

FIFTH ANNUAL REPORT – BOROUGH WIDE DESIGNATED PUBLIC PLACE ORDER (DPPO)

**CORPORATE COMMITTEE
MEETING DATE 2016/17**

28 March 2017

CLASSIFICATION:

Open

If exempt, the reason will be listed in the main body of this report.

WARD(S) AFFECTED

All Wards

CORPORATE DIRECTOR

Tim Shields, Chief Executive

1. CORPORATE DIRECTOR'S INTRODUCTION

- 1.1 The Borough wide Designated Public Place Order (DPPO) was introduced on 24 May 2010. It was implemented under Section 13 of the Criminal Justice and Police Act 2001, now superseded by the Anti-social Behaviour, Crime and Policing Act 2014. This report is the fifth and final annual report on the DPPO for consideration by the Corporate Committee.

2. RECOMMENDATION(S)

2.1 The Corporate Committee is recommended to:

Note the content of this report

3. REASONS FOR DECISION

Not applicable to this report

4. BACKGROUND

Executive summary

- The reporting period for this report is from 24 May 15 to 23 May 16. However in order to give members ongoing information about recent initiatives relating to the DPPO, mention is also made of activities which have occurred post 25 May 16. In summary the legislation covering this power has been superseded by the new Anti-Social Behaviour, Crime and Policing Act 2014 and the DPPO will either automatically transition into a Public Spaces Protection Order by virtue of the Act, or cease to exist as an order if a decision is taken not to allow the transition to take place before 20th of October 2017.
- The visible street population appears to have increased but behaviour of individuals has during the first few years at least of the DPPO been moderated by use of this and other powers. In the context of a year on year overall reduction in all ASB in this borough, over the first three years after the introduction of the DPPO, calls to the Police regarding antisocial Street Drinking have fallen year on year but with a very small increase recorded in the fourth year (but analysts indicate that this is an increase that may be attributed to the way police have recently changed how they classify incidents). In this the last year there were 64 reports. This is still a very significant decrease in the complaints in the last year compared to the year before implementation where the baseline was 609.
- The resources available to enforce the DPPO are limited, in particular when looking at co-ordinated activity by more than one agency. However

there remains very effective operational partnership working and tasking to address this and related ASB issues.

- A monthly Street Users Outreach Meeting (SUOM) where police and outreach staff regularly meet to discuss individual cases of street drinkers; is the mechanism used to co-ordinate the enforcement and improve treatment efforts in order to reduce alcohol related ASB. Officers continue to work closely on the streets with Thamesreach and officers in other support agencies when dealing with individuals.
- The identification of any emerging or actual hotspots and tasking of police and warden resources remains a standing agenda item of the monthly Partnership Tasking Group chaired by the Deputy Head of Safer Communities.
- There are two Antisocial Behaviour Orders (ASBO) with conditions attached to include prohibiting the individual from consuming alcohol in Hackney or in specific areas of the borough. However although ASBOs can no longer be applied for since the introduction of the Anti-Social Behaviour, Crime and Policing Act 2014, new community protection notice procedures provide similar provisions. The view of staff is that the use of DPPO powers has negated the need to seek injunctions, whilst there is one injunction in place currently there are no injunctions currently being considered for alcohol related ASB. There have been a number of lower level Community Protection Notice (CPN) warnings issued.
- Detailed analysis by the Community Safety team, has identified hotspots that are subject to detailed discussion with partners at Partnership Tasking. Action plans are in place supplemented in the short-term by joint patrols involving police, wardens and Community Safety with referrals being made to Westminster Drugs Partnership and other support agencies as appropriate

4.1. Background

4.1.1 The borough wide Designated Public Place Order (DPPO) went live on the 24th of May 2010. The aims of this order are to reduce the amount of anti-social street drinking occurring within Hackney and therefore lowering the number of residents' complaints and also to ensure our public spaces are safe, improving the quality of life for residents and visitors. The Order was approved by Regulatory Committee following an extensive public consultation during the last three months of 2009. The power gives police officers, PCSOs and LBH Wardens the power to require people to stop drinking within the designated area and to surrender any open or unopened containers of alcohol. It is an offence to fail to comply with either request. Police were trained and processes put into place to manage tasking of police resources and tracking both hotspots and individual incidents. The training specifically highlighted the use of the power to deal with "Anti-Social Behaviour" related to the consumption of alcohol in public places and not simply consumption.

Additionally the Street Users Outreach Meeting (SUOM), a multi-disciplinary operational forum consisting of police and outreach and support services was re-designed to manage the balance between enforcement, treatment and support. It should be noted that this stance towards implementation of the order was to ensure that the balance was achieved between proportionate enforcement against particular behaviour with the provision of any appropriate support for some potentially vulnerable individuals.

4.1.2. A successive reduction year on year in the numbers of complaints of anti-social street drinking has already been reported to the committee in its previous guise as Regulatory Committee with a small increase noted in the fourth annual report.

4.2. Data for the reporting period 24th May 2015 to 23rd May 2016

- **Police Figures**

Alcohol related

13 CPN warnings issued

1 CPN issued

1 Injunction issued

- **Seizures by Council Wardens**

115 alcohol seizures

- **Calls to the Police (Computer Aided Despatch – CAD)** from the public reporting street drinking. Baseline year 09/10 prior to introduction of the DPPO.

09/10 = 609

10/11 = 342

12/13 – 46

13/14 – 61

14/15 – 109

15/16 – 64

- **Complaints to the Council** – These increased during the reporting period mainly concerning street drinking related ASB activity in the Mare Street and Narrowway areas then the wider areas including London Fields and Well Street as identified through other analysis and subject to the action plans.

4.3. Anti-Social Behaviour Orders (ASBOs) and Injunctions

4.3.1. There are two current active ASBOs conditions include prohibiting the person from drinking alcohol in a public place.

The conditions attached to the first ASBO include 'Not to be in possession of any open container of alcohol unless in a public house in the E8 and E16 post code area' and expires in November 2018

The second 'Prohibition from carrying any bottle, can, carton or any other receptacle which contains alcohol outlined on the map' remains in force until further ordered.

4.3.2. There is one injunction currently in force. The conditions attached include a requirement not to

1. 'Being in possession of open bottles, cans or open receptacles of alcohol anywhere in LBH'

2. 'Drinking alcohol anywhere the public has access within the LBH including but not limited to highways, streets, passages and parks'.

4.4. Feedback from officers regarding the use of the DPPO

4.4.1.-SUOM Chair

'The SUOM seeks to address street drinking from a case management perspective via a care and enforcement approach. Since its introduction, The DPPO has been an important element in giving the SUOM an enforcement aspect to the intervention that was needed to work with this client group. Previously it had reached a point with this client group where no matter how many warnings were given to street drinkers in relation to their ASB, they were not complying as they knew that very little would be done if they ignored request to moderate their behaviour. It became apparent that warnings from the outreach teams, wardens and the police were not being taken seriously by street drinkers. When the DPPO was introduced to specific areas this only exacerbated the problem and we found that street drinking was displaced to other locations. When the DPPO was introduced borough wide it made a marked difference. Street drinkers were no longer in their comfort zone and this made engagement with them much easier.

One of the positives that came out of the DPPO's encouraging more engagement from street drinkers and the street population as a whole was the recognition of how complex and multifaceted the street drinking cohort was. This group was identified as having multiple needs and recognised by public health in consultation with other local stakeholders including community safety. As a result a Multiple Needs Service was formed to work with this group with a remit to work intensely and long term with clients to try and stabilize their chaotic lifestyles. A number of MNS clients were on the SUOM (around 40%) it is a big indicator that the ability to be able to work with this group initially was crucial in looking at long term intervention. All the MNS clients referred from SUOM are engaging at a medium to high level and 3 of the 9 clients that were on SUOM are now stable enough to be removed from SUOM discussions'.

4.4.2. -Town Centre Manager

'The Borough wide DPPO has had a positive impact on Dalston Town Centre. Dalston Town Centre continues to be blighted by street drinkers, which has in turn consumed significant council and third party resources. Additionally, the congregation of street drinkers has had an adverse impact on visitors and businesses in the area. The DPPO has provided the Wardens and other enforcement agencies with the tools required to help to reduce the impact of the problem. Areas such as Gillett Square and Ridley Road are routinely patrolled and DPPO regulations enforced. DPPO designation provides the flexibility required to ensure alcohol consumption leading to potential or actual Anti-social behaviour is managed and in many cases averted. The Council Community Safety Wardens and the Police have done an excellent job in finding the right balance between allowing individuals to enjoy alcohol in public places in a responsible manner and enforcement when necessary. Many businesses support the DPPO and would have concerns if the powers provided by the DPPO were no longer available.

4.4.3. - Lead Warden

'The power of the wardens to deal with street drinkers – engaging, warning, signposting and where necessary seizing alcohol is a really excellent tool – the amount of ASB it reduces is dramatic.

The wardens know and deal with the street drinkers in the main hotspot areas on a daily basis more or less – and Gillett, Broadway, Narroway, Stamford Hill and London Fields are among the locations where we have a big impact in reducing ASB. If we didn't enforce and engage there would be far more ASB and complaints of the same. By our presence and the drinkers' knowledge of what we do we are able to keep it relatively under control. I recently gave evidence in relation to a prolific street drinker who was at court for a possession order and the weight of evidence given in relation to her behaviour assisted greatly in the success of the court case.

We don't over use the seizure powers but by our presence and the belief by the drinkers that we will seize is of great use. If we didn't have the DPPO or going forward the PSPO I think we would be inundated with complaints and it could then take many months to get one in place. We have never received a single complaint in five years in relation to our activities in the use of its powers in the DPPO'. For this reporting period we have had 115 alcohol seizures and we would signpost the majority we seize from to support services'

4.5. Summary and legislative changes and use of new powers.

4.5.1. The introduction of the borough wide DPPO was never intended on its own to completely eradicate the issues of anti-social street drinking. Numbers of persons within the street drinking population do not appear to have reduced significantly in Hackney since the order came into force and in fact may well

have increased. The reasons for this and the social and other factors that may be affecting this are not matters that the DPPO was able to address but the moderation of the behaviour of this element of Hackney's community is something the DPPO did address and has done so significantly compared to before its introduction. Following the clear initial overall reduction of incidents, incidents now appear to have broadly levelled out. The ongoing work by the analysis team has identified hotspots. These in general do not include a number of the original pre-DPPO hotspots such as Kynaston Park that were blighted by ASB before the DPPO.

4.5.2. The Anti-Social Behaviour, Crime and Policing Act 2014 came into effect on 20 October 2014. It has replaced a number of older powers including the DPPO. The DPPO and some other powers can remain in force for up to three years from that date, after which the DPPO provisions will automatically transition into a PSPO unless there is a decision not to permit that transition. A process of consultation as to whether to intervene and prevent transition will be the subject of elected member and public consultation over the Summer.

5.1 Policy Context

Community Safety Partnership Plan

5.2 Equality Impact Assessment

Not applicable to this report

5.2.1 Sustainability

Not applicable to this report

5.3 Consultations

In accordance with the guidance for the implementation of a DPPO, during September, October and November 2009 the council conducted an extensive public consultation. This included businesses and particular licence holders of licensed premise, residents and visitors, local police commanders, neighbouring local authorities.

5.4 Risk Assessment

Not applicable to this report

6. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

6.1 There are no direct financial implications arising from this report given that it reports on past activity. The current financial position of the Council however

means that finances must always be borne in mind and consideration must be given to the level of resource that the council can reasonably invest in the implementation of the DPPO versus other activities.

7. COMMENTS OF THE DIRECTOR LEGAL

- 7.1 Designation Orders are made under the provisions of the Criminal Justice and Police Act 2001 (the Act). The Act gives powers to local authorities to designate certain areas as public places in which the drinking of alcohol is prohibited. In this instance the whole borough has been designated as a public place for the order. Refusal to comply with a request to refrain from drinking alcohol in these areas can result in the confiscation of alcohol and/or a fine and can lead to the offender being arrested.
- 7.2 The Designation Order does not apply to areas that allow for the lawful consumption of alcohol.
- 7.3 Whilst there is no statutory requirement the Home Office Guidance for Local Authorities relating to a Designated Public Place Order (DPPO) states that it is good practice to review existing DPPO's at least every two years, in order to establish how effective it is in tackling nuisance an/d/or annoyance associated with the consumption of alcohol in a public place. It should be noted in this regard that the Council has already committed to reviewing the borough wide DPPO on an annual basis and this is in fact the Council's fifth annual review.
- 7.4 The intended changes to the DPPO regime are highlighted in 4.5.2 of the report. The Anti-Social Behaviour Crime and Policing Act 2014 ("the Act") introduces a Public Space Protection Order (PSPO) which can deal with a particular problem in a particular area that is detrimental to the local community's quality of life. A single order can cover a range of behaviours.
- 7.5 The new PSPOs can include a prohibition on consuming alcohol in a public space however there are several situations set out in the Act when a prohibition on consuming alcohol cannot be imposed. Breaches of a PSPO can result in a fixed penalty notice being issued and the failure to discharge liability by payment of the penalty notice could lead to a prosecution.
- 7.6 Transitional provisions set out in the Act and Home Office guidance provide that any existing DPPOs which are still in force as at 20 October 2017 will become a PSPO.
- 7.7 The provisions allow for any PSPO introduced before the DPPO is to expire can run alongside any existing DPPO in place.
- 7.8 The report also references Community Protection Notices (CPN), another new power introduced by the Act, which imposes requirements upon the individual on whom the Notice is issued, where it is clear the individual's conduct is having a detrimental effect on the quality of life of those in the locality, is of a

persistent or continuing nature and the conduct is unreasonable. Breach of a CPN can result in a fixed penalty notice being issued and or a prosecution.

- 7.9 With the introduction of the Act, the Council have a number of tools at its disposal to tackle street drinking however these tools must be utilised in a measured and proportionate way, in accordance with the council's policies/protocols and consultation requirements.

APPENDICES

None

BACKGROUND PAPERS

None

Report Author	Steve Bending, 2070 Steve.Bending@hackney.gov.uk
Comments of the Group Director of Finance and Corporate Resources	Michael Honeysett, 3332, Michael.honeysett@hackney.gov.uk
Comments of the Director of Legal	Stephen Rix, 6087 Stephen.Rix@hackney.gov.uk