



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.pnn.police.uk
Telephone Numbers:	
Licensing Co-ordinator	Geoff Rowley 01634 792733
Licensing Officers	Chris Hill 01634 792276
	Clare Cossar 01634 792411
	Diane Holroyd 01634 792388
	Dan Hunt 01634 792388
Details of premises representation is about	
Name of Premises:	MA One Stop International Food
Address of premises:	115C High Street Gillingham Kent ME71BS
Date application received by police	2 nd October 2020
Date representation sent to Licensing Authority	26 th October 2020
<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	
Prevention of public nuisance	x
Protection of children from harm	

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

If yes complete the appropriate statement:

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

Having considered this application, Kent Police make objections and request that a premises licence is not granted. Kent Police submit the following information to support our objections:

This is a new premises licence application which if granted would allow the premises to sell alcohol on an off-sale basis Monday to Sunday 09:00 to 21:00. The applicant has indicated that the premises will operate as an international grocery and convenience store.

The premises are located within a prime location on the main High Street of Gillingham. High Street Gillingham is a pedestrianised area with a significant number and wide variety of retail outlets including supermarkets and small stores, many of which already sell alcohol on an off-sale basis.

Gillingham High Street currently forms part of a Cumulative Impact Policy Area (CIP) and the area suffers with a high volume of alcohol related crime, disorder and public nuisance. It is also covered by a Public Space Protection Order (PSPO), commonly known as an Alcohol Control Zones. A particular issue in this area relates to antisocial behaviour and street drinking. A street drinker can be defined as the following:

"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 are many areas within the High Street that street drinkers are known to congregate and cause issues, some of which are in very close proximity to this premises. Just a short walk from this premises is another area often associated with and suffers the effects of street drinking an area called Balmoral Gardens. Balmoral Gardens is a small grassed park area with children's play park that will often attract families with young children during the summer months and warmer weather.

The applicant has proposed many conditions to be added to the operating schedule of this premises licence. It is positive that the applicant has recognised a need for such conditions and has submitted a detailed application. Furthermore, it is positive that the applicant has identified that the premises is located within a CIP area. However, the conditions proposed are nothing more than Kent Police would expect from a well ran and managed premises. Whilst the applicant recognises the existence of the CIP, the business model of the premises appears to be no different to that of any other supermarket or convenience store already established in the area and will still be offering for sale low priced beers, ciders, wines and spirits.

Kent Police are concerned that the granting of another off-licence in this immediate area, an area that is already saturated by licenced premises, would make alcohol even more widely available to the community and is likely to add further pressures to and increase the levels alcohol related crime, disorder and nuisance from which this area already suffers. It is feared that the granting of yet another off-licenced premises in this area would be an attractant to local street drinkers. The selling of alcohol to street drinkers would be considered a failure to promote the licensing objectives of preventing crime and disorder and preventing public nuisance.

The town centre areas within the Medway Towns are patrolled by a dedicated town centre policing team consisting of both Police Officers and Police Community Support Officers. This application has been brought to the attention of officers from the town centre policing team at Gillingham who are in support of the view that this application should be refused. Tackling street drinking and antisocial behaviour in this area remains a priority and alcohol confiscations and seizures from persons consuming alcohol and committing offences within this CIP and PSPO area continue to occur on a regular basis.

Due to the existence of the CIP, it is the understanding of Kent Police that there is a rebuttable presumption of refusal of the application by the Authority in all but exceptional circumstances, unless the applicant can demonstrate that the premises would not adversely affect the licensing objectives. Sadly, Kent Police do not believe this application demonstrates exceptional circumstances. Kent Police are of the opinion that there are no meaningful conditions that can be added to this licence that will ensure that the four licensing objectives are being fully promoted and would ensure that the issues already experienced within this CIP area would not increase.

1) Prevention of Crime and Disorder

High Street Gillingham 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. High Street Gillingham suffers greatly with 'Street Drinkers'. 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. There are multiple locations near to this premises that street drinkers already congregate and consume alcohol.

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 a propensity to have an element of collateral impact on Public Safety, through the protagonists and their interaction with Police.

The proposal of another off-licence in this area are likely to add to the issues already mentioned above.

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 antisocial behaviour and crime brought about by excessive uncontrolled consumption of alcohol are a public nuisance.

4) Protection of Children from harm

The protection of children from harm includes protection from moral, psychological and physical harm, therefore this is not just about protecting the children from the inherent harms of alcohol.

Kent Police respectfully request that this application be refused.

PC Dan Hunt 11044
PP.Ch. Supt Wilson 10306
North Division Area Commander

Date: 26th October 2020

LICENSING ACT 2003 – GRANT OF A PREMISES LICENCE APPLICATION

Name and address of premises

**MA One Stop International Food 115C High Street Gillingham Kent
ME7 1BS**

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 Gillingham High St, a busy pedestrian shopping area consisting of a mix of businesses and shops, including those selling alcohol. The shop is a very short walk from one of the most densely populated and most deprived residential areas of Medway in Gillingham North and South wards.

This premises is located within the Gillingham cumulative impact policy (CIP) area which covers Gillingham 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 the Gillingham CIP area.

The prevention of crime and disorder

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

consultation to renew the control of public drinking in the area by way of a Public Spaces Protection Order.

Gillingham 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

Both Gillingham North and South have high numbers of ambulance callouts where alcohol is a contributory factor. There is a general problem in the area with street drinking, intimidating and anti-social behaviour and associated litter, with discarded cans and bottles in alleyways and public areas.

A member of public health staff has attended this area on several occasions during the summer and autumn period and there is ongoing evidence of alcohol related street drinking and associated litter in the CIP area. This litter consists of bottles and cans of beer and cider, both 'super strength' and regular strength, and bottles of spirits. Areas where the litter were found were Balmoral Road/Duncan Road area, alleyways between the High St and Fox St, in the flower beds around St Mark's church and in the car parks and alleyways off Green St. However discarded bottles and cans can, generally, be seen all over the area (see Annex 1). Examples of the type of litter can be seen in Annex 2. It can be seen from the photographs, much of the litter consists of single cans and bottles but taken in totality there is a large quantity of it in the area. It can be seen over the period of time the evidence was collected the litter is ongoing and consistent in the areas shown.

My officer has seen people drinking in this area on multiple occasions; at times before 0800 hours. A male was slumped on a bench, apparently intoxicated about 0745 hours, with open cans of beer and cider around him and on another occasion a group of four men and a woman were shouting and drinking beer and cider by St Mark's Church just after 0700 hours. On a third occasion a group were sitting on a bench in Balmoral Gardens near to the medical centre and children's play area drinking beer. This incident was witnessed at 0918 hours.

Drug paraphernalia has been found in the flower beds surrounding St Mark's Church in the same area where alcohol litter was found and drinking had been seen, as well as in the road in Green St and in Balmoral Gardens, all co-located with alcohol litter. There was a strong smell of urine and evidence of public defecation in the flower bed bordering St Mark's Church in Canterbury St, the alleyways leading off Balmoral Road and in a doorway in an alleyway between Green Street and the bridge to Balmoral Gardens.

Summary

Gillingham 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. These problems are current, ongoing, and still of concern in this area.

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.

The application states consideration has been given to the Cumulate Impact Policy. However, none of the measures contained within the operating schedule would ensure that alcohol sold from the premises will not add to the issues detailed above. The measures are no more than could be expected from a well-managed and run premises and this application is not 'exceptional' as required in the Statement of Licensing Policy.

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 27th October 2020

Director of Public Health

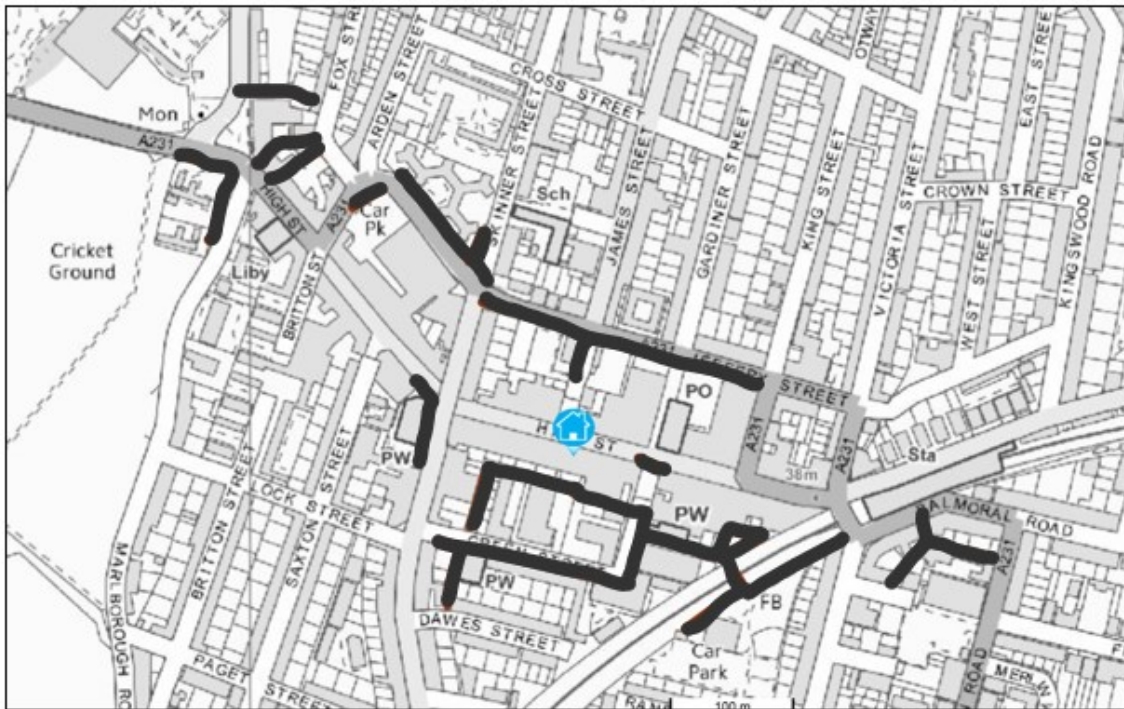
For all communication please contact **Barbara Murray**, Public Health Project Officer at the address at the head of this representation or by the following:

Tel: 01634 332637:

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

Annex 1

Thick lines show locations in and around Gillingham High Street where alcohol litter has been found. The blue circle shows the location of the premises.



Annex 2

Example photographs of alcohol related litter and co-located drug paraphernalia and faeces found in and around Gillingham High St area in the period 28/07/2020 to 23/10/2020, showing the continuing problem with alcohol related nuisance in the Gillingham High Street CIP area.

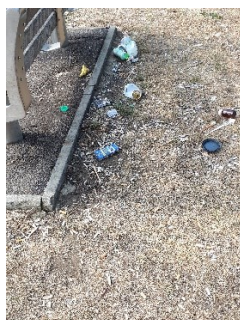
Alleyways in the Balmoral Road area and Balmoral Gardens

28/07/2020



Empty blister pack of Dihydrocodeine and drug paraphernalia – spoons and citrus acid sachet.

12/08/2020



20/08/2020





09/09/2020



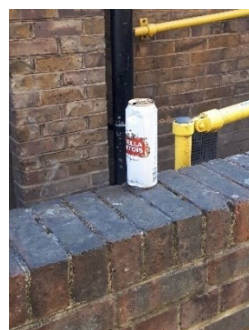
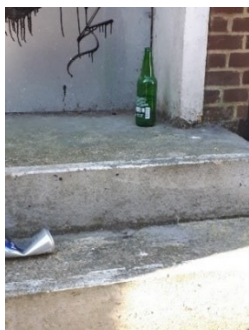
Faeces and wipes in the same location as alcohol litter.

23/10/2020



Green Street area

28/07/2020



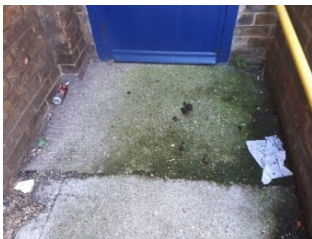
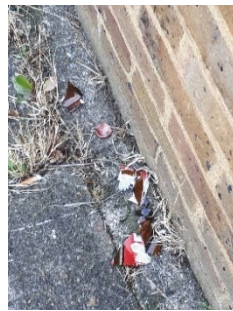


Empty opioid replacement bottle in alleyway off Green St in the same location as alcohol litter.

30/07/2020

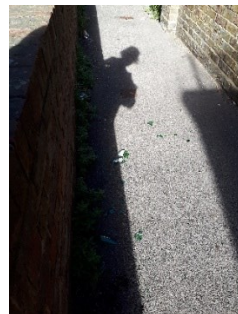


20/08/2020



Faeces in fire escape area in Green Street, in the same location as alcohol litter.

09/09/2020



Empty opioid replacement bottle in an alleyway off Green St in the same location as alcohol litter.

23/10/2020



St Marks Church, High St junction with Canterbury St

27/07/2020



30/07/2020



Empty Pregabalin
tablets blister pack

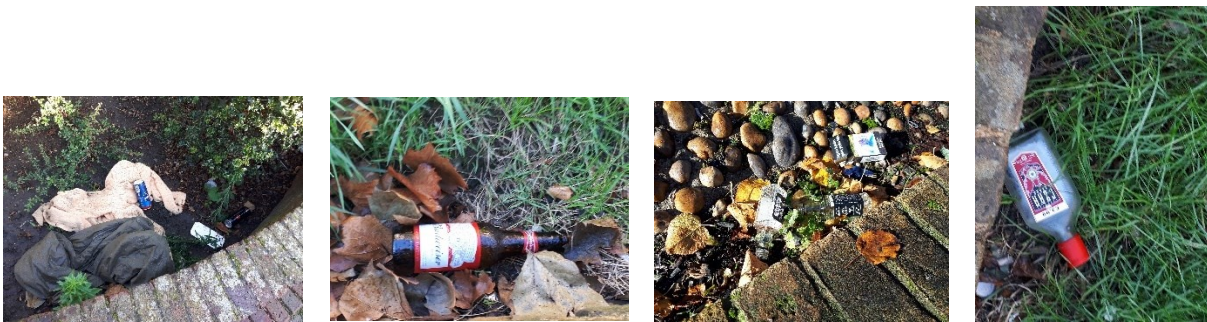
20/08/2020



09/09/2020

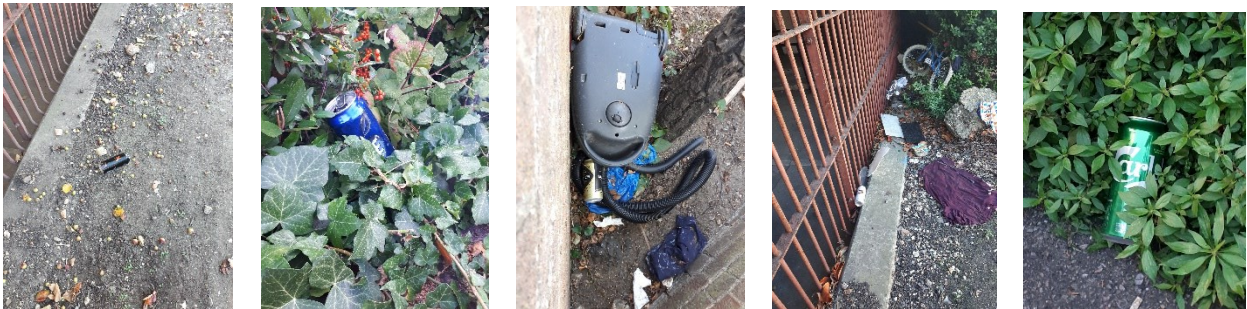


23/10/2020

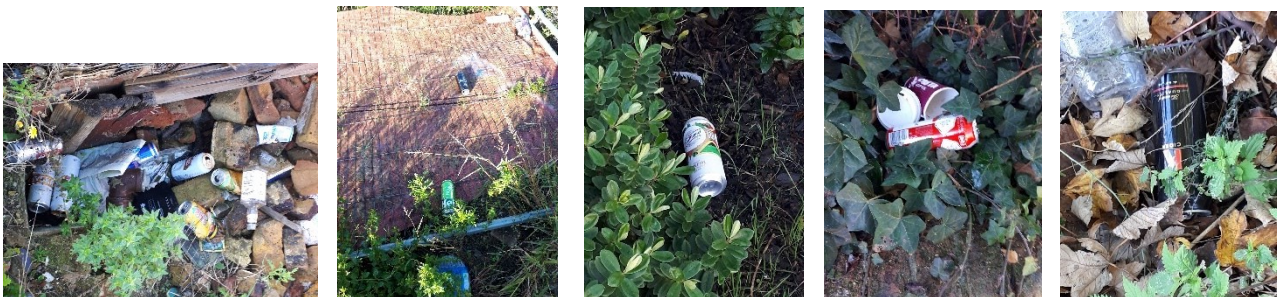


Jeffery Street area

09/09/2020



23/10/2020



Representation from Ali Aydemir

I object to a Premises Licence being granted to MA One Stop International Food. I have been a business owner in the area for many years and see how the increase in the Off Licences have caused public nuisance, an example of this would be at Baba Food & Wine, 75 High Street, Gillingham, ME7 1BJ which is a 2-3 minutes walking distance from the proposed location there are large groups gathering outside the shop during the day and night and being very noisy and anti-social for the local residents. In addition to this, right opposite the proposed location is Qin Food Centre, 112-114 High Street, Gillingham, ME7 1AU. I own Qin Food Centre and my shop has a Premises License and I believe if this shop is granted a Premises Licence right opposite my shop with a Premises Licence it would cause groups to gather around outside both shops as alcohol will be more available to people and therefore public nuisance and crime may increase.

I believe that the licensing objectives; the prevention of crime and disorder and the prevention of public nuisance will be breached if MA One Stop International Food is granted a Premises License therefore request that you reject their application.

Ali E Aydemir
112-114 High Street
Gillingham
ME7 1AU

Representation from T Belge

Dear Sir/Madam,

Mr Abdullah Mohammed Ali has made an application for a Premises License for MA One Stop International Food, 115C High Street, Gillingham, ME7 1BS. I object to this application as I have worked on Gillingham High Street for several years now and I believe that it will cause an increase in public nuisance and alcohol-related crimes such as anti-social behaviour and violence.

There are several Off Licences located on and around Gillingham High Street which is why is the reason there are multiple day drinkers which can be seen when walking down the high street during the day. Allowing another shop to sell alcohol won't be helping with the public nuisance caused by these day drinkers, it will only encourage more to happen. I would ask for you to reject this application as it will lead to problems for the local residents of Gillingham High Street.

Mrs T Belge

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Representation from Sadik Colak

Dear Licensing committee,

I am writing to formally oppose this license application, I have lived on Gillingham High Street for several years and the increase of alcohol being sold has caused an increase in anti-social behaviour and other alcohol related problems for the local residents.

In my opposition to this application I will be highlighting the following concerns in relation to:

1. The prevention of crime and disorder
2. The prevention of public nuisance
3. The protection of children from harm

The prevention of crime and disorder

There have been a lot of ongoing problems on Gillingham High Street including multiple fights, drug misuse and anti-social behaviour. I believe that these problems are all alcohol related. There are already multiple Off Licences in the vicinity and this addition of an Off Licence will keep enabling these problems.

The prevention of public nuisance

The problems I stated in the prevention of crime and disorder; fights, drug misuse and antisocial behaviour are also related to public nuisance. In addition to this, street drinking, alcohol littering and public urination can be included in the list of nuisances caused. There is a high chance that these alcohol related nuisances will increase with the increased availability of alcohol.

The protection of children from harm

Oasis Academy, Skinner street is located walking distance of the proposed off licence for children aged 4-11 years old. These children can be affected as day drinkers in the area can cause nuisances as previously stated in the prevention of public nuisance when they are walking back home from school. The increase in sale of alcohol in the area will lead to an increase nuisance.

I believe that if an alcohol licence is granted for MA One Stop International Food there will be an increase in alcohol related problems in the area. There are already more than enough Off Licences located in the area so another Off Licence in the area will not benefit the local residents in anyway. Also, there is a risk that a new Off Licence would cause groups of people to gather in the area which would be intimidating for local residents.

I would request this Licence application to be rejected under the grounds of this application going against the licensing objectives I have stated.

Sadik Colak

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]