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15 JAN 2008

Our reference: M317/8  
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*Dear Anne,*

Thank you for your letter of 4 January 2008 on behalf of Mr Lionel Starling, Licensing Manager at Swindon Borough Council, Premier House, Station Rd, Swindon SN1 1TZ about Designated Public Places. Mr Starling also wrote to Michael Wills MP on the same issue and a response was sent to him on the 7<sup>th</sup> January.

Let me say first of all that the Government have no plans to amend the legislation in the way Mr Starling suggests. Whilst there are undoubtedly individuals who cause problems for their community, the vast majority of people consume alcohol responsibly.

Designated Public Place Orders (DPPOs) were introduced in order to provide local authorities with the power to designate a public area that has experienced alcohol-related disorder or nuisance. These are sometimes referred to incorrectly as 'alcohol free zones'. In order for an area to be designated with a DPPO, the local authority has to be satisfied that nuisance or annoyance to members of the public has been associated with consumption of alcohol in this place (Section 13 (2) of the Criminal Justice and Police Act 2001). This is a necessary step as in the absence of alcohol related anti-social behaviour/disorder it would be disproportionate to introduce a DPPO.

Within a DPPO area it is not an offence to consume alcohol. The offence is committed when a person, without reasonable excuse, fails to comply with a

requirement of a police constable to refrain from consuming alcohol (Section 12 (4) of the Criminal Justice and Police Act 2001). Once an area has been designated as a DPPO area then the police do have absolute discretion to request that any person (regardless of behaviour) desists from consuming alcohol.

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 assessment of all the areas to where they reasonably believe that the nuisance or disorder will be displaced, ensuring that all those affected by the designation are appropriately consulted.

With regards to Mr Starling's comments about signage, signage is necessary to inform the public in that place the effect of the order. The number of signs required is for the local authority to decide based on the situation in their particular area. I appreciate that it is often challenging to estimate how many signs would be 'reasonable' or 'sufficient', but each local authority needs to make this decision based on factors for example; the size of the area designated.

The police and local authorities have a wide range of tools and powers to address disorder. These can range from individual interventions such as Acceptable Behaviour Contracts and Anti-social Behaviour Orders, or area based interventions to stop disorder occurring in specific locations, including Dispersal Orders. At the lower level, the police can deal with offences by using penalty notices for disorder. These can be used for public order offences – such as behaviour likely to cause harassment, alarm or distress or disorderly behaviour including offences of drunkenness in public.

Yours ever,

Vernon

**VERNON COAKER**