



# 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)

| <b>Details of person making representation</b>  |  |
|---|--|
| <b>Name of Chief Officer of Police</b>  | Chief Superintendent Loudon  |
| <b>Postal Address:<br/>(Divisional Headquarters)</b>  | Medway Police Station<br>Purser Way<br>Gillingham<br>Kent<br>ME7 1NE |
| <b>E-mail address</b>   | licensing.north.division@kent.police.uk                              |
| <b>Telephone Numbers:</b>   |  |
| <b>Licensing Co-ordinator</b>   | Geoff Rowley 01634 792733  |
| <b>Licensing Officers</b>   | Chris Hill 01634 792276  |
|   | Daniel Hunt 01634 792388   |
|   | Ian Pickett 01634 792411   |
|   |  |
| <b>Details of premises representation is about</b>  |  |
| <b>Name of Premises:</b>  | Griller  |
| <b>Address of premises:</b>   | 7 Canterbury Street<br>Gillingham<br>Kent<br>ME7 5PT                 |
| <b>Date application received by police</b>  | 15 <sup>th</sup> November 2021                                       |
| <b>Date representation sent to Licensing Authority</b>  | 12 <sup>th</sup> December 2021                                       |
| All representations must be made within 28 days of receipt of initial application<br><i>The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005. Part 4 Reg. 22.</i> |  |

**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 | x |

**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 an application for a new premises licence at a venue understood to be a restaurant / takeaway located in Gillingham town centre. If granted this premises would be authorised to conduct the provision of late-night refreshment until 01:00 on new year eve and also the on sale of alcohol daily from 12:00 to 23:00 and until 01:00 on new year eve.

The premises are located at 7 Canterbury Street in Gillingham, very near to the junction of High Street in an area made up with many retail outlets, takeaways, restaurants and off licenced premises. The immediate area also consists of a number of residential properties.

The applicant has provided some level of information within their proposed operating schedule and has provided information during further communication however clarification is sought in some areas.

Within the application document the premises are described as being a Peri Peri Chicken restaurant. The attached premises licence plan shows a tabled seating area for dining located towards the front of the store on the customer side of the counter near to the main entrance doors of the premises. Whilst the premise does have a small dining area, it is understood that the premises is likely to conduct a number of meals for takeaway or home delivery. It is important to note that the seating area located towards the front of the premises (an area that many would assume to be the restaurant) is not the area intended to be licenced. The plan shows that the area to be licenced is a room located to the rear of the premises entitled "Shisha Lounge". The plan would suggest that there is no dedicated seating or tabled area within this space. (It is appreciated that shisha is not a licensable activity under the licensing act).

Via telephone conversation, the applicant has advised there is no intention to sell or consume alcohol in the restaurant area to the front of the premises. The intention is to only sell alcohol within the shisha lounge. The applicant has further advised that sale of alcohol need not be in conjunction with the purchase of a meal and the intention is for persons to be able to consume alcohol whilst enjoying shisha away from the restaurant area.

Whilst there may have been no intention to do so, the application appears somewhat misleading in that it would appear the intention is to operate as a bar and shisha lounge, not as a Peri Peri chicken restaurant as described. Kent Police are concerned therefore that the nature of the business being licenced is somewhat different to first thought. In recent communication with the applicant Kent Police suggested that the premises consider a condition by which alcohol would only be available in conjunction with the purchase of a substantial meal thus bringing the application more in line with a restaurant style business making dining the main activity for customers, but the applicant was opposed to this suggestion. Kent Police are concerned that the proposed operating schedule is not reflective of the premises operating as a bar and at this stage Kent Police have concerns that the proposed conditions are insufficient and do not fully promote the licensing objectives.

Gillingham High Street and the immediate area falls within the Medway Cumulative impact Policy Area (CIP) as published within the Medway Council Statement of Licensing Policy. Whilst many of the problems contributing and associated to the CIP relate to off-licenced style premises, the Medway Council statement licensing of policy suggests that the key aim in Gillingham is to expand the leisure offer, proving premises that are attractive to all age groups suggesting premises such as:

- Restaurants and cafés, with an emphasis on good quality, family friendly venues
- Community and arts venues
- Venues which complement and enhance Medway's heritage
- Premises where the sale of alcohol is ancillary to the main business

### **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.

### **Kent Police are opposed to this application in its current format, but seek the addition of the following conditions should the premises licence be granted:**

Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.

The licence holder and/or designated premises supervisor shall ensure that at least one personal licence holder is available on the premises.

CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition, and which must comply with the following requirements:

- a. Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.
- b. Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept on the hard drive and kept for a period of 31 days and handed to Police upon reasonable request.
- c. The premises licence holder must ensure at all times that the DPS or an appointed member of staff is capable and competent at downloading CCTV footage in a recordable format and available to provide the same to the Police and/or Local Authority upon reasonable request.
- d. In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to the Police Licensing Officer within 24 hours unless the CCTV will be repaired before that time ([licensing.north.division@kent.police.uk](mailto:licensing.north.division@kent.police.uk))

The premises licence holder or designated premises supervisor must keep an incident register. Staff must be trained to complete the register immediately after the incident but no later than the end of their shift. The register must be kept on the premises and will detail:

- a. Day, date and time of incident
- b. Nature of incident
- c. Resolution
- d. Each entry is to be checked and signed by the DPS/Licensee no later than 1 week after the entry has been made.

The register must be made available to Police, Police Licensing Officers and authorised officers from the Local Authority either electronically or hard copy upon request.

The premises must have written a drugs policy which is to be made available to police or other authorised officer upon reasonable request.

All persons that sell or supply alcohol to customers must have licensing training.

- a. Training should take place within six weeks of employment and any new employees will be supervised until the training has taken place.
- b. Refresher training must be repeated a minimum of every six months or earlier if required due to changes of legislation.
- c. Training records must be kept on the premises and shall contain the nature, content and frequency of all training.
- d. Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from the Local Authority upon request either electronically or hard copy.

When any sale of alcohol is made for consumption on the premises, the following will apply:

Customers are seated at a table, with a substantial table meal.

Alcohol must not be sold, supplied, or consumed on the premises otherwise than to persons who are partaking of a table meal, and is ancillary to the table meal.

PC Dan Hunt 11044  
PP.Ch. Supt Loudon  
**North Division Area Commander**

**Date:** 12 December 2021.