

The Safe Durham Partnership

Altogether safer

DRAFT
Procedures for
Designating a Public
Place

October 2010

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safer

1. Introduction

These procedures are designed to help Safer Neighbourhood Units, Local Multi-Agency Problem Solving Groups or local communities within County Durham to apply for a Designated Public Place Order.

2. The Law

Section 13 of the Criminal Justice and Police Act 2001 and section 26 of the Violent Crime Act 2006 allows Durham County Council (the local authority) to place restrictions on public drinking in areas where communities have experienced alcohol related disorder or nuisance. This power is known as a Designated Public Place Order.

Designating a “public place” provides the police with powers to require the surrender of alcohol and containers from people who are **over 18 years old**. The police already have a number of powers available to use on those people under 18.

Section 12 of the Criminal Justice and Police Act 2001 makes it an offence for an individual to continue to drink in a designated area when requested by a police officer to stop.

Designated Public Places are NOT Alcohol Free Zones. These powers do NOT make it a criminal offence for people to drink alcohol in the area

Penalties for failing to comply with a Police Officers request are:

- £50 penalty notice for disorder (PND), or
- Arrest and prosecution for a level 2 fine, not exceeding £500

3. Things to consider

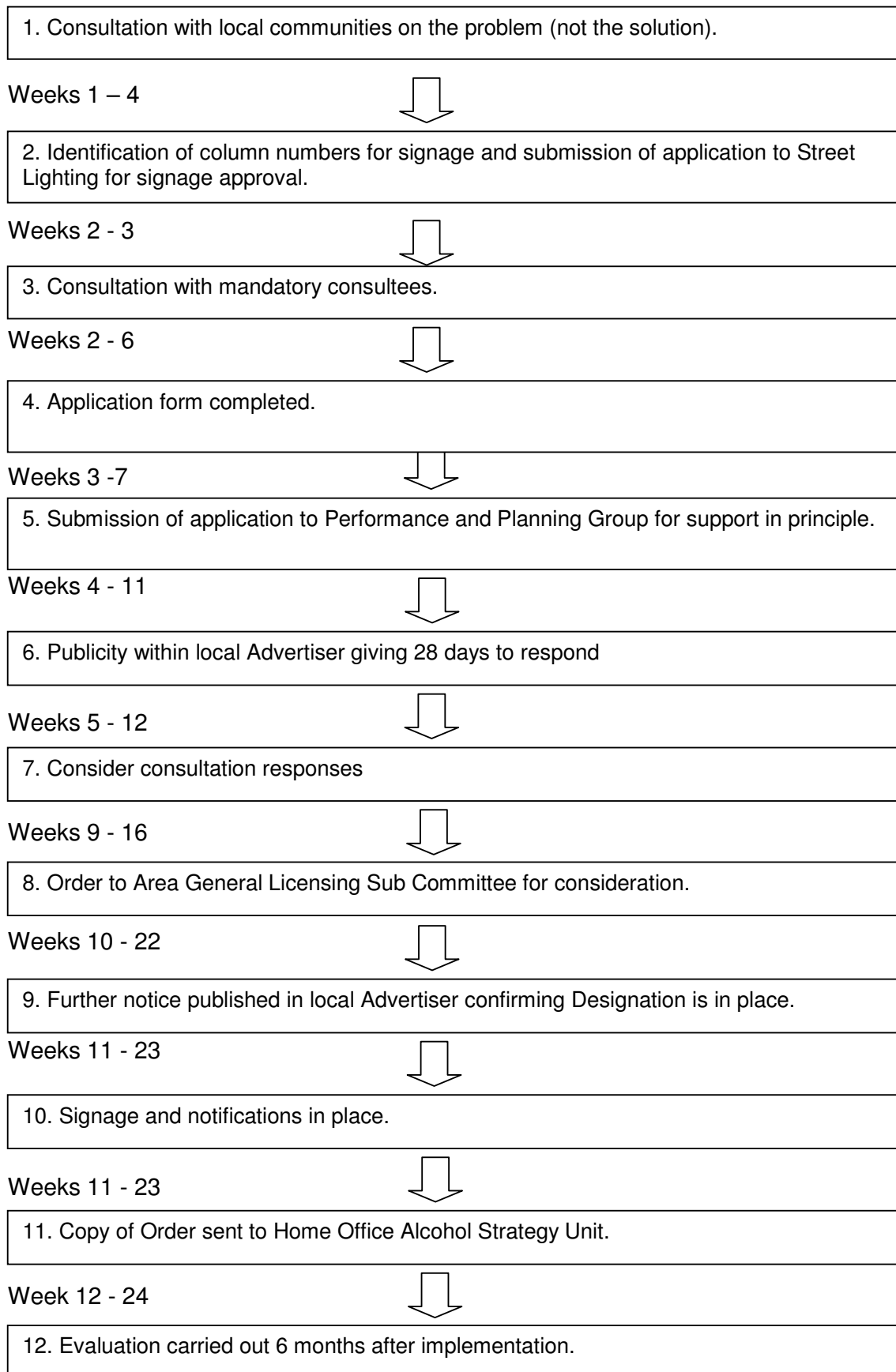
Designating a public place should be seen as a tool to use only when all other tools have been used and failed. What powers have been used before (the list below is not exhaustive)?

- Penalty Notices for Disorder
- Acceptable Behaviour Contracts
- Anti-Social Behaviour Orders
- Directions to Leave Notices

Application should be submitted and supported in principle by the Safe Durham Partnership Performance and Planning Group prior to publicity. A copy of the application forms is attached at Appendix 1.

The approximate cost of a DPPO application is £3,000. The applicant is responsible for covering all of the costs related to the application process.

4. Process for implementing a DPPO



5. Mandatory Consultees

The list below is specifically related to local people who may be affected by the implementation of a DPPO.

- Parish, Town and/or Community Council or Partnership
- Police
- Local authority – Safer Neighbourhoods
- Parish, Town and/or Community Councils
- Licensees
- Owners/occupiers of land
- DCC Regeneration

6. DPPO Consultation information

An example letter and leaflet for DPPO consultation is included at Appendix 2.

Prior to the area being designated a notice should be placed in a local newspaper (Appendix 3) including the following information:

- Identifying specifically or by description the place in question
- Set out the effect the order will have on that place
- Identify any premises to which section 14 of the act applies to at the time the notice is published
- Inviting representations as to whether or not an order should be made

Once the Order has been granted a second notice should be placed in a local newspaper (Appendix 4) which includes the following information:

- Identifying the place to which the order refers
- Setting out the effect the order will have on that place
- Identifying any premises
- Identify the date on which the order will take effect

7. Signage

Signage should be posted on the extremities of the area indicating that the designation is in place. Permission should be sought from Durham County Councils Street Lighting section to allow for erection of any signage. In extreme circumstances a six month lead in time may be required to allow for testing of columns to take place. An application form is included at Appendix 5. Example signage is included at Appendix 6.

8. Evaluation

Key methods used to evaluate any DPPO should include:

- Initial consultation with partners and residents;
- Mapping and analysis of alcohol flagged crime and disorder data;

- Location based alcohol confiscation data;
- Stakeholder interviews (Safer Neighbourhood Teams, Licensing, Outreach Services, Voluntary Sector, Neighbourhood Wardens, Street Pastors, Housing Associations, Pub Watch, etc);
- Public perception surveys.
- Number of referrals to outreach services.
- Carry out annual review of DPPO. Consider revoking Order where appropriate.

Appendix 1

DPPO Application Form



Application to Establish Designated Public Places Orders (DPPOs)

Before submitting a proposal please read:
‘Procedures for Designating a Public Place in County Durham’

Contact Details	
Name:	Address:
Organisation / Agency (if relevant):	
Telephone No:	
Email address:	
Request for DPPO	
Define the area to be subject to the proposed designation and attach a 1:1250 scale OS plan with the boundaries of the scheme clearly marked showing the land for designation. Maps can be obtained from the Highway Maintenance Office of the County Council - 0191 3833428.	
Reason(s) for the Proposal	
State as fully as possible the reasons for the designation and how it meets the criteria as set out in ‘Procedures for Designating a Public Place in County Durham’	
1. Please provide details of the problems being experienced. In order for an application for a DPPO to be successful evidence that alcohol is causing a persistent and problematic level of crime and/or anti social behaviour is required.	
2. What other measures have been considered (or implemented without success) to tackle the problem?	

3. Please provide details of how the implementation of the DPPO will be funded.

4. Please provide information on who has been consulted prior to the application being submitted (refer to 'Procedures for Designating a Public Place in County Durham' for further information on the consultation process). A supporting statement on behalf of Durham Constabulary should be submitted along with this application.

Please continue on a separate sheet if necessary.

Confirmation Details

This proposal for a Designated Public Place Order in the identified location is fully supported by the Safe Durham Partnership:

Safe Durham Partnership Chair (or delegated representative).....

.....

Applicant Details:

Signed.....

Name:

Date:

Appendix 2

Consultation Letter and Leaflet

Contact:
Direct Tel:
Fax:
email:
Ref:

[Insert contact address]

19 October 2010

Dear Sir/Madam,

**NOTICE OF PROPOSAL TO MAKE AN ORDER TO CONTROL THE
CONSUMPTION OF ALCOHOL IN PUBLIC PLACES IN XXXXXX AND
SURROUNDING AREAS**

Notice is hereby given that following necessary consultation Durham County Council propose to make an order pursuant to Section 13(2) of the Criminal Justice and Police Act 2001, the purpose of which is to control the consumption of intoxicating liquor in the places identified on the map attached.

The effect of such an order is to make it an arrestable offence to fail without reasonable excuse to comply with the requirement of a Constable:

- a) not to consume intoxicating liquor; or
- b) to surrender any intoxicating liquor other than liquor in a sealed container.

The Council hereby invites representations from any person as to whether or not an order should be made. These should be sent in writing, to the XXXXXX quoting "XXXXXX" to be received no later than XXXXXX.

Yours faithfully

[Officer]
[Title]

enc. Map of proposed DPPO

Will the DPPO be enforced on areas outside licensed premises that are on Council or Highway land?

- The DPPO would not be enforced unless complaints are received from members of the public about any of the following:
- Persons are creating disorder or behaving in an anti-social manner (whilst drinking or under the influence of alcohol).
- Complaints have been received from members of the public concerning an ongoing or developing problem.

What is the enforcement protocol where complaints have been received?
In the first instance the premises will be asked by the Council and/or Police to manage their customers within the outside area.

Failure to manage the situation will result in a request of the license holder/ designated premises supervisor (DPS) to ask customers to refrain from taking drinks to the outside area.

If complaints still continue to be received then the DPPO will be enforced. The Police may also seek a review of the premises license.

Contact details for further information:

Safer Communities Team:

Xxx xxxxxxxx

Durham Constabulary:

Xxx xxxxxxxx



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Designated Public Place Orders

Durham County Council promotes responsible drinking to people who live, works in or visit the city. The Council introduced Designated Public Place Orders (DPPO) in 2010. This is not a total ban on drinking alcohol in public places.

What is a DPPO?

The Criminal Justice and Police Act 2001 introduced the powers for Local Authorities to designate public places in which it will become an offence to drink alcohol after being requested to do so by a Police Officer. The Police will have the power to require the surrender of alcohol and containers in these circumstances and those who fail to comply will be liable to arrest. There is also a power to confiscate when an officer reasonably believes a person is, has, or intends to drink in a area covered by a DPPO.

The Violent Crime Reduction Act 2006 (S.26) amended the 2001 Act to ensure that premises used by local authorities will only be excluded from a designated public place in which they are located at times when alcohol is actually being sold or supplied and for 30 minutes thereafter including Temporary Events Notices (TEN).

Why has this been introduced?

The Government is focusing on promoting responsible drinking and reducing alcohol misuse and associated problems such as anti-social behaviour. They key aims are:

- Provide additional powers to police to deal with persistent street drinking and alcohol related anti-social behaviour.
- Reduce disturbance in public places that are alcohol related.
- Reduce drunkenness in public places.
- Contribute to the range of actions which are being delivered to reduce alcohol misuse.
- Reduce the number of street drinkers and hotspots areas.

How will this affect me?

This will mean that a Police Officer, a Police Community Support officer (PCSO) or an Accredited person may ask you to stop drinking and/or confiscate alcohol in a public place if:

- You are creating disorder or behaving in an anti-social manner (whilst drinking or under the influence of alcohol).
- There is a likelihood of anti-social behaviour or disorder (whilst under the influence of alcohol).
- Complaints have been received from members of the public concerning an on-going or developing problem.
-

What happens is I do not stop drinking alcohol?

If you continue to drink when asked not to your alcohol may be confiscated and disposed of.

What if I surrender my alcohol?

If you surrender your alcohol and do not continue to behave in an anti-social manner, there will be no further action.

What will happen if I do not hand over my alcohol?

You may be arrested, and if convicted, be subject to a maximum fine of £500 or issued a fixed penalty notice of £50.

What will happen if I hand over my alcohol but continue to behave in an anti-social manner?

You may be issued with a fixed penalty notice of £80 for disorder and/or arrested and convicted of a Public Order Offence.

What about licensed premises?

Public, clubs, restaurants or off-licences would not form part of the designated public place, and any areas covered by the local authority premises licences or areas covered by a TEN for alcohol sales would not form part of the designated public place when alcohol is being sold or supplied and for 30 minutes afterwards

What about areas outside licensed premises?

Areas outside licensed premises that do not form part of the premises that are on council or highway land are included in the DPPO.

Appendix 3

Example Consultation Notice for DPPO

COUNTY OF DURHAM COUNCIL
NOTICE OF PROPOSAL TO MAKE AN ORDER
TO CONTROL THE CONSUMPTION OF ALCOHOL
IN PUBLIC PLACES IN XXXXX AND
SURROUNDING AREAS

NOTICE IS HEREBY GIVEN that following necessary consultation Durham County Council propose to make an Order pursuant to Section 13(2) of the Criminal Justice and Police Act 2001, the purpose of which is to control the consumption of intoxicating liquor in the places identified in the Schedule below being public places within the area of the Council in which the Council is satisfied that nuisance or annoyance to members of the public or disorder has been associated with the consumption of intoxicating liquor.

The effect of such an Order would be to make it an arrestable offence to fail without reasonable excuse to comply with the requirement of a Constable.

- a) not to consume intoxicating liquor; or
- b) to surrender any intoxicating liquor other than liquor in a sealed container.

Intoxicating liquor for these purposes include anything which the Constable reasonably believes to be intoxicating liquor.

The Council hereby invites representations from any person as to whether or not an Order should be made. These should be sent, in writing, to the XXXX quoting "XXXX" to be received no later than XXXX.

SCHEDULE

The following lengths of highway in XXXX and all other highways within the area as designated below:

XX

The area is to include all open ground surrounding all of the above named areas.

These places identified in this Schedule are shown on plans deposited with the Draft Order at the Civic Centre, Chester-le-Street, Co Durham which can be inspected Monday to Thursday 8.30am-5.00pm and Friday 8.30am-4.30pm.



For and on behalf of
DURHAM COUNTY COUNCIL

Appendix 4

Example Designation Notice for DPPO

COUNTY OF DURHAM COUNCIL
NOTICE OF PROPOSAL TO MAKE AN ORDER
TO CONTROL THE CONSUMPTION OF ALCOHOL
IN PUBLIC PLACES IN XXXXX AND
SURROUNDING AREAS

NOTICE IS HEREBY GIVEN that following necessary consultation Durham County Council propose to make an Order pursuant to Section 13(2) of the Criminal Justice and Police Act 2001, the purpose of which is to control the consumption of intoxicating liquor in the places identified in the Schedule below being public places within the area of the Council in which the Council is satisfied that nuisance or annoyance to members of the public or disorder has been associated with the consumption of intoxicating liquor.

The effect of such an Order would be to make it an arrestable offence to fail without reasonable excuse to comply with the requirement of a Constable.

- a) not to consume intoxicating liquor; or
- b) to surrender any intoxicating liquor other than liquor in a sealed container.

Intoxicating liquor for these purposes include anything which the Constable reasonably believes to be intoxicating liquor.

SCHEDULE

The following lengths of highway in XXXX and all other highways within the area as designated below:

XX

The area is to include all open ground surrounding all of the above named areas. and designation will commence from the xx xxxxxx xxx.

These places identified in this Schedule are shown on plans deposited with the Draft Order at the Civic Centre, Chester-le-Street, Co Durham which can be inspected Monday to Thursday 8.30am-5.00pm and Friday 8.30am-4.30pm.



For and on behalf of
DURHAM COUNTY COUNCIL

Appendix 5

Signage Application Form

ATTACHMENTS TO LIGHTING COLUMNS

CONDITIONS

1. All applications for attachments to street lighting columns shall be submitted to the Committee & Administration Section, Environment, Durham County Council, County Hall, Durham at least six months in advance of the date attachments are required.
2. Details of the weight, windage, mounting height, attachment orientation on the street lighting column, and, for festive decorations load and voltage, of each attachment together with the associated street lighting column number shall be provided by the applicant.
3. The attachment to the lighting columns shall be carried out at the sole risk of the District or Parish Council.
4. The attachments shall be the sole responsibility of the owners and shall be insured, with the Highway Authority being indemnified for a minimum of £5.0 million for any one incident.
5. The Lighting Engineer shall arrange structural integrity testing for each lighting column to verify its suitability for any attachments and or fixings at the expense of the District or Parish Council before any installation can be agreed. At present test results are only guaranteed for one year.
6. The duration of attachment should not exceed 90 days for festive decorations, others to be agreed with the Lighting Engineer.
7. The attachments shall be manufactured with supports and mounting points capable of supporting them.
8. All fixings shall be approved by the Lighting Engineer and the columns shall be protected from damage by the use of EPDM tape under each fixing.
9. No installation shall be permitted where it may be in conflict with any adjacent traffic sign system.
10. If utilising a catenary wire as support then this should be of sufficient strength to support the fixture/fitting. It is recommended that stainless steel or high tensile steel be used.
11. The attachments shall be removed immediately upon the request of the Highway Authority or its agent or be removed by the Highway Authority at the owner's expense if there is a concern over the safety of the system.
12. The District or Parish Council shall pay for any remedial works resulting from their attachments being attached to the column.

02/07/2009

This Application to be submitted at least 6 months in advance of the date attachments are required.

Hanging Basket

Type

Single _____
 Double _____
 Circular _____
 Other _____

Outreach of Bracket E

Height above ground level F _____
 Wet Weight (each) _____
 Windage (each) _____

Water Reservoir

Full Weight (each) _____
 Number per column _____
 Size _____
 Height above ground level _____
 Windage (each) _____

Litter Bin

Size _____
 Weight _____
 Height above ground level G _____
 Windage _____

Signs

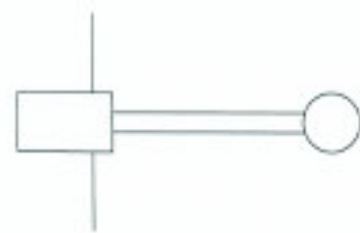
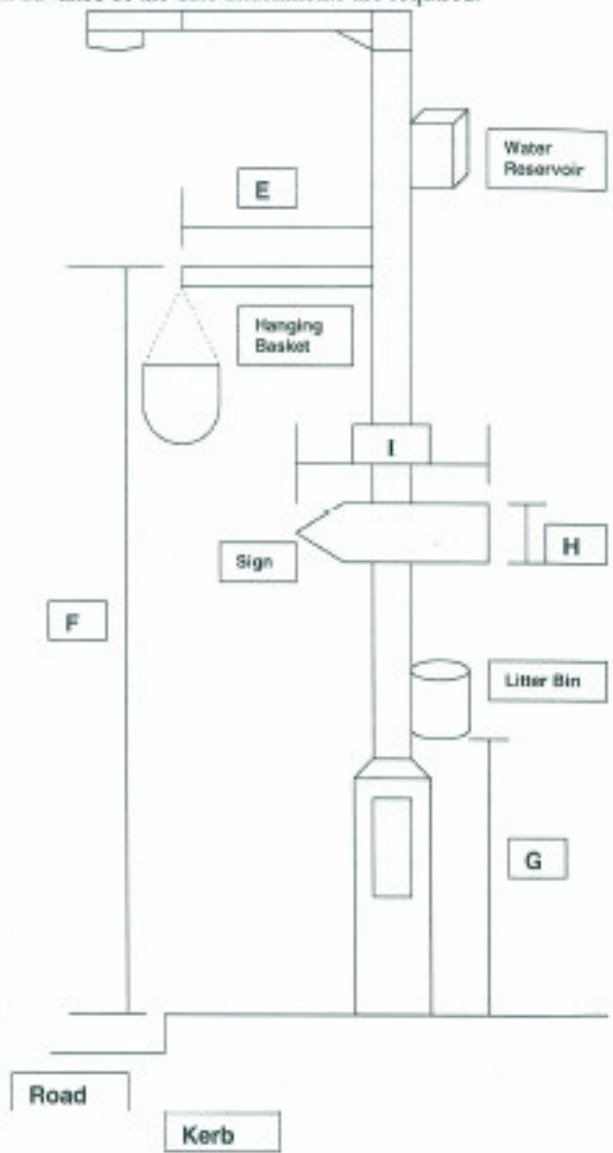
Size H _____
 Size I _____
 Weight _____
 Height above ground level J _____
 Windage _____

Note - Minimum clearance of 0.5m between Attachment and kerb

Position on Column

Indicate position on column for each of the above items

Signed _____
 Print Name _____
 Job Title _____
 On behalf of _____
 Date _____



Form of Acceptance of Conditions and Indemnity

Application by:

Scheme:

- 1 The attachment to the lighting columns shall be carried out at the sole risk of the
.....
- 2 The attachments shall be the sole responsibility of
and shall be insured, with the Highway Authority being informed for a minimum of
£5 million for any one incident. Copy of the policy shall be provided.
- 3 The duration of attachment should not exceed 90 days without express agreement
from the Durham County Council Lighting Engineer
- 4 No installation shall be permitted where it may be in conflict with any adjacent traffic
sign system.
- 5 The attachments shall be manufactured with supports and mounting points capable
of supporting them in line with current British Standards and Durham County
Council requirements. Contact Street Lighting for clarification of these conditions on
(0191) 383 3759
- 6 The attachments should be not greater than 0.3 square metres and should be
mounted with their lower edge not less than 2.1 metres and the upper edge not
greater than 3.6 metres above ground level. They should be mounted in such a
position so as not to obscure the numbering of the columns or cause obstruction to
the access to the lighting equipment carried by the columns or any doors to the
columns.

**PLEASE NOTE – If the attachment is greater than the measurements listed above, a test
will need to be conducted. (SEE CONDITION 7)**
- 7 The Durham County Council Street Lighting Engineer shall arrange for calculations
and tests to verify the suitability of any attachments and or fixings at the expense of
the owners of the proposed attachments before any installation can be agreed
- 8 If utilising a catenary wire as support, this should be of sufficient strength to support
the fixture/fitting (see point 5 above). It is recommended that stainless steel or high
tensile steel be used.
- 9 The attachments shall be removed immediately upon request by the Highway
Authority or its agent or be removed by the Highway Authority at the owner's
expense if there are safety concerns regarding the attachments.

- 10 All fixings must be approved by the Durham County Council Street Lighting Engineer and the columns shall be protected from damage by the use of EPDM tape under each fixing

- 11 No person shall remove or cause obstruction to a lighting access door or column identification number, any such obstructions will be removed at’s expense.

- 12 Only personnel authorised by Durham County Council’s Street Lighting Engineer shall enter the base compartment of the Street Lighting Column and access equipment housed therein

- 13 All attachments must be erected in compliance with the following statutes and regulations:
 - (a) **Health and Safety at Work Act 1974**
 - (b) **Electricity at Work Regulations 1989**
 - (c) **Current British Standard 7671 “Regulations for Electrical Installations”**

- 14 Generally for protection against electric shock all systems shall be rated at 12v SELV. However, for systems sited 3.0 metres above the highway mains voltage of 230v may be used. In all such systems the installer must ensure that the requirements of the current British Standard 7671 “requirements for electrical installations” are met and supplementary protection by use of a residual current device shall be given

- 15 In the case of festive decorations electrical test certificates must be forwarded to the Durham County Council Street Lighting Engineer before connection each year.

- 16 In the case of festive decorations the owner of the attachments shall advise the regional electricity company of the connected load and burning hours for payment of energy.

- 17 shall pay for any remedial works resulting from their apparatus being attached to the column(s).

SIGNED

.....

PRINT NAME

.....

DATE

.....

Appendix 6

Example of Signage for DPPO

YOU ARE IN A DESIGNATED PUBLIC PLACE



**If you continue to drink alcohol in this area
when asked not to do so by a police officer,
you are liable on conviction to a
maximum fine of £500.**

**You may be arrested if you fail to surrender
any intoxicating liquor to a police officer
in this area.**

