

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Leader's Portfolio Holders Meeting 11 November 2010
AUTHOR/S: Chief Executive / Corporate Manager, Community & Customer Services

REVOCATION OF DESIGNATED PUBLIC PLACE ORDER IN BAR HILL

Purpose

1. To propose that the Designated Public Places Order (DPPO) introduced to reduce alcohol-related anti-social behaviour in Bar Hill is removed.

This is not a key decision however authority to set up or remove a DPPO falls within the remit of the Community Safety Portfolio Holder to make the decision.

Recommendation

2. Option B: That the Portfolio Holder revokes the existing Designated Public Places Order (DPPO) introduced on 21 April 2006.

Reasons for Recommendations

3. Home Office guidelines advise that DPPOs are regularly reviewed, with continuation based on evidence of need. In November 2009, the Portfolio Holder agreed to continue the Bar Hill DPPO, with a further review set for November 2010.
4. It is considered that there is not enough evidence to justify continuing using such a power in Bar Hill. Data collected by the Police, and feedback from local representatives gathered since then shows a very low level of incidents in the last 12 months.
5. Alternative police powers, contained in Section 27 of the Violent Crime Act 2006, can now be deployed by the police to deal with alcohol related disorder, that were not available when the DPPO was established.

Background

- 6 (a) A DPPO can be made by local authorities using powers given to them under Section 13 of the Criminal and Justice Act 2001 to address alcohol related anti-social behaviour. These powers do not make it a criminal offence to consume alcohol within a designated area, but an offence is committed if the individual refuses to comply with a constable's request to refrain from drinking.
- (b) The Bar Hill DPPO was introduced in April 2006 in response to large groups of predominantly young people gathering on the open spaces and consuming alcohol. Problems of this scale have not occurred for a number of years in Bar Hill, and DPPO guidelines recommend reviewing regularly to ensure that a need remains for use of the power.
- (c) When it was agreed to continue the DPPO in November 2009, it was recognised that very little data was available to review the order properly.

Therefore in 2009 it was agreed to collect some more detailed information for 12 months, and review the order.

- (d) Data provided by the Police and from a monthly email contact with local representative shows a very low level of incidents in the last twelve months. **Appendix A** shows the responses received from local representatives, and **Appendix B** summarises reports made directly to the Police.

Considerations

7. Since the DPPO was introduced in Bar Hill, additional national legislation has been introduced under Section 27 of the Violent Crime Reduction Act (2006), which provides the Police with powers to issue a direction for an individual to leave a locality for up to 48 hours. This power provides an alternative to using DPPO powers.
8. The Police have not had to use the DPPO as a method for addressing alcohol related anti-social behaviour for three years.
9. Removing the DPPO will not affect how the area is policed as the Neighbourhood Policing Team will continue to respond to calls and use appropriate legislation to deal with the situation.
10. Advice from the Police is that there would not be enough evidence to justify introducing a DPPO. Applying this test it can be assumed that there is not enough evidence for continuation.
11. Local members have expressed the view the existence of the DPPO is thought to have been effective and a contributory factor for such a low level of incidents. They have therefore requested that the DPPO is continued; their comments are attached at **Appendix C**.
12. Revoking the DPPO would require wide public consultation, and by doing so may result in those wishing to engage in alcohol related anti-social behaviour assuming that it is now appropriate to do so in Bar Hill.

Options

13. (a) **Option A Continue the DPPO:** To continue the DPPO, Home Office guidance advises that data and evidence of "alcohol related nuisance or annoyance to the public" would be required to justify the continuation. However there is nothing in legislation to say this should be done but it is recognised as good practice. The Police advise that they consider that there is not satisfactory evidence of incidents in the last 12 months to justify the order being continued. However, local opinion is that the DPPO has had a positive effect on containing alcohol-related anti-social behaviour. If it was decided to continue the DPPO, then it is recommended that a Task and Finish Group is established to directly address alcohol related problems in Bar Hill that the DPPO is currently containing.
- (b) **Option B: Revoke the DPPO:** If the DPPO was revoked then Home Office guidelines recommend consulting with local police and parishes, premises licence holders, and where appropriate owners and occupiers of the land as well as local residents. If it is decided to revoke the DPPO, then this should be published in the local newspaper, giving the community at least 28 days notice of

the change. The proposed revocation would also be included on the agenda of the Swavesey Neighbourhood Panel meeting on Tuesday 23 November 2010.

- (c) **Option C: Defer the decision for a further 3 months** to enable a wider consultation to take place including a survey in the village magazine to lay out the options, the rationale and to gather views to help inform the Portfolio Holder's decision. During this period the DPPO would remain in place. If such an exercise was undertaken, and a decision to revoke subsequently made, the guidance indicates that 28 days of public notice would still have to be carried out.

Implications

14.	Financial	Local advertising of the proposed removal of the DPPO
	Legal	Input to advertising/consultation process
	Staffing	None
	Risk Management	None
	Equality and Diversity	None
	Equality Impact Assessment completed	No No EQIA completed as the decision is to revoke a power
	Climate Change	None

15. Revoking the DPPO would require wide public consultation, and by doing may so result in those wishing to engage in alcohol related anti-social behaviour assuming that it is now appropriate to do so in Bar Hill.

Consultations

16. (a) Prior to the Portfolio Holder's decision in November 2009, a meeting took place on Thursday 29 October 2009 to gather the views of local representatives including Police, Parish, District and County Council. These were considered to and reported to the Portfolio Holder.
- (b) Since the Portfolio Holder's decision in November 2009 to continue the DPPO with a review in 2010, in agreement with local representatives, a monthly email has been sent to local Parish, District and County Councillors asking them to advise of any DPPO related issues in Bar Hill.
- (c) Before this paper was submitted the local members and the Parish Clerk were advised of the proposed revocation and asked for their comments so the Portfolio Holder could consider these in the decision making process. Cllr Waters and Cllr Reynolds have both requested that the DPPO is kept; a copy of their responses is attached at Appendix C.

Effect on Strategic Aims

17. (a) Being a listening council, providing first class services accessible to all:
- The review has included some consultation with local representatives and the Parish Council, initially in 2009, and then through a regular email contact through the year. If revoked further and wider consultation would be required. This consultation would take the form of a residents being advised of the

decision to revoke through the local newspaper and Neighbourhood Panel meeting, and given an opportunity to raise any objections.

- (b) Ensuring that South Cambridgeshire continues to be a safe and healthy place for you and your family
18. The DPPO is a tool available to the District Council, acting as part of the Crime and Disorder Reduction Partnership (CDRP). One of the responsibilities of the CDRP is to work together to address anti-social behaviour. The Police will continue to police the area through the local Neighbourhood Policing Team.

Conclusions / Summary

19. Local representatives highly value the DPPO and the effect it is considered to be having on containing anti-social behaviour in Bar Hill.
20. However, it is important to ensure that available powers are used with clear justification and in proportion to the situation.
21. The Council is expected to evidence the need for the introduction or continuation of a DPPO, and at present no such evidence can be identified. Therefore Option B is recommended.

Background Papers: the following background papers were used in the preparation of this report:

Guidance on Designated Public Place Orders (DPPOs) for Local Authorities in England and Wales

Contact Officer: Philip Aldis – Community Safety Officer
Telephone: (01954) 713344

Appendix A

TABLE SHOWING RESPONSES RECEIVED TO MONTHLY EMAIL ASKING LOCAL REPRESENTATIVES FOR ANY FEEDBACK ON DPPO RELATED ISSUES

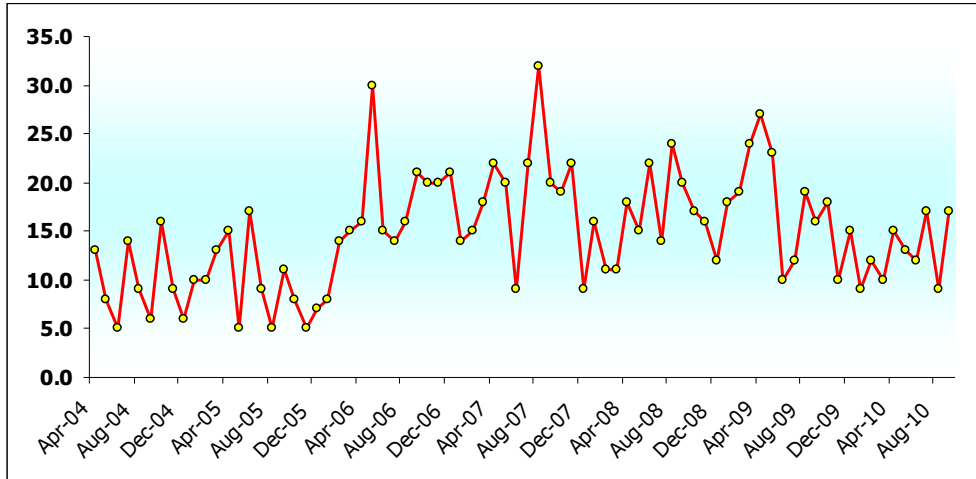
Month	Comments received
December 2009	None.
January 2010	None.
March 2010	None.
April 2010	Received a report of ASB in Foxhollow, Bar Hill. Evidence of a barbeque and drink bottles had been found on a path between Acorn Avenue and Foxhollow, Bar Hill. <i>Police advise that this stemmed from a birthday party at a private house.</i>
May 2010	The local PCSO had advised had been an incident of rowdy and inconsiderate behaviour on 6 May.
June 2010	None.
July 2010	<i>Under-age drinking at the village fete on 14 July. Police advise that this was dealt with by officers on patrol at the village fete.</i>
August 2010	The DPPO was successful and was acting as a deterrent.
September 2010	There has been some increase in minor vandalism around the Library / School areas in the past month but restricted to week-ends. This has amounted to damage to flower beds, additional rubbish and bottles around the footpaths etc.
October 2010	None

From December 2009 to October 2010 (with the exception of February 2010) an email was sent to Cllrs Hall, Waters, Reynolds and the Bar Hill Parish Clerk asking for any feedback about problems or incidents relating to the DPPO in Bar Hill so this could be reported at the monthly District Anti Social Behaviour Task Group.

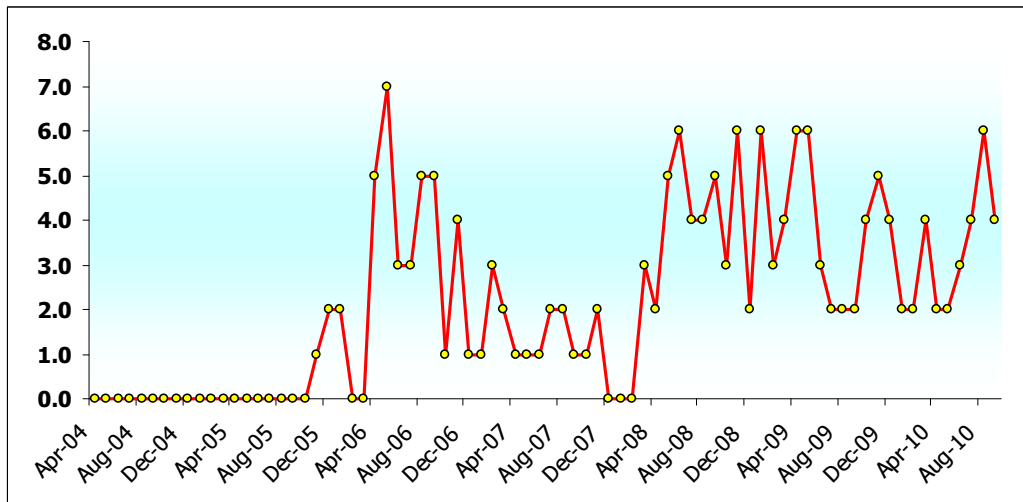
Appendix B

Data provided by Cambridgeshire Police, October 2010

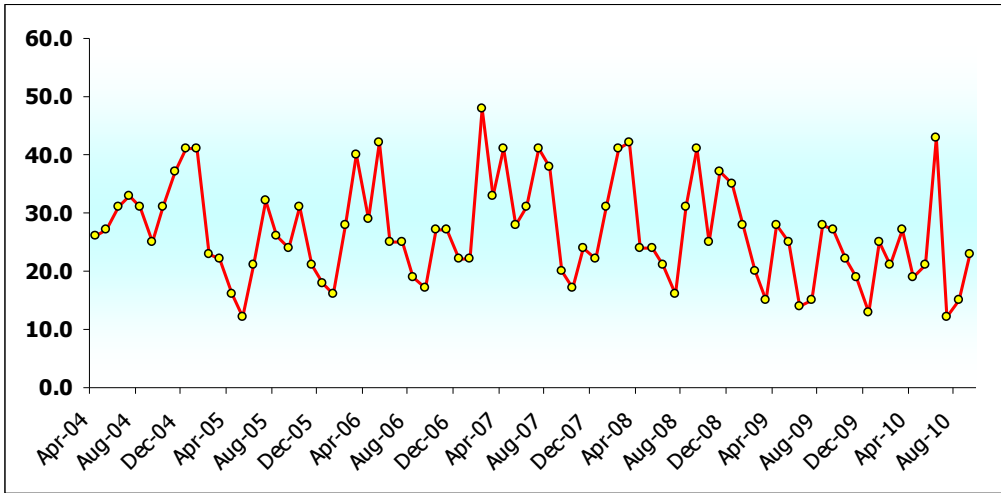
Note: DPPO came into force in April 2006.



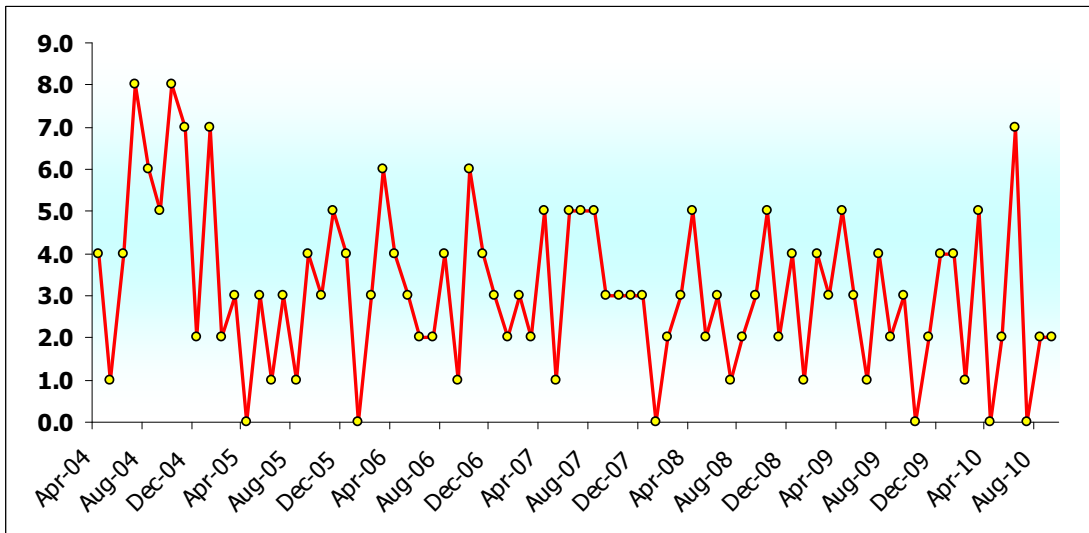
All incidents of ASB in Bar Hill



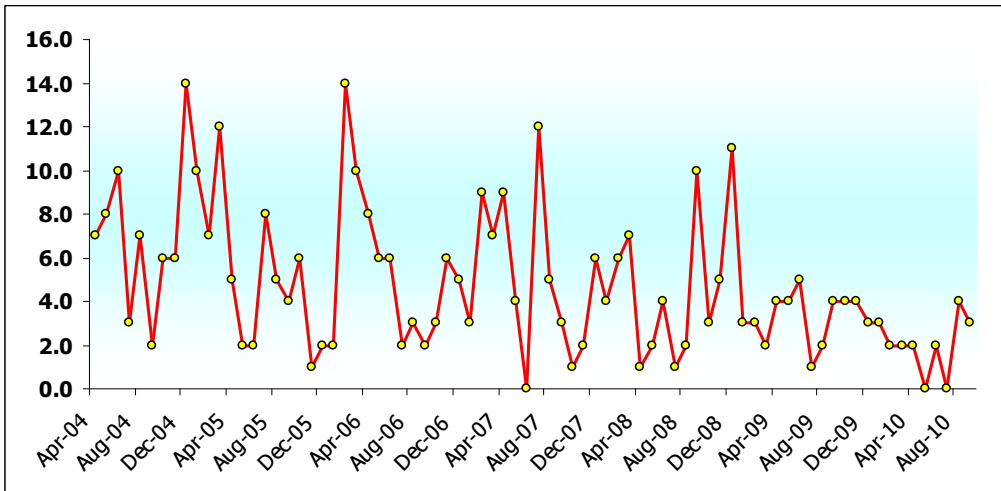
Alcohol related incidents in Bar Hill



All recorded crime in Bar Hill



All violent crime in Bar Hill



Criminal damage in Bar Hill

Appendix C

Responses received from local members

(a) From District Councillor Waters

Dear Philip

Thank you for advising us that you will recommend the removal of the DPPO from Bar Hill.

However, alcohol related incidents, which you state are recorded as low, we feel, in Bar Hill, that many go unrecorded and the very fact that they are low is that the DPPO is still on Bar Hill and recognised by many young people as being there.

Residents have reported to me and Cllr Hall that there are alcohol related noise problems within the car park of Tesco at night, but the reporting is a while after the incidents take place, however much we ask to be informed at the time consequently we are unable to generally find out who the offenders are.

I would prefer that the DPPO is kept for Bar Hill and we could put a survey in our local village magazine to get a view of the residents of the village.

Kind regards

Bunty

(b) From County Councillor John Reynolds:

Dear Philip

In the new world of the Big Society, the removal of all performance indicators, the freedoms from government requirements to provide data and the freedom for Councils to act in the interest of the local community, I would recommend the retention of the DPPO for Bar Hill.

Yours

John

(c) From County Councillor John Reynolds

Dear Philip

Can my comments made last week be added to those of Cllr Waters which I fully endorse.

Yours

John