

**Memorandum of Understanding between Southampton Police
and Southampton City Council**

Designated Public Places Order

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List of abbreviations:

ACSO	Accredited Community Safety Officer
ASB	Anti-Social Behaviour
ASBO	Anti-Social Behaviour Order
ABC	Anti-Social Behaviour Contract
CTCG	Community Tasking Coordinating Group
DPPO	Designated Public Places Order
FPN	Fixed Penalty Notices
PCSO	Police Community Safety Officer
PND	Penalty Notice for Disorder
SCC	Southampton City Council

Legislation

The Criminal Justice and Police Act 2001 allows Licensing Committees, on behalf of the Local Authority, to define particular geographical areas that have known problems with anti-social drinking, nuisance, crime and disorder, and create a Designated Public Places Order (DPPO).

Within the 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 legislation governing alcohol confiscation is frequently confused with blank bans on drinking alcohol in public places. It must be emphasised that the powers that the DPPO provide **DO NOT** equate to a blanket ban. The intention of this legislation is to reduce the incidence of disorder and public nuisance arising from alcohol consumption in public places.

Minor amendments to DPPOs contained within the Criminal Justice and Police Act 2001 have been made by the Licensing Act 2003 and the Violent Crime Reduction Act 2006. All amendments to date are contained within this guidance.

This legislation does not affect the powers or responsibilities for police and/or accredited officers to seize and retain alcohol from young persons under the age of 18. These powers are given in the Confiscation of Alcohol (young persons) Act 1997.

The DPPO also does not affect the right of licensed premises to place table and chairs outside the premises and allow consumption within a designated area, provided that the premises are properly licensed by the local authority (Southampton City Council).

History of the DPPO in Southampton

In February 2004, Southampton City Council Licensing Committee approved the creation of a DPPO (known locally as the Drinking Control Area) covering the 'North-South Spine' of the city centre. The order went live on 3rd May 2004, with the aim of addressing the problems of alcohol related anti-social behaviour in the City Centre night-time entertainment area.

Accredited community support officers (City Patrol) have a devolved power to require an individual to stop drinking and hand over the containers. City Patrol cannot arrest but are able to require the personal details of that individual if they fail to comply with the request for surrender of alcohol. As and when necessary, accredited officers have sought the assistance of the police.

An evaluation of the DPPO took place in December 2005 with further review work occurring throughout 2006. On 18th October 2006 the Licensing Committee approved in principal the extension of the DPPO to citywide and authorised the necessary consultation. This consultation evidenced widespread popular support, and on 7th February 2007, the Licensing (General) Sub-Committee, on behalf of Southampton City Council, approved the creation of a citywide DPPO.

Introduction to Agreement

An evaluation of the city centre DPPO and the rest of Southampton City Council civic area (“the City”) identifies that the largest concentration of hotspots remains within the city centre major entertainment areas, largely but not wholly covered by the existing DPPO. There is satisfactory evidence, however, that a significant proportion of alcohol-related nuisance, anti-social behaviour, crime and disorder offences are occurring *outside* the city centre, in pockets across the city. These pockets, or hotspots, are in their nature periodic, causing flashpoints to occur across the City.

Southampton City Council accepts that a citywide DPPO offers the best opportunity for tackling anti-social street drinking in all areas of the city. This is not to say, however, that it is possible or necessary, to link each and every public place in Southampton to such nuisance and disorder.

There are clear benefits created by a citywide DPPO. It 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.

Joint Understanding

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. Conversely, it may also be said that both have a responsibility not to raise fear of crime through constant proactive policing of the DPPO.

Enforcement

Purpose of the DPPO

The objective of the enforcement of the DPPO is to reduce the incidence of disorder, anti-social behaviour and public nuisance arising from alcohol consumption in public places. The powers available to the officer can be used at their *discretion*. It is totally acceptable for groups of people to congregate in public places. Many people often enjoy meeting friends and family in public places, such as parks, outside public buildings, and both inside and outside shopping parades and arcades. Provided they do so within the law and without causing fear, intimidation and distress to others there is no reason to assume that confiscation should be automatic. It is important not to alienate the public and for example, it would be inappropriate to challenge individuals having a quiet picnic with a glass of wine or a can of beer in one of the city's parks.

If persistent problems of alcohol-related anti-social behaviour, intimidation or crime and disorder are identified by the community, police, or the Community Safety Team, the DPPO is to be seen as one measure with which to tackle the problem, where an aggravating factor in the problem is deemed to be the consumption of alcohol. Therefore, the power to confiscate alcohol is there to reclaim public spaces for the law abiding public.

Implementation of Joint Enforcement

Evaluation has shown that enforcers believe the DPPO to be a positive tool for police and accredited officers to use as and when they need to. Officers should not be discouraged if they feel that it is necessary (using their discretion, please see "Discretion" section below) and within boundaries of personal safety/risk to implement the powers of the DPPO.

Due to the history of enforcing the DPPO within the city centre, enforcement through the Operation Erwood (Violent Crime Strategy) will continue as long as police see fit. Should complimentary measures be seen to be necessary by the police, it is recommended that a partnership approach be sought and adopted, therefore dovetailing with other work of the Central Joint Action Group, as and when required.

Citywide, (outside the existing DPPO) enforcement will be tied to measures enacted by the Community Tasking Coordinating Group (CTCG). There is one CTCG for each Neighbourhood Partnership: Central, South, East, North, and West. Through this mechanism, an approach of proportional enforcement is required (please see below).

Discretion

The DPPO is not a power to remove people simply because they are in a designated area or to prevent people from being out in public spaces. Enforcement of the DPPO is a discretionary power.

The police must use their discretion to confiscate from those they are concerned about. But before they do so, they must consider circumstances such as the age of the person, time of day, whether there is or potential to be intimidation or anti-social behaviour, the person's explanation of their conduct and presence in the area; and the nature of the actual or anticipated anti-social behaviour.

Please see the Enforcement Strategy for more specific detail and guidance.

Proportional and Appropriate Enforcement

DPPO cannot be enforced in all areas of the City at all times. Enforcement, then, is tied instead to a proportional and appropriate response which targets police resources and an integrated partnership approach to respond to hotspots of anti-social behaviour and alcohol-related crime and disorder, as and when they arise.

Using enforcement powers effectively is reliant on intense and effective police and Community Safety resources. Areas should only be designated in circumstances where an area stands out as having a persistent problem. Southampton City Council has no expectation of the police, or accredited officers, that the power can or should be enforced at all times.

The responsibility for responding to and monitoring such problems as deemed necessary to require a response using the DPPO lies with the CTCG. The effective enforcement of the DPPO is seen as a preventative measure to tackle specific problems for a short, targeted period of time.

Community Tasking Coordinating Groups

The CTCG is council-led and meets monthly, consisting of representatives from the Community Safety team, police, local housing office, registered social landlords, and Youth Offending Team. Identified perpetrators of anti-social behaviour (ASB) and areas with significant levels of ASB are discussed and information shared, resulting in decisions being made as to the most appropriate intervention to reduce individuals ASB and target areas of high ASB.

Partnership Working

The DPPO required the police and the local authority to act in partnership to tackle the problems in the manner of the CTCG.

The power often used in conjunction with a range of other tools and powers can and does give back to the community their streets, bus stops, shopping parades and parks.

The DPPO will be most effective when used in conjunction with a range of powers and interventions to deal with public nuisance and disorder and other associated problems. For example:

- Fixed penalty notices (FPNs)
- Penalty notices for disorder (PNDs)

- Anti-social behaviour measures, e.g. Section 30 Dispersal Orders, Anti-Social Behaviour Orders (ASBOs) or Anti-Social Behaviour Contracts (ABCs)
- Injunctions
- High visibility patrols

Dealing with chronic street drinkers and rough sleepers

These groups are at risk of discrimination from active/strong enforcement of the DPPO. These groups are also at personal risk to their safety from public discrimination.

It is necessary for officers to be offered guidance on the enforcement of the DPPO against those who have chronic alcohol dependency issues. The approach will combine enforcement with outreach services and guidance for officers will be reviewed regularly.

Signage and Publicity

It is vital to publicise the fact that action is being taken to tackle anti-social behaviour. It is reassuring to the affected community and to partner agencies. Notices and/or posters should be erected in licensed premises (off and on licenses), community buildings, bus stops, shop windows etc. if it is deemed necessary, and funds are available, street signs (mobile / temporary / permanent) may be erected. Posters will be provided by the Community Safety Team but signage will require more notice and will be subject the availability of funds and warehouse supplies.

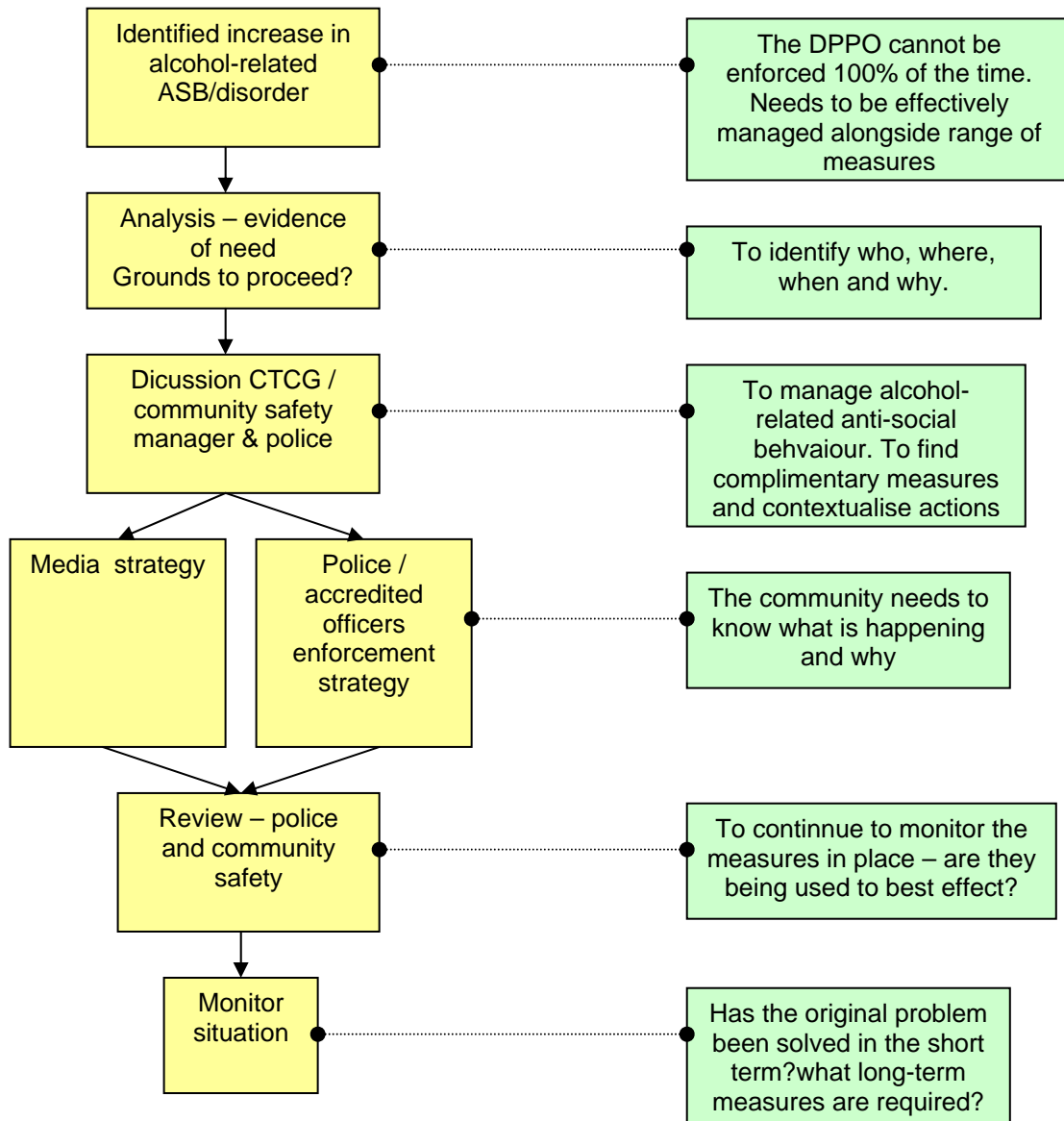
Key Points for Community Tasking Coordinating Groups

- Communication with community
- Multi-agency management response and proportional approach
- Utilise the full range of powers available, not just the DPPO
- Using these powers effectively is reliant on police resources and effective policing. Areas should be *targeted* according to need (persistent problems)
- Prevention and enforcement must go together to successfully manage problems

Process Diagram for the Community Tasking Coordinating Groups

Process diagram:

Reason why:



Definitions

Accredited Officer

PCSO

ACSO

City Patrol

Alcohol

Intoxicating liquor (as in Licensing Act 2003)

Containers: including glass, plastic and cans

Anti-Social Behaviour

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.

Chronic street drinker

“Chronic drinking” is a general term to refer to sustained drinking of large amounts of alcohol regularly above government safe drinking guidelines.

“Chronic drinkers” are at increased risk of a variety of health harms such as cirrhosis, cancer, haemorrhagic stroke, premature death and suicide.

Sustained drinking of alcohol in large volumes frequently leads to physical and emotional dependency on alcohol. “Chronic” or “dependent” street drinkers often do not want to or are unable to stop drinking.

Street drinking is often regarded as anti-social and damaging to the quality of public spaces and residential areas. Street drinkers, particularly in groups that commandeer prominent spaces in town centres and parks are perceived by the public as intimidating and businesses are aggrieved by the damage they cause to their trade

Many street drinkers have chronic alcohol and physical and mental health problems, and some are homeless or have housing related problems. They often drink on the streets for company, because the prices in public houses are high, and because some live in hostels with alcohol bans. Many have been drinking on the streets for a long time. They have high risks of assault and of arrest for drunkenness, shoplifting and other public offences. Their chaotic behaviour means that many have been barred from or cannot cope with the rules and procedures of generic services.¹

Designated Public Place

Within the definition of “public place” above, a designated area is any area which the Local Authority deems necessary within the legislation as being affected by alcohol-related Anti-Social Behaviour, nuisance, intimidation or crime and disorder. In this instance, Southampton City Council has deemed it necessary to designate all areas within its civic jurisdiction.

¹ Some wording taken from <http://www.oxford.gov.uk/files/meetingdocs/34899/Item%207.pdf>

Public Place

Means “any place to which the public or any section of the public has access, on payment or otherwise, as if right or by virtue of express or implied permission” (Criminal Justice and Police Act 2001, Chapter 2).

Rough sleeper

People sleeping, or bedded down, in the open air (such as on the streets, or in doorways, parks or bus shelters); people in buildings or other places not designed for habitation (such as barns, sheds, car parks, cars, derelict boats, stations or “bashes”). This definition does not include people in hostels or shelters, people in campsites or other sites used for recreational purposes, squatters, travellers, people who were there earlier or who were known to sleep rough on other occasions, but who were not there at the time of rough sleeper audits or counts, people wandering around and sleeping sites without occupants. Research has found that in many areas people seen drinking in the street or begging (even if they have a blanket or a sleeping bag) are not necessarily sleeping rough.