



Director of Public Health
Public Health Directorate
Medway Council,
Gun Wharf,
Dock Road,
Chatham,
Kent.
ME4 4TR
5th November 2024

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

Name and address of premises

91-93 BRYANT ROAD ROCHESTER Kent ME2 3ES

The Director of Public Health is making representations concerning the grant of a variation to this premises licence under the following licensing objectives:

- The prevention of crime and disorder
- The prevention of public nuisance

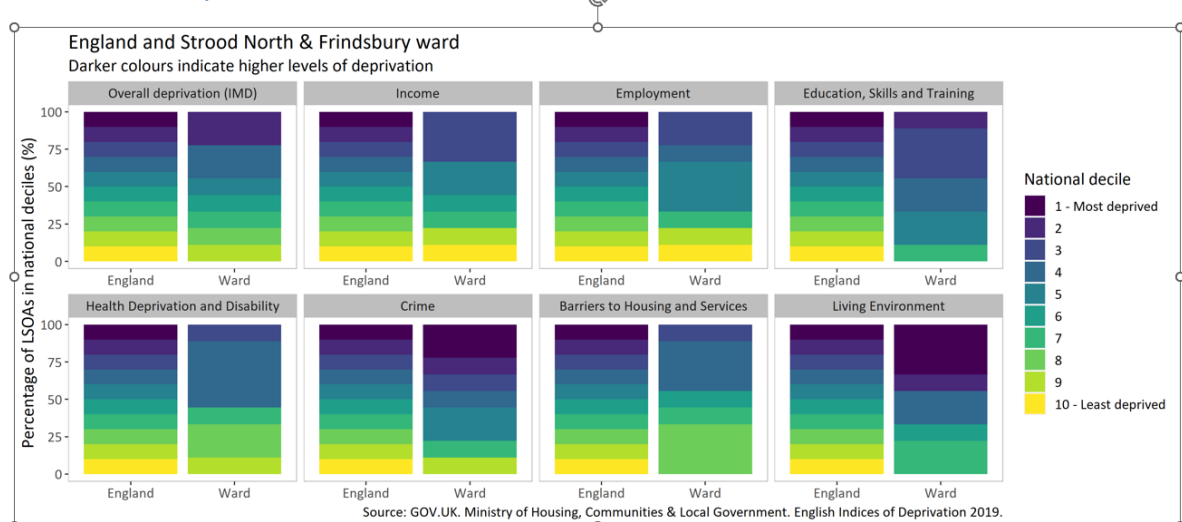
General comments

These premises are situated in a densely populated residential area and is surrounded by terraced housing (see Annex A). There are 3 other commercial premises – a fish and chip shop, a hairdresser and another convenience shop close by. All other buildings appear to be terraced housing.

Crime and Disorder

Strood North and Frindsbury ward has concerning levels of crime deprivation when compared to England.

Domains of deprivation



There are seven domains of deprivation, which combine to create the Index of Multiple Deprivation (IMD2019). Each of these domains describe different aspects of deprivation. The graphic shows the proportion of the ward population ranked in one of 10 groups across all Lower Super Output Areas (LSOAs) in England for each of these domains. The darker colours indicate the most deprived groups or 'deciles'.



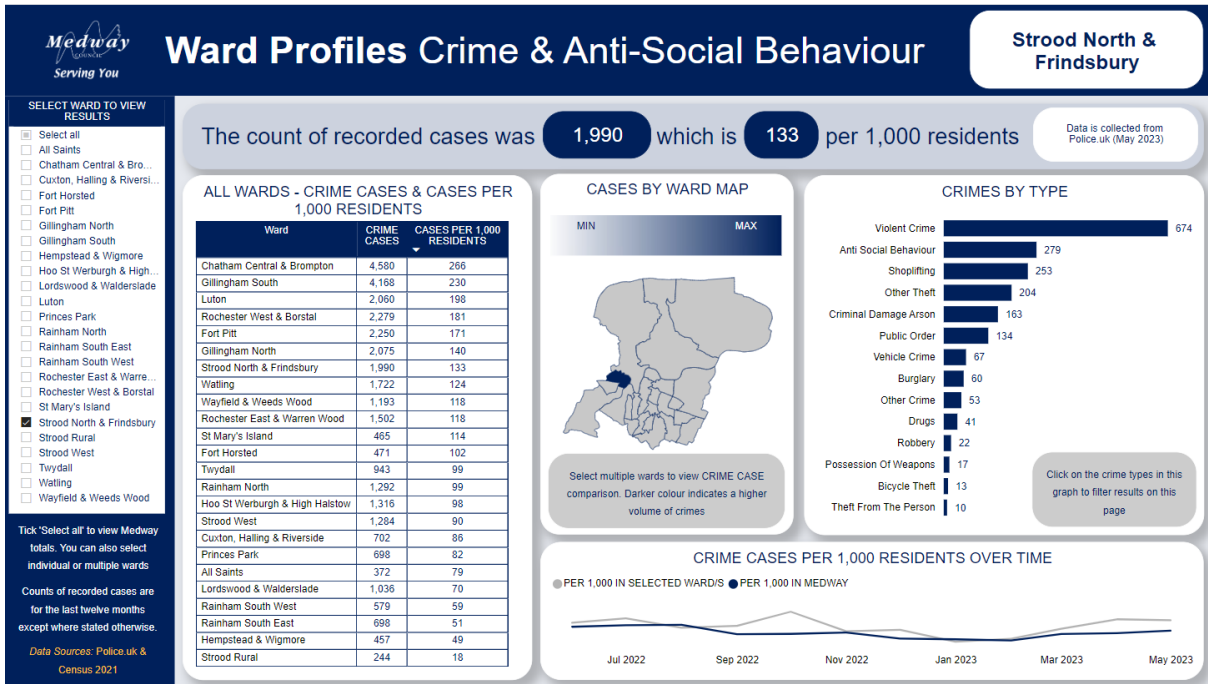
Certain types of crime are more associated with alcohol consumption than others. Among crimes that are regarded as being '[alcohol related](#)' are:

- Violence including wounding and assault with or without injury
- Verbal and physical abuse
- Sexual offences including abuse and assault
- Harassment
- Domestic abuse
- Public disturbance and nuisance including street drinking, noise, littering, public urination and defecation and intimidation
- Harms to children including assault, witnessing violence and all types of abuse
- Driving offences including drink driving

Research from [The Office for National Statistics](#) states that victims perceived an offender to be under the influence of alcohol in 53% of violent incidents; a proportion which has remained consistent during the last 10 years.

Research has also shown that access to off licensed premises, such as convenience shops and supermarkets, had a greater association with violent crime than premises which only allow for on-site consumption of alcohol ([Trangenstein et al \(2018\)](#)). This is particularly the case for incidents of domestic abuse where incidents often happen in the home. Alcohol consumption, and domestic abuse, increased during the COVID 19 lockdowns, where alcohol could only be purchased from off licensed premises ([Institute of Alcohol Studies, 2021](#)).

The ward profile for Strood North and Frindsbury, produced by Medway Council Business Intelligence Team, shows the following levels of crime and anti-social behaviour:

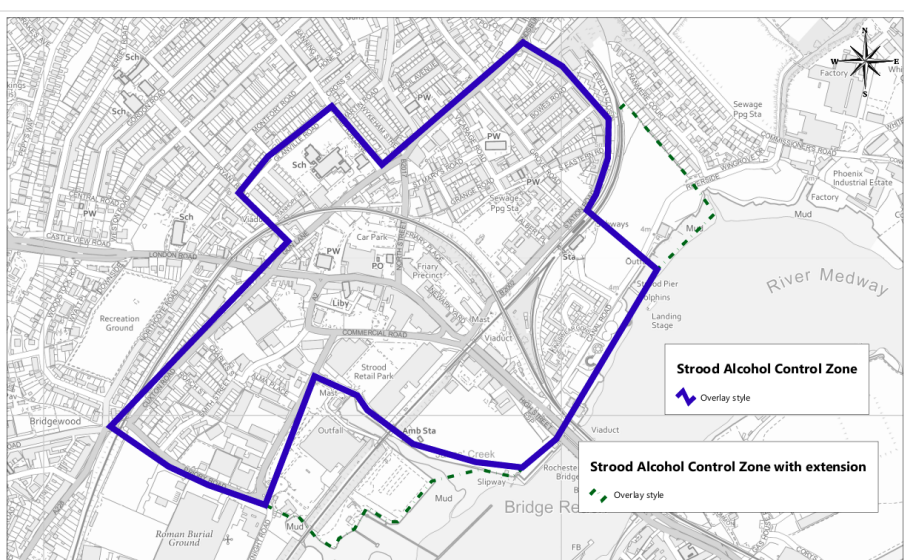


This shows the ward has the seventh highest rate of cases of crime per 1000 residents in Medway, with the most common types being violent crime and anti-social behaviour, both of which are associated with alcohol consumption.

The Prevention of Public Nuisance

There is a Public Space Protection Order (PSPO) in place for Strood town centre due, in part, to alcohol related anti-social behaviour. The blue outline shows the boundary of the PSPO in the following map.

While it does not extend as far as the premises, it does extend up Bryant Road and ends 150 metres from the premises.



Strood Alcohol Control Zone existing (solid line) with proposed extension (dotted line)

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Noise nuisance, particularly in residential areas, can disturb people in their homes, and can be generated by a variety of means, such as customers and staff gathering outside buildings to eat, drink and smoke. This can affect residents even at some distance from the premises. The impact on the wellbeing of residents from noise generated by late-night premises such as the late opening shop that sells alcohol is of concern.

Late-night noise is often unsettling; particularly shouting and screaming. The degree of nuisance caused by noise can increase with the lateness of the hour, especially if it disturbs or prevents sleep. Public nuisance can also be generated by a variety of other means, such as litter, smoke and light pollution all of which may cause a disturbance to people in the vicinity.

The application is for the sale of alcohol for 24 hours, with a delivery only service between 0100 hours and 0500 hours, which implies the premise will be open to customers from 0500 hours to 0100 hours for the sale of alcohol.

Any delivery service from this premises may generate noise as it will presumably be by way of some sort of motorized transport, whether that is by car or motorbike, which in the early hours of the morning has the potential to create nuisance.

Additionally, Public Health knows from Medway's treatment service that people who are alcohol dependent will purchase alcohol at all hours of the day if they need it. By opening at 0500 hours to members of the public; hours which are far earlier than any of those at nearby establishments, there is the potential to attract customs who need to buy alcohol because of their dependency, causing noise and nuisance from 0500 hours onwards.

There is no risk assessment or acknowledgement of the above issues in the application or of any further measures the applicant intends to make beyond the current conditions on the premises licence.

Summary

This application neither acknowledges nor addresses the possible increase in behavioural and situational noise and nuisance that could arise during the early morning hours due to the increase in trading. This in turn raises questions of just how the applicant intends to promote the licensing objects, or even if the issues in this area have been considered.

The Authority's Statement of Licensing Policy states at para 5.45

The Authority believes the sale of alcohol from off licences should generally be:

- 0900 hours to 2300 hours.

This is to specifically address the problem of anti-social behaviour, begging and intimidation and the impact this can have on the community. 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, and the Authority is aware that vulnerable dependent and street drinkers

are attracted to off licences that open early in the morning, resulting in street drinking and antisocial behaviour. In addition, off licences open late at night attract drinkers going into pubs and clubs looking to pre load on cheap alcohol, which can lead to public nuisance, litter and disorder.

Further paras 5.47 and 5.48 state

5.47 Where there are relevant representations and the operating schedule departs from Policy 10 the licensing sub-committee will normally expect there to be a good reason if it is being asked to make an exception. However the Authority will not apply this policy rigidly and will always take into account the merits of any application and promote the licensing objectives.

5.48 The Authority will take into account the location, style of premises and measures offered in the operating schedule to decide on the appropriate hours for an application, which will not necessarily be the same as the opening hours. If the application is for the hours of licensable activity and operation is generally beyond that outlined above the Authority will expect the operating schedule to include proposed specific measures to address the concerns expressed in Policy 7. If they are not it is likely the extended hours will be refused.

This is a densely populated residential area and the proposed hours fall outside of the policy outlined above. There are no specific measures contained within the operating schedule to address concerns about crime or nuisance. The Director does not believe there are any conditions which would mitigate the issue of late night/early morning noise and nuisance from a premises in this type of location. The Licensing Committee is therefore asked to refuse this application.

Professor David Whiting

Acting Director of Public Health

Date 5th November 2024

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

1 ANNEX A

1.1 MAPS SHOWING PREMISES LOCATION

The below two maps show the premises (the building shaded in red) and how it is located in a majority residential area.



1.2 PHOTOGRAPHS SHOWING THE PREMISES AND THE AREA.

Photograph taken 28th October 2024 showing the premises, other nearby commercial premises and terraced housing.



Screen shots taken from Google maps showing surrounding terraced housing in Weston Road and Bryant Road.



