

# WIRRAL COUNCIL

## LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

23 JANUARY 2013

<b>SUBJECT:</b>	<b>DESIGNATED PUBLIC PLACES ORDER – NEW FERRY</b>
<b>WARD AFFECTED:</b>	<b>BROMBOROUGH</b>
<b>REPORT OF:</b>	<b>ACTING DIRECTOR OF LAW HR AND ASSET MANAGEMENT</b>
<b>KEY DECISION?</b>	<b>NO</b>

### 1.0 EXECUTIVE SUMMARY

1.1 This report seeks Members' views on the designation of an area within New Ferry under the Criminal Justice and Police Act 2001 as being subject to a Designated Public Places Order.

### 2.0 BACKGROUND AND KEY ISSUES

- 2.1 On 16 July 2012 a petition was submitted to a Meeting of the full Council in respect of an area of New Ferry being subject to a Designated Public Places Order (DPPO). The petition was subsequently referred to the Licensing Manager who has liaised with Councillor Niblock and Merseyside Police regarding the requirement to consult with the police regarding such a proposal. The petition is attached at Appendix 1.
- 2.2 On 14 December 2012 a bundle of evidence was provided by Merseyside Police in support of their view that the following streets be subject to a Designated Public Places Order: Bebington Road, between New Chester Road and Old Chester Road, New Chester Road between Grove Street and Boundary Road, Boundary Road, Woodhead Street, Underley Terrace, Olinder Street, Grove Street, Grove Square and New Ferry Park, New Ferry Road, Thorburn Road and The Esplanade. A street map providing details of these streets is attached at Appendix 2.
- 2.3 Merseyside Police have provided statements from Police Officers who have dealt with a number of incidents within the area with the overriding common denominator being that the individuals subject to each statement were under the influence of alcohol. There are 14 statements from individuals who either run local businesses or who have business interests in the area. These statements convey the feelings of individuals regarding the problems caused by people who are drunk in the area and the associated anti social behaviour that transpires from this. There are also 19 police logs which predominantly relate to theft from local businesses. The information provided by the police also includes four Direction to Leave forms issued under Section 27 of The Violent Crime Reduction Act 2006. Such notices are issued where it is considered that the individual is likely to contribute to the occurrence of alcohol related crime or disorder in that locality.
- 2.4 The Criminal Justice and Police Act 2001 provides local authorities with powers to designate any public place within its area as being subject to a Designated Public Places Order ( DPPO ) if the authority is satisfied that nuisance or disorder has occurred in that area connected to the consumption of alcohol.

A public place is one to which the public generally have access, with or without payment.

- 2.5 A Designated Public Places Order does not make it an offence to drink alcohol in a designated place. The effect of an area being subject to a DPPO is that the police are given additional powers in that area to stop people drinking alcohol and confiscate any alcohol in a person's possession in that area. A person commits an offence if they fail to stop drinking when asked to do so by a police officer or to give up their alcohol to the officer. If an offence is committed the person is liable on summary conviction to a fine not exceeding £500. Such offences can also be dealt with by way of the issuing of a fixed penalty notice.
- 2.6 It is important to note that a place is not a designated public place or part of such a place if it is a licensed premises or a registered club or a place within the curtilage of any licensed premises or registered club.
- 2.7 The procedures that local authorities must follow in designating a public place are set out in The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007. The regulations set out the consultation, publicity and signage requirements that must be met.

These regulations require local authorities to consult with:

- The Police to seek views on the nature of the problem and the appropriateness of designating such an area, recognising that it will be the police who will have responsibility for enforcing the resulting restrictions on public drinking. It is also necessary to consult the police for any area near to the area to be designated if the local authority believes the adjacent or neighbouring area may be affected by the designation
  - Any parish or community council in whose area the public place is to be designated or may be affected by the designation
  - Each Premises Licence Holder or Club Premises Certificate
  - Owners or occupiers of any land that may be identified in a designated order
- 2.8 The regulations also require the local authority to publish a notice in the local newspaper identifying the proposed area, setting out the effect of making an order and inviting representations on whether or not an order should be made. The advert must allow at least 28 days for representations to be made. Should an order be made a further notice is required to be published in a newspaper setting out the details and indicating the date on which the order will take effect.
- 2.9 It is a requirement that before an order takes place there must be signs in place that are sufficient to draw the attention of members of the public the effect of the order in that area.

### **3.0 RELEVANT RISKS**

- 3.1 There are none arising directly from this report.

#### **4.0 OTHER OPTIONS CONSIDERED**

4.1 There is no provision for other options to be considered.

#### **5.0 CONSULTATION**

5.1 Consultation is a statutory requirement.

#### **6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

6.1 There are no specific implications arising from this report.

#### **7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

7.1 There are cost implications in respect of the required consultation and statutory notices. The estimated cost of consultation with Premises Licence Holders, those holding Club Premises Certificates and land owners is £300 for mailshots, the cost of placing an advert in a local newspaper is approximately £200. Following consultation should an order be made, the cost of the required signage will be dependent on the number of signs required but can be estimated on an average cost of £50.00 for each sign. There will also be an impact on staffing resources to administer the process.

#### **8.0 LEGAL IMPLICATIONS**

8.1 A decision of the Committee may be subject to legal challenge.

#### **9.0 EQUALITIES IMPLICATIONS**

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

Yes An EIA is attached to the report

#### **10.0 CARBON REDUCTION IMPLICATIONS**

10.1 There are no specific carbon reduction implications arising from this report.

#### **11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

11.1 There are no Planning implications arising out of this report. A Designated Public Places Order could improve the safety of the public in that particular area subject to the enforcement of the restrictions in that area by Merseyside Police.

#### **12.0 RECOMMENDATION/S**

12.1 That Members consider whether officers should undertake the required consultation and advertising procedure for introducing a DPPO in respect of the area identified in Appendix 1 and that the results of this consultation be reported to a future meeting of this Committee.

#### **13.0 REASON FOR RECOMMENDATION/S**

13.1 It is a statutory requirement that consultation be undertaken before a decision can be made to identify a public place as being subject to a Designated Public Places Order.

**REPORT AUTHOR:** *Margaret O'Donnell*  
*Licensing Manager*  
telephone: (0151) 691 8606  
email: [margaretodonnell@wirral.gov.uk](mailto:margaretodonnell@wirral.gov.uk)