



CABINET REPORT

Report Title	BOROUGHWIDE DESIGNATED PUBLIC PLACES ORDER - CONSUMPTION OF ALCOHOL
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	4 February 2009
Key Decision:	YES
Listed on Forward Plan:	YES
Within Policy:	YES
Policy Document:	NO
Directorate:	Culture & Environment
Accountable Cabinet Member:	Councillor Brendan Glynane
Ward(s)	All wards

1. Purpose

- 1.1 The purpose of this report is for Cabinet to note the outcome of the public and statutory consultation undertaken to establish the need for a Borough wide Designated Public Places Order for Northampton (DPPO) and Gauge public opinion on the proposal.

2. Recommendations

- 2.1 That Cabinet recommends to full Council to adopt a Designated Public Place Order (DPPO) for the Borough of Northampton and exercise its powers under section 13, Criminal Justice and Police Act 2001 ("the Act").

3. Issues and Choices

3.1 Report Background

- 3.1.1 This report is a follow up report to that was heard at Cabinet on 5 November 2008.
- 3.1.2 The Criminal Justice and Police Act 2001 enables the establishment of an alcohol control area otherwise known as a designated public places order (DPPO) in any area of a local authority if it is satisfied that nuisance or annoyance to members of the public or disorder has been associated with the consumption of alcohol in that place. A number of local authorities (e.g. Coventry, Ipswich, Crawley, Sandwell and Brighton) have used this to establish borough wide DPPO's in order to deal with issues of displacement of nuisance and street drinking. The aim of the Order is to reduce alcohol related anti social behaviour.
- 3.1.3 The establishment of an alcohol control area (DPPO) throughout Northampton will not prohibit drinking in public places but will give the police and other designated officers the power to confiscate alcohol from anyone who is causing a nuisance in a public place and to prosecute and fine individuals who refuse to stop drinking in public when requested. The power to establish an alcohol control area (DPPO) lies with the Council.
- 3.1.4 The Council can designate any area as a Designated Public Place if that area is:
- (1) Accessible to the public (whether as of right or by express or implied invitation; AND
 - (2) An area where it is satisfied that nuisance or annoyance to the public or disorder has been associated with the consumption of alcohol in this area.
- 3.1.5 It is not an offence to drink alcohol in a Designated Public Place, but it is an offence for someone to
- (1) Drink alcohol in the designated public place if a police constable or community support officer requires them not to.
 - (2) Fail to surrender of alcohol or an alcohol container if a police constable or community support officer requires them to.
- Fixed Penalty Notices may be used to enforce this law.
- 3.1.6 According to Home Office guidance, the Order is not intended to lead to a comprehensive ban on drinking in the open air and should only be used where authorities are satisfied that the nuisance and disorder have been associated with drinking in a public place. The Local Authority must be satisfied that the order is not being used disproportionately or in an arbitrary fashion.
- 3.1.7 An Order is not intended to impact upon those people or families conducting themselves in a considerate and orderly manner whilst enjoying a social drink in a public area or park.
- 3.1.8 Local authorities must consider the extent of the problem and the likelihood of the anti-social behaviour continuing if an order is not made.
- 3.1.9 A DPPO empowers the police to seize alcohol that is being consumed in public places when its consumption is associated with anti-social behaviour. It

would be an offence to consume alcohol in a public place when asked by a police officer or an accredited police community support officer or accredited Neighbourhood Wardens not to do so. Any breach of this requirement would be punishable by a fine of up to £500 following conviction in the Magistrates Court (this fine is to be increased to a maximum of £2,500, timeline not known). It is noted that it would only be an offence to drink alcohol in a designated public place when such consumption was associated with acts of anti-social behaviour.

3.1.10 The restriction on public drinking will not apply to any premises or area covered by a license allowing the consumption of alcohol, for example, the premises of licensed houses, clubs or restaurants, beer gardens and can allow for other exemptions such as carnivals.

3.1.11 The final decision on this area needs to be via full council and a further report will be taken to full council with Cabinet's approval as appropriate.

The Consultation Process:

3.1.12 During November and December 2008 the following actions were undertaken to meet the statutory consultation requirements of The Local Authorities Alcohol Consumption in Designated Public Places Regulations April 2007 3.(1):

1) A consultation letter was sent to:

- Northamptonshire Chief Constable
- NBC Events Team
- Daventry District Council, South Northants Council, Borough of Wellingborough Council, Northamptonshire County Council
- Duston, Billing, Collingtree, Great Houghton, Hardingstone, Upton, Wootton & East Hunsbury Parish Councils.
- Licensed Premises Holders (540)
- Northamptonshire Police Authority
- Northamptonshire Primary Care Trust
- Northamptonshire County Council Highways
- All NBC Councillors

2) Consultation letters were distributed to the public through:

- NBC One Stop Shop
- NBC 'Live News'
- Dentists, Doctors, Opticians
- Pharmacies
- Libraries
- Post Offices
- Resident Associations
- Leisure Centres
- Bus Station
- Railway Station
- Community Centres
- Unity School – Polish Community
- Polish Shops

3) Consultation was available via the structures of:

- NBC Website
- Local Area Partnerships (6)
- Northampton Borough Council Forums (4)
- Northampton Association for the Blind Talking Newspaper

4) Public awareness was raised through:

- Chronicle & Echo
- Herald & Post
- Northants 96.6 Radio
- BBC Radio Northampton

Consultation Findings:

3.1.13 A total of 510 questionnaires were received. Analysis of the questionnaire is attached in Appendix 1. Notably 70.39% of respondents had experienced alcohol related anti social behaviour in Northampton in the last twelve months and 90% support the proposal to implement a Borough wide order.

3.1.14 A summary of the representations made, both positive and negative, has been produced and is attached in Appendix 2.

3.1.15 The postcode of the location of the alcohol related anti social behaviour was collected and used to plot a map to show where alcohol related antisocial behaviour is occurring and this is reproduced in Appendix 3. This is further supported by a map, Appendix 4, of areas that have been subjected to Dispersal Orders in the past. The maps clearly show that the problem is widespread across the town. However the areas of Great Houghton and Brackmills are showing no evidence of alcohol related anti-social behaviour.

3.1.16 Responses have been received from Daventry District Council and The Borough Council of Wellingborough. Wellingborough are supportive of the order and have no concerns. However, Daventry District Council have flagged up concerns about the possibility of displacement to neighbouring boundary villages. This was already highlighted with the police and they have responded that the SCT's responsible for the Daventry side will be appropriately briefed and will respond to address any displacement issues using the powers available to them.

3.2 Issues

3.2.1 Consideration has been given to placing a DPPO on specific hot spot areas, however, due to the geographical lay out of the town, displacement of the problem is a key concern. Added to this the hot spot areas that have been identified are not contained within one particular area but are in various locations across the town.

3.2.2 Police figures for 2007/8 have shown 154 complaints specifically regarding anti social behaviour related to street drinking and 18,136 complaints of rowdy or inconsiderate behaviour. On further analysis of this it is not specifically related just to the Town Centre night time economy but spread across all four sectors of the town. To further support these figures a recent Neighbourhood

survey undertaken in the 6 key areas of the town has shown that 32% of respondents saw people drinking in public places as a problem. This was only superseded by parents not taking responsibility for their children, teenagers hanging around street corners and rubbish / litter issues. Northampton currently holds 15 Criminal Anti Social Behaviour Orders (CRASBO's) relating to alcohol, these are across a wide age range. Additionally there are 5 other CRASBO applications pending.

3.3 Choices (Options)

3.3.1 Remain as we are and do not implement a DPPO in any further areas. Utilise existing powers available to the Police and increase/improve education and work on prevention around alcohol. This however will not provide the Police and designated officers with the full compliment of powers to tackle those cases of alcohol related anti-social behaviour that a DPPO would address.

3.3.2 It is proposed that it is in the best interests of the residents and visitors of the town that an Order be made which designates the whole of the Borough Council's area as being subject to an Order. This means that the benefits of an Order will be felt by the whole of the local community; it will make policing the areas easier and more consistent and will prevent the problem of displacement drinking.

3.3.3 Implement an Order but exclude the areas Great Houghton and Brackmills from the designation process as they have shown no reported incidents of alcohol related anti-social behaviour.

4. Implications (including financial implications)

4.1 Policy

4.1.1 The restriction of the consumption of alcohol in public will support a reduction in alcohol related nuisance, disorder, antisocial behaviour, litter, street fouling and public perceptions of fear that will enhance the achievement of a Safer, Greener and Cleaner Northampton, elements of the 2008-11 Corporate Plan.

4.1.2 Under Section 17 of the Crime and Disorder Act 1998, Northampton Borough Council has a statutory duty to 'exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent crime and disorder'.

4.1.3 Section 2 of the Local Government Act 2000 empowers a Local Authority to do anything which it considers likely to achieve any one or more of the following:

- The promotion or improvement of the economic well-being of their area,
- The promotion or improvement of the social well-being of their area, and
- The promotion of improvement of the environmental well-being of their area.

4.1.4 The Crime and Disorder Act 1998 places a statutory duty on all local authorities to work in partnership with statutory, non-statutory, community and voluntary agencies to develop and implement strategies for tackling crime and disorder.

4.1.5 Visitors, residents and businesses of Northampton should be able to enjoy the benefits of a vibrant town without having to endure the disorder caused by the behaviour of any people intoxicated by alcohol.

4.1.6 This report supports the contents of the Northampton Borough Council Anti-Social Behaviour Policy 2008-2011.

4.2 Resources and Risk

4.2.1 £12,500 Home Office funding for tackling violent crime will cover costs for consultation, advertising and signage.

4.2.2

Risk	Action
Displacement of ASB/Crime to other areas	Evidence is that displacement occurs only when there is a licensed premises or somewhere to congregate. By covering the Borough of Northampton, the risk of displacement is minimised.
Misunderstanding by the public – belief that it means a wholesale ban	Publicity has and will continue to spell out that only anti-social drinking is to be controlled

4.3 Legal

4.3.1 The Criminal Justice and Police Act 2001 (Sections 12-16) introduced provisions for combating alcohol related disorder. The implementation of Designated Public Place Orders must comply with the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001.

4.3.2 The process of making an Order is subject to specific legislation and the Borough Council's legal team will be advising on the process to ensure all legal duties are discharged.

4.4 Equality

4.4.1 An Equality Impact assessment has been carried on the NBC Anti-Social Behaviour Policy 2008-2011, to which this report is linked, and there are no known equality and diversity implications.

4.4.2 The Order will disproportionately affect street drinking populations the majority of whom are white British males. However, the Street Drinker Outreach Worker was created in April 2002 to provide referral support to street dwellers that are dependent on alcohol. Funding for this project is mainstreamed. NAASH (homeless shelter) are considering providing an indoor room in Acorn House, currently a 'dry-house', where its clients can have a drink. This project is currently in the consultation stage.

4.4.3 The Order will enhance the quality of the lives for those people living in Northampton who do not consume alcohol either through choice or for cultural or religious reasons.

- 4.4.4 A reduction in the number of people appearing drunk on the streets of Northampton will reduce alcohol induced tensions and the consequent incidence of conflict. This will have a reducing effect on the number of recorded episodes of ethnic or diversity related incidents.
- 4.4.5 The Order will contribute to reducing the visible prevalence and acceptability of the consumption of alcohol thereby contributing to alcohol reduction education campaigns. This will promote healthier lifestyles and life-potential achievement for children and young people.
- 4.4.6 Moving the consumption of alcohol from public places into homes may increase the risk of harm to the partners or significant others of those with alcohol problems who regularly drink outdoors. However, a reduction in alcohol may also contribute to safer home environments for some women.
- 4.4.7 Training and monitoring will ensure that young people are not disproportionately targeted.

4.5 Consultees (Internal and External)

Portfolio Holder	Northampton Borough Council
Interim Director	Environment & Culture, NBC
Head of Public Protection	Northampton Borough Council
Partnership Director	Safer Stronger Northampton Partnership
Crime & Disorder Team Leader	Northampton Borough Council
Manager, Finance Department	Northampton Borough Council
Solicitor, Legal Services	Northampton Borough Council
Town Centre Manager	Northampton Borough Council
Community Safety Sergeant	Northampton Police

Safer Stronger Northampton Partnership Board Members

4.6 How the Proposals deliver Priority Outcomes

The proposals in this report support the NBC Corporate Priorities to '*achieve safer, cleaner, greener, communities*' and to '*strengthen our commitment to partnership working and community engagement for better outcomes*'. They also are in line with our Service Objectives to help our communities to become safer by '*reducing the fear of crime and reducing anti-social behaviour*' and supports LAA outcome SSC2B to '*build respect, reduce the fear of crime and the impact of anti-social behaviour*'.

The proposals also fully support the aims and objectives contained within the Northampton Borough Council Anti-Social Behaviour Policy 2008-2011.

4.7 Other Implications

- 4.7.1 The objectives of the order and proposed joint work to address the issue of anti-social public drinking are to:
 - a. Provide additional powers to police to deal with persistent drinking in public places and alcohol related anti-social behaviour.
 - b. Give a clear message that alcohol related anti-social behaviour is unacceptable, consistent with priorities of the Safer Stronger

Northampton Partnership and the Governments 'Tackling Violent Crime Programme'.

- c. Contribute to the range of actions, which are being undertaken to reduce violent crime in public places, and to reduce the fear of crime and improve the quality of life for residents and visitors.
- d. Work pro-actively with partner agencies and the community to offer alcohol related education, support services and environmental improvements in order to sustain positive changes.

Monitoring:

4.7.2 **The** Community Safety Team is monitoring the management of the project. If an Order is made, the effectiveness of the Order will be monitored by the partner organisations under the direction of the Safer Stronger Northampton Partnership.

Signage

4.7.3 Locations for signs have been identified and are currently with Highways and Town Centre Manager, as appropriate, for approval. The guidance issued by the Home Office states that signs should be erected as felt appropriate. Gateways to the borough and hot spot areas have been identified with additional signs in store for future use. This has been done in consultation with the police, Highways and Neighbourhood Wardens.

4.7.4 Consultation will be undertaken with the Borough Conservation Officer where signage is being recommended for sensitive historic areas.

5. Background Papers

5.1 Criminal Justice and Police Act 2001

Crime & Disorder Act 1998

Statutory Instrument 2007 No. 806 The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007

Cabinet Report Dated 5 November 2008 requesting approval to go out to public consultation for Borough wide DPPO

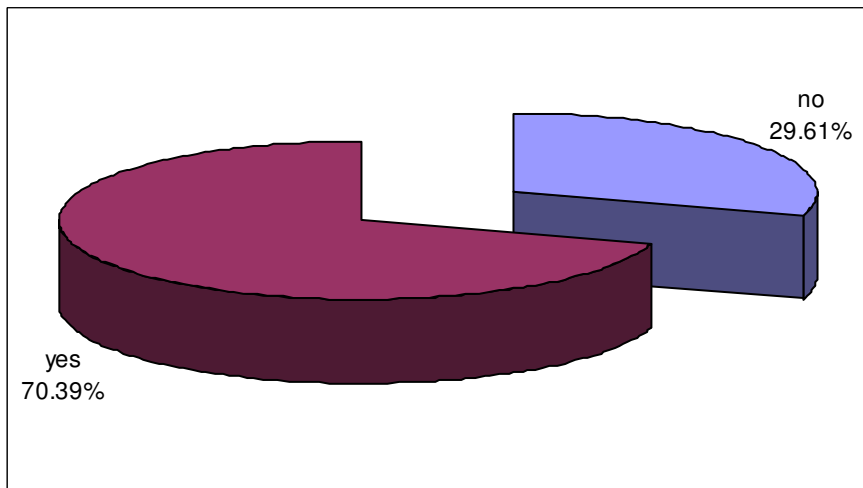
Debbie Ferguson
Community Safety Manager
Ext: 8731

APPENDIX 1

Please note that percentages shown are representative of responses received.

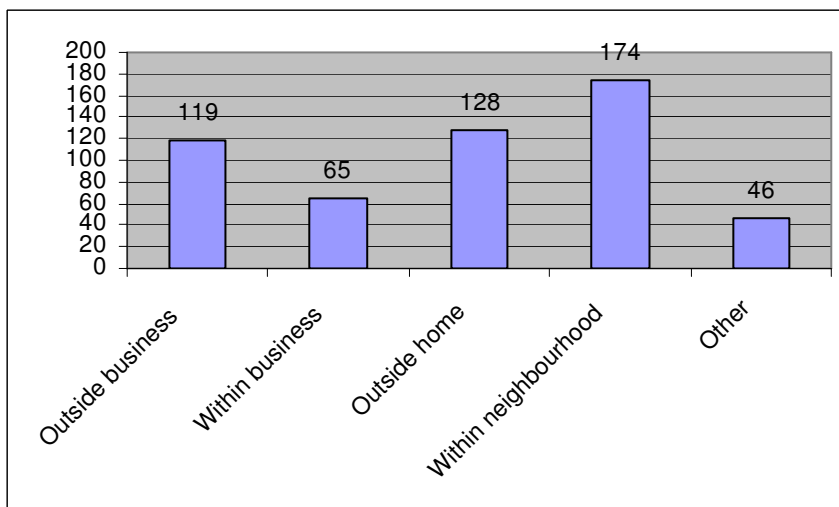
1. Have you experienced alcohol related anti social behaviour in Northampton within the last 12 months?

Yes	359	70.39%
No	151	29.61%



2. If yes, where did you experience it?

Outside your business / licensed area?	119	23.33%
Within your business / licensed area?	65	12.75%
Outside your home?	128	25.10%
Within your neighbourhood?	174	34.12%
Other area?	46	9.02%



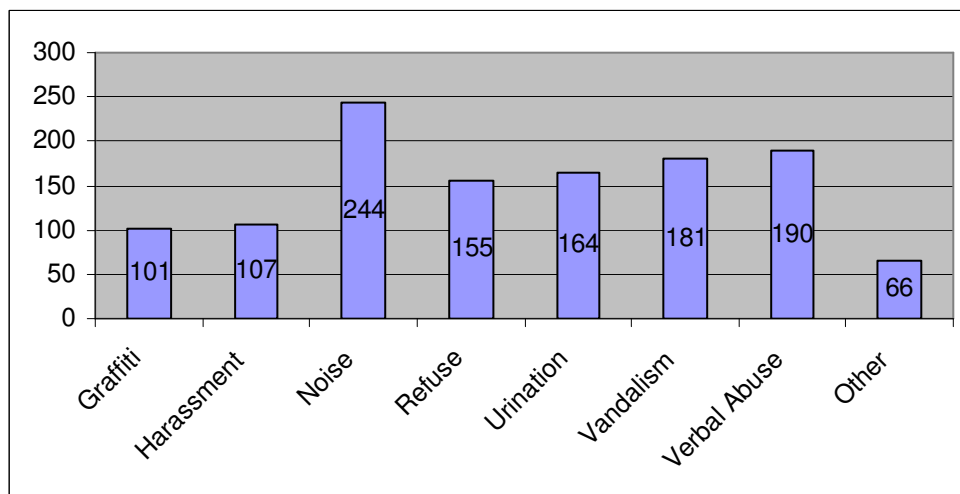
Where people had indicated 'other' the town centre was mentioned a total of 12 times. Other areas were:

- Abington Park
- Aldi / Iceland car parks

- Billing Road Cemetery
- Blackthorn Local Centre
- Canal area
- Community centres
- Delapre Abbey area
- Football ground
- Holy Sepulchre church yard
- Links View bus shelters
- Lumbertubs Shops
- Maple Centre
- Mosque on St George's Street
- Mounts and Danes Camp leisure centres
- Nene Valley Service area
- Outside Northampton General Hospital and Three Shires Hospital
- Racecourse
- Shops on Harborough Road, Kingsthorpe
- Sixfields – especially football stadium
- Sol Central / Marefair
- St James local shops
- Wellingborough Road
- Weston Favell Shopping Centre area

3. What type of anti social behaviour was it?

Graffiti	101	19.80%
Harassment	107	20.98%
Noise	244	47.84%
Refuse	155	30.39%
Urination	164	32.16%
Vandalism	181	35.49%
Verbal Abuse	190	37.25%
Other	66	12.94%



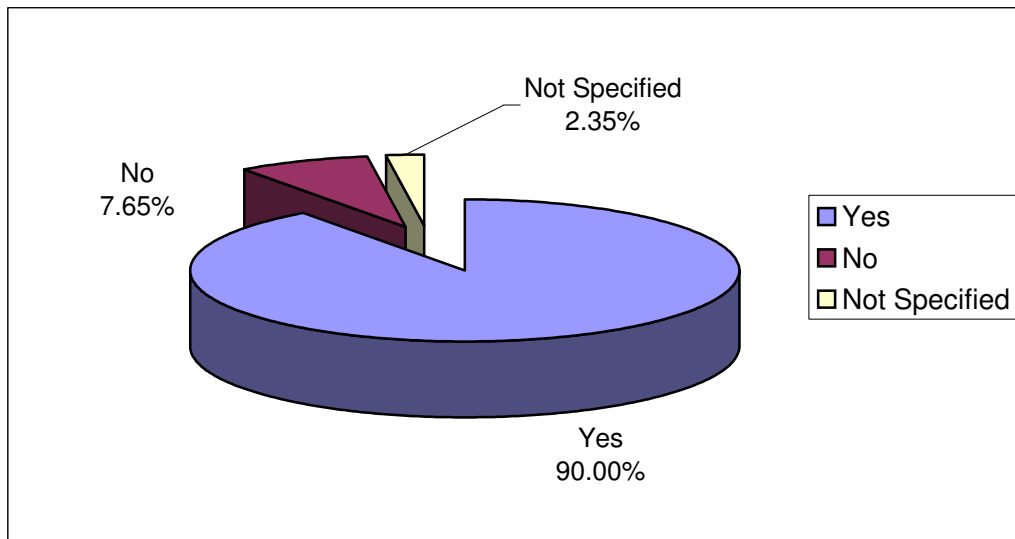
'Other' types of anti social behaviour mentioned were:-

- Arson

- Begging
- Drug dealing
- Faeces
- Fighting
- Genuine customers being deterred from entering business premises
- Racism
- Rowdy behaviour
- Violence
- Vomiting

4. Do you support the proposal for a borough wide DPPO?

Yes	459	90.00%
No	39	7.65%
Did not specify	12	2.35%



APPENDIX 2

SUMMARY OF REPRESENTATIONS MADE DURING CONSULTATION

Supportive Comments from Local Businesses

Businesses highlighted that they had been recipients of alcohol related anti-social behaviour. A number had been a victim of verbal abuse, threatening behaviour, criminal damage, littering and arson. In some responses it was reported that individuals under the influence of alcohol were using the area as a public toilet.

In general it was felt that the implementation of a DPPO would provide the Police with more control.

“Any increase in the control of anti social behaviour within the borough has got to be a step in the right direction as we are constantly dealing with alcohol related incidents in and around our premises.”

Supportive Comments from Residents

As with business, residents have been victims of a wide range of alcohol related anti-social behaviour of a similar nature. The majority in favour indicated that an increase in powers for the police was required. Notable comments were:

“It will make Northampton a better, safer and more friendly place for us all. It will make it a better place for visitors.”

“Alcohol related anti social behaviour is a problem and needs to be stopped. Why should a small percentage of irresponsible people spoil everybody’s enjoyment.”

Supportive Responses with Reservations

Some of the supportive comments received did highlight reservations specifically around the enforcement of the DPPO:

“Provided the powers are used only when anti social behaviour is being exhibited this power will make the public feel safer on the streets and the perception of feeling safer is paramount to encouraging all age groups to venture onto the streets both day and night which will ultimately lead to our streets being actually safer.”

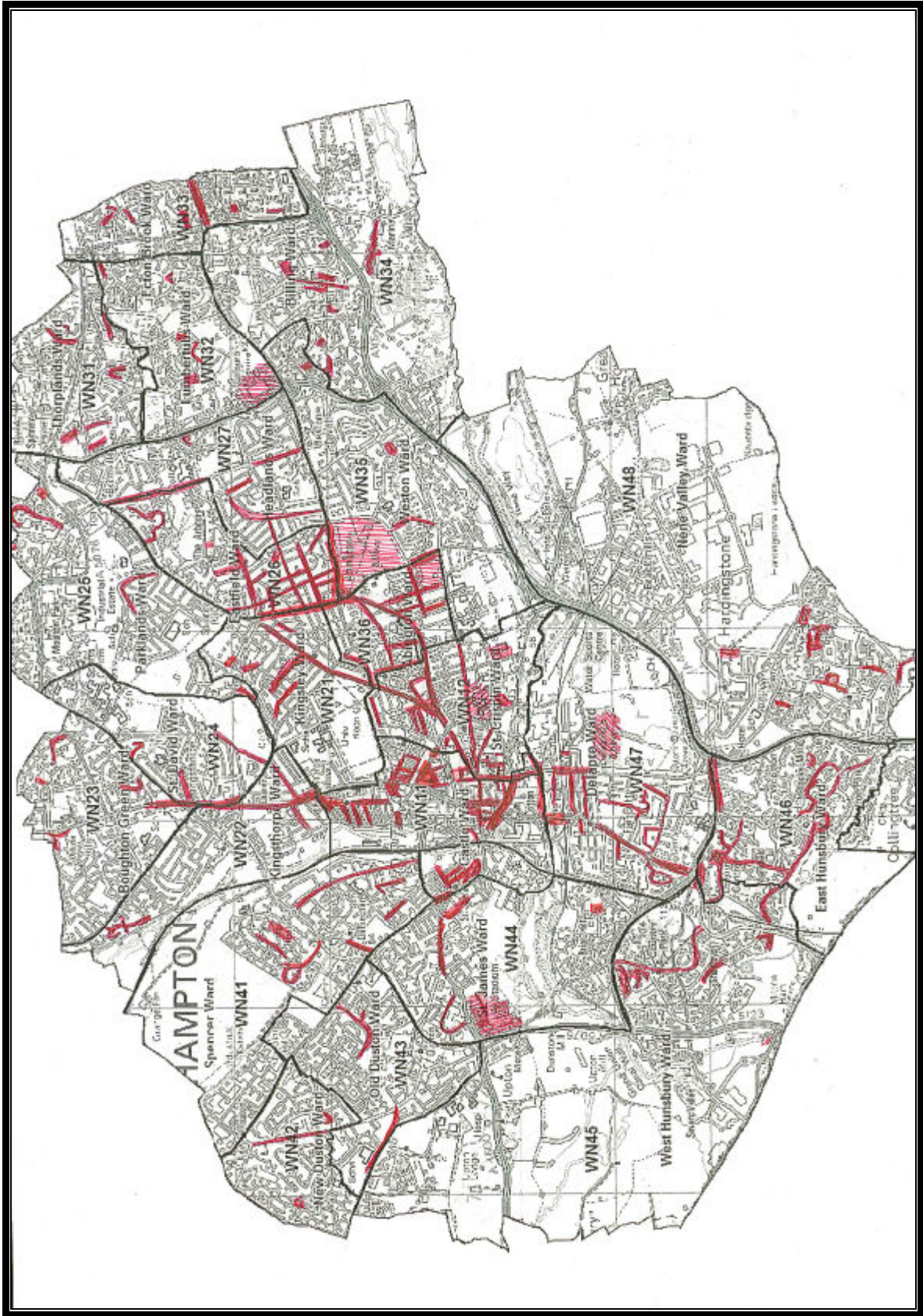
Negative Responses Received

The majority of people opposing the implementation of a DPPO felt that the police already had powers to tackle alcohol related anti-social behaviour. Some respondent’s felt a DPPO was too heavy handed and an infringement of basic liberties. There was a misconception about how the DPPO would be used and the impact it would have.

“I believe that this would be used to introduce a blanket ban on drinking out doors, I do not believe there is a problem with anti social behaviour associated with drinking outdoors. I think this would be too heavy handed.”

APPENDIX 3

Map of reported incidents of alcohol related anti social behaviour – data from survey



APPENDIX 4

Map of Dispersal Orders in the borough from February 2004 to date

