



**Kent  
Police**

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

26 MAR 2013

**Details of person or body making representation**

Name of Chief Officer of Police	Chief Insp. Bumpus
Postal Address: (Area Headquarters)	Maidstone Police Station Palace Avenue, Maidstone
E-mail address	west.division.licensing@kent.pnn.police.uk
Telephone Number:	01622 604403

**Details of premises representation is about**

Name of Premises:	Subway
Address of premises:	4 Gabriel's Hill Maidstone Kent Police ME15 6JG
Date application received by police	04/03/13
Date representation sent to Licensing Authority	27/03/13
<p><i>Must be within 28 days of receipt – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, Part 4 Reg. 22</i></p>	

**The Chief Officer of Police has received an application for the variation of a premises licence made under the provisions of Section 34 Licensing Act 2003, and under Section 35 of that Act asks the Licensing Authority to consider these representations in respect of: -**

*Please tick one or more of the licensing objectives that the representation relates to:*

Prevention of crime and disorder	X
Public Safety	
Prevention of public nuisance	
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 that Act and are as follows:

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

Please see attached sheet

Please use separate sheets where necessary



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

Kent Police have received an application from Cambridge Subway Ltd in regards to the Subway Sandwich shop at 4 Gabriel's Hill, Maidstone to extend their hours of business until 05:00hrs on Fridays and Saturdays. The only licensable activity requested being the provision of hot food and drink. The premises already have a licence which currently allows them to trade until 03:00hrs each day.

Kent Police opposes this extension as it will undermine the first licensing objective. *The prevention of crime and disorder.*

The premises are located within one of the busiest areas of the Night Time Economy (NTE). They are at the very top of Gabriel's Hill and therefore adjoin Jubilee Square. Since the town centre refurbishment Jubilee Square has become a gathering point for people using the NTE. It is this gathering of people which cause problems of crime and disorder. The problem is further magnified as it is also the location of the taxi rank which is another flash point.

Although there is a popular belief that fast food outlets assist the NTE as they provide people with food to absorb the alcohol in their stomachs, in fact from a Policing point of view they lead to significant undermining of the licensing objectives as they cause people to hang around in town. The people who use these venues at this time are normally at the end of their night out and are often worse for drink.

Kent Police state that from the point of view of preventing crime and disorder the best thing to do is to get people home as soon as possible after they have finished in the clubs. Any cause to extend the time people are in the town centre will extend the time of problems.

Until recently this premises were regularly trading after 03:00hrs. (In fact they had to be warned to stick to their licence hours on more than one occasion.) They are now complying with the hours of their licence and already Officers policing the area have noticed a reduction in problems at the location. It is therefore clear that there is a link between disorder in the area and the opening hours of the premises.

As mentioned above, this particular premises are located next to the taxi rank therefore delaying people in this area is a further problem. The taxi rank is a common location for disorder and assaults. In fact funding has been provided (much from MBC) to provide a SIA trained supervisor at the taxi rank to reduce the problems. He has been spoken to and has also stated that since the venue have been closing correctly at 03:00hrs the problems have reduced.

Please also find included a statement from Police Sergeant Marshall who is a supervising officer for policing the town centre. In his statement he evidences much of the above but also provides further information and opinion in regards to the specific location of the premises and potential conditions as proposed in the application.

**WITNESS STATEMENT**

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: **John Patrick Marshall**

Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: **Police Sergeant**

This statement (consisting of 2 page each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature: J Marshall P 9543 Date: **26/03/2013**

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am the Police Sergeant for Maidstone Town Centre and have been for the three years. As such I am fully involved in the day to day Policing of Maidstone Town centre and I cover both the day time and the night time economies.

I have been informed by the Police Licensing Department that the Subway shop at 4 Gabriel's Hill, Maidstone have applied for a variation to their License to allow them to serve hot food or hot drinks until 05:00hrs on Fridays and Saturdays.

This is a concern for me, as it is my opinion that late night fast food premises are actually detrimental to the Policing of the night time economy in Maidstone Town Centre. Their presence causes people to hang around the area rather than disperse and go home. It is often whilst these persons are waiting around that trouble occurs. Despite having a licence to trade until 03:00hrs Subway has regularly served food until 5am. A licence check established that they were serving outside of their approved hours and consequently the shop now shuts at 3am. I have noticed a significant drop in drunk and disorderly behaviour and sporadic fights that occurred in and outside of the shop.

In regards to this particular premise, it is the location which further amplifies the problem. It is at the very top of Gabriel's Hill and next to the taxi rank. The taxi rank is unfortunately another flash point, as people tend to get frustrated whilst waiting for a taxi home. Therefore the presence of a

Signature: J Marshall P 9543 Signature witnessed by:

**Typed by:**

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Continuation statement of: **PS John Marshall**

fast food outlet next to the taxi rank means that this problem area is expanded. The extension to the hours of operation would simply mean that this problem area would cause the problems for longer. I am aware that the premises have proposed the use of a doorman and the withdrawal of internal seating. However this does not stop the main problem, which is people waiting in the area for their food and then their taxi. It is far better from a Policing point of view to get them out of town as quickly as possible. It is also easier from a Policing point of view to have all those waiting for a taxi to be at the taxi rank, as opposed to spread between the taxi rank and the top part of Gabriel's Hill. Having monitored this area, since Subway shut at 3am, there are many persons trying to get access to the premises, realising it is shut and then leaving town. The disturbances in that area have dropped and the demand for a continual police presence is reduced. This means I can deploy officers to other areas in the town that are still busy with people leaving the clubs. I have a working relationship with the Taxi Marshalls, who assist in keeping the queues in an orderly manner and again reduces violent and anti-social behaviour. Having discussed this issue with the Taxi Marshall, Nathan Scudder, he confirmed that when Subway opened until 5am he assisted in breaking up numerous fights in the area outside Subway. Since their closure, the incidents have reduced and this allows him to concentrate on the taxi rank.

I am an experienced Sergeant that has worked in Maidstone Town centre for many years. Whilst fast food outlets are not to blame with how drunken people behave, their presence in the town and opening hours do contribute to incidents of either a violent or anti social behaviour.

*J.P Marshall*  
*P59543*

Signature

Signature witnessed by

**Typed by:**