



**Leeds**  
CITY COUNCIL

Agenda item:

Originator: B Yearwood

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**Report of the Assistant Chief Executive (Corporate Governance)  
Licensing Committee.**

**Date: 13 April 2010**

**Subject: Proposed Designated Public Place Order (DPPO) Seacroft & Killingbeck**

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**Electoral wards affected:**

Seacroft and Killingbeck

**Specific implications for:**

Ethnic minorities

Women

Disabled people

Narrowing the gap

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**Executive Summary**

This report sets out the proposal for a Designated Public Place Order to be made covering the area of Seacroft and Killingbeck situated in East Leeds . The content outlines the legal framework and summarises the evidence to support such an Order, the consultation and legal implications if Members resolve to make the Order.

## 1.0 Purpose of this report

- 1.1 The report outlines the recommendation for Seacroft and Killingbeck to be designated as an area where it would be a criminal offence to consume alcohol after being requested by a Police Constable or a Police Community Support Officer not to do so by making a Designated Public Place Order (DPPO) and invites Members to consider making the DPPO.

## 2.0 Legal framework

- 2.1 Designated Public Place Orders (DPPOs) are made under the Criminal Justice and Police Act 2001. Under the Act, the Council can by Order (or a series of Orders) designate public places within which it is an offence to consume alcohol after being requested by a Police Constable or a Police Community Support Officer (PCSO) not to do so. An Officer can ask any person to surrender alcohol or open alcohol containers if the Officer reasonably believes the person is, has been or intends to consume alcohol in that place. In due course, wardens will be accredited to exercise these powers.
- 2.2 Penalties for this offence include a penalty for disorder (PND) £50 or arrest and prosecution for a level 2 fine, maximum of £500. Bail conditions can be used to stop the individual from drinking in the public place pending prosecution for the offence
- 2.3 The legislation does not ban the drinking of alcohol in Designated Public Places, and therefore it **does not** prohibit drinking alcohol in authorised street cafes and at authorised public entertainment events in public areas. Legislation is designed to reduce anti-social street drinking either during the day (typically street users of alcohol and other substances) or in respect of night-time issues such as people drinking in the street and on the way to and from licensed areas or premises, eg in the queue for a club, having left a public house or in a fast food queue.
- 2.4 Section 26 of the Violent Crime Reduction Act 2006 came into force on 6 April 2007. It amended the Criminal Justice and Police Act 2001. Prior to this amendment pubs and clubs that have a licence to sell or supply alcohol under the Licensing Act 2003 could not form part of the DPPO. These premises would include public spaces licensed by local authorities for alcohol and regulated entertainment. This led to a conflict between the local authorities desire to licence public spaces for community events and the desire to use DPPO's to tackle anti-social drinking. This conflict was rectified by the amendment. There are no public places licensed by the Local Authority within the proposed area.
- 2.5 Under the amendment, premises where local authorities are permitted to sell or supply alcohol or premises that are occupied or managed on behalf of local authorities, for the sale and supply of alcohol will be excluded from a DPPO. The exclusion will only last while the premises is in use and for 30 minutes following the last supply/sale of alcohol. At all other times the premises will be subject to the DPPO.

### **3.0 The Statutory Test**

3.1 The test for designation is set out at section 13(2) of Criminal Justice and Police Act 2001. Before making the designation, Members must be satisfied that:

- (a) nuisance or annoyance to members of the public or a section of the public; or
- (b) disorder;

has been associated with the consumption of alcohol in the proposed place for designation.

3.2 Home Office guidance suggests that Members, in exercising their discretion to make the Order, must assess the likelihood that the problems evidenced will continue unless the DPPO is made. Members would need to consider if the problems identified will be remedied by use of their powers. Supporting evidence is set out for Members in this report.

### **4.0 Existing powers**

4.1 The Confiscation of Alcohol (Young Persons) Act 1997 (as amended) already gives powers to the Police and PCSOs to confiscate alcohol held by or for the use of a young person under the age of 18 in public and certain other places.

4.2 Problems with litter, including bottles and glasses outside licensed premises, are dealt with under the Environmental Protection Act 1990. Section 87 allows fixed penalty notices of £50. Section 93 permits street litter control notices to be served on relevant businesses. The penalty and conviction for failing to comply with such a notice is £2,500.

### **5.0 Supporting evidence**

5.1 Evidence has been sought from West Yorkshire Police and Street Scene Services regarding the history of drinking related anti-social behaviour and violent crime in Seacroft and Killingbeck. A summary of this evidence appears at Appendix 1.

### **6.0 Consultation**

6.1 As part of the application process to establish a DPPO, statutory consultation has been carried out with relevant agencies and Council Departments. Support for the application has been given by Seacroft and Killingbeck Elected Members, West Yorkshire Police, North East Divisional Community Safety Partnership. Further statutory consultation with the general public, relevant bodies and licensees in the area has also been completed, in order to inform them of the proposed designated area and the implication of such an Order being granted.

6.2 Methods of consultation included:

- Discussions with Superintendent Simon Atkin at North East Police Division
- Discussions with members of North East Divisional Community Safety Partnership
- Discussions at Anti-Social Behaviour Panel on 23 March 2010

- Discussions with the Police Inspector (Edward Chesters) at Seacroft and Killingbeck's Neighbourhood Policing Team
- Direct consultation via personal visits to all licensees of on and off licensed premises from management at Seacroft and Killingbeck Neighbourhood Policing Team
- Direct consultation with Area Committee members at Seacroft and Killingbeck Neighbourhood Management Tasking meeting
- Publication of an "Order of Notice" via the local press (Appendix 2) published on **12 Feb 2010** and expired on **12 March 2010** . Copies have been made available at Killingbeck Police station and the Councils internet site.
- Direct Consultation at the Seacroft Community Engagement Event on 25<sup>th</sup> Feb 2010
- A map showing proposed boundaries is presented at Appendix 3. A consultation on the boundary has been undertaken by the methods mentioned above.

6.3 Following consultation, if a Designated Order is approved, compulsory signage will be distributed throughout the area. This will be done by the licensees displaying signage on their premises and via notices situated in prominent positions around the specific area. This signage will inform customers and the general public that they are in a Designated Public Place and explain the conditions attached to this Order.

6.4 The design for the signs has already been established as a result of previous DPPOs established in the city.

## **7.0 Consultation findings**

7.1 At the time of writing this report, no letters have been received supporting the Order, no objections have been received, however several comments have been made . All agencies and groups consulted support the Order. The deadline for advice to the "Order of Notice" was 12<sup>th</sup> March 2010 , and any comments received between the time of writing this report to Licensing Panel will be presented verbally.

## **7.2 Comments:**

"We are in total agreement with the order" ( verbal comment from licensed premises visits)

"Excellent". (verbal comment from licensed premises visits)

"Happy to support what is being proposed" (Verbal comment from licensed premises visits)

"This would be exceptionally helpful for us at school" (Email from local school to Neighbourhood Policing Team)

"I am a little concerned that the process of obtaining a DPPO can be triggered by "nuisance or annoyance to members of the public or a section of the public". There may well be circumstances where a DPPO is an appropriate mechanism for controlling serious nuisance. On the other hand, there are members of our community who are, in my opinion, too ready to complain about what most people would regard as normal, harmless behaviour. Assessment needs to be made of factors such as the nature of the alleged nuisance, the frequency with which it

occurs, the time of day, the volume of any noise, and the number of people involved. Who makes this assessment, and to whom are they accountable? I hope these comments are helpful". (Email from community member to Neighbourhood Policing team)

"in favour of DPPO and supportive of police and council". (Verbal comment from Licensed Premises visits)

### **Cost of designating the recommended area and other costs associated with the statutory consultation, statutory advertising, together with the recommended signage to inform the public of the designation**

7.3 All costs associated with the consultation process and signage have been approved by Safer Stronger Communities Funding via Intensive Neighbourhood Management officer in consultation with local Councillors. Set out below are approximate costs:

- Advertisement in local press (Yorkshire Post) **£1,259.36**
- (statutory notice/consultation) £1000 approx (28 days notice implementation)
- Signage (including fixing to post/wall) 25 x £60.00 each = £1, 500
- Posters for licensees (in house)

## **8.0 Recommendations**

8.1 Members are recommended to:

8.2 Consider the evidence in support of making an Order and if satisfied the statutory test has been met and the Order will remedy the problems evidenced:

- (i) Make a Designated Public Places Order in respect of Seacroft and Killingbeck and
- (ii) Authorise the Director of Environment and Neighbourhoods to advertise the making of the Order, procure the required signage and carry out any further steps necessary to bring the Order into force.

**Research showing the history and evidence of anti-social drinking and disorder in the proposed Seacroft and Killinbeck Area**

**1. Introduction**

- 1.1 Before it can consult on the making of a Designation Order, the Council must be satisfied that there is a history of anti-social drinking and disorder in the proposed Designated Order.
- 1.2 Within Gipton , there is already evidence of such problems from a number of sources. These can be summarised as night-time issues, consisting of persons moving from licensed areas/premises to other licensed areas/premises and carrying bottles and glasses, which can result in anti-social behaviour (rowdiness, abuse, litter, etc) and crime (damage, public drunkenness and assault).

**2. The geography and distribution of alcohol licences in Seacroft and Killingbeck**

- 2.1 The Area has 32 public houses and off license premises in total . The map at Appendix 3 shows the the boundary for the proposed DPPO. **At the time of consultation visits The Windmill and The Gate Public Houses are now closed**

**The Licensed premises in the area are:**

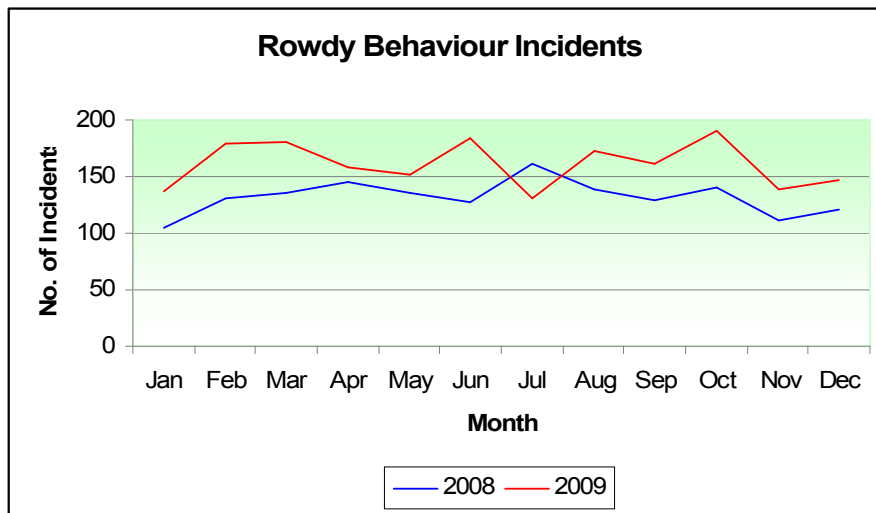
- Beechwood Working Men's Club – Ramshead Drive, Seacroft, LS14 1BS
- Seacroft Village Hall Social Club – York Road, LS14 6JS
- Seacroft Working Men's Club – Ironwood View, LS14 6EW
- Cross Gates Working Mens Club – Orchard Road, LS15 7LP
- Wine Basket – 965 York Road- LS14 6HW
- G & R Newsagents- 90 Cross Gates Road, LS15 7NL
- Carr Store – 139 South Parkway LS14 6ER
- York Road News and Off License, 856 York Road, LS14 6DX
- Dib Lane Stores, 116A Dib Lane, LS8 3AY
- Mecca Bingo Club , Cross Gates Road, LS15 7PE
- Jinnah Balti Restaurant, 845 York Road, LS164 6AA
- The Gate, Kentmere Ave, LS14 1BW
- Asda Stores, York Road, LS14 6UF
- Fearnville Stores 391 Oakwood Lane, LS8 3DD
- Convenience Store, 95 Boggart Hill Drive, LS14 1LE
- Duffton Store, 1 Duffton Approach, LS14 6EB
- Co-op Village Store, 143-45 South Parkway, LS14 6ER
- Patels Convenience Store, 849 York Road, LS14 6AA
- Londis, 122 Dib Lane, LS8 3AY
- Netto Foodstores Limited, York Road, LS14 6JS
- Bestone, 1063 York Road, LS14 6JB
- The Monkswood , Monkswood Drive, LS14 1DW
- The Red Lion , Cross Gates Lane, LS15 7PF
- Tesco Stores Ltd, Unit 5 Seacroft Crescent, LS14 6PA
- General Store and Off Licence, 27-29 Foundry Mill Street, LS14 6TN
- The Fellmonger, North Parkway, LS14 6QS
- The Grange Hotel , Dib Lane, LS8 3HL
- Seacroft Green Social Club, 242 Brooklands Ave, LS14 6NW

- Ramshead Post Office, 37-39 Ramshead Hill LS14 1BT
- Londis , 118 Cross Gates Road, LS15 7NL
- Windmill Club, 35 Ramshead Approach, LS14 1HH
- The Cricketers Arms, The Green LS14 6JW

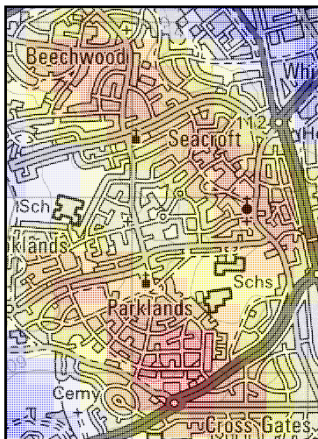
### 3. Anti-social behaviour

3.1 Most anti-social behaviour attributed to drink in Seacroft and Killingbeck occurs all across the week with peaks on Fridays . Debris associated with drinking, such as bottles and glasses, will be found in the streets the following morning. Vomit and urine is also evident in the streets on a weekend. Street Scene Services are supporting the DPPO for Seacroft and Killingbeck, as experience from other DPPOs shows it will reduce the amount of glass, bottles, cans and associated litter.

3.2 There has been an overall increase of 22% in the number of Rowdy Behaviour ASB incidents within the Killingbeck and Seacroft Ward in 2009 compared with the previous year, rising from 1580 incidents in 2008 to 1931 incidents in 2009.



3.3 The chart above shows the distribution of Rowdy Behaviour incidents per month in 2008 and 2009. Although there are some differences between the two years, there are similarities, such as the steady increase in incidents between January and March in both years and a peak in incidents in October in both years.



The Rowdy Behaviour calls have been spread over a large area, and there has been no distinct hotspot during 2009, as shown on the map (left). The overall worst affected streets in the Ward have been York Road (217), Boggart Hill Drive (72) and South Parkway (63).

Most of the Rowdy Behaviour calls on the top three streets were in relation to nuisance youths (206), and 23 youth related calls specifically mentioned alcohol. This was particularly the case on Boggart Hill Drive, where a number of calls were received regarding groups of youths gathering around the shops on the street and attempting to pressure customers into purchasing alcohol and cigarettes for them.

There were 46 logs in total from these streets which mentioned alcohol in the text, and were mainly regarding the behaviour of individuals who were intoxicated and being abusive, refusing to leave or urinating in public.

- 3.4 Three quarters (54) of the Rowdy Behaviour calls from Boggart Hill Drive during 2009 were regarding the behaviour of nuisance youths congregating on the street, particularly outside the shops. Four of these calls specifically related to alcohol according to the log text. The peak days for calls were Mondays (14) and Wednesdays (13), and peak times were between 18:00 x 22:00 hours.
- 3.5 14% (9) of calls from South Parkway specifically related to alcohol in the log text, two of which involved nuisance youths. There have also been 26 youth related ASB calls, accounting for 41% of the Rowdy Behaviour on the street, with particular issues being youths causing damage, setting fire to grassland and also pestering customers at the shops on the street. The peak days for calls from the street during 2009 were Mondays (13) and Thursdays (11), and peak times were in the evening particularly between 17:00 x 22:00 hours.
- 3.6 14% (31) of the calls from York Road during 2009 were related to alcohol according to the log text, and of these 55% (17) involved nuisance youths, with calls about youths drinking underage and pestering customers at local shops to buy alcohol. Seacroft Village Stores at 1061 York Road made eight calls which specifically mentioned youths attempting to buy alcohol, and there were also two calls from York Road News, 856 York Road stating that youths are drinking outside and being abusive towards customers. The peak days for Rowdy Behaviour calls on the street during 2009 have been Fridays (44), and peak times have been in the evening between 17:00 x 21:00 hours, with a particular peak between 18:00 x 19:00 hours.

#### 4. Crime and disorder

- 4.1 There were 475 alcohol related offences in 2009 compared with 493 in 2008, which equates to an overall reduction of 4% in the number of alcohol related crimes in 2009. In both 2008 and 2009 the most common drink related offence was Assault, which accounted for 41% of the alcohol related offences in the latest year. Large increases were seen in the number of drink related Shoplifting offences (19) however the number of Drunk and Disorderly offences fell by 36 offences in 2009.

#### 4.2 Offences by district

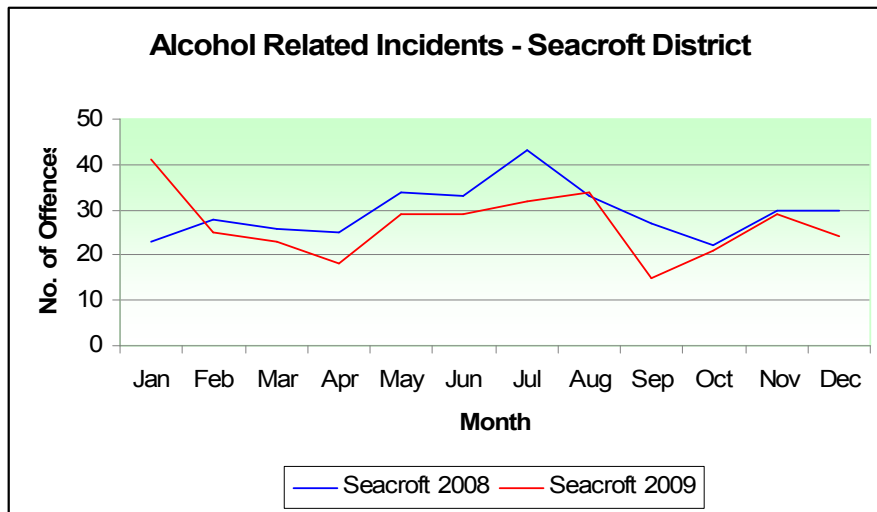
District Name	2008	2009	Difference	% Change
Crossgates	46	49	3	7%
Fearnville	13	6	-7	-54%
Killingbeck	57	85	28	49%
Oakwood	23	15	-8	-35%
Seacroft	354	320	-34	-10%
<b>Grand Total</b>	<b>493</b>	<b>475</b>	<b>-18</b>	<b>-4%</b>

As shown by the table (left) 67% of the alcohol related offences in the Killingbeck and Seacroft Ward occurred in the Seacroft District in 2009, although there was a reduction of 10% in the number of

offences in this area compared to the previous year. Given that the Seacroft District accounts for approximately 66% of the geographical area of the Killingbeck and Seacroft Ward based on the area defined by the 2001 census, the number of offences in the district during 2009 was 1% higher than would be expected based on the physical size of the district. A large increase of 49% was also seen in the Killingbeck District in 2009 compared to the previous year.

- 4.3 The chart below compares the number of alcohol related offences in the Seacroft District in 2009 and 2009 based on earliest committed date.

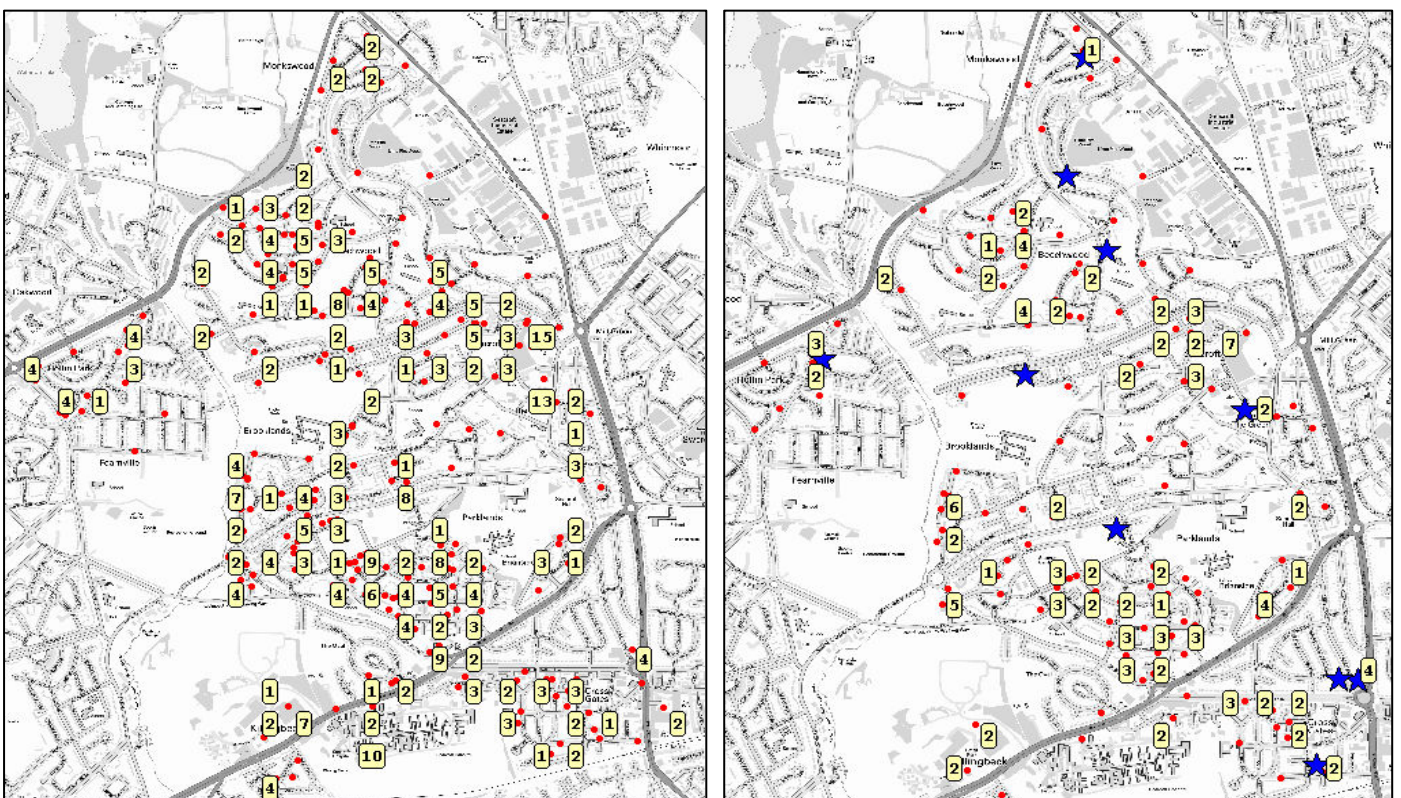




4.4 The chart above highlights peak times of year for alcohol related offences in the Seacroft district, and distinct peaks and troughs can be seen in both years. The number of offences has steadily declined in the early months of the year between February and April, followed by a gradual rise in the warmer months with the number of offences peaking between the months of June and August when many people have holidays from work or school. The number of alcohol related offences in 2009 was lowest in September (15).

4.5 The peak days for alcohol related offences during 2009 were Saturdays (13) and Sundays (8), and offences were highest in July (7), August (6) and October (6) and lowest in March (2) and April (1) during the same time period. The peak times for offences were in the evening and overnight between 22:00 x 02:00 hours, with a specific peak between 22:00 x 23:00 hours.

### Violent crime hotspots



- 4.6 The map above shows the assault offences (S18, S20, S39 and S4747 not including Assault PC offences) between the period of 1 January to 31 December within the Killingbeck and Seacroft NPT (373) which are widespread across the whole ward.
- 4.7 The map to the right shows all the alcohol related assaults during the same outlined period (172). The blue stars indicate locations of Public Houses.
- 4.8 The hotspot for alcohol related offences and assaults has been in South Seacroft, mainly around the Parklands Estate. This area includes Killingbeck Police Station; however for the purpose of analysis on the hotspot the 46 crimes committed at the Police Station have been discounted.

**ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES FOR THE AREA OF  
KILLINGBECK AND SEACROFT  
CRIMINAL JUSTICE AND POLICE ACT 2001**

The City of Leeds Metropolitan District Council propose to make an Designated Public Places Order under Section 13 of the Criminal Justice and Police Act 2001.

The effect of the Order is that the police will have the power to require a person not to drink alcohol in the designated area and to surrender alcohol to the police. Failure to comply with the request is an offence.

The proposed designated area comprises all public highways, streets, byways and other public places within Seacroft and Killingbeck.

This area is defined as: From the junction of Oakwood Lane and Easterly Road, running north east to the roundabout at the A58/ A6120 junction. Then heading south east, past the junction with the A64 York Road, and continuing south to the railway line running west to east out of Leeds. Following the train line to the junction of the A63 Selby Road and the A64 York Road, the boundary then traces the Wyke Beck up to Foundry Lane and cuts east along South Parkway approach before tracking the Wyke Beck back up to Fearnville Road. Fearnville Road is then followed west back to its junction with Oakwood Lane and back along to its junction with A58 Easterly Road.

A map identifying the specific location of the designated public place and a list of licensed premises within the area is available for inspection at Killingbeck Police Station, Foundry Lane and Seacroft Library. Alternatively you can view the information at [www.leeds.gov.uk](http://www.leeds.gov.uk).

The Order will not apply to premises with a premises licence or club premises certificate granted by the Licensing Authority. It will not apply within the curtilage of such premises. It will not apply where a temporary event notice authorises use of the premises for the supply of alcohol during the authorised times and for 30 minutes afterwards. It will not apply to outside areas covered by a street café licence.

The area includes the council owned premises at Killingbeck and Seacroft which are subject of a premises licence. The Order will not apply at any time when alcohol is being sold or supplied under that licence or for 30 minutes afterwards but will apply at all other times.

Any representations as to whether or not the order should be made must be made in writing to Beverley Yearwood, Leeds City Council, East North East Area Management Team, 21 Savile Mount, Leeds, LS7 3HZ by no later than Friday 12 March 2010.

Alternatively you can contact us through the Leeds Community Safety website [www.leeds-csp.org.uk](http://www.leeds-csp.org.uk).

Paul Rogerson  
Chief Executive  
Leeds City Council  
12 February 2010



**Seacroft (Proposed Designated Area)**  
**Section 13 - Criminal Justice and Police Act 2001**

