

THE McDONALD'S NUISANCE

BY PC 2147 PHIL SIGLEY

**LEYLAND POLICE STATION.
LANCASTERGATE,
LEYLAND,
LANCASHIRE.**

Tel. 01772 433561

Fax. 01772 209832

E MAIL phil-sigley@lineane.net

THE McDONALD'S NUISANCE

December 1998 saw the opening of a drive through McDonald's restaurant in Leyland town centre, Lancashire on a newly developed retail park. This consisted of three other units sharing a large tarmac surfaced car park that was well lit and became a popular meeting place for local youths in their cars.

On some evenings there were as many as 30 vehicles on the site enjoying the facilities and within a few days the complaints started coming in to Leyland Police Station. The complaints consisted of noise from car stereos, dangerous driving and of vehicles shining their headlights into the back of the resident's houses.

These complaints have led to what I have unimagatively called "THE McDONALD'S NUISANCE" and this report will explain the context of the approach and the organisational structure that led to a problem-oriented approach being adopted.

The complainants in this matter all come from a local road within about 70 metres of the car park and following a systematic approach to analysing the problem, the objectives of any response changed from initial ideas. It quickly became apparent that the intolerance of the residents was also a major problem.

The evidence used in this report is taken from the Lancashire Constabulary's own incident logging system that identifies the number of calls to an area and the nature of the complaint. The town centre beat officer, PC DUERDEN, was also contacted by the residents to complain. He and I jointly put this problem-oriented approach into practice.

It was decided to involve Environmental Health, McDonald's and the site contractor in a response to the problem, leading to the increased police presence in the short term. In the medium term we (as a team) tried to obtain evidence and called a community meeting to relieve some of the existing tension. In the long term we looked at ramps as a traffic calming measure and the re-education of all parties.

The response to these actions has produced a significant decrease in the number of calls to the retail park. This has been the measure of our success in this project. It should be noted that while the youths are still congregating on the car park but are no longer causing the annoyance to the residents that they used to.

PC 2147 PHILIP SIGLEY

May 2000

1

1

1

INTRODUCTION

At the end of September 1998 the Home Secretary, Rt Hon JACK STRAW, MP, introduced the Crime and Disorder Act. This, among other things, finally abolished the death penalty for treason and piracy. Although the Act had a wide range of measures and implications for the Criminal Justice System, it is principally Sections 5, 6, 7 and 17 that have an impact on this report.

These sections "REQUIRE LOCAL AUTHORITIES AND THE POLICE, WITH OTHER KEY AGENCIES AND THE COMMUNITY, TO WORK TOGETHER, AT A DISTRICT LEVEL TO DEVELOP AND IMPLEMENT STRATEGIES FOR REDUCING CRIME AND DISORDER IN THE AREA".

What made this Act unique was that it now gave a statutory obligation for agencies and individuals to work together in obtaining a reduction in the levels of crime and disorder. Until this time the core service of the police was seen as crime detection rather than prevention, with nuisance and disorder being dealt with in a reactive, rather than pro-active way. With the level of resources available to the police having, at best, remained constant and with the level of demand for services increasing, something had to change as "best value" became a key word.

With agencies now having the joint responsibility, ownership of problems could no longer be passed around and different groups could no longer be played off against one another. The next step was therefore how to focus efforts in the *best way* to achieve this.

The Chief Constable, PAULINE CLARE, QPM, BA (lions), had been in the role for three years by 1998 and had already begun a change programme that set definitive objectives, with the ultimate aim that the people of Lancashire should feel "SAFE, INVOLVED AND REASSURED". These objectives gave senior *officers* aims and targets that they had to incorporate into a policing plan. This in turn had to be agreed at Headquarters in Hutton, near Preston. It is now agreed throughout British policing that the only way to achieve these objectives is through adopting a problem-oriented

M – Community Safety Strategy April 1999- March 2002



Malting WA Ribble an even safer place to five, work and relax in.



Throughout 1998 and early 1999 the council and the police worked together with other agencies to formulate the "COMMUNITY SAFETY STRATEGY" which was a requirement of the Crime and Disorder act. This was done by the liaison of the key agencies and by the setting up of community forums during which members of the public could put forward their concerns. This was completed and a three-year plan was introduced, starting in April 1999. One of the areas specified as a concern was "VEHICLE ISSUES" and one of the three main areas within this was to reduce repeated vehicle nuisance - or more specifically Key Objective number 7 which stated that it was necessary to target hotspots, which the McDonalds site in Leyland was quickly to become_

LEYLAND

Leyland is a former industrial town which was the base of Leyland Trucks. The town has been in steady decline for a number of years and has recently been subject to the large scale building of housing association properties. The crime rate in the area is

comparatively low and police/public relations are good. The town is situated near to Junction 28 of the M6 and has various industrial estates in the area.

Another factor in Leyland town centre is that there are only three main roads of shops that draw people into the centre during the day and close in the early evening, making the town centre very quiet in the evenings. That has been the case until recently when it was announced that there is going to be considerable development in the town centre area including a Tesco supermarket, cinema and sports hall development. The process of re-development started on a derelict gas works site in the centre of town_ This site had been derelict for a number of years and it was finally planned to build a small retail business park on the site, incorporating a McDonald's drive through, Lidl supermarket, a Poundstretchers and a large video store with sufficient parking on the site for all these organisations.



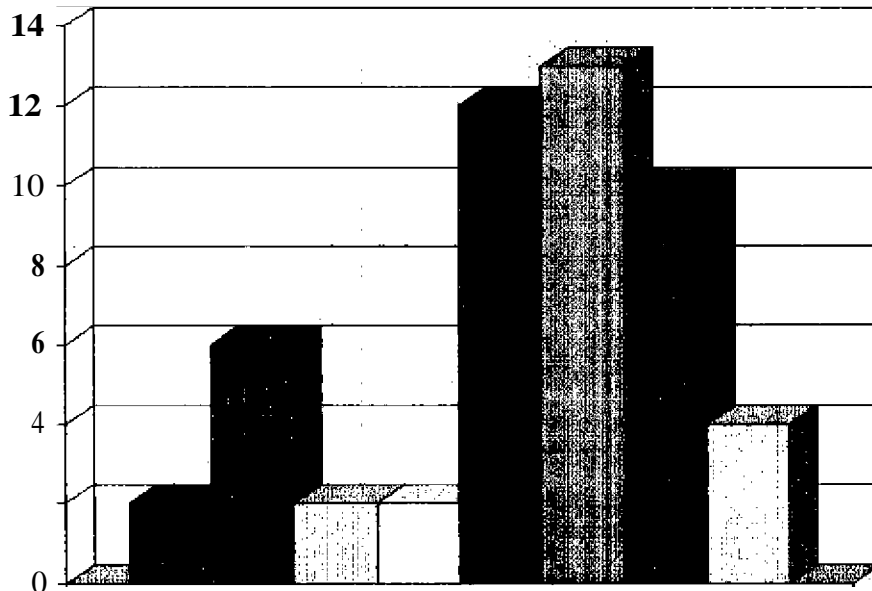
* View across the car park towards Ruskin Avenue*

McDonald's was the first site to open in a blaze of publicity on 18 December 1998 and on 30 December 1998 the first complaint was received from a resident of Ruskin Avenue (a nearby residential road).

SCANNING

When the complaints started coming in, there were two police officers who assumed ownership of the problem, PC ROB DUERDEN who operates as a town centre beat officer, who is responsible for a number of problem oriented approaches on the town centre, including a town centre radio scheme, and myself, a geographic constable responsible for the town centre and some of the **surrounding residential areas, covering** as a response officer across the whole geographical area. I too have a track record of problem-oriented approaches to policing. It should however be stressed that although we both accepted ownership of the problems, without the active support at all levels this initiative would have failed, but each problem is recognised as needing officers who assume ownership.

The figures that have been given in this report have been taken from the Lancashire Constabulary incident logging system that provides a computer record of calls received and shows the nature of the complaint. It should however be noted that the number of calls recorded have to be treated as a conservative record as, from personal knowledge, as many as three or four calls were received per night and were logged as re-visits therefore only registering one complaint.



Dec
Jan
Feb
Mar
April
May
June

* Calls to McDonald's*

When a call was received an officer would be deployed and attend the scene and deal with any problems apparent in an appropriate manner. However it quickly became apparent that the complaints received could not easily be dealt with. The complaints could be broken down into three main areas:

- (1) EXCESSIVE NOISE FROM CAR STEREOS .
- (2) DANGEROUS DRIVING ON THE CAR PARK
- (3) LIGHTS OF VEHICLES BEING SHONE INTO BACK ROOMS OF HOUSES ON RUSKIN AVENUE

When officers attended it was found that there was no noise, no dangerous driving and no problems with lights from the vehicles. They were of course in marked police vehicles and any problems with behaviour could have been curtailed by a police presence. The police repeatedly re-attended and found "NO OFFENCES DISCLOSED" and left the scene. The calls continued and all parties became frustrated, the residents of Ruskin Avenue and the police who kept re-attending. Plain vehicles were also used by the police but **again** when the police were present or observing, there appeared to be no problems. This was quickly being treated as not being a problem and being written off as such. However if the residents of Ruskin Avenue think there is a problem then something needs doing about it.

ANALYSIS

To analyse these repeat complaint, the problem analysis triangle was used incorporating the notion that if one side of the triangle was removed the problem was resolved, although in this case each one needed work.

Location

The retail park is located in the town centre and comprises of a drive through McDonald's restaurant, a large oval shaped car park that has a smooth laid tarmac surface. The layout of the car park offers a race track design that people can drive onto, do a circuit and drive off again. The whole retail park is very well lit by sodium lighting and offers an ideal meeting place with good facilities.



Next to the retail park there is a short dual carriageway with a 30 mph speed limit with a small car park that is not lit separating it from Ruskin Avenue, a short residential road. About 70 metres separate Ruskin Avenue from the complex. At different points of the complex there is as little as 30 metres between the complex and residential areas. All complaints were received from Ruskin Avenue.

McDonalds is open in the evening until 11pm during the week and midnight at weekends.

Offenders

The offenders in this matter are mainly teenage males who are car owners looking for a place to meet and associate in their "pride and joy" cars. A number of stop checks were carried out and this revealed that most of the people congregating in the area were from local and surrounding areas. A large majority of the vehicles were fully roadworthy and were being driven under full documentation. There had been no increase in crime in the vicinity that was attributed to people in the area due to

McDonald's_ Talking to the youths revealed that they were well mannered and were receptive to being spoken to by the police. They were congregating while McDonald's was open and would tend to "hang around" for about an hour after they had shut. The numbers would range from just two or three vehicles up to as many as about 30 cars and would meet on any night.

Victims

The victims, or complainants in this case, were a number of residents on Ruskin Avenue who were of a wide range of ages, but who all owned their own homes. Many had young children and the main complaint was that they were unable to sleep at night due to the noise. Further statements that they could "feel the vibrations through the floor" and that the noise was so loud so that they "couldn't hear their televisions" at night.

Some of the residents had also complained about motorists parking their cars on the small car park at night in the past when there was a sign posted stating that the car park was closed in the evening_ There were also complaints that some of the vehicles on the McDonald's car park were shining their lights into the back rooms of the Ruskin Avenue houses. This led me to consider a partnership with a curtain company but this was more indicative of a deeper problem.

Root cause of the problem

By using this systematic approach to looking at the problem, coupled with a sense of ownership, a number of conclusions were reached:

- (1) Although no accidents had been reported on the McDonald's car park there were skid marks dotted around the car park that indicated that cars were being driven at speed. Also off duty officers reported seeing vehicles being driven dangerously_ This is *possibly* due to the race track design of the car park.

- (2) Behaviour of, the youths using the car park required addressing regarding playing their car stereos too loud. The retail park is set in the town centre and it does not "feel" like a residential area. Evidence would need gathering for prosecutions if possible.
- (3) On account of the complaints being received, consideration had to be given to the intolerance of the residents of Ruskin Avenue towards these youths. Calls had been received stating that noise and driving complaints were going on at the time, while officers were parked in liveried vehicles on the car park, while there was clearly no problem.

Something had to be done!

RESPONSE

1

The initial response to the calls being received was the usual - send a police officer and passing observations. Once the root causes had been identified it was necessary to take co-ordinated measures to address them. ALISON HATTON of Environmental Health at South Ribble Borough Council was contacted and she stated that they too had received a number of complaints that were being considered. BARRY ATHERTON, the new manager of the McDonald's restaurant, was spoken with and he offered full assistance. Although McDonald's was the first site opened on the retail park other stores were due to open and all shared the car park that was the focal point of the problems. ERIC WRIGHT CONSTRUCTION were the site developers and KEITH KNOTT, one of the directors, was spoken to about the possibility of fitting speed ramps in the car park to act as traffic calming measures. Consideration was given to erecting barriers to close off different parts of the car park at different times. Barriers were discounted as it relied on someone to put them down and lock them, and on health and safety grounds.

A meeting was arranged at Leyland police station and a letter drop to all the residents of Ruskin Avenue was made inviting them. The meeting took place in July 1999 with more than 25 residents attending. Also in attendance were ALISON HATTON of

Environmental Health and BARRY ATHERTON of McDonald's. PC DUERDEN and I chaired the meeting between us, and two town centre councillors also attended.

The meeting opened and can only be described as fraught to begin with. When residents were allowed to speak and get their complaints off their chests, the atmosphere settled. News of the ramps being fitted went down well, as did the suggestion made by Mr ATHERTON to keep on top of the litter in the car park and challenge any youths on the car park who were making excessive noise. PC DUERDEN and I explained the powers and limitations of police action in this case, regarding the car park being privately owned and the burden of proof required for a police prosecution (beyond all reasonable doubt).

ALISON HATTON from Environmental Health took on responsibility of sound analysis and explained the procedure for prosecuting offenders. It was requested that as many people as possible keep a running log of the noise nuisance for one month. It was pointed out that a prosecution was only possible if the correct procedure was followed:

- (1) NOISE ABATEMENT NOTICE
- (2) FAILURE TO COMPLY
- (3) APPEAL

The evidence required for this had to include how the individual was affected and the number of disturbances.

The response was disappointing as there were only five volunteers to keep logs. Of these only two logs were submitted and these were late. Mrs HATTON also sought a volunteer to have the sound monitoring system fitted, known as the MATRON. The MATRON gives independent evidence of noise levels, recording at any time the noise levels exceed a certain point. The MATRON is in a sealed unit and cannot be interfered with, although it can be activated when the complainant feels it should be. There was a volunteer to have this fitted but come the day it was to be fitted there was no answer at the door. Messages were left but they did not re-contact. This behaviour

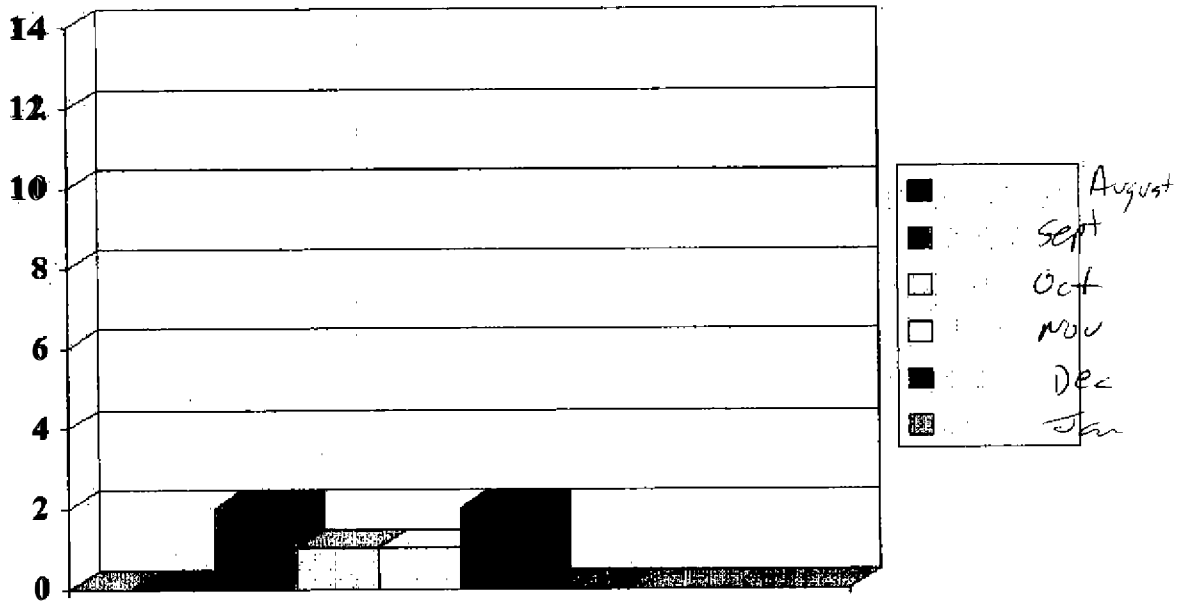
in conjunction with the number of complaints made, when it was proved that there were no problems led us all to believe that frustration was the root of the problem.

On two evenings Mrs HATTON attended the car park in company with the police and handed out "ONE MAN'S MUSIC IS ANOTHER MAN'S NOISE" leaflets that proved very popular, with people asking for extra copies to display in their car windows. The response from the youths was very good and this message was reinforced periodically by Specials and in the time honoured police tradition of passing observations.

The ramps were fitted in the car park and the subsequent complaints dropped significantly.

ASSESSMENT

The results that were obtained from incident logging speak for themselves, but this is only half the result.



Calls to McDonalds

The car park is still a popular meeting place for youths in the area although treating the car park as a race circuit is no longer an option. Loud music is not a problem and youths are not being subjected to a "SCORCHED EARTH POLICY" of moving them on whenever there is a complaint. It was shown that a few traffic calming measures and a bit of communication works wonders. These youths are going to meet somewhere and this retail park is an ideal location as they are in the open with little opportunity for damage to be caused.

The most difficult problem that had to be dealt with was the intolerance of the residents on Ruskin Avenue. When complaints are received regarding lights shining into windows it becomes apparent that frustration is the problem. By attempting to solve problems in one way, mainly enforcement, the police response is severely limited. By adopting a problem-oriented method and a systematic approach to issues, innovative ways are formulated to solve the problems of the community (that involve

W
1
1

partnerships), that the police could not solve on their own. By being seen to speak with the youths and by putting tangible measures in place (ramps) some of the frustrations of alienation are deferred. The requirement of evidence and procedures was put across and enabled the residents to see the difficulties for themselves.

The MATRON was later installed at another environment officer's house and reported no noise nuisance in the area.

There are a number of issues that this initiative raised. These are:

- (1) The motivation of officers increases as they perceive that they are dealing with issues and not just responding to events. Officers are now empowered to make partnerships and resolve problems.
- (2) A multi-agency approach led to a co-ordination of response and avoids playing organisations off against each other. This has in turn led to other partnerships and innovative ways of dealing with problems.
- (3) The object of the plan was to provide a sustainable solution to the driving problems by using the traffic calming measures and defuse the frustrations of the residents of Ruskin Avenue. The chances of prosecuting anyone on a public car park are at best slim, due to the lack of evidence. Education and giving local residents a chance to let off steam reduced tensions.
- (4) The beauty of PROBLEM-ORIENTED POLICING and this initiative is that it isn't rocket science, rather it all seems a bit obvious now. There is due to be another development built within the town centre close to this one. The police are already involved and consideration is already being given to juvenile problems before the site is even cleared for development. Hopefully there won't even be a problem that needs fixing this time.

Southern Division is now equipped with a daily computer briefing system that collates all deployments and in the event of any future recurrence of complaints, they will be highlighted, alerting relevant teams.

To conclude this report, it is worth going back to the beginning. All organisations, groups and individuals have an obligation to assist the community in whatever way they can. With the search for best value and use of partnerships, the accessibility of resources to the police has greatly increased and as initiatives reduce the long term demands on the police service the question is no longer "Can we succeed?" rather it is, "How can we fail?"