

Southampton Citywide Designated Public Places Order Enforcement Strategy

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Introduction

This Enforcement Strategy provides guidance to police and accredited community safety officers (ACSO) on the enforcement of the powers provided by the Southampton citywide Designated Public Places Order. This information is to be read in conjunction with the following local documents:

- Southampton City Centre Designated Area Enforcement, Southampton Police – April 2004
- Memorandum of Understanding between Southampton Police and Southampton City Council: Designated Public Places Order – January 2007.
- Enforcement Protocol for dealing with rough sleepers and chronic street drinkers – February 2007

The Designated Public Places Order (DPPO) is also known locally by the name “Drinking Control Area” or “Drinking Restriction Area.”

Authorisations

Authorisation to enact these powers has been granted by Southampton City Council on 7th February 2007 under Sections 13(2) of the Criminal Justice and Police Act 2001.

Following the incidence of any subsequent legislation or Home Office guidance changes requiring the revision of this enforcement strategy, these will be outlined to all relevant parties at a relevant senior level management meeting who will then agree a process for the dissemination of information about the changes specified.

Legislation Regarding the Confiscation of Alcohol

Within the DPPO it is an offence to drink alcohol after being requested by a Police Officer or any other accredited officers 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 Criminal Justice and Police Act 2001 provides police with the following powers:

- (1) If a constable reasonably believes that a person is, or has been, consuming intoxicating liquor in a designated public place or intends to consume intoxicating liquor in such a place.
- (2) The constable may require the person concerned –
 - (a) Not to consume in that place anything which is, or which the constable reasonably believes to be, intoxicating liquor (*for instance, alcohol mixed with a soft drink and being consumed from the soft drink bottle*)
 - (b) To surrender anything in his possession which is, or which the constable reasonably believes to be, intoxicating liquor or a container for such liquor (other than a sealed container).
- (3) A constable may dispose of anything surrendered to him under (2) in such a manner as he considers appropriate.
- (4) A person who fails without reasonable excuse to comply with a requirement imposed on him under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (5) A constable who imposes a requirement on a person under subsection (2) shall inform the person concerned that failing without reasonable excuse to comply with the law is an offence.

Please Note:

It is important to note that it will not be an offence to drink alcohol in a designated public place, but failure to comply with a police officer's requirement without reasonable excuse will be an offence

Memorandum of Understanding

The Memorandum of Understanding states that:

“It is understood that both Southampton City Council and Southampton Police emphasise a proportional and appropriate enforcement approach based on an assessment of need, viewing the DPPO as an additional tool, among many, to target alcohol-related problems as and when appropriate.”

Objective of the DPPO Legislation

The intention of the legislation governing DPPOs is to reduce the incidence of disorder, anti-social behaviour and public nuisance arising from alcohol consumption in public places.¹

Key Principles of Citywide Enforcement

- All public areas within the city (SCC boundary) are included in the DPPO. This includes:
 - All public roads, adopted highways, footpaths, bridleways and rights of way.
 - All public land owned by Southampton City Council, including car parks, buildings, shopping parades, parks, open spaces and play areas.
 - Specific areas of private land to which the public have access, including Town Quay, the Leisure World complex and West Quay Retail Park.
- Emphasis is on proportional and appropriate enforcement. This means viewing the DPPO as an additional tool to target alcohol-related problems as and when appropriate. Initiation of the use of the DPPO powers are embedded within and owned by the Community Tasking and Coordinating Groups. Manage public expectation: Enforcement must be a balance between an assessment of the need for effective enforcement of anti-social street drinking or alcohol-related crime and disorder
- The DPPO is NOT a universal ban on drinking in public places. The officer must use their discretion as to whether or not confiscation of alcohol is justified.
- The powers provided by the DPPO are not aimed at tackling underage drinking. Powers to do this are provided by the Confiscation of Alcohol (Young Persons) Act 1997. The powers provided by the DPPO apply solely to persons over the age of 18.
- The powers provided by the DPPO apply to police officers in uniform. Schedule 5, paragraph 4 of the Police Reform Act 2002 extends that power to accredited persons in uniform. This includes City Patrol, other Accredited Community Safety Officers (ACSO) and Police Community Safety Officers (PCSO). The power for ACSO is only applicable within the relevant police area.

¹ Anti-social behaviour is behaviour which causes or is likely to cause harassment, alarm or distress and is not of the same household. It covers a wide range of anti-social actions and behaviour which impacts on individuals and damages the wider community. It may also include some criminal acts.

Guidance: When to use the DPPO powers

Multi-agency Community Tasking Coordinating Groups:

If alcohol-related anti-social behaviour is a significant and persistent problem in the relevant Neighbourhood Partnership locality, a discussion should occur within the Community Tasking and Coordinating Groups (CTCG) assessing the level of need. If decided, in conjunction with relevant senior officers from both police and Southampton City Council, then a program of interventions should be compiled including confiscation of alcohol. Each CTCG will be able to provide a map of their area and/or a map of Southampton City Council's civic boundary. Please refer to the Memorandum of Understanding for further information about the role of CTCG's.

Criteria for use of the DPPO by officers within the locality:

- If the relevant officer has reasonable grounds for believing that alcohol is being consumed or is likely to be consumed

AND

- When behaviour has resulted, or is likely to result, in a member of the public from being harassed intimidated, alarmed or distressed

OR

- When behaviour has resulted, or is likely to result, in an incident of anti-social behaviour or public nuisance.

OR

- When behaviour has resulted, or is likely to result, in an incident of crime or disorder.

Note: Police officers have further powers to seize any glass, can or bottle if they believe that it may constitute an offensive weapon.

Guidance: what should a police officer do?

If an incident satisfies the above criteria, within the DPPO area (all areas covered by Southampton City Council), the police officer should:

- Issue a direction requiring the person(s) to surrender their opened alcohol containers, without continuing to drink (either immediately or by such time as they may specify and in such way as they may specify). This warning may be given orally, may be given to more than one individual and may be withdrawn or varied by the person who gave it.
- Dispose of the contents and the container at the nearest facility.
- Issue a direction requiring the notification to any of those persons who do not comply that they are liable to arrest and a fine
- If request to confiscate is resisted it is an offence. A Penalty Notice for Disorder should be issued.

An example of a constable's request:

“This is a designated public place in which I have reason to believe that you are/have been drinking intoxicating liquor. I require you to stop drinking and give me the container form which you are/have been drinking and any other opened containers. I must inform you that failure to comply with my request, without reasonable excuse, is an offence for which you can be arrested.”²

Guidance: what should an accredited person do?

If an incident satisfies that above criteria, within the DPPO area (all areas covered by Southampton City Council), the accredited person should:

- Issue a warning “This is a designated public place in which I have reason to believe that you are/have been drinking intoxicating liquor. I require you to stop drinking and give me the container form which you are/have been drinking and any other opened containers. I must inform you that failure to comply with my request, without reasonable excuse, is an offence.

Please note: ACSO's do not have the power to make arrests. They are able to require the name and address of an individual who meets the requirement to have the alcohol confiscated and who they believe has caused injury, alarm or distress to any other person. If necessary, accredited officers should call for police attendance.

Guidance: when NOT to use the DPPO power

A direction may **NOT** be given in respect of a person or group of persons who:

- Are consuming alcohol within liquor licensed premises or within the curtilage of a licensed premise.
- Are under the age of 18; the Confiscation of Alcohol (young persons) Act 1997 governs enforcement actions.
- Are not or are not likely to cause anti-social behaviour or public nuisance. Drinking alcohol in itself, while being an aggravating factor in anti-social behaviour, crime and disorder, is not motivation to confiscate. For example, a group of people sharing a bottle of wine or drinking beer with a picnic in a park.
- Within 20 minutes of the end time of an occasional license for activities relating to the sale of consumption of intoxicating liquor (such as a Temporary Event Notice). Please refer to the Licensing Act for definitions of “licensed premises” and “occasional licenses”.
- Within 30 minutes of the end time of any licensable activity occurring in the City parks which possess premises licenses. The DPPO applies at all other times. Please refer to Southampton City Council's Licensing Department for confirmation of start and end times, and for a list of all parks in possession of a premises licence.

Guidance: what to do with alcohol dependent street drinkers known to the officer

For those who drink alcohol over a long period of time there is a risk of exacerbating health problems through alcohol withdrawal if their alcohol is confiscated.

² Taken from the police policy on enforcement of the Southampton city centre designated area.

- If officers come across a person whom they suspect to have significant alcohol dependency issues drinking in a public area and whose health they are concerned about should phone:
 - Homeless Healthcare Team
 - Street Homeless Prevention Team
 - Two Saints

And ask if the person is known to them in order to identify the:

- level of risk to that person of alcohol withdrawal
- physical harm to that person
- level of harm to the public

Further Information:

- There is a need for dialogue between enforcement officers and outreach services: concerted and more specific action is required to address the problem of alcohol dependent street drinkers; and this information would also help outreach services to locate clients.
- Training will be given to all new officers and “champions”. For information please contact –

Further information

If clarification or further information is required please contact the Community Safety Team on community.safety@southampton.gov.uk or 023 8083 3988.