



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> <u>andrew.cook@gloucestershire.police.uk</u>
Full correspondence address if different to above	

Premises Details

Name of premises you are making representation about:	HOME BARGAINS		
Full Postal Address of premises you are making representation about:	Unit 2, Golden Valley Retail Park, Cheltenham, Glos.		
Post Code:	GL51 6SY	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)

This application relates to a new Home Bargains store situated adjacent to B & Q at the newly developed Golden Valley Retail Park, Cheltenham. The Constabulary's objection to the grant of an alcohol licence is made on the grounds of:

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

GROUNDS FOR OBJECTION

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 the youngsters who consume the 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 this product to be controlled to a much higher degree than normal everyday items, so that under-age children do not have easy access to alcohol.

Gloucestershire Trading Standards and the Constabulary have carried out a huge amount of work in Cheltenham (especially Test Purchasing) over the past few years to try and reduce the accessibility of alcohol to children. Despite making considerable progress, Cheltenham fares very badly as far as 'protection of children from harm' is concerned. Alcohol-specific hospital admissions for under 18's in Cheltenham are "significantly worse than the national average" (see Local Alcohol Profiles for England). Recent Test Purchase operations using 15-year old children have also shown an unwelcome rise in the failure rate. In summary, there is still a huge amount of progress to be made and there is no room for complacency in this area.

Store Layout & Crime Reduction Measures

Home Bargains intend to locate the main Alcohol display within sight of the main till, which is helpful. The Constabulary has asked that any spirits (over 20% ABV) that are to be sold must either be tagged with a Security Tag or, alternatively, displayed behind a counter where staff can control access. These two conditions are regularly used throughout the County of Gloucestershire to combat theft of spirits (which are a favoured item for shoplifters) and both have proven to be effective methods of reducing the problem.

There is actually a counter at the Lead Till, where cigarettes will be sold, however Home Bargains have declined a condition "To display spirits only behind a counter" or "Not to sell spirits."

In these circumstances, the Constabulary takes the view that a Security Officer should be employed to monitor suspicious individuals, known troublemakers or previous offenders. However, Home Bargains have declined a condition to employ a Security Guard – even for a limited period i.e. peak trading times/days. This, in effect, leaves the alcohol vulnerable to theft, including theft by under-agers.

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 sometimes be tempted to steal the product instead. Even if staff see thefts occur, there will be no Security Guard at the store to deal with it, 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 usually a very lengthy and difficult process, compared with incidents where an offender has been detained at the scene.

Theft

- Theft is a major problem in British society, and is the most frequent crime linked to the retail sector.
- During 2011, there were 10,233 crimes in Cheltenham, of which 3,903 (38%) were Thefts of various categories.
- Of these various Thefts 1,039 (26%) were Shoplifting. Additional categories of Theft that take place in supermarkets include 'Theft by employees' and 'Theft from the person' (theft of purses from shopping trolleys for example).

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.

Theft of Alcohol

Alcohol is one of the most-frequently-stolen items and it is often specifically targeted by thieves. Unfortunately, stores and supermarkets often invite theft, by placing alcohol displays close to the entrances/exits. This is regarded by the Constabulary as an irresponsible practice, as it not only tempts shoplifters to steal, but affords shop-staff no realistic opportunity to intervene to prevent the theft of such items. For this reason, the Constabulary is seeking a condition that alcohol shall not be displayed within 5 metres of the entrance/exit. Without such a condition this store would be at liberty to place a freestanding display just inside the entrance. Home Bargains have indicated that they would accept such a condition.

Crime Reduction Measures

There are many measures that Licence Holders can take to reduce their Crime & Disorder levels, thereby reducing demand on the Constabulary and minimising impact on the local community:

- The use of Uniformed Security Staff as a Crime Prevention measure in stores is hard to overstate. Their 'visible presence' at a store entrance or overseeing Alcohol displays has a positive deterrent effect for thieves. The role of Security Guards is particularly necessary in supermarket-style stores, where shelving is so high that staff cannot easily monitor customers (as in a small shop or Off-Licence). The presence of a Security Guard not only acts as a deterrent to criminals who are intent on stealing goods, but also provides a degree of protection for staff and customers. Their presence, allied with good observations, is the single most effective measure to combat shoplifting and general disorder. Security Officers perform a specialised role and are the main point-of-contact and providers of good quality evidence when involvement of the Police is necessary.

A Security Guard enables vulnerable products to be monitored, enables suspicious activity to be properly observed and allows offenders to be detained when necessary. It also means that incidents of a minor nature can be dealt with 'in-house', without constantly calling on the Police to assist. Most importantly, it enables stores to enforce a Ban against previous offenders. The latter, if not implemented, permits repeat offenders to return to the store time-after-time.

Home Bargains have indicated that they are relying on shop staff to prevent thefts; however it is the experience of the Constabulary that, whilst the presence of shop staff can act as a deterrent, they are usually busy with other duties, so will not be observing the alcohol display or suspicious customers. Moreover stores generally direct staff *not* to get involved in dealing with crime and disorder issues, due to risks involved e.g. assault. The Constabulary has requested sight of the company's policy on staff directives, but has not yet seen it.

In essence, the presence of a Security Officer has a direct bearing on the level of Crime & Disorder and on the demands being made on the Police, and they are the single most important crime-reduction measure.

- 'Tagging' of Alcohol causes an alarm to sound if an individual attempts to leave the store with Alcohol without first having the Tag removed/de-activated at the Checkout. This is an effective measure that helps to reduce Theft by making it more difficult for goods to be stolen unnoticed although, for practicality, tagging is often confined to Spirits (where large highly-visibility tags are used) or the more valuable bottles of alcohol.

Home Bargains are not wishing to implement a Tagging system to protect their products.

During discussions, Home Bargains made a comparison with their existing store within Gloucestershire (which is based at Merrywalks, Stroud) and pointed out that it does not suffer significant crime & disorder problems. However, that store is situated within a Shopping Mall that benefits from the constant presence of a Security Officer on every day of the week. Without that Security presence the store would undoubtedly experience higher levels of crime & disorder, as the Security Officers intercept and observe known troublemakers and thieves.

This strategy gives a high degree of protection to all the stores within the Mall; as one also sees at other Malls such as the Regent's Arcade, the Beechwood Shopping Centre and the Brewery, where crime & disorder in individual units is low.

The Mall in Stroud also benefits from participation in a local 'Shopwatch' which alerts the Security Officers to undesirables and links directly to the Police Camera Room.

I have undertaken research regarding the Merrywalks Mall and can say that 108 incidents are recorded for the period 1/1/12 – 4/3/13.

Home Bargains have also indicated that they are relying on their CCTV system to combat crime. Whilst CCTV systems act as a deterrent to some extent, they are of limited value as they simply record crimes that take place. It does not stop them occurring. Home Bargains have indicated that, when a crime occurs, they would supply CCTV footage of the crime to the Police. This places the onus and workload on the Constabulary to investigate a crime after the offender has gone; a crime that is often preventable if adequate security and crime prevention measures are in place in the first instance.

Supermarkets and discount stores compound Crime & Disorder problems in our communities by engaging in a 'price war' over the sale of Alcohol. Alcohol is often discounted to very low levels and is aggressively marketed, hence the Government currently considering Minimum Pricing. The promotion of Alcohol in this manner is not without its consequences in the community.

The sale of alcohol is a significant part of the core business for Home Bargains, and this discount store is situated very close to ASDA where alcohol is sold at low prices. Home Bargains is likely to compete with them on price. ASDA accepted a condition on their licence for a Security Guard between 1100hrs and closing time, even though they also have Tagging and CCTV. As a result, ASDA has low crime & disorder and makes very few demands on the Constabulary's resources.

CONCLUSION

It should be noted that the Licensing Act Objectives quite rightly place an emphasis on the PREVENTION of crime and disorder. Without appropriate Conditions, the Grant of this Application is likely, in the view of the Constabulary, to lead to unnecessarily high crime & disorder, and a higher risk of harm to children.

Home Bargains have declined to accept a condition that they will employ a Security Guard if the number of crimes exceeds four per month. They have also declined to give an Undertaking for a Security Guard for the first 3 or 6 months of trading whilst an assessment is made of the long-term need or otherwise.

Aside from reported crime, a Security Guard would also help the store reduce stock losses, so is partially self-funding.

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:

1. The Challenge 25 scheme shall be adopted.
2. The premises shall operate a system of till prompts to assist colleagues determining the age of customers purchasing age-restricted products.
3. Alcohol shall only be displayed in direct line-of-sight of the main till.
4. Unless behind a sales counter, alcohol shall not be displayed within 5 metres of the main entrance/exit.
5. A CCTV system consisting of at least 4 cameras shall be installed at the premises. At least 1 camera shall cover the alcohol display and at least 1 camera shall cover the main entrance to the premises. The CCTV system shall be maintained in good working order, shall record at all times the premises are open, and recordings shall be kept for a minimum of 14 days and be provided on DVD to Officers of the Council, Trading Standards or Police on request.
6. Spirits shall only be displayed behind the counter (or shall not be sold). *(For the purpose of this condition Spirits shall be defined as being an alcoholic product with an alcohol by volume (ABV) percentage in excess of 20%)*

OR

Security Tags shall be fitted to all spirits over 500ml.

7. A Security Guard shall be employed at the premises for a minimum of 20 hours per week.

The Committee is respectfully reminded that, under Section 17 of the Crime & Disorder Act, "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:	19 th March 2013
Position:	Licensing Manager.		

OBJECTION

I refer to the above application and write to advise you that, unfortunately, we have not *yet* been able to reach agreement with the applicants (solicitors) regarding conditions that should be applied to this licence.

As a result, the Constabulary *objects* to the grant of the Licence on the grounds of:

- The Prevention of Crime and Disorder.
- The Protection of Children from Harm.

The essence of Police concern is as follows:

- Alcohol will be openly displayed in a supermarket-style fashion.
- There will be no Tagging system to either deter theft or alert staff to any attempt thefts.
- The applicant is not happy to accept a condition for a single Security Guard at the store.
- We have not yet been able to reach agreement regarding the storage of spirits.

The Constabulary anticipates that shoplifting offences are extremely likely to occur in a store of this size. Without any Security Guard presence the store will have *no* capacity to:

- deter thefts
- intervene to prevent or stop thefts
- participate in a shopwatch scheme or prevent banned/undesirable individuals entering
- deal with crimes and incidents when they occur.
- protect staff

The burden of dealing with all such incidents will, therefore, fall to the Constabulary which has decreasing resources. Any such incidents will mean that police resources are distracted from existing duties elsewhere.

Stolen alcohol may end up in the hands of under 18's, placing them at higher risk and placing the local community at higher risk of Anti-Social Behaviour.

The other nearby stores B & Q and ASDA both employ Security Officers (the latter by Condition on the Licence), and this new store is likely to be perceived as a 'soft target' if there is no security.

The responsibility for ensuring the PREVENTION of crime and the PREVENTION of children from harm rests with the applicant and not with the Constabulary.

The Committee will be aware that Cheltenham has a higher number of admissions of under-18's to Hospital than the national average, despite a great deal of work being carried out by both the Constabulary and Trading Standards over several years. Nothing should be permitted to undermine the progress that has been made.

Prior to the Hearing I shall supply crime and incident statistics regarding similar stores that operate across the county of Gloucestershire, and from Home Bargains stores in other areas.

Obviously we shall continue to work towards reaching agreement.

Kind Regards,

Andy

Andy Cook

Force Licensing Manager

Licensing Unit

Gloucestershire Constabulary

WITNESS STATEMENT**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**URN Statement of: **Timothy Ian HUTCHINSON**Age if under 18: **over 18** (if over 18 insert 'over 18')Occupation: **A/Inspector 255**

This statement (consisting of 1 page(s) 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: 

(witness)

Date: 19th March 2013

I am an Acting Inspector with Gloucestershire Police, based at Cheltenham Police Station. My area of responsibility covers Cheltenham Town Centre and the southern part of Cheltenham Borough, which includes the Golden Valley Retail Park.

I am aware that a company by the name of Home Bargains is establishing a store at Unit 2, Golden Valley Retail Park, Hatherley Lane, Cheltenham and that it has applied for a licence to sell alcohol for consumption off the premises. I am advised that Home Bargains do not propose to employ security staff and are reluctant to agree to conditions regarding the placement of alcohol within the store.

I have serious concerns about this new business, in the event that they do not employ security staff or agree to proposed conditions.

Crime & Disorder: retail premises of this nature inevitably attract crime, with theft of alcohol featuring in over 12% of thefts by shoplifting that have occurred across the Cheltenham Local Policing Area during the current financial year. It would therefore seem prudent to take steps to prevent thefts and specifically theft of alcohol, which tends to be of higher value.

Protection of Children from Harm: the premises will serve a large residential area, which has historically seen significant youth related anti-social behaviour (ASB), where the underage consumption of alcohol was frequently a factor. The local policing team, working in partnership with other agencies and local retailers, has worked hard to reduce this ASB and limit the availability of alcohol to underage persons. Without strict controls on the placement of alcohol within this new store and in the absence of security staff and other measures, this work is in danger of being undermined.

To minimise the risks of crime and disorder, and to protect children from harm, the following conditions are necessary:

- The premises will operate Challenge 25 proof of age scheme.
- The premises will operate a system of till prompts to assist colleagues determining the age of customers purchasing age-restricted products.
- Alcohol will not be displayed within 5 metres of any entrance/exit in regular use by customers.
- Security Tags will be fitted to all spirits over 500ml.
- One security guard will be employed at the premises to cover peak times, 20-30hrs per week.

The proposed conditions are proportionate and consistent with those applied to the nearby ASDA superstore. There, the presence of a security guard has proven effective in keeping crime and disorder levels low, whilst the other conditions have shown ASDA to be a responsible local retailer and have avoided a re-emergence of alcohol related youth disorder.

Signature 

Signature Witnessed By _____

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