

Policy Group – 19 July 2017

Results of the review into the Designated Public Places Order in Swanage

1. Purpose of report

To present the results of the latest review of the Designated Public Places Order (DPPO) in Swanage and seek Council approval for the order to be removed and not to be replaced with a Public Spaces Protection Order (PSPO).

2. Key issues

- 2.1 At its meeting on the 20th January 2009 the Council supported the introduction of a DPPO in Swanage. The order enables the Council to restrict anti-social public drinking in the designated area and gives the Police the power to enforce this restriction.
- 2.2 A person who fails to comply with a request by the Police to stop drinking or surrender alcohol is liable to a fine not exceeding £500. The offence is not the consumption of alcohol but failing to comply with the reasonable request of a Police Officer or Police Community Support Officer to cease drinking.
- 2.3 It was agreed the DPPO would be reviewed every 2 years, in line with best practice, and Policy Group would be informed when changes were needed to the area included or it was felt the Order was no longer needed. The Anti-Social Behaviour, Crime and Policing Act 2014 introduced a new requirement that all existing DPPOs be reviewed by October 2017 and either removed or replaced with a Public Spaces Protection Order (PSPO). Due to the delay in the Home Office issuing guidance to local authorities on the process and procedure for making a PSPO it has not been possible to carry out a review until now.
- 2.4 A range of stakeholders were consulted as part of the comprehensive review, further information can be found in Section 5.
- 2.5 Evidence from Dorset Police shows the DPPO has only been used once since 2012. As part of their response to the consultation Dorset Police have advised the Council that due to the introduction of new legislation they no longer need the powers made available to them under the DPPO as they are able to tackle anti-social drinking in other ways.
- 2.6 To introduce a PSPO a strong evidence base is required to justify the restrictions the Order would impose. As a result of the consultation and taking into account Police advice there is insufficient evidence that would lead the Council to believe that it is necessary to create a PSPO for Swanage that deals with anti-social drinking.

3. Recommendations

- 3.1 Policy Group make a recommendation to Council that, following the statutory consultation, the existing DPPO in Swanage is withdrawn.
- 3.2 Policy Group and Council note that the use of PSPOs in the district will continue to be kept under review as one tool available to tackle anti-social behaviour in the district. Their use will be routinely reviewed as part of the work of the Community Safety and Anti-social Behaviour Team in consultation with key partners via the Purbeck Partnership Co-ordinating Group.

4. Policy issues

4.1 How will this affect the environment, social issues and the local economy?

The removal of the DPPO will not have a negative impact on the local community as there are other powers already in place being used to tackle alcohol related anti-social behaviour.

4.2 Resource implications

The cost of removing signs will be met within existing budgets.

5. Further information

5.1 As part of the review a range of statutory partners were consulted.

5.2 Swanage Town Council were consulted and resolved unanimously to support the removal of the existing DPPO.

5.3 Landowners were written to as part of the review, no responses were received.

5.4 Each premises license holder, club premises certificate holder or other premises users within the designated area were written to individually and given the opportunity to discuss the proposal at the May meeting of the Swanage Pub Watch. No responses were received.

5.5 A twelve week public consultation, via a survey on Dorset For you, took place from March to June 2017. 3 responses were received, 2 of these requested the DPPO be replaced with a PSPO. Copies of all correspondence exchanged during the consultation period have been placed in a file in the Members Room for members of Policy Group to view.

5.6 The DPPO has been one part of a range of tools used to tackle alcohol related anti-social behaviour in Swanage since 2009. Its use, in Swanage, has dramatically dropped due to new powers that have become available under Section 35 of the Anti-Social Behaviour, Crime and Policing Act 2014 (dispersal powers). In addition Dorset Police have outlined a range of legislation which they routinely use to tackle alcohol related anti-social behaviour in Swanage. They state that the Police will use powers under section 30-36 of the Anti-Social Behaviour Act 2003 (dispersal powers) rather than relying on the DPPO and would continue to do so even if the DPPO was replaced with a PSPO.

5.7 The Anti-Social Behaviour, Crime and Policing Act 2014 introduced several new tools and powers for use by Councils and their partners to address anti-social behaviour in their local areas. PSPOs are one of the tools available under the 2014 Act. Home Office guidance states PSPOs should be used responsibly and proportionately. The nature of the evidence required to justify a PSPO is largely down to Councils to determine although it is recommended that collating a range of data from different sources will help to avoid challenge. The consultation carried out for the DPPO review has not produced a sound evidence base or justification for the introduction of a PSPO in its place.

Background papers:

- LGA Guidance - PSPOs

For further information contact:-

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