

## **GUIDELINES FOR LICENSING REVIEW HEARING PANELS**

The Chairman will control the proceedings and the following is a guideline for each hearing but may be adjusted if appropriate.

1. The Chairman explains the proposed format for the meeting and asks everyone to introduce themselves.
2. The Licensing Officer briefly outlines the review application.
3. The Applicant (responsible authority and or interested party) who asked for the review speaks in support of their application and call any witnesses. Other parties who have made representations on the review to speak in support.
4. The Licence Holder asks the applicant, witnesses and other parties questions.
5. The Panel asks the Applicant, witnesses and other parties questions.
6. The Licence Holder responds to the review application.
7. The Applicant and other parties (responsible authorities and interested parties) ask the Licence Holder questions.
8. The Panel asks questions.
9. All parties are asked if they wish to add anything further.
10. The Chairman requests everyone to leave the room in order that the panel may reach a decision. The Legal Officer and Committee Co-ordinator to the Panel remain.
11. Everyone will be invited to return to receive the decision. In the event of complex or lengthy applications, the Panel may decide to give its decision at a later date.



## **LICENSING HEARING PANEL**

**28 MARCH 2017**

### **LICENSING ACT 2003 APPLICATION FOR REVIEW OF A PREMISES LICENCE**

#### **CITY MINIMART, 3 CAZENEUVE STREET, ROCHESTER, KENT ME1 1XU**

Report from: Perry Holmes, Chief Legal Officer

Author: Helen Buddin, Licensing Officer

#### **Summary**

In accordance with Section 51 of the Licensing Act 2003, the Council has received an application from Kent Police, as a responsible authority, for a review of the existing premises licence in respect of City Minimart, 3 Cazeneuve Street, Rochester, Kent ME1 1XU

All responsible authorities have been consulted in line with the Licensing Act 2003.

Representations supporting the review have been received from Public Health and the local Neighbourhood Watch Co-ordinator. No further representations supporting the review have been received from members of the public or other responsible authorities.

Representations objecting to the application for review have been received from members of the public.

#### **1. Budget and Policy Framework**

- 1.1 Medway Council has published its Statement of Licensing Policy, which it takes into account in all applications relating to the Licensing Act 2003.

#### **2. Background to the application & relevant representations**

- 2.1 An application for review was received from Kent Police as a responsible authority, in respect of City Minimart, 3 Cazeneuve Street, Rochester, Kent ME1 1XU. The premises currently operates by way of a premises licence granted in accordance with the Licensing Act 2003, a copy of which is attached at Appendix A. A copy of a plan showing the location of the premises is at Appendix B.

- 2.2 A copy of the review application is at Appendix C and the Panel's attention is drawn to the grounds for the review, which relate to the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm licensing objectives of the Licensing Act 2003.
- 2.3 The application has been correctly advertised by way of the display of notices at and around the premises and on the Council's website for the required period, in accordance with regulations made under the Licensing Act 2003. Also, in accordance with the legislation, notice of the application (and the application itself) was served on the licence holder and the other responsible authorities. Before determining the review application, the Council as licensing authority must hold a hearing to consider it and any relevant representations received.
- 2.4 Following the advertising of the review application, representations supporting the review have been received from Public Health and the local Neighbourhood Watch Co-ordinator. No further representations supporting the review have been received from members of the public or other responsible authorities. Representations objecting to the application for review have been received from members of the public. Copies of all representations received are attached at Appendix D.

### **3. Advice and analysis on determination of review application**

- 3.1 At the panel hearing, Members must, having regard to the review application and the relevant representations received, take any of the following steps considered necessary to promote the licensing objectives of the Act:-
- (a) modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
  - (b) exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
  - (c) remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
  - (d) suspend the licence for a period not exceeding three months;
  - (e) revoke the licence
- 3.2 Paragraph 11.16 – 11.18 of the revised guidance issued by the Home Office in March 2015 under Section 182 of the Licensing Act 2003 states " The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives. The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is

expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder. However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

#### **4. Risk Management**

- 4.1 The Council has to consider and determine this application, which is a function relating to licensing and registration as set out in Schedule 1 to the Functions Regulations, the Licensing Act 2003, Gambling Act 2005 and other licensing functions reserved by law to the Council's Licensing and Safety Committee and its Sub-Committees, in accordance with the law (both statutory and case law), relevant statutory guidance and statements of policy.

#### **5. Financial and Legal Implications**

- 5.1 There are no direct financial requirements at this time.
- 5.2 This hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005 (as amended).
- 5.3 There is the possibility of a challenge by way of appeal to the decision by either the applicant or objector. Legal advice will be given to members as appropriate at the hearing. However, whatever the decision of the panel members, this must be based on the evidence placed before it and the panel must decide what weight to attribute to this information.

#### **6. Recommendation**

- 6.1 That the Panel considers and determines the application for review, having regard to Licensing Act 2003, the statutory guidance issued under S182, the Council's Licensing Policy and all matters before it, both written and oral. The steps that the Panel may consider taking are outlined in paragraph 3.1.

**Lead officer contact:** Helen Buddin, Licensing Officer  
Telephone: 01634 331922  
Email: [helen.buddin@medway.gov.uk](mailto:helen.buddin@medway.gov.uk)

#### **Appendices:**

Appendix A – Copy of current premises licence  
Appendix B - Plan showing the location of the premises  
Appendix C - Copy of the Review Application  
Appendix D – Copies of representations

## **Background documents**

None



## MEDWAY COUNCIL

Licensing Authority, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

### Premises Licence

Premises Licence Number

**Medway/14/00806/PREM**

#### Part 1 - Premises Details

Postal address of premises, or if none, ordnance survey map reference or description <b>City Minimart 3 Cazeneuve Street</b>	
Post town <b>Rochester, Kent</b>	Post code <b>ME1 1XU</b>
Telephone number	
Where the licence is time limited the dates: <b>Not Applicable</b>	
Licensable Activities authorised by the licence <b>Sale of Retail of Alcohol.</b>	
The times the licence authorises the carrying out of licensable activities <b>Monday to Sunday 08:00 to 23:00.</b>	
The opening hours of the premises <b>Monday to Sunday 08:00 to 23:00.</b> <b>The premises may open outside authorised hours for non-licensable activities subject to planning or other legislation.</b>	
Where the licence authorises supplies of alcohol whether these are on and/or off supplies <b>Off Supplies</b>	

#### Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence <b>Mr Sujitha Piratheepan</b>
Registered number of holder, for example company number, charity number (where applicable) <b>Not Applicable</b>
Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol <b>Mr Piratheepan Kulanayagam</b>
Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol <b>Medway – 07 – PL- 1654 Medway Council</b>

#### Annex 1 – Mandatory Conditions

### **Condition 1**

**No supply of alcohol may be made under this licence:-**

- (a) At a time when there is no designated premises supervisor in respect of it or**
- (b) At a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.**

**Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.**

### **Condition 2**

- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol**
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.**

### **Condition 3**

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.**
- (2) For the purpose of the condition set out in paragraph 1:-**
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);**
  - (b) “permitted price” is the price found by applying the formula:-  $P = D + (D \times V)$  where:-**
    - (i) P is the permitted price,**
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and**
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;**
  - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence:-**
    - (i) the holder of the premises licence**
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or**
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;**
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and**
  - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7)**
- (3) Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.**
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph (2) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.**
  - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.**

## Annex 2 – Conditions consistent with the Operating Schedule

### **Condition 4**

The premises shall install and maintain a comprehensive CCTV system (with 6 cameras) as per the minimum requirements of a Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 30 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 30 day period. The CCTV system should be updated and maintained according to police recommendation. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show recorded footage from the CCTV system to a police or authorised officer.

### **Condition 5**

An incident log shall be operated at the premises and made available on request to an authorised officer of the Council or the police, which will record the following (a) all crimes reported to the venue (b) any refusal of the sale of alcohol (c) any complaints received (d) any incidents of disorder (e) any visit by a relevant authority or emergency service (f) any faults in the CCTV system.

### **Condition 6**

Maintain regular training of all staff with regards to the licensing act, health and safety legislation and keep all records pertaining to the training for production on request by local authority or police officer.

### **Condition 7**

Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display and at the point of sale.

### **Condition 8**

There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

### **Condition 9**

Notices will be displayed to enter and leave the premises quietly.

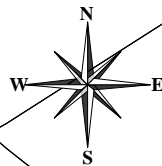
### **Condition 10**

There shall be no self-service of spirits on the premises.

## Annex 3 – Conditions attached after a hearing by the licensing authority

**Not Applicable**

4



Appendix B

VE STREET

*Medway*  
COUNCIL  
Serving You

*Medway*  
COUNCIL  
Serving You

2 to 12

14 to 24

26

30

*Medway*  
COUNCIL  
Serving You

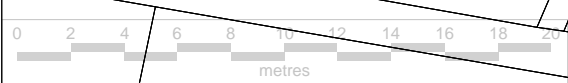
1  
5  
9

3  
7  
11

1 to 33

*Medway*  
COUNCIL  
Serving You

*Medway*  
COUNCIL  
Serving You



City Mini Mart

*Medway*  
COUNCIL  
Serving You



**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003****PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**I PC 12431 Cossar**

(Insert name of applicant)

**apply for the review of a premises licence under section 51. of the Licensing Act 2003 for the premises described in Part 1 below** (delete as applicable)

**Part 1 – Premises or club premises details****Postal address of premises or, if none, ordnance survey map reference or description**  
**City Minimart****3 Cazeneuve Street****Rochester****Kent****ME1 1XU****Post town Rochester****Post code (if known) ME1 1XU****Name of premises licence holder or club holding club premises certificate (if known)**  
**Mrs Sujitha PIRATHEEPAN****Number of premises licence or club premises certificate (if known)**  
**Medway-14/00806/PREM****Part 2 – Applicant details**

I am

**Please tick yes**

1) an interested part (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

☐

b) a body representing persons living in the vicinity of the premises

☐

c) a person involved in business in the vicinity of the premises

☐

d) a body representing persons involved in business in the vicinity of the premises

☐

2) a responsible authority (please complete ( C ) below)

☒**3 a member of the club to which this application relates (please complete (A) below)**

**RESTRICTED (when complete)**

**Application for the review of a premises licence or club premises  
certificate under the Licensing Act 2003**

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in a applicable)

Please tick

Mr

☐

Mrs

☐

Miss

☐

Ms

☐

Other title

☐

(for example, Rev)

Surname

First names

Please tick yes

☐

I am 18 years old or over

Current postal  
address if  
different from  
premises  
address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**RESTRICTED (when complete)**

**Application for the review of a premises licence or club premises  
certificate under the Licensing Act 2003**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address <b>PC 12431 Cossar Medway Police Station Purser way Gillingham Kent, ME7 1NE</b>
Telephone number (if any) <b>01634 792411</b>
E-mail address (optional) <b>12431@kent.pnn.police.uk</b>

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

**Please state the ground(s) for review** (please read guidance note 1)

Kent Police submit this application to review the City Minimart following incidents of crime and disorder, public nuisance and in order to promote public safety.

**RESTRICTED (when complete)**

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**Please provide as much information as possible to support the application**

(please read guidance note 2)

On Saturday the 30th July 2016 Trading Standards conducted a test purchase when the premises sold a 700ml Bottle of Caribbean Twist Blue Lagoon to a 14 year old volunteer. This is a criminal offence contrary to Section 146 of the Licensing Act 2003.

The premises received a warning letter dated 1st August 2016 with a Retail Advice pack and an offer of support and training. There was no contact received from the premises and the offer of training and support was not accepted.

On Saturday 3rd September 2016, another test purchase operation was carried out by Trading Standards. A second positive sale was made to a 14 year old test purchase volunteer. This contravenes Section 146 of Licensing Act 2003 and Section 147A of the Licensing Act 2003, which creates the offence of "Persistently selling to children", which is defined as selling alcohol twice to children under the age of 18 years old within a three month period.

Trading Standards explained that they wished to interview the DPS prior to taking action.

On the 15th September 2016, PC Cossar and Mrs Murray from Public Health attended the store. There was only one member of staff in the store, [REDACTED]. Condition 8 of the premises licence requires a personal licence holder to be on the premises. PC Cossar asked [REDACTED] was a personal licence holder, he was not. [REDACTED] telephoned a male who arrived approximately 15 minutes later. This male, [REDACTED] attended the store with his own personal licence. Police explained to [REDACTED] that the premises was breaching conditions by not having a personal licence holder on site, [REDACTED] stated he had no responsibility for the shop and had to return to his own store. Police and Public Health explained at length to both persons the conditions on the licence and that we needed to speak with Mr Sujitha PIRATHEEPAN. They both stated the boss was in Sri Lanka on holiday.

On Tuesday 20th September 2016 at approximately 10:40 hours Police licensing officers attended the premises for a prearranged meeting with the designated premises supervisor. Mr Piratheepan KULANAYAGAM attended instead of the DPS. During this meeting police raised concerns regarding anti-social behaviour in the area, the venue selling individual cans and bottles of high strength beers/lagers/cider, proxy sales to underage children and drunken street drinker issues.

Throughout the meeting Mr KULANAYAGAM stated that he did not plan to reduce the strength of beers/lager/cider due to the fact they had seen an increase in the sales.

Later the same day at approximately 11:15 hours, PC Cossar and PC Hill were in a nearby off licence who refused to sell an intoxicated street drinker a single can of Perla Black high strength lager. The street drinker tried to get a friend to do a proxy purchase, but this too was declined by the store. He became very abusive towards the shop keeper. We followed the street drinker and his friend to City Minimart store. The street drinker sat on a wall outside of City Minimart while the friend entered City Minimart and purchased a single can of high strength lager. He brought it out and handed it to the street drinker who opened it and started drinking it while sitting on the wall directly outside of the premises. This was conducted within an hour of our visit to the store. Mr Piratheepan KULANAYAGAM was in the store at the time.

On Friday 23rd September 2016 council licensing attended the premises with PC Hill. The premises were in breach of conditions 6, 7, 8 and 9 on their licence.

On 26th September 2016 Mr Piratheepan KULANAYAGAM was issued a written warning for the breaches to the licence.

Throughout the warmer months the local PCSO states they are approached by members of the public complaining about the shop, street drinkers and beggars who cause a public nuisance and disorder outside the premises. A local business has informed the PCSO that they have to lock their premises to protect their customers inside from intoxicated persons using the shop and hanging about outside and how they do not feel safe walking to their cars which are parked on the road near-by. Police also hear how residents do not

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**Application for the review of a premises licence or club premises  
certificate under the Licensing Act 2003**

feel safe fear crime and disorder from the street drinkers and drug users who frequent the area and use this shop to purchase their high strength cans of alcohol.

Street drinkers often beg in this area to get enough money to buy a single high strength can, and drink it immediately or shortly after in the vicinity. The begging continues and the cycle repeats itself with the begging becoming more aggressive together with the associated anti-social behaviour. The reason for purchasing a single can/bottle at a time is that the area is an alcohol control zone and police are able to seize alcohol being consumed in the street, thus street drinkers purchase one can/bottle at a time to mitigate loss.

Analytical data collated by Kent Police shows the area in which the premises is located had the highest incidence of crime (including violence against the person, public order, sexual offences and criminal damage) in the Medway towns - a total of 315 incidents recorded between October 2015 – September 2016.

Kent Police do not have confidence in the management of these premises or the proposed DPS. They have shown a blatant disregard for their legal and moral responsibility with regards to the sale of alcohol. It is clear that there is no attempt to distinguish who should and should not be sold alcohol, whether it be a youth or a drunken street drinker.

Police have not submitted review papers independently previously as Trading Standards were submitting their own application upon which we, together with Public Health and another interested party made relevant representations. Following the withdrawal of that application and the decision not to hold the review, Kent Police now make an independent application for review so that the matters can be brought before the Licensing Authority for their consideration.

In order to promote the licensing objectives Kent Police would ask the panel to consider the conditions below

1. Removal of DPS
2. No beer, lager or cider above 5.5% ABV will be sold
3. No single can/bottle sales of beer, lager or cider will be made. All sales of beer, lager or cider will be a minimum of 4 cans/bottles.
4. A 'clear glazing' policy shall be kept on the premises above 1 meter and below 2 meters so staff have an unobstructed view of the area outside the front of the premises through the glass looking into the street. The exception of this shall be the display of notices required by law and any required as a condition of this licence.

In addition, as the offences discovered are serious in nature, following the imposition of any conditions felt appropriate, we would ask the suspension of the licence for a period of up to three months to allow the premises to reset and give it a chance to continue running in the future without the constant attendance and intimidation of the usual clientele.

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**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**Please tick yes**

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

**Day    Month    Year**

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**If you have made representations before relating to this premises please state what they were and when you made them**

**RESTRICTED (when complete)**

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent**  
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature \_\_\_\_\_

Date

24/2/2017

Capacity

C/insp 10123 MEDWAY DISTRICT COUNCIL (POLICE)

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

**Post town**

**Post code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e mail address your e mail address (optional)**

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.





Director of Public Health  
Public Health Directorate  
Medway Council,  
Gun Wharf,  
Dock Road,  
Chatham, Kent. ME4 4TR  
6<sup>th</sup> March 2017

## **LICENSING ACT 2003 – Representations following review application**

### **Name and address of premises**

**City Mini Mart, 3 Cazeneuve Street, Rochester, ME1 1XU**

The Director of Public Health is making representations following an application to review this premises licence by Kent Police. The representations are being made under the following licensing objectives

- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of children from harm

This representation is also intended to inform and support any decision made by the Licensing Committee in this matter by providing evidence concerning alcohol related issues in the area where the premises are situated and which are relevant to the review application and the above licensing objectives.

A report providing an overview of alcohol related harm in the area around the premises is attached at Annex 1 for the information of the Licensing Committee.

### **Area overview**

The premises is situated within a few metres of a primary school and is in a residential area. It is within 3 to 4 minutes walking distance of Rochester High Street area, which has an ongoing problem with street drinkers, who are reported by residents and councillors as engaging in anti social behaviour such as aggressive and intimidating begging and public urination and defecating.

The LSOA in which the premises is located (see Annex 1 for explanation of the term) is ranked 4056 out of 34 844 nationally for total deprivation, where 1 is the most deprived and 34 844 is the least. 50% of the people living in this area are among the most deprived in Medway. This area is very deprived.

During the last five years Rochester West and Rochester East wards have been in the top 8 wards in Medway for ambulance callouts identified as having alcohol as a contributory factor by ambulance staff. Rochester West has been either the sixth or fifth highest ward in this time.

Rochester High Street is part of an alcohol control zone due to the evidenced alcohol related anti social behaviour in the area.

## **The Prevention of Crime and Disorder**

Contained within Annex 1 are alcohol related crime and disorder figures provided by Kent Police which are relevant to the area. The area in which the premises is situated accounts for nearly 16% of all day time anti social behaviour and assaults in Medway, and 19% of all reported public order incidents which have occurred during the day.

The LSOA is also ranked 3378 of 34 844 nationally for crime deprivation, where 1 is the most deprived and 34 844 is the least 1. This area is very high for crime deprivation.

## **The Prevention of Public Nuisance**

Following the failure of two test purchase operations at this premises conducted by Trading Standards a member of my staff, Mrs Barbara Murray, accompanied PC Clare Cossar, Kent Police licensing officer, during a licensing visit at the premises on the afternoon of Thursday 15th September 2016. There was one male working at the shop. There was a large display of alcohol, including the items termed super strength beer and cider, for sale. The shop assistant told PC Cossar he was working alone in the shop and the Designated Premises Supervisor and Premises Licensing Holder were in Sri Lanka. PC Cossar asked if the male was a personal licence holder as there is a condition on the premises licence requiring a personal licence holder be on the premises at all times when the sale of alcohol is authorised. The male said he did not have a personal licence. PC Cossar asked several times to speak to the DPS, but the male was unable to help and eventually contacted a person, who he described as his manager and was working at another shop. This male arrived 15 to 20 minutes later and showed PC Cossar his personal licence, although he denied being a manager or being responsible for the premises. He told us he would have to return to his shop. Both men were told a personal licence holder had to be on the premises at all times the sale of alcohol was authorised to make sure there were no breaches of the premises licence. While we were there a male came in and was refused the sale of alcohol, although I believe that was only due to our presence. There were several other breaches of the conditions on the premises licences in addition to the one identified above, such as a failure to display a notice asking people to be quiet as they left the premises.

The failure to adhere to the conditions on the premises licence shows a disregard of the law by the Premises Licence Holder and the Designated Premises Supervisor.

The Council's Public Health team is receipt of complaints of street drinking and associated begging in the Rochester High Street area and the police have reports of the sale of alcohol to street drinkers from these premises. My staffs have attended several meetings with residents, businesses and councillors about these issues. Traders have reported the problems are directly affecting trade, and residents have complained of public urination, defecation and sleeping in doorways.

During October and November of 2016 Public Health carried out a survey in Medway concerning alcohol related issues and received 22 replies from residents who identified Rochester High Street area as having a particular problem with alcohol related issues. 15 of the respondents provided contact details. The results of the survey and direct quotes from the residents, describing their experiences with alcohol related issues, are contained within Annex 1. Several residents detail the problems with street drinking outlined above.

These problems are associated with the sale of alcohol from off licences during the day and early evening, not with pubs and clubs and the night time economy. Any premises selling alcohol to street drinkers in this area will be contributing towards these problems, including City Mini Mart as it is within walking distance of the High Street.

## **The Protection of Children from Harm**

In July and September 2016 this premises failed two test purchases to a fourteen year old acting on the directions of Trading Standards, which resulted in an application to review the premises licence in January 2017. This application was subsequently withdrawn following negotiations with the premises licence holder. Representations, including those made by Public Health, made in support of this review, and outlining the issues above, were therefore made null and void.

There is considerable evidence which links the consumption of alcohol by children to numerous harms, including violence, risk taking behaviour, accidents, school disengagement, underage sex and pregnancy and physical and mental health problems.

In the 5 LSOAs around ME1 1XU (see Annex 1) a total of 18 young people have attended accident and emergency for alcohol poisoning which is 7.6% of the total for Medway.

## **Summary**

The premises licence holder and the designated premises supervisor are failing to promote the prevention of crime and disorder, protecting children from harm and public nuisance licensing objectives.

Evidence shows this premises is associated with the sale of alcohol to street drinkers and underage sales. The Director of Public Health asks for the premises licence to be suspended for a period of 3 months and the removal of the DPS. He also asks the following conditions to be put on the premises licence.

1. No beer, lager or cider above 5.5% ABV will be sold
2. All sales of beer, lager or cider will be a minimum of 4 cans/bottles.
3. A 'clear glazing' policy shall be kept on the premises above 1 meter and below 2 meters so staff have an unobstructed view of the area outside the front of the premises through the glass looking into the street. The exception to this shall be the display of notices required by law and any required as a condition of this licence

Dr Andrew Burnett

6<sup>th</sup> March 2017

## **Interim Director of Public Health**

For all communication please contact **Barbara Murray**, Public Health Project Coordinator at the address at the head of this representation or by the following:

Tel: 01634 332637

E mail: barbara.murray@medway.gov.uk



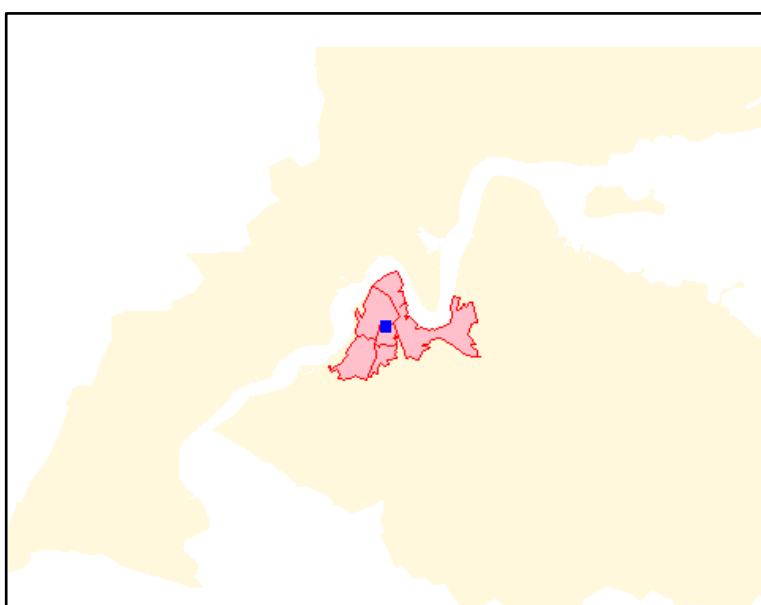
## Annex 1

Lower Super Output Areas (LSOAs) are units of geography (developed and maintained by the Office for National Statistics) corresponding to an average of 1,600 people or 650 individual households. Like electoral wards, each LSOA has a clearly defined geographical boundary. There are 163 LSOAs within the Medway Council boundary.

This report summarises the area around the postcode ME1 1XU.

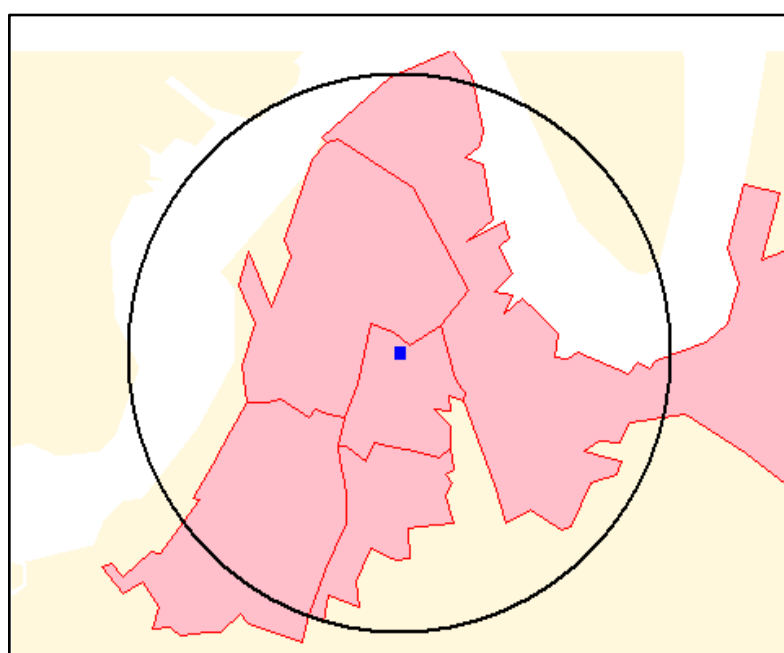
### LSOAs near the postcode

This first map shows the location of the postcode ME1 1XU in Medway and the 5 LSOAs around it.

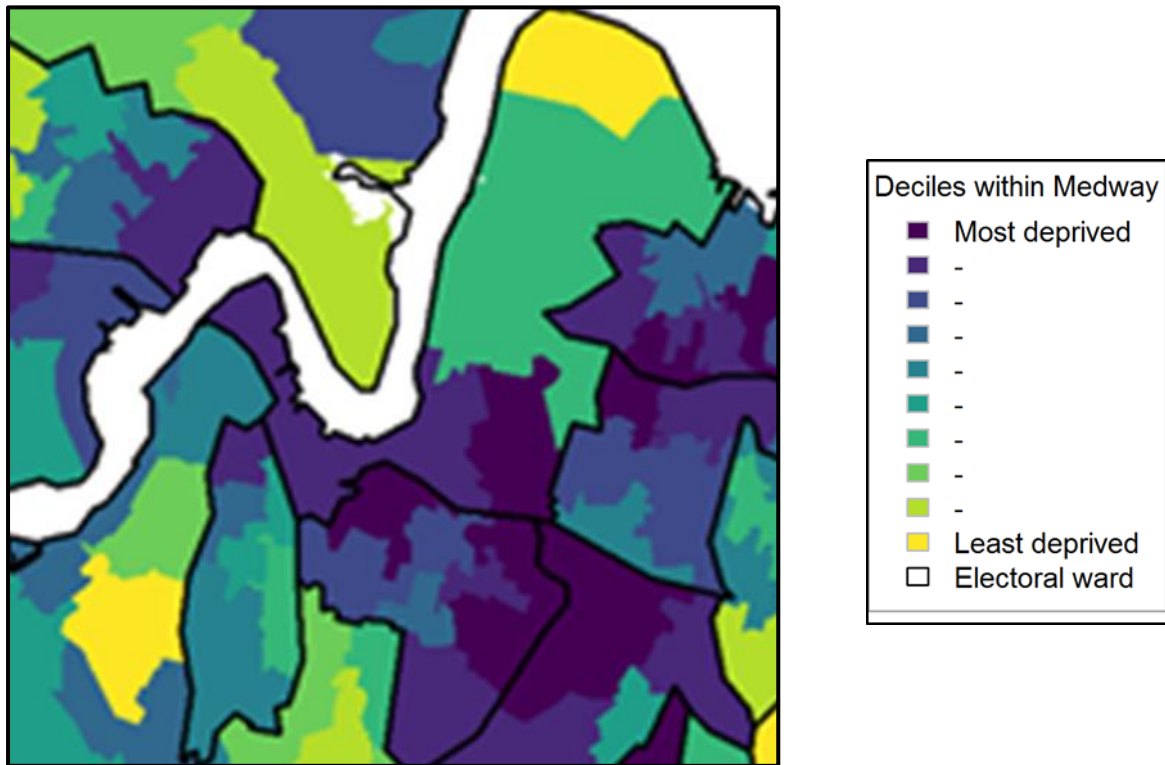


There are 9834 people living in the 5 LSOAs around ME1 1XU.

	Count	Percent
<b>&lt; 5</b>	652	6.6
<b>5 to 18</b>	1436	14.6
<b>19 to 64</b>	6490	66
<b>65 to 84</b>	1093	11.1
<b>85 plus</b>	163	1.7



## Deprivation



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The Indices of Deprivation 2015 provide a relative measure of deprivation in small areas across England. The Indices of Deprivation 2015 is based on the concept that deprivation consists of more than just poverty. Poverty is not having enough money to get by on whereas deprivation refers to a general lack of resources and opportunities.

The Indices of Deprivation 2015 is the collective name for a group of 10 indices which all measure different aspects of deprivation. The most widely used of these is the Index of Multiple Deprivation which is a combination of a number of the other indices to give an overall score for the relative level of multiple deprivation experienced in every neighbourhood in England.

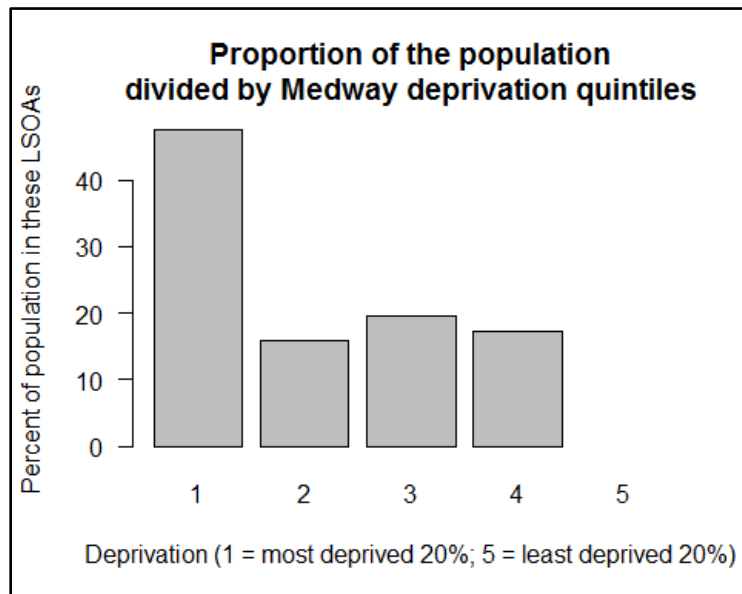
In total 38 separate indicators, which are grouped into seven domains each of which reflects a different aspect of deprivation, are used to produce an overall Index of Multiple Deprivation score for each small area in England. The domains used in the Index of Multiple Deprivation 2010 are income, employment, health, education, crime, access to services and living environment. Each of these domains has their own scores and ranks allowing users to focus on specific aspects of deprivation. All the small areas in England can be ranked according to their Index of Multiple Deprivation score; this allows users to identify the most and least deprived areas in England and to compare whether one area is more deprived than another.

An area has a higher deprivation score than another one if the proportion of people living there who are classed as deprived is higher. An area itself is not deprived: it is the

circumstances and lifestyles of the people living there that affect its deprivation score. And it is important to remember that not everyone living in a deprived area is deprived - and that not all deprived people live in deprived areas.

Source: English indices of deprivation 2015: guidance

The area around Rochester High St, while not the most deprived in Medway, still has deprived areas.



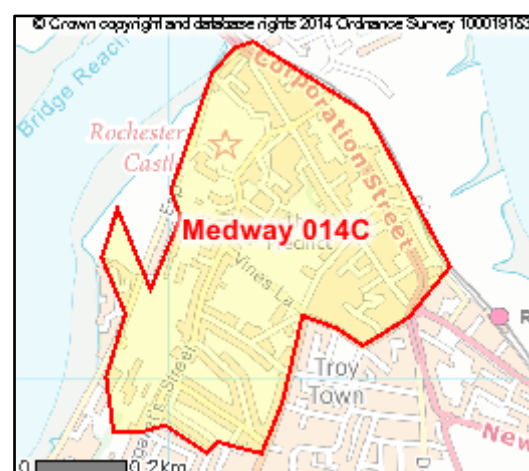
In 2014 Public Health in Medway commissioned a study into alcohol use in Medway. The result - Medway Alcohol: Insight (2014) - identified there was a clear link between alcohol related harms, hospital admissions, alcohol related crimes and deprived areas where there is a density of licensed premises.

### **Crime Deprivation**

The Office for National Statistics ranks LSOA Medway 015D (highlighted in yellow) at **530** nationally out of 32 844 LSOA's for crime deprivation, where 1 is the most deprived.

'Crime deprivation' is defined as measuring 'the risk of personal and material victimisation at local level'.

(ONS, 2015)



## **Crime**

This data includes crimes reported by the victim based on where the crime occurred and covers the calendar years 2012 to September 2015.

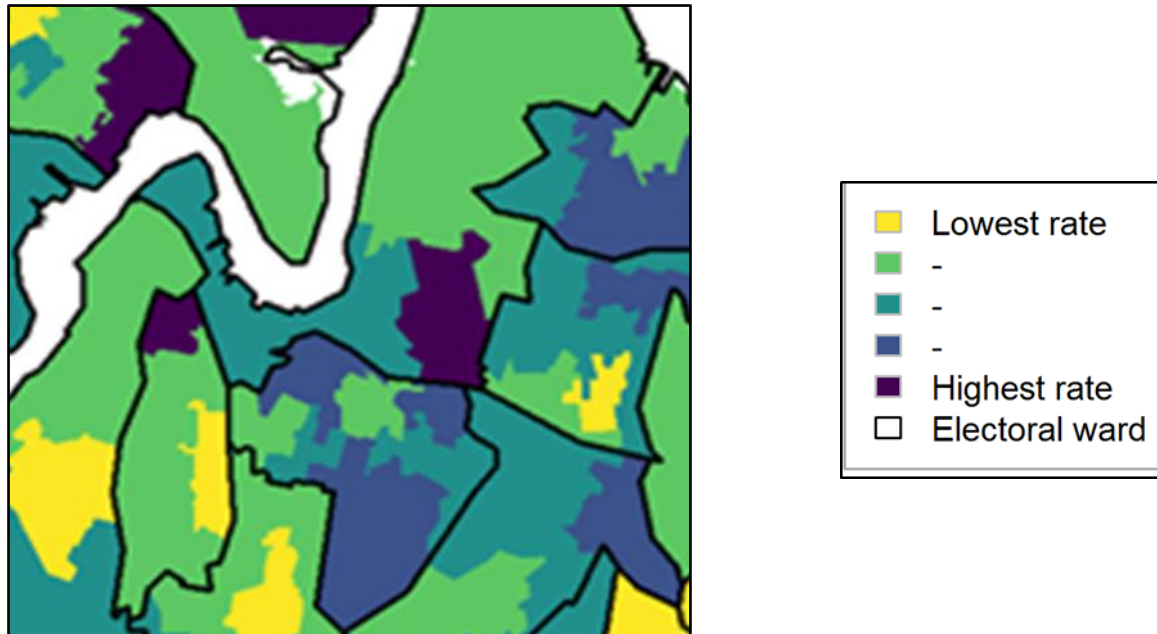
### ***Night-time (occurring between 20:00 and 06:00)***

Type	Local area	Medway total	Percentage
ASB	3350	18331	18.3
Assault-nonDV	1020	4137	24.7
Criminal Damage	533	4239	12.6
DV	352	2658	13.2
Public Order	34	205	16.6
Sexual	66	487	13.6

### ***Day-time***

Type	Local area	Medway total	Percentage
ASB	2578	16381	15.7
Assault-nonDV	782	4926	15.9
Criminal Damage	493	4140	11.9
DV	305	2555	11.9
Public Order	69	366	18.9
Sexual	45	276	16.3

## **Alcohol related hospital admissions**



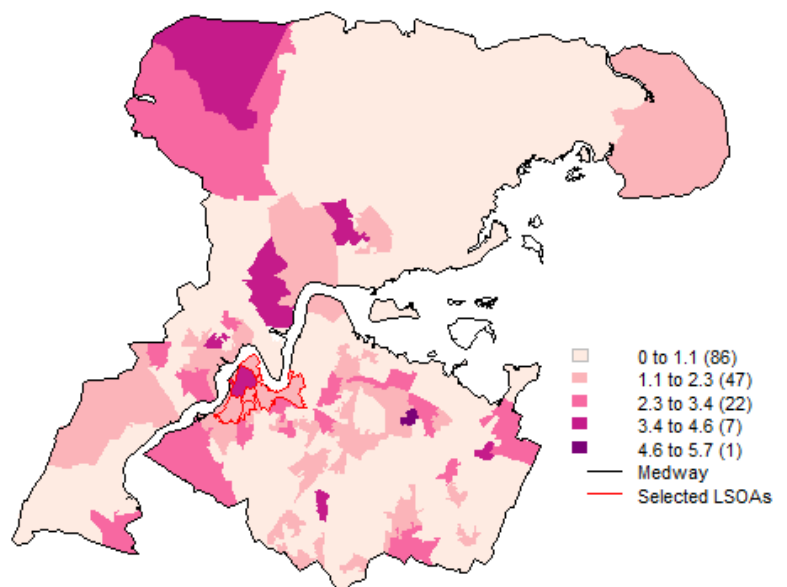
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The Troy town area of Rochester East ward close to Rochester High Street has one of the highest areas for alcohol related hospital admissions in Medway.

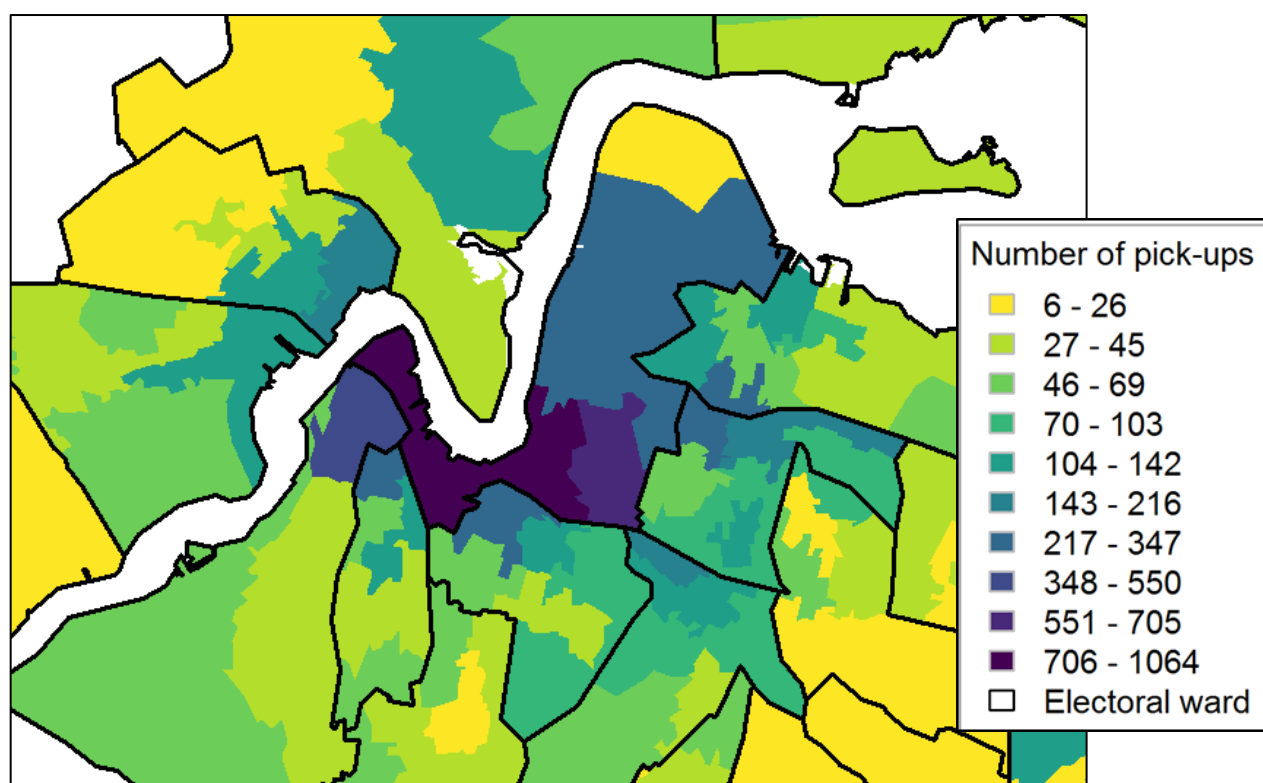
## **Attendances at Accident & Emergency department**

The data in the map below is based on young people under 18 years of age attending an accident and emergency department for some form of alcohol poisoning between April 2011 and March 2015

In the 5 LSOAs around ME1 1XU a total of 18 young people have attended accident and emergency for alcohol poisoning which is 7.6% of the total for Medway.



**Ambulance callouts where alcohol has been deemed to be a contributory factor by ambulance staff.**



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2011	
River	415
Chatham Central	221
Gillingham South	218
Luton and Wayfield	183
Gillingham North	178
Rochester West	118
Strood North	107
Rochester East	94

2012	
River	428
Gillingham South	251
Chatham Central	198
Gillingham North	178
Luton and Wayfield	159
Rochester West	137
Strood North	113
Rochester East	112

2013	
River	421
Gillingham South	232
Gillingham North	201
Chatham Central	180
Rochester West	170
Luton and Wayfield	141
Strood North	109
Rochester East	103

2014	
River	400
Gillingham South	266
Gillingham North	226
Chatham Central	198
Luton and Wayfield	174
Rochester West	160
Rochester East	135
Strood North	119

2015	
River	511
Gillingham South	263
Chatham Central	210
Gillingham North	208
Rochester West	177
Luton and Wayfield	157
Rochester East	128
Strood North	116

During the last five years Rochester West and Rochester East wards have been in the top 8 wards in Medway for ambulance callouts identified as having alcohol as a contributory factor by ambulance staff. Rochester West has been either the sixth or fifth highest ward in this time. The proposed CIP area also covers a small part of River ward which has been the highest ward for ambulance callouts in the time covered by the data.

Following is a summary by ward, of all the categories of call out listed by the ambulance service considered to be most relevant to one or more of the four licensing objectives. As can be seen the nature of these calls are directly related to the safety of those involved, or would have been as a result of crime or caused a public nuisance. The calls have all been noted by ambulance crews as having alcohol as a suspected contributory factor.

### **Rochester West Ward**

<b>Call type</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Trauma/bleeding	11	23	35	30	23
Unconscious/faint	24	41	29	24	32
Alcohol intoxication	13	14	11	18	22
Falls <12ft	1	5	7	12	7
Assault/Sexual assault	8	6	13	8	9
Limb/pain injury	13	5	8	8	8
Road Traffic Collision	2	3	2	2	3
Overdose/ingestion accidental	5	4	4	6	4
Shot/stabbing			1		1
<b>Total</b>	<b>77</b>	<b>101</b>	<b>110</b>	<b>108</b>	<b>109</b>
<b>Percentage of ward total</b>	<b>65.3%</b>	<b>73.7%</b>	<b>64.7%</b>	<b>67.5%</b>	<b>61.6%</b>

### **Rochester East Ward**

<b>Call type</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Trauma/bleeding	7	18	17	12	19
Unconscious/faint	17	14	16	13	17
Alcohol intoxication	3	10	2	4	8
Falls <12ft	1	6	7	5	11
Assault/Sexual assault	1	4	1	1	5
Limb/pain injury	6	8	12	3	2
Road Traffic Collision		3			
Overdose/ingestion accidental	3	2	5	4	
Shot/stabbing	1		1	1	
<b>Total</b>	<b>39</b>	<b>65</b>	<b>61</b>	<b>43</b>	<b>62</b>
<b>Percentage of ward total</b>	<b>41.5%</b>	<b>58%</b>	<b>59.2%</b>	<b>31.9%</b>	<b>48.4%</b>

## **Medway Hospital A&E assault data**



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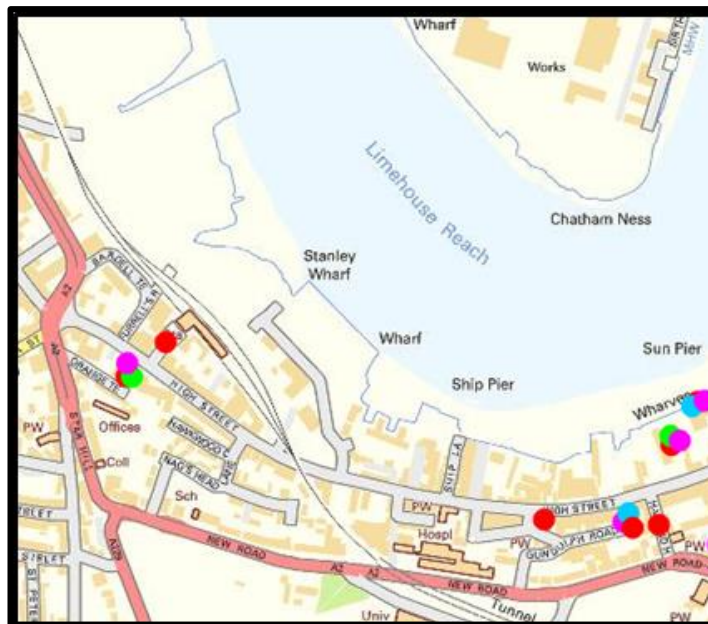
While Chatham can be seen as the main hot spot for assaults reported by persons attending Medway Hospital A&E department from January 2016 to October 2016 inclusive, Rochester High Street area is also highlighted.

## **Alcohol Control Zone**



Alcohol control zones were introduced in areas of Medway which have proven alcohol related anti social behaviour. These are in the process of being superseded by Public Spaces Protection Orders, however until this process has been completed ACZs in Medway are still in force.

## Alcohol related litter



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### Key

Alcohol related litter	Red
Street drinking locations	Magenta
Drug litter	Cyan
Human waste	Green

The above map plots the locations where persistent and substantial amounts of alcohol related litter have been found by public health staff and environmental enforcement over 2015 to the present. In addition the locations where street drinkers are regularly observed, drug litter has been found and human waste has been reported or observed are also shown.

It can be seen these locations are often the same.

The following photographs are examples of alcohol related bottles and cans that have been found in these locations in and around Rochester High St area.



Car park opposite the old railway station, Rochester High Street



The old railway station, Rochester High Street



Cathedral car park and Corporation Street area, Rochester



## **Community survey evidence**

A total of 22 surveys were returned expressing concerns about Rochester High Street area, 15 of which recorded their contact details.

19 of the respondents identified themselves as residents, with 2 representing business and 1 a community group.

## **Summary of alcohol survey**

The majority (82%) of respondents felt that licensed premises in the area they identified contributed to issues relating to the 4 licensing objectives, with crime and disorder (77%), public nuisance (86%), and risk to public safety (50%) identified as the main concerns. A minority (23%) felt there was risk to the protection of children.

The majority felt that the alcohol related issues of ASB, public nuisance, noise nuisance, street drinking, littering, crime and disorder and urinating/defecating happened on a weekly basis or more frequently:

Every category of alcohol related harm was reported to have happened primarily during the evening and night, apart from drug dealing and use, under age drinking and intimidating behaviour/begging.

The areas identified by residents were

- Rochester High Street
- Doust Way
- Rochester Vines area
- Boar Lane
- East Gate
- Crow Lane
- Roads leading off Rochester High Street

Below are examples of the comments which were submitted as part of the survey describing the impact alcohol has on the respondents in this area.

'We have experience/witnessed - \* A drunk youth attacking and damaging our front door \* Several street fights \* Urination on the front of our property \* Vomiting outside our house \* Lots of noise and sleepless nights \* Sexual acts '

**Rochester Resident**

'Constantly asked for money by people begging - particularly near cash machines or charity shops constantly going past groups of men and women who are inebriated - unable to walk straight or sitting on benches talking rubbish too loudly. Seeing smashed windows, vomit on the pavement. Cans and bottles just thrown down anywhere other than a bin. Living in Rochester and using the High Street regularly, I have become used to this but it is unpleasant and certainly does not give a good impression to tourists and visitors.

I think there are too many shops in the High Street that sell cheap alcohol all throughout the day and late into the night. '

**Rochester Resident**

'Noisy begging and drinking by cash machines on a daily basis.'

**Rochester Resident**

'urinating in the disabled carpark opposite the corn exchange'

**Rochester Resident**

'There is constant street drinking, fights on the high street which my kid saw once. It's shameful to see drunks walk on the main road in the early hours.

Alcohol needs to be consumed in a respectable way. People should socialise while drinking and not drink while walking. It's a shame that people are allowed to drink openly in public. Off-licences are the problem, they should not sell cheap alcohol and should not sell to people who look like they need help. Poor people who are alcoholic should be helped and not given more alcohol. Café's and restaurants that don't sell alcohol should be supported as well.'

**Rochester business representative**

'People walking home sometimes come into our street and incidences occur – rows, fights, sexual violence.'

**Rochester Resident**

The High Street is supposedly an alcohol free zone; I can only assume that the members of the public who are swigging from their cans of beer or cider can't read. Any one strolling down the High Street at any time of day or night can see drugs being trafficked. Begging is commonplace once again outside the banks and shop door ways. Returning home at night can feel extremely threatening, the noise and drunken crowds are extremely intimidating, my heart races and I feel very anxious.

**Rochester Resident**



02 MAR 2017

For the second review  
28th Feb. 2017

ROCHESTER

TEL.

RE. LICENSE REVIEW CITY-MART  
CAZENOVE STREET.

Dear Sirs

I am the neighbourhood  
watch coordinator for Ruxton  
Square & parts of Cazenove St,  
and I am writing in response  
to the review after talking to  
as many residents as possible.

Whilst we do not wish  
to see the license removed  
completely, we are extremely  
worried that when the weather  
improves we will have a  
return to all the problems of  
last summer.

We were subjected on a very regular basis to groups of loud, intimidating people who were in various stages of intoxication and drug abuse. The litter was awful and the language appalling.

This shop is literally yards from a primary school - one morning at 8.30 am one man was so drunk that he fell off the wall in front of a child. Drug dealing which seems to go hand in hand with this problem was conducted openly at all times of the day often in front of children going to and from school.

I am an OAP and find having to pass through these groups most unpleasant and

I feel extremely vulnerable. As a result I will not shop there after 4:00 pm.

On many occasions the police were called — we had 4 cars on one evening and it took 3 large policemen to hold down the offender. I live

and have no desire to keep witnessing these events. Parents with children also find this distressing. The elderly ladies in the flats by the shop get upset at the shouting and language. The girls in the hairdressers have also been intimidated when gangs have entered the

shop drunk. Especially when they are alone and in the evening.

Perhaps the hours of selling could be reduced and the shop persuaded not to sell the very strong stuff - I understand he is the only shop in Rochester to sell this now. The shop also needs to train the staff to recognise when a customer should not be sold alcohol and to move groups on to prevent the gangs sitting on the wall until highly intoxicated.

Maybe restrictions re school hours could also be

considered

Thank you for looking into this matter as we are worried.

Please contact me if you need further information

Yours faithfully

NEIGHBOURHOOD WATCH CO-ORDINATOR

and

Rochester  
Kent.



---

**From:** Avis Parker  
**Sent:** 08 March 2017 19:31  
**To:** licensing  
**Subject:** RE city mini-mart

I live in weavers court looking down on the shop to the best of my knowledge I have never seen or heard of the shop selling alcohol to under age people or heavy drinkers. this shop is good for the community.

---

**From:** Kaz Bristow  
**Sent:** 09 March 2017 10:14  
**To:** licensing  
**Subject:** Village mini market rochester

I love this shop, i use it everyday, it's convenient and the staff a friendly and helpful, never had any problems and usually always have what i need at the time