

APPENDIX D - REPRESENTATIONS RE: ORIGINAL APPLICATION



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
Daniel Hunt 01634 792388

Details of premises representation is about

Name of Premises: MS8 LTD
Address of premises: Dockhead Road
Chatham Maritime
Kent
ME43ED

Date application received by police: 18th November 2020

Date representation sent to Licensing Authority: 28th December 2020

All representations must be made within 28 days of receipt of initial application

*The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.
Part 4 Reg. 22.*

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	

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

If yes complete the appropriate statement:

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

This is a new premises licence application for what is understood to be a cast iron framed, grade 2 listed structure with adjacent land located opposite the Dockside outlet centre near to St Marys Island in Chatham. If granted this premises would be authorised to conduct every available authorised licensable activity except for indoor sporting events, (which was not applied for) and late-night refreshment (which was applied for but would not come into effect with the proposed operating hours). Thus, if granted this premises licence would authorise the following outdoor activities Monday to Sunday, 09:00 to 22:00: Plays, films, boxing or wrestling entertainment, live music, recorded music, performance of dance and anything similar in description to live and recorded music and the performance of dance.

This premises are located on Dockhead Road and as already stated is located near to the Dockside outlet shopping centre and near to St Marys Island. St Marys Island is housing estate consisting of hundreds of homes. Also located within just a few hundred yards of this premises are many other residential properties located at Hampton Leigh, Marina Point West and Colonial Wharf. The premises are also within close proximity of water.

The applicant has provided some level of information within their proposed operating schedule, but at this stage clarification is sought in some areas.

It is not clear or apparent from reading the application as to exactly how the premises would operate or as to what type of premises this would be, unfortunately the application is lacking in that regard. It would therefore be imperative to consider this application and assess it based upon the wide-ranging uses that the premises could potentially have and to condition the premises licence accordingly.

With regards to the provisions of music and film, there is concern that this could have an impact on nearby residents in terms of both noise and light nuisance. The applicant has offered to erect signage requesting that persons leave the area quietly and has also indicated that the premises will control the volume of regulated entertainment taking place and that no music or speech will be permitted to be played by external speakers at the premises without their written permission. However, the applicant has given no indication as to what noise levels would be permissible or as to exactly how the volume levels will be controlled.

If granted as currently applied, this premises licence would be able to host a variety of different outdoor events. Through conversation with the applicant Kent Police understands that such activities or events may include seasonal markets, outdoor plays, pantomimes, the showing of films or the playing of low level live or recorded music. Whilst some of these low-key events would not cause much concern, it must also be considered that if granted this premises licence would not restrict the premises to just low-key events but would also authorise much larger scale events that could become a concern. For example, Kent Police would have concerns regarding the suitability of the site to host a large-scale music event or concert and feel that the current proposed premises licence conditions would be lacking and insufficient to alleviate concerns from both a public nuisance, public safety and crime and disorder perspective.

There is no mention within the application regarding crime prevention measures such as CCTV. Whilst the premises have proposed conditions to restrict the movement of alcohol both into and out of the premises, there appears to be no mention of the consideration for stewards or security staff. Also, whilst the premises have identified intended steps to ensure the premises does not exceed maximum capacity, it provides no indication as to what the maximum safe capacity is.

This premises are located just a few meters away from water. The boat yard known as number 1 basin and the larger number 2 basin are both within a couple of hundred yards of the premises. The application

makes no mention of this, or to the potential dangers of the water when combined with both music and the consumption of alcohol.

For an application for an outside venue wanting such diverse licensable activity, Kent Police would expect a far more in depth operating schedule. S.182 guidance, 8.47 states that applicants are expected to provide licensing authorities with sufficient information to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area.

Should a better understanding of the application or further information become available, Kent Police would be in a better position to fully assess this application and give a greater consideration to placing conditions to the licence that may alleviate concerns. Based upon the information contained within the application, Kent Police are opposed to the granting of this licence.

Prevention of Crime and Disorder

The promotion of this objective by the imposition of conditions is a key to the Licensing Act 2003. It is important that conditions are attached to a licence that seek to effectively promote this objective and minimise the risk of it being undermined and any conditions would need to be clear and precise.

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. Licence holders have a responsibility to ensure the safety of those using their premises and this objective is concerned with the safety of persons using the premises rather than public health. Conditions imposed under public safety will also promote the crime and disorder objective.

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.

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 but includes exposure to strong language, and sexual harms.

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

Date: 28th December 2020

From: stella maris canelo

Sent: Friday, December 18, 2020 5:06 PM

To: Lisensing@gravesham.gov.uk <Lisensing@gravesham.gov.uk>

Subject: Machine 8 Notice

Dear Sir /Madame

The application to use Machine 8 as a place of different entertainment covering a vast number of activities in the middle of a residential place with many apartments is a bad idea. The Council is giving course to an application not based in the public benefit but in the profit. The sound contamination from 10 to 22 will be a break of the right to live calm inside my own flat. The access of people and cars will be unbearable. The selling of alcohol will add to the drunked people that already go to the bars in place. Plus in the medium of the biggest pandemia it will be not wise. I am 73 years old and firmly refuse this project as a council tax payer.

With kind regards

Stella Maris Canelo

LICENSING ACT 2003**REPRESENTATION FORM FROM INTERESTED PARTIES**

This representation is made by an Interested Party regarding the premises to be licensed as detailed below:

Your name/organisation name/name of body you represent (see note 3)	Laura Warby
Organisation name/name of body you represent (if appropriate) (see note 3)	N/A
Postal address	
Email address	
Daytime contact telephone number	

Name of the premises you are making a representation about	Machine Shop 8 (MS8 LTD)
Address of the premises you are making a representation about	Dock Head Road, Chatham, ME4 3ED

Your representation must relate to one of the four Licensing Objectives (see note 4)

LICENSING OBJECTIVE	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
Prevention of crime and disorder	Yes	
Public safety	Yes	
Prevention of public nuisance	Yes	<p>Mr Sutton has applied to put on various outdoor entertainments, including films, boxing/wrestling and music events. He also has applied to serve alcohol at events. In his application form, I cannot see that he has selected times/days when events would be limited in the hours that they run to prevent nuisance to residents living in the blocks of flats opposite Machine Shop 8.</p> <p>I am concerned that loud music/films, or loud crowds around boxing/wrestling events, and the addition of alcohol consumption at events, could result in excessive noise on any and all days of the week, and go on well into the night.</p> <p>Many of the people living in the flats opposite work full-time, some work on shifts as paramedics, nurses and police officers, and we already have to make-do with noise from the pub, multiple eateries, gym and shopping centre beside our flats.</p>

		I feel the addition of an outdoor entertainment venue, particularly one where alcohol is served and customers are likely to get a bit 'lairy' with drink, is the last thing that we want beside our flats.
Protection of children from harm	Yes	As above, with shift-workers, some residents in the blocks of flats have children, who will have earlier bedtimes, and may be affected by noise coming from events held at the Machine Shop opposite our flats.

Please suggest any conditions that you think could be added to the licence to remedy your representations or other suggestions you would like the Licensing Sub Committee to take into account		If the application is granted, I would appreciate the limitation of events to a set number per week/month, and conditions on the hours that events could take place, e.g., not after 9pm on a weekday, not after 10pm on a weekend, and limiting alcohol service to weekends only to prevent mid-week drunken arguments etc., taking place outside our flats
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SIGNED: Laura Warby

DATED: 10.12.2020

NOTES

1. If you do make a representation you will be invited to attend a meeting of the Licensing sub Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made.
2. This form must be returned within the Statutory Period, which is 28 days from the date the notice was displayed on the premises or the date specified in the Public Notice in the newspaper. Please contact the Licensing Section if you are in doubt about the date.
3. They can only relate to the four licensing objectives.
4. Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representations will be published in the report available to the Licensing Committee, which will be publicly available.

1 6 DEC 2020

LICENSING ACT 2003

REPRESENTATION FORM FROM INTERESTED PARTIES

This representation is made by an Interested Party regarding the premises to be licensed as detailed below:

Your name/organisation name/name of body you represent (see note 3)	Nicola Paggett
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal address	
Email address	
Daytime contact telephone number	

Name of the premises you are making a representation about	Machine shop 8
Address of the premises you are making a representation about	Dock Head Road Chatham Me4

Your representation must relate to one of the four Licensing Objectives (see note 4)

LICENSING OBJECTIVE	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
Prevention of crime and disorder	No	
Public safety	No	
Prevention of public nuisance	Yes	This open air cinema is directly in front of 100's of residential properties. 60 cars watching a film, engines running for heat and air con in the summer or windows open so residents will be able to hear the sound of the film.

		<p>Where are the toilet facilities?</p> <p>Car doors slamming.</p> <p>60 cars turning up and leaving this structure causing noise disruption and additional air pollution.</p>
Protection of children from harm	No	

<p>Please suggest any conditions that you think could be added to the licence to remedy your representations or other suggestions you would like the Licensing Sub Committee to take into account</p>		<p>No privacy- this structure is so I will have NO choice but windows closed to help prevent noise disturbance.</p> <p>I appreciate this is just a money making exercise and no thought has gone into the residents that will be disrupted by this.</p> <p>Why is this going to be in front of residential properties when there is an empty car park with larger capacity in the historic dockyard itself with NO residential properties disrupted.</p> <p>I am being forced out of my own home. I am a shift working for the NHS and this will have a major impact on health and wellbeing, not being able to sleep during the day in my own home.</p> <p>We have a cinema 500m away from this proposed cinema, why do we need another?</p> <p>I welcome any of the committee to attend my property to experience the current noise issue we have and to fully understand the impact of this all the residents.</p>
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SIGNED

DATED: 13/12/20

NOTES

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LICENSING ACT 2003

REPRESENTATION FORM FROM INTERESTED PARTIES

This representation is made by an Interested Party regarding the premises to be licensed as detailed below:

Your name/organisation name/name of body you represent (see note 3)	Lee Richardson
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal address	
Email address	
Daytime contact telephone number	

Name of the premises you are making a representation about	MS8 Ltd, Dockhead Road, Chatham Maritime, Kent, ME4 3ED
Address of the premises you are making a representation about	MS8 Ltd, Dockhead Road, Chatham Maritime, Kent, ME4 3ED

Your representation must relate to one of the four Licensing Objectives (see note 4)

LICENSING OBJECTIVE	Yes	COVID-19 Medway is currently in Government's top tier for the prevention of the spread COVID-19. This is designed in part to restrict the activity of social gatherings. There should be no acceptance at this time to issue such license in the 2 nd highest area (and rising) infection rate in the country. I object to the license under this provision until such time that Medway has had its tier revised by the Government and only then if it enters a lower tier or revision of the tier system.
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<p>Prevention of crime and disorder</p>	<p>Yes</p>	<p>There are increased risks of violence due to drunkenness in and around the venue.</p> <p>Is the relevant licensing authority satisfied that their arrangements for the management of the premises to provide sufficient supervision of the supply of alcohol and prevent drunkenness and disorderly conduct?</p> <p>Disorderly conduct and anti-social behaviour whilst persons intoxicated in a public place where alcohol is introduced.</p> <p>During the pandemic, the serving of alcohol in venues has been prevented. There is no current plan to see this altered.</p> <p>The control of illicit drug taking, such as cannabis smells is commonplace in the town areas, a venue such as this will spread and could contribute to illegal activities.</p> <p>COVID-19 legislation breaches.</p>
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Public safety	Yes	<p>Overcrowding:</p> <p>The site and surrounding area are small and sits within a highly populated residential area.</p> <p>There are no provisions for the management of increased road traffic, extra parking or people management.</p> <p>There will be a severe increase of vehicular traffic resulting in air pollution.</p> <p>Traffic jamming on a road system designed to provide access to the location of St. Mary's island.</p> <p>Human waste contamination/street fouling</p> <p>Public amenities such as sanitation and toilets, in a confined area without enhanced control of public access and social distancing regulations.</p> <p>Fouling by people urinating, vomiting and defecating in the street or at the venue, as well as blood from drink related violence or accidents.</p> <p>Proper and enhanced viral sanitising.</p> <p>Smells</p> <p>Recent news confirming smoke pollution of vehicles with direct links to death through asthma and other breathing difficulties.</p> <p>COVID-19 is a respiratory disease. The government's advice is that homes are well ventilated. This will not be possible for the neighbouring residential homes (less than 500 meters away) due to toxic fumes from vehicles coming to and from the venue. As well as running engines during any performances.</p> <p>Engines of the vehicles left running to allow them to provide heat, air conditioning, lighting etc.</p> <p>Smoking outside of vehicles will also</p>
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		<p>contribute to smells and health issues.</p> <p>Toxic vehicle emissions in a venue where there's no protection for the residential area.</p>
Prevention of public nuisance	Yes	<p>Noise pollution</p> <p>High number vehicles entering or leaving the premises during the night-light hours.</p> <p>Engines of the vehicles left running to allow them to provide heat, air conditioning, lighting etc.</p> <p>The venue is in direct proximity to highly populated residential premises (less than 500 meters) will be directly affected.</p> <p>Noise from inhabitants of vehicles and the production of noise from screenings. Vehicles are not designed to be soundproofed.</p> <p>Noise from in car entertainment systems where occupiers have increased volumes to music/film and entertainment technology projection.</p> <p>Noise from cars containing high powered of bass-enhanced entertainment systems in vehicles.</p> <p>Noise from movement of vehicles in the residential area.</p> <p>Noise from the projection and entertainment system at the venue.</p> <p>Noise from people socialising outside of vehicles or vehicle windows.</p> <p>Noise from rain impact to vehicle metal roofs.</p> <p>Handling of barrels, kegs, cylinders and bottles outside.</p> <p>All these points should be considered as they will affect the local residential buildings.</p> <p>Litter pollution</p> <p>Provision for clearing the area after or before</p>

	<p>events.</p> <p>Is there effective cleaning and sanitation of the area before and after events?</p> <p>Proper waste collection and disposal not least of which is duty of care to ensure any waste is properly contained and controlled. The venue is situated directly next to a shipping docking area and marina. Litter control, including but not limited to plastics need proper control. The Marina and river area are tidal which could pollute the Medway River.</p> <p>Fouling by people urinating, vomiting and defecating in the street or at the venue, as well as blood from drink related violence or accidents.</p> <p>Uncontrolled litter, waste and street management is unsightly and could lead to a negative image of the area and could cause offensive odours, attract rats and insects could also lead to a public health risk. Causing people to slip, trip and injure themselves on broken glass.</p> <p>Takeaway packaging and food dropped by customers; 'wind-blown' waste and litter from refuse areas, the venue area. Discarded and broken bottle and cans, promotional flyers and posters.</p> <p>Light pollution</p> <p>Large number of vehicles entering and leaving the venture during dark and late hours.</p> <p>Protection for the residential premises from light pollution from accessing the venue, screenings, projections and unshielded very high light producing equipment which will <u>directly</u> interfere with the close residential premises and will also cause nuisance and annoyance.</p> <p>Reflected, lighting from other surrounding buildings (residential) will also contribute to the pollution. Tungsten and halogen lighting are a particular cause of concern.</p>
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		<p>Not using properly designed screen, baffles, hoods and louvres on lights to control the light beams.</p> <p>Over-lighting an area which currently is dark for the residential area.</p> <p>Any security lighting to light poorly lit areas will cause nuisance, annoyance, distraction and discomfort to the residential area.</p> <p>High powered projected light and a severe increase of vehicular lights will penetrate directly into people's homes causing distress and poor quality of life where the current burden of people's mental health and wellbeing is being severely and adversely affected and more increased due to the pandemic.</p> <p>Other light pollution to guide traffic to and from the venue.</p> <p>Vehicle noise including horns.</p>
Protection of children from harm	Yes	<p>Exhibition of Films</p> <p>Exhibition of films, license condition requiring the admission of children to the exhibition of any film to be restricted.</p> <p>Due to the nature of the premises as a 'drive thru' – there is potential to breach the Act. How are they ensuring a vehicle has appropriately aged persons or children?</p> <p>Children and Alcohol</p> <p>Is the relevant licensing authority satisfied that their arrangements for the management of the premises to provide sufficient supervision of the supply of alcohol and prevent drunkenness and disorderly conduct? Especially with children present.</p> <p>There is no prevention on visitors, in cars or on foot bringing along their own alcohol with possible intention of supply to children. This is not able to be monitored or controlled as prescribed by law.</p>

		The premises are not able to be secured, allowing children to roam freely without monitoring or control.
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Please suggest any conditions that you think could be added to the licence to remedy your representations or other suggestions you would like the Licensing Sub Committee to take into account		<p>COVID-19</p> <p>Medway is currently in Government's top tier for the prevention of COVID-19. This is designed in part to restrict the activity of social gatherings.</p> <p>There should be no acceptance at this time to issue such license to the 2nd highest area (and rising) infection rate in the country.</p> <p>I object to the license under these reasons until such time that Medway has had its tier revised by the Government and only then if it enters a lower tier or revision of the tier system.</p> <p>Is Medway/Gravesham Borough Council comfortable issuing this license during the COVID-19 pandemic? Preventing or encouraging ANY social gatherings, adhering to social distancing regulations. The prevention of any increase of infections and overburdening care systems.</p> <p>Is Medway/Gravesham Borough Council comfortable issuing this license whilst Medway is in the UK public eye? Causing reputable damage to both the Councils and local area.</p> <p>Is Medway/Gravesham Borough Council completely comfortable having its reputation damaged due to poor decision making at this time.</p> <p>Highly populated residential property and occupants were <u>not consulted</u> with this licensing proposal despite living less than 500 meters away from the proposed site.</p> <p>Any technology-based systems such as the use of WiFi, Bluetooth or radio signals could cause damage and interruption to the residential buildings and surrounding area.</p>
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SIGNED: Lee Richardson

DATED: 10th December 2020

NOTES

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