

# WEST DEVON LICENSING SUB- COMMITTEE



West Devon  
Borough  
Council

## Minutes of a meeting of the **West Devon Licensing Sub-Committee** held on **Wednesday, 3rd November, 2021** at **2.00 pm** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

**Chairman** Cllr Yelland  
**Vice Chairman**

Cllr Leech  
Cllr Yelland

Cllr Ratcliffe

### **In attendance:**

Officers:  
Solicitor  
Licensing Specialist  
Democratic Services Officer

### **Also in attendance and participating:**

Police Licensing Officer  
Police Officer

1. **Appointment of Chairman**  
\*LSC1

### **RESOLVED**

That Cllr Yelland be appointed Chairman for the duration of the Sub-Committee meeting.

2. **To determine an application for a new Premises Licence at Burger Van, Bedford Square, Tavistock, PL19 0AE**

\*LSC2

The Sub Committee considered an application for the granting of a new premises licence at Burger Van, Bedford Square, Tavistock PL19 0AE. The Applicant, Mr Edwards, was not present, but had indicated that he was happy for the hearing to proceed in his absence.

The Licensing Officer proceeded to present the application and the content of the report.

Upon the conclusion of her presentation, the Sub-Committee proceeded to ask a number of questions. During which, reference was made to:

- Concern over the time taken to rectify fault with the CCTV to have it working again;
- Issues related to litter in the area. Previous premises license had included a condition for the licensee to be responsible for clearing the litter in the vicinity of the burger van. However, on the current application, it had not been proposed.
- Lack of taxis was seen to be a contributing factor with anti-social behaviour in the early hours of a morning.
- Lighting issues as lack of lights around the burger van.

The Sub-Committee then heard from Nicola Henderson, Licensing Officer from Devon and Cornwall Police, who expanded upon the objections from the Police and Police Officer 260, Jenny Mashford.

The Sub-Committee asked questions of them, during which reference was made to the Police records presented. These records showed that anti-social behaviour in the vicinity required police intervention. Fights breaking out around the burger van. A direct link was established between these issues and the burger van being present.

Once all parties were content that they had no further issues and/or questions to raise, the Sub-Committee adjourned at 2.40pm, in the presence of the Monitoring Officer, to consider the application.

The Sub-Committee returned at 3.05pm when further questions were put to the Police representatives. The Sub-Committee retired once more and, when the Members returned, the Chairman read out the following statement setting out the Sub-Committee's decision and the reasons for it:

### **The Decision**

The Sub-Committee decided to **GRANT** the Application but:

1. The aim of the Licensing Act 2003 is to provide a more flexible licensing system, by reducing the burden of unnecessary regulation, but still maintaining public order and safety. The 2003 Act makes it clear that licensable activities are to be

restricted only where it is necessary to promote the four Licensing Objectives.

2. In determining an application with a view to promoting the Licensing Objectives in the overall interests of the local community, the Sub-Committee is required to give appropriate weight to:
  - the steps that are appropriate to promote the Licensing Objectives;
  - the representations (including supporting information) presented by all the parties;
  - the Guidance issued under section 182 of the 2003 Act; and
  - our own statement of licensing policy.
3. The statutory guidance provides that it is imperative that our decision is evidence-based and that in reaching a decision the factors which are to be taken into account are limited to a consideration of the promotion of the licensing objectives and nothing outside those parameters.
4. The Licensing Specialist's report has also highlighted relevant provisions of the statutory guidance and our own statement of licensing policy.
5. Finally, by way of setting the scene for our decision, the Licensing Sub-Committee is mindful that an application that must be considered on its own merits. Our function is to take such steps as we consider appropriate for the promotion of the licensing objectives having regard to the representations we have received and heard.
6. It is against this background that the Sub-Committee has considered the application by Mr Richard Edwards for a Premises Licence at Bedford Square, Tavistock. The proposal as set out in the Application was for a mobile catering van used for the sale of hot food to take-away between 6.30pm and 6am Monday to Sunday. The Licensing Officer explained that we could only consider the hours up to 5am; the hour after that being outside of the licensing regime.
7. Mr Edwards had said previously that he would not be attending the hearing, but relying on what he had submitted to the Licensing Officer as part of his Application and the further representation
8. During the public consultation on the application, Devon and Cornwall Police raised an objection on the grounds of prevention and crime and disorder and prevention of public nuisance. Nicola Henderson, Licensing Officer for the Police expanded upon that objection and a further representation at the hearing.

9. The principal concern of the Police was that the provision of late-night refreshment was often linked to alcohol-fuelled crime and disorder. Based on their experience of the licence that Mr Edwards had previously held before being surrendered by him in November 2020, concerns were raised about patrons of the burger bar congregating in Bedford Square impeding their dispersal. This had resulted in incidents of crime and disorder or anti-social behaviour including violence. Nicola Henderson referred to the statements of PC Luke James and PC Paul Thompson. Both officers described what had been recorded and gave examples of the patrons' behaviour. It was explained that in the view of the Police, there was a direct correlation between the presence of the burger van and the anti-social behaviour that had been observed. In light of this, the Police proposed a terminal hour of 1am and alternative CCTV conditions; those proposed by Mr Edwards being considered not to be sufficiently robust. While Mr Edwards was willing to accept the alternative conditions, he was not willing to accept the 1am limitation. Instead, he proposed a terminal hour of 4am, which was the terminal hour on his previous premises licence.
  
10. So, having considered what had been said and written by the various parties, we accepted that the lateness of the terminal hour applied for would be likely to lead to a public nuisance and crime and disorder by encouraging patrons to congregate rather than to disperse. Furthermore having regard to the statutory guidance, and the adopted Statement of Licensing Policy, the Sub-Committee considered that the application should be granted, but with the terminal hour being 1am with the conditions proposed by the Police relating to CCTV in place of those proposed by Mr Edwards. We also considered that there should be a condition requiring the provision and emptying of a litter bin, the precise wording of which we will delegate to the Licensing Specialist in consultation with members of the Sub-Committee and Head of Legal Services.
  
11. All parties have the right to appeal to the Magistrates' Court within 21 days of receipt of written notification of the Licensing Sub-committee's decision.

The Meeting concluded at 3.30 pm

**Signed by:**

**Chairman**

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