

Report to Licensing Committee

Date of meeting: 15 April 2009

Subject: Designated Public Place Orders (DPPO)

Officer contact for further information: Caroline Wiggins – Safer Communities Manager ext: 4122

Committee Secretary: Adrian Hendry, ext.4246



**Epping Forest
District Council**

Recommendation:

- 1. That Designated Public Place Orders be made in respect of the following areas:**
 - i) Stonards Hill Recreation Ground, Epping, including the car park, Scout Hut, Jack Silley Pavilion car park, tennis courts, football stand and ground, as shown edged red on Plan No: [1]**
 - ii) Lower Swaines playing fields, Epping, including the public footpath running along the boundary of St Johns School from Lower Swaines to Bury Lane. Garages behind 2 Lower Swaines and public land and highway extending from St Johns School outside numbers 2 – 18 and 1 – 43 Lower Swaines, as shown edged red on Plan No: [2]**
- 2. That all necessary public notices be published in accordance with the legislation to enable the Designated Public Place Orders to take effect.**
- 3. That in the event that representations opposing the making of a DPPO are made as a result of publication of the first public notice and officers are unable to resolve the issue such that the objection is withdrawn a further report shall be brought back to this Committee before the DPPO is made.**
- 4. That a report be brought to this Committee within two years, for their consideration on the effectiveness of the DPPO's and as to whether to continue with, amend or cancel either of them.**

Report:

Background:

- 1. Designated Public Places Orders (DPPO's) are a tool that can be used by local authorities to deal with the problems of anti-social behaviour resulting from the drinking of alcohol in public places.**
- 2. DPPO's are made by local authorities using powers under Section 13 of the Criminal Justice and Police Act 2001 as amended by Section 26 of the Violent Crime Reduction Act 2006 and the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.**

3. These powers enable local authorities to designate places where restrictions on the public drinking of alcohol will apply. A local authority can make a DPPO in respect of a public place where there is evidence of nuisance or annoyance to members of the public associated with consuming alcohol in that place.

4. Once a DPPO is in place the Police can use their confiscation powers to enforce the restriction. Whilst it is not an offence to consume alcohol within a designated area, the failure to comply with an officer's requests to stop drinking and surrender alcohol without reasonable excuse, is.

5. A formal request for DPPO's to be made in respect of Stonards Hill Recreation Ground and Lower Swaines playing fields was received by the Council from Epping Town Council on 28th August 2008.

6. As a result of this request research was conducted through Essex Police and this indicated that both these areas were suffering from repeated anti-social behaviour related to the consumption of alcohol in these public places.

7. Epping Town Council provided details of the additional costs that it considered to be attributable to the anti-social behaviour and criminal damage linked to the consumption of alcohol within these areas.

£13,000 checking for broken bottles/debris and associated clean up.

£3,000 damage to the roof of the Jack Silley Pavilion.

£800 damage to recreation ground equipment.

£2,000 damage to football shelter.

£500 graffiti removal.

Consultation

8. The legislation requires that a period of statutory consultation must be undertaken prior to the making of a DPPO with statutory consultees. As such officers have consulted with the Chief Officer of the Police for both areas, Epping Town Council and the owners and occupiers of the residential properties adjacent to the areas concerned. This consultation took place between (14th October 2008) and (2nd March 2009).

9. There are no licensed premises within either of the proposed areas.

10. Responses were received from Epping Town Council, Epping Police, St John's School and the Corporation of London; there were no public/local resident responses of support at this time.

11. Epping Town Council requested amendment to the Lower Swaines plan to prevent local displacement. *Give a short explanation as to what this meant* The amended proposal and the plan before this committee now includes the green areas at the front of residential properties, the highway outside St Johns School gates, Lower Swaines and garages situated in Lower Swaines backing onto houses in Tower Road.

12. The Corporation of London requested that displacement issues be monitored at Lower Swaines.

13. These requests have been accommodated and following the amendments to the proposals a second period of consultation took place in relation to Lower Swaines only (as there had been no amendments necessary to the Stonards Hill proposals) commencing on 21st January 2009.

14. Responses of support have been received from Essex Police, City of London and Essex County Council, Epping Town Council and five local residents. If there are any more

responses received these will be reported verbally to the Committee.

15. Officers have given both Epping Town Council and City of London confirmation that the East Joint Area Action Group would monitor displacement and enforcement issues.

Making the DPPO

16. If Members are minded to authorise the making of these two DPPO's the first step will be for a public notice to be published in the local press, which will invite representations as to whether or not the DPPO should be made. The DPPO's cannot be made and sealed by the Council until at least 28 days after the date of the public notice.

17. If representations should be received opposing the making of the DPPO's such representations will be considered by Officers and if they cannot be resolved, Officers will bring a further report to Committee for a decision as to whether or not to proceed with the DPPO in the light of the representations made.

18. If no adverse representations are made the DPPO's will be made and a further public notice must be published in the local press, which in addition to other matters will indicate the date on which the DPPO will take effect.

Taking Effect

19. The DPPO's will only take effect after publication and the appropriate signs (designed in accordance with the regulations) have been erected in the place identified.

Future Evaluation

20. It is recommended that this report be brought to this committee within two years, for their consideration on the effectiveness of the DPPOs and as to whether to continue with, amend or cancel either of them.

Resource implications:

The costs of publishing the statutory public notices and the production and erection of the necessary signage can be met from existing Safer Communities and Essex Police resources

Legal and Governance Implication:

The making of the DPPO's is in accordance with the Councils powers under the Criminal Justice and Police Act 2001 and will give the Police power to confiscate

Safer, Cleaner, Greener Implications:

The improvement in the amenity value of two open spaces within the district

Consultation Undertaken: As outlined in the report.

Background papers: Consultation responses, DPPO area maps.

Impact Assessments:

An impact assessment will be undertaken following the implementation of the scheme.