

WIRRAL COUNCIL

LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

22 MAY 2013

SUBJECT:	DESIGNATED PUBLIC PLACES ORDER – NEW FERRY
WARD AFFECTED:	BROMBOROUGH
REPORT OF:	STRATEGIC DIRECTOR OF REGENERATION & ENVIRONMENT
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to consider the response to consultation that has taken place in respect of the designation of an area within New Ferry as being subject to a Designated Public Places Order and to determine whether such an Order should be made.

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 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 (including car park), Underley Terrace, Olinda Street, Grove Street, Grove Square, Stanley Road, New Ferry Park, Longfellow Drive, New Ferry Road, Thorburn Road, The Esplanade, Land including tennis courts on Stanley Road, Esher Road and Esher Close (including the underground walkway between Esher Road and Esher Close). A street map providing details of these streets is attached at **Appendix 2**.
- 2.3 As part of the bundle submitted by Merseyside Police in December 2012 statements were provided by Police Officers who have dealt with a number of incidents within the area identified in paragraph 2.2. The overriding common denominator within these statements is 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 On 23 January 2013, Members of this Committee resolved that officers undertake consultation in respect of a DPPO within the area of New Ferry as specified in paragraph 2.2.

- 2.10 On 13 February 2013 an advert was published in an edition of the Wirral Globe and during the week commencing 11 February 2013 a total number of 888 letters were sent to all those as detailed within 2.7 of this report. A copy of the letter and the newspaper notice is attached at **Appendix 3**.
- 2.11 In response to the consultation a total number of 77 responses have been received. The majority of those who provided a response (74) support the proposal of a DPPO in the area of New Ferry that has been identified.
- 2.12 Councillor Niblock has requested that the DPPO be extended so that the car park on Grove Street and the land surrounding New Ferry Village Hall is included.
- 2.13 Fifty four of the responses received have also provided evidence to support the proposal. A summary of the comments received from these residents is attached at **Appendix 4**.
- 2.14 Three responses have been received from individuals who are not in support of the proposed DPPO, two of whom have provided additional information. A summary of these responses is attached at **Appendix 5**.
- 2.15 In addition to the documents provided by Merseyside Police on 14 December 2012, as detailed within 2.3 of this report, a response to the consultation has been received from Chief Superintendent John Martin, Wirral Area Commander. A copy of this response is attached at **Appendix 6**.
- 2.16 Should a decision be made to designate an order under Section 13 of the Criminal Justice and Police Act 2001 the Council must publicise the details of the area to be designated in the order in a local newspaper identifying the place which is to be designated and setting out what effect the DPPO will have at particular times in relation to any type of premises in the public place.
- 2.17 It is also 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 to the effect of the order in that area. A model sign provided in the 'Guidance on Designated Public Places Order' published by the Home Office is attached at **Appendix 7**.

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 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. The cost of placing an advert in a local newspaper is approximately £200.

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 EIA is attached to the report dated 23 January 2013

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 the responses to the consultation in determining whether a DPPO should be put in place in respect of the area identified in Appendix 2 be in place.

13.0 REASON FOR RECOMMENDATION/S

- 13.1 It is a delegated function of this Committee to make an order identifying a place as a designated public place for the purposes of Police powers in relation to the consumption of alcohol under Section 13 of the Criminal Justice and Police Act 2001.

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