

Bath & North East Somerset Council	
MEETING:	Licensing Committee
MEETING DATE:	29 January 2013
TITLE:	Designated Public Places Order to control street drinking in Midsomer Norton
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
Appendix 1- maps of the proposed designated area – ‘A’ showing the area prior to consultation & ‘B’ showing the area as amended by the consultation	
Appendix 2- Equalities Impact Assessment January 2013	

1 THE ISSUE

- 1.1 The Criminal Justice and Police Act 2001 gives the local authority powers to make a Designated Public Places Order (DPPO). A DPPO designates places where restrictions on public drinking apply and is used to address nuisance or annoyance associated with the consumption of alcohol in a public place. At its meeting of 8 November 2012, the Council delegated authority to make these orders to Licensing Committee.
- 1.2 The Council agreed that a formal consultation should commence on proposals to designate an area of Midsomer Norton Town under the powers granted by the 2001 Act.
- 1.3 This report provides an overview of the results of that consultation (which was conducted to include the statutory 28 day consultation period - from 15 November 2012 to 13 December 2012), and seeks members’ approval to put in place arrangements to restrict the consumption of alcohol by ‘designation of a public place’ in Midsomer Norton.

2 RECOMMENDATION

The Licensing Committee is asked to agree that in support of the local community and businesses:-

- 2.1 The area of Midsomer Norton bounding the High Street, as shown on the attached map labelled ‘B’ to be designated as an area where the Police and other accredited persons may use the powers as granted by the 2001 Act.

3 FINANCIAL IMPLICATIONS

- 3.1 Minor capital costs are associated with erecting signs at key locations around the designated area. Based on the findings of the consultation undertaken in Midsomer Norton, eleven locations have been identified for signage. The costs to Bath and North East Somerset Council will be no more than £1k and can be met from the current Community Safety revenue budget.

- 3.2 There will be a small revenue cost to meet legal fees and advertisement for the designation order. As at 3.1 above these can be met from the current Community Safety revenue budget.

4 THE REPORT

The Criminal Justice and Police Act 2001

- 4.1 The 2001 Act (ss 12 to 16) gives the Police the power to seize and dispose of alcohol which is in an open or closed container. If a police officer or other accredited person has a reasonable belief that a person (within the designated area) is or, has been drinking alcohol and is involved in - or has the potential to cause nuisance or anti-social behaviour - they can ask the person to stop drinking. They may also tell the person to hand over any alcohol whether in an open or closed container. If a person, so requested, refuses to hand over the alcohol, they will be committing an offence.
- 4.2 The 2001 Act provides the Police or other accredited persons (namely Midsomer Norton's Street Marshal') with the power to enforce this restriction. However, an offence is only committed if a person fails to comply with such a request from a police officer}. Penalties for this offence include a penalty 'Notice for Disorder' or arrest, prosecution and fine.
- 4.3 To enable a DPPO to be set up, the 2001 Act requires that in the place to be designated, there is demonstrable nuisance, annoyance to members of the public or antisocial behaviour.
- 4.4 The local authority will need to designate the proposed area to enable Police officers and accredited persons to use the powers under the 2001 Act.
- 4.5 This power is not intended to lead to a ban on drinking in a designated public place but aims to restrict alcohol within identified problematic hotspot areas. Thereby, enabling the Police or accredited persons to intervene at an early stage where there is a risk of antisocial behaviour escalating and before any criminal offences are committed.
- 4.6 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 1980 for consumption of alcohol purchased in that premises.

5. THE CONSULTATION PROCESS

- 5.1 A comprehensive consultation was undertaken on the proposal to designate an area of Midsomer Norton Town. Details of the consultation outcomes are given below 5.2.
- 5.2 There were 42 written responses:
- From the Police, a formal response advising of their support, also highlighting the need to monitor any possible displacement.
 - The Secretary of the Midsomer Norton Social Club replied on behalf of members stating their support
 - There were 38 responses from residents of Redfield Road, applauding the initiative but stating their concern that the proposed area stopped at the end of their street and that it should instead encompass Redfield Road.
 - Westfield Parish Council, requesting that the DPPO be extended or a separate process be set up.

6. RISK MANAGEMENT

- 6.1 Consideration of existing extensive feedback from local people and agency data, including Police statistics, clearly identified the area (shown on map A, as used in the consultation) as of greatest concern to the community and having the highest level of antisocial behaviour and low level violence in the town as well as a concentration of licensed premises. Consequently, these schemes were designed as means of assisting in enhancing the safety and improve the environment in and around the high street.
- 6.2 A key risk in introducing any crime or antisocial behaviour reduction initiative in a single local area is that of displacement. Efforts were made to identify a discrete area around the High Street, which would readily be managed by use of the DPPO.
- 6.3 In designing the area every effort was made to minimise displacement effects. However, the consultation threw up concerns from the residents of Redfield Road as seen above. In response to their well-argued case for extending the area and to tackle displacement issues identified by these residents the area has been extended as shown in Map B.
- 6.4 Westfield Parish asked for their parish to be designated. As Westfield Parish was not included within the published notice and, identified as an area to be designated, a separate process would therefore need to be undertaken as required by the Act.

7. EQUALITIES

- 7.1 An Equalities Impact Assessment was conducted after completion of the consultation. This timing was to ensure that any views or concerns expressed would inform this assessment. No adverse or other significant issues were found - this is a positive initiative which is widely welcomed by the communities of Midsomer Norton.

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 including the legal requirement to publish the proposed Order in the local press. In addition to this the local paper published an article on the proposal and publicised the public events to be held at the Town Hall.
- 8.3 Invitations to comment were sent to Westfield Parish Council and Radstock Town Council, further invitations were hand delivered to the all licensed premises and fast food venues, cafes and shops in the area the Methodist Church on the High Street and the Leisure centre. Others included:
- Notices placed at public locations including the Town Hall
 - Sainsbury's Supermarket ran a wider information event which included information on the DPPO.
 - The local radio station Somer FM featured information on the proposal.
 - A consultation was set up on the Council's website
 - The information was also posted on the Midsomer Norton's website
 - Two public consultation events were organised at the Midsomer Norton Town Hall, one taking place in the afternoon a further one two days later during the evening
 - Members of the CAP group took the proposal to the local pub watch meeting and invited feedback on the proposal.

8.4 All written material included details of the public events, the online consultation and contact details of staff.

9. ISSUES TO CONSIDER IN REACHING THE DECISION

9.1 Young People; Human Rights; Corporate; Health & Safety; Crime and Disorder Act 1998.

10. ADVICE SOUGHT

Authors are asked to ensure that relevant officers or their senior representatives are consulted.

Contact person	Lores Savine 01225 396420 or Sue Dicks 01225 477415
Background papers	<ul style="list-style-type: none">• Report to Council 25th March 2004 - Designated Public Places Order to ban street drinking in Bath• Minutes of Cabinet meeting of 12th September 2012, ref Councillor's question M04.• Criminal Justice and Police Act 2001• The Local Authorities (Alcohol Consumption in Designated Public Places) Regulation 2007• Report to Council - Designated Public Places Order to Control Street Drinking in Midsomer Norton 8th November• Equalities Impact Assessment January 2013 - Designated Public Places Order to control street drinking in Midsomer Norton
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