

Report of the Director of Environment & Neighbourhoods

Report to the Licensing Committee

Date: 26th June 2012

Subject: Proposed Designated Public Place Order (DPPO) Harehills

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Gipton & Harehills	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. This report sets out the proposal for a Designated Public Place Order to be made covering the area of Harehills situated in East Leeds.
2. 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.

Recommendations

3. Members are recommended to 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 Harehills
 - (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.

1 Purpose of this report

- 1.1 The report outlines the recommendation for Harehills 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 Main issues

2.1 Legal framework

- 2.2 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.
- 2.3 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
- 2.4 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.
- 2.5 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.
- 2.6 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 regarding the history of drinking related anti-social behaviour and violent crime in Harehills. A summary of this evidence appears at Appendix 1.

Corporate Considerations

6.0 Consultation and Engagement

- 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 Harehills 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 Timothy Kingsman at North East Police Division
 - Discussions with members of North East Divisional Community Safety Partnership (16th March 2012)
 - Discussions with the Police Inspector (Thomas Harrison at Gipton/Harehills Neighbourhood Policing Team
 - Direct consultation via personal visits to all licensees of on and off licensed premises from management at Harehills Neighbourhood Policing Team

- Publication of an "Order of Notice" via the local press (Appendix 2) published on Tuesday 1st May and expired **on 29th May 2012**. Copies have been made available at Killingbeck Police station, Leeds City Councils 'The Compton Centre' and the Councils internet site.
- Direct Consultation at the Harehills (PACT) meeting on 31st May 2012
- 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 one email was received from a local resident. All agencies from PACT Meeting. The deadline for advice to the "Order of Notice" was 29th May 2012, and any comments received between the time of writing this report to Licensing Panel will be presented verbally.

7.2 Comments:

We are writing to you as we are extremely concerned regarding the continuous anti social behaviour we are getting in Back Seaforth Terrace. This problem has not been going on for days, weeks but months on end now. Day in Day out groups of males are gathering in Back Seaforth Terrace, the hotspots usually being the back of Ask Estate Agents, the middle of the street around numbers 30/32 Seaforth Terrace and also the back garden of Back 309 Harehills Lane. The men gather here and participate in drinking alcohol and drug taking, this then has added problems by them urinating, vomiting, littering, shouting, fighting and being disorderly. It is only too evident if you take a walk through Back Seaforth Terrace that you will be welcomed by alcohol cans/bottles throughout the street especially lined up against the wall that is the back of Ask Estate agents, As well as the stubs that they throw behind of cigarettes and drugs, and the marks off urinating and vomiting of the street walls and floor. It's Extremely Disgusting!! We are also aware of the new alcohol ban that you are looking to enforce in public - we welcome this but it must really be pushed through immediately as we have a massive alcohol and anti social behaviour problem in our backstreet. **Seaforth Terrace Residents (Email 13th May to ward councilor)**

PACT Meeting Comments:

It will cut down on ASB" Strathmore View, Leeds.

"Cut down on litter, about time should have done it years ago". Strathmore Street, Leeds.

"We fully support the DPPO" - Bellbrooke Place

"I fully support it" Cowper Mount

"I think it is a great idea. We are 100% behind it" Florence Avenue

"The sooner the better" Trafford Avenue, Leeds

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) £956.07
- (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 Equality and Diversity / Cohesion and Integration

8.1 Consideration is given to the equality impact of delivering the Safer Leeds strategy across North East Police Division . Where a negative equality impact is identified action will be taken to mitigate the impact or risk.

8.2 Discussions will be held with identified newly emerging communities within the ward to ensue they have full understanding of the Order

8.3 Council policies and City Priorities

8.1 The North East Divisional community safety partnership delivers directly against The Safer and Stronger Communities Board Partnership plan 2011-2015 and The Designated Public Place order will contribute towards reducing violent crime .

8.4 Resources and value for money

8.5 The work undertaken by the DCSP is underpinned by maximisation of resources through effective partnership work . The policing of the order will be carried out within core services by North East Police Division

8.6 Legal Implications, Access to Information and Call In

8.7 There are no exempt or confidential information contained in this report

8.8 Designated Public Place Orders (DPPOs) are made under the Criminal Justice and Police Act 2001

8.9 Risk Management

8.10 There are no major risks associated with the content of this report

8.11 Conclusions

8.12 The overall evidence suggests that there is a need for implementing a designated public Place Order in the Harehills area in order to increase public confidence, reduce fear of crime and reduce alcohol and violent related incidents

8.0 Recommendations

8.1 Members are recommended to 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 Harehills
- (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.

9 Background documents¹

9.1 Crime Analysis report – Safer Leeds – 23rd March 2012

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

Research showing the history and evidence of anti-social drinking and disorder in the proposed Harehills 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 Harehills , 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 Harehills

- 2.1 The Area has 10 public houses and 23 off license premises in total. The map at Appendix 3 shows the the boundary for the proposed DPPO.

The Licensed premises in the area are:

ON LICENSE PREMISES

ARTI RESTAURANT	ROUNDHAY ROAD, LS8 4HS
DOCK GREEN	ASHLEY ROAD, LS9 7AB
HAREHILLS CONSERVATIVE CLUB	288 HAREHILLS LANE, 288 HAREHILLS LANE
HAREHILLS LABOUR CLUB	FLORENCE STREET, LS9 7BX
HAREHILLS LIBERAL CLUB	BLEAK HOUSE,FOUNDRY APPROACH/SEAFORTH ROAD LS9 6BJ
HAREHILLS WMC	34 COWPER ROAD, LS9 7AP
OLYMPIA CLUB & INST (AKA DELANEY'S BAR)	8 KARNAC ROAD, LS8 5BL
SAFFRON RESTAURANT	331 ROUNDHAY ROAD, LS8 4HT
SHINE	HAREHILLS ROAD, LS8 5HS
ST. ALBANS SOCIAL CLUB	51 ST. ALBANS ROAD, LS9 6LA

OFF LICENSE PREMISES

25 ASHLEY ROAD	LS9 7AB
BAYSWATER STORES	94 BAYSWATER ROAD, LS8 NT
BAYSWATER SUPERMARKET	5 BAYSWATER VIEW, LS8 5LQ
COMPTON NEWS	23 COMPTON ROAD, LS9 7BJ
PIZZA ZONE	39 COMPTON ROAD, LS9 7BJ
1 COWPER TERRACE/ASHLEY ROAD	LS9 7BA
22/24 FOUNDRY APPROACH	LS9 6BL
W M MORRISON'S SUPERMARKET	HAREHILLS LANE, LS8 5JP
HAREHILLS FOOD	274 HAREHILLS LANE, LS9 7BD
NEWS EXTRA	304 HAREHILLS LANE, LS9 7BG
GROSIK	311 HAREHILLS LANE, LS9 6AA
SAINSBURYS SUPERMARKET	318-322 HAREHILLS LANE,LS9 7BG
343 HAREHILLS LANE	LS9 6AX
56 HAREHILLS ROAD	LS8 5LE
ELFORD GROVE POST OFFICE	58 HAREHILLS ROAD, LS8 5LE
BK NEWS	78 HAREHILLS ROAD, LS8 5NU
81/83 HAREHILLS ROAD	LS8 5HS
SUJU'S (SUJI'S) STORE	121A MARKHAM AVENUE,LS8 4JD
MUZIC ASIA	220 ROUNDHAY ROAD, LS8 5AA
KWIK SAVE	264/264A ROUNDHAY ROAD, LS8 5RL
273 ROUNDHAY ROAD	LS8 4HS
275 ROUNDHAY ROAD	LS8 4HS
COST CUTTER	12/14 STRATHMORE DRIVE, LS9 6AB

3. Anti-social behaviour

3.1 For this section ASB data was compared over a six month period (01/09/11-29/02/12) because a change in coding and recording methods at the beginning of September 2011 made direct comparison over a full year impractical.

Between September 2011 and February 2012 the highest alcohol related ASB incidents fell into the category 'Alcohol' which accounted for 82% (84) of the overall total of incidents.

ASB TYPE	September	October	November	December	January	February	Grand Total
ALCOHOL	22	15	13	5	11	18	84
NEIGHBOUR RELATED	3	4	1	4	2	1	15
YOUTH RELATED	0	0	0	0	2	0	2
ADULT NUISANCE - NON ALCOHOL RELATED	0	0	0	0	0	1	1
FIREWORKS/SNOWBALLING	0	1	0	0	0	0	1
Grand Total	25	20	14	9	15	20	103

The table also breaks down the type of incidents by month showing that generally incident numbers decreased in the winter months.

Of the 103 incidents reports, 66 took place in a public place with the remaining 37 occurring in dwellings; the majority of the latter concerned domestic issues.

Top Streets

STREET NAME	TOTAL
HAREHILLS LN	10
ROUNDHAY RD	10
HAREHILLS RD	9
BECKETT ST	6
SEAFORTH TER	2
FOUNDRY PL	2
EDGEWARE MT	2
COMPTON RD	2

The table above shows the worst affected streets in relation to alcohol related incidents occurring in a public place.

Top of the table was Harehills Lane. Incidents that occurred on Harehills Lane were predominantly individuals that were heavily in drink verbally abusing members of staff at supermarkets, convenience stores, takeaways and betting shops.

Calls to Roundhay Road varied from domestic incidents in the street to fights between large groups of youths and individuals in drink outside restaurants causing a nuisance to members of the public shouting and swearing.

Incidents on Harehills Road mainly occurred in or around shops. In particular four of the incidents occurred at B K Newsagents where youths were causing a disturbance in the shop, a drunk male had fallen asleep inside and individuals in drink were using abusive language towards members of the public and staff and also begging at the entrance.

All the calls in respect of Beckett Street were regarding ASB incidents in the vicinity of St James' Hospital. The logs mainly referred to individuals who were in drink and had been aggressive and caused problems at the Hospital only to be moved on by staff to then cause problems in the local vicinity.

Peak times in this area were evening and early morning between 2000 x 0200hrs with the highest peak being at 0200hrs. There was no peak day as incidents were spread out throughout the week.

Crime - 1st March 2011- 29th February 2012

The table below shows the breakdown of alcohol related crimes by month for any crime type which has occurred on more than three occasions within the specified area over the last twelve months. Overall, Assaults accounted for 81% of the total alcohol related offences. This was followed by Theft from Shop (18%) and Public Order offences (5%). Of note is that a number of the Thefts from Shops have been identified as 'drink involved' offences due to the property that was stolen. The month with the greatest amount of offences was July 2011 which had 11 more offences than any other in the twelve month period. There appeared to be a slight decrease in offences during the winter months.

Occurrence Type	March	April	May	June	July	August	September	October	November	December	January	February	Grand Total
ASSAULT	10	9	4	9	19	7	7	13	3	10	7	7	105
THEFT SHOP	1	3	3	3	2	4	3	2	2	6	3	3	35
PUBLIC ORDER	1	2	0	0	3	0	2	0	0	0	0	1	9
CRIMINAL DAMAGE - DWELLING	0	1	2	0	2	2	0	0	0	0	2	0	9
THEFT FROM PERSON	0	2	0	0	0	0	0	4	0	0	0	0	6
THEFT NON SPECIFIC	0	0	0	1	0	1	0	0	0	0	2	0	4
CRIMINAL DAMAGE - MOTOR VEHICLE	1	0	0	0	0	0	0	0	1	0	0	2	4
POSSESS OFFENSIVE WEAPON	0	0	0	1	1	1	0	0	0	1	0	0	4
AFFRAY	0	0	1	1	1	0	0	0	0	0	0	0	3
DRUGS	1	0	0	0	1	1	0	0	0	0	0	0	3
THEFT FROM VEHICLE	0	0	0	1	1	0	1	0	0	0	0	0	3
Grand Total	14	17	10	16	30	16	13	19	6	17	14	13	185

Top Streets

Street Name	Total
HAREHILLS LANE	43
BECKETT STREET	15
ROUNDHAY ROAD	11
HAREHILLS ROAD	8
COMPTON ROAD	5
ASHLEY ROAD	5
KARNAC ROAD	4
BROUGHTON AVENUE	3
BAYSWATER ROAD	3

The worst affected street for alcohol related offences within Harehills by a significant margin was Harehills Lane. 37 of the 43 crimes took place in shops, the majority being Sainsburys and Morrisons. Harehills Lane is a major thoroughfare through the area and would be expected to feature near the top of this list. Beckett Street was next with 15 offences - all of these took place in or around the vicinity of St James' Hospital. The majority of offences that occurred at this location were due to individuals who had been discharged from the hospital shouting and swearing and becoming violent.

Of the 185 alcohol related offences within the twelve month period, 116 were committed in a public place and 84 were committed within a dwelling.

Of the 116 offences committed in a public place, 29 occurred within supermarkets, seven at convenience stores, two at public houses and 48 were committed in the street.

The peak times for alcohol related crimes in public places between March 2011 and February 2012 were from the early evening through to the early hours of the morning (between 17:00 and 02:00). The majority of the offences occurred between Friday and Sunday.

**ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES FOR THE AREA OF
HAREHILLS
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 (as amended).

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 Harehills

The Area defined to the West along Harehills Avenue from Gledhow Valley Road. South on to Spencer Place, on to Pasture Road, South onto Back Hares Mount and then continue South along Back Rossington Road across to Gathorne Terrace to the junction with Roundhay Road. West along Roundhay Road and South onto Grant Avenue which leads into Rosebud Walk. North onto Gledhow Road up to the border of St James Hospital and east to Stanley Road. South down Stanley Road and East along Compton Road onto Foundry Approach. North along Foundry Place across Hovingham Grove/Junction Hovingham Avenue. Northwards to Easterly Road and West along Easterly Road to junction with Roundhay Road, North on to Roundhay road then to Gledhow Valley Rd and back to junction with Harehills Avenue.

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, Seacroft, Leeds LS14 6NN, and Leeds City Council's Compton Centre at the junction of Compton Road and Harehills Lane, Leeds, LS9 7BG. Alternatively you can view the information at 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.

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, The Reginald Centre, 263 Chapeltown Road, Leeds, LS7 3EX by no later than **29th May 2012**

Alternatively you can contact us through the Leeds Community Safety website www.leeds-csp.org.uk.

Tom Riordan
Chief Executive
Leeds City Council
1st May 2012

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

