

7 November 2013		ITEM: 5
Cleaner, Greener and Safer Overview and Scrutiny Committee		
Designated Public Place Orders (DPPOs) Review		
Report of: Councillor Angie Gaywood – Portfolio Holder for Public Protection		
Wards and communities affected: All	Key Decision: Non-key	
Accountable Head of Service: Lucy Magill – Head of Public Protection		
Accountable Director: Darren Henaghan – Director of Environment & Public Protection		
This report is: Public		
Purpose of Report: To report on the outcome on the review of the enforcement of Designated Public Place Orders in Thurrock		

EXECUTIVE SUMMARY

There are eight Designated Public Place Orders (DPPOs) in the Borough; the last four of which were approved for implementation at the Council meeting on 25th January, 2012. This report sets out the results of a review, undertaken in accordance with Home Office good practice guidelines, into the effectiveness these DPPOs have had in reducing alcohol related anti-social behaviour (ASB) in the areas they cover. The level of alcohol-related ASB recorded in all of the Wards which have DPPOs has fallen, although the number of calls logged from the public and the subsequent extent of police activity in the majority of them has been very limited indeed.

Legislative changes expected in 2014, are intended to replace these and similar Orders with a new provision to be called Community Protection Orders. Existing Orders will be subsumed within these new provisions which have a three-year time limit, but can then be renewed.

1. RECOMMENDATIONS:

- 1.1.1 Members note the reductions recorded in alcohol-related ASB in those Wards with DPPOs and the level of use made of them by police.**
- 1.2 Members retain the DPPOs currently in place, pending the introduction of anticipated legislation in 2014, and the Community Protection Orders (CPOs) that will replace them.**

INTRODUCTION AND BACKGROUND:

- 2.1 Alcohol-related ASB is a major concern for residents and the introduction of DPPOs, by virtue of the Criminal Justice and Police Act 2001, gave the police powers to require people who were drinking and causing ASB in specified locations covered by these Orders to stop drinking or else have the drink confiscated and be given a Fixed Penalty Notice, carrying a fine of £50, or arrest and prosecution with a maximum fine of £500.
- 2.2 DPPOs are not, as is often assumed, alcohol-free zones and it is not an offence to drink alcohol in an area covered by one. However, failure to comply with a police officer's requirements in respect of public drinking or the surrender of alcohol without reasonable excuse is an offence.
- 2.3 The eight DPPOs in the Borough are located in the following Wards:
- Grays Town Centre – Grays Riverside Ward
 - Delafield Park, Little Thurrock – Little Thurrock Rectory Ward
 - Aveley Village – Aveley and Uplands Ward
 - Flowers Estate, South Ockendon – Ockendon Ward
 - Little Thurrock Village Green – Little Thurrock Rectory Ward
 - Blackshots Playing Field & Hangman's Wood – Little Thurrock Blackshots Ward
 - Stanford Le Hope – Stanford Le Hope West Ward
 - Corringham Town Centre - Stanford East and Corringham Town Ward
- 2.4 Whilst there is no statutory requirement to review a DPPO, Home Office guidance advocates this should be done to establish whether the DPPO has stopped, or helped to reduce alcohol-related anti-social behaviour/disorder.
- 2.5 If it is found that these are ineffective, local authorities do have the power to revoke DPPOs. However, only after the same processes of consultation and publicity need to set them up in the first place. A notice of revocation then has to be forwarded to the Home Office.
- 2.6 This review into the Thurrock DPPOs has found that the level of alcohol-related ASB recorded in all of the Wards containing DPPOs has dropped, in some cases substantially. However, the number of calls logged from the public and the subsequent extent of police activity in the majority of them has been very limited indeed.

3. ISSUES, OPTIONS AND ANALYSIS OF OPTIONS:

- 3.1 When the last four DPPOs were approved by Council on 25th January, 2012, it was agreed with police colleagues that they would monitor all reports from the public of incidents and also the police activity to enforce them and the other DPPOs already in place, to inform this review.

- 3.2 Unfortunately, it was not possible to focus the collection of this information on the precise boundaries of the DPPOs themselves, so the relevant beats have been used which cover the wards with DPPOs in them as the basis for comparison over the last two years.
- 3.3 It must therefore be stressed that these can only be seen as indicative figures, as they are based on police boundaries, rather than the DPPO boundaries. Nevertheless, they do also confirm whether or not there has been displacement of ASB, as has been a concern in other parts of the country.
- 3.4 These figures do not include nuisance youth calls, which usually makes up the bulk of ASB cases, since more robust powers are already available to police and DPPO powers offer no additional enforcement options with regards to people under the age of eighteen. These figures do therefore only include the following categories;
- Disturbance
 - Drunk
 - Fight
 - Nuisance - Noise
 - Nuisance – Other

WARD	2011/12	2012/13	CHANGE	% CHANGE
Grays Town Centre	427	391	-36	-8%
Delafield Park	74	59	-15	-20%
Aveley Village	152	108	-44	-29%
Flowers Estate	197	146	-51	-29%
Little Thurrock Village Green	74	59	-15	-20%
Blackshots Playing Field	109	86	-21	-24%
Stanford Le Hope	107	87	-20	-5%
Corringham Town Centre	109	42	-67	-63%

- 3.5 These figures mirror the overall reduction by 22% in the number of ASB incidents in these categories which were reported to police.
- 3.4 To add some anecdotal evidence to these figures, response officers have been asked for information about their use of DPPO powers. The following responses have been received:
- **Grays Town Centre** – This is used regularly, on a daily basis to good effect by the Town Team. In the seven months this team has been operational there have been 341 seizures of alcohol. Street drinking does, nevertheless, continue to be a problem and further measures are under consideration by the Community Safety Partnership.

- **Delafield Park, Little Thurrock** – No recorded use of this Order
 - **Aveley Village** – Before the DPPO was implemented there was an issue with public drinking and the associated effects. The opinion of the police officers is that the public in the area are aware of the order and generally abide by it. Officers do still use the Order and seize alcohol when seen but they estimate it's as low as 3 or 4 times per year.
 - **Flowers Estate, South Ockendon** – No recorded use of this Order
 - **Little Thurrock Village Green** – No recorded use of this Order
 - **Blackshots Playing Field & Hangman's Wood** – No recorded use of this Order
 - **Stanford Le Hope** – Very minimal use of the order, the police opinion is that the drinking by adults of alcohol in public in this area does not create any significant problems. No seizures in recent months.
 - **Corringham Town Centre** - Very minimal use of the order, as for Stanford-le-Hope, opinion is that adults drinking alcohol in public in this area does not create any problems. Was used as part of a seizure in August.
- 3.5 There have been six calls recorded from Councillors regarding DPPO's, three in 2012/13 and three since April 2013. Of these, three related to the Grays High Street DPPO; one to Falcon Avenue; one to London Road; and one to Lennox Close.
- 3.6 Calls from the public are routed by the Call Centre to the relevant department; they do not keep any records themselves of the nature of calls. There are no records of the calls received from the public in Public Protection. The Community Protection Manager has taken two calls from the same person regarding Grays Town Centre and has had three meetings with that person in relation to his concerns.
- 3.7 As part of this review, all the Councillors and the chairs of the community fora with DPPOs in the areas they cover were contacted by email and asked for their views and those of the residents they represent.
- 3.8 Of the eighteen Councillors contacted, two substantive replies was received, which confirmed that the DPPO covering the Flowers Estate was popular and there was a reduction in empty cans, but a desire to see stronger enforcement; in the Dipping on a recent ward visit only one beer bottle was noted and there had been no residents' complaints for months. There had been no complaints either for Delafield Park, although there were more bottles. However, there was still regular drinking on the Village Green.
- 3.9 Of the seven chairs of community for a contacted, one reply was received which reported that the Blackshots DPPO was valued and seen to be effective.
- 3.10 The results may be seen to be inconclusive, for whilst it is clear that there has been a reduction the level of ASB being reported over the last two years, it cannot be identified to what extent the DPPOs have contributed to that reduction. The introduction of the Orders, together with the publicity and consultation that accompanied them, might have had a positive effect on its

own and encouragingly, there is no evidence of the problems being displaced as might have been anticipated.

- 3.11 The requirement for the same level of community consultation to be undertaken before the revocation of a DPPO as there is to implement one might cause considerable community disquiet, out of proportion to the probable risk of any increase in alcohol-related ASB.
- 3.12 Although no budget allocation has been made to meet the unforeseen pressures in the current financial year arising from the cost of this consultation, this is unlikely to be a significant factor. It was previously estimated that the cost of consultation to implement one DPPO would be in the region of £400; although this proved to be a considerable over-estimate. If required, this would need to be the subject of a bid to the Thurrock Community Safety Strategy Group, in the first instance.
- 3.13 The introduction of the Community Protection Orders (CPOs), as part of the new ASB legislation in March 2014, will see the demise of DPPOs. All existing Orders will be automatically replaced by CPOs, which are time-limited. These require renewal every three years, or else they lapse.
- 3.14 A pragmatic option, therefore, would be to allow all eight DPPOs to remain in place, they will then convert in 2014 to CPOs and a view could then be taken about their effectiveness and the case for renewal or not as they approach the end of this initial period of three years.

4. REASONS FOR RECOMMENDATION:

- 4.1 On what is known at the moment, the recommendation outlined in Para 3.14 above has the advantage of not requiring any further action for the DPPOs to convert to CPOs, once the ASB legislation is enacted. Nor are there any further costs arising from the removal of them after the three year initial period as they will simply lapse.

5. CONSULTATION (including Overview and Scrutiny, if applicable)

- 5.1 All eighteen Councillors who have DPPOs in their Wards and the seven Chairs of Community Fora with DPPOs in their areas have been contacted and asked for their views and those of their local communities on the impact of these Orders.
- 5.2 Local police have provided the data on those ASB incidents recorded by them in relation to the relevant beats that cover the DPPOs. Additionally, the Borough Commander and operational patrol officers have provided their own observations on the assistance these Orders have had in combating alcohol-related ASB.

6. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

- 6.1 Maintaining an effective response to combating alcohol-related ASB effectively explicitly supports two of the Council's five Strategic Priorities.

These being to:

- **Build** pride, responsibility and respect to create safer communities – by Reducing crime, anti-social behaviour and safeguarding the vulnerable
- **Protect** and promote our clean and green environment – by ensuring Thurrock's streets and parks and open spaces are clean and well maintained

- 6.2 This also supports the Thurrock Community Safety Strategy, which has dealing effectively with ASB as one of the four key priorities.

7. IMPLICATIONS

7.1 Financial

Implications verified by: **Mike Jones**
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mxjones@thurrock.gov.uk

If the revocation of any/all of these Orders was sought, the costs associated with the required community consultation, as outlined in Para 3.11 above, would require a funding bid to the Thurrock Community Safety Partnership, as no budget provision for this unplanned expenditure has been made.

7.2 Legal

Implications verified by: **Chris Pickering – Principal Solicitor**
 Telephone and email: **01375 652 925**
chris.pickering@bdtlegal.org.uk;

This report outlines the use of statutory powers to reduce the effects of anti-social drinking in Thurrock. It notes the need to keep DPPOs in review and it is suggested that such reviews also consider proportionality as against identified problems. The report also notes new legislation in the near future which will change the name but will unlikely change the effect of these orders. It will be important to keep an eye on that legislation to see what changes to this regime are made.

7.3 Diversity and Equality

Implications verified by: **Samson DeAlyn**
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sdealyn@thurrock.gov.uk

These DPPOs only impact on those people aged 18 or over who, in a public place, are engaging in alcohol-related anti-social behaviour. This would not

have any significant equality implications as it would represent the exercise of statutory and legal powers. If they were not found to be justified, their removal would not have any undue implications.

7.4 Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental

DPPOs are intended to combat alcohol-fuelled anti-social behaviour. Where these are effective their removal would have a significant detrimental effect on local crime and disorder. Where the DPPOs are not seen to be effective, either by reduction or prevention of alcohol-fuelled anti-social behaviour, their removal would have not adverse effect on crime and disorder. However, the process of their removal, through community consultation, may generate concerns disproportionate to the actual threat of ASB.

BACKGROUND PAPERS USED IN PREPARING THIS REPORT (include their location and identify whether any are exempt or protected by copyright):

Guidance on Designated Public Place Orders (DPPOs): For Local Authorities in England and Wales. (November 2009)

ISBN: 978-1-84726-861-7

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