

Public Document Pack



West Devon
Borough
Council

Please reply to: Darryl White
E-mail address: Darryl.White@swdevon.gov.uk

Dear Councillor

WEST DEVON LICENSING SUB-COMMITTEE - WEDNESDAY, 3RD NOVEMBER, 2021

I refer to the agenda for the above meeting and attach papers in connection with the following item(s).

Agenda No Item

4. **To determine an application for a new Premises Licence at Burger Van, Bedford Square, Tavistock, PL19 0AE (Pages 1 - 32)**

Yours sincerely

Darryl White
Democratic Services Manager

Encs

This page is intentionally left blank

Additional information from Applicant (1) Confirmation regarding proposed 4am closing time.



Wed 06/10/2021 07:00

Re: Burger Van – Bedford Square Tavistock

To Tara O'Keefe

You forwarded this message on 06/10/2021 10:05.

Hi Tara,

Thankyou for getting back to me.
Also for highlighting the closing times of the late night trade.

I have realised that when completing the Premises Application I may have been slightly over kill on the closing times. When I completed the form I have filled it in to include the timings that the van may be parked on site, not necessarily the actual trading time. In hindsight I realise this was incorrect and is what is causing the concerns. Generally we would have finished trading by 4am at the latest and that would mainly be on special events for example New Year's eve, however we need to clean down and close up, so for some reason I included the extra hours on the Licence application. I have just dug out our previous licence which states 4am, we would be more than happy to revert back to these hours if more suitable. I do hope I haven't caused to much of an issue and that it can be resolved as soon as possible as we are desperate to get back to trading.

Kind regards,

Richard Edwards.

Additional information from Applicant (2)

Copy of email sent to the Police explaining intentions for the business.

From: [REDACTED]
Sent: 05 October 2021 13:12
To: Tara OKeefe <Tara.Keefe@swdevon.gov.uk>
Subject: Fw: Burger Van – Bedford Square Tavistock

External Message: This Message has originated outside your organization.

Hi Tara,

Just wanted to email our response to the police regarding our operating hours for the premises License.

They have mentioned it will be going to a hearing where it will be decided and I just wanted to make sure you had a copy of our argument as to why it is beneficial for us to be trading for the late night trade.

We completely understand Devon and Cornwall Police's concerns and are open to suggestions for closing times, however, the late night trade from the pubs/clubs is our main income.

I look forward to hearing from you,

Kind regards,

Richard

----- Original message -----

From: [REDACTED]
Date: Mon, 27 Sep 2021, 16:46
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Burger Van – Bedford Square Tavistock

Dear Mrs Henderson,

Thankyou for your email advising me of Devon and Cornwall Police's situation on my Premises Licence application.

I am satisfied with the CCTV conditions set out in your previous email.

I completely understand the concerns raised with regards to the operating hours and would be open to discussions with regards to these. However, the main trade of my business is generally the late night bars, do you have a time in mind?

I am not sure if you are aware of my situation as I appreciate this is a new Premises Licence application.

I have been trading in Bedford Square carpark from 6pm to early hours since 2006 offering hot food refreshments to the late night trade. I had to cancel my premises licence due to the Corona virus, where I would normally have renewed it each year, obviously this year I have had to re-apply.

As I know the late night trade in Tavistock I wanted to take this opportunity to explain what other support I provide to individuals some of which are vulnerable due to alcohol consumption.

On many occasions Devon and Cornwall Police have requested video footage from the Burger Van in order to help them in enquiries, as I am aware it is the only CCTV available at that hour and centrally located. They also have night vision and cover the road which helps identify cars.

Often there has been situations of vulnerable women waiting for taxis on their own and I have provided them a hot drink and a safe sheltered area to wait. I have even ordered their taxis for them from registered taxi drivers to ensure they get home safely.

I have also intercepted and informed the police of drunk drivers trying to get into their cars.

The pastors who work the streets stop regularly to chat to me and I work with them to ensure they are aware of any concerning situations.

Generally speaking, the burger van is a safe place for people to go late at night when everywhere else is shut, without it there is nowhere for anyone who is scared or vulnerable to go.

I am responsible, trustworthy and have run a reputable business from this particular pitch since 2006.

I am very aware of drunk people congregating and am very good at quickly dispersing the crowds and sending people home safely with food in their stomachs.

It is not in my interest for people to be loud and disruptive and I am very efficient at serving my food for this reason.

The presence of the Burger van helps disperse large crowds that would normally be hanging around the taxi rank in the middle of the square. It helps give people another focus whilst waiting for a taxi and therefore reduce antisocial behaviour.

I do hope you will reconsider your decision and look to discuss a time that could work well for both myself, Devon and Cornwall Police and the people of Tavistock both young and old.

We have highlighted your concerns with our landlord Tavistock Town Council and Jan Smallcombe, who has been dealing with our contract, is happy to discuss your concerns and our previous trading history.

I have cc her onto this email to make any contact easier for you.

I look forward to hearing from you,

Kind regards,

Richard Edwards.

Witness Statement

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9

URN:

--	--	--	--

Statement of: **Nicola HENDERSON**Age if under 18 (if over insert "over 18"): **Over 18**Occupation: **Police Licensing Officer**

This statement (consisting of4..... Pages(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: Nicola HendersonDate: 21/10/2021

I am the above named person, employed as a Police Licensing Officer by Devon and Cornwall Police. I have been employed by the constabulary for 19 years and in this role for approximately 12 years. One of my areas of responsibility is Tavistock.

I make this statement in relation to the grant application for a mobile catering vehicle to be located in Bedford Square Tavistock, the application submitted by Mr. Richard Julian Edwards. This premises formally held the Premises Licence WDPLNA0052 – Toop's Food. This licence was surrendered by the Premises Licence holder Mr Richard Julian Edwards on 27th November 2020.

On the 7th October 2021, on behalf of the Chief Constable, a police representation was submitted to the council with regards to the hours of operation sought and a set of agreed CCTV conditions.

Attached is a copy of the police representation exhibit NH/1. The paperwork served on: SW-Licensing <licensing@swdevon.gov.uk>; Tara OKeefe <Tara.OKeefe@swdevon.gov.uk>; licensing@westdevon.gov.uk.

The Police Licensing Department received the grant application on 13th September 2021 for a mobile catering vehicle. On receipt of the paperwork the application was examined, and relevant concerns highlighted, namely the terminal hour of operation and lack of robust conditions as supplied by the applicant.

As detailed with in the police representation (exhibit NH/1) 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.

Signature: Nicola HendersonSignature Witnessed by: N/A

Witness Statement

Continuation of Statement of Nicola Henderson

Tavistock Police confirm patrons of the establishment (when previously operating in this location by the applicant) did congregate in Bedford Square, did impeded the dispersal of the Evening and Night-Time Economy (ENTE) and was linked to incidents of disorder/Anti-Social Behaviour (ASB) requiring police intervention in the early hours (past 01:00 hrs).

I refer to the Witness Statements of Police Constable 10670 Luke (exhibit NH/2) and Police Constable 11313 Thompson (exhibit NH/3). The officers provide details with regards to policing the evening and night-time economy in Tavistock. Both officers provide specific details regarding the presence of the mobile catering vehicle and associated detrimental impact it has on the ENTE. The officers refer to matters such as, increased levels of anti-social behaviour including public order, public urination, criminal damage disorder whilst persons congregate around the mobile catering vehicle.

Exabit NH/2 - PC James; *'On most weekends, there would almost always be individuals fighting whilst all congregating around the burger van'*.

PC James concludes his statement; *'I can say from my past experiences, that there was a direct link between the burger van not being present on certain weekends and reduced anti-social behaviour in the area'*.

Exabit NH/3 - PC Thompson: *'there are many a night I have been patrolling around the town centre in particular around the burger van and Abbey Place when there has been public disorder such as people fighting, anti-social behaviour, urinating in the streets'...*

'Even if there is no disorder there is usually a lot of people who do not (have) a volume control and it can be very noisy'...

PC Thompson concludes his statement; *'even if there is CCTV at the burger van as there has been in the past this does not seem to be much of a deterrent because people are drunk, and their inhibitions are lowered'*.

The police are minded that this is not a review hearing but wish to provide details to the committee with regards to the nature of policing Bedford Square in relation to this mobile catering vehicle operating within the ENTE. To evidence the grounds for the police concerns in relation to the terminal hour as applied for.

Signature: Nicola HendersonSignature Witnessed by: N/A

Witness Statement

Continuation of Statement of Nicola Henderson

Police Licensing record exhibit NH/4 - Police log 0075 of 18.05.19 – Report of violence – reported time 01:15 (approximately). The officer's report relates to disorder in Bedford Square highlighting factors that impede dispersal of the ENTE in Bedford Square: *'large number of people hanging around at the kebab van until after 02:30 hrs'*.

Further concerns detailed by both officers relate to additional factors that impede dispersal in Tavistock namely the lack of taxi provision, the police fully recognise that this is not a factor for consideration by members in relation to the grant of this application, control of taxi provision undoubtedly sits outside of the remit of the hearing.

Exabit NH/5 – Police Log 85 of 14.07.18 - Time 01:15 - The report details two males engaged in a verbal altercation in Bedford Square, following escalation one male sustained injury. PC Thompson spoke to the operator of the mobile catering vehicle, having prior knowledge that CCTV was a requirement of the licence. PC Thompson was informed by the operator that the CCTV was non-operational and had not been for a couple of weeks.

Licence WDPLNA0052 (Toop's Food Bedford Square) operated by Mr Richard Edwards issued by WDBC Annex Two requires: **The Prevention of Crime and Disorder: 1. CCTV will be maintained and working to the satisfaction of the Police and Local Authority.** Failure to provide operational CCTV was a breach of the licence. It is an offence under s.136 of the Licensing Act 2003 to carry out licensable activities otherwise than in accordance with a premises licence. A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine, or to both. Mr Edwards the applicant in this case was issued with a written warning and required to take immediate action to rectify the defect see exhibit NH/6.

Conditions as supplied by the applicant: The West Devon Borough Council Statement of Licensing Policy UNDER THE LICENSING ACT 2003 For the period January 2021 to January 2026; sets out the following: 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.

Mr Edwards provides the following conditions regarding measures within section M a) & b) of the application:

Signature: Nicola HendersonSignature Witnessed by: N/A

Witness Statement

Continuation of Statement of Nicola Henderson

- *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. In view of this, the police and applicant have agreed a set of additional CCTV conditions for inclusion on the licence. The police would ask the committee to apply these or comparable conditions to any licence as granted. (See appendix one - exhibit NH/1)

Incidents continued:

Exhibit NH/7 - 24th August 2018 – The police were contact by the WDBC Licensing Specialist following receipt of complaints regarding the mobile catering vehicle relating to noise and litter. Police were advised that this matter was to be passed to the councils Environmental Health Team for a noise complaint procedure.

Exhibit NH/8 – 28th November 2017 – Officer report detailing disorder and ASB within the Tavistock ENTE. Time of report 01:30 hours - sighting the mobile catering vehicle as a location for ASB.

Exhibit NH/9 - 19th February 2017 - Officer report detailing disorder and ASB within the Tavistock ENTE. Time of report approximately 01.45 hours - sighting the hot food vehicle as a location for ASB.

In my 12 years as a Licensing Officer with the Devon and Cornwall Police I have felt the need to submit representations to West Devon Council on only one prior application for a Premises Licences, whereby agreement cannot be reached during the consultation period.

I respectfully request the committee give due consideration to the timings of the incidents outline above (NH/4, NH/5, NH/8, NH/9) all reported after 01:00 hours when determining the hours of operation to be granted. I draw the committee's attention to the police representation exhibit NH/1 page three regarding a reduced terminal operating hour. The police are aware that the applicant has supplied details of revised

Signature: Nicola HendersonSignature Witnessed by: N/A

Witness Statement

Continuation of Statement of Nicola Henderson

operating times, subsequently submitting a closing time of 04:00 hrs. The police confirm no agreement has been reached with regards to a variation to the terminal hour within the consultation period.

Signature: Nicola Henderson

Signature Witnessed by: N/A

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>Prevention of Crime & Disorder</p>	<p>A schedule of evidence including officer statements, licensing reports, incident details etc will be provided at a later date, prior to the hearing.</p> <hr style="border-top: 1px dashed black;"/> <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 6th 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 the town 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>Prevention of Public Nuisance</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 • They have or are proposing extended open hours</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"> • <i>CCTV coverage and encourage quick dispersal of any crowds.</i> <p>West Devon Borough Council Statement of Licensing Policy: Factors that may be considered include but are not limited to: • The hours of opening, including times when licensable activities may not be taking place, last admission time and 'wind down period'. • Nature of activities provided. • Supervision of customers including managing dispersal</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>Protection of Children from Harm</p>	<p>-</p>
<p>Public Safety</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 are situated:

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

Tel: 01822 813 600
Fax: 01822 813 600
Email: licensing@westdevon.gov.uk

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

Tel: 01803 861 234
Fax: 01803 861 294
Email: licensing@southhams.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.

----- END -----

Witness Statement

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9

URN:

--	--	--	--

Statement of: **JAMES LUKE**Age if under 18 (if over insert "over 18"): **Over 18**Occupation: **Police Constable 10670**

This statement (consisting of2..... Pages(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: **JAMES LUKE**Date: **17/09/2021**

I am Police Constable 10670 James LUKE of DEVON AND CORNWALL POLICE and I am currently based at TAVISTOCK POLICE STATION.

I've been a Police Constable within DEVON AND CORNWALL POLICE for approximately 5 years and most of my service has been as a constable on Response. As part of my Response role, I covered Evening and Night-time Economy in TAVISTOCK TOWN CENTRE.

I have been made aware by PS 17781 CHALONER that an application has been made to Licensing regarding a new burger van in BEDFORD SQUARE, TAVISTOCK. The length of the license covering the applicant until 06:00hrs.

I can say from my experience of Policing the night-time economy with the previous burger van that this would have an increased demand on the Police.

On a Friday night the last nightclub that closes in TAVISTOCK is at 01:00hrs and on a Saturday, it is 02:00hrs. There are no food establishments still open at that time of the morning. So, everyone leaving the nightclub at closing all congregated down at BEDFORD SQUARE.

I cannot remember the exact time that the previous burger van had a license until. But I believe it was until around 03:00hrs.

The general theme that I noticed was that there was always a large queue for the burger van. This coupled with a complete lack of taxi's available at that time meant that there was increased anti-social behaviour. I've seen members of the public still waiting around at 04:30hrs in the morning waiting for a taxi.

Signature: **JAMES LUKE**Signature Witnessed by: **N/A**

Witness Statement

Continuation of Statement of JAMES LUKE

The anti-social behaviour that I've witnessed has included public order, people urinating against buildings, vehicles or even in the middle of the street. I've witnessed criminal damage caused to buildings and vehicles. On most weekends, there would almost always be individuals fighting whilst all congregating around the burger van.

Such individuals have been dealt with through being arrested. This has the knock-on effect of removing a minimum of two Police officers from the area to transport the individual to the nearest custody centre. This is CHARLES CROSS CUSTODY in PLYMOUTH which is an hour round trip including the booking in process.

In the current climate where Police resources are thin on the ground. Also, in a rural setting where there is usually only a maximum of 4-5 officers across two Response sections covering night-time economy. Whilst also having to cover any potential logs that may come in.

There are residents who live in flats above retail premises in the town centre near to BEDFORD SQUARE. They would have to put up with the increased ASB in the area for a longer period.

There is also the welfare of the officers involved. I've had many shifts where I was due to finish at 03:00hrs extended into the early hours of the morning, meaning I've basically had to work a night shift. This has the knock-on effect of having to allow that officer to have a minimum of 11 hours between shifts. If that officer is having to start later due to finishing their previous shift late. This places additional strains upon the organisation.

I feel that allowing the applicant to have a license until 0600hrs would have a detrimental and increased demand upon Police locally. I can say from my past experiences, that there was a direct link between the burger van not being present on certain weekends and reduced anti-social behaviour in the area.

Signature: JAMES LUKESignature Witnessed by: N/A

Witness Statement

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9

URN:

--	--	--	--

Statement of: **PAUL THOMPSON**Age if under 18 (if over insert "over 18"): **Over 18**Occupation: **Police Constable 11313**

This statement (consisting of2..... Pages(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: **P Thompson**Date: **17/09/2021**

This statement refers to the impact the burger van stationed in ABBEY PLACE TAVISTOCK on a Friday and Saturday night had on local policing and the local community prior to the outbreak of Covid-19.

I have been a police officer for just short of 12 years and over 6 ½ years stationed at Tavistock police station. My role has been as a response officer dealing with night time economy on Friday and Saturday nights

When the last of the pubs shut on Friday and Saturday the burger van would be open until 3 a.m. when the public would descend onto Abbey Place TAVISTOCK.

When this happened there were large queues/groups outside the burger van. The burger van had CCTV cameras installed however these cameras just covered the van itself and the immediate vicinity.

There are many a night I have been patrolling around the town centre in particular around the burger van and Abbey Place when there has been public disorder such as people fighting, anti-social behaviour, urinating in the streets, littering and taking drugs. Even if there is no disorder there is usually a lot of people who do not a volume control and it can be very noisy particularly for local residents.

Even when the burger van has stopped serving there are still people hanging around Abbey Place and the town centre well in excess of an hour after the van has shut.

On top of this there are very few taxis running past 2 am so people end up hanging around town unnecessarily causing problems.

I have had to intervene on several occasions when there has been fighting and drag people off one another. The people that I deal with on the Friday/Saturday night have usually had too much to drink and also taken recreational drugs.

When I arrest someone in town as a result of the disorder it requires at least 2 police officers to take that person to Charles Cross police station and get them booked into custody. This is very time consuming and can take anything from 1.5 – 2 hours to deal with from leaving Tavistock to getting back.

On some occasions that has meant that there has been no one to patrol leaving it open to more disorder. Tavistock is a rural town and the size of the police force is small consisting of potentially 2 officers working until 3 am and another 2 working until 7am.

Signature: **P Thompson**Signature Witnessed by: **N/A**

Witness Statement

Continuation of Statement of PAUL THOMPSON

If this burger van is allowed to stay open until 6 am I believe this will create more anti-social behaviour and with limited resources this may go unchecked leading to unnecessary disorder. After 3 am there will only be 2 officers to patrol the night time economy. If we are dealing with night time economy/disorder until 6 am there is a limit to what we can deal with and we as a police force are unlikely to be able to deal with any other jobs thereby putting people's lives at risk.

Even if there is CCTV at the burger van as there has been in the past this does not seem to be much of a deterrent because people are drunk and their inhibitions are lowered.

Signature: P ThompsonSignature Witnessed by: N/A

HENDERSON Nicola 56158

From: HENDERSON Nicola 56158
Sent: 06 October 2021 13:32
To: HENDERSON Nicola 56158
Subject: FW: Tavistock 18.05.19

From: SAUNTER Nicola 17127 <Nicola.SAUNTER@devonandcornwall.pnn.police.uk>
Sent: 18 May 2019 03:08
To: Licensing Team <Licensing.team@devonandcornwall.pnn.police.uk>
Subject: Tavistock 18.05.19

Good morning

We attended log 0075 18.05.2019 this evening following reports of a male kicking off and trying to fight multiple people in TAVISTOCK. The log came in at around 01:15hrs and we arrived at BEDFORD SQUARE at just after 01:30hrs and were in the area for over an hour. During this time we only saw 1 taxi, and once again a reasonably large number of people were hanging around at the kebab van until after 02:30hrs.

During that time there were small pockets of people who were clearly in drink that had no way of getting home and were just hanging around. Two small scuffles broke out. In my opinion the reluctance or lack of opportunity for people to get away from the town centre in the absence of taxis directly contributed to the issues.

I am concerned that there are not enough taxis operating on a Friday and Saturday night while the pubs and kebab van are still open. The general milling around provides opportunities for drunken violence and we have limited options for dispersing people from the town when no offences have been committed.

Could you have a look into taxi numbers on weekend nights in TAVISTOCK please, and also the operating hours of the kebab van? Or is this not something that has a minimum requirement level?

Many thanks

Nic

**PC 17127 SAUNTER
A SECTION RESPONSE – TAVISTOCK**

[Report non-emergency crimes online](#)

Email 101@dc.police.uk for non-urgent reports and queries

[Police Enquiry Offices](#)

[Ask NED online if you're not sure who to call](#)

[Devon and Cornwall Alert – keeping our communities in the know](#)

In an emergency always call 999



Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
-----------	--	---------------	--	-------------	--

To be completed for any alcohol related incident or for information on any licensed premises. When attending an incident please use the reverse of this form to record as much detail as operationally possible. This form to be submitted to the Licensing Unit as soon as possible. **Nominal and / or intelligence MUST be submitted via Source and Covert Intelligence System (CIS).**

- Licensing objective:**
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.

Report type: <input type="checkbox"/> Visit <input checked="" type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 14/07/18 Time: 0115
OIS Ref.: 85 14/07/18	Crime No.: cr/62991/18
Name of premises (where applicable): Burger Van	
Address: Bedford Square	

Brief summary / action taken:

Designated Premises Supervisor (DPS) on the premises? Yes No

Name of DPS (or person in charge if no DPS):

Helpful Unhelpful Obstructive Other:

Officers attended a fight in Bedford Square where 2 males have been having a verbal altercation which resulted in one receiving an injury. I spoke to the owner of the van as there are 2 camers in the van and one potentially looked upon the scene of the incident. The owner of the van said that the CCTV wasn't working and hadn't been for a couple of weeks

Submitted by: Name: Thompson

Force No.: 11313

Signed: paul thompson

Date: 15/07/18

Time: 0532

Officers present at inspection:

Licensed Premises Visit Checklist

Any information from these checks to be included in 'Brief summary' overleaf.

Administration:

1. Premises Licence (summary displayed)? Yes No
(It should be displayed in the public area)
2. Premises Licence (complete) produced to officers? Yes No
(A constable can request to see full licence)

Crime and Disorder:

1. Any violence inside / outside premises? Yes No
2. Any public order inside / outside premises? Yes No
3. Any evidence of drugs found inside / outside premises? Yes No
4. Any drinks promotions in operation at time of visit? Yes No
5. Any evidence of excessive drunkenness? Yes No

Public Safety:

1. CCTV on premises? Yes No Working at time of visit? Yes No
Incident captured? Yes No Staff able to download? Yes No
Image quality? Good Poor Other:
2. Door staff on duty? Yes No If Yes, number:
SIA licensed? Yes No Licence displayed? Yes No
3. Do the premises look overcrowded? Yes No
4. Method of checking the customer numbers:
5. Radio system in use? Yes No
6. Tables / glasses kept tidy? Yes No
7. Any smoking inside premises? Yes No

Public Nuisance:

1. Any noise or nuisance outside of premises? Yes No
2. Any smokers standing outside of premises? Yes No
3. Any excessive litter / debris outside of premises? Yes No

Protection of Children:

1. Any underage offences detected on the premises? Yes No
2. What proof of age policy is operated in the premises?
3. How is this publicised?
4. Do staff appear trained in proof of age? Yes No

Any other information:

Mr Richard Edwards
Tintagel Duck Farm
Trewarmett
Tintagel
Cornwall
PL34 0ER

Licensing Department
Devon and Cornwall Police
Launceston Police Station
Mooreland Road
Launceston PL15 7HY

Telephone: 01566 771309

Your ref: WDPLNA0052

20/07/18

Dear Mr Edwards

Conditions consistent with the operating schedule

The Police Licensing Department have been informed by Officers that on the 14/07/18 at 01:15 the CCTV system required as part of the Premises Licence was non-operational.

I write to remind you that your premises licence has a condition which states:

Annex 2 – Conditions consistent with the operating schedule

THE PREVENTION OF CRIME AND DISORDER

1. CCTV will be maintained and working to the satisfaction of the Police and Local Authority.

It is an offence under s.136 to carry out licensable activities otherwise than under and in accordance with a premises licence.

A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine, or to both.

licensingteam@devonandcornwall.pnn.police.uk

On this occasion you have been given a warning for the above matter. You are required to take immediate action to rectify this defect and inform the Police Licensing Department when you are compliant with the conditions on the premises Licence.

You are advised that any further incidents of this nature may result in further action being taken in relation to your licence to provide Licensable Activities. A copy of this letter will remain on your file and a copy sent to the Licensing Authority for their records.

If you have any further queries please do not hesitate to contact the licensing team on the number above or our email address below.

Yours Sincerely

Nicola Henderson

Licensing Officer
Force Licensing Team

Cc

WDBC Licensing Authority

HENDERSON Nicola 56158

From: Naomi Stacey <Naomi.Stacey@swdevon.gov.uk>
Sent: 24 August 2018 10:35
To: HENDERSON Nicola 56158
Subject: [REDACTED]

Hi Nicola

Thanks very much for the confirmation, that's helpful to know.

On another topic, we've received a couple of complaints about Toop's Food Van over the last couple of days. They relate to noise and litter, we think this may be because he's using another generator [REDACTED]
[REDACTED]

EH have started a noise complaint procedure, but wondered if you'd received any complaints as well?

Thanks

Naomi

Naomi Stacey | Specialist – Licensing
South Hams District Council | West Devon Borough Council
naomi.stacey@swdevon.gov.uk
01803 861268



Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
-----------	--	---------------	--	-------------	--

To be completed for any alcohol related incident or for information on any licensed premises. When attending an incident please use the reverse of this form to record as much detail as operationally possible. This form to be submitted to the Licensing Unit as soon as possible. **Nominal and / or intelligence MUST be submitted via Source and Covert Intelligence System (CIS).**

- Licensing objective:**
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.

Report type: <input type="checkbox"/> Visit <input type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 28/10/17 Time: 0130
OIS Ref.:	Crime No.:
Name of premises (where applicable):	
Address: , TAVISTOCK	
Brief summary / action taken:	
Designated Premises Supervisor (DPS) on the premises? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Name of DPS (or person in charge if no DPS):	
<p>KEBAB VAN IN BEDFORD SQUARE THERE WERE A NUMBER OF INCIDENTTS OF DISORDER INVOLVING DRUNK MALES THAT HAD COME FROM I HAD TO SPLIT UP AT LEAST 5 SEPARATE SCUFFLES AMONGST DRUNK YOUNG MALES.</p>	
Submitted by: Name: D. CLARKE	Force No.: PS6505
Signed: David Clarke	Date: 28/10/17 Time: 0238
Officers present at inspection:	
PS 6505 CLARKE.	

Licensed Premises Visit Checklist

Any information from these checks to be included in 'Brief summary' overleaf.

Administration:

1. Premises Licence (summary displayed)? Yes No
(It should be displayed in the public area)
2. Premises Licence (complete) produced to officers? Yes No
(A constable can request to see full licence)

Crime and Disorder:

1. Any violence inside / outside premises? Yes No
2. Any public order inside / outside premises? Yes No
3. Any evidence of drugs found inside / outside premises? Yes No
4. Any drinks promotions in operation at time of visit? Yes No
5. Any evidence of excessive drunkenness? Yes No

Public Safety:

1. CCTV on premises? Yes No Working at time of visit? Yes No
Incident captured? Yes No Staff able to download? Yes No
Image quality? Good Poor Other:
2. Door staff on duty? Yes No If Yes, number: _____
SIA licensed? Yes No Licence displayed? Yes No
3. Do the premises look overcrowded? Yes No
4. Method of checking the customer numbers: _____
5. Radio system in use? Yes No
6. Tables / glasses kept tidy? Yes No
7. Any smoking inside premises? Yes No

Public Nuisance:

1. Any noise or nuisance outside of premises? Yes No
2. Any smokers standing outside of premises? Yes No
3. Any excessive litter / debris outside of premises? Yes No

Protection of Children:

1. Any underage offences detected on the premises? Yes No
2. What proof of age policy is operated in the premises? N/A.
3. How is this publicised?
4. Do staff appear trained in proof of age? Yes No

Any other information:

DID NOT GET TO T TO DO AN INSPECTION.

HENDERSON Nicola 56158

From: CLARKE David 16505
Sent: 19 February 2017 15:38
To: Licensing West
Subject:
Categories: Blue Category

At Approx 0145hrs on Sunday the 19th February 2017,

The Officers present then spent the next 45 minutes calming the situation down and dealing with disorder outside [redacted] and in Bedford Square near to the kebab van.

No complaints about last night have been received at Tavistock Police Station.

Regards

Dave Clarke

PS6505 Clarke.
C Section Patrol.
Tavistock Police Station.
Office: X 308278
Mobile: 07476-507550
Work PDA: 07710-075584.

