

4 January 2012		ITEM 4
Licensing Committee		
DESIGNATED PUBLIC PLACE ORDERS (DPPOs) – RESULTS OF PUBLIC CONSULTATION		
Report of: Jim Nicolson, Community Protection Manager		
Wards and communities affected: All Wards		Key Decision: Yes
Accountable Head of Service: Lucy Magill, Head of Public Protection		
Accountable Director: Jo Olsson, Director of People Services		
This report is Public		
Purpose of Report: To report the outcome of the public consultation regarding the proposed introduction of four Designated Public Place Orders (DPPOs) to cover the Flowers Estate, South Ockendon; the King George 5 th and Blackshots Playing Fields and Lodge Lane and the Dipping, Little Thurrock; Delafield Park, Little Thurrock; and the Village Green, Little Thurrock.		

EXECUTIVE SUMMARY

Following the decision of the Licensing Committee on 26 July, 2011, a public consultation programme has been undertaken, in line with the format of consultation used on previous occasions. The views of residents have been sought to complement the police and Council data previously reported.

Although there is no guidance on how long the consultation period should be, it was originally planned to run for four weeks from 21 November 2011 to 18 December 2011. However, in order to maximise opportunities for residents' views to be taken into account, this was extended by a further two weeks to 2 January 2012.

Consequently, this paper only details those responses received as of 21 December 2011. Details of all responses received will be presented to the Licensing Committee at its meeting on 4 January 2012.

The results of the consultation programme received so far have provided little additional evidence, when assessed with the police and Council data previously reported, to suggest that DPPOs would be a proportionate measure in any of the four areas under consideration. Residents have however, raised a number of concerns that police and Council staff need to respond to. However, DPPOs are not considered to be the appropriate response to them.

1. RECOMMENDATIONS:

- 1.1 It is recommended that no further work is carried out on the proposed implementation of the DPPO for the Flowers Estate, South Ockendon.**
- 1.2 It is recommended that no further work is carried out on the proposed implementation of the DPPO for the King George 5th and Blackshots Playing Fields and Lodge Lane and the Dipping, Little Thurrock.**
- 1.3 It is recommended that no further work is carried out on the proposed implementation of the DPPO for Delafield Park, Little Thurrock.**
- 1.4 It is recommended that no further work is carried out on the proposed implementation of the DPPO for the Village Green, Little Thurrock.**

2. INTRODUCTION AND BACKGROUND:

- 2.1 DPPOs were introduced by Section 13 of the Criminal Justice and Police Act, 2001 to respond to any nuisance or annoyance to members of the public, or a section of the public, or disorder, which is associated with the consumption of alcohol in that place. In practice this only applies to those aged 18 or over, as legislation already exists to deal with those under that age who are drinking alcohol and engaging in Anti-Social Behaviour (ASB).
- 2.2 The evidence required to support the introduction of a DPPO must demonstrate that there is an alcohol related nuisance or annoyance to the public in the proposed area(s) and that the problem would persist unless this measure was introduced and that DPPOs would be an effective response.
- 2.3 Evidence would include information from the Council, police and residents who have reported incidents of alcohol-related ASB or other disorder. This could include litter related to the consumption of alcohol (e.g. bottles and cans) as well as police information and residents' complaints. Police have monitored specifically all calls to the four areas for the duration of the consultation period, the results of which are included in Appendix "A".
- 2.4 At its meeting on 26 July 2011, the Licensing Committee agreed to undertake a consultation programme on the proposal to introduce four DPPOs covering:
 - The Flowers Estate, South Ockendon.
 - King George 5th and Blackshots Playing Fields and Lodge Lane and the Dipping, Little Thurrock.
 - Delafield Park, Little Thurrock.
 - The Village Green, Little Thurrock.
- 2.5 Following the belated response to repeated requests, confirmation was eventually received from the Home Office that DPPOs were not to be withdrawn in October 2011 as had previously been announced. A successful bid for £400 was subsequently made to the Thurrock Community Safety

Partnership on 10 November 2011 for funding to undertake a consultation programme, in accordance with Home Office guidance.

3. ISSUES AND/OR OPTIONS:

3.1 Once in place, the enforcement of DPPOs is exclusively a matter for police officers, rather than PCSOs or any Council staff. It follows that the successful implementation of them is wholly dependant on the willingness and capacity of local police to actually enforce them. The capacity of local police to enforce effectively more DPPOs, in the face of other demands and in the light of resource reductions, is therefore a key factor.

3.2 Home Office guidance on the procedure to be followed by local authorities in implementing a DPPO is very specific and includes the following:

“The provisions of the Criminal Justice and Police Act should not lead to a comprehensive ban on drinking in the open air. So it remains that Section 13 of the Act allows local authorities to designate areas for this purpose only where they are satisfied that nuisance or annoyance to the public or disorder have been associated with drinking in that place. It is for the local authority to be satisfied that public nuisance, annoyance or disorder has been associated with drinking in the area concerned and that a designation order under Section 13 is appropriate. Whether or not a designation order is appropriate will be a matter for local judgement, based on the circumstances applying.”

3.3 The guidance also states:

“It is the case that where there have been no problems of nuisance or annoyance to the public or disorder having been associated with drinking in that place, then a designation order under Section 13 would not be appropriate.”

3.4 The guidance gives further details of the consultation to be undertaken. This includes:

- The local police commander to seek the police view on the nature of the problem and the appropriateness of introducing the DPPOs.
- Notices should also be published in the local paper outlining the proposal(s) and seeking views.
- Any premises licence holder and club premises certificate holder.
- Where residential areas are proposed to be included to consult local residents.

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

4.1 The consultation programme closely followed that used previously in Thurrock, in line with the Home Office guidance as outlined in para 3.4. Although there is no guidance on how long the consultation period should be, it was originally planned to run from 21 November 2011 to 18 December 2011. However, in order to maximise opportunities for residents' views to be taken into account,

this was extended to 2 January 2012. The outcome of the consultation has produced the following results:

- 4.2 The local police commander, Chief Inspector Baxter, confirmed that police would continue to respond to all cases of ASB and to residents' concerns about ASB across the whole Borough. He was however, unable to commit to additional patrolling by officers if any of these Orders were put in place. Additional monitoring of police activity and any relevant incidents in the four areas has been undertaken and results will be reported to the Licensing Committee meeting on 4 January 2012.
- 4.3 Notices giving details of the four proposed DPPOs and inviting views were published in the Thurrock Enquirer on 17 November 2011.
- 4.4 A total of 27 letters were posted to all the premises with licences in or near the four areas and to their head offices where appropriate. In response to these, one phone call has been received. This referred to the Blackshots DPPO and offered no objections.
- 4.5 The views of residents have been sought through a number of formats. These include displaying posters at Council premises including the Civic Offices; Blackshots Leisure Centre; Thameside; local housing offices and libraries in the relevant areas; and in the police stations in Grays and South Ockendon. The posters gave details on how to respond by post, email and completion of an online questionnaire on the Council's website. Hard copies of the questionnaire have also been made available at these locations. Notices of the extended period of consultation have subsequently been displayed beside the posters.
- 4.6 An online questionnaire was set up on the Council's website and received 9 responses by 21 December 2011.
- 4.7 Three meetings with residents have been held, at which views regarding all four proposed areas were received. Hard copies of the questionnaire were distributed at each of these meetings.
- 4.8 No letters have been received. One email, from the Little Thurrock Forum was received.
- 4.9 The interim results of this consultation programme are attached at Appendix "A".

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

- 5.1 The introduction of DPPOs could be seen to address directly the Priorities regarding a safer, cleaner and greener environment and helping to build pride, respect and responsibility in Thurrock's communities and its residents.

6. IMPLICATIONS

6.1 Financial

Implications verified by: **Michael Jones**
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Some financial implications would inevitably arise if it was decided to implement any of these DPPOs. These are estimated to be in the region of £600 each. A bid to the Thurrock Community Safety Partnership secured £400 to cover the costs of the consultation process. A further bid may secure funding for the additional costs if any DPPOs were to be implemented, otherwise these costs would have to be factored into the directorate outturn position.

6.2 Legal

Implications verified by: **Alison Stuart**
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Before seeking to designate an area as a DPPO, a local authority should satisfy itself that the powers are not being used disproportionately or in an arbitrary fashion in the case of isolated incidents.

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

6.3 Diversity and Equality

Implications verified by: **Samson DeAlyn**
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The implementation of any of these DPPOs would impact on those people aged 18 or over who, in a public place, were engaging in anti-social behaviour having consumed alcohol. This would not have any significant equality implications as it would represent the exercise of statutory and legal powers.

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

ASB and the fear of ASB has a major impact on people's lives and any measure that may help to alleviate these problems would have a beneficial impact on the Council's responsibilities as defined by Section 17 of the Crime and Disorder Act 1988.

7. CONCLUSION

- 7.1 Home Office guidelines stipulate the need for clear evidence of an alcohol-related nuisance or disorder problem in order to justify the introduction of a DPPO.
- 7.2 The results of the consultation programme received so far have provided little additional evidence, when assessed with the police and Council data previously reported, to suggest that DPPOs would be a proportionate measure in any of the four areas under consideration. Residents have, however, raised a number of concerns that police and Council staff need to respond to. However, DPPOs are not considered to be the appropriate response to them.

BACKGROUND PAPERS USED IN PREPARING THIS REPORT:

- Criminal Justice and Police Act 2001.
- Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.
- Guidance on designated public place orders (DPPO's): for local authorities in England and Wales.

APPENDICES TO THIS REPORT:

- **Appendix A** Latest results of consultation.

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Appendix A

RESULTS OF CONSULTATION

The King George 5th and Blackshots Playing Fields and Lodge Lane and the Dipping, Little Thurrock

1. Online questionnaire – Two responses, both relate to under-18s and motorcycles. Complaints of beer cans and glasses dropped in play areas.
2. Written questionnaire – 3 replies relating to motorcycle, dog fouling and alcohol litter.
3. Letters – None.
4. Emails – None.
5. Public meeting – Friends of Blackshots (7 December 2011) – 14 attendees. Little direct evidence other than litter from Sunday football. Motorcycles a bigger problem. All in favour of DPPO.
6. Police – 7 ASB incidents - 8 stop checks, 2 alcohol related (both under 18).
7. Council – No incidents.

Delafield Park, Little Thurrock

1. Online questionnaire – One reference to beer cans and glass causing danger in play areas.
2. Written questionnaire – None yet.
3. Letters – None.
4. Emails – An email from the Little Thurrock Forum stated that it welcomed the extension to the consultation and supports any measures that may reduce ASB and glass bottles in the play areas at Delafield but residents are uneasy about the actual enforcement process.
5. Public meeting – Referred to at meeting for Village Green as a problem with youths drinking.
6. Police – No incidents – 3 stop checks, neither alcohol related.
7. Council – No incidents.

The Village Green, Little Thurrock

1. Online questionnaire – Two replies. Both regarding adults drinking, sometime till drunk, on benches and younger people drinking nearby. Some abuse when challenged. Cans and bottles frequently littering the area.
2. Written questionnaire – None yet.
3. Letters – None.
4. Emails – None.
5. Public meeting – St Mary's Church (23.11.11). Nine attendees. Adjacent to Village Green, so concerns re displacement into churchyard. Problem not as great as previous years, litter more of an issue than ASB, increasingly an under-18yr problem.
6. Police – No incidents – 2 stop checks, neither alcohol related.
7. Council – No incidents.

The Flowers Estate, South Ockendon

1. Online questionnaire – Four replies. Adult males drinking in play areas, intimidating others from using equipment. Binge drinking and noise at weekends, wheelie bins overturned. Cans and bottles frequently left, sometimes filled with urine.
2. Written questionnaire – None yet.
3. Letters – None.
4. Emails – None.
5. Public meeting – South Ockendon Community Forum (5.12.11). 24 attendees. Not seen as a big problem. More an issue with those under-18yrs. Chair of Neighbourhood Action Panel didn't see it as a big problem. No support for DPPO.
6. Police – 28 ASB incidents – 15 stop checks, 4 alcohol related (all under 18).
7. Council – No incidents.