



Kent Police

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	Superintendent Neil Loudon
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
	Ian Picket 01634 792733
	Andre Smuts 01634 792733
	Dan Hunt 01634 792388
Details of premises representation is about	
Name of Premises:	Pizza takeaway, as yet to be named.
Address of premises:	44A Luton Road Chatham Kent Police ME4 5AB
Date application received by police	1 st November 2021
Date representation sent to Licensing Authority	22 nd November 2021
<p>All representations must be made within 28 days of receipt of initial application</p> <p>The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005. Part 4 Reg. 22.</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	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:

The application is for:

Sale of Alcohol, Monday – Sunday 07:00 to 23:00

The application details the intention to conduct an off sales, alcohol delivery service situated at 44A Luton Road, Chatham.

This area comprises of commercial premises, including several licensed premises, with a high concentration of residential addresses on either side of the road and in the immediate surrounding area.

This location falls within the Luton Road and Chatham Central Cumulative Impact Policy (CIP), an area identified by the Licensing Authority and Kent Police as accounting for a high percentage of the area's crime, public nuisance, and disorder.

This area of Medway has proved to be contributory towards a number of alcohol fuelled/induced crimes including criminal damage and more prevalently and concerningly: domestic violence and violence towards women and vulnerable persons. A common factor during the perpetration of these crimes has been documented and evidenced to include the consumption of alcohol. The availability of alcohol being delivered to recipients, especially within this CIP area would only prove to exacerbate violent crimes. In accordance with current legislation, applicants are expected to undertake their own enquiries and demonstrate knowledge of the area when describing the steps they propose to take to promote the licensing objectives, in support of the application.

Applicants are (in particular) expected to obtain sufficient information to enable them to demonstrate an understanding of the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises, any risk posed to the local area by the applicants' proposed licensable activities and any local initiatives which may help to mitigate potential risks.

It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. Applicants must consider all factors which may be relevant to the promotion of these objectives, and where there are no known concerns, acknowledge this in their application.

Within the application, no evidence, nor acknowledgement to the contrary has been presented to demonstrate what research about this area, nor location has been conducted to assist the application. This prompts questions as to whether the applicant, having seemingly not given enough consideration in submitting a bespoke application by not following the guidance, would be responsible enough in the management of the variation and subsequent promotion of the licensing objectives.

The Authority, considering applications for premises within a CIP area are directed towards Policy 17 of the Statement of Licensing Policy. This outlines the expectation as to how the applicant plans to demonstrate how their licensable activities would not negatively impact on the licensing objectives. It is noted that there is no such explanation within the application.

There is an assumption of refusal element to any decision-making process if there are not "exceptional circumstances" demonstrated by the applicant.

It is the opinion of Kent Police that the application has not sufficiently demonstrated what circumstances make it exceptional and how the activity would not adversely affect the licensing objectives. This, along with the inevitable result of there being an increase in violent crime and a lack of research conducted in support of the application it is sought that the Licensing Committee takes the view that the application will be refused.

PC 11250 Andre Smuts

Supt. Neil Loudon
North Division Area Commander

Date: 22 November 2021

LICENSING ACT 2003 – APPLICATION FOR A NEW PREMISES LICENCE APPLICATION

Name and address of premises
44a, Luton Road, Chatham, Kent. ME4 5AB

The Director of Public Health is making representations concerning the grant of this premises licence under the following licensing objectives

- The prevention of crime and disorder
- The prevention of public nuisance

General comments

These premises are situated on Luton Road, which is a busy through route between residential areas. Luton is in a predominately residential area, with some local shops and takeaway premises along the road.

The Luton Cumulative Impact Policy (CIP) covers this area due to the high and unacceptable levels of crime and public nuisance in the immediate and surrounding area, which the Authority has identified. It also abuts the Chatham High St CIP, which reinforces the concerns the council has for alcohol related crime and disorder in the more general area.

The Prevention of Crime and Disorder

The police provided evidence, to support the CIP, of alcohol related crime in this area which relates primarily to domestic abuse and criminal damage. This area is identified as a hot spot in Medway for these types of alcohol related crime. Reports of domestic abuse are still high in and around Luton Road. There is extensive evidence linking alcohol consumption, particularly at harmful or hazardous levels, with domestic abuse. Evidence shows alcohol use increases the incidence and levels of domestic abuse. There is also evidence which links the density of alcohol outlets with the rate of domestic abuse in an area, particularly the density of off licences.

While Public Health acknowledges the application states that 'no customers will be permitted to purchase or collect alcohol at the premises' there is no explanation of how the sale of alcohol will not add to the already concerning levels of domestic abuse or anti-social behaviour.

People drink at home, which is where the majority of domestic abuse is likely to occur, and simply by restricting sales to a 'remote' model, where alcohol is delivered rather than sold from the shop, does not mitigate the issue of alcohol related domestic abuse, as, presumably the majority of the alcohol will be delivered to customers homes.

The Prevention of Public Nuisance

Public Health have the same concerns described above regarding alcohol related public nuisance, which has not been addressed in any meaningful way in the operating schedule. The relevant section describes a notice asking customers to keep the noise to a minimum when leaving the shop, which is hardly applicable as the alcohol is not going to be sold to customers at the shop.

There is extensive evidence of public drinking in and around Luton Road in the form of alcohol related litter and reports of public drinking with associated nuisance and anti-social behaviour, such as public urination and defecation, to public health officers by members of the community.

Summary

Luton Road 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.

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, and Public Health are not sure that even this expectation has been met.

The applicant has asked for this licence to be granted as the business will be offering alcohol only by way of telephone or internet orders. This does not explain how the sale of alcohol from this premises will not adversely affect the licensing objectives in such a way that the alcohol harms in Luton and Chatham are not increased.

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 and public nuisance in this area, which are current and ongoing. The Licensing Committee is therefore asked to refuse the application.

James Williams

Date 16th November 2021

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



Arches Local
Unit 71a (1st Floor)
Pentagon Shopping
Centre, Chatham,
ME4 4HY.

18th November 2021

LICENSING ACT 2003 – APPLICATION FOR A NEW PREMISES LICENCE APPLICATION

Name and address of premises

44a, Luton Road, Chatham, Kent. ME4 5AB

Arches Local a resident led community group is making representations concerning the grant of this premises licence under the following licensing objectives

- The prevention of crime and disorder
- The prevention of public nuisance

This premises is located within the 'The Luton Cumulative Impact Policy' (CIP). Its aims include trying to balance the interests of local businesses with that of residents in terms of alcohol related harm.

Given the issues present relating to alcohol misuse in our area, which clearly would be in the catchment area for orders and in and around the premises. We fail to see in the application how this additional method via phone or internet of supplying alcohol will mitigate or alternatively not make worse issues we are experiencing locally relating to the misuse of alcohol.

Most notably these issues would include domestic abuse, drunkenness leading to anti-social behaviour within the home or spilling out into the wider neighbourhood and the potential of children getting hold of alcohol.

Research typically finds that between 25% and 50% of those who perpetrate domestic abuse have been drinking at the time of assault, although in some studies the figure is as high as 70%. Evidence also shows domestic violence has a devastating impact on children and young people that can last into adulthood.

There is also a strong link between alcohol and violent crime. The latest figures from the Crime Survey for England and Wales (CSEW) 2019 indicate victims of crime believed the perpetrator(s) to be under the influence of alcohol in 39% of 561,000 violent incidents (218,790) for the year 2017/18.

Though it has been stipulated that alcohol will not be sold directly from the premises many of these incidents of violence and domestic abuse take place within the home. To add with the recent lockdown due to Covid 19 and the possibility not being ruled out that we could be in lockdown in the future. There is even more concern due to the evidence suggesting people are consuming more alcohol at home.

This application does not make clear how increasing locally the convenience of sourcing and consuming alcohol particularly at home will not lead to an increase in alcohol related crime. We know from the many conversations that we have locally, whether in the playgrounds of our schools, on our pavements or at the many activities we run, that misuse of alcohol is directly linked to incidents of domestic abuse and violent crime.

Sadly, it is a blight that continue to devastate parts of our community in particular young children. These are some of the key reasons why the CIP was put in place in our area firstly. We are confident of a better future as we have seen the CIP better control our environment and hope that it continues to serve it purpose of reducing the impact of alcohol related harm in the area.

Policy 17 from the Statement of Licensing Policy 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 being;

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

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 and should be considered normal practice. We believe 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.

Consequently, we would not be supportive of this application and would ask for The Licensing Committee to therefore refuse the application.



Stephen Perez

Arches Local "Big Local" Coordinator

Mob: 07572 862 336

