



Chief Officer of Police representation in relation to an application for variation of premises licence made under part 3, Section 34 Licensing Act 2003 (Sec 35 LA, 2003)

Details of person or body making representation:

Name of Chief officer of Police	Chief Constable Tim Smith
Postal address (Area Headquarters)	C/o Medway Police Station Purser Way Gillingham ME7 1NE
E-mail address	andre.smuts@kent.police.uk
Tel no.	01634 792733

Premises details, subject to representation:

Name of premises	Strood Mini Mart
Address	93 Bryant Rd Strood Rochester ME2 3ES
Date application received by police	9 th October 2024
Date representation sent to Authority. <small>Must be within 28 days of receipt- The Licensing act 2003 (Premises License and Club Premises Certificate) Regulations 2005, Part 4 Reg. 22</small>	5 th November 2024

The Chief Officer of Police has received an application for the variation of a premises licence made under the provision of section 34 Licensing Act 2003 and under section 35 of that act and asks the Licensing Authority to consider these representations in respect of: *-Please tick on 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	

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

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

The premises is licenced to sell alcohol from 0600 till 2300. Times that the premises is open to the public emulate these times.

This premises is situated on a predominantly residential road with house surrounding it on either side with terraced houses.

The application to vary the licence seeks to allow the premises to sell alcohol 24 hours a day, with public access allowed until 0100 hours, at which time it would close the doors to the public, opening again at 0500 hours. During the time the shop is closed to public access the premises would operate a delivery service.

Kent Police, having expressed their concerns whilst liaising with the premises' licensing agent, it was suggested by the applicant that they would bring the time the premises will close to the public forward until 2330 each night, opening again to the public at 0600.

The applicant declined to accept the suggested time to close to the public as 2300, nor agreed to employ SIA from 2300 if they were not to close at that time.

During consultation the premises did agree to amend their challenge 25 condition and to add conditions relating to 'closed' signs, light from the façade and not delivering to a public place. I produce the email conversation regarding what was agreed as- Appendix 1: Record of e-mail conversation.

(Please see below for the agreed conditions.)

The Authority believes, and in accordance with their statement of licensing policy, the sale of alcohol from off licences should generally be limited to 0900 to 2300 hours in order to limit the impact this can have on the community. (The other two off license premises on Bryant Road close at 2300.)

The Guidance states that licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on local knowledge and in consultation with responsible authorities.

The guidance continues and explains: if an application is for licensable activity and operation beyond the suggested times the Authority will expect the operating schedule to include proposed, specific measures to offset any additional risk.

It is noted by Kent Police that the applicant wishes to extend the time it remains open to the public, but does not wish to implement measures to negate the additional risk, for example adding SIA to their operating schedule.

The concern for Kent Police is that if the premises were to be open to public access after 2300 this would allow customers to buy alcohol who have left various on licensed pubs in the area, already under the influence of alcohol. As such Kent Police stand firm in our belief that the closing time from a public access perspective should be consistent with and support the timing of 23:00 as detailed within the statement of licensing policy. There is an increased risk of incidents of crime, disorder, and antisocial behaviour beyond 23:00, and any incidents that occur beyond 23:00 could have a greater impact on not only the premises, but also on the wider community and residents, given that the immediate area to the premises is residential and the premises is surrounded by housing with residents at that time likely expecting of a period of rest or sleep. Whilst it is appreciated that the applicant is now agreeable to reducing public access into the store from 01:00 (as applied) to 23:30, and we are now only disputing a period of an extra 30 minutes public access, Kent Police believe that in order for the premises to fully promote the licensing objectives, additional measures will still be needed should the premises be allowed to operate with public access beyond 23:00.

If no additional measures are to be imposed, it is requested by Kent Police that the time the premises stays open to the public remains at 2300.

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

Consider S.106Licensing Act 2003.

For subcommittee consideration:

In the event the premises will be allowed to be open for public access after 2300:-

An SIA registered security guard (other than shop staff) to be on duty at the premises between the hours of 2300 until the premises closes for public access.

During consultation, the following conditions were agreed by the applicant (please see Appendix 1):

1. Clear and obvious 'CLOSED' signs to be prominently displayed while the premises is closed to the public.
2. No light to emanate from the shop facade while the premises is closed to the public.
3. All deliveries to be delivered to a bone fide address and never to a public place.

Also agreed by the applicant:

The current Condition 6: A Challenge 25 proof of age scheme will be operated at all times. Anyone attempting to purchase alcohol that appears to be under 25 years of age will be asked for proof of their age.

To become: A Challenge 25 proof of age scheme will be operated at all times *at the premises and during all deliveries of alcohol from the premises*. Anyone attempting to purchase alcohol that appears to be under 25 years of age will be asked for proof of their age.

Signed	PC 11250 A. Smuts	Date	05/11/24
Print name	Andre Smuts	Force no.	11250

p.p. Chief Officer of Police for the area in which the licensed premises is situated

From: Andre Smuts PC 46011250

Sent: 10 October 2024 15:07

To: contact@arkalicensing.co.uk

Cc: Licensing North Division Kent <licensing.north.division@kent.police.uk>

Subject: Strood Mini Mart, 91 to 93 Bryant Road, Rochester, Kent, ME2 3ES

Dear Nira Suresh

On behalf of Kent Police I am assessing an application you have submitted for the above premises.

As I understand the matter, the consultation period has been extended until 06/11/24.

I note on your application that an additional condition, which has been suggested includes: The store will be closed for public access between 01.00 to 05.00 Hours. The

store will only do deliveries between 01.00 to 05.00 Hours.

This would see the premises open to the public for further two hours during the night, between 2300 and 0100 hours and an hour in the morning between 0500 and 0600.

I appreciate local businesses are trying to diversify, but the application has caused some concern within my department. As the extended hours open to the public are at the optimal time to attract already inebriated persons wanting more alcohol, this raises the risk exponentially. For this reason we would like to see more than a mere reference to the existing conditions.

Prior to making a decision as to whether we will be objecting to the application, may I ask that you consider the following suggestions:

-With regard to the extended hours open to the public:

I would like your client to rethink these time parameters and keep the hours open to the public as 0600 to 2300. If they are insistent on closing the doors at 0100 then I would want an SIA accredited door supervisor (other than staff employed by the premises) on duty from 2300 until the premises closes to the public.

-With regard to the premises being closed to the public (either between 0100 & 0500 or 2300 & 0600):

To prevent any attempts by persons attempting to attend the shop to make purchases could your client ensure the following

1. Clear and obvious 'CLOSED' signs to be prominently displayed between (insert time here) & (insert time here)
2. No light to emanate from the shop facade between (insert time here) & (insert time here).
3. All deliveries to be delivered to a bone fide address and never to a public place.

The current Condition 6: A Challenge 25 proof of age scheme will be operated at all times. Anyone attempting to purchase alcohol that appears to be under 25 years of age will be asked for proof of their age.

To become: A Challenge 25 proof of age scheme will be operated at all times at the premises and during all deliveries of alcohol from the premises. Anyone attempting to purchase alcohol that appears to be under 25 years of age will be asked for proof of their age.

I would appreciate it if you could give me an indication as to your clients intentions as soon as convenient.

Sincerely

PC Andre Smuts.

From: ARKA LICENSING <contact@arkalicensing.co.uk>

Sent: 15 October 2024 16:28

To: Andre Smuts PC 46011250 <Andre.Smuts@kent.police.uk>

Cc: Licensing North Division Kent <licensing.north.division@kent.police.uk>

Subject: EXTERNAL - Re: Strood Mini Mart, 91 to 93 Bryant Road, Rochester, Kent, ME2 3ES

Good afternoon PC Smuts,

We thank you for your emails.

Applicant has considered your concerns and suggestions, would like you to consider the following.

Hours open to the public as 0600 to 00.00.

Agreed:

1. Clear and obvious 'CLOSED' signs to be prominently displayed between 00.00 & 06.00
2. No light to emanate from the shop facade between 00.00 & 06.00
3. All deliveries to be delivered to a bone fide address and never to a public place.

Applicant believes opening to 00.00 wouldn't cause any issues.

Regards

Suresh

From: Andre Smuts PC 46011250

Sent: 16 October 2024 08:56

To: ARKA LICENSING <contact@arkalicensing.co.uk>

Cc: Licensing North Division Kent <licensing.north.division@kent.police.uk>

Subject: RE: EXTERNAL - Re: Strood Mini Mart, 91 to 93 Bryant Road, Rochester, Kent, ME2 3ES

Good morning Suresh.

Thank you for your reply, and for agreeing to some of my suggestions.

Could you clarify whether the following was discussed with your client?:

The current Condition 6: A Challenge 25 proof of age scheme will be operated at all times. Anyone attempting to purchase alcohol that appears to be under 25 years of age will be asked for proof of their age.

To become: A Challenge 25 proof of age scheme will be operated at all times at the premises and during all deliveries of alcohol from the premises. Anyone attempting to purchase alcohol that appears to be under 25 years of age will be asked for proof of their age.

If it was discussed and decided not to have been adopted, I would be interested in the rationale.

Also, in accordance with Medway Statement of Licensing Policy, I would like to know what measures your client suggests to put in place to promote the objectives when wanting to open beyond what the authority suggests, which is a closing time of 2300 for off licensed premises.

I note your client believes that the extra time would 'not cause any issues', but Kent Police do not share that view.

As such, may you please ask them again to consider SIA if they are to open to the public after 2300? Ideally closing the doors to the public at 2300 would be preferable.

Kind regards

Andre

From: ARKA LICENSING <contact@arkalicensing.co.uk>

Sent: 22 October 2024 16:35

To: Andre Smuts PC 46011250 <Andre.Smuts@kent.police.uk>

Cc: Licensing North Division Kent <licensing.north.division@kent.police.uk>

Subject: Re: EXTERNAL - Re: Strood Mini Mart, 91 to 93 Bryant Road, Rochester, Kent, ME2 3ES

Good afternoon Andre,

Thank you.

Applicant has agreed to the condition - Amended.

And

The time:

Applicant says he has no issues opening until 11, and 00.00 midnight wouldn't cause an issue, if it causes any nuisance or/ crime matters in the future, he will shut at 23.00.

If you reconsider...

Regards

Suresh

From: Andre Smuts PC 46011250 <Andre.Smuts@kent.police.uk>

Sent: 23 October 2024 08:36

To: ARKA LICENSING <contact@arkalicensing.co.uk>

Cc: Licensing North Division Kent <licensing.north.division@kent.police.uk>

Subject: RE: EXTERNAL - Re: Strood Mini Mart, 91 to 93 Bryant Road, Rochester, Kent, ME2 3ES

Good morning, Suresh.

Thank you for the information.

Regards

Andre

From: ARKA LICENSING <contact@arkalicensing.co.uk>

Sent: 23 October 2024 08:51

To: Andre Smuts PC 46011250 <Andre.Smuts@kent.police.uk>

Cc: Licensing North Division Kent <licensing.north.division@kent.police.uk>

Subject: Re: EXTERNAL - Re: Strood Mini Mart, 91 to 93 Bryant Road, Rochester, Kent, ME2 3ES

Good morning PC Smuts,

Thank you, and we would be grateful for your consideration to open the store to 00.00... And update us.

Regards

Suresh

From: Andre Smuts PC 46011250 <Andre.Smuts@kent.police.uk>

Sent: 23 October 2024 11:26

To: ARKA LICENSING <contact@arkalicensing.co.uk>

Cc: Licensing North Division Kent <licensing.north.division@kent.police.uk>

Subject: RE: EXTERNAL - Re: Strood Mini Mart, 91 to 93 Bryant Road, Rochester, Kent, ME2 3ES

Good morning, Suresh.

Having considered the location of the shop and my concerns regarding potential issues arising after 2300 I will be seeking that the authority makes the decision to have the shop close to the public at 2300, unless SIA is employed.

Thank you for taking the time to discuss the matter with me.

Regards

Andre

From: ARKA LICENSING <contact@arkalicensing.co.uk>

Sent: 24 October 2024 10:14

To: Andre Smuts PC 46011250 <Andre.Smuts@kent.police.uk>

Cc: Licensing North Division Kent <licensing.north.division@kent.police.uk>

Subject: Re: EXTERNAL - Re: Strood Mini Mart, 91 to 93 Bryant Road, Rochester, Kent, ME2 3ES

Good morning,

Thank you.

And applicant has further considered your concerns and would like to open the shop extra 30mins only, to 23.30.

It is fair request in the absence of any evidence.

We look forward to hearing from you.

Regards

Suresh

From: Andre Smuts PC 46011250

Sent: 29 October 2024 12:32

To: ARKA LICENSING <contact@arkalicensing.co.uk>

Cc: Licensing North Division Kent <licensing.north.division@kent.police.uk>

Subject: RE: EXTERNAL - Re: Strood Mini Mart, 91 to 93 Bryant Road, Rochester, Kent, ME2 3ES

Good afternoon, Suresh.

Thank you for your reply and taking the time to consider my proposal.

I can totally understand your position and that in light of there being no adverse evidence relating to the premises your request for an extra half an hour seems fairly proportionate.

However, I find myself in the position that I need to support my local authorities statement of licencing policy which suggests 2300 for an off license premises to be operational. (I know in

this case it will continue to be licenced, so our issue is mostly to do with 'open to the public' hours.)

My argument will indeed be hypothetical, but our concerns are no less unwarranted.

Unfortunately, I would need to continue with my objection if the time the premises wishes to remain open to the public is to be after 2300.

Yours sincerely

Andre.

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