

Gloucester City Council

Committee	:	LICENSING ENFORCEMENT COMMITTEE
Date	:	14 JUNE 2011
Subject	:	CONSIDERATION OF GRANTING A DESIGNATED PUBLIC PLACES ORDER (DPPO) (AREA 2) GREENWAYS PUBLIC OPEN SPACE AND CHERSTON COURT, BARNWOOD
Decision Type	:	
Ward	:	BARNWOOD
Report By	:	GROUP MANAGER OF ENVIRONMENTAL HEALTH & REGULATORY SERVICES
No. Of Appendices	:	A. COPY OF LETTER FROM POLICE AND BARNWOOD COMMUNITY PARTERSHIP REQUESTING A DPPO IN RESPECT OF LAND IN THE BARNWOOD WARD B. LEAFLET FOR PROPOSED DPPO C. ENLARGED MAP OF PROPOSED DPPO D. LETTERS FROM LOCAL RESIDENTS AGAINST THE DPPO E. LETTERS FROM LOCAL RESIDENTS IN FAVOUR OF THE DPPO F. GLOUCESTER CITY COUNCIL POLICY FOR MAKING DESIGNATED PUBLIC PLACES ORDERS (DPPO'S) IN GLOUCESTER
Reference No.	:	

1.0 PURPOSE OF REPORT

- 1.1 To present to members a request to make a Designated Public Places Order (DPPO) in respect of Cherston Court and the Greenways Public open space in Barnwood, Gloucester.

2.0 RECOMMENDATIONS

- 2.1 That the Committee approves the making of a DPPO in the Barnwood area as outlined in the plan attached at Appendix C. The Committee is approving this area as a preventative measure to reduce anti-social behaviour and violent crime.

3.0 BACKGROUND

- 3.1 Designated Public Places Orders (DPPO's) are a tool that can be used by local authorities under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 to deal with problems of anti-social alcohol drinking in public places.
- 3.2 Once a DPPO is in place the police can use their confiscation powers to enforce the restriction. It is not an offence to consume alcohol within a designated area, but failure to comply with an officer's request to stop drinking and surrender alcohol without reasonable excuse is.
- 3.3 DPPO's have been used across the country in areas ranging from a single street or park to town centre or city-wide areas. In Gloucester there are currently 2 DPPO's in

place, one covering the City Centre and a second covering part of the Barnwood Ward including the parks and green areas.

- 3.4 This report is to consider a request for a DPPO to cover additional areas of land in the Barnwood area.
- 3.5 Having considered the request, all relevant representations received, the legislative provisions, the Councils policy for making Designated Public Places orders and the guidance issued by the Home Office, members have the following options;
 - (a) If members find that there is sufficient evidence of anti-social alcohol drinking in the area, they should approve the making of the order.
 - (b) If members find that they consider that by implementing the order that would act as a preventative measure to reduce anti-social behaviour and violent crime then they should approve the making of the order.
 - (c) If members find that neither (a) or (b) above apply they should not approve the making of the order.

4.0 THE REQUEST AND REPRESENTATIONS

- 4.1 A request has been received under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 for a DPPO to be made to prevent irresponsible drinking in the Greenways Estate and Cherston Court, within the Barnwood ward. Representations have been received from local residents both supporting and opposing the proposed order.
- 4.2 The request was received on 8th February 2011 by PC Andy Plant and supported by the Barnwood Community Partnership and the Ward Councillor (see Appendix A). The request was also considered by the Anti-social behaviour Steering group on 25th February 2011, who indicated that they were in favour of the DPPO. This was also confirmed by the Chief Officer of Police.
- 4.3 A site visit was made by Licensing Officers and the Police and some evidence of bottles and cans were found in the Greenways Open Space.
- 4.4 A public notice was made on the 7th March 2011 outlining the proposal and requesting representations to be made to the City Council. The consultation period ended 22nd April 2011.
- 4.5 Leaflets and letters were also sent to local residents, nearby licensed premises, local authorities and other interested parties as part of the consultation process (see attached leaflet /letter as Appendix B). The leaflet also shows the streets and areas including the original DPPO which was implemented in 2008. An enlarged map of the proposed order has been attached as Appendix C.
- 4.6. 3 representations have been received from residents who were against the DPPO (see copies of objection letters – Appendix D). These letters refer to concerns that Cherston Court had been singled out as the only location where drinkers were being dispersed to and felt that they were just as likely to move to other areas such as North Upton Lane, Church Lane and Newstead Road. They also suggested that the DPPO would not solve the problem of Anti-Social behaviour and that perhaps other measures should be considered. Other objections suggest there is no disorder in Cherston Court.

4.7 4 representations have been received from residents who were in favour of the DPPO (see copies of letters in Appendix E). These letters refer to the order as a reasonable proposal which would bring benefits to the area. They state that the footpath through the centre of Cherston Court should be included because they feel it has become a noisy trade route for drinkers to and from Barnwood Park. They suggest that all areas in Hucclecote and Barnwood should be included or have none at all.

4.8 Those who made the request as well as those who have made representations have been given Notice of this Committee hearing in accordance with Gloucester City Councils policy for making DPPO's in Gloucester.

5.0 FUTURE WORK / NEXT PROCEDURE

5.1 If members decide to make the order another public notice will be placed in a local newspaper in accordance with Gloucester City Council's policy (See Appendix F).

6.0 CONCLUSIONS

6.1 A request to extend the existing Barnwood DPPO has been made by the Police on behalf of the Barnwood Neighbourhood Partnership. The request is supported by the Police and Ward Councillor Lise Noakes. In the area being considered some evidence of bottles and cans was found by officers in a visit to the area. The proposal has been considered by and has the support of the Anti-Social Behaviour Steering Group and the Chief Officer of Police. During the consultation period 3 representations were received objecting to the proposals whilst 4 were received in support of the proposal. It is therefore recommended that this Second DPPO for the Barnwood Ward should be made.

7.0 FINANCIAL IMPLICATIONS

7.1 The application has incurred a small cost covering the public notice and the consultation leaflet. This process will be repeated if further consultation is required. The total estimated costs are £1,000.

7.2 The above costs will be met from the current food and licensing budget.

8.0 LEGAL IMPLICATIONS

8.1 Should the Council resolve to make the Orders a further public notice must be placed in the local press indicating the effective date of the DPPO. Signage indicating the effect of the order must be erected in key areas prior to the proposed implementation date.

9.0 RISK MANAGEMENT IMPLICATIONS

9.1 There are no high risks associated with this proposal.

10.0 PEOPLE IMPACT ASSESSMENT (PIA)

Is a PIA required?	Yes	No	Explanation: Screening showed that the impact was neutral for all groups.
		x	
Has an initial PIA screening been completed?	Yes	No	Explanation: All impact identifies as neutral as proposal will benefit all groups alike by reducing / preventing anti-social behaviour
	x		
Has a full PIA been completed?	Yes	No	Explanation: As there is no adverse impact a full PIA has not been completed.
		x	
Is the PIA available?	Yes	No	Explanation:
	x		
Has the PIA identified any negative impacts on any protected characteristic or community cohesion?	Yes*	No	*Please ensure PIA is available
		x	

Any Further Relevant Information: If the DPPO is made it will protect the local community from anti-social drinking and the associated anti-social behaviour.

11.0 Other Corporate Implications (this may include Community Safety, Environmental, Staffing, Trade Union)

Community Safety

DPPO's are a tool that can be used by local authorities to deal with problems of anti social alcohol drinking in public areas. The community safety implications are dealt with in the main body of the report.

Background Papers: Local Authorities (Functions and Responsibilities) (England) Regulations 2001
Local Authorities Functions and Responsibilities Regulations 2001

Published Papers: The Criminal Justice and Police Act 2001
The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007

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