

Single Member Cabinet Decision

Executive
Forward Plan
Reference**E2918****Prohibitions on the consumption of alcohol in public places in Bath and Midsomer Norton and the implications of the Anti Social Behaviour, Crime & Policing Act 2014**

Decision maker/s	Cllr Martin Veal, Cabinet Member for Community Services
The Issue	<p>The current Designated Public Place Orders (“DPPOs”) operating in Bath and Midsomer Norton are due to expire in October 2017 as a result of the introduction of Public Space Protection Orders (PSPOs) under the Anti-social Behaviour Crime and Policing Act 2014 (“the Act”). When considering whether or not to extend the existing DPPOs in the form of Public Space Protection Orders, the authority is required to consult with the Police and Crime Commissioner (“PCC”), Chief of Police, community representatives it thinks appropriate to consult and the owner or occupier of the land within the restricted area.</p> <p>This report therefore proposes that consultation begin on whether or not to extend the DPPOs as PSPOs to address the consumption of alcohol in public places where the legal test is met.</p>
Decision Date	10 April 2017
The decision	<p>The Cabinet Member agrees that</p> <ol style="list-style-type: none">1. A 12-week consultation take place to gain views as to whether or not to extend the DPPO for the City of Bath as a PSPO, based on-<ol style="list-style-type: none">(1) The proposed draft Order as set out in Appendix 1 and(2) The draft consultation questions set out at Appendix 2.2. A 12-week consultation period take place to gain views as to whether or not to extend the DPPO for Midsomer Norton as a PSPO, based on-<ol style="list-style-type: none">(1) The proposed draft Order as set out in Appendix 3, with a revised Schedule (taking into account comments made by Midsomer Norton Town Council), now to include within the proposed map boundary the new Town Park and Midsomer Norton Recreation Ground areas.(2) The draft consultation questions set out at Appendix 4.
Rationale for decision	<p>This begins the process of consultation required in accordance with the Act, which could allow for the extension of the DPPOs as PSPOs in time to ensure continuity of enforcement powers with regard to consumption of alcohol in public places, in the light of legislative changes. It also ensures that local views are sought to inform a decision by Council on this matter.</p>

	<p>Specifically, the decision involves the extension of the proposed area for the Midsomer Norton PSPO consultation (as set out in the report) to now include within the map boundary in the draft schedule the areas of the new Town Park and Midsomer Norton Recreation Ground. This follows a letter received during the Stage 4 consultation period from Midsomer Norton Town Council which fully supports the overall consultation as set out in the report, but which proposed an extension to the proposed boundaries of the Midsomer Norton PSPO to include these two areas. The Cabinet Member has considered this response and has agreed to reflect the views of Midsomer Norton Town Council in this matter. In doing so he has taken into account that the Town Council have identified that both areas border the current DPPO area. In addition, the proposal will of course need to be fully tested in the consultation process along with all the other areas proposed to be included within the PSPOs. As such it will be required to meet the statutory tests.</p>
Financial and budget implications	<p>The consultation will be carried out within existing budgets, using staffing from within the Council's Strategy and Performance Team, the Council's online consultation tool, local newsletters, media releases, briefings and other methods. Any implementation as a result of the consultation will be subject to a formal decision making process following the consultation and any costs of implementation will be outlined in that report. These costs will include any legal costs to prepare the Order and the costs of any signage required.</p>
Issues considered (these are covered in more detail in the report)	<p>Customer Focus; Other Legal Considerations</p>
Consultation undertaken	<p>Town Council; Section 151 Finance Officer; Monitoring Officer</p>
How consultation was carried out	<p>Midsomer Norton Town Council was sent the report and responded with comments, as above, which have been incorporated into the decision. The Responsible Authorities Group, the area's community safety partnership, was also consulted on the approach taken to consultation on PSPOs. Section 151 Finance Officers and Monitoring Officer were sent the draft report.</p>
Other options considered	<p>Take no action This option would mean that the existing DPPOs would not be replaced by PSPOs in October 2017, and they would lapse. This would result in reduced enforcement powers for Avon and Somerset Police.</p> <p>Extend the scope of the PSPOs to include new activities and/or wholly new geographical areas. This is not included in the current proposed consultation. Any proposals along these lines that arise from the consultation will be considered on their merits</p> <p>The request from Midsomer Norton Town Council to propose consultation on slightly extended boundaries when compared to the current DPPO boundary is considered to be reasonable to include for</p>

	consultation at this stage, as it relates to areas immediately adjacent to the current DPPO area and not a wholly new geographical area.
Declaration of interest by Cabinet Member(s) for decision, including any dispensation granted:	<i>None</i>
Any conflict of interest declared by anyone who is consulted by a Member taking the decision:	

Signatures of Decision Makers	
Date of Signature	

Subject to Call-in until 5 Working days have elapsed following publication of the decision