



Report of the Assistant Chief Executive (Corporate Governance)

Committee: Licensing Committee

Date: 6th October 2009

Subject: Designated Public Places Order Farsley

Electoral wards affected:

Farsley/Calverley ward

Specific implications for:

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

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 multi-agency 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.

5.4 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

6.1 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 Public 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

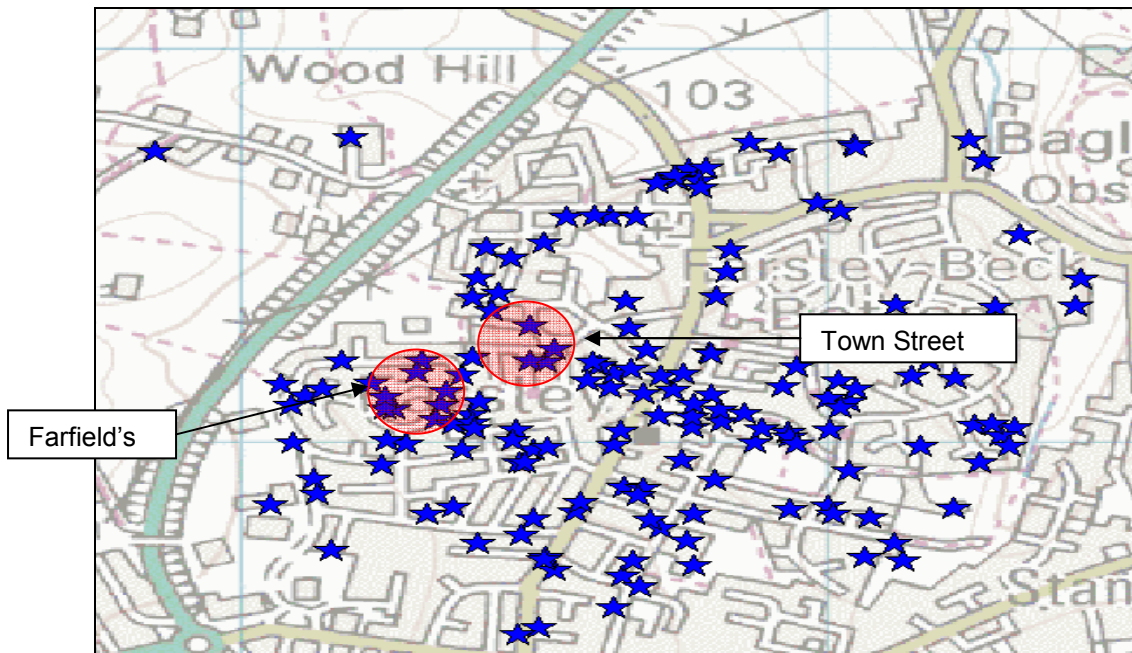
- 4.1 The tables and map below shows the number of Anti Social Behaviour and alcohol related offences committed over the last year.

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.

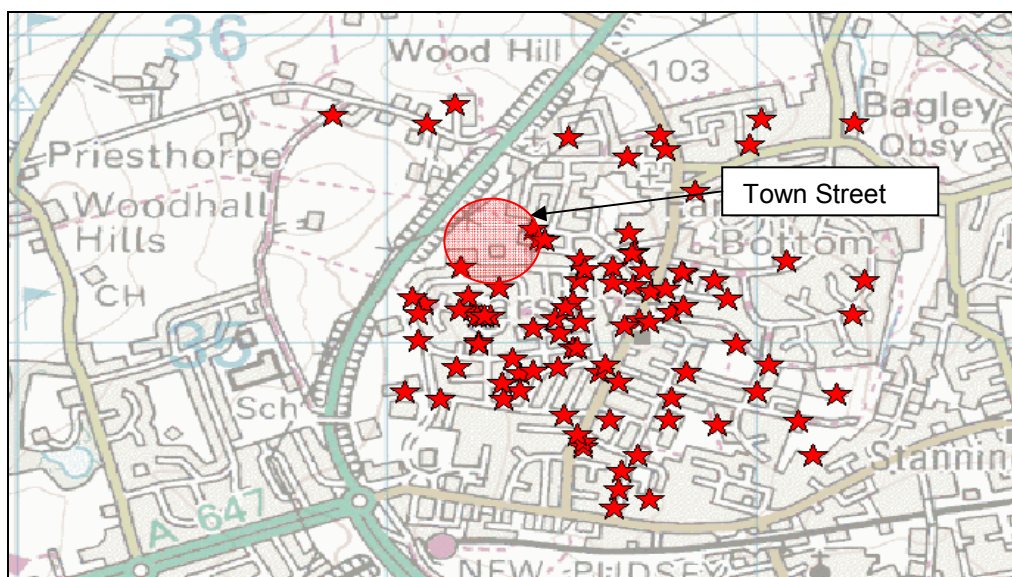
Search words used: 'Alcohol', 'Drink' and 'Drunk'.

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-

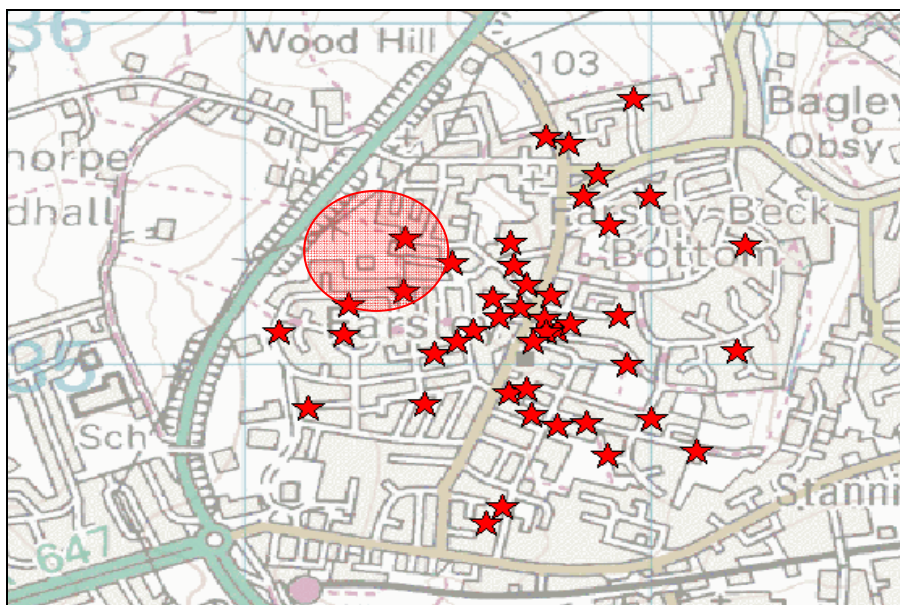
During the period 01/04/07-31/03/08 **268** incidents of Anti-Social Behaviour were reported in the Farsley area. The incidents are slightly more spread out however a hot spot is also apparent surrounding Town Street.



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 Farsley 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:

Burton Street	9
Town Street	9
Prospect Street	7
New Street	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 18:00hrs and 20:00hrs and 21:00hrs and 23:00hrs.

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 Hoax	1

There were 71 calls relating to Rowdy Behaviour, 28 of the offences were reported on a Friday between the hours of 20:00 and 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 Hoax	1

**THE ORDER FOR PUBLICATION
PRIOR TO THE DPPO BEING OBTAINED**

LEEDS CITY COUNCIL

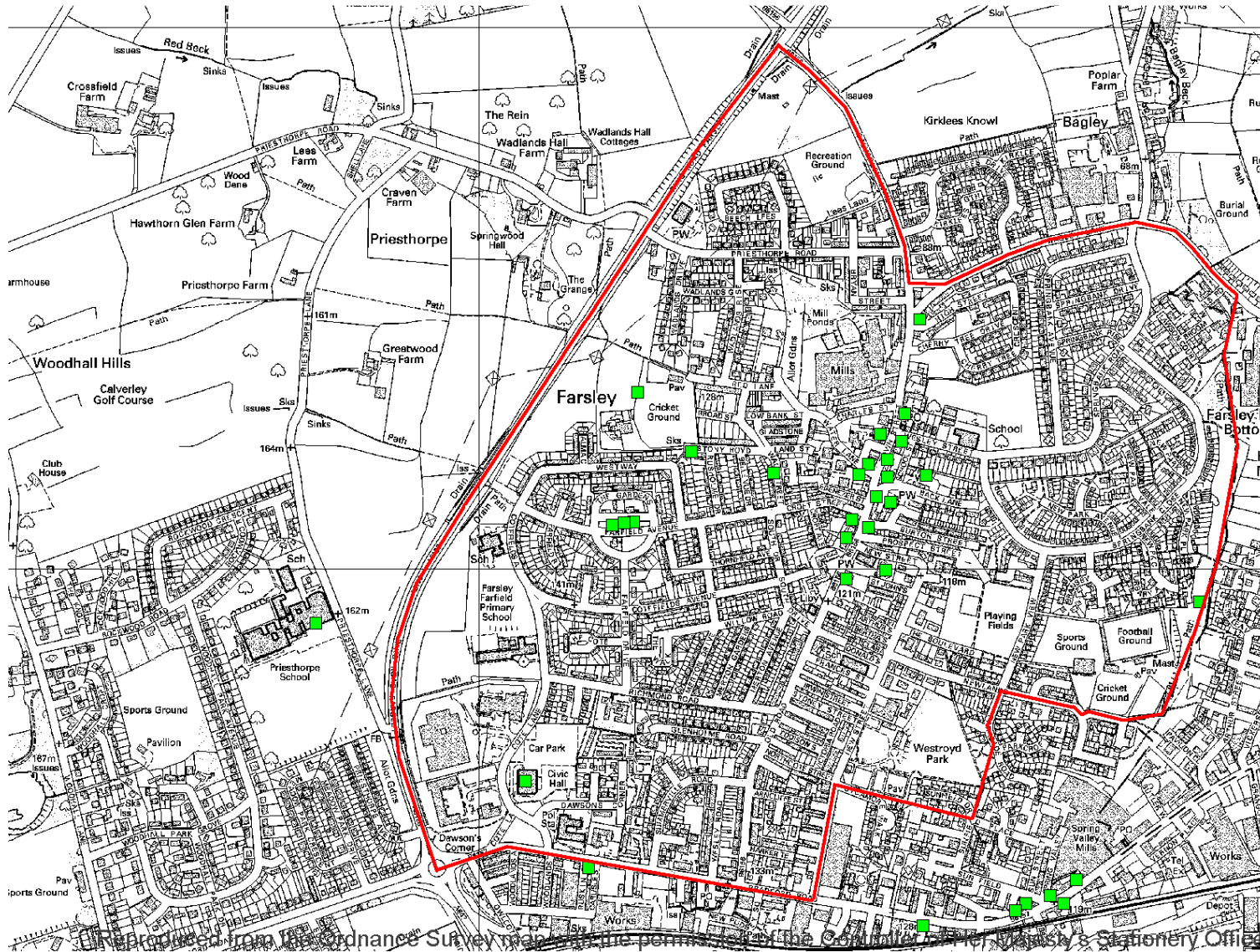
CRIMINAL JUSTICE AND POLICE ACT 2001

1. **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



Licensed Premises – DPPO Area

- Ad's Spice (Formerly Papsi's Pizza Curry House)
42 Farfield Avenue
- Atwal Off Licence and Convenience Store
26A Farfield Avenue
- Atwal Off Licence and Convenience Store
34 Farfield Avenue
- Bay Horse
66 Town Street
- Co-op Village Store
17 - 21 Town Street
- Deeva Restaurant and Bar
58A Town Street
- Farsley Celtic Football Club
Throstle Nest, Newlands
- Farsley Community Church
Back Lane
- Farsley Conservative Club
51 Town Street
- Farsley Cricket Bowling and Hockey Club
Red Lane
- Farsley Liberal Club
116 Old Road
- Farsley Parish Church Hall
New Street
- Farsley Working Men's Club
Back Lane
- Fleece116
Town Street
- LOCAL
35 - 37 Town Street
- Manor
Stony Royd
Town Street
- New Inn
Town Street
- Old Hall Hotel
1 Back Lane
- Porritts Ballroom's Ltd
58 Town Street
- Rainbow (might be closed now)
48 Town Street
- Spice Bar Restaurant
8 Town Street
- Takin The Pizza
7 Town Street
- Village Bar and Bistro
22 - 26 Town Street
- Pudsey Civic Hall
Dawsons Corner
- Farsley Celtic

KEY - ■ Licensed premises

— Proposed boundary

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 responses

51 supporting the scheme

2 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'