



Director of Public Health
Public Health Directorate
Medway Council,
Gun Wharf,
Dock Road,
Chatham, Kent. ME4 4TR
6th April 2022

LICENSING ACT 2003 – GRANT OF A PREMISES LICENCE APPLICATION

Name and address of premises

Spar, 124, High St, Gillingham. ME7 1AU

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 some 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. 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 arrest levels for drunk and disorderly and associated public order offences.

The community safety unit has identified a significant problem with the use of alcohol in this area which appears to be related to alcohol related crime and public drinking in the area and has resulted in a Public Spaces Protection Order to control public drinking.

The prevention of public nuisance

There is a general problem in the area with street drinking, intimidating and anti-social behaviour and associated litter, with discarded cans and bottles, broken glass and evidence of public urination and defecation in alleyways and public areas.

A member of public health staff has attended this area on several occasions since June 2021 up to March 2022 and there is ongoing evidence of alcohol related street drinking and associated litter in and around the High Street. This consists of bottles and cans of beer and cider, both 'super strength' and regular strength, and bottles of spirits and wine, as well as plastic and cardboard wrappings, bottle tops and other associated litter. Areas where the litter was found in particular concentrations were

- alleyways off Balmoral Road/Duncan Road area,
- Balmoral Gardens,
- alleyways off Fox St,
- along Jeffery Street, but particularly in the communal gardens to the flats in Jeffery Street at its junction with Skinner Street, and by the public car park,
- in the flower beds around St Mark's church and
- in the car parks and alleyways off Green St.

However discarded bottles and cans can be seen everywhere thrown into the gutter, gardens and on footpaths. Examples of the type of litter in areas closest to the premises have been included in Annex 1. Over the period of time the evidence was collected the litter was ongoing and consistent.

People engaging in public drinking have been witnessed in

- The High Street,
- Green Street,
- Balmoral Gardens,
- Jeffery Street, and
- on the benches by St Mark's Church, which tallies with the alcohol litter,

with the most recent examples on 22nd March 2022, when, within the space of 10 minutes, 4 separate incidents of public drinking were witnessed in Balmoral Gardens and the High Street, and all within a 2 to 3 minute walk of this premises.

There has been 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 Green Street and the bridge to Balmoral Gardens, again all areas where there is evidence of public drinking.

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 licensed premises, particularly 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 application does not mention the cumulative impact policy, nor does it show any understanding of the issues set out in the policy that are particular to this area, or how the applicant intends to ensure the sale of alcohol will not add to these issues. The application would appear to have 'copied and paste' as there are several comments that are more applicable to an public house operation, such as '*cl vigilance in preventing the use and sale of illegal drugs on the premises*', which would not normally be associated with a shop. None of the measures contained within the operating schedule would ensure that alcohol sold from the premises will not add to the issues detailed above. The measures are no more than could be expected from a well-managed and run premises and this application is not 'exceptional' as required in the Statement of Licensing Policy.

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 6th April 2022

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:

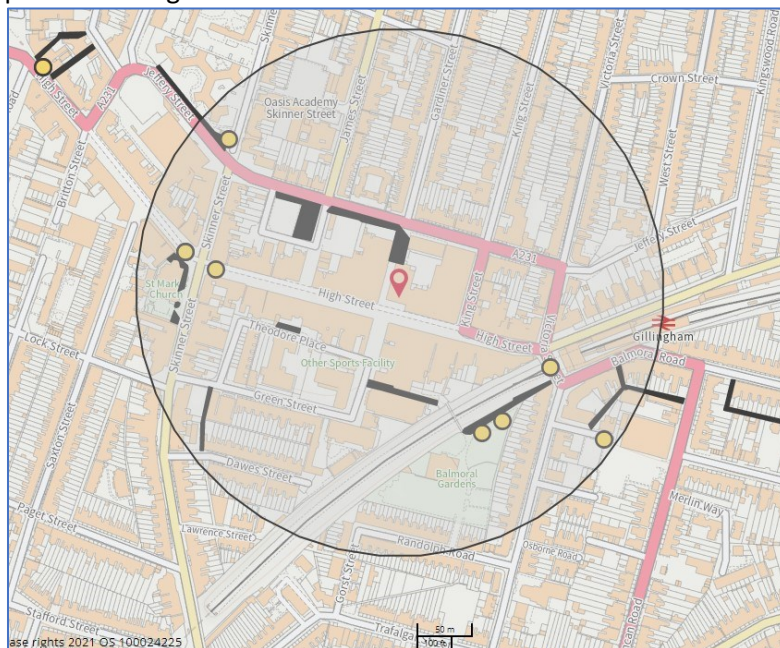
Tel: 01634 332637:

E mail: barbara.murray@medway.gov.uk

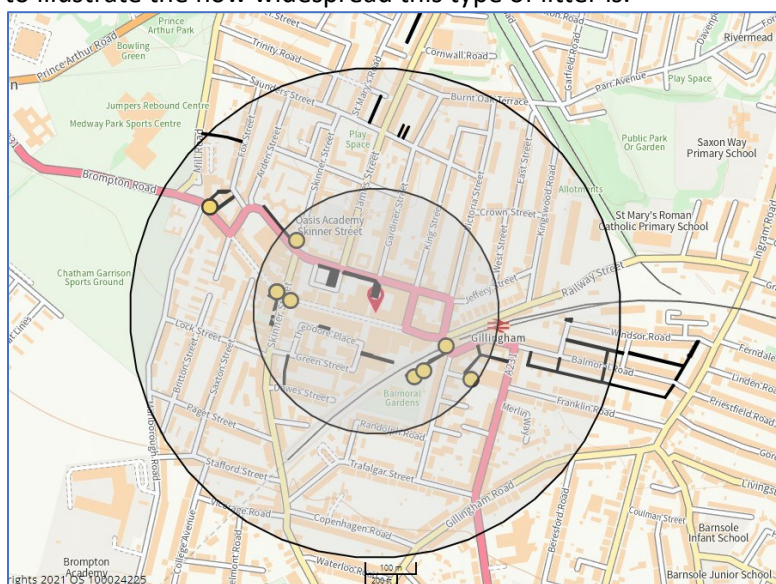
Annex 1

Examples of alcohol related litter in and around the Gillingham CIP area between June 2021 and March 2022.

The map below shows the location of the premises. The circle is a 250 m radius from the premises, or a 2 to 3 minute walk. The areas highlighted in black are where alcohol related litter, broken glass and evidence of public urination and defecation have been recorded. The small circles show where public drinking has been observed on several occasions.



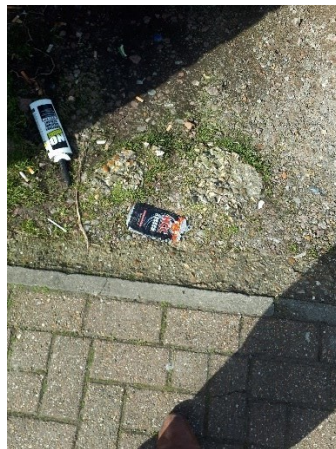
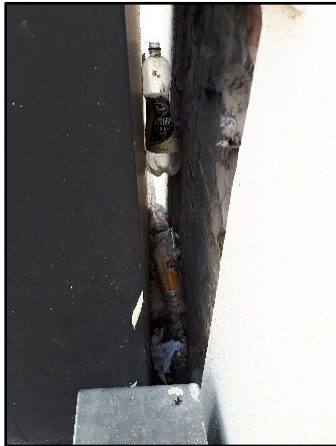
The below map shows an outer circle with a radius of 500 m from the premises, or a 5 to 6 minutes' walk, marking the locations where concentrations of alcohol litter have been found in the wider area to illustrate how widespread this type of litter is.



St Marks Church area.



High Street/Sappers Walk



Jeffery Street and Skinner Street area

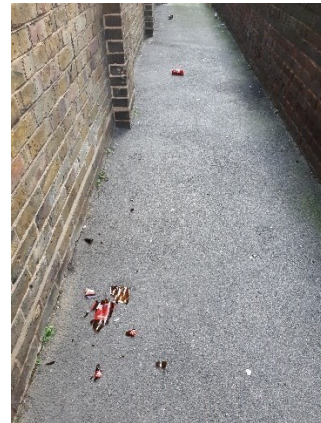




Balmoral Gardens

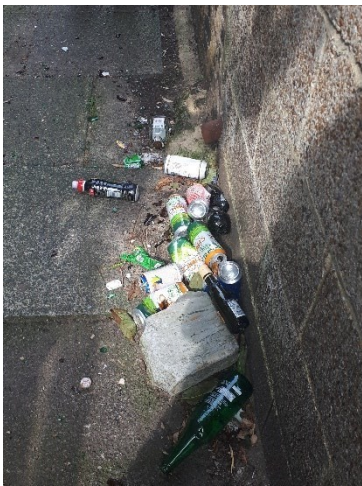
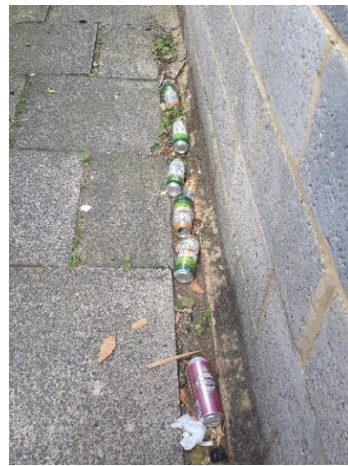


Green Street and surrounding alleyways



Balmoral Road/Duncan Road and surrounding alleyways





High Street/Fox Street area

