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| 13 October 2011 | | ITEM 5 |
| Licensing Committee | | |
| DESIGNATED PUBLIC PLACES ORDER (DPPO) UPDATE | | |
| Report of: Lucy Magill, Head of Public Protection | | |
| Wards and communities affected: Ockendon, Belhus, Little Thurrock Blackshot and Little Thurrock Rectory | Key Decision: No | |
| Accountable Head of Service: Lucy Magill, Public Protection | | |
| Accountable Director: Bill Newman, Sustainable Communities | | |
| This report is Public | | |
| Purpose of Report: To update the Licensing Committee on work undertaken in relation to Designated Public Places Orders. | | |

Comment [sj]: Please provide a summary of the key points in your report

Comment [sj]: The recommendations should be set out in bold in the form of the decision that the decision-maker is being asked to make - See para. 5.2 of the report writing guidelines

Comment [sj]: You should briefly explain why the report is on the agenda - See para. 5.3 and 5.4 of the report writing guidelines.

EXECUTIVE SUMMARY

At the Licensing Committee meeting on the 26 July, a series of reports were presented on the proposed implementation of Alcohol Consumption Designated Public Place Orders (DPPOs). The Committee resolved to proceed to the next stage of the process, consultation, in respect of 5 separate specified areas. This report is to provide Members with an update on work undertaken in relation to this.

1. RECOMMENDATIONS:

1.1 That Members note the progress made and the plan of work.

2. INTRODUCTION AND BACKGROUND:

2.1 At its meeting of 26 July 2011, the Licensing Committee were presented with a series of reports on the proposed implementation of Alcohol Consumption Designated Public Place Orders (DPPOs) in specified areas within the borough.

2.2 The information presented to the Committee comprised initial exploratory enquiries as to the evidence available to support the imposition of DPPOs in the specified areas.

2.3 The Committee resolved to proceed to the next stage of the process, consultation, in respect of 5 separate specified areas, Lodge Lane and the Dipping, Delafields Park, The Village Green Little Thurrock, Blackshots Field and the Flowers Estate.

2.4 DPPO Process:

1. Report to Committee setting out findings of initial enquiries. If the Committee resolves to proceed -
2. Consultation process to be commenced in the following sequence –
 - a. Chief officer of Police for the police area in which the DPPO is to be situated;
 - b. Any parish or community councils in the area in which the DPPO is to be situated;
 - c. The Chief Officer of Police, the local authority and any parish or community council for any area *near* the area the DPPO is to be situated which may be affected;
 - d. The premises licence holder, club premises certificate holder or premises user of a licensed establishment in the area the DPPO is to be situated, and who may be affected;
 - e. The owners or occupiers of any land proposed to be identified in the DPPO.
3. Consideration of any representations received from consultees;
4. Publication of a suitable notice in a local newspaper identifying the area in which the DPPO is to be situated, the effect of the DPPO, the identity of any specified premises within that area, and inviting representations within 28 days of publication;
5. Consideration of any representations received from as a result of the newspaper notice, and any other representations from other sources;
6. Proposed DPPO is considered by Council and, if implemented –
7. Before the DPPO takes effect, erection of suitable signs in the area in which the DPPO is situated to alert members of the public to the effect of the DPPO;
8. Copy of the DPPO to be sent to the Secretary of State as soon as reasonably practicable after it has been made.

2.5 The above process should be progressed systematically and thoroughly.

3. **ISSUES AND/OR OPTIONS:**

- 3.1 In the interests of good governance and in order to protect public monies, all decisions should be in keeping with the Principals of Decision Making set out in Article 13 of the Council's Constitution which include – due regard for the individuals and communities served by the Council, proportionality, due consultation, respect for human rights, openness, clarity of aims and desired outcomes and consistency with the Council's budget and policy framework.
- 3.2 Earlier in 2011, the Home Office consulted on changes to powers in relation to anti social behaviour, DPPOs being one of these tools.

Comment [s]: Other headings may be appropriate. The report should outline the reasoning that leads to its recommendations and **must** include:

1. a brief summary of options considered;
2. consultation outcomes
3. a risk assessment.
4. Whether the responsible cabinet members have been consulted/contributed to the report (NB professional and political advice must be clearly distinguished)

- See para.5.5 of the report writing guidelines.

3.3 Officers are currently consulting with the Home Office on the future of DPPOs and what their replacements will look like. The response to the latest request for an update is attached at Appendix 1.

Comment [jj]: This should include any consultation with Ward Members and Shadow Portfolio Holders, as well as any public or statutory consultation

4. CONSULTATION (including Overview and Scrutiny, if applicable)

Comment [a]: Please refer to Section 5.7 of the Report Writing Guidelines

4.1 In line with the above process consultation with the Chief Officer of Police is being undertaken.

5. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

Comment [sj]: This section should always be completed – if they are dealt with fully in another part of the report, they also need a brief cross reference here. The names and job titles of the officers providing the implications should be provided in full – see Guideline 6.1 and please note Democratic Services Deadlines and ensure that officers providing implications are given 5 clear working days to work on the report. Authors can write implications but they must be signed off by the appropriate officers

5.1 There are none.

6. IMPLICATIONS

6.1 Financial

Implications verified by: **Michael Jones**
 Telephone and email: **01375 65772**
mxjones@thurrock.gov.uk

This work has not been budgeted for by Public Protection. A bid will be put to the November meeting of Thurrock Community Safety Partnership to see if partners will support the Council in taking this forward.

Comment [sj]: See Guideline 6.2

Comment [sj]: See Guideline 6.3

Comment [sj]: See Guideline 6.4

6.2 Legal

Implications verified by: **Jamie Hollis**
 Telephone and email: **01375 652925**
jhollis@thurrock.gov.uk

Before seeking to designate an area as a DPPO, a local authority should satisfy itself that the powers are not being used disproportionately or in an arbitrary fashion in the case of isolated incidents.

The evidence required for a DPPO should establish that there is an alcohol related nuisance or annoyance to the public in the proposed area/s. There should be an assessment as to the likelihood that the problem will continue unless these powers are utilised, and in addition, there must be a belief that the problem could be remedied by the use of these powers. Evidence should be based not just on information obtained by the Council, but also information from the police and members of the local community who have reported incidents of alcohol-related anti-social behaviour or disorder.

6.3 Diversity and Equality

Implications verified by: **Samson DeAllyn**
 Telephone and email: **01375 652472**
sdealyn@thurrock.gov.uk

The implementation of a Designated Public Place Order impact on those people aged 18 or over who, in a public place, were engaging in anti-social behaviour having consumed alcohol. This would not have any significant equality implications as it would represent the exercise of statutory and legal powers.

Comment [sj]: This should inform the recommendations in the report

Comment [sj]: List the Appendices referred to in the Report

Comment [sj]: Insert the full contact details of the author of the report

6.4 **Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental**

There are none.

7. **CONCLUSION**

7.1 Work has started on progressing all five DPPOs.

APPENDICES TO THIS REPORT:

Appendix 1 Response received from the Home Office

Report Author Contact Details:

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Appendix 1 Response from the Home Office



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JNicolson@thurrock.gov.uk
Mr Jim Nicolson

Thurrock Council Civic Offices New Road
Grays Essex RM17 6SL

Reference: T13612/11

13 September 2011

Dear Mr Nicolson,

Thank you for your e-mail of 16 August about anti-social behaviour. Your e-mail has been passed to the Direct Communications Unit and I have been asked to reply.

The everyday crime and disorder that is described as 'anti-social behaviour' – from vandalism and graffiti to drug dealing and harassment – has a huge impact on the quality of life of millions of people in this country. Reducing it is a key priority for the Government.

Everyone has the right to feel safe in their home and neighbourhood, and to expect the police and other agencies to deal with problems quickly and effectively. In particular, where what is described as anti-social behaviour is actually crime, the police must treat it as such and give victims the service they deserve.

Across the country, many police forces, councils, social landlords and others are working hard to tackle anti-social behaviour but there is always room for improvement. The Home Secretary has been clear that, even in a tough financial climate, tackling these problems must be core business for the police and other local agencies.

The reforms we are introducing to local crime and policing will help – the introduction of elected Police and Crime Commissioners, street-by-street crime maps and neighbourhood beat meetings will make police forces and their partners more accountable for the way they deal with the issues that matter to local people. We

also announced in January that eight police forces are trialling, with local partners, a new approach to handling calls from the public and managing cases that will ensure repeat and vulnerable victims of anti-social behaviour are identified and prioritised more effectively and get a better service.

Improving the tools and powers available to the police and their partners to deal with anti-social behaviour is central to our new approach. Our review of the current tools and powers found that they are bureaucratic and do not work effectively. We want to ensure that, in future, professionals have an effective toolkit that is quick, practical and easy to use, and provides a real deterrent to perpetrators.

In July 2010, the Home Secretary announced a review of the tools and powers available to tackle anti-social behaviour.

The anti-social behaviour consultation document “More Effective Responses to Anti-social Behaviour”, published on 7 February, sets out the key findings of the Home Office’s review of the current tools and powers to deal with anti-social behaviour, as well as proposals to simplify and improve them. These proposals will give the police and other professionals an effective and enforceable toolkit to deal quickly with anti-social behaviour: one that is quick, practical and easy to use and provides a real deterrent to perpetrators.

The consultation closed on 17 May and we are currently considering over a thousand responses from members of the public, front line practitioners and a wide range of interested organisations. We will publish the Government’s response later in the year.

The current tools and powers remain in force for the time being, and where the police and their local partners feel they offer the most effective means of dealing with anti-social behaviour, they should continue to use them until further notice.

Our proposals include introducing a Community Trigger that would give victims and communities the right to require local agencies to deal with persistent anti-social behaviour where they have previously failed to do so. We have suggested it could be activated when either five individuals from five different households in the same neighbourhood have complained about the same issue, or an individual has reported an issue at least three times, and no action has been taken by the authorities. This would give communities and victims more power to focus the police and other agencies on dealing with the issues that really matter in their local area.

Yours sincerely,

Keith Robinson

Direct Communications Unit