



LICENSING HEARING PANEL

31 OCTOBER 2017

LICENSING ACT 2003 APPLICATION FOR A NEW PREMISES LICENCE

B&M STORE (FORMERLY STAPLES) 22 MEDWAY ROAD CHATHAM ME4 4HA

Report from: Perry Holmes, Chief Legal Officer

Author: Alison Poulson, Licensing & Local Land Charges Manager

Summary

The applicant has applied for a new Premises Licence in respect of B&M Store, 22 Medway Road Chatham ME4 4HA for the provision of supply of alcohol (off the premises)

All responsible authorities have been consulted in line with the Licensing Act. Agreement has been reached with the Police and the applicant has amended their operating schedule accordingly.

Representations have also been received from the Director of Public Health, a member of the public and a Councillor from the neighbouring ward and to date no agreements have been reached.

1. The Application

1.1 In accordance with the Licensing Act 2003, the Council has received an application for a new Premises Licence in respect of B&M Store, 22 Medway Road Chatham ME4 4HA.

1.2 The details of the application requirements are as follows:

Supply of Alcohol (off the premises)

Monday to Sunday

08:00 – 22:00

1.3 A copy of the original application as submitted is at Appendix A with the agreed amendments to the operating schedule at Appendix B

1.4 The application has been correctly advertised in the local press and notices displayed on the premises for the required period.

1.5 A copy of a map showing the location of the premises is at Appendix C

2. Background

2.1 As stated at paragraph 1 this is a new application for a Premises Licence for the supply of alcohol (off the premises).

3. Promotion of Licensing Objectives

3.1 The applicant is expected to demonstrate that they have dealt with and understand the promotion of the four licensing objectives, where appropriate. Members are referred to section M of the application at Appendix A and details contained within Appendix B.

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 relating to the Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety from the Director of Public Health and a Councillor from the neighbouring ward, and also from a member of the public relating to all four licensing objectives. To date no agreement has been reached. Copies of these representations 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 relevant representations received relate 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, 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:

Mrs Alison Poulson – Licensing & Local Land Charges Manager

Telephone: 01634 332774 Email: alison.poulson@medway.gov.uk

Appendices

Appendix A – Application for new Premises Licence

Appendix B – Agreed amendments to the operating schedule

Appendix C - Location Map

Appendix D – Copies of representations received

Background papers

None

APPENDIX A

Application for a premises licence to be granted 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.

We B & M RETAIL LIMITED

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
B&M STORE, FORMER STAPLES, 22 MEDWAY STREET,			
Post town	CHATHAM	Postcode	ME4 4HA

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 0

Part 2 - Applicant details

Please state whether you are applying for a premises licence as . Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- I as a limited company/limited liability partnership please complete section (B)
- ii as a partnership (other than limited liability) please complete section (B)
- iii as an unincorporated association or please complete section (B)
- iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes			
Nationality					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes	
Nationality			
Current postal address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

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

Name B & M Retail Limited
Address The Vault Dakota Drive Estuary Commerce Park Speke Liverpool L24 8RJ
Registered number (where applicable) 1357507
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
	A S	A P

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
Retail shop.
B & M Retail formed in 1976 now operates a chain of over 400 stores throughout England, Wales and Scotland. The stores offer a wide range of home goods, a mix of food and hardware, which are of quality but at affordable prices.

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

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

- Provision of regulated entertainment (please read guidance note 2) Please tick all that apply
- a) plays (if ticking yes, fill in box A)
 - b) films (if ticking yes, fill in box B)
 - c) indoor sporting events (if ticking yes, fill in box C)
 - d) boxing or wrestling entertainment (if ticking yes, fill in box D)
 - e) live music (if ticking yes, fill in box E)
 - f) recorded music (if ticking yes, fill in box F)
 - g) performances of dance (if ticking yes, fill in box G)
 - h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details <u>here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

R

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat								
Sun								

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 4)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)</p>		
Sun					

II

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption</u> – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Mon	08.00	22.00			
Tue	08.00	22.00			
Wed	08.00	22.00			
Thur	08.00	22.00			
Fri	08.00	22.00			
Sat	08.00	22.00			
Sun	08.00	22.00			
			<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name: Peter Schmidt	
Date of birth:	
Address:	
Postcode	
Personal licence number (if known) LBWANDS/04618	
Issuing licensing authority (if known) Wandsworth Council	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	08.00	22.00	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p>
Tue	08.00	22.00	
Wed	08.00	22.00	
Thur	08.00	22.00	
Fri	08.00	22.00	
Sat	08.00	22.00	
Sun	08.00	22.00	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

CCTV shall be provided in the form of a recordable system covering the trading area and cash tills;
The CCTV equipment shall be maintained in good working order correctly time and date stamped. Recordings shall be kept in date order, numbered consequentially and kept for a period of 31 days and copies made available to the police or trading standards officers on request - In order to maintain the security of the CCTV system selected staff will be trained in the use of the equipment to ensure that any request for copy images will be completed on request if trained staff on duty or within 24 hours if not; The recording equipment and discs/tapes shall be kept in a secure environment under the control of the DPS or other nominated responsible individual;

b) The prevention of crime and disorder

Appropriate signage representative of the above shall be displayed in conspicuous positions;
B & M will maintain liaison with the neighbourhood police officers regarding any issues relating to the premises;
The area for the display of 'alcohol for sale' shall be no more than 10% of the trading area.
Plain Clothes security staff shall be employed at the premises as and when deemed necessary by the Licence Holder;
All staff will be trained in 'Security Awareness' as part of their induction training;
Staff to be instructed that alcohol may not be sold to any person who is believed to be drunk;
Notices to be displayed inside the premises stating that it is an offence for any person under 18 years of age to purchase alcohol;
Notices to be displayed inside the premises stating that a Challenge 25 policy is in force;
B & M operate a zero tolerance to aggressive and/or violent behaviour towards staff members.

c) Public safety

A fire risk assessment to be conducted and reviewed regularly in accordance with the requirements of the Regulatory Reform (Fire Safety Order) 2005;

d) The prevention of public nuisance

The car park area (if applicable) or area immediately in front of the store shall be inspected on a regular basis and management and staff shall use their best endeavours to prevent B & M customers from loitering in the said areas, persons refusing to move shall be subject of a report to the Police to facilitate safe dispersal.

e) The protection of children from harm

Staff will be trained on induction (and undergo 3-monthly refresher training (in the form of a short written test)) in respect of the sale of all age restricted goods (including awareness/prevention of proxy sales, signs and symptoms of intoxication, dealing with refusal of sales and any subsequent confrontational behaviour from customers) - such training sessions to be documented and records made available to authorised persons from Responsible Authorities and kept on site for a minimum of 2 years;

A Challenge 25 scheme will be operated at the premises - the only form of valid identification being passport, photo driving licence, PASS hologram id card or Her Majestys Forces Warrant Card failure to supply such ID will result in no sale or supply of alcohol to that person;

The cash tills used for the sale of alcohol to have the benefit of an electronic "prompt" for operators in respect of age restricted sales;

To compile and maintain a refusal book (which shall be checked and signed by the DPS or Duty Manager on a weekly basis) containing records of instances/persons who have been refused the sale of age restricted items on the basis of their perceived age, such records to be made available to authorised persons from Responsible Authorities.

Checklist:

Please tick to indicate agreement

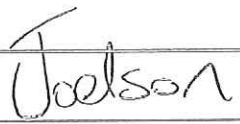
- I have made or enclosed payment of the fee. X
 - I have enclosed the plan of the premises. X
 - I have sent copies of this application and the plan to responsible authorities and others where applicable.
 - I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
 - I understand that I must now advertise my application. X
 - I understand that if I do not comply with the above requirements my application will be rejected. X
 - X
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> ◦ [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). ◦ The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	18 September 2017
Capacity	Joelson JD LLP Solicitors Authorised Agents on behalf of Applicant

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Corinne Holloway Joelson JD LLP Solicitors 30 Portland Place			
Post town	London	Postcode	W1B 1LZ
Telephone number (if any)	020 7580 5721		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) corinne.h@joelsonlaw.com			

Notes for Guidance

APPENDIX B

Kent Police seek the attachment of the following conditions to clarify those proposed in the operating schedule, and assist in the promotion of the licensing objectives:

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions.
 - o Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept on the hard drive and kept for a period of 31 days and handed to Police upon reasonable request.
 - o The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority upon reasonable request.
 - o The recording equipment and hard drive shall be kept in a secure environment under the control of the DPS or other responsible named individual.
 - o In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to the Police Licensing Officer within 24 hours unless the CCTV will be repaired before that time
(licensing.north.division@kent.pnn.police.uk)

2. All persons that sell or supply alcohol to customers must have licensing training.

Training should take place within six weeks of employment and any new employees will be supervised until the training has taken place.

Training must include:-

- o Avoiding sales of alcohol or age restricted products to those under the age of 18.
 - o recognising customers who appear drunk and refusing sale or supply of alcohol
 - o knows the licensing objectives and have read and understood licence conditions
 - o can produce licences/certificates/permits relevant to the premises in the absence of licence holder/DPS.
 - o Refresher training should be repeated a minimum of every twelve months or earlier if required due to changes of legislation.
 - o Training records must be kept on the premises and shall contain the nature, content and frequency of all training.
 - o Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from the Local Authority upon reasonable request either electronically or hard copy.
3. The License Holder will maintain auditable refusal/incident records. These records will detail the following;
 - a) Day, Date and Time of Refusal/Incident.
 - b) Nature of Refusal/Incident and reason.
 - c) Details of or description of the individual.

These records will be made available for inspection to any Police Officer, Police Licensing Officer, and Officer of the Local Authority immediately upon demand

4. No beer, lager or cider above 6.5% ABV will be sold

5. No single can sales of beer, lager or cider will be made only sales in multipacks of 4 or more.

hopson, lisa

From: murray, barbara
Sent: 09 October 2017 13:08
To: licensing
Cc: Licensing North Division Kent; maple, vince; chevis, steve
Subject: Licensing application - B&M, Medway St, Chatham
Attachments: Appendix A - B&M evidence_report.docx; Appendix B - Chatham ADZ.docx; B & M reps FINAL.docx

Good afternoon,

Please find attached representations for the above application for a new premises licence from the Director of Public Health.

Barbara

Barbara Murray
Alcohol Harm Reduction Project Officer
Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

Direct line: 01634 332637

Email: barbara.murray@medway.gov.uk

Visit our website: www.medway.gov.uk

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LICENSING ACT 2003 – NEW LICENCE APPLICATION

Name and address of premises

B&M, Medway Street, Chatham, ME4 4HA

The Director of Public Health is making representations concerning the grant of this premises licence under the following licensing objectives

- The prevention of crime and disorder
- The prevention of public nuisance
- Public Safety

The Chatham High Street area, which includes Medway Street, has a particular ongoing problem with street drinkers as well as alcohol related crime, disorder and nuisance.

A report detailing the evidence used throughout these representations is attached. (see Appendix A)

The 5 LSOAs used within Appendix A (See Appendix A for definition of term) account for just over 3% of the total population of Medway.

The Prevention of Crime and Disorder

The LSOA in which this premises is situated ranks at 948 out of 32 844 LSOAs in the country for crime deprivation, with 1 being the most deprived and 32 844 being the least. The area containing Chatham High Street and surrounding areas are among the most deprived in Medway. This is a very deprived area.

A 2014 study carried out in Medway – Medway Insight: Alcohol – found that alcohol related crime was highest in the most deprived wards and where there was a concentration of licensed premises. Just over 60% of the population in the defined area are classed as being in the most deprived quintile, with the rest of the population in the next most deprived quintile. There are a total of 114 licensed premises within a 1km radius of the premises, with 82 licensed to sell alcohol. 31 of these are classed as primarily off licences.

Evidence from Kent Police shows that in the defined area of 5 LSOA's reports of public order during the day time account for over a quarter of the Medway total. During the same date period over a fifth of all anti social behaviour and non domestic violence assaults report to Kent Police in Medway happen in this area (Appendix A).

This application is for a licence to sell alcohol until 2200 hours. During the night time (2000 to 0600 hours) this area accounts for nearly a third of all non domestic violence assaults in Medway a quarter of reported anti social behaviour, and a fifth of all domestic violence, public order and sexual offences.

The location of assaults reported by attendees to Medway Hospital A&E from January 2016 to October 2016, inclusive, shows Chatham High Street as a hot spot when compared to the rest of Medway.

The Prevention of Public Nuisance

The area of Chatham High Street attracts dependent drinkers due to a number of services and organisations associated with street drinkers, homelessness and the criminal justice system located in the town including:

- Medway Magistrates Court
- Anchorage House County Court, which is located within a few hundred metres of the proposed premises
- AMAT Housing (housing for people who are recent prison releases or homeless)
- Caring Hands (charity for persons needing shelter, food or medical attention)
- Turning Point
- Numerous solicitors
- Job Centre
- Probation Service

Street drinkers walk between services, shops which sell them alcohol and areas where they congregate to drink. Street drinking litter is present throughout Chatham High Street, but particularly, for the purposes of this application, around the pumping station, River Walk and the bus station (Appendix A).

There is evidence of street drinking in the immediate streets and area surrounding the premises. Discarded beer and cider cans and bottles are regularly found in the road, grass areas and car parks in this area. Street drinking in the area of the premises has been witnessed by a public health officer regularly in the last couple of months, and she has also been the subject of begging in this area. Staff from local businesses have been interviewed and state they witness street drinking regularly, along with associated anti social behaviour, litter and disturbance. There is evidence of public urination and defecation in this immediate area.

It should be noted that the alcoholic products found as litter are not restricted to those commonly termed 'super strength' beer and cider.

There is a culture of street drinking in this area with associated nuisance in the form of discarded cans and bottles, disorder and anti social behaviour.

The area surrounding the premises is included in the Chatham Alcohol Control Zone due to proven issues with alcohol related anti social behaviour and public nuisance (see Appendix B).

Public Safety

River Ward, in which the premises is located, has been the ward with the highest number of ambulance callouts where alcohol has been identified as a contributory factor between 2011 and 2015.

Appendix A also shows how the percentage of ambulance callouts, deemed relevant to one or more of the licensing objectives, in River Ward has been over 50% in these years, with it being over 60% in two of them.

Summary

Research shows that the density of alcohol outlets has a direct effect on a multitude of alcohol harms, including crime and disorder, anti social behaviour and domestic violence.

While there is currently no cumulative impact policy in this area, evidence has been put before the Licensing and Safety Committee by the Community Safety Partnership earlier this year in support of such a policy in this area. The evidence of alcohol related crime, disorder and nuisance linked to the density of off licensed premises (among others) was accepted and the process of introducing a policy in this area is ongoing.

Paragraph 14.33 in the statutory guidance issued under section 182 Licensing Act 2003 states the following:

'The absence of a special policy does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.'

'Cumulative impact' is not mentioned in the Licensing Act 2003. However the statutory guidance states that the term means the *'impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area'*. Further the guidance also states the term may relate *'to premises licensed to carry on any licensable activity, including sale of alcohol for consumption on or off the premises'*.

Paragraph 14.21 goes on to state

'In some areas, where the number, type or density of premises selling alcohol or providing late night refreshment is high or exceptional, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from those premises. [...] Licensing authorities should consider whether the number of fast food outlets or off licences in an area contribute to these problems, [...]

The evidence shows there is a concentration of licensed premises, particularly off licences, in both the immediate and wider area, which the Director of Public Health believes is contributing cumulatively to the levels of crime and disorder, public nuisance and public safety issues and incidents outlined above.

Research shows that an increase in alcohol outlet density is associated with an increase in alcohol consumption and harms, including injury, crime and violence. The National Institute for Health and Care Excellence (NICE) states there are several factors which may be associated with increased risks of alcohol harms and alcohol related hospital admissions linked to assaults and domestic violence. These factors are price, outlet density and associated alcohol marketing. Together, these factors render alcohol more affordable, more available and therefore easier to consume, so contributing to the overall total alcohol harms in an area. Another shop selling more alcohol, in competition with others in the immediate area will make alcohol more affordable, more available and therefore add to the issues outlined in these representations.

The application is generic in nature and is similar, or the same, as other applications in other areas, and it is apparent the applicant has made no attempt to research and address the very obvious problems Chatham High Street has in either a risk assessment or the operating schedule, as recommended by the statutory guidance.

In light of the evidence the Director believes the granting of another premises licence for the sale of alcohol will fail to promote the licensing objectives in this area and therefore asks the Licensing Committee to refuse this application.

However, if the committee is minded to grant this licence the Director asks for the following conditions to be placed on the licence.

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
 - Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.
 - Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, and kept for a period of 31 days and handed to Police on demand.
 - The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority on demand.
 - The recording equipment and discs/tapes shall be kept in a secure environment under the control of the DPS or other responsible named individual.
 - An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

- In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to the Police Licensing Officer immediately (licensing.north.division@kent.pnn.police.uk)
2. All persons who sell or supply alcohol to customers must have licensing training.
 - Training should take place within six weeks of employment
 - Any new employees will be supervised until the training has taken place.
 - Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation.
 - Training records must be kept on the premises and shall contain the nature, content and frequency of all training.
 - Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from Medway Council on demand either electronically or hard copy.
 3. No beer, lager, cider or spirit mixer above 5.5% ABV will be sold.
 4. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.
 5. No alcohol will be displayed within 5 metres of any access points from the street.

James Williams

Date 9th October 2017

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

Report for Public Health application for new premises licence - Premises name and address ME4 4HA

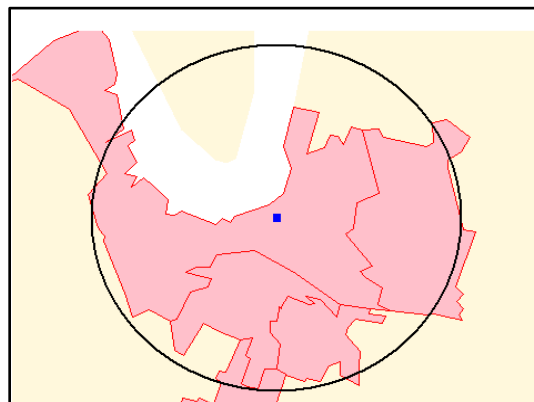
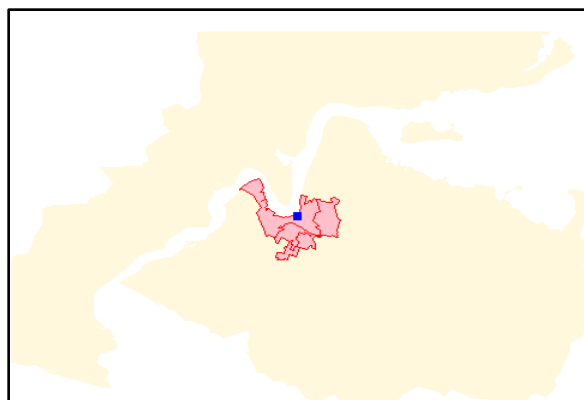
Area description

The 'area' referred to in this report has been constructed in two ways to allow different information to be presented most effectively. The first way is to draw a simple radius around the postcode of the premises and the second way is to identify the Lower Super Output Areas closest to postcode. 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 ME4 4HA.

LSOAs near the postcode

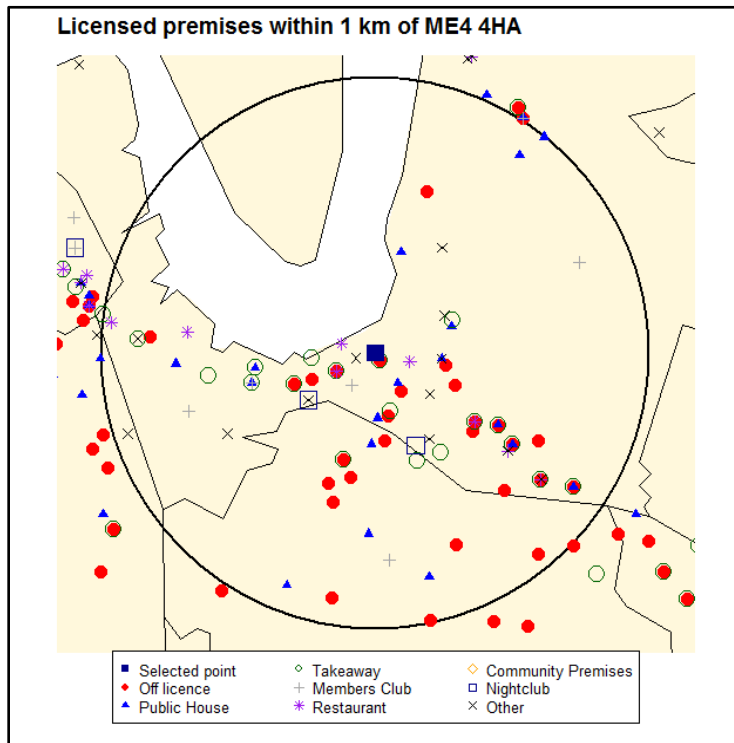
This first map shows the location of the postcode ME4 4HA in Medway and the 5 LSOAs around it.



This shows the same LSOAs, zoomed in, with a 1 km radius around the postcode. There are 8,992 people living in the 5 LSOAs around ME4 4HA, with the following age distribution:

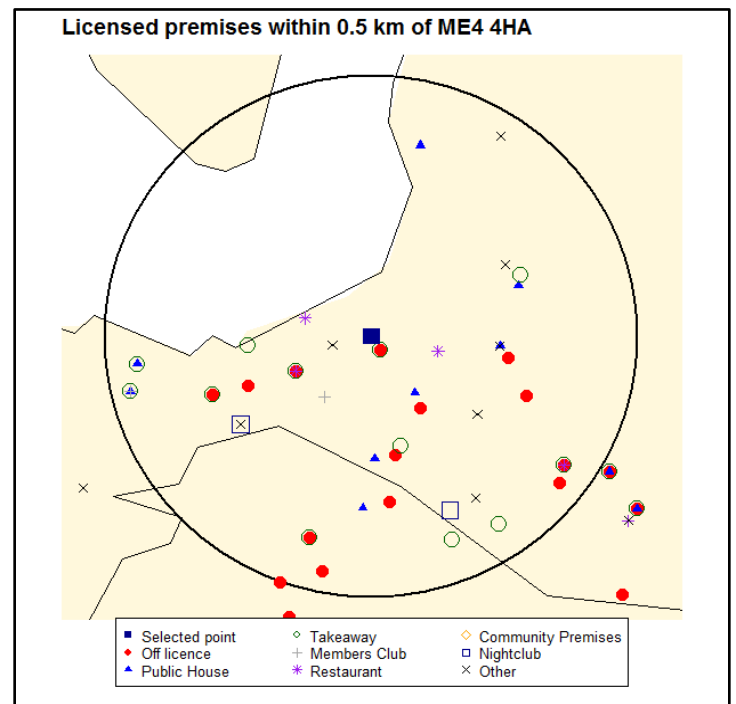
	Count	Percent
< 5	721	8
5 to 18	1317	14.6
19 to 64	6143	68.3
65 to 84	723	8
85 plus	88	1

Licensed premises around the postcode (ward boundaries only)



Premises type	Number
Takeaway	32
Off licence	31
Public House	18
Other	14
Restaurant	10
Members Club	6
Nightclub	2
Community premises	1

Premises type	Number
Takeaway	22
Off licence	14
Public House	9
Other	7
Restaurant	4
Members Club	3
Nightclub	2
Community premises	1



Deprivation

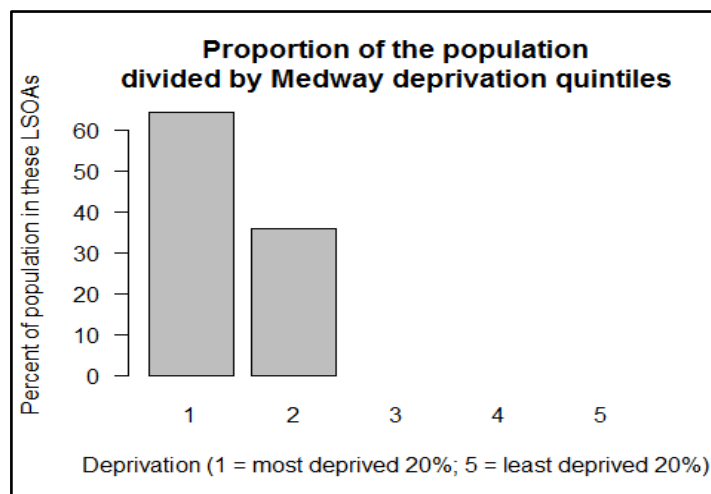
The Indices of Deprivation 2015 provide a relative measure of deprivation in small areas across England. The Indices of Deprivation 2015 is based on the concept that deprivation consists of more than just poverty. Poverty is not having enough money to get by on whereas deprivation refers to a general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

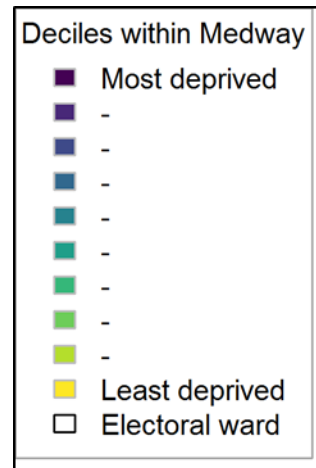
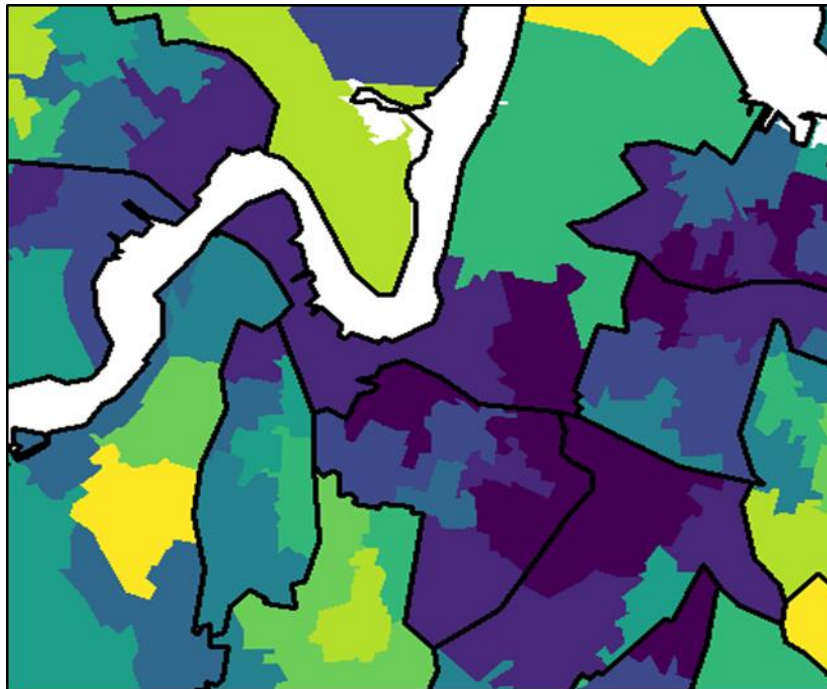
The Indices of Deprivation 2015 is the collective name for a group of 10 indices which all measure different aspects of deprivation. The most widely used of these is the Index of Multiple Deprivation which is a combination of a number of the other indices to give an overall score for the relative level 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](#)





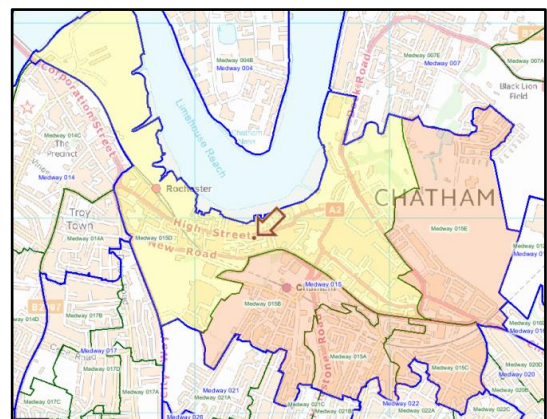
The area containing Chatham High Street and surrounding areas are among the most deprived in Medway.

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.

The Office for National Statistics ranks LSOA Medway 015D (highlighted in yellow) at **948** 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	4479	18331	24.4
Assault-nonDV	1246	4137	30.1
Criminal Damage	702	4239	16.6
DV	510	2658	19.2
Public Order	44	205	21.5
Sexual	102	487	20.9

Day-time

Type	Local area	Medway total	Percentage
ASB	3527	16381	21.5
Assault-nonDV	1101	4926	22.4
Criminal Damage	622	4140	15
DV	478	2555	18.7
Public Order	95	366	26
Sexual	56	276	20.3

Night time crime

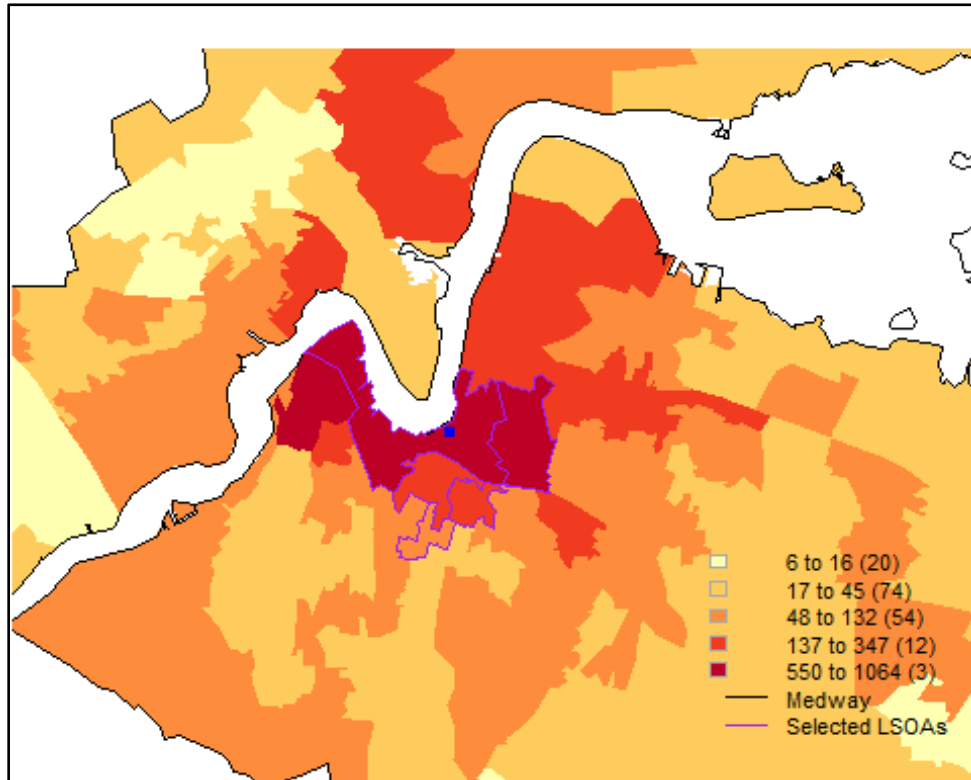
The area accounts for a third of non domestic abuse assaults reported in Medway and a fifth of anti social behaviour, public order and sexual offences.

Day time crime

The area accounts for a quarter of public order offences in Medway during the day, as well as over a fifth of anti social behaviour and non domestic abuse assaults.

Ambulance call-outs

The following analysis includes the call-outs between 2011 and 2015 attended by South East Coast Ambulance Service where alcohol is suspected as a contributory factor.



The 5 LSOAs around ME4 4HA account for 2303 (19.6%) of all ambulance call-outs where alcohol is suspected.

	2011
River	415
Chatham Central	221
Gillingham South	218
Luton and Wayfield	183
Gillingham North	178

	2012
River	428
Gillingham South	251
Chatham Central	198
Gillingham North	178
Luton and Wayfield	159

	2013
River	421
Gillingham South	232
Gillingham North	201
Chatham Central	180
Rochester West	170

	2014
River	400
Gillingham South	266
Gillingham North	226
Chatham Central	198
Luton and Wayfield	174

	2015
River	511
Gillingham South	263
Chatham Central	210
Gillingham North	208
Rochester West	177

The lower part of River ward, in which Chatham High St is situated has the highest number of ambulance callouts, where alcohol has been deemed to be a contributory factor by ambulance staff, in Medway. During the last five years River ward has been the highest in terms of the number of callouts in Medway. It can be seen from the above tables the number of callouts in 2015 shows an increase when compared to the last four years.

Chatham Central ward, in which part of the proposed area is also situated, has been in the top 4 wards in Medway over this five year period.

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.

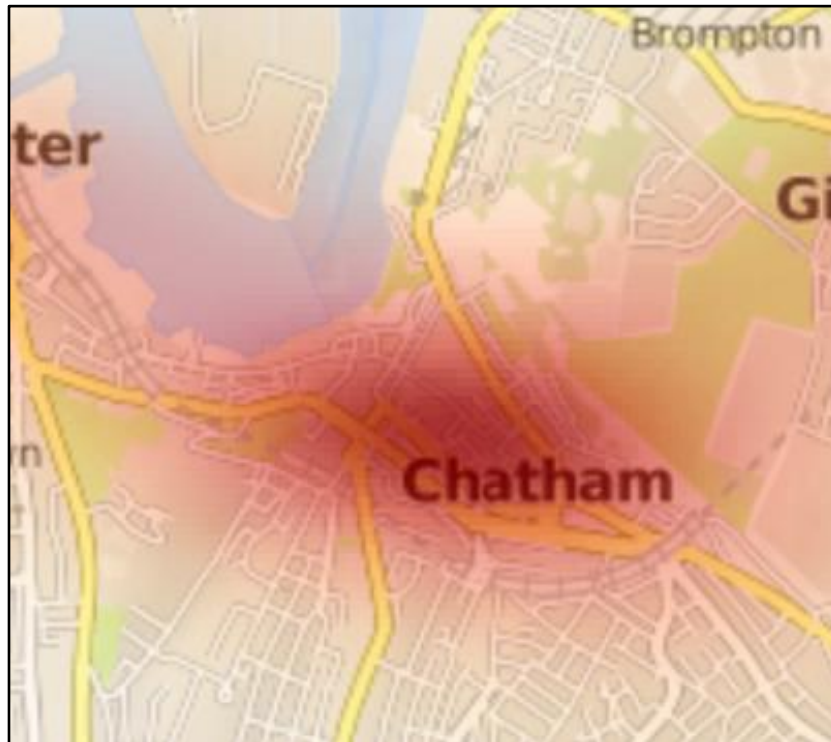
River Ward

Call type	2011	2012	2013	2014	2015
Trauma/bleeding	34	69	56	65	57
Unconscious/faint	90	107	98	70	104
Alcohol intoxication	23	34	17	44	32
Falls <12ft	26	25	25	20	23
Assault/Sexual assault	16	22	13	14	26
Limb/pain injury	26	11	21	19	9
Road Traffic Collision	1	0	1	3	1
Overdose/ingestion accidental	7	10	9	9	9
Shot/stabbing	0	1	1	3	1
Total	223	279	241	247	262
Percentage of ward total	53.7%	65.2%	57.2%	61.8%	51.3%

Chatham Central Ward

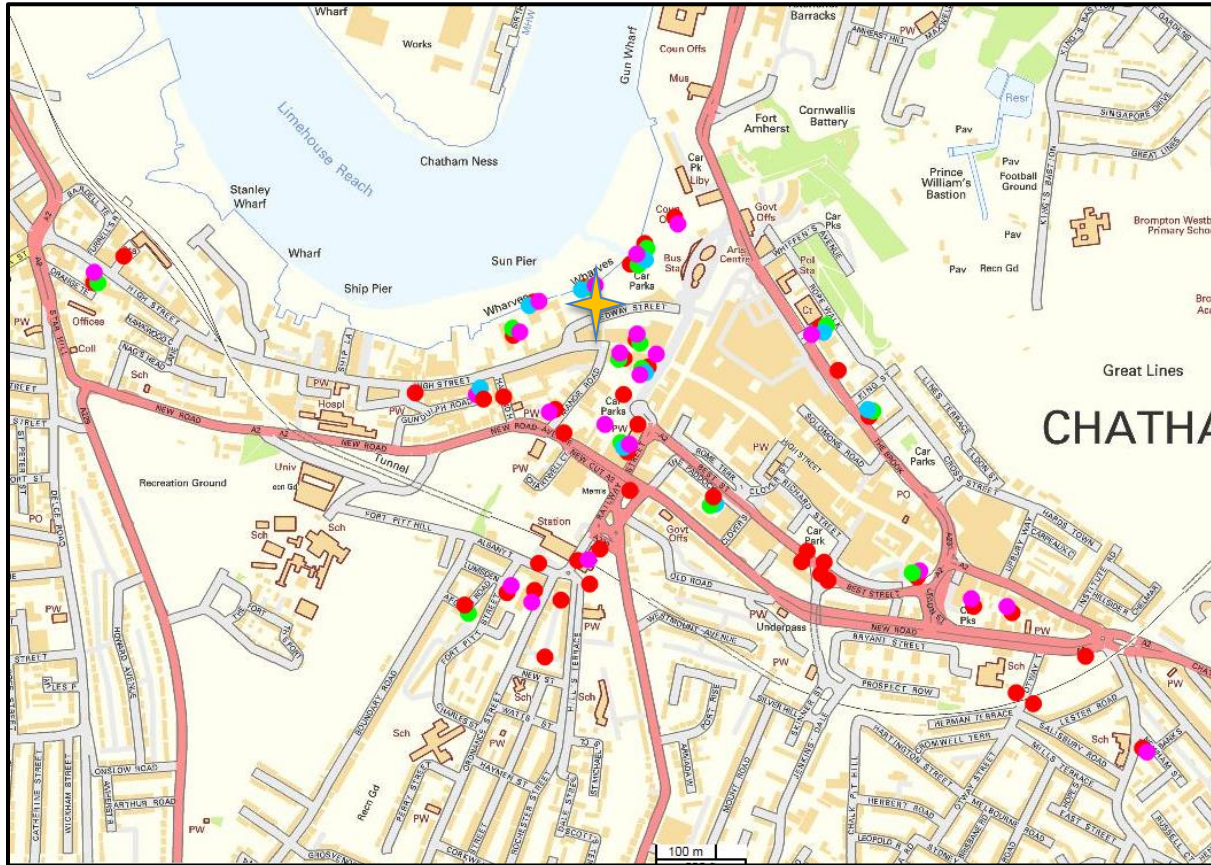
Call type	2011	2012	2013	2014	2015
Trauma/bleeding	10	35	31	14	28
Unconscious/faint	30	29	22	23	20
Alcohol intoxication	8	6	11	20	13
Falls <12ft	8	15	11	9	8
Assault/Sexual assault	9	8	8	8	6
Limb/pain injury	22	7	9	10	12
Road Traffic Collision	0	0	1	0	2
Overdose/ingestion accidental	10	5	3	7	2
Shot/stabbing	2	0	1	2	0
Total	99	105	97	93	91
Percentage of ward total	44.8%	53%	53.9%	47%	43.3%

Medway Hospital A&E assault data








This heat map shows the relative location of incidents of assaults reported by attendees to Medway Hospital A&E from January 2016 to October 2016, inclusive, with Chatham High Street clearly shown as a hot spot for assaults when compared to the rest of Medway.

Alcohol related Litter



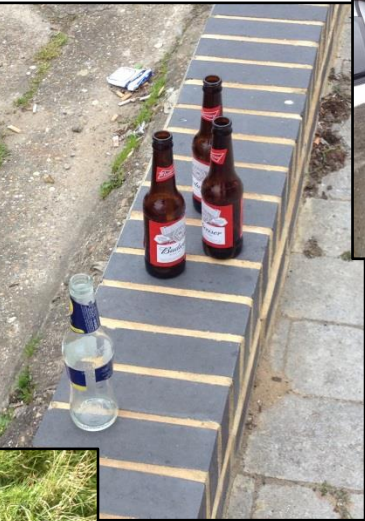
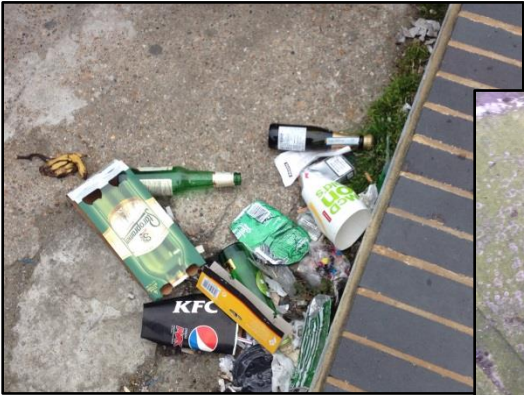
Key

Alcohol related litter	
Street drinking locations	
Drug litter	
Human waste	
Location of premises	

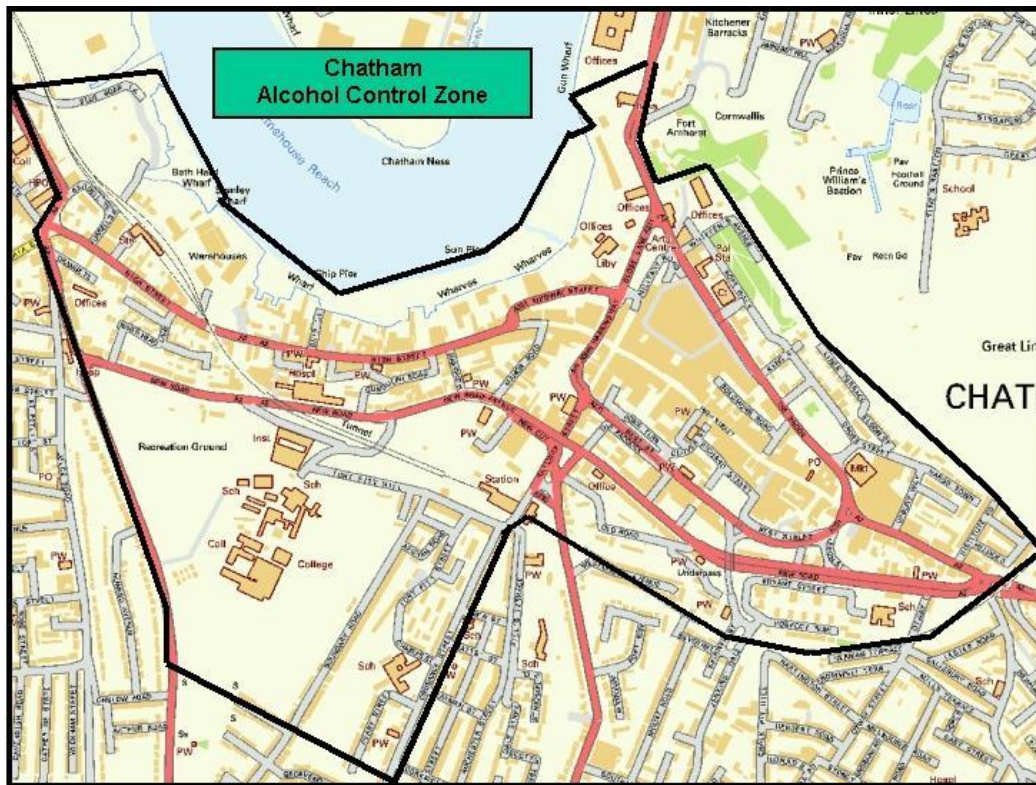
The above map plots the locations where persistent and substantial amounts of alcohol related litter have been found by public health staff and environmental enforcement over 2015 to the present. In addition the locations where street drinkers are regularly observed, drug litter has been found and human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

It can be seen these locations are often the same.

The photographs are examples of alcohol related bottles and cans found in in and around the Pumping Station and River Walk area.



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.

Street Drinking and service providers



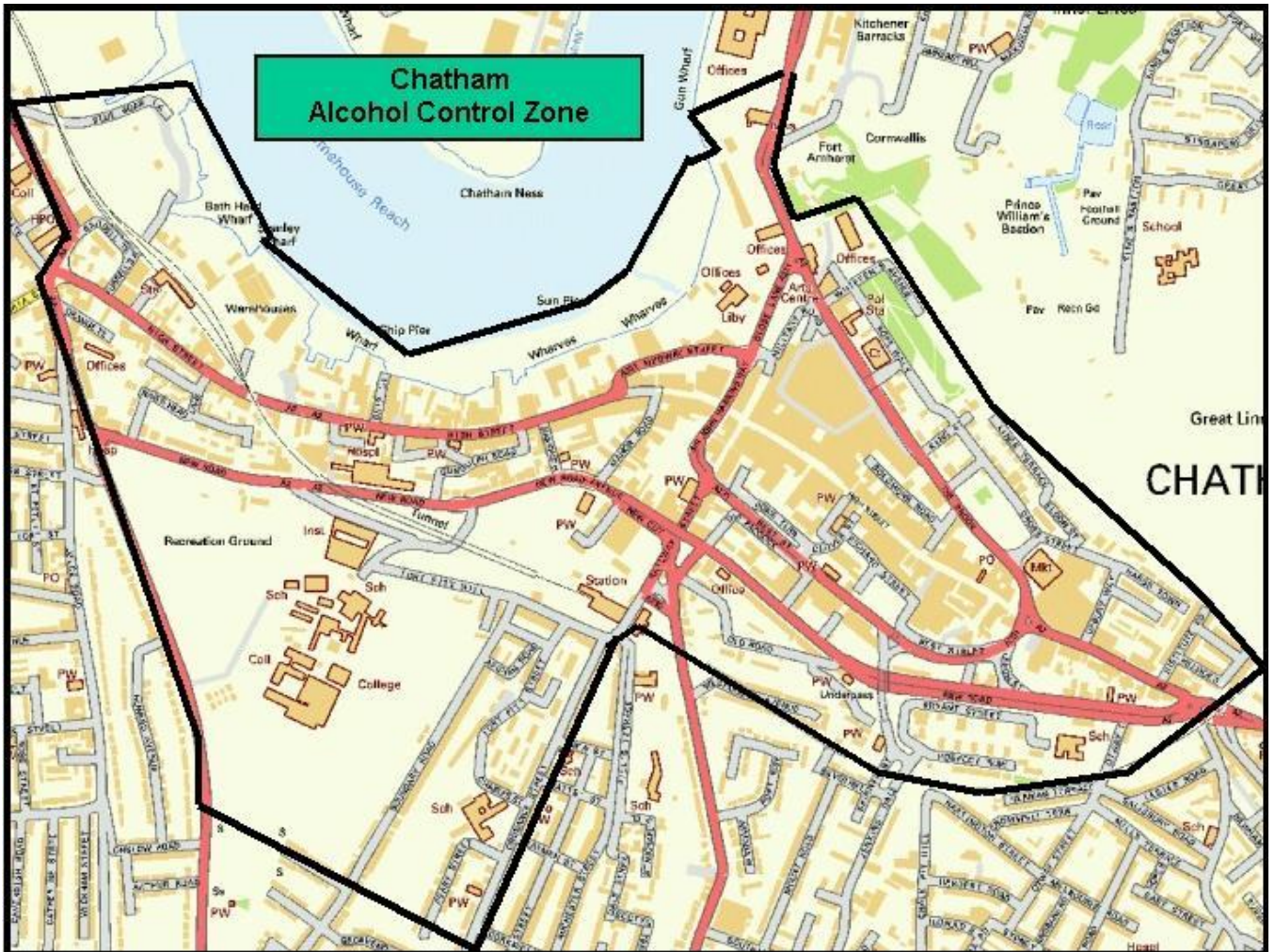
There are several service providers located in Chatham town centre. Turning Point, Caring Hands, The Salvation Army, Pathways to Independence and AMAT are all on the High Street, or very close by. In addition there are the Magistrates Court, The County Court, the Job Centre and probation offices. The service providers all offer support, advice and guidance to those who are often substance misusers and often find themselves homeless.

The above map does not indicated individual premises. It is an indication of the road where individual service users have stated they buy their alcohol, which is primarily from off licensed premises. These people are often the ones who are committing anti social behaviour, nuisance and crime as street drinkers and are the visible public face of alcohol and substance misuse.

As can be seen off licensed alcohol outlets in Chatham High Street and surrounding areas are used by dependent drinkers to buy their alcohol.

Appendix B

Chatham Alcohol Control Zone area.



hopson, lisa

From: Bryan Fowler
Sent: 09 October 2017 08:47
To: licensing
Subject: Objection to a Licence Application by B & M stores, Medway Street, Chatham
Attachments: Objection to a Premises Licence Application for B&M.pdf

Dear Madam

Please find attached my objection which you may share with the applicant.

Yours faithfully

Bryan Fowler



Virus-free. www.avast.com

Objection to a Premises Licence Application for B&M Stores, 22 Medway Street, Chatham, ME4 4HA

- 1 I am a resident of Chatham who lives near the centre of the town. I frequently pass by the premises in question when riding my bike and also on foot. I object to this application and ask that the licence application is refused because it does not address the licensing objectives.
- 2 The application appears to be generic in nature illustrated by the non-specific responses in section M of the application such as:
 - a. M(d) Prevention of Public Nuisance – “Car Park area (if applicable)”.
- 3 Chatham is a busy town with clearly identified alcohol-related problems. These problems are poor health, public drunkenness, crime and disorder, littering and domestic violence. It has been demonstrated to Medway Council’s Licensing Committee that the availability and oversupply of alcohol from off-licences has contributed to the problem. Indeed, it is the supply of inexpensive alcohol especially to street-drinkers, which has caused many of the problems.
- 4 The application by B&M states that they “offer a wide range of home goods, a mix of food and hardware, which are of quality but at affordable prices”. B & M’s website states that an alcohol offer includes 3 Hammers Cider which costs £3.49 for 3 litres; it has an ABV of 7.5. This type of “strong cider” (labelling on bottle refers) will appeal to street drinkers. Any store offering this type of drink in Chatham is, in my opinion, contributing to alcohol related problems in the locality. This strength of beer should not be offered for sale and no amount of personal management can stop it being passed on to street drinkers. This offer is contrary to all four licensing objectives.
- 5 B & M Stores is situated very close to a shop in the High Street which attracted street drinkers and recently had its licence reviewed. The B & M store is situated on the river front, by a pumping station and pier, where street drinkers and homeless people meet. I contend that no amount of supervision, and certainly not the level indicated in this application, can prevent inexpensive alcohol, ending up in the hands of street drinkers.
- 6 The licence applications states that B & M will address the objective of Preventing Public Nuisance, by inspecting the car park regularly and persuading loiterers to move on, seeking the assistance of Police where needed. I am very uncomfortable with Kent Police being asked to facilitate the move of offenders to other areas in the town; there are already too many areas where drinkers meet including next to these premises. The application does not demonstrate knowledge of local conditions and does not fulfil any of the four licensing objectives.
- 7 B & M have not demonstrated how they will address issues of littering (alcohol bottles and cans) and this is contrary to licensing objective d: Prevention of Public Nuisance.
- 8 I appreciate that every licence application must be treated on its merits. Such is the concern about alcohol abuse arising from sales from off licences that consideration is being to a Cumulative Impact Policy in Medway. I hope that B & M has a successful enterprise in Chatham and that this is achieved without offering alcohol for sale.

Bryan Fowler

buddin, helen

From: maple, vince
Sent: 17 October 2017 16:55
To: licensing
Subject: B&M Medway Street, Chatham

I am writing as one of the three ward councillors for the neighbouring Chatham Central Ward – the ward boundary is approximately 100 metres from the proposed licensed premise so any activity there will have a direct impact on residents I represent.

Over several previous years a huge amount of work has been put into the preparation of the Cumulative Impact Policy (CIP) the principle of which has been agreed unanimously by Medway Council's licensing committee.

In considering my representation, I am aware of the wide variety of statistics which have made that policy a necessary requirement for the Chatham area and I am concerned that by the granting of this licence those statistics will not improve and could actually be made worse.

On that basis I wish to oppose the proposed licence for Medway Street, Chatham on the grounds of not meeting the licensing objectives particularly around the issues of Public Safety, Prevention of Public Nuisance and Prevention of Crime and Disorder.

Specifically:

The level of street drinkers is likely to increase as a result of this application which will have a direct impact on the ability for all of the four licensing objectives to be met – in particular due to the location of the store near the more isolated areas of the riverside and the pumping station both nearby.

The amount of litter which would be generated by this store having an alcohol licence would also mean the specifically public nuisance objective not being met.

The application does not give me confidence that the applicant has got a good working knowledge of this specific part of Chatham (due to the generic approach with some of the application form completion) – I'm not yet convinced they will be able to therefore deal in this area effectively with the challenges of an alcohol licence within the proposed CIP area.

I believe at this stage for the applicant, in this location, a license is not appropriate for the reasons I have laid out.

For the avoidance of doubt, I am not bringing into question their other premise in Medway.

If the committee does regrettably believe a licence is appropriate then I would support the additional conditions which have been included as part of the submission from the Director of Public Health on October 9th.

I know that speaking with them that the ward councillors for River Ward share similar views and concerns.

I look forward to hearing the outcomes of this process – unfortunately due to a prior diary commitment I am unlikely to be able to attend the scheduled hearing for October 31st and therefore would be happy for an alternative councillor to represent me as regards this submission. I will clarify whom prior to the hearing date.

Vince Maple
Chatham Central Ward Councillor.