

If calling please ask for: Spencer Hunt
Direct line telephone number: 01472 325939
Email: dppo@nelincs.gov.uk



3rd March 2014

**Re: North East Lincolnshire Council Motion for the Introduction of a Borough Wide
"Controlled Drinking Zone"**

I am writing in relation to a recent North East Lincolnshire Council motion which was submitted in accordance with the Council's constitution following concerns by elected members around the prevalence and visibility of drinking alcohol in public places across the North East Lincolnshire area. The motion submitted proposed:-

- (1) *That consideration be given to the introduction of a Borough- wide controlled drinking zone across North East Lincolnshire.*
- (2) *That Officers of the Council seek the cooperation of all relevant stakeholders to ensure the early implementation and proportionate enforcement of the Borough-wide controlled drinking zone.*

The purpose of this letter is to provide you or your organisation with an opportunity to express your views on the whole issue of a North East Lincolnshire wide "Controlled Drinking Zone". As such this is an opportunity for you to be consulted and the views you express, along with those submitted by other interested parties, be taken into account in any future decisions which will be made to either progress or otherwise with a North East Lincolnshire wide "Controlled Drinking Zone"

By way of information, under section 13 of the Criminal Justice and Police Act 2001, local authorities can 'designate' areas that have experienced alcohol-related disorder, or nuisance, so that there can be restrictions on public drinking. Such orders are called Designated Public Place Orders (DPPOs). Whilst it is not an offence to consume alcohol within a "designated" area, the Police have powers to control the consumption of alcohol within that place. If they believe someone is consuming alcohol or intends to consume alcohol they can:

- require them to stop; and
- confiscate the alcohol from people

If someone, without a reasonable excuse, fails to comply with the officer's request they are committing an offence which can result in a penalty notice or a fine. The Home Office guidance on DPPO's makes it clear that the powers should only be used if people are engaging in anti-social behaviour. In order to justify the need for a DPPO there must be

direct evidence that there is a specific problem to do with drinking alcohol and causing anti- social behaviour in all of the areas covered by any DPPO.

Before a DPPO can be introduced, the regulations require a local authority to consult with relevant stakeholders which may be affected by the introduction of such an Order and to consider the representations that it receives after consultation, prior to making a decision.

With this in mind we are asking that you consider the above Council motion and provide any representation/feedback indicating whether or not you are in support of or against such a motion by **31st May 2014**. To assist you in coming to a conclusion about the necessity or otherwise for a DPPO I enclose an information sheet and questionnaire which you can complete and return.

When considering your response I would be grateful if you could provide where possible any evidence you have to support your representations so as the Council can take this into consideration before making a final decision.

It is anticipated that a decision will be made by Council following consideration of the consultation findings by August 2014. Details of the decision will be published in the local media and further information will be available on the Councils website.

If you require any further clarification or information then please visit www.nelincs.gov.uk/DPPO or email dppo@nelincs.gov.uk or alternatively you can call telephone no. 01472 325939 when myself or a member of my team will speak to you in person.

Kind regards

A handwritten signature in black ink, appearing to read 'Spencer Hunt', is written over a light blue horizontal line. The signature is stylized and cursive.

Spencer Hunt
Head of Safer & Stronger Communities
North East Lincolnshire Council



DESIGNATED PUBLIC PLACE ORDERS

FREQUENTLY ASKED QUESTIONS

DPPO's

What is a DPPO?

Designated Public Protection Orders help Council's deal with the problems of alcohol related anti-social behaviour in public places. This Order is not a total ban on drinking in public places but makes it an offence to carry on drinking when asked to stop by a Police officer. This power should only be used in circumstances where anti-social behaviour is occurring or is likely to occur. The penalty for breaching this Order is normally a Fixed Penalty Ticket or a fine of up to £500 on conviction.

Why is it being considered?

A Designated Public Place Order is being considered in response to concerns, which have been raised by North East Lincolnshire Council Elected Members regarding the prevalence and visibility of drinking alcohol in public places and the associated anti-social or nuisance behaviour.

How is it Legal ?

The Criminal Justice and Police Act 2001 brought in the power for Councils to introduce these Orders, after suitable consultation with communities and those with any interest in such Orders.

Is it a ban on drinking alcohol ?

No. A drinkers behaviour will be the consideration in any action taken by those who have to enforce the Order. It is not intended that those who are sensibly drinking will be subjected to these Order's requirements. Home Office Guidance reinforces this.

Would people still be able to drink outside of pubs?

Yes. The DPPO does not make it illegal to drink alcohol in a public place. However a person could risk prosecution if they stray beyond the legal boundary of a licensed premise or are in contravention of the conditions attached to the licensed premise and they do not stop drinking if asked to do so by those empowered to enforce the Order

Would the DPPO apply to alleyways and Streets?

Yes. A public place is any such place to which the public have access. Such public places would include streets, parks and open spaces . Private land is not covered by this Legislation.

What about street parties and events in parks

Events which take place in a public place which have been authorised by a Premises License, or a Temporary Event Notice will be excluded from the DPPO powers.

Will there be any extra Policing to enforce a DPPO ?

No. There will not be any extra police officers to deal with this Order. If introduced there may be an opportunity for the Council to seek authorisation for certain employees to be empowered to enforce the Order.

What other powers do the police have to deal with alcohol related crime & disorder?

A police officer can issue a direction to leave a locality to an individual aged at least 10 who is in a public place and who presents a risk of alcohol related crime and disorder pursuant to the Violent Crime Reduction Act 2006. The effect of the order prohibits their return to the locality for up to 48 hours and failure to comply is a criminal offence punishable with a fine of up to £2,500.

Exclusions to the DPPO

The following premises will be excluded from the Designated Public Place under the proposed Order and therefore the Order WILL NOT apply to them;

- Premises with a premise licence under the Licensing Act 2003 authorising the sale/supply of alcohol
- Premises with a club premises certificate under the Licensing Act 2003 authorising the sale/supply of alcohol.
- Places within the curtilage of any premises with a premise licence or club premise certificate.
- Premises that are subject to a Temporary Event Notice. NB the proposed Order will not apply only at times when alcohol is being served under the Notice and with 30 minutes thereafter. Outside of this the Order may well apply.
- Places where the sale or consumption of alcohol is permitted on the public highway under section 115E of the Highways Act 1980

In the case of premises where the premise licence is held by the Local Authority or the Licence is held by another person but the premises are occupied by or managed on behalf of the Local Authority, then the premises would not be within a designated public place under the proposed order at the time when alcohol is being sold or supplied, in accordance with the premise license and within 30 minutes thereafter. At other times, such premises would be designated public places identified by the Order. (At the time of consultation there are no such premises in North East Lincolnshire.)

What costs are involved?

The predominate costs for introducing a DPPO would be around Council Officer time taken to undertake the consultation in addition to the cost of erecting signage to inform people they are in a DPPO area. Home Office Guidance states that it is up to the individual Authority to decide how many signs are required to draw the public's attention to the effect of an order in a particular place. It is likely that a borough wide DPPO would require signs to be erected on lampposts across every area of the borough. Whilst costs are still being gathered, indicative costs for the production and erection of signs are projected at approximately £25 per lamppost. Clearly the final cost/number of lampposts signed will be dependent on the budget set by the Council.

Do we have any DPPO's in our area now?

Yes. We have one covering the busy night time area in Cleethorpes and another covering Grimsby Town Centre. There are none in the villages and various residential areas of Grimsby and Cleethorpes and Immingham.

Do they work ?

The Police currently use the powers at their discretion to confiscate alcohol where necessary. No fixed Penalty Notices have been issued in the current DPPO areas of Grimsby & Cleethorpes in the last 12 month period. To some extent this is due to compliance of the individuals when approached by the Police and usage of the "direction to leave" legislation as previously explained.

Where can I find further information?

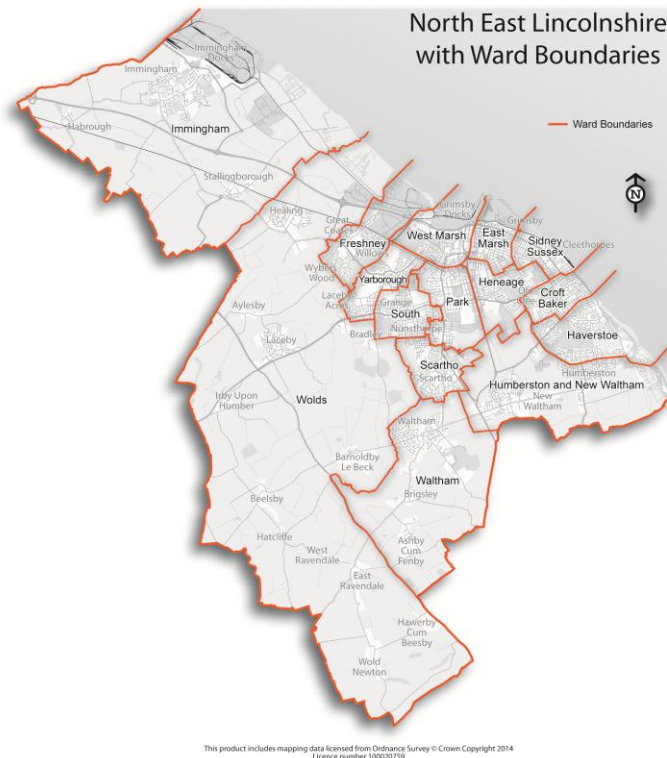
Further Information can be found on the North East Lincolnshire Council website at www.nelincs.gov.uk/safercommunities/DPPO or alternatively email any questions to dppo@nelincs.gov.uk or telephone 01472 325939.

Street Drinking - Designated Public Place Order (DPPO)

CONSULTATION WITH INTERESTED PARTIES

QUESTIONNAIRE

North East Lincolnshire Council is consulting with key stakeholders and local communities and is considering using its current powers under the Criminal Justice and Police Act 2001 to make a Designated Public Place Order (DPPO) for the whole of the North East Lincolnshire area as indicated on the attached map.



This is in response to concerns, which have been raised by North East Lincolnshire Council Elected Members regarding the prevalence and visibility of drinking alcohol in public places and the associated anti-social or nuisance behaviour.

By creating such a designated area, if persons are drinking in public spaces and causing anti-social behaviour or nuisance the Police have powers to ask the person to stop drinking alcohol and/or take their alcohol from them. If someone, without a reasonable excuse, fails to comply with the officer's request they are committing an offence which can result in a penalty notice or a fine of up to £500.

Consultation is a prerequisite to the Order being made out by the Council and the purpose of this questionnaire is to give you an opportunity to have your say and influence the decision making process.

If you wish to take part in this process please read on and answer the questions which are being asked; you can either return your replies to North East Lincolnshire Safer & Stronger Communities, The Elms, 22 Abbey Road, Grimsby, DN32 0HW or alternatively fill out the questionnaire by visiting www.nelincs.gov.uk/DPPO

For information, DPPOs will be replaced by Public Space Protection Orders (PSPOs) as part of new legislation currently working its way through Parliament (The Anti-Social Behaviour, Crime & Policing Bill). However any proposed DPPOs being consulted on by local authorities awaiting a decision or currently in place prior to the new legislation being introduced will stand for 3 years.

QUESTIONNAIRE

1. Which area of the public are you from? (please only tick the most relevant option)

- Member of the Public**
- Representative/Employee in the Alcohol Licensing Trade**
- Ward Councillor** (please specify ward)
- Parish Council/Councillor** (please specify parish)
- Community Group** (please specify)
- Business owner**
- Other Group/Person not covered by the above** (please specify)
-

2. Please complete your postcode:

3a. Have you seen people drinking in a public place? (for example in the street, in a local park etc) in North East Lincolnshire within the last 12 months

Yes **No** (go to question 6)

3b. If you answered 'yes', how often does this take place?

Every day **1-2 times a week** **3-4 times a week**

2 or 3 times a month **2 or 3 times a year**

3c. What part of the week does this mostly take place?

Monday – Thursday

Friday- Sunday

All week

3d. What time of day does this mostly take place? (Please tick all that apply)

6am – 12pm

12pm - 7pm

7pm – 6am

4. Where exactly have you seen people drinking in a public place? (We need exact locations i.e. name of park, street, place etc.)

5a. Has this caused any problems for you? (please tick all that apply)

Yes **No** **go to question 6**

5b. If you answered 'yes' what problems has it caused?

anti-social behaviour

Litter

noise nuisance

criminal damage

violence

fear/intimidation

other **please specify**.....

6. Is there anything else you would like to say about the subject?

7. Finally would you support the introduction of a North East Lincolnshire wide DPPO?

Yes

No

Not sure

Please explain your reasoning for the above answer

Further Information can be found on the North East Lincolnshire Council website at www.nelincs.gov.uk/DPPO or alternatively email any questions to dppo@nelincs.gov.uk or telephone 01472 325939.

Monitoring Form

1. What is your gender?

Male

Female

Other

2. What is your age? (please state)

3. What is your ethnicity? (please tick box that applies)

- A1 White British
- A2 White Irish
- A3 Any other White Background
- B1 White & Black Caribbean
- B2 White & Black African
- B3 White & Asian
- B4 Any other mixed Background
- C1 Indian
- C2 Pakistani
- C3 Bangladeshi
- C4 Any other Asian Background
- D1 Caribbean
- D2 African
- D3 Any other Black Background
- E1 Chinese
- E2 Any other Ethnic Group
- Prefer not to say

4. Nationality (please state)

.....

5. Do you have a disability?

No

Yes