

Designated Public Places Order – Derby City Centre (Castleward Area)

SUMMARY

- 1.1 The proposal is to make a Designated Public Places Order (DPPO) for the Castleward area of Derby City Centre.
- 1.2 The DPPO will, if approved, restrict anti-social drinking of alcohol in public places and give the police much greater enforcement powers, including the power of arrest.

RECOMMENDATION

- 2.1 To approve the introduction of a DPPO in respect of the public places listed in Appendix 2 and shown on the plan at Appendix 3.
- 2.2 To authorise the Director of Legal and Democratic Services to make the DPPO and make arrangements for it to be advertised in a local newspaper and for signs to be erected in the designated area.

REASONS FOR RECOMMENDATION

- 3.1 To introduce measures to tackle anti-social behaviour in the area

SUPPORTING INFORMATION

Effect of Designation

- 4.1 The effect of a DPPO is that the police will have the power to require a person in the designated area not to drink alcohol where a police officer reasonably believes that the person is or has been consuming alcohol, or intends to consume alcohol. The officer can also require the person to surrender any alcohol, including alcohol in sealed containers. Failure to comply with the officer's request, without reasonable excuse, is an arrestable offence.

Criteria for Designation

- 4.2 The law is not intended to lead to a complete ban on drinking alcohol in a designated area but rather to restrict drinking which is associated, without reasonable excuse, with nuisance or annoyance to the public.
- 4.3 Before making a DPPO a local authority should be satisfied that public nuisance, annoyance or disorder has been associated with public drinking of alcohol in the area concerned and that a DPPO is appropriate.

Consultations with the Police

- 4.4 The Police have been consulted on the proposed DPPO and a copy of the response from the Safer Neighbourhood Sergeant for the city (which is endorsed by the local Area Inspector) is attached as Appendix 4. In fact, it was the local Area Inspector who requested the Safer Neighbourhood Sergeant to initiate the introduction of the DPPO and the Safer Neighbourhood Sergeant confirms in his response to the consultation that the reason for this was 'to close the gaps in the existing DPPO and by a policy of enforcement to force street drinkers further out of the City Centre.' According to the Safer Neighbourhood Sergeant 'a new DPPO would force [street drinkers] into the Pride Park area, where there are no off-licence type premises for them to buy their beer, or southwards to such an extent that it would displace them entirely from the City Centre. I believe that the DPPO would be of great benefit in dealing with the street drinker problem and would lead to a reduction in anti-social behaviour'

Others Consultees

- 4.5 In addition to consulting the Police, before making a DPPO the Council must also:
- consult premises licence holders, club premises certificate holders or premises users, as appropriate, which it considers may be affected by the designation; and
 - take reasonable steps to consult the owners and occupiers of any land which would be included in the DPPO.
- 4.6 Letters of consultation have therefore been sent to relevant premises licence holders and various private landowners.
- 4.7 The Council have received the following responses to this consultation:
- The Derby West Indian Community Association have confirmed they will make their patrons aware of the DPPO as and when it comes into force; and
 - An owner-occupier of a property at Leeds Place highlighted problems with anti-social behaviour by street drinkers at Francis Thompson Walk and, following a further consultation, the Police have also endorsed the inclusion of this area within the proposed DPPO.

Public Notices

- 4.8 A public notice advertising the proposed order was published in the Derby Telegraph on 3 September 2013 (Appendix 5). No representations were received.

Next Steps

- 4.9 Before a DPPO can take effect the Council have to publish a further notice in a local newspaper and erect signs warning of the effects of the DPPO to ensure the public are made aware of the restrictions upon drinking alcohol within the DPPO.
- 4.10 The Police, together with the Council's Planning, Highways and Parks Officers and the Council's street lighting contractor, Balfour Beatty, have all been consulted on the location of the proposed signs, most of which will be affixed to lamp-posts within the designated area.

OTHER OPTIONS CONSIDERED

- 5.1 None

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Diane Whittaker Sue Gill Elaine Inns Alex Ward Janie Berry Craig Keen
For more information contact: Background papers: List of appendices:	Diane Whittaker 01332 643581 diane.whittaker@derby.gov.uk None Appendix 1 – Implications Appendix 2 – List of streets/land to be included in DPPO Appendix 3 – Plan of proposed designated area Appendix 4 – Response from Derbyshire Constabulary Appendix 5 – Public Notice in Derby Evening Telegraph

IMPLICATIONS

Financial and Value for Money

- 1.1 The cost of advertising the proposed DPPO to date is £561.89. It is estimated that a further sum of approximately £600.00 will be spent on advertising if the designation is approved. It is also estimated that the signs will cost approximately £240.00 to order and attach.
- 1.2 The Community Safety and Public Protection Manager has already provided £4,000.00 from his budget to finance this project. There are still funds available in this budget to cover any additional costs which may accrue.

Legal

- 2.1 Sections 12-16 of the Criminal Justice and Police Act 2001 (as amended by the Violent Crime Reduction Act 2006) give local authorities the power to introduce a Designated Public Places Order and the designation procedure is set out in the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.
- 2.2 The procedures set out in this report comply with the 2007 Regulations.

Personnel

- 3.1 None

Equalities Impact

- 4.1 None

Health and Safety

- 5.1 None

Environmental Sustainability

- 6.1 None

Property and Asset Management

- 7.1 None

Risk Management

- 8.1 None

Corporate objectives and priorities for change

- 9.1 This report supports the corporate objectives of being safe and feeling safe and good health and well-being.

