

**DESIGNATED PUBLIC PLACE ORDERS**

**Report of the Chief Executive**

**1.0 Purpose**

- 1.1 This purpose of this report is to brief the Committee on the Safer Sunderland Partnership approach to dealing with future requests for Designated Public Place Orders (DPPO's).

**2.0 Background**

- 2.1 DPPO's were introduced in 2001 (sec 12-16 Criminal Justice and Police Act 2001) to allow designation of areas with restrictions on consumption of alcohol. The designated area does not automatically ban alcohol consumption rather it gives the Police the power to request that an individual stops drinking alcohol in that area if the officer believes that the drinking is causing or likely to cause anti-social behaviour. If the individual refuses to comply with the officers' request then a criminal offence is committed. Penalties for this offence are a Penalty notice for disorder of £50 or arrest and prosecution with maximum fine of £500. The DPPO was designed to offer a flexible approach to public space alcohol consumption which would not prevent alcohol consumption that was not anti-social in nature.
- 2.2 The introduction of a DPPO should only be considered where there is evidence of alcohol related anti-social behaviour, and if that evidence exists, application of an order must follow a defined process of public consultation. Once an Order is in place it must be publicised in the area (usually by signs on lampposts) to allow enforcement. The Home Office guidance stresses that full Police support for any order must be sought as while the Local Authority implements the Order process the enforcement of any such Order is for the Police Service.
- 2.3 In Sunderland there are a number of designated areas covering the City Centre, Sea Front area, Council Parks, Play Areas, Cemeteries and Metro stations.
- 2.4 DPPO's should not be confused with Alcohol Disorder Zones (ADZ) or Drink Banning Orders (DBO).
- 2.5 Alcohol Disorder Zones were introduced by Section 19 of the Violent Crime Reduction Act 2006 and permit Local Authorities (with consent of the Police) to designate areas where there are problems with alcohol-related nuisance and crime and disorder in areas with high concentrations of licensed premises. Typically this would be a city or town centre where problems could not be attributed to an individual premises (where licence conditions could be reviewed). Designation of a zone allows the imposition of charges on premises and clubs selling alcohol to pay for additional security and enforcement in that area. An ADZ is a power of last resort and the guidance states that voluntary measures to reduce problems must be used.

The same 2006 Act introduced drink banning orders which commenced on 31<sup>st</sup> August 2009.

- 2.6 Drink banning orders are civil orders (applied for by Local Authorities or the Police) that can be made against an individual aged at least 16 if they have engaged in criminal or disorderly conduct while under the influence of alcohol. The orders may last for between 2 months and 2 years.  
The aim of the order is to protect persons from further conduct of that kind by prohibiting the individual from doing things prescribed within the order.  
Individuals in receipt of an order have the opportunity to attend an approved course voluntarily in order to address their alcohol-related behaviour.
- 2.7 Drink banning orders are only similar to anti-social behaviour orders (ASBO's) in terms of the procedural route through which an order is obtained. Drink banning orders are available in fewer circumstances than ASBO's being only viable for criminal or disorderly conduct while under the influence of alcohol.
- Drink banning orders can be made against individuals aged 16 or over.
  - The orders are aimed at individuals who have engaged in criminal or disorderly conduct while under the influence of alcohol.
  - Individuals can appeal against the making of an order against them.
- 2.7 Prohibitions may include whatever the court considers necessary to protect others from alcohol-related crime or disorderly conduct of the individual. For example they may:
- prevent an individual from entering premises that sell alcohol
  - ban an individual from entering pubs/clubs in a given vicinity
- 2.8 Voluntary courses will be offered to anyone receiving a DBO and will focus on educating individuals about the serious social and health impact of heavy alcohol consumption. If a person completes the course satisfactorily, the length of the length of the ban can be reduced.

### **3.0 Current Position & Progress – Designated Public Order Places**

- 3.1 In Sunderland the current DPPOs have been effective as one approach to tackling alcohol disorder in public places, however it should be noted that the areas designated are either high volume public spaces such as the city centre and sea front or areas that typically attract such behaviour such as parks and play areas.
- 3.2 Public understanding of the DPPO is however often confused (as evidenced at some recent public meetings), where there is a mistaken belief that the order is a complete prohibition on alcohol consumption. This in turn could affect public confidence in enforcement in that some members of the public may observe alcohol consumption in the DPPO area and believe that the law is being broken.
- 3.3 Since 2001 there have been a small number of local authorities that have introduced borough wide DPPOs and while the latest Home Office guidance (Jan 2009) indicates that this is possible, the Home Office also advise caution against such an approach as it is difficult to evidence problematic public space alcohol consumption in every part of a borough. In Sunderland the current evidence available to the Partnership would not support the introduction of a Citywide DPPO.
- 3.4 There are also a range of further tools and powers that have become available since the introduction of the DPPOs in 2001. These include Acceptable Behaviour Contracts, Anti-Social Behaviour Orders and Dispersal Orders. This is in addition to

a wide range of existing and more recent public order powers. For example Section 27 of the Violent Crime Act 2006 introduced Directions to Leave whereby, if the presence of an individual (aged 16 or over) in a public place is likely to cause or contribute to alcohol related nuisance, crime or disorder, the police can issue Directions to Leave for a specified time from the area.

- 3.5 The consideration of use of a range of approaches to this issue is a key approach within the Local Multi Agency Problem Solving agenda. In practice many of these more recent powers to target identified offenders are more flexible than the process of securing a DPPO which can take up to 6 months.

#### **4.0 Impact**

In Sunderland the Local Multi Agency Problem Solving Groups are frequently requested to consider implementing Alcohol Designation Areas and currently they consider these requests with careful analysis of local evidence and the nature of any problem. Because a number of requests had been made the Safer Sunderland Partnership reviewed its current approach.

- 4.1 The Safer Sunderland Partnership Board considered their approach to future DPPO applications at its meeting on 8<sup>th</sup> May 2009 and agreed the following approach.
- To continue to support the enforcement of existing DPPO areas
  - To support DPPO implementation in new areas where there is evidence to support such an application in line with Home Office guidance and where more targeted approaches have been demonstrated to not resolve the issue
  - That the Board did not support a citywide DPPO on the basis that there is no evidence that every part of the City experiences anti-social behaviour due to public consumption of alcohol.
  - That the LMAPS for the relevant area is responsible for consideration of requests and scoping of evidence for any future DPPO's.

#### **5.0 Recommendations**

- 5.1 The Committee is asked to:
- Note the report and the limitations in relation to extending or introducing new DPPOs (when alternative powers may provide greater flexibility).
  - To endorse the approach outlined in the report of Safer Sunderland Partnership to future requests for DPPO's.

#### **6.0 Background Papers**

- Violent Crime Reduction Act 2006
- Drink Banning Orders guidance
- Alcohol Disorder Zones
- Guidance on Designated Public Place Orders

- Safer Sunderland Partnership – Minutes of the Board Meeting 8<sup>th</sup> May 2009.
- Partnership Paper to the Board 8<sup>th</sup> May 2009. – Item 7 Designated Public Place Orders