

# Boston Borough Council DPPO

A review of the implementation and impact of Boston's first 'designated public place order'

## **Introduction**

During this brief review of the DPPO, I have looked at the way in which the order was conceived and subsequently introduced. Due to limitations in time, I have been unable to collate the empirical data necessary to prove or disprove that the DPPO has made statistically significant change in the frequency of alcohol related incidents within the borough, however in an attempt to gauge public opinion, I have held 'formal' and informal discussions with various individuals concerned in the running of the DPPO, as well as speaking to members of the general public and asking their opinion about that system. At the conclusion of the review, I will highlight the positive and negative aspects of the DPPO which have become apparent throughout the study, and make recommendations based on objective facts and subjective opinions. It is my hope that some of the information contained within this document, may be of use to those people tasked with subsequent in depth reviews of the DPPO as well as providing a resource for those people who are not currently aware of the relevant legislation involved and its enforcement.

## **Background**

### **Changes in Legislation**

The Criminal Justice and Police Act 2001 (CJPA) gave local authorities the power to designate public areas through the introduction of a DPPO – 'designated public place order'. In these specific areas, the order makes it an offence to drink alcohol after being required by a police officer not to do so. Police officers then have the power to require individuals to surrender the alcohol and any opened or sealed containers. If they fail to comply with the request they can be arrested. The order can also be enforced by designated individuals who are employed by the local authority. The powers were introduced to help the police deal with the problems of anti-social drinking in the public space. DPPO's make it easier for local authorities to designate places where restrictions on public drinking will apply and can be used in areas that have experienced alcohol-related disorder or nuisance.

In January 2007, Lincolnshire Police in conjunction with the local authority, identified a significant rise in anti-social behaviour and related criminal offences such as criminal damage. Through analysis of the data, they were able to pinpoint specific locations where this type of behaviour was more prevalent. After reviewing legislation and subsequent amendments (included below) an application for a DPPO was put together. After being initially rejected, the police and local authority persevered until the motion was eventually approved and put into action 8<sup>th</sup> December 2007. The timetable for this initiative was based on three phases of engineering, education and enforcement.

## **Policy changes that enabled the introduction of the system**

Section 13 of the Criminal Justice and Police Act 2001 enabled local authorities to introduce a DPPO to restrict anti-social drinking in designated public places and provide the police with the power to enforce this restriction. The 2001 Act also ensured that pubs and clubs that have a premises licence under the Licensing Act 2003 to sell and supply alcohol could not be designated by a DPPO.

The Licensing Act 2003 brought the licensing arrangements for a range of activities under the same licensing regime. So premises licensed for the sale of alcohol the provision of regulated entertainment and the provision of late night refreshment hold the same, single authorisation. The 2003 Act's statutory guidance also encourages local authorities to seek premises licences for public spaces, in order to allow local community events such as farmers markets, open-air festivals, concerts and carnivals to take place without the need for each individual event organiser having to apply for a separate licence. In these cases it is the local authority that holds the premises licence and allows the various events to operate within its terms.

The unintended consequence of this has been that, where local authorities are granted a premises licence in respect of public spaces in order to hold regulated entertainment, and in some cases allow the sale of alcohol at certain times, these places could not then be designated with a DPPO. This therefore conflicted with local authority wishes to promote community events by licensing public spaces, while also wishing to make use of DPPOs in tackling the problems of anti-social drinking.

To clarify the position the Violent Crime Reduction Act 2006 (section 26) was used to amend the 2001 Act to ensure that premises used by local authorities in this way 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. The 2006 Act also separately ensures that a premises in respect of which a Temporary Event Notice (TEN) permits the supply of alcohol will also be excluded from a DPP in which it is located for 30 minutes following the supply of alcohol rather than 20 minutes as was previously the case.

The enclosed Regulations therefore set out the new procedures that local authorities must follow in designating a public place, in particular the consultation, publicity and signage requirements. The attached note, which is not a document on the legal procedure, provides guidance for local authorities in designating public places under the new Regulations, reflecting the changes made by the Violent Crime Reduction Act 2006

### **Preliminary report of alcohol relate incidents**

As part of the investigation into the proposed DPPO, the police force compiled a document to highlight the problem of alcohol related incidents in Boston town centre (this area is referred to as beat code CD08). The following is a copy of the findings made by the neighbourhood analyst tasked with the research.

### **ALCOHOL RELATED INCIDENTS FOR BOSTON TOWN CENTRE (CD08) FROM 01/01/2007 – 17/05/2007**

I was tasked by Paul Holmes to prepare a document citing all alcohol related incidents in the Boston Town Centre (CD08) area with the view to obtaining restricted drinking orders for any hot spot areas.

### **Findings**

During the time period 01/01/2007 to 17/05/2007 there were **194** incidents where alcohol was directly involved (**93**) or believed to be involved (**101**).

#### **(a) Type of Offence**

<b>OFFENCE</b>	<b>DIRECTLY DRINK RELATED</b>	<b>LIKELY TO BE DRINK RELATED</b>	<b>TOTAL</b>
ASB – DRUNKEN BEHAVIOUR	34	9	<b>43</b>
ASSAULT	6	31	<b>37</b>
DRINK DRIVING	29	0	<b>29</b>
PUBLIC ORDER	9	17	<b>26</b>
ASB – INCONSIDERATE BEHAVIOUR	0	18	<b>18</b>
THEFT	3	8	<b>11</b>
CRIMINAL DAMAGE	3	6	<b>9</b>
DRUNK AND DISORDERLY	8	0	<b>8</b>
AFFRAY	1	7	<b>8</b>
ASB – SHOUTING AND SWEARING	0	3	<b>3</b>
POSSESSION OF WEAPON	0	1	<b>1</b>
OTHER ASB	0	1	<b>1</b>
<b>TOTAL</b>	<b>93</b>	<b>101</b>	<b>194</b>

### **(b) Times**

Of these offences 70% occurred between 22:00 and 04:00, with 35% and 26% of offences occurring on Saturdays and Sundays respectively.

### **(c) Dates**

There were 4 specific dates during the 4-month period covered that had a large number of incidents these were:

- 24 February (6)
- 31<sup>st</sup> March (9)
- 12<sup>th</sup> May (7)
- 13<sup>th</sup> May (6)

### **(d) Nominals**

There are no recurrent nominals, therefore none are mentioned

### **(e) Locations**

The majority of offences occurred in relation to pubs and clubs, however Central park did have a high number of offences. Recurrent addresses have been plotted on the attached map.

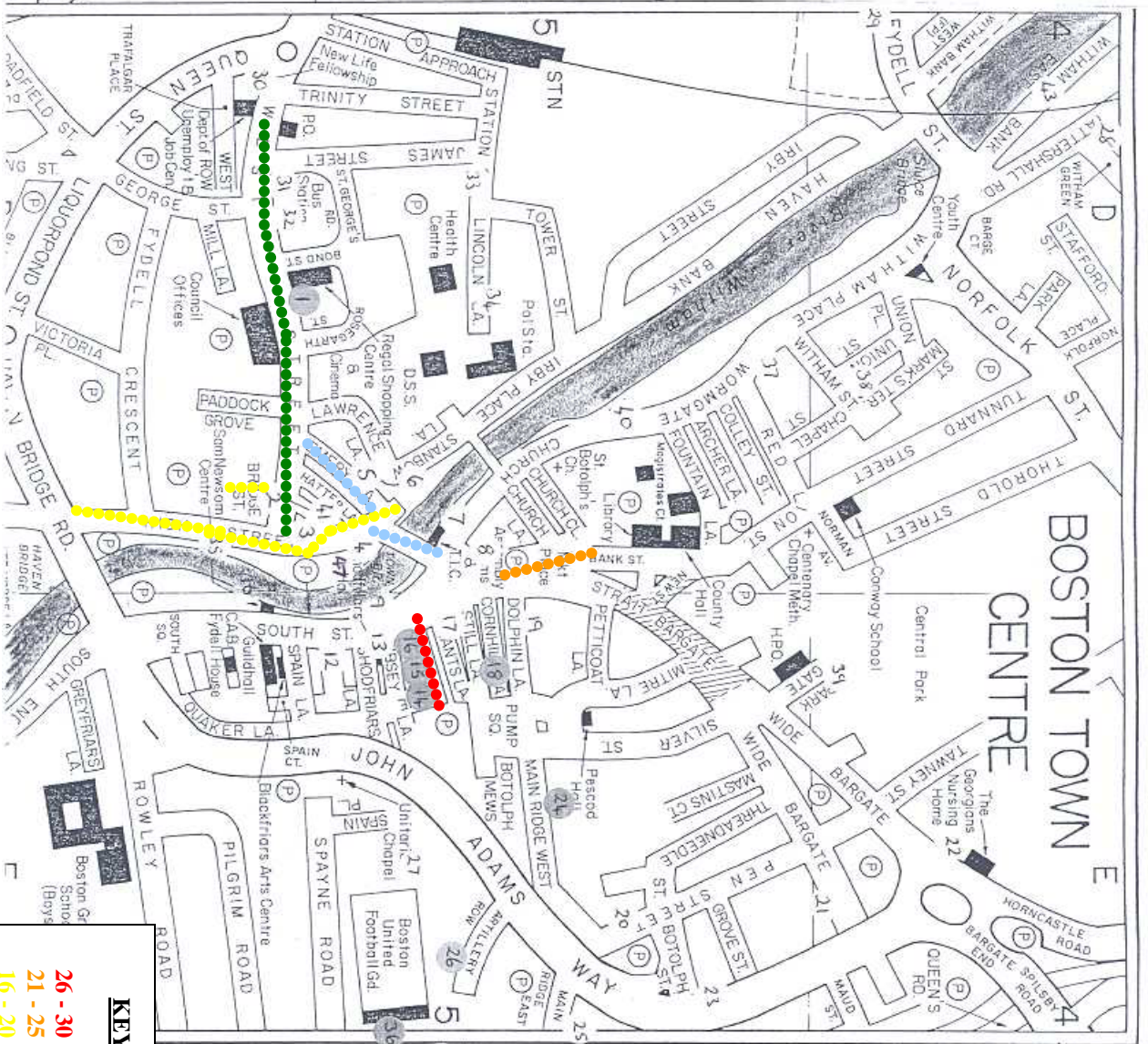
<b>LOCATION</b>	<b>DIRECTLY DRINK RELATED</b>	<b>LIKELY TO BE DRINK REALTED</b>	<b>TOTAL</b>
AFTER DARK	1	15	<b>16</b>
HAVANA	0	11	<b>11</b>
MOON UNDER WATER	2	5	<b>7</b>
KINGS HEAD	0	6	<b>7</b>
CENTRAL PARK	6	0	<b>6</b>
DUKE OF YORK	1	4	<b>5</b>

<b>STREET NAME</b>	<b>DIRECTLY DRINK RELATED</b>	<b>LIKELY TO BE DRINK REALTED</b>	<b>TOTAL</b>
CRYTHORNE LANE	3	23	<b>26</b>
MARKET PLACE	8	15	<b>23</b>
BRIDGE STREET	2	16	<b>18</b>
HIGH STREET	6	10	<b>16</b>
WEST STREET	9	6	<b>15</b>
EMERY LANE	1	7	<b>8</b>

It should be noted however that this information should be treated with caution as the alcohol marker is applied at the investigating officer's discretion. The Crime Analyst has spoke with several officers and it appears that the decision to attach the marker is a personal one with no guidance or definition provided. Consequently some officers may apply the marker if an offence takes place within a licensed establishment – irrespective of evidence to suggest that the victim/offender have consumed alcohol or are indeed their behavior is altered because of this consumption. Similarly some officers may apply the marker if a person involved in the offence admits to consuming one alcoholic beverage – even if their behavior does not appear to be effected. Some officers will apply more discretion and only attach the marker if it appears that the offender has consumed sufficient alcohol to alter their demeanor. It is general practice for officers to make the decision as to whether or not an offence is alcohol related. In some instances, an officer may take into consideration comments made by the victim or a third party. Again the veracity of this is problematic to determine as it is based on the victims interpretation of what 'the influence of alcohol' means, their perception as to whether the offender is under the influence of alcohol and their own state of intoxication or otherwise. As a result of these factors, it is considered that the alcohol marker will be applied inconsistently and does not offer a true reflection of those offences with an aggravating factor of alcohol (see over for map).

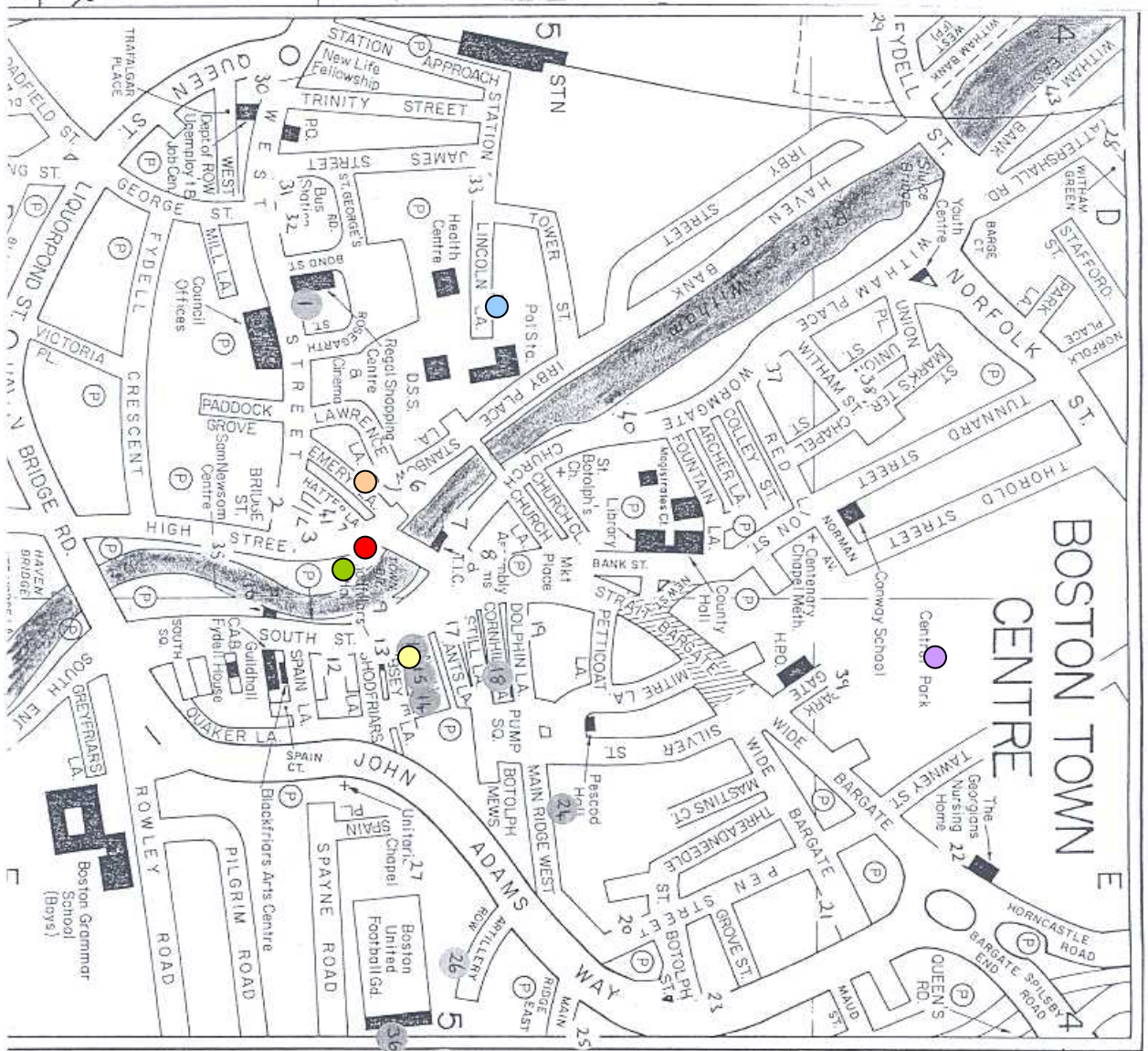
Pubs/Clubs in Boston Town Centre

Name	Location	Can
1. Flammes	West Street	1 & 3
2. Axe & Clever	West Street	3 & 4
3. Club Kom	High Street	4
4. Moon Under Water	High Street	4 & 21
5. Kings Head	Faneiry Lane	21
6. Charlies/White Hart	High Street	21
7. Britannia	Church Street	5 & 13
8. Martha's Vineyard	Market Place	5 & 6
9. The Prospect	South Street	5
10. The Magnet	South Square	5
11. The Haven	South End	23
12. Ship Tavern	South Street	5 & 25
13. Snooker Centre	South Street	5 & 25
14. Beateys	Shirsey Lane	12
15. Caritas Jacks	Craythorne Ln	3
16. Ather Dark	Craythorne Ln	3
17. The Still	Still Lane	5 & 21
18. Labour Club	Cornhill Lane	5 & 21
19. Indian Queen	Dolphin Lane	9
20. New Inn	Pen Street	10
21. New England	Wide Burgate	10
22. Red Cow	Wide Burgate	10
23. Bogeys' Bar	J.A.W.	10
24. Conservative Club	Main Ridge W	11
25. Coach & Horses	Main Ridge E	11
26. Snooker Centre	Artillery Row	11
27. Glidestrome	J.A.W.	12
28. The Unicorn	Fathershall Rd	17
29. The New Castle	Eydeil Street	17
30. The Eagle	West Street	2
31. Royal George	West Street	22
32. Jolly Crispin	West Street	22
33. Great Northern	Station Street	28
34. Duke of York	Lincoln Lane	28
35. Golden Lion	High Street	28
36. Boston Ltd Social	York Street	28
37. Little Peacock	Worrigate	28
38. Carpenters Arms	Witham Street	28
39. County Club	Park Gate	28
40. Goodmans Yard	Worrigate	28
41. Peckwicks	Bridge Street	28
42. Wellington	Main Ridge E	28
43. William Tavern	William Bank West	28
44. Five Lamps	Lidgoupond Street	28
45. Hestie Peat	Not on the Map located Can 40	28
46. <i>Woman club</i>	<i>High Street</i>	<i>4+21</i>
47. <i>Woman club</i>	<i>High Street</i>	<i>4+21</i>



Public Clubs in Boston Town Centre

Name	Location	Can
1. Flames	West Street	1 & 3
2. Axe & Clever	West Street	3 & 4
3. Club Iron	High Street	4
4. Moon Under Water	High Street	4 & 21
5. Kings Head	Faneley Lane	21
6. Chiffes/White Hart	High Street	21
7. Britannia	Church Street	5 & 13
8. Martha's Vineyard	Market Place	5 & 6
9. The Prospect	South Street	5
10. The Magnet	South Square	5
11. The Haven	South End	23
12. Ship Tavern	South Street	5 & 25
13. Snooker Centre	South Street	5 & 25
14. Bentley's	Shisey Lane	12
15. Carthus Jacks	Craythorne Ln	5
16. After Dark	Craythorne Ln	3
17. The Still	Still Lane	5 & 21
18. Labour Club	Cornhill Lane	9
19. Jactan Queen	Dolphin Lane	10
20. New Inn	Pen Street	10
21. New England	Wide Bargate	10
22. Red Cow	Wide Bargate	10
23. Boveys' Bar	J.A.W.	10
24. Conservative Club	Main Ridge W	11
25. Coach & Horses	Main Ridge E	11
26. Snooker Centre	Artillery Row	11
27. J.A.W.	J.A.W.	12
28. Giddetome	Tanshall Rd	17
29. The Unicorn	Eydeil Street	17
30. The New Castle	West Street	2
31. The Eagle	West Street	2
32. Royal George	West Street	22
33. Jolly Crispin	West Street	22
34. Great Northern	Station Street	28
35. Duke of York	Lincoln Lane	28
36. Golden Lion	High Street	28
37. Boston Old Social	York Street	28
38. Little Peacock	Worrigate	28
39. Carpenters Arms	Witham Street	28
40. County Club	Park Gate	28
41. Goodhams Yard	Worrigate	28
42. Peckwicks	Bridge Street	28
43. Wellington	Main Ridge E	28
44. William Tavern	Witham Bank West	28
45. Five Lamps	Lagunpool Street	28
46. Hestie Peat	Not on the Map located Can 40	28



**BOSTON BOROUGH COUNCIL - Designated Public Place Order 2007.**

After the DPPO was approved, the council were legally required to provide a press release that was disseminated to the local newspaper – the Boston Standard. The following is a copy of the report given to the paper and subsequently released;

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BOSTON BOROUGH COUNCIL , in the exercise of its powers under section 13 of the Criminal Justice and Police Act 2001 as amended by the Violent Crime Reduction Act 2006 and of all other enabling powers, is minded to make the following Order: -

The Council is satisfied that nuisance or annoyance to members of the public or a section of the public or disorder has been associated with the consumption of intoxicating liquor in the public places in the area described below.

The Council wishes to designate the public places, being public places in the area of the Council, as public places for the purposes of S13(2) of the Criminal Justice and Police Act 2001 as amended by the Violent Crime Reduction Act 2006.

A public place is any place to which the public or any section of the public has access, on payment or otherwise, as of right by virtue of express or implied permission. This includes streets, grassed areas, pedestrian areas, parks, car parks.

**The effect of the Order**

If a police officer or duly authorised Council Officer reasonably believes that a person is, or has been, consuming alcohol in a designated public place or intends to consume alcohol in such a place, the officer may require the person not to consume alcohol, or anything which the officer reasonably believes to be alcohol, in that place and to surrender any alcohol or open alcohol containers in the person’s possession.

Failure to comply with this request in respect of public drinking or surrender of alcohol, without reasonable excuse, will be an arrestable offence.

## Schedule of designated public places

The Designated Area includes the following streets and all parks and open spaces within the area.

North Street	Hartley Street	Tawney Street
Thorold Street	Tunnard Street	Red Lion Street
Wide Bargate	Pen Street	Grove Street
Main Ridge West	Pump Square	Threadneedle Street
Botolph Street	Strait Bargate	Market Place
George Street	West Street	High Street
Witham Place	Wormgate	Church Street
South Street	South Square	Spain Lane
Liquorpond Street	Fydell Crescent	Paddock Grove
Trinity Street	James Street	Irby Street
Haven Bank	Tower Street	Chapel Street
Union Place	Union Street	Mitre Lane
Petticoat Lane	Bank Street	New Street
Mill Lane	Victoria Place	Lincoln Lane
Lawrence Lane	Irby Place	Station Street
Witham Street	Norman Avenue	Trafalgar Place
West Row	Mastins Court	St Marks Terrace

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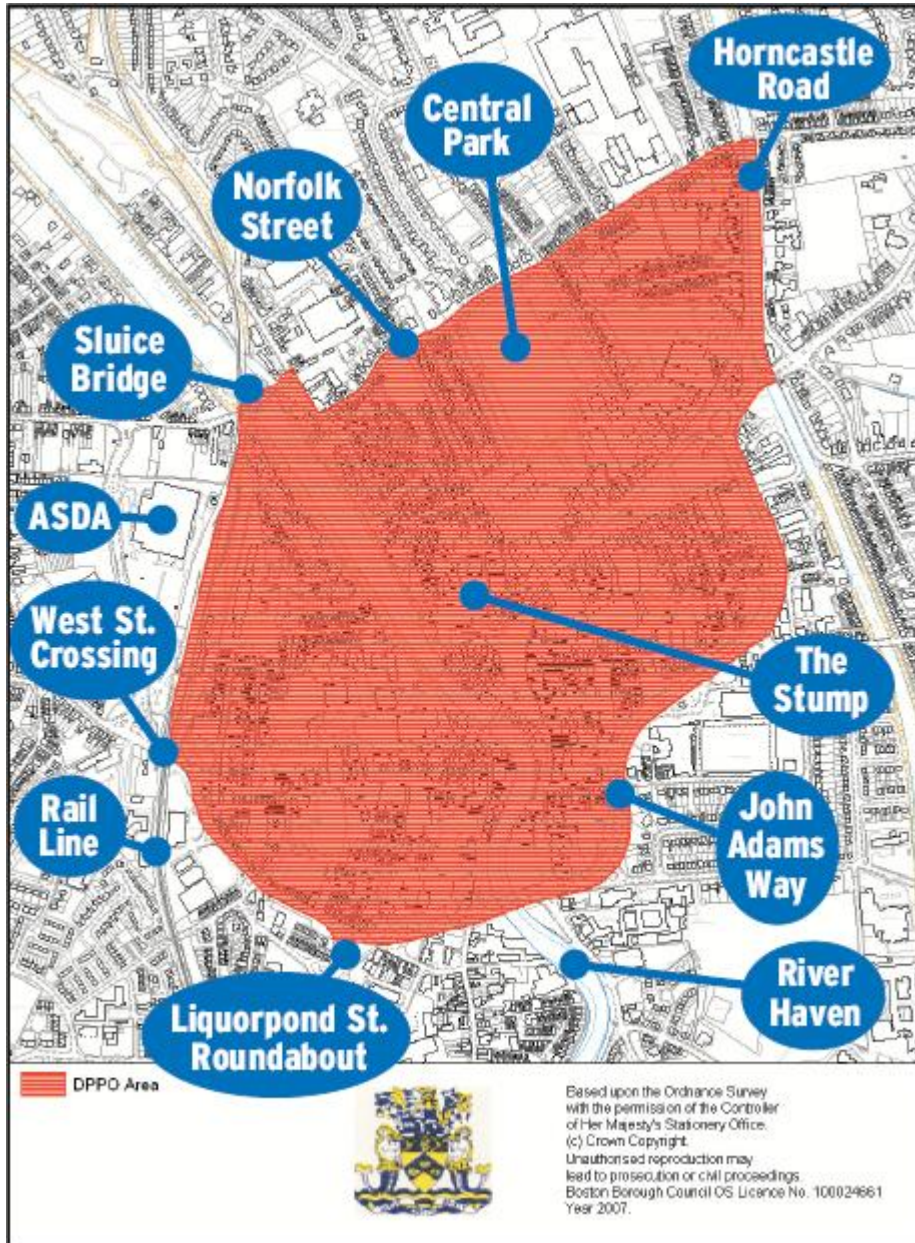
Prior to the report going to Policy Development in September, public consultation was extremely positive, 87.5% of respondents out of 1026 responses agreed with the allocation of a DPPO in an internet survey completed on the local authority website. In addition they received 100% positive written responses as a result an article that appeared within the publication – ‘Boston Matters’ (out of 129 responses).

Following the placement of posters and signage to promote the scheme (Fig 1 & Fig 2) during the start of December, a full publicity campaign to advise the public of the impending changes then took place during the week prior to the 14<sup>th</sup> December 2007 when the order was officially implemented. This included members of the local authority and police officers providing face to face advice to members of the public and giving out leaflets and posters to licensed premises. On the 14<sup>th</sup> December 2007 the DPPO was officially implemented and authorised officers began to use the new powers to request those in breach of the order to comply with the order and confiscate alcohol where necessary.

Fig 1 – Template of official signage used throughout the DPPO to promote the scheme.



Fig 2 – Map disseminated to members of the public, store owners etc showing area covered by DPPO



## **Public opinion**

On 21<sup>st</sup> January 2008, only 39 days after the introduction of the DPPO, I was asked by the local authority to gauge the reaction of people closely involved with the project and to ask members of the public how they felt the project was progressing. With this in mind, I informally ‘interviewed’ several personnel directly involved in the management and enforcement of the DPPO these included;

- **Phil Jackson** - Acting Head of Environmental Services, Boston borough council
- **Mick Dawson** - Central Park Warden
- **Gilly Gilbert** - CCTV Manager, Boston borough council.
- **PC Martin Chambers** – Community beat manager, Boston police station.
- **Andrew Cookson** – Police constable, Boston police station.
- **Mark Young** – CCTV operator, Boston borough council.
- **James William Birch** – Police community support officer, Boston.

During the course of my review I also spoke with numerous members of the public within Boston Central Park and the town centre. Although I did not ask these people to complete any official documentation, I asked them to comment on their understanding of the DPPO and if they had any comments or suggestions that they wished to put forward.

Included within this section is a brief précis of the discussions had with those people named above, and a list of the various comments I deemed pertinent during my time speaking with members of the local community

Mark Young – CCTV operator

Mark has worked in the CCTV control room for 13 years and is one of several key personnel who are helping to promote and enforce the DPPO.

**Q.** What is your role

**A.** Our team is responsible for monitoring the feeds from 62 CCTV cameras which are located around the town. I monitor the cameras from the control room where I look for anything out of the ordinary. This can manifest itself in many ways – from traffic congestion to anti social behaviour and public order incidents. Although we operate under the umbrella of the local authority, we work closely with the police and other agencies to promote a safer Boston.

**Q.** Has your role changed since the introduction of the DPPO?

**A.** Not really, we have always been aware of people drinking alcohol in the town centre and the particular places which they often frequent. Since the introduction of the DPPO we have spent more time observing individuals and groups who we believe are consuming alcohol in breach of the order and we have informed the police where appropriate.

**Q.** In your opinion, has the DPPO been effective since its introduction in mid December 2007.

**A.** Yes I think it has. I think that generally it is an excellent idea and I was particularly happy that the order was put in place during December. Historically we find that the number of people consuming alcohol in public is noticeably less at the beginning of year, and as such it gives the public time to adjust to the new guidelines without vastly overstressing the resources tasked to enforce it. I can say without hesitation, that I have seen much less public drinking than I would normally expect and I am sure the DPPO is having a positive influence in relation to this.

**Q.** Do you think that the initiative could lead to a displacement effect, whereby people are just moving elsewhere to drink, outside the boundary of the DPPO?

**A.** It might happen, but I can only tell you about the areas covered by the town CCTV system. This argument is often used when people discuss the benefit of our CCTV system. You can argue that the deterrent only moves the problem elsewhere but surely some form of deterrent is better than none at all, particularly in the central business district where there is a large concentration of people.

**Q.** Are there any problems you have encountered and if so, do you have any suggestions on how the system might be improved?

**A.** The order is obviously very new and as such, I appreciate that it is going to take time for everybody to get used to it; not just the public, but the people who are working in partnership to enforce it. At the minute, the sole responsibility of enforcement lies with the police. Having spoken with several officers about the scheme, I am not convinced that they have been made aware of exactly what their powers are in relation to this. The DPPO is described within the literature handed out to the public as ‘Not a blanket ban on drinking in public, it is a discretionary power’. My feeling is that this is too ambiguous; a blanket ban on drinking within the designated area would mean that members of the public and those of us concerned in the running of the DPPO would know exactly where we stood. Removing the discretion from enforcement would help promote positive action and also prevent accusations of ‘victimisation’ by persistent offenders.

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James William Birch – PCSO Boston

**Q.** What is your role?

**A.** I work as a community support officer in Boston. I am part of a team of officers who routinely patrol the area to help the local community. My role varies greatly; from visiting schools, to tackling anti social behaviour and helping Police constables with their enquiries where needed.

**Q.** How has your role changed since the introduction of the DPPO?

**A.** It’s another tool that we can use to tackle anti social behaviour head-on. It’s been really effective because we can now take positive action dealing with this issue, which is what the public want to see. As far as I know, nobody has been issued with a fixed penalty ticket for not complying with the order yet. This is not to say that people are not drinking in the area, it’s just that when we have confronted them about it they have complied immediately with our requests.

**Q.** You speak with a lot of people in the community, how has the DPPO been received?

**A.** Everything that has been said to me has been positive. Several people I have spoken to have told me that they now feel less intimidated when they out and about in the town and it think this is really what this process is about; reducing the fear of drink related crime and anti-social behaviour.

**Q.** Do you think that the DPPO has been effective?

A. Yes I do. As I said before, I think the public perception of the order has been universally positive and I think that in time, as more people become aware of the DPPO, alcohol related incidents will drop further.

Q. Do you think that the initiative could lead to a displacement effect, whereby people are just moving elsewhere to drink, outside the boundary of the DPPO?

A. I'm not sure it will. I can think of numerous places outside the DPPO where young people in particular go to and congregate and drink alcohol and these probably won't get any better or worse. People will always argue that some areas should take precedence over others, but without covering the entire borough of Boston, this just isn't realistic. I'm sure that there will be the odd occasion where this movement takes place, but I think generally the problem will reduce overall.

Q. Have you identified any problems with the order or do you have any suggestions on how it may be improved?

A. I don't have any real problems with the way it has worked, as it is very new. The real test will come in the summer when there is generally a lot more people consuming alcohol in public places. I would like to see a continued publicity campaign up until this time and positive action taken by PCSO's and PC's to show our support for this campaign.

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PC Andrew Cookson – Police constable, Boston

Q. What is your role?

A. I am a response officer based at Boston police station. I respond to incidents of all natures that are called in by members of the public and our partner agencies.

Q. How do you fit in with the Boston DPPO?

A. I am aware of the new powers afforded to me in relation to the DPPO and that if people fail to comply with my requests they can be arrested for this offence. This has given me greater scope to remove alcohol from people if I believe that it is necessary to prevent some form of related disorder.

Q. Do you think the DPPO has been effective?

I don't think the order has been running for long enough to make an informed decision. Since its introduction in December I have only exercised the new powers on one occasion which was without problem.

Q. Do you think the DPPO is a good idea?

A. Yes I think it's a great idea. As a police officer, you quickly tire of seeing the same drunken people day after day in the city centre. The general public don't want to see people drinking in the streets and in other public places, therefore anything we can do to alleviate that will definitely improve public confidence and reduce the fear of drink related disorder.

Q. Do you have any problems or suggestions that might improve the way they system is run?

A. It has been suggested to me that that this system could eventually lead to a blanket ban on drinking in public places. I don't agree with this as I think it is another example of discretion being taken away from the people asked to enforce these policies. Provided I can continue to make an informed choice about how to proceed then I don't really see a problem with it. I am sure that the people responsible for the implementation of this scheme are also aware that police officers will gladly enforce this process where possible, but given the very small number of officers on duty at any given time, this is not always going to be possible and more urgent incidents will take priority. I am sure that this can be helped with the appointment of designated enforcement officers by the local authority and the great work that the PCSO's are doing.

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Phil Jackson – Acting head of environmental services, Boston

Q. What is your role?

A. I am the acting head of environmental services, as such I oversee departments covering environmental health, licensing etc as well as dealing with things like grounds maintenance and refuse collection.

Q. Has your role changed since the introduction of the DPPO?

A. No not really, however I am interested in the operation and effectiveness of the DPPO as it will obviously have an effect on my department as well as the public at large.

Q. Do you think the DPPO has been effective since its implementation?

A. I think it's a bit too early to tell what effect, if any, the order has had. From an environmental point of view, the evidence of alcohol consumption is mainly in the quantity of litter that is left. Recently I have noted that in areas such as WITHAM BANK which is a common area for people to drink alcohol, and an area which is inside the DPPO, the amount of empty beer bottles and cans is still very high. The problem is therefore still ongoing, but as I have already said, the initiative is still in its infancy.

**Q.** Do you think that the initiative could lead to a displacement effect, whereby people are just moving elsewhere to drink, outside the boundary of the DPPO?

**A.** It's a valid argument and has to be considered, but without proper policing of the legislation, there is no reason for displacement at all.

**Q.** Do you have any problems with the order, or do you have any suggestions on how it may be improved.

**A.** I think the DPPO is based on weak legislation. I think the vast majority of the public will initially believe that it is an offence to drink in one of these designated areas, which really is not the case. Given that the necessity to remove the alcohol from the person is based on an assumption that failure to do so would result in some form of disorder – this sends out a message that you can drink wherever you want to, providing you are not going to commit some sort of other offence afterwards. This fails to take into account the public perception of people drinking in the streets as anti-social. I would prefer to have seen a blanket ban on drinking in the designated areas as I know this has been used very effectively in other towns that are piloting this type of scheme. Lastly, I think that this legislation can only be effective if it is managed and policed effectively, but I am aware that with limited resources this may prove quite difficult; particularly in the summer when the problem will be much more prevalent.

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Gilly Gilbert – CCTV Manager

**Q.** What is your role?

**A.** I am the manager of the Town CCTV department which is run by the local authority and housed within the council municipal buildings. As well as managing the staff within the CCTV department I am also part of the community safety team of which CCTV plays an important role. I am also tasked as the anti-social behaviour officer as well as acting as a liaison between the police and the local authority.

**Q.** What is your role in regard to the DPPO?

**A.** As you can imagine, our primary role is gathering evidence to support the scheme which we can supply to the police as evidence if required. I also play an active role in education in relation to drink and drugs issues as part of the town 'safe-zones' which have been implemented recently – with great success.

**Q.** Has your role changed since the introduction of the DPPO?

A. No not really, if anything I would say it has meant that we are working even closer with partner agencies, in particular the police.

Q. Do you think the DPPO has been effective since its implementation?

A. Yes I think it has. As I am sure you have already discussed, the real test of this system is going to come in the summer when the amount of people consuming alcohol in public places will be much higher. I think that at the minute we are still in the process of educating people about the order and its aims. Boston has a unique demographic as we have a lot foreign nationals living within the borough. Therefore we have to be patient and understand that we have to contend with cultural issues as well as behaviour. Overall I think the order has been a great success so far and I think difference is clearly visible when you go into the town and the area within the DPPO

Q. Do you think that the initiative could lead to a displacement effect, whereby people are just moving elsewhere to drink outside the boundary of the DPPO?

A. This has been considered but I do not believe it will be too much of a problem. From a practical point of view, my department can only monitor what we see on the CCTV system and as such we are restricted to what we can see and record from the confines of the control room. Despite this, I think we are taking positive action to tackle anti-social behaviour. Although in some instances, the problem may move to other locations, the DPPO is only one of several initiatives from various agencies that are being taken forward to tackle this problem and highlight to the public that ASB is unacceptable and will be met head on.

Q. What do you think to the suggestion that the discretionary nature of the enforcement should be removed in favour of a zero tolerance policy?

A. I don't agree, although I can see why some people might have a problem with it. Essentially the argument is that different people have different views on what types of behaviour may constitute a breach of the order. I'm not sure that removing discretion and enforcing a zero tolerance policy carte blanche would help though. Providing that those people enforcing the order are properly educated with regard to it, then I don't foresee any problems. I don't think we should dismiss out of hand the ability for people to make objective decisions about this and deal with each situation on its own merit. As long as we are transparent about what we are doing and strive not to discriminate against people then I think the system should be very effective as it is.

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PC Martin Chambers – Community Beat Manager, Boston police

**Q.** What is your role?

**A.** I am a community beat manager at Boston police station. As part of my role, I manage a local beat area and several Police community support officers who work within that beat. As part of the neighbourhood policing team as a whole, it is also my job to have a working knowledge of all the local beat areas in an effort to promote community safety.

**Q.** How did you become involved in the DPPO?

In late January of 2007 I became aware of a noticeable increase in low level crime within the town centre and surrounding area including criminal damage and anti social behaviour. Reviewing the data showed us that there were several areas where this type of activity was more prevalent, these included amongst several others; the main arterial routes into and out of the town centre, the Boston ‘Stump’, various green areas and parks etc. Around this time, I sat down with the neighbourhood policing team in conjunction with the community safety team and tried to devise a strategy to deal with the problem. As research for my current position, I was already aware of the legislation regarding the setting up of a DPPO and so collectively we decided to move the idea forward. After many months of research and planning, we were eventually able to have the order approved and put into action.

**Q.** Has your role changed since the DPPO came into effect?

**A.** No it hasn't, it has just given my team another tool to use when they are out on the streets.

**Q.** Do you think the DPPO has been effective since its implementation?

**A.** Unquestionably the DPPO has been a success. From a police perspective, we have seen a massive decrease in the amount of BCU comparative crimes that are being reported; criminal damage notably. The amount of complaints from the public has also dropped. One of the main differences however, is that the area is noticeably different to look at and walk through. A notable example of this is when you walk from the Bus station into the town via the footbridge. On many occasions I have previously walked this route and seen groups of drunken males sat on the benches at either side. The public do not want to be confronted by pools of vomit as they try to make their way about there daily routine and since the instruction of the DPPO I am happy to say that this is one of many areas which are now free from this type of problem. Undoubtedly, this system is having a positive impact on the area involved and on public confidence.

**Q.** Do you think that the initiative could lead to a displacement effect, whereby people are just moving elsewhere to drink outside the boundary of the DPPO?

**A.** During the conception of this project, displacement was a big consideration which we will continue to monitor. The DPPO was always designed to be something which could be reviewed periodically and amended if necessary. As a result of this, I will be one of several people who will be conducting a review of the order in the next 3-4 months. During this time we will be able to discuss what we have learnt from the early stages of the project and implement new initiatives if necessary. The DPPO is only one part of an ongoing project that aims to 'reclaim' areas of the town that have previously been seen as problem areas for anti-social behaviour. For example, over the coming months we will be targeting the various 'green spaces' and parks in the Borough, with the view to tackling ASB, littering etc. Providing that we work in conjunction with our partner agencies like the local authority, I see no reason why we can't continue to move forward and further reduce the type of behaviour we are trying to eradicate.

**Q.** Do you have any problems with the order, or do you have any suggestions on how it may be improved.

**A.** We are still in the process of educating people about the order and what it means to the average citizen. Having reviewed the literature which has been disseminated to promote the order, I am not convinced that it accurately outlines the purpose of what we are trying to achieve and perhaps this may have to be reviewed. As I have said before, this is an example of why the project will be reviewed periodically and adjusted if necessary.

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Mick Dawson - Central Park Warden

**Q.** What is your role?

**A.** I am responsible for the management of Central Park in Boston. Within my duties I am responsible for the overall maintenance of the park which includes cutting the grass, collecting litter etc.

**Q.** What is your involvement in the DPPO?

**A.** There are 11 signs within the area that state the park is part of the DPPO. As such, if I see people drinking within the park, I inform the council who can then take the appropriate action.

**Q.** Has your role changed since the DPPO came into effect?

**A.** No not really. After working in the park for twenty years, there are several ‘regulars’ who drink heavily in the park. Ordinarily I take it upon myself to ask these people to move out of the area, which is something I do regularly. Since the DPPO began, I am now able to inform the council about what I find and they can act accordingly.

**Q.** Do you think the DPPO has been effective since its implementation?

**A.** Definitely, I have seen far fewer people drinking in the park since it began. I am also finding much less associated litter such as beer bottles and beer cans. We will have to see what happens in the summer as during this period my team can spend up to 150 hours a month clearing litter from the park and I’m sure it will be much more noticeable then. I am still finding some people who either don’t know or don’t care about it the restrictions but certainly not as many as I used to.

**Q.** Do you think that the initiative could lead to a displacement effect, whereby people are just moving elsewhere to drink outside the boundary of the DPPO?

**A.** I think it probably will, if they can just go elsewhere and not get in trouble then I imagine they probably will.

**Q.** Do you have any problems with the order, or do you have any suggestions on how it may be improved.

**A.** I think drinking in public should have been banned completely across the whole of the Borough. If that was the case, everybody would know that it’s not acceptable and we would have far fewer alcohol related problems.

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The following are some of the comments made to be by members of the public;

**Central Park Users**

“I walk my dog in the park every day and I have definitely noticed a difference in the amount of litter since the ban started”

“I don’t come to the park very often since my kids have grown up but I think it is a good idea because the place is always full of drunken idiots”

“I’ve seen the signs about but I’ve not really paid much attention. It doesn’t really bother me if people are drinking as long as they keep to themselves”

“It’s about time; they should ban drinking in public full stop”

“Most ‘normal’ people don’t sit in the park drinking all day so I don’t really think anyone can have a problem with it”

“I use the park a lot, and recently I’ve seen a few of the ‘drunks’ drinking from big plastic bottles. Are the police still going to take drink off them if it’s not obvious that its alcohol?”

“I don’t normally walk through the park on my own anyway, but I think I would feel more comfortable knowing that it’s not going to be full of gangs of people drinking”

“I’d like to see what they are going to do about it in the summer, if the coppers come down here taking everyone’s beer, there is going to be a riot”

“Pubs are for drinking, parks are for football”

“As long as it’s not a total ban I think it will be ok. In the summer I often bring the kids for a run about and I might have a can or two if it’s hot. As I understand it, it’s just to stop people getting wasted and sleeping in bushes which is obviously a good thing”

“I thinks it’s a great idea and should have been done sooner”

“If you walk through the park a lot, you often seen people flat out and this is before dinner. It’s not very nice so I think it’s a good idea yes”

“Your never gonna stop people from drinking in here I don’t think, even if you do, they will just go somewhere else and drink”

“I read about it in the paper, it’s a really good idea”

“It’s not just drinking its all the other stuff that comes with it. It really annoys me when groups of kids get pissed up and break stuff for the fun of it

### **Town centre pedestrians**

“People have a go at the foreigners but I think you have to cut them a bit of slack because it might be normal where they come from. I know the leaflets are in different languages which is good”

“First smoking, now drinking, soon we’ll all be going up town for a bottle of milk and a biscuit”

“Yeah it’s brilliant; I have noticed a difference already”

“It has to be a good idea, the benches near the footbridge and the bus station are normally full of people drinking but I haven’t seen any recently”

“I’m not sure if it’s a total ban or what. Does this mean if I stand outside a pub to have a fag with my pint then I could get done?”

“I think everyone thinks it’s a good idea, if you’re in town for a drink you don’t really need to be stood in the street”

“I suppose it’s mainly to get the kids of the street causing problems which is fine by me”

“My car has been vandalised on several occasions by idiots, I’ve seen people jumping on cars on my street when they’re drunk. I’m not sure this drinking ban will help because if they want to get drunk they will just drink at home, but I hope it does”

“I think they should make the area bigger and put up more cameras”

“I agree with it, they should put pictures of people in the paper like they do with littering”

“Lets face it; most people are going to turn a blind eye rather than get involved. How many police officers do you see walking around the town to deal with it?”

“I don’t go into town very often so I’m not sure I have noticed a difference”

“I feel sorry for the road sweepers who have to clear up all the crap that gets left in the street, have a word with them because I bet they’re happy”

“I suppose it’s mainly for people who get drunk during the day so I don’t know if its going to stop people fighting and stuff but its probably a good thing”

“I don’t really care about it to be honest”

“I have lived in Boston all my life and I have seen a lot of changes over the years. Years ago you wouldn’t need this kind of thing but I suppose times have changed and people behave different. My days of going out courting and drinking are over, but people drink so much nowadays it doesn’t surprise me they have done something like this”

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## **Conclusions**

Without the required resources and empirical data needed, it is difficult to determine whether the BOSTON DPPO has made a significant difference since its introduction. However, through speaking with those people involved in the scheme and with members of the public, it has been possible to determine and record a few salient observations given to me during the review. These points are based on what I have learnt and are representative only of what I have perceived during the course of this study.

### **The general public are almost universally behind the scheme.**

Although I appreciate that the consensus of the general public cannot accurately be gauged after speaking with a handful of pedestrians, I can say categorically, that as yet I have not met a single person that is directly opposed to this scheme. Civil libertarians will always question the integrity of any scheme that restricts the way in which people behave, however the beauty of the system is that public drinking is almost universally accepted to be ‘anti-social’ and the actual restrictions imposed will only be pertinent to a very small number of people. In the view of many people I have spoken to, public drinking has an immediate intimidating effect on the general public and unquestionably elevates the fear of crime and anti-social behaviour, even if statistically this does not prove to be the case.

### There is confusion about exactly what the scheme represents

My study suggests that there is confusion on the part of both police and members of the public about exactly what the order represents and what powers can be used to enforce the system. The main concern I have in relation to this, is the documentation that has been disseminated promoting the scheme. This can be seen in Fig 3 below.

Fig 3 – DPPO documentation



As of 14/12/2007 Boston Borough Council will be implementing an Order to make Boston Town centre a Designated Public Place.

This means that it will be an offence, while in the public areas designated:

- To drink alcohol if required to stop by a Police / authorised officers or
- Not to surrender alcohol if required to do so by a Police / authorised officer.

These are arrestable offences, for which the maximum penalty on summary conviction is £500.

This is not a blanket ban on drinking in public, it is a discretionary power which enables Police Officers and Authorised Officers to require members of the public to stop drinking and surrender open and sealed containers of alcohol in circumstances where alcohol related disorder is likely to result.

The paragraph circled has been the main point of contention- particularly for police officers. This statement suggests that alcohol can only be removed from individuals in circumstances where alcohol related disorder is likely to occur. The problem with this is obvious; for an officer to enforce this system, he/she would have to explain the grounds under which they believe the disorder is likely to occur. Given my own experience with this type of incident, it is extremely difficult to determine when and where this is likely to result and invariably leads to speculation based on subjective opinion. We can draw a comparison between this system and police powers of stop/search. If a person has previously been found in possession of a controlled drug for example, this does not give officer grounds to stop and search him on the basis that he might have something of this nature in his possession. Based on the information given above, officers will be unwilling (and rightly so) to remove alcohol from people, on the basis that for example, they are known to become violent or disorderly whilst under the influence of it. The resulting fallout from such an action may result in complaints being levied against officers and authorised officials. This in itself is not a particular concern however the documentation currently fails to reinforce any action taken by officers in relation to this.

### **Why is the system not a total ban on drinking alcohol in designated public places?**

A number of people have stated that they believe the system has been poorly devised as a result of the discretionary nature of its enforcement. Many police officers I have spoken to agree that there has to be a discretionary element to the system as this is a fundamental part of police work. However, many members of the public however have suggested that the system should be 'zero tolerance'.

There are arguments both for and against this proposal. As with all zero tolerance initiatives, this stance would mean that all members of the community would be dealt with in exactly the same way. This obviously promotes equality and reduces the chance of any individual, or group of individuals, believing they have been specifically targeted. Zero tolerance would also alleviate any confusion surrounding confiscation and incidents could be dealt with more quickly. The problem with a zero tolerance approach is that it does not take into account the circumstances surrounding any incident and actually takes power away from officers who may be able to actually prevent an escalation of an incident from occurring by using his/her discretion. This issue will remain a point of debate until such time the confusion surrounding the process of confiscation has been dealt with as detailed previously.

### **The area is too small**

Almost every person I have spoken to has told me of some particular street, park, car-park etc that they know of, that is not currently part of the DPPO but 'should be'. It would seem that there will always be a call for the DPPO to branch out away from the town centre and into surrounding areas however I am acutely aware of the problems this would cause in relation to enforcement given the available staff tasked to do this. I also understand that future reviews of the scheme will be used to highlight possible areas of development and expansion. At this stage however, I am unconvinced that the vast majority of people are aware of exactly what is and what is not covered by the order. The maps that have been sent out show the general location of the exclusion zone, but are not specific enough. The 'schedule of public places' naming all of the specific areas covered by the DPPO formed part of the initial literature that appeared in the local media but this is now absent. To my knowledge, this schedule is available from the community beat team at the police station but has not been disseminated specifically to town officers who would benefit greatly from knowing exactly what streets and areas are covered rather than knowing the 'general' location. This is a problem that can be easily fixed and would provide a helpful resource for the town officers enforcing the order.

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The points examined above are based on observations I have made over the brief four day period in which I looked at the scheme. I have no doubt that a more detailed long term review of the project will be much more successful in determining the relevant action necessary to move the scheme forward and improve upon what I believe is a very useful and relevant piece of legislation. I maintain at this stage that consideration should be given to changing the literature provided, to alleviate any confusion that has arisen as a result of this.

This document was initially devised to form part of a presentation to be given to my colleagues in the PDU to help educate them about the scheme. As such it contains a lot of background information about the precursor policy changes that made the initiative possible. This may not be relevant as part of the review however it may provide a useful background study for any persons wishing to understand the aims and subsequent implementation of the order. With this in mind, at the end of this document I have provided a collection of frequently asked questions and answers in relation to the scheme that may be of use to anyone wishing to further their understanding of the system. These are a précis of notes taken from **Frances Riches** from the anti-Social Behaviour & Alcohol Unit at the Home Office, as noted on the official home office website.

## **Underage drinkers/sealed and opened containers**

### **Q. Under which powers can police confiscate alcohol from young people?**

A. The police have powers to confiscate alcohol in both sealed (amendment provided by section 155 of the Licensing Act 2003) and opened containers from young people in public and certain other places when exercising the confiscation powers provided by the Confiscation of Alcohol (Young Persons) Act 1997.

### **Q. What about confiscation of closed containers?**

A. The Licensing Act 2003 makes it clear that an officer may only confiscate a sealed container where he or she reasonably believes that the person is, has been, or intends to drink the alcohol in that place. The powers should be used against those who are, through their drinking, causing a public nuisance or likely to do so.

## **Powers to confiscate**

### **Q. Who else can have powers to confiscate alcohol containers?**

A. The police (and Community Safety Officers and people accredited through a community safety accreditation scheme), have powers to control the consumption of alcohol within the designated area. If they believe someone is consuming alcohol or intends to consume alcohol they can:

- require them to stop; and
- confiscate alcohol from people whether the drinking vessel is unopened or not.

## **Universal ban on drinking**

### **Q. Does a DPPO lead to a universal ban on drinking in the open air?**

A. No. Section 13 of the Criminal Justice and Police Act 2001 (CJPA) allows local authorities to designate public areas for the purposes of section 12 where they are satisfied that nuisance, annoyance or disorder has been associated with public drinking in that area. The offence in section 12 will not be consumption of alcohol in a designated public place, but drinking after being required by an officer not to do so. DPPOs will only be introduced in areas that have experienced problems with public drinking. These are unlikely to include peaceful, family picnic areas.

### **Can local authorities introduce blanket restriction on alcohol consumption or create Alcohol Free Zones?**

A. There are no provisions in the CIPA, which allow the creation of Alcohol Free Zones or blanket restriction on alcohol drinking in public. Before an area is proposed for designation, the local authority must obtain some evidence that the area has anti-social nuisance or disorder associated with it. Any proposals for a comprehensive ban on public drinking would be considered disproportionate to the intended purpose behind the measures contained in the CIPA. Refer to Home Office Circular 13/2007 and the attachment to that circular for further details.

### **Displacement**

#### **Q. What about anti-social drinking being displaced into non-designated areas?**

A. The creation of designated areas may well lead to anti-social drinking or nuisance being displaced into areas that have not been designated for this purpose. Prior to making an area designated, local authorities should make an assessment of all the areas to where they reasonably believe that nuisance or disorder will be displaced, ensuring that all those affected by the designation are appropriately consulted - refer to Home Office Circular 13/2007 and the attachment to that circular for further details.

### **Format of Order**

#### **Q. Is there a prescribed format in which the Designation Order should appear?**

A. For the purposes of the CIPA 2001, The Dogs (Fouling of Land) Act 1996 provides local authorities with the prescribed format that should be used for designation orders.

#### **Q. How can local authorities extend a DPPO area?**

A. A new Order would have to be produced, if an exiting designated area is to be extended. This is to ensure that the extended area is just and reasonable. Refer to Home Office Circular 13/2007 and the attachment to that circular for details on introducing DPPOs.

### **Drinking Byelaws**

#### **Q. Can we still introduce a byelaw to restrict public drinking?**

A. By virtue of section 15 of the CIPA drinking byelaws would cease to have effect from 1st of September 2006, Local authorities should therefore consider adopting the CIPA powers to introduce a DPPO - refer to Home Office Circular 13/2007 and the attachment to that circular for further details.