



**Kent  
Police**

**Extracts from the**  
**Kent Police Cumulative**  
**Impact Assessment**

## **Evidence to support continued application of the CIP**

Current legislation allows the police to deal with individual licensed premises which may be poorly managed or be acting irresponsibly, but it does not allow police to deal with the wider issue of having so many licensed premises in close proximity. The analytical product contained within this report clearly demonstrates a pattern of crime and disorder in the defined areas and supports the continued need for a CIP to address this issue.

The police evidence shows that despite active action to address alcohol related issues, alcohol related crime, disorder and public nuisance continues at unacceptably high levels in the following areas:

Rochester High Street and surrounding area.

Chatham High Street and surrounding area.

Gillingham High Street and surrounding area.

Luton Road and surrounding area.

Kent Police still believe that the number of off licence premises in the geographical areas of Chatham, Gillingham, Rochester and Luton (as defined in the maps with the current CIP) continue to generate high levels of alcohol related crime and disorder, ASB and nuisance in the streets and is of the opinion that the granting of further off licences in these areas would likely undermine the licensing objectives and likely lead to an increase in the current issues reported.

Data provided by the Licensing Department at Medway council shows that at the time of writing there are a total of 800 licensed premises in the Medway Towns. These licensed premises have been categorised as follows:

278 Off Licences

127 Public Houses

184 Restaurants/Takeaways

160 Other

51 Club Premises Certificates

If a direct comparison is made to data provided by Medway Council Licensing department in 2016 (as detailed in the previous CIA), it can be seen that the total number of licensed premises has decreased from 848 to 800. Although this is a significant reduction of around 6%, it is notably that that off licence numbers remain almost identical at 280 and 278 in 2016 and 2021 respectively. The single largest premises type in Medway is off licences (as is was in the previous CIA report). This equates to 35% of licensed premises in Medway being that of an off licence.

There are clusters of off licence premises within all the specified geographical areas of Gillingham Chatham, Rochester and Luton.

As previously stated, resources allocated by Kent Police to town centres have increased from 4 to 17 officers. The statements provided by officers of the Town Centre Team fully detail how despite continued efforts, instances of alcohol fuelled nuisance and crime continue to regularly occur in and around the High Streets of Chatham, Rochester and Gillingham. There is a common belief amongst the Town Centre Team evidenced through these statements that a disproportionate amount of their time is already spent dealing with alcohol related issues and that additional off licences operating in these town centres would pose a real risk of an increase in alcohol related crimes. Additionally, these statements highlight persistent comments of concern from other members of the public (including children) and local businesses with regards to people suffering from alcohol dependency congregating in the town centres (often to make use of the close proximity of off licence premises). The result of this is nuisance and ASB that leads to an unpleasant atmosphere for others to attend and utilise the shops and facilities present within the towns. These statements are in annexes 1-15 of this report.

### Impact of the CIP over the past 3 years

As evidenced in the statement of PC 11044 Hunt (annex 16), the North Division Licensing Team have identified a *'general improvement in the quality of proposed operating schedules within the premises licence applications.'* This appears to have occurred since the implementation of the CIP and the publication of the accompanying CIA in 2018. It is believed that the existence of the CIP and CIA has encouraged applicants to consider, in far more detail, the specific issues experienced in geographical areas and the impact proposed applications will have on the licensing objectives. The section 182 guidance within the Licensing Act 2003, subsection 8.43 states *"applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measure they will take to mitigate the impact; and why they consider the application should be an exception to the policy."* It is felt that the current CIP has led to applicants striving to adhere to this guidance in a more thorough manner than prior to its implementation. Although it is accepted this alone is not justification for the continuation of the policy, it has been an unexpected benefit of the policy and is seen as a positive step and greatly welcomed by Kent Police.

According to data provided by Medway Council Licensing Department 70 licence applications for new premises have been submitted since the implementation of the CIP in 2018. These applications can be broken down geographically as follow:

Applications for premises within the CIP area = 33

In the SAP areas =2

Other area not covered by the policy = 35

Medway Council Licensing department have also provided outcomes for those 70 premises licence applications as can be seen below:

Granted = 51 (73%)

Withdrawn = 6 (9%)

Refused = 10 (14%)

Current application still ongoing = 3 (4%)

From the 33 applications submitted for premises licences located within a CIP area: the outcomes of these applications can be seen below:

Granted = 19 (58%)

Withdrawn = 4 (12%)

Refused = 9 (27%)

Current application still ongoing = 1 (3%)

The above data, in the opinion of Kent Police, highlights two important factors. The first being that Kent Police and the Licensing Authority have continued to assess and deal with premises applications on a 'case by case' basis, giving due regard to the potential impact of the proposed application to the licensing objectives. This has led to 51 new businesses being granted a premises licence in this 3-year period, which equates to 73% of all new applications across Medway being granted. This suggests that the CIP has not been a barrier to new premises licence applications being received and that those applications, that have demonstrated sufficiently that the licensing objectives will be promoted, have been encouraged to progress.

In the view of Kent Police this demonstrates a compliance with the guidance issued under section 182 of the licensing Act 2003, subsection 14:40, which states; *"The CIA does not, however, change the fundamental way*

*that licensing decisions are made. It is therefore open to the licensing authority to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact."*

The second factor, highlighted by this data, is that the percentage of applications that are either refused or withdrawn, have increased when the application is for a venue located within a CIP area. Only 10 applications for a new premises licence have been refused across Medway with 9 of these refusals occurring in an area covered by the CIP. It is fair to say that the vast majority of applications that have been refused are those that intend to operate as an off licence. When it is believed by Kent Police that a new premise would add significantly to the problems in a defined area, they have relied upon the data in CIA, alongside additional evidence specifically relevant to that individual application to make opposing representations. Kent Police are of the opinion that the current CIP has assisted the Licensing Authority in refusing applications, that if granted, would have led to greater levels of alcohol crime and harm.

#### **Amendments to currently published CIA:**

The current Cumulative Impact Policy adopted into Medway Councils Statement of Licensing Policy details that the type of premises that fall within the ambit of the policy are off licences in all areas as already defined by the policy. In addition to this, on sales premises such as pubs, bars and clubs within the areas of Chatham, Gillingham, Rochester and the defined stress areas are also subject to the CIP.

On review of the new evidential data and officer statements contained within this CIA report, Kent Police do not consider the evidence is sufficient to justify the continued application of the cumulative impact policy in relation to new on sale premises.

The Section 182 guidance issued as part of the Licensing Act 2003, in subsection 14:36 states: *"It will be important for any evidence included in the revised CIA to be robust and relevant to the current problems described. This is likely to involve the collation of fresh or updated evidence of the kind described in the above section on evidence of cumulative impact. The licensing authority must also at this stage publish any other material change to the assessment. For example, if the types of premises or area described in the assessment have changed due to a shift in the nature of the problems being experienced or where there is evidence of the emergence of a new type of problem."*

The impact of Covid-19 on the licenced trade, especially those operating bars, pubs and clubs has been considerable. These premises have been operating under varying levels of restrictions since March 2020. These restrictions have included but are not limited to; limiting capacity numbers, reduced operating hours, ensuring customers remain seated and being unable to provide an on-sale service. These restrictions are still ongoing at the time of writing and it would be fair to say that the longer-term impact on the industry as a whole will not be fully known for some time yet. Due to these restrictions any crime data for the year of 2020 and evidence provided relating to alcohol fuelled ASB and nuisance, would likely not be reflective of either experienced problems and hot spots or indeed potential future issues or risks that need tackling.

The North Division Licensing Team are always fully consulted and continue to scrutinise any new licence applications or licence variations that are submitted. The data already provided around the number of applications submitted and granted in Medway shows that 19 new premises licences have been granted in the last 3 years out of the 33 applications submitted for venues within the CIP areas. Many of these newly granted premises licences have been for on-sale premises such as restaurants, cafes and bars. This shows that the licensing team on behalf of Kent Police are being objective in assessing the effect that these new premises, located within the CIP areas, will have on the licensing objective and cumulative impact of alcohol related harm and/or crime in those areas as a whole. It is believed, on a relatively high percentage of occasions, that despite the body of evidence in existence within the current CIA, that supporting these applications did not negatively affect the licensing objectives.

## **Conclusions and recommendations:**

This report shows that there are geographical areas within Medway, which have a high concentration of licensed premises, that suffer from alcohol related crime and harm. There is evidence that these crimes and harms are caused (at least in part) by the customers of the licensed premises in these areas.

The section 182 guidance from within the Licensing Act 2003 states in subsection 14:39; *“When publishing a CIA a licensing authority is required to set out evidence of problems that are being caused or exacerbated by the cumulative impact of licensed premises in the area described. The evidence is used to justify the statement in the CIA that it is likely that granting further premises licences and/or club premises certificates in that area (limited to a kind described in the assessment), would be inconsistent with the authority’s duty to promote the licensing objectives.”*

The police evidence shows that despite active action to address alcohol related issues - alcohol related crime, disorder and public nuisance continues at unacceptably high levels in the following areas:

**Rochester High Street and surrounding area** as already defined in the CIP embedded in Medway Councils statement of licensing policy.

**Chatham High Street and surrounding area** as already defined in the CIP embedded in Medway Councils statement of licensing policy.

**Gillingham High Street and surrounding area** as already defined in the CIP embedded in Medway Councils statement of licensing policy.

**Luton Road, Chatham and surrounding area** as already defined in the CIP embedded in Medway Councils statement of licensing policy.

**Kent Police request that these areas remain subject to a CIP in relation to off sale premises only.**

Note: Kent Police are not seeking any amendments at this time to the geographical areas already defined in the CIP.

On review of the new evidential data and officer statements contained within this CIA report, Kent Police do not consider the evidence is sufficient to justify the continued application of the cumulative impact policy in relation to new on-sale premises for geographical locations listed above.

In addition, the evidence shows there are alcohol related issues in the Strood Town Centre area, although not to such a high level as those locations listed above. This area has a concentration of licensed premises particularly off licences and is within easy walk of Rochester High Street. There are concerns that alcohol purchased in this area can be easily taken for consumption within the designated CIP areas and subsequently add to the ongoing alcohol related problems experienced. As such Kent Police request that **Strood Town Centre** (as already defined in the CIP embedded in the Medway Council Statement of Licensing Policy) remain as a ‘stress area’ for CIP in relation to off sale premises.