



Chief Officer of Police Representation in relation to an application
for **variation** of premises licence made under Part 3
Section 34 Licensing Act 2003 (S35 Licensing Act 2003)

Details of person or body making representation	
Name of Chief Officer of Police	Ch. Supt. 15754 Shaun White
Postal Address: (Area Headquarters)	Medway Police Station Purser Way Gillingham
E-mail address	licensing.north.division@kent.police.uk
Telephone Number:	01634 792733

Details of premises representation is about	
Name of Premises:	Arena Food Centre
Address of premises:	13 Ordnance Terrace Chatham ME4 6PS
Date application received by police	12 th July 2022
Date representation sent to Licensing Authority	<i>Must be within 28 days of receipt – 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 variation of a premises licence made under the provisions of Section 34 Licensing Act 2003, and under Section 35 of that Act asks the Licensing Authority to consider these representations in respect of: -

Please tick one or more of the licensing objectives that the representation relates to:

Prevention of crime and disorder	Y
Public Safety	Y
Prevention of public nuisance	Y
Protection of children from harm	Y

The relevant representations within the meaning of S.35(5) of the Licensing Act satisfy the requirements of S.35 (6) of that Act and are as follows:

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

The application details the intention to vary the hours of operation to the off-license premises at 13 Ordnance Terrace, Chatham from 0800 to 2300 daily with the exception of 4 seasonal days a year to 24 hours a day throughout the year.

This location is situated within an area comprising of several off licensed premises, with a high concentration of residential addresses on either side of the road and in the immediate surrounding area. There are a further three off licensed outlets within 2 minutes' walk of the address.

This location falls within the Chatham High Street Cumulative Impact Policy (CIP), an area identified as ranked within the most deprived areas nationally, with crime being the main concern and is covered by a Public Space Protection Order. Evidentially it has unacceptably high rates of alcohol related Crime and disorder, alcohol related hospital admissions, ambulance call outs, A&E admissions due to assaults, and street drinkers. Kent Police have, in the past, done work in this area to prevent the associated issues related to street drinking and public nuisance.

From liaising with the local community, CSU has established that the general consensus is that alcohol and licensed premises contribute to public nuisance and public safety in this area.

Prior to becoming aware of this variation application and in response to a call made by a local resident, Kent Police Licensing attended the general area on Thursday 7th July this year. The call was in relation to local street drinkers in the stairways around the blocks of flats at the bottom of Ordnance Street. When Police attended where the drinkers were said to have been gathering, they noted many discarded beverage cans which had been put through a hole in neighbour' garden fence. There was also a quantity of faeces in the corner of the stairwell which was being used as a toilet. In the alley way off of Ordnance Street, next to a premises called Golden Fry they noted approximately 12 discarded cans of cider amongst other discarded litter. Kent Police Licensing team are aware that these walkways are frequented by local families and their children who they are sure don't need to be exposed to the detritus left behind by street drinkers.

On Thursday 21st July this year, Kent Police licensing conducted a further site visit. Here they spoke with a member of MHS cleaning staff who was sweeping up litter in the area. She confirmed that the stairwell to the alley next to the flats was regularly being used as a toilet by the street drinkers.

There were three intoxicated males at the top of the alley way drinking Perla Black beer and Omega Cider. One of the three males admitted to police they he and his associates had been partly responsible for the some of the discarded beer cans. Also present at the time of police attendance were another three street drinkers in the alley way next to Golden Fry, drinking Cider. They admitted to buying their alcohol locally and then moved on when asked.

In accordance with current legislation, applicants are expected to undertake their own enquiries and demonstrate knowledge of the area when describing the steps

they propose to take to promote the licensing objectives, in support of the application.

Applicants are also expected to obtain sufficient information to enable them to demonstrate an understanding of the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises, any risk posed to the local area by the applicant's proposed licensable activities and any local initiatives which may help to mitigate potential risks.

It is expected that enquiries about their area will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives.

Applicants must consider all factors which may be relevant to the promotion of these objectives, and where there are no known concerns, acknowledge this in their application.

Within the application there is no reference to the CIP, nor evidence of any research conducted in order to assist with the application. A CIP stipulates it's relevance for new premises licences and substantial variations. The Authority are directed towards Policy 17 of the Statement of Licensing Policy which outlines the expectation as to how the applicant plans to demonstrate how their extra hours of operation would not negatively impact on the licensing objectives.

There is an assumption of refusal element to any decision-making process if there are not "exceptional circumstances" demonstrated by the applicant.

It is the opinion of Kent Police that the application has not sufficiently demonstrated what circumstances make it exceptional and how the activity would not adversely affect the licensing objectives. This, along with the likelihood of there being additional violent crime, disorder and public nuisance it is sought that the Licensing Committee takes the view that variation application will be refused.

Suggested conditions that could be added to the licence to remedy the representation or other suggestions the Licensing Sub Committee may take into account:

Please use separate sheets where necessary.

None

Signed: PC 11250 A. Smuts

Print name: A. Smuts

Pp Chief Officer of Police of Police for the Police Area in which the licensed premises are situated.

Date:

Force Number: 11250

Representation may be made at any time during the 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant.

Please return this form along with any additional sheets to the Licensing Authority.

This form must be returned within the Statutory Period.

Director of Public Health
Public Health Directorate
Medway Council,
Gun Wharf,
Dock Road,
Chatham, Kent. ME4 4TR
1st August 2022

**LICENSING ACT 2003 – APPLICATION FOR THE VARIATION OF A
PREMISES LICENCE**

Name and address of premises

Arena Food Centre, 13, Ordnance Terrace, Chatham. ME4 6PS

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 a residential area. It is one of 3 off licensed premises at the bottom of Ordnance St/Ordnance Terrace in a small cluster of shops and takeaways. The premises is surrounded by densely packed, terraced housing, many of which are divided into premises of multiple occupation. Chatham Central ward is one of the most deprived areas of Medway.

This premises is located within the Chatham cumulative impact policy (CIP) area which covers Chatham High Street and some of Chatham Central ward. The evidence shows there are unacceptable levels of alcohol related crime, disorder and public nuisance associated with a density of licensed premises, particularly off-licensed premises in the Chatham CIP area.

The prevention of crime and disorder

The police provided evidence of alcohol related crime in this area which related to a range of alcohol related crimes, such as assaults, anti-social behaviour, criminal damage and public order. This area is identified as a hot spot in Medway for these types of crime.

The prevention of public nuisance

Chatham is a hot spot for alcohol related nuisance in the form of anti-social behaviour, street drinking, alcohol related litter, public urination and defecation which are all often co located with evidence of drug use.

A member of public health staff has attended the Ordnance St area in preparation of these representations and there is ongoing evidence of alcohol related street drinking and associated litter throughout the area surrounding the proposed premises. This litter consists of bottles and cans of beer and cider, both 'super strength' and regular strength. Locations of particular concern are the area around the new cycle park in Railway Street, the alleyway running by the side of Chatham railway station car park, the alleyways leading between Ordnance St and Rochester St, the area around the parade of shops at the bottom of Ordnance St and the resident's car park in Fort Pitt Street.

Evidence to support the above is attached in Annex 1, which show photographs of litter that has been found in these areas. There is also evidence of public urination and defecation in the resident's car park in Fort Pitt Street and in the area around the parade of shops. Drug paraphernalia has also been found in the alleyway off the bottom of Ordnance Street. Photographs supporting this has been included in Annex 1.

The issues highlighted by the CIP are current and ongoing.

Summary

The area around Ordnance St 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.

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 the variation to an off licensed premises. This states that when an application is in a CIP area the Authority will make reference 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 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.

In this case the Director of Public Health believes the application offers nothing exceptional and there is no explanation as to how the premises will ensure the sale of alcohol will not adversely affect the licensing objectives in this area over and above the seemingly generic conditions contained in the operating schedule. There is no acknowledgement of any of the issues outlined by the evidence which are used to support the CIP and how the offered conditions will mitigate these issues. There is nothing exceptional about this application as required by Policy 17.

The Director of Public Health does not believe this application fulfils any of the criteria outlined by Policy 17 and further believes 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. He therefore asks for the application to be refused.

James Williams

Date 1st August 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:

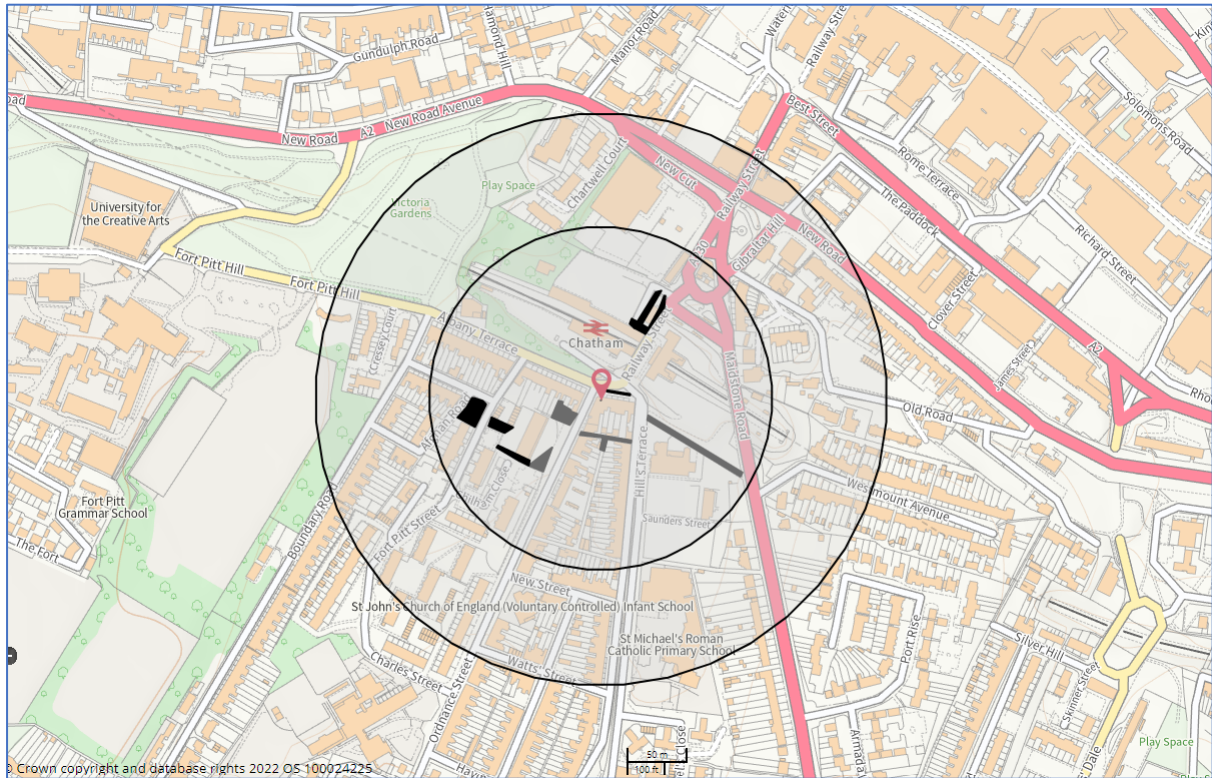
Tel: 01634 332637:

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

Annex 1

Examples of alcohol related litter in and around the premises area in the last 12 months.

The map below shows the location of the premises. The inner circle is a 150 m radius from the premises, or a 1 minute walk, and the outer circle has a radius of 250 m from the premises, or a 2 to 3 minutes' walk. The areas highlighted in black are where alcohol related litter, broken glass and evidence of public urination and defecation have been recorded. The area was last visited, and litter recorded in July 2022.

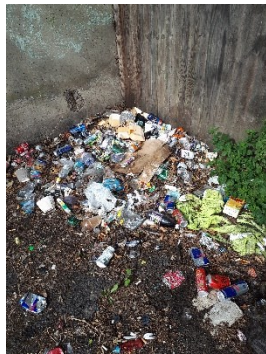


Fort Pitt resident's car park





Parade of shops



Lower alleyway off Ordnance Street





Flower bed at the front of the premises

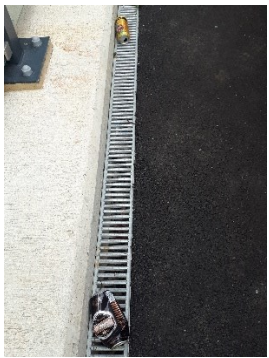
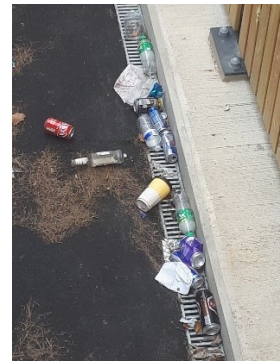
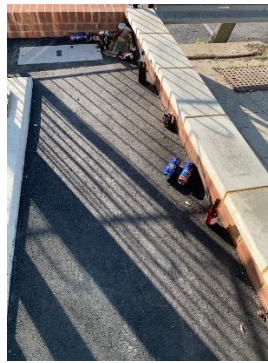
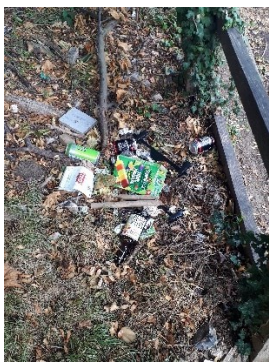


Railway car park alleyway off Rochester Street





Railway Street cycle park



From: Councillor Vince Maple
Sent: 09 August 2022 15:36
To: Licensing <licensing@gravesham.gov.uk>
Subject: Arena Food Centre

I'm writing in a combined capacity as a ward councillor for Chatham Central and until last week the Chair of Governors of St John's Infant School.

As a ward councillor I'm acutely aware and fully supportive of the Chatham Cumulative Impact Policy. This policy highlights the excessive number of alcohol related crime, disorder and public nuisance associated with density of off licensed premises.

The evidence provided by both police and public health in particular shows that having further extension of off licensing hours would add unacceptable additional pressures.

Therefore on that basis I would urge the licensing authority to refuse this application to extend hours and look for the establishment to retain its existing hours of operation.

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