

## APPENDIX D – Police representation

# LICENSING REPRESENTATION FORM

### Section 1: Licence Application Details

✓ I wish to **object** to the following application

NAME OF APPLICANT (if known): Richard Julian Edwards

PREMISES NAME AND ADDRESS: Mobile Catering Van - Bedford Square, Tavistock, Devon

### Section 2: Your Details

[If you are acting as a representative, please go to Section 3]

TITLE Mr  Mrs  Miss  Ms  Other (please state) \_\_\_\_\_

SURNAME \_\_\_\_\_ FORENAMES \_\_\_\_\_

ADDRESS  
\_\_\_\_\_

\_\_\_\_\_ POST CODE \_\_\_\_\_

[You must provide your full residential address (or business address if your objection relates to the impact of the licence upon your business premises)]

### SECTION 3: Representative Details

[If you represent residents or businesses, please complete the details below]

NAME OF REPRESENTATIVE/ORGANISATION

- Nicola Henderson – Police Licensing Officer on behalf of the Chief Officer of Police
- Devon & Cornwall Police

ADDRESS OF REPRESENTATIVE/ORGANISATION

Alcohol Licensing Hub  
Launceston Police Station  
Moorland Road  
Launceston  
Cornwall  
PL15 7HY

I AM (tick as appropriate):

Representative of residents association

Representative of trade/business association

✓ Other -Responsible Authority

Ward Councillor

MP

#### Section 4: Reason(s) for Representation

Under the Licensing Act 2003, for a representation to be relevant it must set out the likely effect of granting the application on the promotion of the four licensing objectives. Any representations that are considered to be frivolous or vexatious will not be accepted.

It is important that you set out any personal experiences as these will be considered as relevant.

Please fill in the reason(s) for your representation in the space provided below under each of the Licensing Objectives (where relevant). You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation. Please attach any supporting documents/further pages as necessary, numbering all additional pages. Try to be as specific as possible and give examples, where possible.

Licensing Objective	Reason for Representation
<p style="text-align: center;"><b>Prevention of Crime &amp; Disorder</b></p>	<p><b>A schedule of evidence including officer statements, licensing reports, incident details etc will be provided at a later date, prior to the hearing.</b></p> <p>-----</p> <p>The Police Licensing Department have liaised with the area Police Inspector in respect of the application. Devon and Cornwall Police do not support the hours as detailed within the application or subsequent communication relating to a reduction in operating hours received on the 6<sup>th</sup> October 2021.</p> <p>Devon and Cornwall Police are aware the applicant has operated a catering unit of this nature in the location previously. It is the police view that a unit of this nature does attract intoxicated persons to the vicinity in the early hours and as a result, have a negative impact on the prevention for crime and disorder objective.</p> <p>As detailed within <u>The Revised Guidance issued under section 182 of the Licensing Act 2003 April 2018; S3.21 The provision of late-night refreshment is regulated primarily because it is often linked to alcohol-fuelled crime and disorder in the night-time economy, such as at fast-food takeaways where late-night drinkers congregate.</u></p> <p>Patrons congregate in Bedford Square, impede the dispersal of the Evening and Night-Time Economy (ENTE), resulting in incidents of disorder/ASB requiring police intervention in the early hours.</p> <p>The location of the premises is close to the town centre taxi rank however the number of taxis in the town at night to disperse customers is low, a concern the police have previously raised with the Council Licensing Department.</p> <p>If the hours applied for are granted, this premises will operate as the late-night hot food premises in Tavistock and as previously evident (statements</p>

by police officers to be supplied as part of the police supporting evidence), attracts intoxicated persons to congregate in Bedford Square, predominantly on Friday and Saturday nights when venue(s) (pubs/bars) permitted for late night alcohol (on) sales operate later opening hours.

An earlier terminal hour (01:00 for example) for this premises would permit use by patrons of premises who operate until 00:30 hrs (\*of which majority in the vicinity do); assist in a reduction in persons congregating in the square in the early hours, support egress in the Evening and Night-Time Economy (ENTE) and reduce incidents of anti-social behaviour.

Tavistock's late-night 'on sale' (alcohol) venue is located on West Street approximately five minutes' walk away from Bedford Square, this premises is permitted to operate until:

- Fridays 01:20 hrs
- Saturdays 02:20 hrs

\*Many alcohol 'on sale' venues within the town have a terminal hour of 00:30hrs on Friday and Saturdays, with some closing earlier mid-week – I refer to the permissions granted by WDBC.

Conditions for the Prevention of Crime & Disorder:

West Devon Borough Council Statement of Licensing Policy UNDER THE LICENSING ACT 2003 For the period January 2021 to January 2026;

4.4 **Mobile Vehicles**, Remote, Internet and Other Delivery Sales - 4.4.2 The expectation of the Authority is that conditions suggested by way of operating schedules for these types of activities are **extremely robust** in order to negate any perceived issues.

The applicant provides the following information (conditions) regarding measures within section M a) & b) of the application:

- *Provide CCTV coverage of front serving hatch to help the police if any crime and disorder occur.*
- *Encourage quick dispersal of any noisy people.*
- *Provide CCTV coverage*
- *Contact police if any anti-social behaviour.*

It is the police view at the conditions provided by the applicant are not *extremely* robust.

**CCTV:**

The police and applicant have agreed a set of additional CCTV conditions for inclusion on the licence. The police would ask the council to apply these or comparable conditions to any licence as granted. (See appendix one).

**SIA Security Industry Authority:**

SIA Security Staff deployment does support a reduction in anti-social behaviour (ASB), prevention of crime and disorder, aid quiet and orderly dispersal of patrons.

West Devon Borough Council Statement of Licensing Policy UNDER THE LICENSING ACT 2003 For the period January 2021 to January 2026:

3.5.11 The Authority recognises that door supervisors have an important function in terms of supervising customers not only inside premises but also outside. Door supervisors will therefore be expected to take a proactive role in managing the behaviour of customers within the immediate vicinity of the premises in order to minimise disturbance and nuisance to nearby residents. Licence holders should ensure in particular that, at closing times, they have sufficient door supervisors to effectively control 'surges' of customers leaving premises.

The deployment of SIA security staff within late night takeaway venues is a licensing requirement at some late-night premises solely licenced for the sale of hot food in towns and cities in Devon and Cornwall. This would be seen as a proportionate consideration for a venue operating for late night refreshment (LNR) in the earlier hours of the ENTE where the client base is made up of late-night drinkers.

SIA security staff deployment is a method utilised in the prevention of crime and disorder at premises who primarily serve intoxicated patrons' hot food within ENTE. However, the outside/street location of this premises and absence of a demarcated external area, to be operated under the control of the premises make additional measures such as the deployment of SIA security officers problematic. SIA supervisor deployment needs to be restricted to within the boundary of a premises and immediate vicinity of a premises, this would not be practical in this instance.

Example conditions for SIA supervisor deployment in premises licenced for LNR are:

- SIA registered door supervisors will be employed at the premises on [state days of week] from ##.## hours until premises close to the public.
- Door supervisors must be properly briefed and trained to manage queues in a safe and efficient manner.
- Door supervisors will be responsible for ensuring the safe, quiet and orderly dispersal of customers from the premises and the immediate vicinity of the premises.
- All door supervisors will be clearly identifiable and display their SIA badge in an approved method (i.e. arm display badge holder) at all times.
- The details for each door supervisor must be kept in a register.

The 2003 Act requires that licensing conditions be tailored to the size, type, location, characteristics, and activities taking place at the premises concerned. The police remain mindful with regards to proportionality, and

	<p>the characterises of the venue present challenges for conditions requiring the deployment of SIA supervisors in its current form.</p>
<p><b>Prevention of Public Nuisance</b></p>	<p>West Devon Borough Council Statement of Licensing Policy UNDER THE LICENSING ACT 2003 For the period January 2021 to January 2026 (Approved by Full Council on 8 December 2020)</p> <p>3.7.1: Applicants will be required to demonstrate that they have adequate measures in place in their applications to prevent nuisance and disturbance.</p> <p>3.7.3 The Licensing Authority recommends that applicants and licensees apply a higher standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises where: • They are located in a residential or noise sensitive area • <b>They have or are proposing extended open hours</b></p> <p>The applicant offers the following condition in respect of this - Section M d) of the application:</p> <ul style="list-style-type: none"> <li>• <i>CCTV coverage and encourage quick dispersal of any crowds.</i></li> </ul> <p>West Devon Borough Council Statement of Licensing Policy: Factors that may be considered include but are not limited to: • <b>The hours of opening</b>, including times when licensable activities may not be taking place, last admission time and 'wind down period'. • Nature of activities provided. • <b>Supervision of customers including managing dispersal</b></p> <p>It is the police view that the hours applied for will cause both noise and disturbance if permitted.</p> <p>The presence of a mobile catering van permitted to operate (after 01:00), will attract intoxicated patrons after the late-night venue closes, leading to noise and disruption.</p>
<p><b>Protection of Children from Harm</b></p>	<p>-</p>
<p><b>Public Safety</b></p>	<p>-</p>

I, Nicola Henderson hereby declare that all information I have submitted is true and correct

SIGNED: *N Henderson*

DATED: 07/10/2021

**Please send the completed form to the local authority area in which the premises concerned is situated:**

Licensing Department  
West Devon Borough Council  
Kilworthy Park  
Tavistock  
Devon  
PL19 0BZ

Licensing Department  
South Hams District Council  
Follaton House  
Plymouth Road  
Totnes  
Devon  
TQ9 5NE

**Tel:** 01822 813600

**Email:** [licensing@swdevon.gov.uk](mailto:licensing@swdevon.gov.uk)

**Tel:** 01803 861336

**Email:** [licensing@swdevon.gov.uk](mailto:licensing@swdevon.gov.uk)

**IMPORTANT NOTE:** This form must be returned within the statutory period which is generally either 10 working days or 28 consecutive days from the date the Public Notice was displayed on the premises. Please contact your relevant Licensing Team for confirmation of this date.

#### Appendix One:

#### CCTV conditions:

- CCTV must be installed, maintained and be compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document.
- The CCTV equipment must be maintained in good working order and must continually record until premises close to the public.
- Time and date accuracy must be checked on a weekly basis.
- Images must be retained for a minimum period of 31 days.
- The CCTV system must be capable of downloading images to a recognizable viewable format. The software must be able to playback the images at full screen resolution with forward, reverse replay including pause and slow motion.
- At all times the premises are open for business, a member of staff who is capable of operating the CCTV system and downloading images at the request of a police officer or other authorised officer must be available within a reasonable time period, i.e. 24 hours.
- The CCTV system must be capable of obtaining clear facial recognition images and clear head and shoulders images of every person ordering at the counter.
- If the CCTV equipment breaks down, the Licence holder must inform the Licensing Authority as soon as is reasonably practicable.
- Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority should be informed when faults are rectified.

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