

Observations and Licensing Report

MARK HALTON - MJH LICENSING CONSULTANTS LTD

TESCO EXPRESS UNIT 1 PULLMAN HOUSE

90 CORPORATION STREET ROCHESTER KENT ME1 1NH.

Introduction and scope of instructions.

I have been instructed by Tesco Stores Limited to conduct impartial observations on the Tesco Express situated at Unit 1 Pullman House 90 Corporation Street Rochester Kent ME1 1NH and the area surrounding it in relation to the premises licence application made for these premises.

As part of those instructions, I have also been asked to consider the initial form of application (which was then withdrawn) and the subsequent application with revised conditions and to then consider the likely impact under the four licensing objectives of granting a premises licence to this store enabling the sale of alcohol at this location.

My instructions included copies of previous application and copies of representations to it and also the representations made to the current application. I am familiar with a number of other Tesco premises which operate without difficulty within existing cumulative impact areas around the country. Before the current application was made my view was sought as to hours and proposed conditions.

The application Tesco has made for a premises licence under the Licensing Act seeks permission for the sale of alcohol from 11.00am to 9.00pm, Sunday to Thursday and 10am to 8pm on Friday & Saturday but subject to proposed conditions. I was also asked to provide a view on whether I thought such an application would undermine the licensing objectives before it was lodged and I addressed this in the Observations and Comments section of my report.

The site was still under construction and therefore not open at the time of my observations. I am aware of the Tesco policies, systems, training, and procedures in relation to the sale and supply of alcohol.

I have observed the premises and the area surrounding on the following dates and times –

Thursday	13 th February 2025	4.00pm to 10.00pm.
Friday	14 th February 2025	6.00pm to 11.00pm.
Saturday	15 th February 2025	8.00am to 11.00am & 7.00pm to midnight.
Sunday	16 th February 2025	10.00am to 2.00pm.

I selected these broad range timings on various days of the week so I could observe the possible effects of the application upon the surrounding environment throughout the week, including at different times of the day.

I have appended the notes I made of those visits and my observations during them at Appendix 1 and the photos that I took at Appendix 2.

I have set out my CV followed by comments and conclusion within the main body of the report under relevant headings.

Professional Experience and Qualifications – Mark Halton.

I have retired from the Metropolitan Police Service, completing 30 years' exemplary service. During my service I was involved with a variety of licensed premises under both the Licensing Act 1964 and from 2005 under the Licensing Act 2003. I worked within Westminster for a significant period of my time with the police, which has some of the highest footfall in England and the most licensed premises of any local authority area. I also worked in the London Borough of Richmond which is much more residential in nature. I have also been involved with planning for significant sporting events from a police licensing and crime reduction perspective. I was also seconded to the Home Office to advise on licensing matters and as head of the licensing that contained the most licensed premises. I was and continue to be involved in training for the police, local authorities, and operators in relation to licensing legislation, best practice, and crime reduction matters. My experience includes field-based work and therefore I believe that I am well qualified to conduct the observations which I undertook and make comments and draw reliable conclusions.

My brief resume is set out below.

1985-1987 Westminster Response team police officer

1987-1997 Central Clubs & Vice Unit CO14 posting within as follows

1987-88 Street Offences Squad dealing with street prostitution, brothels, massage parlors, illegal gaming/casino and both licensed and unlicensed venues for the sale of alcohol.

1988-90 Obscene Publications Unit.

1990- 93 Field Intelligence officer CO14 Clubs & Vice. Covert policing, surveillance.

A drugs test purchaser and financial investigator used primarily in the night club economy specialising in nightclub/late night economy specialising in nightclubs and bars.

1993-97 Clubs & Vice Licensing Unit. Supervising and dealing with licensing prosecutions, administration, and applications. This included dealing with applications to

revoke Justices Licences or whether to oppose the grant or variation of such licences or the renewal of Public Entertainment Licences.

1997-01 Westminster Borough Licensing Co-Coordinator. Supervising all licensing teams within the Borough, modifying police processes and policies particularly in respect of taking enforcement action, including prosecutions.

2002-06 Westminster Police Licensing Team. Set up the unit and supervised, wrote the Metropolitan Police crime prevention and effective management document within the Westminster Statement of Licensing Policy. Assisted with devising and implementing the Cumulative Impact policy. This included preparing for and overseeing the implementation of the Licensing Act 2003, dealing with the transition period, and developing the response to applications for new licences or variation applications and whether to object to them on the basis that they may undermine the licensing objectives or whether suitable conditions or the basis of the operation would not be likely to undermine those objectives.

2007-10 Camden Borough Police Response Team.

2010-12 Police Licensing Advisor Home Office. Secondment.

Ran and supervised the *Home Office Intensive Support Visit program (ISV) supplying training on legislation, powers and practical implementation to police forces and local authorities nationally in relation to licensing matters, pre-dominantly under the Licensing Act 2003. Completed submissions for response to Prime Ministerial Questions (PMQs), advice to various ministers including the Home Secretary on numerous occasions. Wrote the then Home Office guidance on expedited reviews and section 19 closure notices. Sat on the boards of Best Bar None, Pub Watch and Purple Flag (which included developing and promoting best practice in licensed venues). During this time, I assisted in the licensing of the Olympics 2012 - this included not only licensing within the Olympic Park and other Olympic Venues but in surrounding areas and how to mitigate and reduce impacts.

2013-15 Richmond Borough Police Licensing Team. I was in charge of the day-to-day running of the team which involved consideration of applications received, dealing with enforcement issues, and liaising with the local authority. Supervised and organised the police licensing approach for the Rugby World Cup 2015, not only in relation to licensing applications made in connection with it but promoting best practice and overseeing the operation of licensed premises during this sporting event.

During my time with the police, I achieved the rank of acting Inspector but had a wide experience during my time of not only operational matters but devising strategies, policies and training as well as managing teams. I was often involved in multi-agency approaches to reducing the impact of licensed premises through the most appropriate means.

Since retirement I have conducted risk reduction and crime scene preservation training for well-known national chains. Conducted investigations into incidents arising at licensed venues and provided expert witness testimony. I have further been commissioned to implement operational procedures at licensed premises within London and nationally and numerous environment impact studies for applications.

I am a Home Office qualified Crime Reduction Officer, Crime Prevention Design Advisor and CCTV systems approved officer. An expert in crime reduction design measures and getting venues experiencing such problems back on track.

*The Home Office Intensive Support Visit (ISV) program.

I oversaw a team including solicitors, police officers, local authority officers and civil servants. I attended, supervised, and assisted in policing all these 3-day events at 53 different town and city centre locations, from Hartlepool to Plymouth. The ISV consisted of training local police and local authorities on licensing legislation and powers, problem solving and partnership working. It further included visiting one night without local officers and a further night with local officers within the various nighttime economies. (Where problems are likely to be concentrated).

I believe this has given me a knowledgeable viewpoint and expertise not just the police force area I came from but a view and expertise of town and city centres nationally. Having spent a year and a half on the road investigating many nighttime and daytime economies I have a knowledge I believe not many expert witnesses possess

As such I believe I am qualified to not only carry out observations on this location but to draw credible and reliable conclusions as to the likely impact of the application which has been made by Tesco Stores Limited.

Comments and Conclusions.

The store is to be used by customers as a convenience walk in to buy groceries and other goods as part of a convenience shop. I would say that these would be local residents, particularly those within the building within which the proposed unit sits, and those travelling home to and from the rail station.

Corporation Street is not at all busy with pedestrians. There is no street drinking, no groups of youths, no littering or anti-social behavior.

I have witnessed no obstruction of the road or footpath.

This is not to be a corner shop or privately owned off licence that can in my opinion be more problematic but a large brand express convenience store. Tesco I am aware have staff training on sales of alcohol, sales to drunken persons, underage sales, and proxy sales.

Test purchasing is also a proactive method in due diligence undertaken by the company and staff. I would recommend this is carried out impartially and unannounced twice yearly as a minimum as I know it is elsewhere at other Tesco sites and understand that it will be here.

Again Tesco's policy of displaying spirits and champagne behind the manned service desk/checkout is sensible and a good precaution. This is also reflected in the proposed conditions.

CCTV must be maintained and cover all areas of alcohol display and checkout. Images must be stored for a minimum of 28 days and a copy provided to police or a local authority licensing officer immediately upon reasonable request. The coverage of the area where alcohol is to be sold must be full coverage. Again, this is reflected in the proposed conditions.

An Incident log should be completed and kept available for inspection by police or local authority licensing officer on request. Again, this is reflected in the proposed conditions.

I have seen from previous objections to the previous application made and from my instructions that the venue is situated in a Cumulative Impact Area.

In my view and from my experience, there is no such thing as a crime free venue. In all my many dealings with licensed premises and having supervised Westminster's 3,628 licensed premises (figure at my time of leaving post) this with respect is not achievable.

However, from my observations and previous experience with Tesco I will state that its stores, particularly its express stores, are very well run when it comes to the sale of alcohol, the area in my opinion does not appear to have problems with crime and disorder or nuisance. As such, I do not think the granting of a licence for the proposed hours (with the proposed conditions Tesco have included within their application) would undermine the licensing objectives under the Licensing Act 2003 or cause any problems at all.

It would not have any negative impact or effect on the Cumulative Impact Area and licensing policy currently in place. I note that the police have not objected to the application in its current form with the proposed conditions. I can completely understand why and agree with that view and endorse the position adopted by them, as it mirrors my own.

I further note that the police are one of the key statutory authorities who essentially "uphold" the cumulative impact policy and thus their view is significant. I also am aware that licensing and environmental health teams also have **not** made a representation. Again, if there were realistically any issues that were likely to undermine the licensing objectives then they would have objected. This again reinforces my clear opinion that what is proposed are simply not premises likely to add to any existing cumulative impact.

I am also aware that these premises are located on the edge of the relevant cumulative impact policy zone and in an area where there appears to be a lot of redevelopment to improve the area. In addition, the Co-op premises I observed are located just outside the zone but are in a very similar area and are neither said to, nor appear, to cause any problems. I believe that the Tesco store if granted a premises licence will be well run and not cause issues but in fact would enhance the area.

I have seen such venues operated by Tesco on previous occasions and have seen the proposed conditions they have submitted, I am satisfied that these coupled with the staff levels, training of those staff and the controls, policies, and systems which Tesco has in place are more than adequate to deal with any issues that could arise, however unlikely.

The police, local authority and residents all have legislative powers to deal with a venue causing any licensing objective problems. If the venue is granted a premises licence, there is always an incentive to comply. If a store does not comply its licence can be reviewed and ultimately removed or otherwise other enforcement powers used..

During all my police service with the metropolitan police and home office a stance of zero crime has never been requested of a licensed venue, such requests must be achievable.

I believe there will be no negative effect arising from the sale of alcohol from Tesco in this location, the positioning of alcohol within it reduces the possibility of theft, the type of alcohol sold is not of appeal to those wishing to drink on the street, the beers and cider used by street drinkers are high in ABV levels between 6 and 10% whereas the proposed conditions prohibit the sale of such products. These are available within the area at less regulated off-licence premises but are not the sort of beers and ciders Tesco will be looking to sell.

I further believe that with the conditions and hours for the sale of alcohol that are proposed by the applicant this venue will not cause problems or have a negative effect on the licensing objectives, the Councils Cumulative Impact policy, and the councils licensing policy. I just cannot see it. These will not reduce crime to zero, as this is never achievable, but they will have a marked positive effect on any perceived crime and nuisance issues at the store. This is not a magnet for crime far from it.

I have witnessed no noise nuisance, no disturbances, no crime, no litter problems (at venue or gardens of residents), no young person's gathering, no problem street drinking (witnessed once) or in the parks. It is not there.

I have previously seen particularly good management by staff and security who were always on the shop floor or behind a till restocking shelves or assisting customers. Staff vigilance of what is going on around them is high at Tesco Express stores. I again I note there are numerous proposed conditions addressing these controls.

I have further witnessed that Tesco Express managers take their role seriously, they build strong partnerships with local police and are aware of the perceived problems voiced by residents and how to reduce any such fears they may hold. I believe that is echoed by the existing stores with licences within the licensing authority.

I believe any application for this store should not be judged on what could or may happen but how the store is going to deal with the perceived problems in holding a licence. They have, and will have additionally resulting from this report and existing company policy and training, everything in place.

Will there be young people attracted if alcohol sales were allowed. At this point I would say no, the fact is that I have seen absolutely no evidence of such problems. The hours which the venue seeks are not what appear to be unsocial.

Will there be a problem with street drinking, I say no. I have seen no evidence of problem street drinking. There is no street drinking that I have witnessed in the roads and surrounding streets (save for one incidence I mention in my observations but this was not problematic). They are residential and not conducive to street drinking and the local parks and open areas have a Public Space Protection Order stopping the drinking of alcohol when police request.

I have also seen within one of the representations, that a number of "crime statistics" have been produced. However, these are basic high level figures without any underlying data and reports and these are not evidence of actual crimes. Indeed, it may very well be that "Tesco" was used as the locator or there was simply an allegation which had no merit. As such, these "statistics" should bear little weight without the further information and do not change my view as they are an indicator of a variety of reported (and sometimes unsubstantiated) incidents or occurrences that could have occurred either in the store or in the immediate location. Were those statistics demonstrative of what is being inferred from them then the police would have objected to this application or taken action against the other stores. They have not.

My conclusion is that there is no reason why an application for a premises licence allowing off sales at the store should be refused for the proposed hours and with the proposed conditions. There will be no negative effect on the Cumulative Impact Policy within the area. The sale of alcohol at this store would not be inconsistent with the Local Authority's duty to promote the licensing objectives from what I have seen of the area and the store itself.

The proposals the venue has offered and the policies already in place across the country re. security, CCTV, positioning of alcohol, training, and the proposed conditions are I believe consistent with the Local Authority statement of licensing policy and cumulative impact assessment. I believe this application goes above and beyond in promoting the licensing objectives. I see no detrimental cumulative impact on any of the

licensing objectives in the area. These are just not premises that would add to cumulative impact.

All matters relevant in the report on which my expert evidence is given has been included in this report. I believe the facts I state in this report are honest and true and that the opinions I have expressed are correct to the best of my judgement. The fee for this report is not conditional on the outcome of any future case, application or finding.

Appendix 1 – Observations

Observations.

1. Thursday 13th February 2025.

I conducted observations on the proposed site at the Tesco Express unit 1 Pullman House 90 Corporation Street Rochester Kent ME1 1NH and the area around the venue beginning at 4.00pm.

The weather is good, the street and surrounding streets are very well illuminated. Vision is clear.

Corporation Street is a main thoroughfare road and is busy with traffic throughout my observations. The store is to be a Tesco express, a small shop selling groceries. The shop would sell the normal day-to-day groceries, papers, magazines, cigarettes, and soft drinks. The site is situated on Corporation Street and will be part of the residential complex Pullman House (Ground Floor). The complex is next to Rochester rail station. It is obvious there has been a lot of regeneration work in the area and numerous residential flats have been built behind and on Corporation Street (The Rochester Riverside development). The venue from the front looks onto the rear of The Huguenot Museum behind this is the High Street. The High Street is full of small independent shops, pubs and restaurants. It is an appealing street popular with locals and tourists alike and runs parallel with Corporation Street.

Behind the proposed venue is the rail line and station platforms, a Travelodge hotel, a Co-op store and the new residential properties previously mentioned, these are a combination of apartments and houses.

The area in which I conducted observations are Corporation Street from the junction with Esplanade up to the junction with Bardell Terrace, the High Street from Esplanade to Star Hill, the streets connecting and in between Corporation Street and The High Street those streets running west off the High Street (opposite side to Corporation Street) and the new development at the rear of the proposed venue in the Rochester Riverside development.

I walked through this whole area and the streets and open spaces within between 4pm and 10pm continuously. I further found and paid attention to 41 La Providence, a sheltered accommodation facility for persons who have found hardship in finding a place to live particularly those who are practising Huguenots (taken from website). The

Blue Boar Lane Car Park, Jaspers Community Café, the Casino Rooms (nightclub) and the local bus and rail stations.

I further paid attention to the three off licence venues in the High Street, the Co-Op store at the rear of the rail station and the public houses.

I feel safe. I see no groups of youths, no persons loitering, no anti-social behaviour, no noise issues, no litter issues, no drunkenness. Corporation Street is not busy with pedestrians apart from those crossing it when leaving the station post 6pm. The High Street is busy with tourists and persons working in the area. The restaurants are busy post 6pm.

The Co-Op store it sells Wine, Spirits, beer, and cider. I see no problems affecting the area connected to this store through all my observations. I notice they have no security and a minimum of two staff on duty. There are no high strength beers apart from some craft beers on display. There are also bottles of wine on display these are on shelving and within refrigerators. The spirits are all kept behind the cash desk along with cigarettes, all enclosed within a Perspex barrier.

During my observation I also observe how clean the streets and the front of properties both commercial and residential are in the area.

Traffic in Corporation Street is busy and free flowing. I observe no congestion and no obstruction of the highway by vehicles. Vehicle flow dramatically reduces post 9.00pm.

I see no problems at the three off licensed venues these being:

Castle Food & Wine 33 High Street.

Newlands 111 High Street.

Food & Wine S&J News 190/192 High Street.

I see no street drinking, crime or anti-social behaviour through the observation this evening.

I see one apparent homeless person sitting in a doorway at Paydens Chemist 130 High Street at 8pm. This was a female who I saw conversing with a female passerby. She was not drunk and was not drinking.

Observation ends 10.00pm.

2. Friday 14th February 2025.

I conducted observations near and in the area around the venue beginning at 6.00pm. Weather is good, and vision is clear.

The High Street and streets leading off, particularly those leading to the Castle and Cathedral are busy, it is Valentine's night, and the restaurants and bars are very full.

I observe that Newlands off licence is closed at 8.00pm. The Eagle Tavern also closed at 8.00pm.

Corporation Street is not busy with pedestrians, there are hardly any. Vehicle traffic is very busy throughout the observation.

At 8.15pm there are three males and a female standing outside Food & Wine 190/192 High Street, one of the males is drinking from a single can of beer. I cannot say he purchased this in Food & Wine. They are not drunk or troublesome.

At 8.20pm I see a male sitting in a recess outside a closed down ex charity shop opposite 166 High Street. He appears homeless. He is not drinking and is not begging, no anti-social activity. At 8.30pm, he is gone.

I visit the Co-op store throughout my observations there are no incidents and no anti-social behavior.

I visit all the areas continuously that I believe street drinkers may gather Blue Boar Lane car park, College Yard, the war memorial on the green of the cathedral, area surrounding the cathedral, area surrounding the castle, outside the off licences, the Vines Park,

Esplanade Gardens, surrounding car parks. I see no street drinking, no gatherings of youths, no anti-social behavior.

From 10.30pm I observe the venue The Casino Rooms on Blue Boar Lane directly across from the car park. The Casino rooms is a nightclub and live music venue operating from 10.00pm to 3.00am. They are open, there is no queue, security clearly visible on the door. I observe until 11.00pm, no incidents.

I would comment that it is obvious a lot of work has been put in place by the police and local authority, I notice in the window of the off-licence Castle Food & Wine 33 High Street a letter from Pc Ian Pickett outlining the venues responsibility under the licensing act (commendable), there are also signs within the venue stating they do not sell single cans of beer or cider. There is also a Public Space Protection Order (PSPO) in place in the area. There is security on duty at all the pubs from 7.00pm onwards.

I saw one incident of street drinking this evening and this was not anti-social.

Considering this is a Friday, I am surprised that through my observations walking through the area and its streets on numerous occasions I observe no groups of youths,

no littering, no begging, no street drinking and no anti-social behaviour.

This was possibly the most incidental free observation I have ever made.

The observation ends at 11.00pm.

3. Saturday 15th February 2025.

I conducted two separate observations near and in the area around the venue on two separate occasions from 8.00am to 11.00am and then 7.00pm to midnight.

It is raining on and off throughout the observations, visibility is good.

At 8.00am I walk the length of Corporation Street, again the only pedestrians are those crossing the road using the rail station, the road is again busy with vehicles. I walk the length of the High Street, around the Southgate school area, The Vines Park, the castle, the cathedral and through the Riverside residential complex.

I further walk around the Moat House Baptist church area and Crow Lane and Maidstone Road; I walk around the area of historic Rochester.

I further observe the Esplanade and Esplanade Gardens.

Later from 9.00pm the area begins to get busier with workers and tourists.

I have seen no homelessness, no street drinking, no anti-social behavior between the hours of 8.00am and 11.00am.

I resume observations at 7.00pm.

At 7.20pm I noticed that the Casino Rooms are open, there is a queue of approx. sixteen people waiting to enter, all well behaved and mainly female, security is on the door and checking ID's. Looking at the website it appears it is for an event called Bongo Bingo. A music and dance bingo night. Later from 10pm, the nightclub opens properly. People enter through a separate door, the largest queue I witness is six people at 11.30pm. Security on door, high visibility jackets, SIA badges visible and ID checks on those entering, appears very well run, I see no incidents and no anti-social behavior.

I observe what appears to be a homeless female sitting in the alcove outside the Guildhall Museum on the High Street, the time is 9.20pm.

The only venue I would have any issue with was Kings Head on the High Street at 11.25pm. The High Street outside is blocked with people leaving, smoking, or just chatting. Security does not seem to be moving on anyone or attempting to alleviate obstruction for passing cars.

Sitting on the benches on the High Street near the entrance to the Eastgate Community Hall is a disabled male with one leg, as I pass, he asks if I can spare any change. It is 11.30pm.

At 11.40pm the apparent homeless female at the Guildhall museum has gone.

Through five hours observation on a busy Saturday night, I have seen what appears to be two homeless people, one of which was begging. I see no street drinking or anti-social behavior apart from the obstruction of the road and noise from the Kings Head.

The parks are empty.

I notice that there are Controlled Drinking Zone and PSPO signs displayed at various places within the area. I see no street drinking.

There are no issues and no evidence of crime, anti-social behavior, street drinking or rough sleeping.

At midnight I cease observations.

4. Sunday 16th February 2025.

I conducted observations near and in the area around the venue beginning at 10.00am.

The weather is good, and vision is clear.

Corporation Street is again busy with vehicles but not pedestrians. The High Street is busy with tourists, some of the independent shops are closed but most are open. There is a food/farmer style market open on one side of the Blue Boar Lane Car Park. Some of these stalls are openly selling alcohol, including one only selling cider. They are being sold from a trestle table. Through my observation there are no incidents.

I again walk up and down the surrounding streets in the area of Corporation Street, the High Street and the Rochester Riverside residential area. No anti-social issues, no loitering by persons, no litter, no street drinking. I have seen no begging or apparent homeless persons. No street drinking at all.

I conclude observations at 2.00pm.

Appendix 2 – Images/Photos

1. Frontage proposed Tesco Express Unit1 Pullman House 90 Corporation Street Rochester ME1 1NH.
2. View from front of Pullman House.
3. Corporation Street looking at the now complete apartments next to Pullman House.
4. Rochester Rail Station, Pullman House can be seen.
5. Rear of Pullman House (Green Building Roof) Rail platform, Co-op and hotel.
6. La Providence alms House.
7. Benches outside La Providence.
8. Blue Boar Lane Car Park.
9. Benches at the Blue Boar Lane Car Park.
10. The Casino Rooms Blue Boar Lane.
11. Off Licences (Food & Wine, Newlands, Castle Food & Wine)
12. Signage, Controlled Drinking Zone, PSPO, Licensing objective reminder letter from police, no single can sales.
13. Open areas Benches at Blue Boar Lane Car Park, Seating off High Street, War memorial, Eastgate.
14. High Street (Night & Day) Rail station side entrance
15. Co-op, Spirits behind cash desk, alcohol within refrigerators and on display

1.



2.



3.



4.



5.



6.



7.



8.



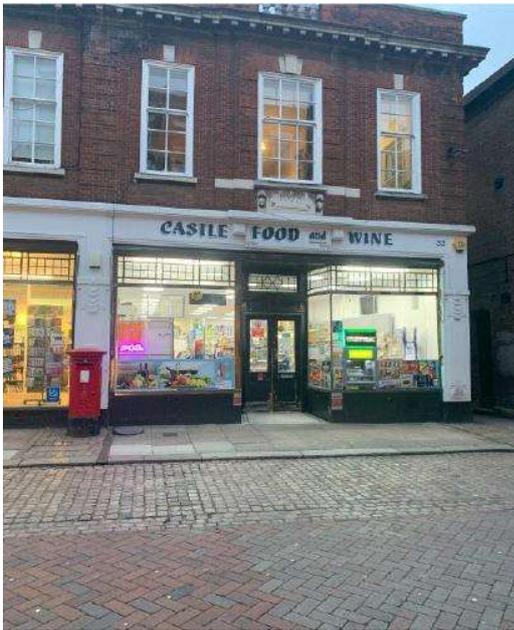
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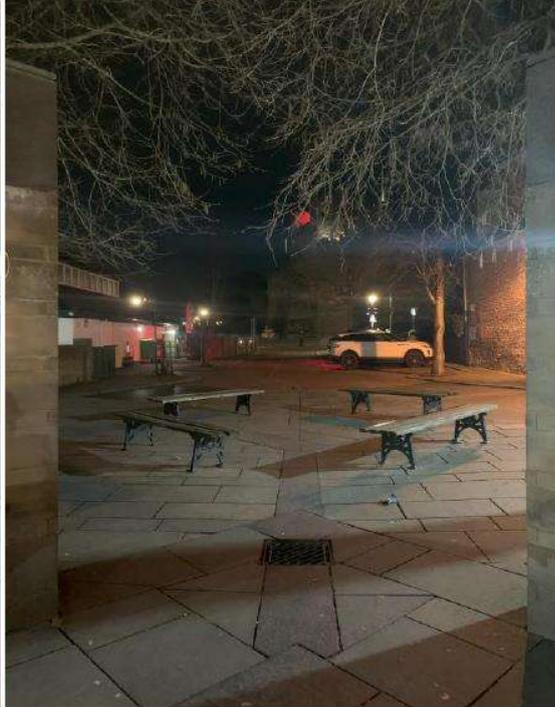
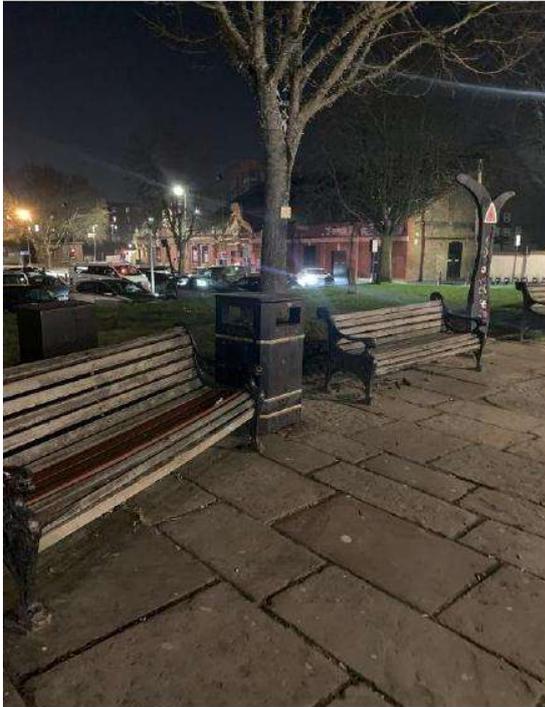
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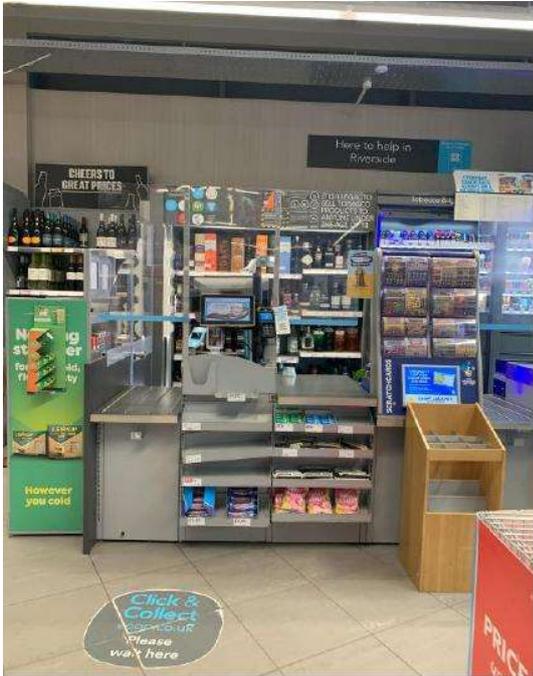
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15.



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