

Director of Public Health
Public Health Directorate
Medway Council,
Gun Wharf,
Dock Road,
Chatham, Kent. ME4 4TR
27th October 2020

LICENSING ACT 2003 – GRANT OF A PREMISES LICENCE APPLICATION

Name and address of premises

Royal Supermarket, 56, Balmoral Road, Gillingham

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 at the end of Gillingham High St, a busy pedestrian shopping area consisting of a mix of businesses and shops, including those selling alcohol. It is opposite the train station. 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 by 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.

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 does not mention the CIP, or any of the issues highlighted by the policy. The measures to address the four licensing objectives are minimal and there is no explanation of how the sale of alcohol from this premises will not add to the alcohol harms in this area, which are not just historic, but current as shown by the evidence contained in this representation.

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:

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