
Licensing and Regulatory Committee

4 September 2009

Report of the Director of Neighbourhood Services

DESIGNATED PUBLIC PLACES ORDER – CLARENCE GARDENS

Summary

1. This report advises members of a petition presented at Council on 9 July 2009 requesting that the council “ban the consumption of alcohol in Clarence Gardens” following concerns of an increasing level of disturbance resulting from “inappropriate drinking” and the actions taken by officers.

Background

2. Under section 13 of the Criminal Justice and Police Act 2001 powers exist for a local authority to make a Designated Public Places Order (DPPO) where there is alcohol related nuisance or annoyance to the public in an area. The effect of an order is that the police have powers to require a person to stop drinking alcohol in that area and to request the surrender of alcohol in any opened or sealed container. Failure to comply is an arrestable offence and subject to a maximum fine of level 2, currently £500.
3. During Autumn 2008 concerns were being expressed by local ward councillors and council officers that people drinking alcohol in Clarence Gardens and the adjoining children’s play area were causing nuisance and disturbance to other users of the facilities. At that stage evidence started to be collected to evaluate the potential to make a DPPO.
4. In the spring of 2009 problems escalated. Reports of drinkers fighting, using foul and abusive language, intimidating other garden users, vandalism and littering were received.
5. Work on cutting back shrubbery to increase visibility was undertaken. Meetings occurred with the police and Arc Light staff regarding the problems.(It should be noted that problems existed before the hostel moved into the area and subsequently not all those involved in antisocial drinking are from the hostel). Anti social behaviour still continued.
6. In May 2009 support was sought of North Yorkshire Police for the making of a DPPO, full support was received. Support was also received from ward councillors. A 324 name petition was received signed by local residents and

users of the gardens requesting that the council ban the consumption of alcohol in the area. This petition was presented to full council on 9 July 2009.

7. In accordance with the statutory procedure for making an order a public notice was placed in the Press on 16 July 2009 seeking any representations to the making of the order to be submitted by the 17 August 2009. No representations were received.
8. Accordingly, under officer delegation, the order has now been made. It must be publicised in the local press and will come into force when signage has been erected in the area to advise users of its existence.

Consultation

9. Full statutory consultation has been carried out as outlined in the report.

Options

10. This report is for members' information as a petition has been submitted to the council.

Analysis

11. Members will note that the effect of the order is not a total ban on the consumption of alcohol in the area but gives the police powers to deal with anti social drinking. The success, or otherwise, of the order relies on its enforcement by the police.

Corporate Strategy

12. The control of the consumption of alcohol in public places contributes to making York a safer city.

Implications

Financial

13. The cost of making the order will be in the region of £2,000 and will be met from existing budgets.

Human Resources (HR)

14. None.

Equalities

15. None.

Legal

16. The correct legal procedure has been followed in the making of the DPPO.

Crime and Disorder

17. The additional powers granted to the police under the terms of the order will assist in effective control of anti social behaviour in the area.

Information Technology (IT)

18. None.

Property

19. None.

Other

20. None.

Risk Management

21. There is no risk to the council in making this order as all legal processes have been followed.

Recommendations

22. Members are asked to note the content of this report.

Contact Details

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Report Approved



Date 17/8/09

Specialist Implications Officer

Legal – Sandra Branigan

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Wards Affected: Clifton and Guildhall



For further information please contact the author of the report.

Background Papers:

Criminal Justice and Police Act 2001

Annexes

None

RH/GE

17 August 2009

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