

## Bath & North East Somerset Council

MEETING:	Council
MEETING DATE:	8 <sup>th</sup> November 2012
TITLE:	<b>Designated Public Places Order to control street drinking in Midsomer Norton</b>
WARD:	ALL
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b>	
Appendix 1- map of the proposed designated area	
Appendix 2 - Street Marshal report 19/20 <sup>th</sup> October 2012	

### 1 THE ISSUE

- 1.1 To consider putting in place arrangements to restrict the consumption of alcohol in designated public places in Midsomer Norton to ameliorate the incidence of alcohol related nuisance and antisocial behaviour.

### 2 RECOMMENDATION

Council is asked to agree that:

- 2.1 Officers should undertake a formal consultation process in accordance with The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 with a view to the Council designating the area of Midsomer Norton (as shown on the map in appendix 1) under the powers given in the Criminal Justice and Police Act 2001 section 13 (the Act).
- 2.2 The following steps should be taken as part of the consultation process.
- (a) A public advertisement inviting comments;
  - (b) The public advertisement at 2.2(a) above should give notice of the public meetings to be held at Midsomer Norton Town Hall where local stakeholders will be advised of the terms and likely impact of the designated Public Places Order (DPPO) and be invited to make their comments;
  - (c) A written invitation issued to the following interested parties to give their views: Avon and Somerset Police, Midsomer Norton Town Council, Radstock Town Council, residents living within the proposed area of the (Designated Public

Place Order) DPPO, representatives of the licensed trade and any other body agreed by the Members;

- (d) Reasonable steps to consult owners/occupiers of the main public buildings and open spaces within the proposed designated area;
- (e) The designated area identified for consultation in recommendation 2.1 should take account of the risk of displacement;
- (f) Owners of private premises open to or accessible to the public within the proposed designated area are invited through the consultation process to state whether they are happy for the Police to use the powers within the Act on their property;
- (g) The Council reaffirms to the Police their support for the use of these powers only in situations where there is risk of crime, disorder or nuisance occurring.

2.3 A further report be submitted once consultation has been completed to consider how to proceed.

2.4 That the Licensing Committee be authorised to act on behalf of Council on matters relating to DPPOs and that its terms of reference be amended accordingly.

### **3 FINANCIAL IMPLICATIONS**

3.1 The majority of the costs of the consultation will be met by our partner organisations. Costs to Bath and North East Somerset Council will be no more than £1k and can be met from the Antisocial Behaviour Initiatives line within the Community Safety revenue budget.

3.2 The cost of installing signs within the area to be covered by the scheme is estimated at £2k. The exact cost would depend on the number of signs to be erected which would need to be implemented in accordance with the boundary and size of the area to be designated as identified by the consultation process. These costs can be met from the Antisocial Behaviour Initiatives line within the Community Safety revenue budget.

### **4 CORPORATE OBJECTIVES**

- *Promoting independence and positive lives for everyone*
- *Creating neighbourhoods where people are proud to live*

### **5 THE REPORT**

5.1 The Report of 25<sup>th</sup> March 2004 to full Council 'Designated Public Places Order to ban street drinking in Bath' recommended (2.3) that:

*'The Council is asked to advise Parish and Town Councils that they may seek designation at any future time if there is evidence of alcohol related antisocial behaviour involving adults and if the Police are in favour of designating a particular area.'*

The Report identified at 5.1 above sets out that at that time there was little support for proposals to designate Keynsham, Radstock and Midsomer Norton. A great

deal has changed during the intervening years, not least the DPPO in Bath city has been witnessed as a success.

5.2 In 2011, the Midsomer Norton Town Council (the Town Council) working with Officers from Bath and North East Somerset Council formed a local Community Alcohol Partnership (CAP), which is now Chaired by the Deputy Mayor of Midsomer Norton Town Council and represents all the responsible authorities and community partners as identified within the 1998 Crime and Disorder Act.

5.3 The Town Council had been asked by local people to address the noise, excessive litter, antisocial behaviour and nuisance associated with the night time economy including the movement en masse of groups of people from one licensed venue to another. In the true spirit of Localism, the CAP was set up as a response to the concerns voiced by local people.

5.4 In the spring of 2012 the Town Council carried out a crime and community safety survey of the Town. This demonstrated that there was significant support for action to reduce problems associated with the night time economy.

5.5 CAP commissioned a 'visual audit' to take place over the course of a Friday evening in August. A series of circuits of the High Street and surrounding identified hotspot locations was undertaken, starting at 5.30pm and ending at 2am. As the evening went on the group carrying out the visual audit witnessed a change in the use and atmosphere around the Town centre. A number of people were seen, especially along the High Street, walking and carrying open bottles or glasses of alcohol. The group also saw discarded glasses and open bottles littered along the High Street. Patrons had clearly been allowed to carry these away from licensed premises, apparently breaching the license conditions of the premises in question.

5.6 As part of the process of launching the CAP action plan consultation meetings were held with residents and with the local licensed traders. The action plan was widely welcomed as a strategic approach to dealing with the alcohol related nuisance and confirmed the local support for the work to improve community safety in relation to the night time economy. The CAP agreed that there was a growing body of evidence to support the introduction of a DPPO as part of this concerted approach to resolving the issues in question. The DPPO is identified within the CAP action plan as a key measure to improve community safety.

5.7 On the 12<sup>th</sup> of September 2012 Councillor Michael Evans took a question to Cabinet requesting Cabinet support for measures to instigate a DPPO in Midsomer Norton. In assuring Councillor Evans that the request had all party support Councillor Dixon replied:

*"I am delighted to commit the use of appropriate officers from the Community Safety and Public Protection teams to work with partner organisations including Midsomer Norton Town Council to follow the process of consultation and introduction of a Designated Public Place Order in Midsomer Norton."*

5.8 The CAP action plan identifies a range of methods to improve community safety within the night time economy. The weekend of Friday 19<sup>th</sup> and Saturday 20<sup>th</sup> October saw the commencement of the street Marshal's

scheme in Midsomer Norton. This scheme is a pilot jointly funded by the Bath and North East Somerset Council and Midsomer Norton Town Council. During the first weekend the 2 Marshals dealt with 13 incidents as well as one serious medical emergency, where the victim was hospitalised, resulting from a fight involving intoxicated people. The Marshals, although they were not able to confiscate alcohol did request that a number of people leaving premises or walking along the High Street with open containers of alcohol give them up. Whilst most people did comply some refused and the Marshals had no recourse as they had no authority to require that the people in question give up their drinks.

5.9 Sections 12 to 16 of The Act enables local authorities to introduce a DPPO. This power is not intended to lead to a ban on drinking in a designated public place. It sets out to restrict alcohol within identified hotspot areas. The Act also provides the police or other accredited persons with the power to enforce this restriction.

5.10 The Act allows local authorities to designate a public place only where they are satisfied that nuisance or annoyance to the public or disorders have been associated with the consumption of alcohol in that place. The power would not apply to any premises which are licensed for the consumption of alcohol. This includes areas outside licensed premises where permission has been given under the Highways Act for consumption of alcohol purchased in that premises.

5.11 The aim of these powers is to allow the Police to intervene at an early stage where there is a risk of antisocial behaviour, before any criminal offences are committed. The Act gives the Police the power to seize and dispose of alcohol which is in an open or closed container. Failure to comply with the Police request is an arrestable offence and is punishable by a fine.

5.12 The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 sets out the key requirements of the consultation process. From these regulations it is possible to estimate that the earliest date at which an order could be properly secured, meeting the requirements of the Act as set out by the Regulations, would be towards the end of January 2013. This allows for the consultation process at 2.2 above to be concluded and includes:

- invitations to be sent to stakeholders
- a public notice to be published in the local newspaper
- 2 public consultation meetings to be organised and held
- A 28 day period for comments and concerns to be received from stakeholders
- Comments and concerns to be answered.

Once the consultation process is concluded a further report, will be completed, making recommendations (To Council, or to Licensing Committee as advised by the Council meeting of the 8<sup>th</sup> November)

## **6 RISK MANAGEMENT**

6.1 A key risk in introducing any crime or antisocial behaviour reduction method in a single location is that of displacement. The evidence from other areas suggests that displacement is most likely to arise where the presence of off licensed premises nearby provides an alternative source of alcohol and areas where people can gather. For this reason the proposed area encompasses the whole of Midsomer Norton High Street, the nearby licensed and off licensed premises and other locations that have been identified as hotspots for antisocial behaviour.

## **7 EQUALITIES**

7.1 An Equalities Impact Assessment (EIA) will be undertaken once the formal consultation process in 2.2 above is completed and the returns from stakeholders are collected. This timing is important as the statutory consultation process is designed to seek the widest range of views of residents and other stakeholders who may be affected by the exercise of the powers granted by the legislation. The EIA will, thereby, ensure a broad range of views are taken into account.

## **8 CONSULTATION**

8.1 *Ward Councillor; Cabinet Member; Parish Council; Town Council; Staff; Other B&NES Services; Service Users; Local Residents; Community Interest Groups;; Stakeholders/Partners; Other Public Sector Bodies;*

8.2 Consultation was undertaken through a range of processes including;

- 1 The CAP meetings
- 2 A town survey
- 3 Consultation meetings with Pub Watch
- 4 A public meeting and,
- 5 Councillor question to Cabinet

In addition to the above if Council approve the process as set out at 2.2 above further consultation will be undertaken as prescribed by the Act.

## **9 ISSUES TO CONSIDER IN REACHING THE DECISION**

9.1 *Social Inclusion; Customer Focus; Sustainability; Human Resources; Property; Young People; Human Rights; Corporate; Health & Safety; Impact on Staff; Other Legal Considerations*

## **10 ADVICE SOUGHT**

10.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

<b>Contact person</b>	Lores Savine 01225 396420 or Sue Dicks 01225 477415
<b>Background papers</b>	<ul style="list-style-type: none"> <li>• Report to Council 25<sup>th</sup> March 2004 - Designated Public Places Order to ban street drinking in Bath</li> <li>• Minutes of Cabinet meeting of 12<sup>th</sup> September 2012, ref Councillor's question M04.</li> <li>• Criminal Justice and Police Act 2001</li> <li>• The Local Authorities (Alcohol Consumption in Designated Public Places) Regulation 2007</li> </ul>
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