



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> andrew.cook@gloucestershire.police.uk
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:	NORTH PLACE, CHELTENHAM.		
Post Code:	GL50 4DW	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 and risk-assess 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, additional measures that might be considered necessary, and attempts to reach agreement with the operator 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 of 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 very low. It is also clear from the Guidance that a Committee is entitled to place some weight on all types of crime & disorder associated with premises and not solely those that are proven to be directly linked to alcohol. [Section 2.3 refers to "crime generally" and section 11.24 refers specifically to "crime that is not directly connected with licensable activities."]

The Constabulary is aware of crime & disorder levels associated with all Licensed Premises across the county, including supermarkets. 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 and, especially, Theft from the person (theft of purses from shopping trolleys for example). 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 many of the larger supermarkets and superstores experience around 50 crimes per year. Despite having security officers employed, the premises located in more challenging areas can record in excess of 100 crimes per year. In these instances the Constabulary works with the stores to encourage Licence Holders to reduce their Crime & Disorder levels, as many crimes are actually preventable if stronger 'Target Hardening' measures are implemented.

THE CURRENT APPLICATION

This application relates to a new Morrisons supermarket situated in North Place, Cheltenham.

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 that minimum levels of Security are needed at the new store.

The Constabulary regard the provision of security officers 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

GROUNDS 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 town 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 operate 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 four licensing objectives.

The Constabulary became aware at an early stage that an application was being prepared for a Morrisons supermarket at North Place. This site is quite close to another large supermarket on the edge of the Town Centre, i.e. Tesco at Collett's Drive, which has been trading for many years. The Constabulary is, therefore, able to make an accurate assessment of the likely level of problems of crime & disorder that will accrue to the new store.

Regrettably, the nearby Tesco supermarket has crime levels that are on the high side, despite having up to 3 security staff employed at times. As a result, high levels of police resources have been expended at this store. Consequently, the Constabulary has been closely engaged with Tesco for many years, helping to minimize crime levels. This has involved a number of target-hardening measures on the part of the supermarket that has included improved CCTV in-store, one-way pedestrian barriers, proactive targeting of offenders, robust banning systems (reducing repeat offending), participation in the local shopwatch (DaySafe), and other crime-reduction measures.

In relation to this application, the Constabulary held a meeting with Morrisons and their solicitor at pre-application stage (31st January 2013) and discussed the level of security and crime-prevention measures that would be required. Morrisons were made aware of problems at the nearby Tesco store and it was highlighted that there is a need for a minimum security officer level to be maintained at this new store, or it will be perceived as a 'soft target' and targeted by the criminal fraternity. Unlike the Constabulary, 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 officer levels and spending on crime-reduction measures is largely determined by comparison with other stores across the UK, which do not readily provide like-for-like comparisons.

Uniformed Security Staff

The use of uniformed security staff as a crime-prevention measure in stores is hard to overstate. Security staff perform a specialist role in dealing with crime & disorder issues, and are the main point-of-contact and providers of good quality evidence when involvement of the Police is necessary.

Security Officer 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 minimized.

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 officers, allied with good observations, is the *single most effective measure* to combat crime, 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.

A vulnerable supermarket will also 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. This already happens at smaller Town Centre supermarkets, and it has to be kept in check constantly by the police and council working together on the issues.

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

Morrisons wish to retain the option of displaying alcohol in any part of the store that they choose, including aisle-end and free-standing stack displays as well as the main alcohol aisle. These displays 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. Disappointingly, 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 Cheltenham 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, and no room for complacency.

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, diverts police resources from other areas, and leads to much higher levels of *undetected* crime.

Recommended Security Level

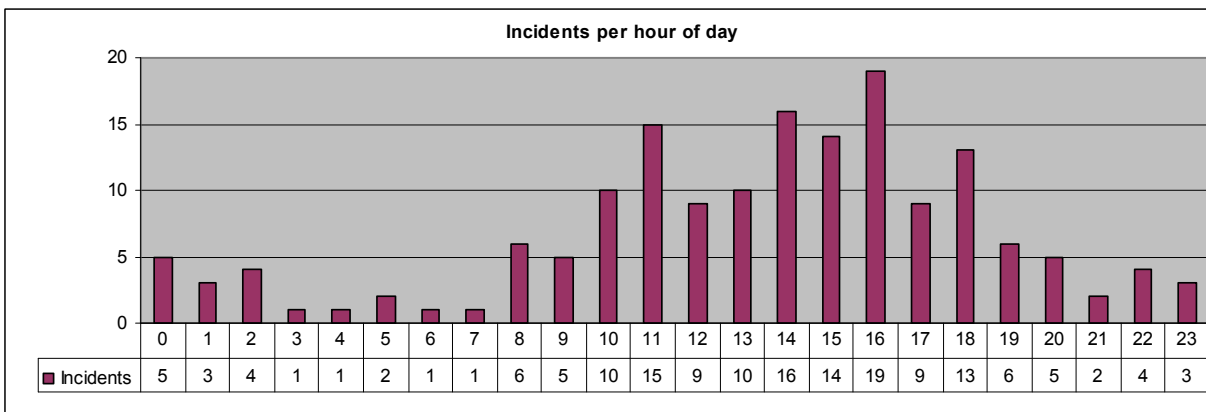
In order to combat known risks, the Constabulary takes the view that a **minimum** of one security officer is essential at peak times if this store if crime & disorder is to be kept adequately in check and easy theft of alcohol is to be prevented.

This recommendation is based on:

- the nearby Tesco store (which has higher levels of security)
- a good understanding of Morrisons supermarkets
- crime patterns and crime trends at other supermarkets across the county of Gloucestershire.

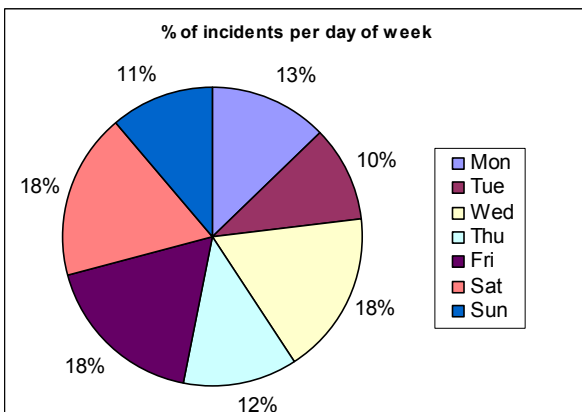
The below chart shows analysis of 164 incidents reported to the Constabulary during the last 12 months at the Tesco store, Collett's Drive. The Committee will see that incidents are occurring throughout the whole range of hours the store is trading, but also that they rise at 10am and remain at higher levels until 7pm. This pattern is fairly typical of supermarkets and it is very likely that this pattern will be replicated at the new Morrisons store.

Incident Analysis (Time of Day) 01/04/12 – 31/03/13.



The committee may also wish to note incident frequency throughout the week, which ranges between 10% and 18%. This is quite an even spread of demand on each day compared with other types of licensed premises, but is, again, fairly typical of supermarkets.

Incident Analysis (Day of Week) 01/04/12 – 31/03/13



The Constabulary would like to point out that security officers often have difficulties detaining offenders when they are working on their own, and that they are out of circulation on the shop floor for considerable periods when an incident has occurred; typically remaining with a detainee in the holding room, downloading CCTV, writing a witness statement and incident report. In addition, they are out of circulation when taking meal breaks. There is an expectation, therefore, that Morrisons will actually provide more than one security officer as soon as it identifies peak times & days, however the Constabulary maintains that at least one is a necessity.

Aside from reducing *reported* crime, the security officer would help the store reduce stock-losses, so is, at least partially, self-funding for Morrisons.

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

CONCLUSION

For the above reasons, the Constabulary is not satisfied that the ‘prevention of crime & disorder’, ‘prevention of nuisance’ and the ‘protection of children from harm’ objectives have been properly addressed by Morrisons, either in the application or during subsequent discussions.

Without appropriate levels of security, there is likely to be an unacceptably high level of Crime & Disorder, Public Nuisance (both on and off the premises) and increased risk of harm to children. This, along with stolen goods flowing into the local area, would be to the detriment of the local community and local residents.

In addition, extra responsibility would fall on the Constabulary as it would bear the burden for investigating avoidable thefts. Whilst the Constabulary will always advise and support local retailers to assist in dealing with and reducing offending, it is not the role of the Constabulary to fill gaps in security provision.

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:

- A minimum of 50 hours of security cover shall be provided each week.
- Spirits over 500ml shall be tagged OR shall only be displayed behind a serving counter.
- Alcohol shall not be displayed within 10 metres of the entrance/exit to the shop, as measured from the top of the travelator.

In addition to the Committees right under the Licensing Act 2003 to apply such conditions as it believes are "appropriate" in the circumstances, the Committee is reminded that under Section 17 of the Crime & Disorder Act the Licensing Authority is entitled 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:	16 th April 2013
Position:	Licensing Manager on behalf of the Chief Constable.		