

LICENSING HEARING PANEL

11 JUNE 2019

LICENSING ACT 2003 APPLICATION FOR A NEW PREMISES LICENCE

FRESH MARKET, 313A HIGH STREET, CHATHAM, KENT ME4 4BN

Report from: Perry Holmes, Chief Legal Officer

Author: Lisa Hopson, Licensing Officer

Summary

The applicant has applied for a new premises licence in respect of Fresh Market, 313a High Street, Chatham, Kent, ME4 4BN.

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

Representations have been received from the Police, Public Health, Licensing Enforcement and a local support group and no agreement has been reached.

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. These premises fall within a Cumulative Impact Policy (CIP) area. When the CIP is applied, and there are relevant representations, there is a rebuttable presumption of refusal by the Authority in all but exceptional circumstances, unless the applicant can demonstrate the premises will not adversely affect the licensing objectives.

2. The application

- 2.1 In accordance with the Licensing Act 2003, the Council has received an application for a new premises licence in respect of Fresh Market, 313a High Street, Chatham, Kent, ME4 4BN.
- 2.2 The details of the application requirements are as follows:

Supply of Alcohol (off the premises)

Monday to Sunday

08:00 – 21:00

- 2.3 A copy of the application 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 A copy of a map showing the location of the premises is at Appendix B.

3. Promotion of Licensing Objectives

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

- 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 all four of the licensing objectives from the Police, Public Health, Licensing Enforcement, and a local support group. Copies of these are attached at Appendix C, including a redacted version of the Police's representation. Further information provided by the Police as part of their representation is attached as an Exempt Appendix under item 8, Exclusion of press and public. To date no agreement has been reached.

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 7 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 As the premises in the application fall within a Cumulative Impact Policy (CIP) area, Members should also refer to Chapter 6 and Appendix 4 of the Statement of Licensing Policy.

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 the Licensing Act 2003, the statutory guidance issued under S182, the Council's Statement of Licensing Policy and all matters before it, both written and oral, considers and determines this application for a premises licence.

Lead officer contact:

Lisa Hopson – Licensing Officer

Telephone: 01634 331926 Email: lisa.hopson@medway.gov.uk

Appendices

Appendix A - Application for new Premises Licence

Appendix B - Location Plan

Appendix C - Copies of representations received. Further information from Kent Police is attached to item 8, Exclusion of press and public, as an exempt Appendix.

Background papers

None

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 Khaled Ibrahim Ali

(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			
Fresh Market 313a High Street			
Post town	Chatham Kent	Postcode	ME4 4BN
Telephone number at premises (if any)		01634 763255	
Non-domestic rateable value of premises		£17,500	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

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 checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Ali			First names Khaled Ibrahim		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address		[REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]		
Daytime contact telephone number		[REDACTED]			
E-mail address (optional)	[REDACTED]				

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
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
0	1	0	5	2	0	1	9

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)

A general convenience store on the High Street in a mixed commercial / residential area.

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) ☐

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"/>
				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 performing plays (please read guidance note 4)		
Thur					
Fri					
Sat			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)		
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"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

C

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

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment 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						
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)			
Thur						
Fri			<u>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</u> (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"/>
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 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	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri					
Sat			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)		
Sun					

H

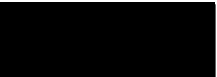

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (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					

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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (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"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	08:00	21:00	State any seasonal variations for the supply of alcohol (please read guidance note 4) None		
Tue	08:00	21:00			
Wed	08:00	21:00			
Thur	08:00	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) None		
Fri	08:00	21:00			
Sat	08:00	21:00			
Sun	08:00	21:00			

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

Name Mr Khaled Ibrahim Ali	
Address 	
Postcode	
Personal licence number (if known) PA2708	
Issuing licensing authority (if known) Northampton Borough 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) None
Day	Start	Finish	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) None
Mon	08:00	21:00	
Tue	08:00	21:00	
Wed	08:00	21:00	
Thur	08:00	21:00	
Fri	08:00	21:00	
Sat	08:00	21:00	
Sun	08:00	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)

The Applicant is aware that the premises are within a CIP area and agrees to such appropriate measures and conditions in the Operating Schedule as are consistent with the Authority's policies in relation to the cumulative impact and to promote the four licensing objectives.

In addition to the mandatory conditions for the supply of alcohol consumed off the premises the Applicant is happy to volunteer the following measures to promote the licensing objectives:

b) The prevention of crime and disorder

There shall be no sales of alcohol for consumption off the premises after 21:00 hours;

No beer, lager, cider or spirit mixer above 5.5% ABV will be sold;

No miniature bottles of spirits of 20cl or below shall be sold from the premises;

Spirits will be displayed behind the counter;

CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions, and recordings will be stored for an appropriate period to be agreed with the Police and Licensing Authority. The CCTV system is to be fully operational throughout the hours that the premises are open for the sale or supply of alcohol and recordings will be made available to the Police and Local Authority on request.

c) Public safety

d) The prevention of public nuisance

A notice shall be prominently displayed at the exit of the premises requesting patrons to respect the needs of local residents and businesses and to leave the area quietly;

e) The protection of children from harm

The premises shall display prominent signage indicating at the counter that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18;

A challenge 21/25 proof of age scheme shall be operated at the premises;

No promotional material for alcohol products will be displayed so that it is visible from the street;

All staff to be trained in all aspects of the licensing legislation and in particular under age sales. Records are to be kept of the nature and frequency of such training.

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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	
Date	
Capacity	

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	

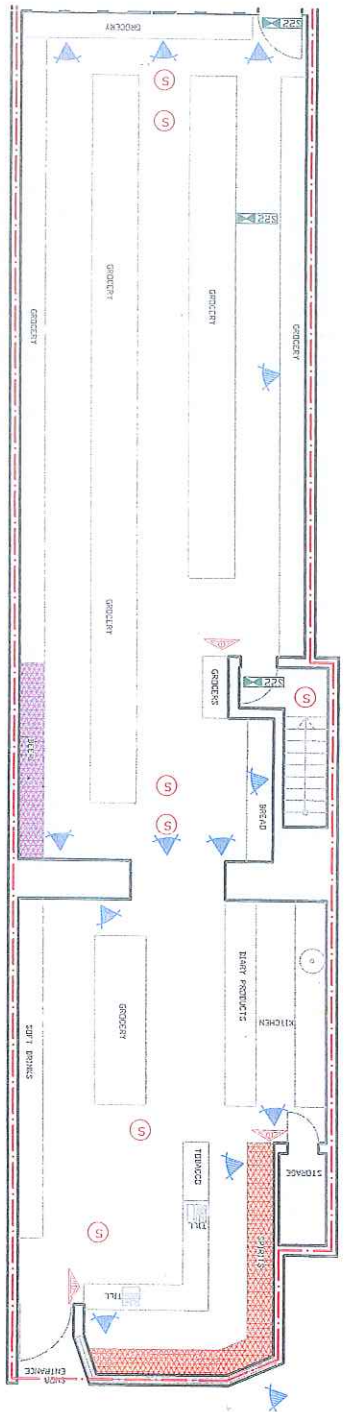
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

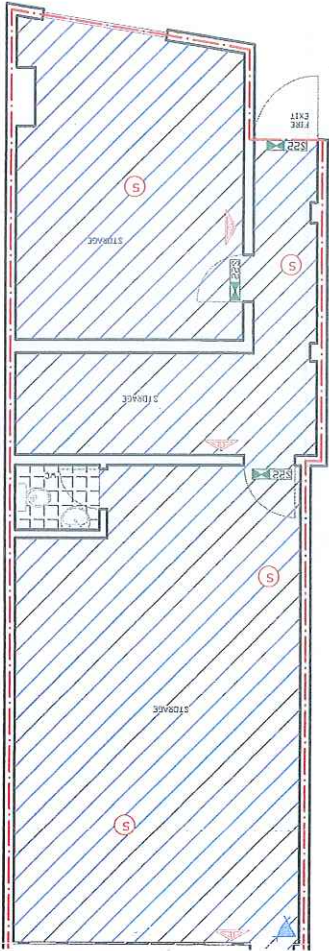
Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

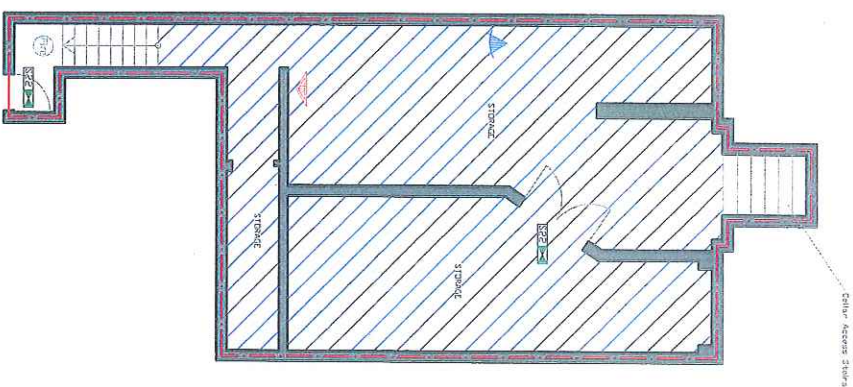
- Notes
1. This drawing is not for construction.
 2. All dimensions are to be checked on site and the Architect is to be informed of any discrepancies before.
 3. All references to drawings refer to current revision of that drawing.
 4. The drawings are AIA GROUP property and are not to be copied, reproduced or distributed without written permission.



GROUND FLOOR PLAN (1/2)



GROUND FLOOR PLAN (2/2)



BASEMENT FLOOR PLAN

- LEGEND
- INTERIALLY FIRE ESCAPE SIGN
 - EXIT SIGN
 - SHIELD ALARM
 - CCTV
 - WC AREA
 - SPRINTS
 - REFR
 - STORAGE



DESIGN & CONSTRUCTION

ADDRESS

313A HIGH STREET CHATHAM, ME4 4BN

PROJECT

CLIENT

SCALE BAR



Date	13/03/2019	Reference Number	HS-1303-BFPR1	Scale (@ A3)	1:100
Drawn by		SHEET		REV	
Checked by					



Appendix B

313A High Street, Chatham, Medway, ME4 4BN



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	T/Chief Superintendent McDERMOTT
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
	Dan Hunt 01634 792388
	Diane Holroyd 01634 792343
Details of premises representation is about	
Name of Premises:	Fresh Market
Address of premises:	313a High Street Chatham Kent, ME4 4BN111
Date application received by police	27 th March 2019
Date representation sent to Licensing Authority	23 rd April 2019
<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

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

Kent Police are objecting to this application for a premises licence under all four licensing objectives and therefore ask the Licensing Committee to refuse this application.

There are concerns that a new off licence in this area will attract more street drinkers and anti-social behaviour.

Chatham High Street is being regenerated and revitalised and of course Kent Police welcome and support new businesses to the area. Kent Police are concerned that if this licence was granted it would attract more 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, urinating or rowdy drunken behaviour that can be intimidating or even violent.

In the past year due to constant work by the Police and support agencies, there has been a reduction in numbers of street drinkers in the High Street. This has also coincided with the closure of two premises that sell alcohol. But there are still issues with street drinkers who attend the area, Police are required to attend and deal with these issues on a daily basis.

The applicant has tried to address ways to try and reduce problems with street drinkers/alcoholics, he has indicated towards strategies such as reducing the strength of cans/bottles of high strength beer/cider/lager or not selling miniatures spirits.

This premises is located within Cumulative Impact Policy (CIP) area which covers Chatham High Street. The evidence produced was accepted by the Authority to support the CIP. This information is freely available should the applicant have conducted appropriate enquires as detailed in the guidance. The applicant has submitted the minimum of what we would expect for any responsible off licence, however he has not expanded it for a premises in a CIP area or with the issues in that High Street. 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."

Kent Police feel that there is a high risk should a premises licence be granted to this store that alcohol will attract 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.

1) Prevention of Crime and Disorder

This area of Chatham High Street is a high priority area for Kent Police due to the levels of both crime and anti-social behaviour. The applicant has made no mention of localised, geographical crime issues in this area. This area of Chatham suffers greatly with 'street drinkers'. Street drinking and associated antisocial behaviour can impact on people's perception of the physical environment and more importantly their quality of life and safety. Groups of drinkers can sometimes be intimidating and stop people using public

spaces or facilities and live in fear of crime. Although the applicant has made mention that the venue won't sell alcohol after 21:00 hours, this does not address the main issues, which are during the day.

Kent Police have a dedicated Town Centre Policing Team which includes PC INCE who stated that that the High Street there are many issues in that area that are alcohol related and this would only be fuelled by another off licence in the area.

2) Public Safety

Much of the representations that have been made in respect of the impact on the Licensing Objective of Crime & Disorder can be mirrored under this objective. Any incident of Public Order or assault has the potential to impact on Public Safety, through the protagonists and their interaction with Police.

3) Prevention of Public Nuisance

Public nuisance under the Licensing Act enables the interpretation of nuisance to retain its wider meaning under common law. It therefore retains the breadth and flexibility to take in all the concerns likely to arise from the operation of any premises conducting licensable activities in terms of the impact of nuisance on people living or doing business nearby.

Any incidents that Kent Police responds to are by definition a nuisance to some section of our community. Those that engage in anti social behaviour and crime brought about by excessive uncontrolled consumption of alcohol are a public nuisance.

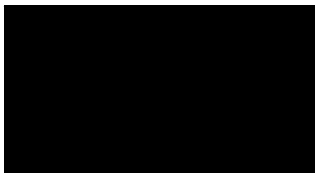
The applicant has not stated with the application that he will have a policy in place not to serve to persons that are drunk or cause ASB, or deal with proxy sales.

Protection of Children from harm

The applicant states that he will operate a challenge 25 scheme. Historically street drinkers hang around shops where they can purchase alcohol. The obscene language they use, the litter they leave, along with public urination and harassment of passers-by is a public nuisance which children could witness in the High Street. The local PC believes granting this licence will add to this problem.

Kent Police do not believe there are any meaningful conditions that can be put on the licence that will ensure that the four licensing objectives are being promoted, due to the amount of alcohol related harms.

*******Further information is contained within exempt items
report due to confidential nature*******



PC 12431 Cossar
PP T/Ch. Supt McDermott
North Division Area Commander

Date: 23rd April 2019



Director of Public Health
Public Health Directorate
Medway Council,
Gun Wharf,
Dock Road,
Chatham, Kent. ME4 4TR
17th April 2019

LICENSING ACT 2003 – GRANT OF A PREMISES LICENCE APPLICATION

Name and address of premises

Fresh Market, 313a, High St, Chatham

The Director of Public Health is making representations concerning an application for the grant of the above premises licence. The representations are made against the following licensing objectives:

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

General comments

This premises is in Chatham High St, a busy pedestrian shopping area consisting of a mix of businesses and shops, including those selling alcohol. This establishment is a very short walk from some of the most deprived residential areas of Medway, in Chatham Central and Luton and Wayfield wards.

This premises is located within the Chatham cumulative impact policy (CIP) area which covers Chatham High St and the surrounding area. The evidence accepted by the Authority to support the CIP (available at <https://democracy.medway.gov.uk/mgConvert2PDF.aspx?ID=3440&T=10>) is relevant to this application. There is strong evidence of high levels of alcohol related crime, disorder and public nuisance associated with a density of licensed premises, including off-licenses, in this area. This premises is also only a few minutes' walk from the Luton Road/Chatham Central cumulative impact policy area, which is in place due to the high levels of alcohol related crime, disorder and public nuisance associated with the density of off licence premises.

The prevention of crime and disorder

The police provided evidence of alcohol related crime in this area. This relates primarily to anti-social behaviour, assault, public order, criminal damage and sexual offences. This area has been identified as a hot spot for a range of alcohol related crime. This is evidenced by high arrest levels for drunk and disorderly and public order offences. The community safety

unit has identified a significant problem with the availability of alcohol in this area which appears to be related to alcohol related crime.

Chatham High St has been identified by Medway hospital as being a hot spot location for assaults reported at A&E.

The prevention of public nuisance

River ward has the highest number of ambulance callouts where alcohol is a contributory factor in Medway. There is a general problem in the area with street drinking, intimidating behaviour and alcohol related litter found in alleyways and public areas (see Appendix 1).

A member of public health staff has walked around this area on several occasions in preparation of these representations and there is ongoing evidence of alcohol related street drinking, anti-social behaviour and alcohol litter in and around the High St.

In the immediate area surrounding the applicant's premises there is concern about street drinking around Go Outdoors and the attached multi-story car park, Whittaker St by the Salvation Army, the bottom end of Rhode St by the flower beds and the back of the NCP car park near to Debenhams. People have been seen by my staff drinking alcohol in these areas. Groups of drinkers have been seen shouting, swearing and fighting among themselves. The litter consists of bottles and cans of beer and cider, both 'super strength' and regular strength, as well as small bottles of spirits and bottles of cheap, lower strength wine, such as Amorino and Lambrini. There is evidence of urination, defecation and drug paraphernalia, including used syringes in the same locations as alcohol litter (see Appendix 1).

Shop workers in the area described how they see people drinking alcohol on the street daily. This results in large quantities of alcohol related litter and members of the public witnessing urination, defecation and anti-social behaviour. Staff from Go Outdoors described how their shop had been the victim of shop theft carried out by the drinkers, who were drunk while they committed the offence. Several of them described how they have witnessed the same people using drugs, particularly in the multi-storey carpark behind Go Outdoors, and finding used syringes and other drug paraphernalia in the same areas used for street drinking (see Appendix 2).

Summary

Chatham High Street and the surrounding area has unacceptable levels of alcohol related issues, including crime, domestic abuse and public nuisance associated with a high density of licensed premises, particularly off licences. This location is also within a five minute walk of the Luton Road CIP, with its problems of alcohol related harms.

Policies 10 and 17 from the Statement of Licensing Policy are the most relevant to this application. Policy 10 sets out the expectation of the Licensing Authority when determining applications for off licensed premises. This states that when an application is in a CIP area the Authority will refer to Policy 17, which outlines the expectations for applications made for off licenced premises in these areas.

Policy 17 states the Authority expects an application in a CIP area to contain a full explanation as to how the premises will not adversely affect the four licensing objectives. There is a rebuttable presumption of refusal by the Authority in all but exceptional circumstances. Offering conditions which merely show the premises as being well managed and run are not exceptional.

In this case the Director of Public Health believes there is nothing exceptional about this application as required by Policy 17. It is reasonable to believe the sale of alcohol from this premises will contribute towards the alcohol related crime, disorder and public nuisance in this area, which are current and ongoing. The Licensing Committee is therefore asked to refuse the application.

James Williams

Date 17th April 2019

Director of Public Health

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

Tel: 01634 332637:

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

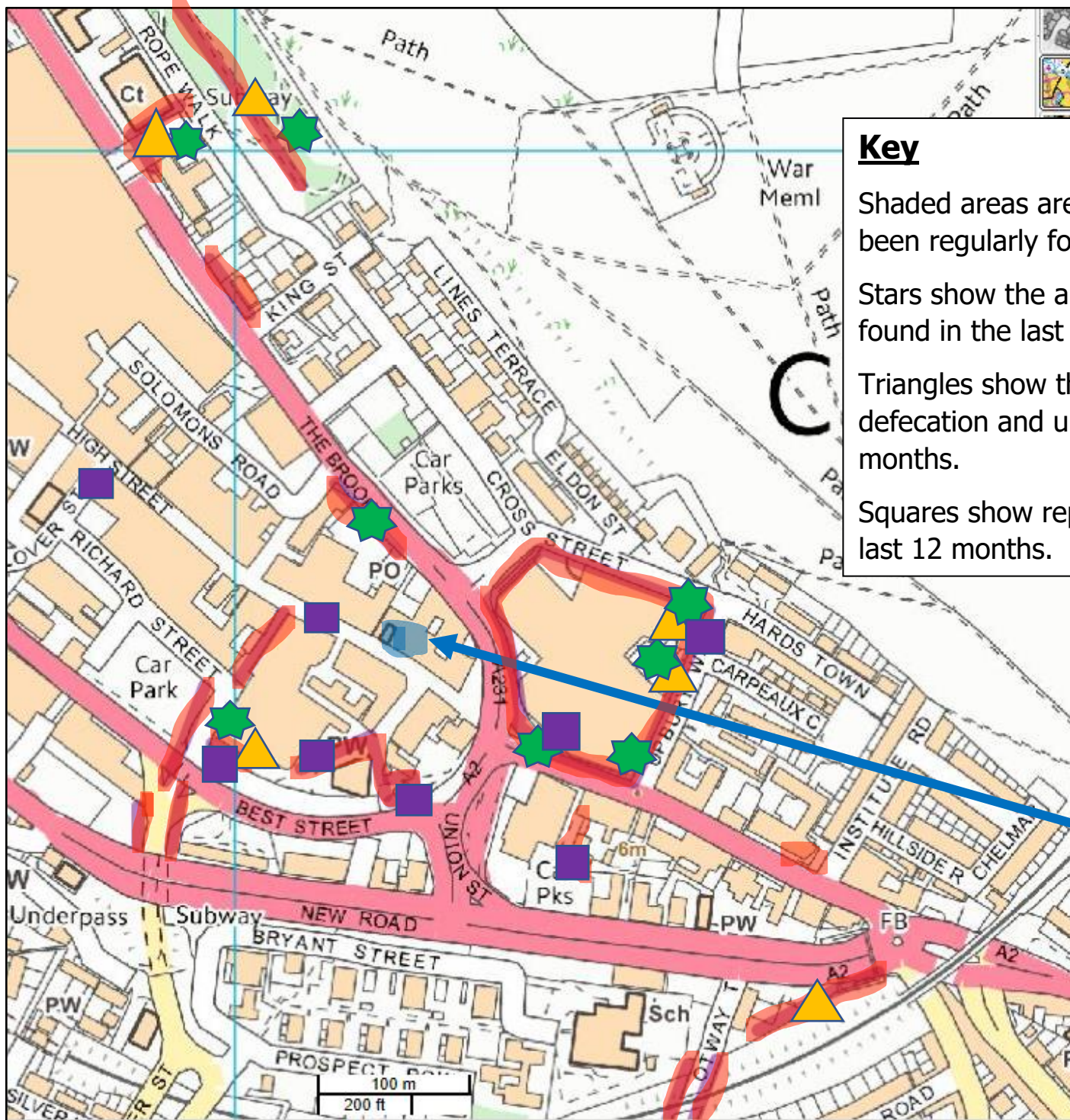
Key

Shaded areas are those where alcohol related litter has been regularly found in the last 12 months

Stars show the areas where drug related litter has been found in the last 12 months

Triangles show the areas where evidence of public defecation and urination have been found in the last 12 months.

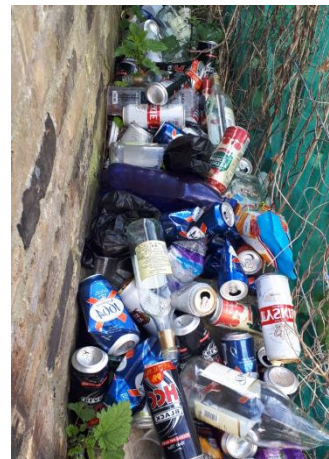
Squares show reported or witnessed public drinking in the last 12 months.



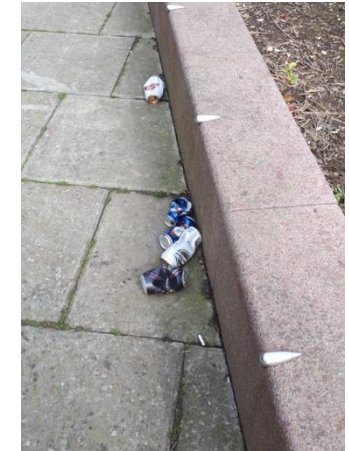
Location of
applicant's premises

Examples of alcohol related litter found in the area between 04/04/2019 and 16/04/2019

Car park behind Buzz Bingo, High St

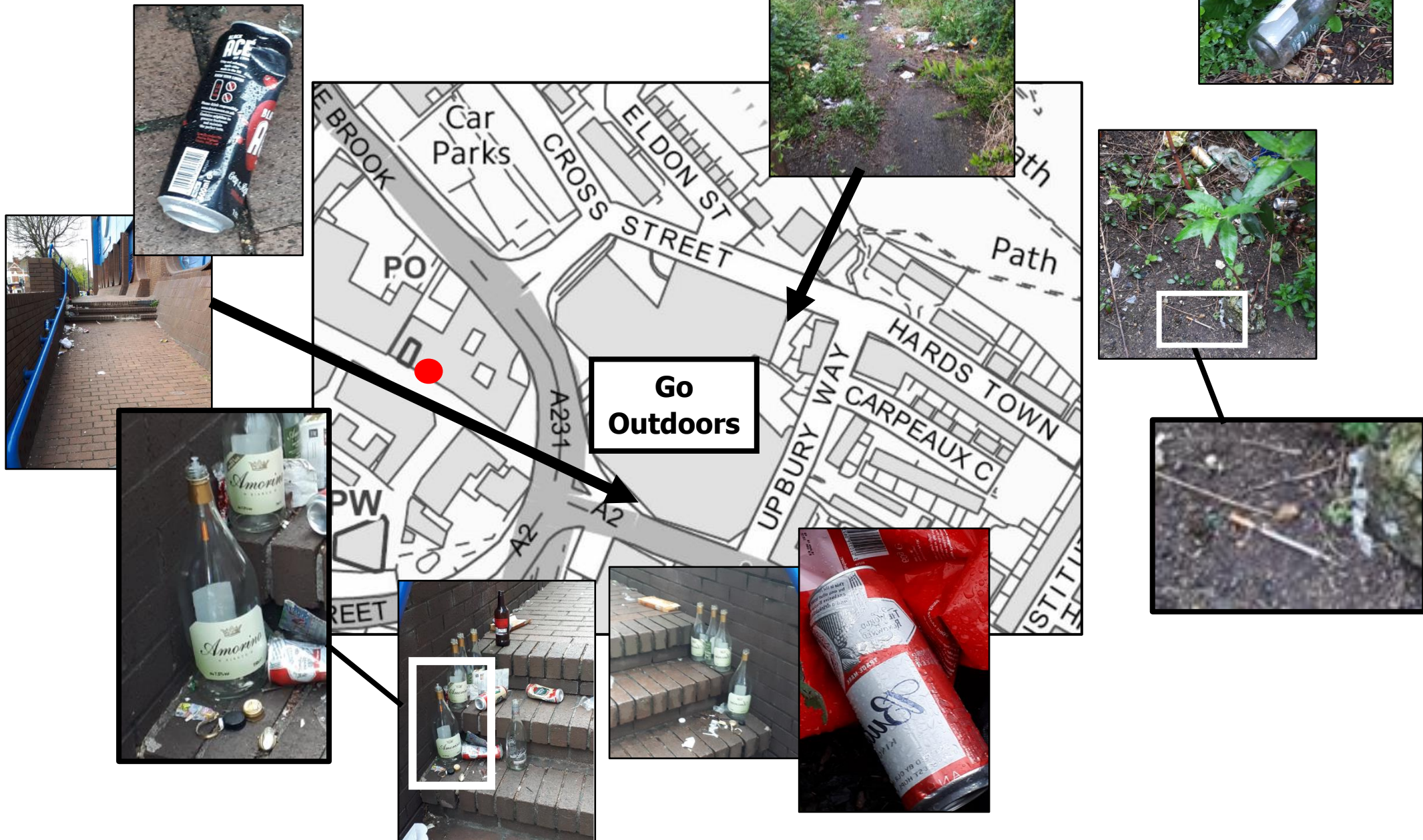


Whittaker St and Rhodes St junction with The Brook



Appendix 2 to Public Health representation

All photographs taken between 09/04/2019 and
16/04/2019





Licensing Unit Representation in relation to an application for grant of a premise licence made under **Section 17 Licensing Act 2003**.

Details of person making representation – Franco De Fazio	
Name of Head of Legal	Jan Guyler
Postal Address:	Medway Council Gun Wharf Dock Road Chatham Kent ME4 4TR
E-mail address	licensing@medway.gov.uk
Telephone Numbers:	
	Franco De Fazio 01634 331931
Premises that the representation relates to	
Name of Premises:	Fresh Market,
Address of premises:	313a High Street, Chatham, Kent. ME4 4BN
Last Date for representations	24 April 2019

The Licensing Unit 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	
Prevention of public nuisance	X
Protection of children from harm	

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

The applicant has applied for off sales of alcohol from the hours of 08:00 until 21:00 Monday to Saturday. Section 3 of the applicants operating schedule states that the premises is 'a general convenience store on the High Street in a mixed commercial/residential area'. I believe that this is just an application for another off licence in Chatham High Street.

The location of the premises falls within the Cumulative Impact Policy (CIP) 1 Area and therefore requires greater attention than applications falling outside a CIP area.

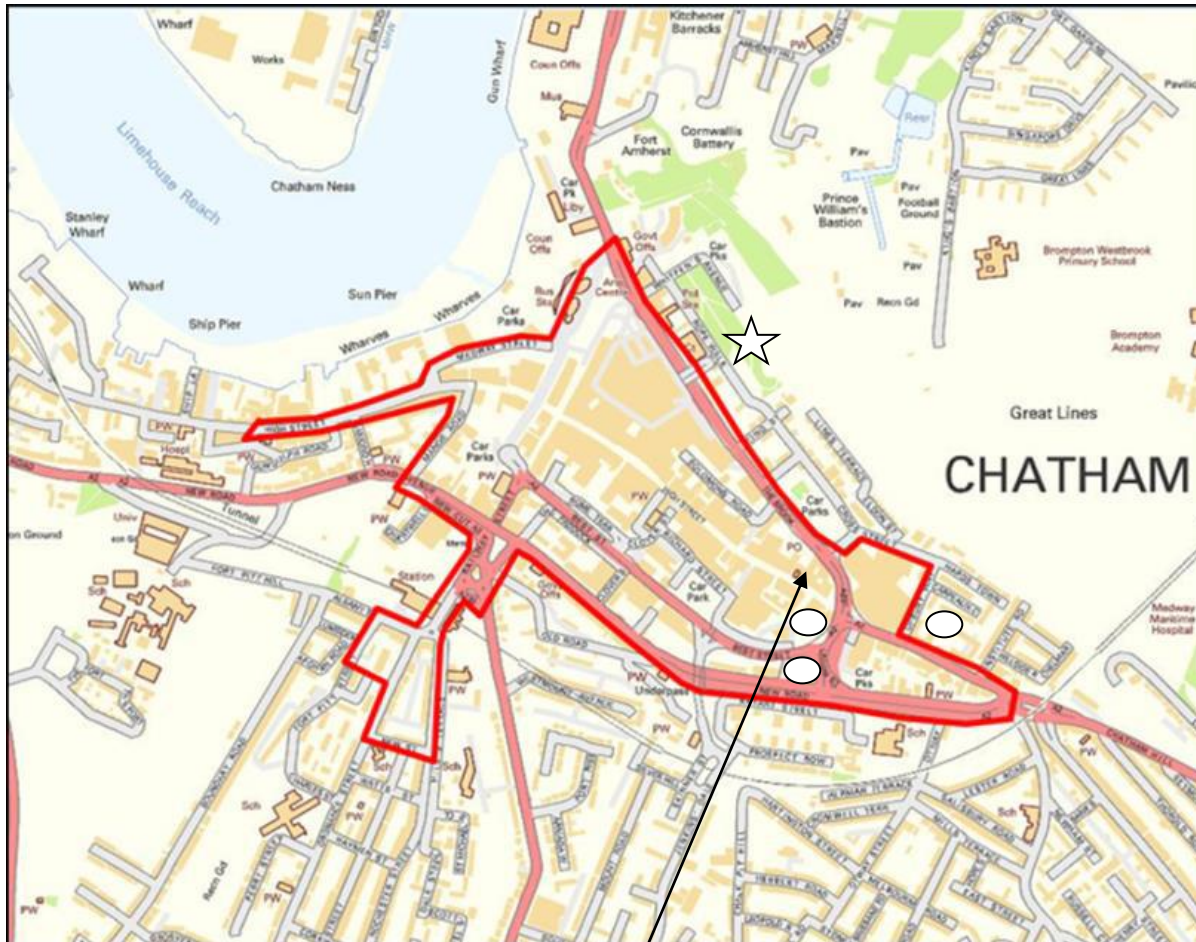
I have evidence of current public nuisance and crime and disorder in and around the premises and believe that granting this premises licence application will only add to these issues. I also believe that granting this application is not consistent with the plans for expansion and regeneration outlined on pages 80 to 81 of the Statement of Licensing Policy

I do not believe that this application meets the high standard required in a CIP Area and request the indulgence of the panel to decide if this is an exceptional application in accordance with the policy.

The licensing unit wishes to make representations that the application should be refused. I offer the following in support of this.

Statement of Licensing Policy Considerations.

The premises are located inside Chatham High Street CIP area as is shown on the map below.



Premises are located here

Section 6.15 on page 47 of the policy states - When the CIP is applied, and there are relevant representations, there is a rebuttable presumption of refusal by the Authority in all but exceptional circumstances, unless the applicant can demonstrate the premises will not adversely affect the licensing objectives.

The Representation

The conditions volunteered in the operating schedule may suggest that the premises will be well run and managed but S6.16 of the policy specifically states that this will not on its own be sufficient grounds to consider the application exceptional.

Page 79 of the above policy gives full details of the concerns in this area of high deprivation. This policy was agreed by full council on 26 April 2018 but the same public nuisance and crime and disorder concerns still exist and are widespread.

On 9 April 2019 I visited the CIP area around the premises and surrounding areas to find evidence of street drinking. This is only a snapshot obtain in two hours walking around the CIP Area but I came across several locations where there were discarded bottles and cans. Many examples of broken glass and hypodermic needles were also found littering alleyways and undergrowth close by as well. These places were situated within walking distance of the centre of town and within meters of the public highway/area. These areas are marked with an ○ in the above map. Please see below an example of discarded bottles and cans found on the day:



I also came across one particular instance where there was faecal matter alongside tissue paper, used syringes, an empty drug packet and a discarded bottle of Vodka, metres from a children's play area. This area is located in the Town Hall Gardens and is a short walk just outside the CIP Area. This area is marked with a ☆ on the above map. I have provided images below:



During my inspection a current licensee told me that he had experienced drunks coming to him as early as 07:00hrs to buy alcohol from him, he said it was a problem for him and that they should be drinking tea or coffee not alcohol at that time. Another business owner said that the street drinkers congregate in the open area next to his business early in the mornings and go through the industrial rubbish bins in search of food or items to sell. He does from time to time clean up the mess left behind.

Representation from Turning Point

The premises are

Fresh Market, 313a, High St, Chatham and the application for an off licence.

These representations are made under the following licensing objectives:

- Prevention of crime and disorder
- Prevention of public nuisance
- Protection of children from harm

Turning Point have been commissioned by Public health since April 2014 to deliver treatment to all those who have issues with drugs or alcohol. The main focus of the services is to reduce harm to the individual, family and to the wider community.

The prevention of crime and disorder

There is a link between alcohol misuse and other substance misuse which often leads to public drug use in the area. Turning Point is based at 411 and 423a High Street, Chatham and we work closely with Regents House at 387 High Street, who support the homeless. The two organisations try to reduce the number of people sitting in the alley ways in our area as we have received complaints about people gathering in these areas drinking and taking drugs. These people are at potential harm when they are drinking and using other substances such as heroin and cocaine.

People are sometimes intoxicated and difficult to manage in the High Street. This causes fear for the general public who use the High Street. When there are disturbances the police must deal with the safety of someone who may be intoxicated but may also be aggressive. Turning Point takes part in The Blue Light Project and we are aware of examples where individuals have caused disorder due to alcohol and drug intoxication in a public place, including Chatham High Street.

The prevention of public nuisance

Many of our clients, who are drinking high levels of alcohol during the day are also on prescribed medications, which, when taken with alcohol, can cause high levels of toxicity and behaviour changes. This can lead to people leaving their rubbish in public places, where anyone can find it. This becomes an issue when the rubbish consists of syringes and used contraception.

Up to October 2018 Turning Point operated at 346a High Street and our car park was constantly littered with alcohol cans, bottles and drug paraphernalia, including syringes. We found that people who were intoxicated urinated and defecated in the local area.

Currently we find alcohol cans and bottles by the bingo hall and opposite at Go Outdoors where groups of people gather to drink, which the public can see.

I have experienced a group of drinkers gathering in the Union Place car park, which is secluded from the public eye, but is littered with discarded alcohol cans and bottles. This behaviour is intimidating especially in winter months, when it is dark. This is the main car park for our staff and for others working and using this part of the High Street.

The protection of children from harm

People drinking in the area by Go Outdoors can be seen by the school children who catch the bus in the High Street. The number of people drinking on the High Street especially in school holidays, means this behaviour is seen by young people, who can be influenced by it.

Conclusion

The location of the proposed off licence is in a cumulative impact area. Another outlet in the area increases availability and would increase the chance that our clients will access alcohol, increasing the alcohol harms I've described. Another outlet increases the chance that our clients will attend their appointments intoxicated or get caught up with the groups who hang about the area, on the way to their appointments, increasing public drinking.

Due to the alcohol harms in this area, the risk that increasing the availability of alcohol poses to our clients, and the number of off licences already within walking distance we don't feel it is appropriate to have another off licence in the same area.

Another outlet in the area increases availability and can have an effect on whether people attend their appointments or attend intoxicated if they have got caught up with groups on their way to appointments.

1. The fact that an increase in availability (another off licence) may increase alcohol harms (not just health harms) in the area, such as those listed below

The crime, disorder and nuisance associated with alcohol in the immediate area is public drinking, litter, defecation, urination. Turning Point previously operated at 346a High Street and our car park was constantly littered with alcohol cans, bottles and other paraphernalia including sharps.

Under the influence of alcohol people are less likely to take their belongings with them. We found that people who became intoxicated staying the space they took up and were found to urinate and defecate in the local area. Around the office there are 3 alley ways that we have had a number of complaints from where people gather to drink and take drugs.

Currently as it is today we find a number of alcohol cans and bottles related to groups of people drinking by the bingo hall and opposite at Go Outdoors. This affects the public and the numbers of school children that catch a bus from just outside the gym.

I have experienced a group of drinkers gathering in the Union Place car park, which is secluded from the public eye, but becomes littered and can be intimidating to the public when going back to their cars especially in winter months. This is our main car park for staff and to this part of the high street.

Other issues here are the numbers of people drinking on the high street especially in school holidays and young people being influenced by this and other people having to manage and deal with the safety of this.

We have a large number of people who attend our services daily and who attend specially set up service in the community, for safety we risk assess people before they can attend groups and other treatment programmes, for those who have a propensity to drink and have dependencies it is all too easy to attend their treatment options under the influence, this is sometime difficult to manage and means that the individual has then not been able to access treatment that day, our aim is to support and minimise risks where possible and reducing the amount access to alcoholic products is one way to help people to get to appointments and get the treatment they need.

Another example of public nuisance is when people are intoxicated and difficult to manage in the high street and the fear this causes for the general public who are during the high street on a daily basis either professional or personally. When disturbances are caused the police are called especially to deal with safety of someone who maybe intoxicated and may also be aggressive, from the blue light project that we have in Medway we have many examples where individuals have caused public nuisances.