

## **Notice of Decision Session - Executive Member for Housing & Safer Neighbourhoods**

**To:** Councillor Lisle (Chair)

**Date:** Monday 18 September 2017

**Time:** 4.00 pm

**Venue:** The Auden Room - Ground Floor, West Offices (G047)

### **AGENDA**

#### **Notice to Members – Post Decision Calling In:**

Members are reminded that, should they wish to call in any item\* on this agenda, notice must be given to Democratic Services by **4:00pm on Wednesday 20 September 2017**.

\*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Customer and Corporate Services Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5.00pm on Thursday 14 September 2017**.

## 1. **Declaration of Interest**

At this point in the meeting, the Executive Member is asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which he might have in respect of business on this agenda.

## 2. **Public Participation**

At this point of the meeting, members of the public who have registered their wish to speak at the meeting can do so. The deadline for registering is at **5.00pm on Friday 15 September 2017**.

Members of the public may register to speak on an item on the agenda or an issue within the Executive Member's remit.

### **Filming, Recording or Webcasting Meetings**

Please note this meeting may be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officers (whose contact details are at the foot of this agenda) in advance of this meeting.

The Council's protocol on Webcasting, Filming and Recording of meetings ensures that these practises are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at: <http://www.york.gov.uk/download/downloads/id/11406/protocol> or [webcasting filming and recording of council meetings 20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol)

**3. Conversion of Alcohol-Related Designated Public Place Orders (DPPOs) to Public Space Protection Orders (PSPOs)**  
(Pages 1 - 22)

This report asks the Executive Member to approve the conversion of a number of Designated Public Place Orders (DPPOs), designed to tackle alcohol-related crime and anti-social behaviour, to Public Space Protection Orders (PSPOs).

**4. Urgent Business**

Any other business which the Executive Member considers urgent under the local Government Act 1972.

Democracy Officers:

Catherine Clarke and Louise Cook (job share)

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For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

**我們也用您們的語言提供這個信息 (Cantonese)**

**এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)**

**Ta informacja może być dostarczona w twoim  
własnym języku. (Polish)**

**Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)**

**یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)**

** (01904) 551550**



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**Executive Member, Housing and Safer Neighbourhoods****18 September 2017**

Report of the Director of Health, Housing &amp; Adult Social Care

**Conversion of Alcohol-Related Designated Public Place Orders (DPPOs) to Public Space Protection Orders (PSPOs)****Summary**

1. This report asks the Executive Member to approve the conversion of a number of Designated Public Place Orders (DPPOs), designed to tackle alcohol-related crime and anti-social behaviour, to Public Space Protection Orders (PSPOs). Conversion will take place automatically on 20 October 2017, but must be preceded by a review to assess which DPPOs require conversion or be discharged due to lack of supporting evidence.

**Recommendations**

2. The Executive Member is asked to:
  - 1) Approve the following DPPOs for conversion to PSPOs:
    - City Walls
    - Copmanthorpe
    - Scarcroft Green
    - Strensall and Towthorpe
    - War Memorial Gardens

Reason: There has been a continuation of incidents of alcohol-related anti-social behaviour in these areas over the past 3 years (see Annex 1 for data table).

- 2) Discharge the following DPPOs:
  - Clarence Gardens
  - Cleveland Street
  - Clifton Moor Community Church
  - Duncombe Place

- Exhibition Square
- Glen Gardens, Heworth
- Museum Gardens
- Poppleton Community Centre
- Rawcliffe/Clifton Library
- Rawcliffe Lake
- Salisbury Terrace
- Union Terrace
- Walmgate
- Woodthorpe Green

Reasons:

- The Duncombe Place, Exhibition Square, Museum Gardens and Walmgate DPPOs are now incorporated into the wider City Walls DPPO which is recommended for conversion to a PSPO.
- The Clarence Gardens and Union Terrace orders are now incorporated into the Groves PSPO.
- There have been no reported incidents of alcohol-related ASB in the past 3 years in the: Cleveland Street, Clifton Moor Community Church, Glen Gardens, Poppleton Community Centre, Rawcliffe/Clifton Library, Rawcliffe Lake, Salisbury Terrace areas and Woodthorpe Green areas.

## **Background**

3. DPPOs were introduced under the Criminal Justice Act 2001 and give police officers discretionary powers to require a person to stop drinking and confiscate alcohol or containers of alcohol in public places.
4. The repeal of certain sections of this Act requires that DPPOs are converted to PSPOs by 20 October 2017, 3 years from the date the Anti-Social Behaviour, Crime and Policing Act 2014 came into force, under which PSPOs were introduced.

5. In order for a DPPO to have been approved there must have been evidence of alcohol-related nuisance or annoyance and belief that the problem could be remedied by the use of the power.
6. DPPOs currently allow a police officer, PCSO or other authorised person, locally a CYC Neighbourhood Enforcement Officer using Community Safety Accreditation Scheme (CSAS) powers, to request forfeiture of alcohol from an individual where he or she believes that consumption will lead to ASB being committed. Failure to comply with the request is an offence and can lead to the issue of a Penalty Notice for Disorder (PND).
7. Local authorities have the power to grant PSPOs if satisfied on reasonable grounds that activities carried out in a public place are likely to have a detrimental effect on the quality of life in the locality and that those activities are persistent, unreasonable and of a continuing nature. They can be applied to a broad range of issues (not just alcohol-related). PSPOs can be enforced by a police officer, PCSO or other authorised person, locally a CYC Neighbourhood Enforcement Officer. In terms of alcohol-related PSPOs, the offence is as per the DPPO and committed by failure to comply with a request to surrender alcohol and may lead to the issue of a Fixed Penalty Notice (FPN).
8. In order for a DPPO to convert to a PSPO there must be evidence of a continuing problem in relation to alcohol-related nuisance or annoyance. This can be in the form of ASB data or strong anecdotal evidence.
9. Neither DPPOs or PSPOs make it illegal to carry alcohol or to drink alcohol in a public place. Enforcement action can only be taken if there is associated ASB or the potential for it.
10. 19 DPPOs are currently in place across the city in the following areas:
  - City Walls
  - Clarence Gardens
  - Cleveland Street
  - Clifton Moor Community Church
  - Copmanthorpe
  - Duncombe Place

- Exhibition Square
  - Glen Gardens, Heworth
  - Museum Gardens
  - Poppleton Community Centre
  - Rawcliffe/Clifton Library
  - Rawcliffe Lake
  - Salisbury Terrace
  - Scarcroft Green
  - Strensall and Towthorpe
  - Union Terrace
  - Walmgate
  - War Memorial Gardens
  - Woodthorpe Green
11. A multi-agency review meeting, involving City of York Council (Community Safety, Licensing and Business Intelligence Hub) and North Yorkshire Police, was convened to assess which DPPOs should go forward for conversion or be discharged. Decisions were made by analysing current levels of anti-social behaviour in each DPPO area together with anecdotal information and recommendations from the agencies involved.
  12. Ward councillors were informed in advance of any DPPOs where lack of evidence indicated they were likely to be discharged. This was in order to give them an opportunity to put forward any information for consideration at the review meeting.
  13. In relation to any DPPOs that are to be discharged, the Council is required to publish a notice on its website identifying any orders that have been discharged and the date on which they cease to have effect. In addition the same notice must be erected on or adjacent to the public space to which the order relates.
  14. Replacement signage will be required in each of the converted PSPO areas, explaining the order in plain English and what it means in practical terms. This is to provide support for enforcement and prevent risks of mitigation pleas from those found to be in breach.
  15. The Neighbourhood Enforcement team have been tasked to visit all DPPO areas to map the location of existing signage in preparation for replacement or removal.



16. PSPOs must be reviewed every 3 years to ensure the issues are still occurring and the order is having the required effect.

### **Consultation**

17. There is no statutory requirement to undertake public consultation in relation to DPPO conversion. However, Elected Members were informed of any DPPOs recommended for discharge within their ward in order to give them an opportunity to provide any other supporting evidence of a continuation of alcohol-related ASB. North Yorkshire Police also contributed to the review session held on the 20 June.

### **Options**

18. The following options are available for Members to consider:

#### **Option 1:**

- Approve officer recommendations regarding DPPOs to be converted or discharged.

#### **Option 2:**

- Allow all the DPPOs to convert to automatically convert

### **Analysis**

19. Analysis of each option:

#### **Option 1:**

- Option 1. Officer recommendations are based upon: analysis of alcohol-related ASB data from the past 5 years, discussions at a multi-agency review meeting and consultation with ward councillors in order to assess evidence of ongoing alcohol-related ASB. In addition, the review group agreed criteria that DPPOs would be discharged if there had been 0 incidents within the past 3 years. This was in order to achieve consistency in decision-making.

- Option 2. Allow all DPPOs to automatically convert to PSPOs. However, areas lacking supporting evidence for conversion would be open to legal challenge. There would be further cost implications for new signage required in each additional PSPO area.

## Council Plan

20. Work to review and convert DPPOs contributes to Council Plan priorities To Create a Prosperous City for All and A Focus on Front-Line Services.
21. Work to tackle alcohol-related anti-social behaviour contributes to improving community perceptions of safety. In addition, the presence of an alcohol-related PSPO in the city centre contributes to multi-agency action planning around issues such as Operation Erase (tackling Saturday daytime alcohol-related ASB) and anti-social behaviour associated with street drinking. These are issues that affect local business, residents, visitors and tourists.

## Implications

22.
  - **Financial** It is estimated that around 60 new signs will be required at a cost of around £1500.
  - **Human Resources (HR)** There are no HR implications.
  - **One Planet Council / Equalities** There are no One Planet York/Equalities implications.
  - **Legal** The Anti-Social Behaviour, Crime and Policing Act 2014, contains transitional arrangements in relation to Designated Public Place Orders (DPPO). Where a DPPO is in force they will continue to be valid for a period of 3 years following the commencement of the Act. At this point any DPPO's will be treated as Public Space Protection Orders.
  - **Crime and Disorder** Contributes to Safer York Partnership's strategic priorities of 'Tackling Anti-Social Behaviour', 'Making the City Centre Safer' and 'Tackling Substance Misuse (including delivery of the community safety elements of the York Alcohol Strategy)'.
  - **Information Technology (IT)** There are no IT implications.
  - **Property** There are no property implications.

## Risk Management

23. There are no known risks associated with this report.

## Contact Details

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Health, Housing & Adult Social  
Care  
01904 555741

### Chief Officer Responsible for the report:

Martin Farran  
Director, Health, Housing & Adult Social  
Care

Report  
Approved

Date 4 September 2017

### Wards Affected:

All

For further information please contact the author of the report

## Annexes

Annex 1 – Data table of alcohol-related ASB within DPPOs.  
Annex 2 – Maps of DPPO areas

## List of Abbreviations Used in this Report

**AEZ** - Alcohol Exclusion Zone (generic term used by Business Intelligence Hub for DPPO or alcohol-related PSPO)

**ASB** – Anti-social Behaviour

**CSAS** – Community Safety Accreditation Scheme

**DPPO** - Designated Public Protection Order

**FPN** – Fixed Penalty Notice


**NEO** – Neighbourhood Enforcement Officer

**PND** – Penalty Notice for Disorder

**PCSO** – Police Community Support Officer

**PSPO** – Public Space Protection Order

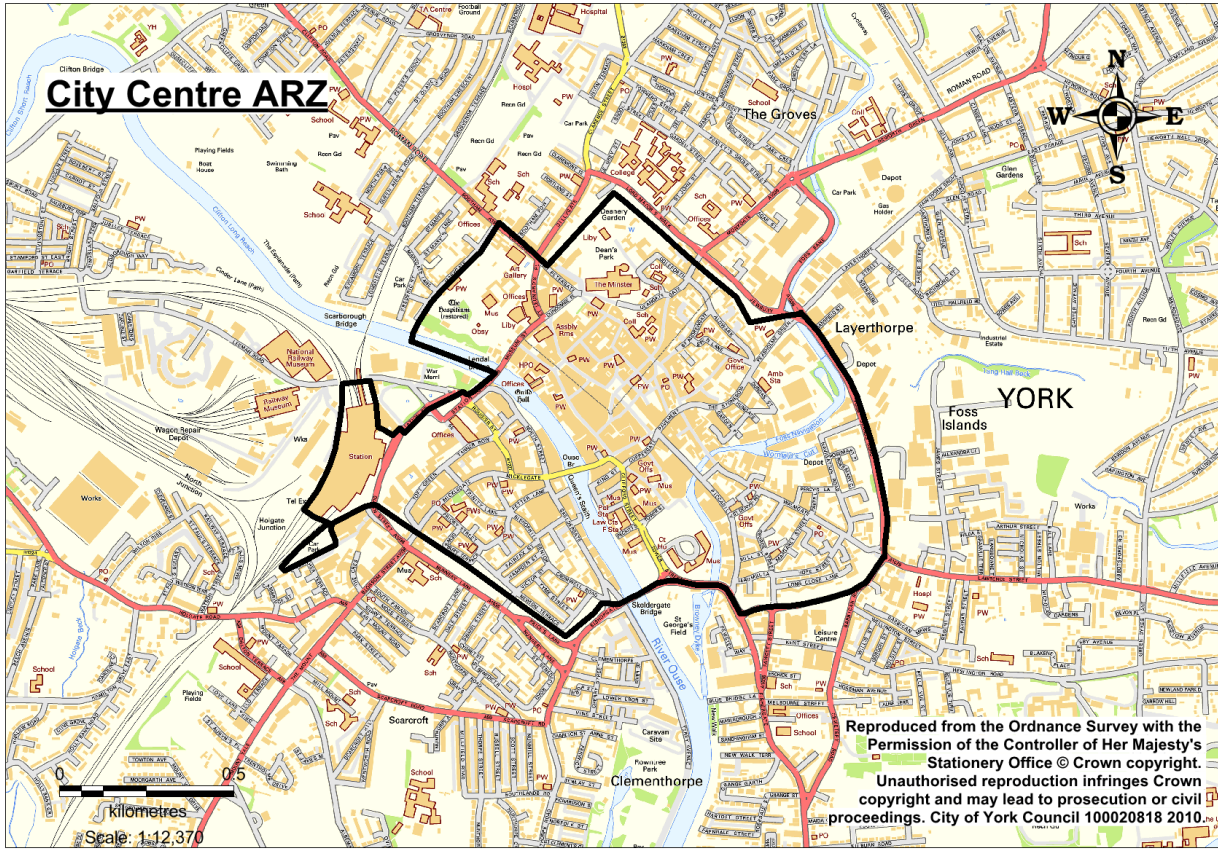
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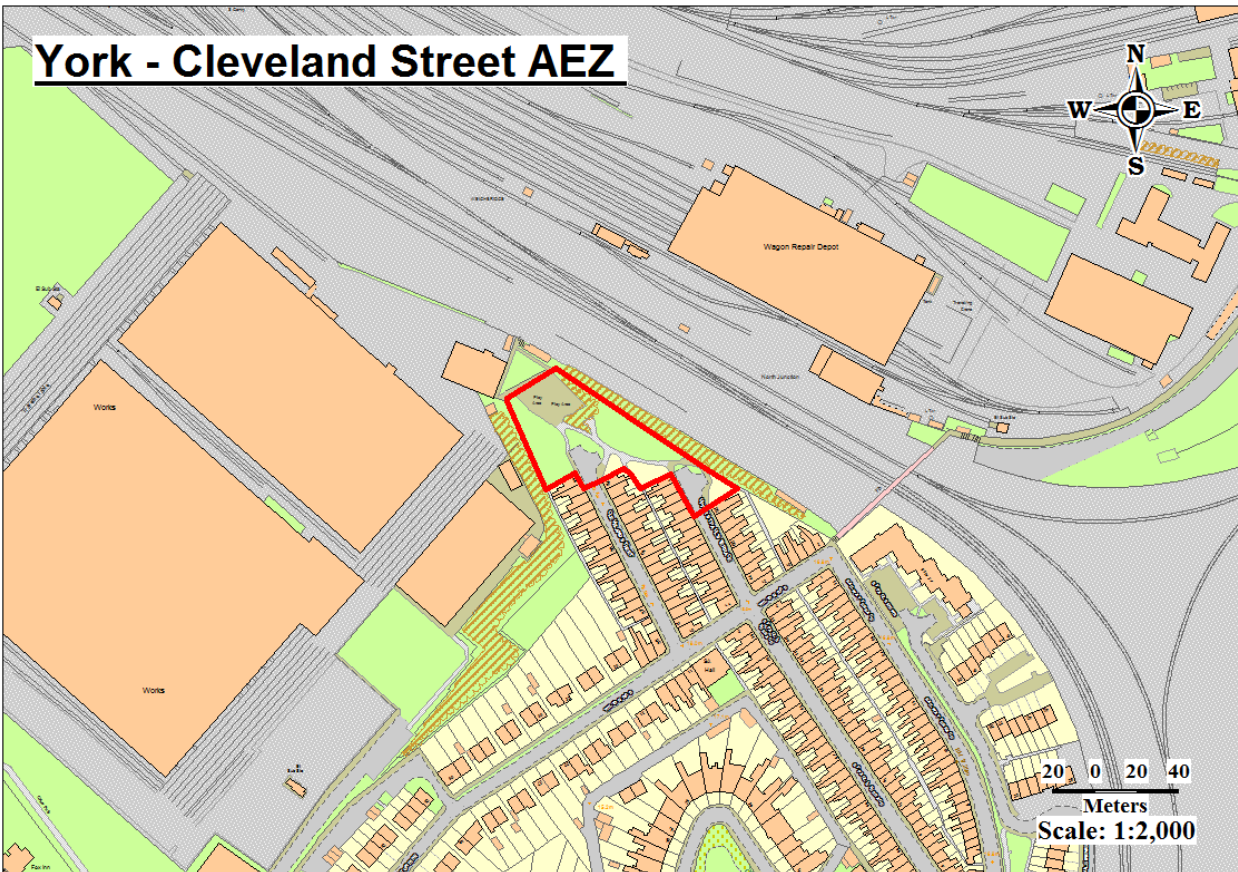
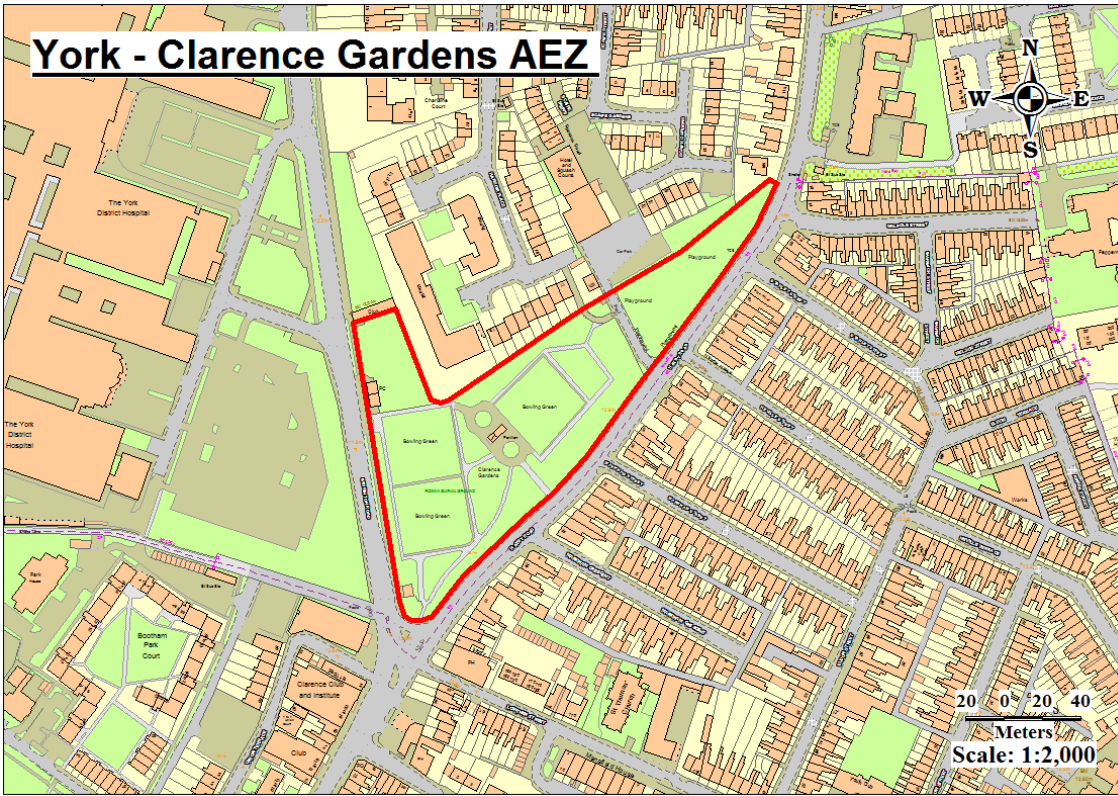
 Total Number of Areas: 21 Produced by the Strategic Business Intelligence Hub May 2017																
Area	Reporting Year										2017 (To April)	2017 Prediction	Covered by Another Area	Any ASB Reported?	DOT	Recommendation
	2008	2009	2010	2011	2012	2013	2014	2015	2016							
Acomb Green	NC	NC	NC	NC	3	2	1	3	1	0	0	No	Yes	Neutral	Keep already a PSPO	
City Walls	NC	NC	NC	NC	1263	1216	970	981	876	251	753	No	Yes	Declining	Keep	
Clarence Gardens	NC	NC	NC	NC	9	21	3	11	1	0	0	Yes	Yes	Neutral	Let Expire	
Cleveland Street	NC	NC	NC	NC	0	0	1	0	0	0	0	No	Yes	Neutral	Let Expire	
Clifton Moor Comm. Church	NC	NC	NC	NC	0	0	0	0	0	0	0	No	Yes	Neutral	Let Expire	
Copmanthorpe	NC	NC	NC	NC	11	11	10	4	3	1	3	No	Yes	Neutral	Keep	
Duncombe Place	NC	NC	NC	NC	0	0	0	0	0	0	0	Yes	Yes	Neutral	Let Expire	
Exhibition Square	NC	NC	NC	NC	10	13	6	2	3	0	0	Yes	Yes	Declining	Let Expire	
Glen Gardens, Heworth	NC	NC	NC	NC	0	3	2	0	0	0	0	No	Yes	Neutral	Let Expire	
Museum Gardens	NC	NC	NC	NC	5	5	3	5	2	0	0	Yes	Yes	Declining	Let Expire	
Poppleton Comm. Centre	NC	NC	NC	NC	0	0	0	0	0	0	0	No	Yes	Neutral	Let Expire	
Rawcliffe - Clifton Library	NC	NC	NC	NC	0	0	0	0	0	0	0	No	Yes	Neutral	Let Expire	
Rawcliffe Lake	NC	NC	NC	NC	0	0	0	0	0	0	0	No	Yes	Neutral	Let Expire	
Salisbury Terrace	NC	NC	NC	NC	0	0	0	0	0	0	0	No	No	Neutral	Let Expire	
Scarcroft Green	NC	NC	NC	NC	8	8	7	6	6	6	18	No	Yes	Increasing	Keep	
Strensall and Towthorpe	NC	NC	NC	NC	10	10	4	14	3	1	3	No	Yes	Neutral	Keep	
The Groves	NC	NC	NC	NC	124	190	146	97	54	17	51	No	Yes	Neutral	Keep already a PSPO	
Union Terrace	NC	NC	NC	NC	229	252	81	71	77	27	81	No	Yes	Neutral	Keep, Now inc. with the Groves	
Walmgate	NC	NC	NC	NC	197	99	75	66	84	28	84	Yes	Yes	Neutral	Let Expire	
War Memorial Gardens	NC	NC	NC	NC	0	2	1	1	0	0	0	No	Yes	Neutral	Keep	
Woodthorpe Green	NC	NC	NC	NC	0	0	1	0	0	0	0	No	Yes	Neutral	Let Expire	
<b>Grand Total</b>	<b>NC</b>	<b>NC</b>	<b>NC</b>	<b>NC</b>	<b>1648</b>	<b>1694</b>	<b>1224</b>	<b>1177</b>	<b>1020</b>	<b>303</b>	<b>909</b>	-	-	Declining	.	

Please Note: Alcohol Related ASB is only reported in the above figures where it is clearly indicated on the ASB Incident. Data regarding Alcohol Related ASB was recorded from 2012

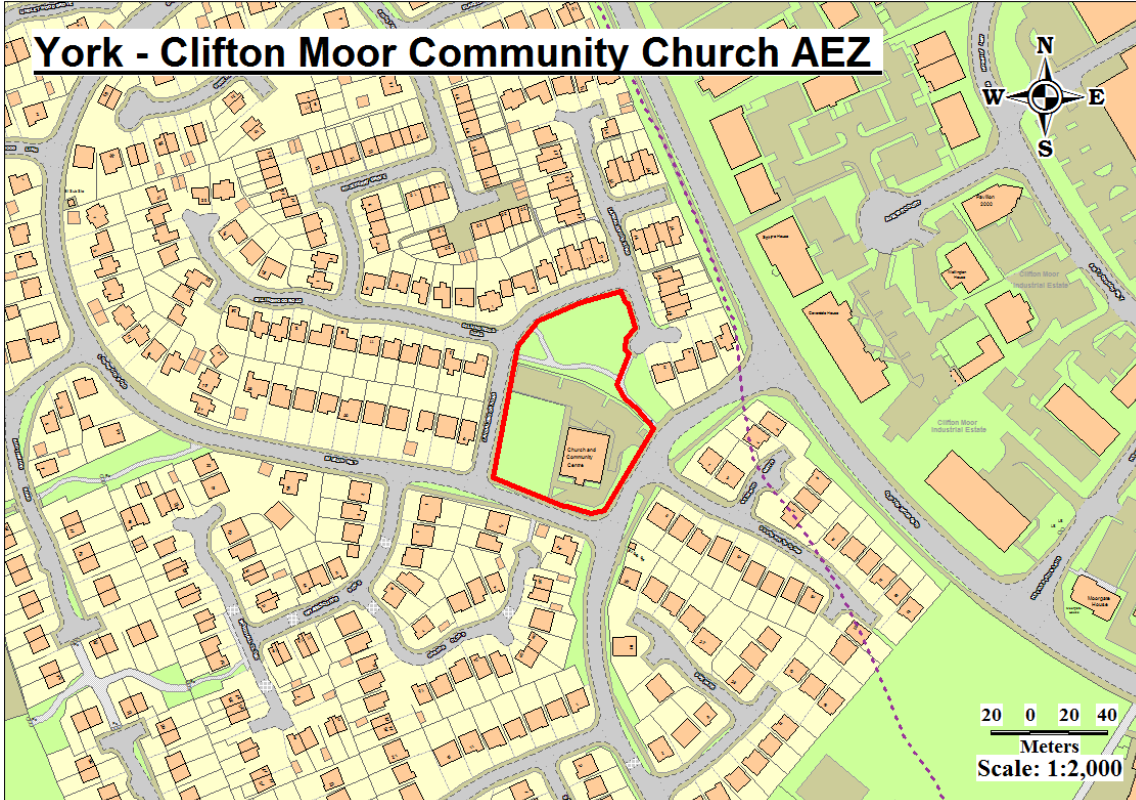


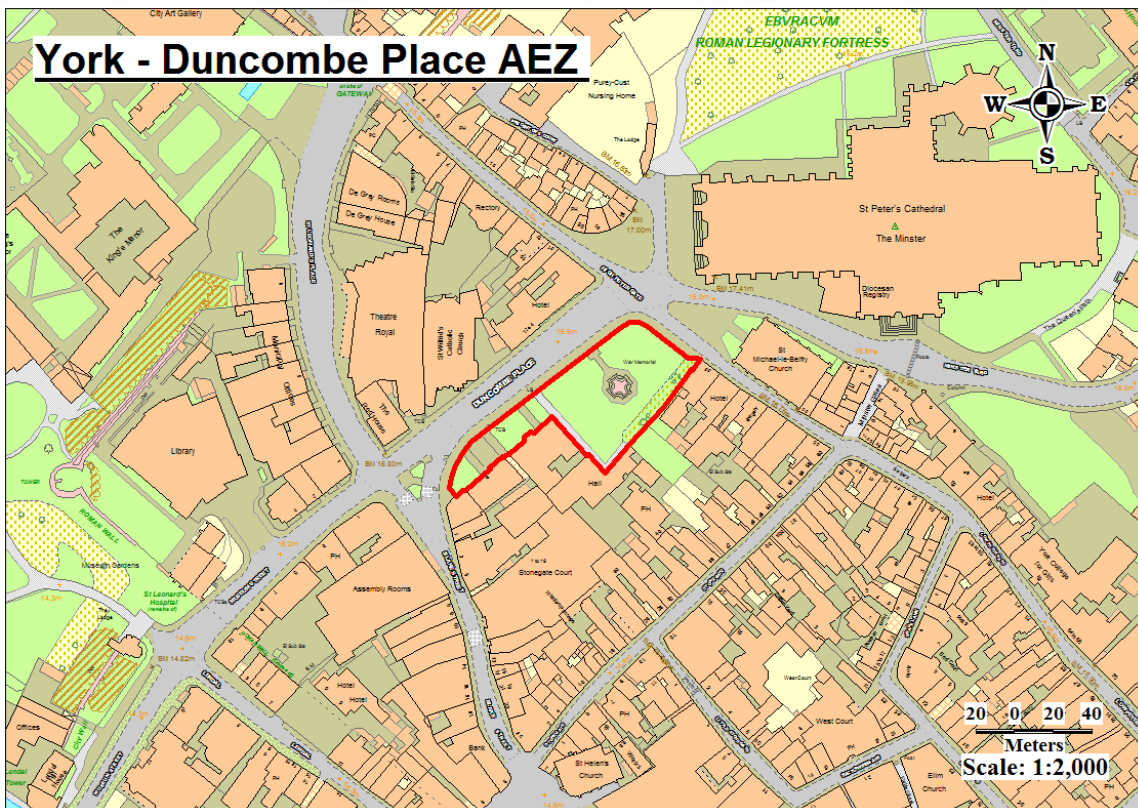
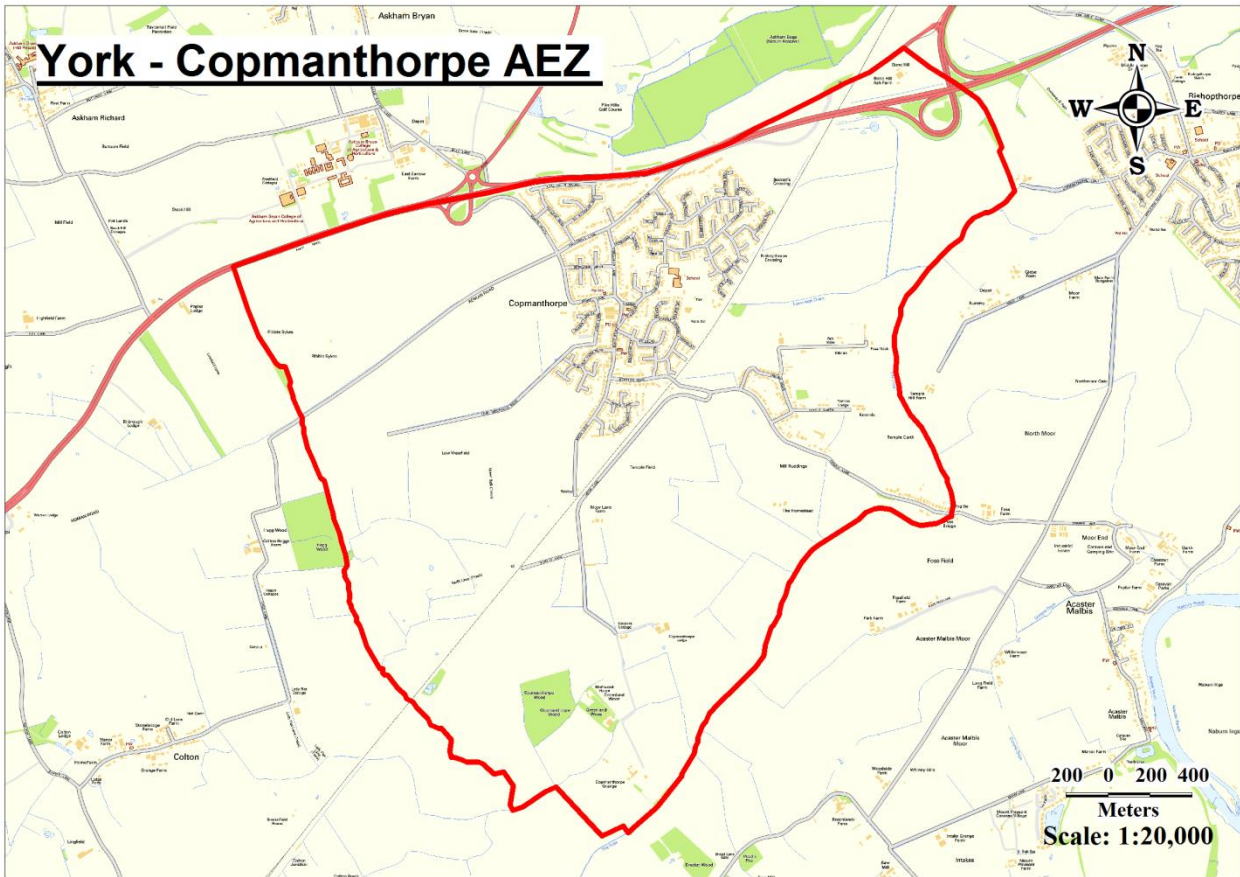
### Maps of DPPO areas

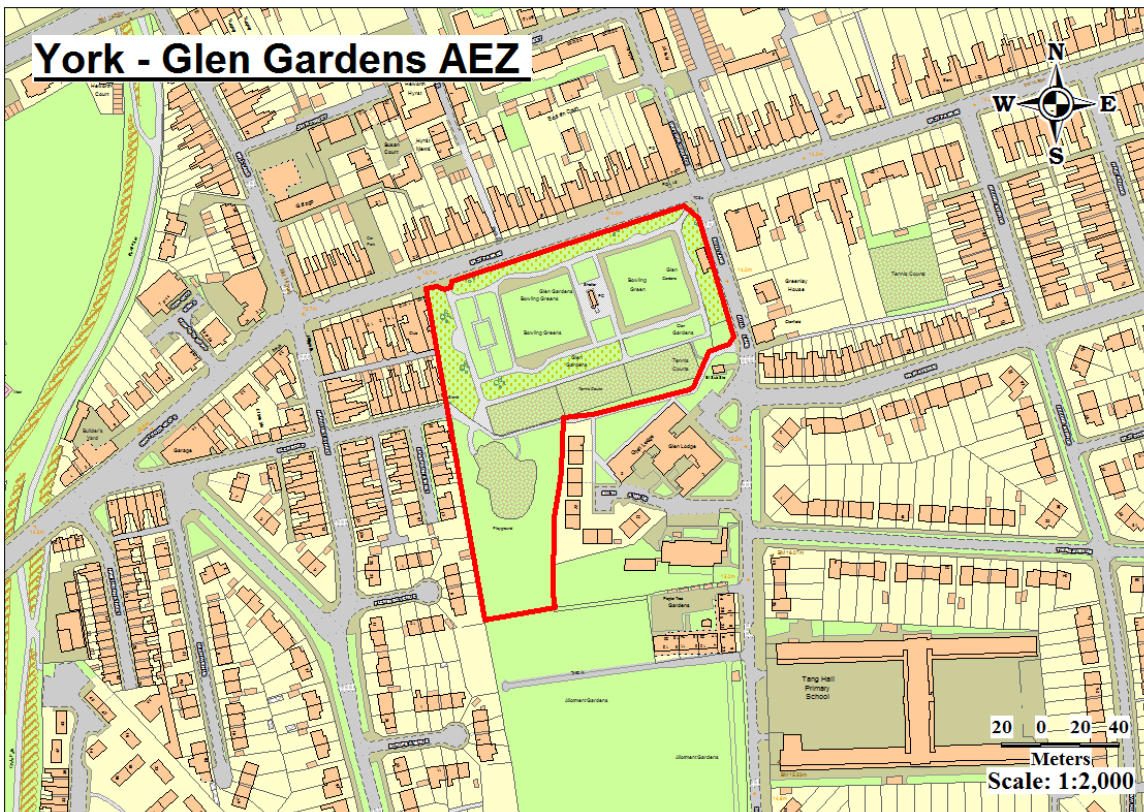
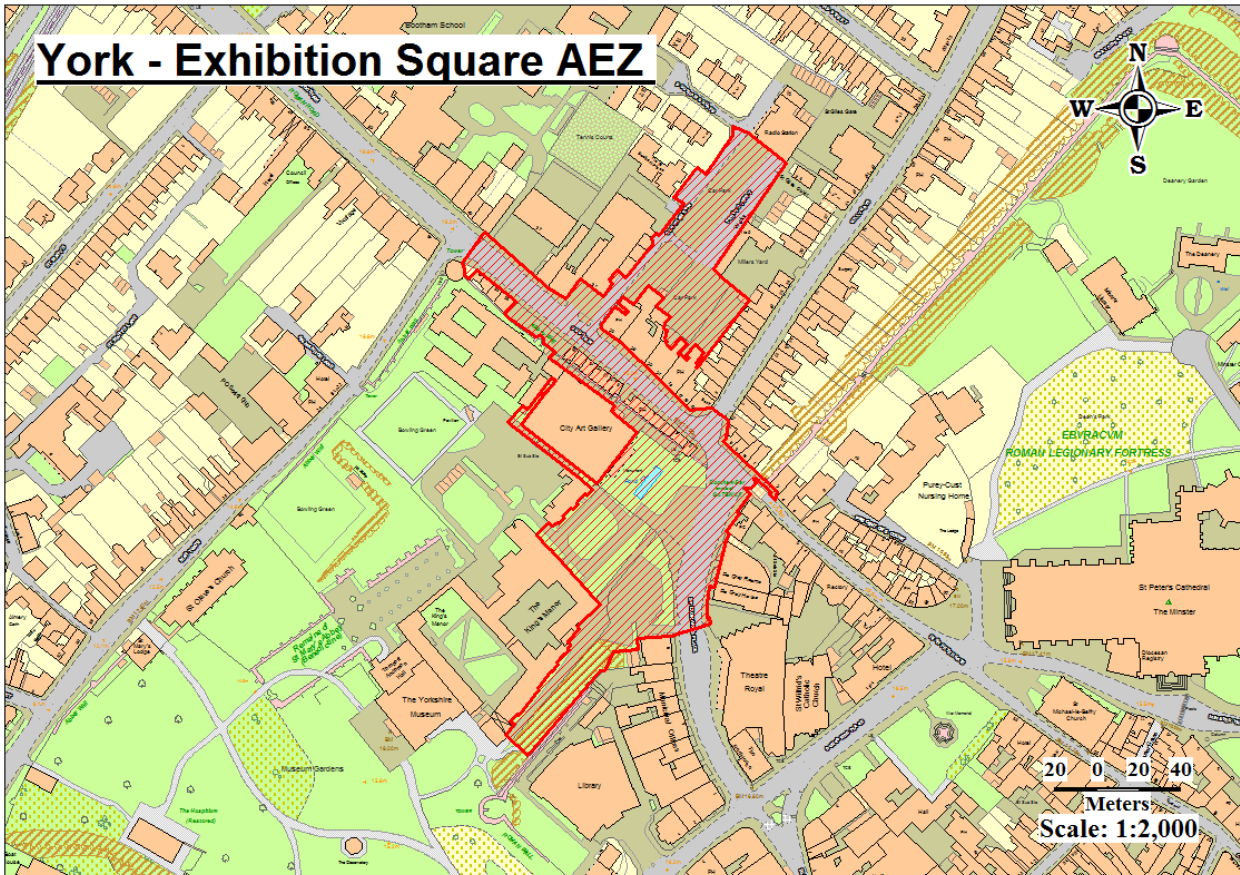


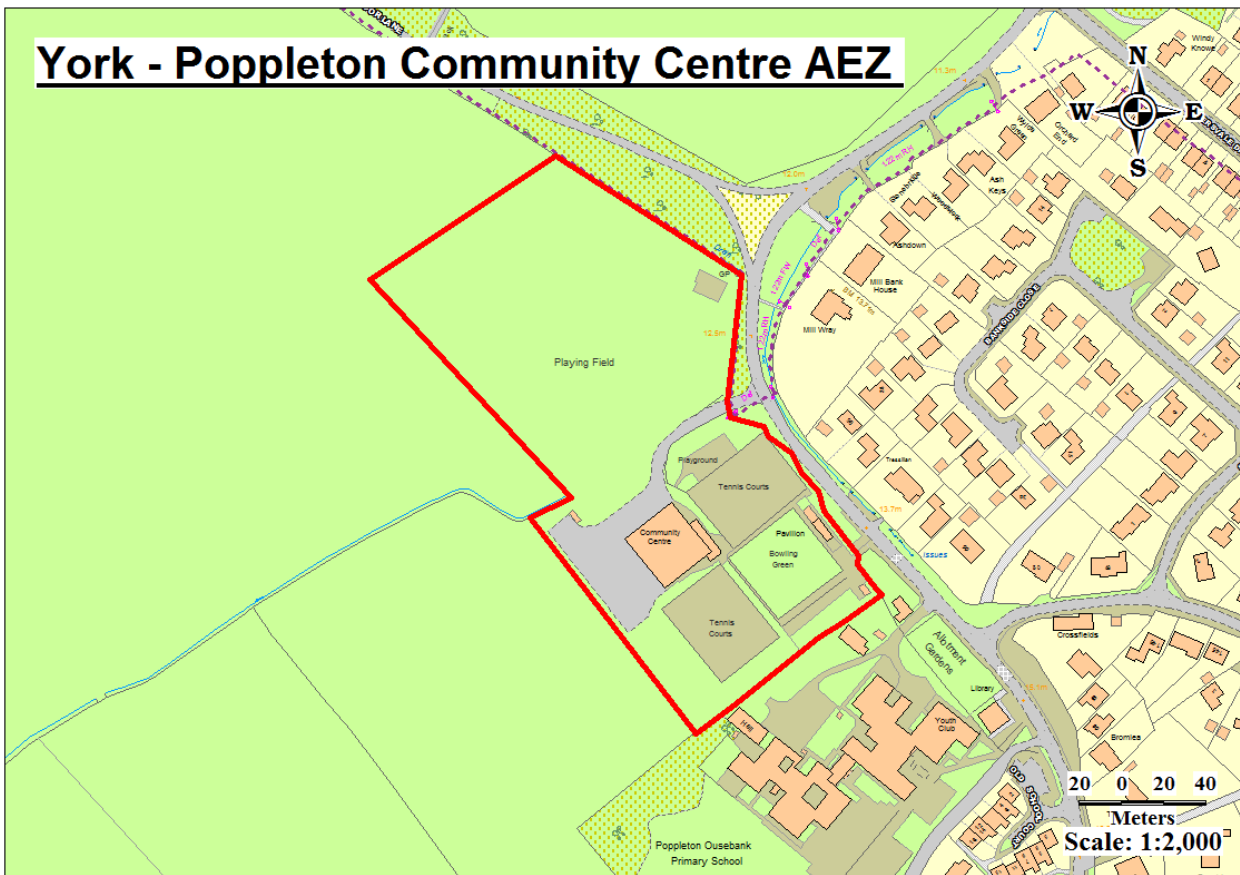
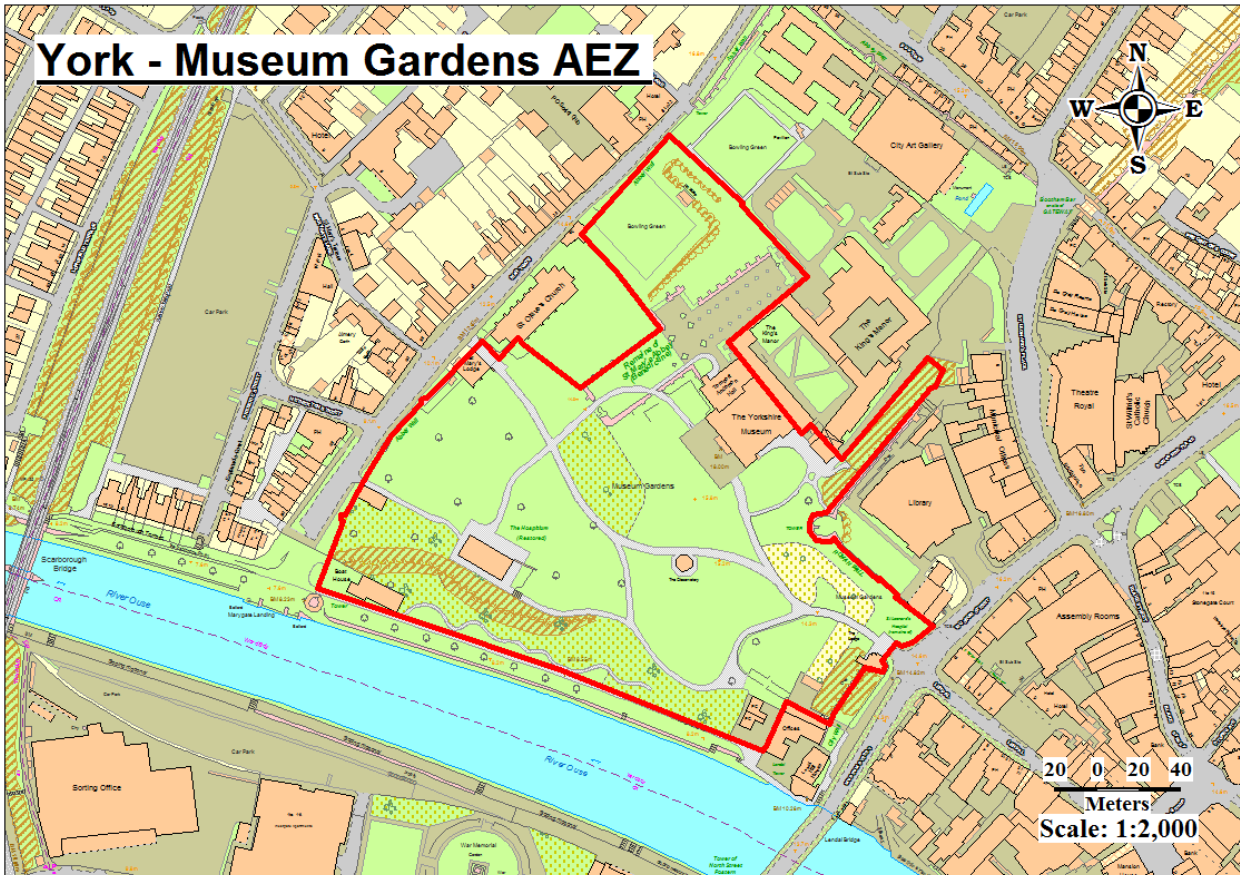


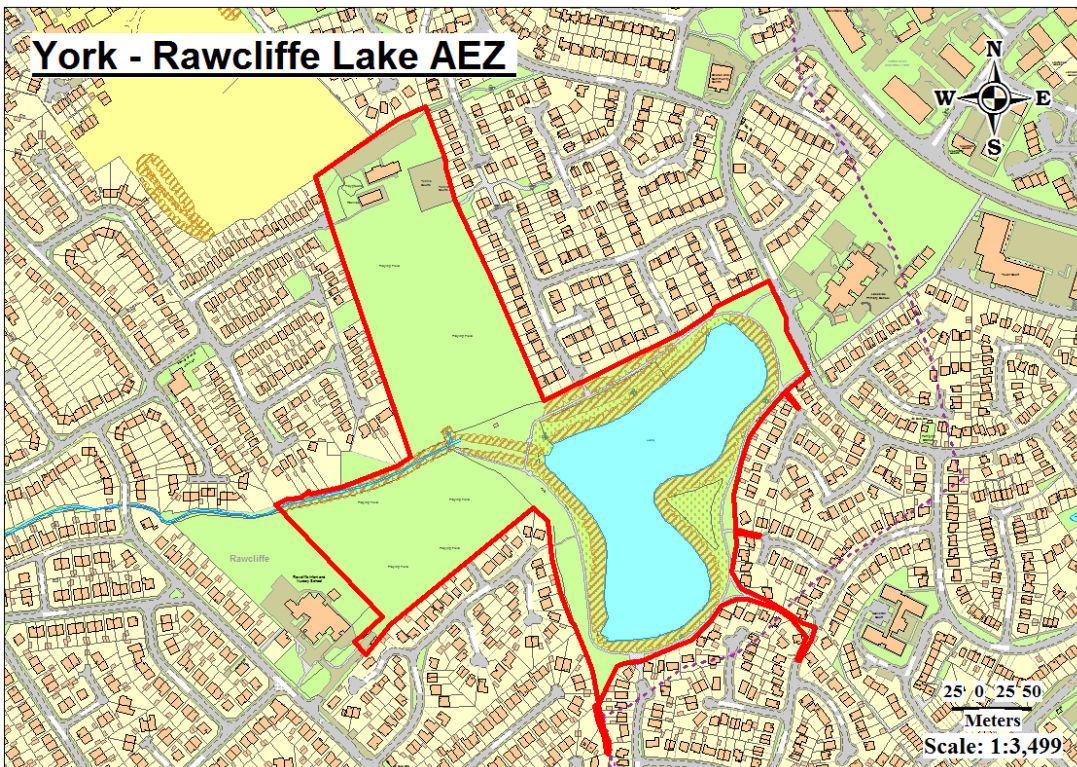
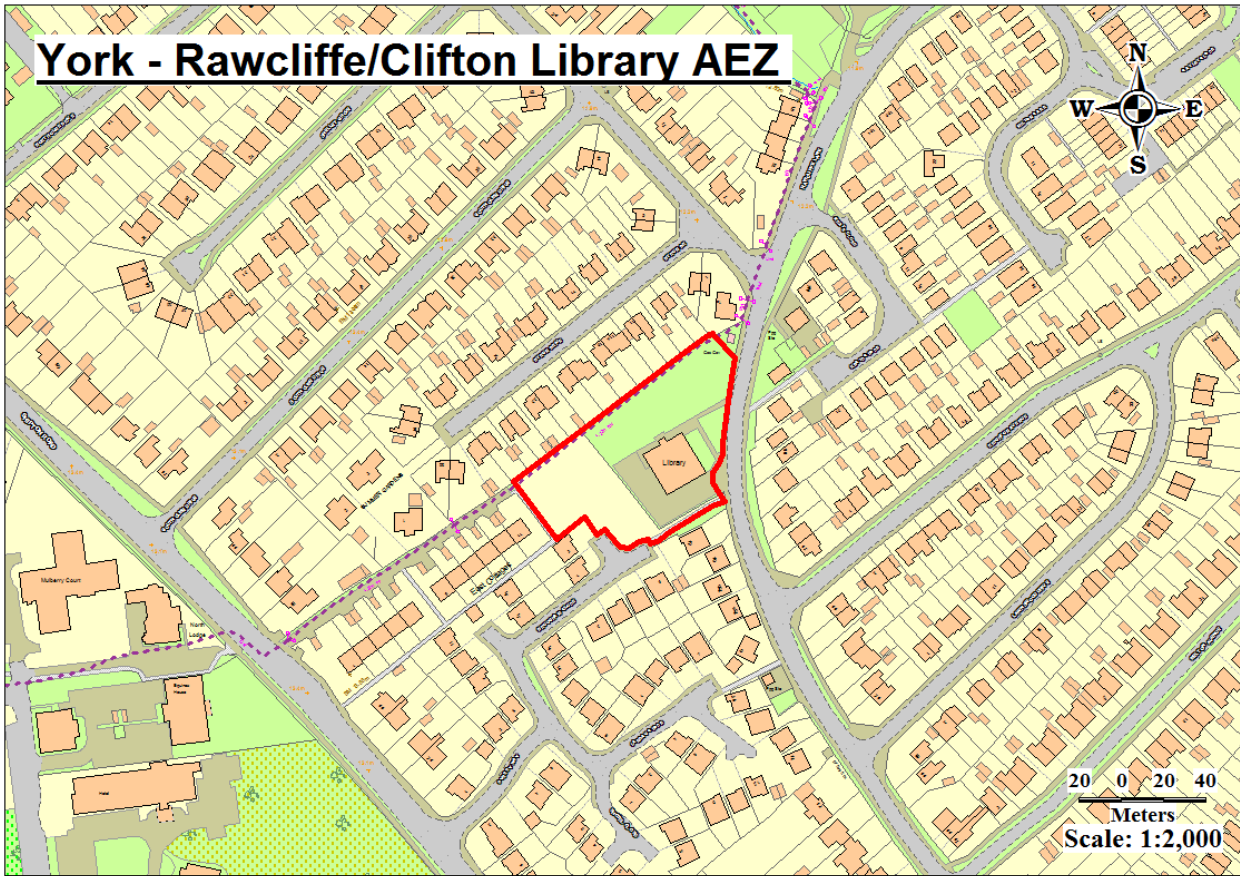


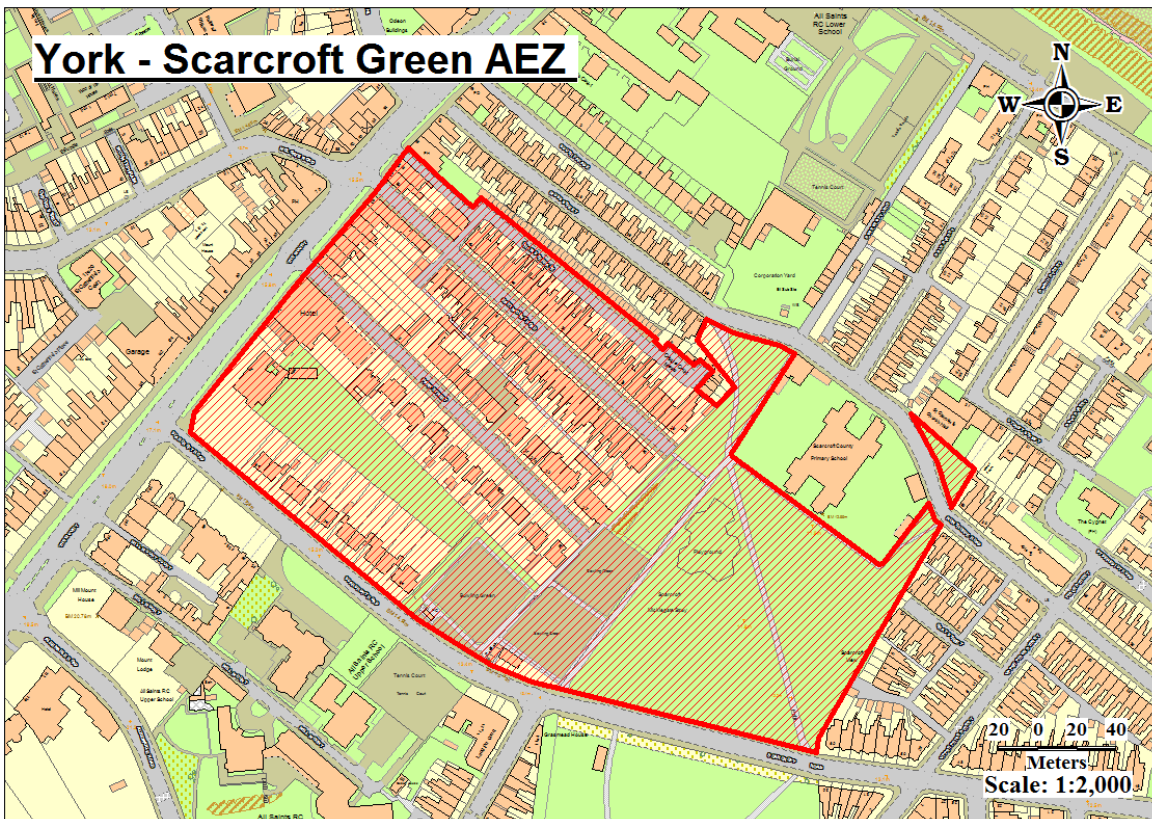
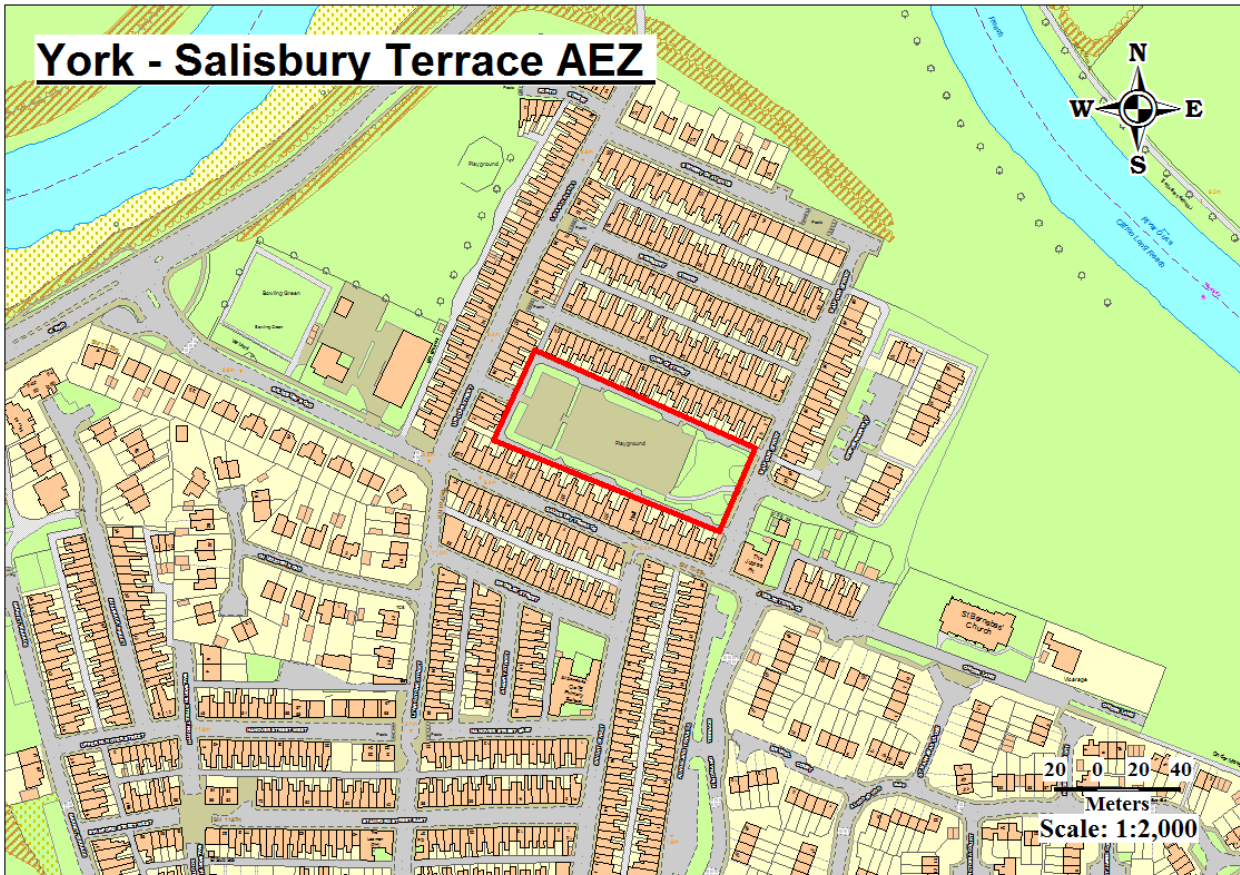


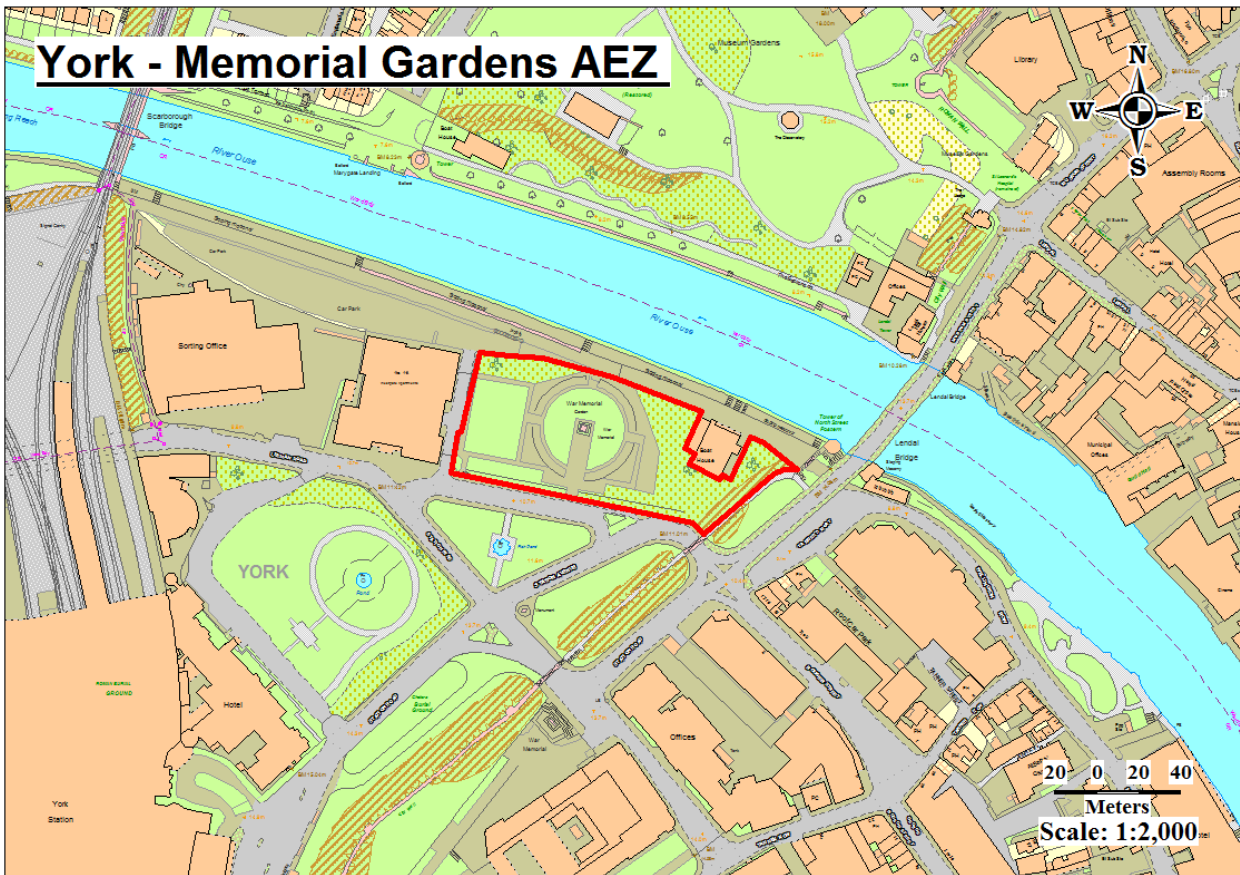
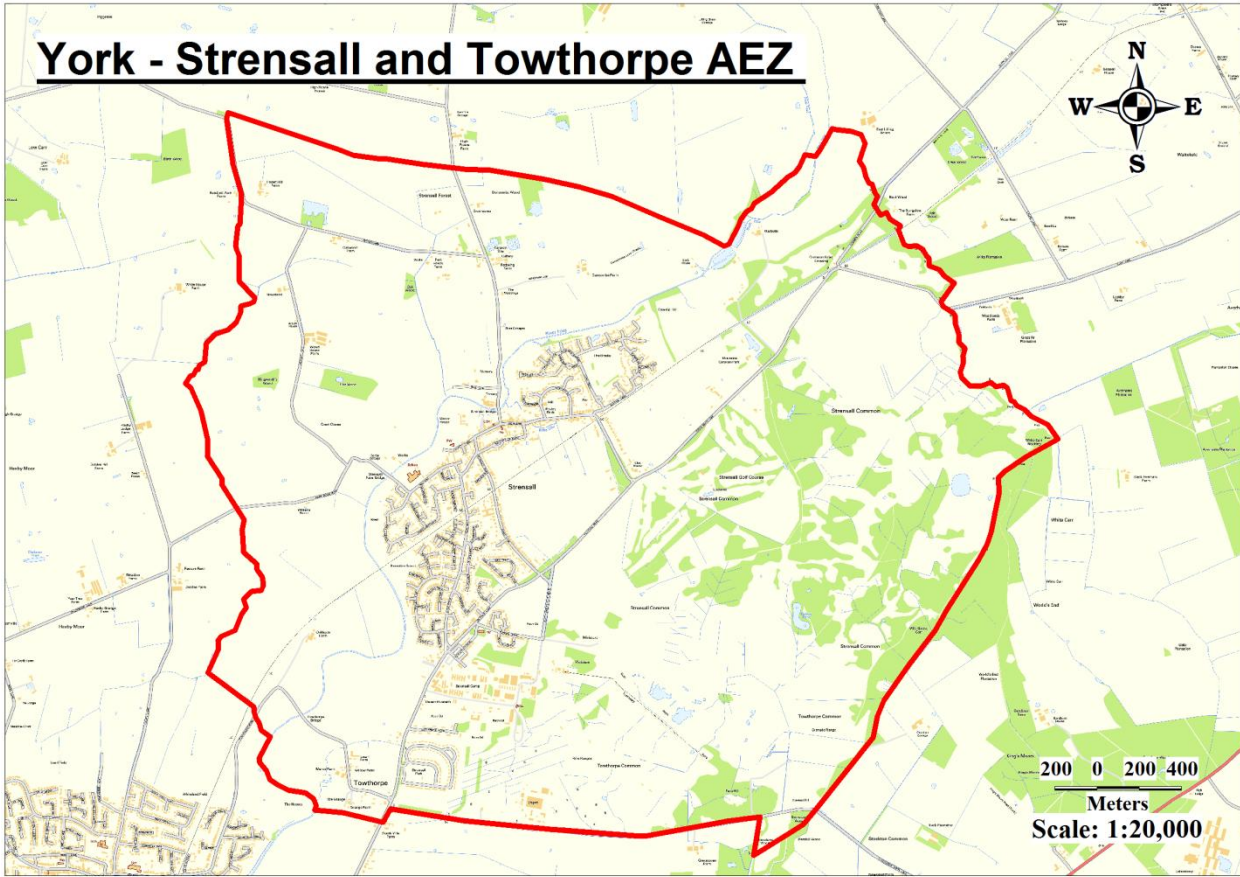


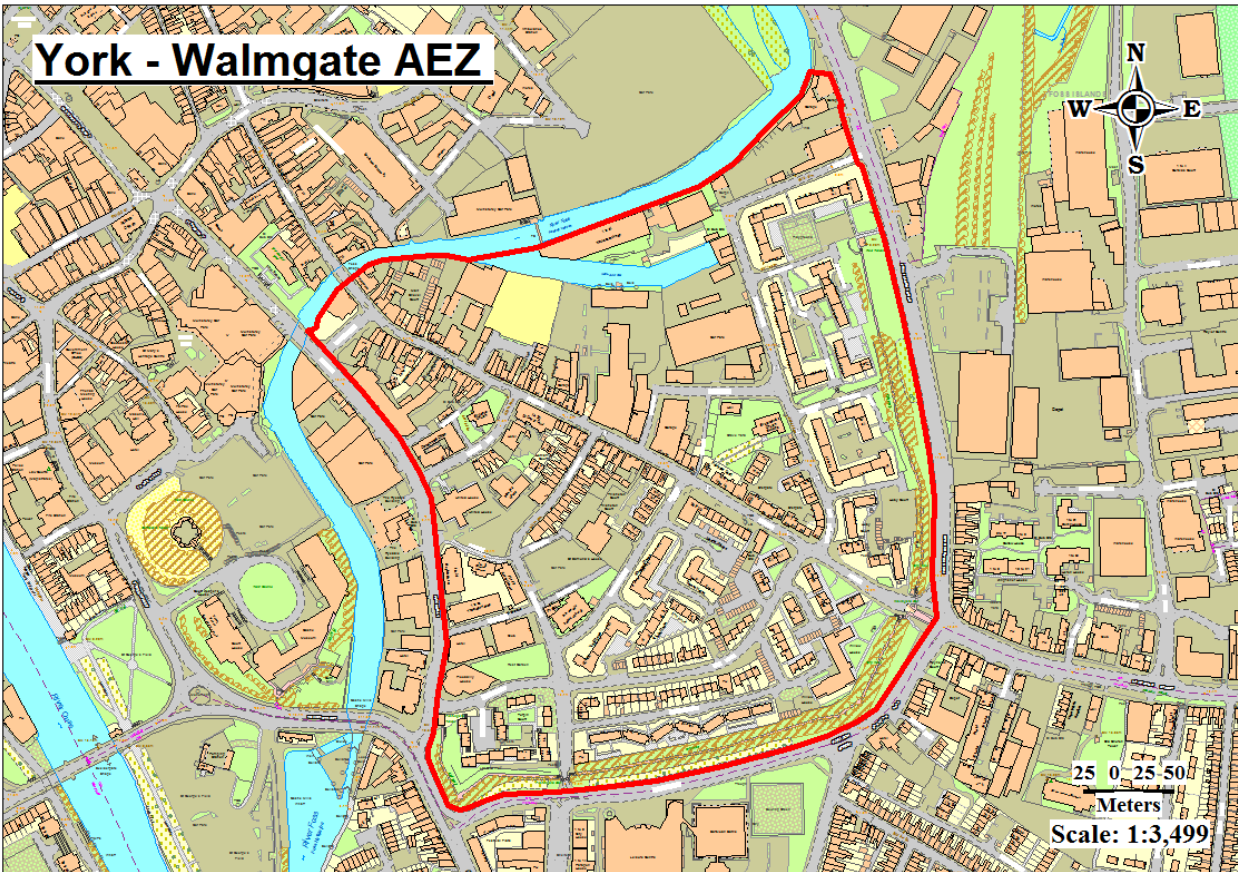
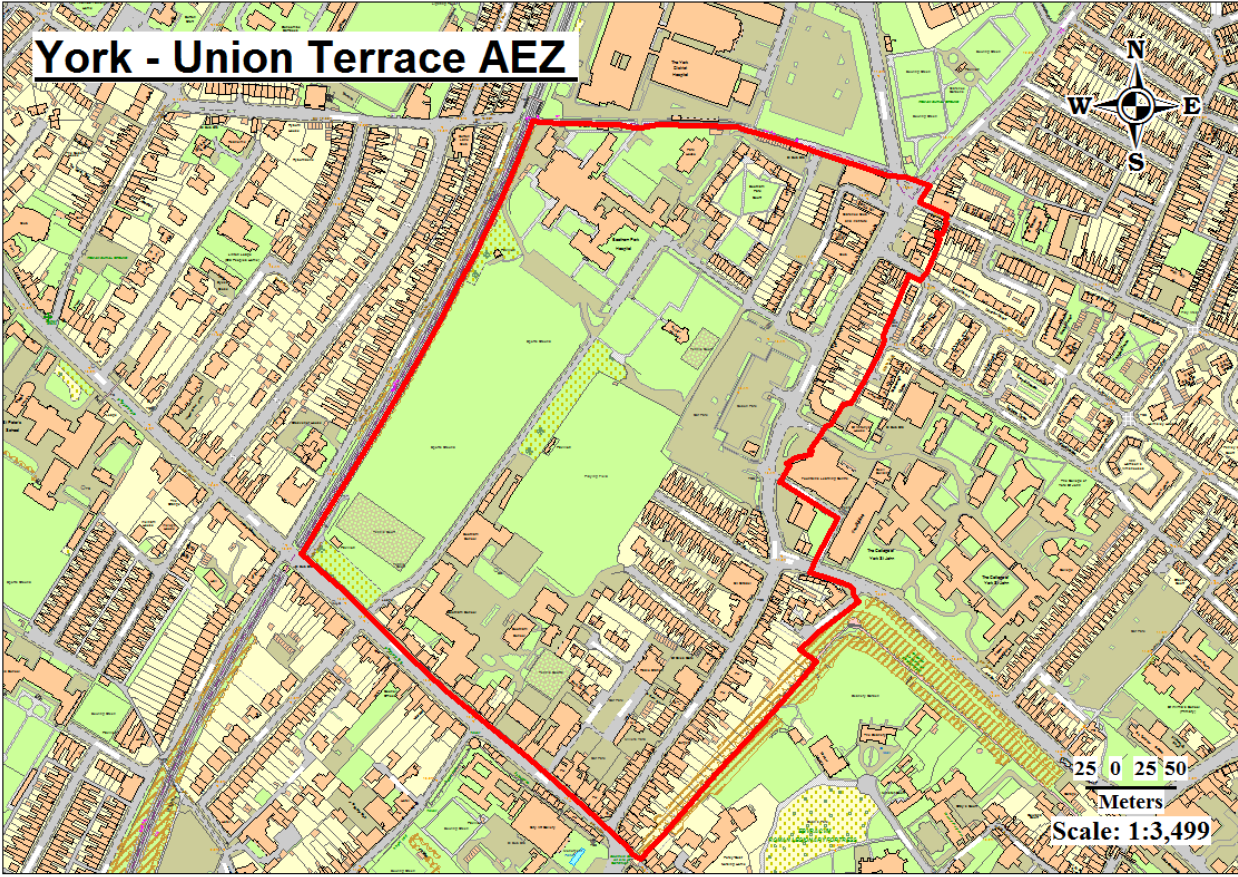




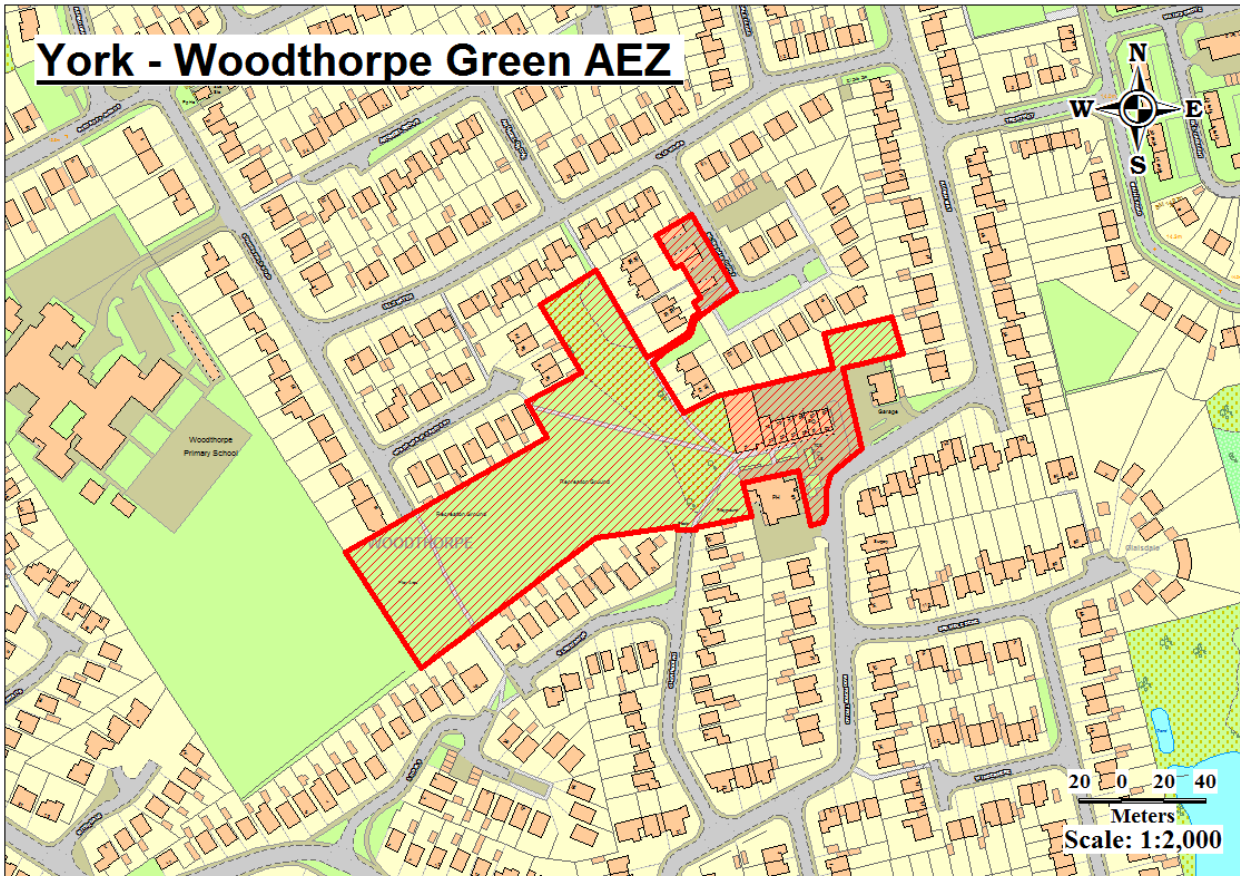












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