

LICENSING HEARING PANEL

20 JULY 2020

LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE, MEDWAY FOOD CENTRE

Report from: Perry Homes, Chief Legal Officer
Author: Lisa Hopson, Licensing Officer

Summary

The applicant has applied for a new Premises Licence in respect of Medway Food Centre, 43-45 Luton High Street, Chatham, ME5 7LP.

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

Representations have been received from members of the public, the Police, Public Health, a local charity Big Local and Ward Councillors, together with a petition. No agreements have 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 Medway Food Centre, 43-45 Luton High Street, Chatham, ME5 7LP.
- 2.2. The details of the application requirements are as follows:

Supply of Alcohol (off the premises)

Monday to Sunday 09:00 – 20:00

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

3. Promotion of the Licensing Objectives.

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

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 members of the public, Police, Public Health, Ward Councillors, a local charity Big Local, together with a petition. Copies of these are attached at Appendix C. 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 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

Mrs Lisa Hopson – Licensing Officer Email: lisa.hopson@gravesham.gov.uk

Appendices

Appendix A – Application for new Premises Licence

Appendix B – Location Plan

Appendix C - Copies of representations received

Background papers

None

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 Medway Food Centre Limited

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			
43-45 LUTON HIGH STREET CHATHAM Kent ME5 7LP			
Post town	CHATHAM	Postcode	ME5 7LP
Telephone number at premises (if any)			
Non-domestic rateable value of premises	£ 17500		

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

- a) an individual or individuals *
- b) a person other than an individual *
 - i as a limited company/limited liability partnership
 - ii as a partnership (other than limited liability)
 - iii as an unincorporated association or
 - iv other (for example a statutory corporation)
- c) a recognised club
- d) a charity
- e) the proprietor of an educational establishment
- f) a health service body

Please tick as appropriate

please complete section (A)

please complete section (B) **X**

please complete section (B)

please complete section (B)

please complete section (B)

please complete section (B)

please complete section (B)

please complete section (B)

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)
 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
 h) the chief officer of police of a police force in England and Wales please complete section (B)

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

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

		Other Title (for example, Rev)	
Surname		First names	
Date of birth		I am 18 years old or over	
Nationality			
Current residential address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)			

SECOND INDIVIDUAL APPLICANT (if applicable)

		Other Title (for example, Rev)	
Surname		First names	
Date of birth		I am 18 years old or over	
Nationality			

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)			
Current residential 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 Medway Food Centre Limited
Address 43-45 LUTON HIGH STREET CHATHAM Kent ME5 7LP
Registered number (where applicable) 12525906
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited company
Telephone number (if any)
E-mail address (optional) [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

24/06/2020

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

Please give a general description of the premises (please read guidance note 1)
Small retail mini market with mainly grocery

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

What licensable activities do you intend to carry on from the premises?
(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Please
tick all
that
apply

Provision of regulated entertainment (please read guidance note 2)

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

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

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

X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			

Mon			<u>Please give further details here</u> (please read guidance note 4)
Tue			
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
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 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)	<u>Please give further details</u> (please read guidance note 4)
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Day	Start	Finish
Mon		
Tue		
Wed		
Thur		
Fri		
Sat		
Sun		

State any seasonal variations for indoor sporting events (please read guidance note 5)

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 6)

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 4)	Both	
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
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 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri					
Sat			<u>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</u> (please read guidance note 6)		
Sun					

F

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

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing			
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	
Mon					Outdoors	
Tue					Both	
Wed			<u>Please give further details here</u> (please read guidance note 4)			
Thur						
Fri						
			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)			

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 6)
Sun			

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	
				Off the premises	X
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	09:00	20:00			
Tue	09:00	20:00			
Wed	09:00	20:00			

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5) NA
Day	Start	Finish	
Mon	06:00	23:00	
Tue	06:00	23:00	
Wed	06:00	23:00	
Thur	06:00	23:00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6) NA
Fri	06:00	23:00	
Sat	06:00	23:00	
Sun	07:00	22:00	

M

Describe the steps you intend to take to promote the four licensing objectives:
a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The application recognises the CIP (Cumulative Impact Policy) and feels that there would be no additional adverse effect with the application with proposed conditions within the application and the nature of the venue. This operating schedule and its conditions would aim to enhance compliance with CIP and current licensing policy with revised conditions and hours.

Hours 9am to 8pm only

Alcohol sales must be ancillary to grocery

Not to display signage advertising alcohol or 'off license' sales on shop frontage

The licence holder and/or designated premises supervisor shall ensure that at least one personal licence holder is available on the licensed premises while the sale or supply of alcohol is being undertaken at the premises.

- Minimum of 2 staff on duty after 6pm until licensed hours finish
- No cans to be sold singular only multipack
- No miniature bottles of spirit to be sold
- No high strength beers/larger/cider to be stocked above 6% ABV
- Alcohol section to be locked via shutter outside licensing hours
- Clear signage will be displayed showing permitted hours and condition that alcohol is ancillary to grocery sale
- Challenge 25 sale procedure in place with signage
- Signage in place reminding shop users to leave quietly at all times and also that any persons seen to consume alcohol in the immediate area would be excluded from future purchase at the shop
- No 'credit' sale is to be permitted
- All incoming stock will be UV checked for authenticity using the HMRC mark
- Daily rubbish clearance in immediate vicinity of the shop
- Display signage at the shop promoting local residents to alert the DPS of ASB in the immediate area
- DPS to maintain an exclusion record as required for any person who is known for alcohol ASB
- CCTV Condition as detailed in prevention of crime and disorder

b) The prevention of crime and disorder

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 on the hard drive and kept for a period of 28/31 days and handed to Police upon reasonable request.
- The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority upon reasonable request.
- In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to the Police Licensing Officer within 24 hours unless the CCTV will be repaired before that time (licensing.north.division@kent.pnn.police.uk)

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.
 - d. Each entry is to be checked and signed by the D.P.S or personal license holder on duty, on the day of the event.
 - e. These records will be made available for inspection to any Police Officer, Police Licensing Officer, and Officer of the Local Authority immediately upon demand.
- Alcohol sales to cease at 8pm

c) Public safety

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.
- 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.
- Alcohol is only sold with a grocery purchase
- Challenge 25 ID policy and procedure in place
- All refusals recorded as detailed

d) The prevention of public nuisance

- Display signage at the shop promoting local residents to alert the DPS of ASB in the immediate area
- DPS to maintain an exclusion record as required for any person who is known for alcohol ASB
- Clear signage will be displayed showing permitted hours and condition that alcohol is ancillary to grocery sale
- Clear glass shop frontage alongside CCTV to enable staff to monitor area nearby- Daily rubbish clearance in immediate vicinity of the shop
- Alcohol sales to cease at 8pm

e) The protection of children from harm

- Alcohol is only sold with a grocery purchase
- Challenge 25 ID policy and procedure in place
- All refusals recorded as detailed

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.
- 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.

The licence holder and/or designated premises supervisor shall ensure that at least one personal licence holder is available on the licensed premises while the sale or supply of alcohol is being undertaken at the premises.

Sale of Alcohol from 9am outside or morning school transit hours.

Checklist:

Please tick to indicate agreement

X I have made or enclosed payment of the fee.

X I have enclosed the plan of the premises.

X I have sent copies of this application and the plan to responsible authorities and others where applicable.

X I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.

X I understand that I must now advertise my application.

X I understand that if I do not comply with the above requirements my application will be rejected.

X [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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

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

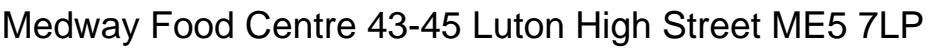
Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	2020-05-25
Capacity	Agent

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

Signature	Mr. NA NA		
Date	25/05/2020		
Capacity	Applicant		
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (option "			





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 WILSON
Postal Address: (Divisional Headquarters)	Medway Police Station Purser Way Gillingham Kent ME7 1NE
E-mail address	licensing.north.division@kent.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:	Medway Food Centre
Address of premises:	Luton High Street Chatham Kent ME5 7LP
Date application received by police	22 nd May 2020
Date representation sent to Licensing Authority	17 th June 2020
All representations must be made within 28 days of receipt of initial application <i>The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005. Part 4 Reg. 22.</i>	

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

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

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

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.

Medway Council resolved that a Cumulative Impact Policy be adopted including the area of Luton High Street and Luton Road. This has been incorporated into the Authority's current Statement of Licensing Policy.

The policy creates a rebuttable presumption that any new applications for premises licences or club premises certificates, along with any major variations that could impact negatively on the licensing objectives will be refused, in all but exceptional circumstances unless the applicant can demonstrate that there will no negative impact on any of the licensing objectives.

Further to this Luton High Street suffers from high intoxication levels. This has led to alcohol related crime taking place. Ranging from violence against the person, shop lifting, robberies etc. It is acknowledged that the applicant does not in any means want to contribute to this, however the increased availability of alcohol in this area would undoubtable further fuel alcohol related issues.

The location of Luton 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.

There is strong evidence concerning street drinking associated nuisance and anti - social behaviour and the availability of alcohol, particularly from off licences. The Medway Task Force and Police Licensing Team have been working in the area and can confirm there are still alcohol related issues in the area.

Kent Police feel that should a premises licence be granted to this store that the increased availabilities of alcohol in the area could in turn can lead to crime and disorder and public nuisance and people feeling unsafe living in their community.

There have been issues with local youths who are reported to gather in the area and cause issues, often alcohol lead.

1) Prevention of Crime and Disorder

This area of Luton is a high priority area for Kent Police due to the levels of both crime and anti-social behaviour. Street Drinkers are persons who tend to be alcohol dependant and will drink alcohol in public. 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.

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.

4) Protection of Children from harm

The hours that the applicant is seeking are 09:00 until 20:00. There is school and nursery within walking distance of the proposed off licence for children aged 3-11 years old. Some of these children are from deprived backgrounds and some experience alcohol abuse as part of their family life. The children often see and hear the street drinkers who congregate on the green area of Alexandra Road, which is within easy walking distance of the applicants off licence. The obscene language they use, the litter they leave, along with public urination and harassment of passers-by is a public nuisance. The local Police and PCSO's 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. Another premises permitted for off sales will not assist in an already saturated area and respectfully request that due to the amount of alcohol related harm in this area that this application is refused.

PC 12431 Cossar
PP. Ch. Supt WILSON
North Division Area Commander

Date: 17th June 2020

10th June 2020

LICENSING ACT 2003 – GRANT OF A PREMISES LICENCE APPLICATION

Name and address of premises

Medway Food Centre, 43-45 Luton High Street, Chatham. ME5 7LP

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 located in a small line of shops in Luton High St, within a densely residential area. The road is busy, leading from Chatham and Luton Road into the residential areas of Capstone, Princes Park and Walderslade. This is one of the most deprived areas of Medway.

This premises is located within the Luton cumulative impact policy (CIP) area which covers Luton Road, Luton High St, and parts of Chatham Central ward. 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 off-licensed premises in the Luton CIP area.

The prevention of crime and disorder

The police provided evidence of alcohol related crime in this area which relates primarily to domestic abuse and criminal damage, with this area identified as a hot spot in Medway for these types of alcohol related crime. The community safety unit has identified there is a problem with the availability of alcohol in this area and alcohol related crime.

Public Health continues to be concerned at the levels of domestic abuse in this area. Levels of domestic abuse has been consistent in this area since the implementation of the

cumulative impact policy. There is strong academic evidence that domestic abuse is linked to alcohol misuse.

The prevention of public nuisance

Luton is a hot spot for alcohol related nuisance consisting of anti-social behaviour, street drinking and alcohol related litter in the form of discarded bottles and cans. There is also evidence of public urination and defecation. Respondents to a questionnaire used as part of the evidence to support the CIP stated that alcohol bought from off licensed premises in this area contributes to the alcohol related problems, particularly nuisance.

A member of public health staff has attended Luton High St area on a number of occasions in preparation of these representations and there is ongoing evidence of alcohol related street drinking and associated litter throughout the area surrounding the High St, even with the recent lock down due to Covid 19. This litter consists of bottles and cans of beer and cider, both 'super strength' and regular strength and numerous empty bottles of vodka.

Of particular concern is the old graveyard at the bottom of Upper Luton Road, where my staff spoke to a resident. She did not want her name and address to be made public. She confirmed people were regularly gathering at this location to drink alcohol and she suspects drug use takes place. The resident described the behaviour as intimidating and unpleasant and had not decreased during the current situation. The resident's evidence was supported by the alcohol related litter found in the graveyard, along with broken glass from beer bottles and evidence of public defecation.

Staff also spoke to another resident, who was clearing up litter at the nearby church. He said he found discarded beer and cider cans and empty vodka bottles every week where people throw them over the wall to the church grounds.

Summary

Luton Road, Luton 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. With the recent lockdown due to Covid 19 there is even more concern due to the evidence suggesting people are consuming more alcohol at home. This location is also within walking distance of the Chatham High street 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 10th June 2020

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

Southwark Post

I am writing to you to object to the application for a licence to sell alcohol of MEDWAY FOOD CENTRE at 43-45 LONDON HIGH STREET. My 2 main points of objection are.

①

As a Volunteer of CHRIST CHURCH LONDON one duty is to remove all of the litter from the grounds on a weekly basis, I find an ever increasing number of alcoholic containers in cans and bottles, even drinking 'look down'.

②

As a member of the committee of the P.A.C.T. group for this ward there are a slowly increasing number of complaints of anti social behaviour and cleanliness, and litter and rubbish and cars in private and public places.

My thinking is that granting this licence, in addition to the 17 already in this area, will only add to these problems for the residents off this ward.

Yours

[Redacted Signature]

Hi Barbara

Re: Licensing Representation for Medway Food Centre, Luton

I am writing to formally oppose this licence application or variation for the above situated in my ward.

In rejection I am seeking to highlight the following concerns in the direct surroundings which will be exacerbated by this license application and specifically in relation to

- 1) The prevention of crime and disorder
- 2) The prevention of public nuisance

1) The prevention of crime and disorder

There is evidence in the Luton cumulative impact policy (CIP) of alcohol related crime and criminal damage in this area and this is exacerbated by a problem with the availability of alcohol in this area and alcohol related crime.

2) The prevention of public nuisance

It is my belief that there is a high risk of an increase in alcohol related nuisance - anti-social behaviour, street drinking, alcohol litter, public urination and potentially even defecation.

The area has high levels of alcohol related issues, including crime, domestic abuse and public nuisance associated with a high density of licensed premises, particularly off licences.

In particular

- Policy 10 sets out the expectation of the Licensing Authority when determining applications for off licensed premises.
- Policy 17 - expects an application in a CIP to contain a full explanation as to how the premises will not adversely affect the four licensing objectives.

I believe there is a rebuttable presumption of refusal by the Authority in all but exceptional circumstances. Despite having had no formal representation that this premises or business has acted inappropriately I do not think the application offers anything exceptional to support, and there is a risk that it may lead to further applications.

I have copied in Cllr Dan McDonald into this representation.

Cllr Tris Osborne

From: Simon Curry
Sent: 04 June 2020 08:58
To: Tristan Osborne
Cc:; licensing ;
Subject: Re: Licensing Representation: Medway Food Centre

Dear Barbara,

I would like to add my support to the email from Cllr. Osbourne objecting to the licencing of the Medway Food Centre in Luton.

As local councillors we are working hard with many different agencies to bring about major improvements to a community which has many problems In relation to anti-social behaviour and crime.

The role that both alcohol and drugs play in these problems is well established.

There are a number of outlets for alcohol already available in the local area as well as the nearby larger stores and online deliveries.

A further outlet is unnecessary and will exacerbate a local problem. As Cllr. Osbourne points out this is exactly the situation for which the cumulative impact policy (CIP) was adopted.

Many thanks

Simon

Cllr. Simon Curry
Luton and Wayfield Councillor

To: Licensing
Subject: Luton road

To whome it may concern,

I Live at , and I have realised that a new supermarket is opening. The supermarket that is opening has applied for a alcohol licence, i would like you to please refuse this application as there is over 5 shops that are selling alcohol on Luton road, We do not want another one. we have had enough of the nuisance, damage, disruption, violence made by the alcoholics, Police are aware of the situation and of the damage that have been caused, we are afraid of going out or sending our children because on every corner of Luton road and near by streets and alleyways there is an alcoholic drinking, I don't feel safe.

Thank you very much for taking time reading this email.

Mr Belalim

To: Hopson, Lisa

Subject: RE: FW: Application for Premises Licence , The Village Store 43/45 Luton High Street, Chatham

Good Afternoon Lisa,

Please add my full address to my comments.

Regards

John V Homer

]

Sent: 03 June 2020 12:04

To: Licensing

Subject: Application for Premises Licence , The Village Store 43/45 Luton High Street, Chatham

I am concerned about the applications to grant a sale of alcohol, as I live at No 1 Nelson Terrace my outlook is directly to the rear of the building and geo wise I am two doors away. We already have a public house (The Hen and Chickens) and an off licence plus two takeaways in very close proximity.

There is a long history of anti-social behaviour in this area which I have personally witnessed and is often caused by people drinking alcohol in public. I have seen groups gathering on the road and in the library car park drinking beer and cider and I believe drug use also takes place. These groups often walk down Nelson Terrace and stand in the small private car park at the end. There is shouting and swearing and fighting. I have seen people urinating up walls and defecating behind the walls of the library car park. Alcohol fuels a lot of this behaviour and it is easy to get hold of as I see people drinking all the time. The empty bottles broken glass and cans are dropped along the road ending up in people's gardens. Drunk people are intimidating, and they get louder and their language is unpleasant.

I see people walking about the village drinking and there are empty beer and cider cans and bottles dropped all over the place. There is also broken glass from beer bottles, which is dangerous.

All current outlets excepting the Public House have to cease trading by 10pm!

From: Sue Kirk
To: Licensing
Subject: MEDWAY FOOD CENTRE LUTON HIGH STREET CHATAHM

Dear Sirs

I wish to object to the granting of an alcohol licence to Medway Food Centre in Luton High Street, Chatham. I believe the area to be adequately catered in terms of alcohol. There is an existing off licence in the High Street and a short walk either way is the Spar store along with the Best One store.

As a local resident, I am frequently finding bottles and cans in the gutter on the main road or left on top of my high wall outside my property or sometimes in the brown bin.

It is not uncommon to see people walking along the road as early as 9am drinking from cans of strong beer. It is not pleasant to see and can be intimidating. At night I've seen individuals sat on the low walls of the junior school drinking as well as in the grounds of the church and graveyard.

We don't need or want another premises offering alcohol.

Mrs Sue Kirk

From: nina shorter
Sent: 22 June 2020 15:09
To: Licensing
Subject: Do we really need another off licence on Luton Road Chatham Medway Food Centre

Dear Sir/Madam

I am writing this email to rise my concern for yet another planned opening of an off licence on Luton Road, Chatham, Kent.

I write this email because i feel it is not neccessarily needed and it will just be another outlet for locals to buy alcoholic beverages and drink publicly as they already do, we have so many convenience shops already i have listed a few below and there are many more

Premier express -The Kabin
McColl's
Best One Xpress
Altaf Halal Meat
Kovan Chatham
Martin's
Sonia Mariden
Abbey Food and Wine

Village off Licence

These are the shops i can remember but there are several others

So the moral of my question is do we really need another one, i hope you will take this email seriously as the level of crime due to the amount of alcohol sold on this road alone is ridiculous, this can range from drunken arguments to fights in public outside of the shops and also drink drivers driving along this road. It is also so very concerning that there is a primary school and nursery on this road and the amount of daytime drinkers in Chatham is high enough as it is.

Thank you for taking the time to read this email I hope to hear back from you as soon as possible

You can contact me via this email or you can write to me at my personal address or contact me via my Mobile Telephone bellow.

Nina Manville

Thank you again for taking the time to read this email and I hope your concern is as high as mine.

Many Thanks

N. Manville

Medway Council
Gun Wharf
Dock Road
Chatham
Kent
ME4 4TR

RE: Off License application: [MEDWAY FOOD CENTRE 43-45 LUTON HIGH STREET CHATHAM ME5 7LP]

We wish to make you aware of several strong concerns that we have about the application for an off license for the sale of alcohol between 0900 and 2000 hours at MEDWAY FOOD CENTRE 43-45 LUTON HIGH STREET CHATHAM ME5 7LP, Off License application referenced above.

We are making these representations under the following licensing objectives;

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

Our Big Local area spans from The Brook and includes within its Luton Road and large part of Luton itself and we would consider it at that end to be a close neighbour to the site with many of our residents using the retail offering and post office located in its vicinity as part of their daily routine. Even more so recently since effects and the limitations imposed by lockdown due to Covid-19 pandemic.

Big Local it is a project where each area receives Lottery funding over the duration of the programs which is due to end in March 2026, which residents themselves will be in charge of spending on ways to improve their community from training and employment schemes to tackling anti-social behaviour, creating new community facilities or providing more activities for young people. Designed from the outset to be radically different from other funding programmes, at the heart of Big Local is a vision of empowered, resilient, dynamic, asset-rich communities making their own decisions on what is best for their area.

Big Local four over reaching programme outcomes;

- communities will be better able to identify local needs and take action in response to them;
- people will have increased skills and confidence, so that they continue to identify and respond to needs in the future;
- the community will make a difference to the needs it prioritises;
- people will feel that their area is an even better place to live.

The below comment encapsulates the general feeling and ours that there are already too many places in and around our area selling alcohol.

Not very clean, high crime, drugs, alcohol abuse, don't feel safe walking, unkempt, no local supermarkets except Sainsbury's, less brothels - they are a nuisance, too many fast food shops and shops selling alcohol.

We do believe that adding an additional place in or near our area that can sell alcohol will have a negative impact on the standard of living for all in and around that area. Our primary concerns around increasing the availability of alcohol beyond what already exists in and near our area is that it will undoubtedly increase alcohol related problems we are already experiencing around the following:

- Increase in street drinking;
- Related drug use;
- Anti-Social behaviour; drinking outside schools, fighting, swearing, urinating;
- Impact on children in poverty;
- Negative influence on children's behaviours and beliefs regarding alcohol due to its wide availability and cheap cost.



We are of the view that because of aforementioned points raised and that the establishment sits in a Cumulative Impact Policy area because of the negative effects of alcohol and that its recent renewal points to an ongoing problem that has not gone away. Therefore, we would request that Medway Council should refuse this application.

Finally, please note that our comments are in respect of the proposed off license application. While we have taken every effort to present accurate information for your consideration, as we are not a decision maker or statutory consultee, we cannot accept any responsibility for unintentional errors or omissions and you should satisfy yourselves on any facts before reaching your decision.

Yours Sincerely

A black rectangular box redacting the signature of Stephen Perez.

Stephen Perez
Arches Local "Big Local" Coordinator
Mob: 07572 862 336
Email: Stephen@archeslocal.org.uk

Received 4 June 2020

Luton Village Mini-Market

Chatham,
Kent,
ME5 7LP

We, the undersigned - oppose the alcohol licencing application made by Ali Akpinar.

We oppose the allowance for Ali Akpinar to sell Alcohol at the premises due to the following reasons;

- There are already enough premises selling alcohol in a very small locality.
- Further Alcohol licencing will lead to more well-known and reported crimes in an already troubled area for knife and violent crimes.
- A further increase in Anti-Social behaviour from begging and it's own related incidents.
- The deterioration of the local area due to defecation.
-

Signed;

<u>Name</u>	<u>Address</u>
JOHN CASTLE	
PAUL O'NEILL	
[REDACTED]	
Sharon Fuller	
Janet Cable	
S. Leaman	
Atif	
[REDACTED]	
STOOPS	
Swanney	
WASTOUT.	
FRED COOPER JR	
FRED COOPER SNR	
ALVAR	
Gennifer Reddick	
19th HOWKINS	
[REDACTED]	
Michael Harris	
Teresa Harris	
Ross Harris	
NATASHA GORMAN	
Debbie Mundlee	
John Harris	
Tom BRAY	
J. HARRISON	
ALISTOWE	
Miss Georgia Boyd	
BOB MORTON	
THERESA PHELAN	