

LICENSING HEARING PANEL

28 MARCH 2017

LICENSING ACT 2003 APPLICATION FOR A NEW PREMISES LICENCE EURO FOODS, 131 HIGH STREET, CHATHAM, KENT ME4 4DH

Report from: Perry Holmes, Chief Legal Officer

Author: Mandy Francis, Principal Licensing and Enforcement Officer

Summary

The applicant has applied for a new premises licence for Euro Foods, 131 High Street, Chatham, Kent ME4 4HD

The application is to request the sale of alcohol off the premises.

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

Representations in relation to all four licensing objectives have been received from the Police and Public Health and to date, no agreement has been reached.

No further representations have been received from members of the public or other responsible authorities.

1. The current application

1.1 In accordance with the Licensing Act 2003, the Council has received an application for a new premises licence in respect Euro Foods, 131 High Street, Chatham, Kent ME4 4HD

1.2 The details of the application are as follows:

Sale of Alcohol – Off the premises

Monday to Sunday 09:00 – 21:00

Hours the premises are open to the public for Licensable Activities

Monday to Sunday 09:00 – 21:00

The premises may open outside authorised hours for non-licensable activities subject to planning or other legislation.

- 1.3 A copy of the application as submitted is at Appendix A.
- 1.4 The application has been correctly advertised in the local press and notices displayed on the premises for the required period.
- 1.5 All responsible authorities have been consulted in line with the Licensing Act.
- 1.6 A copy of the floor plan is attached at Appendix B.
- 1.7 A copy of a map showing the location of the premises is at Appendix C

2. Background

- 2.1 As stated at paragraph 1.2 this is an application for a new premises licence requesting the sale of alcohol off the premises.
- 2.2 Representations relating to all four licensing objectives have been received from Kent Police and Public Health. No further representations have been received from members of the public or other responsible authorities.

3. Promotion of Licensing Objectives

- 3.1 The applicant is expected to demonstrate that they have dealt with the promotion of the four licensing objectives, where appropriate. Members are referred to Section 18 of the application at Appendix A where the applicant has referred to this issue.
- 3.2 The four licensing objectives are:
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm

4. Relevant Representations

- 4.1 This matter has been put to the Licensing Hearing Panel because the Council has received representations from Kent Police and Public Health and, to date, no agreement has been reached. Copies of these are attached at Appendix D.

5. Policy Considerations

- 5.1 Medway Council has published its Statement of Licensing Policy, which it will consider alongside the amended Guidance issued by the Home Office under section 182 of the Licensing Act 2003 in all applications.
- 5.2 In determining this application, Members may wish to consider information contained in Appendix 4 to the Statement of Licensing Policy that lists

examples of good practice against the four licensing objectives as well as Chapters 9 and 10 of the amended Guidance.

- 5.3 The objections raised in the representations received relate to all four licensing objectives.

6. Risk Management

- 6.1 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, the 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.

7. Financial and Legal Implications

- 7.1 There are no direct financial or legal implications at this time.
- 7.2 This hearing is regulated by the Licensing Act 2003 (Hearings) Regulations 2005 (as amended).
- 7.3 There is the possibility of a challenge by way of appeal to the decision by either the applicant or objectors should either have the requisite grounds to do so. Legal advice will be given to Members as appropriate at the meeting. However, whatever the decision of the Panel, this must be based on the evidence placed before it in line with the licensing objectives and the Panel must decide what weight to attribute to this information.

8. Recommendation

- 8.1 That the Panel considers and determines this application.

Lead officer contact: Mandy Francis – Principal Licensing and Enforcement Officer
Telephone: 01634 337108
Email: mandy.francis@medway.gov.uk

Appendices

Appendix A – A copy of the application as submitted
Appendix B – A copy of the floor plan
Appendix C – A copy of a map showing the location of the premises
Appendix D – Copies of representations received from Kent Police and Public Health

Background Papers

None

* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

stoll

* Family name

donchev

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

☒ Yes

☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

donsto ltd

If your business is registered, use its registered name.

VAT number

GB

Put "none" if you are not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company
- ☐ A partnership
- ☐ An unincorporated association
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales
- ☐ Other (for example a statutory corporation)

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

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NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

donsto ltd

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

limited company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Convenience store on the High street with adjoining cafe and dentist and offices on the upper floors of the building, close to the bus station on Waterfront way consisting of a ground floor shop with toilet and storage at the back. All entrances and windows fitted with shutters which are closed when the shop is closed. All spirits will be stored behind the till which is by the door facing the High street with wines and beers offered on shelves and fridge in front of the till so as to minimize possibility for theft or access to alcohol for underage or other customers who the management might decide not to serve. CCTVT installed throughout the store and outside the entrance recording constantly and the area outside is covered by town center CCTV.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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PROVISION OF PLAYS

Will you be providing plays?

☐ Yes

☒ No

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PROVISION OF FILMS

Will you be providing films?

☐ Yes

☒ No

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PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

☐ Yes

☒ No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

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PROVISION OF LIVE MUSIC

Will you be providing live music?

☐ Yes

☒ No

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PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

☐ Yes

☒ No

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PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

☐ Yes

☒ No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes

☒ No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes

☒ No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption:

☐ On the premises ☒ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

none

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

none

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

stoil

Family name

donchev

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Issuing licensing authority
(if known)

United Kingdom

medway-07-pl-1559

medway council

Continued from previous page...

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example, (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

none

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

none

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

none

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The licensee will work towards the promotion of the licensing objectives with other interested parties through effective and responsible management of the premises, training and supervision of staff, adoption of best practice guidance and appropriate policies to ensure preventing or minimizing possible risks to public safety, incidents of crime and disorder or public nuisance.

b) The prevention of crime and disorder

Suitable and sufficient measures will be taken to reduce or prevent crime and disorder on and in the vicinity of the premises. These will include the effective and responsible management of the premises, training and supervision of staff, adoption of best practice guidance and challenge 25 policy which requires production of appropriate ID for customers deemed to be underage. Signs restricting alcohol sales to intoxicated persons shall be displayed and refusals register shall be kept to document refusals for reasons of age or intoxication. CCTV will be provided in and outside the premises with the surrounding areas also being covered by town center CCTV.

c) Public safety

Suitable risk assessments will be carried out to ensure minimizing public safety risks. Appropriate fire safety measures will be taken including fire escapes, equipment, signage, lighting to minimize fire risks.

Continued from previous page...

d) The prevention of public nuisance

The area in which the premises are situated is predominantly occupied by other businesses. There are no residential premises in the vicinity. Nevertheless all staff making sales of alcohol will exercise due diligence as to avoid sales to people who might be causing public nuisance to local businesses and the general public such as "street drinkers". Sales to such persons as well as those underage or intoxicated will be refused and documented in a refusals register.

e) The protection of children from harm

Reasonable measures will be taken to ensure children do not purchase, acquire or consume alcohol and are not exposed to incidences of violence, disorder or strong and offensive language. An appropriate proof of age policy will be enforced by accepting only accredited and approved IDs. All staff themselves will be over 18.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Premises Licence Fees are determined by the non domestic rateable value of the premises. To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00

Continued from previous page...

Capacity 80000-89999 £56,000.00
Capacity 90000 and over £64,000.00

* Fee amount (£) 190.00

DECLARATION

* I/we understand 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.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name stoil donchev

* Capacity director

ite 01 / 02 / 2017
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/medway/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

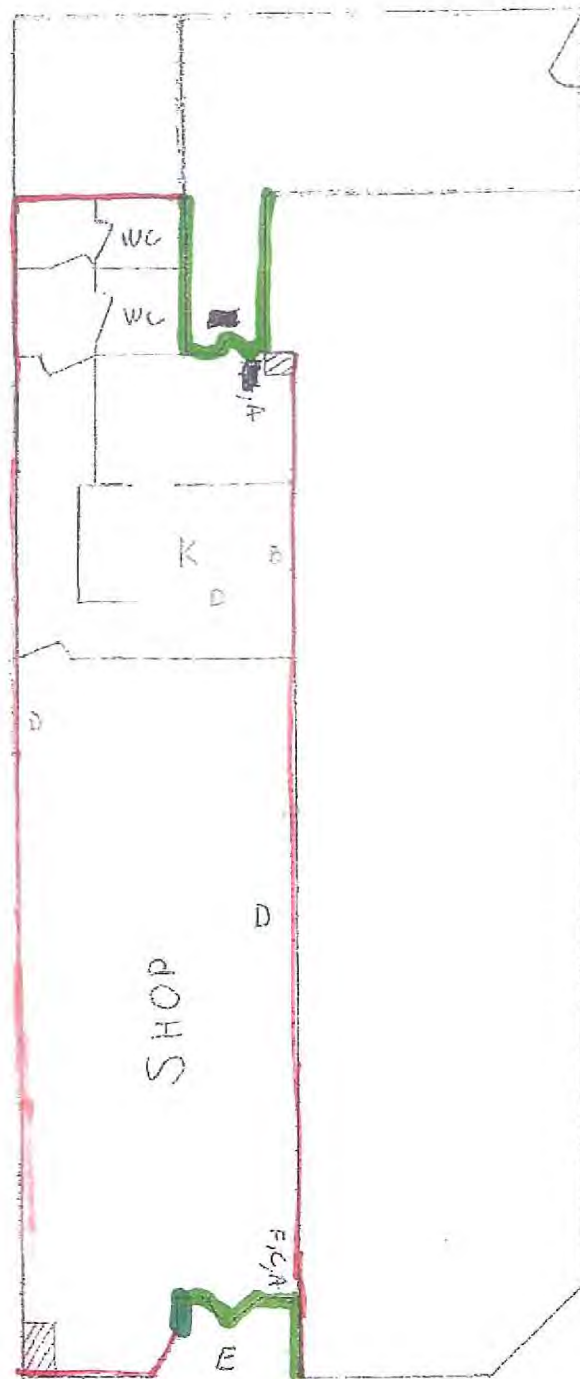
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A34 High Street, CANNHAM ME4 1DH

SCALE 1 : 100 mm

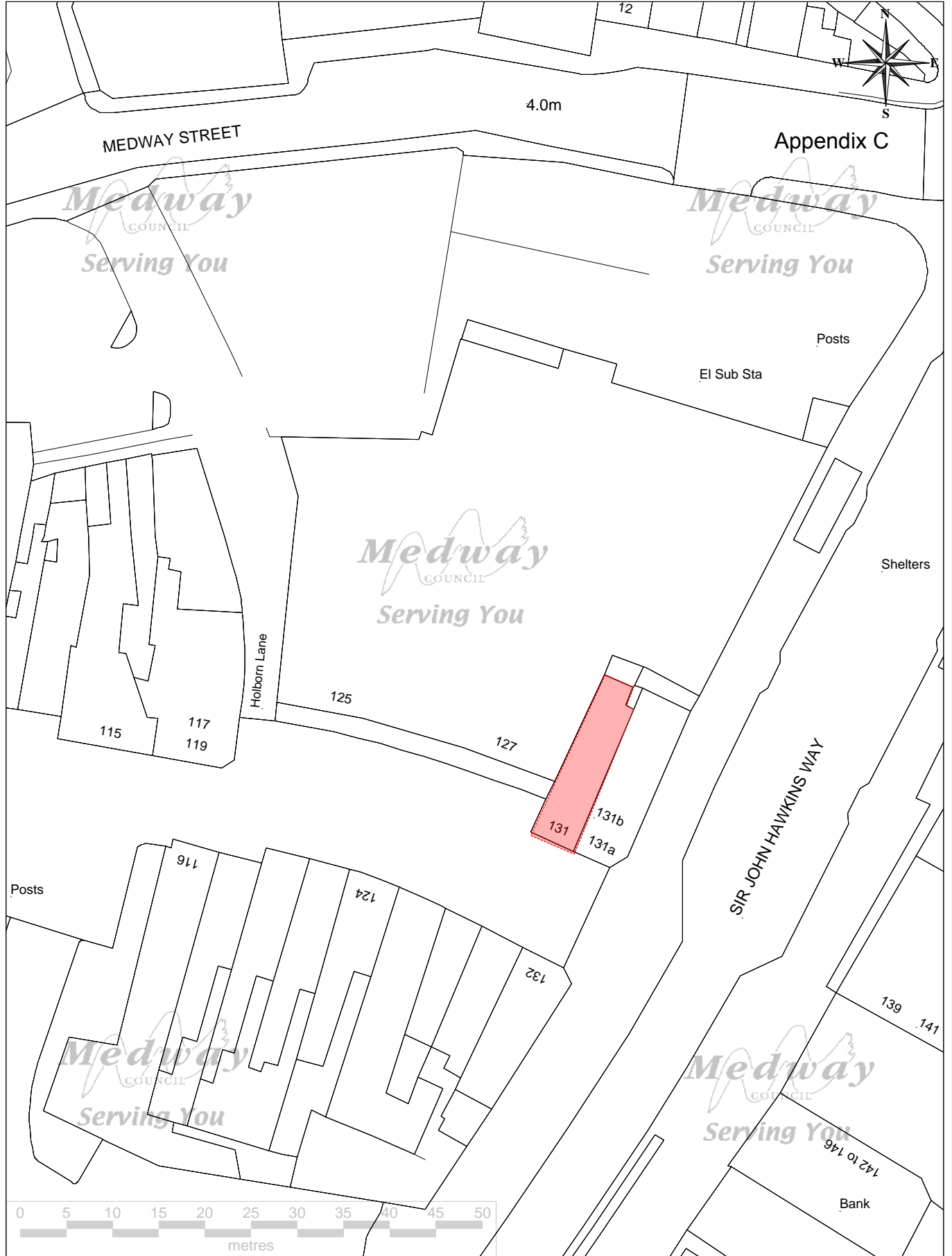


- A - FIRE ALARM TRIGGER
- D - FIRE DETECTOR
- WC - toilet.
- K - KITCHEN.
- B - FIRE BLANKET
- F - FOAM FIRE EXTINGUISHER.
- C - CARBON DIOXIDE FIRE EXTINGUISHER.
- E - ENTRANCE TO THE PREMISES.
- FE - FIRE EXIT FROM THE PREMISES.

RED colour boundary is the perimeter of the premises.

green colour boundary is the escape routes from the premises.

11/2/10/07



Euro Foods





Chief Officer of Police Representation in relation to an application for grant of a premises licence made under Part 3 **Section 17** Licensing Act 2003 (S18 Licensing Act 2003)

Details of person making representation	
Name of Chief Officer of Police	Chief Superintendent Smith
Postal Address: (Divisional Headquarters)	Medway Police Station Purser Way Gillingham Kent ME7 1NE
E-mail address	licensing.north.division@kent.pnn.police.uk
Telephone Numbers:	
Licensing Co-ordinator	Geoff Rowley 01634 792733
Licensing Officers	
	Chris Hill 01634 792276
	Clare Cossar 01634 792411
	Diane Holroyd 01634 792343
Details of premises representation is about	
Name of Premises:	Donsto Ltd
Address of premises:	131 High Street Chatham Kent, ME44DH
Date application received by police	3 rd February 2017
Date representation sent to Licensing Authority	20 th February 2017
All representations must be made within 28 days of receipt of initial application <i>The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, Part 4 Reg. 22.</i>	

The Chief Officer of Police has received an application for the grant of a premises licence made under the provisions of Section 17 Licensing Act 2003, and under Section 18 of that Act, asks the Licensing Authority to consider these representations in respect of: -

Prevention of crime and disorder	X
Public Safety	X
Prevention of public nuisance	X
Protection of children from harm	X

Is this a representation regarding the Designation of Premises Supervisor under S18 (9) Licensing Act 2003? No

If yes complete the appropriate statement:

Please give the reason for the representation and detail the evidence supporting it under the appropriate headings:

Kent Police are opposed to this application

This is an application for a new premises licence at 131 High Street, Chatham. This venue has previously held a premises licence and operated under the name of 'Euro Foods'. The premises licence holder at Euro Foods was Donston Ltd (a company run by Mr Stoil Donchev) and the Designated Premises Supervisor was Mr Stoil Donchev.

This new application details the proposed Premises Licence Holder as Donso Ltd (a company run by Mr Stoil Donchev) and proposes the DPS as Mr Stoil Donchev.

The applicant has applied for the following hours:

Sale of alcohol
09:00 to 21:00 daily

The opening hours of the premises
09:00 to 21:00 daily

Kent Police Licensing called for a review of the premises licence of Euro Foods on 31st May 2016. A hearing for this review was held by the Medway Council Licensing Hearing Panel on 26th July 2016. At the conclusion of the licensing hearing the panel determined to revoke the premise licence for this venue, to quote the decision notice *"because of the licensees' failure to meet any Licensing Objectives in any meaningful sense and because the Licensee has displayed continuing poor standards and a failure to co-operate with Local Authority, Police or Public Health."*

Kent Police called for a review (on 31st May 2016) of the premises licence as a result of Mr Donchev continuing to sell alcohol irresponsibly and in particular to high risk customers such as street drinkers who would then engage in crime, disorder and Anti-Social Behaviour.

Mr Donchev has repeatedly shown his disregard for any responsible authority and has behaved in a hostile and resistant manner on numerous occasions when police, council licensing officers or HMRC officer have attended his store.

Even once the review had been called and Mr Donchev had been provided documentation outing the police concerns regarding the sales to street drinkers – the store were again repeatedly seen to be selling alcohol high risk customers, including persons that were drunk and known street drinkers.

The applicant – Mr Donchev decided to appeal the decision made by the Licensing Panel, with the matter being heard at Medway Magistrates court on 25th January 2017. The appeal hearing upheld the premises licence revocation determination at the initial licensing review hearing.

Since the licensing appeal, information received by Kent Police indicates that despite the revocation of the premises licence, this address (131 High Street, Chatham), operated by Mr Donchev has continued to sell alcoholic drinks. This again shows the complete disregard for the legal system and the authorities that work within it.

Within this new premises licence application, the applicant (Mr Donchev) has failed to acknowledge the problems raised in previous hearings, either from a site specific perspective or in relation to the geographical area the venue is located within. In the opinion of Kent Police Licensing the applicant has failed to demonstrate that the four licensing objectives will be fully promoted. The applicant has proposed generic steps such as installation of CCTV, responsible management and staff training. Conditions in

relation to these points were previously present on the Euro Foods licence, yet despite this the premises continued to operate irresponsibly and resulted in the licence being reviewed and subsequently revoked. Mr Donchev has clearly indicated that he has no intention of altering his business model for this store and appears to be driven by money rather than the safety of his customers and the public.

Kent Police have no faith in Mr Donchev's ability to run a responsible licensed premise. No attempts have been made by the applicant to contact Kent Police to discuss and address any issues raised. There are no conditions that can be put on this premises licence which address the problems with this applicant and premises. Kent Police Licensing are therefore opposed to this application and request the licensing committee refuse the application.

Pc Chris Hill 12000

PP. Ch. Supt Smith
North Division Area Commander

Date: 20th February 2017

LICENSING ACT 2003 – Representations regarding new licence application

Name and address of premises

Euro Foods, 131, High Street, Chatham

The Director of Public Health is making a representation under the following licensing objectives following an application for a new licence at the above premises.

- The prevention of crime and disorder
- Public Nuisance
- Public Safety

A report detailing the evidence supporting these representations is attached. (Annex 1)

This part of the High Street is largely commercial with a mix of shops, cafés, restaurants and banks. The road is a pedestrian precinct and has high footfall due to the proximity to car parks used by shoppers and the bus station.

The area has a continuing problem with street drinkers and associated anti social behaviour and alcohol related crime. The area immediately outside of the shop, where there are benches, has been a particular problem, with street drinkers congregating to drink alcohol, who then go on to commit alcohol related anti social behaviour and crime. There is also a nearby small garden and seating area just along from Argos which also attracts drinkers.

This premises and applicant was subject of a review application in May 2016 by Kent Police due to the crime, disorder, anti social behaviour and public nuisance associated with it. There is an evidenced history of sales to street drinkers from this premises, who congregated immediately outside the premises, drinking and causing alcohol related issues detailed in the attached statement (Annex 1). Despite several attempts by Kent Police to engage with the applicant, whose company was the premises licence holder and he was the designated premises supervisor at the time of the review application, the issues were not addressed, which lead to the review application of the licence, supported by representations from public health.

At the review hearing the Licensing Sub Committee made a determination to revoke the licence. This decision was appealed by the applicant to Magistrates' Court by Mr Donchev. During this interim period the problems continued with other instances of sales of alcohol being witnessed to street drinkers (Annex 1), and the issues with alcohol related nuisance and anti social behaviour continued. The magistrates heard evidence from the police, public health and Mr Donchev and upheld the decision to revoke the premises licence.

Since receiving this application, and following the appeal hearing, I have spoken to the staff at Caring Hands, a charity which provides support for, among others, street drinkers. They are aware that Eurofoods sold alcohol to street drinkers in the past, and believe it is continuing to sell alcohol to them, even after losing its licence. They told me several clients had been overheard talking about being sold alcohol from this premises 'out the back'. These conversations had happened since the premises had its licence revoked by the Magistrates Court.

Mr Donchev has made this application and names himself as designated premises supervisor, which is the same as the previous licence. There is no indication in the operating schedule that anything would change at this premises or that his management would alter in any way. There is no acknowledgement of the issues associated with the sale of alcohol from the shop, and the operating schedule appears to be a generic set of statements, with no specific relevance to the problems outlined in the original review application and supporting representations. Nothing appears to have changed.

There is nothing in this application which addresses, even in part, the concerns which formed the basis of the review application. There has been no contact from the applicant with my staff to discuss our concerns and address the issues with the sale of alcohol from these premises. I have no confidence the applicant has learned anything from the review process. There are no conditions that can be put on this premises licence which address the problems with this applicant and so I therefore ask the licensing committee refuse the application.

Dr Andrew Burnett

Date 27th February 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

STATEMENT OF WITNESS – Annex 1

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

Statement of (full name) Barbara Murray**Age of Witness** (if over 18, enter "over 18") Over 18

The following statement (consisting of 9 pages) **is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true.**

Date 27th February 2017

I work in public health in Medway Council and I represent the Director of Public Health in licensing matters under the Licensing Act 2003. As part of my responsibilities I obtain evidence to support licensing representations made by the Director.

This part of the High Street is largely commercial with a mix of shops, cafés, restaurants and banks. The road is a pedestrian precinct and has high footfall due to the proximity to car parks used by shoppers and the bus station.

The area has a problem with street drinkers and associated anti social behaviour and alcohol related crime. It is part of the Chatham High Street alcohol control zone due to the evidenced issues with alcohol related crime and anti social behaviour. I am aware of the problems from my own knowledge. I have spent considerable amounts of time walking in this area and have witnessed street drinking on a regular basis and associated anti social behaviour by drinkers and nuisance in the form of large amounts of alcohol related litter, begging and rowdy and intimidating behaviour. I have also been told by staff from service providers, such as Caring Hands, Turning Point, Pathways to Independence and AMAT that their clients, who are often alcohol misusers, buy alcohol from shops in this area, commit crime and engage in the behaviour described above.

The area immediately outside of the shop, where there are benches, is a particular problem, with street drinkers congregating to drink alcohol. There is also a nearby small garden and seating area just along from Argos which also attracts drinkers. Staff from local businesses report continual problems with street drinkers and alcohol related crime, nuisance and disorder.

I have attended the area and spoken to staff working in the businesses in the immediate area and observed examples of alcohol related anti social behaviour and disorder associated with the sale of alcohol from the premises. Below is detailed the incidents I have observed and the conversations I have had.

Signed**Date 27th February 2017**

(To be completed if applicable: being unable to read the above statement I,of, read it to him/her before he/she signed it.

Signed:

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Tuesday 3rd May 2016

1435 hours – I was sitting on the benches outside Eurofoods. I saw three people, two men and one woman with a dog standing in front of Eurofoods. The younger male was very unsteady on his feet and having difficulty standing still. I recognised the woman as being a known street drinker. All three were standing in the entrance to the shop and should have been clearly visible to anyone at the till point, which is located to the left of the entrance. The older male went into the shop and after a short time came out again carrying a carrier bag. The three then walked off into the alleyway which is at the side of Argos. I walked a distance behind them and saw that they sat down on the low wall in the alleyway and took a can a Debowie out of the bag, which they drank from.

Thursday 12th May 2016

1030 hours – I was sitting in the Café Lamarlyn with PC Clare Cossar. I saw four people, three men and a woman, sitting on the benches outside. The café is located next to Eurofoods. I recognised two of the group as known street drinkers and the third male was the young man I had seen on the 3rd May 2016. I did not recognise the fourth man. All four were drinking from cans of Perla Black. The young male was spitting and jumping around. I could not hear what they were saying as we were inside. At 1058 hours the woman and one of the males went into Eurofoods and after a short period of time came out carrying further cans of Perla Black. At 1107 hours another male from the group went into Eurofoods and came out carrying a can of Perla Black, going back onto the bench drinking from the can. At all times the group should have been clearly visible to anyone at the till point in the shop. At 1116 hours the woman got up and walked off. PC Cossar and I left the café and walked up the road by the Chelsea Building Society (now the Yorkshire Building Society) towards the railway station. Behind the building society I saw the woman squatting with her trousers and pants pulled down. She stood up, pulled her clothes up and walked back to the High Street and out of sight. I walked up to the place where the woman had been and saw a pile of faeces. The area was completely open to anyone walking by. About 20 minutes later we returned to the High Street and the benches where the street drinkers had been and saw they had left the area leaving behind seven empty cans of Perla and a plastic carrier bag.

Wednesday 1st June 2016

0945 hours – Premises 1. I spoke to the manager. She has requested anonymity due to the intimidation both her and her staff have experienced on a regular basis.

She told me about numerous incidents related to street drinkers who congregate outside her shop and buy alcohol, such as lager and cider, from Eurofoods, which she has witnessed. As I was talking to the manager her members of staff all agreed they had seen street drinkers buying alcohol from Eurofoods. Generally she told me the street drinkers congregated on the benches outside of Eurofoods drinking and causing a nuisance by shouting, swearing, using foul language, fighting and begging from passers by. She also described the drinkers often had a dog which was

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also worrying as it was not controlled and wandered around the precinct.

She described how the car parking area at the back of her premises was often used by drinkers, not only to drink alcohol, but to urinate and defecate (which was witnessed by her staff), with a covered alleyway area being full of human faeces. There were numerous discarded beer and cider cans and bottles littering the car park area. When her staff confronted the street drinkers in this area they had been abused and threatened with physical violence. She had witnessed a male injecting what she believed were drugs in this area and people had been found asleep there. Specific incidents she described were

- Two persons having a fight in the car park area where one threatened to stab the other. The police had to be called.
- Finding sharps/spoons/foil in the car park area as a result of drug use. Concerns over health and safety.
- Many street drinkers used the area as a public toilet
- A street drinker they know as Sean was found unconscious in the car park area
- In February or March 2016 a member of staff had been called a 'c***' by two of the street drinkers, described as a 'large male and his skinny girlfriend' when the staff member had asked them to leave the car park area. When asked what they were doing the male replied 'going for a f***** p***' and threatened to punch the member of staff. They were both drunk. These two people were often seen outside Eurofoods drinking and had been witnessed buying alcohol from the shop by staff.
- In the winter staff are not allowed to work late on their own due to the street drinkers in the car park. The area manager has closed the premises early for safety issues because of the behaviour of the street drinkers. The premises was supposed to stay open until 1900 hours on certain days of the week but this was not possible in the winter months as a direct result of the problems experienced with the street drinkers. The manager believed they have lost business because of this.
- The drinkers also gather at the front of Argos and in the alleyway down the side of Argos where they drink.
- The drinkers have come into the shop begging and trying to intimidate staff.
- The manager was aware there had been an incident earlier this year where the owner of Eurofoods was beaten up outside of the shop.

The manager said 'I think the level of intimidation experienced in the High Street has the potential to drive people away. I wouldn't let my Mum walk by on her own. They [the street drinkers] are unpredictable'. She described Eurofoods as a magnet for street drinkers.

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1030 hours – Premises 2. Spoke to the owners. They requested anonymity due to the intimidating behaviour they have witnessed on a daily basis.

They described how they have seen street drinkers sitting on the benches outside of Eurofoods drinking lager and cider which they have bought from the shop. They said the drinkers often congregated in groups, which attracted others. Sometimes there could be over 10 people sitting and standing and drinking outside of the shop by the benches. These groups were not only a nuisance but very intimidating as the people were loud, shouting and swearing, fighting between themselves and begging from people walking by. They described how they witnessed a man urinating into the rubbish bin by the benches that morning about nine o'clock. The man said he knew some of the drinkers also injected drugs in the car park around the back of the Chelsea Building Society, which the drinkers also used as a public toilet.

They also described how they had seen the street drinkers intimidating customers of the café, sitting outside at the tables on the High Street, into giving them cigarettes and food. Both were sure the behaviour of the drinkers stopped people coming into their business and to that area of the High Street. They both said Eurofoods selling alcohol to the street drinkers meant the drinkers came and then stayed in the area.

Thursday 9th June 2016

1030 hours – Premises 3. Spoke to the manager. She requested anonymity due to the behaviour of the people who sit outside the shop. 'I don't want my windows smashed, which is likely to happen'.

She described how the area had been during the previous 16 months, although she had known the area for several years and described it as slowly deteriorating due to the behaviour of the street drinkers. Customers had told her they rarely came into Chatham town centre due to the behaviour of the 'drinkers and druggies', particularly at that end of town. Her customers had to run the gauntlet of swearing, rowdy and intimidating behaviour by street drinkers sitting outside Eurofoods, to get into her shop, and she was convinced this had affected her business. She described how groups of 4 to 6 drinkers would sit on the benches outside of Eurofoods drinking. These groups could get larger as they attracted other street drinkers. She had witnessed the drinkers buying beer and cider from the shop. They could sit outside for hours from nine o'clock in the morning, waiting for the shop to open, and she had seen them as late as half past five in the evening. She had witnessed drinkers urinating in public on the street, especially in the corner of Eurofoods and Argos. When the drinkers ran out of money she had witnessed aggressive begging from passers by for money and cigarettes. She had also witnessed people buying alcohol from Eurofoods for the drinkers. Specific incidents she spoke about were

- An occasion when a woman had pulled her top up exposing her breasts in the street
- About three weeks ago a male walking up and down the street shouting and being abusive

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to people walking in the street

- She was aware of an incident when the owner was beaten up in his shop, she thought for refusing to sell alcohol

The witness didn't allow the drinkers into her premises but was frightened by their behaviour and was uncomfortable working in the area. When either her or her staff left the premises they always tried to get back as soon as possible as they did not feel comfortable leaving a person alone there.

She believed the drinkers only sat on the benches and stayed there because Eurofoods sold them alcohol. She said Eurofoods sold the drinkers alcohol even when they were drunk.

1120 hours – As I walked by Eurofoods in the High Street, I saw a male and female sitting on the benches and the woman was drinking from a can of Zubr.

1125 hours – Premises 4. Spoke to a member of staff. The witness requested anonymity as she was frightened by the behaviour of the street drinkers.

The witness said that customers had told her they did not want to come into the business because they felt intimidated by the drinkers outside. The drinkers gathered in groups of 6 to 8, often shouting and swearing. Sometimes they stood at the doorway of the business, which meant customers had to walk through them to get in. The witness had seen the drinkers sitting on the benches from eight o'clock in the morning waiting for Eurofoods to open and she had witnessed the drinkers going in and buying alcohol. She had also seen other people going in and buying alcohol for the drinkers. While they congregated outside drinkers were often shoving, pushing, shouting, swearing and fighting. Their behaviour was described as intimidating and they often engaged in begging for money and cigarettes from people walking by, and then going into Eurofoods to buy more alcohol. The witness said that on several occasions the drinkers stood at the entrance to the business begging for money from customers entering the building.

There were occasions when the drinkers went to the back of the building, which is accessible from the footpath in Waterfront Way, and sat on the fire escape drinking. The witness said this area smelt strongly of urine and thought the drinkers were probably urinating in this area. There were always lots of discarded beer and cider cans. She had seen a man a few days ago urinating into the rubbish bin which was by the benches on the High Street, outside of Eurofoods (which was also described by the witnesses from Premises 2). On another occasion she had witnessed a man and woman, who she recognised as regular drinkers, having sex against the window of the business which happened during the day.

The witness had seen an incident a few months ago where the owner of Eurofoods had been beaten up. She thought this was because he had stopped people stealing alcohol or had refused to sell it. She described the incident as chaos and they had to keep people in the business to stop them getting hurt in the fight as it took place outside.

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The witness is adamant the drinkers sit on the benches because Eurofoods sells alcohol to them, and this leads to the anti social behaviour she described. She said drinkers could be seen 'staggering' passed everyday and gathering on the benches to drink. She had seen people lying on the benches comatose because of drinking. Their presence put people off coming to that area of Chatham and into the business. This situation had been going on for several years.

1150 hours – As I was standing in the street taking a general picture of the benches to illustrate their position in relation to Eurofoods, a man came out of the shop. As the man stood in the doorway I could see he was carrying a can of Strongbow, which he opened in the doorway and drank. As he walked up the High Street he continued drinking from the can of cider.

Monday 13th June 2016

1015 hours – Piggy's Café. Spoke to two members of staff. They have a clear view of Eurofoods and the area outside and said they often see drinkers sitting and drinking in this area. They had witnessed shouting, swearing and fighting by the street drinkers who use the benches outside the shop and the seating area further up the High Street. They both said they had seen drinkers buying alcohol from Eurofoods. One said there were human faeces down a nearby alleyway which was used by the street drinkers to defecate and urinate in. The owner of the premises had told them how a few weeks ago he had seen a male and female undressing down to their underwear on the benches and dressing in new clothes. This was during the day and the woman and child sitting next to them had to get up and walk away.

1030 hours – The Christian Bookshop. Spoke to the manager, If Anumonye, who agreed to be identified.

She said the drinkers often came into her shop and she gave them coffee and tried to direct them to support services, such as the nearby Caring Hands. However she also said the drinkers did cause problems in the area.

Ms Anumonye said the drinkers gathered on the benches outside of Eurofoods and the seating area between the High Street and the car park, which is at the side of her premises. She got into the shop from half past seven in the morning and she saw drinkers sitting there from this time. She had witnessed them urinating and defecating in the seating area, as well as the alleyway opposite her shop to the side of Argos. The drinkers sometimes stood outside her shop and she had seen them begging from people walking by and customers to her shop. She had seen the drinkers going into Eurofoods and buying alcohol and drinking what they had bought on the benches outside of the shop.

1050 hours – Shelter Shop – Spoke to Mercy Wallace, the manager and two members of staff. Ms Wallace agreed to be identified.

Ms Wallace showed me the back garden of the shop, which led off the area at the back of Chelsea Building Society. She said she had found drinkers urinating and defecating in the area,

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and showed me piles of faeces, which she said were human. She had also witnessed drinkers injecting themselves in the same area and had found syringes. When she challenged the people she was abused and sworn at.

Both Ms Wallace and her staff told me they saw drinkers sitting on the benches outside of Eurofoods on a daily basis, where they shouted, swore and fought. One of the staff members said she was frightened to walk by them. All the witnesses said they had seen Eurofoods selling alcohol to the street drinkers when they were drunk. The drinkers attracted other drinkers and the groups grew to 10 to 12 people on occasions.

The drinkers tried to come into the shop and had to be stopped stealing items and the manager had tried to ban them. Ms Wallace had witnessed the attempted theft of items on many occasions by the street drinkers who gathered outside. Customers had told her the drinkers stopped people coming to the shop due to the anti social behaviour and intimidation, including begging. One of the staff members said the drinkers asked her for money regularly as she walked by them.

Ms Wallace said that when it was late in the afternoon and on her own she would take the clothes racks in from outside and lock the door as she was concerned for her own safety.

Thursday 23rd June 2016

1255 hours – Premises 5. I spoke to a member of staff who asked to be anonymous.

She said she had been a member of staff at the premises for four years. She described how street drinkers were always sitting on the benches opposite Eurofoods or in the seating area between the High Street and the car park, or walking between the two. She had witnessed the drinkers buying alcohol from Eurofoods and drinking it outside or in the seating area. The witness described them as drunk, often shouting and swearing. She had seen an ambulance called to the area as one of the drinkers was so drunk he was unconscious. When they ran out of money the drinkers begged from people walking by and she had been asked for money on many occasions. She witnessed both men and women urinating and defecating in the alleyway by the side of Argos and in the seating area by the car park. The drinkers were there until the evening. She had seen them at 8pm, still drinking alcohol and causing a nuisance. They could be intimidating because of their behaviour.

1300 hours – Rendezvous, Yoon's Restaurant, High Street, Chatham. I spoke to a chef while I was in the alleyway by Argos noting the alcohol related litter which had been left in this area. He described how people sat on the low wall which bordered the car park at the back of the premises drinking alcohol on a daily basis. I pointed to the empty alcohol cans and bottles which were by the wall and asked if this was typical, which he said it was. He had tried asking the drinkers to put their rubbish in the bins, but this never happened. He had been abused on occasions when he had asked, being told to 'F*** off'. He always had to clear the cans and bottles up. He said he often saw people urinating in the alleyway and people gathered there to

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drink late into the evening. He had seen people there up to 10pm, or even later at the weekend.

1305 hours – Premises 6. Spoke to a shop assistant who refused his name. He described how the street drinkers sat on the benches outside of Eurofoods or the seating area between the High Street and the car park. He said they bought alcohol from Eurofoods and drank it in the street. When the drinkers ran out of money they begged from people walking by. He had been subject of begging, which he described as intimidating. He could hear the drinkers shouting and swearing outside his shop and he had seen them urinating in the seating area, the alleyway by the side of Argos and in the High Street in front of Argos. Several of the drinkers had been banned from his shop as they had stolen items. Customers had told him they were frightened by the street drinker's behaviour and he felt intimidated, especially when there was a large group of them gathered by the benches outside Eurofoods as it was a narrow area and it was difficult to walk by without being affected by their behaviour.

Following the licensing hearing on the 26th July 2016 and the subsequent appeal by the premises licence holder of the decision by the licensing committee to revoke the licence, I continued to monitor the area around Eurofoods whenever I walked through the High Street and by the premises.

5th October 2016

1120 hours - I was in the High Street by Eurofoods when I witnessed three women sitting at the benches outside the front of Eurofoods drinking from cans of Perla Black. I spoke to staff at a nearby business, who wanted to remain anonymous as they were frightened of repercussions, who told me that the situation in the area regarding street drinking was deteriorating again. They told me that for a period, which coincided with the review hearing, the area had improved, but it had now had gone back to the way it had been prior to the hearing. They told me large groups of street drinkers were again gathering in the location and buying alcohol from Eurofoods. The street drinkers were engaging in begging and anti social behaviour. The staff told me the three women had been on the benches since 1000 hours and had bought the alcohol from the shop. I could see the women and while I do not think they were being intentionally intimidating they were shouting and swearing and I heard several customers in the business commenting unfavourably on their behaviour.

6th October 2016

1055 hours - I was walking in the High Street by Eurofoods and saw two men sitting on the benches outside of the shop with open cans of beer, Fosters and San Miguel. As I continued to observe the men I saw one of them walk off and go behind the building society. A few seconds later he walked back doing his trouser zip up. The men were joined by the same women I seen the day before and another man. One of the women was drinking from a can of beer. I could see they were all drinking from cans of alcohol, White Star cider, Fosters and Debowie. At 1120 hours another man joined the group and shortly after that another man, making seven people in total. At 1130 hours one of the men who I had seen drinking Fosters went into Eurofoods. At 1132

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hours he came out carrying a can of Fosters and a can of Debowie, which he gave to one of the women. The man then walked off. The group was shouting and swearing and generally intimidating.

17th October 2016

1325 hours - I was in the High Street near to Eurofoods when I saw a man go into Eurofoods. I had seen him standing at the front of Argos, which is immediately next Eurofoods. The man was very distinctive as he had his hair in a ponytail and what looked like a bandage or caste on his lower left arm and hand. When he came out of Eurofoods I saw he was carrying a large green bottle. He was very unsteady on his feet and he appeared to be drunk. I saw him trying to open the bottle, which I could see was a bottle of European beer. He was so unsteady on his feet he had to prop himself up on the window of Argos then the side wall of Eurofoods to open the bottle, which he was trying to do with what looked like a plastic credit card type object. He finally succeeded in opening the bottle, throwing the cap on the floor and drinking directly from it. He was staggering about the pathway, unable to stand upright as he drank, talking and shouting to himself. He was swearing loudly. I saw him accosting people although I was not close enough to hear what he was saying. I saw him finally go and sit in the seating area between the High Street and the shoppers car park and few meters from the shop, where he continued to shout and swear.

Signed .

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