



LICENSING ACT 2003

REPRESENTATION FORM – Responsible Authorities

Responsible Authorities are requested, where possible, to forward to the Licensing Authority all relevant evidence in support of their representation at the time of submitting this form.

Your Details

Your Name:	ANDREW COOK
Name of the organisation you represent:	GLOUCESTERSHIRE CONSTABULARY
Position held:	LICENSING MANAGER.
Postal Address of the organisation or body you represent	LICENSING DEPARTMENT GLOUCESTERSHIRE CONSTABULARY HQ, 1 WATERWELLS, QUEDGELEY, GLOUCESTER
Post Code:	GL2 2AN
Daytime contact telephone number:	01452 752816
Email address: (optional)	<i>If you would prefer to correspond via email, please enter your email address.</i> <i>andrew.cook@gloucestershire.police.uk</i>
Full correspondence address if different to above	

Premises Details

Name of premises you are making representation about:	MORRISONS		
Full Postal Address of premises you are making representation about:	METZ WAY, GLOUCESTER		
Post Code:	GL4 4RT	Application Ref. Number. (If known)	

Representation details.

(Note: Your representation **must** relate to one or more of the four Licensing objectives. Please indicate the objective(s) your representation relates to.)

Licensing Objective	Please tick for Yes		Please tick for Yes
The prevention of crime and disorder	√	Public safety	
The prevention of Public nuisance	√	The protection of children from harm	√

Please provide details of your representation and any evidence you may have in support of it. *(Please continue on a separate sheet if necessary)*

BACKGROUND

As a Responsible Authority under the Licensing Act 2003, the Constabulary has a duty to appraise every Licensing application that is submitted within the County of Gloucestershire.

Whilst the Environmental Health team takes a stronger lead on noise issues, it falls to the Constabulary to take the primary lead on crime & disorder issues, and the Licensing Act Guidance advocates that "Licensing Authorities should look to the police as the main source of advice on crime and disorder." [2.1]

When new or variation applications are received, the Constabulary identifies:

- The *location* of the premise/site concerned and its history (if appropriate).
- The *activities* that are planned.
- The *hours* during which the activities will take place.
- The *previous history* of the operator.
- *Any other factors* that might impinge on the level of crime & disorder on the premises, or the quality of life of nearby residents.

Taking all factors into account, an assessment is made of the crime prevention measures and licence conditions that should be applied to the premises licence in order to fulfil the four licensing objectives that are contained in the Act:

- The prevention of crime and disorder.
- The prevention of public nuisance.
- Public safety.
- The protection of children from harm.

The Constabulary's assessment of applications is carried out by a small dedicated licensing team and is based on considerable experience, extensive research and regular monitoring of 3,000 licensed premises across the county. This team deals with thousands of licensing applications every year. (4,000 including TEN's during 2012)

The licensing team liaises with applicants during the consultation period to discuss measures offered in the operating schedule and additional measures that might be considered necessary and attempts to reach agreement with the operator on all these issues so that a Committee Hearing is avoided. This is normally achieved.

It is worthy of note that, in accordance with the Act, the Constabulary seeks only those licence conditions that are considered *necessary* (i.e. minimum levels), that are *tailored* to the individual application, and are *reasonable* and *proportionate to the risk involved*. It is also worth highlighting that the Constabulary adopts the perspective incorporated in the Act and the Guidance that measures (and conditions) should be of a *preventative* nature. [2.3 "Conditions should be targeted on *deterrence* and *preventing* crime and disorder]. Adopting this stance keeps the need for Reviews due to high crime levels and inadequate crime prevention measures very low.

The Constabulary is aware of crime & disorder levels associated with all Licensed Premises across the county, including superstores. The majority of crime in the retail sector is theft, and shoplifting accounts for over 10% of all crime. In addition, there are also significant numbers of other crimes linked to the retail sector such as Theft by

employees, Theft from the person (theft of purses from shopping trolleys for example), and Making off without payment (for superstores with petrol stations attached). Much of this crime is avoidable if good security levels and systems are in place.

The retail sector, therefore, places enormous demands on the police. Each arrest consumes approximately 7 hours of a Police Officer's time, during which time they are unavailable for other demands for policing in the local community.

The Constabulary appreciates that superstores are a hive of activity and carry a very high footfall and that a certain level of crime is inevitable. In fact most of the existing superstores experience around 50 crimes per year. However, the superstores located in more challenging areas record in the region of 100 crimes per year, and the Constabulary takes the view that 100 crimes per year (2 per week) is a *reasonable* maximum target that should be aimed for. There are many measures that Licence Holders can take to reduce their Crime & Disorder levels as many crimes are actually preventable if sensible 'Target Hardening' measures are implemented.

THE CURRENT APPLICATION

This application relates to a new Morrisons superstore situated in the Railway Triangle off Metz Way, Gloucester. Although the Constabulary has a good working relationship with Morrisons regarding their existing 4 stores in Gloucestershire, regrettably, it has not been possible to reach agreement with Morrisons on the crime prevention measures and/or conditions required on this premises licence in order to meet the Licensing Act's objectives or maintain crime and disorder at reasonable levels. In particular, Morrisons does not agree with the Constabulary regarding levels of Security that are needed at the new store.

The Constabulary regard this as a crucial factor in determining the level of crime that will attach to these premises. This representation is therefore made on behalf of the Chief Constable, and the representation is based upon the following grounds:

- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of children from harm

GROUND FOR OBJECTION

Store Location

The geographic location of any Licensed premises is a *critical* factor in the level of crime & disorder and public nuisance that is likely to occur and on the level of security personnel that will be required. For example, a supermarket situated in an affluent housing estate will experience *very little* in the way of crime & disorder, and consequently requires fewer crime prevention measures. However a supermarket situated in a challenging housing estate or in a busy city centre will face a *significantly higher* level of problems and will require stronger crime-prevention measures if crime is to be kept at reasonable levels.

When operators decide to build or acquire Licensed Premises in an area that is *known* to be challenging and a high-crime area they need to take this factor into account in their business planning at the outset and ensure that they implement adequate security and crime-control measures to ensure that they meet the licensing objectives.

The Constabulary became aware at an early stage that an application was being prepared for a Morrisons superstore off Metz Way. This site is very close to the Asda Superstore off Metz Way, which has been trading for many years and is close to the City Centre. The Constabulary is, therefore, able to make an accurate assessment of the likely level of problems and crime & disorder that will accrue to the new superstore, based particularly on the Asda superstore, but also taking into account Morrisons superstores and all other superstores across the county.

Regrettably, the nearby ASDA superstore has a crime level that is far too high, with the result that high levels of police resources have been expended at the store in recent years. Consequently, the Constabulary has been very closely engaged with the company for the last 2 years, and is implementing a comprehensive strategy that is gradually, with the continued support of the Constabulary, bringing the level of crime down. This strategy involves a number of target-hardening measures on the part of the supermarket that include higher levels of security, improved CCTV in-store, ANPR in the car-park, proactive targeting of offenders, robust banning systems (preventing repeat offending) and other crime-reduction measures.

In case they were not already aware, the Constabulary made Morrisons aware of the challenging location they had chosen for their new superstore and that a higher-than-average level of security and crime-prevention measures would be required. In particular, they were made aware of the problems at the nearby store and the pressure that they are exerting on offenders. It was highlighted that there is a very strong likelihood that the problems at ASDA will immediately migrate to Morrisons, which will very much be perceived as a 'soft target' if there are not adequate visible security levels. Unfortunately, Morrisons do not carry out risk-assessments of the need for security officers in advance of store openings. They determine levels after the problems have developed, based on problems and stock-losses that accrue to the store. Security levels and spending on crime-reduction measures is largely determined by comparison with other stores across the UK.

Uniformed Security Staff

The use of Uniformed Security Staff as a Crime-Prevention measure in stores is hard to overstate. Security staff perform a specialised task and are the main point-of-contact and providers of good quality evidence when involvement of the Police is necessary.

Security Guard provision enables:

- Visible presence at the store entrance and within the store. This acts as a deterrent for criminals who are intent on stealing goods.
- Valuable goods (including alcohol) to be monitored and given more protection.
- Suspicious individuals/activity to be properly monitored by CCTV and by direct observations.
- Offenders to be detained when necessary.
- Incidents of a minor nature to be dealt with 'in-house', without constantly calling on the Police to assist.
- Bans to be enforced against previous offenders. The latter, if not implemented, permits repeat offenders to return to the store time-after-time.
- Staff searches to be undertaken and staff thefts to be controlled.

They also provide protection for staff and customers when violent incidents occur and are the main means of detaining offenders after a crime has been committed. The presence of Security Guards, allied with good observations, is the single most effective measure to combat shoplifting and general disorder.

Other shop-staff are busy carrying out other activities (such as shelf-filling or operating checkouts) that prevent them monitoring customer behaviour, and shelving is so high that staff cannot see over it to monitor goods or customers (as they would in a small shop or Off-Licence). As a result these staff play little part in preventing crime or dealing with it. Regular staff cannot, realistically, undertake Security duties. In fact they are specifically instructed not to get involved in incidents where their personal safety might be at risk, which includes detaining offenders. In essence, the presence of a Security Officer has a direct bearing on the level of Crime & Disorder.

The nearby Barton Street area has historically been prone to a high level of problems and anti-social behaviour, and a great deal of resources have been and continue to be expended by the council and police to address these concerns. A vulnerable superstore will contribute to greater problems in the local community. Alcohol will undoubtedly be stolen from this store, and it is highly likely that some of the alcohol from this store will find its way into the hands of underage persons, drug addicts, alcoholics etc. It could easily become a frequenting place for youths or those with alcohol problems.

Child Protection

Alcohol is an age-restricted product with serious or even fatal consequences for any child or teenager who consumes an excessive amount. In addition to the risks it poses for youngsters who consume alcohol, it fuels anti-social behaviour and crime in the community. As with cigarettes, knives, and other age-restricted products there is a fundamental need for access to this product to be controlled to a much higher degree than normal everyday items e.g. groceries, so that under-age children do not have easy access to alcohol.

Store Layout

The Plan submitted with the application shows that Morrisons wish to retain the option of displaying alcohol in any part of the store (except close to the entrance/exit) and perhaps on many aisle-end displays as well as a main alcohol display. This would include spirits which are the most-frequently-stolen type of alcohol and are also the most dangerous as far as children are concerned.

Gloucestershire Trading Standards and the Constabulary have invested hundreds of hours of work in the county (especially Test Purchasing) over the past few years to try and reduce the accessibility of alcohol to children. Despite making considerable progress, Gloucestershire still fares badly as far as '*protection of children from harm*' is concerned. Alcohol-specific hospital admissions for under 18's in Gloucestershire are worse than the national

average (see Local Alcohol Profiles for England) and have risen again recently. In summary, there is still a huge amount of progress to be made in this area.

Drunken Customers

Alcohol is a product that also needs to be restricted when it is being sought by those who are already drunk. If drunken customers are refused service by staff, they will undoubtedly be tempted to steal the product instead. If alcohol is easy-to-steal and there is little prospect of getting caught, it will inevitably lead to higher levels of theft. Even if shop-staff see thefts occur, there will be no Security Officer at the store to deal with it. Morrisons staff are instructed not to get involved in detaining offenders, so the responsibility for dealing with the problem would shift entirely to the Police who would have to try to identify, locate and arrest an offender after they had left the store. This is more time-consuming and leads to much higher levels of undetected crime.

Recommended Security Level

In order to combat the known risks, the Constabulary takes the view that the following minimum level of security is essential at this store if crime & disorder is to be kept adequately in check and easy theft of alcohol is to be prevented:

Opening time - 9am. A minimum of one Security Guard.

9am - Midday. A minimum of two Security Guards.

Midday - close. A minimum of three Security Guards.

Aside from *reported* crime, an appropriate level of Security Guarding would help the store reduce stock losses, so is, at least partially, self-funding.

The Constabulary understands that Morrisons do not wish to have security levels set by condition, so the Constabulary offered to accept an Undertaking for these levels of security to be supplied for the first 3 months while the exact level of crime is determined and while Morrisons undertake their risk-assessment. Regrettably, Morrisons have not given this undertaking, so it is necessary for the levels to be determined by the Committee.

CONCLUSION

The Constabulary is not satisfied that the crime & disorder, nuisance and protection of children from harm issues have been properly addressed by Morrisons either in the application or during subsequent discussions.

Without appropriate levels of security, the Grant of this application will, in the view of the Constabulary, lead only to an unacceptably high level of Crime & Disorder, Public Nuisance (both on and off the premises) and increased risk of harm to children.

In addition, extra responsibility would fall on the Constabulary as it would bear the burden for investigating *avoidable* thefts. This, along with stolen goods flowing into the local area would be to the detriment of the local community.

This application is, therefore, opposed by the Constabulary on the grounds related above.

**Please suggest suitable conditions that the committee could add to the licence (if granted) to remedy your concerns or if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or enter details of any other matters, not commented on elsewhere relating to your representation that you would like the committee to take into account.
(Please continue on a separate sheet if necessary.)**

In the event that the Committee grants this Licence, the Constabulary seeks the Conditions below:

- Security guards shall be employed at the following levels each day:

Opening time - 9am. A minimum of one Security Guard.
9am - Midday. A minimum of two Security Guards.
Midday - close. A minimum of three Security Guards.

- Spirits over 500ml shall be tagged OR shall only be displayed behind a serving counter.

In addition to the Committees right to apply such conditions as it believes are "appropriate" in the circumstances, the Committee is respectfully reminded of Section 17 of the Crime & Disorder Act whereupon "it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area".

Signed:	<i>A. S. Cook</i>	Dated:	21 st March 2013
Position:	Licensing Manager on behalf of the Chief Constable.		