

TELFORD & WREKIN COUNCIL

CABINET - 23rd JUNE 2009
COUNCIL - 25th JUNE 2009

DESIGNATED PUBLIC PLACE ORDER (DPPO) - DAWLEY

REPORT OF THE CORPORATE DIRECTOR FOR ADULT & CONSUMER CARE

1.0 PURPOSE

- 1.1 To brief Cabinet Members, and provide a report to Full Council with the necessary information on which to consider the implementation of a Designated Public Places Order (DPPO) in Dawley (area shown in Appendix A).

2.0 RECOMMENDATIONS

That Council be RECOMMENDED:

- 2.1 **To confirm the introduction of a Designated Public Places Order in the area identified within the Dawley Magna ward, subject to a formal review process;**
- 2.2 **To take account of the legal process to be followed prior to the implementation of any DPPO.**

3.0 SUMMARY

- 3.1 Members have been asked to consider an approach to tackle alcohol-related anti-social behaviour in Dawley that builds on the positive work that has been undertaken to date through partnership work and sustained police activity in the area. If made, this Order will allow the Council to designate an area where restrictions on public drinking would apply. This would make it an offence for any person to drink alcohol after being required by a police officer (or CSO) not to do so. Such Orders can only be used in areas that have experienced persistent alcohol disorder or nuisance.

4.0 INFORMATION

- 4.1 A report was provided to Cabinet on the 23rd March 2009 which identified the grounds on which a DPPO could be made. Before any area can be designated a DPPO there must be evidence which indicates: i) there is an alcohol related nuisance or annoyance to the public in the proposed area; ii) that the problem will continue unless these powers are adopted; and iii) that there is a reasonable belief that the problem could be remedied by the use of these

powers. The legal requirements and associated guidance is contained in the Home Office document in Appendix B.

- 4.2 In gathering the evidence to support this process, crime statistics were reviewed by the police and council officers, using the Home Office threshold test of the previous 6 months data. Due to the consistent efforts of partners and police over the past 18 months, the crime and anti social behaviour (ASB) patterns have changed and alone do not support the implementation of a DPPO. However, the second strand of evidence relates to the views of residents and other relevant parties, and this has been the subject of extensive consultation.
- 4.3 As part of the statutory consultation process the Council is required to consult formally with the police for two reasons, firstly to canvass their views on the nature of the problem and the appropriateness of adopting DPPO powers, and secondly on issues of enforceability. The Police Chief Superintendent in his response highlighted that previous measures to address alcohol related anti social behaviour in Dawley had been successful, but there are evident differences between facts and perception. Should Council implement a DPPO, the police will support its enforcement, within their capacity to do so, subject to over-riding operational priorities.
- 4.4 The following were also consulted, with questionnaires issued to: residents within the proposed DPPO area, Great Dawley Parish Council, Dawley Hamlets; Lawley & Overdale; Madeley & Stirchley and Brookside; Licence holders /certificate holders in the designated area; owners/ occupiers of land that is proposed to be designated (DPPO). All statutory consultation requirements were met. The details of this are available in Appendix C. The responses indicate an overwhelming view by residents that a DPPO is desired, showing 94% strongly agree (response rate of 24% or 101). There was a 15% response rate (12) from businesses, but all agreed with the proposal to implement a DPPO. The consultation highlighted a fear of crime within the area and that residents, some businesses, community and other stakeholders including the local MP, consider the introduction of a DPPO will further improve the safety of the area, and have perceived benefits around wellbeing, and the local economy.
- 4.5 The Local Police Team for Dawley undertook 294 'face to face' interviews during April 2009, and the findings indicate that 'street drinking' is one of the major concerns for residents within the proposed DPPO area. This analysis bears out that whilst crime levels remain relatively low, the perception of alcohol related ASB problems is high. This survey is consistent with the findings from the public and statutory consultation process for the DPPO in that it is largely public perception, and not the actuality of alcohol related crime that fuels residents' concerns in Dawley.

- 4.6 If a DPPO is implemented by the Council statutory notices will be published in local papers, and signage erected at appropriate points within the proposed boundary. A protocol for responding to incidents would be established between the Community Safety Partnership and the police, informed by 'best practice' from other areas, and local operational requirements. The DPPO would be reviewed after 12 months of operating to establish evidence for its effectiveness in impacting on crime and ASB levels linked to street drinking, and also its impact on public reassurance and the perception of crime. It is important that the partnership work that has been undertaken to date, actively supported by local police, continues and itself is subject to review regarding its effectiveness. The key outcome measures will be improved public confidence, and perception, together with evidence of reduced levels of crime and ASB.
- 4.7 There are important lessons to be learned from the process of implementing a DPPO which must inform future policy. The impact of such measures needs to be fully evaluated, and their contribution to public safety and reassurance needs to be understood. The demands on police time and resources also needs to be part of any evaluation, as will the actual costs to the Council in consultation, press notices, signage and staff time.

5.0 EQUALITY AND DIVERSITY

- 5.1 The robust consultation process has ensured that any areas of concern around equality and diversity were raised in the process.

6.0 ENVIRONMENTAL IMPACT

- 6.1 Signage for DPPO restrictions will be clearly visible to members of the public.

7.0 LEGAL COMMENT

- 7.1 Section 13 of the Criminal Justice and Police Act 2001 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 would not disrupt activities that do not constitute nuisance or annoying behaviour. There is detailed guidance outlining the process for making such an order. In order to make an order members must consider the evidence presented to them and conclude that:-

- there is an alcohol related nuisance or annoyance to the public in the proposed area;

- that the problem will continue unless these powers are adopted; and
- that there is a reasonable belief that the problem could be remedied by the use of these powers.

8.0 LINKS WITH CORPORATE PRIORITIES

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

9.0 OPPORTUNITIES AND RISKS

- 9.1 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.

10.0 FINANCIAL IMPLICATIONS

- 10.1 Costs associated with the implementation of Designated Public Places Orders arise mainly from the installation of signage, public notices, bins and officer time. It is estimated that the cost for signage and public notices in introducing the DPPO in Dawley will not be greater than £5k. This will be met from the dedicated budget (Alcohol and ASB). The actual costs to the Council and to the police need to be evaluated as part of the formal review of effectiveness.

11.0 WARD IMPLICATIONS

- 11.1 Dawley Regeneration Board is currently working with the Council and other parties to redevelop Paddock Mount and Dawley High Street under plans for regeneration. A Designated Public Places Order may have possible implications on this development.

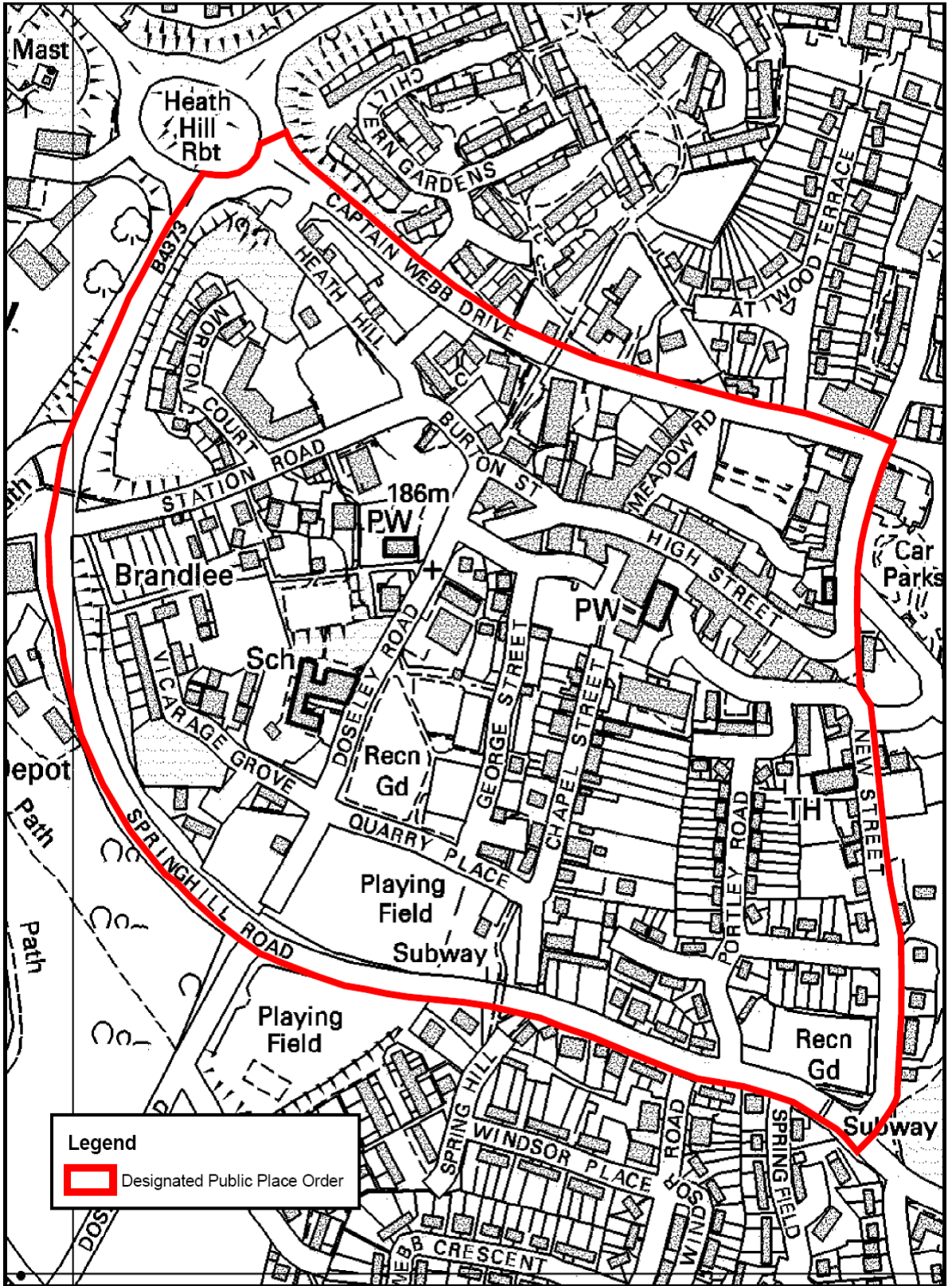
12.0 BACKGROUND PAPERS

- 12.1 Report to Cabinet, 23.3.09 – Cabinet minute CB 177

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Appendix A



Legend
 Designated Public Place Order

Appendix B

**GUIDANCE ON
DESIGNATED PUBLIC
PLACE ORDERS (DPPOs):
FOR LOCAL AUTHORITIES
IN ENGLAND AND WALES**



Home Office



Contents

Introduction	3
Purpose of the powers	3
Byelaws	3
The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007	4
Which authority has the power to make a DPPO?	4
Partnership working	4
The DPPO process	5
1) Evidence	5
2) Consultation	5
3) Publicity	6
4) Once an order is made	7
Timescales	7
Time lapses	7
Displacement	8
Extending a DPPO area	8
Borough-wide DPPOs	8
Managing objections	8
Evaluating DPPOs	8
Revocation of a DPPO	9
Portsmouth – an example of good practice	9
Enforcement	9
Breaches	10
Signs	10
Replacement signs – wording	11
Wording of a DPPO	11
Other alcohol powers	11
Future legislative changes	11

Guidance on Designated Public Place Orders (DPPOs): For local authorities in England and Wales

FAQs	11
List of DPPO areas	12
Contact details	12
Legislative provisions	13
Annexes	14
Annexes A–D: Wording for notices	14
Annex E: Portsmouth case study	18
Annex F: Sample leaflet	21

Introduction

This guide explains the powers given to local authorities in England and Wales to introduce Designated Public Place Orders (DPPOs). The provisions are contained in section 13 of the Criminal Justice and Police Act 2001 and section 26 of the Violent Crime Reduction Act 2006.

The purpose of this guide is to help you get the best out of DPPOs. If your local area has found its own effective system for using this power, then there is no need to consider making changes. Our aim is to ensure good practice from practitioners. The examples we give are merely suggestions that you may wish to try in your local area, particularly if DPPOs are new to you. We are not looking to replace existing local protocols.

This guidance is therefore not compulsory. It merely sets out examples of good practice which you may wish to follow in your local area. Legislative obligations mentioned here are, naturally, compulsory, and we have highlighted all references for your convenience.

Purpose of the powers

On 1 September 2001, sections 12–16 of the Criminal Justice and Police Act 2001 came into force. DPPO powers enable local authorities to designate places where restrictions on public drinking apply. However, they can only be used in areas that have experienced alcohol-related disorder or nuisance.

These powers are not intended to disrupt peaceful activities, for example families having a picnic in a park or on the beach with a glass of wine. While police officers have the discretion to require an individual to refrain from drinking regardless of behaviour, our advice is that it is not appropriate to challenge an individual consuming alcohol where that individual is not causing a problem. Bodies responsible for introducing and enforcing DPPOs must keep in mind section 13 of the Criminal Justice and Police Act 2001 which makes it clear that this power is to be used explicitly for addressing nuisance or annoyance associated with the consumption of alcohol in a public place.

It is important to note that these powers **do not** make it a criminal offence to consume alcohol within a designated area. An offence is committed if the individual refuses to comply with a constable's request to **refrain from drinking**. Those enforcing these powers must take care that they do not state (either verbally or via signage) that the consumption of alcohol in a designated area, in itself, constitutes a criminal offence.

Byelaws

By virtue of section 15 of the Criminal Justice and Police Act 2001, existing public drinking byelaws cease to have effect once an area is designated in accordance with section 13 of the 2001 Act. Any relevant local authority byelaw which was not replaced by a section 13 Designation Order has therefore lapsed by virtue of section 15 of the 2001 Act. Drinking byelaws that were not replaced by a DPPO ceased to have effect on 31 August 2006.

The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007

Section 13 of the Criminal Justice and Police Act 2001 enabled local authorities to introduce Designated Public Place Orders (DPPO). The 2001 Act also ensured that pubs and clubs that have a premises licence to sell and supply alcohol under the Licensing Act 2003 could not be designated by a DPPO.

The Licensing Act 2003 brought the licensing arrangements for a range of activities under the same regime. So premises licensed for the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshments hold the same, single authorisation. The Licensing Act 2003 Statutory Guidance also encourages local authorities to seek premises licences for public spaces in order to allow local community events such as open-air festivals, concerts and carnivals to take place without the need for each individual event organiser having to apply for a separate licence. This allows these various events to operate within the terms of licence.

An unintended consequence of this was that, where local authorities were granted a premises licence in respect of public spaces in order to hold regulated entertainment (and in some cases allow the sale of alcohol at certain times) these places could not be designated with a DPPO. This conflicted with local authority wishes to promote community events by licensing public spaces, while also intending to make use of DPPOs in tackling anti-social behaviour drinking.

This unintended problem was rectified by section 26 of the Violent Crime Reduction Act 2006, which came into force on 6 April 2007 amending the 2001 Act, to ensure that premises used by local authorities in this way will only be excluded from a DPPO in which they are located at times when alcohol is actually being sold/supplied and for 30 minutes thereafter. The 2006 Act also ensures that a premises for which a Temporary Event Notice (TEN) permits the supply of alcohol will also be excluded from a DPPO in which it is located for 30 minutes following the supply of alcohol, rather than 20 minutes as was previously the case.

Which authority has the power to make a DPPO?

The local authorities with the power to make a designation order under section 13 are:

- in England, unitary authorities and district councils so far as they are not unitary authorities; and
- in Wales, county councils or county borough councils.

In this context unitary authorities are defined as county councils (so far as they are councils for an area for which there are no district councils), district councils (in areas for which there are no county councils), London borough councils, the common council of the City of London (in its capacity as a local authority) and the council of the Isles of Scilly.

Partnership working

As with any decision to introduce a particular power to tackle anti-social behaviour in a local area, it is essential that you work with the relevant agencies within the Crime & Disorder Reduction Partnership (CDRP) – such as the police – from the start of the DPPO process. In particular, this is to ensure that when the order comes into force, the DPPO is monitored and the police have the resources to be able to enforce it.

The DPPO process

1. Evidence

The evidence you will require for a DPPO is that there is an alcohol related nuisance or annoyance to the public in the proposed area/s. You should make an assessment as to the likelihood that the problem will continue unless these powers are adopted. In addition, you must have a belief that the problem could be remedied by the use of these powers. Evidence should be based not just on information you have obtained, but also from the police and members of the local community who have reported incidents of alcohol-related anti-social behaviour or disorder.

Evidence of alcohol-related nuisance could for example include litter related to the consumption of alcohol (e.g. bottles and cans) as well as police information and residents' complaints.

2. Consultation

Before making an order you should consult with the chief officer of police overseeing the area in question. This is to seek the police's views on the nature of the problem and the appropriateness of adopting the powers. It is also in recognition that it will be the police who will have the responsibility for enforcing the resulting restrictions on public drinking.

You should also consult the following:

- the parish or community council covering all or part of the public place to be designated;
- the neighbouring police and local authorities, parish or community councils in cases where a designation order covers an area on the boundaries with that neighbouring authority. This is in order to assess the consequences of the designation order on the neighbouring authority (such as the possible displacement of anti-social public drinking problems) before the designation order is made; and
- any premises licence holder, club premises certificate holder or premises user (as appropriate), in relation to each premises in that place which may be affected by the designation. These are premises where:
 - (i) a premises licence granted under part 3 of the 2003 Act has effect;
 - (ii) a club premises certificate granted under part 4 of the 2003 Act has effect; or
 - (iii) a temporary event notice has been given so that premises may be used for a permitted temporary activity by virtue of part 5 of the 2003 Act.

You should also take reasonable steps to consult the owners or occupiers of the land proposed to be designated. Where residential areas are proposed to be included in the DPPO area, you should endeavour to consult with residents of those areas. Some councils have notified the local residents by means of a leaflet drop. You may also wish to consider holding residents' meetings. Some have carried out surveys of their residents and businesses to gauge their opinion on the proposal to introduce a DPPO and to identify any experience of alcohol-related anti-social behaviour or disorder. These data can add to the evidence base required before a DPPO is introduced.

When you consult any of the parties above, you should describe in writing the effect the order will have at particular times in relation to each category of premises (set out in section 3 (3) (b) of the 2007 Regulations) listed below:

- Premises in respect of which a premises licence has effect which authorises the premises to be used for the sale or supply of alcohol (section 14(1)(a) of the Criminal Justice and Police Act 2001 (“the 2001 Act”) but where section 14(1)(b) of that Act does not apply). This provision covers licensed premises at all times of the day.
- Premises in respect of which a premises licence has effect which authorises the premises to be used for the sale or supply of alcohol but only at times when it is being used for the sale or supply of alcohol or at times falling within 30 minutes after the end of a period during which it has been so used (section 14(1)(a) of the 2001 Act where section 14(1)(b) of that Act does apply). This provision covers licensed premises during the times of operation of the licence and 30 minutes thereafter – so for example they are not covered at times that they are not licensed to sell or supply alcohol.
- Premises in respect of which a club premises certificate has effect which certifies that the premises may be used by the club for the sale or supply of alcohol (section 14(1)(aa) of the 2001 Act). This provision covers clubs that have club premises certificates.
- A place within the curtilage of licensed premises or club premises (section 14(1)(b) of the 2001 Act). This provision covers any place within the enclosed area of licensed premises or club premises.
- Premises which by virtue of Part 5 of the Licensing Act 2005 may for the time being be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the last 30 minutes (section 14(1)(c) of the 2001 Act). This provision covers any premises for which there is a valid temporary event notice in force and for 30 minutes thereafter.
- A place where facilities or activities relating to the sale or consumption of alcohol are for the time being permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (section 14(1)(e) of the 2001 Act). This covers places in which the council has given permission for alcohol to be sold pursuant to section 115E of the Highways Act 1980.

3. Publicity

Before making an order, you should publish a notice in the local newspaper:

- identifying specifically or by description the place in question; setting out the effect the order will have on that place, particularly as regards certain times in relation to each category specified in section 3 (3) (b) of the 2007 Regulations;
- identifying any premises to which section 14 (1) (b) of the Act applies at the time the notice is published; and
- inviting representations as to whether or not an order should be made.

No order should be made until at least 28 days after the publication of the notice. Some local authorities have published the notice in a council publication that is delivered to all residences and businesses within the local authority boundaries. We believe this is an example of good practice as such a newsletter will most likely cover a larger proportion of the population. However, any publications in newsletters of this sort must be in addition to the notice in a local newspaper as this is a legal requirement.

4. Once an order is made

After making an order and before it takes effect, you should publish a further notice in the same local newspaper:

- identifying the place to which the order refers;
- setting out the effect the order will have on that place, particularly as regards certain times in relation to each category specified in section 3 (3) (b) of the 2007 Regulations;
- identifying any premises to which section 14 (1) (b) of the Act applies at the time the order takes effect; and
- indicating the date on which the order will take effect.

You should send a copy of the DPPO as soon as possible after the order is made to the following address:

Joanne French
Home Office
Alcohol Strategy Unit
4th Floor
Peel Building
2 Marsham Street
London
SW1P 4DF

Telephone number: 020 7035 0066

The Home Office will send you an acknowledgement to confirm receipt of the DPPO order. If you don't receive an acknowledgement within two weeks of sending your paperwork to the Home Office you should contact the Alcohol Strategy Unit to confirm whether or not it has been received.

Timescales

In respect of the length of time allowed for the consultation process, it is for you to decide what constitutes a reasonable consultation period. This might depend on how many premises licence holders and neighbouring local authorities may be affected by the proposed DPPO area. However, our advice is that a period of 4 to 6 weeks gives residents and others a fair opportunity to make representations.

The only statutory requirement in the regulations is that no order can be made until at least 28 days after the notice has been circulated in the local press. There are no other statutory timescales. However, you must consider what, in your view, is both fair and reasonable in terms of timescales for all other aspects of the DPPO process.

Time lapses

If you find that a significant amount of time has elapsed since you first consulted about introducing a DPPO, we would advise you to go back to the initial results of the consultation and review whether there is likely to have been any changes in your local area which might have had an effect on your decision to implement a DPPO.

You will need to:

- look at why the DPPO was not implemented at the time (was it due to resource issues or were there any valid objections?);

- assess whether any circumstances are different now, compared to when the consultation took place;
- revisit the evidence to see if the DPPO is still justified; and
- consider whether any objections are more valid now as compared to when the consultation took place.

Displacement

The creation of designated areas may well lead to anti-social drinking or nuisance being displaced into areas that have not been designated for this purpose. So, prior to designating an area, you should make an assessment of all the areas to where you reasonably believe that the nuisance or disorder could be displaced, ensuring that all those affected by the designation and possible displacement are appropriately consulted. It might be appropriate for you to designate a public area beyond that which is experiencing the immediate problems caused by anti-social drinking if the evidence suggests that the existing problem is likely to be displaced once the DPPO is in place.

Extending a DPPO area

In order to extend the area of a DPPO, a new order has to be produced. This is to ensure that the extended area is just and reasonable. The consultation and publicity processes will need to be re-visited for the new area.

Borough-wide DPPOs

Borough-wide DPPOs are not specifically prohibited in the legislation; however, we would advise caution, as, in order for the DPPO to be proportionate, you need to ensure that there is evidence of alcohol-related anti-social behaviour in each and every part of the borough. Any local authority considering a borough-wide DPPO will need to satisfy themselves that they can justify their decision by pointing to evidence of alcohol-related nuisance or annoyance in each and every part of their borough.

Managing objections

Any objections to a DPPO should be properly considered. Questions that you might wish to consider include:

- does the person/people making an objection have a valid reason?
- does further evidence of alcohol-related anti-social behaviour need to be obtained?

Objections to a DPPO will not necessarily result in its rejection. However, all objections should be thoroughly considered. It would be good practice for you to send a letter to the person objecting, explaining why their objection has been accepted/rejected. In cases where there have been a number of objections on the same or similar points, you may wish to explain more publicly the reasons for continuing with the DPPO. This could be through residents' meetings or an article in a council newsletter.

Evaluating DPPOs

There is no statutory requirement to review a DPPO. However, we would advise that they should be evaluated and reviewed as a matter of good practice. How often a DPPO should be evaluated is a decision for you to make. It would be good practice to review the DPPO at least every two years. The aim of an evaluation is to find out whether the DPPO has stopped/helped to reduce alcohol-related anti-social behaviour/disorder. If it has, is the DPPO still required? Does the area covered by the DPPO need to be reviewed?

The evaluation need not be a lengthy bureaucratic exercise. The policy leads responsible for implementing the DPPO would be advised to review the data on alcohol-related anti-social behaviour before the DPPO was in force, and compare it with more recent data, along with information from the police as to how often the DPPO has been enforced. A judgement can then be made as to the effectiveness of the DPPO in dealing with alcohol-related anti-social behaviour.

As part of the consultation with the police when a DPPO is originally being proposed, it is advisable that local authorities should make their own local agreement with the police about how data will be collected and/or disseminated on how often the DPPO powers are used. This will enable you to have the relevant information available when reviewing the effectiveness of the DPPO.

If it is judged that the DPPO has not proved effective at reducing alcohol-related anti-social behaviour, you will need to identify the reasons behind this before deciding on the next steps. It might be that the problems have been displaced, in which case you may wish to think about extending the area of the DPPO. Alternatively, it might be that the DPPO is not being enforced, in which case you will need to discuss with the police what steps can be taken to address this issue.

Revocation of a DPPO

Under section 13 (3) of the Criminal Justice and Police Act 2001, local authorities have the power to revoke a DPPO. However, the same processes of consultation and publicity will need to be observed when any revocation is being considered. Any local authority which revokes a DPPO must send a notice to the Home Office (at the address above) informing them that a DPPO has been revoked.

Portsmouth – an example of good practice

When Portsmouth Council decided to introduce a DPPO, they agreed a protocol with the police to provide guidance for both the public and the police as to how the DPPO would be enforced. The police and the local authority agreed that individuals with alcohol would not be approached and asked to stop drinking unless 1) they were engaged in anti-social behaviour or disorder; 2) the police were of the view that there was likely to be anti-social behaviour or disorder; or 3) complaints had been received from other members of the public. This approach allowed Portsmouth to target those individuals causing nuisance related to the consumption of alcohol while leaving undisturbed those who were not causing a nuisance.

The guidance from Portsmouth highlighted the importance of not alienating the public by challenging individuals not engaged in anti-social behaviour, and that the use of the power was a discretionary one on behalf of the police, and not a duty to challenge any individual with alcohol. The guidance produced by Portsmouth Council can be found at Annex E and is also available on the Crime Reduction website.

Enforcement

Section 12 of the Criminal Justice and Police Act 2001 provides the police with powers to deal with anti-social drinking in areas that have been designated for this purpose by the relevant local authority under section 13 of the Act. The police (and other accredited persons, under sections 41 and 42 and schedule 5 to the Police Reform Act) have the power to require a person in a DPPO area not to drink alcohol in that area where an officer reasonably believes that the person has, or intends to do so. In addition an officer has the power to ask that person to surrender the alcohol and any opened or sealed containers in their possession.

As Police Community Support Officers (PCSOs) and other accredited persons do not have the power of arrest in these circumstances, a police officer will need to be called if someone fails to comply with the request to refrain from drinking. It is not an offence to drink alcohol in a designated public place, but failure to comply with an officer's requirements in respect of public drinking or the surrender of alcohol without reasonable excuse is an arrestable offence.

Penalties for this offence include:

- penalty Notice for Disorder (PND) £50; or
- arrest and prosecution for a level 2 fine, maximum of £500.

Bail conditions can be used to stop the individual from drinking in the public place pending prosecution for the offence.

Accreditation of PCSOs and others is at the discretion of the Chief Constable of the police force concerned.

Breaches

There is no power to arrest someone who regularly consumes alcohol in a designated public place **unless** they fail to comply with an officer's request to stop when asked under section 12 of the Criminal Justice and Police Act 2001. However, the police can use a whole range of other powers to deal with regular public/street drinkers either by giving them a PND for being drunk or disorderly or by using Acceptable Behaviour Contracts (ABCs) and Anti-Social Behaviour Orders (ASBOs). Directions to Leave under Section 27 of the Violent Crime Reduction Act 2006 could also be used for up to 48 hours if appropriate.

Signs

It is for you to decide on how many signs are required to draw the public's attention to the effect of an order in a particular place. You may also wish to consider any specific local requirements when producing the signs such as having the wording of the sign in other languages. This will obviously be dependent on budgetary constraints.

Signs should not conflict with or obscure traffic signs – you should consult with the local highway authority. They should be placed at the approaches to designated areas and repeated within them.

We suggest avoiding the use of diagonal lines through bottles or glasses on signs as they may suggest some sort of prohibition or ban on alcohol itself. Signs should not suggest that the consumption of alcohol is a criminal offence.

Each sign erected should also indicate the effect the order will have at particular times in relation to each category specified in section 3 (3) (b) of the 2007 Regulations:

- premises falling under section 14 (1) (a) of the 2001 Act (places which are not designated public places) to which section 14 (1) (b) of the 2001 Act does not apply;
- premises falling under section 14 (1) (a) of the 2001 Act to which section 14 (1) (b) of the 2001 Act does apply;
- premises falling under section 14 (1) (aa) of the 2001 Act;
- premises falling under section 14 (1) (b) of the 2001 Act;

- premises falling under section 14 (1) (c) of the 2001 Act; and
- premises falling under section 14 (1) (e) of the 2001 Act.

A model sign can be found at Annex A.

Replacement signs – wording

If you are considering replacing a sign erected under the 2001 regulations, the wording **does not** need to reflect the amendments made in the 2007 Regulations.

Wording of a DPPO

The legal title is a Designated Public Place Order (DPPO). DPPOs are sometimes misleadingly referred to as Alcohol Free Zones, Drinking Control Areas and Drinking/Alcohol Ban Areas. This can be confusing to members of the public as the purpose of the legislation is not to ban alcohol in a public area, but to give police the powers to deal with anti-social drinking. You will need to take this into account when producing signs/literature for your DPPO. An example of good practice is a leaflet produced by Ipswich Borough Council (on the Crime Reduction website and reproduced at Annex F).

Other alcohol powers

There are a number of other powers that are available to deal with alcohol-related issues including the confiscation powers available under the Confiscation of Alcohol (Young Persons) Act 1997, Alcohol Disorder Zones, Directions to Leave and Dispersal Orders.

As there are a large number of powers available, you must consider which is the best suited to address any specific issues in your area. A guidance document is available which lists all of the alcohol powers: *A Practical Guide for Dealing with Alcohol Related Problems; What you need to know*. This document can be downloaded from the Crime Reduction website, or a hard copy is available from the address previously on p.7.

Future legislative changes

On 4 March 2008 the Culture Secretary announced that the maximum fine for breach of a DPPO would be increased to £2,500. No timescale for this has yet been announced.

There will also be further provisions relating to alcohol powers in the forthcoming Policing and Crime Bill. Information on the new provisions will be available on the Crime Reduction website in due course.

FAQs

Q Can local authorities introduce blanket restrictions on alcohol consumption or create Alcohol Free Zones?

A There are no provisions in the Criminal Justice and Police Act 2001 which allow the creation of Alcohol Free Zones or blanket restrictions of drinking in public. Before an area is proposed for designation, you must obtain some evidence that the area has alcohol-related anti-social behaviour or disorder associated with it. Any proposals for a comprehensive ban on public drinking would be considered disproportionate to the intended measures in the 2001 Act.

Q Does a DPPO lead to a universal ban on drinking in the open?

A No. Section 13 of the Criminal Justice and Police Act 2001 allows local authorities to designate public areas for the purposes of section 12 of the Act where they are satisfied that nuisance, annoyance or disorder have been associated with public drinking in that area. A universal ban on drinking in public would be considered disproportionate, and a DPPO should not be introduced for this purpose.

Q Can DPPOs be used for non-alcohol-related anti-social behaviour or disorder?

A No. DPPOs should only be used to tackle alcohol-related anti-social behaviour or disorder. Local agencies should consider using other anti-social tools and powers provided, for example Dispersal Orders, ASBOs and ABCs to tackle non-alcohol-related anti-social behaviour or disorder.

Q Are DPPOs indefinite?

A No. Like section 30 Dispersal Orders they can be reviewed while the order is in place. DPPOs can and should be revoked if they are no longer required.

List of DPPO areas

An alphabetical list of DPPO areas can be found on the Crime Reduction website:
www.crimereduction.homeoffice.gov.uk/alcoholorders/alcoholorders09.htm

Contact details for local authorities in relation to DPPOs

Home Office contacts

Joanne French
Tel: 020 7035 0066
E-mail: Joanne.French@homeoffice.gsi.gov.uk

Emma Lawrence
Tel: 020 7035 4671
E-mail: Emma.Lawrence8@homeoffice.gsi.gov.uk

Legislative provisions

Premises that are not designated as public places – Section 14 of the Criminal Justice and Police Act 2001, as amended by the Violent Crime Reduction Act 2006

- (1) A place is not a designated public place or a part of such a place if it is –
- (a) premises in respect of which a premises licence has effect which authorises the premises to be used for the sale or supply of alcohol;
 - (aa) premises in respect of which a club premises certificate has effect which certifies that the premises may be used by the club for the sale or supply of alcohol;
 - (b) a place within the curtilage of premises within paragraph (a) or (aa);
 - (c) premises which by virtue of Part 5 of the Licensing Act 2003 may for the time being be used for the supply of alcohol which, by virtue of that Part, could have been so used within the last [30] minutes;
 - (e) a place where facilities or activities relating to the sale or consumption of alcohol are for the time being permitted by virtue of permission granted under section 115E of the Highways Act 1980 (c66) (highway related uses).
- (1A) Subsection (1B) applies to premises falling within subsection (1) (a) if –
- (a) the premises is held by a local authority in whose area the premises or part of the premises is situated; or
 - (b) the premises licence is held by another person but the premises are occupied by such an authority or are managed by or on behalf of such an authority.
- (1B) Subsection (1) prevents premises to which this subsection applies from being, or being part of a designated place only –
- (a) at times when it is being used for the sale or supply of alcohol; and
 - (b) at times falling within 30 minutes after the end of a period during which it has been so used.
- (1C) “Premises Licence” and “Club Premises Certificate” have the same meaning as in the Licensing Act 2003.

Annex A

Model sign

This area has been designated under the
Local Authorities (Alcohol Consumption in Designated Public Places)
Regulations 2007



If you continue to drink alcohol in this area designated under section 13 of the Criminal Justice and Police Act 2001 when asked not to do so by a police officer or any other person designated to carry out this task under sections 41 and 42 of the Police Reform Act 2002, or fail to surrender any alcohol to a police officer in this area, you may be arrested and would be liable on conviction to a

Maximum fine of £500

- Each sign erected should also indicate the effect the order will have at particular times in relation to each category of premises specified in section 3 (3) (b) of the 2007 Regulations – please see Section 2 (Consultation).

Annex B

NOTICE TO PRESS – PROPOSED AREA TO BE IDENTIFIED (PRE MAKING AN ORDER)

Name of Local Authority

Local Authorities (Alcohol Consumption in Designated Public Places)

Regulations 2007

NOTICE IS HEREBY GIVEN THAT (Name of Local Authority) in exercise of its powers under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 proposes to make an order identifying the places detailed in the schedule below.

The Order allows a constable and other accredited persons under section 41, section 42 and schedule 5 to the Police Reform Act to require a person, in a designated place, not to drink alcohol in that place if the officer reasonably believes that a person has consumed or intends to do so, and to surrender the alcohol and any opened or sealed containers in the person's possession. Any person who fails without reasonable excuse to comply with a constable's request under this provision may commit an offence and be liable to prosecution.

[need to set out the effect the order will have at particular times in relation to each category of premises specified in regulation 3 (3) (b) – please see DPPO Process Section 2 – Consultation]

If you wish to make representations about the proposed Order you should send them in writing to the undersigned by (enclose date)

SCHEDULE

LAND DESIGNATED BY DESCRIPTION

[Insert Details of the place to be identified]

[Insert Name]

[Insert Name and Address of Local Authority]

[Insert Date]

Annex C

NOTICE TO PRESS – AREA IDENTIFIED IN THE ORDER

Name of Local Authority

**Local Authorities (Alcohol Consumption in Designated Public Places)
Regulations 2007**

NOTICE IS HEREBY GIVEN THAT (**Name of Local Authority**) in exercise of its powers under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 has made an order which shall come into effect on the (**insert date**) identifying places detailed in the schedule below as designated public places pursuant to the Criminal Justice and Police Act 2001 (as amended by the Violent Crime Reduction Act 2006).

The Order allows a police officer, police community support officer (where accredited under section 41, section 42 and schedule 5 to the Police Reform Act) and people accredited through a community safety accreditation scheme to control the consumption of alcohol within designated public places. If they believe that someone is consuming alcohol or intends to consume alcohol they can require them to stop or they can confiscate the alcohol.

Any person who fails without reasonable excuse to comply with an officer's request under this provision may commit an offence and may be issued with a penalty notice for disorder or may be liable to prosecution.

[need to set out the effect the order will have at particular times in relation to each category of premises specified in regulation 3 (3) (b) – please see DPPO Process Section 2 – Consultation]

SCHEDULE LAND DESIGNATED BY DESCRIPTION

[Insert Details of the place which has been identified in the Order]

[Insert Name]

[Insert Name and Address of Local Authority]

[Insert Date]

Annex D

SAMPLE – DESIGNATED PUBLIC PLACES ORDER

[Insert name of Council]

CRIMINAL JUSTICE AND POLICE ACT 2001

ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES [Insert name and number of Order]

The Council of [Insert name] (in this Order called “the Council”) hereby makes the following Order under Section 13(2) of the above Act:

1. The land described in the Schedule below and or shown on the map attached to this Order, being a public place in the area of the Council which is a public space in which the consumption of alcohol has been associated with disorder, nuisance or annoyance to member of the public or a section of the public, is hereby designated for the purposes of section 13 (2) of the above Act
2. This Order may be cited as Alcohol Consumption in Designated Public Places for the area of.....Order (No.....) 2008 and shall come in to force on *(insert date)*

SCHEDULE

List of roads/areas etc

Dated thisday of2008

The Common seal of the Council
was hereunto fixed in the presence of (seal)

Annex E

EXAMPLE OF GOOD PRACTICE GUIDANCE TO POLICE AND OTHERS ENFORCING THE DPPO

**Hampshire Constabulary
Portsmouth Basic Command Unit
Designated Public Places Order
Enforcement Guidance**

1. About this Guidance

Hampshire Constabulary is committed to working in partnership with Portsmouth City Council in supporting the Safer Portsmouth Partnership to deliver the Crime and Disorder Strategy. Key areas of the strategy are to reduce alcohol-related violent crime, disorder and anti-social behaviour and in doing so create a safer Portsmouth where residents and visitors feel reassured.

This guidance is primarily aimed at all operational police staff and other personnel within Portsmouth City boundary who are, or who may be in the future, authorised to stop members of the public consuming alcohol in public places.

It explains how Portsmouth BCU will approach the enforcement of legislation which governs Alcohol Consumption in Designated Public Places. The whole of Portsmouth City has, from 15 August 2005, been designated.

2. General Principles

Discretion

Discretion will be used in the exercise of the new powers which will be carefully monitored to ensure that they are being used appropriately.

Circumstances likely to warrant the use of these powers are where:

- There is current anti social behaviour or disorder
- There is a high likelihood of anti social behaviour or disorder
- Complaints have been received from members of the public concerning an on going or developing problem which may lead to the above

Anti-social behaviour is defined as any behaviour which causes or is likely to cause harassment, alarm or distress.

Street Drinkers

It has been agreed by partners that 'street drinkers' are informed about the new law by outreach workers. They are also being provided with information on treatment services. Officers should use sound judgement when dealing with individuals who are thought to be alcoholics or who may have mental health issues. They should deal with any person in this category in line with Force policy and base any use of the power on the above criteria.

Legislation

The legislation that governs the consumption of alcohol in public places, is provided by, Section 12 of the Criminal Justice and Police Act 2001 as amended by section 199 and schedule 7 of the Licensing Act 2003. (PNLD Ref H3882 and D9612/3/4)

The order covers all public places within Portsmouth City. **It does not cover private enclosed shopping precincts such as Cascades but does cover Gunwharf. It does not apply to licensed premises including outside drinking areas which form part of a licensed premises.**

Section 12(1) states that 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.

Section 12(2) The constable **MAY** require the person, not to consume within that place and surrender anything in his possession that the constable reasonably believes to be intoxicating liquor or a container for such liquor.

Section 12(3) A constable may dispose of anything surrendered to him under (2) above in a manner that he considers appropriate. The containers can be either sealed or unsealed, although it is anticipated that it would be rare to seize sealed containers from a compliant person.

Section 12(4) If a person fails to comply with the above requirement, they commit an offence.

Section 12(5) A constable who imposes a requirement under (2) above will inform the person that failure to comply, without reasonable excuse, with the requirement is an offence.

If an individual fails to comply with the request then they can be arrested, it is an arrestable offence.

EXAMPLE OF REQUEST TO STOP DRINKING:

"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 from which you are/have been drinking and any other containers (sealed or unsealed). I must inform you that failure to comply with my request, without reasonable excuse, is an offence for which you can be arrested."

IT IS NOT AN OFFENCE TO CONSUME ALCOHOL IN A PUBLIC PLACE UNLESS A PERSON HAS BEEN PROPERLY DIRECTED TO STOP.

Fixed Penalty

Where an offence has been committed it can be dealt with by way of a Penalty Notice for Disorder (PND) with the relevant fine being £50. It is important to remember that this PND can only be issued to offenders 16 years and over, the PND can also be issued on the street.

3. Implementation

Portsmouth City Council has erected signs which promote responsible drinking and inform the public that the area is subject to drinking control. The signs will be clearly visible on the approaches to the City and in areas likely to be most affected by alcohol-related incidents.

As stated above, the object of this order and policy is to prevent crime and disorder and the powers available can be used at the officer's discretion. It is important not to alienate the public. For example, it would be inappropriate to challenge individuals consuming alcohol whilst enjoying a quiet picnic on the beach or in one of the city parks.

This legislation does not affect the placing of tables and chairs outside licensed premises to allow consumption within that seating area, provided that they are properly licensed. Any incidents arising from the consumption of alcohol in these circumstances should be dealt with under the Licensing Act. If non urgent, such matters should be referred to the Licensing Departments of Portsmouth BCU and/or Portsmouth City Council. In urgent cases the advice of the Duty Inspector should be sought.

This order does not affect the power of the Police to seize and retain alcohol from young persons under the Confiscation of Alcohol (young persons) Act 1997.

Disposal of Alcohol

Officers should dispose of alcoholic drinks according to the existing procedures followed in respect of the Confiscation of Alcohol (Young Persons) Act 1997. A compliant adult would normally be asked to pour the alcoholic contents from any open container in their possession. Any debris should be disposed of by placing in the nearest bin. It would be rare to take possession of sealed containers from an adult in these circumstances unless there was a reasonable belief that the person will continue to drink in a public place.

Where a person is non-compliant an officer may find it necessary to seize the alcohol from a person and pour it away. An offence would have been committed in these circumstances and consideration should be given at that point to what penalty measures should be taken. In the event of an arrest being made, where practicable, unopened containers should be retained and shown to the custody officer and then discarded. No receipt will be given but a brief description of what has been seized will be recorded on the C12.

Officers should continue to exercise discretion in the finalising of such a case. Final disposal of the matter could result in no further action/informal warning, PND on the street, arrest with PND or summons/charge disposal. In any case a **C12 stop and account form MUST be completed**. The ASB and seizure of alcohol boxes should be ticked and blue copy forwarded to CSU at KF.

4. Impact of this Guidance

Consultation

Prior to the drinking control order being made, extensive public consultation took place. Portsmouth City Council members, community groups, licensees and trade bodies all supported its introduction.

Equality

The use of these powers by the police in these circumstances has been assessed to have a risk of affecting race or other community relations. This will be under continual review and based upon public feedback and the monitoring of stop and account records.

Monitoring

Along with our partners the Constabulary will continue to seek feedback from all sections of the community to ensure that these powers are being used appropriately. Police Officers and PCSOs are required to fill in a C12 stop and account form when exercising this power.

designated public place



**Drink responsibly
or the police could use
their powers to take
away your alcohol
and fine you**

Ipswich Borough Council is promoting responsible drinking to people who live, work or visit the town. As part of this campaign, the Council has introduced a Designated Public Places Order which will be effective from 1st December 2007.

What is responsible drinking?

Over 90% of the adult population drink and the majority do so without any problems, the majority of the time. Drinking alcohol is widely associated with socialising, relaxing and pleasure. Drinking within the recommended levels can even provide some health benefits.

The Government's Recommended Sensible Drinking levels are:

- a maximum intake of 2-3 units per day for women and 3-4 for men, with two alcohol-free days after heavy drinking, continued alcohol consumption at the upper level is not advised;
- that intake of up to two units a day can have a moderate protective effect against heart disease for men over 40 and post-menopausal women; and some groups such as pregnant women and those engaging in potentially dangerous activities (such as operating heavy machinery) should drink less or nothing at all.

Continued heavy drinking or binge drinking can cause problems for an individual's health. Where drinking is associated with criminally or anti-social behaviour, it has an impact on the individual, their family and the whole community.

What is a Designated Public Places Order?

The Criminal Justice and Police Act 2001 introduced the power for local authorities to designate public places in which it will become an offence to drink alcohol after being requested not to do so by a police officer. The police will have the power to require the surrender of alcohol and containers in these circumstances and those who fail to comply will be liable to arrest. The mechanism for such a ban is a 'Designated Public Places Order'.

Why has this been introduced?

The key aims for Ipswich are to:

- provide additional powers to police to deal with persistent street drinking and alcohol related anti-social behaviour;
- reduce disturbances in public places which are alcohol related;
- reduce drunkenness in public places;
- contribute to the range of actions which are being delivered to reduce alcohol misuse;

- reduce the numbers of street drinkers and hotspot areas through combining enforcement with outreach services.

How will this affect me?

This means that from December 2007 a Police Officer or a Police Community Support Officer may ask you to stop drinking in a public place if:

- you are creating disorder or behaving in an anti-social manner (while drinking alcohol or under the influence of alcohol);
- there is a likelihood of anti-social behaviour or disorder (while drinking or under the influence of alcohol);
- complaints have been received from the public concerning an ongoing or developing problem.

This order will not affect you if you are drinking responsibly in a public place

Helpful numbers

National Alcohol Helpline 0800 917 8282

Confidential advice and information on all aspects of alcohol. Calls are free.

Alcoholics Anonymous National Helpline 0845 769 7555

Calls charged at local rate.

NORCAS 01473 259382

Open access drug and alcohol service.

Anti-Social Behaviour 0800 138 6570

Free phone – reporting anti-social behaviour.

Suffolk Domestic Violence & Abuse 24hr Helpline 0800 783 5121

National Domestic Violence Helpline 0808 2000247

4YP 0845 310 8450

Information and support for young people.

Crime Stoppers 0800 555 111

Call anonymously with information about a crime.

Samaritans 0845 790 90 90

Confidential non-judgemental emotional support.



What will happen if I do not stop drinking alcohol?

If you continue to drink when asked not to your alcohol may be confiscated and disposed of by the officer.

What if I surrender my alcohol?

If you surrender your alcohol and do not continue to behave in an anti-social manner there will be no further action.

What will happen if I do not hand over my alcohol?

You may be arrested and convicted to a maximum fine of £500 or issued with a fixed penalty notice.

What will happen if I hand over my alcohol but continue to behave in an anti-social manner?

You may be arrested and convicted of a Public Order offence.

Our aim is to ensure that residents, businesses and visitors are able to enjoy the benefits of the vibrant Ipswich community. This should be without risk or fear of any nuisance or disorder caused by the behaviour of a few people intoxicated by alcohol in public.

Appendix C

“Dawley Designated Public Place Order”

April/May 2009 Survey

Full Report

Policy, Performance & Partnership Unit
Telford & Wrekin Council

www.telford.gov.uk/consultation

Dawley DPPO 2009

Background

The Police, Telford and Wrekin Council and other partners have for several months been tackling the issues relating to the misuse of alcohol in public places in the Dawley High Street and surrounding areas. Measures such as increased police activity, enhanced CCTV coverage and environmental improvements have been made, which have gone a long way to reducing the experiences of locals and visitors in having to deal with drunken misbehaviour in the vicinity of the Bandstand and Park areas.

A Designated Public Place Order (DPPO) has been proposed which, if approved, will make it an offence not to comply with a Police Officer's, or Community Support Officer's [CSO] request to cease drinking alcohol in the designated area, without reasonable excuse. The Police will have the power to confiscate and dispose of any alcohol and containers in the person's possession. However, failure to comply with a Police Officer, or CSO's request to cease drinking alcohol in that area, without reasonable excuse, would be an offence punishable by a Fixed Penalty Notice or fine.

The proposed Order would not prevent organised functions, or families having a picnic in the park where legitimate drinking of alcohol is taking place, or any official organised events that have been granted via normal legal procedures. If approved, this Order will NOT make it an offence to drink alcohol in a Designated Public Place, for law abiding citizens.

The restriction on public drinking will not apply to any premises or area covered by a permanent or occasional licence allowing the consumption or sale of alcohol, for example the premises of licensed houses, clubs, café's and restaurants and the curtilage of their premises.

The Communication and Consultation Process

A pre-press notice was released by Telford and Wrekin Council on 14th April 2009, and this appeared in the Shropshire Star on 16th April 2009.

Copies of the proposed order, accompanying maps and list of streets were available for inspection from 16th April 2009 at the:

- Main reception, Civic Offices, Telford Town Centre between normal office hours Monday to Friday
- Dawley Library between the hours of 10:00-13:00 and 14:00-17:00hrs Tuesday and Wednesday and 10:00-13:00 and 14:00 -17:00 Friday and 09:30 -13:00 on Saturdays

This draft order was also available via the Telford & Wrekin website at www.telford.gov.uk.

Copies of the draft order, map and lists of streets were posted on lamp posts throughout the area that would be covered by the DPPO and consultation packs were issued to all stakeholders (comprising residents, businesses, elected members and surrounding town and parish councils) in the locality.

Parish councillors and elected members from the wards and parishes surrounding, but not directly impacted, by the proposed DPPO were sent a letter detailing the propositions and invited to comment in writing directly back to the Safer Communities Strategic Manager.

A PACT meeting was publicised (local radio and newspaper) and held on the 6th May in Dawley at which Council and Police Officers were available for queries and to receive feedback on the proposal.

This report details the feedback received via the paper and on-line questionnaires.

Methodology

1. A paper based survey was posted to every household, commercial base, ward member, Dawley Town Council and surrounding Town Councils.
2. Included with the paper questionnaire was an explanatory letter and a freepost envelope.
3. The formal consultation period ran from 15th April to 15th May 2009.

Responses

A total of 512 consultation packs were issued and completed surveys were received from local stakeholders detailed as follows:

	No.s Issued	No.s Returned Undeliverable	No.s Received	Response Rate
Residents	425	5	101	24%
Businesses	82	3	12	15%
Councillors	3	0	3	100%
Parish Clerks	2	0	0	0%

The overall response rate to the survey was 23%.

Consultation packs were also made available in other forums and the responses were as follows:

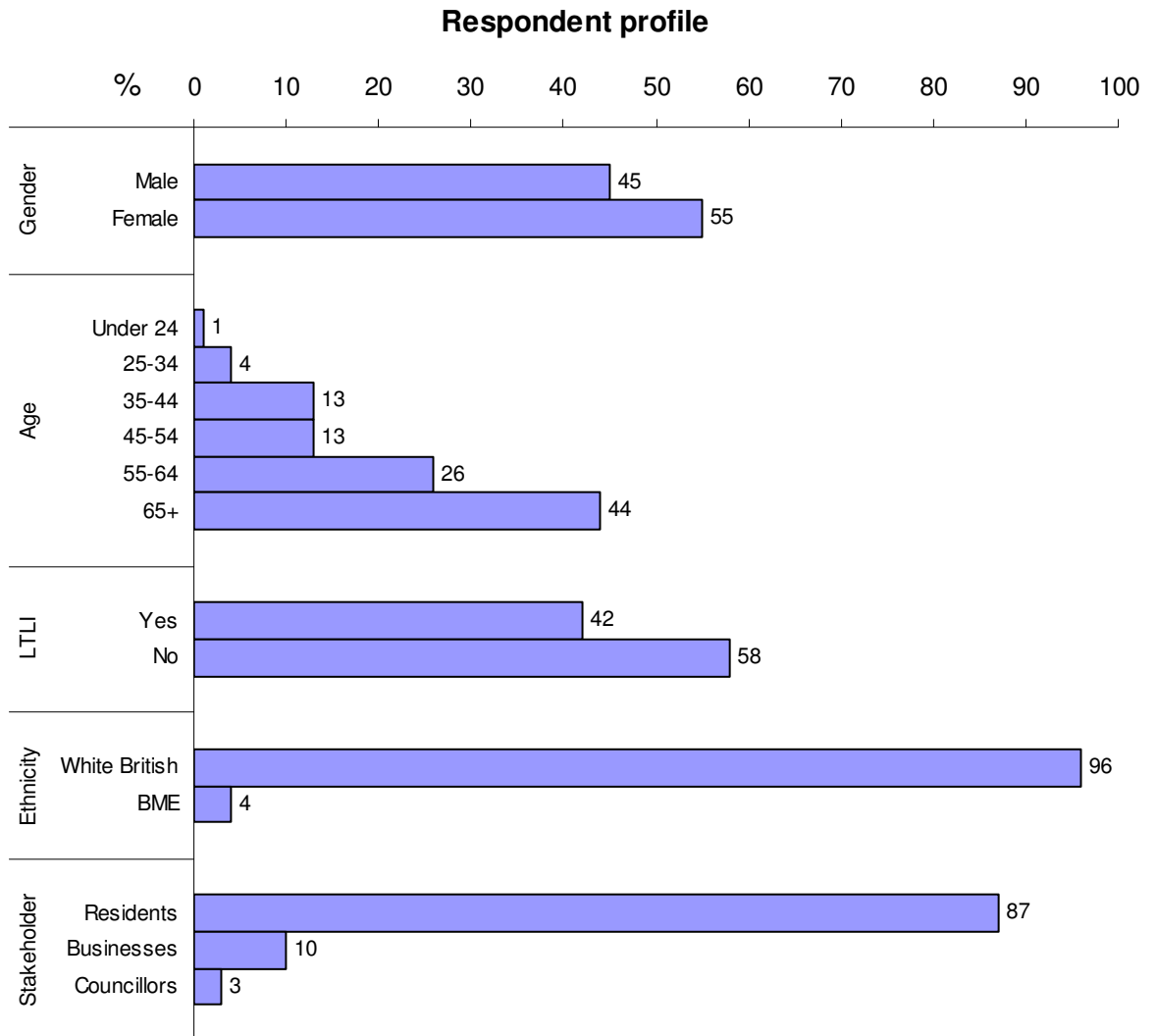
	Received
Web Survey	1

Dawley DPPO File	1
PACT Meeting	0

This report presents the combined responses from these surveys, and where statistically appropriate, sub-group analyses have been provided.

Profile of the respondents

Respondents were predominantly White British (96%), aged 55 plus (70%), with 44% aged 60 plus. 58% of respondents reported no long term illness that limits their daily activities.



Results

Alcohol Related Crime

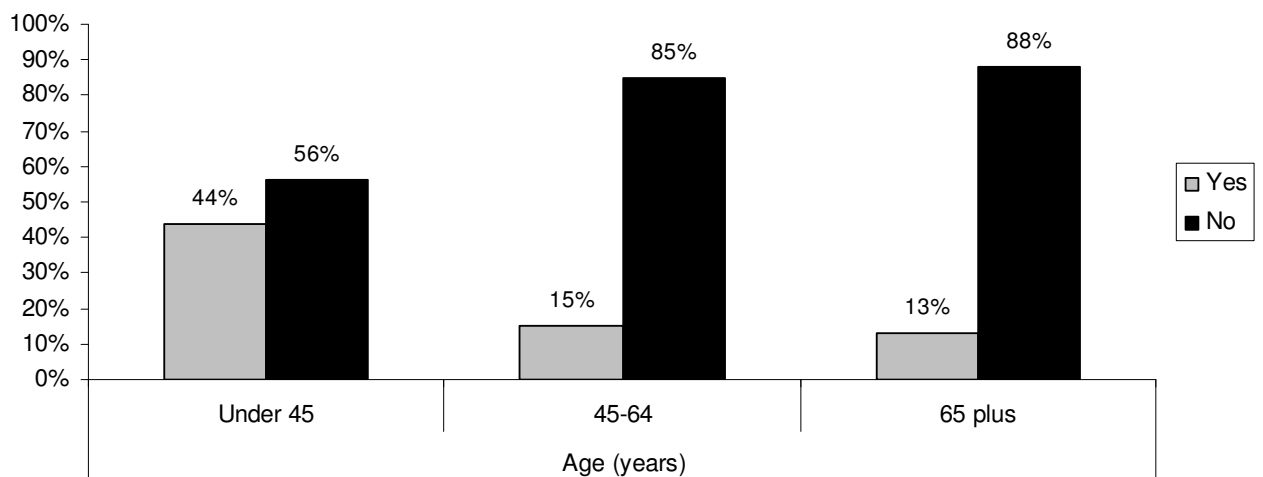
Respondents were asked if they, or anyone in their household, had been the victim of an alcohol related crime/incident in the last 6 months in the proposed area.

One in five respondents (19%) said, yes, they, or someone in their household, had been a victim of an alcohol related incident on the last 6 months in the proposed area. 81% of respondents said they had not.

Sub-group analysis

- 58% of business respondents said they, or someone in their household, had been a victim of an alcohol related incident on the last 6 months in the proposed area.
- 15% of residential respondents said they, or someone in their household, had been a victim of an alcohol related incident on the last 6 months in the proposed area.
- Males (21%) were slightly more likely than women (18%) to say they, or someone in their household, had been a victim of an alcohol related incident on the last 6 months in the proposed area.
- Younger respondents were more likely than older respondents to say they, or someone in their family, had been a victim of crime.

Respondents who have experienced alcohol related crime in the last 6 months in the proposed DPPO area.

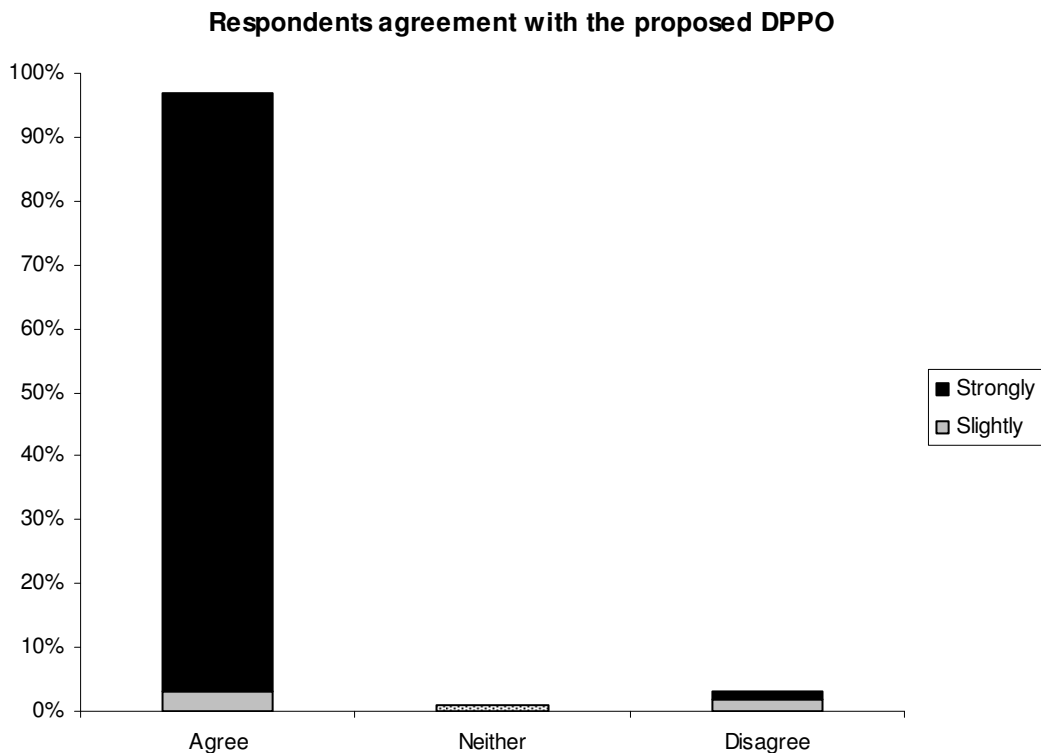


- There was little difference in responses between those respondents who indicated they had a long term limiting illness (LTLI) and those that don't. 19% of those with a LTLI said they had experienced alcohol related crime, 20% of those respondents without a LTLI said they had experienced alcohol related crime.

The DPPO Overall

Respondents were asked to consider the information provided in the survey pack and indicate the extent to which they agreed or disagreed with the proposed DPPO.

There was considerable support for the DPPO as described with 94% of respondents strongly agreeing with the proposal. Just 3% of respondents disagreed with the proposal.



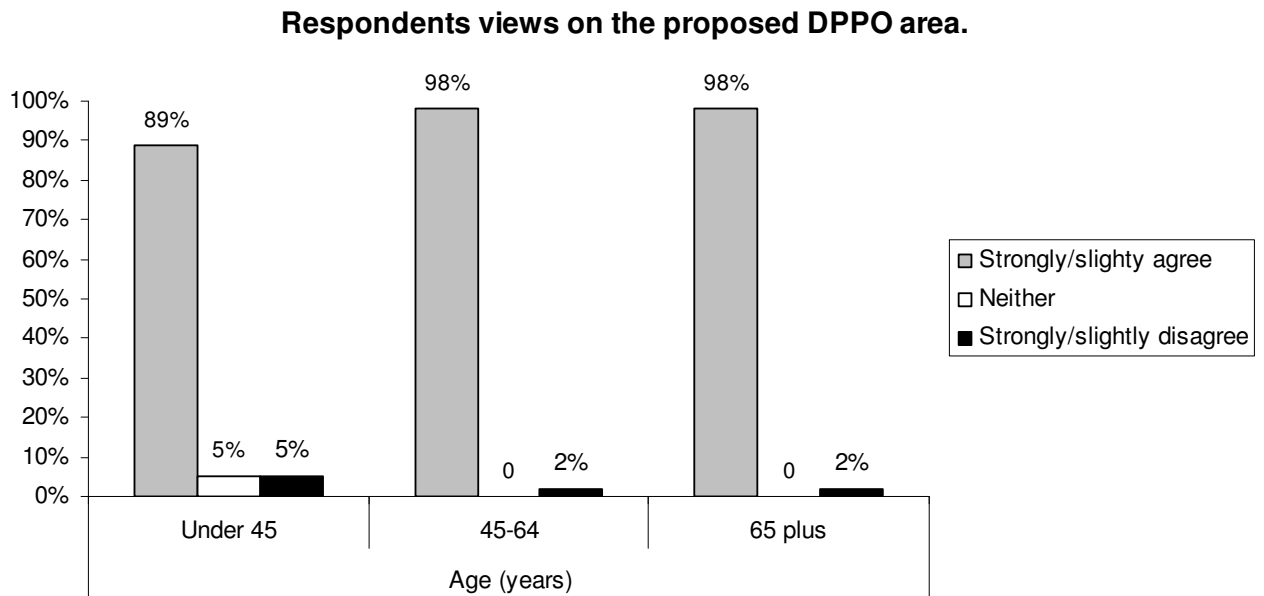
Q. Having considered the information provided, do you agree or disagree with the proposed DPPO?

Strongly agree	94%
Slightly agree	3%
Neither	1%
Slightly disagree	2%
Strongly disagree	1%
<i>Base</i>	<i>114</i>

Sub-group analysis

- 100% of business respondents strongly agreed with the proposed DPPO.
- 94% of residents strongly agreed with the proposed DPPO. 2% either strongly or slightly disagreed.
- 98% of males either strongly or slightly agreed with the proposed DPPO compared to 94% of women.
- 100% of respondents with a LTLI either strongly or slightly agreed with the proposal compared to 95% of respondents with no LTLI.

- Older respondents are more likely to agree with the proposed DPPO (98%).



Respondents were asked what they saw as the main benefits or drawbacks of the proposal.

Many of the respondents to the survey described the following **benefits** of the proposed DPPO:

- They said they would feel **safer**. Some residents **currently feel intimidated** as they go around their daily business in Dawley because of drink related anti-social behaviour as well as the presence of groups of youths and men drinking. They describe feeling this way during the day and some respondents feel unable to leave their house at night.
- It will **increase the number of shoppers** to the High Street. Some business owners feel that shoppers are reluctant to visit the area because they feel currently intimidated or unsafe.
- It will **reduce anti-social behaviour**. Respondents described a range of alcohol related activities ranging from swearing and excessive noise, to urinating in public places, to vandalism of residents cars and shop windows.
- It would send a **positive message** to children and young people that alcohol related anti-social behaviour will not be tolerated. Some residents were concerned about young children in particular being exposed to 'alcoholism'.

- There will be **fewer cans and less broken glass** littering private property, streets and the park
- It will improve **the reputation of Dawley**. Without it some respondents feel that regeneration work cannot succeed.

Respondents also outlined some **drawbacks** to the proposal:

- The **extent of the DPPO boundary**. Many respondents are concerned that the problems associated with alcohol related **disruption will move** to neighbouring areas and feel that the proposed boundary is not large enough.
- Some respondents made the point that the problems in Dawley were as much **drug related** as they were alcohol related and therefore the DPPO would not solve the issues that have been raised.
- **Enforcement** of the DPPO. There are some doubts as to how the DPPO will be enforced without additional police resources. A Councillor made the point that they would not want police resources to be moved from elsewhere in order to monitor Dawley.

Views on the proposed DPPO

Respondents were asked to provide **alternative actions** if they objected to the proposal. The suggestions made were to:

- Develop community projects aimed at 14-18 year olds, provide more facilities and activities for young people.
- Provide better meeting areas for young people
- Encourage better use of public spaces
- Make more provision for alcoholics and the homeless during the day who are unable to access hostels after 10am.
- Better enforce existing legislation and ensure a greater police/CSO presence.
- Move the drug and alcohol services away from residential properties and the shops.
- Fine those people selling alcohol to under age people, issues warnings to adults passing alcohol on to under age people.

Full verbatim comments can be found in appendix B to this report.



DAWLEY DESIGNATED PUBLIC PLACE ORDER

The enclosed letter and information describes the proposed Designated Public Place Order (DPPO) for Dawley High Street and surrounding areas (see map). With that in mind, we would like to hear your views on the proposed DPPO.

Q1 Having considered the information provided, do you agree or disagree with the proposed DPPO?

Strongly agree	Slightly agree	Neither agree nor disagree	Slightly disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q2 What do you see as the benefits or drawbacks of this proposal?

Q3 If you object to this proposal, do you have any suggestions for alternative action?

Q4 Have you, or anyone in your household, been the victim of an alcohol related crime/incident in the last 6 months in the proposed area?

Yes

No

If you have any other comments about the proposed DPPO, please tell us on a separate sheet.

About You

To help us understand the views of different groups of people, please answer the following questions about yourself. This information will be held in the strictest confidence.

Q5 Are you male or female?

Male

Female

Q6 How old are you?

Under 24.....	<input type="checkbox"/>	45-54	<input type="checkbox"/>
25-34	<input type="checkbox"/>	55-64	<input type="checkbox"/>
35-44	<input type="checkbox"/>	65 plus.....	<input type="checkbox"/>

Q7 Do you have any long-standing illness or disability that limits your daily activities?

Yes

No

Q8 Which of these groups do you consider you belong? (Please cross 'X' one box)

White British.....	<input type="checkbox"/>	Mixed White & Asian	<input type="checkbox"/>
White Irish	<input type="checkbox"/>	Any other Mixed background.....	<input type="checkbox"/>
Any other White background.....	<input type="checkbox"/>	Asian or Asian British Indian	<input type="checkbox"/>
Black or Black British Caribbean.....	<input type="checkbox"/>	Asian or Asian British Pakistani	<input type="checkbox"/>
Black or Black British African	<input type="checkbox"/>	Asian or Asian British Bangladeshi	<input type="checkbox"/>
Any other Black or Black British background.....	<input type="checkbox"/>	Any other Asian or Asian British background.....	<input type="checkbox"/>
Mixed White & Black Caribbean.....	<input type="checkbox"/>	Chinese	<input type="checkbox"/>
Mixed White & Black African	<input type="checkbox"/>	Other ethnic group.....	<input type="checkbox"/>

If other, please state

Thank you for completing this survey. Please return it to us in the freepost envelope provided by no later than 15 May 2009.

If you misplace your freepost envelope, or it is missing, please return this survey (no stamp required) to: **Policy, Performance & Partnership, Telford & Wrekin Council, FREEPOST SY1154, Telford, Shropshire. TF3 4ZZ**

Appendix B

Q2 What do you see as the benefits or drawbacks of this proposal?

Residents

- Benefits : More police activity
 - : Less young people drinking on the streets
 - : Less rowdy behaviour

- Drawbacks : The youngsters will find somewhere to go
 - : how will you implement it? Very difficult
- Having two small children it would make me feel a little more comfortable walking to the shops.
- Great news, but should be all of Telford.
- It will benefit us as it will lower the numbers of crime and disturbances.
- It would be less intimidating for pensioners shopping in the High Street.
- Agree with proposal in theory, however, may be only superficially solving the problem. What will happen in the areas not included? Youths will find alternative places?? Is not tackling the underlying problem - i.e. culture of drugs and alcohol, boredom, social problems etc.
- Hopefully it will keep all the idiots off the street, including all the drug users. Then it will be safer (hopefully) day and night and give the power back to the police.
- Better place to live for all!! About time!
- No drunks drinking in the bandstand waiting for the post office to open. Less mess (hopefully) to clean up.
- No drawbacks
- The strongest benefit is you have to be seen to be believed.
- Safer to walk about.
- Whilst you're doing this why not move the drug centre from the high street onto an industrial estate and try and clean up the high street properly. Drug dealing is just as a big issue as drinking.
- Benefits: Rid the high street of people drinking, particularly outside Corals. People drinking outside the big house at the end of the football pitch, near Vicarage Grove. Make it a nicer place for women and young girls. Very intimidating to walk past groups of men and teenagers drinking. Stop those people urinating in the car park by the British Legion. People drinking in the street does not conjure up the picture of a nice place. If we want to regenerate Dawley, we need to make it attractive.
- We would hear about less shouting in the middle and around the streets. Also to see people sitting in the middle of the street with cans of beer is quite a sight, especially for very young children - we seem to have more booze outlets in Dawley than ever which means more young people going into buy - top, bottom, middle of street. Let us get rid of the problem once and for all.
- It will be of great benefit if it makes it safer for people to go out especially at night. I certainly would not at the moment.
- Move unwanted low-life from the street. Who will enforce it? Police & CSO can not even enforce parking regulations - will this be another well intended failure??
- If youths that are causing a problem are moved on I am all for it, lots of problems with youths drinking and drug taking in the local shopping area - Tenants feel intimidated and will not go out alone after dusk.
- Yes it would be lovely to walk down the street without football games being played, adults and teenagers drinking, fighting, shouting abuse, but isnt it just geography? Where will they go if they cant use the park, church or street?

- As we live at the back of the Talbot Pub we feel we experience more than our fair share of drunken, rowdy and sometimes violent behaviour. So anything that helps to reduce the opportunity for that has got to be beneficial for us and the environment.
- Feel safer and be able to sleep at night.
- Safer for people to walk streets. Less intimidation for the elderly. Less litter (beer cans, bottles etc)
- A very good ideal 'but' as we seldom see any police in this area, where will the extra policing come from? A 'blanket' area of the whole Telford area should be brought in as offenders only need to move a few feet away to still be a problem, i.e. subway - Spring Hill - Blewshill.
- It would make the high street and surrounding area, cleaner, tidier and most people would feel safer and happier living and shopping in the proposed area. It should never have been allowed, in the first place, and I hope it will be here to stay.
- Control the behaviour of those people for whom an excess of alcohol can lead to aggression and intimidation of others. Children may see and copy adults who drink - they learn that drinking is acceptable no matter the consequences. The decline of the public houses which provided a control and restraint (social clubs) is also having an impact on this issue.
- Benefits of moving the problem from my road - drawback - some other families out of the boundary will now have the problem moved to them. This red line should surround Telford border.
- Will make the elderly feel more secure in the streets. It does feel a little intimidating to have to walk through a group of men drinking. This often occurs in the high street even during the day.
- We both feel that Dawley would benefit from this proposal. It would stop swearing, urinating against our property and general disorder by groups.
- I cannot foresee any drawbacks to the proposal, only benefits for the local community.
- Cleaner areas and less noise should ban footballs and cycling along High street.
- Cutting down on anti social behaviour
- As I am nearly 86 yrs old I will find it more safer when shopping in the high street
- Will feel free to walk in this area without any confrontation from drinkers. Cannot foresee drawbacks.
- No more cans and bottles on the pathways, or on my drive. I once saw an individual get off the bus on New Street with a can of beer in his hand and he just threw it outside someones house, this is unacceptable and I agree with the proposal.
- The drawback is they will just move. Drinking on the streets should not be allowed at all. Also pubs should go back to the old opening and closing times and supermarkets should comply with this. The police should have the power to move them on, not just request them to move. I am scared to come out of my house after 5pm. I feel like a prisoner. Also the Captain Webb House for the drug takers should be moved away from the High Street.
- The proposed DPPO will benefit the whole area by reducing the congregation of youths etc. Lessening the feeling of intimidation of elderly persons. It will also stop habitual drinkers from occupying public benches in the street & park and at times verbally abusing passers-by.
- The benefits will be stopping of foul mouthed jobs stutting down the High Street clutching cans of extra strong lager and intimidating ordinary decent citizens going about their business. Also the licencees of the Talbot Public House should insure their all day drinkers do not take glasses outside the pub when they go for their cigarette breaks. Hopefully new government legislation on stopping alcoholics benefit if they do not confront their drinking habits will also help.
- It should lesson anti social behaviour and vandalism

- Drinking cans of beer at 10.15am on Sunday mornings at AJ's shop Doseley Road, Dawley
- It would benefit the older generation by making them feel safer when out shopping or walking. Also setting an example to young children, knowing its not tolerated.
- The benefits would be that Dawley, and the High Street in particular, would be rid of a group that stands at the top of the junction of Meadow Road and High Street, using Corals the bookmakers most days. They drink in the street, use foul language and are intimidating to people using the road for access.
- Yes, well thought out, if it is a long term idea 'congratulations'
- Benefits are being able to walk around Dawley in peace and a pleasant atmosphere day and night.
- Benefits - Hopefully no drunks walking around with drinks, not sitting at the side of the Co-op in the day with drinks, as you walk passed with young children.
Drawbacks - can't see any.
- The benefits are we will not have groups of youths drinking in the High Street and that will make people feel safer
- Less problems involving drinking and violence in the streets.
- Hopefully there will be a reduction in vandalism and litter. The High Street will seem less intimidating to elderly or vulnerable people
- Men drinking cans of lager in Dawley High Street is a bad influence on children. Young adults need stopping drinking on parks and while walking around estates. The DPPO should help in stopping all these things, I just hope if Police are called they act.
- On the 11th of this month my car rear windscreen was smashed by drunken yobs chased away from the bank stand. So I agree totally with the ban on alcohol in public places.
- Sounds a reasonable idea. Do parents know what their children are doing or don't they care
- I do not think there are enough police about. I went to Dawley High Street Saturday afternoon at 3 o'clock. There was about 8 men all drinking and using bad words. I am 79 years old and felt intimidated.
- Only drawback is have you got the resources to endorse it. Will it be taken seriously. Clare is an excellent officer - but she can't be everywhere. I am glad you have said that family picnics will not be affected but who judges this - I have no children but myself/husband & friends all in our 30's in good jobs - will play tennis or frisbee in the park & eat & drink. Would we be classed as breaching this order - as we are not a 'family' as you put it in the proposed order.
- This will only work if all partners involved with the DPPO carry out a random check of all the areas surrounding Dawley High Street. A better use of the CCTV cameras will also be an advantage not just for this but for all other crimes being committed.
- Why do we need a DPPO when the police already have the power to arrest for drunk and disorderly. Reduce their area of policing to give a better service.
- Benefit - Locals won't have to tolerate presence & behaviour of a significant minority.
Drawback - It gives a bad impression of this area - it suggest that it is a bad place to live/work/visit (its not)
- Benefit young children by not seeing it. Also drinkers can be intimidating.
- It will stop gangs of youths congregating in and around Dawley. Elderly people will again feel safer walking in the High Street.
- More comfortable to do my shopping particularly in an afternoon. I think the proposals (which I do) are an excellent idea and should be implemented forthwith.
- It should make the proposed areas safer for people and the elderly.

- Maybe we will once again feel safe not only in the streets but also in our own homes at all times. Perhaps too it will encourage small businesses to open up again so that older people who cannot get into Telford Centre to do their shopping in Dawley without the fear of being mugged or worse. The police so far have tried their best to keep us all safe.
- The benefits are enormous. At one time I was afraid to go out at night time with drunken rowdies roaming the streets; these days I am as fearful to go out in the day as well. Extended licensing hours in pubs is largely (I feel) to blame for this. I believe the Police themselves have stated that a large proportion of their time is taken up by attending to binge drinkers out on the streets, which keeps police from tending to other problems relating to crime etc. Especially in the larger towns and cities. So much emphasis has been put on curbing smoking in public places (which needed controlling as well) but who ever heard of people smoking over their limits and then roaming out and attacking people etc? Drink is the real problem! Drink is ALCOHOL! which is a drug causing death and attacks of violence, rowdy behaviour etc bottles & cans all with the same drug within - same alcohol and it should be controlled the same as other drugs. In some other countries (I have heard) it is illegal to drink at all if one is driving and that should be the case in this country. there is no other way to solve it. And so, also, drinking on the streets (which is what this issue at present is about) not just in Dawley, but throughout the whole UK!
- I see no drawbacks, only a heightened sense of security
- Better environment
- Older people will feel more safe when doing shopping in street
- I think your proposal of police stopping people who drink too much from cans etc, most of the time, is a very good idea. Lots of people who have to leave their cars out all the time have had them badly damaged, especially outside the Christian Centre in Chapel Street and in previous years even set on fire in the main car park.
- It may stop the trouble arising from drink related trouble.
- Feel safer when in proposed area
- Be able to walk down/up the street without being scared or drunken people
- Benefit - peace of mind when out on your own.
Drawback - in this present climate kids will just ignore it.
Cure - instant prosecution (no cautions or kind words)
- The streets will be cleaner and the general public will be able to walk in safety. The general public will be able to walk their dogs without their dogs getting cut on broken glass and small children who do sometimes fall over will not be cut either and it also includes the elderly and frail.
- Benefits will be that when using the High Street and surrounding areas shown in red, we should not have to encounter groups of youths and adults gathered together sharing their drink. It would seem at present whilst the park is being improved that the gatherings are happening on the area used for football pitch adjacent to quarry place groups of drinkers seen daily at various times. Where do you expect them to go if public place order implemented as it will become a problem elsewhere.
- It may help stop young citizens buying alcohol from Dawley High Street so stop drunken misbehaviour in the vicinity of the bandstand and Chapel Street.
- Drinking in public places has no place in a family orientated society it brings crime to our streets bad behaviour caused by drink. Intimidation to the elderly and no respect for peoples property. Untold damage to our young people who will be one day the ruling generation.
- The proposal does not go far enough. It should be an offence to drink in the street. A total ban will remove much of the litter from the streets - but where the people start at the end of Meadow Road outside the bookmakers - Thanks you for the new bin - can we persuade them to use it.
- Benefits - might help to make it more pleasant for people to walk around better
Drawbacks - make some people more defiant and they will still drink on the street

and back roads, for instance from my window I still see them carrying and drinking from cans which I think are beer cans. I'm sorry if I am wrong.

- The boundary isn't quite large enough as doesn't cover subway pass off Quarry/Chapel Street. Children aren't exposed to alcoholism in a part/play area/shopping centre. Still allow appropriate alcohol use.
- It will stop unsocial behaviour in the High Street and surrounding areas. Lets hope it is policed better than the last crackdown in this area. (It seems it only lasted for 1 weekend)
- Cleaners streets, less intimidating
- Hopefully it will stop people behaving badly in this area. We can't even send our teenage sons to the shops because of the risk we see to them from people behaving in not very nice way.
- It will hopefully make those people who need to drink take it to their homes or go to the pub. There are plenty - Dawley High Street! It should also give people a better feeling of security if gangs are not gathered.
- To feel fairly safe through the centre of Dawley and park areas.
B) The drawbacks are that the problem will be moved elsewhere i.e. on to housing estates.
- It will be more pleasant walking around the area and people will feel safer.
- It would be advantageous to be able to walk to the park and not see groups of people consuming alcohol, acting unruly and abusive to people enjoying a local amenity.
- Will you just be moving the problem further away onto the estates and out of the designated area. Will there be more police or CSO officers in the area.

Businesses

- Benefits : Less criminal damage in the high street. Less smashed windows, which seems to be common. Drawbacks : none
- A feeling of safety and well being in and around the proposed area.
- It will clean the streets up and some people won't feel afraid to come to Dawley High Street
- I own a shop - the benefits would be great because people and our prospective customers won't feel intimidated by the anti-social behaviour caused by these drunks. They feel safe to walk in the streets.
- Hopefully it will make Dawley a nicer place to be!!
- The streets will become safer and local shops, residents will benefit. No drawbacks at all.
- Misbehaviour has reached the point that action is required, which can only be of benefit to locals and visitors.
- More customers will come shopping in Dawley.
- Hopefully less anti-social behaviour.
- Will contain, therefore allow greater supervision of customers
- Less crime.
- Benefits : No broken glass from bottles on the street. No cans and litter. Safer environment as people who have consumed alcohol may become aggressive.

Councillors

- Returning Dawley to a place where people want to be without fear of abuse or intimidation from drinkers on the street. Litter would decrease significantly and therefore danger from broken glass. With a DPPO we could start to repair the damage to Dawley's reputation, without it regeneration will not work!
- Benefits: Will give authorities power for on spot fines and take cans off youths on the streets. Drawbacks : Could push the nuisance/ annoyance members of the public or section there off, to move to either areas of Dawley not in DPPO or other areas of Telford.
- My understanding is that the police already have the power to deal with public order problems without needing a DPPO. The issue is one of resources, however I would not want police to be moved from other areas to monitor a DPPO in Dawley. A further concern is displacement - would the problem just move to another location?

Q3 If you object to this proposal, do you have any suggestions for alternative action?

Residents

- Better community projects, targeting 14-18 year olds. Problems appear to be worse since youth projects have been disbanded.
- The Dawley area does have a large population of elderly people, some very tolerant to the younger element, but many still not able to accept changes to their world where there is no discipline. Feel no moral issues and a lack of respect amongst themselves. Neither your world or theirs will happen until respect, discipline and moral standards start from ground roots and stricter punishment fits the crime.
- No objections
- I do not object
- Make more provisions for the alcoholics and homeless who have to be out of their hostels at 10am to wander the streets. Let the police deal with the yobs.
- Better / more frequent police/CSO patrols. Enforcement of existing legislation e.g. Criminal Justice Act. Improve the environment to encourage better use of public spaces.
- I have no objection
- Total ban on drinking in the street except on organised events with a licence.
- Regular policing on the streets. Better meeting areas for young people, more drug and drink groups away from the houses and shops.

Businesses

- None
- Include estates in Dawley, as groups of people still drink there. We do not object at all

Councillors

- No objections but an alternative could be fining people who sell cans or beer to under age persons or to warn the youths who pass on cans to 15/16 year olds that they could face a jail sentence. Some form of education programme.

- I assume that the problems mainly concern young people - more facilities and activities for young people would help.