

**DESIGNATED PUBLIC PLACE ORDERS (‘DPPOs’) MADE BY NOTTINGHAM CITY COUNCIL TO BE TREATED AS PUBLIC SPACES PROTECTION ORDERS (‘PSPOs’) FROM 20 OCTOBER 2017**

DPPOs designate public areas where the consumption of alcohol is restricted. In a place where a DPPO applies authorised officers currently have the power to require a person not to drink alcohol in that area where that officer reasonably believes that the person has, or intends to do so. In addition authorised officers have the power to ask that person to surrender the alcohol and any opened or sealed containers in their possession. It is an offence to fail to comply with this requirement.

This document summarises the changes to DPPOs made by Nottingham City Council (‘the Authority’), which will be treated as PSPOs from 20 October 2017 with ‘necessary modifications’.

**Summary**:

DPPOs were made under section 13 of the Criminal Justice and Police Act 2001 (‘2001 Act’), which is no longer in force. However, under the Anti-social Behaviour, Crime and Policing Act 2014 (‘the 2014 Act’) DPPOs made by the Authority, listed as ‘THE NOTTINGHAM DPPOs’ in the table below, remain in force as DPPOs until 20 October 2017.

Under section 75 of the 2014 Act any DPPO that is still in force on 20 October 2017 (including THE NOTTINGHAM DPPOs) will remain in force as if the provisions of the DPPO were provisions of a PSPO with any necessary modifications.

Copies of THE NOTTINGHAM DPPOs can be found on the Authority’s website [www.nottinghamcity.gov.uk](http://www.nottinghamcity.gov.uk)

DPPOs set out the land that is designated by each order, with the detail contained in the 2001 Act. However, from 20 October 2017 the 2001 Act provisions will no longer apply to DPPOs and ‘necessary modifications’ such as provisions regarding ‘**Prohibition on consuming alcohol**’ in section 62 and 63 of the 2014 Act will apply to THE NOTTINGHAM DPPOs, along with provision regarding the duration of PSPOs (section 60 of the 2014 Act). These provisions are detailed below.

PSPOs (including THE NOTTINGHAM DPPOs from 20 October 2017) last for a maximum of three years, but can be extended for up to three years if the Authority is satisfied that the order is still necessary, and can be extended more than once.

THE NOTTINGHAM DPPOs cover all publically accessible places such as highways, squares, pedestrian areas, public conveniences, doorways, entrances and other open areas within the administrative area of the Authority. However, THE NOTTINGHAM DPPOs do not apply to premises or its curtilage (a beer garden or pavement seating area) which is licenced for the supply of alcohol as detailed below, or places were the consumption of alcohol is permitted on the highway (such as pavement cafes) as detailed below.

It is not an offence to drink alcohol in an area covered by THE NOTTINGHAM DPPOs. However, it is an offence to fail to comply with a request of an Authorised Person (which includes community protection officers, police officers and police community support officers as detailed below) to cease drinking or to surrender alcohol in these areas. The penalty on conviction is a fine not exceeding level 2 (currently £500). A fixed penalty notice of £70, reduced to £35 if paid within 10 days, is also available as an alternative to prosecution.

**Provisions of THE NOTTINGHAM DPPOs from 20 October 2017:**

The provisions of THE NOTTINGHAM DPPOs as modified by the 2014 Act are as follows:

The following terms have the following meanings:

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| Alcohol | has the meaning given by section 191 of the Licensing Act 2003 |
| the Authority | means Nottingham City Council |
| Authorised Officer of the Authority | means an employee of the Authority who is authorised in writing by the Authority for the purposes of the relevant DPPO |
| Authorised Person | means (1) an Authorised Officer of the Authority, or  (2) a police constable, or  (3) a community support officer designated under Paragraph 5 of Part 1 of Schedule 4 to the Police Reform Act 2002 |
| Council-operated Licensed Premises | means premises authorised by a Premises Licence to be used for the supply of alcohol and—  (a) the licence is held by a local authority in whose area the premises (or part of the premises) are situated, or  (b) the licence is held by another person but the premises are occupied by a local authority or are managed by or on behalf of a local authority. |
| Club Premises Certificate | has the meaning given by [section 60](http://www.lexisnexis.com:80/uk/legal/search/enhRunRemoteLink.do?A=0.8403914166902733&service=citation&langcountry=GB&backKey=20_T22467878205&linkInfo=F%23GB%23UK_ACTS%23num%252003_17a%25sect%2560%25section%2560%25&ersKey=23_T22467873019) of the Licensing Act 2003 |
| THE NOTTINGHAM DPPOs | * the Nottingham City Council (Alcohol Consumption in Public Places) Designation Order 2005 * the Nottingham City Council (Hyson Green) (Alcohol Consumption in Public Places) Designation Order 2006 * the Nottingham City Council (Sneinton, Forest and Mapperley) Alcohol Consumption in Designated Public Places Order 2008 * the Nottingham City Council Basford Designated Public Place Order 2011 * the Nottingham City Council St Anns Designated Public Place Order 2011 * the Nottingham City Council St Anns and Sneinton Designated Public Place Order 2011 * the Nottingham City Council (Arboretum and Radford & Park) Alcohol Consumption in Designated Public Places Order 2013 * the Nottingham City Council (City Wide Extension) Alcohol Consumption in Designated Public Places Order 2014   and “relevant DPPO” shall be construed accordingly |
| Plan | the plan attached to the relevant DPPO |
| Premises Licence | has the meaning given by section 11 of the Licensing Act 2003 |
| PSPO | Public Spaces Protection Order under the 2014 Act. |
| Restricted Area | means the land designated in the Schedule to the relevant DPPO |
| Supply Of Alcohol | has the meaning given by section 14 of the Licensing Act 2003. |
| the 2014 Act | Anti-social Behaviour, Crime and Policing Act 2014 |

Under section 75(3) of the 2014 Act THE NOTTINGHAM DPPOs remain in force as PSPOs with any necessary modifications from 20 October 2017 and under section 60 of the 2014 Act thereafter remain in effect for three years from 20 October 2017.

**Prohibition on consuming Alcohol:**

By virtue of sections 62 and 63 of the 2014 Act the consumption of Alcohol is **prohibited** in the Restricted Area (“the Prohibition”).

Under section 62 (1) of the 2014 Act the Prohibition does not apply to:-

(a) premises (other than Council-operated Licensed Premises) authorised by a Premises Licence to be used for the Supply Of Alcohol;

(b) premises authorised by a Club Premises Certificate to be used by the club for the Supply Of Alcohol;

(c) a place within the curtilage of premises within (a) or (b) above;

(d) premises which by virtue of [Part 5](http://www.lexisnexis.com:80/uk/legal/search/enhRunRemoteLink.do?A=0.3078151275714496&service=citation&langcountry=GB&backKey=20_T22467878205&linkInfo=F%23GB%23UK_ACTS%23num%252003_17a%25part%255%25&ersKey=23_T22467873019) of the Licensing Act 2003 may at the relevant time be used for the Supply Of Alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;

(e) a place where facilities or activities relating to the sale or consumption of Alcohol are at the relevant time permitted by virtue of a permission granted under [section 115E](http://www.lexisnexis.com:80/uk/legal/search/enhRunRemoteLink.do?A=0.10940335583235494&service=citation&langcountry=GB&backKey=20_T22467878205&linkInfo=F%23GB%23UK_ACTS%23num%251980_66a%25sect%25115E%25section%25115E%25&ersKey=23_T22467873019) of the Highways Act 1980 (highway-related uses).

Under section 62 (2) of the 2014 Act the Prohibition does not apply to Council-operated Licensed Premises:

(a) when the premises are being used for the Supply Of Alcohol, or

(b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

**Consumption of alcohol in breach of the Prohibition:**

Under section 63 (1) of the 2014 Act where an Authorised Person reasonably believes that a person (“P”) is, or has been, consuming Alcohol in the Restricted Area or intends to do so, the Authorised Person may under section 63 (2) of the 2014 Act require the person concerned:

1. not to consume in the Restricted Area anything which is, or which the Authorised Person reasonably believes to be Alcohol;
2. to immediately surrender anything in his possession which contains, or which the Authorised Person reasonably believes to contain Alcohol and from which P would (whether that thing be open at the time or not) be able to drink and where the Authorised Person has reasonable cause to believe that P will do so.

Under section 63 (3) of the 2014 Act the Authorised Person who imposes the above requirement on P must tell P that failing without reasonable excuse to comply with that requirement is an offence.

Under section 63 (4) of the 2014 Act the above requirement imposed by an Authorised Officer of the Council is not valid if the person:

(a) is asked by P to show evidence of his or her authorisation, and

(b) fails to do so.

Under section 63 (5) of the 2014 Act the Authorised Person may dispose of anything surrendered to him in compliance with such a requirement in such manner as he considers appropriate.

**Offence:**

Under section 63(6) of the 2014 Act a person who fails without reasonable excuse to comply with a requirement imposed on him under section 63(2) of the 2014 Act (above) in a Restricted Area commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.