



Leeds
CITY COUNCIL

Agenda item:

Originator: B Yearwood

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**Report of the Assistant Chief Executive (Corporate Governance)
Licensing Committee.**

Date: 21st December 2010

Subject: Proposed Designated Public Place Order (DPPO) Burmantofts

Electoral wards affected:

Burmantofts and Richmond Hill
Gipton and Harehills

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 area of Burmantofts 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 Burmantofts 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.
- 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 6 April 2007. It amended the Criminal Justice and Police Act 2001. Prior to this amendment pubs and clubs that had a licence to sell or supply alcohol under the Licensing Act 2003 could not form part of the DPPO. These premises would include public spaces licensed by local authorities for alcohol and regulated entertainment. This led to a conflict between the local authorities desire to licence public spaces for community events and the desire to use DPPO's to tackle anti-social drinking. This conflict was rectified by the amendment. There are no public spaces licensed by the Local Authority within the proposed area.

3.0 The Statutory Test

- 3.1 The test for designation is set out at section 13(2) of the 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 of designation.

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

4.0 Existing powers

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

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

5.0 Supporting evidence

5.1 Evidence has been sought from West Yorkshire Police regarding the history of drinking related anti-social behaviour and violent crime in Burmantofts . A summary of this 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. The proposal Support for the application has been given by Burmantofts/Richmond Hill elected members at the ward briefing on 12TH October 2010. Harehills /Gipton Ward members were consulted via email on 11th October 2010 following changes to the boundary to include Harehills Park and Cemetery, West Yorkshire Police, and the Chair of the North East Divisional Community Safety Partnership.

6.2 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.

6.3 Methods of consultation included:

- Discussions with Superintendent Timothy Kingsman at North East Police Division
- Discussions with members of North East Divisional Community Safety Partnership
- Circulated to members of the Anti-Social Behaviour Panel on 23 November 2010
- Discussions with the Police Inspectors (Jacqueline Hawkes and Nik Adams) at Burmantofts and Harehills Neighbourhood Policing Team

- Direct consultation via personal visits to all licensees of on and off licensed premises from management at Burmantofts and Harehills Neighbourhood Policing Team (see Appendix 4)
- Publication of an "Order of Notice" via the local press (Appendix 2) published on 1st November 2010 and expired **on 29th November 2010**. Copies have been made available at Killingbeck Police Station, Leeds City Councils 'The Compton Centre' and the Councils internet site.
- Direct Consultation at the Burmantofts Public Forum on 22nd November 2010
- A map showing proposed boundaries is presented at Appendix 3. A consultation on the boundary has been undertaken by the methods mentioned above.

With reference to Appendix 2 (legal notice) the description incorrectly identifies Cherry Road; however this should read Cherry Row. Upon identifying this error, Legal have been consulted. The legislation requires

Before making an order, a local authority shall cause to be published in a newspaper circulating in its area a notice—

(a) identifying specifically or by description the place proposed to be identified;

The notice placed does not simply state Cherry Road but is quite specific about where the boundary starts, that Cherry Road (Row) becomes Dolly Lane and references it to St James' Hospital. Added to that there is no Cherry Road that it could be confused with. On that basis the legal advice is that the wording of the notice is sufficient to satisfy the statutory requirement which is in effect a requirement to identify the land so that a person may submit representations.

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

7.0 Consultation findings

- 7.1 At the time of writing this report, no letters from the public or trade have been received supporting or objecting to the Order. One comment has been made. This was by the Thackray Medical Museum who welcomed the proposal. All agencies and groups consulted support the Order. The deadline for responses to the "Order of Notice" was 29th November 2010, and any comments received between the time of writing this report to Licensing Panel will be presented verbally.
- 7.2 The 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 have been funded via Burmantofts Tasking funds (delegated from area committee well being) in consultation with ward Councillors.

Set out below are approximate costs:

- Advertisement in local press (Yorkshire Post) £1,031.40(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 the area of Burmantofts as identified in the map submitted with this report: 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 Burmantofts 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 Burmantofts, 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 Burmantofts

- 2.1 The proposed Area has 29 on and off licensed premises in total (A list is attached at Appendix 4) . The map at Appendix 3 shows the boundary for the proposed DPPO.

3. Violent Crime /Anti-social behaviour - 1st September 2009 – 31st August 2010

The following table shows the breakdown of alcohol crime offences by month, which have occurred on more than 3 occasions within the specified area over the last twelve months. In total there have been 236 offences relating to alcohol within the specified area. Overall, Assault offences account for 39% of the total alcohol related offences. That is followed by Drunk and Disorderly (15%) and OPL offences (10%). The month with the greatest amount of offences was May 2010 with 25 occurrences. There appears to be a decrease of offences over the winter months between October 2009 and March 2010. Offences then started to rise from April to August 2010.

Occurrence Type	September	October	November	December	January	February	March	April	May	June	July	August	Grand Total
ASSAULT	7	5	4	9	7	6	4	12	10	9	9	10	92
DRUNK AND DISORDERLY	5	2	2	3	3	3	2	1	8	1	2	3	35
OPL - DRIVE OVER PRESCRIBED LIMIT	5	2	3	3	2	0	2	2	2	1	1	1	24
CRIMINAL DAMAGE - DWELLING	0	0	1	1	1	1	2	1	1	1	3	2	14
PUBLIC ORDER	1	0	1	0	3	0	1	1	1	1	2	0	11
CRIMINAL DAMAGE - MOTOR VEHICLE	1	0	0	0	0	1	0	0	2	2	2	0	8
THEFT SHOP	2	0	0	0	0	0	2	2	1	0	0	0	7
AFFRAY	1	0	0	0	0	0	1	0	0	1	1	2	6
BREACH OF ASBO / INJUNCTION	0	0	0	0	0	0	0	1	0	1	1	1	4
ROBBERY	0	0	0	0	0	1	1	0	0	1	1	0	4
CRIMINAL DAMAGE - NON SPECIFIC	0	0	0	0	0	0	0	1	0	0	0	2	3
DRUGS	1	0	1	0	0	1	0	0	0	0	0	0	3
THEFT FROM PERSON	0	0	0	0	0	1	1	0	0	0	1	0	3
Month Total (Three or more offences)	23	9	12	16	16	14	16	21	25	18	23	21	

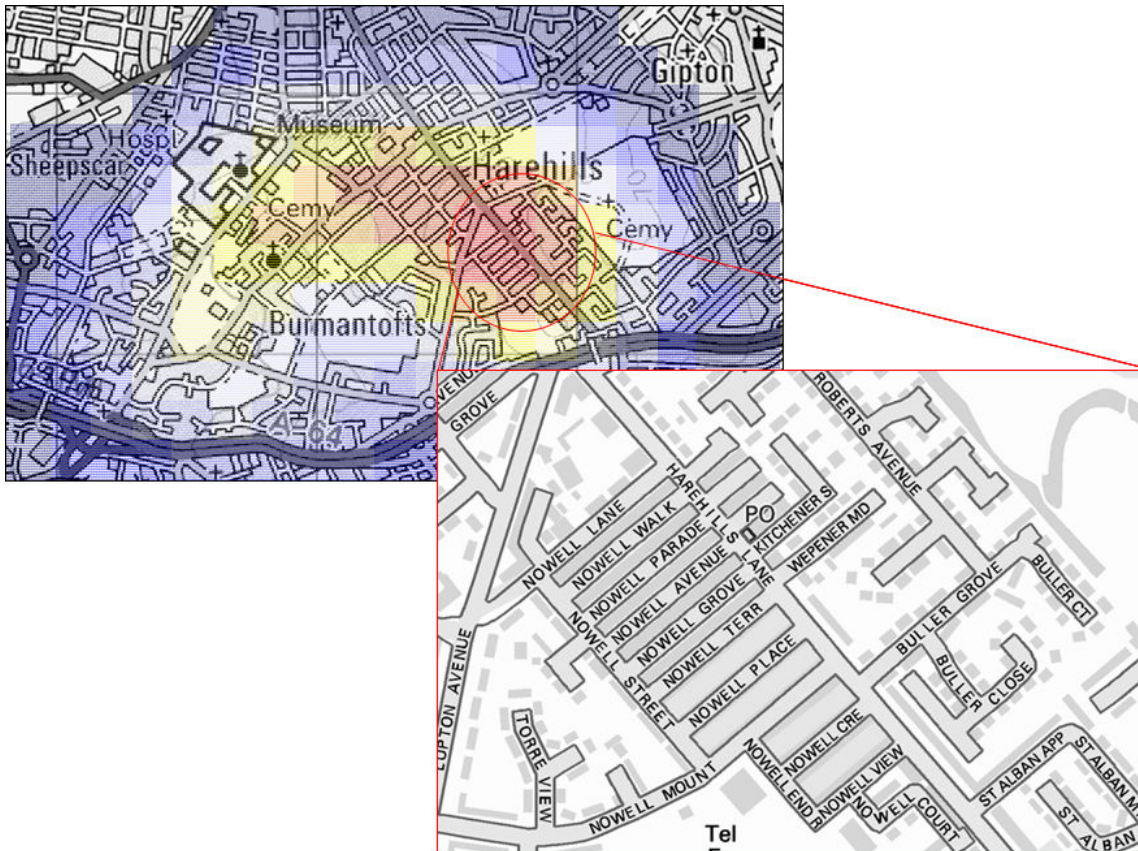
District Name	Total
HAREHILLS	108
BURMANTOFTS	104
LINCOLN GREEN	8
MABGATE	8
GIPTON	4
EAST END PARK	2
OSMONDTHORPE	2
Grand Total	236

Offences by District

As shown by the table (left) nearly half of the alcohol related offences within the specified area occurred in Harehills. This is followed by Burmantofts which accounts for 44% of the overall total in the specified area.

Geographical Spread

The map below shows the hotspot for alcohol related offences within the specified area between September 2009 and August 2010.



As can be seen from the map, the hotspot for alcohol related offences has been in the Harehills district in particular the Nowells and Cliftons.

Street Name	Total
BECKETT STREET	34
HAREHILLS LANE	10
LUPTON AVENUE	10
COMPTON ROAD	8
NOWELL COURT	6
ROBERTS AVENUE	6

The worst affected streets for alcohol related offences within the hotspot were Harehills Lane (10) and Lupton Avenue (10). Overall the worst affected street was Beckett Street with 34 offences, these offences occurred in and around St James hospital. The majority of offences which occurred at the hospital were related to individuals being drunk and disorderly whilst being admitted to hospital.

The majority of offences within the hotspot took place within a house (88) or on the street/road (also 88). Four offences occurred in public houses, five were committed in supermarkets, and two were in a convenience store.

Overall, peak times within the specified area of alcohol related crime have been during the evenings to the early hours of the morning between 21:00x02:00hrs. The majority of offences have occurred on Saturdays (43) and Sundays (23). These dates and time correlate with when the public tend to socialise.

4. Anti-Social Behaviour

Between September 2009 and August 2010 the most drink related incidents have been categorised as 'Rowdy inconsiderate Behaviour' accounting for 82% of the overall total incidents.

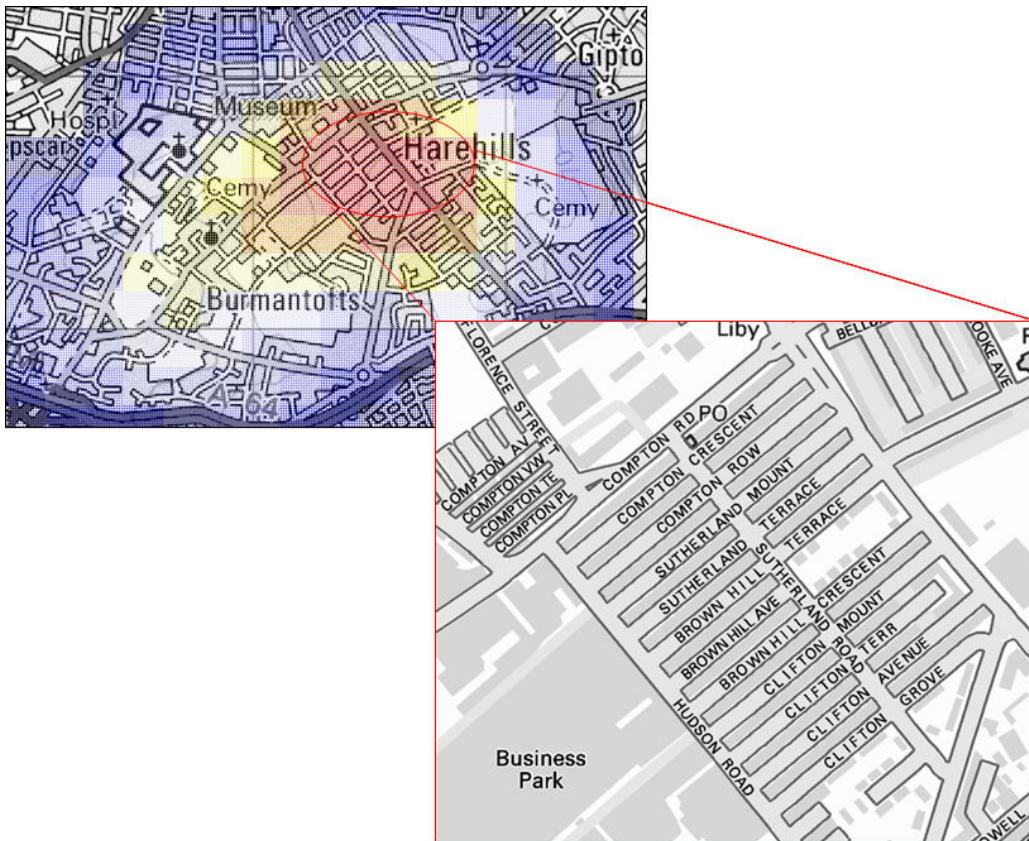
ASB Type	September	October	November	December	January	February	March	April	May	June	July	August	Grand Total
ROWDY INCONSIDERATE BEHAVIOUR	12	7	13	5	9	8	4	13	10	16	13	11	121
RNB - NEIGHBOURS	1	2	0	1	2	1	0	0	3	0	2	0	12
EMERGENCY SERVICE HOAX	2	0	0	0	1	0	1	0	1	1	0	1	7
BEGGING/VAGRANCY	0	0	0	0	0	0	0	1	0	1	0	0	2
STREET DRINKING	0	0	0	0	0	0	1	0	0	0	0	1	2
LITTERING/DRUGS PARAPHERNALIA	0	0	0	0	0	0	1	0	0	0	0	0	1
MALICIOUS COMMUNICATIONS	0	0	0	0	0	0	0	1	0	0	0	0	1
NOISE	0	0	0	0	0	0	0	0	0	0	0	1	1
Grand Total	15	9	13	6	12	9	7	15	14	18	15	14	147

The top two repeat locations relate to ASB incidents in and around St James hospital (Beckett Street) and the cemetery. The logs mainly relate to rowdy individuals in drink being abusive, aggressive or refusing to leave to leave the hospital. A number of logs relate to youths or alcoholics drinking in the cemetery.

Other locations have been highlighted as hot spots, such as the Bellebrookes, Lincoln Green Road and The Kiln, Brignall Garth. Incidents on Lincoln Green Road relate to assaults and drinking in a public place. Three incidents occurred at The Kiln public house, one relating to youths drinking in the car park and two relating to Assaults.

Geographical Spread

Similar to the crime offences, the hotspot area for ASB incidents, within the stated area between September 2009 and August 2010 has been around the Harehills area.



The worst affected streets within the hotspot have been Bellbrooke Grove (8), Brownhill Terrace (6), Hudson Grove (6) and Sutherland Terrace (5).

All incidents on Bellbrooke Grove have been categorised as 'Rowdy Inconsiderate Behaviour'. Four of the logs occurred on the street with people arguing and being abusive and including a male shouting abuse through a letterbox. The other logs relate to arguments within the home and people refusing to leave.

Calls made from Sutherland Terrace varied from two calls categorised as 'Rowdy Inconsiderate Behaviour', two were 'RNB-Neighbours' and one was a 'Malicious Communication' log. One caller reported a drunk male walking up and down the street another reporting a neighbour shouting in the street. The other calls were domestic disturbances. Peak times within the specified area have been during the evening between 19:00x02:00hrs with a sharp peak at 01:00hrs. Peak days have been over the weekend from Friday to Sunday.

In conclusion, a high number of offences were shown to have been committed in a public place over the last twelve months in the specified area. Beckett Street, in particular St James Hospital and the cemetery, tended to have a number of criminal offences, such as Drunk and Disorderly and Assault offences, as a result of alcohol consumption. Although there was a high number off offences committed within the home, this may be a result of consumption of alcohol in a public place. The main ASB problem has been 'Rowdy Inconsiderate Behaviour' which has mainly related to youths drinking and being rowdy, arguments and violence. As with crime, Beckett Street appears to be a significant problem for drink related incidents.

**ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES FOR THE AREA OF
BURMANTOFTS
CRIMINAL JUSTICE AND POLICE ACT 2001**

The City of Leeds Metropolitan District Council proposes to make a Designated Public Places Order under Section 13 of the Criminal Justice and Police Act 2001 (as amended).

The effect of the Order is that the police will have the power to require a person not to drink alcohol in the designated area and to surrender alcohol to the police. Failure to comply with the request is an offence.

The proposed designated area comprises all public highways, streets, byways and other public places within Burmantofts.

This area is defined along the southern boundary by the A64 (York Road) with the western end denoted by the junction of the A64 and Mabgate then following the latter north along Argyle Road and Macaulay Street before turning to follow Cherry Road which becomes Dolly Lane which in turn becomes Gledhow Road running adjacent and to the west of St James Hospital. The hospital then forms the Northernmost boundary at this end running west until meeting Harehills Road and turning onto Stanley Road. There is then a sharp turn North West onto Compton Road which becomes Foundry Approach before turning approx South East at Foundry Place and following the perimeter of Harehills Recreation Ground and Harehills Cemetery parallel with Southfarm Road until turning south west along Brander Road and through St Albans Road onto the A64 and the southern boundary.

A map identifying the specific location of the designated public place and a list of licensed premises within the area is available for inspection at Killingbeck Police Station, Foundry Lane, Seacroft, Leeds LS14 6NN, and Leeds City Council's Compton Centre at the junction of Compton Road and Harehills Lane, Leeds, LS9 7BG. Alternatively you can view the information at www.leeds.gov.uk.

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

Any representations as to whether or not the order should be made must be made in writing to Beverley Yearwood, Leeds City Council, East North East Area Management Team, The Reginald Centre, 263 Chapeltown Road, Leeds, LS7 3EX by no later than **29 November 2010**.

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

Tom Riordan

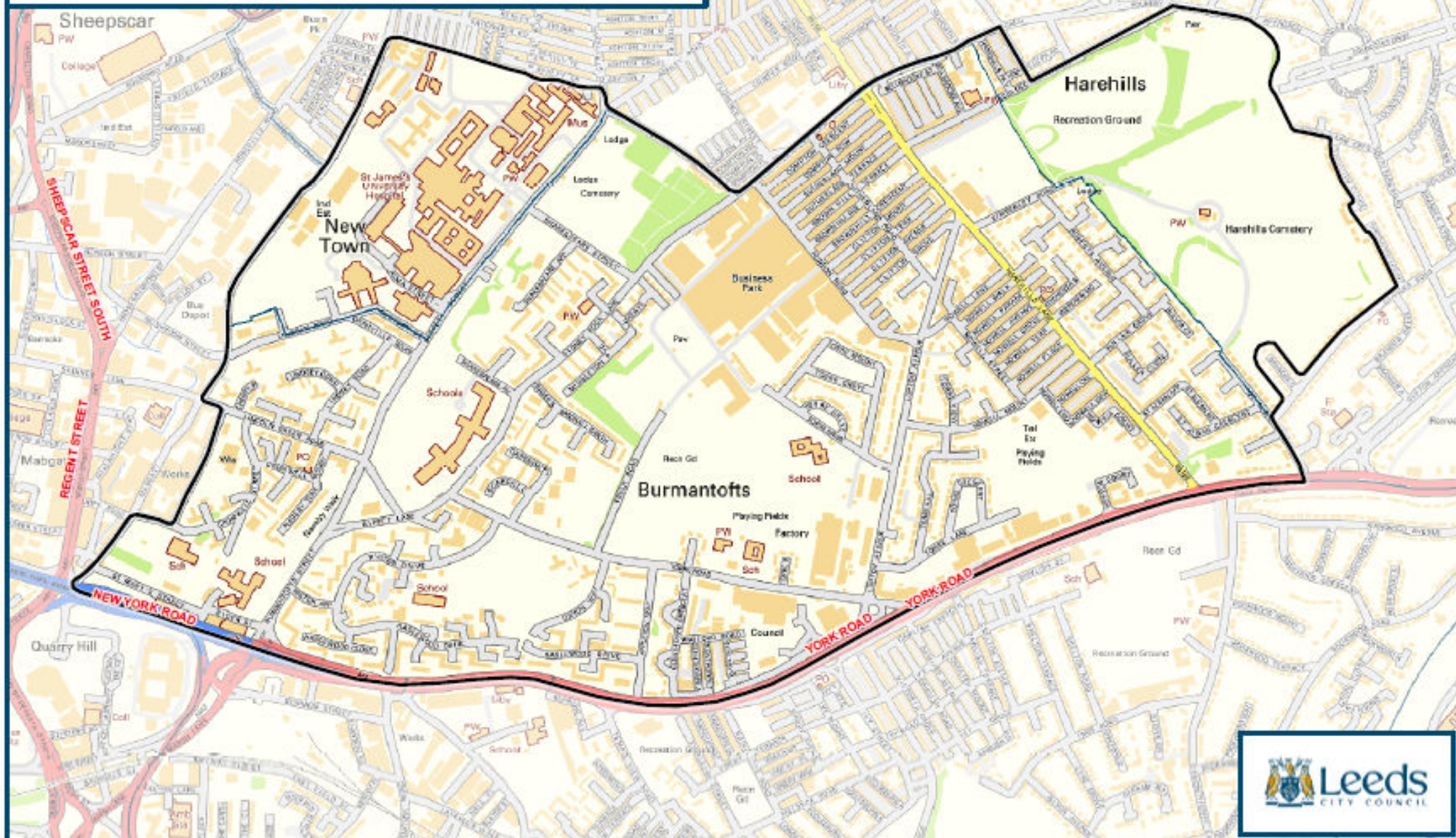
Chief Executive

Leeds City Council

1 November 2010

Burmantofts (Proposed Designated Area)

Section 13 - Criminal Justice and Police Act 2001



Appendix Four

ON LICENSED PREMISES	Visits Conducted in relation to DPPO		
Anglers - (Leeds District Amalgamated Society of Anglers)	19:20 29/11/10	Pc 5632 spoke to Tom Owen	No Objections
FOUNTAIN HEAD	18:05 24/11/10	Pc 4460 spoke to Andrew Firth	No Objections
HARP	18:35 24/11/10	Pc 4460 Spoke to Martin Roatry	No Objections
KILN	20:50 25/11/10	PC 4460 Spoke to Licensee awaiting name	No Objections
North Leeds WMC	18:10 24/11/10	Pc 4460 Spoke to Andrew Backhouse	No Objections
ROSE & CROWN (f. MOON UNDER WATER / WETHERSPOONS)	18:15 24/11/10	Pc 4460 Spoke to Colin Fletcher	No Objections
SPORTSMAN	18:20 24/11/10	Pc 4460 Spoke to Angela Carr	No Objections
THACKREY MEDICAL MUSEUM / CREATIVE CUISINE - (ST. JAMES HOSP)	12:10 29/11/10	Insp Hawkes Spoke to Paul Stokes	No Objections/welcomes the idea
United Services WMC	18:30 24/11/10	Pc 4460 Spoke to Deborah Buck	No Objections
STARLIGHT BAR	17:00 25/11/10	Pc 4460 Spoke to Nawaz Khan	No Objections
DOCK GREEN	18:00 24/11/10	Pc 4460 Spoke to David Hanson	No Objections
OFF LICENSED PREMISES			
CHERRY ROW - 001/003 Supersava	Bet 10:40 & 12:30 27/11/10	Ps 2600 Spoke to Dhirha Patel	Objections
FRASER STREET - 003/005	Bet 10:40 & 12:30 27/11/10	Ps 2600 Spoke to Mohammed Yousaf	No Objections
HASLEWOOD DRIVE - 175/177	Bet 10:40 & 12:30 27/11/10	Ps 2600 Spoke to Suresh Patel	No Objections
LINCOLN GREEN ROAD - 068/070 Costcutter	Bet 10:40 & 12:30 27/11/10	Ps 2600 Spoke to Tim Bhullar	No Objections
LUPTON AVENUE – 141	Bet 10:40 & 12:30 27/11/10	Ps 2600 Spoke to Shavita Mistery	No Objections
ROSEVILLE ROAD – 043 Pakash Stores	Hair dressers Licensee Paramjit Sambui 07903 802173 not possible to connect call	Not surrendered license	
TORRE LANE / YORK ROAD - 393 - UNIT B B&M stores	Bet 10:40 & 12:30 27/11/10	Ps 2600 Spoke to Nicola Belchamber	No Objections
TORRE LANE / YORK ROAD - UNIT A Iceland	Bet 10:40 & 12:30 27/11/10	Ps 2600 Spoke to Alan Stringer	No Objections
COMPTON ROAD – 039 Pizza Zone	13:15 29/11/10	Insp Hawkes Spoke to Irfan Malik	No Objections
COMPTON ROAD – 050 Post office	Bet 10:40 -12:30 26/11/10	Ps 2600 Spoke to Stephen Roda	No Objections
FOUNDRY APPROACH - 022/024 Foundary News & Booze	18:10 29/11/10	Pc 5632 Spoke to Jasvinder Kaur	No Objections
HAREHILLS LANE - 274 Harehills Foods	13:20 29/11/10	Insp Hawkes	No Objections

		Spoke to Omer Kondu	
HAREHILLS LANE – 304 News extra	Bet 14:00 -16:00 26/11/10	Ps 2600 Spoke to Hanil Verma	No Objections
HAREHILLS LANE - 311 Grosik	Bet 10:40 -12:30 27/11/10	Ps 2600 Spoke to Ahmed Abraham	No Objections
HAREHILLS LANE - 318-322 Sainsburys	Bet 14:00 -16:00 26/11/	Ps 2600 Spoke to Paula Dudley	No Objections
HAREHILLS LANE – 411 Co-op	Bet 14:00 -16:00 26/11/10	Ps 2600 Spoke to Michael Wager	No Objections
HAREHILLS LANE - 422/424 Now ell Stores	18:00 29/11/10	Pc 5632 Spoke to Kish Patel	No objections
HAREHILLS LANE / KIMBERLEY ROAD Netto	Bet 14:00-16:00 26/11/10	Ps 2600 Spoke to Emma Shippin	No Objections
SUTHERLAND MOUNT - 002/004 C&R Newsagents	Bet 14:00-16:00 26/11/10	Ps 2600 Spoke to Surrinder Sin	No Objections