



Report of the Director of Environment and Neighbourhoods

Inner North West Area Committee

Date: 13th September 2007

Subject: DPPO Update Report

Electoral Wards Affected:

**Hyde Park and Woodhouse
Headingley**

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Council
Function

Delegated Executive
Function available
for Call In

Delegated Executive
Function not available for
Call In Details set out in the
report

Executive Summary

In response to concerns raised by ward Members in March 2007, regarding tackling the ongoing problem of street drinkers in parts of Little London and Woodhouse, it was agreed by the Inner North West Area Committee to implement a Designated Public Places Order (DPPO) for the area. Since this agreement there has been debate about the boundaries of the order area and also a change in the legislation governing DPPO implementation.

1.0 Purpose

1.1 The Criminal Justice and Police Act 2001 introduced Designated Public Places Orders as a means to reduce anti social street drinking. This Act has subsequently been amended by the Violent Crime Reduction Act 2006. This report outlines these amendments and how they impact on the work currently undertaken on the proposed DPPO.

2.0 Background Information

2.1 Designated Public Places Orders make it an offence to consume alcohol after being requested by a police officer not to do so. An officer can also ask any person to surrender alcohol, or alcohol containers, if the officer reasonably believes the person is, has been or intends to consume alcohol in that place. There is a fixed penalty for the offence of £40. If an arrest is necessary, the penalty on conviction is a fine of up to £500.

- 2.2 The legislation is designed to reduce anti-social street drinking either during the day time (typically street users of alcohol and other substances), or in respect of night time issues, such as people drinking in the street on their way to and from licensed areas and premises e.g. in the queue for a club or fast food outlet.
- 2.3 Little London is experiencing problems with street drinkers drinking in the local park, near Little London Primary School and outside multi storey blocks. This is causing considerable intimidation to local school children and families wishing to use the play area. Similarly Woodhouse and Hanover Squares in Little Woodhouse are experiencing considerable problems with street drinking causing a nuisance and intimidating local users of the squares. At a special meeting held on 19th April 2007, Members asked officers to consider the implementation of a DPPO to tackle these issues.

3.0 Violent Crime Reduction Act 2006

- 3.1 The Act came into force on 6th April 2007 and amended the Criminal Justice and Police Act 2001, to clarify when certain licensed premises fall within Designated Public Places. Overall, the changes mean that if the Local Authority is a license holder it can include its premises within a DPPO. The premises will be excluded from the DPPO when alcohol is actually being sold or supplied and for 30 minutes thereafter. At all other times the premises will be subject to the DPPO.
- 3.2 The changes that have been made mean that Woodhouse Moor can now be included in the DPPO and that this inclusion would be suspended when an event was on which included the sale or supply of alcohol.
- 3.3 Other legitimate licensed business premises within the DPPO remain unaffected by the amendments and would, therefore, continue to be excluded from the DPPO.
- 3.4 Where a police officer reasonably believes that a person is, or intends to drink alcohol from an open container the DPPO grants that officer the power to require the person to not drink and surrender the alcohol and any containers (including sealed containers). It is not an offence to drink in a Designated Public Place, but failure to comply with an officers request relating to public drinking and containers of alcohol is an arrestable offence.

4.0 Considerations in Excluding the Moor

- 4.1 West Yorkshire Police have stated that they would police this DPPO the same way as the Headingley DPPO. They will use their powers pro-actively and apply the law in a transparent and equitable manner. This is to maintain consistency in approach and ensure that there is no discrimination. The effect of this will be that there will be no distinction between street drinkers drinking on the Moor or any other users drinking in public. Where an officer sees someone drinking or believes that someone intends to drink on the Moor (outside of an event as highlighted in 3.2) , they will ask them to stop, confiscating and discarding the alcohol. Whilst it would not be an offence to drink on Moor, it is fair to say that most people would not want to be spoken to by a police officer who would ask them to stop drinking.
- 4.2 Suggestion has been made that the police could adopt a policy of tolerating some public drinking associated with picnics, but not accept public drinking from others "likely to cause a nuisance". However, the police would not wish to treat groups differently, which could lead to claims of discrimination of street drinkers.

4.3 The introduction of a DPPO covering Woodhouse and Hanover Squares, and Little London will displace some of the street drinkers. However, it is unclear where the displacement will be. Outreach workers have discussed this with some of the street drinkers and those spoken to are unsure where they will go. It is fair to assume that some of the street drinkers may go elsewhere in the city and some may be displaced to Woodhouse Moor.

5.0 Considerations in Including the Moor

5.1 As DPPOs cover the City Centre and Headingley, if the proposed DPPO excluded the Moor, it would leave only one area where public drinking would be allowed. This could have the effect of attracting drinkers to the Moor.

5.2 Generally street drinkers will commence drinking from around 9am. Whilst it is difficult to anticipate the numbers of street drinkers who will be displaced to the Moor, even a relatively few could have a negative impact on some of the users of the Moor. Whilst the Moor is a large area, there are some users who make use of most of the Moor in undertaking their leisure activities.

6.0 Conclusion and Options

6.1 There are two options for Members to consider:

1. Exclude Woodhouse Moor from the proposed boundaries for a DPPO, because the Order will apply to all public drinking unless at an event as outlined in 3.2
2. Include Woodhouse Moor in the proposed boundaries for a DPPO because otherwise the Moor would be the only place to drink in public.

7.0 Recommendation

7.1 Members are asked to agree on whether Woodhouse Moor should be included or excluded from the proposed DPPO.