

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:-	Licensing Board
2.	Date:-	21 st March 2012
3.	Title:-	Single Rotherham Designated Public Place Order
4.	Directorate:-	Neighbourhood & Adult Services

5. Summary

On 16th November 2011, a report with recommendations was presented to the Licensing Board in respect of the proposal to introduce a single Designated Public Place Order (DPPO) covering a large area of the borough.

After discussion the Licensing Board resolved: (Minute17Q 1-2-3 16/11/11)

1. That the request by the Safer Rotherham Partnership's Joint Action Group for the Council to establish a single multi-location DPPO be noted.
2. That once the area to be designated was confirmed, the making of the proposed DPPO be progressed and consultation as prescribed by the Local Authorities (Alcohol Consumption in Public Places) Regulations 2001 be undertaken.
3. That a future report be submitted to the Licensing Board on the representations made during the consultative process to enable, if supported, the Council to establish a single, multi-location DPPO for Rotherham.

The consultation period ended on the 10th February 2012. With one exception, every response received was in favour of the introduction of the DPPO, with some support for the order to cover the whole of the borough.

A paper outlining the result of the consultation process was presented to the Overview & Scrutiny Management Board (O&SMB) on 16th March 2012. After discussion the Board gave its support for the introduction of a borough-wide DPPO to be recommended to the Licensing Board on 21st March 2012 and that the order is reviewed 12 months from the date it commenced.

6. Recommendations:

That based on the result of the consultation and the recommendation of the O&SMB, the Licensing Board:

1. Approves the introduction of a borough-wide Designated Public Place Order
2. Reviews the Order 12 months from the date of its commencement

7. Proposals and Details

The single Rotherham DPPO consultation period commenced in December 2011 and ended on Friday 10th February 2012.

The regulatory process to establish a DPPO was followed and full consultation was undertaken with the public and premises affected by the proposal.

The process followed is detailed within specific regulations and included consultation with:

- The Police, including the British Transport Police,
- Licensees of licensed premises in the proposed Designated Public Place
- The owners or occupiers of land identified which may be affected
- advertising via a legal notice in the Rotherham Advertiser (Friday 6th January 2012), identifying specifically the area that the Order will cover, setting out the effect of the Order and inviting representation within 28 days for representations;

A covering letter and legal notice was sent to all licensed premises in the Borough and also Parish Councils, Local Councillors, British Transport Police, South Yorkshire Passenger Transport Executive, Supermarkets, Doncaster Council, Barnsley Council and Sheffield City Council. Presentations were also made at Area Assembly meetings where requested.

A consultation page was also added to the Council internet site at www.rotherham.gov.uk/DPPO, inviting responses to the Councils Licensing Department.

As a result of the consultation, 18 responses were received. Details of those who responded and respective comments are shown at **Appendix 1**. With the exception of one response, all are firmly in favour of the introduction of an order, with support for the boundary to be extended to include areas not previously covered. There is also support for the order to cover the whole borough.

A map showing the original proposed DPPO area (yellow shade) and the additional areas proposed during the consultation (lilac shade) is shown at **Appendix 2**. (Due to its size, hard copies of the map will be provided to members at the meeting)

Justification for extended the DPPO area

To make a DPPO the local authority must go through a process of satisfying itself that the order is justified in relation to any particular public place by reference to past problems of alcohol related crime or disorder or antisocial behaviour in that place.

It is clear that alcohol is a contributory factor in anti-social behaviour, criminal damage, nuisance and public place violent crime. It also increases the fear of crime and further deterioration of public areas and acts as a catalyst for an increase in the incidents of alcohol and drug abuse and more serious crimes.

The legislation does not prohibit borough wide or multi-location DPPO areas, but the Home Office guidance states that, in order to include any public place in a DPPO, the Council must be "*satisfied that nuisance or annoyance to members of the public or disorder has been associated with the consumption of alcohol in that place*".

The guidance also advises that the creation of designated areas may well lead to anti-social drinking or nuisance being displaced into areas that have not been designated for this

purpose. Prior to designating an area an assessment should be made of all areas to where that nuisance or disorder could be displaced, ensuring that all those affected by the designation and possible displacement are appropriately consulted. The guidance states that *'It might be appropriate to designate a public area beyond that which is experiencing the immediate problems caused by anti-social drinking if the existing problem could be displaced once the order is in place'*.

It has already been acknowledged and agreed by the Licensing Board on 16th November 2011 that recorded alcohol related crime and anti-social behaviour incidents alone in some of the areas included in the original DPPO area would not justify the need for an order, but that other contributory factors and wider implications need to be considered.

These include:

- Sending out a clear message to our communities of the intent of the Police, Council and partners to tackle alcohol related crime and disorder.
- Having a single area is less confusing to the public than having a number of individual areas where an order is in force.
- The need to consider and address the important issue of displacement of alcohol related ASB from areas where the order is in force to areas where it is not.

The same principles apply to the additional areas that it is proposed are included in the order.

It is clear though that where comment has been made on extending the area of the order, particularly from Parish Councils and Ward Member, support is very strong and there is anecdotal evidence that the areas put forward during the consultation do suffer from alcohol related disorder, but that it is not necessarily formally reported.

Issues of this nature are regularly raised at public meetings including Area Assemblies and Partners and Communities Together meetings (PACTs) when the Police and Council Officers have issues of alcohol related anti-social behaviour in some of our smaller, more isolated communities brought to their attention that have hitherto gone unreported. It should also be considered that there is national acceptance that recorded levels of anti-social behaviour in themselves do not always portray an accurate picture of the problems being experienced in communities.

Since the legislation was first introduced there are now many examples across the country where single, multi-location orders are in place. The experience in these areas is that the public are very strongly in favour of such orders,

In determining the need for the area covered by the DPPO, a degree of 'professional judgement' is required to balance the pros and cons of a single, multi-location application and Home Office caution in respect of the proportionality of borough wide orders.

It will be seen that if the inclusion of the additional areas is agreed, only a relatively small 'populated' area of the borough will not be covered by the order. In view of this, it is recommended that for the reasons given above, an order is approved that is enforceable across the entire borough.

8. Finance

The Safer Rotherham Partnership has provided £8,000.00 to cover the cost of the introduction of a DPPO, including signage.

9. Risks and Uncertainties

A summary of assessment was provided and considered at Appendix 4 of the original paper that was presented to the Licensing Board on 16th November 2011.

10. Policy and Performance Agenda Implications

Policy/Strategic Position

RMBC Corporate Strategy – Helping to create safe and healthy communities/Improving the environment

- People feel safe where they live
- ASB and crime is reduced
- People enjoy parks, green spaces, sports, leisure and cultural activities
- Clean streets

11. Background Papers and Consultation

Research

- Criminal Justice & Police Act 2001
- Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007
- Guidance on Designated Public Place Orders for Local Authorities in England and Wales. (Home Office), November 2009
- Designated Public Place Orders; House of Commons Library SN/HA/4606, December 2009
- Rotherham Borough Alcohol Related Crime & Disorder Temporal Analysis 2009.
- Safer Rotherham Partnership Joint Strategic Intelligence Assessment.
- Local Authority Profiles for England – Profile for Alcohol Related Harm for Rotherham; Yorkshire and Humber Public Health Observatory www.nwph.net/alcohol/lape

Consultation

As outlined in the report and shown at Appendix 1.

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