

**TO: Licensing and Safety Committee
22 March 2012**

**DESIGNATED PUBLIC PLACE ORDER
Assistant Chief Executive**

1 PURPOSE OF DECISION

- 1.1 The Criminal Justice and Police Act 2001 enables local authorities to establish Designated Public Place Orders (DPPOs). These are public areas where it is an offence to drink alcohol after being required by a police officer not to do so. The police have the power to require an individual to surrender alcohol, whether the container is opened or sealed. Failure to comply is an arrestable offence for those over the age of 16 years old.
- 1.2 A Local Authority can make a DPPO in a public place if it is satisfied that a) that there is nuisance or annoyance to members of the public or a section of the public; or b) that there is, or has been, disorder associated with the consumption of intoxicating liquor in that place (except in licensed pubs and clubs).
- 1.3 Thames Valley Police (TVP) has requested that Bracknell Forest (BFC) put in place a DPPO within Bracknell Town Centre to provide police officers with extra powers to tackle the problem of anti-social behaviour and crime caused by street consumption of intoxicating liquor.

2 RECOMMENDATION

THAT THE LICENSING AND SAFETY COMMITTEE:

- 2.1 **NOTES THE REQUEST TO MAKE A DESIGNATED PUBLIC PLACE ORDER IN BRACKNELL TOWN CENTRE AND PASSES ANY OBSERVAIONS TO THE COMMUNITY SAFETY MANAGER**

3 REASONS FOR RECOMMENDATION

- 3.1 To support the Council's objective of creating a borough where people are safe and feel safe (MTO 8).

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 That BFC and TVP continue to target individual offenders through the use of tools such as Acceptable Behaviour Contracts (ABCs), Anti-Social Behaviour Orders (ASBOs) and traditional policing methods. However, using such tools has failed to tackle the wider issues so far. TVP do not believe that existing powers give them authority to deal with alcohol related ASB before it occurs but where it is suspected.

5 SUPPORTING INFORMATION

- 5.1 The Community Safety Partnership (CSP) Executive commissioned a feasibility study into establishing a DPPO for Bracknell town centre. That study is available on the BFC website.
- 5.2 Evidence from the feasibility study shows that:
- There are general positive feelings in the community both from the businesses and members of the public for a DPPO
 - There has been concern for a number of years that the benches in the town centre are being used as drinking areas
 - A number of individuals are persistent drinkers in the area and attract other people to openly consume alcohol
 - The Bus Station is an area where individuals who consume alcohol gather and residents, town centre users and staff report feeling intimidated
 - There is a general reporting that individuals who consume alcohol openly in the public areas are becoming louder and more aggressive
 - In the spring and summer months there is a particular problem of adult drinkers attracting young people who also drink in and around Jubilee Gardens
 - During last winter there had been a greater prevalence of drinking in public areas than in previous years
 - Since November 2009 there has been an increase in alcohol related crime in the Town Centre
 - Targeting persistent drinkers with alternative measures such as ABCs and ASBOs over the last few years has had some effect with individuals, but has not controlled the problems of more widespread and longer term problems.
- 5.3 The feasibility study contains evidence gathered from local businesses and members of the public since the initial discussion meeting in January 2010. A lot of evidence was collated during the first seven months of 2010 and is included in the study to demonstrate that this is not a new problem. The winter months always become quieter, so evidence-gathering began again in 2011 and is also included in the study, demonstrating that quiet winter months do not signal a cessation of the issues. The evidence portrays how nuisance-related consumption of alcohol in the town centre has been affecting the public. The study sets out an analysis of the problems within the town centre.
- 5.4 The Bracknell Town Centre Neighbourhood Action Group has anti-social behaviour and alcohol related crime among its priorities for 2011.
- 5.5 Bracknell Businesses Against Crime (B:Bac) have been requesting such an order for some time as some businesses suffer from alcohol related anti-social behaviour on a daily basis. A letter from the chairman of B:Bac is included in the feasibility study.
- 5.6 Implementing a DPPO would support all three of the objectives of the CSP Plan 2011-2014 which are:
1. Reduce Crime
 2. Reduce Anti-Social Behaviour
 3. Reduce Fear of Crime and Anti-Social Behaviour
- 5.7 The process for granting a DPPO would be as follows:

- Following approval from the Executive member for public protection, public consultation is required over a period of around 4-6 weeks.
- Following consultation, the Local Authority's intention to make a DPPO must be publicised in the local newspaper specifying the area to be designated, setting out the effect of the order, identifying any licensed premises which will be affected, indicating the date the order will take effect and inviting representations as to whether or not the order should be made. The order can only be made after 28 days of the notice being published. The 28 day period commenced on the 8 March 2012 with the publication of a formal notice in the Bracknell Standard.
- Once an order is made it must be publicised, and a copy sent to the Home Office.
- Appropriate street signage will be erected following consultation with the local highway authority.
- The order should be reviewed by the Council at least every two years.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The legal team has advised the ASB Co-ordinator throughout the process so far.

Borough Treasurer

- 6.2 Funding for the public consultation and the cost of signs if the DPPO is put in place should be secured from an ASB Grant.

Equalities Impact Assessment

- 6.3 Public consultation forms part of the statutory process for granting a DPPO

Strategic Risk Management Issues

- 6.4

Other Officers

- 6.5

7 CONSULTATION

Principal Groups Consulted

- 7.1 Public consultation will take place following approval from the Executive member to conduct the consultation. Other officers, groups or agencies that have been consulted are Bracknell Regeneration Partnership, the Town Centre Manager, the Anti-Social Behaviour Sub-Group, the CSP Executive and the BFC Licensing Team. Bracknell Town Council was briefed at their meeting on 6 March 2012.

Method of Consultation

- 7.2 Extensive consultation of the general public, the business community and Bracknell Town Council has already been carried out and this is evidenced within the feasibility study. There has been overwhelming support for the introduction of a DPPO. Further

public consultation is now taking place identifying the area to be designated which will include the use of news papers, BFC website and notices within the designated area for a period of 4 weeks before the order is made.

- 7.3 The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 instruct that the local authority must identify all licensed premises that sell or supply alcohol within the proposed DPP and draw their attention to the effect that a DPPO will have. The effect is that premises covered by a premises licence authorising the sale or supply of alcohol will only be prevented from falling within a designated public place when alcohol is being sold and supplied and for 30 minutes thereafter.

Representations Received

- 7.4 Bracknell Regeneration Partnership has expressed no objections to the implementation of a DPPO. The Town Centre Manager supports the Order in the light of other methods not completely solving the problem, and that business owners believe their businesses are affected. The ASB Sub-Group gave mixed views and there is no consensus from the group as to the appropriateness of a DPPO. Concerns were raised around civil rights, the success of DPPOs in other areas and the accountability of the police when using the power.

Background Papers

Criminal Justice and Police Act 2001

Bracknell Forest Feasibility Study

<http://www.bracknell-forest.gov.uk/designated-public-place-order-feasibility-study.pdf>

Contact for further information

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