

	Item no: 6
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SUBJECT:	PROPOSED EXTENSION OF THE CURRENT CITY CENTRE DRINKING CONTROL AREA (DESIGNATED PUBLIC PLACES ORDER)
DECISION-MAKER:	LICENSING COMMITTEE
DATE OF DECISION:	18 TH OCTOBER 2006
REPORT VERSION No:	6

FORWARD PLAN No: N/A

KEY DECISION? N/A

STATEMENT OF CONFIDENTIALITY

Not Applicable

WARDS/COMMUNITIES AFFECTED:

All

SUMMARY

Within the Drinking Control Area (hereafter referred to as Designated Public Places Order (DPPO)) it is an offence to drink alcohol after being requested by a Police Officer or any other accredited person not to do so. The police have the power to require the surrender of opened alcohol containers, those who fail to comply with the confiscation will be liable to arrest.

The Committee is asked to:

- consider the recommendation to extend the current boundary of the DPPO citywide and approve the procedure to the next (consultative) stage of creating a DPPO
- approve the accompanying measures to help tackle anti-social drinking

RECOMMENDATIONS:

That the Committee

- (i) approve in principle the proposals to expand the boundary of the DPPO to cover all areas within the Council's jurisdiction;
- (ii) approve and authorise the advertisement of the proposals;
- (iii) approve the progression to the consultative stage with licensees (Premises Licence holders), police and persons affected;
- (iv) note the proposed measures combining enforcement with outreach services for alcohol-dependent street drinkers; and
- (v) request that a further report be brought to the sub committee following the formal consultation process.

REASONS FOR REPORT RECOMMENDATIONS

1. The Tackling Alcohol Partnership is satisfied that the existing DPPO is effective but displaces anti-social drinking outside the boundary. The Partnership is therefore satisfied that it is appropriate to expand the boundary of the DPPO to all areas within the Council's jurisdiction, including all parks and public open spaces, and that this option offers the best opportunity for tackling anti-social street drinking in all areas of the city.

A citywide DPPO would:

- allow for the proper management of displacement
- send a clear message that anti-social drinking in all public places is not acceptable and will not be tolerated
- respond to requests from other areas of the city seeking inclusion in the existing DPPO or the creation of a new DPPO
- contribute to meeting strategic priorities identified in the Community Safety Strategy 2005-2008 to reduce fear of crime and reduce alcohol-related crime, disorder and anti-social behaviour.

BACKGROUND

2. The DPPO was agreed by the Licensing Committee in February 2004 under the Criminal Justice and Police Act 2001 and spanned the city centre 'North-South Spine.' A supporting map to illustrate the current boundary is available in the Members' Rooms. The Committee was satisfied that there was a history of nuisance or annoyance to members of the public, or a section of the public, and disorder had been associated with the consumption of alcohol within this designated area. Anti-social drinking causes alarm and distress to residents and has a damaging impact to visitors to the city by making people feel unsafe and uncomfortable. The DPPO was brought in as one measure among many to help tackle alcohol-related problems in the city centre.
3. As part of the review process, an evaluation of the effectiveness of the DPPO was carried out. Copies of the evaluation are available in the Members' Rooms. The study showed: the DPPO provides officers with a useful and useable tool to tackle anti-social drinking in public places; there is broad public support for the measure; and the DPPO has helped to reduce the fear of crime within the existing boundary.
4. The evaluation has also shown that anti-social street drinking has not ceased (the DPPO is not a universal ban on drinking in public places). Quantitative analysis shows that although alcohol-related crime and disorder is most prevalent within the city centre, there are a number of concentrated areas citywide where alcohol-related violent crime is periodically occurring. Furthermore, in line with the experiences of other local authorities, the DPPO appears to have had unforeseen effects on issues regarding alcohol dependent street drinkers drinking in the city centre during the day time.
5. The Council has recently obtained Premises Licences under the Licensing Act 2003 for several of its parks and open spaces in order to ensure the continuation of cultural events in line with government advice. Any area or

premises which are the subject of a Premises Licence are automatically excluded from the remit of any DPPO due to a conflict within the relevant legislation. The Solicitor to the Council has written to the three local MPs and has informed the Local Authorities Coordinators of Regulatory Services (LACORs) in order to press for legislative change. Responses have been positive and it is hoped that legislative change will be imminent. In light of the timescales for implementation of any Order and the strong demand for legislative change Legal Services has advised that the Order, if agreed, should be implemented to include the Council's open spaces, whether licensed or not, so as to have the DPPO in place and avoid the requirement for further amendment at a later stage when the legislative oversight is corrected.

CONSULTATION

6. As part of the evaluation, formal external consultation took place with residents, businesses, licensees, enforcers and community groups within the existing DPPO area. The evaluation indicates a high level of public support and enforceability.
7. External consultation with major city centre private property managers has taken place: West Quay Retail Park, Town Quay and Leisure World have all agreed for their premises to be included in any future expansion of the DPPO. These letters of consent are available to view in the Members' Rooms. It is not intended to include West Quay Shopping Centre as this already has adequate security arrangements.
8. An internal consultation survey of alcohol-related incidents in the city centre parks found that a number of issues arise such as seasonal increases of alcohol litter, biowaste, vandalism, theft and arson. The supporting report is available in the Members' Rooms. There were also found to be a number of reports where the DPPO could have been enforced if it were in place. These reports however, are only an indicative sample due to data collecting issues.
9. A number of areas in the city have requested that a DPPO be established. These areas include Thornhill, Graham Road Residents Association and Fremantle. Police have also requested a DPPO be put in place for the shopping areas of Shirley and Portswood.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

10. Abolish the current DPPO:

There are obligations under the Crime and Disorder Act 1998, and commitments under the Community Safety Strategy 2005-2008 to respond to the concerns of workers and citizens of Southampton and reduce alcohol-related anti-social and disorderly drinking in the city to make people feel safer. Accordingly, removing the DPPO would be a retrograde step, whereas authorising the continuation and possible expansion would reinforce the Council's robust approach in tackling alcohol-related problems.
11. Keep the boundary as it is at present:

This option would mean no further action would be taken regarding the boundary. However, issues regarding displacement of street drinking and the changing nature of hotspots would remain.

12. Create further “hotspot DPPOs” or expand the existing DPPO within the city centre:
- this would not solve issues of displacement of street drinking into other areas and may possibly make them worse;
 - to create many scattered boundaries would cause confusion for enforcers and the public;
 - send an inconsistent message to the public about anti-social drinking; and
 - the establishment of individual DPPOs would take a considerable length of time; presenting and evidencing the case, undertaking consultation and planning the implementation with enforcers and signage. If and when the hotspots change there would be a lengthy process to remove an unnecessary DPPO. This would mean the continual re-visiting and re-evaluating of anti-social drinking in public places.

DETAIL

13. Police data shown in the evaluation identifies that the largest concentration of hotspots remains within the city centre major entertainment areas, largely but not wholly covered by the existing DPPO. Hotspots for alcohol-related crime and disorder are in their nature periodic, causing flashpoints to occur across the City. The existing DPPO has encouraged displacement of anti-social drinking into other areas within the city centre and further into the surrounding areas. A citywide DPPO offers the best opportunity to prevent further displacement and to address the proportional needs of all city neighbourhoods, not just those within the existing DPPO boundary.
14. There is no evidence to link each and every public place in Southampton to such nuisance and disorder, as a strict reading of the legislation would require. There is satisfactory evidence that many areas across the city have suffered from alcohol-related nuisance, anti-social behaviour, crime and disorder. Although a high concentration of offences occur within the city centre, a significant proportion of these offences are occurring outside the city centre, in pockets across the city. Please see the supporting document available in the Members’ Rooms.
15. Despite not being able to evidence citywide problems arising from anti-social drinking, Portsmouth UA, Brighton and Hove UA, Worthing DC, Crawley BC and the City of Westminster have all designated Council area wide DPPOs. To date there have been no legal challenges.
16. The evaluation showed that enforcers found the powers provided by the DPPO extremely useful and useable. Taking the boundary citywide means there is less scope for confusion as to which areas are covered and which are not by officers and members of the public.
17. It is important to manage public expectation regarding the enforcement of the existing and any future expansion of the DPPO for two reasons. First, enforcement of the DPPO is, by the nature of the legislation, discretionary. Second, the DPPO has been shown to be an extremely useful tool for officers to use and all officers would benefit from having access to the powers in all areas of the city. The emphasis here is on proportional enforcement and viewing the DPPO as an additional tool to target alcohol-related problems as

and when appropriate.

18. In the event of the DPPO being taken citywide, guidance would be issued to all officers on the correct implementation of the DPPO. With the introduction of Assistant Community Safety Officers (ACSOs) and Police Community Safety Officers (PCSOs) there is an opportunity to include introduction on the powers provided by the DPPO into their induction training. The primary cost incurred is officer time to attend training events.
19. The evaluation indicated that alcohol dependent street drinkers have been displaced into other areas of the City following enforcement of the DPPO during the day. This has changed the way outreach services need and must respond. Training sessions are proposed to raise the awareness of all accredited enforcement officers of the needs, issues regarding and engagement of alcohol dependent street drinkers and the available referral pathways to outreach services. A protocol will be developed for all enforcers, enabling streamlined information for new staff and the monitoring of returns.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

20. It is proposed to place signage of the DPPO on all major gateway routes into the city. This includes all major roads, the coach station, ferry ports, railway stations and at St Mary's stadium. Temporary or mobile signage could be placed in hotspots at an approximate cost of £2,000 per hotspot area based on an area the size of the current city centre DPPO. For example, four large areas would mean an approximate cost of £8,000 in total. Any new public notices would have implications for the city street scene.

It is also proposed that signage of the DPPO be provided to all liquor licensed venues in the City. The cost of purchasing design services and printing is approximately £2000. All of these one off costs will be met by the Community Safety revenue budget.

Revenue

21. Once the sub committee is satisfied that a history of anti-social drinking exists, there are legal requirements to undertake public consultation with police, licensees, land owners or occupiers, and receive representations from them about the areas that will be affected before a DPPO can be made. National guidance suggests that where it may be impractical to consult individually with all landowners and occupiers in the proposed area, public consultation would be achieved through council publications and the Council website. Letters will be written to all 800 Premises Licence holders. Letters will also be written to large landowners in the city who may be affected by the proposal. Staff time and postage costs will be met by the existing Community Safety revenue budget.
22. Should a citywide DPPO be agreed, the Council is obliged to place advertisements of the intention to create a DPPO in the local press. This would cost approximately £2,500. These costs will be met by the Community Safety revenue budget.

Property

23. None

Other

24. None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

23. Section 13, Criminal Justice and Police Act 2001 and Section 17, Crime and Disorder Act 1998

Other Legal Implications:

None

POLICY FRAMEWORK IMPLICATIONS

None

SUPPORTING DOCUMENTATION

Appendices

1.	None
2.	

Documents In Members' Rooms

1.	Map of Existing City Centre DPPO
2.	Evaluation of the Drinking Control Area in Southampton City Centre dated December 2005
3.	Letters of consent to inclusion from West Quay Retail Park, Leisure World and Town Quay
4.	Alcohol Incident Survey Southampton Central Parks Between March to June 2006
5.	Analysis of Alcohol-Related Crimes in Southampton Between May 2003 to April 2006

Background Documents

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.		
2.		

Background documents available for inspection at: Southbrook Rise, 4-8
Millbrook Road East,
Southampton, SO15 1YG

REPORT OF: Roger Honey, Community Safety Manager

AUTHOR: Name: Roger Honey Tel: 023 80 834007

E-mail: roger.honey@southampton.gov.uk

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