

REPORT TO THE EXECUTIVE



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PORTFOLIO	Community Safety
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Borough-wide Designated Public Place Order

PURPOSE

1. To consider the measures that are available, in the Criminal Justice and Police Act 2001, to restrict anti social drinking.
2. To obtain approval to move from the consultation stage required to implement a borough wide Designated Public Place Order (DPPO) to the actual implementation.
3. To give the police and the police community support officers (PCSO) immediate powers to deal equitably with alcohol related disorder amongst mixed age groups.
4. To improve public perception relating to efforts made to tackle alcohol related disorder
5. To avoid “displacement” whereby alcohol related disorder moves to areas not covered by a DPPO

RECOMMENDATION

6. That the Council be recommended to make a Designated Public Place Order under Section 13(2) of the Criminal Justice and Police Act 2001, revoking the existing Designated Public Place Orders and identifying all public places within the Borough of Burnley as Designated Public Places for the purposes of the said Act.

REASONS FOR RECOMMENDATION

7. To provide the police with additional powers to control Anti-Social Behaviour (ASB)
8. To support the work being undertaken by Streetscene ASB teams.
9. To provide a uniform approach to the policing of alcohol related ASB.
10. The response from the police, local Members and members of the public has indicated that there is a desire to implement a DPPO.

11. To assist with the Community Safety Partnership's (CSP) work on alcohol-related problems, both social and medical.

SUMMARY OF KEY POINTS

12. The Criminal Justice and Police Act 2001 introduced the power for Local Authorities to designate public places in which it would be an offence to drink alcohol after being requested by a designated officer not to do so. The officers will have the power to require, where necessary, the surrender of alcohol and containers. Those who fail to comply will be liable to arrest and either prosecution or a penalty notice for disorder.
13. This is not a ban on alcohol being drunk in the street or public spaces, it is an additional tool in the Officers' armoury to enable them to deal with anti social behaviour.
14. Street drinking is a major and consistent public concern together with the anti social behaviour that arises from it. These factors contribute to the fear of crime as well as creating perceived "no-go" areas for more general public use. These effects can be a catalyst for further deterioration of an area and for an increasing incidence of more serious crime. Tackling street drinking and its accompanied anti social behaviour is therefore a priority for the Council, the Police and for the CSP.
15. The objectives of the Order and proposed joint work to tackle the problem are to:
 - a. Provide additional powers to the police to deal with alcohol-related ASB.
 - b. Reduce drunkenness in public places.
 - c. Reduce alcohol-related public order incidents.
 - d. Reduce the number of street drinkers.
 - e. Send a clear message about the unacceptability of alcohol-related ASB, consistent with the priorities of the CSP.
 - f. Contribute to the range of actions being implemented to reduce alcohol related violent crime in public places.
 - g. To reduce the fear of crime and improve the quality of life for residents and visitors alike.

Consultation and evidence gathering with the Police supports the need for this Order.

16. Burnley already has 3 DPPOs in place. The areas covered are the town centres of both Burnley and Padiham and a residential area in Trinity. The town centre orders have proved successful whilst the Trinity Order less so. There have been problems with enforcement and displacement.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

17. The cost of advertising the Order and erecting the necessary signs is estimated to be £5000. This will be met from existing budgets.

POLICY IMPLICATIONS

18. The proposed DPPO will contribute towards key CSP, Community Strategy and Strategic Plan outcomes on reducing crime and fear of crime, ASB and alcohol abuse.

DETAILS OF CONSULTATION

19. Consultation with the Police has already been undertaken and they are supportive of the proposal. Statements in support have been received from all the Community Beat Managers covering 14 areas. The vast majority highlight the difficulty when faced by mixed age groups and the subsequent inability to confiscate the alcohol
20. Statutory consultation is required with:
 - a. Any Parish or Community council that is located within the proposed area
 - b. The chief officer of police for the proposed area.
 - c. Neighbouring police and local authorities bordering the proposed area which may be affected by the designation
 - d. Any premises licence holder, club premises certificate holder or premises user who may be affected by the designation.
21. Appropriate letters were sent out to all the above (on 6th March 2009) asking for their views on the proposal. There have been no dissenting letters received from any of the above. Support was obtained from the neighbouring police authorities
22. Reasonable steps must be taken to consult with owners or occupiers of the land proposed to be designated. This was covered by a combination of Statutory Notice in the local media (a formal Notice was published in the Burnley Express on 10th March 2009) and information provided through various media by the Council. There have been no direct responses from members of the public though the policy/plan has been well received when it has been mentioned in any public forum.

BACKGROUND PAPERS

23. Home Office guidance on DPPOs

FURTHER INFORMATION

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ALSO:

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