



Leeds
CITY COUNCIL

Agenda item:

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Report of the Assistant Chief Executive (Corporate Governance)

Committee:

Date: 6th October 2009

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

Electoral wards affected:

Kippax & Methley

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 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

- 5.1 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 Kippax & Methley 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.

5.2 Methods of consultation included:

- Letters to licensees.
- Discussions with Superintendent 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.

5.3 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

6.1 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 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 where 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.



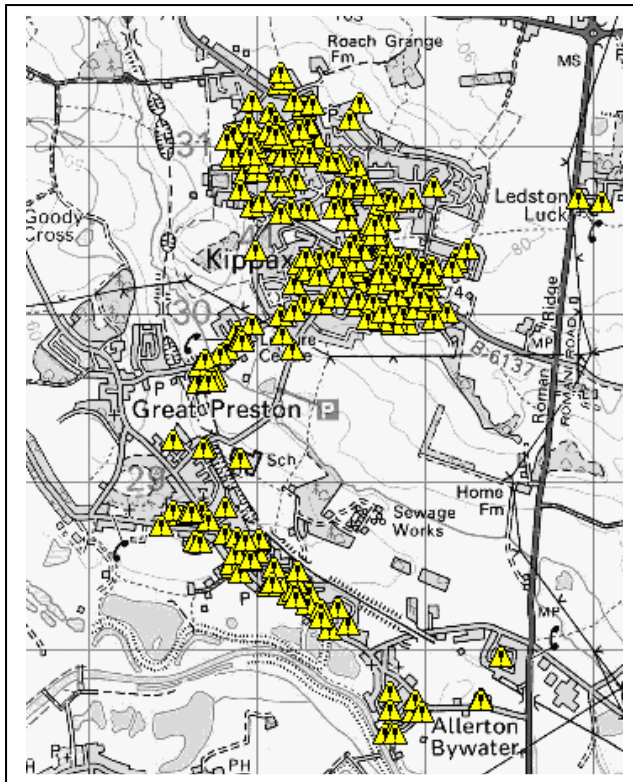
It can be seen from above that there is a hot spot of assaults in the Kippax District of the ward. Over the last 12 month period the greatest number of offences were on Leeds Road (9 assaults) followed by High Street and Station Road (each with 8 assaults). It is to be noted that these locations are 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

6.2 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

¹ Delete this para if there is no licensed public space or park

Kippax & Allerton Bywater (Proposed Designated Area)

Section 13 - Criminal Justice and Police Act 2001

