

Licensing Committee

Tuesday, 3rd February, 2009

PRESENT: Councillor D Wilson in the Chair

Councillors A Castle, M Dobson,
R D Feldman, T Grayshon,
D Hollingsworth, G Hyde, B Selby and
C Townsley

IN ATTENDANCE

Mr Z Butt - Environment & Neighbourhoods

Sgt T Holland – West Yorkshire Police

Mr B McKinnon – local resident

Mrs M Southon – local resident

Mrs J Bailey – local resident

36 Declarations of Interest

There were no declarations of interest

37 Apologies for Absence

Apologies for absence were received from Councillors Armitage, Dunn, Morgan, Rhodes-Clayton and Wilkinson.

38 Minutes

Minute 31 The Leeds Festival – The Committee noted the requested discussions on the Traffic Management Plan with local ward Councillors had not yet been held and requested a meeting be arranged as soon as possible in order to feed into the event process.

RESOLVED – That the minutes of the last meeting held 2nd December 2008 be confirmed as a correct record.

39 Proposed Designated Public Places Order - Woodhouse Moor and surrounding area

The Director of Environment and Neighbourhoods submitted a report setting out proposals for a Designated Public Places Order (DPPO) to be made to cover Woodhouse Moor and the surrounding area, which included areas of Hyde Park (detailed in Appendix 2 of the report).

Mr Z Butt attended the meeting to present the proposals and explained this DPPO was intended to complement the Little London/Little Woodhouse DPPO which was approved by Committee on 3 November 2008. This DPPO would provide the police with additional powers to deal with incidents of disorder related to alcohol consumption and any problems arising from the dispersal of persons from the Little London/Little Woodhouse area. Appended to the report were schedules and maps detailing the type and locations of crimes/nuisance in the areas, along with maps showing the proposed DPPO boundary.

(Councillor Hollingsworth joined the meeting at this point)

The report outlined the problems previously experienced in the Little London/Little Woodhouse areas which officers now anticipated on Woodhouse Moor. The report also referred to the temporary relocation of the St Georges Crypt facility for homeless and vulnerable persons from a city centre location to St Johns Road, adjacent to Woodhouse Moor, and officers anticipated Crypt users and their friends would congregate on the Moor.

Mr Butt outlined the background to the proposals and the consultation process undertaken so far. Following representations received from West Yorkshire Police and the local community the proposed boundary had been amended (detailed in the map at Appendix 4). Mr Butt reported receipt of 35 letters of support for the Order, plus an additional 9 since the report was published. 37 letters of objection had been received however he explained that the majority of these were concerned the DPPO would lead to a total ban on alcohol consumption on the Moor which was not the intention.

The Committee heard from Sergeant T Holland of the Neighbourhood Policing Team who would be responsible for policing the Moor. Sgt Holland outlined the liaison currently underway with street drinkers within existing DPPO areas which encouraged positive relationships between them. Mr Butt assured the Committee this DPPO would be managed in a way to tackle only those persons consuming alcohol and engaging in anti social behaviour to the detriment of the Moor and its users. Persons consuming alcohol and behaving in an orderly manner would not be approached and would not be asked to relinquish their alcohol.

Members commented this approach appeared to conflict with the general understanding that a DPPO would enable a police officer to require persons to stop consuming alcohol in public within a DPPO area. Mr Butt explained that approach had been adopted in town centre DPPO areas such as Garforth and Horsforth in order to tackle anti social behaviour associated with persons drinking whilst moving between licensed premises such as assaults involving glasses/glass bottles or criminal damage. The Woodhouse Moor DPPO was intended to target those drinkers who may have been drinking quietly all day but who may then become difficult during the evening/night time.

(Councillor Castle joined the meeting at this point)

Members went onto discuss the following matters:

- References in the report that the users of the Crypt presented particular problems and concern the DPPO may be used to target the Crypt service users in particular, rather than anti social behaviour in general.
- Reliance on the officer's belief that dispersal caused by the Little London/Little Woodhouse DPPO would lead to problems on the Moor.
- Concern regarding the quality of evidence provided in the submitted report which the Committee did not feel supported the DPPO proposal. Some Members did not feel there was a significant number of alcohol related

- incidents of crime and disorder, nuisance or anti social behaviour recorded by the police in the area which was intended to be covered by this DPPO.
- Difference in approach between this “green space area” DPPO and the “town centre based” DPPO. The Committee felt the approach intended to be adopted by the police when using this DPPO would conflict with the policing of the Horsforth or Garforth DPPO's and this could lead to confusion and leave the authority open to challenge

The Committee then considered the representations made by local residents.

Mrs Bailey, representing the Designated Public Places Action Committee, reported on recently issued Home Office guidance which stated DPPO's were not an alcohol ban and that there should be no distinction between a street drinker or any one else under a DPPO.

Mr McKinnon spoke on behalf on behalf of the Friends Of Woodhouse Moor Group; and reported local residents concerns that the Woodhouse Moor area would be excluded from the DPPO legislation in Leeds which would leave it open to continued misuse. He stated the community had experienced anti social behaviour for some time and had sought a DPPO since 2006. The anti social behaviour problems were not related to the Crypt which had only recently relocated, by which time the DPPO process had already commenced. Mr McKinnon stated there was lots of local evidence of anti social behaviour in the area, some of which had been reported in the local press. Under the terms of the Freedom of Information Act he had acquired figures from the West Yorkshire Fire and Ambulance Services which revealed that 30 fires had been set in skips and bins between May – June 2007 alone. Mr McKinnon detailed additional local support for the DPPO as a further 24 letters as the deadline for submission had been extended; a petition of 629 signatures; 15 letters hand delivered to the Council the previous day and letters from the Muslim Council. He believed the 37 objections had largely been organised by the students union, which had wrongly informed students the DPPO would mean a total ban on alcohol on the Moor. Finally, he referred to the Guidance which did state that displacement of persons from other areas should be taken in to account when other DPPO's were being considered.

Mrs Southon spoke on behalf of North Hyde Park Community Association who supported the comments of the Committee seeking reassurance that all members of the public would be treated equally by the police in relation to the DPPO. Mrs Southon reiterated the locality had experienced anti social behaviour prior to the relocation of the Crypt

The Committee remained gravely concerned that the DPPO may be used to target the Crypt service users in particular, rather than street drinkers and the wider general public who may be drinking and causing anti social behaviour and nuisance on the Moor. Members were also unhappy with the tone and standard of the evidence presented to them within the report and were not convinced by the statistics.

However the Committee commented that the representations made by the local residents clarified the situation and lent weight to the proposals. Members were also aware of the history of the area and stated their support for the DPPO based on these factors alone on the proviso that the management of the DPPO was monitored to ensure the measures did not target one sector of society, in particular the Crypt users; whilst ignoring the wider community which included a large number of students.

RESOLVED –

- a) That approval be given for a Designated Public Places Order to be made in respect of Woodhouse Moor and surrounding area, including areas of Hyde Park (as detailed in the map attached at Appendix 4 of the submitted report)
- b) That the management and effectiveness of the Woodhouse Moor and Surrounding Area DPPO be monitored and a report back be presented to Committee six months after the implementation of the DPPO with a full review after a period of 12 months
- c) That the Director of Environment and Neighbourhoods be authorised to advertise the making of the Order, to procure the required signage and carry out any further steps necessary to bring the Order into force

40 McDonalds Restaurants Limited of Retail Unit 2, 3-5 Stile Way, Colton, Leeds - Appeal against Licensing Committee decision on application for variation to Premises Licence

The Assistant Chief Executive (Corporate Governance) submitted a report advising Members of the outcome of an appeal against a decision of the Licensing Sub Committee which sat on 10 December 2007. The report outlined the history of the applications associated with McDonalds, Colton and the decision of the Magistrates.

The Panel noted the comments of the Magistrates in respect of their findings

RESOLVED – That the contents of the report be noted

41 C D Elliott formerly of The Shoulder of Mutton Public House, 31 Potternewton Lane, Chapel Allerton, Leeds - Appeal against Licensing Committee decision to revoke Premises Licence

The Assistant Chief Executive (Corporate Governance) submitted a report advising Members of the outcome of an appeal against a decision of the Licensing Sub Committee which sat on 24 July 2008 to revoke the premises licence associated with the Shoulder of Mutton public house. The report outlined the history of the appeal and actions taken by the brewery in respect of the premises. Members noted the appeal had been dismissed as the appellant had not attended the interim appeal hearing at the Magistrates Court. The Panel also noted that legal costs had been awarded to the Council

RESOLVED – That the contents of the report be noted

42 Licensing Sub Committee Meeting Schedules

The Assistant Chief Executive (Corporate Governance) submitted a report setting out a revised meeting schedule for the Licensing Sub Committees. Members opinions had already been canvassed during December 2008 on a proposal to implement fortnightly rather than weekly Sub Committee

meetings. Members suggested that Review Hearings could be called for the spare Monday morning sessions now on an ad hoc basis.

RESOLVED – That the revised fortnightly schedule be supported and implemented from 23 February 2009

43 Date and Time of the next meeting

RESOLVED – To note the date and time of the next meeting as Tuesday 7th April 2009 at 10.00 am