



SHEFFIELD CITY COUNCIL Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 5th February 2013

Subject: **Section 13 – Criminal Justice and Police Act 2001**
Designated Public Place Order (DPPO) - Woodhouse

Author of Report: Claire Bower – 203 7751

Summary: The report details the review of the Order in Woodhouse and gives evidence of the requirement to extend the Order.

Recommendations: That Members consider all the information provided in the request made by the Police and any other information provided at the meeting.

Background Papers:

Category of Report: OPEN

REPORT OF THE CHIEF LICENSING OFFICER, HEAD OF LICENSING TO THE LICENSING COMMITTEE

Ref: 9/13

Designated Public Place Orders (DPPOs) Outcome of Consultation for Woodhouse – Extension into Tannery Park

1.0 SUMMARY

- 1.1 At the hearing of 16th October 2012, Members of the Licensing Committee reviewed the existing DPPO in the Woodhouse area and, at the request of South Yorkshire Police, authorised wider consultation to be undertaken regarding the area of the DPPO being extended into Tannery Park.
- 1.2 The final date for comments was 14th December 2012.
- 1.3 This report details:
- the consultation carried out in accordance with the legislation; and
 - the results of the consultation.

2.0 WHAT DOES THIS MEAN FOR THE PEOPLE OF SHEFFIELD

- 2.1 The introduction of Section 13 of the Criminal Justice and Police Act 2001 allows Local Authorities, after consultation, to make an order identifying a designated place if they are satisfied there is an alcohol related nuisance or annoyance to the public.
- 2.2 The order does not make it a criminal offence to consume alcohol within a designated area. An offence is committed if the individual refuses to comply with a constable's request to refrain from drinking.
- 2.3 These powers are not intended to disrupt peaceful activities – bodies responsible for enforcing DPPOs must keep in mind that the power is to be used explicitly for addressing nuisance or annoyance associated with the consumption of alcohol in a public place.
- 2.4 Extending the Order into Tannery Park could assist the Council in achieving some of the priorities, values and outcomes in "Standing up for Sheffield: Corporate Plan 2011-14" such as:-

Priorities

- Supporting and protecting communities
- Focussing on jobs
- Business friendly

Values

- Long term view
- Prevention
- Enable individuals and communities

Outcomes

- Better health and well being
- Tackling poverty and increasing social justice
- A great place to live
- Safe and secure communities

The further consultation that has been carried out as required under the legislation will give an indication of this.

3.0 INTRODUCTION AND BACKGROUND

- 3.1 The initial request for a DPPO in the Woodhouse area was submitted by Inspector Jason Booth, Sheffield South East Safer Neighbourhood Area on 2nd November 2010 and came into effect on 1st April 2011 – the existing area is depicted on the plan attached at Appendix ‘A’. Clearer areas plans will be available at the hearing.
- 3.2 Members reviewed the Order in October 2012 and, from the evidence provided, were satisfied the Order has been effective in reducing alcohol-related anti-social behaviour in the area.
- 3.3 Members also gave approval for further consultation to be undertaken with relevant individuals, groups and organisations on the extension of the Order into Tannery Park. A plan of the area depicting the proposed extension into Tannery Park is attached at Appendix ‘B’.
- 3.4 The minutes and resolution from October’s meeting are attached at Appendix ‘C’.
- 3.5 The consultation was carried out in accordance with Paragraph 3 of The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007, i.e.:

“3.—(1) Before making an order, a local authority shall consult—

(a) the chief officer of police for the police area in which the public place proposed to be identified in the order is situated;

.....

(d) the premises licence holder, the club premises certificate holder or the premises user, as appropriate, in relation to each premises in that place which it considers may be affected by the designation and which are premises in respect of which—

- (i) a premises licence granted under Part 3 of the 2003 Act (premises licences) has effect;*
- (ii) a club premises certificate granted under Part 4 of the 2003 Act (clubs) has effect; or*
- (iii) a temporary event notice has been given so that the premises may be used for a permitted temporary activity by virtue of Part 5 of the 2003 Act (permitted temporary activities).*

- (2) *Before making an order, a local authority shall also take reasonable steps to consult the owners or occupiers of any land proposed to be identified.”*

No Club Premises Certificates are held or Temporary Events Notices submitted in the area identified in the proposals.

3.6 The following methods of consultation were used:

- (a) A newspaper advertisement was published in the Sheffield Telegraph on 15th November 2012 (attached at Appendix ‘D’);
- (b) A webpage was created on the Sheffield City Council website; and
- (c) South Yorkshire Police carried out local consultation with residents which will be detailed at the hearing.

3.7 No consultation responses were submitted directly to the Licensing Service in response to the consultation.

3.8 Inspector Jason Booth will present the outcome of the resident consultation at the hearing referring to the PowerPoint presentation attached at Appendix ‘E’.

4.0 LEGISLATION AND GUIDANCE

4.1 Section 13 of the Criminal Justice and Police Act 2001 enables local authorities by order to identify any public place in their area if they are satisfied that –

- a) nuisance or annoyance to members of the public or a section of the public; or
- b) disorder;

has been associated with the consumption of intoxicating liquor in that place.

4.2 There must be an evidential basis for designation. The guidance note attached to the Home Office Circular (013/2007) on The Local Authorities (alcohol consumption in designated public places) Regulations 2007 states at paragraph 18:

“The local authority will want to satisfy itself that these powers are not being used disproportionately or in an arbitrary fashion which could be the case if one, isolated incident led to a designation order. Clearly there should be evidence of an existing problem, with an assessment as to the likelihood that the problem will continue unless these powers are adopted and belief that the problem could be remedied by the use of these powers. Against this background, it is possible that a single, serious incident might be sufficient to justify adoption of the powers.”

4.3 Prior to making an order, the regulations require local authorities to consult with the Police and other interested parties in the area such as any parish or community council, licensees in the area and owners or occupiers of land identified.

4.4 Once made an order applies to all areas to which the public have access, including private land (subject to the comments made at Paragraph 5).

4.5 While it is not an offence to consume alcohol within a “designated” area, the police have powers to control the consumption of alcohol in that place. If they believe someone is consuming alcohol or intends to consume alcohol they can:

- require them to stop; and
- confiscate alcohol from people.

If someone, without a reasonable excuse, fails to comply with the officer's request they are committing an offence which can result in a penalty notice or fine. The power is discretionary.

- 4.9 A DPPO may be enforced by a police officer (and other accredited persons, under sections 41 and 42 and Schedule 5 to the Police Reform Act).

5.0 THE EFFECT OF A DPPO ON LICENSED PREMISES AND EVENTS IN THE AREA

- 5.1 The Criminal Justice and Police Act 2001 ensures that pubs and clubs that have a premises licence under the Licensing Act 2003 to sell and supply alcohol can not be part of a designated public place. This includes any curtilage whether or not licensed e.g. beer gardens. But, if public areas are not included in the premises licence (such as the pavement outside a pub), the order will apply.
- 5.2 The Violent Crime Reduction Act 2006 (section 26) amended the 2001 Act to ensure that any licensed public spaces used by local authorities for community events will only be excluded from a designated public place in which they are located at times when alcohol is actually being sold or supplied and for 30 minutes thereafter.
- 5.3 The 2006 Act also separately ensures that a premises in respect of which a Temporary Event Notice (TEN) permits the supply of alcohol will also be excluded from a DPP in which it is located for 30 minutes following the supply of alcohol rather than 20 minutes as was previously the case.

6.0 FINANCIAL IMPLICATIONS

- 6.1 Should Members decide to make an extension to the Order, before it takes effect a further advertisement must be published in a newspaper.
- 6.2 In addition, should the extension become operational, additional signage must be installed in the extended area.
- 6.3 At the time of writing the report, it was not confirmed where the funding for the advertisement or further signage would come from.

7.0 RECOMMENDATIONS

- 7.1 That members consider all the information provided in the request made by the Police and any other information provided at the meeting either in writing or verbally.

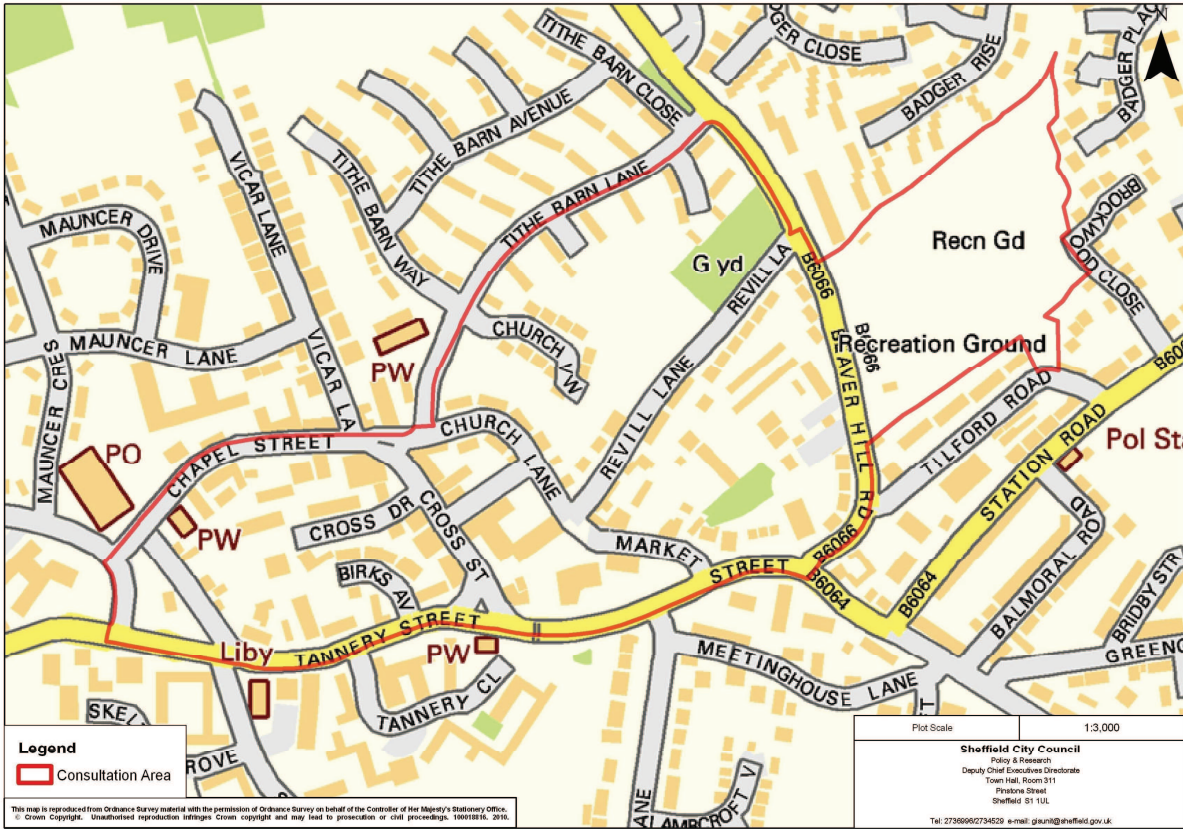
8.0 OPTIONS OPEN TO THE COMMITTEE

- 8.1 To approve the extension of the Order into Tannery Park in line with the area plan attached at Appendix 'B'.
- 8.2 To defer the decision on whether to extend the order in order to obtain further evidence.
- 8.3 To determine not to extend the Order and maintain the DPPO in line with the plan depicted at Appendix 'A'.

Steve Lonnia
Chief Licensing Officer, Head of Licensing
January 2013

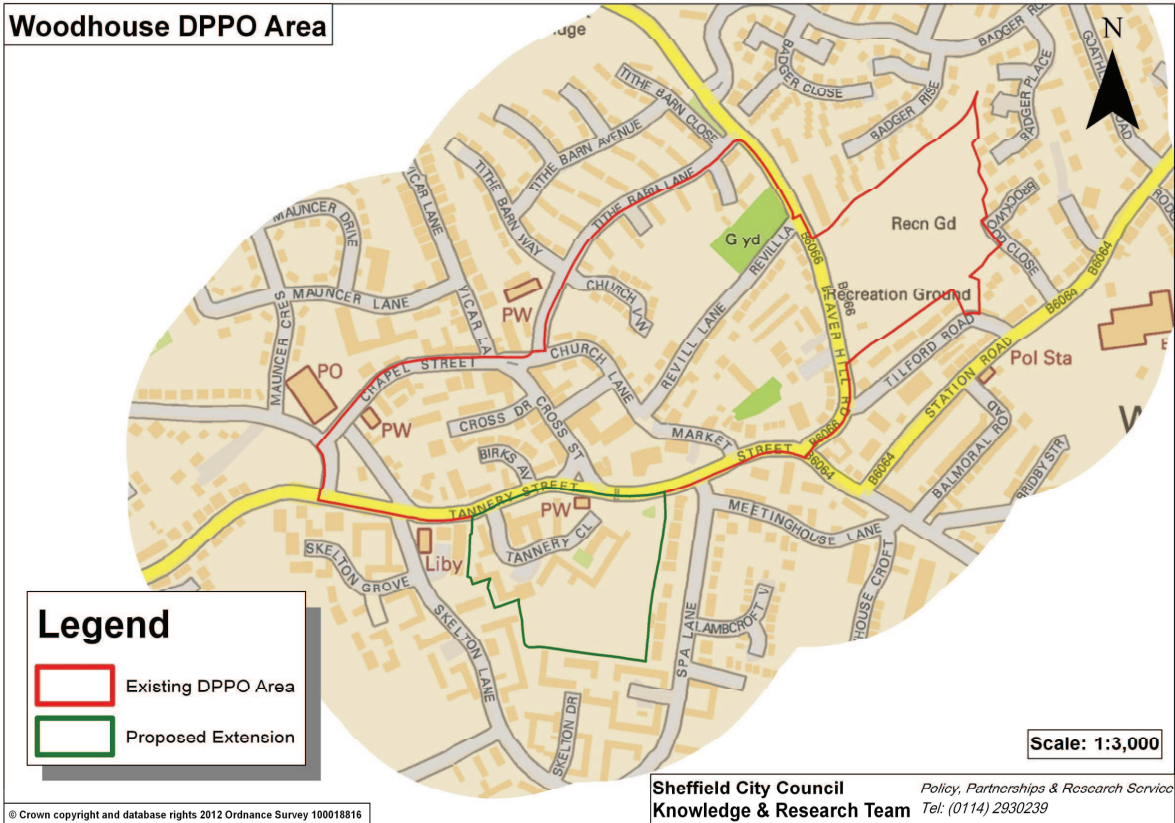
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APPENDIX 'A'



APPENDIX 'B'

Woodhouse DPPO Area



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Licensing Sub-Committee**Meeting held 16 October 2012**

PRESENT: Councillors Clive Skelton (Deputy Chair), Neale Gibson and George Lindars-Hammond

1. APOLOGIES FOR ABSENCE

- 1.1 An apology for absence was received from the Chair (Councillor John Robson) and Councillor Geoff Smith attended the meeting as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

- 2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. SECTION 13 - CRIMINAL JUSTICE AND POLICE ACT 2001 - WOODHOUSE DESIGNATED PUBLIC PLACE ORDER - REVIEW

- 4.1 The Chief Licensing Officer submitted a report (a) containing details of a review of the Woodhouse Designated Public Place Order (DPPO) which had been implemented in respect of the area known as Market Square, Woodhouse, following approval at a meeting of the Licensing Committee held on 8th February, 2011 and (b) on a request by the Sheffield South East Safer Neighbourhood Area (SNA) for the extension of the DPPO into Tannery Park in Woodhouse.

- 4.2 Present at the meeting were Inspector Jason Booth (Sheffield South East SNA), Richard Oxley (South East Community Assembly Safer Neighbourhood Officer), Councillor Ray Satur (Councillor for the Woodhouse Ward and Chair of the South East Community Assembly), Tracy Ford (Sheffield Drug and Alcohol Action Team), Howard Constable (Woodhouse Forum), Alan Charlesworth (Woodhouse Tenants' and Residents' Association and Friends of Tannery Park), Graham Postello (Woodhouse Community Forum and Badger Neighbourhood Watch), Claire Bower (Licensing Officer) Kavita Ladva (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

- 4.3 Claire Bower presented the report to the Sub-Committee.

- 4.4 Inspector Jason Booth, Sheffield South East SNA, gave a presentation on the review of the Woodhouse DPPO, which had commenced on 1st April, 2011. He reported on the need for a DPPO in Woodhouse and provided an analysis in terms of why South Yorkshire Police had applied for the implementation of the Order initially, indicating that within the proposed DPPO area Market Square had the greatest concentration of all alcohol-related anti-social behaviour (ASB). Incidents of ASB in the proposed DPPO area across had increased despite significant falls in ASB across the city, in fact ASB within the proposed Order area exceeded both 2007 and 2008 totals for the first 10 months of 2010 and alcohol was a factor in almost 25% of all incidents.

- 4.5 Inspector Booth reported on the action taken to respond to the problems in the Woodhouse area following the implementation of the Order, which included taking a

totally integrated partnership approach, undertaking consultation with the local community and involving local community groups, the South East Community Assembly, local Ward Councillors, the local Member of Parliament and local businesses and local licensed premises. He made specific reference to the involvement of the Drug and Alcohol Action Team (DAAT), whose excellent work in the area had complemented the work of the other partners in dealing with the issues as part of the Order.

- 4.6 Tracy Ford, DAAT, reported briefly on the role of the Team in supporting the Order, referring to targeted work, which included carrying out substance sessions with local GPs, partnership working with St. Annes Hostel and undertaking monitoring work and providing advice as part of a dedicated Partnership Substance Misuse Group.
- 4.7 Inspector Booth reported on the assessment and evaluation of the Order, indicating that since its implementation on 1st April, 2011, the Police had used powers under the Order a total of 55 times (49 occasions in 2011 and six occasions in 2012), leaflets had been produced signposting drinkers and drug users into support and any incidents of displacement had been monitored. In terms of displacement, he referred to specific problems in Tannery Park, where there had been 18 incidents during the past 12 months, with eight incidents being alcohol-related. The consultation carried out with residents and local businesses in September, 2011 had indicated that 70% of residents and 88% of local businesses had noticed a reduction in street drinking, 72% of residents and 100% of businesses considered the problem to be with the over 18s and 98% of residents and 100% of businesses were in support of the continuation of the Order. In terms of the consultation undertaken in September, 2012, all 32 of the businesses consulted indicated that they would support the continuation of the Order, 27 local businesses had noticed a difference in street drinking/alcohol-related ASB in Woodhouse and 14 businesses had experienced an improvement in trading since the Order had come into force. In addition to this, two new businesses had opened up since the Order had been implemented, and continued to trade successfully. Inspector Booth added that the continuation of the Order was supported by the three Woodhouse Ward Councillors, the Woodhouse and District Community Forum, Badger Tenants' and Residents' Association and the Friends of Tannery Park.
- 4.8 In terms of the next steps, Inspector Booth stated that the Police and partner agencies would build on the excellent work undertaken during the first 18 months of the operation of the Order, ensure effective policing of the zone, continue the effective partnership working with the partner agencies and the local community, redevelopment project of the planters, continue supporting and working with St. Annes Hostel, continue with the ongoing monitoring work in terms of the effectiveness of the Order and subject to the decision of the Sub-Committee, commence planning in connection with the proposal to extend the Order to Tannery Park.
- 4.9 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Inspector Booth stated that he did not anticipate any further displacement in terms of street drinking if the Order was extended to include Tannery Park as the Park was very close to the centre of Woodhouse and people were not likely to travel any further to find somewhere to drink. It was added that, despite the existence of the Order, people would still drink in public places, but more and more drinkers were being forced away from the centre of Woodhouse, thereby reducing the level of effect on the public. The Police had not carried out any arrests for non-compliance with the Order since it was implemented, although some arrests had been made for other public order offences. The vast majority of people had handed their drink over when they had been asked to by the Police and, whilst there had been particular problems with two individuals in the area, following assistance from partner agencies, these problems had subsided. The Police had dealt with eight alcohol related incidents in Tannery Park during the last months, mainly during the Summer months. The Police, residents and local community groups, particularly the Friends of Tannery Park had requested the extension of the Order to include Tannery Park. The offenders dealt with the Police in Tannery Park were mainly people who were

new to the area, and not necessarily known to the Police. Inspector Booth had met with the GP consortia to discuss the issue and affects of alcohol consumption in the area, and had been involved in the work of the South East Community Assembly Partner Panel in connection with health issues in the area. He expected the excellent partnership work with all the various agencies, including the GP consortia, to grow if the extension to the zone was granted. The residents of Tannery flats had been consulted through the Woodhouse Tenants' and Residents' Association, as part of the first review of the implementation of the Order, and had been very supportive of the Order. It was accepted that there was a need to consult with those residents living beyond Tannery Park if approval was given for such consultation on the proposed extension to the Order at this meeting. If the extension to the Order was granted, the Police did not envisage any further displacements as it was not likely that people would drink anywhere other than in the Park.

- 4.10 RESOLVED: That the public and press and attendees involved in the hearing be excluded from the meeting before further discussion takes on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.11 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the request.
- 4.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.13 RESOLVED: That the Sub-Committee:-
- (a) notes the information now reported, as part of the presentation, on the review of the Woodhouse Designated Public Place Order, which had been implemented with effect from 1st April, 2011;
 - (b) approves the continuation of the Order and requests that a further review on the operation of the Order be undertaken in three years' time;
 - (c) agrees that consultation be undertaken with relevant individuals, groups and organisations on the extension of the Order into Tannery Park, as requested; and
 - (d) requests that the costs of undertaking the consultation in respect of the extension of the Order be shared by the South East Community Assembly and the Sheffield South East Safer Neighbourhood Area.

SHEFFIELD CITY COUNCIL
Local Authorities (Alcohol Consumption in Designated Public Places)
Regulations 2007

NOTICE IS HEREBY GIVEN THAT **Sheffield City Council** in exercise of its powers under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 proposes to make an extension to the Order for the Woodhouse area of the city.

The Order allows a constable and other accredited persons under section 41, section 42 and schedule 5 to the Police Reform Act to require a person, in a designated place, not to drink alcohol in that place if the officer reasonably believes that a person has consumed or intends to do so, and to surrender the alcohol and any opened or sealed containers in the person's possession. It is not an offence to drink alcohol under this Order, but failure to comply with an officer's requirements in respect of public drinking or surrender of alcohol, without reasonable excuse, is an arrestable offence.

For the purpose of this order, any public place shall mean any place to which the public or any section of the public has access. A public place does not include any premises for which a Premises Licence or Club Premises Certificate (as defined by the Licensing Act 2003) has effect or any place within the curtilage of such premises; or any premises that may be used (or have been used within the last 20 minutes) for the supply of alcohol under a Temporary Event Notice (as defined by the Licensing Act 2003).

SCHEDULE

A detailed plan of the proposed area can be viewed at www.sheffield.gov.uk/WoodhouseDPPO or at the Licensing reception at the Staniforth Road Depot.

If you wish to make representations about the proposed Order you should send them in writing to: The Licensing General Section, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD by **Friday 14th December 2012**.

Steve Lonnia, Head of Licensing, Licensing Services
Sheffield City Council, Town Hall, Pinstone Street, Sheffield, S1 2HH

The Woodhouse Designated Public Place Order(from 1st April 2011)

THE WOODHOUSE DESIGNATED PUBLIC PLACE ORDER (TANNERY PARK EXTENSION) 5TH FEBRUARY 2012

The Woodhouse Designated Public Place Order(from 1st April 2011)

What is a DPPO.

Allow Police or Police Community Support Officers to confiscate alcohol in public places or require a person to stop drinking. Failure to do so can result in arrest/or fine of up to £500.

DPPOs are implemented by local councils to address alcohol related crime and disorder in public places
 Started 1st April 2011 in Woodhouse

The Woodhouse Designated Public Place Order(from 1st April 2011)

DPPO in Woodhouse

- Granted from 1st April 2011 until 2015
- Problem orientated problem approach
- Balance between enforcement, education and support

The Woodhouse Designated Public Place Order(from 1st April 2011)

THE NEXT STEP: Tannery Park Extension

- Park constructed post DPPO application owned by assembly.
- Valuable community project –own "Friends of" group
- Mocam Installed to preserve the facilities
- Just outside original DPPO area (natural route)
- Other key park was included in DPPO.

The Woodhouse Designated Public Place Order(from 1st April 2011)

The Woodhouse Designated Public Place Order(from 1st April 2011)

Legend
 Existing DPPO Area
 Proposed Extension

Scale: 1:3,000

The Woodhouse Designated Public Place Order(from 1st April 2011)

The Analysis

- 18 incidents reported first nine months 2012.
- 8 specifically mention alcohol
- Underreporting – Local staff on patrol.
- Perceptions?
- Raised at community meetings as a concern, supported by local partners and the community.

The Woodhouse Designated Public Place Order(from 1st April 2011)

The Analysis

- Consultation of 50 residents surrounding the park conducted:
 - Drinking out of cans
 - Groups of drinkers at all times of the day
 - Being rowdy
 - Shouting arguing and swearing
 - Leaving cans and bottles behind
 - Having sex
 - Urinating in the bushes
 - Drunken makes attempting to engage with children
 - Drinking and openly smoking cannabis



The Analysis

- This makes people feel:
- Intimidated
- Uncomfortable
- Unsafe/uneasy
- Annoyed
- Disappointed
- Reluctant to use the park
- Scared
- Nervous
- Fed up
- Need to detour/give them a wide berth
- Frightened
- Disgusted
- Angry that we can't use the park



The Next Step

- Building upon the Woodhouse DPPO to include Tannery Park.
- Ensuring effective policing of the zone.
- Continued partnership with the community and partners to improve the area.
- Continued community support for vulnerable adults and working with St Annes.
- Ongoing Monitoring of the project including displacement.



Questions?



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