

APPENDIX A

Official (when complete)

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I, PC Andre Smuts apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in part I below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Baba Food and Wine 75 High Street	
Post town Gillingham	Post code (if known) ME7 1BJ

Name of premises licence holder or club holding club premises certificate (if known) TEM-AS Kent Ltd

Number of premises licence or club premises certificate (if known) Medway/11/00012/PREM
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Part 2 – Applicant details

I am

Please tick yes

- 1) an interested part (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)

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3 a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in a applicable)

Please tick

Mr **Mrs** **Miss** **Ms** **Other title**
(for example, Rev)

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over **Please tick yes**

Current postal address if different from premises address	<input type="text"/>
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Post town	<input type="text"/>	Post Code	<input type="text"/>
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Daytime contact telephone number	<input type="text"/>
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E-mail address (optional)	<input type="text"/>
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(B) DETAILS OF OTHER APPLICANT

Name and address
<input type="text"/>
Telephone number (if any)
<input type="text"/>
E-mail address (optional)
<input type="text"/>

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(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC 11250 Andre Smuts North Kent Licensing Team Medway Police Station Purser Way Gillingham ME7 1NE
Telephone number (if any) 01634 792733
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | | |
|---|---|--------------------------|
| 1) the prevention of crime and disorder | Y | <input type="checkbox"/> |
| 2) public safety | | <input type="checkbox"/> |
| 3) the prevention of public nuisance | Y | <input type="checkbox"/> |
| 4) the protection of children from harm | Y | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Kent Police provide evidence of Baba Food and Wine failing to promote the licensing objectives relating to the prevention of crime and disorder, the prevention of public nuisance, and the protection of children from harm.

Kent Police will evidence continued alcohol sales to street drinkers.

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Please provide as much information as possible to support the application

(please read guidance note 2)

Baba Food and Wine operate as a supermarket and convenience store authorised to sell alcohol for consumption off the premises 24 hours a day. The Designated Premises Supervisor is Mr Alaittin TEMUR and the Premises Licence Holder is TEM-AS Kent Limited. Companies house shows TEM-AS Kent Limited with company directors being Mr Alaittin TEMUR and Aliseydi ASLAN.

The premises is located in the High Street at Gillingham, a busy town centre location surrounded by a variety of business, retail and residential properties. Gillingham High Street and the immediate surrounding area suffers high levels of crime, disorder and antisocial behaviour. The area is covered by both a public space protection order (PSPO) and cumulative impact policy (CIP). Currently the High Street is suffering high and unacceptable levels of persons regularly found to be street drinking and consuming alcohol within the PSPO and CIP. Persons found to be street drinking are often persons that are alcohol dependent consuming high strength beers and ciders. An inevitable consequence of street drinking could be aggression, public nuisance, public urination, alcohol related litter and crime and disorder.

In recent weeks it has become increasingly evident to both the town centre policing team and police licensing officers that street drinking levels in Gillingham appear to be increasing, with the area directly outside of and next to this premises being of particular concern. Kent Police will evidence multiple occasions whereby in recent weeks this premises have sold alcohol to street drinkers. Evidence provided is by police officer statement, CCTV evidence, Police officer body worn camera or both. Kent Police will provide evidence for the following dates and times:

Saturday 1st January 2022

Approximately 01:00 a police patrol observed a male sat on the bench directly outside St Marks Church on High Street consuming what appeared to be a can of lager or cider. (St Marks Church is the immediate neighbouring property to Baba Food and Wine). Sat on the ground directly outside of the premises surrounded by her bedding and belongings was a female that appeared to be homeless. A male went into the premises and purchased a bottle of cider. Upon exiting the premises, the male engaged in conversation with the female and she then produced an empty wine glass. The male proceeded to fill the wine glass with the cider which the female consumed in the street. Staff were challenged by police.

Tuesday 1st February 2022

Approximately 11:00 a male purchased 2 cans of what is suspected to be high strength lager or cider. This same male consumed the alcohol in the street outside until approximately 11:22.

Tuesday 1st February 2022

Approximately 16:39 a male purchased 2 cans of what is suspected to be high strength lager or cider. The male then sat on a bench outside St Marks church and consumed the alcohol leaving the area at approximately 16:56 seemingly leaving an empty beer can discarded on the bench.

Thursday 3rd February 2022

Approximately 09:16 a male purchased a single can of HCC cider. At approximately 09:20 another male was supplied with a can of Stella lager. Both males were spoken to at approximately 09:42 by town centre officers outside of St Marks Church. The items purchased by the males at the premises had been consumed in the street.

Thursday 3rd February 2022

Approximately 16:12 a male purchased what appears to be 2 cans of lager or cider at the premises. This same male consumed alcohol in the street whilst stood outside of St Marks Church.

Saturday 5th February 2022

Approximately 05:37 the premises called police and reported a drunk male fighting with other customers outside the premises. The drunk customer also caused damage to shop furniture and had reportedly been causing issues for a period of around 2 hours. This male was subsequently arrested by police for multiple

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offences including assault of an emergency worker (police officer). Police will evidence that the premises sold alcohol to this male prior to police attendance.

Thursday 17th February 2022

Approximately 08:39 a police patrol observed 2 males of dishevelled appearance walking along High Street in the direction of the premises. One male was seen to sit on the bench directly outside of St Marks Church whilst the other went into the premises. The male purchased a large bottle of Frosty Jack cider and upon leaving the shop joined the male sat on the bench where they remained consuming the cider in the street, sharing the bottle between them. This matter was addressed with the DPS.

Saturday 19th February 2022

Approximately 11:46 a male purchased a bottle of beer and a can of lager from the premises and then consumed the alcohol with another male whilst sat on a bench outside of St Marks Church. These persons were directed to leave the area by town centre PCSO at approximately 12:01.

Friday 25th February 2022

Approximately 11:00 police were in attendance at the premises conducting CCTV enquiries. At this time the same male from 17th February 2022 attended the store and purchased a bottle of cider. Shortly after the male was seen by police to be sat on a bench opposite the premises drinking the cider. Staff were challenged by police.

Prior to submitting this full premises licence review application, Kent Police have taken a considered and stepped approach, engaging with staff and the DPS to explain our concerns and offer advice and guidance. The premises currently sell a vast selection of high strength beers and ciders that are often considered favourable amongst street drinkers. In conversation with Kent Police, the DPS and his partner have offered to remove a small selection of high strength products from sale, but not with immediate effect proposing only to do so once all stock of that particular product has sold out. The premises are not prepared to remove all high strength beers and ciders from sale and wish to continue to sell a large quantity of such products for what would appear to be a pure monetary gain. The DPS and staff appear dismissive of the issues caused by street drinkers and when challenged have excused their actions by referring to the street drinker in question being "a good guy" or suggesting "he is okay" (words to that effect).

The fact that the premises continue to sell alcohol to street drinkers shows that our advice and concerns are not been considered or taken onboard. The fact that the premises continue to sell alcohol to street drinkers and to intoxicated persons shows that the premises staff, the DPS and the PLH have a blatant disregard to both the promotion of the licensing objectives and to the licensing act and have little regard to either the CIP or the PSPO or to the issues that are affecting the residents in the immediate area.

The sales of alcohol evidenced above are being consumed by street drinkers in the immediate area directly outside of St Marks Church and outside of the premises from where the alcohol is being purchased. The street drinking is blatant and not hidden leaving Kent Police to believe that the premises must have knowledge of the fact and must know that they are contributing to and fuelling street drinking. The sales of alcohol evidenced above are incidents of which Kent Police have been made aware or identified. On the balance of probabilities there are likely many other incidents that have not come to police attention.

Kent Police have considered all options available and have no faith or trust in Mr Temur or his staff moving forward.

Kent Police seek revocation of the premises licence. Should revocation not be considered then Kent Police would seek the addition of the following premises licence conditions:

- 1- Reduction in licensable hours to 09:00 to 20:00.
- 2- No beer, lager, cider or spirit mixer above 5.5% ABV to be supplied.
- 3- No single sales of beer, lager or cider. Only purchase of 4 or more items will be permitted.
- 4- Outside the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grilles, screens or cabinet doors.

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5- Removal of DPS.

6- A clear glazing policy for the window to the front of the premises shall be kept above 1 metre and below 2 metre (measured from the shop floor) so that staff have an unobstructed view of the area immediately outside and to the front of the premises. The exception to this being any display or notice required by law and any required as a condition of this licence.

7- Branded shop carrier bags when provided with alcohol.

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Please tick yes

Have you made an application for review relating to this premises before

If yes, please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to this premises please state what they were and when you made them

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Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature: PC 11250 A. Smuts
.....

Date: 1st March 2022
.....

Capacity: Licensing Officer, Kent Police.
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an e mail address your e mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.