

Government guidance on Alcohol Disorder Zones and Designated Public Place Orders

1. **DPPO** powers enable local authorities to designate places where restrictions in drinking alcohol in public places apply. These powers are contained in the Criminal Justice and Police Act 2001 and have recently been reviewed in section 26 of the Violent Crime Act 2006.
2. The power can only be used in areas that have experienced alcohol related disorder or nuisance and members will be aware that we have four designated areas in our borough one in each of our town centres.
3. It is important to stress that these powers do not make it a criminal offence to consume alcohol within the designated area. An offence is committed if an individual refuses to comply with a constable's request to refrain from the consumption of alcohol.
4. The government has identified an unintended consequence of the power, when a local authority is granted a premises licence in respect of public spaces in order to hold public entertainment such as the festival that is held in Stockton Town Centre. The Violent Crime Reduction Act 2006 rectifies this by making the following additions:

Premises used by the Local Authority will only be excluded from a DPPO in which they are located at times when alcohol is actually being sold/supplied and for 30 minutes thereafter. A premises licence can apply for a Temporary Events Notice, which then permits the supply of alcohol and excludes it from the DPPO for 30 minutes after the period during which alcohol is being sold/supplied, this extends the previously allowed period by 10 minutes.

5. **Alcohol Disorder Zones** are introduced in the Violent Crime Act 2006 and are designed to help local authorities and police tackle high levels of alcohol related nuisance, crime and disorder that cannot be directly attributed to individual licensed premises. However it is suggested that they should only be used in tightly defined areas and only as a last resort.
6. It is suggested that this power should complement existing powers in the Licensing Act 2003, which enable us to review, modify and if necessary revoke a licence and that this power should only be used when this has failed to make a difference.

7. The ADZ process is shown below:

Step 1 where existing measures have failed additional evidence will be required to support setting up an ADZ

Step 2 a notice will be published by the local authority setting out details of the proposed ADZ inviting a response within 28 days.

Step 3 the local authority publishes the response to the consultation, highlighting any changes to the initial proposal and then makes the final decision on whether to designate an ADZ.

Step 4 an action plan is sent out by the local authority to all licence holders in the proposed ADZ and then monitors the impact of the preventative measures that have been introduced.

Step 5 If the action plan fails to have an impact the local authority notifies all licence holders within the proposed ADZ is coming into force and starts levying charges.

Step 6 the local authority reviews the ADZ every three months and it may be revoked at any time.

8. The charge that can be levied is calculated using a formula that takes into account opening hours, rateable value and the number of premises. The local authority will send out invoices to licensed premises in the ADZ that will cover costs for both the council and the police. If the licence holder does not pay within 28 days the local authority will issue a final demand, interest will become payable 14 days after the final demand is issued and will accrue at a rate of 3 percent per annum until the balance is paid.
9. Local authorities can start proceedings to suspend premise licences seven days after serving a final demand notice.
10. The chief officer of the police and the local authority will review the ADZ as soon as reasonably practicable after it has been in force for three months and then every three months thereafter.
11. Whilst it is unlikely that we will use this measure a great deal it is another tool that may assist us to reduce disorder in the night-time economy and as such it is welcomed.
12. Members may also want to be aware that Drink Banning Orders that were discussed by this partnership in January 2008 will come into force in the summer of 2009.

Community Safety Officer
15th January 2009