

	<b>ITEM NO: 5</b>
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<b>SUBJECT:</b>	DECISION ON THE PROPOSED EXTENSION OF THE CURRENT CITY CENTRE DRINKING CONTROL AREA (DESIGNATED PUBLIC PLACES ORDER)
<b>DECISION-MAKER:</b>	LICENSING (GENERAL) SUB COMMITTEE
<b>DATE OF DECISION:</b>	7 <sup>TH</sup> FEBRUARY 2007
<b>REPORT VERSION No:</b>	4

**FORWARD PLAN No:** N/A

**KEY DECISION?** N/A

**STATEMENT OF CONFIDENTIALITY**

Not Applicable

**WARDS/COMMUNITIES AFFECTED:**

All

**SUMMARY**

The Criminal Justice and Police Act 2001 allows the Local Authority to adopt powers to designate defined geographical areas that have known anti-social drinking and nuisance, and as such, create a Designated Public Places Order (“DPPO”). Within the boundary of a 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 function of determining this issue falls within the remit of the Licensing (General) Sub-Committee (“the Committee”).

In February 2004, the Committee approved the creation of a DPPO (known as the Drinking Control Area). The Order went live on 3<sup>rd</sup> May 2004, with the aim of addressing the problems of alcohol related anti-social behaviour in the City Centre night-time entertainment area.

The DPPO was evaluated in December 2005 with further review work continuing throughout 2006. On 18<sup>th</sup> October 2006 the Licensing Committee approved in principal the extension of the DPPO citywide and authorised formal consultation.

**RECOMMENDATIONS:**

That the Licensing (General) Sub Committee

- (i) Considers the findings of the consultation exercise.
- (ii) If satisfied from results of the consultation exercise and the evidence contained within this report, provide that a DPPO be made citywide from the earliest possible opportunity

## **REASONS FOR REPORT RECOMMENDATIONS**

1. Recent research, as described and appended to the previous committee report, has shown that the existing DPPO is an effective tool but displaces anti-social drinking outside the boundary. Rather than piecemeal extensions or many small DPPOs, it is deemed appropriate that the boundary of the DPPO be expanded to all areas within the Council's jurisdiction, including all parks and public open spaces. This option is felt to offer the best opportunity for tackling anti-social street drinking in all areas of the city. This research has the support of the Safe City Partnership and its sub-group, the Tackling Alcohol Partnership.

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. On 18<sup>th</sup> October 2006 the Licensing Committee approved the citywide expansion in principle and authorised progression to the formal consultative stage. In accordance with Home Office guidance, an advertisement was placed in the local press, and all city liquor license holders, Neighbourhood Partnerships, police, and owners or occupiers of large areas of land in the city were directly consulted.
3. The Council has 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. The existence of such licenses would have created conflict against the Police and Criminal Justice Act 2001, rendering the DPPO unenforceable in these areas. Following lobbying by the Solicitor to the Council of local MPs and LACORs (Local Authorities Coordinators of Regulatory Services) an amendment under Section 26 of the Violent Crime Reduction Act 2006 removed this obstacle by preventing the DPPO from applying to premises licenses (for all licensable activities) at times when the land is being used for the sale or supply of alcohol only, and at times falling within 30 minutes after the end of a period during which it was being used as a licensed premise. The DPPO as a result now applies at all times other than those times that licensed sale of alcohol is taking place.

## **CONSULTATION**

4. The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001, require a public notice to be advertised in the local press and for certain groups to be consulted, namely all liquor licensees within the

affected areas, police and owners or occupiers of large areas of land. All consultees were asked "Do you support the citywide Designated Public Places Order?" with options to answer yes or no. If "no", respondents were encouraged to give comments.

5. A Notice of Intention was placed in the Daily Echo giving 28 days notice for the receipt of representations. The Notice was also displayed on the Southampton City Council website. No representations have been received.
6. Consultation has taken place with all liquor licence holders. 611 letters were sent to all licensees. This group included all on and off-licensed premises managers/supervisors, hotels, supermarkets, bingo halls, clubs (including sports and social clubs and working men's clubs) and theatres.

**Result:**

Yes: 238

No: 2

Returned to sender: 16

No response: 355

Negative comments:

a) "Because of the impending smoking ban. People will want to go outside to smoke. They will not want to leave their drink behind them as it could be tampered with. Throughout Europe people can drink outside. The present laws in Southampton are discretionary to some pubs."

Response:

These concerns are invalid. To drink outside licensed premises on unlicensed property is an offence under the Licensing Act 2003. The legislation is not discriminatory as this applies to all on-licensed premises. Only alcohol in a sealed container is permitted to be taken outside licensed premises.

If the outside area is included in their licence or they have formal permission for the use of an area of highway immediately outside their premises, included in the area for which they are licensed, they will not be affected by the Order. If these areas are not included, they can include them in their licence by way of variation.

b) "A completely pointless exercise. The scheme is currently in force in my road but it is not policed. Calls made from my establishment over the past 12 months to the Police (approx 20+) regarding homeless people gathering and drinking on the streets have been met with comments such as "what do you expect us to do about it?"

Response:

Many street drinkers have complex housing and healthcare needs. Enforcement and outreach services need to coordinate effectively in order to reduce these issues and the associated problems. A liaison group has been established in order to tackle street drinking in Newtown-Nicholstown. This work will inform the enforcement protocol for this specific group of people for all enforcers, enabling streamlined information for new staff and the monitoring of returns. Training sessions will also be arranged 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.

7. 65 members of the Neighbourhood Partnership Coordinating Groups and Safe Living Working Groups were consulted.

**Result:**

Yes: 29

No: 0

Returned to sender: 0

No response: 36

8. The police are broadly in support of the DPPO as it will cater for enforcement needs as and when particular problem areas appear and deal with known consequential displacement issues within the city boundary. The police have been clear from the outset that the establishment of a city wide DPPO carries a degree of risk concerning management of public expectation. The police simply do not have sufficient resources to police all of the DPPO area at all times and will have to be selective in where they exercise their powers. The police welcome the powers that the Order provides so any lack of enforcement will invariably be due to a lack of sufficient resources. As such, the Order is fully supported by the police with the understanding that enforcement is in accordance with the agreed Memorandum of Understanding attached at Appendix 1.
9. Owners or occupiers of large areas of land in the City were consulted by telephone, letter or by email.
10. Consultation results for Universities and colleges, hospital sites:
  - The principals of Taunton's, Itchen and City Colleges all support the extension.
  - The site managers (and licensees) for the University of Southampton and Solent Universities all support the extension.
  - The site director for all Southampton University Hospitals NHS Trust sites supports the extension. BUPA hospital has also expressed its support.
11. 22 representatives of faith groups via the Council of Faiths were consulted.

**Result:**

Yes: 1

No: 0

Returned to sender: 0

No response: 21.

12. External consultation with major city centre private property managers has already 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. It is not intended to include West Quay Shopping Centre as this already has adequate security arrangements.

### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

13. 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.

14. 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, periodic nature of hotspots would remain.

15. 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**

16. A citywide DPPO offers the best opportunity to prevent further displacement of anti-social street drinking and to address the proportional needs of all city neighbourhoods, not just those within the existing DPPO boundary.

17. 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.

18. 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 but it is necessary to be particular in the manner of enforcement. Emphasis is on proportional enforcement and viewing the DPPO as an additional tool to target alcohol-related problems as and when appropriate.
19. To respond to these problems a Memorandum of Understanding regarding the enforcement of the DPPO has been agreed with Southampton Police and is attached at Appendix 1.
20. In the event of the DPPO being taken citywide, guidance will be issued to all officers on the correct implementation of the DPPO which will be based on the Enforcement Strategy. A draft Enforcement Strategy can be found attached at Appendix 2. Training on the powers provided by the DPPO will be incorporated within the induction process of new City Patrol Officers (Assistant Community Safety Officers (ACSOs)) and the Police Community Safety Officers (PCSOs). The primary cost incurred is officer time to attend training events.
21. It is proposed that signage relating to the DPPO will be placed 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. It is also proposed that signage of the DPPO be provided to all liquor licensed venues in the City.

## **FINANCIAL/RESOURCE IMPLICATIONS**

### **Capital**

22. 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. The cost of purchasing design services and printing for signage within liquor licensed venues is approximately £2000. All of these one off costs will be met by the Community Safety revenue budget.

### **Revenue**

23. None

### **Property**

23. None

### **Other**

24. None

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

24. 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.	Memorandum of Understanding on Enforcement of the Designated Public Places Order (DPPO)
2.	Draft Southampton Citywide Designated Public Places Order Enforcement Strategy

**Documents In Members' Rooms**

1.	None
2.	

**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.	None	
2.		

**Background documents available for inspection at:**

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**File Name:** DPPO REPORT FEB 07 V4.doc