

REPORT TO: EXECUTIVE

DATE: Monday 13th September 2004

REPORT OF: Penny Schofield, ASB Unit Solicitor and
Julia Wickson, Head of the Chief Executive's Office

SUBJECT: "DESIGNATED PUBLIC PLACES ORDER TO BAN
STREET DRINKING" AND DEAL WITH ALCOHOL
RELATED ANTI-SOCIAL BEHAVIOUR

1. PURPOSE OF THE REPORT

1.1 The purpose of this report is to:

- Consider the new measures that are available to restrict anti social drinking in public places.
- Obtain approval to proceed to the consultation stage for a Designated Public Places Order to ban street drinking either in certain areas or throughout the city.
- Highlight the wider implications of such a ban and the enforcement strategy required.

2. RECOMMENDATIONS

2.1 It is recommended that:

- (i) Provisional approval is given to proceed to a Designated Public Places Order (DPPO) for identified locations with Portsmouth. (The DPPO makes it an offence to drink alcohol after being requested by a Police Officer not to do so and gives subsequent powers to police officers to request the surrender of alcohol and make an arrest if the drinker refuses to do so after the request has been made).
- (ii) The Chief Executive be delegated authority to take all necessary actions to bring the Order into effect following the publication of a "Notice of Intention" to make such an order in a local newspaper and a 28 day period for receipt of representations. A final report will then be submitted to the Executive to consider making the Order by affixing the Council seal. (The Crime and Disorder Unit will take forward actions as necessary).

- (iii) Approval is given to the objectives of the Designated Public Places Order.
- (iv) Funding is identified to enable the designation to be effective (estimated cost between £15,000 and £20,000). The existing Crime and Disorder budget does not have provision for this work. It is recommended that some part of this cost is sought from our statutory partners, the police and P.C.T.

3. THE OBJECTIVES OF THE DESIGNATED PUBLIC PLACES ORDER

3.1 The objectives of the order and proposed joint work to tackle the problem are to:

- Provide additional powers to police (key partners in the safer Portsmouth Partnership) to deal with persistent street drinking and alcohol related anti-social behaviour
- Reduce disturbances in public places that are alcohol related
- Reduce drunkenness in public places
- Give a clear message about the unacceptability of anti-social behaviour, consistent with the priorities of the Safer Portsmouth Partnership
- Contribute to the range of actions which are being delivered to reduce violent crime in public places (largely alcohol related), to reduce fear of crime and improve the quality of life for residents and visitors to the city
- Contribute to the range of actions which are being delivered to reduce alcohol misuse
- Reduce the numbers of street drinkers and hotspot areas through combining enforcement with outreach services
- Recommend environmental improvements in order to sustain the positive changes, particularly in hot spot areas

4. BACKGROUND INFORMATION

4.1 The Criminal Justice and Police Act 2001 introduced the power for Local Authorities to designate public places in which it will become an offence to drink alcohol after being requested by a Police Officer not to do so. The Police will have the power to require the surrender of alcohol and containers

in these circumstances and those who fail to comply will be liable to arrest. The mechanism for such a ban is a 'Designated Public Places Order'.

4.2 Open Public Place Street drinking in Portsmouth is of a major and consistent public concern and the anti social behaviour that arises from it contributes to the fear of crime, as well as "turning off" those areas for more general public use. The effect in itself, can be a catalyst for further deterioration of an area and for an increasing incidence of serious crimes. Tackling street drinking and anti social behaviour is therefore a priority for the Council and for the Safer Portsmouth Partnership.

4.3 The rate of alcohol consumption in Britain is steadily rising having reached its highest level since 1900s. Of particular concern is binge drinking being it in licensed premises, in peoples' own homes or on the street.

4.4 The annual cost of alcohol related crime and public disorder nationally has been estimated at £7.3bn resulting from 1.2m incidents of alcohol related violence. 47% of victims of violent crime believed their attacker to be under the influence of alcohol.

POLICE DATA

4.5 The Police have provided a report on alcohol related offences. They have examined the number of assaults, public order and damage offences experienced in Portsmouth from 1st January to 9th June 2004. This enabled them to identify hotspots and current trends.

4.6 In order to identify the current hotspots the police looked at their records and produced a list of streets within Portsmouth that have experienced three or more alcohol-related offences between the relevant time period. This showed the following top 10 hot spots:

- South Parade
- Guildhall Walk
- Gunwharf Quays
- Commercial Road
- Palmerston Road
- Clarendon Road
- Albert Road
- Allaway Avenue
- Fratton Road
- Kingston Road

4.7 South Parade and Guildhall Walk areas have been highlighted as experiencing the highest number of assault and public order offences (alcohol related) within the city. Whereas the area for the highest number of alcohol related criminal damage matters was Fratton Road.

4.8 The police data supports the following conclusions:-

- The number of offences caused by the offender being under the influence of alcohol has increased since 2003/2004
- Assaults (alcohol related) have occurred more than Public order and damage offences during this period
- South Parade and Guildhall Walk have experienced the highest number of assault and public order related incidents
- Fratton Road accounted for the highest number of damage alcohol related incidents

4.9 The peak day for offences to occur is on a Saturday followed by a Sunday and Friday between the hours of midnight and 3.30 a.m. Many of these incidents relate to binge drinking.

4.10 In relation to known street drinkers, it is noted that:-

- It is believed that there are approximately 20 - 30 individuals who are on the streets of the city at any one time. The group contains both transient and local drinkers
- Street drinkers are not necessarily homeless
- There have been recent reports of children being part of street drinking groups
- Street drinking results in broken bottles and cans on the roadside, pavements and public play areas
- Bottles are often used as weapons particularly in the entertainment areas of Portsmouth

5. THE LEGAL IMPLICATIONS

5.1 Section 13 of the Criminal Justice and Police Act 2001 gives the authority the power to make an order designating any public place within their area if they are satisfied that nuisance or annoyance or disorder has been associated with the consumption of alcohol in that place. Brighton and Hove Council and the City of Westminster have set a precedent in designating a citywide ban. To date there are 70 other Designated Public Places Orders in force in England and Wales.

- 5.2 The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations do not place a requirement on the Local Authority to conduct a formal assessment of the problem. Whether or not a designation order is appropriate will be a matter for local judgment based on the circumstances that apply.
- 5.3 The Regulations require Local Authorities to consult with the Police prior to making an order. In addition regulation 3 sets out the other bodies who must be consulted before a designation order is made. These are: -
- Any parish/community council (including the Town Council) covering any or part of the public place to be designated
 - The Police and neighbouring local authorities, parish councils where a designation order covers an area on the boundaries with that neighbouring authority. (This allows for consideration to be given to the possible displacement to their area)
 - Licensees within the area or who may be affected by the order
 - The owners or occupiers of any land that may be identified in a designation order
- 5.4 Regulation 10 makes an amendment to the Local Authorities (Functions and Responsibilities) Regulations 2000. The effect of this is that this function will not become a function of the Executive under the terms of the Local Government Act 2000 but will be one that remains with the Council

6. PROCEDURES WHICH HAVE TO BE UNDERTAKEN TO COMPLY WITH THE REQUIREMENTS OF THE LEGISLATION

- 6.1 **A Notice of Intention** needs to be published of the Council's intention, to make a Designated Public Places Order under section 13 of the Criminal Justice and Police Act 2001. The Notice will invite representations to the Council within 21 days.
- 6.2 The available **Police Data** will need to be collated to provide evidence of alcohol related incidents and crimes and needs to be available for inspection. (It is essential that there is evidence of alcohol-related crime and disorder). The Crime and Disorder Unit have been working closely with the police and have collated necessary data.
- 6.3 **Consultation** will need to be undertaken. Intended consultees would include: -

- Residents and traders in the hot-spot areas
- All licensees, including Pub and Club Owners and the Licensed Victuallers Association
- Residents Associations, Area Housing Panels and Tenants Associations
- The Citizens Panel
- Neighbourhood Watch throughout the City
- Privately owned public spaces
- Parish Councils (Southsea)
- Neighbouring Crime and Disorder Reduction Partnership which include other local authorities
- All City Councillors

7. WORK REQUIRED TO SUPPORT A BAN ON DRINKING IN PUBLIC PLACES

7.1 The following are some of the actions that the Police, Council and partners need to pursue to support and successfully implement a Designated Public Places Order:-

- The collation and recording of evidence to support the need for a ban and to identify the “Hot Spot areas”. This will be backed up with up-to-date Police Data (COMPLETED)
- Consultation to take place with all partner agencies and other voluntary services involved with Street Drinkers
- Consultation will be undertaken with residents/traders in the hot spots and sample locations throughout the city and with licensees including pub and club owners
- Develop an enforcement strategy and operational protocol which priorities a focus on anti social behaviour and street nuisance and which sets out how those arrangements link with work to tackle other crime and disorder issues

8. FINANCIAL IMPLICATIONS

8.1 Costs will be incurred for advertising and signage. It is assessed that these costs will be between £15,000 and £20,000. This is based upon the figures provided by Brighton and Hove City Council. The current Crime and Disorder budget does not make provision for this and therefore we would need to identify a source of funding. It is appropriate that this could be jointly shared with our statutory partners in the police and health.

9. OPTIONS

9.1 Two options have been considered relating to the most effective boundary and focus for the Designated Public Places Order. They are –

- **Designating a ban for individual street drinking “Hotspots”**

The Police data currently identifies certain hotspots at various points throughout the area of the city. These tend to be the city entertainment areas. It has considered in some detail the effect of having a large number of scattered boundaries and the possible effect that it may have on displacement. However is believed that that a smaller number of DPPOs will make enforcement easier and will send out a clear message to the community. A designated ban for individual streets is the preferred option.

- **Designating a ban for the whole city**

A citywide ban offers the best opportunity for tackling street drinking and alcohol related crime in all areas of the city. It would allow proper management of displacement and would produce a consistent policy for the City as a whole. However the difficulties with this is that the current Police data does not support the need for an over ban and therefore it could lead to a legal challenge in the future.

9.2 Taking into consideration the information set out above a DPPO for individual hotspots offers the best opportunity to:

- Tackle street drinking and alcohol related crime in particular areas of the city
- Manage problems in the hot spots area with immediate effect
- Give a consistent and clear message about the unacceptability of alcohol related anti social behaviour.

9.3 The Crime and Disorder Unit will work with the police top monitor the impact of the work and any displacement and bring a 6-month review to the Executive for consideration.

Background Documents

Title of Document	Location
Criminal Justice and Police Act 2001	Anti Social Behaviour Unit
Crime and Disorder Strategy 2002	Crime and Disorder Unit
Crime Audit Data	Crime and Disorder Unit

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Julia Wickson
Head of Chief Executive's Office

The recommendations set out above were approved /approved as amended / deferred / rejected by the Executive 13th Sept 2004.

Signed.....Date.....