



Kent Police

Chief Officer of Police Representation in relation to an application for grant of a premise licence made under Part 3 **Section 17** Licensing Act 2003 (S18 Licensing Act 2003)

Details of person making representation	
Name of Chief Officer of Police	Chief Superintendent Loudon
Postal Address: (Divisional Headquarters)	Medway Police Station Purser Way Gillingham Kent ME7 1NE
E-mail address	licensing.north.division@kent.police.uk
Telephone Numbers:	
Licensing Co-ordinator	Geoff Rowley
Licensing Officers	Ian Pickett
	Dan Hunt
	Andre Smuts
Details of premises representation is about	
Name of Premises:	Milton Convenience Store
Address of premises:	29-30 Milton Road Gravesend Kent DA12 2RF
Date application received by police	28/02/2022
Date representation sent to Licensing Authority	28/03/2022
All representations must be made within 28 days of receipt of initial application The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005. Part 4 Reg. 22.	

The Chief Officer of Police has received an application for the grant of a premises licence made under the provisions of Section 17 Licensing Act 2003, and under Section 18 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	

Is this a representation regarding the Designation of Premises Supervisor under S18 (9) Licensing Act 2003? No

If yes complete the appropriate statement:

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

This application is for a premises which is currently trading as a mini market however has now extended into a neighbouring address, 30 Milton Road. The premises is situated on the outskirts of the town centre, with other retail premises, including other off licences, public houses as well as residential properties within the immediate area including above the premises.

The current premises licence that covers 29 Milton Road covers the sale of alcohol from 0600 hours to 2300 hours Monday to Sunday, with opening hours of 0600 hours to midnight Monday to Sunday, with this application asking for the sale of alcohol 24 hours a day as well as sale of late night refreshments from 2300 hours to 0500 hours on a daily basis.

In light of reading the application, there appeared to be a number of conditions missing between between the operating schedule and those within the current premises licence. After liaising with the applicants agent, volunteered conditions by the agent were sent to Gravesham licensing.

1. On first appointment, all staff employed at the premises will receive training on the Licensing Act 2003 including input on preventing underage sales, preventing sales of alcohol to people who are drunk and any other relevant matters. Training shall be regularly refreshed at no less than annual intervals. The training must be recorded and be accessible on the premises and made available for inspection upon request of a Police Officer or an authorised officer of the licensing authority or (in the case of online training) within 48 hours.
2. A CCTV system will be in operation at the premises and recorded images shall be retained for a period of 31 days. CCTV images will be provided to the police and other responsible authorities as soon as practicable and in any case within 48 hours of a request for such images, subject of the provisions of the DPA.
3. An incident register will be maintained at the premises and made available to the authorities on request.
4. A register of refusals of alcohol will be maintained at the premises. The register will be made available for inspection by the Police and other responsible authority
5. The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25, they will be asked for proof of their age, to prove that they are 18 years or older.
6. Posters will be on display advising customers of the 'Challenge 25' policy.
7. The only forms of identification that will be accepted at the premises are a passport, UK photo-card driving licences, military ID & cards bearing the 'PASS' hologram.
8. Between the hours of midnight and 05:00 the store will be closed and customers will not be allowed access to the shop & transactions will only take place via a night pay window OR a minimum of 2 staff members will be on duty.

However there were still a number of conditions which were missing, so I liaised with the agent again, with further conditions agreed below. No 1 was changed from "DPS/personal licence holder must be present to authorise sale/supply of alcohol" as it was recognised the cost of

implementing this as well as staff members leaving when the business has funded obtaining the qualification:-

1. An authorisation form detailing all staff who are authorised by the DPS to make sales of alcohol to the public will be prominently displayed in the premises at all times that alcohol is being sold.
2. All alcohol is to be displayed on suitable shelving as indicated on the plan and NOT on the floor.
3. At no time is alcohol to be displayed near to the entrance or exit doors.
4. All surplus supplies of alcohol are to be stored in a locked stockroom.
5. No beer, lager, cider, perry or spirit mixer above 7.5% will be sold at the premises.
6. A 'clear glazing' policy for the window at the front of the shop shall be kept above 1 metre and below 2 meters (measured from the shop floor) so staff have an unobstructed view of the area outside the front of the premises through the glass looking into the street. The exception to this shall be the display of notices required by law and any required as a condition of this licence.

During this consultation, I felt that there were sufficient conditions in place for day and evening time opening/sale of alcohol but that despite these being agreed, I felt that condition 8 of initial volunteered condition regarding the premises being open overnight using a night hatch/having two members of staff, I felt this did not probably recognise the risk of undermining the licensing objectives as a result of the premises being open 24 hours a day and raised my opposition to the time the premises was open. After further consultation with the applicants agent, I informed them that the latest this premises should remain open and be licenced for sale of alcohol and late night refreshments should be 0200 hours with a caveat that if the premises was to be open, there should be further training for staff members in relation to confrontational situations (CD16 – Gravesham Statement of licensing) well as consider membership of GSAFE or another local scheme (CD17 – Gravesham Statement of licensing).

My reasons are two fold. Although the applicants agent stated the later hours are quieter and though the customer numbers maybe lower than day/evening time, I believe the likelihood of the customers being intoxicated is likely to be the same or higher during late evening/early morning hours and further training and scheme membership would enable staff to feel that they are able & supported to refuse sale of alcohol to persons if they felt necessary to take this course of action. Also, having also reviewed Kent police CAD system (Storm) for this area, there were 73 incidents recorded for certain call types of which 6 were recorded between 0200-0400 hours, with the remainder between 0600-midnight which I feels evidences my concerns for this stance.

In 2020, a licencing hearing was held in respect of this premises and failings were recognised by the committee, which led to further conditions being imposed. Having visited the premises myself in August 2021 I found several breaches of the premises licence and a colleague, PC Hunt 11044 attended the premises in March 2022 where two minor breaches of the premises licence were found however the staff member present on PC Hunts visit appeared conversant with the premises licence and knowledge of the conditions. This gives confidence that the premises is going in the right direction, in terms of compliance of the premises licence and upholding the licensing objectives however feel that the staff within the premises and premises licence holder needs to ensure that this continues to improve to ensure there can be confidence in the premises and those that own or are employed at the premises.

The premises is within a designated public space protection order area, that was renewed by Gravesham council in December 2020. Although this order is for the consumption of alcohol within the designated areas, I believe this is evidence to support the need to ensure that premises within the area consider this as part of their operating schedule and was reason why I wanted to ensure the conditions on the current premises licence were carried over, in order to reduce the risk of public nuisance and crime/disorder.

With consideration to The Revised guidance under S182 of the Licensing Act 2003 stating that each application should be reviewed on its own merits, I believe I have done this in reviewing the application. I believe that the negotiations with the agent have been constructive and balanced, ensuring that the effect of the Covid pandemic have been taken into account to ensure that the premises can look forward and provide a better service to customers. I am aware that there maybe costs associated with staff training & joining GSAFE or another scheme, however I believe that these would contribute to reducing the risk of crime and disorder and promote public safety.

As I submit these representations, I have had no further contact from the applicants agent and so on behalf of Kent police, I believe that 0200 hours would be the latest acceptable time that the premises could be licensed for the sale of alcohol and late night refreshments with further training to be included for conflict management and membership of GSAFE or another local crime reduction scheme and therefore would oppose the application in its current guise.

However if a new premises licence is granted for this application, in order to mitigate the issues raised, I have listed all conditions (some of which has been agreed with the applicants agent) as well as other conditions to reduce the risk of undermining the licensing objectives.

1. On first appointment, all staff employed at the premises will receive training on the Licensing Act 2003 including input on preventing underage sales, preventing sales of alcohol to people who are drunk, conflict management and any other relevant matters. Training shall be regularly refreshed at no less than annual intervals. The training must be recorded and be accessible on the premises and made available for inspection upon request of a Police Officer or an authorised officer of the licensing authority or (in the case of online training) within 48 hours.
2. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition. Cameras shall record all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs. Equipment must be maintained in good working order, with recordings correctly time and date stamped. Recordings MUST be kept in date order, kept for a period of 31 days and handed to police and authorised officers on demand. The premises licence holder must ensure at all times a DPS or appointed member of staff are on the premises and are capable and competent at downloading CCTV footage in a recordable format to the police and local authority subject to DPA, however within 48 hours. The recording equipment and discs/tapes shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained and endorsed by signature, indicating the system has been checked and is compliant. In the event of any failures, any action taken is to be recorded. 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 is repaired within that time (licensing.north.division@kent.police.uk).

3. An incident register will be maintained at the premises and made available to the authorities on request.
4. A register of refusals of alcohol will be maintained at the premises. The register will be made available for inspection by the Police and other responsible authorities.
5. The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25, they will be asked for proof of their age, to prove that they are 18 years or older.
6. Posters will be on display advising customers of the 'Challenge 25' policy.
7. The only forms of identification that will be accepted at the premises are a passport, UK photo-card driving licences, military ID & cards bearing the 'PASS' hologram.
8. Between the hours of midnight and 05:00 the store will be closed and customers will not be allowed access to the shop & transactions will only take place via a night pay window OR a minimum of 2 staff members will be on duty.
9. An authorisation form detailing all staff who are authorised by the DPS to make sales of alcohol to the public will be prominently displayed in the premises at all times that alcohol is being sold.
10. All alcohol is to be displayed on suitable shelving as indicated on the plan and NOT on the floor.
11. At no time is alcohol to be displayed near to the entrance or exit doors.
12. All surplus supplies of alcohol are to be stored in a locked stockroom.
13. No beer, lager, cider, perry or spirit mixer above 7.5% will be sold at the premises.
14. A 'clear glazing' policy for the window at the front of the shop shall be kept above 1 metre and below 2 meters (measured from the shop floor) so staff have an unobstructed view of the area outside the front of the premises through the glass looking into the street. The exception to this shall be the display of notices required by law and any required as a condition of this licence.
15. The venue will actively participate in the any local crime reduction or equivalent scheme, such as GSafe. Any radios provided through such a scheme will be monitored by a responsible member of staff. This condition will not apply if the scheme does not operate effectively.

PC Ian Pickett 12274

PP. Ch. Supt Loudon
North Division Area Commander

Date: 28/03/2022

From: Ian Pickett PC 46012274

Sent: 29 March 2022 10:30

To: Hopson, Lisa <lisa.hopson@gravesham.gov.uk>

Cc: Gill Sherratt ; Licensing North Division Kent <licensing.north.division@kent.police.uk>;
Licensing <licensing@gravesham.gov.uk>

Subject: FW: EXTERNAL - RE: New premises application - 29-30 Milton Road, Gravesend, Kent DA12 2RF

Good morning Lisa

Having been in consultation with Gill, the attached are conditions that have been agreed for the new premises licence.

It has been agreed that sale of alcohol and late night refreshments will end at 0200 hours, however the premises will remain open 24 hours for non-licensable activities.

As a result, on behalf of Kent police, I would like to confirm that representations I sent through yesterday have been withdrawn.

Regards

Ian

Attached conditions:-

Conditions 29 Milton Road, Gravesend

1. On first appointment, all staff employed at the premises will receive training on the Licensing Act 2003 including input on preventing underage sales, preventing sales of alcohol to people who are drunk, conflict management and any other relevant matters. Training shall be regularly refreshed at no less than annual intervals. The training must be recorded and be accessible on the premises and made available for inspection upon request of a Police Officer or an authorised officer of the licensing authority or (in the case of online training) within 48 hours.
2. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition. Cameras shall record all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs. Equipment must be maintained in good working order, with recordings correctly time and date stamped. Recordings MUST be kept in date order, kept for a period of 31 days and handed to police and authorised officers on demand. The premises licence holder must ensure at all times a DPS or appointed member of staff are on the premises and are capable and competent at downloading CCTV footage in a recordable format to the police and local authority subject to DPA, however within 48 hours. The recording equipment and discs/tapes shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained and endorsed by signature, indicating the system has been checked and is compliant. In the event of any failures, any action taken is to be recorded.

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 is repaired within that time (licensing.north.division@kent.police.uk).

3. An incident register will be maintained at the premises and made available to the authorities on request.
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15. The venue will actively participate in the any local crime reduction or equivalent scheme, such as GSafe. Any radios provided through such a scheme will be monitored by a responsible member of staff. This condition will not apply if the scheme does not operate effectively.

Amended Condition 8

Between the hours of 00:00 and 02:00 there must be two members of staff on duty or the front doors will be closed, customers will not be allowed access to the shop and transactions will take place via a night pay window.