



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	A/Chief Supt. Neil Loudon
Postal Address: (Divisional Headquarters)	Medway Police Station Purser Way Gillingham Kent ME7 1NE
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Telephone Numbers:	
Licensing Co-ordinator	Geoff Rowley 01634 792733
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	Dan Hunt 01634 792388
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Details of premises representation is about	
Name of Premises:	63 – 65 High Street, Gillingham.
Address of premises:	63 – 65 High Street Gillingham Kent ME7 1BY
Date application received by police	30 November 2021
Date representation sent to Licensing Authority	
<p>All representations must be made within 28 days of receipt of initial application</p> <p><i>The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005. Part 4 Reg. 22.</i></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	X

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

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

The application is for:

Sale of Alcohol by retail:

Monday – Sunday 0530 – 2200.

Having considered this application, Kent Police make objections and request that a premises licence is not granted. Kent Police submit the following information to support our objections:

The premises is situated at 63 – 65 High Street, Gillingham which is near the busy junction with Canterbury Street. It forms part of a row of retail premises with residential properties above the shops. This configuration is mirrored on the opposite side of the high street. This is a new Premises Licence application in relation to what is currently an unlicensed and newly refurbished shop. The premises is located within the Gillingham High Street Cumulative Impact Policy (CIP) area. There are a significant number of retail outlets within the town centre, many of which already sell alcohol on an off-sale basis. This High Street is pedestrianised frequented by families, including children.

Gillingham High Street currently forms part of a Cumulative Impact Policy Area (CIP) and the area suffers with a high volume of alcohol related crime, disorder, and public nuisance. It is also covered by a Public Space Protection Order (PSPO), commonly known as an Alcohol Control Zones. A particular issue in this area relates to antisocial behaviour and street drinking. A street drinker can be defined as the following:

"A person who drinks heavily in public places and, at least in the short term, is unable or unwilling to control or stop their drinking, has a history of alcohol misuse and often drinks in groups for companionship (Lamb, 1995). People who are street drinkers are likely to be at increased risk of causing harm to themselves or others and may be involved in antisocial behaviour such as begging, or rowdy drunken behaviour that can be intimidating or even violent".

Specifically, this area of Gillingham High Street is well known amongst officers from Kent Police town centre policing team as facilitating a proportionally high percentage of the street drinkers within this CIP area. Street drinkers are often located consuming alcohol on the public benches outside of St Marks Church at the junction of High Street with Canterbury Street and on the benches directly outside of a premises linked to this application, Baba Food and Wine at 73 High Street Gillingham. Having liaised with my colleagues on the town centre policing team I am informed that the public nuisance of street drinkers drinking outside of Baba's Food and Wine is ongoing. Having spoken to PC Elliot, a Gillingham High Street officer on Friday 16th December 2021 she informed me that she and other officers seize alcohol off of the local street drinkers approximately twice a week on a continual basis directly outside of this premises.

This application has been brought to the attention of officers from the town centre policing team and the Community Safety Unit at Medway Police Station who are in support of the view that this application should be refused. Tackling street drinking and antisocial behaviour in this area remains a priority.

Having spoken to the applicant on several occasions he assured me that his existing premises at 73 High Street (Baba's Food and Wine), was to retain its 24 hour off license and the new premises was being refurbished to only open as a butchers, bakers and delicatessen style shop. He informed me that 63-65 High Street would not apply to sell alcohol. This would have been a missed opportunity for the applicants to have discussed this application with a responsible authority.

It appears the applicant has failed to acknowledge the existence of the CIP. (Details of the CIP are readily available within the Medway Council Statement of Licensing Policy, a document easily and readily available online). It also appears that the applicant has failed to identify or to address how it will assist in dealing with issues such as street drinking or to the other issues identified within the CIP. For example, there is no mention within the application for considerations such as the selling of only low strength beers (under 5.5%) with no single bottle or can sales, a clear glazing policy, alcohol sales being ancillary to a significant purchase of groceries etc.

Kent Police are concerned that the granting of another off-licence in this immediate area, an area that is already populated by many licenced premises, would make alcohol even more widely available and is likely to attract further street drinkers and antisocial behaviour resulting in issues worsening and becoming a greater problem. The selling of alcohol to street drinkers would be considered a failure to promote the licensing objectives of preventing crime and disorder and preventing public nuisance.

Due to the existence of the CIP, it is the understanding of Kent Police that there is a rebuttable presumption of refusal of the application by the Authority in all but exceptional circumstances, unless the applicant can demonstrate that the premises would not adversely affect the licensing objectives. Sadly, Kent Police do not believe the proposed conditions offered by the applicant demonstrate exceptional circumstances. Kent Police are of the opinion that there are no meaningful conditions that can be added to this licence that will ensure that the four licensing objectives are being fully promoted and would ensure that the issues already experienced within this CIP area would not increase.

1) *Prevention of Crime and Disorder*

High Street Gillingham is a high priority area for Kent Police due to the levels of both crime and anti-social behaviour. The applicant has made no mention of localised, geographical crime issues in this area. High Street Gillingham suffers greatly with 'Street Drinkers'. Street Drinkers are persons who tend to be alcohol dependant and will drink alcohol in public. Street drinking and associated antisocial behaviour can impact on people's perception of the physical environment and more importantly their quality of life and safety. Groups of drinkers can sometimes be intimidating and stop people using public spaces or facilities and live in fear of crime. There are multiple locations near to this premises that street drinkers already congregate and consume alcohol.

2) *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.

The proposal of another off-licence in this area are likely to add to the issues already mentioned above.

3) *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. Those that engage in antisocial behaviour and crime brought about by excessive uncontrolled consumption of alcohol are a public nuisance.

4) *Protection of Children from harm*

The protection of children from harm includes protection from moral, psychological and physical harm; therefore this objective does not imply the protecting the children from the inherent harms of alcohol alone.

Kent Police respectfully request that this application be refused.

PC 11250 Smuts

PP. A/Chief Supt. Neil Loudon
North Division Area Commander

Date: