PLYMOUTH CITY COUNCIL

Subject:	Clipper Inn, 65 Union Street, Plymouth
	Variation of Premises Licence
Committee:	Licensing Sub Committee (Miscellaneous)
Date:	20 February 2013
Cabinet Member:	Councillor Brian Vincent
CMT Member:	Director for Place
Author:	Peter Clemens
Contact details:	Tel: 01752 305465 e-mail: licensing@plymouth.gov.uk
Ref:	ERS/LIC/PREM VAR
Key Decision:	No
Part:	I
I. Delivering Growth See http://www.plymoutl	2015: elivery of the City and Council priorities. In Particular: n.gov.uk/corporateplan.htm m Term Financial Plan and Resource Implications:
Management: Members should be aware on every Local Authority	g. Child Poverty, Community Safety, Health and Safety and Risk that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty to exercise its various functions with due regard to the need to do all that event crime and disorder in its area.
	sessment been undertaken? No Reasons for recommended action:
That Members consider the	nis report.

Alternative options considered and rejected:

None

Published work / information:

For more information please see the below links.

Licensing Policy http://www.plymouth.gov.uk/statement of licensing policy.pdf
Licensing Act http://www.legislation.gov.uk/ukpga/2003/17/contents

Licensing Act Guidance

http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing/guidance-s182?view=Binary

Background papers:

Title	Part I	Part II		Exem	ption	Paragra	aph Nu	mber	
			ı	2	3	4	5	6	7

Sign off:

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Origin	nating S	MT Me	mber		L						1	•	•
Has th	ne Cabi	net Me	mber(s)	agreed	the co	ntent o	f the re	port? Ye	es / N	0			

1.0 Introduction

1.1 On the 27 December 2012 the licensing department received an application from Kitsons Solicitors on behalf of Plymouth Millbay Ltd in respect of premises known as the Clipper Inn, 65 Union Street, Plymouth for the variation of an existing licence under Section 34 of the Licensing Act 2003.

1.2 The nature of the variation is

To vary the conditions imposed following the Licensing Review Hearing held 24 April 2012 (and decision meeting 27 April 2012).

The proposed variation:

I. Door Supervisors

Delete the following:

A SIA door supervisor will be employed from 02.00 hours through to the close of the premises Monday to Sunday and a second SIA door supervisor will be present on the premises from 04.00 hours until the close of the premises and at such other times as the DPS feels will be appropriate for the safety and security of patrons.

Two SIA door supervisors will remain in a principal position near the external front entrance from 04.00 hours to the close of the premises seven days a week to marshal patrons using the front external smoking area.

Replace with the following:

A SIA door supervisor will be employed from 2am until close of the premises Monday to Sunday.

A second SIA door supervisor will be present on the premises on Saturdays and Sundays from 4am until close and at all other times from 4am until close when there are more than 45 customers on the premises and at such other times as the DPS risk assesses it appropriate for the safety and security of patrons.

When two SIA door supervisors are on duty one shall remain in a principal position near the external front entrance from 4am to the close of the premises to marshal patrons using the front external curtilage.

CCTV Footage

Delete the following:

The DPS and in their absence other authorised staff shall download images following a written request of footage by any responsible authority and within seven days of that request being made the PLH or DPS will contact the responsible authority who requested the footage to tell them where the footage can be collected from. The footage from the incident/day in question must then be retained for a further period of 14 days to ensure that if any further information is required it can be provided within the same terms as the original request.

Replace with the following:

The registered ICO Data Controller shall in response to any lawful written request download images and within 7 days of such request contact the relevant responsible authority to tell them where the footage can be collected from.

The conditions and wording proposed to be deleted are highlighted on the current premises licence at (Appendix I).

1.3 Licensable Activities.

These premises have the following licensable activities and timings.

Performance of Live Music (Indoors)

Monday to Sunday 10am to 6am

Non Standard Timings

From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Playing of Recorded Music (Indoors and Outdoors)

Monday to Sunday Midnight to Midnight

Provision of Facilities for Dancing (Indoors)

Monday to Sunday Midnight to Midnight

Late Night Refreshment (Indoors and Outdoors)

Monday to Sunday 11pm to 5am

The Sale by Retail of Alcohol for Consumption ON and OFF the Premises

Monday to Sunday Midnight to Midnight

Opening Hours of the Premises

Monday to Sunday Midnight to Midnight

1.4 Representations have been received in respect of this application.

1.5 Cumulative Impact Policy

This application does fall within an area to which the Cumulative Impact Policy applies and creates a rebuttable presumption that applications for new licences or variations to existing ones which are likely to add to the existing cumulative impact will normally be refused unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives if the application were granted. However before the Licensing Authority can lawfully consider giving effect to this policy there must be a relevant representation from either a responsible authority or an interested party referring to information which was before the Licensing Authority when this special policy was developed.

2.0 RESPONSIBLE AUTHORITIES

- 2.1 Devon & Cornwall Police have made representation relating to the prevention of crime and disorder (Appendix 2).
- 2.2 Environmental Health no representations
- 2.3 Devon & Somerset Fire & Rescue Service no representations.
- 2.4 Trading Standards no representations
- 2.5 Planning Officer no representations.
- 2.6 Child Protection no representations
- 2.7 Health & Safety Executive no representations.
- 2.8 *Health Authority* no representations.
- 2.9 Licensing Authority no representations

3.0 OTHER PARTIES

The following have been received in support of the application:

4 – letters of representation (Appendices 3-6).

14 – pro-forma letters with supporting information (Appendices 7-20).

113 – pro-forma letters (Appendix 21).

4.0 CONSIDERATIONS

- 4.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives which are:
 - the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance;
 - the protection of children from harm.

In making its decision the Committee is also obliged to have regard to the guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy and the representations (including supporting information) presented by all the parties.

The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- I. Modify the conditions of the licence
- 2. Reject the whole or part of the application;

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

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

R. Carton Manager of Public Protection Service

ANNEX I - MANDATORY CONDITIONS

- 1. The first condition is that no supply of alcohol may be made under the premises licence: -
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- **2.** The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- **3.**(I) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- **4.** The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- **5.**The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- **6.**(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 7. The responsible person shall ensure that-
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
- (i) beer or cider: 1/2 pint;

- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

Door supervision

- (I) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
- (2) But nothing in subsection (1) requires such a condition to be imposed-
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to-
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section-
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Regulated Entertainment

- I. Enhanced CCTV system with images to retained for a minimum of I4 days to comply with the UK Requirements for Digital CCTV Systems.
- 2. Suitable signage at the exit to request the co-operation of patrons, in particular:
 - L To make as little noise as possible when leaving the premises.
 - L Not to stand around talking in the street outside the premises or any car park, and to drive away as quietly as possible.
- 3. Staff positioned on main exits.
- 4. The use of a lobby to prevent noise break out.
- 5. Between 00:00 hrs and 02:00 hrs

Noise emanating from the premises will not be distinguishable above background levels. I metre from the façade of the nearest residential property.

Conditions agreed with Environmental Health Authority

I. After 02:00 hrs until 08:00 hrs

Total sound containment within the premises.

Steps taken in order to promote the four Licensing objectives

- I. First Aid provision available.
- 2. Sanitary facilities monitored and checked by staff at regular intervals.
- 3. Clubwatch radio link to Plymouth City Council CCTV system will be switched on and monitored at all times the premises are trading.
- 4. Occupancy monitored by senior members of staff by clicker counting at peak times of trade, otherwise monitored by staff at regular intervals.
- 5. Taxi numbers available for patrons
- 6. Monitoring and management of sound levels by senior members of staff regarding background

- music, live entertainment and designated smoking areas.
- 7. Whenever the Designated Premises Supervisor is not at the premises another responsible person will be nominated by the Designated Premises Supervisor as being the person to manage the premises.

ANNEX 3 - CONDITIONS ATTACHED AFTER A REVIEW HEARING BY THE LICENSING AUTHORITY

Licensing Review Hearing held on 13 March 2007

The existing Club Watch radio link (already condition 3 on the premises licence) be maintained between the hours of 2am and 6am by a SIA registered member of staff;

The SIA registered member of staff maintaining the main exit in addition to his/her corporate uniform would, in accordance with the Club Watch initiative, wear a high visibility luminous armband provided by the Devon and Cornwall Constabulary. If the occupancy level rose above 86, the second SIA registered member of staff present on the premises likewise would be identifiable by the Club Watch armband.

Licensing Review Hearing held on 20 April 2010

A register of SIA door supervisors will be maintained detailing a name, licence number, date of expiry of licence and contact details of the individuals concerned. The register will be available for inspection for up to 30 days.

The DPS and in their absence other authorised staff will be able to download images following a written request of footage by any responsible authority either at the time or as soon as is reasonably practicable.

Licensing Review Hearing held on 24 April 2012 and decision meeting on 27 April 2012

The Premise Licence Holder is to provide the police with a current land line number and mobile phone number and in the event that this number changes the PLH is to advise the police licensing unit of the updated number within seven days of the change occuring.

An SIA door supervisor will be employed from 02.00 hours through to the close of the premises Monday to Sunday and a second SIA door supervisor will be present on the premises from 04.00 hours until the close of the premises and at such other times as the DPS feels will be appropriate for the safety and security of patrons

Two SIA door supervisors will remain in a principal position near the external front entrance from 04.00 hours to the close of the premises seven days a week to marshal patrons using the front external smoking area

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Our ref: ec.lic.ob.vary.clipper

Your ref:

The Licensing Officer Licensing Department Plymouth City Council Civic Centre PLYMOUTH PL1 1AA

Alcohol Licensing Office Charles Cross Police Station Hampton Street Plymouth. PL4 8HG

Telephone: 01752 720464

21 January 2013

Dear Mr Sir/Madam

Re: Application to Vary a Premises Licence for The Clipper Inn, 65 Union Street, Plymouth. PL1 3LU

On the 20th December 2012 the Devon and Cornwall Constabulary received an application to Vary a Premises Licence held by Plymouth Millbay Ltd for the above named premises under Section 34 Licensing Act 2003.

This application was deemed to be live by Plymouth City Council Licensing Department from the 27th December 2012.

The application seeks to vary conditions on the Premises Licence which were imposed by the Plymouth City Council Licensing Sub-committee following an application by the Chief Officer of Police to review the Premises Licence in April 2012.

The Police object to this application to vary the conditions on the grounds of the Licensing objective for the 'prevention of crime and disorder',

The application is for a reduction in the number of door supervisors on certain days of the week and where they are positioned.

The Police are of the opinion that any change to the present conditions will lead to an unnecessary negative impact on the licensing objective and an increase in violent crime and disorder.

Yours sincerely

Mr F T Prout Licensing Officer PUBLIC PROTECTION SERVICE

2.4 JAN 2013

Union Street Plymouth PL1

21 January 2013 F.A.O.

Licensing Department
Plymouth City Council
Civic Centre
Plymouth

PL1 2AA

To Whom it May Concern

I am writing as a resident of Union Street to give my opinion on the licence variation for the Clipper Inn. As a resident I do not have an issue with the Clipper being open. I have not experienced any serious problems and if there has been any issues I find the bar staff very approachable and can go to them direct.

I also work nights in North Hill and use the pub after work for winding down. I go for a pint, a read of the paper and general chat. The pub is never packed during the week which makes relaxing atmosphere.

I hope this helps in your decision.

Regards

Ward Place Efford PL3

24 January 2013

Licensing Department Plymouth City Council Civic Centre Plymouth PL1 2AA



To Whom it May Concern

CLIPPER INN, 65 UNION STREET, PLYMOUTH, PL1 3LU LICENCE VARIATION

I am writing with regards to the above.

In my position of bar supervisor I wholly support the Clipper's request to go from two licensed SIA doorman down to one for the Monday to Friday. I don't feel that the business has enough customers through the weekdays to justify the need of an extra doorman. We have a practice of starting to wean customers out from around the 6am mark. This cuts down noise issues and also cuts probability of public disorders as there is one or two people leaving at staggered intervals rather than a larger number of people leaving in one small crowd. Again, with such a small number we do not see the need for two doorman as one is more than capable in handling these situations.

I would also like to say that I have personally found that in the evening, once I have signed on to CCTV via pubwatch radio that the street camera situated on the Octagon roundabout turns to our door and remains pointed at our door for the duration of the evening. Other commercial premises in this specific area have also discussed this with me personally, stating that they have had massive problems if they have trouble at their businesses as when they call for police assistance, they find that the camera is continuously pointing in the opposite direction and they feel that if it does turn, it is too late to catch the problems/people at their premises. In my opinion I would say that this is a misuse of a public service. I question whether the clipper is under directed surveillance and/or this is infringing on the public's right regarding data protection.

I hope this letter will provide useful information for the licensing authority to use in making its decision. Please acknowledge receipt of this letter and I look forward to hearing from you in due course.

Yours faithfully



20th Jan 2013

G5 Union Street Licence Variation - Clupper Inn

Ucensed dooman. Most weekdays we are lucky to have between 10 and 15 and in my opinion during the week As box supervisor, I work most nights there is no need for a second SIA people in at one time.

personally feel that for the size of the promises and the number of customers that one SIA Niversed doorman is sufficient.

grestion the pro-active ros the police

Chipper is policing the street rother than play in the evening and night time the premises

modery its decision or variation requested hope. He committee will use this in would oppreciate on ocknowledgment receipt of this letter

Revised Dec 2012

From:

Sent: 24 January 2013 16:42To: Licensing (DEVELOPMENT)

. Woolwell,

(please do not diclose this address to anyone in the

public domain)

Dear Sirs

RE Clipper application for a variation of the premises licence

As a regular Patron at the Clipper Inn I support the above application. I always feel the premises are a safe and friendly environment to be in.

And the staff always welcoming whatever the time of day/night.

I believe as the Clipper is the only establishment in Plymouth to hold such a licence to remove or make any drastic changes to this would be a step backwards in trying to promote Plymouth as a more metrolpolitan city and moving with the times.

Yours Sincerely

RECEIVED
PUBLIC PROTECTION SERVICE
2 4 JAN 2013

F.A.O.

edgeumbe house union street plymouth PLI

23 January 2013

To Whom It May Concern

The Clipper Inn has applied for a variation of the premises licence.

- The Clipper Inn provides a professional service for those who wish to socialise, enjoy hospitality and relax at any point in a 24hour period, at times when many other licence premises are closed.
- The Clipper Inn provides a safe and secure environment for hospitality, socialising and relaxing.
- The Clipper Inn, in providing a 24 hour facility, allows for visitors, shift works, hospitality
 and business sector personnel, as a group or as individuals, to enjoy hospitality and the
 option of extended socialising which otherwise is presently very limited in the City of
 Plymouth.
- The City should seek to do more to encourage and promote a 24 hour culture, through such facilities and services that can be provided by the hospitality industries of Plymouth. A service which is presently being provided by few outlets, such as The Clipper Inn.

I support the above statements. I go in the clipper have had or seen ho	quiet offten and trouble.
Signature:	
Print Name:	

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PUBLIC PROTECTION SERVICE
2 4 JAN 2013

F.A.O.

Ecigcumbe Hase win Street Plymouth PLI 23 January 2013

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Print Name:



LIPSON VALE PLYMOUTH PL4

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I support the above statements.	LANDLORD & OWNER
Signature:	OF CLIPPER PUB HELPED ME TO AN AMBULANCE AFTER BEING
Print Name:	HOME FROM UNION SORCET

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PUBLIC PROTECTION SERVICE
24 JAN 2013
F.A.O.

12/1/13
January 2013

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I support the above statements.

Signature:

Print Name:

HAVE BEEN TRADING IN UNION ST FOR 4 YEARS, I HAVE NEWER HAD OR. SEEN ANY PROBLEMS WITH THE CLIPPER INN AND I FREQUENT THE BAR OFTEN AND I FIND ALL THE STAFF VERT PLEASENT. ". I KNOW THE PROPRIETER PERSONALY AND OFTEN MEET WITH HIM. IF THEER WALFANT ISSUES WELDOULD DISCUSS. IT. BUT TO DATE THERE HAVE GEEN NONE AM

This application will be advertised by Plymouth Millbay Limited. Individuals wishing to make further personal representation can do so in writing to the Licensing Department, Plymouth City Council, Civic Centre, Plymouth PL1 2AA, licencsing@plymouth.gov.uk

The Clipper Inn would ask for any personalised response to also be sent to The Clipper Inn, 65 Union Street, Plymouth, PL1 3LU or clipper@iname.com

RECEIVED PUBLIC PROTECTION SERVICE

2 4 JAN 2013

F.A.O.

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DURNFURD STERET
STONEHOUSE
PLYMOUTH

January 2013

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Print Name:

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EXMOUTH - EX8

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PUBLIC PROTECTION SERVICE

24 JAN 2013

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I support the above statements. I totally Support the above, I work very law night and feel it is my right to Socialise regardless of timings. The last great pub in Plymouth...

Signature: Do not love it!

Print Name:

36

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I support the above statements.	AS A NIGHT WORKER ITS TO WIND DOWN BEFORE	A PLACE
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Signature:

Print Name:

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- The City should seek to do more to encourage and promote a 24 hour culture, through such facilities and services that can be provided by the hospitality industries of Plymouth. A service which is presently being provided by few outlets, such as The Clipper Inn.

	Ch 2 3,71 January 2013
I support the above statements.	was visity Plynowith + popper
	into the belgier In , was made
Signature:	no feel welcome, dishit see
	any publing - In fact Kery was
Print Name:	a great host and Swell
	certainly return on my not visit.

This application will be advertised by Plymouth Millbay Limited. Individuals wishing to make further personal representation can do so in writing to the Licensing Department, Plymouth City Council, Civic Centre, Plymouth PL1 2AA, licencsing@plymouth.gov.uk

The Clipper Inn would ask for any personalised response to also be sent to The Clipper Inn, 65 Union Street, Plymouth, PL1 3LU or clipper@iname.com

union Street Stonehouse Pymonth



23 January 2013

To Whom It May Concern

The Clipper Inn has applied for a variation of the premises licence.

- The Clipper Inn provides a professional service for those who wish to socialise, enjoy hospitality and relax at any point in a 24hour period, at times when many other licence premises are closed.
- The Clipper Inn provides a safe and secure environment for hospitality, socialising and relaxing.
- The Clipper Inn, in providing a 24 hour facility, allows for visitors, shift works, hospitality and business sector personnel, as a group or as individuals, to enjoy hospitality and the option of extended socialising which otherwise is presently very limited in the City of Plymouth.
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I live right above the clipper and I support the above statements. Marely have a problem with noise of any other problem and if I do have any problems - I talk to tam the owner.

Signature:

Print Name:

clipper@iname.com

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FLAT Union St PLI

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I support the above statements.

Signature:

I have no problems with the Chipper.

Print Name:

3

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PUBLIC PROTECTION SERVICE
24 JAN 2013
F.A.O.

Flat union street Plymouth PLI

January 2013

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I support the above statements.

Signature:	its a very nice place Tarn and staff talk
Print Name:	to me when we meet out the book and we both agree the police need to do something about the street drinkers and the councile need better the street drinkers and the councile need better

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2 4 JAN 2013
FA.O.

FLAT UNION ST STREET PLYMOUTH PL1

23rd January 2013

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I support the above statements.	I am also in the pub trade and can say that there has
Signature:	always been an open communication with the Cuipper. If there ever is an issue it has always been
Print Name:	resolved.

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Flat union St.

Pl+mouth

PLI

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 A service which is presently being provided by few outlets, such as The Clipper Inn.

I support the above statem

Signature:

I por in the dirrer after darts on weekday, I timal IF theres any problems, I can speak to Tam or the staff.

Print Name:

3

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I support the above statements.

Signature:

(managey)

Print Name:

(If any issue on union sheet we support each other).

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January 2013

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I support the abo	ve statements.				
Signature:	50				
Print Name:					
%					