



Tuesday, 13 March 2018

LICENSING SUB-COMMITTEE

A meeting of **Licensing Sub-Committee** will be held on

Thursday, 22 March 2018

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Stocks
Councillor Thomas (D)

Councillor Thomas (J)

Our vision is for a cleaner, safer, prosperous Bay

For information relating to this meeting or to request a copy in another format or language please contact:

Lisa Antrobus, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207087

Email: democratic.services@torbay.gov.uk



LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**
To elect a Chairman/woman for the meeting.
2. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Minutes** (To Follow)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 1 March 2018.
4. **Declarations of interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
5. **Urgent items**
To consider any other items that the Chairman decides are urgent.
6. **Calypso Coffee Company, 45 Winter Garden, Fleet Walk, Torquay, TQ2 5DW** (Pages 3 - 20)
To consider an application for a Premises Licence in respect of Calypso Coffee Company, 45 Winter Garden, Fleet Walk, Torquay, TQ2 5DW.
7. **Peaky Blinders, 107 Winner Street, Paignton, TQ3 3BP** (Pages 21 - 113)
To consider application for a Review of a Premises Licence for Peaky Blinders, 107 Winner Street, Paignton, TQ3 3BP.



Briefing Report No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence in respect of Calypso Coffee Company, 45 Winter Garden, Fleet Walk, Torquay TQ2 5DW

Wards Affected: **Tormohun**

To: **Licensing Sub Committee** **22 March 2018**

Contact Officer: **Mandy Guy**

☎ Telephone: **01803 208293**

✉ E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premise detailed above, for a new Premises Licence. The Premise is situated within the Cumulative Impact Area.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objective “The Prevention of Crime and Disorder”.
- 1.4 The matter must be considered on its merits having received details of the issues arising either at a hearing or by written Representation if all parties have agreed that a hearing is not necessary. A decision must be made, having considered the Representations, either:-
 - (a) to grant the licence subject to
 - (i) such conditions as are consistent with the submitted operating Schedule modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under Section 19, 20 or 21 be included in the licence;

(Such conditions may differ in respect of different parts of the Premises and/or different activities).
 - (b) to exclude from the scope of the licence 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.

- 1.5 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Applicant and Interested Party following the determination of the matter.

2. Introduction

- 2.1 An application has been made under Section 17 of the Act for a Premises Licence to permit licensable activities at the Premise detailed above. Details of the relevant pages of the application are shown in Appendix 1.

A brief description of the application, as follows:-

The Supply of Alcohol from 08.30 until 22.30 Monday to Saturday and on Sunday from 09.00 until 22.30 on Sunday.

To be open to the public from 08.30 until 23.00 Monday to Saturday and Sunday 09.00 until 23.00 on Sunday.

- 2.2 The Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 17(5) but is unable to issue the Licence, as a relevant Representation has been received. The Licensing Authority is also satisfied that the Representation has been received within the appropriate time scale, has not been subsequently withdrawn and is not vexatious or frivolous.

We have received a Representation from the Police in relation to the Licensing Objective "The Prevention of Crime and Disorder". This is shown as Appendix 2.

There have been no additional Representations received from any other Responsible Authority or any Interested Party.

- 2.3 The Authority is required to conduct a hearing by the provisions of Section 18(3) unless all parties agree that this is not necessary.
- 2.4 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representation and the procedure to be followed at the hearing.
- 2.5 If the application is refused, in whole or in part, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 1 of Schedule 5, to the Applicant.
- 2.6 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 2(1) of Schedule 5 to :-
- (a) The holder of the licence against any decision
 - (i) to impose conditions on the licence, or
 - (ii) to take any step to exclude a licensable activity or refuse to specify a person as Premises Supervisor.
 - (b) Any person who made a relevant Representation who desires to contend
 - (i) that the licence ought not to have been granted, or

- (ii) that, on granting the licence, the Licensing Authority ought to have imposed different or additional conditions, or taken any step to exclude a licensable activity or refuse to specify person as Premises Supervisor.

- 2.7 Following such Appeal, the Magistrates' Court may:-
- (a) dismiss the appeal,
 - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
 - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
- and may make such order as to costs as it thinks fit.

Steve Cox
Environmental Health Manager (Commercial)

Appendices

Appendix 1 Details of the application.

Appendix 2 Representation from the Police.

Documents available in Members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

Torbay Council Licensing Policy 2016.



Torbay
Application for a premises licence
Licensing Act 2003

For help contact
<https://forms.torbay.gov.uk/ContactLicenseTrading>
Telephone: 01803 208025

* required information

Section 1 of 21

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 you would prefer not to be contacted by telephone

Are you:

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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

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

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name If your business is registered, use its registered name.

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

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

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- 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

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 21

NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

private limited company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality

Documents that demonstrate entitlement to work in the UK

Section 5 of 21

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 is located on the ground floor. It is a small coffee shop with 28 inside seating and 10 outside ones.

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 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Continued from previous page...

Section 13 of 21

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

See guidance on regulated entertainment

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

Yes

No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes

No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

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.

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

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 the premises will be used for the supply of alcohol 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.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth / /

Continued from previous page...

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

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 21

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 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

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.

Continued from previous page...

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.

Section 18 of 21

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)

Continued from previous page...

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

Strong management controls and effective training of all staff so that they are aware of the premises license and the requirements to meet the four licensing objectives with particular attention to:

- a/ no selling of alcohol to underage people
 - b/ no drunk and disorderly behavior on the premises area
 - c/ vigilance in preventing the use and sale of illegal drugs on the premises
 - d/ no violent and anti-social behavior
 - e/ no any harm to children
- Operating Schedule providing the hours of operation and licensable activities during those hours.
 - Designated premises supervisor confirmed it is obligated to be in day-to-day control of the premises, to provide good training for staff on the Licensing Act (Training Record), to make or authorize each sale
 - Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.
 - CCTV system installed

As a licensed premises we know that it is necessary to carry out our functions and operate our businesses with a purpose of promoting these objectives. We promise to support and promote these objectives through our operating schedules and other measures (including staff training and qualifications, policies, working in partnership with Police and other Responsible Authorities)

b) The prevention of crime and disorder

CCTV System will be installed on the premises to monitor the site in order to address crime prevention.
A clear and legible notice will be displayed on the premises door indicating the normal hours under the terms of the premises license during which licensable activities are permitted.
No alcohol will be sold to drunk or intoxicated customers.
Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.
Prevention and vigilance in illegal drug use at the premises will be implemented.
Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol off the premises.

c) Public safety

Internal and external lighting will be fixed to promote the public safety.
Well trained staff will adhere to environmental health requirements.
Training and implementation of underage ID checks will be provided.
All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance

As the responsible Licensee we will ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents. If there is a live music performance held on the premises we will keep all the doors and windows closed to make sure the noise level is tolerable and does not cause any nuisance to the members of public or nearby businesses and residents.
Customers will be asked not to stand around loudly talking in the street outside the premises.
Customers will not be admitted to premises above opening hours.
Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents

e) The protection of children from harm

"Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID if they wish to buy alcohol, will be displayed in prominent place on the premises.
Staff will be well trained about requirement for persons' identification, age establishment and will strictly follow the policy

Continued from previous page...

to prevent sale of alcohol to children and young people.

All the details provided in Training Record Book will be available on the premises.

Log Book will be kept upon the premises all the time.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

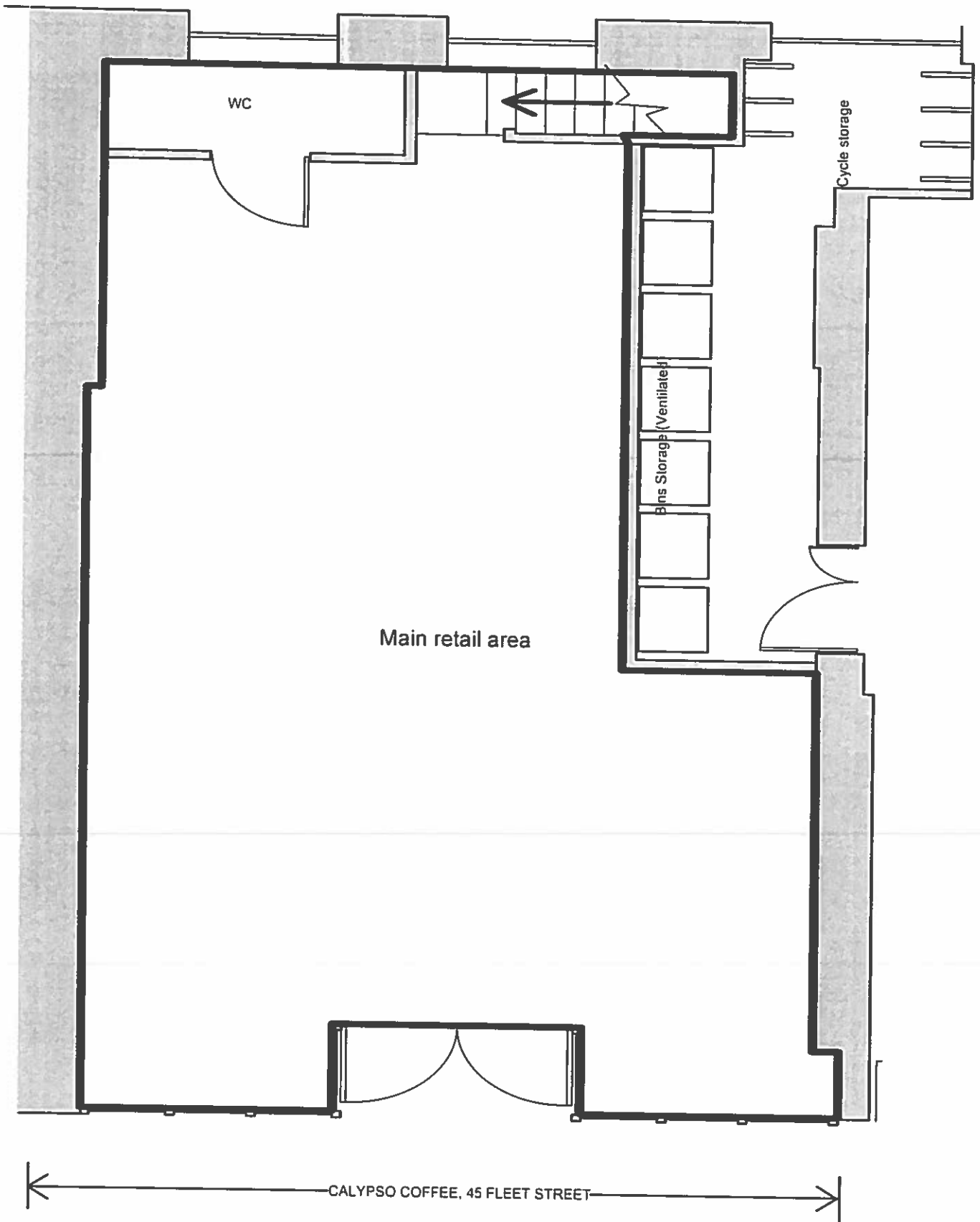
- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.


Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.



	<p>THE WHITE HOUSE 42-44 THE TERRACE TORQUAY TQ1 1DE 01803 214418</p>	<p>Title Ground Floor Layouts 45 Fleet Street Torquay, Devon, TQ2 5DW</p>	<p>Date 19/11/10</p> <p>Scale 1:100</p> <p>Drawing No. 3909/GF/01</p> <p>@ A4</p>
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Devon & Cornwall Police

Licensing Team
Torbay Council
C/O Torquay Town Hall
Castle Circus
TORQUAY
TQ1 3DR

Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
EXETER
EX2 7HQ

Telephone: 01803 218900

15 February 2018

Dear Sir/Madam

Calypso Coffee Company, 45 Fleet Street, Torquay, TQ2 5SD

I refer to an application for the Grant of a Premises Licence in respect of the above named premises, submitted by Mr Lukasz Jankojc on behalf of the Calypso Coffee Company.

For your information this premises is situated within your Cumulative Impact Area.

At 1400 hours on Wednesday 14 February 2018 my Police Licensing Officer, Mrs Smart, met with Mr Jankojc at the premises. They discussed the operation of the premises and Mr Jankojc's intentions regarding the sale of alcohol. From discussions it is apparent that the premises will remain as a coffee shop but a small range of alcoholic beverages will also be available.

In relation to the application form, Mrs Smart informed Mr Jankojc that, in accordance with the Licensing Statement of Principles 2016-2021, it would have been advisable for him to have contacted her before submitting his application so that an agreed position could be reached but she indicated that the police are satisfied that the granting of the licence is not going to impact on any of the Licensing Objectives, provided the premises remain as a coffee shop or restaurant.

Discussions took place concerning the area immediately outside the premises and Mrs Smart drew Mr Jankojc's attention to a paragraph within Section 5 of the Operating Schedule where he has indicated that the coffee shop has 28 seats inside and 10

Contact the police

Emergency 999

Non-emergency  www.devon-cornwall.police.uk/reportcrime

 101@devonandcornwall.pnn.police.uk  101

Follow us  [DevonAndCornwallPolice](https://www.facebook.com/DevonAndCornwallPolice)  [DC_Police](https://twitter.com/DC_Police)



The Government Standard
Stock code: SF615

outside. Mrs Smart then pointed out to Mr Jankoic that the outside seating area was not shown on the plan submitted with the application. Mr Jankoic advised Mrs Smart that he has a Pavement Café Permit for this area and wishes alcohol to be consumed outside, but he did not realise that he had to show the permit area on the premises plan.

The police have no concerns regarding the consumption of alcohol in the Pavement Café Permit area and therefore we are happy for this area to be included within the licensed area. Should you consider it appropriate for yourselves to include the Pavement Café Permit area within the licensed area, the applicant will need to submit a new plan and I recommend that this should be sent to the Licensing Authority as soon as possible.

As a result of the discussions, I request that the below conditions are added to the licence:

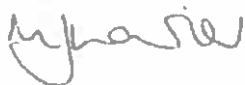
1. Food shall be available throughout the times the premises is open to the public.
2. Customers consuming alcoholic beverages shall be seated at all times.
3. The consumption of alcohol in the Pavement Café Permit area shall be restricted to the times indicated within the Permit and in compliance with all the terms and conditions specified therein.

These conditions are requested to ensure that this premises cannot operate as a vertical drinking establishment in the future as the premises are within your CIA and vertical drinking premises are more likely to impact on the Licensing Objectives The Prevention of Crime and Disorder and the Prevention of Public Nuisance.

For your information, Mr Jankoic has confirmed that he is satisfied with these conditions.

Should you require any further information, please do not hesitate to contact Julie Smart on 01803 218900.

Yours faithfully



Superintendent M Lawler
Territorial Policing & Partnership Department



Briefing Report No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Review of a Premises Licence for Peaky Blinders, 107 Winner Street, Paignton TQ3 3BP

Wards Affected: **Roundham with Hyde**

To: **Licensing Sub Committee**

22 March 2018

Contact Officer: **Mandy Guy**

☎ Telephone: **01803 208124**

✉ E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premise detailed above, for a Review of a Premises Licence.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objectives “The Prevention of Crime and Disorder” and “The Prevention of Public Nuisance”.
- 1.4 Under Regulations to the Licensing Act 2003 (the Act) the Licensing Authority (the Authority) must hold a hearing to consider the application and any relevant Representations.

The Authority must have regard to the application and any relevant Representations and take one or more of the steps as detailed below as it considers appropriate for the promotion of the Licensing Objectives.

The steps are –

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the Designated Premises Supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;
- (f) to do nothing;

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

If the licence is subject to sections 19, 20 and 21 (requirement to include certain conditions in Premises Licences) they remain.

Where the Authority takes a step to modify the conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

- 1.6 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Interested Parties and Responsible Authorities at the determination of the matter.

2. Introduction

- 2.1 The application has been made under Section 51 of the Act for a Review of the Premises Licence, at the Premise detailed above. Details of the application are shown in Appendix 1.

A brief description of the Review is as follows:

The application has been submitted by Public Protection and concerns matters relating to the Licensing Objective “The Prevention of Public Nuisance”.

A copy of the current licence, including the plan of the premises is attached as Appendix 2.

- 2.2 Torbay Council as the Licensing Authority, is satisfied that the Applicant is a person as defined under the Act as being entitled to make such application and that the application is not frivolous or vexatious. The Authority is also satisfied that the administrative requirements of Section 51(3) (a) and (b) have been met and that the application is therefore, properly made.

A Representation has been received from the Police in relation to the Licensing Objective “The Prevention of Crime and Disorder”. This is shown as Appendix 3.

A Representation has been received from the Community Protection Team in relation to the Licensing Objective “The Prevention of Public nuisance”. This is shown as Appendix 4.

There has been one Representation from a Member of the Public in relation to the Licensing Objective “The Prevention of Public Nuisance”. This is shown as Appendix 5.

There have been no Representations from any other Responsible Authority or any other Interested Party.

- 2.3 The Authority is required to conduct a hearing under provision of Section 52(2) of the Act.
- 2.4 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.
- 2.5 Once the matter is determined, a Right of Appeal to the Magistrates’ Court is granted by Section 181 of the Act and, by Paragraph 8(2) of Schedule 5 to :-

- (a) the Applicant for the Review,
- (b) the holder of the Premises Licence, or
- (c) any other person who made relevant Representations in relation to the application.

In the event that an Appeal is entered, the determination will not have affect until the Appeal is either determined or withdrawn.

- 2.6 Following such Appeal, the Magistrates' court may:-
- (a) dismiss the Appeal,
 - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
 - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
- and may make such an order as to costs as it thinks fit.

Steve Cox
Environmental Health Manager (Commercial)

Appendices

Appendix 1	Application for Review
Appendix 2	A copy of the Premise Licence
Appendix 3	Representation from the Police
Appendix 4	Representation from Community Protection
Appendix 5	Representation from a Member of the Public

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

Torbay Council Licensing Policy 2016.

049734



LICENSING ACT 2003

**APPLICATION FOR THE REVIEW
OF A PREMISES LICENCE OR
CLUB PREMISES CERTIFICATE**

NOTIFICATION

Information held by Torbay Council complies with and is held in accordance with the UK Data Protection Act 1998. The information that you provide on this form will only be used for this application form and will only be disclosed where necessary under any applicable legislation.

Information may also be shared for the prevention and detection of crime, for example with the police and other agencies as required by law, such as the Audit Commission under the National Fraud Initiative data matching exercise.

You have a right of access to your personal information. If you wish to access your personal information or exercise any of your rights under the legislation then please contact Torbay Council's Information Governance team on 01803 20 7467. Further information can be found on the Information Governance pages on Torbay Council's Internet site at, www.torbay.gov.uk

Completed forms should be returned to:

**Environmental Health Manager (Commercial)
Torbay Council
Community Safety
C/O Torquay Town Hall
Castle Circus
Torquay
TQ1 3DR**

Contact Details:

Tel: 01803 208025

Web: www.torbay.gov.uk

Email: licensing@torbay.gov.uk

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Karl Martin – Public Protection Officer, Torbay Council

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
107 Winner Street	
Post town Paignton	Post code (if known) TQ3 3BP

Name of premises licence holder or club holding club premises certificate (if known)
Shelby Family Ltd

Number of premises licence or club premises certificate (if known)
1121

Part 2 - Applicant details

I am Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority
(please read guidance note 1, and complete [A] or [B] below)
- 2) a responsible authority (please complete [C] below)
- 3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address KARL MARTIN PUBLIC PROTECTION OFFICER LICENSING AND PUBLIC PROTECTION TORBAY COUNCIL CASTLE CIRCUS TORQUAY TQ1 3DR
Telephone number (if any) 01803 208025
E-mail address (optional) KARL.MARTIN@TORBAY.GOV.UK

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

The regular performance of live and recorded music at the premises known as 'Peaky Blinders' is frequently causing public nuisance to nearby residents and in doing so the premises licence holders is failing to promote the licensing objective the 'Prevention of public nuisance'.

In making this application in the capacity as the designated responsible authority for public nuisance the following are stated as grounds for a review of premises licence number PL1121:-

- 1. The licensee is creating a public nuisance by frequently allowing the performance of amplified live and recorded music at a volume that is unreasonably disturbing nearby resident's wishing to benefit from their entitlement to peace and quiet.
- 2. The building has poor attenuation properties and the licence holders has failed to either adapt the business model to reflect the limitations of the building or undertake effective sound insulations works.
- 3. The premises does not have beer garden/smoking area and patrons congregate immediately outside the premises and as the licence holder has not implemented any noise mitigation methods and consequently noise from patrons is creating a public nuisance.

Please provide as much information as possible to support the application (please read guidance note 3)

1. Peaky Blinders located on Winner Street, Paignton, is a self-styled themed Bar & Grill.
2. A meeting took place in April 2017 with Mr Jamie Devon and Mr Ali Suat Mahmutyazicioglu, Police Licensing and Torbay Council Licensing Officers to discuss a new application for an American themed Restaurant located at 107 Winner Street.
3. At this meeting Mr Devon stated live music would be infrequent and gave the impression food sales was the primary focus of the business. It was agreed the applicant would not apply for regulated entertainment after 11:00pm and therefore the application would benefit from exemptions under the Live Music Act 2012.
4. However the premises opened in September 2017 as themed bar and live music venue. Food is served but it is not the core focus of the business.
5. The companies' facebook profile states that the licence holders seek to become one of 'Torbay's great live music venues'.
6. In an article published on the 'Devon live website' on the 25th August 2017 Mr Jamie Devon quoted "We want Peaky Blinders bar to be a proper music venue. We want to try and do something every night of the week."
7. The premises opened on the 16th September 2017 and the first complaint was received by Torbay Council from a resident on the 21st September 2017.
8. Since the premises opened the Authority up until the date of this report a total of 54 separate noise recordings have been submitted to the Council via the noise app. In the same period, advertised performances of live and or recorded music have totalled 130 occasions.
9. A variety of performances have been offered at the premises ranging solo artist to bands through to comedy nights and quiz nights.
10. There is some house PA equipment but it appear performers are largely using their own leaving the conclusion the licensees does not have any direct control over noise levels.
11. There are two distinct elements to the complaints. Firstly the breakout of noise from performance of music inside the building and secondly as the premises done not have a smoking area patrons have no choice but to use the street as area to smoke. Noise problems from customers is further exacerbated by patrons queuing to gain access to the premises and the natural to tendency for people to choose the surrounding vicinity of the premises as a place to meet.
12. Since the first complaint a number of meetings have been held with Jamie Devon. A number of recommendation where made including seeking the help of noise consultants. Since the noise issue where brought to Mr Devon's attention it appears the erection of curtains has been the only remedial measures implemented.
13. Throughout December 2017 and January 2018 the number of complaints intensified and additional residents complained about a range of issues including noise nuisance.

14. On the January the 26th 2018 Officers visited a number of residents. At a residents home the level of noise breakout was deemed excessive enough to amount to a statutory nuisance.
15. On the 1st February 2018 two abatement notices was served on the premises licence holder, Shelby family Ltd. James Devon and Jodie Harris are named Directors. One notice requires nuisance from amplified music to be abated and the second requiring noise from patrons to be abated.
16. On the 30th January 2018 during a meeting with Mr Devon it was recommended he seeks advice from a noise consultant. On the January 31st the Authority received confirmation a noise consultant had been employed but at the time of writing this report the recommendations were not available.
17. However, I am not convinced even if sound limitation equipment is installed together with substantial sound insulation that noise break out will be reduced to acceptable levels if the current business model is maintained. If this can be achieved, exceptional and robust management will be required to prevent re-occurrence.
18. The buildings on Winner Street follows a typical medieval plan of a narrow streets and terraced building with high elevations. This can greatly increase the propagating effects of noise. Historically the Authority has received noise complaints from all the premises on this street who have provided regular entertainment, including previous occupiers of 107 Winner Street.
19. 107 Winner Street is directly attached to the building either side and this easily allows the propagation of sound energy through the structure of the building.
20. Authorisation for Live and Recorded music was not required when a premises licence application was submitted on the 9th of August 2017. Consequently there are no conditions on the licence to control noise breakout.
21. At the time it is not appropriate to make recommendations to the licensing committee. This is to give the Licences time to develop a scheme of works they may positively influence recommendations and the outcome of a review hearing.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

✓

Please tick ✓ yes

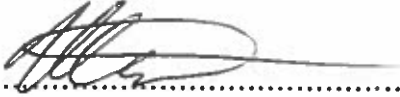
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

01.10.2018

Capacity

Public Protection Officer (T.C)

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Licensing Act 2003
Premises Licence

1121

LOCAL AUTHORITY



Torbay Council
Licensing & Public Protection
c/o Town Hall
Castle Circus
Torquay
TQ1 3DR

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Peaky Blinders

107 Winner Street, Paignton, Devon, TQ3 3BP.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors)	Monday to Sunday On Christmas Eve, Boxing Day and each Bank Holiday Weekend (from Friday to Monday) from 23:00 to 00:30. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day.	11:00pm	11:30pm
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday On Christmas Eve, Boxing Day and each Bank Holiday Weekend (from Friday to Monday) from 07:00 to 00:00. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day.	7:00am	11:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday On Christmas Eve, Boxing Day and each Bank Holiday Weekend (from Friday to Monday) from 07:00 to 00:30. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day.	7:00am	11:30pm

WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Licensing Act 2003
Premises Licence

1121

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE	
Shelby Family Limited	49 Palace Avenue, Paignton, Devon, TQ3 3HF.
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)	
Shelby Family Limited	11058270
NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL	
Samantha Jane LOWIS	111 Torquay Road, Paignton, Devon, TQ3 3SF.
PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL	
Licence No. PA2884	Issued by Torbay



Steve Cox
Environmental Health Manager (Commercial)
31 January 2018



ANNEXES

ANNEXE 1

MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

- 1) No supply of alcohol may be made under the premises licence:-
 - (a) at a time where 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/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3) (1) The responsible person must 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:-

 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (d) 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;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5) (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either:-

 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 6) The responsible person must 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:-

ANNEXES continued ...

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2) For the purposes of the condition set out in paragraph 1

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$

Where:-

- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:-

- (i) The holder of the premises licence
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEXE 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General

None

The prevention of crime and disorder

1. A CCTV system will be installed and in operation at all times while the premises is open and trading. Equipment to be maintained to the satisfaction of the Police. Images to be recorded for 30 days and made available to the Police on

ANNEXES continued ...

request.

2. The service of alcohol will be from the behind the bar or waiter / waitress service.
3. Food shall be available whilst the premises is open for the sale of alcohol.
4. Toughened glasses to be used during the hours of the sale of alcohol, to be cleared away at regular intervals.
5. No glasses to be taken outside of the licensed premises.

Public safety

1. First aid box on site.
2. Spillages to be cleared away immediately.

The prevention of public nuisance

1. The disposing of refuse outside of the premises shall not take place between the hours of 23:00 and 07:00.
2. Signage shall be displayed at exits asking patrons to respect the residents and leave the premises quietly.

The protection of children from harm

1. The premises will operate a Challenge 25 scheme. Any individual who appears to be under the age of 25 will be asked to produce photographic identification such as a passport or driving licence to prevent underage sales.
2. Children must be accompanied by a responsible adult.
3. All staff shall receive regular training in relation to underage sales.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None

ANNEXE 4

PLANS

Copy attached to Licence.

LOCAL AUTHORITY



Torbay Council
 Licensing & Public Protection
 c/o Town Hall
 Castle Circus
 Torquay
 TQ1 3DR

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Peaky Blinders

107 Winner Street, Paignton, Devon, TQ3 3BP.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors)	Monday to Sunday On Christmas Eve, Boxing Day and each Bank Holiday Weekend (from Friday to Monday) from 23:00 to 00:30. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day.	11:00pm	11:30pm
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday On Christmas Eve, Boxing Day and each Bank Holiday Weekend (from Friday to Monday) from 07:00 to 00:00. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day.	7:00am	11:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday On Christmas Eve, Boxing Day and each Bank Holiday Weekend (from Friday to Monday) from 07:00 to 00:30. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day.	7:00am	11:30pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Licensing Act 2003

Premises Licence Summary

1121

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Shelby Family Limited

49 Palace Avenue, Paignton, Devon, TQ3 3HF.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Shelby Family Limited

11058270

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Samantha Jane LOWIS

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

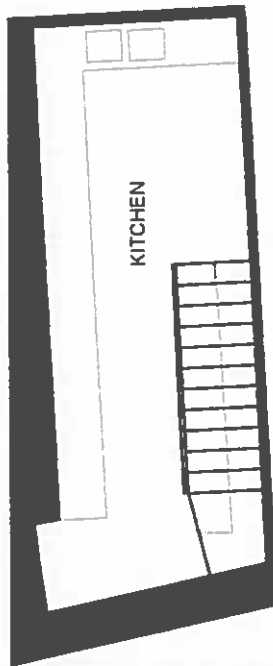
Access is restricted only under the terms of the Licensing Act 2003



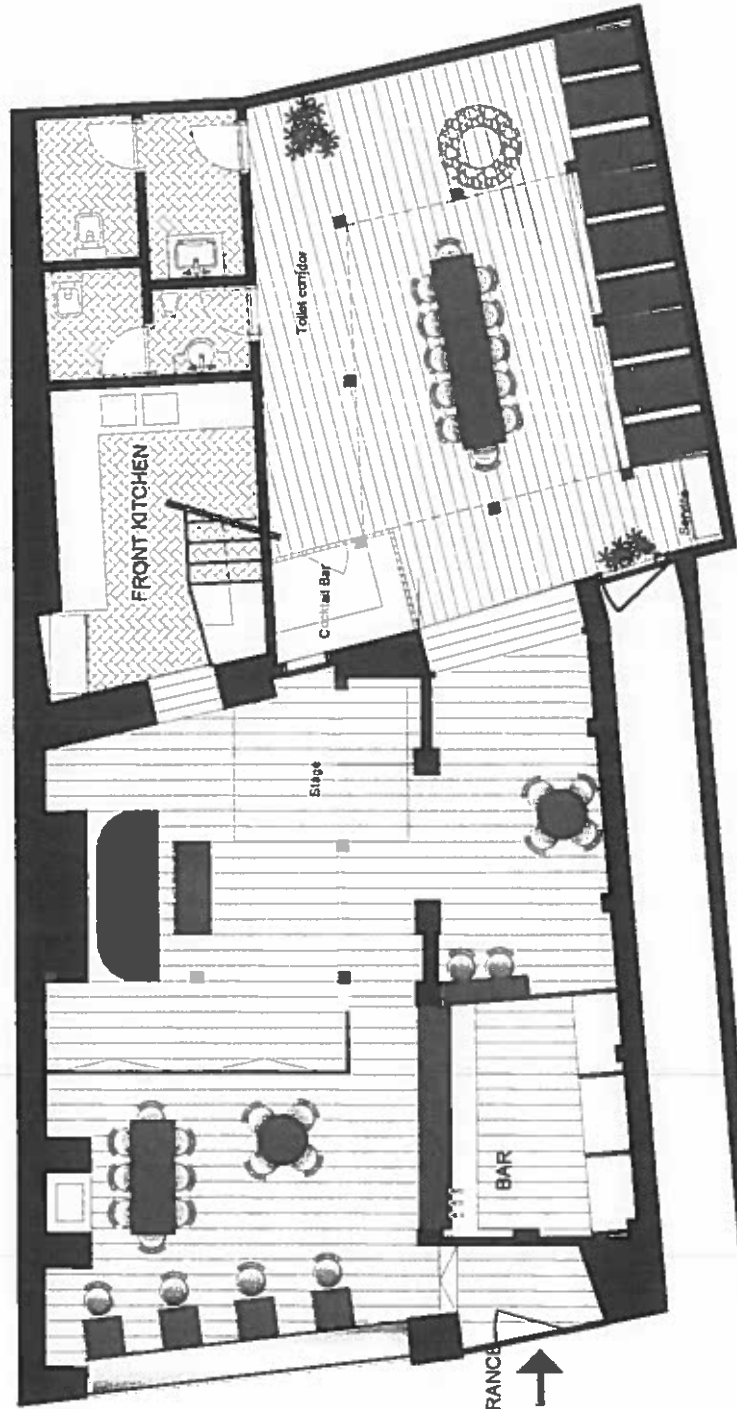
Steve Cox
Environmental Health Manager (Commercial)
31 January 2018



whole area to be used
for licensable activities



PEAKY BLINDERS - Mezz floor plan



PEAKY BLINDERS -Ground floor plan

WINNER STREET



Devon & Cornwall Police

Licensing Team
Torbay Council
Town Hall
TORQUAY
Devon

Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
EXETER
EX2 7HQ

Telephone: 01803 218900

16 February 2018

Dear Sir/Madam

Peaky Blinders, 107 Winner Street, Paignton, Devon, TQ3 3BP

I am writing to you in relation to the application for a Review of the Premises Licence in respect of the above named premises, submitted by Mr Karl Martin, Public Protection Officer of Torbay Council.

My Police Licensing Officer, Mrs Julie Smart, took over responsibility as the Licensing Officer for Paignton in October 2017 and therefore was not party to discussions or meetings in relation to this premises prior to that date. However, she did discuss this premises with Licensing Officer Mr Peter Cosby, who had responsibility for the Paignton area prior to October 2017. During discussions with Mr Cosby she was informed that during initial meetings with Mr Devon, it was his intention to run the premises as a restaurant/bistro with persons seated at tables but since the premises opened it appeared that the premises were going to operate as a bar with live and recorded entertainment.

The above is supported by comments that Mr Cosby recorded on our computer system in relation to the application for the grant of the Premises Licence, which was received by the Police on 11 August 2017. At that time Mr Cosby was satisfied with the application for the new licence and therefore the Police did not make representation.

On 22 September 2017 Mr Cosby attended the premises on their opening night and had a conversation with Mr Jamie Devon. At that time Mr Devon enquired about the possibility of extending the terminal hour of the premises but he was advised to run the premises in accordance with the licence for a period of time so that the premises could be monitored.

Contact the police

Emergency 999

Non-emergency www.devon-cornwall.police.uk/reportcrime

✉ 101@devonandcornwall.pnn.police.uk 101

Follow us DevonAndCornwallPolice

Page 40



I would now ask you to read the attached letter, dated 22 December 2017, which I sent to Ms Jodie Harris, one of the Premises Holders, as a result of a number of concerns raised by Mrs Smart. Once you have finished reading the attached letter, please continue reading the remainder of this letter.

Sometime around 11 January 2018 Mrs Smart received an email from Ms Nicki Munford, of Torbay Council, concerning problems she was experiencing in relation to the bins at Peaky Blinders. Within this email Ms Munford proposed holding a joint authority meeting with the premises management to address any outstanding concerns.

On 12 January 2018, as Mrs Smart had not received any contact from Ms Harris in relation to the letter sent to her on 22 December 2017, Mrs Smart decided to arrange a meeting at Torquay Police Station on Tuesday 16 January 2018.

Mrs Smart rang the telephone number provided for Ms Harris to advise her of the date and time of this meeting, but the call was answered by Mr Devon. Mrs Smart informed Mr Devon that she wished for Ms Harris to attend a meeting at the police station so that some matters could be discussed. Mr Devon asked what these matters were and Mrs Smart advised him that a minor variation with amended plan had not been received and other actions that required addressing by that date had not been completed.

Mr Devon stated that the application had been submitted that morning. Mrs Smart then advised him that she had spoken to Mrs Cottell of Torbay Council shortly before ringing him. Mrs Cottell had informed her that she had just sent an email with the application form to Mr Devon, and confirmed that a completed form and payment had not been received. Mr Devon again indicated that the form had been submitted. Mrs Smart then informed him that until the Licensing Authority had actually received the application form and payment, it was not classed as submitted.

Mrs Smart then advised Mr Devon that as he had no legal responsibility at the premises she wanted to speak to Ms Harris so that she didn't have to repeat herself and he subsequently handed the phone to Ms Harris. Mrs Smart asked Ms Harris if she had received my letter of 22 December 2017 and she confirmed that she had. Mrs Smart asked why she had not attempted to resolve any of the matters contained within that letter, ie the minor variation with an amended plan, confirmation of Mr McLean's correct name and address and provision of her telephone number and email address. Ms Harris could not provide a reason for failing to complete the actions required in the letter and was requested to attend Torquay Police Station at 2.00 pm on Tuesday 16 January 2018.

On Tuesday 16 January 2018 the following persons were present at Torquay Police Station:

Mrs Smart
Sgt Mike Norsworthy, Licensing Sergeant for Devon
Mrs Carrie Cottell, Licensing Officer, Torbay Council
Ms Nicki Munford, Torbay Council
Ms Sarah Lock, Food Team, Torbay Council
Ms Jodie Harris, Premises Licence Holder
Ms Samantha Lewis, DPS
Mr Jamie Devon

Unfortunately Mr Karl Martin (Public Protection Officer) was unable to attend this meeting but Mrs Cottell and Ms Munford were able to advise those present that noise complaints had been received in relation to Peaky Blinders, although they could not give specific details.

At the meeting Mrs Smart was able to confirm that Ms Lewis had been appointed as DPS and Ms Lewis confirmed that she would be working at the premises on about 4 days a week. Sgt Norsworthy indicated that he was satisfied that there was now a DPS in day to day management and control of the premises so he issued a Section 19 Cancellation Notice.

Mrs Smart confirmed that a Transfer application had been received. This would transfer the Premises Licence from Mr McLean and Ms Harris to Shelby Family Ltd. Mr Devon indicated that both himself and Ms Harris are directors of this company. Mr Devon also confirmed that Mr McLean would have no further involvement in the premises.

Mrs Smart confirmed that she had received a mobile number for Ms Harris and she requested a contact number for Ms Lewis, which was provided.

Mrs Cottell confirmed that she had received a minor variation application together with an amended plan.

Ms Munford then outlined her concerns in relation to issues with the bins at the premises and Ms Lock then discussed food inspections with them. Mr Devon stated that bins with glass bottles therein would be locked or not placed on the highway until the day of collection.

In respect of noise complaints Ms Cottell advised Mr Devon to contact Mr Martin upon his return to work.

At the end of the meeting Mr Devon said that on a positive note there had not been any incidents of disorder at the premises. Mrs Smart confirmed that whilst we were happy with that aspect of the premises operation, it was important that the Licensing Act is being complied with.

At 1.00 pm on Tuesday 30 January 2018 Mrs Smart attended Peaky Blinders with Mr Martin and Mr Craig Noble (Torbay Council) as Mr Martin had advised her that whilst recently talking to residents concerning noise issues, at least one had mentioned that they have witnessed fights in the street that they believe are attributed to Peaky Blinders. At the meeting Mrs Smart mentioned this to Mr Devon, but he denied this. Whilst in Peaky Blinders on this date Mrs Smart noted that there was no poster on display advising customers to be quiet and respectful of residents, as required by a condition on the Premises Licence. She drew Mr Devon's attention to this and he stated he would put a poster up straight away. As a result of this visit a letter was sent to the Premises Licence Holder and DPS on 30 January 2018 outlining this breach of condition (copy attached).

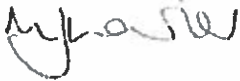
At the beginning of February 2018 Mrs Smart had occasion to contact Mr Paul Farmer of the Devon and Somerset Fire and Rescue Service. During discussions it became apparent that an inspection of Peaky Blinders had taken place and it was evident that there was no fire risk assessment in place and other matters were identified that required addressing. I have enclosed a copy of a letter that Mr Gary Steer of the Fire Service sent to Mr Devon on 25 January 2018. On 16 February 2018 Mr Steer advised Mrs Smart that the temporary measure of using stewards to man the front and rear exits must remain in place until the means of escape from the premises is addressed. Mr Steer will advise Mrs Smart when he is satisfied that stewards are no longer required.

Despite all the above matters, I can advise you that I am now satisfied that the Licensing Act is being complied with and can confirm that there have been no 'reported' incidents of disorder at the premises. However, it is apparent that several offences have been committed since the premises opened in September 2017 and these matters have only been resolved following the action of police staff. Mr Devon and Ms Harris have both indicated that they have completed the BIIAB Personal Licence Course and I hope that they will now have a better understanding of the requirements of the Licensing Act and the need to operate their premises in a lawful and responsible manner.

In respect of the Review, as we have no recorded incidents of disorder at this premises I am satisfied that they are now meeting the licensing objective the Prevention of Crime and Disorder.

Should you require any further information, please do not hesitate to contact Julie Smart on 01803 218900.

Yours faithfully

A handwritten signature in black ink, appearing to read 'M Lawler', written in a cursive style.

Superintendent M Lawler
Head of Alliance Prevention Department



Devon & Cornwall Police

Ms Jodie Harris
Premises Licence Holder
Peaky Blinders
107 Winner Street
PAIGNTON
TQ3 3BP

Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
EXETER
EX2 7HQ

Telephone: 01803 218900

22 December 2017

Dear Madam

Peaky Blinders, 107 Winner Street, Paignton, TQ3 3BP

I am writing to you in your capacity of Joint Premises Licence Holder of the above named premises, which has the benefit of Premises Licence Number PL1121 issued by Torbay Council.

I have been advised that your premises opened in September of this year following the grant of your application for a Premises Licence on 7 September 2017.

Since that time I have been made of the following concerns in relation to your premises:

Your application for the Grant of a Premises Licence nominated the Premises Licence Holders as yourself and a Mr George James McLean. Mr McLean was also nominated as your Designated Premises Supervisor.

On Friday 1 December 2017 your premises were visited by Mr Karl Martin and Mr Gary O'Shea, Officers of Torbay Council, concerning noise concerns. On attendance Mr Martin spoke to your door steward and a female member of staff and asked if Mr McLean, the DPS, was in attendance. From discussions it was apparent that the door steward had never heard of Mr McLean and the female member of staff stated that he doesn't attend the premises very often.

On Monday 4 December 2017 Mr Martin advised my Police Licensing Officer, Mrs Julie
Contact the police

Emergency 999

Non-emergency www.devon-cornwall.police.uk/reportcrime

✉ 101@devonandcornwall.pnn.police.uk 101

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[e](#) Page 50



Smart, of the discussions he had at your premises and following this both Torbay Council and Mrs Smart attempted to contact Mr McLean, but to no avail. On the morning of 6 December 2017 Mrs Smart established that Mr McLean was no longer living in the Torbay area. Further enquiries revealed that a male using the name Mr Jamie Devon, but who is actually known as Mr Jamie Rabin, had been liaising with the relevant authorities prior to the submission of your application, and since the licence has been granted, despite him having no legal position at the premises.

During the afternoon of Wednesday 6 December 2017 Mrs Smart and Mr Martin attended your premises in order to discuss concerns around the apparent lack of a DPS with you, however you were not available. At that time they discussed the matter with Mr Devon, and he advised them that he actually owns the business. He also told them that the DPS, Mr McLean, visits the premises on a daily basis, usually in the morning, but that at that time he was away on holiday elsewhere in the country. During the discussions it was noted that the Premises Licence Summary was not on display and Mrs Smart gave suitable advice regarding this to Mr Devon, who indicated that he had some frames at the premises and would immediately rectify the situation.

On the morning of Thursday 7 December 2017 Mrs Smart and Sgt Norsworthy carried out further enquiries in relation to the whereabouts of Mr McLean and it was established that he had moved from Torquay to Darlington at about the end of October 2017. For your information the Revised Guidance issued under Section 182 of the Licensing Act 2003 (April 2017) indicates that the DPS should be the person who has been given day to day responsibility for running the premises by the Premises Licence Holder. Sgt Norsworthy was therefore satisfied that there was no DPS in day to day control or management of your premises and therefore Sgt Norsworthy served a Section 19 Closure Notice under the Criminal Justice and Police Act 2001 on a member of your staff at 1305 hrs on that day.

For your information failure to have a DPS in day to day control and management of a licensed premises constitutes a breach of a mandatory condition contained on your Premises Licence, which is an offence under Section 136 of the Licensing Act. A person found guilty of an offence under this section is liable to an unlimited fine, 6 months imprisonment or to both.

Whilst at your premises Mrs Smart viewed the plan of the premises and established that a small bar area and some booth seating were not shown on the approved plan, and furthermore the plan shows that there is a garden to the rear of the premises which is not the case as this area now forms part of the actual building.

In relation to the approved plan for your premises not being accurate, the plan forms part of your Premises and failure to operate a licensed premises in accordance with the Premises Licence is an offence under Section 136 of the Licensing Act 2003, as already outlined above. You therefore need to submit a new plan of the premises. If

you need assistance or advice re this matter I recommend that you contact Mrs Mandy Guy, Senior Licensing Enforcement Officer of Torbay Council, who is contactable at mandy.guy@torbay.qcsx.gov.uk ~~Please note that due to the Christmas period, Torbay Council will now be closed until 2 January 2018.~~

In respect of the lack of a DPS at your premises, I can confirm that a Vary DPS application has now been received by the police in respect of Ms Samantha Lewis and Mrs Smart informs me that she has discussed this matter with you. You have assured Mrs Smart that Ms Lewis is employed at the premises as a manager and will be there on a regular basis. On those grounds, Mrs Smart has advised you that she is satisfied with your application. Unfortunately due to the Christmas period, Sgt Norsworthy is unable to attend your premises until the New Year. However, providing he is satisfied with your DPS when he does attend, he will issue a Section 19 Cancellation Notice.

I would take this opportunity to point out that as Premises Licence Holder you are responsible for ensuring that the names and addresses of all Premise Licence Holders, and the Designated Premises Supervisor, as held by the licensing authority are correct, and you are required to advise the licensing authority of any changes as soon as reasonably practicable. Section 33(1) of the Licensing Act 2003 deals with this matter and a person found guilty of an offence in relation to this section of the Licensing Act is liable to a fine not exceeding level 3 on the standard scale.

Since the Premises Licence was granted it is noted that Mr McLean has submitted two Temporary Event Notices in respect of your premises but on these notices he has indicated that he is called Mr George Bridges-McLean. I would be grateful if you could establish his correct legal name and I request that you advise Torbay Council of this and his correct address by no later than Friday 12 January 2018. It would also be useful if you could provide a telephone number and email address for him as it is important that responsible authorities can appraise him of any concerns in relation to his premises as soon as possible.

Mrs Smart has also identified that the mobile telephone number and email address that you provided within your application for the Grant of a Premises Licence are actually those of Mr Devon, who has no legal position at the premises in respect of the licence. I therefore request that you advise Mrs Smart of your personal telephone number and an appropriate email address in order that she can contact you as and when required. I would be grateful if you could provide this information by no later than 12 January 2018.

Mrs Smart also informs me that you contacted her on Tuesday 19 December 2017 as you had concerns regarding a door steward that you were using. Subsequent enquiries revealed that this door steward's SIA Licence was revoked by the Security Industry Authority on 5 November 2017. I would point out that as Premises Licence Holder you are responsible for ensuring that all door stewards employed at your

premises are properly licensed and I recommend that you familiarise yourself with the requirements of the Private Security Industry Act 2001. For your information, door steward licensing checks can easily be completed by visiting the website: <https://services.sia.homeoffice.gov.uk/rolh>

On 19 December 2017 Mrs Smart was advised by Mr Martin of Torbay Council that the council have concerns regarding your bins which are regularly situated on the pavement outside of your property. On checking these bins Mr Martin noticed that they contained a large number of glass bottles and that the bin was not locked. I would remind you that your premises must promote the licensing objectives at all times, one of which is the prevention of crime and disorder. I would ask that any bins containing glass bottles are kept locked at all times when they are on the public highway in order to prevent the bottles being taken out and used as a weapon. I also am aware that your premises have been served with notices under Sections 34 and 47 of the Environmental Protection Act in connection with waste disposal matters and I would recommend that you deal with this matter immediately.

Finally Mrs Smart has advised me that your premises recently received an award for Pub of the Year. Whilst it is pleasing that such a new premises has received this award as recognition of customer satisfaction, it is very disappointing that your premises are not meeting the standard required in respect of compliance with various legislation, which may be through a lack of experience or knowledge. As you are the Premises Licence Holder I would strongly advise you to undertake some licensing training, and would recommend the BIIAB Course for Personal Licence Holders which is available at the South Devon College.

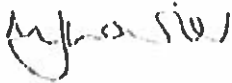
Mrs Smart has advised Mr Devon that as he has no legal position or responsibility for the premises, she will not be discussing any further matters with him, and will only deal with you or your DPS, Ms Lewis. As Mr Devon has indicated that the business is his, Mrs Smart has recommended that you apply for a Transfer of the Premises Licence to include him as a Premises Licence Holder, and I would be grateful if you could give this matter some consideration.

As Premises Licence Holder I would remind you that it is your responsibility to ensure that your premises is run in accordance with the conditions of your Premises Licence, in a manner that promotes the Licensing Objectives and within the confines of the law at all times. Should evidence of further non-compliance of the Licensing Act 2003 come to my attention, I shall consider applying for a Review of your Premises Licence, but I do hope that this will not be necessary.

A copy of this letter has been forwarded to the Torbay Council Licensing Team for their information.

Should you require any further information, please do not hesitate to contact Julie Smart on 01803 218900.

Yours faithfully



Superintendent M Lawler
Head of Alliance Prevention Department



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Closure Notice

Section 19 Criminal Justice and Police Act 2001

Section 19 of the Criminal Justice and Police Act 2001 empowers a constable or local authority to serve a closure notice on a person having control of, or responsibility for, any premises that are being, or have been used within the last 24 hours, for the sale or consumption of alcohol on or in the vicinity of the premises, without a licence. (Where such a closure notice is served it must also be served on any other occupier of the premises whose access may be impeded if the part involved in the unlicensed sale of alcohol was to be closed.) Where a constable is satisfied that any premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of, the premises, he may serve a notice in respect of the premises.

Date and time of the Closure Notice: 07/12/17 1305 hrs

Person making the Notice: SGT 3671 NORSWORTHY
Signature:

Name (if applicable) and address of the affected premises:
PEAKY BLINDERS, 107 WINNER STREET, PAIGNTON

Alleged unauthorised use of the premises:

- ① NO DPS IN DAY TO DAY CONTROL AND MANAGEMENT OF THE PREMISES.
- ② NO PREMISES LICENCE SUMMARY ON DISPLAY

Steps which may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring:

APPOINT A DPS WHO WILL BE WORKING AT THE PREMISES ON A REGULAR BASIS.
PUT UP THE PREMISES LICENCE SUMMARY IN A PROMINENT POSITION

The person (if applicable) on whom the Closure Notice has been served:
Name: PAUL HAGUE
Signature:

Explanatory Notes

A police officer, or an authorised officer from the local authority has decided to issue this Closure Notice under the terms of Section 19 of the Criminal Justice and Police Act 2001 ('The 2001 Act').

Section 19 of the 2001 Act – Closure Notices

Where a police officer or an authorised officer from the local authority is satisfied that any premises are being, or within the last 24 hours have been used for the unlicensed sale of alcohol, including being in breach of its licence conditions, he may serve under Sub Section (3) a notice in respect of the premises.

Section 20 of the 2001 Act – Closure Orders

Your attention is drawn to Section 20 of the 2001 Act. This provides that the police, or as the case may be the local authority, can take action against the said premises by applying to a Justice of the Peace at the local Magistrates' Court for a closure order if the unlicensed sale of alcohol (as alleged in this Closure Notice) is continuing, or there is a reasonable likelihood that the premises will be so used in the future. The application for a Closure Order must be made not less than 7 days, and not more than 6 months after the date on which this closure notice was served.

After an application for the Closure Order is made the Justice of the Peace may issue a summons requiring the applicant and also the persons or persons on whom the Closure Notice was served to attend a hearing at the court on a specified date and time. At the hearing the court will consider the applicant's complaint against the said premises and decide whether a Closure Order should or should not be made.

In accordance with the Magistrates' Court Act 1980 and under the law on human rights, you are entitled to be legally represented at the hearing and to make representations to the court before any decision is taken.

Appeals – Section 24 of the 2001 Act

An appeal against a decisions by the Magistrates' Court to grant a Closure Order, or a decision to refuse an application for a Closure Order can be made by an affected person to the Crown Court within 21 days.

Enforcement Powers and Offences - Section 24 of the 2001 Act

It is an offence for a person, without reasonable excuse, to permit a premises to open in contravention of a Closure Order made by the Magistrates Court. Any person found guilty of such an offence will be liable to a fine not exceeding £20,000 or to imprisonment for a term not exceeding three months, or to both.

It is also an offence for a person who, without reasonable excuse fails to comply with any other terms of a Closure Order made by the court, or does an act, which contravenes those other terms. Any person convicted of this offence is liable to a fine not exceeding £5,000 or to three months imprisonment, or to both.

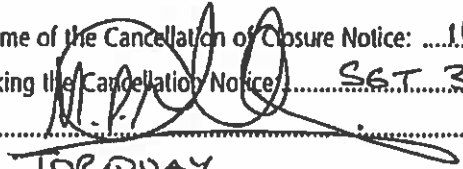
Police officers and authorised officers from the local authority have the power to enter the said premises at any reasonable time, and to do anything reasonably necessary to secure compliance with the Closure Order (for example, to board up the premises). However when exercising this power the constable or the officer must produce evidence of his authority to enter and also his identity before entering the premises, if asked to do so by the owner (or the occupier or the person in charge of the premises).

It is an offence for a person to intentionally obstruct police officers or authorised local authority officer from exercising these powers. Any persons convicted of obstructing a police officer is liable to a fine not exceeding £5,000, or to three months imprisonment, or to both. Any person convicted of obstructing an authorised local authority officer is liable to a fine not exceeding £5,000.



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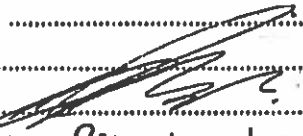
Cancellation of Closure Notice (Section 19 Criminal Justice and Police Act 2001)

Date and time of the Cancellation of Closure Notice: 16-01-18 1400 hrs
 Officer making the Cancellation Notice: SGT 3671 NORSWORTHY
 Signature: 
 Station: TORQUAY

Name of officer serving the Cancellation Notice: SGT 3671 NORSWORTHY
 Station: TORQUAY
 Date and time served: 16-01-18 1400 hrs

Name (if applicable) and address of the affected premises: PEAKY BLINDERS,
107 WINNER STREET, PAIGNTON

Reasons (grounds) for cancelling the Closure Notice: NEW DPS APPOINTED + WILL BE WORKING AT
PREMISES ON A REGULAR BASIS. DPS, SAMANTHA
LEWIS, HAS CONFIRMED THAT SHE IS AWARE OF
HER RESPONSIBILITIES.

The person (if applicable) on whom the Cancellation of Closure Notice has been served: JAMIE DEVON
 Name: JAMIE DEVON Signature: 
 Address: PEAKY BLINDERS, 107 WINNER STREET, PAIGNTON



**DEVON &
SOMERSET**
FIRE & RESCUE SERVICE

Glenn Askew
Chief Fire Officer

TORBAY COUNCIL

26 JAN 2018

COMMUNITY SAFETY

Mr J Devon
Peaky Blinders
107-109 Winner Street
Paignton
TQ3 3BP

Western Command
Devon South Group
Torquay Headquarters
Newton Road
Torquay
TQ2 7AD

Your Ref:
Our Ref: 00042016/580132
Website: www.dsfire.gov.uk

Date: 25 January 2018
Please ask for: Gary Sleer
Email: gsleer@dsfire.gov.uk

Telephone: 01803 653707
Fax: 01803 653740

Dear Mr Devon

The Regulatory Reform (Fire Safety) Order 2005
Re: Peaky Blinders, 107-109 Winner Street, Paignton, TQ3 3BP

I refer to the recent inspection at the above premises where a fire safety audit was carried out.

As you will aware the Fire Authority had concerns in relation to the change of layout, the means of escape and your assumed capacity.

The inspection revealed that the rear "garden" area of the property had been provided with a roof and enclosed within the fabric of the existing building and as such effectively doubled the size of the building. You confirmed that Building Regulations approval had not been sought in relation to this building work. You are therefore advised to consult with the Local Authority to clarify whether an application is required.

With regard to the means of escape, at the time of the inspection the rear escape route was unsuitable due to beer kegs and other storage. In addition waste bins from the flats above were found outside the exit door and the route was therefore unusable. As the front entrance door to the premises opened inward the capacity for the premises was discussed and a maximum capacity of 60 persons was set.

However, we discussed the issues further and in order to support you and to safely maintain the fire safety measures we agreed the following course of action as interim measures only:

- 1/ the rear escape route shall be cleared of any obstructions at all times.
- 2/ on the occasions that a capacity exceeds 60 persons a SIA (Security Industry Authority) steward shall be positioned on the front door to the premises. The duties of this steward will be to count the occupants in and out of the premises and ensure that the capacity shall not exceed a maximum of 110 persons. This number to include staff and performers. In addition the steward is to ensure that the front door is opened in the event of a fire or other emergency situation occurring.

3/ on the occasions that a capacity exceeds 60 persons a further steward shall be provided for the rear exit area.

As mentioned above you have been made aware of steps that you need to take and these agreed measures are given to assist you on a temporary basis only. You have also been provided with more information which will enable you satisfy the requirements of the Regulatory Reform (Fire Safety) Order 2005. These additional requirements will be detailed in another letter to be sent to you in due course and will include the need for a suitable and sufficient fire risk assessment to be conducted.

You are reminded that you will need to discuss your alterations and intended alterations with the Building Control Officer at Torbay Council.

Should you require any further details or require clarification of the above please contact me on the above telephone number.

Yours sincerely



Gary Steer
Business Safety Officer

cc – Licensing Officer, Torbay Council
cc – Building Control Officer, Torbay Council

Shelby Family Limited
Peaky Blinders
107 Winner Street
PAIGNTON
Devon
TQ3 3BP

Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
EXETER
EX2 7HQ

Telephone: 01803 218900

30 January 2018

Dear Sir/Madam

Peaky Blinders, 107 Winner Street, Paignton, Devon, TQ3 3BP

I am writing to you in your capacity of Premises Licence Holder of the above named premises, which has the benefit of Premises Licence Number PL1121 issued by Torbay Council.

I have been advised that at approximately 1300 hrs on Tuesday 30 January 2018 my Police Licensing Officer, Mrs Julie Smart, attended your premises with Mr Karl Martin and Mr Craig Noble of the Torbay Council Licensing Team to discuss your proposed plans in respect of Peaky Blinders and other premises that you have acquired in Winner Street, together with concerns in relation to noise.

When in your premises Mrs Smart, Mr Martin and Mr Noble noted that there was no sign near the front door requesting customers to leave quietly and respect the residents.

I would refer you to condition 2 under the heading The Prevention of Public Nuisance, which states:

Signage shall be displayed at exits asking patrons to respect the residents and leave the premises quietly.

I would take this opportunity to remind you that failure to comply with the terms and conditions of a Premises Licence constitutes an offence under Section 136 of the Licensing Act 2003 and a person found guilty of such an offence is liable to an unlimited fine, a maximum of 6 months imprisonment, or to both.

Mrs Smart has informed me that advice was given to you by Mr Martin and Mr Noble on the need to ensure that customers smoking or queuing outside your premises are advised to be as quiet as possible and I trust that you will take positive action in respect of this matter.

As Premises Licence Holder I would remind you that it is your responsibility to ensure that your premises is run in accordance with the conditions of your Premises Licence, in a manner that promotes the Licensing Objectives and within the confines of the law at all times. Should evidence of further non-compliance of the Licensing Act 2003 come to my attention, I shall consider applying for a Review of your Premises Licence, but I do hope that this will not be necessary.

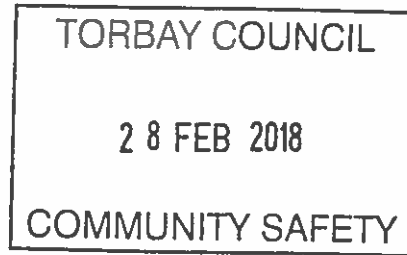
A copy of this letter has been forwarded to the Torbay Council Licensing Team for their information.

Should you require any further information, please do not hesitate to contact Julie Smart on 01803 218900.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'M Lawler', is written over the typed name.

Superintendent M Lawler
Head of Alliance Prevention Department



Memo

To: Licensing Committee
From: Niki Munford, Environmental Health Investigation Officer , Torbay Council
Date: 28 February 2018
Re: Representations for Committee - Peaky Blinders

Please find the representations for consideration concerning Peaky Blinders at 107-109 Winner Street, Paignton, TQ3 3BP.

This pack contains a witness statement together with 9 exhibits of related documents and photographs from 'NM1'-'NM8'.

WITNESS STATEMENT

(CJ Act 1967, S.9 MC Act 1980, SS. 5A (3a) and 5B MC Rules 1981, R. 70)

STATEMENT OF:	Niki Munford	
OCCUPATION:	Environmental Health Investigation Officer, Torbay Council	
AGE IF UNDER 18 (IF OVER 18 INSERT "OVER 18")	OVER 18	

THIS STATEMENT (CONSISTING OF PAGES EACH SIGNED BY ME) IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND I MAKE IT KNOWING THAT, IF IT IS TENDERED IN EVIDENCE, I SHALL BE LIABLE TO PROSECUTION IF I HAVE WILLFULLY STATED ANYTHING WHICH I KNOW TO BE FALSE OR DO NOT BELIEVE TO BE TRUE.

DATED: the 27 Day of February 2018

SIGNATURE	
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I am the above named person and have worked for Torbay Council since February 2015 and held the position of Environmental Health Investigation Officer for 3 years. In this role I investigate environmental health issues including flytipping and escape of residential and commercial waste and I enforce any issues that arise during those investigations.

This statement is collated from my own information, where not I shall state the source of that information and I write this statement in relation to the licensed premises Peaky Blinders, 107 Winner Street, Paignton, TQ3 3BP.


Following a number of complaints from Tor2, our sub contracted refuse collectors and also members of the public; I was first made aware of refuse issues in November 2017 just a few months after the premises first opened.

On 02 November 2017 a report was received including photographs of a large pile of commercial waste outside 109 Winner Street indicating that when the waste was checked that it was from Peaky Blinders. I was asked to remind the owners of their duty of care and for Peaky Blinders to arrange the removal of the waste. I refer to exhibit 'NM1' showing these photographs.

On 16 November 2017 I received a report that Tor2 had removed a number of black bags from Banner Court bin store, which is a bin store beneath housing association flats opposite Peaky Blinders. Tor2 reported that they had taken the bags back to the transfer station to go through them and the bags contained receipts and food order slips relating to the Peaky Blinders premises and photographs were taken. I refer to exhibit 'NM2' showing the photographs taken by operatives from Tor 2.

The bin store was floor to ceiling with waste and this was causing a significant fire hazard for the flats above, together with a public health issue, given how much waste had been piled into the small bin area. Sovereign Housing, who own the bin store, have since had to repeatedly spend money clearing this bin store and are now considering installing cameras and changing the type of bins and also restricting access into the bin store. I was sent a pile of receipts which I also refer to as exhibit 'NM3' showing these receipts taken from the bin store, which were sent to me and received on 11 December 2017.

After receiving the reports above, on 16 November 2017, I made a call and spoke to Jamie Devon who said he was the director of Peaky Blinders. After discussing the issues, he advised that he didn't know how it had happened or how the waste from his premises ended up in the bin store opposite.

Signature:	
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Mr Devon advised that he takes all his waste to the pub he owns in Totnes, so we discussed whether he was a licenced and authorised waste carrier and that transferring waste across towns is not acceptable without adequate licences and following protocols in line with that legislation. He didn't seem to know what I was talking about so I pressed these issues with him.

Whilst on the phone Mr Devon also spoke to a female who was on another phone to Devon Contract Waste Zero to Landfill at that time and that they were starting the next day with collecting their waste. A verbal warning was given that we would monitor this and that there must be no more waste in doorways or piled up outside and reminded him that he must recycle where he can. He must not transport waste himself due to the reasons discussed.

On 07 December 2017, a further complaint was received from a member of the public reporting that there were lots of boxes stacked up below their property which were causing a major fire hazard and causing rats. The report stated the new owners of Peaky Blinders had moved in 4 months ago and that they had piled up lots of boxes in their garden area below their front door and window.

They had asked someone from Peaky Blinders when they would be moved and was told me no longer than a week but after 4 weeks and becoming a problem it was reported to me. It was identified as a major fire risk as if the boxes caught on fire and travelled into their shop where there is lots of alcohol the complainant felt concerned they would not be able to get out of their property. On 08 December 2017 a call was made to Jamie Devon to ask him to remove as soon as possible and was told he would do so after first stating that it was nothing to do with him.

On 19 December 2017, we received 2 further photographs showing the doorway next to peaky Blinders was full to the top with cardboard, all labelled and placed on top of overflowing bins from Peaky Blinders. I refer to exhibit 'NM4' showing these 2 photographs.

Following the repeat disregard for our agreement in November 2017 or the legislation concerning commercial waste disposal; on 20 December 2017, I issued 2 notices under Environmental Protection Act. The first notice was a Section 34 concerning seeing copies of their waste transfer notes, which states each business has a duty to keep all transfer notes, or copies thereof, for at least two years and to produce to an officer of a Waste Collection Authority on demand within 7 days. If you give waste to someone else, you must be sure they are authorised to take it and can transport, recycle or dispose of it safely. Businesses must ensure that the person removing the waste is either from the Local Authority or a licensed waste collection company. The licensed carrier must complete a Waste Transfer Note to cover the duration of the contract, which includes a written description of the waste container and type of waste that is to be collected. Both parties involved in the transaction must sign this note. I refer to exhibit 'NM5' as a copy of this notice.

We also issued a Section 47, this notice was served because Peaky Blinders owners have failed in their Duty Of Care with regards to their commercial waste. The duty of care applies to anyone who produces or imports, keeps or stores, transports, treats or disposes of waste. The duty of care is a law which says that businesses take all reasonable steps to keep waste safe. Waste must be stored safely and securely and must not cause pollution to people or the environment. The waste must be packaged in suitable containers so that it cannot fall out, blow away or escape from the receptacle. It must be secured against unauthorised removal as far as is reasonably practical.

Security should be sufficient to prevent the breaking open of containers and removal of waste by vandals, thieves, animals, accident or weather. If this law is broken, a business can be fined an unlimited amount. I refer to exhibit 'NM6' as a copy of this notice.

On 20 December 2017, an officer from this department reported that when passing Peaky Blinders she witnessed a number of beer barrels blocking the pavement and also a number of black bin bags not in seagull bags or in adequate receptacles.

On 21 December 2018 2 photographs were received showing the cardboard boxes were still building up around the rear of the property as mentioned on 07 December 2017, so a report was made to Fire & Rescue concerning these issues. I refer to exhibit 'NM7' as a copy these photographs.

Signature:



On 2 January 2018 an email was received from Jamie Devon stating that "In relation to your recent letter regarding bins at Peaky Blinders. You have ask for controlled waste notes for the period of August 2017 to date, however we only started trading on the 15th September 2017, I have enclosed our current duty of Care notice from the period starting 10th November 2017, for the period of 15th September - 10th November we used an alternative company, details of this are currently with our accountants office and they do not open until 8th of January, I trust you are able to wait for this information until then". Extension given by phone to Jamie Devon.

On 04 January 2018 we received a further complaint from a neighbour concerning the boxes to the rear of Peaky Blinders being a fire hazard and reporting that although Peaky Blinders had done a great job of clearing out the front of the pub but that they still hadn't made any improvement of the mess around the back with the boxes still being untouched and soaking wet from all the bad weather and they're starting to smell.

On 09 January 2018 I sent an email to Jamie Devon stating "I reiterate that I look forward to receiving your waste transfer notes as soon as possible to avoid further action being taken. The waste transfer notes that you sent were not readable on our systems so this notice is now in breach. Failure to take action could lead to a fine and/or prosecution. Whilst writing please can you confirm you have cleared the rear of your premises of the excessive amount of cardboard that was being stored there? We ask that you do this as a matter of urgency due to the Health and Safety concerns this pile causes. We would like to see waste transfer notes for this clearance also."

Response from Peaky Blinders was received on 09 January 2018 "Firstly we don't have a rear to our premises that is anyway linked to Peaky Blinders you have asked this before". I responded that following our many visits to the area, we have been able to ascertain that the attached cardboard belongs to Peaky Blinders and is a fire risk and reiterated it must be cleared. I also stated "This is a health and safety hazard due to the fire risk should anyone need to use this area to escape in case of a fire. The cardboard will also attract rats so we can take action under Section 4 of Prevention of Damage by Pests Act 1949. This may affect any food licence you may have due to proximity. Under this act, we can issue a notice to the responsible person to remove the cardboard and if it is not removed we can remove it under works in default and charge an additional administration fee."

On 12 January 2018, I received a call from Jamie Devon from Peaky Blinders asking if I has received the paperwork and asking for a meeting. I advised I would call him the following week to discuss. He was confused if I was the Food Rating Officer so advised who was who at Torbay Council.

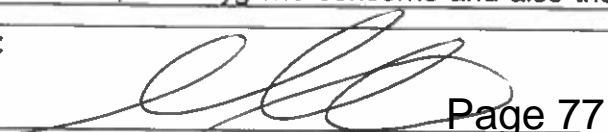
On 12 January 2018, I had also received the paperwork from Jamie Devon on behalf of Peaky Blinders which consisted of 6 waste transfer notes labelled 'Local Man & Van' which listed 6 times when this man and van had collected from Peaky Blinders. These were dated sporadically from September 2017 to January 2018, and Jamie Devon also sent a Devon Contract Waste showing a waste transfer note for period from 10 November to 14 February 2018.

Also on 12 January 2018, an officer from this department reported that she visited Peaky Blinders where she photographed that an attempt had been made to clear the rear area of the cardboard but that this area was still problematic and would attract rats and if the fire exit was used would be a slip hazard. I refer to exhibit 'NMB' showing these 2 photographs.

On 14 January 2018 I was advised that the Waste Carrier Licence Number was invalid that was cited on the 6 Waste transfer notes listed above. This has led to further investigation and a statement from Vince Edwards, who is listed as the waste collector that 2 or 3 of these were not written by him and although they looked like his waste transfer notes, he was not aware of these and had categorically not collected from Peaky Blinders on these days. This investigation is still ongoing.

On 16 January 2018 I attended a meeting was held at Torquay Police station with Police licencing and officer from Torbay Council licencing for alcohol and also food. Jamie Devon attended with partners Samantha and Jodie Butterfield, of the new limited company Shelby Family Ltd. Discussions around licencing concerns, food hygiene concerns and also the issues Environmental Health had concerning

Signature:



Page 77


his poor waste disposal were discussed. A final verbal warning was issued and they were advised that we were considering prosecution options and that their ongoing disregard for their duty of care was not acceptable and they needed to start taking responsibility for their waste and the environment they operate a business in.

It was also discussed that there is a large amount of waste outside of the flat doors leading above Peaky Blinders. In the meeting, Mr Devon advised that he is the landlord for those flats, but it later transpired that this is not the case.

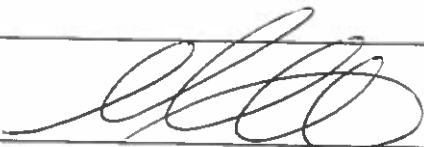
On 13 February 2018 I went to an agreed meeting with Mr Devon at Peaky Blinders to review his waste arrangements. I was shown the kitchen area, which was dirty and had pots and pans everywhere and was advised that a member of staff had not shown up. The kitchen bin seemed to be contaminated and have mixed waste within it. Mr Devon showed me into a premises 2 doors away at 113-115 Winner Street, where he is storing furniture, beer kegs and waste receptacles at a cost of £350 a week rental and we revisited the area at the rear that he had advised was nothing to do with Peaky Blinders on 09 January 2018. On this instance he advised he would get a member of staff to clean the whole area the following day.

Mr Devon also advised that he gets waste collections from Devon Contract Waste on Monday, Wednesday and Friday for his general waste, glass collected Tuesday and Friday and food collected Tuesday and Friday.

Shelby Family Ltd at Peaky Blinders are still under the Section 47 notice and Section 34 notice due to it not being complied with correctly due to irregularities on the Waste Transfer notes supplied.

Mr Devon has advised me that he intends to open 2 further establishments in Paignton and this concerns me greatly as the last 5 months have been resource intensive for Torbay Council with the seemingly unwillingness of Shelby Family Ltd to initially take responsibility and then to focus their efforts on ensuring their current premises at Peaky Blinders is run in line with legislation. 

Signature:

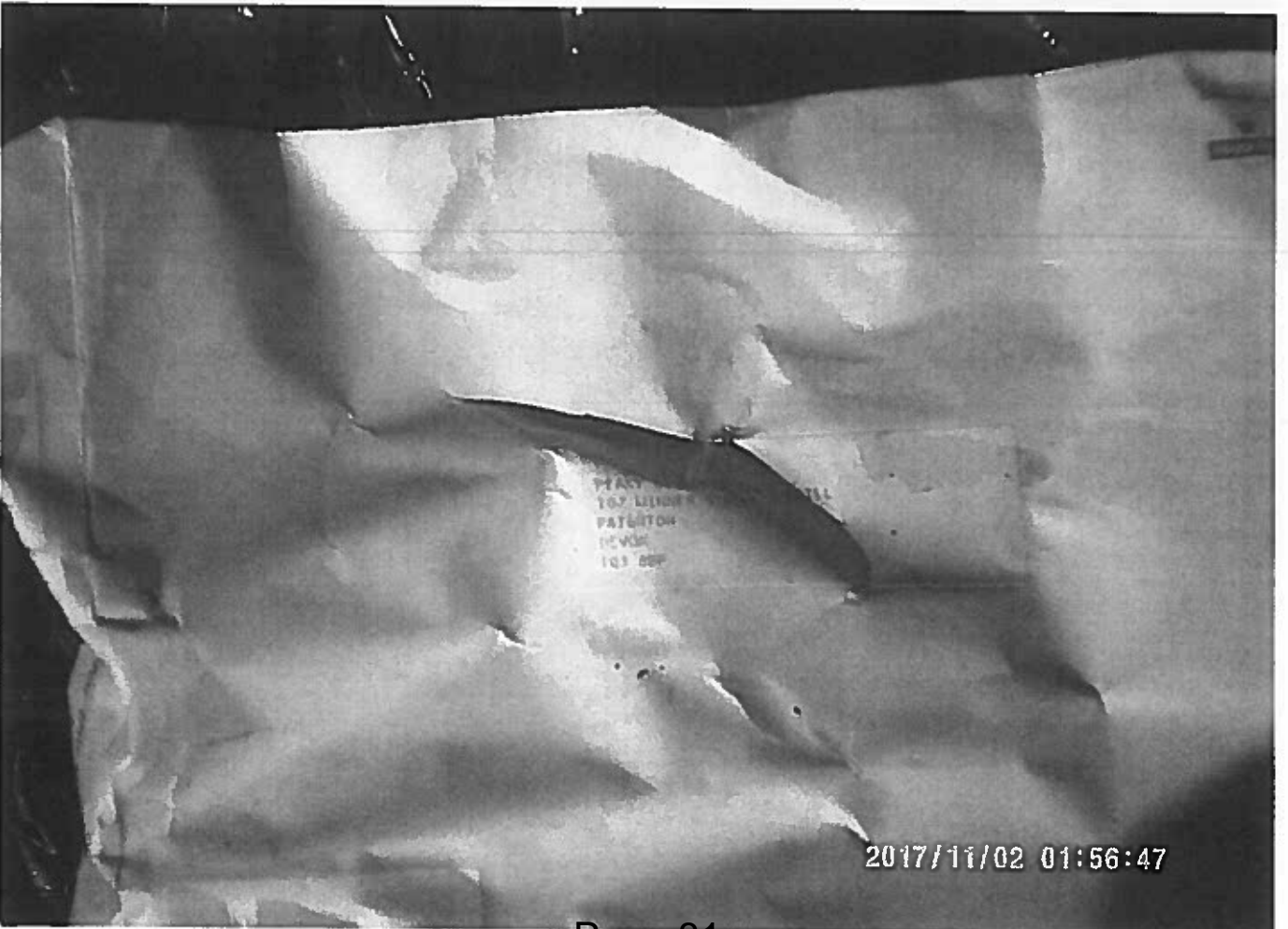






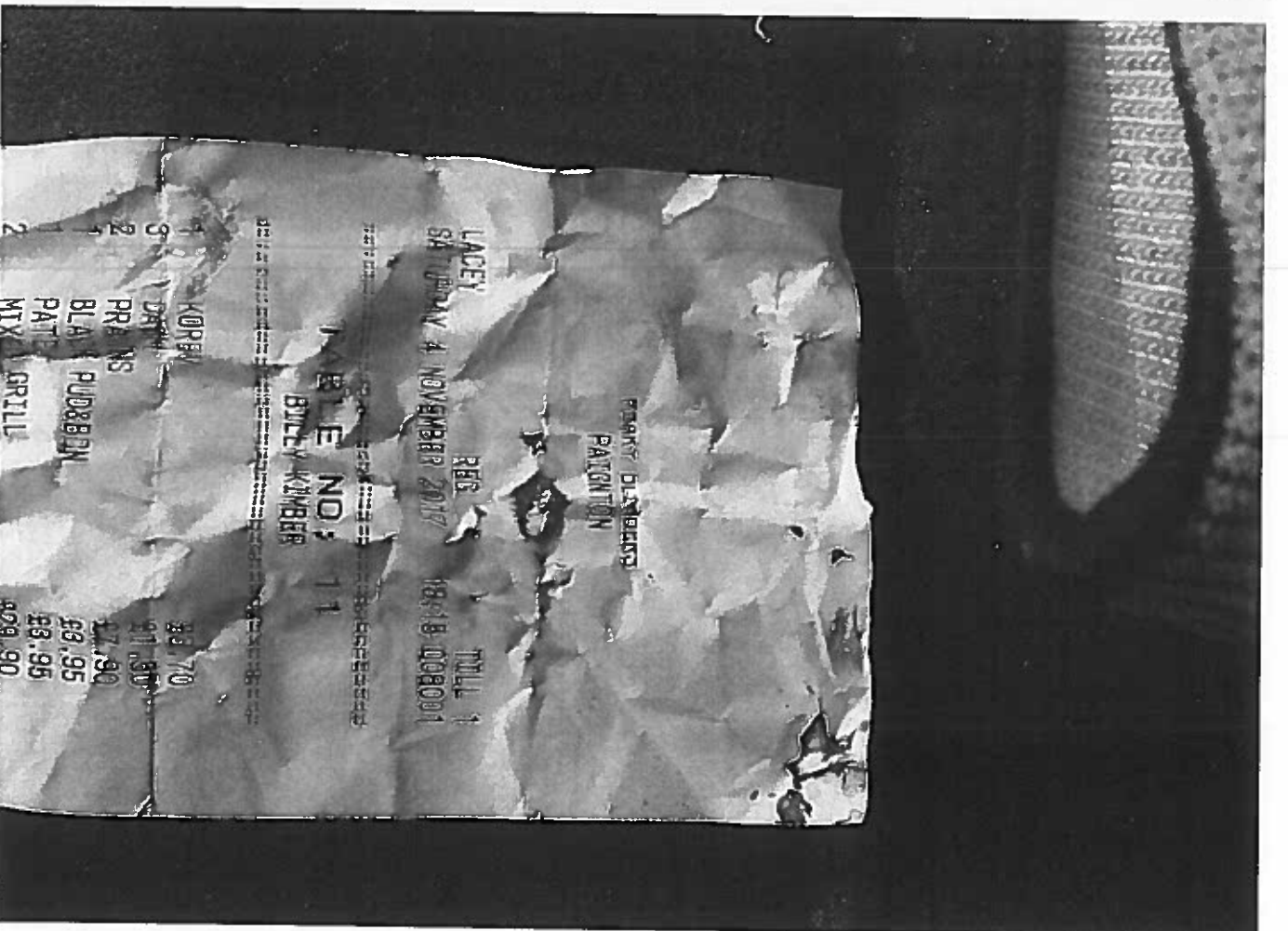


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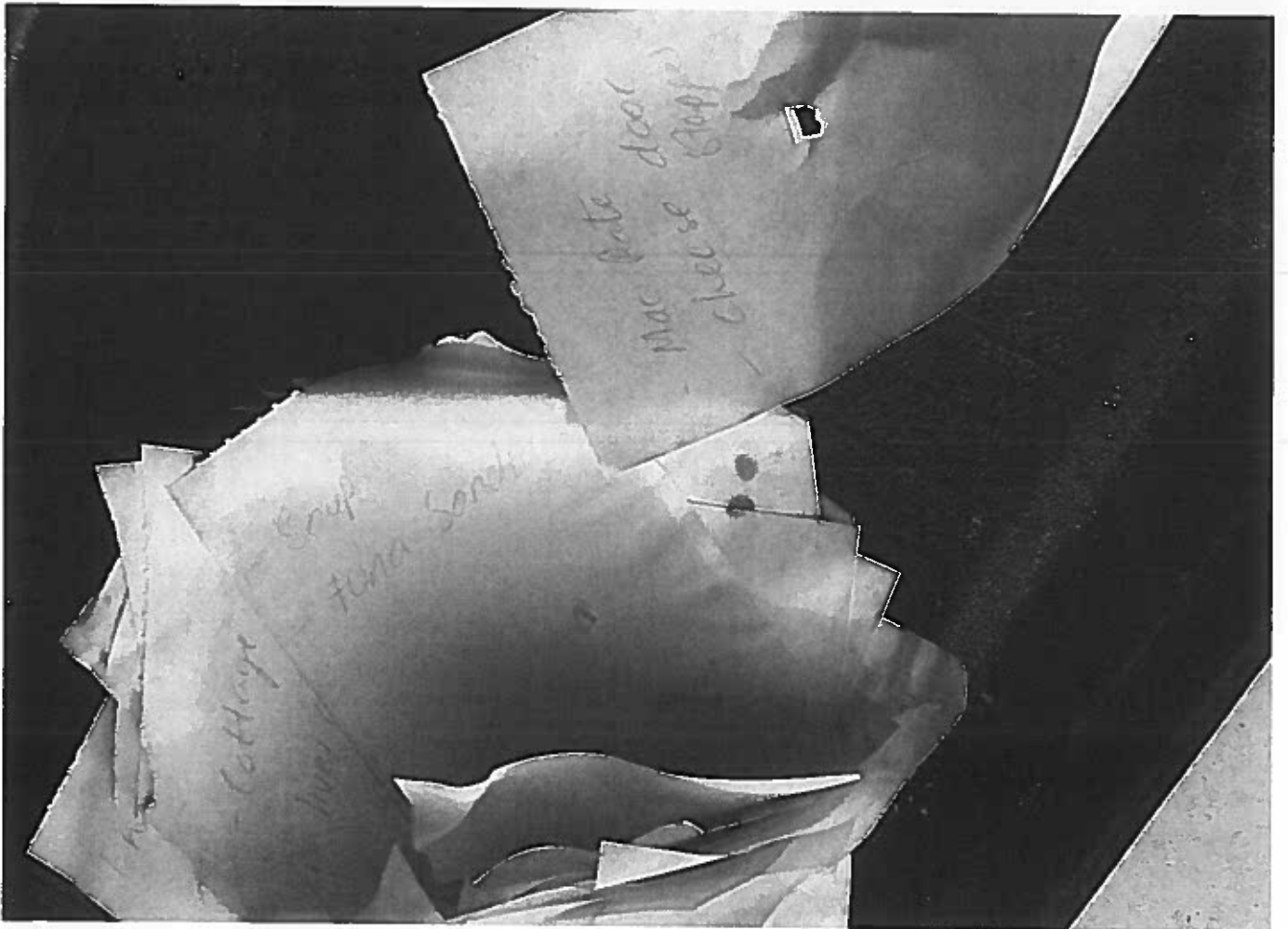
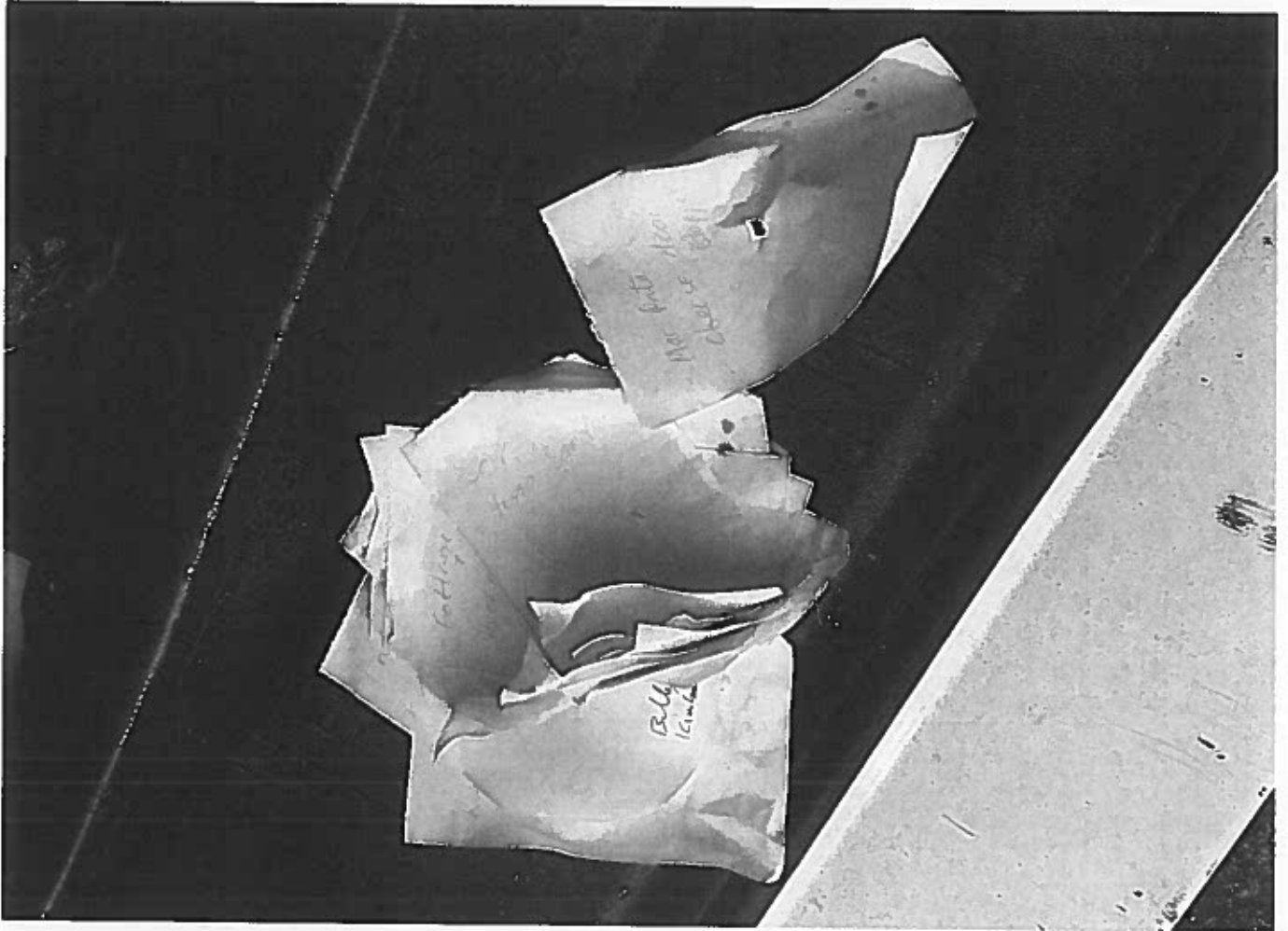


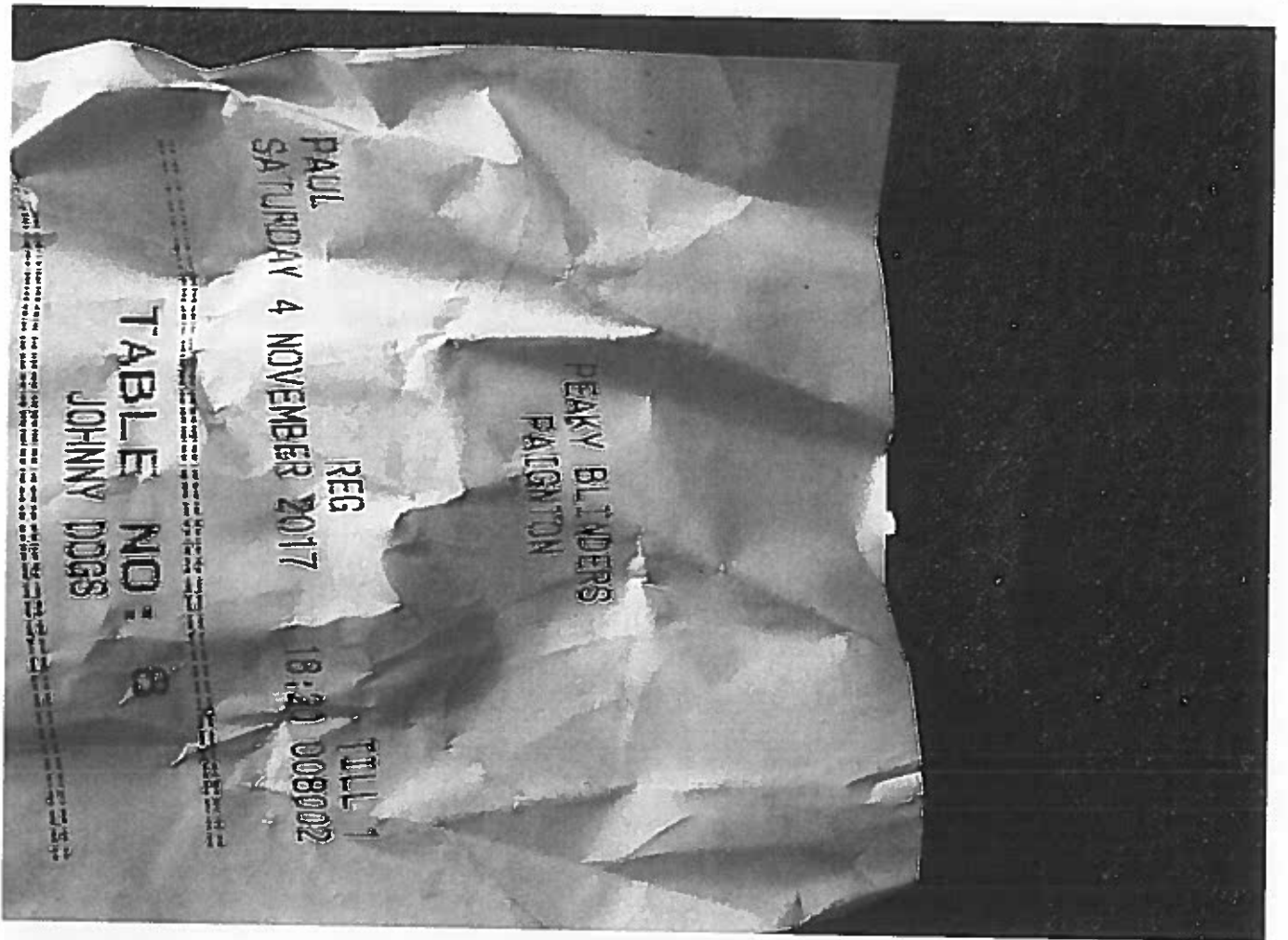
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1NM2





Limited
Way
ton Industrial Estate
on, Devon TQ4 7QR

Phone: 01803 402900
Mobile: 01803 402986
or2.co.uk

TORBAY COUNCIL
11 DEC 2017
COMMUNITY SAFETY

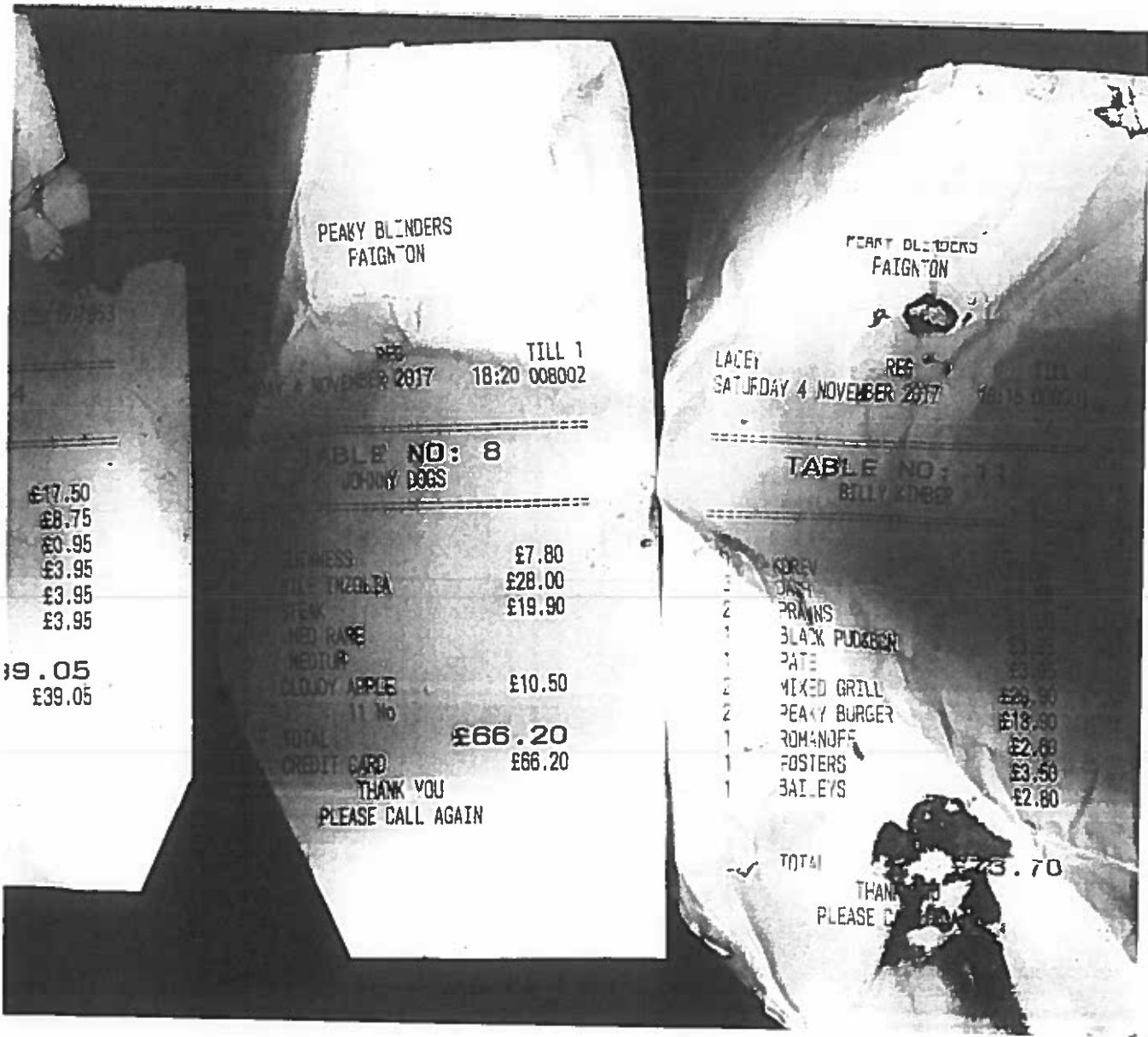
TOR

Torbay Council & Kier Group

NW10

Ki,
Please see the enclosed Receipts,
Brao retrieved from Banner court.
Many Thanks
Heidi

compliments



PEAKY BLINDERS
FAGGON

REG TILL 1
NOVEMBER 2017 18:20 008002

TABLE NO: 8
JOHNNY DOGS

£17.50
£8.75
£0.95
£3.95
£3.95
£3.95

39.05
£39.05

BUSINESS £7.80
MILK SHAKE £28.00
PEAKY £19.90
MILK SHAKE
MILK SHAKE
CLOUDY APPLE £10.50
TOTAL £66.20
CREDIT CARD £66.20

THANK YOU
PLEASE CALL AGAIN

PEAKY BLINDERS
FAGGON

LACEY REG TILL
SATURDAY 4 NOVEMBER 2017

TABLE NO: 11
BILLY DOGS

KOREAN
DASH
2 PRANNS
1 BLACK PUDDING
1 PATE
2 MIXED GRILL £22.90
2 PEAKY BURGER £18.90
1 ROMANOFF £2.80
1 FOSTERS £3.50
1 BAI LEYS £2.80

TOTAL £73.70

THANK YOU
PLEASE CALL AGAIN

1 x Ham

1 x Bread

21

Temporarily
x Ham
x Clap
All together
x onion rings

paul
Mixed Grill
porky Duffen
+ cheese

Booze Bros

23

Belly
1 C in box

OR2 Limited
Open Way
Alberton Industrial Estate
Tainon, Devon TQ4 7QR

Telephone: 01803 402900
Facsimile: 01803 402986
www.tor2.co.uk

TORBAY COUNCIL
11 DEC 2017
COMMUNITY SAFETY

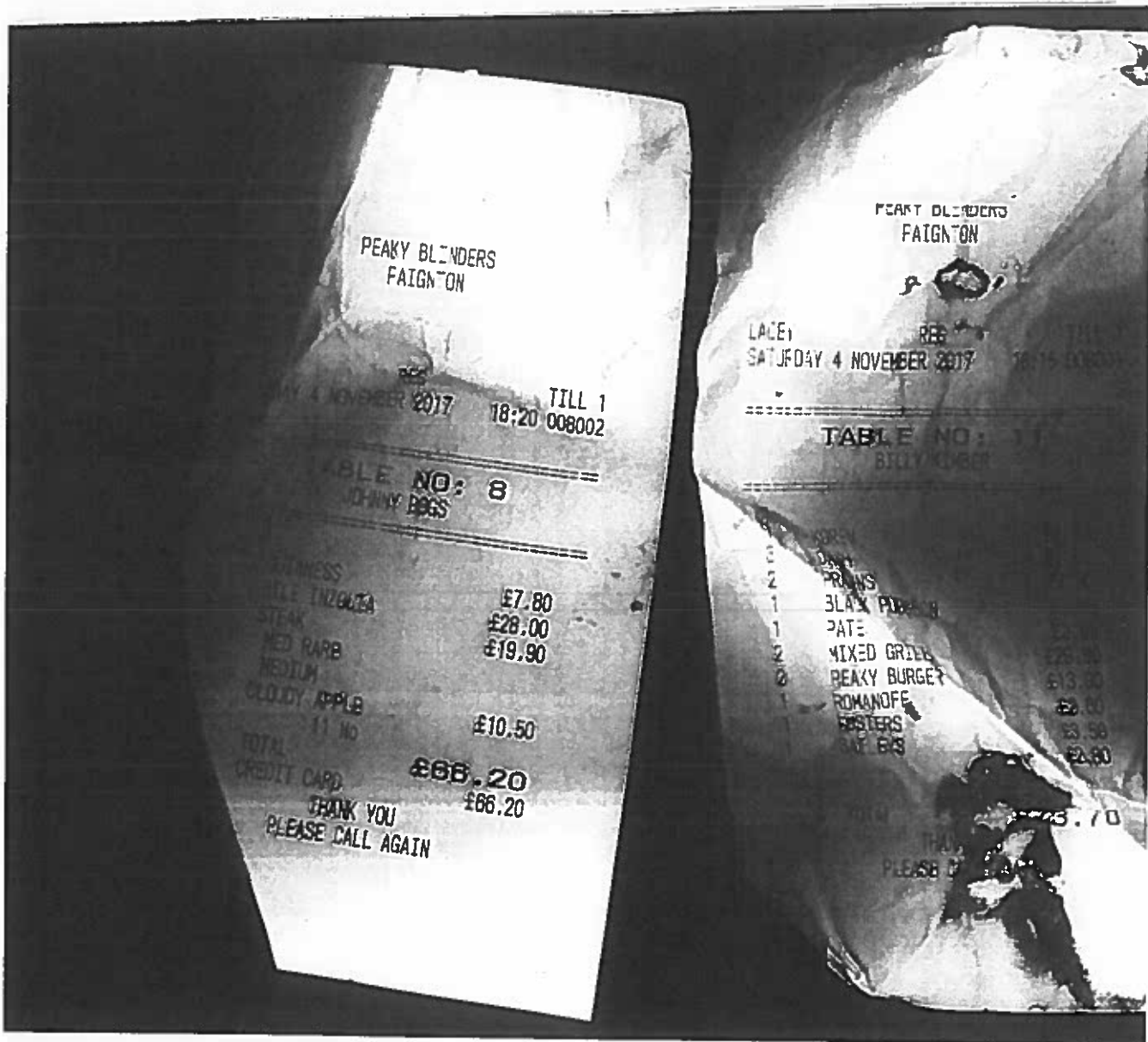
TOR2

Torbay Council & Kier Group

Niki,

Please see the enclosed Receipts,
Brad retrieved from Banner court
many Thanks
Heidi

With compliments



Vodka 1/2 bottle

PT TRUBO

2x Soup

Turkey legs

Pork ribs

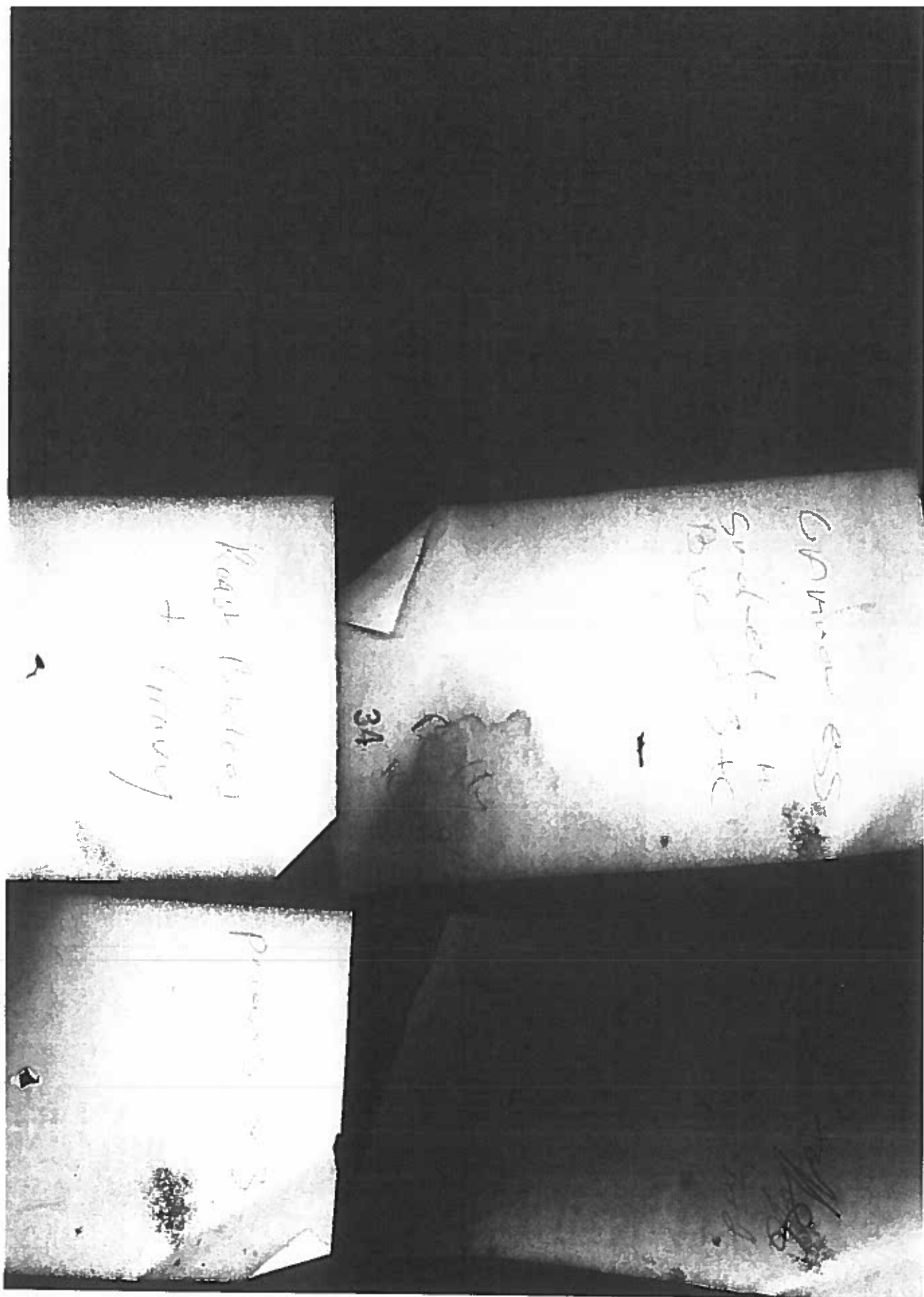
Onion rings

Jameson & coke x2

4

2x Soup
PT TRUBO
Jameson & coke x2

2x Soup
PT TRUBO
Jameson & coke x2
M
pa (Corou
32



- Collage 1/2
- Mac & Cheese

Common Eggs
with New
Potatoes
Take away

Mac Pate
Stuffed

2

Stuffed
Pasta
Pasta with sauce
Pasta with sauce

Hot Sandwich

NMN,



Please reply to: Miss Niki Munford
Community Safety, C/o Town Hall, Castle Circus,
Torquay TQ1 3DR

My Ref: NOU Ref: 002432

Telephone: 01803 208025

E-mail: community.protection@torbay.gov.uk

Website: www.torbay.gov.uk

Date: 19 December 2017

Ms Jodie Harris
Peaky Blinders
107 Winner Street
Paignton
TQ3 3BP

Dear Ms Harris

Re: Notice under S47 Environmental Protection Act 1990 and notice demanding the production of transfer notes for controlled waste under Section 34 Environmental Protection Act 1990.

The attached Notice under Section 47 concerns commercial waste offences found to have been committed by your premises. We originally sent this to Mr Jamie Devon but have been informed that you are the person responsible as the premises licence holder so we are reissuing to you.

A recent phone call from me clearly outlined what actions you were required to take by law in respect of your commercial waste collection, which you have failed to abide by. A subsequent further inspection of your area has been carried out and evidence relating to your premises has been recovered which identifies the continued commission of offences under the above legislation. We have even found your pub receipts and food order chits have continued to be disposed of in black bin bags placed within the binstore for Banner Court in Winner Street which is unacceptable.

The situation has got worse since our conversation in November 2017 and your waste is causing significant environmental offences regularly.

The attached Notice under Section 47 now sets out clearly what you are required to do. Failure to comply with these requirements may result in a referral to our legal department for consideration of a prosecution at Magistrates Court where the maximum penalty is £1000, level 3 on the national scale.

Alternatively, you may be issued with a Fixed Penalty Notice which is currently fixed at £75 for each and every offence. We could issue these daily if the offences are identified as continuing daily. Officers from Torbay Council will continue to monitor your premises and I have informed both the licensing team and the food licensing team about the inappropriate disposal of your waste, who will work with me to ensure you take responsibility for the correct disposal in future.

Schools and services for children and young people • social care and housing • recycling, waste disposal and clean streets • community safety • roads and transportation • town planning • tourism, harbours and economic regeneration • consumer protection and licensing • leisure, museums, libraries and arts

If you require this in a different language, please contact me.

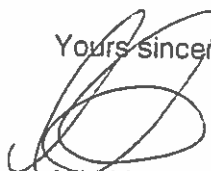
We are also issuing a notice demanding the production of transfer notes for controlled waste under Section 34 whereby we are requiring you to provide all transfer notes from the date you opened to date. You are required by law to keep these for 2 years and produce them to an officer of a Waste Collection Authority on demand within 7 days.

You are advised to read the notices very carefully.

There is a right of appeal and if you wish to do so, please state your objections clearly in writing and forward to this office as specified.

I look forward to you working with us to improve the environment surrounding your business.

Yours sincerely



Niki Munford
Environmental Health Investigation Officer

NOTICE UNDER SECTION 47 ENVIRONMENTAL PROTECTION ACT 1990

To: Ms Jodie Harris

Trading as Peaky Blinders, 107 Winner Street, Roundham With Hyde, Paignton, Torbay, TQ3 3BP

THIS IS A FORMAL NOTICE ISSUED BY TORBAY COUNCIL (THE COUNCIL).

Your commercial waste arrangements have been found to be causing a nuisance / or considered to be detrimental to the amenity of the area.

This Notice legally requires you to provide and have the following arrangements in place within **14 days** from the date of this Notice.

- 1) All waste must be stored in a suitable container to prevent spillage and the receptacle must be kept closed and locked at all times to prevent spillage and any spills must be cleaned up at all times.
- 2) The receptacle must also be kept locked at all times to prevent access by seagulls and/or vermin and also members of the public to potentially unsafe waste.
- 3) All bags and waste placed into the receptacle must be adequately bagged to avoid spills or increased odour from the bin so this may involve using 2 bags to hold your waste.
- 4) If your waste does not fit into the receptacle and the lid won't close, please organise an additional collection immediately and clear up any waste that escapes from your receptacle.
- 5) If overfilling happens regularly, please book additional collections to your weekly waste collection agreement.
- 6) Your commercial waste must not be placed in a waste bin belonging to another company/person.
- 7) The receptacle must be maintained in a serviceable and clean condition at all times. In particular, damaged or missing receptacle lids must be reported to your waste collector immediately and replaced. Until the fault has been rectified, you must take all reasonable steps to secure your waste against escape.
- 8) The receptacle must be secured in a position against a wall or secured to a permanent fixture such as a wall or post at all times to prevent it from being moved. The only time your receptacle should be moved is during collection of your waste.
- 9) Unless with prior agreement from Highway Authority at Torbay Council, no receptacles shall be placed on the public highway or footway at any time other than to facilitate collection. The highway and footway must not be obstructed and any receptacle in contravention of this must be removed immediately.
- 10) In the event that your collection fails to take place at the agreed time, you shall remove from the Highway any waste presented and contact your collector to arrange an alternative collection.
- 11) Recyclable material must also be stored in a suitable container and suitable collections organised to meet the amount of recyclable material you generate.

12) Cardboard presented for collection, shall be flat packed and bound to secure any individual items from escape and shall be clearly marked with the premises name and name of the collector.

What will happen if you fail to comply

If, without reasonable excuse, you contravene or fail to comply with any requirement or prohibition imposed by this notice:

You may be issued with a fixed penalty notice (currently £75)

or

You may be prosecuted for a criminal offence under Section 47(6) of the Environmental Protection Act 1990 for which you would be liable on summary conviction to a fine not exceeding level 3 on the standard scale, (currently £1,000).

Your right to appeal

You may appeal to a magistrates court against this notice within 21 days beginning with the date on which the notice is served upon you, on the grounds that:

(a) the requirement is unreasonable:

or

(b) the waste is not likely to cause a nuisance or be detrimental to the amenities of the locality.

In the event of an appeal against any requirement of this notice, that requirement shall be suspended until the appeal has been abandoned or determined by the Court.

Dated: 19 December 2017

Signed: C. Widdecombe 22/12/17.
Mr C Widdecombe, Principal Officer, Community Protection

Address to which all communications should be sent:
Community Safety, C/o Town Hall, Castle Circus, Torquay TQ1 3DR

Tel: 01803 208025
Email: Community.Protection@torbay.gov.uk

What does this Notice mean to me?

This Notice has been served on you because you have failed in your Duty Of Care with regards to your commercial waste.

What does this Notice mean to me?

This Notice has been served on you because you have failed in your Duty Of Care with regards to your commercial waste.

Waste – Duty of Care - What it means

The duty of care is a law which says that you must take all reasonable steps to keep waste safe. Waste must be stored safely and securely and must not cause pollution to people or the environment. The waste must be packaged in suitable containers so that it cannot fall out, blow away or escape from the receptacle. It must be secured against unauthorised removal as far as is reasonably practical. Security should be sufficient to prevent the breaking open of containers and removal of waste by vandals, thieves, animals, accident or weather.

If you break this law, you can be fined an unlimited amount.

Does it affect me?

The duty of care applies to anyone who produces or imports, keeps or stores, transports, treats or disposes of waste. It also applies if you act as a broker and arrange these things.

What is waste?

It can be anything you own or produce, and you want to get rid of, or are required to get rid of.

What is controlled waste?

It is household, commercial or industrial waste.

Transfer of Controlled Waste

If you give waste to someone else, you must be sure they are authorised to take it and can transport, recycle or dispose of it safely. Businesses must ensure that the person removing the waste is either from the Local Authority or a licensed waste collection company.

Only they are authorised to remove waste, transport it and dispose of it safely. The licensed carrier must complete a Waste Transfer Note to cover the duration of the contract, which includes a written description of the waste container and type of waste that is to be collected. Both parties involved in the transaction must sign this note.

To check whether or not your waste carrier is licensed with the Environment Agency, either check online at <http://www2.environment-agency.gov.uk/epr/search.asp> or by telephone on 08708 506506

For further information on the Environmental Protection Act 1990 and the legal obligations of businesses under the Duty of Care regulations ring Torbay Council Environmental Health Team on 01803 208025 or Tor2 Commercial Waste Enquiries on 01803 701317 or email: tor2-enquiries@tor2.co.uk

**NOTICE DEMANDING THE PRODUCTION OF
TRANSFER NOTES FOR CONTROLLED WASTE**

**Environmental Protection Act 1990, Section 34 (as amended).
The Waste (England and Wales) Regulation 2011.**

Being a producer of controlled waste in pursuance of section 34(1)(c) of the Environmental Protection Act 1990, as amended, you are under a duty to make and by regulation 35(6) of The Waste (England and Wales) Regulations 2011, under a duty to keep all transfer notes, or copies thereof, for at least two years and to produce it to an officer of a Waste Collection Authority on demand within 7 days.

Take notice that by virtue of regulation 35(6) of The Waste (England and Wales) Regulations 2011, Torbay Council, a Waste Collection Authority, hereby demand:

The Person Responsible/Company Secretary
Peaky Blinders
107 Winner Street
Roundham With Hyde
Paignton
TQ3 3BP

produces to an officer at:

Torbay Council Community Safety team, C/o Town Hall. Castle Circus,
Torquay TQ1 3DR

by 4.00 pm on **02 January 2018**, a copy of the transfer notes for all controlled waste transferred during the period **from August 01 2017 to date** showing who your waste carrier is and the frequency of the collections.

Please also detail any arrangements you have with your waste carrier to ensure your waste is secure and any provisions you have to increase the collection frequency during busy periods.

Should this be an issue please let me know on 01803 208025 or
niki.munford@torbay.gov.uk.

Regards


Niki Munford
Environmental Health Investigation Officer
Neighbourhood Team

What is a Section 34 Notice under the Environmental Protection Act 1990?

It is all about your Commercial waste and your legal responsibilities regarding its safe disposal. Breach of the duty of care is an offence, with a penalty of an unlimited fine if convicted on indictment.

Does this Duty Of care apply to me?

The duty of care applies to anyone who is the holder of controlled waste. "Holder" means a person who imports, produces, carries, keeps, treats, or disposes of controlled waste or, as a broker, has control of it. The only exception to this is for the occupiers of domestic property for the household waste which comes from their home. Anyone subject to the duty of care who has some "controlled waste" must identify and describe the kind of waste it is.

Is it "controlled waste"?

"Controlled waste" means waste from households, commerce or industry. At present, the main kinds of waste that are not "controlled waste" are waste from agricultural premises, waste from mines and quarries, explosives and most radioactive waste.

What is a transfer note?

A transfer note (TN) is a formal written description of the waste in accordance with regulation 35(2) of The Waste (England and Wales) Regulations 2011 which must accompany any transfer of controlled waste in accordance section 34 of the Environmental Protection Act 1990. The purpose of a TN is to allow other people who handle your waste to know what they are dealing with so that they can manage it safely and properly. You must create a TN for each load of waste that leaves your business. For repetitive transfers, you can use a 'season ticket', i.e. one transfer note will cover multiple transfers over a given period of time of up to 12 months. However, you can only use a season ticket if the parties involved in each transfer are the same and the description of the waste transferred remains the same.

What information should a Transfer Note contain?

The TN must contain all the information required by regulation 35(2) of The Waste (England and Wales) Regulations 2011.

Who needs to sign the TN?

This needs to be signed by the transferor and the transferee in accordance with regulation 35(2)(b) of The Waste (England and Wales) Regulations 2011.

Documentation for hazardous/special waste

The transfer documentation for hazardous/special waste is called a 'consignment note'. If your waste has hazardous properties, you may need to treat it as hazardous/special waste. In this case, you need to complete a consignment note to comply with your duty of care. The consignment note must contain similar information to a WTN. A separate WTN is not required. Waste that is defined by the European Waste Catalogue (EWC) as hazardous can only go to a waste treatment facility that is licensed to receive hazardous waste.

What is hazardous waste?

Hazardous waste is waste that may be harmful to human health or the environment. Examples of hazardous wastes include:

- asbestos
- chemical wastes
- healthcare wastes
- electrical equipment containing hazardous components such as cathode ray tubes or lead solder
- fluorescent light tubes
- lead-acid batteries
- oily sludge's
- pesticides
- solvents.



Please reply to: Miss Niki Munford
Community Safety, C/o Town Hall, Castle Circus,
Torquay TQ1 3DR

My Ref: NOU Ref: 002432

Telephone: 01803 208025

E-mail: community.protection@torbay.gov.uk

Website: www.torbay.gov.uk

Date: 19 December 2017

Mr Jamie Devon
Peaky Blinders
107 Winner Street
Paignton
TQ3 3BP

Dear Mr Devon

Re: Notice under S47 Environmental Protection Act 1990 and notice demanding the production of transfer notes for controlled waste under Section 34 Environmental Protection Act 1990.

The attached Notice under Section 47 concerns commercial waste offences found to have been committed by your premises.

A recent phone call from me clearly outlined what actions you were required to take by law in respect of your commercial waste collection, which you have failed to abide by. A subsequent further inspection of your area has been carried out and evidence relating to your premises has been recovered which identifies the continued commission of offences under the above legislation. We have even found your pub receipts and food order chits have continued to be disposed of in black bin bags placed within the binstore for Banner Court in Winner Street which is unacceptable.

The situation has got worse since our conversation in November 2017 and your waste is causing significant environmental offences regularly.

The attached Notice under Section 47 now sets out clearly what you are required to do. Failure to comply with these requirements may result in a referral to our legal department for consideration of a prosecution at Magistrates Court where the maximum penalty is £1000, level 3 on the national scale.

Alternatively, you may be issued with a Fixed Penalty Notice which is currently fixed at £75 for each and every offence. We could issue these daily if the offences are identified as continuing daily. Officers from Torbay Council will continue to monitor your premises and I have informed both the licensing team and the food licensing team about the inappropriate disposal of your waste, who will work with me to ensure you take responsibility for the correct disposal in future.

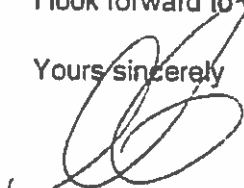
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You are advised to read the notices very carefully.

There is a right of appeal and if you wish to do so, please state your objections clearly in writing and forward to this office as specified.

I look forward to you working with us to improve the environment surrounding your business.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Niki Munford', written over the typed name.

Niki Munford
Environmental Health Investigation Officer

**NOTICE DEMANDING THE PRODUCTION OF
TRANSFER NOTES FOR CONTROLLED WASTE**

**Environmental Protection Act 1990, Section 34 (as amended).
The Waste (England and Wales) Regulation 2011.**

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Take notice that by virtue of regulation 35(6) of The Waste (England and Wales) Regulations 2011, Torbay Council, a Waste Collection Authority, hereby demand:

The Person Responsible/Company Secretary
Peaky Blinders
107 Winner Street
Roundham With Hyde
Paignton
TQ3 3BP

produces to an officer at:

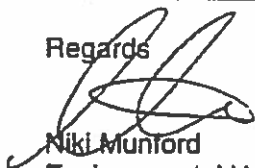
Torbay Council Community Safety team, C/o Town Hall, Castle Circus,
Torquay TQ1 3DR

by 4.00 pm on *02 January 2018*, a copy of the transfer notes for all controlled waste transferred during the period *from August 01 2017 to date* showing who your waste carrier is and the frequency of the collections.

Please also detail any arrangements you have with your waste carrier to ensure your waste is secure and any provisions you have to increase the collection frequency during busy periods.

Should this be an issue please let me know on 01803 208025 or
niki.munford@torbay.gov.uk.

Regards



Niki Munford
Environmental Health Investigation Officer
Neighbourhood Team

What is a Section 34 Notice under the Environmental Protection Act 1990?

It is all about your Commercial waste and your legal responsibilities regarding its safe disposal. Breach of the duty of care is an offence, with a penalty of an unlimited fine if convicted on indictment.

Does this Duty Of care apply to me?

The duty of care applies to anyone who is the holder of controlled waste. "Holder" means a person who imports, produces, carries, keeps, treats, or disposes of controlled waste or, as a broker, has control of it. The only exception to this is for the occupiers of domestic property for the household waste which comes from their home. Anyone subject to the duty of care who has some "controlled waste" must identify and describe the kind of waste it is.

Is it "controlled waste"?

"Controlled waste" means waste from households, commerce or industry. At present, the main kinds of waste that are not "controlled waste" are waste from agricultural premises, waste from mines and quarries, explosives and most radioactive waste.

What is a transfer note?

A transfer note (TN) is a formal written description of the waste in accordance with regulation 35(2) of The Waste (England and Wales) Regulations 2011 which must accompany any transfer of controlled waste in accordance section 34 of the Environmental Protection Act 1990. The purpose of a TN is to allow other people who handle your waste to know what they are dealing with so that they can manage it safely and properly. You must create a TN for each load of waste that leaves your business. For repetitive transfers, you can use a 'season ticket', i.e. one transfer note will cover multiple transfers over a given period of time of up to 12 months. However, you can only use a season ticket if the parties involved in each transfer are the same and the description of the waste transferred remains the same.

What information should a Transfer Note contain?

The TN must contain all the information required by regulation 35(2) of The Waste (England and Wales) Regulations 2011.

Who needs to sign the TN?

This needs to be signed by the transferor and the transferee in accordance with regulation 35(2)(b) of The Waste (England and Wales) Regulations 2011.

Documentation for hazardous/special waste

The transfer documentation for hazardous/special waste is called a 'consignment note'. If your waste has hazardous properties, you may need to treat it as hazardous/special waste. In this case, you need to complete a consignment note to comply with your duty of care. The consignment note must contain similar information to a WTN. A separate WTN is not required. Waste that is defined by the European Waste Catalogue (EWC) as hazardous can only go to a waste treatment facility that is licensed to receive hazardous waste.

What is hazardous waste?

Hazardous waste is waste that may be harmful to human health or the environment. Examples of hazardous wastes include:

- asbestos
- chemical wastes
- healthcare wastes
- electrical equipment containing hazardous components such as cathode ray tubes or lead solder
- fluorescent light tubes
- lead-acid batteries
- oily sludge's
- pesticides
- solvents.

NOTICE UNDER SECTION 47 ENVIRONMENTAL PROTECTION ACT 1990

To: Mr Jamie Devon

Trading as Peaky Blinders, 107 Winner Street, Roundham With Hyde, Paignton, Torbay, TQ3 3BP

THIS IS A FORMAL NOTICE ISSUED BY TORBAY COUNCIL (THE COUNCIL).

Your commercial waste arrangements have been found to be causing a nuisance / or considered to be detrimental to the amenity of the area.

This Notice legally requires you to provide and have the following arrangements in place within **14 days** from the date of this Notice.

- 1) All waste must be stored in a suitable container to prevent spillage and the receptacle must be kept closed and locked at all times to prevent spillage and any spills must be cleaned up at all times.
- 2) The receptacle must also be kept locked at all times to prevent access by seagulls and/or vermin and also members of the public to potentially unsafe waste.
- 3) All bags and waste placed into the receptacle must be adequately bagged to avoid spills or increased odour from the bin so this may involve using 2 bags to hold your waste.
- 4) If your waste does not fit into the receptacle and the lid won't close, please organise an additional collection immediately and clear up any waste that escapes from your receptacle.
- 5) If overfilling happens regularly, please book additional collections to your weekly waste collection agreement.
- 6) Your commercial waste must not be placed in a waste bin belonging to another company/person.
- 7) The receptacle must be maintained in a serviceable and clean condition at all times. In particular, damaged or missing receptacle lids must be reported to your waste collector immediately and replaced. Until the fault has been rectified, you must take all reasonable steps to secure your waste against escape.
- 8) The receptacle must be secured in a position against a wall or secured to a permanent fixture such as a wall or post at all times to prevent it from being moved. The only time your receptacle should be moved is during collection of your waste.
- 9) Unless with prior agreement from Highway Authority at Torbay Council, no receptacles shall be placed on the public highway or footway at any time other than to facilitate collection. The highway and footway must not be obstructed and any receptacle in contravention of this must be removed immediately.
- 10) In the event that your collection fails to take place at the agreed time, you shall remove from the Highway any waste presented and contact your collector to arrange an alternative collection.
- 11) Recyclable material must also be stored in a suitable container and suitable collections organised to meet the amount of recyclable material you generate.

12) Cardboard presented for collection, shall be flat packed and bound to secure any individual items from escape and shall be clearly marked with the premises name and name of the collector.

What will happen if you fail to comply

If, without reasonable excuse, you contravene or fail to comply with any requirement or prohibition imposed by this notice:

You may be issued with a fixed penalty notice (currently £75)

or

You may be prosecuted for a criminal offence under Section 47(6) of the Environmental Protection Act 1990 for which you would be liable on summary conviction to a fine not exceeding level 3 on the standard scale, (currently £1,000).

Your right to appeal

You may appeal to a magistrates court against this notice within 21 days beginning with the date on which the notice is served upon you, on the grounds that:

(a) the requirement is unreasonable:

or

(b) the waste is not likely to cause a nuisance or be detrimental to the amenities of the locality.

In the event of an appeal against any requirement of this notice, that requirement shall be suspended until the appeal has been abandoned or determined by the Court.

Dated: 19 December 2017

Signed: C. Widdecombe
Mr C Widdecombe, Principal Officer, Community Protection

Address to which all communications should be sent:
Community Safety, C/o Town Hall, Castle Circus, Torquay TQ1 3DR

Tel: 01803 208025
Email: Community.Protection@torbay.gov.uk

What does this Notice mean to me?

This Notice has been served on you because you have failed in your Duty Of Care with regards to your commercial waste.

What does this Notice mean to me?

This Notice has been served on you because you have failed in your Duty Of Care with regards to your commercial waste.

Waste – Duty of Care - What it means

The duty of care is a law which says that you must take all reasonable steps to keep waste safe. Waste must be stored safely and securely and must not cause pollution to people or the environment. The waste must be packaged in suitable containers so that it cannot fall out, blow away or escape from the receptacle. It must be secured against unauthorised removal as far as is reasonably practical. Security should be sufficient to prevent the breaking open of containers and removal of waste by vandals, thieves, animals, accident or weather.

If you break this law, you can be fined an unlimited amount.

Does it affect me?

The duty of care applies to anyone who produces or imports, keeps or stores, transports, treats or disposes of waste. It also applies if you act as a broker and arrange these things.

What is waste?

It can be anything you own or produce, and you want to get rid of, or are required to get rid of.

What is controlled waste?

It is household, commercial or industrial waste.

Transfer of Controlled Waste

If you give waste to someone else, you must be sure they are authorised to take it and can transport, recycle or dispose of it safely. Businesses must ensure that the person removing the waste is either from the Local Authority or a licensed waste collection company.

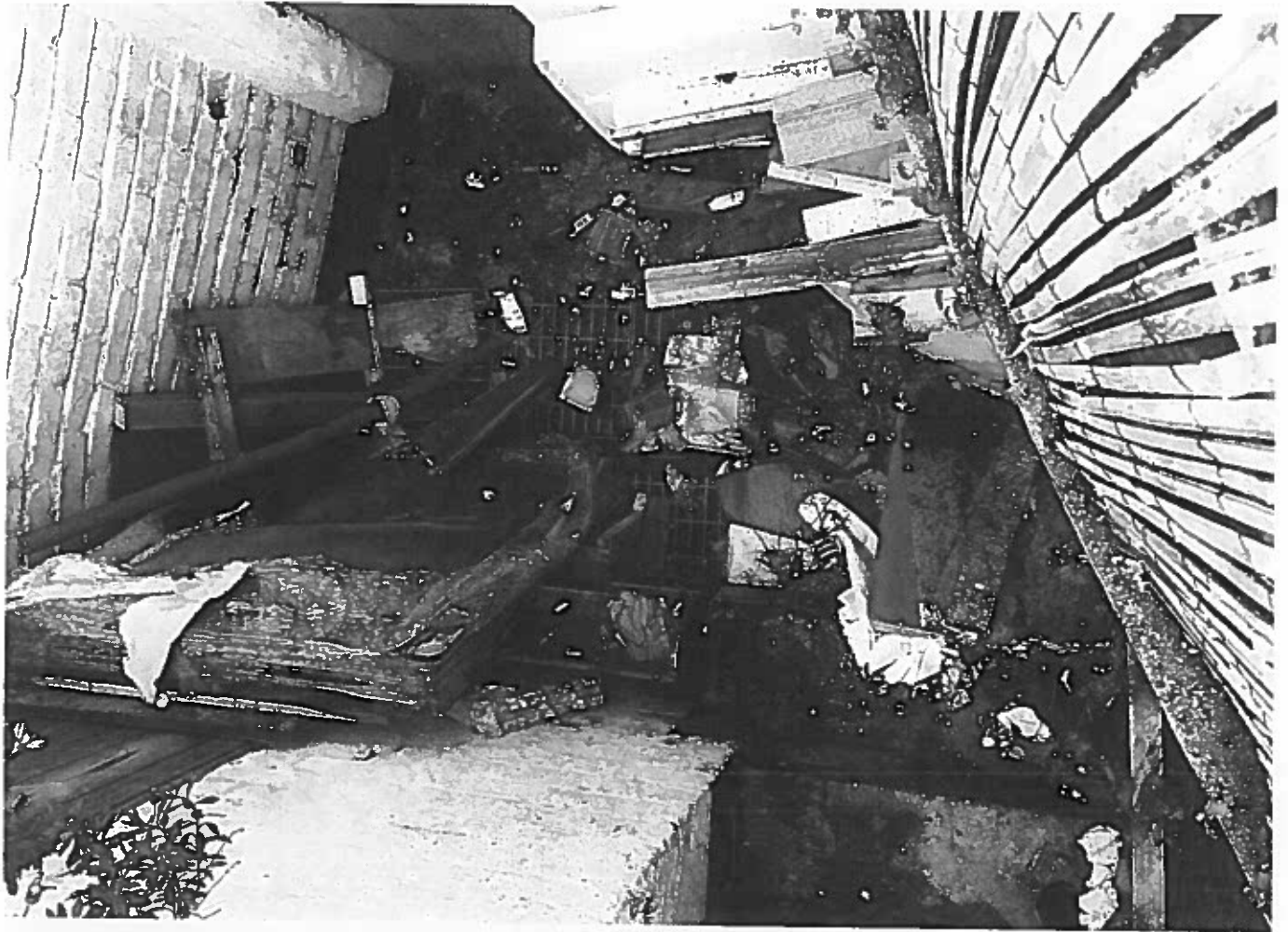
Only they are authorised to remove waste, transport it and dispose of it safely. The licensed carrier must complete a Waste Transfer Note to cover the duration of the contract, which includes a written description of the waste container and type of waste that is to be collected. Both parties involved in the transaction must sign this note.

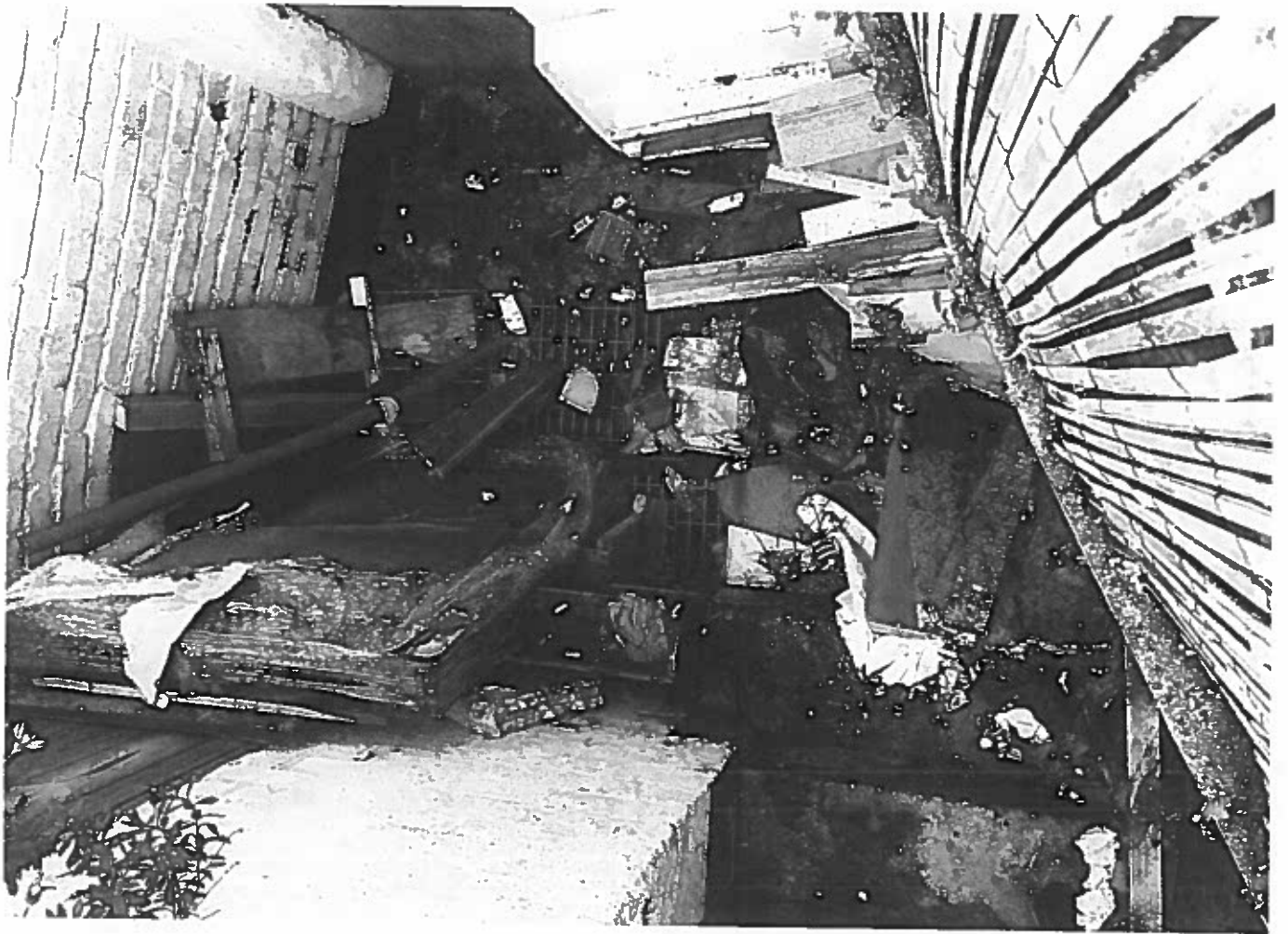
To check whether or not your waste carrier is licensed with the Environment Agency, either check online at <http://www2.environment-agency.gov.uk/epr/search.asp> or by telephone on 08708 506506

For further information on the Environmental Protection Act 1990 and the legal obligations of businesses under the Duty of Care regulations ring Torbay Council Environmental Health Team on 01803 208025 or Tor2 Commercial Waste Enquiries on 01803 701317 or email: tor2-enquiries@tor2.co.uk











Prevention of Public Nuisance

RE: Review of the premises licence for Peaky Blinders

It started on what I think was the 15th September which was a sort of pre-opening night. There was audible music but unsure of where it was coming from.

The next night which was the official opening made it apparent when there was the period car and shouting up the road publicity stunt (this was very early evening though) and then music again all night.

The following weekend I made my first report after having had several nights of audible music and looking at the Facebook page of Peaky Blinders and seeing that it was going to be four nights a week.

This continued for the rest of the month combined with voices from people congregating outside throughout the night (guessing smoking) and especially when they are leaving which is sometimes closer to midnight at the weekends when they have got in their taxis and actually left the area.

There were a couple of occasions in October where music went well beyond 11 with customers being encouraged to sing and stomp to then be replaced with 'background' music that was only a little bit quieter than the live music.

This continued the rest of the year with me getting more and more stressed by it, getting grumpier, rantier, snippy and generally unpleasant to be around (not my words). Knowing that six days a week at some time between 20:30 and 21:00 music would begin and not knowing how loud it was going to be made things, especially my studying, impossible to plan.

This hit a head when at ten to one in the morning on New Years Eve/Day there was bagpiping.

January I had a visit from Karl and Craig about the noise so they could hear for themselves and take their own recordings. I believe they then spoke to Jamie.

On 5th February Jamie turned up on my doorstep, apologised and said that he had no idea until the previous week that there was a problem. I gave him my mobile number to arrange a time when he could come in and listen for himself. He did this that weekend.

Since then a speaker has been moved, some form of insulation put in the roof and volume levels lowered and it has made a difference...a small difference. Some Tuesday and Wednesday nights I can barely hear any music now but as the weekend approaches it gets louder and louder.

Jamie has kept in contact and attempts to lower the levels at weekends, sending me messages asking about the volume and lowering it where possible and again, it IS quieter so attempts are being made...but it is still often loud.