

LICENSING HEARING PANEL

12 DECEMBER 2017

LICENSING ACT 2003 APPLICATION FOR A NEW PREMISES LICENCE DEMART GLOBAL FOOD STORE, UNIT 2, 14 HIGH STREET, GILLINGHAM, KENT ME7 1BB

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 Demart Global Food Store, Unit 2, 14 High Street, Gillingham, Kent ME7 1BB.

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 have been received from Public Health, Kent Police and a Councillor from a neighbouring Ward in relation to all four of the licensing objectives. To date, no agreements have been reached.

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

1. Budget and Policy Framework

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

2. The current application

2.1 In accordance with the Licensing Act 2003, the Council has received an application for a new premises licence in respect of Demart Global Food Store, Unit 2, 14 High Street, Gillingham, Kent ME7 1BB.

2.2 The details of the application requirements are as follows:

Sale of Alcohol – On and off the premises

Monday to Saturday	09:30 – 21:00
Sunday	13:00 – 21:00

Hours the premises are open to the public for Licensable Activities

Monday to Saturday	09:30 – 21:00
Sunday	13:00 – 21:00

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

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

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 M 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 Public Health, Kent Police and a Councillor from a neighbouring Ward relating to all four licensing objectives. To date no agreement has been reached; copies 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 Licensing Hearing Panel, having regard to Licensing Act 2003, the statutory guidance issued under S182, the Council's Licensing Policy and all matters before it, both written and oral, considers and determines the application for a premises licence.

Lead officer contact:

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

Appendices

Appendix A – Copy of the application

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

Background Papers

None

11 OCT 2017

Medway Council, Licensing Unit, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

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.

I/We ROSE SANI / IMPERIAL GLOBAL VENTURES LTD
(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			
DEMART GLOBAL FOOD STORE UNIT 2, 14 HIGH STREET			
Post town	GILLINGHAM	Postcode	ME7 1BB
Telephone number at premises (if any)		01634 576318	
Non-domestic rateable value of premises		£	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | |
|--|--|
| <p>a) an individual or individuals *</p> <p>b) a person other than an individual *</p> <p style="padding-left: 20px;">i. as a limited company</p> <p style="padding-left: 20px;">ii. as a partnership</p> <p style="padding-left: 20px;">iii. as an unincorporated association or</p> <p style="padding-left: 20px;">iv. other (for example a statutory corporation)</p> | <p><input type="checkbox"/> please complete section (A)</p> <p><input checked="" type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> |
|--|--|

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
10	01	2017

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)

PREMISES IS A RETAIL STORE
 SHOP FLOOR SIZE 46.94 SQ M
 (505 SQ FT.)

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 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any 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)

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		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
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	IMPERIAL GLOBAL VENTURES LIMITED
Address	14 HIGH STREET GILLINGHAM KENT ME7 1BB
Registered number (where applicable)	8763629
Description of applicant (for example, partnership, company, unincorporated association etc.)	COMPANY
Telephone number (if any)	01634 576318
E-mail address (optional)	demartglobal@gmail.com

- 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:

Please tick yes

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
Mon					
Tue					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed					
Thur					
			<u>Non standard timings</u> 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 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			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 (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	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 3)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
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 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			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 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur								
Fri						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 (please read guidance note 5)		
Sat								
Sun								

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	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 3)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			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 (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
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 5)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input checked="" type="checkbox"/>
Mon	09:00	21:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	09:30	21:00			
Wed	09:30	21:00			
Thur	09:30	21:00	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 (please read guidance note 5)		
Fri	09:30	21:00			
Sat	09:30	21:00			
Sun	13:00	21:00			

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

Name	ROSE SANI
Address	14 HIGH STREET GILLINGHAM
Postcode	ME7 1BB
Personal licence number (if known)	Medway / 16 / 00591 / PERS
Issuing licensing authority (if known)	MEDWAY 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 8).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	09:30	21:00	<p>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 (please read guidance note 5)</p>
Tue	09:30	21:00	
Wed	09:30	21:00	
Thur	09:30	21:00	
Fri	09:30	21:00	
Sat	09:30	21:00	
Sun	13:00	21:00	

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 9)

Prevents crime and disorder
Training and record keeping of public safety strategies
Noise reduction measures to prevent public nuisance
"Challenge 25" sign to be used in store to protect children

b) The prevention of crime and disorder

CCTV system to monitor entrance and exits.
No alcohol will be sold to minors
No alcohol will be sold to drunk or
intoxicated customers.
Display clear notices: 1. warning of potential criminal activity such as theft
that may target customers.

c) Public safety

Training and implementation of underaged ID checks.
A log book kept at the premises to enter particulars of
inspections.
All fittings and equipment in store will be maintained in
good order

d) The prevention of public nuisance

Noise reduction measures to address public
nuisance objectives. Prominent notices requesting
the public to respect the need of nearby residents.
Deliveries of goods for the business to be carried
out in a matter to prevent a disturbance to residence.

e) The protection of children from harm

"Challenge 25" sign which is a retailing strategy to
encourage anyone ~~over~~ 18 but looks 25 to carry
acceptable ID. if they wish to buy alcohol.
Trained staff about requirement and log details in
training record book.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- 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.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

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.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	ROSE SANI
Date	9/10/2017
Capacity	DIRECTOR

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

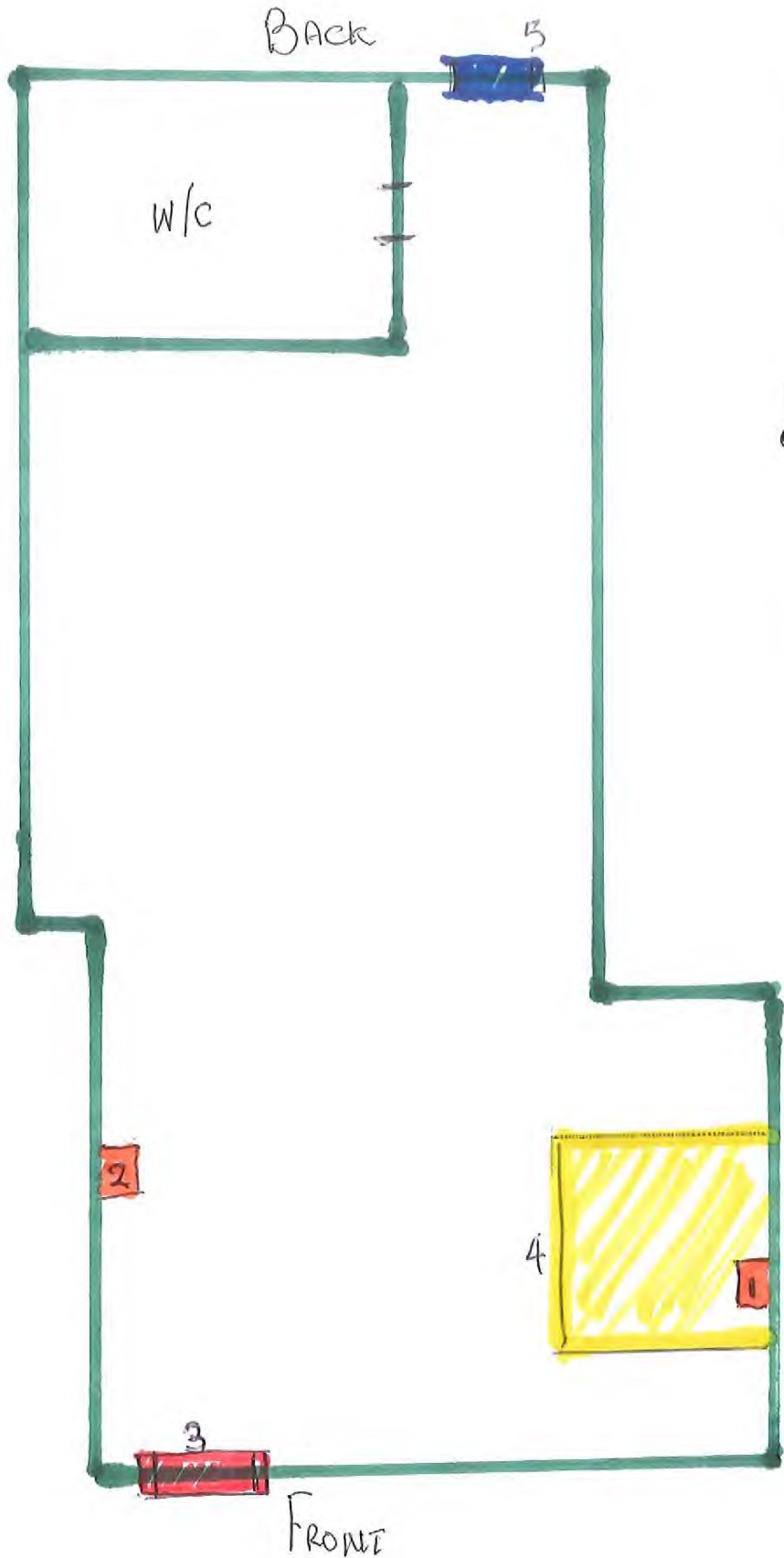
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

DEMART, Unit 2, 14 HIGH STREET

Post town	GILLINGHAM	Postcode	ME7 1BB
Telephone number (if any)	01634 576 318		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
demartglobal@gmail.com			

Appendix B

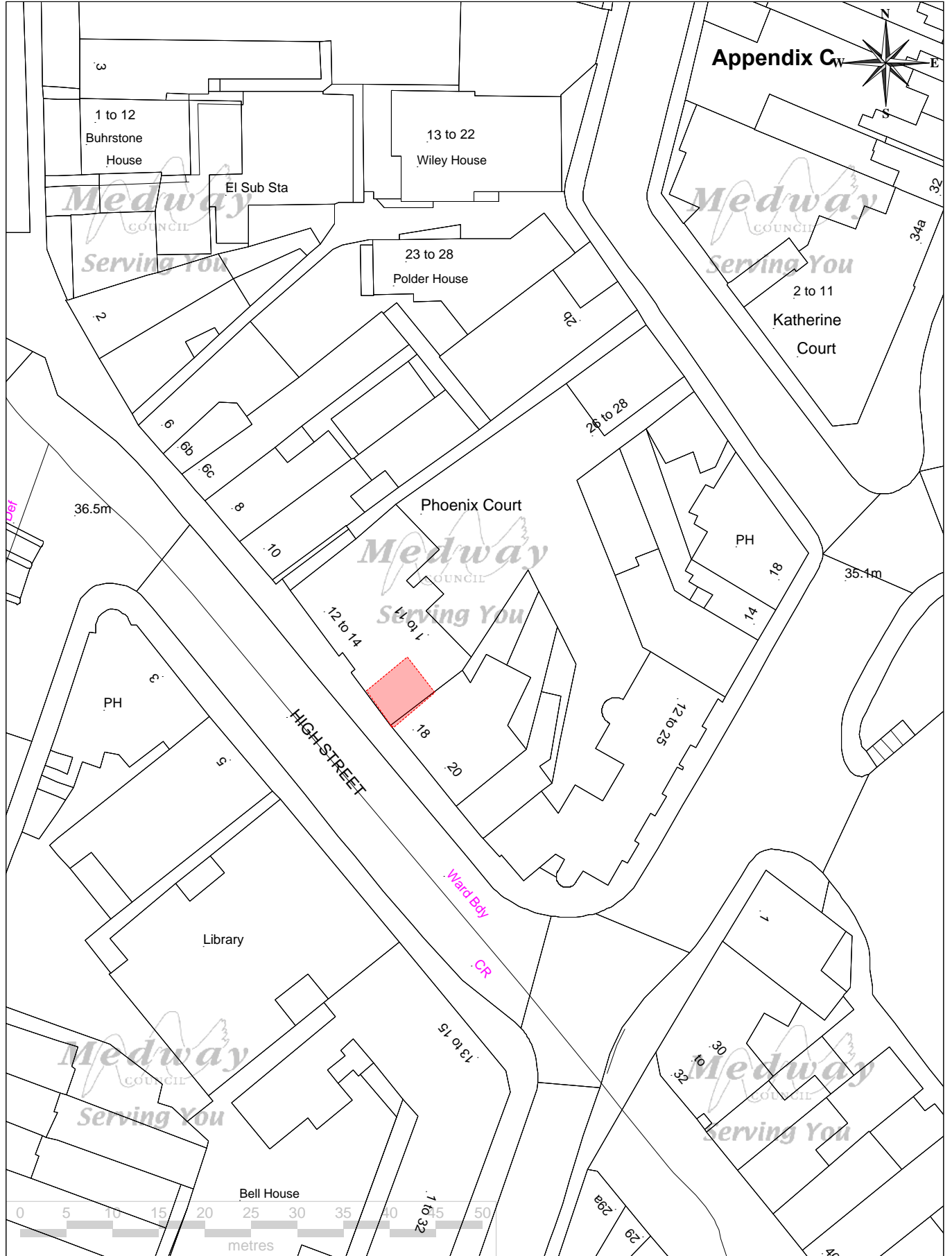
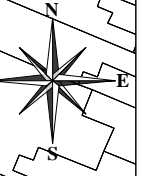


Unit 2
14 High st
Gillingham Kent
ME7 1BB

Shop floor Size:

46.94 Sq.m
(505 Sq.ft)

- (1a2) ■ Fire extinguishers
- 3 ■ Front door/emergency exit (This is the only public access point)
- 4 ■ Shop till
- 5 ■ Rear exit not for public use



Demart Global Food Store



Scale: Not to Scale 30/11/17

© Medway Council, 2013

From: murray, barbara
Sent: 13 November 2017 08:54
To: licensing
Cc: Christopher Hill PC 46012000; chevis, steve
Subject: Representations - Demart Global Food Stores, 14, High St, Gillingham
Attachments: Demart Global Food Stores reps FINAL.docx; Demart Global Food Stores evidence report - FINAL.docx

Good morning,

Please find representations and supporting evidence from the Director of Public Health regarding Demart Global Food Stores, 14, High Street, Gillingham.

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

Demart Global Food Store Unit 2 14 High Street Gillingham. ME7 1BB

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

Gillingham High Street and surrounding area 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 Annex A)

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

The Prevention of Crime and Disorder

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

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 80% 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 113 licensed premises within a 1km radius of the premises, with 84 licensed to sell alcohol. 37 of these are classed as primarily off licences and are largest single type of licensed premises in this area. This area has the highest density of licensed premises in Medway.

Evidence from Kent Police shows the defined area is a hot spot for reports of alcohol related anti social behaviour, criminal damage and assault during the day time (Annex A).

There is extensive evidence linking alcohol consumption, particularly at harmful or hazardous levels, with domestic abuse. Evidence shows alcohol use increases the incidence and levels of domestic abuse. Gillingham has high levels of reported domestic abuse. The area in and around Gillingham High Street, across both Gillingham North and Gillingham South wards has high levels of reported domestic abuse compared to the rest of Medway.

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

The Prevention of Public Nuisance

There is evidence of street drinking in the area surrounding the premises. Discarded beer and cider cans and bottles can be found in the road, parks, grass areas and car parks in and around Gillingham High Street. It should be noted that the alcoholic products found as litter are not restricted to those commonly termed 'super strength' beer and cider. Public health officers have witnessed street drinking in the area in the last few of months. There is evidence of public urination and defecation in the immediate area. The street drinking in this area is associated with a range of anti social behaviour, such as begging.

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

Public Safety

The highlighted area accounts for 869 (7.4%) of all ambulance call-outs in Medway, where alcohol is suspected as a contributory factor by ambulance staff.

Between 2011 and 2015 both Gillingham wards were in the top 4 wards in Medway for ambulance callouts identified as having alcohol as a contributory factor by ambulance staff.

Annex A also shows how the percentage of ambulance callouts, deemed relevant to one or more of the licensing objectives, both Gillingham North and South wards have been over 50% in all these years (accept for one), with several years being over 60%.

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 was put before the Licensing and Safety Committee by the Community Safety Partnership in March 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 does not refer to any of the alcohol related social problems this area has and appears generic in nature. It is apparent the applicant has made no attempt to research and address the very obvious problems Gillingham 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 premixed spirit product above 5.5% ABV will be sold.
4. No alcohol will be displayed within 2 metres of any access or egress point from the street.
5. No alcohol to be displayed or stored on the floor of the shop.
6. Spirits will be displayed behind the counter

7. No single can/bottle sales of beer, lager, cider or premixed spirit product will be made; only sales in multipacks of 4 or more.
8. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.

James Williams

Date 13th November 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

Annex A

Report for Public Health application for new premises licence - Premises name and address ME7 1BB

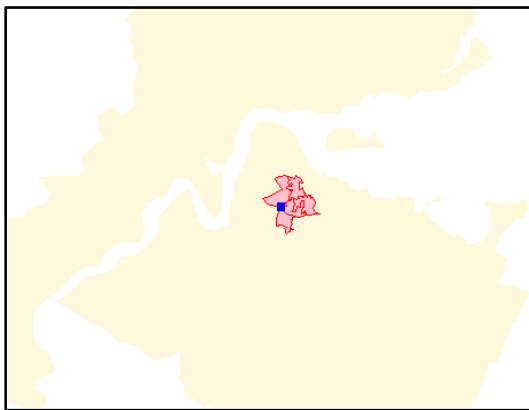
Area description

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 ME7 1BB.

LSOAs near the postcode

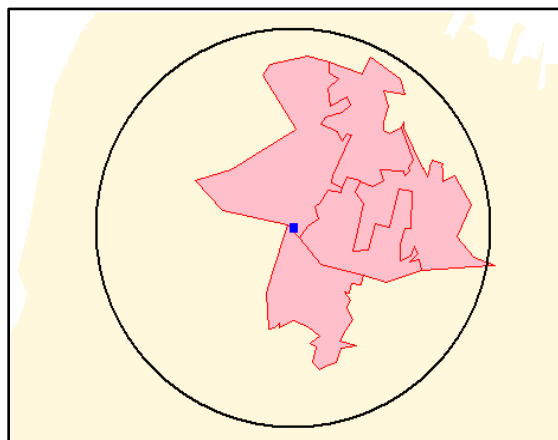
This first map shows the location of the postcode ME7 1BB in Medway and the 5 LSOAs around it.



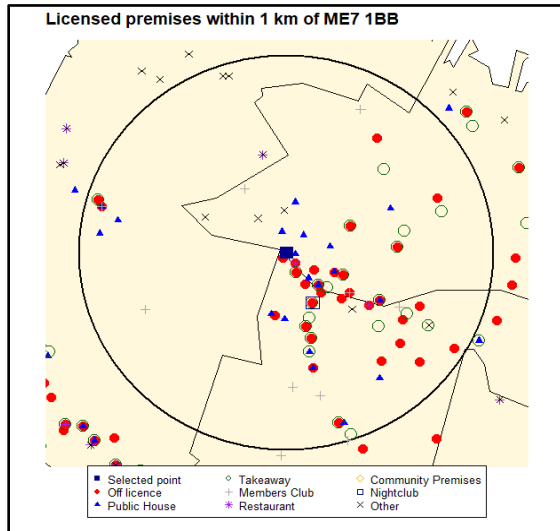
There are 9,404 people living in the 5 LSOAs around ME7 1BB.

Zoomed-in

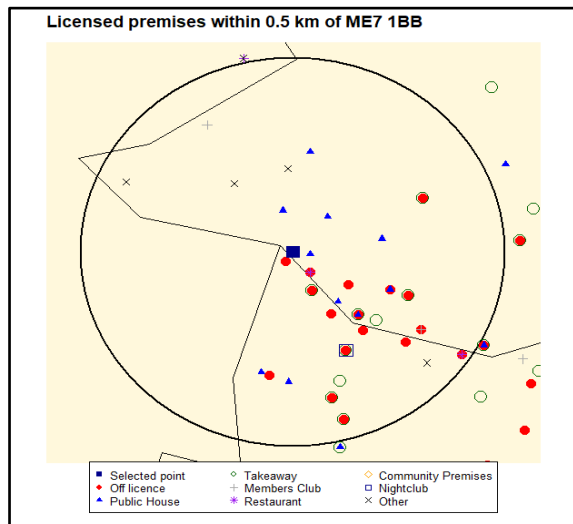
This shows the same LSOAs, zoomed in, with a 1 km radius around the postcode. There are 9,404 people living in the 5 LSOAs around ME7 1BB, with the following age distribution:



Licensed premises around the postcode (ward boundaries only)

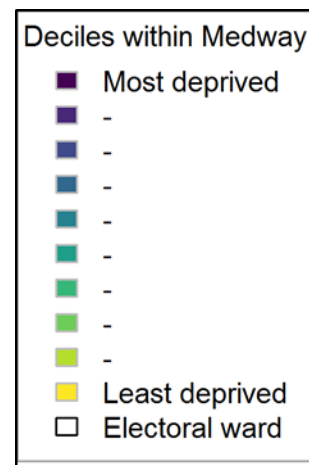
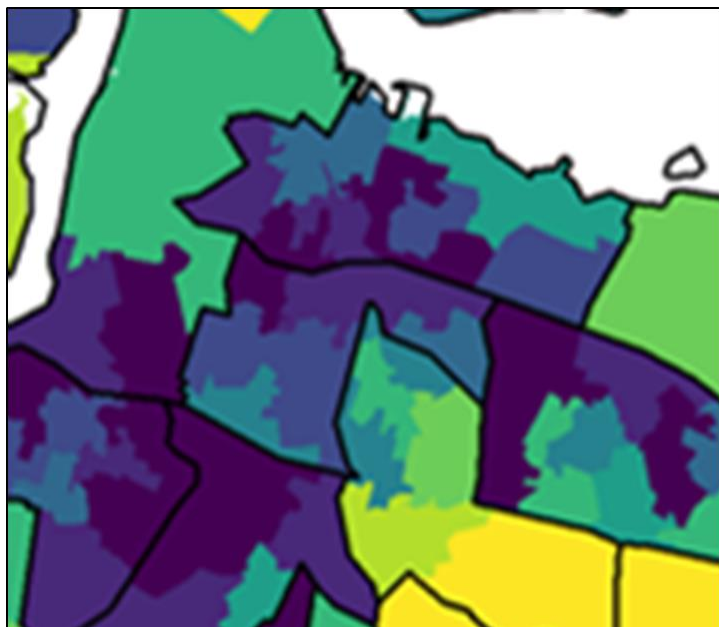
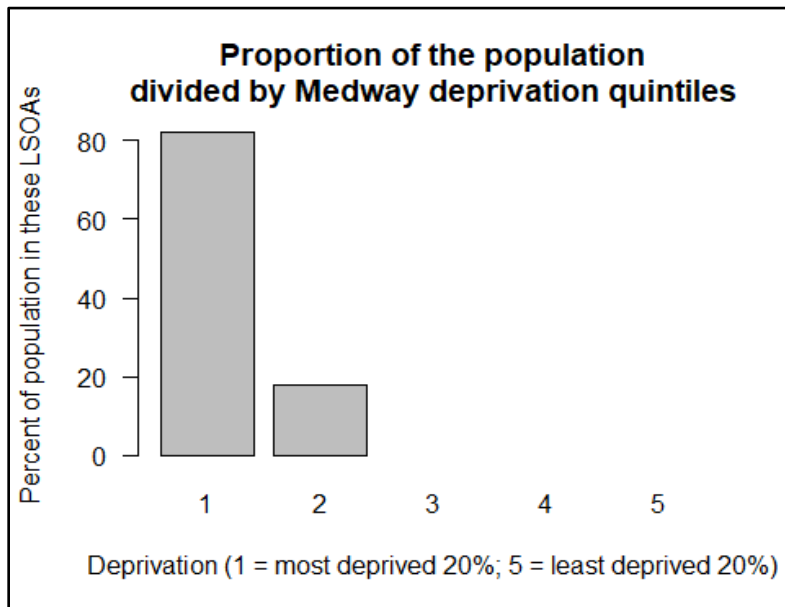


Premises type	Number
Off licence	37
Takeaway	29
Public House	20
Members Club	11
Other	9
Restaurant	5
Community premises	1
Nightclub	1



Premises type	Number
Off licence	21
Takeaway	13
Public House	10
Other	4
Restaurant	4
Members Club	3
Community premises	1
Nightclub	1

Deprivation



The area containing Gillingham High Street, Canterbury 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.

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	2065	18331	11.3
Assault-non DV	573	4137	13.9
Criminal Damage	424	4239	10
DV	294	2658	11.1
Public Order	53	205	25.9
Sexual	42	487	8.6

Day-time

Type	Local area	Medway total	Percentage
ASB	1481	16381	9
Assault-non DV	537	4926	10.9
Criminal Damage	344	4140	8.3
DV	221	2555	8.6
Public Order	43	366	11.7
Sexual	42	276	15.2

Relevant Crime heat maps for alcohol related offence

ASB



Day time (0600 – 2000)

Non DA Assault



Day time

Criminal Damage

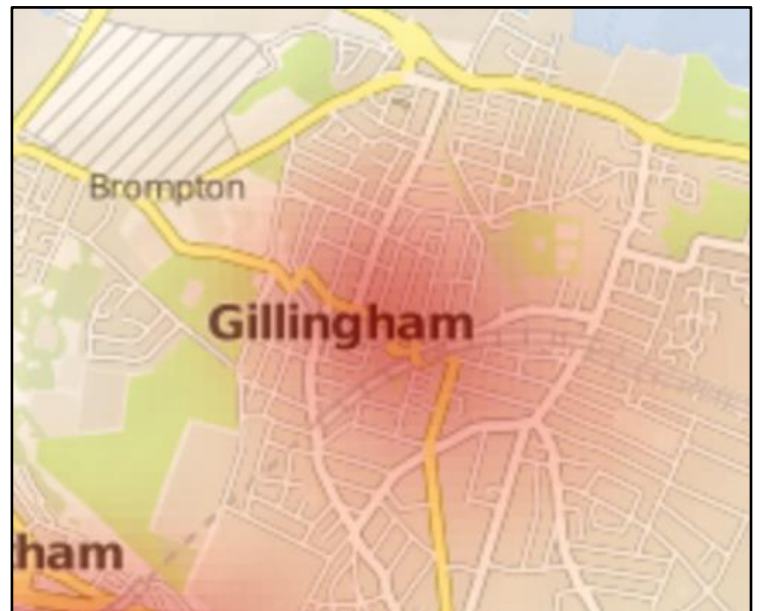


Heat maps for ASB, criminal damage and assault, show the area in and around Gillingham High Street is a hot spot for these types of offences compared to the rest of Medway.

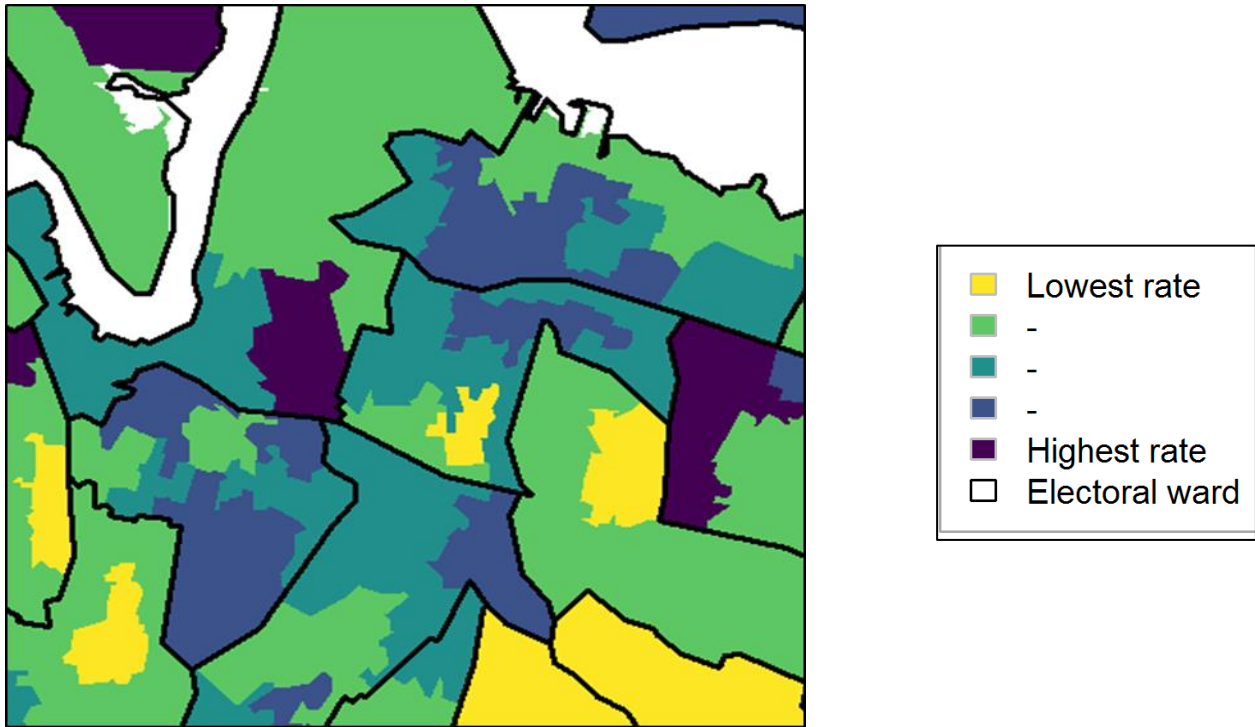
Day time

Domestic Abuse

There is extensive evidence linking alcohol consumption, particularly at harmful or hazardous levels, with domestic abuse. Evidence shows alcohol use increases the incidence and levels of domestic abuse. Gillingham has high levels of reported domestic abuse. The area in and around Gillingham High Street, across both Gillingham North and Gillingham South wards has high levels of reported domestic abuse compared to the rest of Medway.



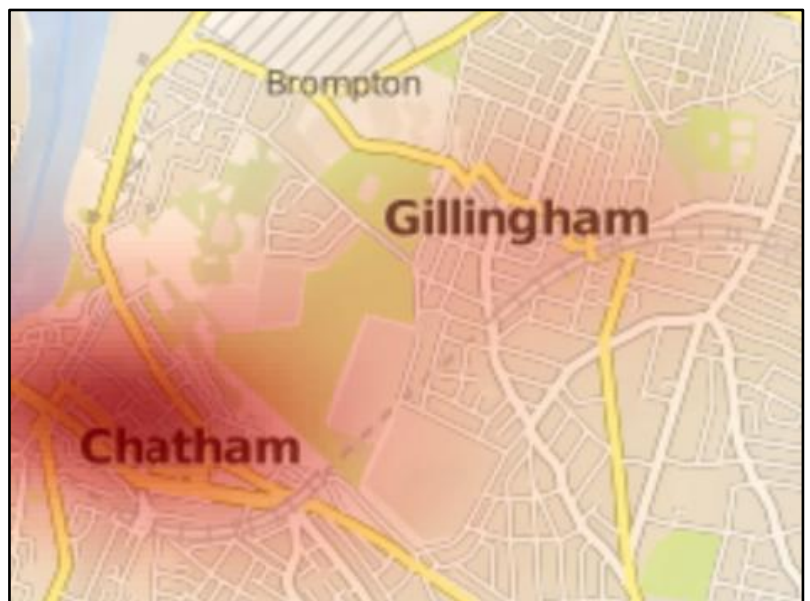
Alcohol related hospital admissions



Areas of Gillingham North and Gillingham South have among the highest alcohol related hospital admissions in Medway.

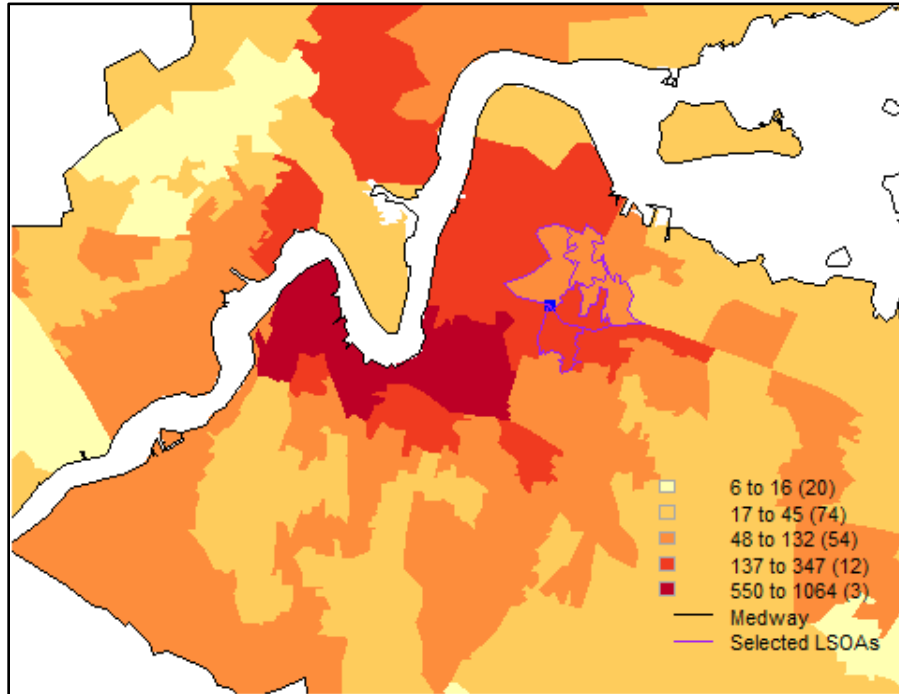
Medway Hospital A&E assault data

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



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 ME7 1BB account for 869 (7.4%) 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

Between 2011 and 2015 both Gillingham wards have been in the top 4 wards in Medway for ambulance callouts identified as having alcohol as a contributory factor by ambulance staff. Gillingham South ward has been the second highest, behind River ward for the last four years.

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 and have all been noted by ambulance crews as having alcohol as a suspected contributory factor.

Gillingham North

Call type	2011	2012	2013	2014	2015
Trauma/bleeding	12	29	32	43	27
Unconscious/faint	28	38	32	30	31
Alcohol intoxication	5	6	14	12	7
Falls <12ft	8	10	18	16	9
Assault/Sexual assault	14	5	4	10	8
Limb/pain injury	17	10	10	12	7
Road Traffic Collision		2			1
Overdose/ingestion accidental	14	3	6	4	5
Shot/stabbing	1	4		3	
Total	99	107	116	130	95
Percentage of ward total	55.6%	60.1%	57.7%	57.5%	45.7%

Gillingham South

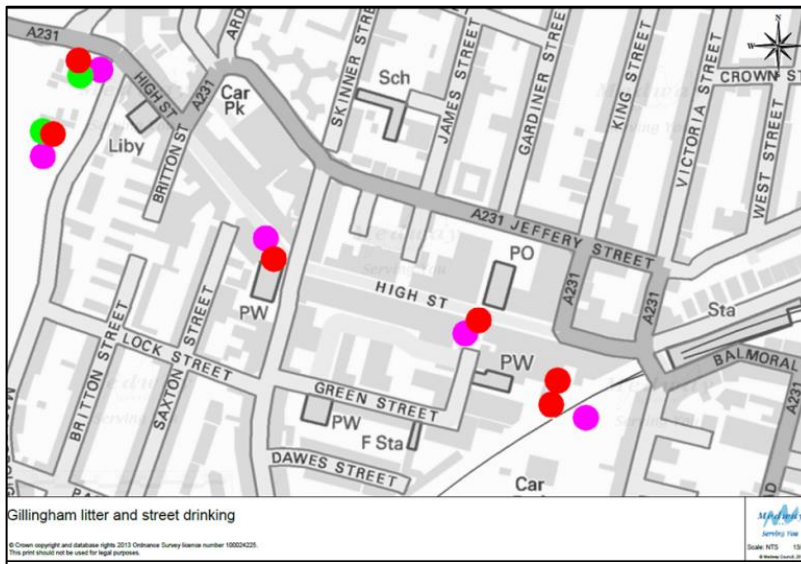
Call type	2011	2012	2013	2014	2015
Trauma/bleeding	13	40	32	25	38
Unconscious/faint	40	58	49	50	55
Alcohol intoxication	11	16	19	21	14
Falls <12ft	12	4	13	14	9
Assault/Sexual assault	14	21	15	14	12
Limb/pain injury	27	7	15	8	13
Road Traffic Collision	1		1		1
Overdose/ingestion accidental	6	8	1	4	2
Shot/stabbing	1	1	1	3	
Total	125	155	146	139	144
Percentage of ward total	57.3%	61.8%	62.9%	52.2%	54.8%

Alcohol Control Zone



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

Alcohol related Litter

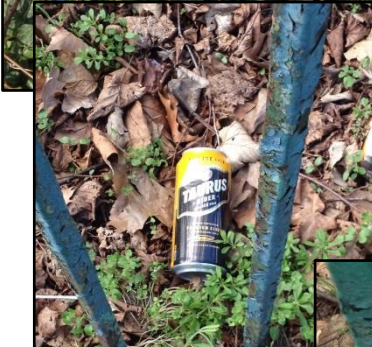


Key

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

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

The photographs are examples of alcohol related bottles and cans found in and around the High Street and Great Lines park area during the last few months.



From: Christopher HILL PC 46012000 <Christopher.Hill@kent.pnn.police.uk>
Sent: 17 November 2017 14:27
To: licensing
Subject: Demart Global Police Reps
Attachments: Representations Under S17 Licensing Act.doc; Crime hot spots.docx; ATT00002.txt

Good afternoon,

Please find attached representations from Kent Police in relation to the premises licence application for Demart Global Store, High Street, Gillingham

Kind Regards

Chris

PC Chris Hill

North Division Licensing Officer

☎ 04-2276

☎ 01634 792276

☎ 07811 982082

Christopher.Hill@kent.pnn.police.uk

☒ Medway Police Station, Purser Way, Gillingham, Kent. ME 7 1NE.

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Kent Police

Chief Officer of Police Representation in relation to an application for grant of a premise 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:	Demart Global Food Store
Address of premises:	Unit 2, 14 High Street Gillingham Kent ME7 1BB
Date application received by police	20/10/2107
Date representation sent to Licensing Authority	17/11/2017
<p>All representations must be made within 28 days of receipt of initial application</p> <p><i>The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005. Part 4 Reg. 22.</i></p>	

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:

This is a new application for a premise licence for an off licence in the location of High Street, Gillingham.

Kent Police are opposed to this application.

The applicant has applied for the following hours:

Sale of alcohol (off sales)

09:30 to 21:00 Monday – Saturday

13:00 to 21:00 Sunday

The opening hours of the premises

09:30 to 21:00 Monday – Saturday

13:00 to 21:00 Sunday

The location of Gillingham High Street attracts a number of street drinkers. A street drinker is defined as a person who drinks heavily in public places and, at least in the short term, is unable or unwilling to control or stop their drinking, has a history of alcohol misuse and often drinks in groups for companionship (Lamb, 1995). People who are street drinkers are likely to be at increased risk of causing harm to themselves or others and may be involved in antisocial behaviour such as begging, or rowdy drunken behaviour that can be intimidating or even violent. Street drinkers are often, although not exclusively, associated with homelessness.

Kent Police are concerned that applicant has failed to mention this issue in the premises licence application. Section 182 Guidance of the Licensing Act 2003 states that the applicant is expected *"to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives"*, additionally *"applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application."* The applicant has clearly failed to undertake such research. A simple internet search would have highlighted such issues. Within the last few months the Community Safety Partnership, representing many responsible authorities and other partners in Medway, submitted a report concerning alcohol related crime, disorder and nuisance to the Licensing Committee asking the members to consider a Cumulative Impact Policy in Medway. One of the areas highlighted was Gillingham High Street. There is strong evidence concerning street drinking, associated nuisance and anti-social behaviour and the availability of alcohol, particularly from off licences. The Committee have agreed that there is sufficient evidence to support a public consultation on the introduction of a Cumulative Impact Policy and this will be happening in the near future. This information is freely available should the applicant have conducted appropriate enquiries as detailed in the guidance. The applicant has made no mention of implementing strategies such as limiting the strength of alcohol sold.

Kent Police feel that there is a high risk should a premises licence be granted to this store that alcohol will be sold to street drinkers and therefore the applicant will fail to promote the licensing objectives of prevention of crime and disorder and the prevention of public nuisance.

In addition to the above, the area of Gillingham within which this premises is located also suffers from high levels of alcohol related crime and anti-social behaviour relative to other areas of Medway. Such instances are illustrated on the heat maps attached in appendix 1.

There is extensive evidence linking alcohol consumption with domestic abuse and anti-social behaviour. Evidence shows alcohol use increases the incidence and levels of domestic abuse. Gillingham has high levels of reported domestic abuse and ASB. Again the applicant has failed to acknowledge these issues and therefore failed to demonstrate how this premises will not contribute and fuel these issues further.

Kent Police oppose this application, however if the licensing committee decide to grant a licence then we seek the attachment of the following conditions:

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, numbered sequentially 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 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:-

- a) Avoiding sales of alcohol or age restricted products to those under the age of 18.
- b) recognising customers who appear drunk and refusing sale or supply of alcohol
- c) knows the licensing objectives and have read and understood licence conditions
- d) can produce licences/certificates/permits relevant to the premises in the absence of licence holder/DPS

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 the Local Authority on demand either electronically or hard copy.

3. No beer, lager or cider above 5.5% ABV will be sold

4. No single can sales of beer, lager or cider will be made only 4 pack sales.

5. 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

6. A 'clear glazing' policy for the window at the front of the shop shall be kept above 1 metre and below 2 metres (measured from the shop floor) so staff have an unobstructed view of the area outside the front of the premises through the glass looking into the street. The exception of this shall be the display of notices required by law and any required as a condition of this licence.

PC 12000 Chris Hill
PP. Ch. Supt Smith
North Division Area Commander

Date: 17th November 2017

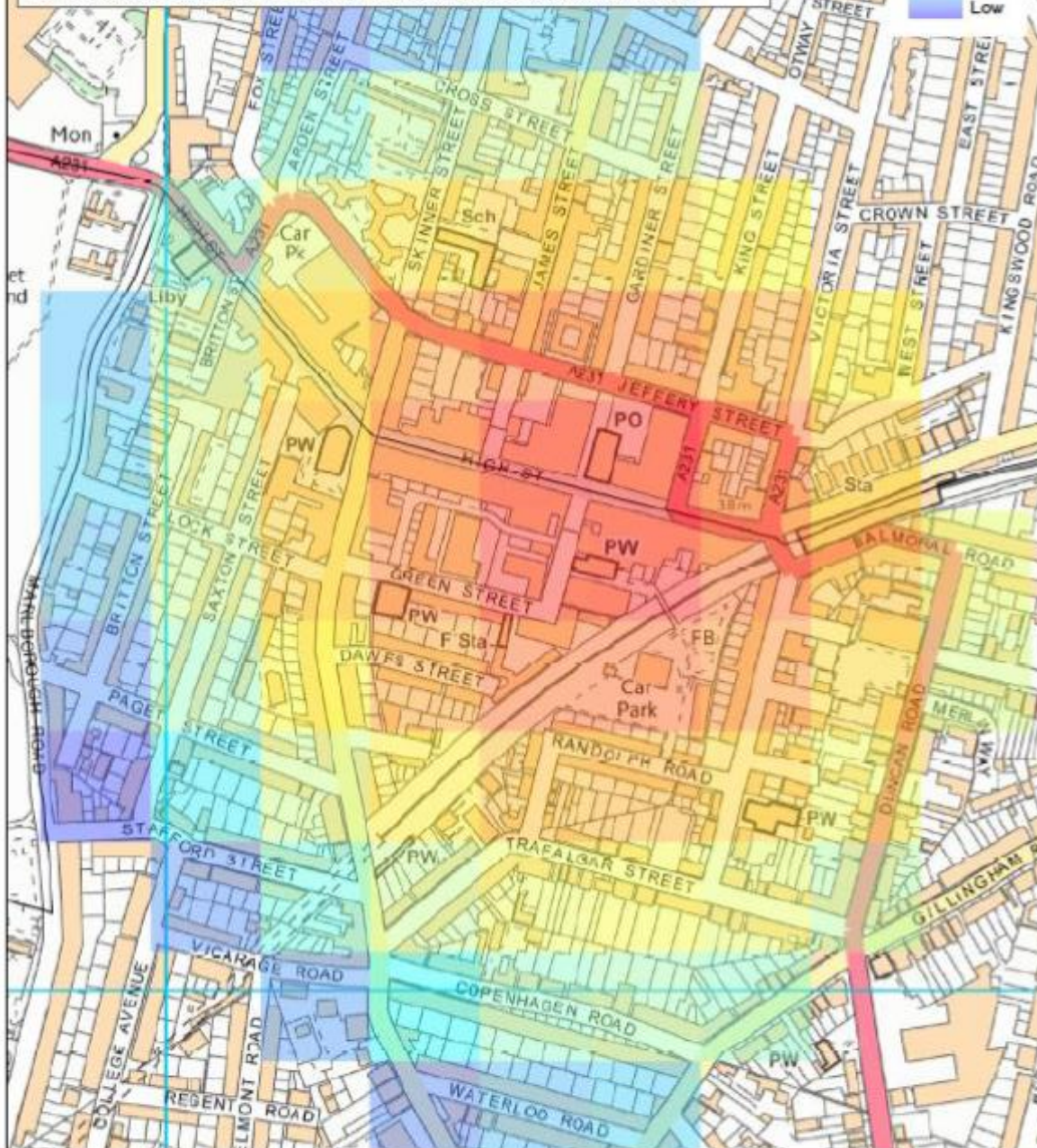
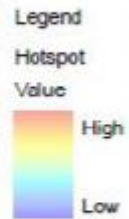
Gillingham Hotspot Map 01/10/15 - 30/09/16:

ASB - dosing codes 319 (noisy party), 361 (rowdy gathering) and 372 (drunken behaviour)

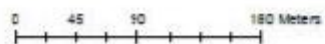
Begging - dosing code 788 (begging/vagrancy/sleeping rough)

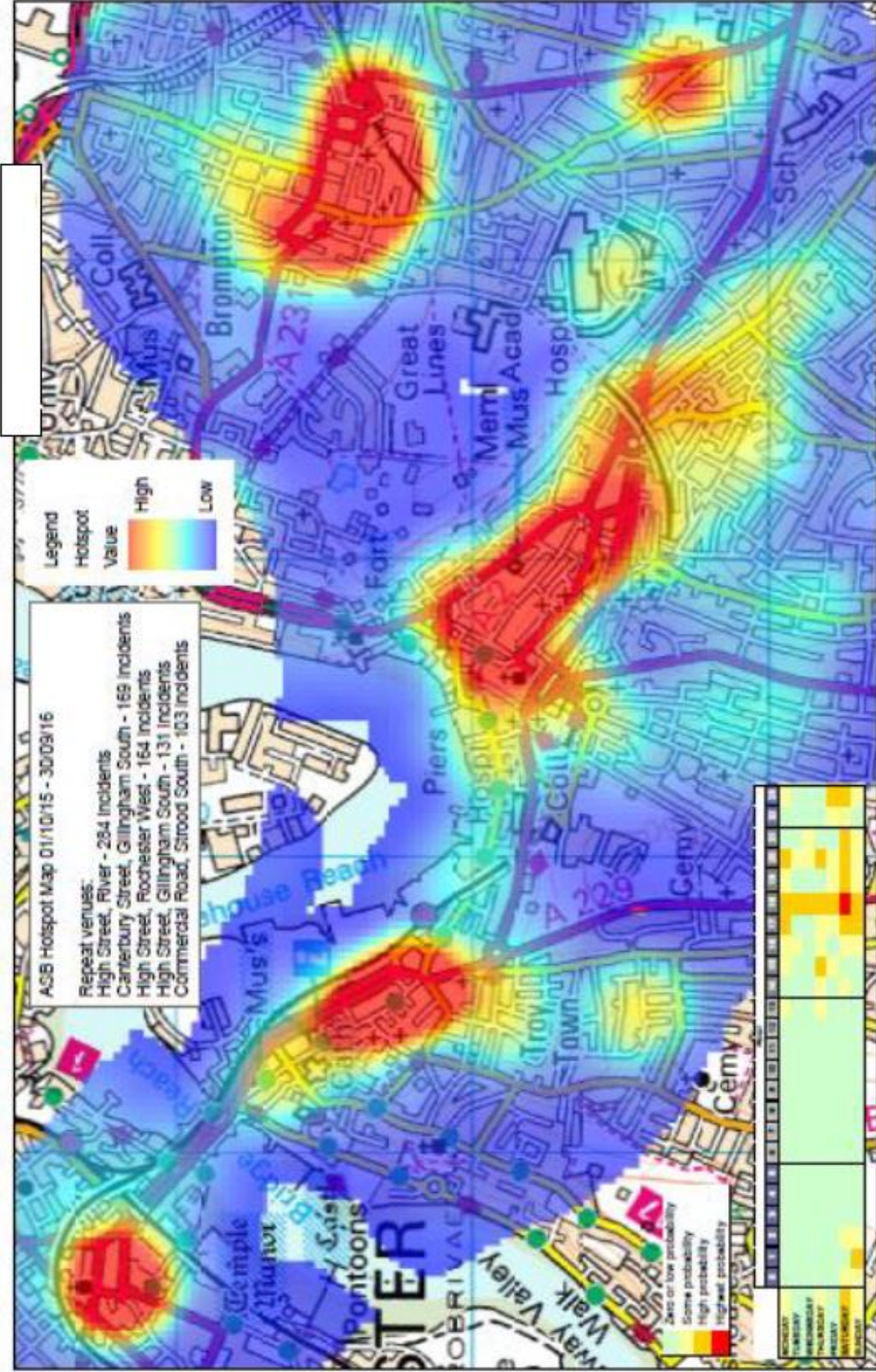
Crime - VAP (excl. DA), public order offences, sexual offences and criminal damage

Domestic abuse - VAP, public order offences, sexual offences and criminal damage

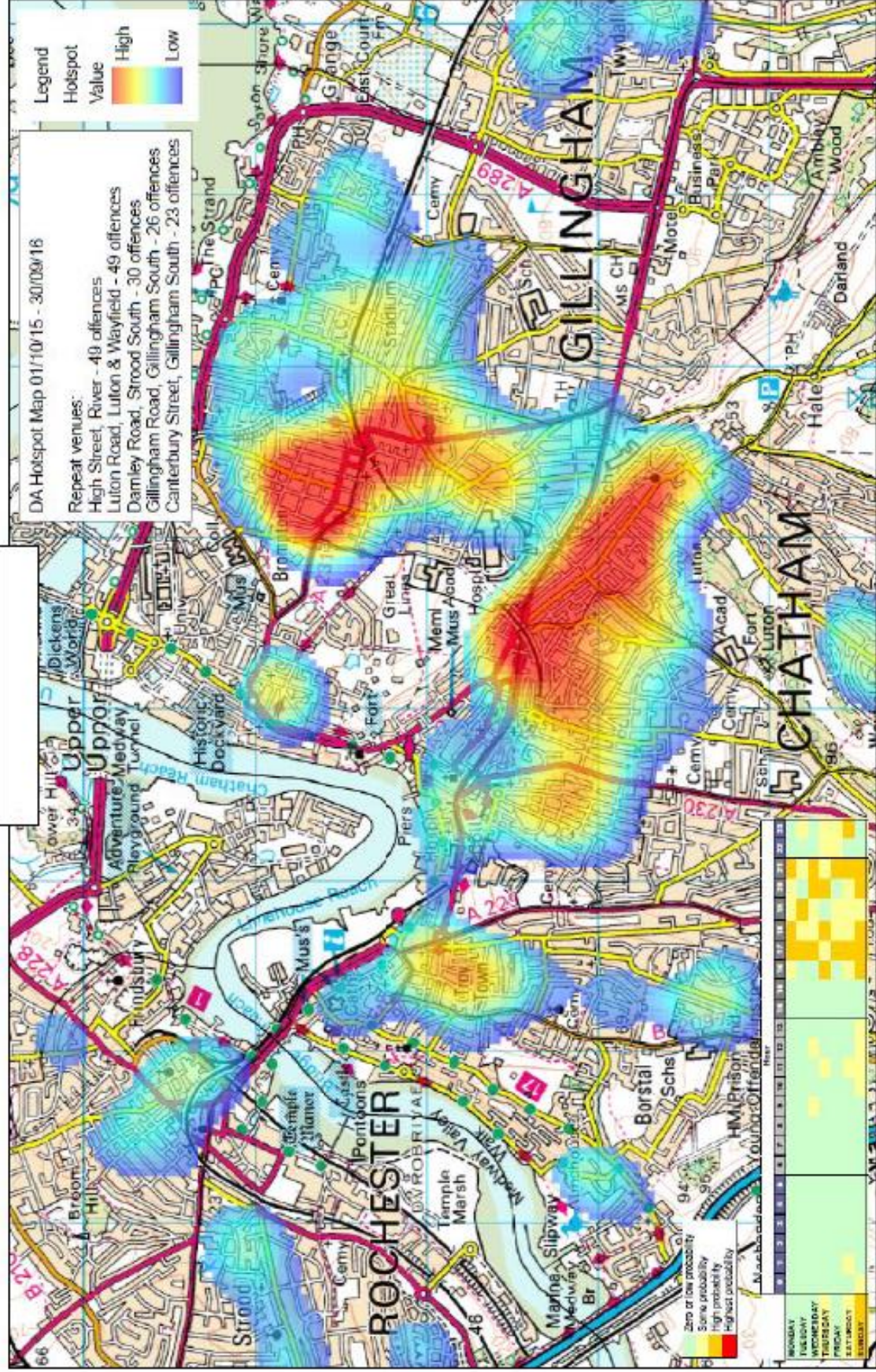


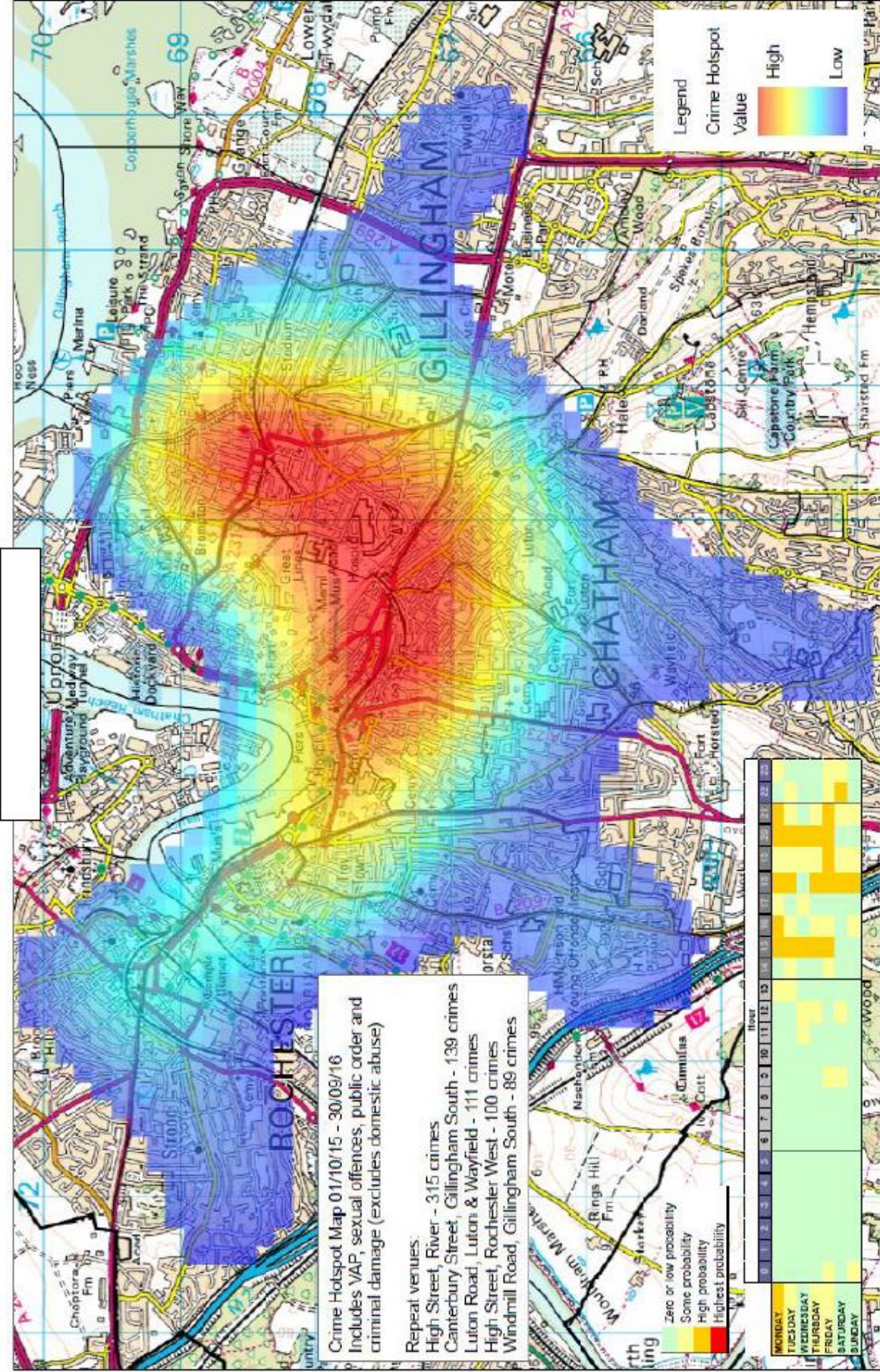
© Crown copyright and database rights 2016. Ordnance Survey 100026260
OS 1:10,000
Coordinate System: British National Grid
ArcGIS 9. Arcmap version 9.3.1





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 OS 1:25,000
 Coordinate System: British National Grid
 ArcGIS 9. Arcmap version 9.3.1





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 OS 1:50,000
 Coordinate System: British National Grid
 ArcGIS 9. Arcmap version 9.3.1

Please accept this document as my objection to the following Licensing Application:

Demart Global Food Store Unit 2 14 High Street Gillingham. ME7 1BB

Introduction

This area was identified by the Licensing Committee as appropriate for a cumulative impact policy. While the process of consultation and agreement to that proposal is current, I am in full agreement with the proposal and support absolutely its intended outcomes. My feeling is that there is already a large number of licensed premises of all kinds in the area and that the large number has a detrimental impact on the lives of residents. The application for Demart Global Food Stores, High St, Gillingham, will add to the already large number of licensed premises and has the potential to increase the alcohol related crime, disorder and nuisance already highlighted by the cumulative impact policy process.

I have the following specific objections.

The Prevention of Crime and Disorder

I am concerned about the likely impact of another licensed premises on levels of crime and anti-social disorder in Gillingham. I believe the granting of an off licence for Demart Food Stores in the High Street will add to the levels of crime and anti social behaviour in this area. I believe that there is a relationship between the concentration of licensed premises and crime and anti-social behaviour and there are already high numbers of licensed premises in the area. There is a perception among residents that crime and anti-social behaviour are rising and I believe that there is evidence to support that perception. I am also concerned about the relationship between the number of licensed premises and the incidence of domestic abuse.

The Prevention of Public Nuisance

I am concerned that there are already high levels of street drinking in Gillingham and that the increase to the number of licensed premises will make that problem worse. An additional off licence, such as this application, will increase the availability of alcohol and therefore add to the levels of street drinking already experienced. Residents make frequent reports of street drinkers using domestic and commercial properties as toilets.

Public Safety

My understanding is that Gillingham accounts for a large proportion of medical emergencies that are caused by, or are related to, alcohol. An increase in the number of licensed premises, particularly another off licensed premises, such as the one being applied for in this application, is likely to add to the calls on already overstretched services and will put higher numbers of residents at risk.

Conclusion

In the light of my objections I ask the Licensing Committee to refuse this application for the reasons given.

Clive Johnson

Councillor
Gillingham South Ward
Medway Council

16th November 2017