

- 1. Appointment of Chairman**
- 2. Division of Agenda**
- 3. Declaration of Interest**
- 4. To determine an application for a new Premises Licence at
Burger Van, Bedford Square, Tavistock, PL19 0AE** **1 - 32**

Report to: **Licensing Sub-Committee**

Date: **3rd November 2021**

Title: **Application for a new Premises Licence at
Burger Van, Bedford Square, Tavistock,
PL19 0AE**

Portfolio Area: **Customer First**

Wards Affected: **Tavistock North**

Relevant Scrutiny Committee:

Urgent Decision: **N** Approval and
clearance obtained:

Author: **Naomi Stacey** Role: **Specialist - Licensing**

Contact: **01803 861268 / naomi.stacey@swdevon.gov.uk**

Recommendations:

That the Sub-Committee consider the application for a new Premises Licence and make determinations in respect of this application, namely to:

- i) grant the application as submitted, subject to any Mandatory Conditions required;**
- ii) modify the conditions of the licence;**
- iii) exclude any of the licensable activities to which the application relates;**
- iv) to refuse to specify a person in the licence as the premises supervisor;**
- v) reject the application,**

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

The decision must be in line with the licensing objectives contained within the Licensing Act 2003.

1. Executive summary

- 1.1 The purpose of the Licensing Sub-Committee meeting is to determine an application for a new Premises Licence at **Burger Van, Bedford Square, Tavistock, PL19 0AE** in accordance with Section 18 of the Licensing Act 2003.
- 1.2 The Licensing Authority received an application from Mr Richard Julian Edwards for a new Premises Licence on 9th September 2021. The application is for:
 - Provision of late night refreshment outdoors:
 - Monday to Sunday from 6.30pm to 6am;A copy of the application and plans are attached at **Appendices A, B(i) and B(ii)**.
- 1.3 The provision of 'late night refreshment' is the supply of hot food and hot drinks between the hours of 11pm and 5am. Therefore only the hours between 11pm and 5am can be considered as part of this application; the activity is not licensable outside of these hours.
- 1.4 The premises is described as a hot food mobile catering trailer. It is proposed to locate the vehicle in Bedford Square, outside Tavistock Town Hall.

2. Background

- 2.1 Bedford Square is at the heart of Tavistock town centre, close to many other local businesses. A map of the location is attached at **Appendix C**.
- 2.2 There has been a burger van trading at night from this location for a number of years. The previous premises licence was granted in 2006 until it was surrendered by the applicant, Mr Edwards, in November 2020. The reason given for cancellation was due to lack of trade caused by the coronavirus pandemic.
- 2.3 During the consultation period, a representation was received from the Police Licensing Officer on behalf of Devon and Cornwall Police. A copy of the representation is at **Appendix D**.
- 2.4 The Police have raised concerns about the hours of operation proposed in the application and the impact on both the 'prevention of crime and disorder' and 'prevention of public nuisance' licensing objectives should the application be granted in its current form.
- 2.5 The Police Licensing Officer has advised that there is evidence from local police officers that the presence of a burger van in this location in the past impeded the dispersal of people from the town. There is the concern that trading until after the latest licensed premises within the town has closed will attract intoxicated patrons to congregate in the vicinity of the van, leading to incidents of disorder and anti-social behaviour. The Police Licensing Officer has

confirmed the Police view is that if the premises operates after 1am this will also lead to noise and disruption in the area from intoxicated patrons.

- 2.6 The Police have proposed that an earlier terminal hour of 1am would be more appropriate. The reasons given for this proposal is that this would facilitate customers visiting the majority of licensed premises in the vicinity which close at 12.30am, but would not encourage those leaving Tavistock's late night premises in West Street to stay in the area after the premises closes at 1.20am on Friday and 2.20am on Saturday.
- 2.7 During the consultation period, the applicant has confirmed that he would be willing to bring back the hours for late night refreshment to finish at 4am, as per the previous premises licence. He has also agreed to amend the wording of his proposed condition relating to CCTV, as shown at Appendix One of the Police Licensing Officer's representation.
- 2.8 As relevant representations in respect of this application have been received, which have not been withdrawn and mediation has not been possible, the Licensing Sub-Committee acting on behalf of the Licensing Authority must make a determination on this application. When coming to a decision, the Licensing Sub-Committee must give consideration to the Council's Statement of Licensing Policy (the Policy) and Home Office guidance issued under Section 182 Licensing Act 2003 (revised April 2018).
- 2.9 Section 3.1 of the Policy states: The Licensing Authority has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives.
- 2.10 The four licensing objectives are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 2.11 Section 3.2 of the Policy states: These objectives are the only matters to be taken into account in determining the application and any conditions attached must be appropriate to achieve the licensing objectives. Each objective is of equal importance. A licence will only be granted where the Licensing Authority is satisfied that these objectives have been met.
- 2.12 Section 2.4 of the Policy sets out additional legislation, strategies, policies and guidance to which the Licensing Authority will have regard.
- 2.13 The Guidance issued under Section 182 of the Licensing Act 2003 which was revised and re-published in April 2018 state: The Licensing Authority may not impose conditions unless its discretion

has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives (paragraph 10.8 of the guidance).

- 2.14 The following responsible authorities are statutory consultees under the Licensing Act 2003:
- Devon and Cornwall Police
 - Devon and Somerset Fire and Rescue Service
 - Devon Safeguarding Children's Board
 - Devon County Council Trading Standards
 - Devon Drug and Alcohol Action Team, NHS Devon
 - West Devon Borough Council Planning Department
 - West Devon Borough Council Environmental Health (Health & Safety)
 - West Devon Borough Council Environmental Health (Pollution Control)
- 2.15 A representation has been received from Devon and Cornwall Police. No other authorities have made a representation
- 2.16 In addition to the above responsible authorities, any person may make a representation in relation to a premises licence application.

3. Outcomes/outputs

- 3.1 When determining an application for a premises licence, particularly when considering appropriate conditions and operating hours, the following sections of the Statement of Licensing Policy (the policy) and Section 182 Guidance (the guidance) are especially relevant:
- 3.2 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave (paragraph 2.19 of the guidance).
- 3.3 Sections 5.5.1 and 5.5.2 of the policy states: The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application, but the presumption will be to grant the hours requested unless there are relevant objections to those hours raised on the basis of the licensing objectives.
- 3.4 However, when issuing a licence with hours beyond midnight it is more likely that relevant representations will be made unless there are higher standards of control within operating schedules in order to promote the licensing objectives, especially for premises which are situated near residential areas or in areas where anti-social disorder takes place.

- 3.5 Section 5.5.5 of the policy states: The terminal hours will normally be approved where the Applicant can show that the proposal would not adversely affect the licensing objectives unless, after hearing relevant representation the Licensing Authority believe it appropriate to restrict the hours required due to the nature of the activities and the amenity of the area. If the Licensing Committee or a sub-committee believes that granting longer hours would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 3.6 Section 3.8.1 of the Policy states: The Authority recognises the great variety of premises for which licences may be sought. These include theatres, members' clubs, sports clubs, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls, schools and off-licences. The Authority will not restrict access by children to any particular type of premises unless it is considered appropriate to do so in order to protect them from harm.
- 3.7 Section 3.8.6 of the Policy states: When deciding whether or not to limit access to children the Licensing Authority will judge each application on its own individual merits. Examples which may give rise to concern in respect of children would include premises: -
- ❑ where entertainment of an adult or sexual nature is provided
 - ❑ where there is a strong element of gambling taking place
 - ❑ with a known association with drug taking or dealing
 - ❑ where there have been convictions of the current management for serving alcohol to those under 18 years
 - ❑ where the supply of alcohol for consumption on the premises is exclusive or primary purpose of the services provided at the premises
 - ❑ where there are unsupervised areas (for example toilets, beer gardens, play zones).
- 3.8 The desired outcome is a determination of the application with reasons provided which relate to the four licensing objectives and when conditions are imposed, that these are appropriate to address the licensing objectives.

4. Options available and consideration of risk

- 4.1 The Licensing Authority may decide to impose additional conditions to address the four licensing objectives, or to amend or remove requested licensable activities. When coming to their decision the Licensing Sub-Committee must give consideration to the Section 182 Guidance and the Statement of Licensing Policy. Reasons must be given which relate to the licensing objectives for any decision made.
- 4.2 The Sub-Committee will need to consider the hours of operation proposed, the effectiveness of the operating schedule proposed by

the applicant, the representations received, the location of the premises in relation to residential properties, the history of the management of the premises (if applicable), the evidence provided of any problems in the past, the likely impact of any extension of hours and activities, public transport, taxi availability, the right the applicant has to operate a business and balancing the rights of residents to the quiet enjoyment and privacy of family life. These, and any other relevant issues, may be explored at the hearing in so far as it reflects the four licensing objectives.

- 4.3 A decision made by the Licensing Sub-Committee may be appealed by the applicant or any person who has made relevant representations. The right of appeal is to the Magistrates' Court by virtue of Section 181 and Schedule 5 of the Licensing Act 2003. The Magistrates' Court may dismiss the appeal, or substitute its own decision, or send back the case to the Licensing Authority with directions as to how the case is to be dealt with. The Magistrates' Court may make any costs order it thinks fit.
- 4.4 The Licensing Act 2003 contains a provision which enables a responsible authority or any other person to apply to this Licensing Authority for a review of the premises licence once granted. A hearing follows which enables the Sub-Committee to use the normal powers available, but also to suspend the licence for a period of up to three months or to withdraw it.

5. Proposed Way Forward

- 5.1 That the Sub-Committee consider the application for a new Premises Licence and make a determination in respect of this application, namely to:
- i) grant the application as submitted, subject to any Mandatory Conditions required;
 - ii) modify the conditions of the licence;
 - iii) exclude any of the licensable activities to which the application relates;
 - iv) to refuse to specify a person in the licence as the premises supervisor;
 - v) reject the application, in line with the licensing objectives (Section 4) contained within the Licensing Act 2003.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address

Legal/Governance	Y	<p>The Licensing Act 2003 gives Licensing Authorities the responsibility for determining applications submitted under this provision. This is a statutory obligation.</p> <p>As there have been relevant representations in respect of this application which have not been resolved, this hearing must be held. Relevant representations are about the likely effect of the grant of the application on the promotion of the licensing objectives, by responsible authorities or any other person. The Licensing Sub-Committee must disregard any information or evidence not relevant to the licensing objectives.</p> <p>The Licensing Sub-Committee must consider this application in accordance with Section 4 of the Licensing Act 2003, which requires that licensing functions must be carried out with a view to promoting the four licensing objectives. The Licensing Authority must also have regard to its own licensing policy and the Secretary of State's guidance, but may depart from both if it has good reason to do so. Those reasons should be stated.</p> <p>The Act requires (Section 18) that in dealing with a new premises licence application, the committee takes any of the following steps which are appropriate for the promotion of the licensing objectives:</p> <ul style="list-style-type: none"> (a) to grant the licence subject to:- <ul style="list-style-type: none"> i) the conditions mentioned in section 18 (2)(a) [ie as applied for] modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and ii) any conditions which must under section 19, 20 or 21 be included in the licence; (b) to exclude from the scope of the licence any of the licensable activities to which the application relates; (c) to reject the application <p>The Sub-Committee must give its reasons for its decision to take any of these steps. Similarly, if the application is rejected, the Sub-Committee must give its reasons.</p> <p>The applicant or any person who has made relevant representations has the right to appeal a decision made by the Licensing Sub-Committee to the Magistrates' Court by virtue of Section 181 and Schedule 5 of Licensing Act 2003.</p>
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		<p>On appeal, the Magistrates' Court may:</p> <ul style="list-style-type: none"> a) dismiss the appeal; b) substitute for the decision appeal against another decision which could have been made by the Licensing authority; c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.
Financial	N	There are no direct financial implications to the Council from this Report. However, should a decision be challenged this could result in the Council facing an appeal to the Magistrates Court with the risk of costs being awarded against the Council.
Risk	Y	<p>The Licensing Authority must follow strict legislation in accordance with the Licensing Act 2003 and adhere to the statutory instruments contained with the Act.</p> <p>All decisions must be taken in consideration of the four licensing objectives (section 2.9). These objectives are in place to give protection to the public from the potential negative impacts caused by licensed premises.</p> <p>Decisions may be appealed (see financial and legal/governance sections above).</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity		Compliance with the Human Rights Act 1998 – Article 6: right to a fair trial.
Safeguarding		All decisions must take into consideration the 'protection of children from harm' licensing objective.
Community Safety, Crime and Disorder		Section 17 Crime and Disorder Act 1998 applies. Decisions made must relate to the four licensing objectives as detailed in section 2.3 of this report.
Health, Safety and Wellbeing		All decisions must take into consideration the four licensing objectives, including 'public safety' and 'protection of children from harm'.
Other implications		

Supporting Information

Appendices:

Appendix A(i) – premises licence application

Appendix B(i) – premises licence plan

Appendix B(ii) – premises licence plan overview

Appendix C – location plan
Appendix D – Police representation

Background Papers:

[under provisions of the Local Government Act 1972]

The Licensing Act 2003

Guidance issued under Section 182 of the Licensing Act 2003

West Devon Borough Council’s Statement of Licensing Policy

Responses to Notices of Hearing

Consent to be DPS form

Process checklist	Completed
Portfolio Holder briefed	Yes/No
SLT Rep briefed	Yes/No
Relevant Exec Director sign off (draft)	Yes/No
Data protection issues considered	Yes/No
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	Yes/No

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APPENDIX A - premises licence application

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We RICHARD JULIAN EDWARDS
(insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description			
BEDFORD SQUARE, IN FRONT / NEXT TO TAVISTOCK TOWN HALL TAVISTOCK. MOBILE CATERING VAN LICENSED THROUGH TAVISTOCK TOWN COUNCIL			
Post town	TAVISTOCK	Postcode	PL19 0AE
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£0 ? TAVISTOCK TOWN COUNCIL LAND	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- | | |
|--|-----------------------------|
| a) an individual or individuals * | please complete section (A) |
| b) a person other than an individual * | |
| i as a limited company/limited liability partnership | please complete section (B) |
| ii as a partnership (other than limited liability) | please complete section (B) |
| iii as an unincorporated association or | please complete section (B) |
| iv other (for example a statutory corporation) | please complete section (B) |
| c) a recognised club | please complete section (B) |
| d) a charity | please complete section (B) |

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

<input checked="" type="radio"/> Mr	<input type="radio"/> Mrs	<input type="radio"/> Miss	<input type="radio"/> Ms	Other Title (for example, Rev)
Surname		EDWARDS		First names
		RICHARD		
Date of birth	[REDACTED]		I am 18 years old or over	<input checked="" type="checkbox"/> Please tick yes <input checked="" type="checkbox"/>
Nationality	[REDACTED]			
Current residential address if different from premises address	[REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]	
Daytime contact telephone number	[REDACTED]			
E-mail address (optional)	[REDACTED]			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)				

Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
11	09	2021

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

HOT FOOD MOBILE CATERING TRAILER TRADING
 OUTSIDE OF TAUISTOCK TOWN HALL WITH PERMISSION
 FROM TAUISTOCK TOWN COUNCIL. NO ALCOHOL
 TO BE SOLD, HOT FOOD ONLY FROM 6PM
 TO 6AM MONDAY TO SUNDAY.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

200

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)



Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

1

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	<input checked="" type="checkbox"/>
Mon	18:30	06:00	Please give further details here (please read guidance note 4) NO ALCOHOL, ONLY HOT FOOD	Both	
Tue	18:30	06:00			
Wed	18:30	06:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	18:30	06:00			
Fri	18:30	06:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat	18:30	06:00			
Sun	18:30	06:00			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	NONE Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) MAY CLOSE EARLIER IF TRADE IS QUIET.
Mon	18:30	06:00	
Tue	18:30	06:00	
Wed	18:30	06:00	
Thur	18:30	06:00	
Fri	18:30	06:00	
Sat	18:30	06:00	
Sun	18:30	06:00	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) **General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

PROVIDE CCTV COVERAGE OF FRONT SERVING HATCH TO HELP THE POLICE IF ANY CRIME OR DISORDER OCCUR. MAKE SURE ALL FOOD HYGIENE POLICIES AND INSURANCES ARE UP TO DATE AND LEGAL. ENCOURAGE QUICK DISPERSAL OF ANY NOISY PEOPLE.

b) **The prevention of crime and disorder**

PROVIDE CCTV COVERAGE. CONTACT POLICE IF ANY ANTI SOCIAL BEHAVIOUR OCCURS.

c) **Public safety**

PROVIDE CCTV COVERAGE, FIRE EXTINGUISHER, FOOD HYGIENE AND GAS CERTIFICATE, PUBLIC LIABILITY INSURANCE, FIRE BLANKET FIRST AID KIT

d) **The prevention of public nuisance**

CCTV COVERAGE AND ENCOURAGE QUICK DISPERSAL OF ANY CROWDS.

e) **The protection of children from harm**

CCTV COVERAGE

PROVIDE CCTV FOOTAGE TO ANY RELEVANT AUTHORITY.
HOT SURFACE WARNING SIGNS

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises. ✓
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application. ✓
- I understand that if I do not comply with the above requirements my application will be rejected. ✓
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ✓

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION, THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the
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	<p>entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</p> <ul style="list-style-type: none"> The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	R. Edwards
Date	02/09/21
Capacity	OWNER

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

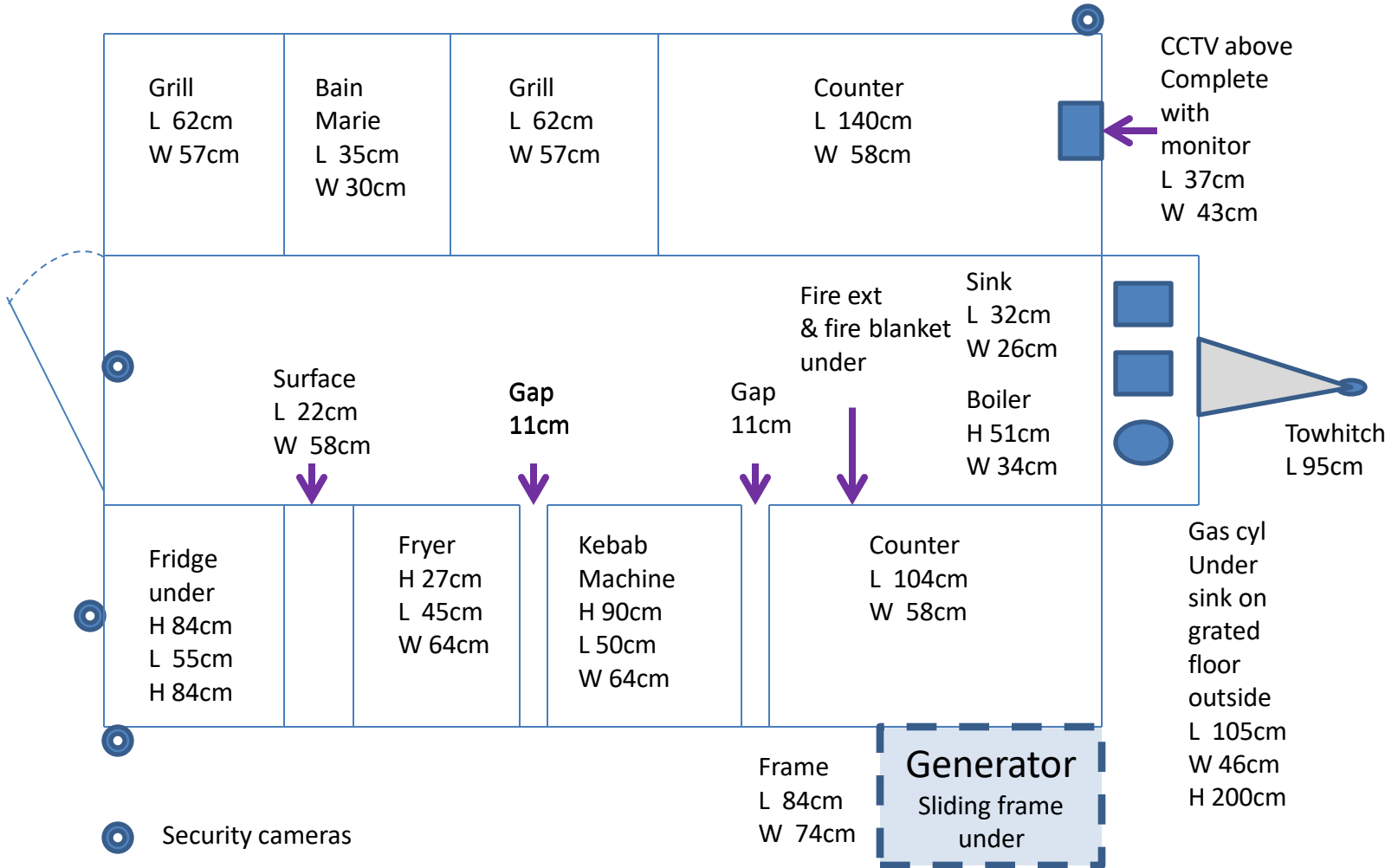
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APPENDIX B(i) - premises licence plan

Richard Edwards Burger Van
3.048m L x 2.13 W

Page 21

Door
H 193cm
W 64cm



Security cameras

Frame
L 84cm
W 74cm

Generator
Sliding frame
under

CCTV above
Complete
with
monitor
L 37cm
W 43cm

Sink
L 32cm
W 26cm

Boiler
H 51cm
W 34cm

Towhitch
L 95cm

Gas cyl
Under
sink on
grated
floor
outside
L 105cm
W 46cm
H 200cm

Gap
11cm

Gap
11cm

Fire ext
& fire blanket
under

Grill
L 62cm
W 57cm

Bain
Marie
L 35cm
W 30cm

Grill
L 62cm
W 57cm

Counter
L 140cm
W 58cm

Fridge
under
H 84cm
L 55cm
H 84cm

Fryer
H 27cm
L 45cm
W 64cm

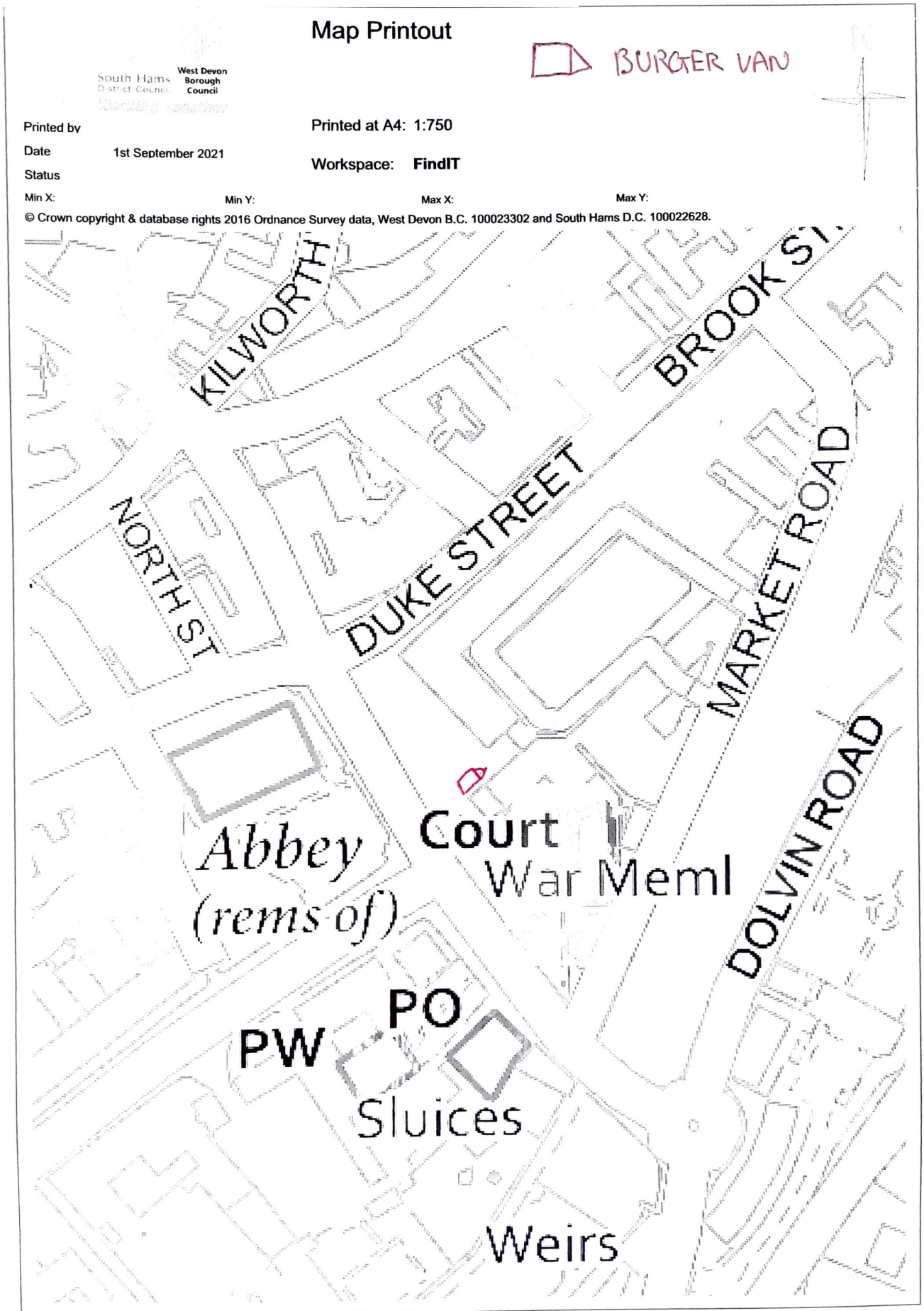
Kebab
Machine
H 90cm
L 50cm
W 64cm

Counter
L 104cm
W 58cm

Surface
L 22cm
W 58cm

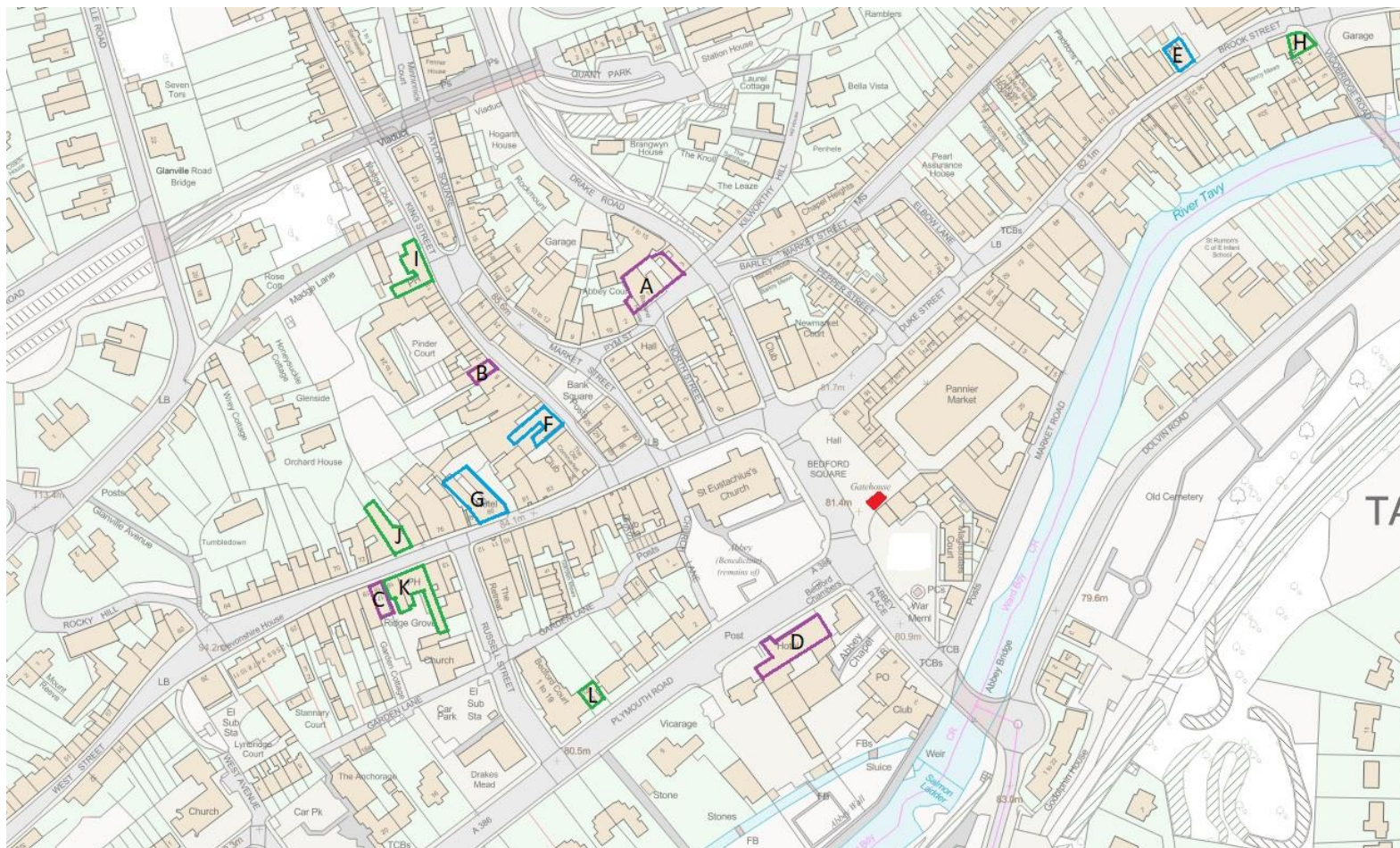
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APPENDIX B(ii) - premises licence plan overview



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APPENDIX C – location plan showing premises and location of nearby pubs, bars and late night takeaways



■ = Burger Van

**Standard Closing Time
1am or later**

- A = Drakes Wine Bar
- B = Kings Kebab
- C = Jack Chams
- D = Bedford Hotel

**Standard Closing Time 12.30am or earlier
Non-Standard Closing Time 1am or later**

- E = Tavistock Inn
- F = Stannary Arms
- G = Queen's Head

Standard Closing Time 12.30am or earlier

- H = Too Hoppy
- I = Union Inn
- J = Tavy Chicken
- K = Cornish Arms
- L = HQ Bar

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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;">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> <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 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 at Taz Stock 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 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

Tel: 01803 861336

Email: 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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