

Report of the Director of Health, Housing & 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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Report Date 4 September 2017
Approved

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