



**Leeds**  
CITY COUNCIL

Agenda item:

Originator: B Yearwood

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**Report of the Assistant Chief Executive (Corporate Governance)**

**Licensing Committee.**

**Date: 1 December 2009**

**Subject: Proposed Designated Public Place Order (DPPO) Gipton**

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**Electoral wards affected:**

Gipton and Harehills

**Specific implications for:**

Ethnic minorities

Women

Disabled people

Narrowing the gap

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**Executive Summary**

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

## 1.0 Purpose of this report

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

## 2.0 Legal framework

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

### **3.0 The Statutory Test**

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

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

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

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

### **4.0 Existing powers**

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

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

### **5.0 Supporting evidence**

5.1 Evidence has been sought from West Yorkshire Police and Street Scene Services regarding the history of drinking related anti-social behaviour in Gipton and a summary of that evidence appears at Appendix 1.

### **6.0 Consultation**

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

6.2 Methods of consultation included:

- 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 (Nik Adams) at Gipton/Harehills Neighbourhood policing team
- Direct consultation via personal visits to all licensees of on and off licensed premises from management at Gipton and Harehills Neighbourhood Policing team
- Direct consultation with Area Committee members at Gipton Neighbourhood management tasking meeting
- Publication of an "Order of Notice" via the local press (Appendix 2) published on 27<sup>th</sup> October 2009 and expired on 24<sup>th</sup> November 2009. Copies have been made available at Killingbeck Police station and the Councils internet site.
- Direct Consultation at the Gipton Community Forum on 4<sup>th</sup> November 2009
- A map showing proposed boundaries is presented at Appendix 3. A consultation on the boundary has been undertaken by the methods mentioned above.

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

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

## 7.0 Consultation findings

7.1 At the time of writing this report, 4 statements have been given to the anti social behaviour unit and comments noted at Gipton Community Forum have been received supporting the Order. 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 24<sup>th</sup> September 2009, and any comments received between the time of writing this report to Licensing Panel will be presented verbally.

### Feedback One: .

*'Since I have worked at the shop, there has always been a problem with anti social behaviour. The main problems are fuelled by alcohol. The problems consist of people throwing beer cans, smashing bottles on the road and pavements, using the side of the shop to urinate, which I find disgusting and general verbal abuse from people in drink. I have had to call the police previously due to such problems. The problems have made the area an unclean, messy place to work and live in and it is very intimidating to have a large group of up to 20 people who are in drink outside the shop. The age group is from around 14 years old to 60. It is generally the younger ones that cause a nuisance and the older ones that cause the litter. Last summer in 2008 I gave a statement to the asbu officer and we obtained five injunctions against such individuals who were causing the sort of problems described above. Since that time I have seen most of the individuals still congregating on the circus causing anti social behaviour and drinking . The problem has definitely not gone away.'*

*I think that the problems affect my business. I have had many people come into the shop who inform me that they don't like to come in because they are intimidated by the group. I am personally intimidated by them but they seem to target black, Asian people or females by shouting abuse at them.*

*I strongly feel that drinking alcohol should be banned in this area as it will help to combat these issues especially if the police are regularly here to move them on '*

#### **Feedback Two –**

*'For the last three years we have had problems on the circus with gangs of youths who are mostly under 25 years old congregate on the circus, outside shops and on the stops at the side of Pats News & Booze. The gangs sit and drink alcohol and then throw glass bottles or leave them lying around. There is a big problem with litter around the circus due to the drinkers.*

*On many occasions I have had to call the police as my staff have been abused and assaulted. A couple of years ago a male threw a bottle at a staff member and only a few months ago a female member of staff was assaulted by two females who were in drink. One Sunday morning I came to work to open up and there was a female stood in the doorway of the shop drinking vodka from a bottle. I moved her away and she went to stand next to her friend who then started vomiting on the pavement near the shop which was revolting .*

*I have had to ban numerous people from my shop due to drink related incidents which has helped but they still congregate outside. In my opinion if people weren't allowed to drink alcohol the constant problems of litter, vomit, verbal and physical abuse would become less frequent'*

#### **Feedback Three –**

*' Myself and staff have been verbally abused and physically threatened. These problems usually occur when local drunks come in the store. There is a regular group of local people that gather about 2 or 3 times a week on Coldcotes Circus and sit and drink alcohol. I know most of these people as they are local and are usually fine but once they are drunk their attitudes change. We have had to phone the police on numerous occasions due to thefts of alcohol and verbal abuse and threats from people who are drunk. There is a problem with litter outside the shop due to the people who congregate and drink alcohol. The litter is mainly empty cans and smashed bottles. Previously customers have told me they are intimidated by the gangs of up to ten people on the circus of and have been afraid .*

**Feedback Four –** *'I have owned a shop on Coldcotes Circus for around 25 years. During that time I have gotten to know many of the people and local problems. Ffor as long as I can remember there have been problems of anti social behaviour on the parade of shops where my shop is situated. The problems generally get worse in the summer and mainly consists of rowdy drinkers hanging around the shops causing asb, throwing litter , urinating and shouting. I have been forced to call the police on many occasions. The group of drinkers that sit on a green box next to my shop is getting larger. There have been up to forty people hanging around, shouting, drinking beer, throwing litter and kicking balls at my window and at cars. Even though I know a lot of the individuals involved, it can be very intimidating going past the group as they change character when they have had a drink . I have often had verbal abuse from this group, especially the younger ones when I have refused to sell them alcohol. Not only is their intimidation and verbal abuse , there is also the problem of many beer cans and smashed bottles outside my shop which looks*

*awful and is dangerous. I would like Leeds City Council and the police to do something about this problem as it has gone on for too long now and is a very serious problem. I think that a drinking ban would definitely help to combat the problem as targeting individuals hasn't seemed to work and the group just continues to grow'*

### **Comments from consultation at Local Forum Meeting**

*' I would be really happy if an order came in stopping drinking'*

*' Very happy to see the order in place'*

*' Great to see things becoming under control '*

*'Most anti social behaviour is fuelled by alcohol and underage drinking is a real problem'*

*' Very good idea'*

*'Fantastic Idea'*

*'Brilliant Idea'*

*'Very good idea, practical and very much needed'*

*'Very good idea, especially on Coldcotes Circus Shops'*

### **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**

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

- Advertisement in local press (Yorkshire Post) £718.08
- (statutory notice/consultation) £1000 approx (28 days notice implementation)
- Signage (including fixing to post/wall) 25 x £60.00 each £1, 500
- Posters for licensees (In house)

## **8.0 Recommendations**

8.1 Members are recommended to:

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

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

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

### **1. Introduction**

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

### **2. The geography and distribution of alcohol licences in Gipton**

- 2.1 The Area has 4 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 the boundary for the proposed DPPO. The licensed premises in the area are:

#### **Off License Premises:**

- LIDL Oak Tree Drive
- Co-Op Late Shop 29 Coldcotes Circus
- Tesco Express 224 Easterly Road
- Local shop 166 Easterly Road
- Local shop 105 Gipton Approach
- Local shop 97 Foundry Avenue
- Local shop 35 Coldcotes Circus
- Co-Op Oakwood Lane

#### **On License Premises:**

- Fairway Public House Coldcotes Avenue
- Gipton WMC Coldcotes Circus
- United Services WMC 51 St Alban Road
- Dog and Gun York Road

### **3. Anti-social behaviour**

- 3.1 Most anti-social behaviour attributed to drink in Gipton occurs across the whole week but peaks during weekends. 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 Gipton , as experience from other DPPOs shows it will reduce the amount of glass, bottles, cans and associated litter.

### **4. Crime and disorder**

- 4.1 Included in this report have been Assaults, Criminal Damages, D&Ds and Public Order offences, all of which tend to exacerbated by alcohol consumption.

Crimes committed in the last 12 months (1<sup>st</sup> October 2008 – 30<sup>th</sup> September 2009) have been analysed by the divisional intelligence unit . Alcohol related crimes were classified as such at the time the offence was recorded.

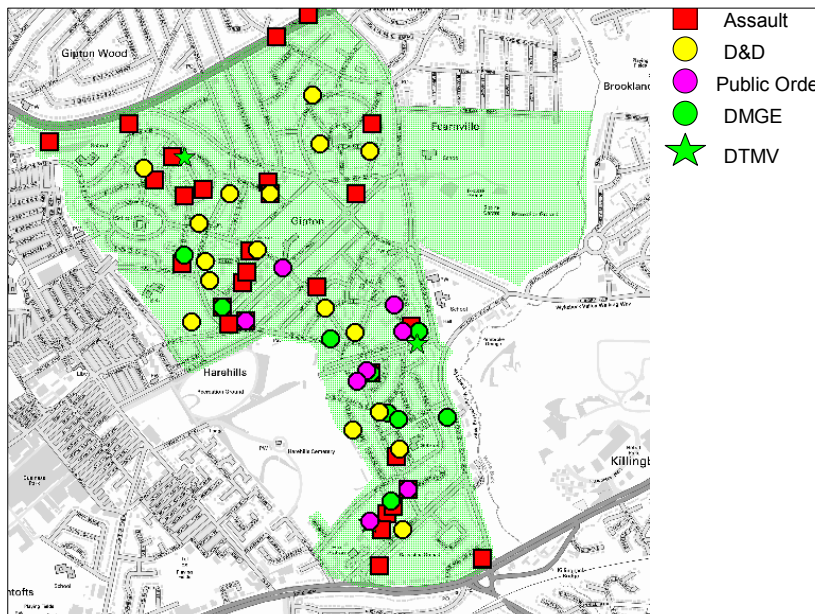
Within the geographical area highlighted on the previous page, a total of 141 Assaults, Damages, D&Ds and Public Order offences, classed as alcohol related, were recorded. This included domestics which accounted for almost half (43 per cent) of these offences (61 incidents). Taking out domestic related offences, leaves 80 crimes related to alcohol consumption.

	Assault	Damage - Non Dwelling	Damage - Dwelling	Damage - Motor Vehicle	Drunk And Disorderly	Public Order	Grand Total
Oct-08	2	0	0	0	7	0	9
Nov-08	0	0	1	1	2	0	4
Dec-08	4	0	1	0	1	2	8
Jan-09	3	0	2	0	2	0	7
Feb-09	4	0	1	0	2	2	9
Mar-09	5	0	1	0	1	0	7
Apr-09	1	0	1	0	3	3	8
May-09	4	1	0	0	0	1	6
Jun-09	3	0	0	1	1	0	5
Jul-09	2	0	1	0	1	0	4
Aug-09	3	0	3	0	0	1	7
Sep-09	4	1	0	1	0	0	6
<b>Total</b>	<b>35</b>	<b>2</b>	<b>11</b>	<b>3</b>	<b>20</b>	<b>9</b>	<b>80</b>

The table to the left shows the number of Alcohol related crimes (non-domestics) recorded in the Gipton area (as highlighted) over the last 12 months.

## 5. Violent crime hotspots

Assaults have been the most frequently recorded incident with 35 offences of this kind over the last 12 months. D&Ds have been the second most common, with 20 in the last year. Foundry Approach has been the top street for alcohol related crimes with eight recorded. Top streets for alcohol related crimes have been Coldcotes Circus, North Farm Road, Gate West and Brander Drive all with five offences recorded.



Peak times for alcohol related crimes have been 8pm to 1am 56 percent of offences committed between these times.



Apparent magnet areas for offences have been The Fairway Public House, William Hill Bookmakers on Coldcotes circus. Over half of offences (56%) have occurred on a street.

## 6. Anti-social behaviour incidents

The table to the right breaks down the ASB incidents recorded in Gipton (highlighted area) over the last 12 months.

	ASB - Animal Related	ASB - Begging-Vagranc	ASB - Emerg Serv Hoax	ASB - Mal Comms	ASB - Neighbour Disp	ASB - Noise	ASB - Nuisance M-cycle	ASB - Other	ASB - RNB - Fireworks	ASB - Rowdy Behaviour	ASB - Trespass	ASB - Vehicle Nuisance	Grand Total
Oct-08	0	1	2	0	7	0	1	0	5	63	1	2	82
Nov-08	1	0	1	2	9	0	3	0	5	33	0	0	54
Dec-08	1	0	2	4	5	0	3	0	0	55	1	0	71
Jan-09	2	0	2	5	4	0	2	0	0	39	0	0	54
Feb-09	2	0	2	2	4	1	3	0	1	62	0	1	78
Mar-09	0	1	2	2	4	2	7	0	0	54	1	0	73
Apr-09	0	0	1	5	2	0	6	1	0	68	0	0	83
May-09	1	0	6	5	9	0	6	0	0	78	0	0	105
Jun-09	1	0	3	3	8	1	3	0	0	61	0	3	83
Jul-09	1	0	6	4	11	1	12	0	0	51	0	5	91
Aug-09	3	0	7	7	4	2	11	1	0	77	0	8	120
Sep-09	0	0	2	7	6	0	8	0	0	59	0	2	84
Total	12	2	36	46	73	7	65	2	11	700	3	21	978

'Rowdy behaviour' has been the most commonly reported problem, it is not always possible to gauge whether an incident was drink related, however those that are known to be drink related are placed in the 'rowdy behaviour' sub-category.

The Anti Social Behaviour Unit have previously obtained five section 222 injunctions in an attempt to combat this problem by prohibiting five individuals from the area who were believed to be causing drink related anti social behaviour in Coldcotes Circus (expired October 2009). Unfortunately the injunctions have not been entirely successful in combating the problem and there has been several breaches which have been dealt with by Leeds County Court. This anti social behaviour consists of noise, shouting, swearing and verbal abuse and threatening behaviour towards local shopkeepers as well as theft of alcohol from shops. Local residents have informed officers that they are scared to be home alone at night. There has been persistent problems of broken glass bottles, cans and urine on the parade of shops.

**ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES FOR THE AREA OF  
GIPTON  
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 Gipton.

This area is defined to the north along A58 Easterly Road to the junction with Oakwood Lane, running South along Oakwood Lane and Wykebeck Valley Road to the junction with the A64 York Road. To the South then running West along A64 York Road to the junction with St Alban Road. To the West then running north along St Alban Rd, following the boundary of Harehills Cemetery along Foundry Place, then between Sandhurst Avenue and St Wilfrids Drive, crossing Hovingham Avenue to the Northern border of A58 Easterly Road.

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

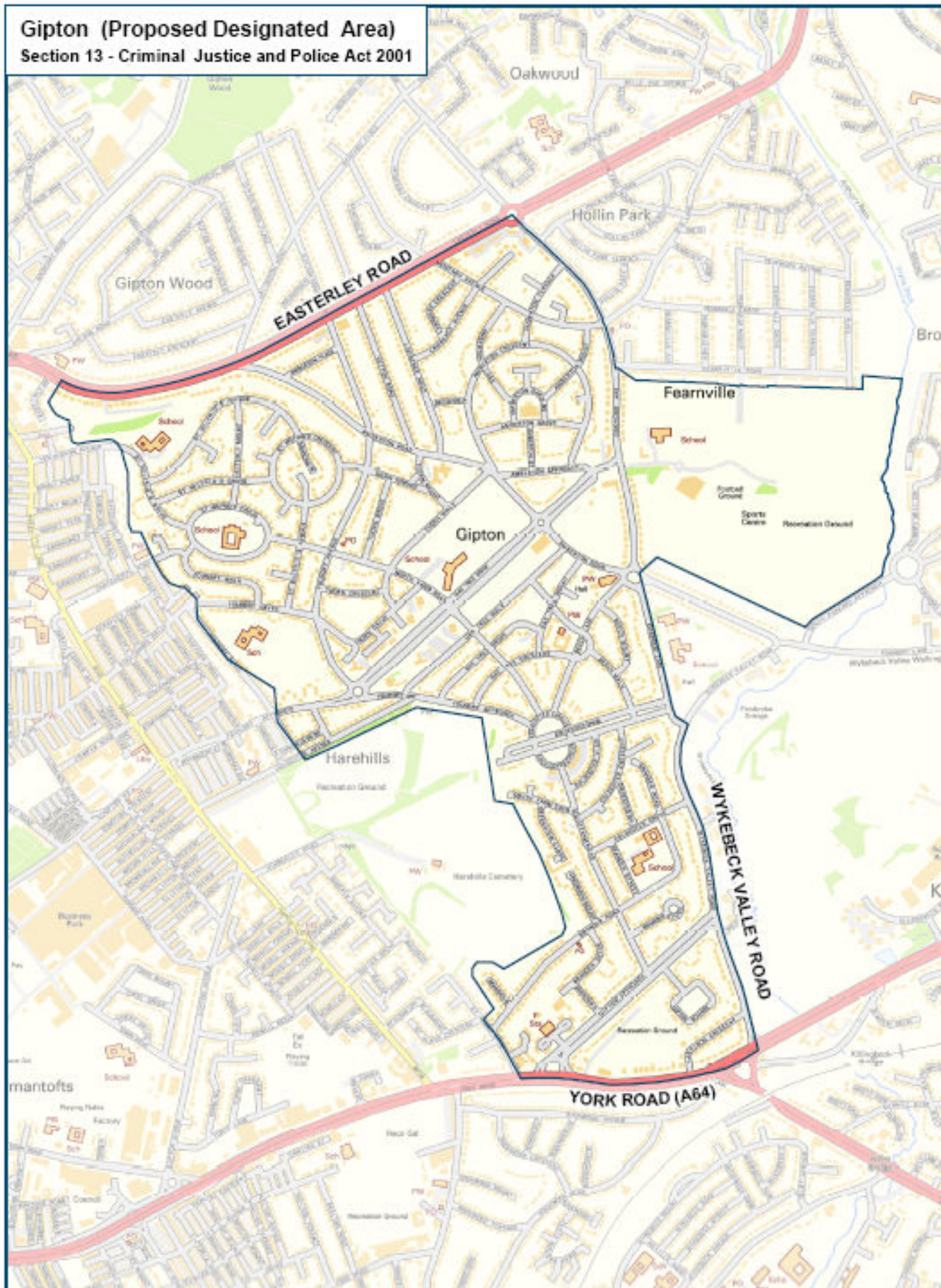
The Order will not apply to premises with a premises license or club premises certificate granted by the Licensing Authority. It will not apply within the curtilage of such premises. It will not apply where a temporary event notice authorises use of the premises for the supply of alcohol during the authorised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

Any representations as to whether or not the order should be made must be made in writing to Beverley Yearwood, Leeds City Council, East North East Area Management Team, 21 Savile Mount, Leeds, LS7 3HZ by no later than 24 November 2009.

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

Paul Rogerson  
Chief Executive  
Leeds City Council  
**27 October 2009**

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



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