 2006** will address this anomaly by specifying that any designated public place order will apply to land occupied by a local authority or where a Premises Licence is held by a local authority except at a time where alcohol is being sold. Section 26 of the Violent Crime Reduction Act 2006 was brought into force on 6 April 2007 by the Violent Crime Reduction Act 2006 (Commencement No2) Order 2007.

## **Key Issues**

- In order to make a DPPO to cover Trowbridge Park there are certain procedural matters that need to be undertaken, including collecting evidence to justify making the Order:
- A statistical analysis of evidence reflecting alcohol related incidents that cannot be caught under existing legislation during the past 6 months plus annual trends is to be provided by the Town Council, principal Local Authority and Police
- An undertaking is required from the Wiltshire Constabulary that they are able to provide the necessary resources to enforce the proposed DPPO

## **Effect on Strategies and Codes: West Wiltshire Community Safety and Drugs Strategy: Priorities – Reducing crime, ASB & drug abuse.**

- Reducing drug & alcohol-related harm  
The links between crime and the misuse of alcohol & drugs are now well known. The misuse of alcohol is particularly associated with violence, disorder and criminal damage, and drug misuse is one of the main underlying causes of property crime, especially burglary and theft from shops & vehicles. The implementation of a DPPO would support work to achieve this priority
- Making people feel safer  
Please note that Wiltshire is currently the third safest county in England. Despite Wiltshire's relative high level of safety, the fear of crime continues to increase. The implementation of a DPPO would support work to achieve this priority

## **Risk management and implications**

- Lack of resources to patrol the DPPO
- The difficulty in communicating with the police on the 0845 number
- DPPO is not considered 'necessary and proportional' to the cost implications.

These issues can be looked at during the consultative phase of this work with the aim of reducing the risks.

## **Next Steps: Procedural Requirements**

- It will be necessary for either Trowbridge Town Council or West Wiltshire District Council to identify the locality involved and be satisfied: -
  - (a) that there has been nuisance or annoyance to members of the public, or a section of the public, or disorder, in or near that locality;
  - (b) that the nuisance, annoyance or disorder is associated with the consumption of alcohol in that locality or with the consumption of alcohol supplied at premises in that locality;
  - (c) that there is likely to be a repetition of nuisance, annoyance or disorder that is so associated.

However, it cannot be established unless certain steps have been taken.

- Firstly, the Town Council or the District Council must publish a Notice of its intention and invite persons interested to make representations about the proposal, and about what might be included in the action plan. 28 days are allowed for this.
- Following this, the Police, Town Council, and District Council must jointly prepare the action plan which contains details of the steps which must be taken to make such plan unnecessary. In other words, state what is needed to deal with the difficulties which have arisen. It will state what is intended to be done if the plan is implemented. An undertaking should be sought from the police that there are adequate resources to patrol the zone.
- The plan may contain details of proposals for payments to be made to the Council by those within the locality who are involved with the sale or supply of alcohol. Such payments are authorised by the Act but will be subject to separate regulations set down by the Secretary of State. The steps set out in the action plan may also include the establishment and maintenance of a scheme for the making of payments to the local authority
- This must then be published in such manner as they consider appropriate for bringing it to the attention of persons likely to be interested in it. A copy must be sent to every premises licence and club premises certificate holder, authorised to sell or supply alcohol, within the locality concerned.
- If, after a further 8 weeks, the steps declared to be necessary to prevent the Alcohol Disorder Zone from being established have not been satisfactorily carried out, the District Council can, by order, impose it. It is, however, prevented from doing that if those steps have been taken and the plan is no longer necessary.
- Any designation must be reviewed after three months and, if necessary it can be varied or revoked.
- These measures will normally be arranged jointly by the Town Council, the District Council and the Police as the Chief Officer of Police can veto the measure if the Council goes it alone.

In summary, (see below table) although the procedures are lengthy and prescriptive, it appears that some success is envisaged by the “threat” to those who sell or supply alcohol. They will have the choice of acting in a way which will deal with the problems highlighted by the action plan and taking the necessary steps outlined. If this sorts out the problem in a short period of time, the Zone need not be declared and no charge will be necessary. If, however, the steps taken are not sufficient or not carried out at all, the Zone will be established and a charging regime will kick in.

<b>Procedural Steps</b>	<b>Agency</b>	<b>Time*</b>
Analysis of Evidence re alcohol related incidents within the proposed DPPO	WWDC, TTC, Police	Analysis of alcohol related incidents that can be caught under the proposed DPPO that cannot be caught under existing legislation
Notice of Intention	WWDC, TTC, Police	10 <sup>th</sup> August 2007: 28 days consultation with the Town Council, the Police and local inhabitants.
Action Plan	WWDC, TTC, Police	10 <sup>th</sup> August 2007: 28 days
Undertaking from Police re enforcement of DPPO	Police	By 10 <sup>th</sup> August 2007: within 28 days An undertaking by the Wiltshire Constabulary that there are the resources to enforce the DPPO. Addressing the issues surrounding the 0845 number.
Scheme for making payments to the Local Authority and it's distribution	TTC, DC, Police	10 <sup>th</sup> September 2007: 8 weeks Agreement with partners regarding the cost implications and where the responsibilities lie.
Review of DPPO	WWDC Approve or Revoke?	10 <sup>th</sup> December 2007: After 3 months of implementation Once the process is complete a further report to be presented to Cabinet outlining the current situation and whether a DPPO is recommended

\* The dates are indicative surmising that a decision is reached to implement a DPPO at Cabinet on 4<sup>th</sup> July 2007

### **Finance and performance implications**

- Cost of Public notice of intention and it's distribution -
- Cost of Publishing and distributing the Action Plan -
- Costs of Signage.

It is expected that these costs will not exceed £5000 and can be met from within the existing community safety and reputation budgets.

### **Legal and human rights implications**

The DPPO should be considered in the light of the crime and anti-social behaviour strategy as a requirement under the Council's obligations under Section 17 of the Crime and Disorder Act and it's recent review which has set National Standards to be published imminently. The Human Rights implications of the actions recommended in this report have been considered.

### **Recommendations**

Cabinet is asked to approve that:

- WWDC leads on the implementation of a DPPO in a specified area in and around Trowbridge in consultation with the Town Council, the Police and the local inhabitants.

or

- WWDC supports the implementation of a DPPO by Trowbridge Town Council and the Police
- and notes a further report will be brought to Cabinet in December following the completion of the procedural steps set out in this report.

### **Key decision box**

Statement of reason for key decision	Significance to the locality
Options considered and rejected	Not implementing the DPPO
Date of Implementation	On completion of procedural steps

### **Background papers**

Criminal Justice and Police Act 2001

Licensing Act 2003

The Violent Crime Reduction Act 2006