

TELFORD & WREKIN COUNCIL

CABINET - 23RD MARCH 2009

DESIGNATED PUBLIC PLACE ORDER (DPPO) - DAWLEY

REPORT OF INTERIM CORPORATE DIRECTOR – COMMUNITY SERVICES

1.0 PURPOSE

- 1.1 For members to consider whether or not to instigate the process for the making of an order identifying Dawley as a designated public place for the purposes of police powers in relation to alcohol consumption. Also to identify the specific area to be included within the draft order for consultation purposes.

2.0 RECOMMENDATIONS

- 2.1 **To take account of the legal process to be followed prior to the implementation of any DPPO.**
- 2.2 **To consider the merits of introducing a Designated Public Places Order in the area identified within the Dawley Magna ward (see appendix A) and to agree next steps.**

3.0 SUMMARY

- 3.1 Members have been asked to consider a new approach to tackle alcohol-related anti-social behaviour in Dawley that builds on the positive work that has been done through partnership work and additional Police presence in the area. This involves examining the merits of introducing a Designated Public Places Order in the area identified within the Dawley Magna ward (Appendix A).

4.0 INFORMATION

- 4.1 The request to consider the implementation of a Designated Public Places Order was reviewed by Council Officers and West Mercia Constabulary on the 6th March 2009. Before any area can be designated a DPPO there must be evidence to meet the following tests:

- Is there a current problem with street drinking?
- Would the powers (DPPO) assist in dealing with the problem, or are existing Police powers sufficient?

- 4.2 In considering these tests, the Home Office has previously indicated that crime statistics should be available and examined for the previous 6 months, and that this should show the extent of the problem and that it is greater than for other areas. The assessment should also state positively that the powers of a DPPO can deal with the problems identified, where existing powers cannot.

4.3 The process is circumscribed by the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.

4.4 **A request for a DPPO**

4.5 A request has been received for the Council to consider whether or not to instigate the process for making an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption in the Dawley Magna ward.

4.6 **The process**

4.7 The process to make such an order is detailed in Home Office Guidance – Guidance on Designated Public Place Orders for local Authorities in England and Wales. A copy of this guidance is included at Appendix B.

The main steps are:-

4.8 ***Is there a problem?***

4.9 Councillors report having received complaints about drinking in the subject area and there have been meetings with the Police to canvass their views on the nature of the problem. The view of the Police is that the crime statistics do not show that there is an alcohol related nuisance or annoyance to the public in the Dawley Magna area. However, Members do have the option to embark on a formal consultation process once the area to be covered by a potential DPPO has been outlined, to seek the views of all key stakeholders including the Police as described below.

4.10 ***Consultation Process***

4.11 The Council is required to consult with the Police for two reasons, firstly to canvass their views on the nature of the problem and the appropriateness of adopting the DPPO powers and secondly on enforceability.

4.12 The guidance recommends that the Council should also consult the following:-

- Great Dawley Parish Council.
- Neighbouring parish councils of Dawley Hamlets; Lawley & Overdale; Madeley & Stirchley and Brookside.
- Any premises licence holder or club premises certificate holder or premises user in the designated area.
- The owners or occupiers of land that is proposed to be designated within the Design Public Places Order where reasonably possible.

4.13 Once the proposed area for consultation purposes is approved details of this must be published in the local newspaper inviting representations as to whether or not an order should be made.

There is a 28 day consultation period.

4.14 Decision-making

- 4.15 At Telford & Wrekin Council this decision is one for Council; it is not an Executive decision and no other Council committee currently has delegated powers to take this decision.
- 4.16 When deciding whether or not to make the Order the Council has to consider all written representations that have been received. There must be evidence available to support a conclusion that there is an alcohol related nuisance or annoyance to the public in the proposed area and that it is likely that the nuisance or annoyance will continue unless such an order is made.

5.0 Background

- 5.1 The Council are committed to crime reduction, addressing anti social behaviour (ASB) and ensuring the safety of all residents in the borough - Priority 4 Creating a safe, strong and cohesive community. The Safer and Stronger Communities Partnership, its statutory (and Voluntary Sector) partners and Council Officers continue to deliver on this priority. The Community Plan (Vision 2026) Community Safety Priority Plan and the Alcohol Strategy (Safe, Sensible and Social 2008- 2011) substantially inform the partnership approach to crime and disorder.
- 5.2 Members formally raised the prospect of DPPO legislation as a response to street drinking and associated anti social behaviour in Dawley High Street in September 2007. A process of review had commenced at that time.
- 5.3 In April 2008 a meeting was held with elected members for Dawley where concerns about increases in ASB were raised. Whilst analysis identified Dawley as an area with the highest volume of ASB during that period, it was also noted that this was not significantly out of step with seasonal trends, indeed there was a slight decrease on the previous year. Nonetheless, perceptions of ASB remained high. This information led to the instigation of 'Operation Band Stand' which increased Police presence in the area. The range of sanctions and powers were reviewed and utilized. In addition a multi agency task group met to look at other measures that could be taken to work with young people, particularly the 'hard core' of individuals who were seen to be at the centre of the problems. The range of actions included short term and long term measures, and these integrated with local Police plans.
- 5.4 Since that time this approach, involving the Police and Safer Communities, led to a number of positive actions taking place. The partnership based work in the High Street area engaged young people, led to significant reductions in crime and ASB reports and these have been maintained to the present time. Within the past 6 months the frequency of recorded anti social behaviour in Dawley High Street has been at its lowest level, there is no current evidence that this is associated with street drinking.

6.0 Equality and Diversity

- 6.1 The robust consultation process will ensure that any areas of concern around equality and diversity are raised in advance of any order being raised.

7.0 Environmental Impact

7.1 Consideration should be given, prior to the imposition of a Designated Public Places Order to the possible implications on Dawley regeneration schemes.

8.0 Legal Comment

8.1 Section 13 of the Criminal Justice and Police Act gives local authorities the power to designate public areas as a designated public place. This enables local authorities to place restrictions on public drinking in an area to address nuisance or annoyance associated with the consumption of alcohol in a public place. The order gives police officers the discretion to require an individual to stop drinking anywhere in the designated area. These powers however are not intended to disrupt peaceful activities for example, families having a picnic in the park with a glass of wine.

8.2 There is specific guidance that details the process for justifying such an order, including, for example the consultation processes and the evidence required.

9.0 Links with Corporate Priorities

9.1 Tackling Crime & Disorder, including anti-social behaviour and substance misuse has a direct and indirect impact on all the Council's Community Priorities.

10.0 Opportunities and Risks

10.1 The opportunities and risks associated with this decision have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified.

11.0 Financial Implications

11.1 Costs associated with the implementation of Designated Public Places Orders arise mainly from installation of signage, public notices, bins and officer time. It is estimated that the cost of introducing the DPPO in Dawley will not be greater than £5k. This will be met from the dedicated budget (Alcohol and ASB) as part of a Section 75 Financial Agreement between the Council and the Primary Care Trust. There are no additional costs to Telford and Wrekin Council at this stage.

12.0 WARD IMPLICATIONS

12.1 Dawley Regeneration Board is currently working with the Council and other parties to redevelop Paddock Mount and Dawley High Street under plans for regeneration with a spend in excess of £2 million. Some consideration will need to be given, prior to the imposition of a Designated Public Places Order to the possible implications on this development.

13.0 BACKGROUND PAPERS

13.1 None

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Appendix A

