

LICENSING ACT 2003 – GRANT OF A PREMISES LICENCE APPLICATION

<u>Name and address of premises</u>
--

Baba Food, 63 – 65, High St, Gillingham. ME7 1BJ

The Director of Public Health is making representations concerning an application for the grant of the above premises licence. The representations are made against the following licensing objectives:

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

General comments

This premises is in Gillingham High St, a busy pedestrian shopping area consisting of a mix of businesses and shops, including those selling alcohol. The shop is a very short walk from one of the most densely populated and most deprived residential areas of Medway in Gillingham North and South wards.

This premises is located within the Gillingham cumulative impact policy (CIP) area which covers Gillingham High St and the surrounding area. The evidence accepted by the Authority to support the CIP is relevant to this application. There is strong evidence of high levels of alcohol related crime, disorder and public nuisance associated with a density of off licensed premises in the Gillingham CIP area.

The prevention of crime and disorder

The police provided evidence of alcohol related crime in this area. This relates primarily to anti-social behaviour, domestic abuse, assault, public order, and criminal damage. This area has been identified as a hot spot for a range of alcohol related crime. This is evidenced by the high arrest levels for drunk and disorderly and associated public order offences. The community safety unit has identified a significant problem with the availability of alcohol in this area which appears to be related to alcohol related crime and has recently undertaken a

consultation to renew the control of public drinking in the area by way of a Public Spaces Protection Order.

The prevention of public nuisance

There is a general problem in the High Street area with street drinking, intimidating and anti-social behaviour and associated litter, with discarded cans and bottles in alleyways and public areas.

A member of public health staff has attended this area on several occasions since June of this year and there is ongoing evidence of alcohol related street drinking and associated litter in the CIP area. This litter consists of bottles and cans of beer and cider, both 'super strength' and regular strength, and bottles of spirits. Areas where the litter were found were alleyways off Balmoral Road/Duncan Road area, Balmoral Gardens, alleyways off Fox St, communal gardens to the flats in Jeffery Street, in the flower beds around St Mark's church, which is adjacent to the premises, and in the car parks and alleyways off Green St. However discarded bottles and cans can be seen all over the area. Examples of the type of litter in areas closest to the premises have been included in Annex 1. The photographs show much of the litter consists of single cans and bottles but taken in totality there is a large quantity of it in the area. Over the period of time the evidence was collected the litter is ongoing and consistent in the areas shown.

People engaging in public drinking has been witnessed in Green St, Balmoral Gardens, Jeffery Street, and on the benches by St Mark's Church, which tallies with the alcohol litter. There was a strong smell of urine and evidence of public defecation in the flower bed bordering St Mark's Church in Canterbury St, the alleyways leading off Balmoral Road and in a doorway in an alleyway between Green Street and the bridge to Balmoral Gardens.

Summary

Gillingham High Street and the surrounding area has unacceptable levels of alcohol related issues, including crime, domestic abuse and public nuisance associated with a high density of off licences. These problems are current, ongoing, and still of concern in this area.

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.

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

James Williams

Date 22nd December 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