

DPPO Process & Enforcement

Regulatory Process to Establish a DPPO

Full consultation would need to be undertaken with the public and premises effected by the proposal and the results of this consultation considered prior to making a final decision on the implementation of a single, multi-location DPPO.

The process to be followed is detailed within specific regulations. The prescriptive process including:-

- consultation with;
 - the Police (who support a Borough wide approach) and potential impact of a DPPO on any minority community/group
 - Parish Councils
 - Licensees of any licensed premises in the proposed Designated Public Place
 - the owners or occupiers of any land identified which may be affected;
- advertising via a legal notice in a local newspaper, identifying specifically the area that the Order will cover, setting out the effect of the Order and inviting representation with 28 days;
- consideration of the representations and consultation
- placing a further Notice following the making of the Order in a local newspaper identifying the place, setting out the effect and the date of commencement;
- displacing erecting sufficient signs for the public to draw their attention to the places (eg on lamp posts)
- sending a copy of the Order to the Secretary of State and Police Commander for the area.

Enforcement

Under section 12, if a Police Constable reasonably believes that a person is, or has been, consuming alcohol in a designated public place or intends to do so, the Constable may require such a person:-

- Not to consume alcohol in that place;
- To surrender to the Police Constable any alcohol or container for alcohol in his possession.

Failure by that person, without reasonable excuse, to comply with the Police Constable's requirement is a criminal offence. Penalties for this offence include:

- Penalty Notice for Disorder (PND) £50.00; or
- Arrest and prosecution for a level 2 fine, maximum of £500

Borough/City –Wide Designated Public Place Orders

Blackburn & Darwin Borough Council

Burnley Borough Council

Calderdale Council

Camden

Coventry City Council

Erewash Borough Council

Fareham Borough Council

Harrow

Havant Borough Council

Hammersmith & Fulham

Islington

Lambeth

Lewisham

Newham

Northampton Borough Council

Nuneaton & Bedworth Borough Council

Portsmouth City Council

Rugby Borough Council

Sandwell Borough Council

Southampton City Council

City of Westminster

Wigan

Worthing Borough Council

Assessment/Risk of the Introduction of a Borough-wide DPPO

Pro's	Con's
<p><u>In relation to ASB on which a DPPO is based:</u></p> <ul style="list-style-type: none"> • Provides additional powers to police (key partners in the Safer Rotherham Partnership) to deal with those who persistently drink in public places and alcohol related anti-social behaviour. • Overcomes within Borough displacement of public place drinking • Avoids the need for future individual DPPO applications with associated costs and potential confusion over which areas are covered • Provides a consistent approach • Reducing alcohol related litter • The existence of separate orders could lead to. <p><u>Opportunity for communication</u></p> <ul style="list-style-type: none"> • Give a clear message about the unacceptability of anti-social behaviour, consistent with the priorities of the Safer Rotherham Partnership • Provides a simpler communication message with the public including expectations in terms of enforcement activity. <p><u>Links to other non ASB aspects</u></p> <ul style="list-style-type: none"> • Contribute to the range of actions which are being delivered to reduce alcohol misuse. Including reducing; <ul style="list-style-type: none"> ○ disturbances in public places ○ drunkenness in public places ○ the number of street drinkers ○ violent crime in public places ○ fear of crime • Promote a sensible drinking culture within the Borough • Improving the quality of life for residents and visitors to Rotherham. • Combining tactical actions on enforcement with outreach support services 	<p><u>Legal & Guidance Test</u></p> <ul style="list-style-type: none"> • Lack evidence to satisfy that nuisance or annoyance to members of the public or disorder has been associated with the consumption of alcohol in that place (ie across the Borough) • Home Office guidance recommends a proportionate response • A person prosecuted under the legislation could claim that a Borough wide order was not proportionate. <p><u>Reputation & Communication</u></p> <ul style="list-style-type: none"> • Potential negative perception and reputation of Rotherham via media • There is a risk that the community will perceive the powers as a 'ban' and that this will raise an expectation that public drinking is illegal. This could have a negative impact where this was the expectation and the community did not see a response they deemed relevant. • There is a risk that the powers may be used inappropriately, eg where alcohol is confiscated from those who are not causing, or are unlikely to cause, public disorder and hence lead to dissatisfaction with the police. <p><u>Financial Impact</u></p> <ul style="list-style-type: none"> • The costs of providing signage for individual orders could prove prohibitive