

Report of the Assistant Director – Housing & Public Protection

DESIGNATED PUBLIC PLACE ORDERS

Summary

1. The following report outlines the current landscape of Designated Public Place Orders (DPPO) and puts forward proposals to consult on a simplification of the structure which would ease enforcement and reduce displacement.

Background

2. The purpose of a Designated Public Place Order is to restrict anti-social drinking in designated public places. It is applicable to those over the age of 18 as there are separate laws available to the Police for dealing with those who are under 18. Local Authorities have the power to make an Order under Section 13 of the Criminal Justice and Police Act 2001.
3. An order provides Police with enforcement powers (within the defined area) to request an individual or group to cease drinking and to confiscate alcohol if they believe that the individual or group has been, is or is about to behave in an anti-social manner.
4. An order is not a comprehensive ban on drinking in the open air and does not cover licensed premises.
5. Once a DPPO is in place, the police can use their confiscation powers to enforce the restriction. It is not an offence to consume alcohol within a designated area, but failure to comply with an officer's requests to stop drinking and surrender the alcohol without reasonable excuse is.
6. DPPO's are available in areas that have experienced alcohol related anti-social behaviour problems. They have been used

across the country in areas ranging from a single street or park, to town centre or city-wide areas.

Current Position

7. Since the introduction of the legislation, York has successfully implemented 19 DPPOs in response to escalating levels of alcohol related anti-social behaviour in various locations across the city. (See Annex 1 for plan showing locations). Combined with the development of a cumulative impact zone restricting the number of licensed premises within the city centre, anti-social behaviour related to alcohol has not escalated in York to the same levels seen in other UK cities.
8. In 2008, the North Yorkshire Police (NYP) Acting Chief Superintendant with responsibility for York convened a small working group comprised of representatives from Safer York Partnership (SYP), City of York Council and North Yorkshire Police Licensing Teams to look at options for simplifying the DPPO landscape by designating the area within the Bar Walls as a single DPPO. At the time, concerns were raised about displacement and the levels of police resource available to enforce the legislation. The idea was therefore not progressed.
9. Since the original discussions for a wider DPPO, the police have restructured to assign all officers to a geographical (ward based) area of the city.
10. Analysis of the levels of crime and anti-social behaviour associated with existing DPPOs, including possible displacement shows that in the buffer areas, levels of crime have reduced but the levels of anti-social behaviour have increased. Fourteen of the zones were put in place before 2007 and the CSP only holds records from 2007. Therefore it is not possible to carry out a complete analysis on the periods before and after the zones were established. It should also be noted that part of the rationale for the zones is to promote calls for service in order to increase police response, therefore by default calls for service in these areas will increase.
11. North Yorkshire Police recorded Anti Social Behaviour (ASB) Calls for Service show increased levels during July and August each year from 2009 – 2011. This is consistent with qualitative evidence from the Safer Neighbourhood Teams and calls and emails received by SYP in relation to escalations in anti-social behaviour associated

with alcohol during the summer months. It is not possible to map alcohol related ASB due to the way in which data is recorded on the police system. However, an indication of the extent to which alcohol impacts on ASB can be gained through manual interrogation of the police data system.

12. During Summer 2011, displacement from the city centre DPPOs resulted in a number of complaints from residents about the anti-social activities of street drinkers within residential areas of the city. This resulted in an operation between the police, Safer York Partnership and partners to develop a multi-agency package of support and enforcement. However, this level of intervention cannot be sustained on a long term basis.
13. Safer York Partnership also regularly receives emails highlighting incidents relating to street drinkers in Union Terrace Coach Park and the impact this has on visitors arriving in the city.
14. A petition has been generated by the taxi drivers and business community in Stonebow and St Saviourgate, urging the Council to create a DDPO in this area of the city due to the high levels of crime and anti-social behaviour associated with Street Drinkers using Carecent, a centre for homeless, disadvantaged and unemployed people.
15. Members of the York North Safer Neighbourhood Team (SNT) have submitted copies of emails sent in relation to displacement from the Union Terrace DPPO and photographs of street drinkers behaving in an anti-social manner in and around the coach park on Union Terrace. SNTs officers in all Safer Neighbourhood Areas have highlighted concerns with escalating levels of anti-social behaviour relating to street drinkers, particularly during the summer.
16. Copmanthorpe has experienced displacement issues from neighbouring Tadcaster, as many of the youths in Copmanthorpe attend Tadcaster Grammar School. A problem solving plan has been implemented in Copmanthorpe to deal specifically with issues occurring during evenings and weekends involving large groups (sometimes up to 70) youths. Interventions have included plain clothes police patrols, liaison with CYC Youth Service and an increase in the age at which alcohol can be purchased from the Co-Op to 30. Such approaches are resource intensive and cannot be sustained as a permanent solution.

Consultation

17. In addition to the existing 19 DPPO's, Safer York Partnership and City of York Council Licensing regularly receive requests for additional DPPOs. Currently requests for further DPPO's have been received (Annex 2). These requests cover approximately 30 additional streets.
18. Requests are generally the result of frustration that alcohol relating anti-social behaviour is escalating and a belief that the ability for the police to seize alcohol will remove and/or contain the problem. Examples include the market traders in Newgate, Business and Taxi companies in St Saviourgate and Stonebow and the residents of The Groves who have suffered displacement from Union Terrace.
19. The major disadvantage of responding to individual requests for DPPOs is that it increases confusion of the exact boundaries of the orders. This makes enforcement extremely difficult as the police need to be clear on which parts of wards are covered by the legislation. Members of the public have regularly contacted Safer York Partnership with concerns that the existing DPPOs are not enforced and examples have been provided where police have been seen in the area but no action has been taken against people breaching a DPPO. This is likely to be due to those officers having been dispatched by the control room to another more urgent incident or simply because of the difficulties in knowing the exact boundaries of the existing 19 areas.
20. As a result a small working group comprised of the Head of Community Safety, SYP Analyst, SYP Crime Reduction Manager, CYC & NYP Licensing and the City Centre Manager met in August to discuss solutions to the displacement issue and look at widening the area of the City Centre DPPO to within the Bar Walls. The meeting concluded that widening the boundaries of existing city centre DPPOs would not resolve the issues of displacement and may actually spread alcohol related anti-social behaviour relating to the most problematic street drinkers further into residential areas. It was concluded that creating one DPPO for the whole City would address the displacement problem as it would be unlikely that street drinkers would move as far out as the ring road.

21. On 26th September 2011 a paper was taken to the Safer York Partnership Board recommending that number of DPPOs in York should be rationalised to one single DPPO for the whole Unitary Authority area. No decision was taken as it was felt that the paper did not contain sufficient evidence to support a city wide DPPO.
22. On 30th January 2012, the DPPO was discussed again at the SYP Board. Since the previous meeting the Acting Assistant Chief Constable has formally confirmed NYP's support for a city wide DPPO stating that the police would welcome this approach as it would simplify enforcement arrangements by giving all officers in York the power to seize alcohol under the legislation.
23. The SYP Board is comprised of representation from the police, Fire & Rescue, The Police Authority, City of York Council, York and North Yorkshire Probation and the Primary Care Trust. The representatives of these agencies agreed to support the concept of widening the coverage of the DPPO and recommended four options for consideration by the Cabinet Member for Crime and Community Safety.
24. Consultation is a crucial element of obtaining a DPPO as it ensures the support of the community and licensees within the area affected. Opting to significantly increase the area covered by a DPPO would require a more enhanced approach to consultation ensuring that communities in York had the opportunity to contribute their views to the evidence gathering process that would support this approach. Therefore, it is proposed that consultation should not be restricted to the usual contact with on and off licensed premises, but should extend to residents groups and an on-line survey through the Safer York Partnership website.

Options

25. Option 1 - To maintain the status quo and consult on additional DPPOs to address problem areas as they arise.
26. Option 2 - To consult on a single DPPO within the Bar Walls, maintain those existing outside the Bar Walls and create additional orders to address problems as they arise.

27. Option 3 - To consult on a single DPPO within the boundary of the Outer Ring Road, maintain those existing outside the outer ring road and create additional orders to address problems as they arise.
28. Option 4 - To consult on a single DPPO covering the whole Unitary Authority.

Analysis

29. Option 1 – We know from qualitative evidence received by the police Safer Neighbourhood Teams and from statistical evidence of anti-social behaviour that there is displacement from the current DPPOs within the city. As already mentioned, during the summer, levels of anti-social behaviour increase significantly and displacement has been recorded around all existing DPPOs. There are currently 19 individual DPPOs which makes it extremely difficult for the police to enforce as all officers need to be familiar with the exact boundaries.
30. Option 2 – Does not change the situation significantly from option 1. Historical evidence already shows displacement and this is likely to impact further on residential areas outside the bar walls. The problem would also impact significantly on the British Transport Police in relation to the Railway Station which is situated outside the Bar Walls.
31. Option 3 – Displacement is less likely to occur beyond the ring road if this option were to be implemented. However, there are already DPPOs in place within the outlying rural wards of the city, and some of these areas (e.g. Copmanthorpe) have suffered displacement as a result of neighbouring districts implementing DPPOs. There would therefore be a need to retain individual DPPO's which fall outside the outer ring road and consider new individual DPPO's as requests arose.
32. Option 4 - Will provide the least risk of displacement as it is unlikely that the most prolific street drinkers within the city centre would migrate to beyond the ring road. This option would also clarify the legislation and enforcement procedure for all officers working within the York Safer Neighbourhood Command area. It should be stressed that if this option is taken forward, there is a need for clear public messages that state the meaning of the legislation and to whom it applies.

Council Plan

33. The Council Plan refers to tackling crime and increasing community safety. It also refers to engaging residents in tackling anti-social behaviour in our neighbourhoods. The proposal for a city wide DPPO would assist the Council in achieving this aim.

Implications

34. The implications arising from this report are:

- **Financial** - Cost of legal notices and signage would be met by Safer York Partnership and not impact on CYC
- **Human Resources (HR)** - N/A
- **Equalities** - Tackling harm caused by alcohol and anti-social behaviour are priorities within the Safer York Partnership Community Safety Plan. This plan has undergone a full EIA and its content is inclusive of all communities within the city of York.
- **Legal** - Local Authorities have the power to make an Order under Section 13 of the Criminal Justice and Police Act 2001. Legal notices are required and fall within the remit of the Licensing team.
- **Crime and Disorder** - This report relates entirely to tackling crime and disorder. The implementation of a DPPO will enable the Police to request an individual or group to cease drinking and to confiscate alcohol if they believe that the individual or group has been, is or is about to behave in an anti-social manner.
- **Information Technology (IT)** NA
- **Property** NA
- **Other** NA

Risk Management

35. No known risks.

Recommendations

36. The Cabinet Member is asked to:

- Consider the options and approve the recommendation to consult on the option that he feels will best address the problems associated with alcohol related street drinking.

Reason: To ensure that the city council and the police can effectively tackle the problems associated with anti-social behaviour and street drinking

Contact Details

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**Chief Officer Responsible for the
report:**

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**Report
Approved**



Date 22nd March 12

Wards Affected: *List wards or tick box to indicate all*

All

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For further information please contact the author of the report

Background Papers:

Annex 1 – Maps showing York's existing DPPO's

Annex 2 – Map showing requests for new DPPO's