



# Kent Police

**Chief Officer of Police Representation** in relation to an application for variation of a premises licence made under Part 3 **Section 34** Licensing Act 2003 (S35 Licensing Act 2003)

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| <b>Details of person making representation</b>   |  |
| <b>Name of Chief Officer of Police</b>   | Chief Superintendent SMITH   |
| <b>Postal Address:<br/>(Divisional Headquarters)</b>   | Medway Police Station<br>Purser Way<br>Gillingham<br>Kent<br>ME7 1NE |
| <b>E-mail address</b>  | licensing.north.division@kent.pnn.police.uk                          |
| <b>Telephone Numbers:</b>  |  |
| <b>Licensing Co-ordinator</b>  | Geoff Rowley 01634 792733  |
| <b>Licensing Officers</b>  | Chris Hill 01634 792276  |
|  | Clare Cossar 01634 792411  |
|  | Diane Holroyd 01634 792388   |
|  | Dan Hunt 01634 792388  |
| <b>Details of premises representation is about</b>   |  |
| <b>Name of Premises:</b>   | MRH Gravesend  |
| <b>Address of premises:</b>  | 100 Old Road West<br>Gravesend<br>Kent<br>DA11 0LR                   |
| <b>Date application received by police</b>   | 3 <sup>rd</sup> January 2019   |
| <b>Date representation sent to Licensing Authority.</b><br>All representations must be made within 28 days of receipt of initial application<br><i>The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, Part 4 Reg. 22.</i> | 30 <sup>th</sup> January 2019  |

**The Chief Officer of Police has received an application for the variation of a premises licence made under the provisions of Section 35 Licensing Act 2003, and under Section 35 of that Act, asks the Licensing Authority to consider these representations in respect of: -**

|                                  |   |
|----------------------------------|---|
| Prevention of crime and disorder | X |
| Public Safety                    | X |
| Prevention of public nuisance    | X |
| Protection of children from harm | X |

**Please give the reason for the representation and detail the evidence supporting it under the appropriate headings:**

This venue already operates as petrol filling station with attached store that already has a premises licence authorising the sale of alcohol on an off sale basis. The premises is currently permitted to sell alcohol on weekdays from 08:00 to 23:00, on Sundays from 10:00 to 22:30, on Christmas Day from 12:00 to 15:00 and from 19:00 to 22:30 and on Good Friday from 08:00 to 22:30.

The applicant is requesting to vary the premises licence to enable the sale of alcohol on a 24 hour basis and also to enable the provision of late night refreshment daily from 23:00 to 05:00

In order to promote the licensing objectives the applicant has offered the following conditions:

- CCTV condition
- Adequate staffing levels at all times
- Adequate waste receptacles to be provided outside of the premises
- Challenge 25 age verification policy

Kent Police have no concerns with regards to how the premises currently operates but are opposed to the proposal of it becoming a 24 hour operation. The premises is located in a residential area. It is likely that the extension of the operation at this premises to become a 24 hour service will cause a disturbance to residents. The granting of a 24 hour licence at this location is likely to make the premises an attractive proposition in the early hours of the morning to persons on their way home from one of the many bars and restaurants located in the town centre. This increases the risk of incident or disturbance caused by persons attending the premises that are already under the influence of alcohol. Whilst the premises is located in a residential area, the town centre remains only a short walk away. Currently there are no other premises with a 24 hour licence located on this side of town and the area immediate to this premises does not suffer with the same levels or antisocial behaviour and crime and disorder that is currently experienced less than a mile away in the centre of town. It is inevitable that an amount of disturbance will be generated by customers using this premises should it operate on a 24 hour basis. It is felt that the proposed conditions are not sufficient to promote the licensing objectives and do not alleviate our concerns.

It is our understanding that planning permission for the premises to operate on a 24 hour basis has been declined. Should this variation be granted and the premises operate to the proposed timings, this could amount to a breach of planning.

To date the applicant has been made aware of our concerns but is yet to respond or make contact regarding the concerns raised.

Kent Police are opposed to this application. Should the application be granted, Kent Police would seek the below conditions in addition to those already proposed by the applicant:

**The application is for the premise to be open:**

Monday to Sunday - 24 hours

**Sale of Alcohol:**

Monday to Sunday – 24 hours

**Late night refreshment:**

Monday to Sunday – 23:00 to 05:00

**Kent Police are opposed to this application under the times stated and propose the following:**

**1) Prevention of Crime and Disorder**

The promotion of this objective by the imposition of conditions is a key to the Licensing Act 2003. It is important that conditions are attached to this licence that seeks to effectively promote this objective and minimise the risk of it being undermined. The conditions need to be clear and precise.

## **2) Public Safety**

Much of the representations that have been made in respect of the impact on the Licensing Objective of Crime & Disorder can be mirrored under this objective. Any incident of Public Order or Assault has a propensity to have an element of collateral impact on Public Safety, through the protagonists and their interaction with Police. Licence holders have a responsibility to ensure the safety of those using their premises and this objective is concerned with the safety of persons using the premises rather than public health. Conditions imposed under public safety will also promote the crime and disorder objective.

## **3) Prevention of Public Nuisance**

Public nuisance under the Licensing Act enables the interpretation of nuisance to retain its wider meaning under common law. It therefore retains the breadth and flexibility to take in all the concerns likely to arise from the operation of any premises conducting licensable activities in terms of the impact of nuisance on people living or doing business nearby.

Any incidents that Kent Police responds to are by definition a nuisance to some section of our community.

## **4) Protection of Children from harm**

The protection of children from harm includes protection from moral, psychological and physical harm; therefore this is not just about protecting the children from the inherent harms of alcohol.

**Kent Police seek the attachment of the following conditions to clarify those proposed in the operating schedule, and assist in the promotion of the licensing objectives:**

1. No beer, lager or cider above 5.5 % ABV shall be sold at the premises
2. No single cans or bottles of beer, lager or cider shall be sold at the premises
3. The customer entrance door to the premises is to be locked daily between 23:00 to 05:00. During these times all sales must be made via the service window
4. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions.
  - Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept on the hard drive and kept for a period of 30 days and handed to Police upon reasonable request.
  - The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority upon reasonable request.
  - The recording equipment and hard drive shall be kept in a secure environment under the control of the DPS or other responsible named individual.



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- In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to the Police Licensing Officer within 24 hours unless the CCTV will be repaired before that time ([licensing.north.division@kent.pnn.police.uk](mailto:licensing.north.division@kent.pnn.police.uk))

5. All persons that sell or supply alcohol to customers must have licensing training.

Training should take place within six weeks of employment and any new employees will be supervised until the training has taken place.

Training must include:-

- Avoiding sales of alcohol or age restricted products to those under the age of 18.
- recognising customers who appear drunk and refusing sale or supply of alcohol
- knows the licensing objectives and have read and understood licence conditions
- can produce licences/certificates/permits relevant to the premises in the absence of licence holder/DPS.
- Refresher training should be repeated a minimum of every twelve months or earlier if required due to changes of legislation.
- Training records must be kept on the premises and shall contain the nature, content and frequency of all training.
- Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from the Local Authority upon reasonable request either electronically or hard copy.

6. The License Holder will maintain auditable refusal/incident records. These records will detail the following;

- a) Day, Date and Time of Refusal/Incident.
- b) Nature of Refusal/Incident and reason.
- c) Details of or description of the individual.

These records will be made available for inspection to any Police Officer, Police Licensing Officer, and Officer of the Local Authority immediately upon demand

7. Clear and legible notices must be prominently displayed requesting customers to respect local residents and leave the area quietly.

PC Daniel Hunt

PP Ch Supt TIM SMITH  
**North Division Area Commander**

**Date: 30<sup>th</sup> January 2019**