

**Details of person or body making representation**

Name of Chief Officer of Police	Chief Supt White 15754
Postal Address: (Area Headquarters)	Medway Police Station Purser Way Gillingham Kent Police ME71NE
E-mail address	licensing.north.division@kent.police.uk
Telephone Number:	01634 792388

**Details of premises representation is about**

Name of Premises:	Quality Kebab and Chicken
Address of premises:	148 High Street Gillingham Kent ME71AJ
Date application received by police	7 <sup>th</sup> July 2022
Date representation sent to Licensing Authority	3 <sup>rd</sup> August 2022
	<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	X
Public Safety	X
Prevention of public nuisance	X
Protection of children from harm	X

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:**

Please see attached document entitled "Representations – Quality Kebab and Chicken"

Please use separate sheets where necessary

**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. Consider s106 Licensing Act 2003.*

Please see attached document entitled "Representations – Quality Kebab and Chicken"

Signed: \_\_\_\_\_

Date: 03/08/22

Print name: PC HUNT

Force Number: 11044

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

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.

## **Continuation page – Representations Quality Kebab and Chicken**

Quality Kebab and Chicken operate as a restaurant / takeaway premises in High Street Gillingham near to Gillingham train station. Currently the premises are authorised to conduct licensable activity namely late-night refreshment Sunday to Thursday until 01:00, Friday and Saturday until 02:00. If successful, this application would authorise the off sale of alcohol Monday to Sunday 11:00 to 00:00 (midnight). The applicant is proposing that customers can purchase alcohol in the premises over the counter until 18:00 each day, and that from 18:00 until midnight all alcohol sales would then revert to home delivery only to a residential address. Other conditions would include but are not limited to alcohol only being made available in conjunction with the purchase of a substantial takeaway meal (a substantial meal is not defined and is open to interpretation) and that the maximum strength of beer, lager or cider sold from the premises would be no greater than 6.5% ABV.

The location of this premises falls within the Gillingham Cumulative Impact Policy (CIP), an area identified by the licensing authority and Kent Police as accounting for a high percentage of the areas crime, public nuisance, and disorder. This area of the Medway towns has proved to be contributory towards alcohol related incidents and crime including criminal damage, assaults, domestic violence and violence towards women and vulnerable persons. A common factor during the perpetration of these crimes is the consumption of alcohol. Street drinking within Gillingham town centre, a dedicated Public Space Protection Order (PSPO or alcohol control zone area), remains a constant issue. The additional availability of more alcohol in an area of recognised widespread multiple deprivation already saturated with off licence premises, be it over the counter or via home delivery to customers within this town centre CIP area is likely to have an adverse impact on and exacerbate alcohol related crime, disorder and anti-social behaviour already experienced within this area. In addition, alcohol sales over the counter could also contribute towards further 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”.

The town centre of Gillingham is patrolled by a dedicated town centre policing team consisting of both police officers and police community support officers. This application has been brought to the attention of officers from the town centre policing team who are in support of the view that this application be refused. Alcohol seizures by officers continue to take place on a regular basis and alcohol related litter is often found discarded in the immediate area to this premises. Two key hotspots for street drinking and alcohol related litter are located within 100 yards from this premises namely High Street junction with Green Street, and Balmoral Gardens Park with children play area.

At no point within the application has the applicant identified, acknowledged or made reference to the issues effecting the immediate area or the existence of the CIP or PSPO in place. Details of such issues are evidenced within the Medway Council Statement of Licensing Policy which is available to view online or at the Medway Council Website. Pages 83 to 87 of this policy explains this CIP area and details unacceptable high rates of alcohol related:

Anti-social behaviour, domestic abuse, criminal damage, assault, public order, arrests for drunkenness and public order, hospital admissions, ambulance call outs and street drinking.

Applicants are (in particular) 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 applicants' proposed licensable activities and any local initiatives which may help to mitigate potential risks. It is expected that enquiries about the locality 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.

Due to the existence of the CIP, it is the understanding of Kent police that there is a rebuttable presumption of the 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. Whilst the applicant is proposing a raft of premises licence conditions, many are simply measures of best practice that Kent Police would expect of any well managed premises. Sadly, at this time Kent Police do not believe that the applicant has demonstrated exceptional circumstances. Kent Police are of the opinion that there are no meaningful conditions that can be added to this licence that could ensure that the licensing objectives could be fully promoted and that alcohol related issues within this CIP area would not increase.

It is for these reasons that Kent Police would respectfully request that this application be denied.

## **LICENSING ACT 2003 – APPLICATION FOR A NEW PREMISES LICENCE APPLICATION**

### **Name and address of premises**

Quality Kebab and Chicken, 148, High St, Gillingham. ME7 1AJ

The Director of Public Health is making representations concerning the grant of this premises licence under 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 takeaway 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 this area.

### **The Prevention of Crime and Disorder**

The police provided evidence of alcohol related crime in this area to support the CIP. 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 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 and bottles of spirits and wine, as well as plastic and cardboard wrappings, bottle tops and other associated alcohol litter. Areas where the litter was found in particular concentrations were

- Sappers Walk
- alleyways off Balmoral Road/Duncan Road area,
- Balmoral Gardens,
- alleyways between Fox St and the High 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 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 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

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 Balmoral Gardens, again all areas where there is evidence of public drinking.

There is evidence of public drug use, in the form of discarded drug paraphernalia, in Sappers Walk, particularly in and around the public toilets.

## **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. None of this is mentioned in the application. There is no

acknowledgement of the CIP or the evidenced issues in this area and no explanation of how the sale of alcohol from this premises will not add to these issues.

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 applicant has asked for this licence to be granted as the business will be offering alcohol with takeaway food. This does not explain how the sale of alcohol from this premises will not adversely affect the licensing objectives in such a way that the alcohol harms in Gillingham are not increased.

Even with the condition concerning the sale of alcohol only with 'a substantial takeaway meal' this is an application for an off licence, and the Director of Public Health believes there is nothing exceptional about it as required by Policy 17. It is reasonable to believe the sale of alcohol from this premises will contribute towards the alcohol related crime and public nuisance in this area, which are current and ongoing. The Licensing Committee is therefore asked to refuse the application.

James Williams

Date 1<sup>st</sup> 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

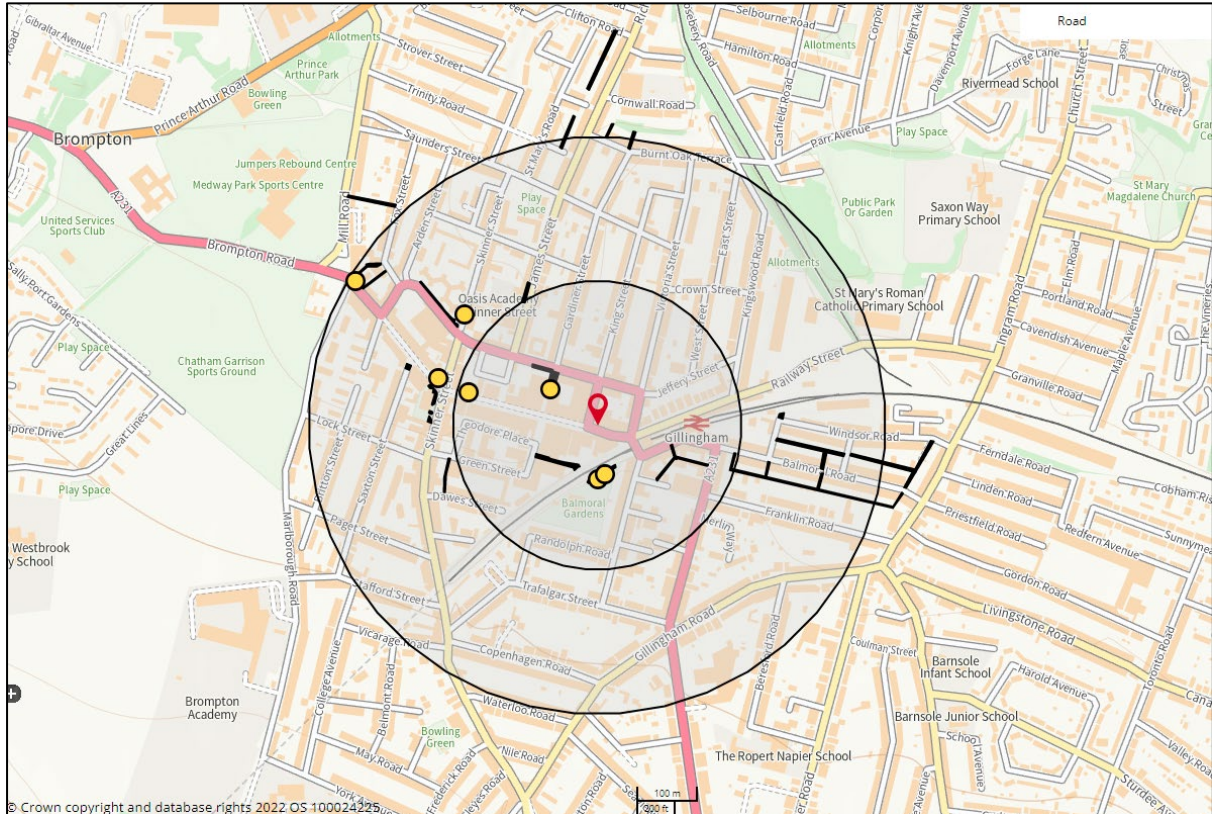
E mail: [barbara.murray@medway.gov.uk](mailto:barbara.murray@medway.gov.uk)



## Annex 1

### Examples of alcohol related litter in and around the Gillingham CIP area in the last 12 months.

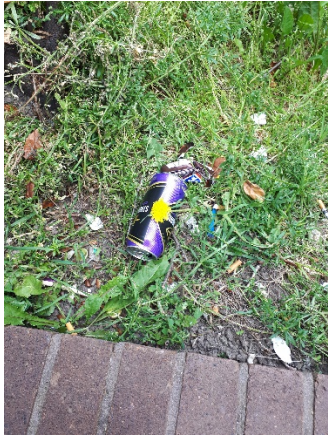
The map below shows the location of the premises. The inner circle is a 250 m radius from the premises, or a 2 to 3 minute walk, and the outer circle has a radius of 500 m from the premises, or a 5 to 6 minutes' walk. The areas highlighted in black are where alcohol related litter, broken glass and evidence of public urination and defecation have been recorded. The small circles show where public drinking has been observed on more than one occasion. The area was last visited and litter recorded in July 2022.



### High Street and Sappers Walk







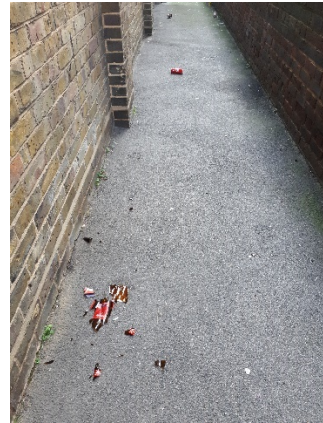
**Balmoral Gardens**



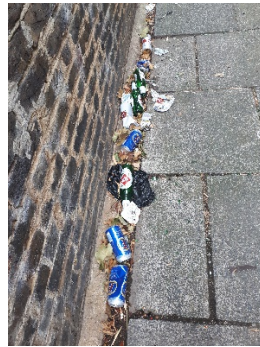
**Green Street and surrounding alleyways**





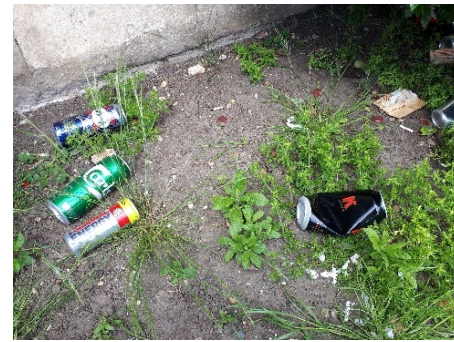


**Balmoral Road/Duncan Road and surrounding alleyways**





St Marks Church area.





**From:** Jinal barot  
**Sent:** 04 August 2022 13:13  
**To:** Licensing <[licensing@gravesham.gov.uk](mailto:licensing@gravesham.gov.uk)>  
**Subject:** 148 high street, sale of alcohol

Dear Sirs

We object to the application **for a premises licence for 148 High Street Gillingham Kent.** based on the following grounds;

1. There are existing businesses already on the high street who have licences for the sale of alcohol
2. Granting a further licence will not be attractive for the high street and could cause disorderly behaviour
3. The high street should a variety of businesses to keep in standing with a good variety of businesses and the principles of good estate management
4. The primary business of the premises is a hot food takeaway and does not need to sell alcohol
5. Granting this licence will not promote the licensing objectives and would potentially cause a public nuisance

Thank you  
Regards  
Jinal barot