

WIRRAL COUNCIL

LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

18 JUNE 2014

SUBJECT:	DESIGNATED PUBLIC PLACES ORDER – BIRKENHEAD
WARDS AFFECTED:	BIDSTON AND ST JAMES, BRKENHEAD AND TRANMERE, CLAUGHTON, OXTON, ROCK FERRY, PRENTON
REPORT OF:	STRATEGIC DIRECTOR OF REGENERATION & ENVIRONMENT
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

1.1 This report seeks Members' views on the designation within the Parliamentary Constituency area of Birkenhead of a Designated Public Places Order under the Criminal Justice and Police Act 2001.

2.0 BACKGROUND AND KEY ISSUES

2.1 On 8 August 2013, a request was submitted by Merseyside Police to introduce a new Designated Public Places Order (DPPO) to cover the whole of the Parliamentary Constituency area of Birkenhead.

2.2 There are currently areas within Birkenhead, Upton and Prenton which are currently subject to a DPPO and details of these areas are shown at Appendix 1. The area that is now requested to be designated a DPPO is detailed within Appendix 2.

2.3 Merseyside Police provided a bundle of evidence to support their request to have the DPPO extended including statements from Police Officers, Police Community Support Officers, Local Businesses and Local Residents who have witnessed incidents within the proposed area with the overriding common denominator being that the individuals subject to each statement have been under the influence of alcohol. Merseyside Police have also provided Incident Logs containing a total number of 128 incidents from 1 January 2013 to 30 July 2013. Such incidents included street drinking related anti-social behaviour (108), alcohol related anti-social behaviour (8) and street drinking related violence (12). The information provided by the police confirmed that six Direction to Leave forms were 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. A petition was also received signed by 462 local residents/businesses who are in support of the request to have the DPPO extended. Merseyside Police will provide an update of their evidence at the meeting.

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 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 DPPO 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 to stop people drinking alcohol and confiscate any alcohol in a person's possession. 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 a 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 to the attention of members of the public the effect of the order in that area.
 - 2.10 On 2 October 2013, Members of this Committee resolved that officers undertake consultation in respect of a DPPO within the Parliamentary Constituency area of Birkenhead as specified in paragraph 2.2.
 - 2.11 The consultation period began on 14 March 2014 and closed on 16 May 2014.

- 2.12 On 26 March 2014 an advert was published in an edition of the Wirral Globe. A leaflet was also hand delivered by Community Payback to all residential properties within the Parliamentary Constituency area of Birkenhead. A copy of the leaflet and the newspaper notice is attached at Appendix 3. Details of the consultation were also published on the Council Website.
- 2.13 In response to the consultation a total number of 22 responses have been received who are in support of the proposal of a DPPO.
- 2.14 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.
- 2.15 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 4.

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 £25.00 for each sign. Merseyside Police estimate that the number of signs required would be 300. There is no provision within the Licensing Budget to meet these costs. Officers are making enquiries as to whether these costs could be met with contributions from the Neighbourhood Constituency budget and Merseyside Police. 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 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 the responses to the consultation in determining whether a DPPO should be put in place in respect of the area identified in Appendix 2.

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.

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APPENDICES

1. Maps indicating current DPPO's within Birkenhead, Upton and Prenton
2. Map indicating the requested DPPO within the Parliamentary Constituency area of Birkenhead
3. Leaflet and Newspaper Notice detailing consultation
4. Model sign

REFERENCE MATERIAL

- None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Health and Safety and General Purposes Committee	8 August 2013