

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

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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.

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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 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

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Naomi Wopling

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.

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Please make any representations to the Licensing Department at South Hams District Council in writing or by emailing 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

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Naomi Wopling

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

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).

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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 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
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TQ9 5NE
tel: 01803 861336
email: naomi.wopling@southhams.gov.uk

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Naomi Wopling

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.

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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

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

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Naomi Wopling

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

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 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