

LICENSING COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON TUESDAY, 6TH OCTOBER, 2009 AT 10.00 AM

MEMBERSHIP

Councillors

D Wilson (Chair) - Rothwell;

S Armitage - Cross Gates and Whinmoor;

M Dobson - Garforth and Swillington;

J Dunn - Ardsley and Robin Hood;

T Grayshon - Morley South;

T Hanley - Bramley and Stanningley;

G Hyde - Killingbeck and Seacroft;

V Morgan - Killingbeck and Seacroft;

B Selby - Killingbeck and Seacroft;

A Castle - Harewood:

R D Feldman - Alwoodley;

D Hollingsworth - Burmantofts and Richmond

Hill;

L Rhodes-Clayton - Hyde Park and Woodhouse;

C Townsley - Horsforth;

G Wilkinson - Wetherby;

Agenda compiled by: Tel No:

Governance Services

Civic Hall

LEEDS LS1 1UR

Helen Gray 247 4355

AGENDA

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS	
			To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)	
			(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)	
2			EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC	
			To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.	
			2 To consider whether or not to accept the officers recommendation in respect of the above information.	
			3 If so, to formally pass the following resolution:-	
			RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			LATE ITEMS To identify items which have been admitted to the agenda by the Chair for consideration (The special circumstances shall be specified in the minutes)	
4			DECLARATIONS OF INTEREST To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct	
5			APOLOGIES FOR ABSENCE	
6			MINUTES	1 - 6
			To approve the minutes of the last meeting held on 4 th August 2009. (Copy attached)	
7	All Wards;		POLICE PRESENTATION ON CITY CENTRE CRIME AND LICENSING ISSUES To consider a short introductory report by the Assistant Chief Executive (Corporate Governance) in support of a presentation by West Yorkshire Police on current issues relating to policing policy; licensing related crime; and the management of the night time economy within Leeds City Centre (Report attached)	7 - 8

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8	All Wards;		BEST BAR NONE SCHEME	9 - 12
			To consider the report of the Assistant Chief Executive (Corporate Governance) advising the Committee of the Best Bar None scheme currently delivered by Leeds Community Safety as part of the Leeds Pubwatch scheme	
			(Report attached)	
9	Calverley and Farsley;		DESIGNATED PUBLIC PLACES ORDER - FARSLEY	13 - 24
			To consider the report of the Assistant Chief Executive (Corporate Governance) setting out proposals for a Designated Public Places Order to be made to cover the Town Street and surrounding area within Farsley.	
			(Report attached)	
10	Kippax and Methley;		PROPOSED DESIGNATED PUBLIC PLACES ORDER (DPPO) KIPPAX; ALLERTON BYWATER AND GREAT PRESTON	25 - 36
			To consider the report of the Assistant Chief Executive (Corporate Governance) setting out proposals for a Designated Public Places Order to be made to cover the centre of Kippax; Allerton Bywater and Great Preston.	
			(Report attached)	
11			DATE AND TIME OF NEXT MEETING	
			To note the date and time of the next meeting as Tuesday 1 st December 2009 at 10.00 am	

Licensing Committee

Tuesday, 4th August, 2009

PRESENT: Councillor R D Feldman in the Chair

Councillors S Armitage, M Dobson, T Grayshon, G Hyde, V Morgan, B Selby,

A Castle and G Wilkinson

IN ATTENDANCE – Ms H Blake, Festival Republic Ltd

11 Election of the Chair

The Clerk reported that Councillor Wilson had tendered his apologies due to ill health and sought a nominee from the Committee to Chair the meeting.

Councillor R D Feldman was duly nominated as Chair by Councillor Wilkinson and seconded by Councillor Armitage.

RESOLVED – Councillor Feldman took the Chair for the meeting with the support of the Committee

12 Declarations of Interest

The following Members declared personal/prejudicial interests for the purposes of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct

Councillor A Castle – Item 10 The Leeds Festival Event Management Plan – declared a personal interest as a resident of Thorner, as village benefited from the Community Fund established by the event organisers (minute 19 refers)

13 Apologies for Absence

Apologies were received from Councillors Dunn; Hanley; Townsley and Wilson

14 Minutes

RESOLVED – That the minutes of the meeting held 2nd June 2009 be agreed as a correct record

15 Police Presentation on City Centre Crime and Licensing Issues

This item was adjourned from the meeting as representatives of West Yorkshire Police were unable to attend due to urgent work commitments **RESOLVED** – That the report and presentation be brought back to an appropriate Committee meeting.

16 Consultation Process for Gambling Act 2005 Statement of Licensing Policy

The Assistant Chief Executive (Corporate Governance) submitted a report setting out the progress of the review of the Gambling Act 2005 Statement of Licensing Policy for the Authority, as required by the Gambling Act 2005.

The report set out the consultation process required prior the adoption of the revised Policy to cover 2010-2013 by full Council in December 2009. A first draft of the Policy had previously been sent out for consultation with Responsible Authorities and Legal Services. Comments had been received from West Yorkshire Police and LCC Social Care respectively and amendments had been made accordingly.

A copy of the Interim Consultation report which included the amendments was included at Appendix 1 of the report. Public consultation commenced on 3 August 2009 for a period of 9 weeks and a copy of the Public Consultation Draft which had been despatched to all libraries, council offices and was available on the LCC website, was included at Appendix 2. The Public Consultation Draft contained a "Change Document" which summarised the proposed changes from the 2007-2010 Policy.

It was noted that all Members of Council had been invited to participate in the public consultation.

RESOLVED – That the contents of the report and the timescales for public consultation be noted.

17 Large Casino Licence Project

The Assistant Chief Executive (Corporate Governance) submitted a report on the current position with regards to the Large Casino Premises Licence for Leeds. The report also detailed the next steps in the licensing process and the delegated responsibilities for the Licensing Committee within that process.

Members noted the preparations for the forthcoming competition process and proposals to establish an Advisory Panel to offer independent advice and scrutiny on the scoring methodology and quality of competing bids for the Licence.

It was reported that an independent consultant had been approached to provide training to Members prior to receipt of any applications. It was noted the consultant had undertaken a survey of the current gambling trade in Leeds and had concluded that 4-5 operators may submit applications, particularly if a city centre site near to the existing entertainment centre could be sourced. Members commented on the anticipated prolonged application process having regard to the fact that applicants may object to other applications and appeals may be lodged against subsequent decisions. Officers anticipated the Casino Licence may be granted in 2011/2012 and reported their intention to produce progress reports throughout the process.

RESOLVED – To note the contents of the report and the intention to present quarterly progress reports to the Committee

Proposed Procedure to be adopted where Parties agree Conditions to be applied to Premises Licences and Club Premises Certificates

Further to minute 9 of the meeting held 2 June 2009 when Members received a report on the outcome of recent High Court case (the "Somerfield case"), the Committee received a further report setting out proposals which would allow a hearing to be dispensed with if all parties agreed in certain cases. The report also suggested amendments to the existing arrangements for reaching agreements between parties and the applicants.

It was noted the revised process would allow the parties to reach agreement, dispense with the need to attend a hearing and therefore allow a Sub Committee to deal with the application administratively. Such applications could be scheduled to be dealt with at the start or end of a Sub Committee meeting.

Members were reminded that full consideration of the measures proposed and agreed between the parties would be required prior to their acceptance and grant of any application. Officers clarified that if Members were unsure as to the appropriateness or necessity of any agreed measures, or have any queries whether the matters could be covered by other legislation, determination of the application could be adjourned to another specified hearing date and the parties be invited to attend.

Members were reassured that this new process would not have a negative impact on the right of members of the public to make representations and attend hearings as the majority of applications which were likely to be dealt with in this way would be those which had attracted representations only from the responsible authorities.

Appended to the report was a flow chart outlining the process.

RESOLVED - That approval be given for the process for dispensing with hearings where all parties have reached agreement, as outlined in Appendix A of the report. The Committee requested a review of the implications of the new process for the hearing schedules in 6 months

The Leeds Festival 2009 - Event Management Plan for the 2009 Event
The Assistant Chief Executive (Corporate Governance) submitted a report
providing an update on the receipt of information in respect of the Event
Management Plan (EMP) for the Leeds Festival 2009 scheduled to be held in
the grounds of Bramham Park over August Bank Holiday weekend.

Appended to the report was a schedule providing a summary changes (Appendix 1) from the 2008 EMP. Appendix 2 contained a checklist of information awaiting submission.

Ms H Blake attended the meeting on behalf of Festival Republic Limited, the event promoters – and during discussions with the Committee provided the following information:

- the final EMP would be drafted this weekend for submission during the early part of next week which would confirm the details of all the project managers
- the Traffic Management Plan, previously presented to Members in April was now in place and would not be altered prior to the event
- an application had been lodged to vary the Designated Premises Supervisor for the event. The new DPS had considerable experience with Festival Republic Ltd
- telephone numbers for complaint hotlines for the public and local residents to contact during the event had been established
- 20,000 early attendees were expected on site on the Wednesday of the event weekend.
- Publicity for the proposed road closures and approved traffic routes had already commenced. Individual letters had been sent to each household on the electoral register for Thorner, Scholes, Barwick-in-Elmet and Bramham, and to properties on the A64 and along the proposed One-Way system. Information had also been included in local parish magazines. Prior to the event 2 press releases for radio and newspaper use would be sent and a second set of letters would be despatched to effected householders containing the public hotline numbers. Extensive signage along the approved traffic routes would also be erected prior to the event.

In response to Members concerns about complaints from local residents made directly to them during the event and their need to contact relevant officers, Ms Blake offered to supply her personal contact number to Committee Members along with the numbers of the 4 direct on-site office telephones.

Members also queried whether there were any measures in place to tackle fraudulent on-line sales of tickets which had been reported last year. Re-sale of tickets was not illegal but it was noted that on-line ticket touts were an issue for the police and Trading Standards to address. If the event promoter became aware of such sites they would report them, but there was little the company could do in terms of prevention except warn prospective festival goers not to purchase tickets from websites other than the Festival Republic Ltd website.

The Committee noted the comment that constituents of the Harewood ward were happy with the arrangements for the event so far and the quick response from Ms Blake to any issues which had been raised with her. Members also noted that a dedicated company to control vehicle movements within the event site had been contracted this year having regard to the impact of bad weather on the condition of the access routes and drop-off points within the site last year.

Officers outlined the steps available for the Committee to take in respect of the approval of the Event Management Plan.

RESOLVED – That the Event Management Plan as submitted be approved and

- a) That the Assistant Chief Executive (Corporate Governance) be authorised to approve any minor amendments to the Event Management Plan prior to the start of the event
- b) To note that direct contact numbers for Ms Blake for the duration of the Leeds Festival will be made available to Committee Members in due course

20 Any Other Business

Best Bar None

- Members attention was drawn to the Best Bar None campaign, sponsored by LCC Safer Leeds; 96.3 Radio Aire; Yorkshire Radio and MRS Communications and supported by the licensing trade.
- Concern was expressed that some licensed premises within Leeds which had gained accreditation from the scheme had previously undergone a Review of their Premise Licence by a Sub Committee.
- Members were keen to understand the nomination and accreditation process and whether there was a process to remove accreditation. RESOLVED – That a report on the nomination and accreditation process for the Best Bar None scheme be presented to the next appropriate Committee meeting

Member Training

- Officers reported on proposals to run training a session for the Licensing Committee Members. It was noted arrangements could be made for Tuesday 8 September 2009 as the Licensing and Regulatory Panel originally scheduled for that day had been cancelled
- Training was likely to cover issues relating to Reviews
- Members requested that guidance be provided on Section 190 of the 2003
 Act pertaining to "alcohol point of sale" having regard to the recent number of
 applications which would allow off-licence proprietors to provide an alcohol
 delivery service

RESOLVED – To note the proposals to hold a Member training session on Tuesday 8th September 2009

21 Date and Time of Next Meeting RESOLVED –

- a) To note the date and time of the next meeting as Tuesday 6th October 2009 at 10.00 am
- b) To note the proposals for a training session for Licensing Committee Members on Tuesday 8th September 2009

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Ag**Agen**da Item

Originator: Gill Marshall

Tel: 2478822

Report of the Assistant Chief Executive (Corporate Governance)

To: Licensing Committee

Date: 6 October 2009 (4 August 2009)

Subject: Police Presentation on City Centre Crime and Licensing Issues

Electoral wards affected:	Specific implications for:
All	Ethnic minorities
	Women
	Disabled people
	Narrowing the gap

Executive Summary

 This report introduces a presentation by West Yorkshire Police to inform Members of current policing policy and regarding licensing related crime and management of the night time economy within the Leeds City Centre.

1.0 Purpose of this report

1.1 The purpose of this report is to advise Members that West Yorkshire Police will be attending the Licensing Committee Hearing on 4 August 2009 to provide a presentation to Members on the police perspective on licensing related crime and disorder issues within the city centre.

2.0 Background information

- 2.1 The Licensing Committee Terms of Reference include the power to receive reports from, and to make recommendations and representations to other committees or bodies as appropriate.
- 2.2 Under the Licensing Act 2003 the police are a responsible authority with the power to make representations about individual licence applications.
- 2.3 The statutory guidance issues under the provisions of Section 182 of the Licensing Act 2003 provides at paragraph 1.21 "The Licensing Authority should work with all partners to deliver the licensing objectives, includes responsible authorities, the licensed trade, local people and businesses, town centre managers, crime and reduction partnerships, performers and local transport authorities and operators."

2.4 The Statement of Licensing Policy 2007-2010 provides that the Council will monitor the effect of the policy through regular meetings with the responsible authorities.

3.0 Main issues

- 3.1 West Yorkshire Police will be in attendance at the Licensing Committee meeting on 4 August 2009 to make a presentation on city centre related issues.
- 3.2 After discussion between the police and council officers, it is anticipated that this presentation will be the first in a regular series by West Yorkshire Police to update Members on policing policy and licensing issues generally.

4.0 Implications for council policy and governance

4.1 Receiving information from the police in this manner is in line with terms of reference, the recommendations of the statutory guidance and the Council's own licensing policy.

5.0 Legal and resource implications

5.1 There are no legal or resource implications arising from this report.

6.0 Conclusions

6.1 That Members should receive the presentation from West Yorkshire Police.

7.0 Recommendations

7.1 That Members note the contents of the presentation.



Agenda Item 8

Originator: Keith Lawrance

Tel: 50840

Report of the Assistant Chief Executive (Corporate Governance)

Licensing Committee

Date: 6th October 2009.

Subject: Best Bar None Scheme

Electoral Wards Affected:	Specific Implications For:
All	Ethnic minorities
	Women
	Disabled people

Executive Summary

This report advises the Licensing Committee of the Leeds best Bar None scheme which has operated in Leeds for the past 4 years. The report sets out the background, accreditation process and current membership of the scheme together with an update on recent winners. Finally, officers recommend that the contents of this report are noted.

1.0 Purpose of this report.

- 1.1 This report is prepared to offer clarification on the Best Bar None scheme currently delivered across Leeds by Leeds Community Safety as part of the Leeds national Pubwatch scheme.
- 1.2 The report is written in response to an expressed desire of Members of the Licensing Committee to learn more about the nomination and accreditation process for the scheme. This desire was expressed at the Licensing Committee 4th August 2009. It is within the terms of reference of the Licensing Committee to receive reports of this nature.

2.0 Background Information.

- 2.1 Best Bar None was first introduced in Manchester in 2003 and has had a great success in reducing alcohol related crime, violence and drink related harm. Since then the scheme has been successfully introduced in over 100 towns and cities nationwide with the same level of success as achieved in North West England.
- 2.2 Best Bar None provides an incentive to the operators of licensed premises to improve their standards of operation to a commonly agreed national benchmark.
- 2.3 Best Bar None aims to reward licensees who provide good management, a safe and enjoyable environment for customers, discourage binge drinking and prevent alcohol-related crime. It seeks to encourage licensees to act responsibly and take pride in their premises and surroundings and, in doing so, contribute to their Town and their local community.
- 2.4 The rewards for licensees include, the prestige of being part of the awards scheme, increased business within the area and lower insurance premiums resulting from the fact that they are running safer establishments. Accreditation brings significant benefits and kudos to the venue.

3.0 Main Issues.

3.1 Members at the last meeting of the Licensing Committee expressed a desire to be Informed of how premises gain the accreditation. Members were concerned that some existing licensed premises accredited under the scheme, had been subject to reviews before Licensing Committee. Members were further concerned that premises that had operated in a manner which undermined the licensing objectives remained accredited.

Assessment and accreditation.

3.2 The assessment process is robust. The assessment of venues is carried out by a trained, accredited team of impartial assessors who will ensure a consistent

approach. Assessors are required to attend a two day course which culminates in an examination.

- 3.3 The assessment criteria are clear and straightforward and constructive feedback is provided to all entrants to assist in future development. The criteria used by assessors is contained in a 50 page accreditation package. This document will be available for Members to peruse at the Committee hearing.
- 3.3 Since 2007 Best Bar None has been in partnership with the Home Office and the British Institute of Innkeepers, the professional body for the licensed trade. An independent board has been formed to foster future development of the scheme nationwide and an annual conference of all participating regions is now into its second year.
- 3.4 For the participating venue the scheme offers an opportunity to promote its venue to potential customers and all premises accredited under the scheme receive a plaque for public display. Accredited premises are also able to include Leeds Best Bar None promotional advertising and all premises are included in Leeds City Council tourist information as well as the Leeds Best Bar None website.
- 3.5 Currently Leeds has 65 participating premises, mostly in the city centre although a major recruitment drive will take place in 2010 to recruit public houses in the outer areas to link in with the planned expansion of the Leeds Pubwatch scheme.
- 3.6 The most recent award winners in Leeds for 2009 were:

Pub: ViaductClub: FlaresBar: Napa

• Best Door-team: Leeds University

Radio Aire Listeners Award: Northern Monkey

Removal of accreditation.

- 3.7 In the event of any accredited premises having their license withdrawn by the Licensing Committee or are found guilty of a criminal matter, this would bring disrepute to the Leeds scheme. This issue would be taken seriously.
- 3.8 The removal of an accreditation would be a matter for the management committee of the local Pubwatch scheme to which the premises in question belonged. The management committee would be authorised to withdraw the accreditation if they were satisfied this was an appropriate sanction. This has happened in other parts of the country.

4.0 Implications for Council Policy and Governance

There are no implications for Council Policy or Governance arising from this report.

5.0 Legal and Resource Implications

5.1 No significant resource implications identified.

6.0 Recommendations

6.1 That Members are invited to note the contents of this report.



Agenda Item 9

Originator: Noreen Khan

Tel: 39 51167

Report of the Assistant Chief Executive (Corporate Governance)

Committee: Licensing Committee

Date: 6th October 2009

Subject: Designated Public Places Order Farsley

Electoral wards affected:	Specific implications for:
Farsley/Calverley ward	Ethnic minorities
	Women
	Disabled people
	Narrowing the gap

Executive Summary

This report sets out the proposal for a Designated Public Place Order to be made covering the Town Street and surrounding area of Farsley. It summaries the evidence to support such an Order, the consultation and legal implications if Members resolve to make the Order.

1. Purpose of this report

1.1 It is proposed that Farsley 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).

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 There is a fixed penalty for the offence of £50. If an arrest is necessary, the penalty on conviction is a fine of up to £500.
- 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 Page 13

authorised public entertainment 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.

3.0 Existing powers

- 3.1 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.
- 3.2 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.

4.0 Supporting evidence

4.1 Evidence has been sought from West Yorkshire Police regarding the history of drinking related anti-social behaviour in the Farsley area, and a summary of that evidence appears at Appendix 1.

5.0 Consultation

- 5.1.1 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 Calverley Farsley Elected Members and Elected Members of the Outer West Area Committee, West Yorkshire Police, North West Divisional Community Safety Partnership and the Anti-Social Behaviour Panel.
- 5.2 In addition, 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.
- 5.3 Methods of consultation included:
 - Letters to licensees.
 - Letter to West Yorkshire Police.
 - Discussions at meetings of the North West Divisional Community Safety Partnership meetings.
 - Discussions at the Anti-Social Behaviour Panel.
 - Discussions with the Police Inspector for Outer West and the Outer West multiagency tasking meeting.
 - Direct consultation with licensees at the Farsley Licensees (Pub Watch) Meeting.
 - Direct consultation with Area Committee.

- Media article resulting in two letters from members of the public supporting the proposal.
- Questionnaires undertaken by the local PCSO's with members of the public and local businesses with 51 comments of support for the scheme and 2 against. (see appendix 4)
- Publication of an "Order of Notice" via the Pudsey Times (Appendix 2) published on 13th September 2009 and expired on 10th September 2009. Copies have been available at Farsley Library Pudsey One Stop Centre, Pudsey Police Station and the Council's internet site.
- A map showing proposed boundaries is presented at Appendix 3. A consultation on the boundary has been undertaken by the methods mentioned above. From the consultation a slight amendment has been made to the proposed boundary to include Newland, taking in Farsley Celtic and Farsley Beck Bottom footpath, where concerns have been raised in relation to Anti-Social Behaviour and the lighting of secondary fires around Farsley Beck Bottom footpath.
- 5.5 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.
- 5.6 The design for the signs has already been established as a result of previous DPPOs established in the city.

6.0 Consultation findings

At the time of writing this report, 51 questionnaires have been received supporting the Order, and 2 objections have been received. All agencies and groups consulted support the Order. The deadline for advice to the "Order of Notice" was 10th September 2009 and any comments received between the time of writing this report to Licensing Panel will be presented verbally.

6.2 Visits to licensees by Inspector Cawkwell

Recently public houses in Farsley were visited by Inspector Cawkwell and licensees spoken to. When they were informed that a Designated Publix Places Order was to be considered, there was no particular opinion expressed "either way". Most of them were keen to state that they managed their businesses properly and deterred people from drinking on the pavement.

Shortly after speaking to the licensee of the Village bar, a member of the public was seen drinking on the pavement outside the premises and was advised to step onto the outside decking. What is clear to see here is how older people may feel intimidated at the thought of walking past people consuming alcohol in the street.

The Police would support the application for a Designated Public Places Order based upon data to hand, observations and anecdotal evidence of on street drinking.

7.0 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

- 7.1 All costs associated with the consultation process and signage have been approved by the Outer West Area Committee at their meeting on 10th July 2009
- 7.2 Set out below are approximate costs:

Advertisement in local press £800 (approx)

Signage (including fixing to post/wall)
 £250 (approx)

Posters for licensees £100

Additional policing at peak periods £4,809.00

8.0 Recommendations

- 8.1 Licensing and Regulatory Panel:
 - (i) Make a Designated Public Places Order in respect of the Farsley area 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.

Appendix 1

Research showing the history and evidence of anti-social drinking and disorder in the proposed Farsley designated area

1. Introduction

- 1.1 Before it can consult in 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 the Farsley area, there is already evidence of such problems from a number of sources. These can be summarised as evening and 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 Farsley

2.1 The town centre has 20 licensed premises which includes public houses, social clubs and off Licensees premises. The map at Appendix 3 shows the location (green dots) of the public houses/bars, and highlights the boundary for the proposed DPPO

3. Anti-social behaviour

3.1 Most anti-social behaviour attributed to drink in Farsley Town Street centre tends to occur on Friday and Saturday evenings. Debris associated with drinking, such as bottles and glasses, will be found in the streets the following morning. Street Scene Services are supporting the DPPO for Farsley, as experience from other DPPOs shows it will reduce the amount of glass, bottles, cans and associated litter.

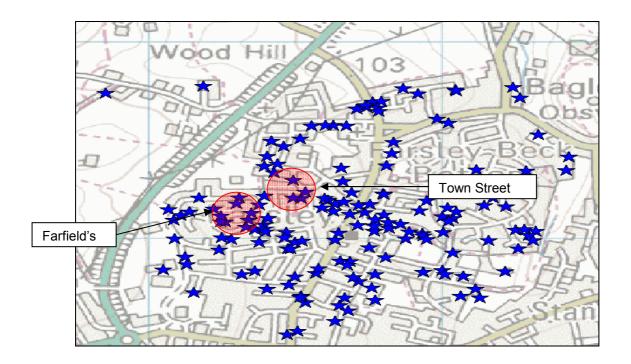
4. Crime and disorder

4.1 The tables and map below shows the number of Anti Social Behaviour and alcohol related offences committed over the last year.

4.2 Anti-social behaviour incidents

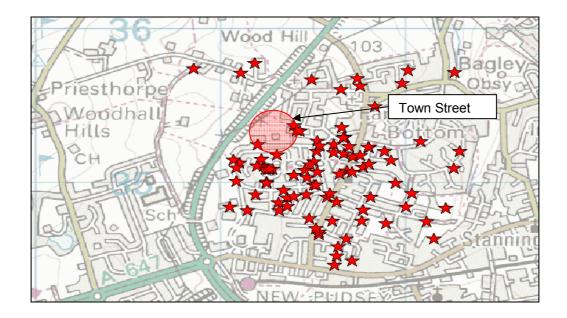
Anti-Social Behaviour figures have been produced from Inca files from Ibis logs, due to the current problems associated with ASB and STORM. Search words used: 'Alcohol', 'Drink' and 'Drunk'.

During the time period 03/04/08-31/03/09 there was **336** ASB incidents reported in the Farsley area. As per the map below, there are two main hotspot areas surrounding Town Street and the Farfield's.



4.3 Anti-Social Behaviour 01/04/07-31/03/08-

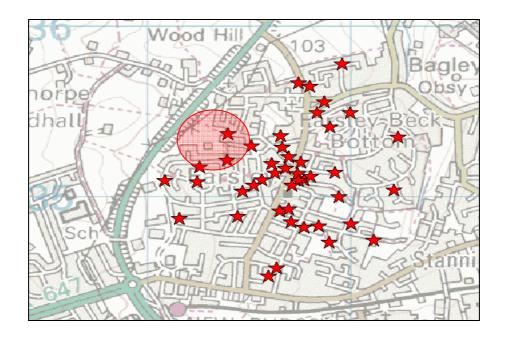
During the period 01/04/07-31/03/08 **268** incidents of Anti-Social Behaviour were reported in the Farsley area. The incidents are slightly more spread out however a hot spot is also apparent surrounding Town Street.



5.0 Alcohol related Incidents 01/04/07-31/03/08-

79 of the Anti-Social Behaviour incidents were Alcohol related 29% of the overall Anti-Social Behaviour incidents reported in Farsley. Again as in the above map incidents appear slightly spread out however there is a definite grouping surrounding Town Street and to the West leading to the Farfield's.

Of Note: no Anti-Social Behaviour incidents were reported within Farsely between 01/01/08-31/03/08



Alcohol related Anti Social Behaviour incidents 03/04/08-31/03/09

5.1 Top Locations:

There were 15 Streets targeted on 2 or more occasions. Below are the top 4:

9
9
7
4

Of the nine incidents reported on Burton Street 90% occurred Thursday-Saturday late evening. All of the offences are related to groups of youths in and around the playing fields consuming alcohol and causing disruption, including damage to motor vehicle. Of the nine incidents eight of which were Rowdy behaviour and one instance of street drinking.

The nine incidents reported on Town Street, 80% occurred during the night with no link to peak days. Eight of the incidents were Rowdy Behaviour with one instance of Emergency service hoax. Over half of the incidents occurred in and around public houses on Town Street. Other incidents include large groups of youths drinking in excess and causing nuisance in the street.

Temporal Analysis:

The peak days for incidents were Friday (29), Saturday (20) and Sunday (13). There are two potential peak times between 18:00 hrs and 20:00 hrs and 21:00 hrs.

Anti Social Behaviour Incident Type:

The two tables below show the ABS incident type for both time periods.

ASB Type	03/04/08- 31/03/09
ASB, Rowdy Behaviour	71
ASB, Street Drinking	4
ASB, Neighbour Dispute,	3
ASB, Noise	2
ASB, Emergency Service	1
Hoax	

There were 71 calls relating to Rowdy Behaviour, 28 of the offences were reported on a Friday between the hours of 20:00and 22:00.

ASB Type	01/04/07- 31/03/08
ASB, Loutish Behaviour	45
ASB, Drunkenness	28
ASB, Noise	3
ASB, Neighbour dispute	2
ASB, Domestic	1
ASB, Emergency Service	1
Hoax	

THE ORDER FOR PUBLICATION PRIOR TO THE DPPO BEING OBTAINED

LEEDS CITY COUNCIL

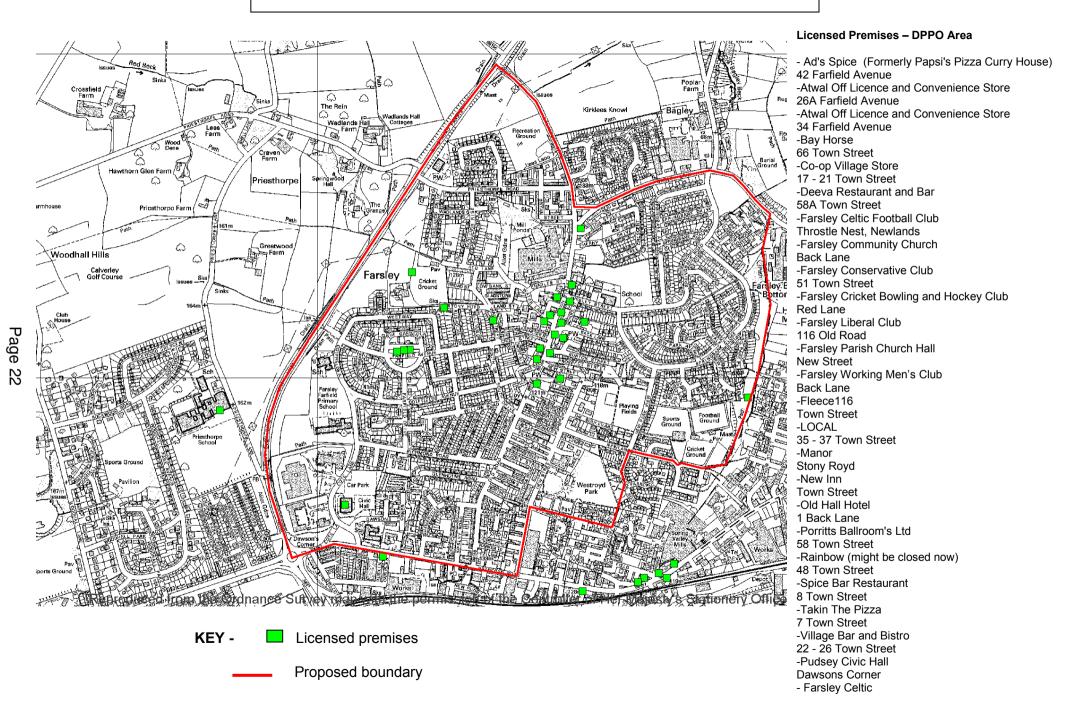
CRIMINAL JUSTICE AND POLICE ACT 2001

- NOTICE is hereby given that Leeds City Council (hereinafter called "the Council"), in accordance with the powers under Section 13, Sub-Section 2 of the Criminal Justice and Police Act 2001, intends to make an Order designating areas in the town of Farsley, as places where alcohol consumption would be regulated by the Designated Public Order No.2 2009 (hereafter referred to as "Designated Public Places Order" to come into effect on 20th November 2009.
- 2. This Order provides for the designation of an area comprising to the north, Bagley Lane & Calverley Lane, to the south Bradford road, to the east New Park View & Springbank Ave, and to the west Ring Road Farsley, Including Farfields, Westroyd Park, Farsley Rec and Hainsworth Park, so that it will become an offence for any person to drink alcohol after being required by a Police Officer not to do so. The Order also provides powers for the Police to confiscate and dispose of any alcohol and containers in the person's possession, and creates an arrestable offence if any person fails, without reasonable excuse, to comply with a Police Officer's request under the Order.
- 3. Copies of the draft Order, accompanying map and a list of road names may be inspected at Farsley Library, Pudsey Town Hall Area Management office 3rd Floor and Pudsey Police Station in normal office hours. The Order may also be viewed via the Leeds City Council website at www.leeds.gov.uk
- 4. Notice is also given that for a period of 28 days from the date of publication of this Notice, it is open for any resident of Leeds or any proprietor of commercial premises in Leeds to make representations to Leeds City Council regarding the confirmation of this Order to the person named below.
- 5. Notice is further given that any representations received during that period will be considered by the Council before it makes a final decision on the formal making of this Order.

Correspondence in writing to:
Gill Hunter
West North West Area Management Team
Pudsey Town Hall
Robin Lane
LS28 7BL

Dated 07/08/2009

PROPOSED DESIGNATED PUBLIC PLACES ORDER (DPPO) - FARSLEY



Appendix 4

Farsley Designated Public Places Order (DPPO) Consultation Feedback

Consultation was undertaken at the multi agency meeting on Farfield Ave and then within the following two weeks by local PCSO's on the streets of Farsley. Overall the consultation covered a range of people in the area.

Total number consulted by questionnaire:

53 responses51 supporting the scheme2 against the scheme

A selection of comments for the scheme:

'will stop gangs of youths drinking alcohol and leaving rubbish on Calverley lane recreation ground'

'worried about civil liberties'

'seems a good proposal'

'I would support this action to help prevent public disorder and petty crime'

'kids throwing balls & bottles in the garden, running through the garden causing nuisance......'

'fed up of people blocking the pavement'

'I think it is a good idea, the park is the place all young people gather with drink, it puts you off going on a night'

'broken glass bottles on path, roads and gardens also rubbish . See youths drinking in street. I back this project!'

Comments against the scheme:

'I would be happy with the proposal, if I could open my beer garden until 11pm like the new inn and the fleece, instead of 9pm'

'cause too much friction in the local community, only a select few that vandalise property so due tot his I don't feel it would be right to penalise everyone'

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Agenda Item 10



Agenda item:		
Originator: Noreen Khan		

Tel: 39 51167

Report of the Assistant Chief Executive	(Corporate (Governance)
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Committee:

Date: 6th October 2009

Subject: Proposed Designated Public Place Order (DPPO) Kippax , Allerton Bywater

and Great Preston

Electoral wards affected:	Specific implications for:
Kippax & Methley	Ethnic minorities
	Women
	Disabled people
	Narrowing the gap

Executive Summary

This report sets out the proposal for a Designated Public Place Order to be made covering the centre of Kippax, Allerton Bywater and Great Preston. It 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 It is proposed that Kippax, Allerton Bywater and Great Preston 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).

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 There is a fixed penalty for the offence of £40. If an arrest is necessary, the penalty on conviction is a fine of up to £500.
- 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 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.

3.0 Existing powers

- 3.1 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.
- 3.2 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.

4.0 Supporting evidence

4.1 Evidence has been sought from West Yorkshire Police and Street Scene Services regarding the history of drinking related anti-social behaviour in Kippax, Allerton Bywater and Great Preston, and a summary of that evidence appears at Appendix 1

5.0 Consultation

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 Kippax & Methley Elected Members, West Yorkshire Police, North East Divisional Community Safety Partnership, further statutory Page 26

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.

5.2 Methods of consultation included:

- Letters to licensees.
- Discussions with Superintendant Simon Atkin at North East Police Division
- Discussions at meetings of the North East Divisional Community Safety Partnership
- Discussions at Anti-Social Behaviour Panel
- Discussions with the Police Inspector (Christopher Jones) at Garforth Neighbourhood policing team
- Direct consultation via personal visits to all licensees on and off licensed premises from management at Garforth neighbourhood policing team
- Direct consultation with Area Committee members at Outer East Neighbourhood management tasking meeting
- Publication of an "Order of Notice" via the local press (Appendix 2) published on 27th August 2009 and expired on 24th September 2009. Copies have been available at Kippax Library, Garforth One Stop Shop, Garforth Police station and the Council's internet site.
- A map showing proposed boundaries is presented at Appendix 3. A consultation on the boundary has been undertaken by the methods mentioned above.
- 5.4 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.
- 5.5 The design for the signs has already been established as a result of previous DPPOs established in the city.

6.0 Consultation findings

At the time of writing this report, 3 letters have been received supporting the Order, and to date no objections have been received. All agencies and groups consulted support the Order. The deadline for advice to the "Order of Notice" was 24th September 2009, and any comments received between the time of writing this report to Licensing Panel will be presented verbally.

Feedback One: 'I am writing this note in support of the DPPO application which, I understand is to be applied for in Kippax. After a protected meeting down at Kippax Pool yesterday with the baths manager and several others including PC's Morrison and Gatele we observed as we came out from this meeting at approximately 5.45pm at car drive up and occupants all over 18 took several boxes of beer from a vehicle and started drinking whilst sitting on the picnic benches. I can fully appreciate the intimidation to ladies wanting to use the pool that will be caused by these people

being there, especially as the darker nights approach. Another incident that happened and was caused by drunken youths was the ladies who were trying to run a youth club in the Methodist Church were trapped inside the church by these youths once again caused by drink – please add my name to the list of people supporting this application.'

Feedback Two: 'Hoorah! Hope it goes ahead – the back of my house and gardens backs onto Chapel Lane, just in front of the Methodist Church in Kippax. A well known area for children and youths to gather and cause mayhem and anti-social behaviour. I'm always calling the Police. Not all of this behaviour can be blamed on drink but Fridays and weekends is another matter where I'm sure alcohol plays a part. The children/youths must steal the drink from somewhere home/shops? I see the children/youths with bottles of drink and whole boxes of cans of lager/cider.

As I do not frequent pubs and clubs in Kippax I cannot comment on people drinking outside them or on the pavement, but mornings following traditional drinking nights ie. Saturday, Sunday and Monday the pavements are filthy with drink containers, broken bottles, takeaway containers, papers, spilt food and vomit. So yes please please please ban alcohol on the streets, it's a great idea.'

Feedback Three: 'I understand there are major problems with youths drinking by the cemetery at the top of East View, Kippax at night so would fully support any scheme to help alleviate the problems.

I have lived in Allerton Bywater fro nearly 6.5 years and walk my dog around the localities at night. I cannot believe how much alcohol is consumed under the railway arch on Station Road, Kippax. This is a public bridleway and cycleway and I am always sweeping up broken glass for fear of my dog or horse standing on it. Parks and Countryside cannot keep up with the cleaning regime required.

The kids from around the Glencoes and surrounding areas drink there every night and we never see a copper around when we need one. I saw a young lad consuming a large bottle of Jack Daniel's so I did phone the Police for his own safety. I wish I could afford to buy the amount of booze they do. The Co-op car park in Kippax is another problem spot, and in front of the shops on the High Street.

- 7.0 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
- 7.1 All costs associated with the consultation process and signage have been approved by Outer East Neighbourhood Management tasking team at their meeting on 19th August 2009 .
- 7.2 Set out below are approximate costs:
 - Advertisement in local press £777.92 (statutory notice/consultation)

£700 approx (28 days notice implementation)

- Signage (including fixing to post/wall) £1,300 approx
- Posters for licensees

£200

8.0 Recommendations

- 8.1 Licensing and Regulatory Panel:
 - (i) Make a Designated Public Places Order in respect of Kippax, Allerton Bywater and Great Preston
 - (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 Kippax, Allerton Bywater and Great Preston designated area

1. Introduction

- 1.1 Before it can consult in 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 Kippax, Allerton Bywater and Great Preston area, 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 Kippax, Allerton Bywater and Great Preston

2.1 The town centre has 14 public houses and bars, which make it easy to carry drinks from pub to pub due to the proximity of each other. The map at Appendix 3 shows the location of the public houses/bars, off licenses, and highlights the boundary for the proposed DPPO. The licensed premises in area are:

Off License Premises:

- Sainbury's, Moorgate Road, Kippax
- Co-Op, High Street, Kippax
- The Paper Shop, High Street, Kippax
- Station Road News, Station Road, Kippax
- Woodend Mini Market Premier, Leeds Road, Allerton Bywater
- Patels, Westfield Grove / Leeds Road, Allerton Bywater

On License Premises:

- The Anchor, Allerton ByWater
- The Band Club, Kippax
- The Boat, Allerton ByWater
- The Central WMC, Kippax
- The Commercial, Kippax
- The Edward VII, Allerton Bywater
- The Ex-Servicemans, Kippax
- Kippax Welfare, Kippax
- The Moorgate, Kippax
- The New Inn, Great Preston
- The Old Tree, Kippax
- The Royal Oak, Kippax
- The Victoria, Allerton ByWater
- The White Swan, Kippax

3. Anti-social behaviour

3.1 Most anti-social behaviour attributed to drink in Kippax, Allerton Bywater and Great Preston centre tends to occur on Friday Saturday and Sunday evenings. 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 Kippax, Allerton Bywater and Great Preston, as experience from other DPPOs shows it will reduce the amount of glass, bottles, cans and associated litter.

4. Crime and disorder

4.1 The below table shows the overall levels of crime of alcohol related crimes in both districts over the last 12 months. Allerton Bywater has seen an increase of 56%, a rise of 10 offences. The increase observed in Allerton Bywater has primarily been assaults which have doubled from 7 offences in 07/08 to 14 in 08/09.

District	2007/2008	2008/2009
Allerton Bywater	18	28
Kippax	69	56
Total	87	84

4.2 The table below shows the total number of assault offences committed over the last year and during 2007/08. During 2008/09 there were 139 assaults and of these 60 had alcohol cited as a contributory factor. This equates to 43% of all assaults in this area. These offences were more prevalent during August with more offences being reported on Saturdays. The overall peak time for these offences was between 21:00 – 00:00 hours, peaking at 23:00 hours. This would suggest that these offences are highest at the point at which public houses are closing. Seven of the offences were alcohol was cited as a contributory factor actually occurred inside or directly outside a public house.

Crime Year	2007/2008	2008/2009	% Change
Assaults	107	139	30%

5. Violent crime hotspots

5.1 The map below shows the distribution of offences across the two districts during the last 12 month period 01/08/08 – 31/07/09 with assaults highlighted in red.



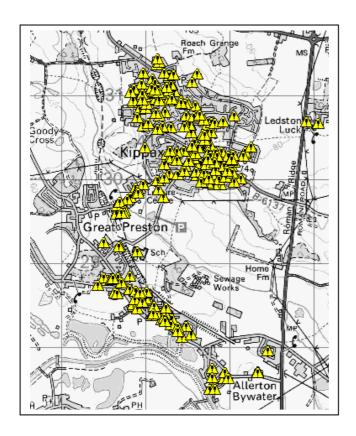
It can be seen from above that there is a hot spot of assaults in the Kippax District of the ward. Over the last 12 month period the greatest number of offences were on Leeds Road (9 assaults) followed by High Street and Station Road (each with 8 assaults). It is to be noted that these locations are particularly long streets and have a relatively high number of licensed premises and takeaway venues and are therefore areas where people congregate in groups.

6. Anti-social behaviour incidents

6.1 The below table shows the distribution of 'rowdy behaviour' calls across the last 12 months period compared to the previous 12 month period in each of the 2 districts.

District	2007/2008	2008/2009
Allerton Bywater	56	84
Kippax	253	321
Total	309	405

The distribution of calls in the last 12 months are shown on the map over the page. There are particular clusters of ASB calls on High Street and Leeds Road. 5 of the calls on Kippax High Street have been specifically related to alcohol. These have included calls relating to youths congregating and drinking. These calls in relation to this location have been most prevalent on Fridays between 19:00 – 21:00 hours. 4 calls in relation to Station Road, Kippax, cited alcohol as involved, these were in relation to youths drinking at the rear of the leisure centre.



6.3 There has been several initiatives delivered over the last two years in attempts to reduce alcohol related anti-social behaviour. This has involved the anti-social behaviour unit working closely with the police and neighbourhood wardens carrying out evening visits to parents of youths that have been stopped drinking alcohol in public places, alongside several test purchase operations.

ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES FOR THE AREA OF KIPPAX . GREAT PRESTON & ALLERTON BYWATER 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 Kippax, Allerton Bywater and Great Preston.

This area is defined to the north Selby Road (A63), to the south Station Road (Allerton Bywater) Leeds Road (Allerton Bywater), to the west Wakefield Road (A642), Whitehouse Lane, Preston Lane (Both Great Preston), and to the east Barnsdale Road and Ridge Road (A656).

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 Leeds City Council, Garforth One Stop Shop, Garforth Police Station and Kippax Library. 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.

The area includes the council owned premises at Kippax, Allerton Bywater and Great Preston which is the 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.1

Any representations as to whether or not the order should be made must be made in writing to Beverley Yearwood, East North East Area Management Team, 21 Savile Mount, Leeds, LS7 3HZ by no later than 24 September 2009. Alternatively you can contact us through the Leeds Community Safety website www.leeds-csp.org.uk.

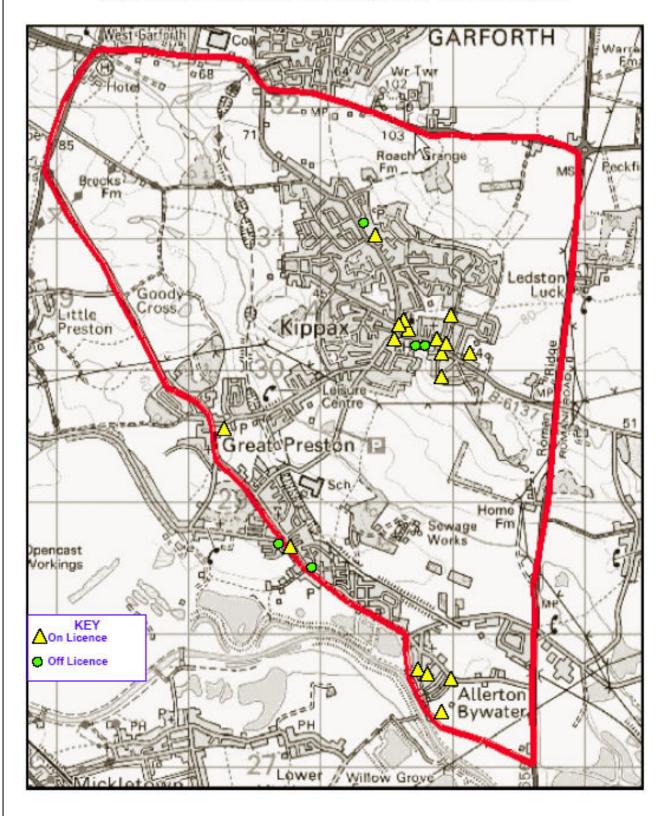
Paul Rogerson Chief Executive Leeds City Council

27 August 2009

Delete this para if there is no licensed public space or park Page 34

Kippax & Allerton Bywater (Proposed Designated Area)

Section 13 - Criminal Justice and Police Act 2001



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