

# Public Document Pack



## **SOUTH HAMS LICENSING SUB-COMMITTEE - WEDNESDAY, 18TH SEPTEMBER, 2013**

Agenda, Reports and Minutes for the meeting

### **Agenda No    Item**

1.    **Agenda Letter** (Pages 1 - 2)

2.    **Reports**

Reports to Licensing Sub Committee:

a)    Vinos Pizzeria and Grill, 7 Fore Street, Ivybridge, PL21 9AB (Pages 3 - 48)

3.    **Minutes** (Pages 49 - 54)

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# Agenda Item 1

To: Members of the Licensing Sub-Committee  
(Cllrs Baverstock, Pannell and Wright)

Our Ref: CS/KT

9 October 2013

Usual Officer and Press Circulation and local Ward Members

Dear Councillor

A meeting of the **Licensing Sub-Committee** will be held in the **Cary Room**, Follaton House, Plymouth Road, Totnes on **Thursday, 17 October 2013 at 10.00 am** when your attendance is requested.

Yours sincerely

Kathryn Trant  
Member Services Manager

<p><b>FOR ANY QUERIES ON THIS AGENDA, PLEASE CONTACT DKATHRYN TRANT, MEMBER SERVICES MANAGER ON DIRECT LINE 01803 861185</b></p>
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## A G E N D A

1. **Appointment of Chairman;**
2. **Division of Agenda** - to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;
3. **Declarations of Interest** - Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests; they may have in any items to be considered at this meeting;
4. **To determine an application for a new Premises Licence at Vinos Pizzeria and Grill, 7 Fore Street, Ivybridge, PL21 9AB, in accordance with Section 18 of the Licensing Act 2003.**

Members of the public may wish to note that the Council's meeting rooms  
**are accessible by wheelchairs and have a loop induction hearing system**

**MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER**

**THIS AGENDA HAS BEEN PRINTED ON ENVIRONMENTALLY FRIENDLY PAPER**

If you or someone you know would like this publication in a different format, such as large print or a language other than English, please call Darryl White on 01803 861247 or by email at: [darryl.white@southhams.gov.uk](mailto:darryl.white@southhams.gov.uk)

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AGENDA  
ITEM

**4**

## SOUTH HAMS DISTRICT COUNCIL

AGENDA  
ITEM

**4**

<b>NAME OF COMMITTEE</b>	Licensing Sub-Committee
<b>DATE</b>	Wednesday 18 September 2013
<b>REPORT TITLE</b>	Application for a new Premises Licence
<b>Report of</b>	The Licensing Officer
<b>WARDS AFFECTED</b>	Ivybridge Central

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### Summary of report:

To determine an application for a new Premises Licence at **Vinos Pizzeria and Grill, 7 Fore Street, Ivybridge, PL21 9AB**, in accordance with Section 18 of the Licensing Act 2003.

### Financial implications:

There are no direct financial implications to the Council from this Report.

### RECOMMENDATIONS:

**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 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.**

### Officer contact:

Naomi Wopling

[naomi.wopling@southhams.gov.uk](mailto:naomi.wopling@southhams.gov.uk)

01803 861336

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## 1. BACKGROUND

- 1.1 The Licensing Authority received an application for a new premises licence on 25 July 2013 from Mr Yilmaz Bali for **Vinos Pizzeria and Grill, 7 Fore Street, Ivybridge, PL21 9AB**. A copy of the application is attached (**Appendix 'A'**).
- 1.2 The application is for the provision of late night refreshment Sunday to Thursday from 11pm to midnight and Friday and Saturday from 11pm to 1.30am. The provision of late night refreshment is the sale of hot food and hot drinks between 11pm and 5am.
- 1.3 The Licensing Department received six representations in respect of this application; these can be found in **Appendix 'B'**. We received representations from Ivybridge Town Council, an Ivybridge Town Councillor, from Environmental Health, from the Police and from two District Councillors. The objections mainly relate to concerns about the potential for public nuisance and disorder. Reasons given for these concerns directly relate to the late hours of trading and the nature of the business as a takeaway. It has been noted that the clientele using the premises after 11pm are likely to be inebriated, thus creating a greater potential for public disorder. It has been suggested that should the premises trade after 11pm, there should be provisions in place to help prevent and control possible incidents.
- 1.4 Although there are other takeaway premises located in Fore Street, Ivybridge, it has been highlighted by the Police representation that these do not operate throughout their licensed hours due to work and consultation between the proprietors, the Police and Ivybridge Town Council. The Police have described hot food takeaways in locations situated near to public houses as 'Hot Spots' for trouble, where incidents of disorder are caused by groups of drunken individuals congregating in one area to buy and consume food.
- 1.5 Most of the representations highlight the likelihood of a noise nuisance being caused by customers congregating in the area and talking or shouting to one another and also an increase in litter from wrappers, packaging and food. It has been noted that although the premises is located in the town centre, there are many residents that live in the vicinity that may be affected.
- 1.6 Both the Police and the Environmental Health Officer have included requests for conditions relating to the provision of CCTV and provision of SIA trained door supervisors, should the application for the late night refreshment licence be granted. The Environmental Health Officer has also requested that conditions to minimise the potential nuisance from waste be included on the licence if granted.
- 1.7 It has not been possible for the Licensing Department to mediate with all parties; therefore a satisfactory conclusion has not been possible.

**(Please note that due to the amount of paperwork contained within these appendices, full copies have only been circulated to the Sub-committee Members. Any Interested Parties who would like to receive full (or part) copies are asked to contact Member Support Services on (01803) 861273.)**

## **2. ISSUES FOR CONSIDERATION**

- 2.1 As mentioned above, six representations have been received from: two District Councillors, Ivybridge Town Council, an Ivybridge Town Councillor, Environmental Health and the Police.
- 2.2 Issues raised in the representations relate to the potential for increased crime and disorder and public nuisance should the late night refreshment licence be granted.
- 2.3 To give a better idea of the situation of the premises, a location map and photographs of the takeaway can be found in **Appendix 'C'**.
- 2.4 The Sub Committee will now need to consider this application.

## **3. STATUTORY BODIES' RESPONSE**

- 3.1 Devon & Cornwall Constabulary  
Representation has been received.
- 3.2 Devon & Somerset Fire & Rescue Service  
No representations have been received.
- 3.3 Area Child Protection Committee and Local Safeguarding Children Board  
No representations have been received.
- 3.4 Devon Trading Standards  
No representations have been received.
- 3.5 South Hams District Council, Environmental Health Department (Pollution)  
Representation has been received.
- 3.6 South Hams District Council, Environmental Health Department (Health & Safety)  
No representations have been received.
- 3.7 South Hams District Council, Planning Department  
No representations have been received.
- 3.8 Primary Care Trust/Local Health Boards, Devon Drug and Alcohol Action Team  
No representations have been received.

## **4. RELEVANT LICENSING POLICY CONSIDERATIONS**

### **Licensing Objectives**

- 4.1 Section 2.1 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. (These objectives are the only matters to be taken into account in determining the application and any conditions attached must be necessary to achieve the licensing objectives).
- 4.2 Section 2.2 of the Policy states: A licence will only be granted where the Licensing Authority is satisfied that these objectives have been met.
- 4.3 Section 2.3 of the Policy lists the kind of measures the Licensing Authority will be expecting to see taken into account to promote the objectives.

### **Conditions**

- 4.4 Sections 2.5 & 2.6 of the Policy sets out additional legislation, strategies, policies and guidance to which the Licensing Authority will have regard. Section 4 of the policy sets out what the Sub-Committee should consider before imposing conditions on a licence.
- 4.5 The Guidance issued under Section 182 of the Licensing Act 2003 which was revised and re-published in June 2013 state:
- 4.6 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 is appropriate to impose conditions to promote one or more of the four licensing objectives (paragraph 10.8 of the guidance).
- 4.7 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 2.22 of guidance).



## **Licensing Hours**

- 4.8 Section 6.1 & 6.2 of the Policy states: The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. When the Authority's discretion is engaged, consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by Responsible Authorities or other persons on the basis of the licensing objectives. However, when dealing with licensing hours beyond midnight it is more likely that relevant representations will be made unless there are higher standards of control within operating schedules to promote the licensing objectives, especially for premises which are situated near residential areas or in areas where anti-social disorder takes place.

There is no presumption within the legislation for longer opening hours.

- 4.9 Section 6.5 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 necessary, proportionate and reasonable to restrict the hours required. The Licensing Authority may set an earlier terminal hour where it considers this is appropriate to the nature of the activities and the amenity of the area.
- 4.10 Paragraph 10.13 of Guidance issued under Section 182 of the Licensing Act 2003 states: shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours

## **Children**

- 4.11 Section 7.1 of the Policy states: The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not be limited unless it is considered necessary to do so in order to protect them from harm.
- 4.12 Section 7.2 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 and warrant restrictions in the operating schedule 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 minors

- with a reputation for allowing underage drinking
- where the supply of alcohol for consumption on the premises is exclusive or primary purpose of the services provided at the premises.

## **5. LEGAL IMPLICATIONS**

- 5.1 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, responsible authorities or any other person). The sub-committee must disregard any information or evidence not relevant to the licensing objectives.
- 5.2 The 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.
- 5.3 The Act requires (Section 18) that in dealing with a new application, the committee takes any of the following steps which are necessary for the promotion of the licensing objectives:
- (a) To grant the Licence subject to:-
    - i any Mandatory Conditions required;
    - ii modifying the conditions which have been specified in the operating schedule;
  - (b) to exclude any of the licensable activities to which the application relates;
  - (c) to refuse to specify a person in the licence as the premises supervisor;
  - (d) to reject the application

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.

- 5.4 The 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, the evidence produced of any problems in the past, and 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. That South Hams relies on tourism, with the population in the district doubling in the Summer months with holidaymakers both from this country and international visitors who are, in the main, families with young children and retired people – the very segment of society who would perhaps be deterred by anti-social behaviour. These issues, and any other relevant ones, may be explored at the hearing in so far as it reflects the four licensing objectives.
- 5.5 If the Sub-Committee rejects the application, or modifies the conditions of the licence, the applicant or any person who made relevant representation in relation to the application may appeal within 21 days of notification of the decision to the Magistrates' Court. Those making relevant representations may also appeal if they believe that the licence should not have been varied, or that, when varying the licence, the Licensing Authority ought not to have modified the conditions, or ought to have modified them in a different way. 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.
- 5.6 If extended hours/licensable activities are granted, the Licensing Act contains review provisions which enable a responsible authority or any other person to apply to this Licensing Authority for a review of the licence. A hearing follows which enables the sub-committee to use the normal powers at a hearing (set out above) but also to suspend the licence for a period of up to three months or to revoke it.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 There are no direct financial implications to the Council from this Report.

## 7. RISK MANAGEMENT

<b>Corporate priorities engaged:</b>	There is a link to the Council's priorities of improving Community Life and developing the local Economy.
<b>Statutory powers:</b>	Licensing Act 2003
<b>Considerations of equality and human rights:</b>	Compliance with the Human Rights Act 1998 – Article 6: Right to a fair hearing
<b>Biodiversity considerations:</b>	Not applicable
<b>Sustainability considerations:</b>	As above under corporate priorities engaged
<b>Crime and disorder implications:</b>	Section 17 of Crime and Disorder Act 1998 applies.
<b>Background papers:</b>	<p>Responses to Notices of Hearing</p> <p>Summary of Key Points</p> <p>Guidance on Meeting the Licensing Objectives</p> <p>The Licensing Act 2003</p> <p>Guidance issued under Section 182 of the Licensing Act 2003</p> <p>The District Council's Statement of Licensing Policy</p>
<b>Appendices attached:</b>	<p>Appendix A – Application for a new premises licence</p> <p>Appendix B – Representations</p> <p>Appendix C – Location map and photos</p>

**STRATEGIC RISKS TEMPLATE**

No	Risk Title	Risk/Opportunity Description	Inherent risk status			Mitigating & Management actions	Ownership	
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Ensuring the Licensing Objectives are not undermined	<p>To review the application in line with: The Licensing Act; National Guidance issued by the Secretary of State, and The South Hams District Council Statement of Licensing Policy.</p> <p>To create an increased opportunity for employment in the district.</p> <p>An opportunity to maintain the districts distinctive environment whilst enabling access and sensitive development.</p> <p>To consider whether the proposal would promote tourism. The</p>	3	2	6	↔	<p>To be able to give consideration to representations in line with the Licensing Objectives, namely:- The prevention of Crime and Disorder; Public Safety; The prevention of public nuisance; and The Protection of children from harm.</p> <p>The Licensing Authority follows strict legislation in accordance with the Licensing Act 2003 and adheres to the statutory instruments contained within the Act.</p>	EH Business Support / Licensing Manager.

No	Risk Title	Risk/Opportunity Description	Inherent risk status			Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel		
		<p>population doubles in the summer months with tourists and international visitors who are, in the main, families with young children and retired people – the very segments of society who would perhaps be deterred by anti-social behaviour.</p> <p>Failure to adequately consider these issues could result in the Council facing an appeal to the Magistrates Court.</p>					

Direction of travel symbols ↓ ↑ ⇄

Vinos Pizzeria and Grill  
7 Fore Street  
Ivybridge  
PL21 9AB

# Appendix

## 'A'

New Premises Licence Application

\* required information

**Section 1 of 19**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

\* Is the applicant's business registered in the UK with Companies House?  Yes  No

\* Is the applicant's business registered outside the UK?  Yes  No

\* Business name  If the applicant's business is registered, use its registered name.

\* VAT number   Put "none" if the applicant is not registered for VAT.



Continued from previous page...

\* Legal status

\* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Applicant Business Address**

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Other telephone number

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

\* Is your business registered in the UK with Companies House?  Yes  No

\* Registration number

\* Business name

\* VAT number

\* Legal status

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

Continued from previous page...

\* Your position in the business Partner

Home country United Kingdom

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

\* Building number or name Devonshire House

\* Street Riverside Road

District

\* City or town Barnstaple

County or administrative area Devon

\* Postcode EX31 1QN

\* Country United Kingdom

**Section 2 of 19**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name 7

Street Fore Street

District

City or town Ivybridge

County or administrative area Devon

Postcode PL21 9AB

Country United Kingdom

**Further Details**

Telephone number

Non-domestic rateable value of premises (£) 7,400

**Section 3 of 19**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

**Confirm The Following**

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

**Section 4 of 19**

**INDIVIDUAL APPLICANT DETAILS**

**Applicant Name**

Is the name the same as (or similar to) the details given in section one?

- Yes                       No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes                       No

Continued from previous page...

### Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text" value="7"/>
Street	<input type="text" value="Fore Street"/>
District	<input type="text"/>
City or town	<input type="text" value="Ivybridge"/>
County or administrative area	<input type="text" value="Devon"/>
Postcode	<input type="text" value="PL21 9AB"/>
Country	<input type="text" value="United Kingdom"/>

### Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text" value="vinnow76@hotmail.com"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
<input type="button" value="Add another applicant"/>	

## Section 5 of 19

### OPERATING SCHEDULE

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

The premises comprise an A5 takeaway extending to approximately 87 square metres. There is parking to the front of the premises and the shop current trades as a takeaway.

*Continued from previous page...*

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

**Section 6 of 19**

**PROVISION OF PLAYS**

Will you be providing plays?

- Yes  No

**Section 7 of 19**

**PROVISION OF FILMS**

Will you be providing films?

- Yes  No

**Section 8 of 19**

**PROVISION OF INDOOR SPORTING EVENTS**

Will you be providing indoor sporting events?

- Yes  No

**Section 9 of 19**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will you be providing boxing or wrestling entertainments?

- Yes  No

**Section 10 of 19**

**PROVISION OF LIVE MUSIC**

Will you be providing live music?

- Yes  No

**Section 11 of 19**

**PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

- Yes  No

**Section 12 of 19**

**PROVISION OF PERFORMANCES OF DANCE**

Will you be providing performances of dance?

- Yes  No

**Section 13 of 19**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes  No

Continued from previous page...

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes  No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors  Outdoors  Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Late Night Refreshment and Takeaway

*Continued from previous page...*

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

License requested from 00:00 until 02:00 on Christmas Day, New Years Day and Bank Holidays

**Section 15 of 19**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes                       No

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor  
 As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 19**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

**Section 17 of 19**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Opening Times requested from 00:00 until 02:00 on Christmas Day, New Years Day and Bank Holidays



Continued from previous page...

**Section 18 of 19**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

b) The prevention of crime and disorder

c) Public safety

In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests will be fully operational when they are present

d) The prevention of public nuisance

Noxious smells / odour from the premises must not cause a nuisance to nearby residential and business properties.  
Ventilation equipment will be regularly cleaned and maintained to control the levels of odour generated by the premises.

e) The protection of children from harm

**Section 19 of 19**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

**Continued from previous page...**

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

190.00

**ATTACHMENTS**

**AUTHORITY POSTAL ADDRESS**

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

**DECLARATION**

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

The information provided will be held securely by this Council in accordance with current Data Protection legislation. We must protect the public funds that we handle, so we may use the information provided to prevent and detect fraud. We may also share this information with other organisations that handle public funds. Information provided may also be used to check the accuracy of records held elsewhere in the council. See [www.southhams.gov.uk](http://www.southhams.gov.uk) for further information.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

*Continued from previous page...*

\* Capacity

Date (dd/mm/yyyy)

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking to file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/south-hams/apply-1> to upload this file and continue with your application

Don't forget to make sure you have all your supporting documentation to hand.

## 7 FORE STREET, IVYBRIDGE

SCALE 1:100 at A3 paper size

Plan prepared to accompany application for a Premises Licence for provision of late night hot food and drink only. Not to be used for any other purpose without consent of Surveyor. All rights reserved.

R W Hosking BSc (Hons) MRICS

Chartered Surveyor

Higher Court Barn

Lower Bowcombe Farm

Ugborough

Ivybridge

Devon PL21 0HN

01752 690775 - Date - 5th April 2013

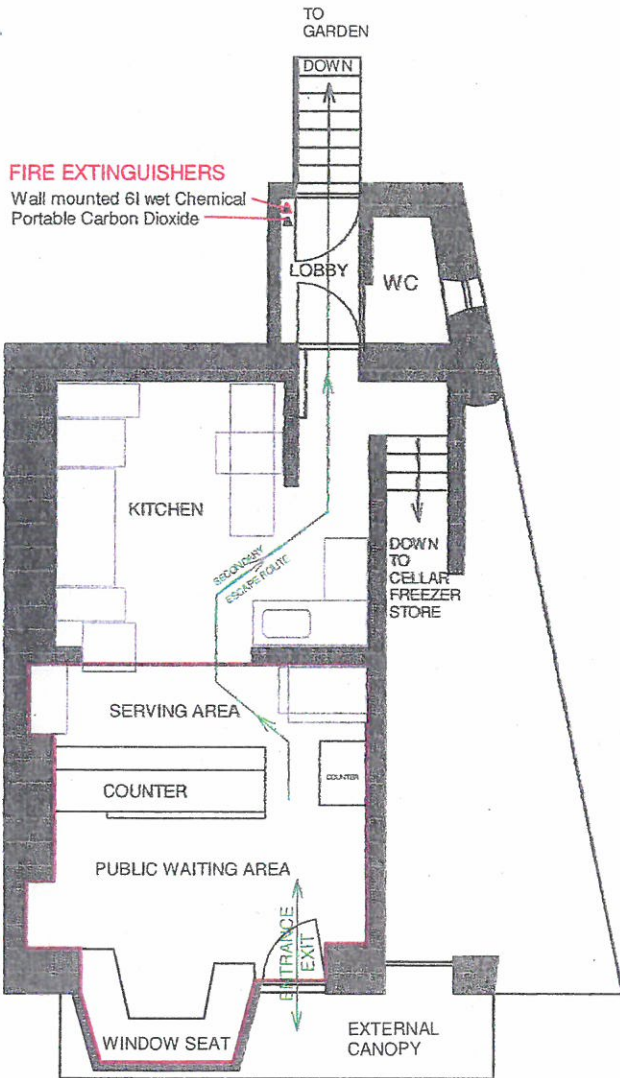
### KEY

**Brown** - Public and reception areas

**Green** - Entrance and exit

**Grey** - Kitchen units and appliances

**Red** - Fire extinguishers



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Vinos Pizzeria and Grill  
7 Fore Street  
Ivybridge  
PL21 9AB

# Appendix 'B'

Representations

(1)

## Naomi Wopling

---

**From:** Cllr M. Saltern  
**Sent:** 30 July 2013 15:21  
**To:** Naomi Wopling  
**Cc:** [REDACTED]  
**Subject:** RE: New premises licence - 7 Fore Street, Ivybridge  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Naomi

I write to formally object to the application for increased opening times by the proprietor of 7 Fore St. I object both to the extension of the Sunday to Thursday until midnight and the Friday/ Saturday extension to 1.30 am.

I have no hesitation in objecting on the grounds of potential public nuisance and public disorder given that Fore St has the Old Smithy and Exchange public houses with the Duke of Cornwall, The Imperial, Bridge Inn and the Sportsmans all within two hundred yards. The potential for alcohol related trouble in Fore St is already significant. There is no intended negative reflection on the management of these establishments as they are in the vast majority of cases very good landlords and proactive at minimising problems. They cannot however exercise total control off of their premises.

That leads me to the large number of take aways in Fore St and I am not aware that the other food related businesses have applied for any variation beyond 11pm.

There has been negative publicity over the years in relation to litter arising from takeaways in Fore St and in general there has been some improvement which we would not wish to see reversed.

It is recognised that Fore St is a hot spot for problems and we have recently seen the introduction of Street Pastors to assist in resolving issues it would therefore be totally inexplicable and a retrograde step to permit opening times of these premises beyond the current timings. I would recommend outright refusal or the good work already being applied to ease problems will be totally negated.

The Police Neighbourhood Lead Sgt. John Livingstone has highlighted his concerns below in response to a request from the Town Council. Whilst he has mentioned mitigation measures as a fall back it is clear that he sees any extension in a very negative light and very detrimental.

Dear Lesley

Thank you for your Email in relation to the application for a new premises licence to sell hot food after 2300hrs on Fore St. As you will be aware the other two outlets that sell hot food on Fore street do not trade after 2300hrs even although they technically could by the terms of their licence, this is due to years of work and consultation between the proprietors, licensing, the council and the police to come to agreements as to what is the best balance to serve the needs of the community while still allowing traders to make a profit which is essential especially in today's financial climate.

From a policing perspective any commercial outlet that supplies hot food in the area where public houses are, will always be a Hot Spot for trouble at closing time, where groups of drinkers / revellers will congregate at this time as it is human nature to want food to eat after a night of consuming alcohol. My concerns with this especially in a small quite town like Ivybridge is all the associated

(1)



problems that go along with groups of drunken individuals congregating in one area to buy and consume food in an area that is not solely a commercial part of the town but also has residents living above or in close proximity, who are all going to be effected by this decision.

I believe the council will have to think long and hard about what restrictions they put on this licence application as any premises selling hot food in Fore St, after 2300hrs will have groups of individuals gathering in the area waiting for and consuming food in that area, people who have spent the night drinking alcohol will come into contact with others who have been doing the same at different locations which can lead to confrontations, fights and anti social behaviour (ASB).

There is also the noise levels and litter situation to consider as while some people may eat their hot food on the way home, many more will tend to consume any bought food in the vicinity of the premises where the food was purchased and a large percentage of those people will disregard any wrappers, packaging and excess food where they are sat or stood.

Another consideration is the noise levels of people who have been drinking, who then decide to socialize in the street while eating their take away with other people who have been drinking will tend to be loud and boisterous at best, or aggressive and violent at worst.

As a police officer responsible for the safety of the community within the town of Ivybridge, I can see little or no benefit to the general community by supporting this application and would request that if a licence is granted that the new proprietors guarantee to install good quality CCTV system covering both the inside and outside of the premises to help with the investigation into instances of ASB, crimes or incidents associated with the premises and the surrounding area which I believe will increase if the application is granted.

Yours

PS John Livingstone  
Neighbourhood Team Leader  
Ivybridge Police Station

*Cllr. Michael Saltern  
Executive Member Corporate Services  
Ward Member Ivybridge Central  
Home Tel 01752 896878*

---

**From:** Naomi Wopling  
**Sent:** 25 July 2013 16:57  
**To:** SH-All Members  
**Subject:** New premises licence - 7 Fore Street, Ivybridge

To:- All Members

We have received an application for a new premises licence for 7 Fore Street, Ivybridge, PL21 9AB.

( 2 )

Page 31

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The application is for: provision of late night refreshment Sunday to Thursday from 11pm to midnight and Friday and Saturday from 11pm to 1.30am (indoors and outdoors).

Please make any representations to the Licensing Department at South Hams District Council in writing or by emailing [licensing@southhams.gov.uk](mailto:licensing@southhams.gov.uk) as soon as possible and no later than 22 August 2013.

Thank you

Naomi

Naomi Wopling  
Licensing Officer  
South Hams District Council  
Follaton House  
Plymouth Road  
Totnes  
TQ9 5NE  
tel: 01803 861336  
email: [naomi.wopling@southhams.gov.uk](mailto:naomi.wopling@southhams.gov.uk)

2

**Naomi Wopling**

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**From:** Cllr T. Barber  
**Sent:** 31 July 2013 14:12  
**To:** Naomi Wopling  
**Cc:** [REDACTED]  
**Subject:** RE: New premises licence - 7 Fore Street, Ivybridge

Dear Naomi,

Can I please register a formal objection to this application on the grounds of public nuisance and possible disorder.

I do not consider it necessary for the premises to remain open until midnight on Sunday to Thursday nor until 1.30am on Friday and Saturday and I fully concur with the comments of Cllr Saltern on this:

*"Fore St has the Old Smithy and Exchange public houses with the Duke of Cornwall, The Imperial, Bridge Inn and the Sportsmans all within two hundred yards. The potential for alcohol related trouble in Fore St is already significant. There is no intended negative reflection on the management of these establishments as they are in the vast majority of cases very good landlords and proactive at minimising problems. They cannot however exercise total control off of their premises.*

*That leads me to the large number of take aways in Fore St and I am not aware that the other food related businesses have applied for any variation beyond 11pm.*

*There has been negative publicity over the years in relation to litter arising from takeaways in Fore St and in general there has been some improvement which we would not wish to see reversed.*

*it is recognised that Fore St is a hot spot for problems and we have recently seen the introduction of Street Pastors to assist in resolving issues it would therefore be totally inexplicable and a retrograde step to permit opening times of these premises beyond the current timings. I would recommend outright refusal or the good work already being applied to ease problems will be totally negated."*

To this I would add that not only is Fore Street itself a partially residential area but there are already issues of noise, nuisance and litter in surrounding streets such as Costly Street and Exeter Road beyond and elsewhere in the town. A take-away, staying open till these hours can only increase the likelihood of nuisance late at night. I do appreciate the value of the evening economy to the prosperity of the town but this is not an urban club-land but a very largely residential community and I cannot see, given the potential problems (as also identified by Sgt Livingstone), of the need to extending into the early hours of the morning – given that a 1.30 closure potentially means at least 2am – 2.30 clearance.

Tony Barber  
Cllr Tony Barber, Ivybridge Filham.

---

**From:** Naomi Wopling  
**Sent:** 25 July 2013 16:57  
**To:** SH-All Members  
**Subject:** New premises licence - 7 Fore Street, Ivybridge

To:- All Members

We have received an application for a new premises licence for 7 Fore Street, Ivybridge, PL21 9AB.

The application is for: provision of late night refreshment Sunday to Thursday from 11pm to midnight and Friday and Saturday from 11pm to 1.30am (indoors and outdoors).

Please make any representations to the Licensing Department at South Hams District Council in writing or by emailing [licensing@southhams.gov.uk](mailto:licensing@southhams.gov.uk) as soon as possible and no later than 22 August 2013.

Thank you

Naomi

**Naomi Wopling**  
**Licensing Officer**  
**South Hams District Council**  
**Follaton House**  
**Plymouth Road**  
**Totnes**  
**TQ9 5NE**  
tel: 01803 861336  
email: [naomi.wopling@southhams.gov.uk](mailto:naomi.wopling@southhams.gov.uk)

3

## Naomi Wopling

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**From:** James Kershaw  
**Sent:** 06 August 2013 09:21  
**To:** Naomi Wopling  
**Subject:** RE: New premises licence - 7 Fore Street, Ivybridge

Dear Naomi

Thank you for your notification of the licensing application below, there is concerns that allowing this premises to open until the early hours of the morning will cause noise problems due to people milling around the premises. I also note that the licensed premises in the area that also open late into the evening have conditions applied to their licences requiring measures to minimise the potential for noise and public disorder, I would therefore suggest that the authority consider imposing the following conditions unless the applicant agrees to accept them;

- Between the hours of 23:00 – 01:30 the licensee shall ensure that the line is controlled by the use of door premises supervisors, whose role it will be to ensure that patrons are quiet and do not cause a nuisance to the nearby properties.
- Prior to the licensee using this licence hereby approved the licensee shall install a suitably cited CCTV system which will monitor and record both the inside of the shop and the queuing public.

Due to the potential for waste arising from the customers which could cause a public nuisance I believe it would also be appropriate to place conditions on the licence to minimise the potential nuisance from waste, suitable conditions could be:-

A suitable and secure waste container must be supplied by the licence holder to be positioned immediately outside the premises and that such containers must be taken in at closing time and must be kept in reasonable condition in line with its designed usage.

Members of staff must ensure that immediately outside the premises, all litter and waste food be collected and disposed of and that regular checks must be conducted by the staff to enable this to be done and the facilities for depositing litter and the collection of litter generated by patrons must be maintained.

At close of business, all litter attributable to the business which is in the vicinity of the premises must be removed.

I am sure there are suitable standard conditions for the above that could be imposed if necessary.

James Kershaw  
Environmental Health Officer  
01803 861287

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**From:** Naomi Wopling  
**Sent:** 25 July 2013 16:55  
**To:** 'Peter.COSBY@devonandcornwall.pnn.police.uk'; Georgina Fox; James Kershaw; Nigel Hylands; Child Protection; Development Management; Drew Powell; Fire - west (plymouth); Ian Luscombe; Justine Gosling; Pete Wearden; Police Licensing; Primary Care Trust; Trading Standards  
**Cc:** Graham Munson; SH-Licensing  
**Subject:** New premises licence - 7 Fore Street, Ivybridge

To:- Responsible Authorities

We have received an application for a new premises licence for 7 Fore Street, Ivybridge, PL21 9AB.

The application is for: provision of late night refreshment Sunday to Thursday from 11pm to midnight and Friday and Saturday from 11pm to 1.30am (indoors and outdoors).

The application was served electronically, I have attached a copy to this email. You will not be receiving a hard copy.

Please make any representations to the Licensing Department at South Hams District Council in writing or by emailing [licensing@southhams.gov.uk](mailto:licensing@southhams.gov.uk) as soon as possible and no later than 22 August 2013.

Thank you

Naomi

Naomi Wopling  
Licensing Officer  
South Hams District Council  
Follaton House  
Plymouth Road  
Totnes  
TQ9 5NE  
tel: 01803 861336  
email: [naomi.wopling@southhams.gov.uk](mailto:naomi.wopling@southhams.gov.uk)

(2)

4

## Naomi Wopling

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**From:** Lesley Hughes [REDACTED]  
**Sent:** 14 August 2013 17:11  
**To:** Naomi Wopling  
**Cc:** [REDACTED]  
**Subject:** Premises Licence - 7 Fore Street  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Naomi

Following receipt of the information about the application for 7 Fore Street, I advised the local central ward Councillors and contacted the local police. I have seen the response from Cllr Saltern which properly reflected the concerns of the police and explained in detail the reasons for rejecting the extension of the licence. This approach had the support of the three ward Town Councillors, Bowden, Dredge and Wilson. However I considered that as this was a matter that should be ratified by a formal Town Council committee because of the importance, I included it on the only meeting held of the Council in August. This happens to be the Planning Committee and having now checked the terms of reference it is not specifically in their remit to consider licensing, so it may be considered that the views, whilst of interest, should not therefore carry any weight in the consultation. However I am forwarding these to you (reproduced below) and copying to the ward Councillors in case they wish to reinforce their objections to you directly.

As a Town Council we have quarterly meetings with the police and know that the work done by them, with the support of the Street Pastors, on Friday and Saturdays, has helped over the recent period to diminish the incidents of anti social behaviour on Fridays. Whilst funding has been found to provide a police presence in the Ivybridge area on Friday and Saturday nights this cannot be assured for the future and a regular attendance in Fore Street would therefore create capacity problems for the rest of the policing area. It would be disappointing for the town if this escalated and the policing group knows that this is all too probable if people are encouraged to stay in Fore Street beyond 11pm and the difficulties this will create for the police. As the street lighting in Ivybridge is turned off (except in Fore Street and the Exeter Road/Western Road) after 12.30am it could create problems for those returning to the residential areas creating more noise and disturbance. I also understand that the public toilets are closed by this time and in the past the problem of people urinating in the side alleyways on Fore Street has been a concern, which could escalate once again. These are all issues which have concerned this Council in the past.

Views of the Planning Committee:

***"NEW PREMISES LICENCE – 7 FORE STREET, IVYBRIDGE:*** *The committee considered the application for provision of late night refreshment Sunday to Thursday from 11pm to midnight and Friday and Saturday from 11pm to 1.30am (indoors and outdoors) (copy previously circulated).*

*Cllr Khong advised the meeting that letters of objection had been submitted to South Hams District Council from the police and District Cllr Mike Saltern. Cllr Bowden suggested that the application be rejected as it would create a precedent with other fast food outlets and would encourage litter and anti-social behaviour, and that a uniform policy be retained as others would follow and Fore Street was also a residential area.*

*Cllr Mrs Sylvia Rutley disagreed as she was in favour of an extension to the licence to midnight on a Friday and Saturday as in her experience when younger it was natural to go for something to eat after visiting the pub. Cllr Mrs Silsbury supported Cllr Rutley's statement and Cllr Butcher also agreed adding that when the pubs close all the fast food outlets are shut precluding people from being able to purchase fast food.*

*Cllr Mrs Silsbury further added that it would be difficult to impose a restriction when the other outlets already have licences for later than 11pm, although the committee did question the viability of remaining open after 11pm, and suggested that this is the reason why the other outlets may not choose to stay open beyond 11pm.*

*The committee were in agreement that 1.30am was too late as Fore Street is a residential area, and that it be restricted to 11pm weekdays and 12 midnight on a Friday and Saturday.*

*It was **RESOLVED** to support the extension, but only on Friday and Saturday night from 11pm to midnight and no extension beyond 11pm be permitted from Sunday to Thursday."*

**Lesley Hughes, Town Clerk**  
**Ivybridge Town Council**  
**Tel 01752 893815**

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## Naomi Wopling

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**From:** Phillip Dredge [redacted]  
**Sent:** 14 August 2013 18:02  
**To:** Naomi Wopling  
**Cc:** [redacted]  
**Subject:** Premises Licence - 7 Fore Street

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Naomi,

I have to look at this issue from a number of points of view, as a ward councillor, as a member of the Policing Matters committee and through the courts system.

As Lesley has indicated I am one of the three ward councillors who support the police view. However, I am very well aware of the problems experienced in Plymouth in connection with those fast food outlets which have extended opening hours. It can take only the slightest provocation or misunderstanding to trigger a violent incident.

When the courts were more involved in the granting of licences the views of the police were very much taken into account and I would hope that this remains the case.

I would urge you to follow the police advice.

Best wishes,

Cllr Phillip Dredge

(1)

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Naomi Wopling

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**From:** John.OLVER2@devonandcornwall.pnn.police.uk  
**Sent:** 22 August 2013 15:39  
**To:** SH-Licensing  
**Subject:** Police representation to Premises licence application Vinos Pizzeria and Grill NOT PROTECTIVELY MARKED  
**Attachments:** Lic 6548 Representation Letter re Pizzeria..docx  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sir/Madam

There are Police representations in respect of the above application .I attach a letter setting out the grounds of our representation .

Yours faithfully

John Olver  
Lic Off

\*\*\*\*\*  
101 - The new non emergency number for Devon and Cornwall Police  
Textphone 18001 101 for the deaf, hard of hearing or speech impaired  
Always call 999 in an emergency  
\*\*\*\*\*

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\*\*\*\*\*

Our ref: Lic 6548

Your ref:

Licensing Section  
South Hams District Council

The Police Station  
Moorland Road  
LAUNCESTON  
Cornwall  
PL15 7HY

22 August 2013

Telephone: 01566 771309  
Fax No: 01566 771388  
Switchboard: 08452 777444

Dear Sir/Madam

**Re: Vinos Pizzeria and Grill, Ivybridge**

I write to advise you that there are Police representations to the above application. The grounds for representation are set out below.

**Crime and Disorder**

The police view is that to allow the licence to be granted as applied for will create incidents of crime and disorder late at night. By consultation and hard work the other late night food takeaways are all shut by 2300hrs in Ivybridge. This has kept incidents of violence to a minimum.

From a policing perspective any commercial outlet that supplies hot food in an area where public houses are situated will always be a 'Hot Spot' for trouble at closing time due to groups of drinkers/revellers congregating at this time to eat after a night of consuming alcohol. Police concerns are that in a small town like Ivybridge there will be a number of associated problems that go along with groups of drunken individuals congregating in one area to buy and consume food. This will take place in an area that is not solely a commercial part of the town, but has residents living above or in close proximity who are all going to be put at risk of crime and disorder if this licence is granted.

**Public Nuisance**

Opening as late as applied for will, even with the best control measures, create noise and disturbance for neighbours. Noise levels and litter will increase in the area as,

john.olver2@devonandcornwall.pnn.police.uk

while some people may eat their hot food on the way home, many more will tend to consume any bought food in the vicinity of the premises where the food was purchased and a large percentage of those people will disregard any wrappers, packaging and excess food where they are sat or stood.

### **Public Safety**

It is the police experience of late night food outlets that the numbers of customers arriving after having consumed alcohol leads to incidents of disorder and assault. The risk of assault increases for customers and staff in particular if there is a language barrier.

It is the police view that the premises could serve food to 2300hrs each day without issue. If the committee is minded to grant a later licence then the following conditions would be needed to prevent breaches of the licensing objectives, to reduce disturbance to residents and reduce the risk of assault on customers.

### **General**

All staff shall be trained in personal and social responsibilities, with particular emphasis on the safety and well being of customers, other members of staff and local residents.

### **The Prevention of Crime and Disorder**

A CCTV system shall be installed on the premises to fit the following requirements:

1. The system must have cameras situated which identify persons entering and leaving the premises (100% monitor size).
2. No camera within the system will produce an image which is not capable of detecting the actions of subject (10% monitor size).
3. Images will be retained for a minimum of fourteen days.
4. The hard drive will be capable of retaining data for fourteen days and the frame rate will not be less than five frames per second.
5. When a known incident has taken place a backup copy should be made.
6. Cameras must be positioned to capture the face so that persons may be identified by their facial features.
7. Areas which are lit the must have an evenness of light. Glare and dark areas must be avoided.
8. The CCTV system will record time and date on the image, this must be accurate.
9. The system must be capable of downloading recorded images in a format, which the Police can use and read.
10. CCTV images are personal data and must be kept secure. Data images must only be released to authorised bodies including the Police/Council Officers, for the prevention and detection of crime.

11. Management Practices - All staff must be trained in the use of equipment and the appropriate legislation. (Data Protection Act - RIPA).
12. CCTV is to be provided at the time of a Police Officer's request.
13. The system must be regularly checked to ensure it is in full working order, any defects must be rectified within 14 days. The Police and South Hams Council are to be notified of all defects.
14. Entrances, waiting areas and exits of the premises, together with the pavement area, outside the premises must have CCTV coverage.
15. The CCTV must be fully operational when the premises are open to members of the public.

### **Public Safety**

When the premises are open for the sale of hot food after 2300hrs an SIA qualified doorman shall be employed from 2200hrs until the premises close to the public.

### **Public Nuisance**

The premises will provide containers for any discarded packaging or food and will undertake to collect any discarded packaging or food for a distance of 100 metres in any direction from the premises once the premises close.

Yours faithfully

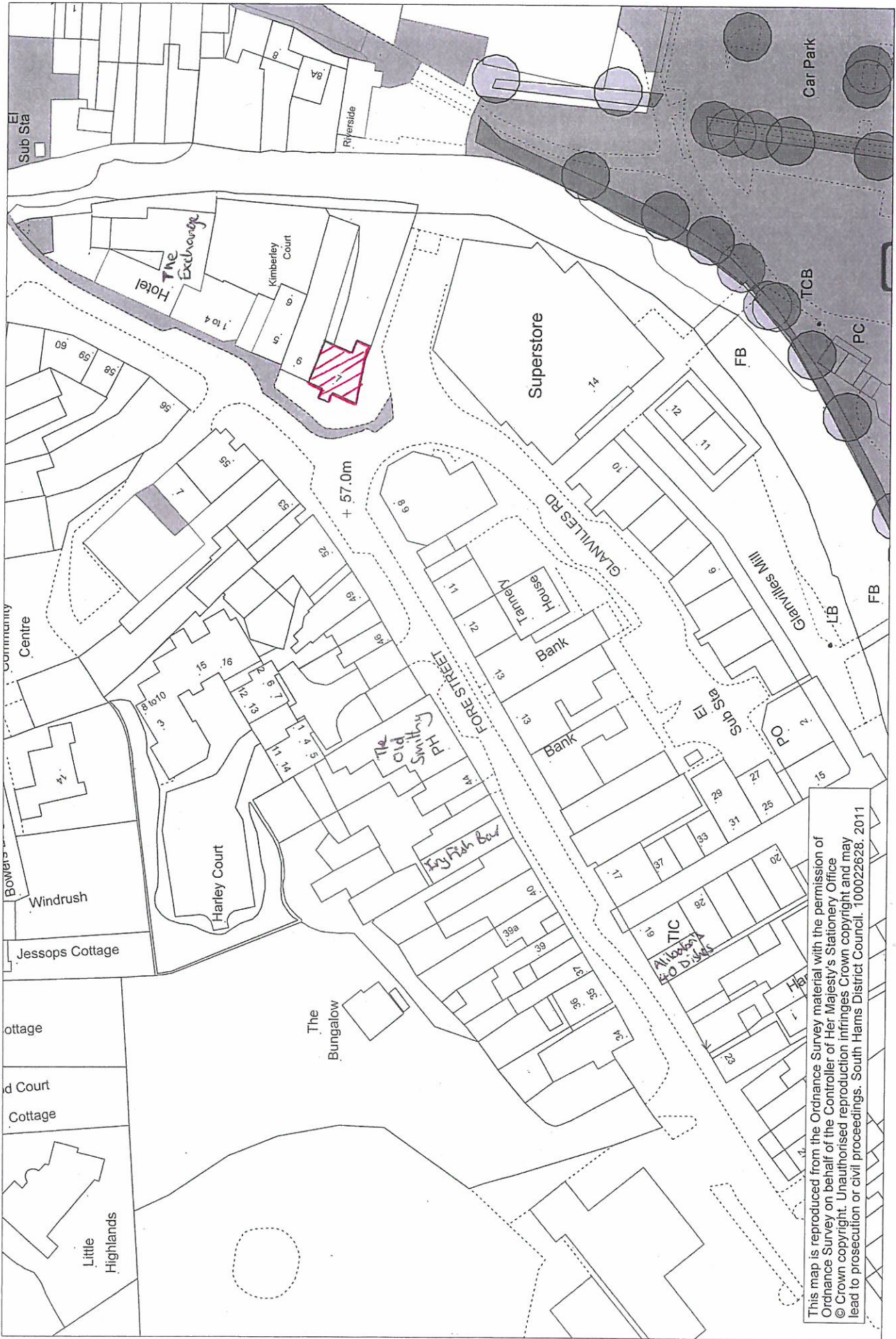
**J N OLVER**  
Licensing Officer

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Vinos Pizzeria and Grill  
7 Fore Street  
Ivybridge  
PL21 9AB

# Appendix 'C'

Location map and photographs



 = Vinos Pizzeria and Grill

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## MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON WEDNESDAY 18 SEPTEMBER 2013

Present: Councillors Baverstock, Hannaford and Squire  
S Nightingale, Solicitor  
K Trant, Member Services Manager, SHDC  
G Munson, Business Support Manager SHDC  
N Wopling, Licensing Officer, SHDC

Also in attendance:

Cllrs A D Barber, P K Cuthbert and M F Saltern (local Ward Members); representatives from the Police Authority, Environmental Health and Ivybridge Town Council; Mr Bali (the Applicant).

### LSC.04/13 **APPOINTMENT OF CHAIRMAN**

#### **RESOLVED**

That Cllr Baverstock be appointed Chairman for the duration of the meeting.

### LSC.05/13 **DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting but none were made.

### LSC.06/13 **TO DETERMINE AN APPLICATION FOR A NEW PREMISES LICENCE AT VINOS PIZZERIA AND GRILL, 7 FORE STREET, IVYBRIDGE, PL21 9AB, IN ACCORDANCE WITH SECTION 18 OF THE LICENSING ACT 2003**

#### **1. Licensing Officer's Report**

The Licensing Officer introduced the report to the Sub-Committee and advised that the application was for a new premises licence as set out in the agenda papers. A number of representations had been received and further information had been submitted by the Applicant.

#### **2. Address by the Applicant**

The Applicant began by advising the Sub Committee that no objections had been received from residents. He explained that he was here to politely ask for the opening hours of his establishment to be extended as set out in his application. He also advised that the opening hours in his application were in line with the opening hours set out in licences granted to surrounding premises.

Whilst the opening hours were later than he intended to be open, he thought they were suitable hours because they were in line with others in the vicinity.

The Applicant raised concerns in relation to the requirements of the Police Authority as set out in their representation, as they were requesting that he employ door staff from 10.00pm. He felt that this was unfair and that perhaps door staff from 11.00pm would be more appropriate. In terms of the request for CCTV he already had that fitted and would ensure the required technology was in place. He noted the comments about litter, and would ensure there would not be litter outside his premises but he could not be held responsible for litter dropped further down the street. He also noted their comments that the risk of assault increases if there is a language barrier. He intended to employ excellent staff to reduce the need for queuing which could often be the trigger for bad behaviour. He understood the issues raised, but wanted the same conditions which had been applied to other businesses surrounding him, and he was disappointed that nobody had sat down with him to discuss the issues. He also felt it was unfair to raise issues of public safety as an objection to his licence, when that did not apply to others.

### **3. Address by the Police Authority representatives**

Mr Olver advised the committee that any request for door staff would commence from 11.00pm. The comments relating to language barriers were based on experience at other premises. The Police Authority's view was that granting this licence would lead to problems, i.e. there was a danger of people leaving local clubs or coming back from Plymouth attending the premises in a drunken state; there was the issue of getting people to disperse from the location and there was the issue of assaults on others/staff.

PC Perry advised that he was the Beat Manager for Ivybridge Town. He was able to advise the Committee that although neighbouring premises held licences that enabled them to be open until 1.30am, they did in fact close at 11.00pm or midnight during the week. There was then no reason for people leaving the public houses to loiter in the main street. The Ivybridge Fish Bar opened until 1.30am but this led to people congregating in the middle of town and sporadic instances of criminal damage.

Mr Olver advised the committee that he appreciated that others had a late licence, but they did not use it. If the Committee was minded to grant the licence then door staff would be requested after 11.00pm and it must be made clear that closing time should be when the doors closed, and not when the last food order was taken. The CCTV system should include an audible element as evidence of verbal exchanges would be useful evidence if a case should go to Court. Finally, clarification would be needed in relation to the Bank Holidays.

#### **4. Address by the District Council Ward Members**

Cllr Saltern began by advising the Committee that councillors were entitled to take into account the views of their community and in this case whilst individuals had not responded they had allowed their local councillors to do this on their behalf. He stated that the Applicant was right to raise the issue of inequality however it was likely that the other licences had been granted prior to the changes to the Licensing Act. There was a history to Fore Street in Ivybridge that went back many years and there were numerous problems in relation to public disorder and litter. There were nearly 100 residents in and around Fore Street who were impacted by late night noise disturbance and litter. The Ivybridge Fish Bar did not open as late as it could, as an agreement had been reached with the Police Authority. This agreement would be undermined if this licence were to be granted. In relation to the requirement for CCTV, this covered the inside of the premises but not the wider area. Measures put in place such as street pastors would be thwarted. Tremendous efforts had been made working in partnership with the Police to try and solve the issues in Fore Street with the cooperation of owners who have not opened to the full extent of their hours. We would hope to continue in that way.

Cllr Barber continued by advising the Committee that he wanted to support businesses but was concerned about the impact of businesses being open late at night. Already there were issues of litter being dropped along Exeter Street. Whilst he was not so concerned about the need for a doorman his concern was the extended times that would lead to people hanging around the premises and causing a disturbance. His concerns were raised both as a resident and a councillor.

#### **5. Address by the Ivybridge Town Council Representative**

Cllr Dredge of Ivybridge Town Council stated that he was speaking both as a councillor and as a member of the Policing Matters Committee. He accepted that some of the experiences previously mentioned related to Plymouth however he was well aware that when people congregate in fast food premises after drinking, incidents arose that often triggered violent exchanges.

Many comments had been made about CCTV, however for CCTV to be effective it had to be of suitable quality. As a resident of Ivybridge he was most concerned to see litter strewn around.

In summary, his objections centred around litter and the safety of the general public.

## 6. Sub-Committee's Deliberations

The Sub-Committee discussed the application during which clarification was sought in respect of the agreement that had been mentioned whereby neighbouring premises did not open to the full extent of their hours. The Business Support Manager advised that providing licensing objectives were met there would be no need to seek changes to existing licences. The agreement stated that premises would open until 11.00pm during the week and until 12 midnight on Friday and Saturday nights. Work was also ongoing with the street pastors to prevent anti-social behaviour.

The Chairman asked the Applicant if he had any further points to make and the Applicant stated that the public safety concerns related to alcohol but that he was selling food. All the objections raised applied equally to the Ivybridge Fish Bar and to Ali Babas who were able to be open late, and he wanted to be treated equally. He was happy not to open past 1.00am. If drunk people caused trouble then the Police were not doing their job to monitor licensed premises.

(At this point, the meeting was adjourned to enable the Sub-Committee, in the presence of the Council Solicitor, to determine this application).

The Chairman reconvened the Sub-Committee and advised that the Members wanted to ensure fairness. He asked for clarity from the Police in relation to the closing times by agreement of Ali Babas and Ivybridge Fish Bar. PC Perry responded that the premises were generally closed by 11.00pm but he did not have specific information with him and he did not have a copy of the agreement to hand. The Business Support Manager added that the Ivybridge Fish Bar did not want to open late and was generally closed by 11.00pm. The Applicant was of the view that Ali Babas opened until 12 midnight on Fridays and Saturdays but that the Ivybridge Fish Bar did not open beyond 11.00pm.

(At this point, the meeting was again adjourned to enable the Sub-Committee, in the presence of the Council Solicitor, to determine this application).

## 7. The Decision

The Sub Committee reconvened and the Chairman then proceeded to announce the decision as follows:

“We have considered the application for a new premises licence. We have considered the Statement of Licensing Policy, the government guidance and our obligations that relate to the promotion of the licensing objectives.

We have read carefully the written representations from parties not present today and have read carefully representations received from parties present plus additional statements from persons here today.

It is our decision to grant this application subject to the following changes being incorporated into the operating schedule. We have determined the changes to be Appropriate to achieve the licensing objectives and to ensure fairness between the local businesses:-

- Sunday to Thursday – opening hours until 11.00pm
- Friday and Saturday – opening hours until 12 midnight
- New Years Eve – opening until 1.00am on New Year's Day
- Bank Holidays – opening hours as per Friday and Saturday.

Full decisions and reasons will be forwarded by post within the next five working days.

It is our decision therefore to grant this application with conditions as set out in the License Schedule and subject to the amendments made.

(Meeting commenced at 11.30 am and concluded at 12.55 pm)

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Chairman

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