



Director of Public Health
Public Health Directorate
Medway Council,
Gun Wharf,
Dock Road,
Chatham, Kent. ME4 4TR
18th December 2023

LICENSING ACT 2003 – GRANT OF A PREMISES LICENCE APPLICATION

Name and address of premises

1A, Victoria Street, Gillingham, Kent. ME7 1ED

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 Victoria Street and is situated just at the end of 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.

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 to support the Cumulative Impact Policy. 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 during 2023 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

- the flower beds at the junction of Victoria Street/Jeffery Street
- 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.

My staff have noted a strong smell of urine and evidence of public defecation in the flower bed bordering St Mark's Church in Canterbury St and the alleyways leading off Balmoral Road again all areas where there is evidence of public drinking.

In 2022 and 2023 Public Health carried out a survey in Medway to gauge the level of impact alcohol and licensed premises have. The survey was promoted on Facebook and was open to all Medway residents. It was not specifically about the CIP areas. Gillingham was one of the main areas of concern in both years. Alcohol related anti-social behaviour, street drinking, begging, litter and nuisance were highlighted by respondents as being issues.

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.

Policy 10 and the Cumulative Impact Policy (CIP) 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 the policy, which outlines the expectations for applications made for off licenced premises in these areas.

The CIP states the Authority expects an application in this 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.

While the application outlines what it describes as 'robust measures', none of them 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.

The Director of Public Health believes there is nothing exceptional about this application as required by the CIP. 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 18th December 2023

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:

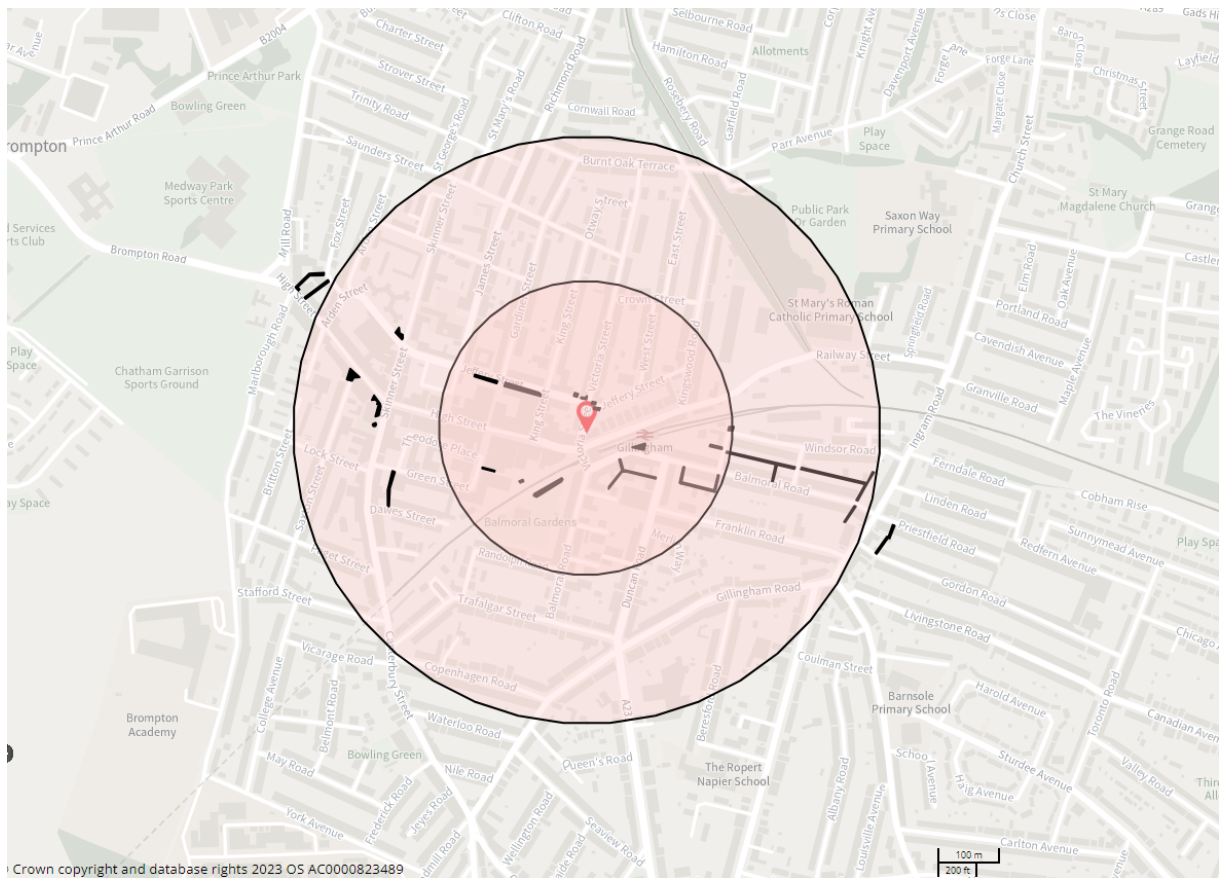
E mail: barbara.murray@medway.gov.uk

Annex A

Examples of alcohol related litter in and around the Gillingham CIP area in 2022 and 2023

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. The areas highlighted in black are where alcohol related litter, broken glass and evidence of public urination and defecation have been recorded.

The outer circle 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.



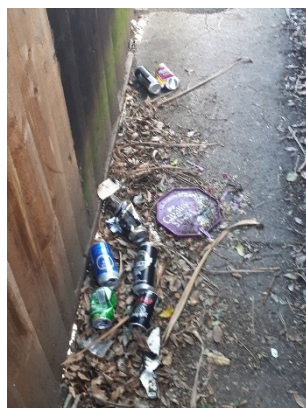
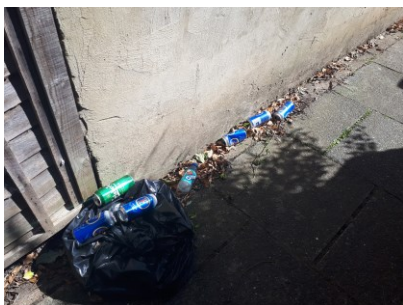
Victoria Road

The following photographs were taken in Victoria Road a few metres from the premises. There are a number of raised flower beds where bottles and cans of beer, cider and spirits have been left within a 1 to 2 minute walk of the premises. Please note the middle photograph on the last line also shows discarded nitrous oxide cannisters. These have often been found with with discarded alcohol litter in this area.



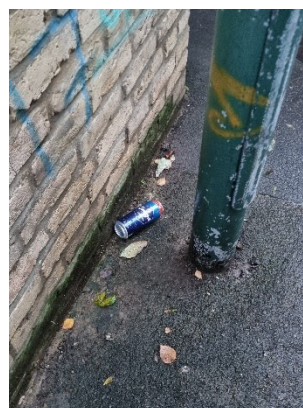
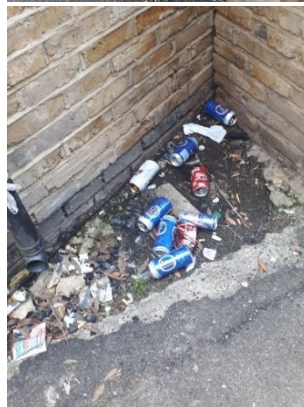
Balmoral Road area

These photographs show examples of the litter in the alleyways running off Balmoral Road behind residential housing. The litter is extensive and continuing. These locations are largely the alleyways behind the houses in this area and are within a 5 minute walk of the premises.



Alleyways behind Aldi

The alleyways between Duncan Road and Balmoral Road, behind Aldi, are continually littered with discarded alcohol related litter. Please note the 6th photograph shows faeces, which is often to be found at this location along with a very strong smell of urine. This is less than 2 minute walk from the premises.



Green Street area

While many of the pictures show single cans or bottles, these are ongoing over the period of 18 months, covering the period of this evidence, and it is consistent.

