



Wednesday, 20 March 2019

LICENSING SUB-COMMITTEE

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

Thursday, 28 March 2019

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 Pentney

Councillor Stocks

Councillor Thomas (J)

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

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www.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** (Pages 3 - 12)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 30 January 2019, 7 February 2019 and 14 February 2019.
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. **Churston Court Hotel, Churston Ferrers, Brixham TQ5 0JE** (Pages 13 - 116)
To consider an application for a Variation to a Premises Licence in respect of Churston Court Hotel, Churston Ferrers, Brixham.



Minutes of the Licensing Sub-Committee

30 January 2019

-: Present :-

Councillors Thomas (D), Thomas (J) and Tolchard

38. Licensing Act 2003 – An application for a Transfer of the Premises Licence for Zakopane, 16 Market Street, Torquay

Members considered a report on an application for a Transfer of the Premises Licence for Zakopane, 16 Market Street, Torquay. The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation requesting the application be refused.	18 January 2019

Additional Information:

The start of the Hearing was delayed in order for the Applicant to attend. Having waited for 25 minutes, Members received oral representations from the Police in respect of whether the Hearing should continue in the absence of the Applicant.

Members resolved the Hearing should proceed in the absence of the Applicant having been informed that the Applicant was aware of the date and time of the Hearing and that to proceed was in the public interest.

Oral Representations received from:

Name	Details
Police	The Police outlined their representation and requested Members consider refusing the application.

Decision

That the application for a Transfer of the Premises Licence in respect of Zakopane, 16 Market Street, Torquay be refused.

Reasons for Decision

Having carefully considered the application, the evidence of the Police before them and the absence of any evidence from Mr Abdullah to the contrary, Members

unanimously resolved to refuse the application for a transfer of the Premises Licence.

In coming to that decision, Members noted the close links between Mr Abdullah and the previous premises licence holder to which the criminal investigation is associated to these premises. In addition it was of great concern to Members that the employee proposed by Mr Abdullah as an experienced licensee and would assist him in the management of these premises was also closely linked to the previous premises licence holder and had too been incriminated in similar criminal conduct at different licensed premises within the wider south west area. This coupled with evidence from the Police that the male employee who identified himself during a Police licensing inspection at the premises on the 14th January 2019 as Mr Abdullah's cousin, that he too had close links with the previous premises licence holder and had convictions against him for similar offences; resulted in Members resolving that a refusal of the application was the only appropriate decision in the circumstances.

In noting that the premises was located within the Licensing Authority's Cumulative Impact Area (CIA), an area where a new Premises Licence or the variation of a Premises Licence would normally be refused where it is anticipated that the application will add to the problems of crime and disorder and/or public nuisance in the area, Members could not be satisfied on the evidence before them that the premises would not add to crime.

Members were further concerned by Mr Abdullah's lack of understanding of the English language at a Licensing Sub-Committee hearing on the 17th January 2019 which resulted in an interpreter being arranged for this hearing and how this would potentially impact on his ability to turn these premises around and to ensure strong management and promotion of the licensing objectives of a premises within the Licensing Authority's CIA. Notwithstanding this, Members also has serious concerns about the poor judgement shown by Mr Abdullah in his choice of employees and that such a language barrier could result in those employees exploiting Mr Abdullah to use the premises for their own continued criminality which they both have previous form for.

In concluding, Members did consider what if any modifications could be made to the premises licence to enable a transfer and in turn ensure promotion of the licensing objectives but resolved on the evidence before them that there were none.

39. Licensing Act 2003 – An application for a Variation to a Premises Licence to Specify an Individual as the Premises Supervisor of Zakopane, 16 Market Street, Torquay TQ1 3AQ

As a result of the decision in Minute 38 above, the application for a Variation to a Premises Licence to Specify an Individual as the Premises Supervisor of Zakopane, 16 Market Street, Torquay becomes invalid.

40. Licensing Act 2003 – An application for a Review of a Premises Licence for Zakopane, 16 Market Street, Torquay TQ1 3AQ

Members considered a report on an application for a review of a Premises Licence in respect of Zakopane, 16 Market Street, Torquay. The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Application for a Review of a Premises Licence	Received 22 November 2018
Trading Standards Officer	Representation in support of the Review of the Premises Licence.	Undated
Public Health	Representation in support of the Review of the Premises Licence.	13 December 2018
Police	Additional information in support of the Review of the Premises Licence.	14 January 2019

Additional Information:

Members sought oral representations from the Police and Trading Standards Officer on whether, in their view, the Hearing should proceed in the absence of the Respondent.

Members resolved the Hearing should proceed in the absence of the Respondent having been informed that the Respondent was aware of the date and time of the Hearing and that to proceed was in the public interest.

The Chairman permitted an extension of time for oral representations and advised that each party would be permitted 20 minutes for their representation. All parties present confirmed 20 minutes would be sufficient time to submit their oral representations.

Oral Representations received from:

Name	Details
Applicant (Police)	The Police outlined their application for a Review of the Premises Licence in respect of Zakopane, 16 Market Street, Torquay.
Trading Standards Officer	The Trading Standards Officer outlined their representation in support of the Review of the Premises Licence.

Decision

That the Premises Licence in respect of Zakopane, 16 Market Street, Torquay be revoked.

Reasons for Decision

The evidence presented by the Trading Standards Officer and Police Licensing Officer demonstrated, what in Members opinion, appeared to be a sophisticated and entrenched level of criminality at the premises, levels which officers with 18 years of experience had never witnessed before. Members themselves concurred with the sentiment of the officers noting, that in their limited experience by comparison, they too had never been presented with such evidence which demonstrated the level of criminal activity taking place at a premises licenced by Torbay Council.

It was clear to Members that the primary aim of this premise was the pursuit, concealment and sale of illegal goods. Members were greatly concerned to learn that some employees at the Premises were too involved in these illegal activities or would have known that the premises were participating in such illegal activities, given the scale of the criminal operation and the amount of goods seized from the premises by Her Majesty's Revenue and Customs. This in Members opinion, would have made it almost impossible for any member of staff employed at the premises to not have been aware that such activities were taking place and therefore, would have been condoning such activities, along with the Premises Licence Holder as there was no evidence before them to suggest that it was an employee who had notified the enforcement authorities.

Members gave consideration to placing additional conditions on the premises licence, as initially proposed at a previous hearing by the holder of the interim transferred licence before the Police had objected to the application and in turn, been refused by the Licensing Sub-Committee, but noted the evidence submitted by the experienced Trading Standards Officer that there were no conditions that could deter the level of criminality being carried out at these premises. This coupled with Members complete lack of confidence that the Premises Licence Holder, or staff employed by him, would comply with any additional conditions or uphold the Licensing Objective 'The Prevention of Crime and Disorder' led Members to conclude that revocation was the only appropriate option available to them in the circumstances so as to alleviate their concerns, that of the Responsible Authorities and to cease illegal activity from continuing at these premises.

Furthermore, Members had regard to section 11.27 and 11.28 of Revised Guidance issued under section 182 of the Licensing Act 2003 and the fact that the premises are situated within the Licensing Authority's Cumulative Impact Area, an area that already experiences higher levels of crime, disorder and public nuisance and in doing so, determined in the circumstances before them that revocation of the premises licence was in the interests of the wider community and appropriate.

In concluding, Members noted that the Premises Licence Holder was aware of the hearing date and his failing to attend showed a complete disregard for the seriousness of the situation, and in the absence of any evidence to the contrary which on that before them, would have been hard to disprove, resulted in Members determining that they had no confidence in the ability of the Premises Licence Holder to run a lawful premises which promoted the Licensing Objectives.

Chairman/woman



Minutes of the Licensing Sub-Committee

7 February 2019

-: Present :-

Councillors Pentney, Sykes and Thomas (J)

41. Election of Chairman/woman

Councillor Thomas (J) was elected as Chairman for the meeting.

42. Licensing Act 2003 – An application for a Review of a Premises Licence for Jolly Judge, 168-170 Union Street, Torquay TQ2 5QP

Members considered a report on an application for a review of a Premises Licence in respect of Jolly Judge, 168-170 Union Street, Torquay. The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Application for a Review of a Premises Licence in respect of Jolly Judge, 168-170 Union Street, Torquay.	Dated 14 December 2018
Premises Licence Holder	Representation providing information in respect of the Review of the Premises Licence.	11 January 2019
Wollen Mitchelmore Solicitors	Representation providing information in respect of the Review of the Premises Licence.	10 January 2019
Police	Emails providing additional information in support of the application for Review of the Premises Licence.	29 January 2019
Police	Additional information in support of the application for Review of the Premises Licence.	31 January 2019

Additional Information:

The Chairman permitted an extension of time for oral representations and advised that each party would be permitted 20 minutes for their representations. All parties present confirmed 20 minutes would be sufficient time to submit their oral representations.

Oral Representations received from:

Name	Details
Applicant (Police)	The Applicant outlined their application for the Review of the Premises Licence.
Respondent	The Respondent outlined their response to the application for the Review of the Premises Licence and responded to Members questions

Decision

That the Premises Licence in respect of Jolly Judge, 168-170 Union Street, Torquay be revoked.

Reasons for Decision

Having carefully considered all the written and oral Representations, Members unanimously resolved to revoke the Premises Licence having heard the Premises Licence Holder, Mr McCabe's oral submissions which sought to abdicate himself of any responsibility in respect of the numerous incidents of crime and disorder at the premises. Mr McCabe's lack of recognition for his poor decision making with regards to those he leased the premises to and his concerning carefree appointment of a suitable Designated Premises Supervisor (DPS), demonstrated he was wilfully negligent in his responsibilities as a Premises Licence Holder.

Throughout Mr McCabe's oral representation, it was clear that he believed it was for the Responsible Authorities to advise him of issues arising in his premises rather than for him to have made himself aware, taken measurable steps to ensure these incidents did not occur or reoccur, thus ensuring that the Licensing Objectives were promoted. Mr McCabe's admission that prior to November 2018 he would only visit the premises for an hour, once a month, demonstrated his lack of proactive approach to managing the premises or performance managing those he entrusted with operating his premises. This management style fell well below the standards reasonably expected by Members of a Premises Licence Holder operating a Licence within the Licensing Authority's Cumulative Impact Area (CIA) which is an area identified as having higher incidents of crime and disorder and having been previously advised in writing that his premises were now 'Targeted Premises' by the Police, he failed to put in place measurable ways to address the concerns raised with him.

It was of great concern to Members that Mr McCabe failed to present any form of robust operational plan to manage the premises going forward. Instead Mr McCabe placed considerable emphasis on the capability of the current DPS, who has only been in post since December 2018. When asked for a plan to deal with occasions that the DPS was not working, Mr McCabe's solution was for the premises to close. Members found Mr McCabe's response to the challenges faced by him as a Premises Licence Holder to be reactionary in nature with no clear management strategy in place or recognition that such was needed.

Members were dismayed to learn that when appointing Managers, Business Operators or DPS's to operate the premises, Mr McCabe only requested CV's; did

not seek references or conduct formal interviews. Hence the catalogue of inappropriate appointments of which some had been objected to by the Police, and more importantly the current lease of his premises to an individual since 11th July 2018 who by his own admission and that put forward by the individuals instructed Solicitor in a letter to Torbay Council dated 10 January 2019, stating that 'our client accepts he was naïve in taking on the pub and did not have the relevant experience of running licenced premises'. This was of grave concern to Members, given the premises is located in the CIA and the nature of the clientele which required firm management.

Members noted the submissions advanced by Mr McCabe in respect of the current DPS and how she would be the solution to all the issues that had arisen at the premises over the last few years. However and notwithstanding any evidence to the contrary which would cause Members to doubt her ability to operate the premises, Member's decision to revoke the Licence was as a direct concern at the lack of awareness and responsibility that he as the Premises Licence Holder had shown and there being no robust plans in place should the current DPS be absent from her post or leave her employment at these premises. Given the number of previous DPS's at this premise in the time Mr McCabe has been the Premises Licence Holder and the unsuitability of some which were known or become apparent to Mr McCabe, was in Members opinion a real risk to the promotion of the Licensing Objectives, in particular to the Prevention of Crime and Disorder.

Members considered what if any additional conditions could be added to the Premises Licence as an alternative to revocation, though having been presented with evidence of non-compliance to existing conditions, Members could not be satisfied that such additional conditions would be complied with. Having discounted modifying the premises licence with additional conditions, Members subsequently deliberated whether a suspension of the Premises Licence would be appropriate. However, Members resolved that a suspension would not remove the root cause of the problem, which having considered all of the written and oral evidence was clearly Mr McCabe's lack of control and poor management. Having been presented with comprehensive evidence from the Police, there was in Members opinion an evident lack of accountability from Mr McCabe, and Members concluded they had no other option but to revoke the Licence.

In concluding, it was apparent to Members that Mr McCabe was not personally invested in ensuring the Premises were well run and that he did not assume the level of responsibility or commitment reasonably expected of him as a Premises Licence Holder of a premises situated in the CIA. It was also of great concern that Members found Mr McCabe not to be forthcoming when questioned in respect of his other business ventures when trying to assess the risks and likelihood of measurable changes being implemented at these premises which would in turn ensure future promotion of the Licensing Objectives.

Chairman/woman



Minutes of the Licensing Sub-Committee

14 February 2019

-: Present :-

Councillors Lewis (B), Thomas (J) and Pentney

43. Election of Chairman/woman

Councillor Thomas (J) was elected as Chairman for the meeting.

44. Apologies

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Pentney instead of Councillor Thomas (D).

45. Licensing Act 2003 – An application for a Review of a Premises Licence for Bolton Hotel, New Road, Brixham TQ5 8LT

Members considered a report on an application for a review of a Premises Licence in respect of Bolton Hotel, New Road, Brixham.

Written Representations received from:

Name	Details	Date of Representation
Police	Application for a Review of a Premises Licence.	Received on 20 December 2018
Police	Additional information in respect of the application for a Review of a Premises Licence.	11 February 2019
Respondent	Information from the Respondents Solicitor.	11 February 2019

Oral Representations received from:

Name	Details
Police	The Police Licensing Officer outlined their application for Review, proposed conditions should the Licence be modified and responded to Members questions.
Respondent	The Respondents Solicitor outlined their response to the application for a Review of the Premises Licence and responded to Members questions.

Decision

That the premises licence in respect of Bolton Hotel, New Road, Brixham be modified with the conditions proposed by the Police and as agreed by the Respondent; and that condition 8b set out on page 149 of the submitted report be amended to read as follows:

Substantial food in the form of table meals shall be available throughout the Premises from the time of opening until 9 pm 7 days a week.

Reasons for Decision

Having carefully considered all the written and oral representation, Members resolved to modify the premises licence, as they were satisfied on the evidence before them that such modification would alleviate the concerns raised by the Police and in turn, seek to ensure that the premises future operation would promote the Licensing Objectives.

In addition and a significant factor in Members determination to modify the premises licence, as opposed to a suspension or revocation was the premises change of business model and the joint partnership arrangement between Punch Taverns and Mr Simpson. Members noted that this was a significant departure from the previous tenanted arrangement experienced at these premises and in Members opinion, was a primary contributing factor which ultimately led to the Police calling the Review.

On the basis of not having any evidence to the contrary to doubt Mr Simpson's ability to provide strong management and leadership at these premises, Members considered modification of the licence to be a reasonable and proportionate response on the evidence presented to them.

Members were however apprehensive about Punch Taverns ongoing involvement with these premises, given their apparent lack of involvement prior to the application for Review being submitted. Despite Punch Taverns being the Premises Licence Holder, they appeared to have merely performed an administrative function when considering whether tenants were suitable. Leading to frequent changes in Designated Premises Supervisors and a catalogue of incidents of crime and disorder over the years which had not been robustly dealt with, circumstances that demonstrated in Members opinion, that Punch Taverns had not, at times acted as a responsible Premises Licence Holder. However given the joint partnership arrangement with Mr Simpson, Members were marginally reassured that Punch Taverns involvement would increase, ensuring their active contribution to the promotion of the Licensing Objectives.

Should issues arise as a result of modifying this premises licence, Members noted that a further Review of the premises licence is available.

Chairman/woman



Public Agenda Item: **Yes**

Title: **Churston Court Hotel, Churston Ferrers, Brixham TQ5 0JE**

Wards Affected: **Churston with Galmpton**

To: **Licensing Sub- Committee** On: **28 March 2019**

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 Variation to 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 of “The Prevention of Crime and Disorder”, “The Prevention of Public Nuisance”, “Public safety” and “The Protection of Children from Harm”

1.4 The matter must be considered on its own merits having received details of the issues arising either at a hearing or by written Representations if all parties have agreed that a hearing is not necessary. Having regard to the Representations and issues arising, a decision must be made to take such steps as are necessary for the promotion of the licensing objectives. These are:-
(a) to modify the conditions of the licence, or
(b) reject the application in whole or in part, or
(c) to grant the application as applied for

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

1.5 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.

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2. Introduction

- 2.1 An application has been made under Section 34 of the Act for a Variation to a Premises Licence. Details of the application are shown in Appendix 1. Only the relevant pages of the application are shown.

A brief description of the proposed Variation is as follows:-

To add the performance of unamplified and amplified Live Music outdoors at the premises between 10:00 and 23:00 on any day.

To add the performance of Recorded Music outdoors at the premises between 10:00 and 23:00 on any day.

To add the showing of Films both indoors and outdoors at the premises between 10:00 and 23:00 on any day.

To increase the Sale of Alcohol both on and off the premises on Sunday to allow alcohol to be sold from 10:00 which is an additional 2 hours in the morning.

To increase the Opening Hours on Sunday to allow the premises to open at 10:00 which is 2 hours earlier than presently on the licence.

- 2.2 A copy of the current premises licence showing the licensable activities, timings and conditions is shown at Appendix 2 of this report.

The Premises are presently licenced for the following:-

The Performance of Live Music, indoors only, Monday to Saturday 10:00 until 00:30 and Sunday noon until midnight.

The Performance of Recorded Music, indoors only, Monday to Saturday 10:00 until 00:30 and Sunday noon until midnight.

Late Night Refreshment, indoors and outdoors, Monday to Saturday 23:00 until 00:30 and Sunday from 23:00 until midnight.

The Sale of Alcohol, on and off the premises, Monday to Saturday 10:00 until midnight and Sunday noon until 23:30.

The Opening Hours are Monday to Saturday 10:00 until 00:30 and Sunday noon until midnight.

The exemptions under the Live Music Act 2012 apply to this licence.

- 2.3 Torbay Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 35(1) but is unable to issue the variation to the Premises Licence, as relevant Representations have been received from 50 members of the public and 2 Responsible Authorities. The Licensing Authority is also satisfied that the Representations were received within the appropriate time-scale, have not been subsequently withdrawn and are not vexatious or frivolous.

We have received a Representation from the Police which relates to the Licensing Objectives “The Prevention of Crime and Disorder”. This is shown as Appendix 3.

We have received a Representation from Public Protection in relation to the Licensing Objectives “Public Safety” and “The Prevention of Public Nuisance”. This is shown as Appendix 4.

We have received 40 Representations from members of the public, with 49 signatures, who are objecting to the application. The Representations relate to the Licensing Objectives of “The Prevention of Crime and Disorder”, “The Prevention of Public Nuisance”, “Public safety” and “The Protection of Children from Harm”. These are shown as Appendix 5.

We have received 10 Representations from members of the public, with 11 signatures, who are supporting the application. The Representations relate to the Licensing Objectives of “The Prevention of Crime and Disorder”, “The Prevention of Public Nuisance”, “Public safety” and “The Protection of Children from Harm”. These are shown as Appendix 6.

There have been no Representations received from any other Responsible Authority or any other Interested Party other than those mentioned above.

- 2.4 The Authority is required to conduct a hearing by the provisions of Section 35(3) unless all parties agree that this is not necessary.
- 2.5 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.
- 2.6 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.
- 2.7 If the application is granted, a Right of Appeal to the Magistrates’ Court is granted by Section 181 of the Act and, by Paragraph 4(2) of Schedule 5 to :-
 - (a) The applicant for the variation of the licence against any decision to modify the conditions
 - (b) Any person who made a relevant representation in relation to the application who desires to contend
 - (i) that any variation made ought not to have been made, or
 - (ii) that, when varying the licence, the Licensing Authority ought to have modified the conditions of the licence or ought to have modified them in a different way.
- 2.8 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	Relevant sections of the application form.
Appendix 2	Copy of the Premises Licence and Plan.
Appendix 3	Representation from the Police.
Appendix 4	Representation from Public Protection.
Appendix 5	Representations from members of the public objecting to the application.
Appendix 6	Representations from members of the public supporting the application.

Documents available in members' rooms

None

Background Papers:

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

The current Premises Licence for the above Premise.

Torbay Council Licensing Policy 2016-2021.

**Application to vary a premises licence
 under the Licensing Act 2003**

COMMUNITY SAFETY

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 ~~Jonathan Frederick Smith~~ Gooseberry Inns (2016) Ltd
 (Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PL 1061

Part 1 – Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description Churston Court Hotel Church Road Churston Ferrers			
Post town	Brixham	Postcode	TQ5 0JE
Telephone number at premises (if any)	01803 842186		
Non-domestic rateable value of premises	£22222		

Part 2 – Applicant details

Daytime contact telephone number	01803 842186		
E-mail address (optional)	j.smith@gooseberryinns.co.uk		
Current postal address if different from premises address	Churston Court Hotel Church Road Churston Ferrers		
Post town	Brixham	Postcode	TQ5 0JE

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

Variation is sought to permit:

the performance of unamplified and amplified live music outdoors at the Premises, between 10:00 and 23.00 on any day;

the performance of recorded music outdoors at the Premises, between 10:00 and 23.00 on any day;

the showing of films (both indoors and outdoors), between 10:00 and 23 00 on any day;

the alignment of the opening time on Sundays, and the time for the commencement of sale of alcohol on and off the premises on Sundays, with that for all other days of the week currently (no changes to finishing or closing times).

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Not applicable

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	23:00	Please give further details here (please read guidance note 5)	Both	X
Tue	10:00	23:00			
Wed	10:00	23:00	State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur	10:00	23:00			
Fri	10:00	23:00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat	10:00	23:00			
Sun	10:00	23:00			

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	X
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	10:00	23:00			
Tue	10:00	23:00	State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed	10:00	23:00			
Thur	10:00	23:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	10:00	23:00			
Sat	10:00	23:00			
Sun	10:00	23:00			

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	X
Mon	10:00	23:00	<u>Please give further details here</u> (please read guidance note 5)			
Tue	10:00	23:00				
Wed	10:00	23:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)			
Thur	10:00	23:00				
Fri	10:00	23:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)			
Sat	10:00	23:00				
Sun	10:00	23:00				

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	X
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon	10:00	00:00			
Tue	10:00	00:00			
Wed	10:00	00:00			
Thur	10:00	00:00			
Fri	10:00	00:00			
Sat	10:00	00:00			
Sun	10:00	23:30			
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	10:00	00:30	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)
Tue	10:00	00:30	
Wed	10:00	00:30	
Thur	10:00	00:30	
Fri	10:00	00:30	
Sat	10:00	00:30	
Sun	10:00	00:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

NOT APPLICABLE

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

X

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

JTB

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

Agreement and implementation of a Noise Management Plan.

e) The protection of children from harm

Licensing Act 2003
Premises Licence

1061

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

Churston Court Hotel

Churston Ferrers, Brixham, Devon, TQ5 0JE.

Telephone 01803 842186

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- 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
E. Performance of live music (Indoors)	Monday to Friday	10:00am	12:30am
	Saturday	10:00am	12:30am
	Sunday	Noon	Midnight
F. Playing of recorded music (Indoors)	Monday to Friday	10:00am	12:30am
	Saturday	10:00am	12:30am
	Sunday	Noon	Midnight
L. Late night refreshment (Indoors & Outdoors)	Monday to Friday	11:00pm	12:30am
	Saturday	11:00pm	12:30am
	Sunday	11:00pm	Midnight
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Friday	10:00am	Midnight
	Saturday	10:00am	Midnight
	Sunday	Noon	11:30pm



Licensing Act 2003
Premises Licence

1061

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Friday	10:00am	12:30am
Saturday	10:00am	12:30am
Sunday	Noon	Midnight
Non Standard Timings: On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.		

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

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Gooseberry Inns (2016) Limited
jf-smith@hotmail.co.uk

2 Stoke Gabriel Road, Galmpton, Brixham, TQ5 0NL.
Telephone 01803 661101

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

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Jonathan Frederick SMITH

Oversea, Bascombe Road, Churston Ferrers, Brixham, Devon, TQ5 0JW.

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. PA3039

Issued by Torbay



Steve Cox
Environmental Health Manager
28 November 2016

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

The Prevention of Crime and Disorder

- 1) All glasses and bottles will be cleared from the public areas when emptied or finished.
- 2) If any persons are acting in a disorderly manner they will be asked to leave the premises.

The Prevention of Public Nuisance

ANNEXES continued ...

- 1) No noise will emanate from the premises to cause local neighbours to be unreasonably disturbed.

The Protection of Children from Harm

- 1) A challenge 25 policy is in place and persons who look 18 and under will be asked for relevant ID i.e Driving Licence / passport.

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

Churston Court Hotel

Churston Ferrers, Brixham, Devon, TQ5 0JE.

Telephone 01803 842186

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

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- any playing of recorded music
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

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	Saturday	11:00pm	12:30am
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M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Friday	10:00am	Midnight
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	Sunday	Noon	11:30pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
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Non Standard Timings:		
On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.		

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Gooseberry Inns (2016) Limited

2 Stoke Gabriel Road, Galmpton, Brixham, TQ5 0NL.

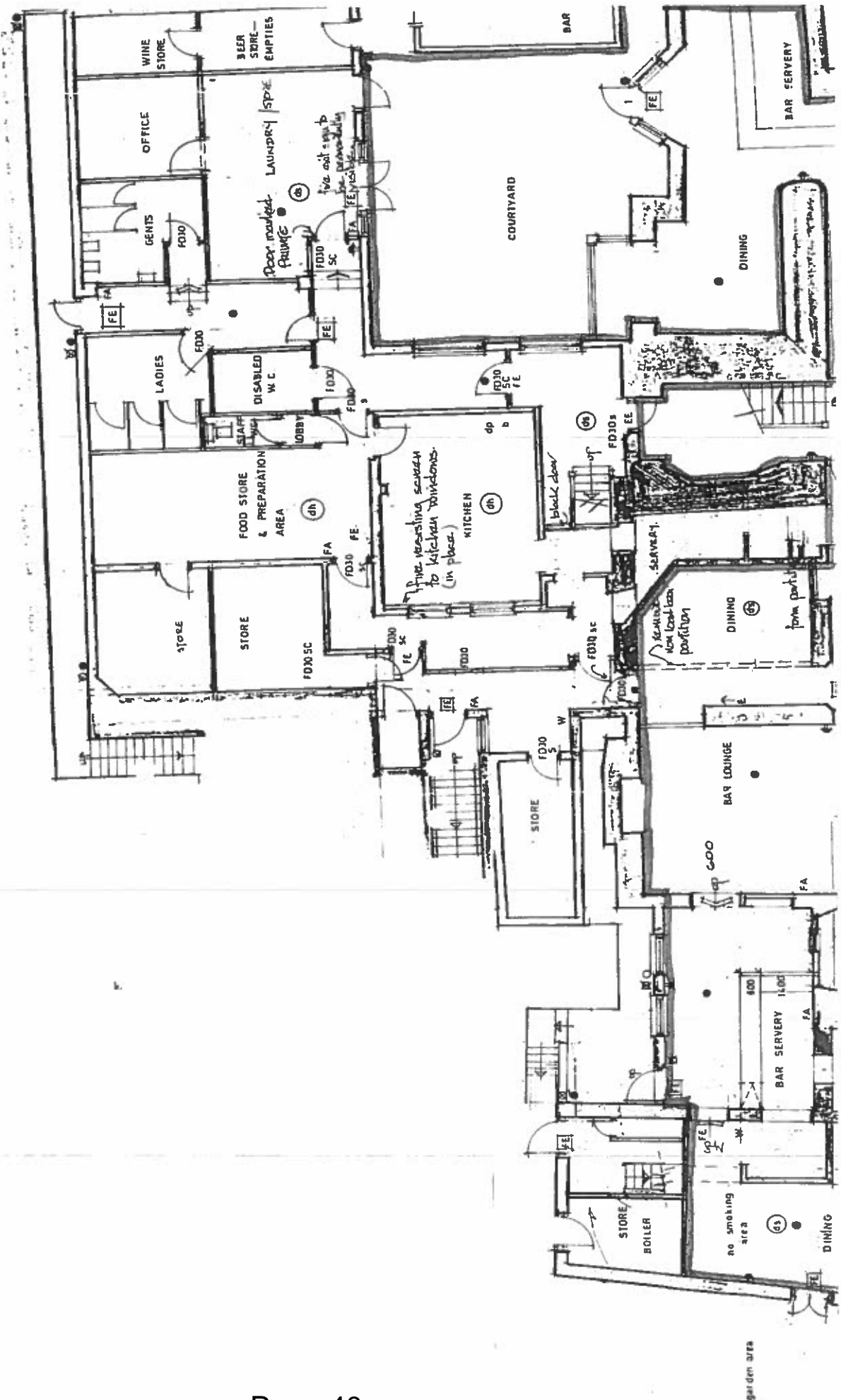
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

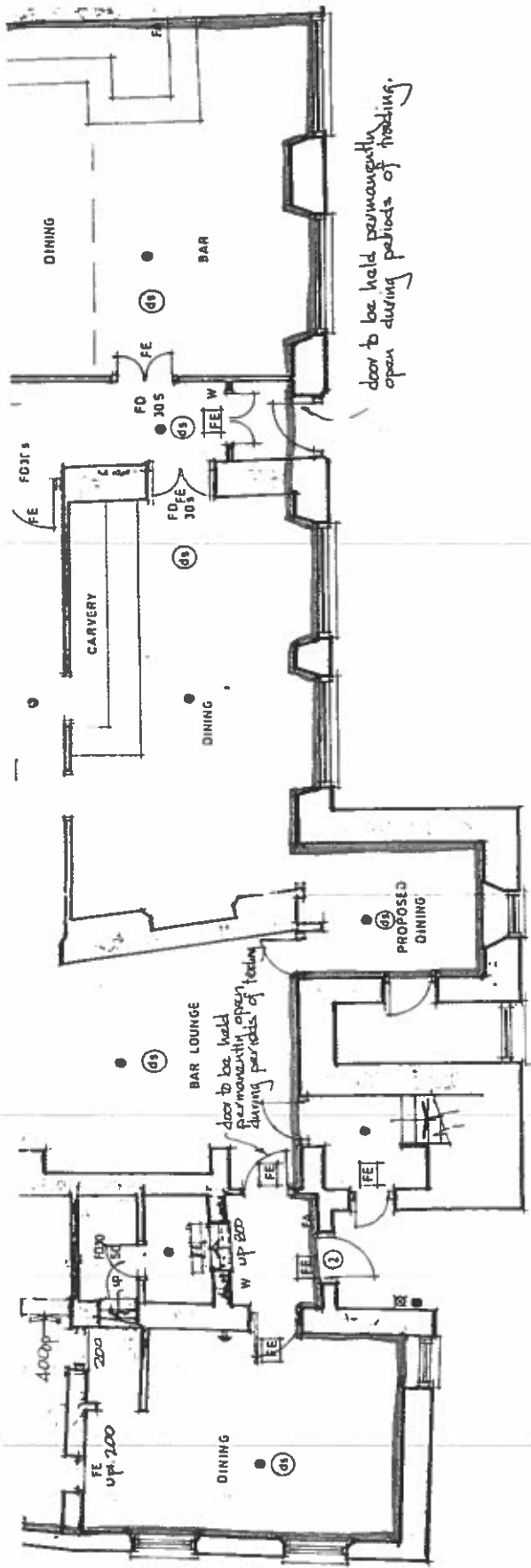
Jonathan Frederick SMITH

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

Stephen Cox

Steve Cox
Environmental Health Manager
28 November 2016





door to be held permanently open during periods of trading.

door to be held permanently open during periods of trading.

ground floor

LEGEND

FD 30 min fire resisting doors fitted with self closing device and flexible door smoke seal with fluorescent strip.

FE illuminated fire exit signs 100mm high black lettering white on green background

FE as above but non-illuminated.

FE exit signs with directional arrows.

Emergency lighting point to BS 5266 Pt 1 1988, (L2 system) links to work on failure of local or primary system.

W a like type water extinguisher to be hung on wall brackets with handle 1.0m above ground level.

FA break glass call points

⑩ heat detectors

⑪ smoke detectors

Alarm sounders to be positioned following audibility tests.

all above to be to BS 5839 Pt 1 1988

X external primary lighting points.

① Exit door to be fitted with a

push bar device and not

locked during periods of trading

② Door to be fitted with panic

latch & push to open sign.

OP dry powder extinguisher

○ fire blanket.

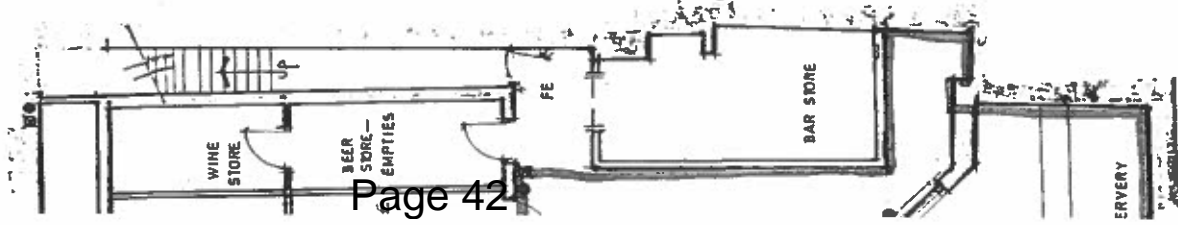
walls and ceilings to provide

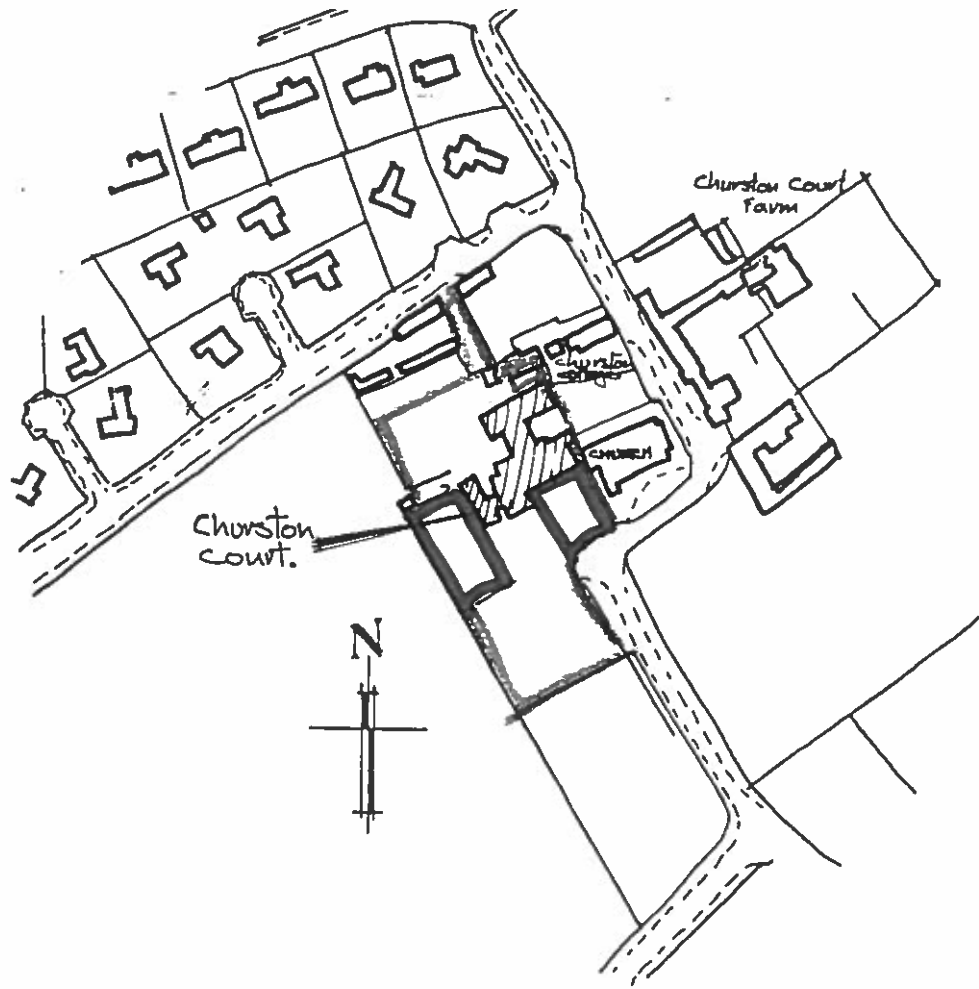
Class 1 surface spread of flame

Escape routes to provide

Class 0 surface spread of flame.

□ indicates areas to





location plan 1:1250



Devon & Cornwall Police

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

Licensing Department
Devon and Cornwall Police
Police Station
South Street
TORQUAY TQ2 5AH

Telephone: 01803 218900

4 March 2019

Dear Sir/Madam

Churston Court Hotel, Church Road, Churston Ferrers, Brixham, TQ5 0JE

I refer to an application to vary the premises licence in respect of the above named premises, which has the benefit of Premises Licence PL1061 issued by Torbay Council. The application has been submitted by the premises licence holders Gooseberry Inns (2016) Ltd.

I have been advised that this application has been submitted to allow the premises licence holders to run outdoor events, such as festivals and cinema nights, within the grounds of the premises.

I am aware the premises licence for the Churston Court Hotel was subject of a Review in October 2018 as a result of noise issues experienced by residents and concerns in relation to a festival called "Strawberry Fayre". This event attracted a large number of persons, who parked their vehicles within narrow lanes leading to the premises and this caused concern should emergency vehicle access be required to the area, particularly as some of these lanes would not have been passable to larger vehicles, such as fire engines or ambulances. I am aware that Strawberry Fayre is to be held on Friday 16 August and Saturday 17 August 2019.

My Police Licensing Officer, Mrs Julie Smart, has conducted research of our computer systems in relation to the Churston Court Hotel and can advise you that we have no concerns in relation to crime and disorder at this premises. However, if the Strawberry Fayre is to be a regular event, and attendance is likely to increase year on year, the premises licence holders have a duty to ensure that all of the licensing objectives are met. I therefore recommend that the premises licence holders should submit a detailed

Emergency 999

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

101@dc.police.uk 101

Follow us DevonAndCornwallPolice

DC_Police



DCPolice



Police Service Standard
Stock code: SF615

Event Management Plan to the Public Safety Advisory Group (PSAG) in respect of any large scale events planned to take place in the grounds of the premises. Furthermore, I recommend that a condition is added to the licence in respect of this matter, however as I do not know the premises licence holder's intentions concerning the use of the outdoor areas, the wording of a condition is problematic as I would not wish to impose a condition that all events have to be considered by PSAG.

As the premises licence holder will be required to attend a hearing in respect of this variation, I respectfully suggest that the representative of Gooseberry Inns (2016) Ltd is requested to provide details of all events to be held outdoors in order that consideration can be given as to which of these events they will be required to produce an Event Management Plan in respect of.

An alternative solution to the above would be to limit the use of the outdoor areas for large scale events to a specific number of times per calendar year. In this respect I recommend that the licensing authority considers this matter in conjunction with any representations received in relation to potential noise and nuisance concerns at the premises.

I also request that the below condition is added to the licence:

The premises licence holder shall carry out a risk assessment in relation to all events held at the premises in relation to the requirement for door stewards and they shall employ such door stewards, if at all, in such numbers and at such times determined by that risk assessment. A copy of this risk assessment shall be retained on the premises for a period of 12 months and produced at the request of any representatives from the responsible authorities.

Should you require any further information or assistance, please do not hesitate to contact my Licensing Officer, Mrs Julie Smart, on telephone number 01803 218900.

Yours faithfully



Superintendent J Hawley
Head of Prevention Department
Devon & Cornwall and Dorset Police Alliance

Memorandum

<p>To: TORBAY COUNCIL</p> <p>c.c.</p> <p>c.c.</p> <p>c.c.</p> <p>For the attention of: Mandy Guy, Licensing Officer</p>	<p>07 MAR 2019</p> <p>COMMUNITY SAFETY</p>	<p>From : Mr Karl Martin</p> <p>Contact :</p> <p>Ext : 01803 208025</p> <p>My Ref : 12V SRU No: 249132</p> <p>Your Ref :</p> <p>Date : 7th March 2019</p>
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Subject: Variations application Number 052784, Churston Court, Churston Ferrers, Brixham, TQ5 0JE. Premise licence number PL1061

- a) I have no comments to make on the above application

- b) The application does not meet the following licensing objectives:
 - i) Prevention of crime and disorder
 - ii) Protection of children from harm
 - iii) Public safety
 - iv) Prevention of public nuisance

1. The application which is the subject of this report was accepted by the Council on the 7th February 2019 following a pre-trial hearing at Newton Abbot Magistrates Court. The pre-trial hearing was in relation to an appeal against a decision made by Torbay Council Licensing Sub-Committee in October 2018 in relations to a review of the Churston Courts premise licence.
2. At the review hearing a condition was added to the licence removing the exemption under the Live Music 2012. This condition meant live and recorded music was now a licensable activity.
3. The existing licence does not authorise live or recorded music for outside areas and therefore the applicant seeks to remedy by inclusion of these activities on the licence using the full variation application process under the Licensing Act 2003.
4. The application seeks live, recorded music and the showing of films outside between the hours of 10:00am – 11:00pm 7 days a weeks.

5. Following the serving of a variation application number, number 052784, a meeting was arranged with Mr Smith et al on the 13th February 2019.
6. Mr Smith (Premises Licence Holder) at this meeting indicated it is not the intention to host music outside at all the times advertised but instead it was an opening negotiating position.
7. Mr Smith was advised to more narrowly define the timings and types of activities he wishes to host as this would greatly help residents, responsible authorities and in time the licensing Sub-committee in their decision process.
8. Three primary issues were identified in the original review hearing (in relations to noise nuisance):-
 - i. Large events
 - ii. Cinema/movie showings
 - iii. Live music on Sunday afternoons

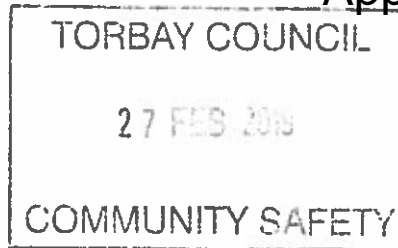
Mr Smith was asked to refer back to his letter to Mr Karl Martin dated 24th August 2018 and verbal assurances given at the licensing review in October 2018 on the control measures he has put forward as solutions to unwanted noise nuisance created during the summer of 2018.

9. At the time of writing this report Mr Smith has engaged the services of an acoustic consultant with experience of managing noise from entertainment venues. The consultant will undertake the following:-
 - i. Establish background noise levels
 - ii. Noise modelling/local acoustic profile
 - iii. Full report with recommendations.
10. As of the 7th March 2019 without the benefit of the acousticians report is difficult for the responsible authority to conclude informed recommendations to the licensing Sub-Committee.
11. Anticipating the arrival of the report W/C 11th March 2019 I will make no new recommendations at this time and will furnish members of Licensing Sub-committee with an additional report no later than 5 working days before the scheduled hearing date to allow sufficient time for negotiations with the applicant.
12. However, based on evidential facts to date the author has nothing new to offer in terms of reassurance and therefore I refer Members to the decision notice issued after the review hearing on the 25th October 2018.



Karl Martin
Public Protection Officer
Licensing and Public Protection
Community Safety
Torbay Council

Executive Head Community Safety
Torbay Council
C/O Torquay Town Hall
Castle Circus
Torquay
TQ1 3DR



Links Close
Churston Ferrers
Brixham
TQ5 0JF

25th February 2019

Re: Churston Manor Application for the Renewal of Outdoor Entertainment License ref: 052784

Dear Sir or Madam

As a resident of Churston Village I was a very much relieved to see the withdrawal of Churston Manor's license for outdoor music last October. Throughout 2018 we were subjected to outdoor loud music and equally loud outdoor film events which were incredibly intrusive to the point we were unable to even enjoy sitting in our garden.

It was with great dismay therefore that we noticed that Churston Manor has applied to have its outdoor music license reinstated.

While I wish to be supportive of a local business and amenity, as far as we are aware, nothing has changed in respect of the intentions of the proprietors of Churston Manor i.e. they will continue to create the same level of noise and nuisance if they have their outdoor music license reinstated. We have seen no communications from Churston Manor to local residents in relation to this application and what, if any, steps they intend to take to mitigate the nuisance they caused throughout 2018 should they be granted a new license.

Also, I should like to highlight that during an event entitled the "Strawberry Fair" Church Road was blocked off to local traffic. I now understand that this was not a pre-arrangement with the council despite marshals wearing TOR2 jackets stopping and turning back residents accessing Churston Village. In addition to the noise there was a high degree of nuisance from drunken behavior culminating in an accident that demolished part of the wall adjacent to Churston Barns.

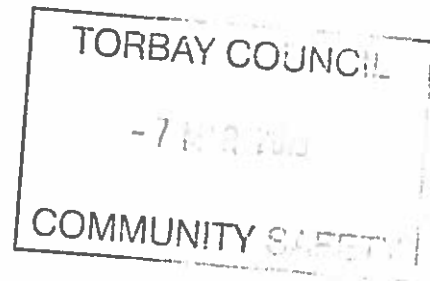
As the proprietors of Churston Manor appear to have shown a complete disregard for the residents of Churston Village and there is no evidence of a willingness to mitigate the negative impact of their activities I would like to formally register my objection to the reinstatement of Churston Manor's outdoor music license.

Yours Sincerely

A large, dense, black scribble used to redact the signature of the sender.

A smaller, dense, black scribble used to redact contact information, likely a phone number or email address.

Gary O'Shea, Principal Officer
Torbay Licensing and Public Protection
licensing@torbay.gov.uk



4 March 2019

Dear Sir

Open Application 052784

Variation Application for Premises Licence

Churston Court Hotel, Churston Ferrers, Brixham, Devon TQ5 0JE

We **OBJECT** to the application for extended alcohol sales and permission to hold noise generating amplified and floodlit outdoor events. Our reasons are:

1. The scale and scope of the licence requested is disproportionate to premises. A “modestly sized country pub in a rural village” is incompatible with the following:

- Provision of late night refreshments 7 days a week
(Mon – Sat 23.00 – 00.30; Sun 23.00 – 00.00)
- Sale by retail of alcohol on and off the premises 7 days a week
(Mon – Sat 10.00 – 00.00; Sun 10.00 – 23.30)
- Exhibition of films indoors and outdoors 7 days a week
(Mon – Sun 10.00 – 23.00)
- Performance of live music indoors and outdoors 7 days a week
(Mon – Sun 10.00 – 23.00)
- Playing of recorded music indoors and outdoors 7 days a week
(Mon – Sun 10.00 – 23.00)

Note the above includes unamplified and amplified music both indoors and outdoors.

2. The specific characteristics of this particular “modestly sized country pub in a rural village” mean that it is even more reason not to permit a licence of such disproportionate scale and scope.

Churston Manor (*Churston Court Hotel*) is a historical Grade 2* situated in the Conservation Area of Churston Ferrers village. It is situated next to the tranquil Grade 2* St Mary The Virgin Church and picturesque village graveyard. It borders directly the AONB and is on the walking routes of the John Musgrave Heritage Trail, Riviera Greenway Walk and links to the South West Coast Path.

To the South of Churston Manor are agricultural grazing fields which are Greater Horseshoe Bat foraging areas (forming part of the designated South Hams SAC, linking GH bat radio tracked flight routes from the Berry Head roost).

To the East of Churston Manor stands the renovated Churston Farm buildings (which required bat boxes and reduced lighting to protect the important wildlife habitat).

The tranquil rural residential area is made up of historical Churston Ferrers Village, Church Road, Green Lane, Links Close and Elberry Lane which then connect to Bascombe Road. The narrow country lanes become easily congested and have reduced street lighting (some none at all) to protect wildlife habitats and maintain dark skies. Night time is very peaceful, hooting owls are often heard and numerous species of bats and other wildlife are regularly seen.

3. Previous regulated activities by the licensees have already caused significant problem with negative effects on the amenity of local residents necessitating complaints being made to Torbay Council.

Residents have previously complained about intolerable public nuisance over a long timeframe from afternoon to night, further congestion on country lanes, spill-over parking inconsiderately left in residential areas, unruly behaviour when exiting the premises, genuine concerns for safety particularly access for emergency services due to unlawful closure of public highways, sleeping in cars overnight, excessive night lighting, damage to historic stone entrance wall, conflict with local church and country leisure activities.

This application is for amplified outdoor music and films where sound travels easily across the rural area. Noise can be heard inside resident's homes and at times makes it impossible to sit outside in gardens. Properties further afield as far as Hill Head have been able to hear a constant throbbing sound when events have taken place.

We are informed there is now unfortunately a lack of trust from many local residents. Churston Court was a popular family orientated local pub, restaurant and hotel which transformed last Summer into a noisy uncontrolled events venue with alcohol. We understand 27 events were held in 2018. Residents have also voiced concerns that the change in character of the venue causes problems with issues such as drugs but that systems are not in place to deal with these issues appropriately.

4. Council Officers and the Licensing Committee have attributed previous problems to the Churston Manor's management of past events. No reason is given as to why licensing controls should be relaxed and greater authority and responsibility should be given to the Licence Holder when the same failing management systems are in place.

We draw to attention to the Report by Karl Martin Public Protection Officer dated 27 September 2018 available on the Council's website via the following link [25102018 Churston Court Review App 3 pdf.pdf](#). That report says:

"4.2 For events such as the Strawberry Fayre a noise management plan should have been developed and implemented. It is an irresponsible and serious management failing not to have taken into account the impact of

noise from large events. Unfortunately the same failings occurred on 2nd September...

- 4.3 Consequently residents have felt marginalised as the Premises Licence Holder has ignored their statutory right to quiet and peaceful enjoyment of their homes and more profoundly disregarded the covenant of being a good neighbour...

As a result the report recommended:

- "5.2 The exemption under the Live Music Act 2012 shall be repealed in respect of these premises."

We also draw to attention to the Minutes of the Licensing Sub-Committee dated 25 October 2018 available on the Council's website via the following link [Minutes Template](#). The Minutes provide a wholly damning assessment of the management of previous events.

The Licensing Sub-Committee found the statements by the management to be "disingenuous and demonstrated a complete disregard to the integrity and suffering of those residents who had complained" and identified an unauthorised closure of the public highway leading to residents being unable to access their homes.

5. **The proposed Licence would cause a Material Change of Use by fact and degree which would lead to the need for a Planning Application which in turn would lead to the need for a Habitats Assessment under EU law.**

The current premises are a pub and gardens. They are not, for example, an outdoor cinema potentially used 365 days a year. Outdoor screening of films to the degree contemplated in the application is a Material Change of Use of the land by fact and degree. Such a change of use requires planning consent.

The location of the site within the South Hams SAC means that for such a planning consent a Habitat Assessment would be required. As per the Habitat Assessments undertaken for the adjacent Churston Barns development, such a Habitats Assessment would need to include a full 12 month bat survey.

Yours faithfully


Vice Chairman.

SEM/249132

Executive Head Community Safety
Torbay Council
C/O Torquay Town Hall
Castle Circus
Torquay
TQ1 3DR

TORBAY COUNCIL
26 FEB 2019
COMMUNITY SAFETY

● Ferrers Green
Churston Ferrers
Brixham
TQ5 0LF

23/02/2019

Re Gooseberry Inns (2016) Ltd. & Variation Application 052784

Dear Sirs,

We would like to lodge our strong objections against the above application (Churston Manor Hotel) to extend their licence agreement to include extended opening hours to 00.30 seven days per week together with Live Music, Recorded Music, Films, indoors and outdoors, together with an extension of the hours for alcohol sales.

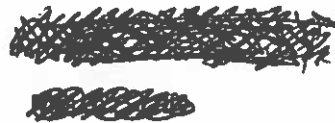

Our objections are based on:

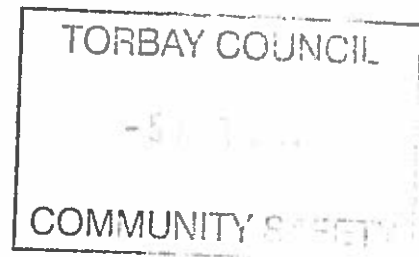
- Greater noise and inconvenience for local residents.
- Greater possibility of bad behaviour related to alcohol.
- Greater amounts of litter in local lanes from discarded food wrappers and drink containers.
- Greater possibility of attracting undesirable elements to a quiet peaceful village.
- Disturbance of Services at St. Mary Virgin Church immediately adjacent to the hotel.
- Reduction in the quality of life for the local residents. Commercial business objectives should not override the local resident's right to enjoy a peaceful village environment.
- Greater amounts of inconsiderate parking on narrow roads due to the inadequacy of the hotel parking space. Previous events have resulted in parking problems in Churston Village, which has narrow roads and few pavements, and around the hotel.
- The hotel is directly beneath the flight path of the greater horseshoe bats between their roost at Berry Head and their South Hams feeding areas. Strict regulations apply to any form of increased light /noise pollution.
- Greater pressure on the local Police as they are called out to police the rising problem of excessive drinking in the Bay, especially on Friday and Saturday nights.

Residents who live in the area surrounding the hotel have already been inconvenienced on numerous occasions by loud music, drinking into the early hours of the morning, and the noise of departing cars. Immediate residents have already taken action to abate the noise. We live approximately ¼ mile from the hotel, but can still hear the noise, necessitating the bedroom windows to be shut on summer evenings. The variation of license requested is more suitable for a city centre night club than a hotel in a rural setting.

To summarise, we strongly object to the above application for extended hours and music etc. and would ask you reject it for the reasons outlined above.

Yours faithfully,





Churston Manor Application to Vary Premises Licence.

Executive Head Community Safety,
Torbay Council.
c/o Torquay Town Hall,
Castle Circus,
Torquay TQ1 3DR

*Links Close
Churston Femens
Brixham
TQ5 0JF.*

Dear Sir or Madam

I wanted to register my opposition to any variation to the premises licences currently being sought by Churston Manor. My opposition is on the basis that the Premises Licence Holder (PLH) is unlikely to promote the licensing objectives. Namely Public Safety and the Prevention of Public Nuisance.

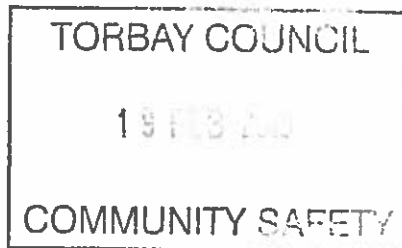
I was very pleased when I heard of the Licensing Committee's decision on the 25th October 2018 to stop all outside live events as they were having a detrimental effect on me and my family. The noise was excessive and the volume of traffic and cars parked on all our local roads caused a serious access issue.

I am unaware of any changes that have taken place since the committee made its decision and have little trust that events would be organised in such a way that there was an acceptable impact on our quiet village.

You will be aware that Churston is in a conservation area and I would like to maintain the quiet nature of this community.

I hope this application will be denied.

Your faithfully



[Redacted]
Green Lane
Churston Ferrers
TQ5 0JG
17th February 2019

**Subject : Churston Manor Hotel
Application to Vary a License**

Dear Sir / Madam

We are writing to you to express our significant concerns regarding the application to vary a license at the Churston Manor Hotel, Churston Ferrers, which we find totally unacceptable. There have been no changes from the decision made in October 2018, either with;

- a) actions that the Hotel landlords committed to making
- b) our fears, which we communicated to Torbay Council in writing at that time.

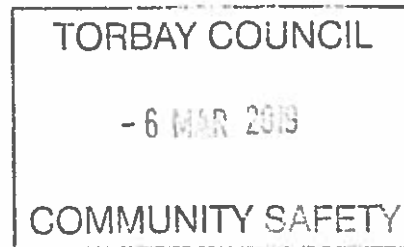
To reiterate our fears were the continual noise from the Hotel during the summer. This culminated with the Strawberry Fayre where the noise over the two days was unbearable (unable to even sit in our garden) and in excess of the time period, we were led to believe was agreed. Also, during this Fayre, we experienced access problems to our property, drunk and loutish behaviour, fighting and vehicle collisions.

The proximity of the hotel to many local residents means this level of noise is intolerable. Churston Ferrers village with its tight country lanes is not able to accommodate a Fayre, even with restricted numbers which can not be effectively policed due to people coming in and out. This is generally an area of ageing people where emergency vehicle access is paramount at all times. The Hotel borders a local church and graveyard which is continually in use during the summer. If people wish to frequent an activity of this nature, there are plenty of authorised events during the summer in local sports and social clubs where access, parking and control are professionally controlled.

We encourage you to seriously consider our comments and those of other local residents.

Yours sincerely

[Redacted Signature]
[Redacted Name]
[Redacted Address Line 1]
[Redacted Address Line 2]
[Redacted Address Line 3]



~~XXXXXXXXXX~~
Churston Court Farm,
Church Road,
Churston Ferrers,
Brixham.
TQ5 0JE

Environmental Health Manager (Commercial),
Torbay Council,
Community Safety,
c/o Torquay Town Hall,
Castle Circle,
Torquay.
TQ1 3DR

5th March 2019

Dear Sir or Madam,

**Objection to Application 052784 Variation Application for Premises Licence
Churston Court Hotel (Trading as Churston Manor) TQ5 0JE**

We live in the Churston Court Farm development immediately behind the Church of St Mary, and facing what is now called Churston Manor. We wish to oppose any variation of the current licence on the following grounds:

- The Premises License Holder has consistently abused licencing objectives with regard to Public Safety and Public Nuisance as noted in your Licensing Sub-Committee Meetings' decision of Thursday 25th October. These outdoor events, as represented at the meeting, have contributed hours of extremely high-level noise intrusion and serious access issues preventing us from the normal enjoyment of our home.
- Churston is in a conservation area and is normally very quiet and peaceful. A return to regular outdoor entertainment would significantly disturb this environment, and would be a gross intrusion.
- Whilst nobody wants to be a kill-joy, after the October finding the level of noise from the New Years Eve event was unacceptable. The thunderous noise level from the fireworks was actually like being in a war zone, and again showed a disregard for the welfare of the neighbouring community.

We would be grateful if you could deny the above application.

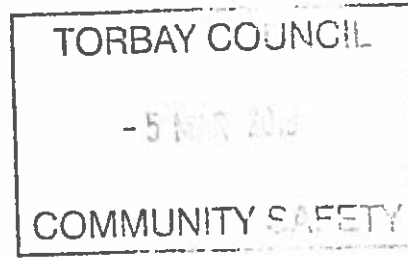
Yours faithfully,

~~XXXXXXXXXX~~
~~XXXXXXXXXX~~


[Redacted]

Green Lane
Churston
TQ5 0JG

05/03/2019



Dear Licensing and Public Protection

We're writing in regard to the 'Application to vary a premises licence' submitted by Churston Manor Hotel requesting to permit the performance of unamplified and amplified live music outdoors as well as the showing films outdoors between 10:00 and 23:00 on any day.

We live next door to Churston Manor and share a boundary with the property, the separation between us is a fence and a few trees. We moved into our property in November 2016 and since that time Churston Manor have held a number of live music events and film evenings. The frequency of these events have increased over time, culminating in the 2 day and night Strawberry Fayre last summer.

Churston Manor have already begun advertising this years Strawberry Fayre on 16-17th August 2019. A Facebook post has 721 people interested in the event already and it's only March. I would like to know what plans they have in place so prevent the issues and problems that occurred last summer? The roads and infrastructure around Churston are not designed for such large numbers of people to attend an event like this.

The volume of noise from the live music not only stops us from being able to enjoy our garden, but can also be heard inside our home with the windows closed – something which is not practical on a summers day. I don't particularly want to sing along to the film 'Mamma Mia' at 10pm on a Sunday evening knowing I have to get up for work the next day.

We attended the licensing hearing on October 25th 2018 and listened not only to the objections and sufferings of our fellow village residents but heard the licencees from Churston Manor admitting that they had got things wrong. We understand from a letter posted through our door that they are trying to rectify some issues, which is good, however they are doing this without consulting with their neighbours. This seems to be the complete opposite approach to what someone who "claims" to want to run a pub for the local community would do. In fact, the licencees seem far more interested in garnering support for their cause through social media than working with their neighbours to come to a solution that works for everyone.

We live in a quiet village surrounded by countryside, not the middle of a town. We don't expect to hear loud music almost every weekend in the summer coming from our village pub, stopping us from using our garden. We have a young a child and want to be able to enjoy our home and garden together.

Kind regards

[Redacted signature]

01741132

[REDACTED], Elberry Lane, Churston Ferrers, Brixham, Devon, TQ5 0JQ
Tel: [REDACTED]

Executive Head Community Safety
Torbay Council
c/o Torquay Town Hall
Castle Circus
Torquay
TQ1 3DR

TORBAY COUNCIL

- 6 MAR 2019

COMMUNITY SAFETY

5th March 2019

Dear Sir or Madam,

Re: Licence Application by Churston Manor - application 052784

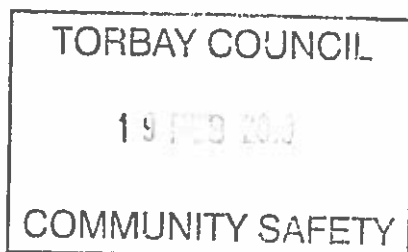
We are writing to strongly oppose any licence that permits loud activities at Churston Manor. Being sited as it is in a quiet village location we think any such activities would be inappropriate, causing an unacceptable level of disturbance to the local residents. We are also concerned about high volumes of traffic on the narrow roads around the Manor and light pollution that would result from such activities.

Yours sincerely

[REDACTED]
[REDACTED]

[REDACTED]

Executive Head Community Safety
Torbay Council
C/O Torquay Town Hall
Castle Circus
Torquay TQ1 3DR



~~XXXXXXXXXX~~
Churston Court Farm
Church Road
Churston Ferrers
TQ5 0JE

18th February 2019

Dear Sir/Madam,

**Representation against the Application to Vary a Premises. Licence No:PL 1061
Gooseberry Inns (2016) limited – Churston Manor Hotel Church Road, Churston Ferrers, Brixham
TQ5 0JE**

It is a matter of great concern that I find myself having to write to the Council in order to preserve my right to a peaceful and safe way of life.

I have to object most strongly to the application from Churston Manor to Vary their licence and have the outside live/recorded music reinstated .

The Churston Manor proprietors have not contacted me or as far as I know any other local residents since the Review hearing last October with any suggestions or guarantees that they have implemented/improved the management and organisation of live outdoor music events.

Churston Manor had promised to review their strategy and advise the local residents of what actions they would be taking in order not to cause the tremendous impact of noise caused by loud amplified music played continually for many hours and the volume of people attending the events. The recommendations from Torbay Council for Churston Manor to seek advice or employ a qualified professional sound or events organisation to ensure the noise intrusion is kept to an acceptable degree and the safety of local residents was not compromised has not materialised

The arrogance and contempt that the proprietors have for the local community and even the Council who have offered advice and help in reaching a solution is such that we do not warrant any communication and now from the residents point of view, who were willing to compromise so that we all can peaceful coexist has now disappeared.

As I am a very close neighbour and permanent full time resident in Churston Ferrers, I have had to endure many hours of persistence intrusive noise, which has had a direct impact on my way of life causing anxiety and stress. I have had to rescheduled visits from family and friends so that they do not coincide with events occurring at Churston Manor, as you are not able to enjoy sitting outside in your garden or even inside your own home, with enduring intrusive persistent noise. Walking in the

area when one of these events is on is almost impossible because of the traffic and illegal parking of cars and the associated rubbish generated by crowds, in addition we also have endured unauthorised road restrictions

In summary I am objecting to the licence variation for Gooseberry Inns (2016) ltd , as they have not met/satisfied two of the licensing objectives as follows :

1. Public Safety
2. The prevention of Public nuisance

Yours faithfully

A large, dark, irregular redacted area covering the signature and name of the sender. The redaction is composed of several overlapping blacked-out shapes, completely obscuring any text underneath.

Dear Madam or Sir

#052784 Churston Court Hotel Variation Application for Premises Licence



I am writing to you to object to the above application on the grounds that this is likely to cause a public nuisance.

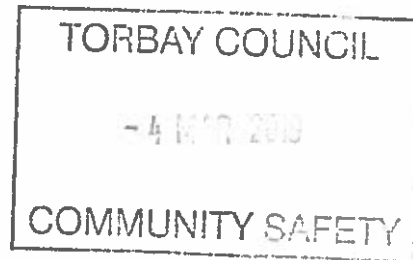
As a close neighbour of Churston Court Hotel the possibility that the hotel may play external amplified music or film soundtracks, at any hour from 10am, on any day, is unacceptable and would have a negative impact on me.


I am not against the hotel holding events where external amplified music may be played. To run a successful business it is not unreasonable to hold occasional external events with amplified sounds. I did not mind the music during the summer of 2018 and I was not one of those who raised a complaint at that time, though I was away during the three-day event in August.

However, given the lack of consideration towards their neighbours in the past I am not convinced that we can expect that the amount of disturbing noise emanating from the hotel will be limited in future. This license variation will allow far more continuous external amplified music as the hotel would be able to take advantage of any good weather to play music outside. There has been just one general communication (attached, received late February) from Churston Court Hotel and no details of a Noise Management plan or any other attempt to engage over this following the decision of the sub-committee on 25th October last year. Without some prior concrete plans from the hotel to alleviate concerns about possible nuisance, I do not agree to this application.

Regards


Green Lane
Churston Ferrers
TQ5 0JG





● Churston Road
Ferrers Meadow
Churston Ferrers
TQ5 0HW

22 February 2019

Re: Licence Variation for Churston Manor, Churston Ferrers, TQ5 0JE

Dear Sir / Madam,

I've recently become aware that Churston Manor have applied for a variation to their licence, which would allow them again to hold outdoor music and film events. They lost this right following a hearing in front of the licensing sub-committee last October.

I'm writing to you to state my objection to the return of that part of their licence, on the grounds of past and likely future noise nuisance and public safety issues.

Basically, I'd ask you to consider carefully what has changed since last October. The management of Churston Manor hasn't changed, and it's not likely that their attitudes towards their neighbours have either. Their track record is of ignoring the concerns of local residents and also of direct instructions and advice from the Licensing Authority.

Lots of evidence was submitted to and accepted by the sub-committee of repeated failures during events held in 2018 to show concern for potential noise nuisance caused to local residents. While the management claim that their events (particularly Strawberry Fayre) were well organized and managed, that just wasn't the case.

The nature of the local area is quiet and rural, and not suited to holding events which attract many people. Clearly last year, no real thought, care or planning had gone into how to deal with the associated safety issues of parking, dealing with the associated litter and noise nuisance, and how to handle so many people being in one place.

What resulted was a free for all, where the main event was conducted in an unregulated and chaotic manner. It's not clear if they abided by the 500 people limit, or had any way of checking how many people were on the premises at any one time. They also made decisions by themselves such as closing/restrictions to road access with no authority, and even challenged the movement of local residents.

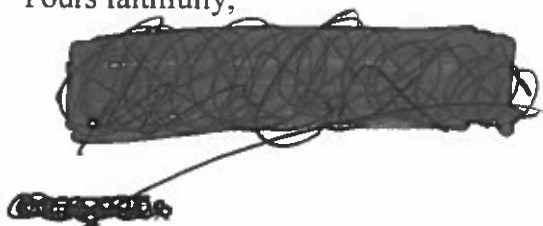
Jonathan and Chris have shown repeatedly that they aren't really willing to engage in conversation about these sorts of events, so I find recent promises to behave in a manner acceptable to everyone very hard to believe. Nor can I trust that they'll abide properly by any conditions the licensing authority might place on them.

While they say they want to gain approval just for occasional carefully chosen events, I'm really worried that the scope of the licence variation they're asking for would let them have both amplified and recorded music outdoors at any hour of any normal working day. That would mean noise nuisance on a very frequent basis, possibly as bad or even worse than during 2018. I live around 250m from Churston Manor, and was clearly able to hear music noise within my house even with the windows closed and the TV on.

Would it be reasonable of the licensing authority to give them another chance, and so risk subjecting the local residents again to the noise nuisance and safety issues that they faced repeatedly last year, based just on promises of future changes that will be made? That's even more worrying when you look at how Churston Manor have behaved before, and when you know it's all just about them trying to restore an income stream that they've now lost.

They admitted in 2018 that they'd "got it wrong", despite knowing from other events they run in Torbay what was required of them. Can we believe anything has really changed?

Yours faithfully,





SRU/249132

~~XXXXXXXXXX~~
~~XXXXXXXXXX~~
Churston Court Farm
Church Road
Churston Ferrers, Brixham
TQ5 0JE

22 February 2019

Re: Variation Application for Premises Licence

(Churston Manor, Church Road, Churston Ferrers, Brixham TQ5 0JE)

Dear Sir / Madam,

I noticed the recent application by the owners of Churston Manor Inn for a licence variation, which asks for the return of permission to hold outdoor music performances and film screenings. Following a sub-committee hearing held by Torbay Licensing Authority on 25 October 2018, this permission was removed from them.

That decision won't have been taken lightly, and was based on many concerns detailed by the licensing authority over noise nuisance and public safety, and the manner in which the management had conducted themselves, both with regard to their neighbours and the reasonable expectations of their conduct made on them by the authority.

Since the official notice of the variation application was posted up near the entrance to the property, I've also received through my letter box a note from the owners of the Manor. This seeks to explain why they've asked for the variation, and to show what steps they plan to take to achieve an acceptable working relationship with their neighbours.

I'd like to register my objection to the variation application being granted, again on the grounds of potential noise nuisance and public safety concerns. Considering their past behaviour, the management of Churston Manor have clearly shown they can't be trusted to hold outdoor events of this type in what they describe as "a manner acceptable to everyone".

Can you be confident that they really have changed? Will local residents really be properly consulted and involved in any decisions or plans that are made? Will the Manor stick to any plans or limitations imposed on them by the licensing authority and relevant council and other bodies? Past conduct suggests not, as does their admission that "they got it wrong".

They say that they are talking with the Public Protection Officer and making use of professional noise consultants, but I'm very doubtful this will be done properly by them and result in an acceptable end result for the local community.

I also find it very hard to believe that they suddenly want to be good neighbours or to collaborate openly. Their contempt and lack of consideration for us was pretty clear at last year's hearing. They strongly doubted the truth of the submissions we were making, denying that local people had contacted them to complain about nuisance, and suggesting that the sound recordings that many people submitted were in some way false and manufactured. Since then, they've tried to suggest that the hearing was held incorrectly and to appeal the decision on that basis. Basically, any tactic they can think of, they're prepared to try.

They say they just want to hold "occasional and carefully-chosen outdoor events", but I'm not sure that's true. If it were, why aren't they asking for licences for single events instead? I'm really worried that by stealth the terms of the licence variation would allow them again to play music and show films outdoors all day every day, subjecting us to frequent high levels of noise which might be even worse than what happened for several months last year.

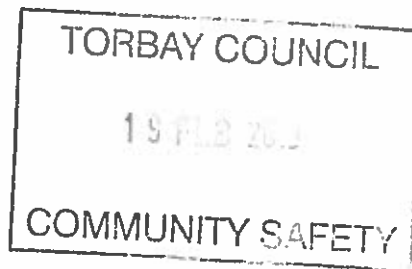
I just don't think that our peaceful rural area and the small local road network is set up to be suitable for the safe handling of such an event. What happened last year showed that clearly. Even if any plans acceptable to the licensing authority were able to be drawn up, what reassurance do local residents have that this will be properly stuck to, or that sufficient people from authority will be able to attend, police it, and make sure they behave as agreed?


A date for a 2019 Strawberry Fayre event at Churston Manor has already been set and made public on social media, even without currently having a licence to allow them to hold such an event. At last year's event, there were so many issues with noise nuisance, handling the volume of people attending, parking, public safety, litter, and more general local disruption, and these are still there and unresolved.

Most of those attending were from outside the local area. They have a choice whether or not to get involved. We local residents don't, and it's not fair to expect us to put up with unreasonably loud music levels and lots of disruption all day for days in a row just so that Churston Manor can bring some cash in. The benefit is purely theirs, not ours.

Yours faithfully,

A large black rectangular redaction mark covering the signature of the sender.




Green Lane
Churston Ferrers
Brixham
TQ5 0JG

18th February 2019

Application for the Variation of a Premises Licence.
Churston Manor Hotel.

Dear Sir or Madam

I noted with some surprise that, following the Review of the Premises Licence PL1061 in October, and the well thought through rationale and firm decision of the sub-committee, that Gooseberry Inns (2016) Limited have applied so rapidly for a variation to their licence.

I would like to register my objection to any variation to the licence on the grounds of both Public Safety and Prevention of a Public Nuisance.

Since the decision of the 25th October 2018, there have been no communications between Churston Manor and the local residents. I am unaware if any of the actions suggested by the Principle Licence Holder (PLH) at the review have been implemented, or any of the suggested actions taken as highlighted in his letter to residents of 31st October 2018.

On the basis of this application I would anticipate the applicant already has a fully detailed and agreed plan with the Licensing Authority to address the issues highlighted in the decision notice. For example to:

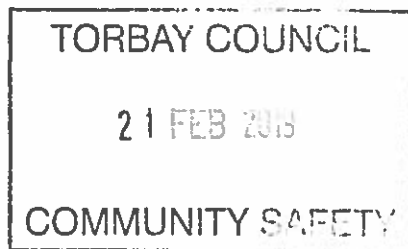
- Appropriately manage the noise nuisance to a level acceptable to the residents by:
 - Appointing of an independent noise consultant.
 - Testing of the impact of noise levels across the local area.
 - Creating a detailed report of the impact.
 - Agreeing acceptable levels with the local residents.
- Manage any traffic flow and parking facilities to ensure Public Safety.
 - Appointment of a Local Authority Approved security organisation.
 - Commitment to apply formally for any road management alterations needed to ensure Public Safety.
- Have off road parking facilities with the correct insurances and licences.
- Ensure that the maximum permissible number of people attend the event each day.
- Establish an effective liaison process with the local residents.
- Clear up any and all environmental damage that is caused by any event.

Jonathan Smith is an experienced individual and knows full well what his responsibilities are as PLH, both from a Public Nuisance and Public Safety perspective. His actions and inactions to date provide evidence that he has had little intention of fulfilling his responsibilities and therefore the level of trust I have in his meeting his responsibilities going forward is very low.

At this time I do not believe anything has changed since the hearing on 28th October 2018 and that the stated licensing objectives will be undermined if the exemption under the live music act is reinstated.

Yours Sincerely



● Green Lane
Churston Ferrers
Brixham
TQ5 0JG
19th February 2019

Re Churston Court Hotel, Churston Ferrers, Brixham, TQ5 0JE
Application for variation of Premises Licence, No 052784

Dear Sirs

I wish to make a representation objecting to the proposed variation, on the grounds that it would be contrary to both the licencing objective to avoid nuisance to neighbours, and the objective for public safety. I appreciate the seriousness of making this representation, but I feel I must because I am very concerned that I will have to endure repetition of the noises levels and road safety risks that occurred in 2018

Firstly, I object to the proposal that would allow the playing of films, live or recorded music outside, because of likely noise nuisance, contrary to the licencing objective.

Although I live towards the far end of Green Lane, away from Churston Court/Manor, I had several afternoons in the summer of 2018 spoilt by excessively loud amplified music from these premises intruding into my garden. The surrounding area is semi-rural, and is usually very quiet. I would emphasise that it is the relative contrast with the usually low background levels of rural natural 'noise' that means that the impact when they play amplified music outside is so disruptive, whatever the absolute decibel level measured. Usually our gardens are very quiet and peaceful. However, although we are at some distance, the noise carries from the premises because there are no buildings or other barriers between us to reduce the impact. I have no reason to believe that this would be any different in the future, if this variation is allowed.

Secondly, I object to the proposal to allow the playing of live or recoded music outside because of the road safety risk caused by a large number of visitors coming to a location which does not have the infrastructure to cope.

On some days in the summer of 2018, large events were held at Churston Court/Manor featuring outside music events, advertised across Torbay. As a result of inadequate parking and traffic management of the significant volume, many visitors to the event parked in the surrounding narrow lanes, causing serious traffic hazards and limiting emergency access to the area.

I have no reason to believe that this would be any different in the future, if this variation is allowed. I also note with concern that they are already advertising the 2019 Strawberry Fayre beer festival on their (in this case as 'Churston Manor') Facebook page, with hundreds of people 'interested' so we can expect similar road safety issues in August.

I have no objection to the showing of films or playing of music inside the buildings.

Finally, with all due respect to the individuals, I have no confidence that whatever undertakings the current management of Churston Court and the Designated Premises Supervisor may give to mitigate the risks to public safety and noise nuisance will be carried out, given the evidence of their regulatory non-compliance through last summer and autumn.

I therefore ask that this variation to be refused.

Yours Faithfully

A large, dark, irregular redacted area covering the signature of the sender.A smaller, dark, irregular redacted area covering the name of the sender.

Licensing and Trading Standards Customer Contact Web Form

Field	Value
Enquiry type	Alcohol and Entertainment Licences
Customer's enquiry	We would like to register an objection to the proposed changes to the licensing of Churston Manor (Churston Court) App ID 61940 however I can not find any way to do this on your web site, you have on-line facilities for the pubs and hotels but no method to object. We live in this quiet country village of Churston where this hotel is located next to the village church, it is not in the centre of Manchester or London so change the license to have music inside and outside 7 days a week and 24 hours on New Years eve should not be allowed. To have the odd extension to hours a few times a year may be ok but not all year. Our Details are [REDACTED] [REDACTED] Churston Road Churston Ferrers Brixham TQ5 0HU [REDACTED]
Title	[REDACTED]
Contact Forename	[REDACTED]
Contact Surname	[REDACTED]
Contact Phone	[REDACTED]
Customer Address	[REDACTED] CHURSTON ROAD BRIXHAM
Post Code	TQ5 0HU
Email	[REDACTED]
Notes	Could you please inform me if this objection has been registered with the licensing team.

SEU/249132

[REDACTED]
CHURCH ROAD, CHURSTON FERRERS,
DEVON TQ5 0JE
[REDACTED]
email: [REDACTED]

TORBAY COUNCIL
25 FEB 2019
COMMUNITY SAFETY

Executive Head Community Safety,
Torbay Council,
c/o Torquay Town Hall,
Castle Circus,
Torquay TQ1 3DR

21 February 2019

Dear Sir/Madam,

I am very surprised by the new application by Churston Manor for a drastic change of use. We have been through this all before, when last October their unlimited use of outdoor events received heavy censure by Churston residents, with the result that the Council agreed with our objections.

Since then, the Manor leaseholders have held no consultations with local residents, and only seem to have had contact with those who do not live in our conservation area. They, as before, are doing nothing to accommodate their nearest neighbours. I personally repeat my objections forwarded to Karl Martin last October with the following thoughts.

PUBLIC SAFETY

Previous outdoor events held at Churston Manor last year caused dangerous overcrowding on the narrow roads and parking areas in the vicinity. Our roads cannot accommodate such a volume of traffic, and would be a dangerous hazard not only for passing vehicles, but also to walkers, and could impede Emergency Vehicles trying to access the very ill, or to cope with any fires. Last autumn we had many instances of drunkenness in public, one of which caused a car carrying a baby to crash into a stone wall belong to one of our neighbours. Also there were instances of children on their

own straying into the graveyard of Churston Church, and playing there. I myself was illegally stopped from entering Church Road in my car during one of their weekend events, and, what's more, had utmost difficulty in accessing my driveway due to badly parked cars on both sides of the narrow Church Road. Churston Manor's utter disregard for public safety cannot be allowed to happen again on any occasion or for any reason.

NOISE

I live right next door to Churston Manor and the noise created last autumn by their overpowering sound systems were such that we could no longer work indoors even with every window shut, and sitting in the garden was made intolerable.

There is no reason to suppose that Churston Manor will mitigate in any way their outdoor activities this year or any year, as, if the past is anything to go by, they care not a jot for the residents of Churston and their peace and quiet.

All, we must assume, must be sacrificed for the financial gain of Churston Manor.

CONCLUSION

I therefore must register my vehement objection to any change to the Licensing agreement of Churston Manor to allow outdoor music or film events. Churston residents have up to last year enjoyed the peace and quiet of our conservation area.

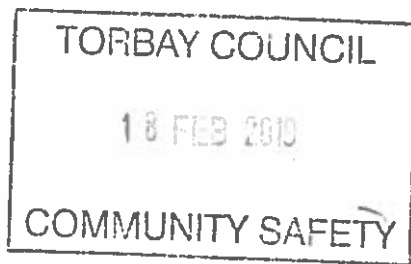
We are not Glastonbury where music events are held among acres and acres of uninhabited farmland. I rest my case.


Yours sincerely,



Church Road,

Churston Ferrers TQ5 0JE




Churston Court Farm
Church Road
Churston Ferrers, Brixham
TQ5 0JE

13 February 2019

**Representation against Variation 052784 to Premises Licence PL 1061
(Churston Manor, Church Road, Churston Ferrers, Brixham TQ5 0JE)**

Dear Sir / Madam,

I am writing to you to register my objection to the recent application by Gooseberry Inns (2016) Ltd for a licence variation respecting Churston Manor in Churston Ferrers . Their application seeks the restoration of permission for outside music performances and film screenings.

This permission under the exemptions of the Live Music Act 2012 was revoked by decision of a sub-committee hearing held by Torbay Licensing Authority on 25 October 2018. The basis of that decision was the sub-committee’s concern over failures to meet the behaviour required by the licensing objectives of Public Safety and Prevention of Public Nuisance. My opposition to the requested licence variation rests on concerns related to those same two objectives.

I would ask the Licensing Authority to consider very carefully what has changed since they took their decision last October. The same people are involved in the running of Gooseberry Inns (2016) Ltd.; the same PLH is in place; there is scant evidence thus far of any change of attitude or approach.

Ample evidence was submitted to and accepted by the sub-committee of the PLH’s repeated failure during events held in 2018 to show concern for potential noise nuisance caused to local residents. The PLH has a proven track record of disregarding or ignoring advice and instructions given to him by the Licensing Authority and Environmental Health with regard to events held at Churston Manor — both in terms of Public Safety and Noise Nuisance issues—despite being fully aware from his work with other local events in Torbay of the responsibilities and expectations he should be meeting.

I would ask the Authority to consider the following points:

- Has there been any attempt by Gooseberry Inns to liaise with local residents following the sub-committee's decision in October 2018?
- Has any mitigating sound testing taken place? Has a noise management plan been proposed? If so, has Torbay Council approved this work, or been involved in auditing its rigour and suitability?
- Have the many issues of concern surrounding the conduct of the 2018 Strawberry Fayre and other events been addressed in a manner to satisfy beyond doubt that any such future event would be conducted in a proper and acceptable fashion?
- Given the PLH's past conduct, can the local residents have any faith in verbal or written assurances that things will be different in future?
- Can the PLH be trusted to abide by Annexe 2 of the proposed licence: that "no noise will emanate from the premises to cause local neighbours to be unreasonably disturbed"?

It is of particular concern that the scope of the licence variation applied for would potentially allow for both amplified and recorded music to be played outdoors on any day and at any hour of Churston Manor's normal working day. This could leave local residents subject to repeated and sustained noise nuisance on a very frequent basis, possibly as bad or even worse than during 2018.

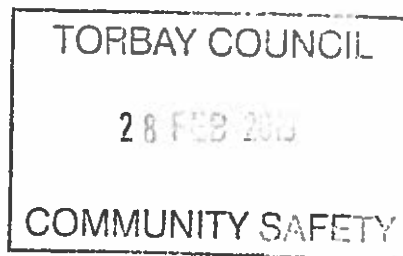
I note that a date for a 2019 Strawberry Fayre event at Churston Manor has already been announced via social media, despite the current lack of the relevant licence permission to hold any such event.

While the management of Churston Manor may attempt to show that there is support amongst their potential clientele for such outdoor music events to be held, it should be noted that support in the main will come from people who live outside of the immediate area. People who choose to attend any such music or film event have a choice to come and go from it; the immediate local residents have no choice other than to leave home if they wish to avoid its effects.

Nothing has changed on the ground. Local residents still live in the same close proximity to Churston Manor as they did. Churston Ferrers continues to be in a (usually) peaceful rural setting.

The members of the Licensing sub-committee would not have taken their decision lightly last October. I would urge them to show the same serious consideration of the many ongoing potential areas of concern and of the PLH's proven past behaviour before making any decision to remove the licence modification as requested by Gooseberry Inns either in part or in whole.

A large, dark, irregularly shaped redaction mark covering the signature area of the document.



Green Lane,
Churston Ferrers,
Brixham,
TQ5 0JG

27th February 2019

Executive Head of Community Safety,
Torbay Council.

Application for the Variation of a Premises Licence. Churston Manor

Dear Mrs Harris,

I am writing to express, in the strongest possible way, my objection to this application. The Inn is located in a quiet, semi-rural area, immediately surrounded by a church, a graveyard, a grazing field and one residential property. Directly beyond these are approximately forty residential properties.

I have lived here for eighteen years and until 2017, the impact of having a licensed premise within 100 metres of my home has been minimal. The Inn has occasionally hosted one or two wedding in the grounds and, whilst we have not particularly enjoyed the evening music, we accepted it.

I object to the application on the grounds that the licensees will cause a public nuisance by the volume, frequency and duration of the outdoor live music and film events. The application seeks to allow amplified outdoor music for up to 13 hours a day and for 365 days a year. This is wholly unacceptable.

An extension of the licence to sell alcohol until 0030 daily (except Sundays when it is midnight) is also likely to enhance the potential for crime and disorder, as witnessed by the rowdy anti-social behaviour which took place outside my home late at night, last year after many of the music events.

The impact of these outdoor events is that we can't hear our TV indoors on summer evenings, even with all the doors and windows shut. We also have been subjected to yobbish behaviour, shouting and chanting and throwing rocks from the grass verge around, outside our bedroom which is less than 10 metres from the road.

The licensees have shown contempt for local residents. There has been no engagement with residents about outdoor events or proposals for reducing the noise levels.

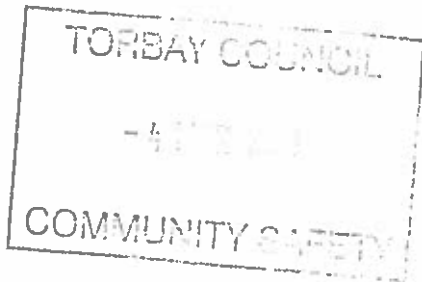
The licensees lied at the Licensing Committee meeting on 28th October 2018, when they said they had only received one complaint about noise last year. I know two neighbours who made complaints; one in person; one handed a letter of complaint to the landlord; my wife made three telephone complaints and I sent an email in complaint.

They also admitted breaking regulations by showing films when they admitted they knew that they were not permitted to. I do not trust them to carry out any measures to reduce noise or improve public safety.

Yours faithfully,

1st March 2019

Executive Head Community Safety
Torbay Council,
C/O Torquay Town Hall
Castle Circus, Torquay TQ1 3DR



Dear Sir

Re: the current Application to Vary A Premises Licence (Licensing Act 2003) by Gooseberry Inns (2016) Ltd of Churston Manor Hotel, Church Road, Churston Ferrers, Brixham TQ5 0JE

I am enormously concerned that this application seeks to reverse the considered opinion of Torbay Council to repeal the exemptions under the Live Music Act 2012, in respect of these premises. I believe that all the reasons stated by the Licensing & Public Protection Committee in November 2018 justifying their decision still pertain today.

It would seem that the landlords of CMH have already assumed that their licence review appeal will be successful because they are advertising events for the coming season, e.g. the "Strawberry Fayre 2019 Beer Festival". Their 2018 Strawberry Fayre Beer Festival caused utter chaos with local residents being denied vehicular access to their own properties, hundreds of people attending the event and clogging up our lanes with vehicles en route, plus parking and overnight camping with tents in an adjacent field, plus plus the extremely loud music. Given that Churston Manor Hotel is surrounded closely by the residents of Churston Ferrers from within a 50 yd to 250 yd radius and further, there is no possibility of any music, recorded or live, being played in the grounds of these premises which will not cause exactly the same noise pollution and safety issues as before in 2018! The two small words 'noise pollution' represent a very large intrusion into the comfort and privacy of the accepted norm of enjoyment of the homes of all local residents, whether indoors or outside in their gardens throughout the year from March to temperate November.

My fear is that agreement to vary the Licence will result in similar disruption to last year, which will then take the rest of the summer to resolve again, so loud music etc. as before! My reasoning: CMH management's total disregard, last year, to the warnings of the Responsible Authority's Public Protection Officer as well as the protestations and complaints from local residents.

Yours faithfully

encl: copies of ads for 2019 season x 2

**CHURSTON COURT FARM. CHURCH ROAD.
CHURSTON FERRERS. BRIXHAM. DEVON TQ5 0JE**

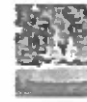
2019



Related E



Churston Manor Pub
1,425 guests



Email or Phone

Password

Forgotten account?

1,425 guests

Hunt's Cider Festival 2019
Sat, 5 Oct UTC+01 at Hunt's C...
1,000 guests

Brixham Pirate festival
Sat, 4 May UTC+01 at Brixham...
2,390 guests

Dartmouth Mayflower 400 G...
Sun Aug 30, 2020 UTC+01 at ...
1,146 guests

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Português (Brasil) - Français (France)

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Facebook © 2019

Events

Events

AUG 16 Strawberry fayre 2019 beer festival
Public · Hosted by Churston Manor

Interested

Invite

16 Aug at 14:00 - 17 Aug at 22:00 UTC+01

Churston Ferrers, Torbay, United Kingdom

Show map

40 going · 689 interested

Details

Band line up tbc

Music

About Churston Manor

Churston Manor

Hotel · Brixham

Churston Manor hotel, formerly a private manor house, now serves as a much loved local pub, hotel and restaurant situated in the stunning Devon countryside. The hotel is open to non residents, and serves breakfast until 2.15 except Sunday where you can

Events with Churston Manor

APR 18 Italian night
Thurs 10 · Brixham

APR 21 Easter Sunday
Sun 04 · Churston Ferrers, Torbay, United Kingdom

DEC 25 Christmas Day lunch
Wed 05 · Brixham

See All Events



Events

Events



MAY 18 **Wedding show case**
Public · Hosted by Churston Manor

Interested

Invite

Saturday, 18 May 2019 from 11:00-16:00 UTC+01

Churston Manor Hotel
Brixham

Show map

0 going · 3 interested

About Churston Manor

Churston Manor
Hotel · Brixham

Churston Manor hotel , formerly a private manor house, now serves as a much loved local pub, hotel and restaurant situated in the stunning Devon countryside. The hotel is open to non residents, and serves breakfast until 2.15 except Sunday where you can

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Sun 04 · Churston Ferrers, Torbay, United Kingdom

AUG 16 Strawberry fayre 2019 beer festival
Fri 06 · Churston Ferrers, Torbay, United Kingdom

[See All Events](#)

About the venue

Churston Manor Hotel

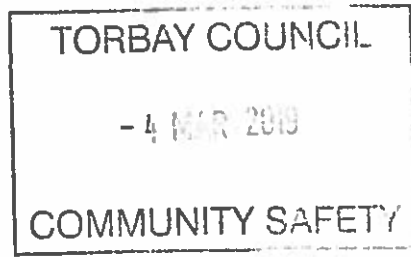
Email or Phone

English (t Portuguese

Password

Privacy · Cookies · Facebook

[Forgotten account?](#)



~~_____~~
GREEN LAKE
CHURSTON FERRES
BRIXHAM
DEJON

Churston Manor Application to Vary Premises Licence.

Dear Sir or Madam

I wanted to register my opposition to any variation to the premises licences currently being sought by Churston Manor. My opposition is on the basis that the Premises Licence Holder (PLH) is unlikely to promote the licensing objectives. Namely Public Safety and the Prevention of Public Nuisance.

I was very pleased when I heard of the Licensing Committee's decision on the 25th October 2018 to stop all outside live events as they were having a very detrimental effect on me and my family. The noise was excessive and the volume of traffic and cars parked on all our local roads caused a serious access issue.

I am unaware of any changes that have taken place since the committee made its decision and have little trust that events would be organised in such a way that there was an acceptable impact on our quiet village.

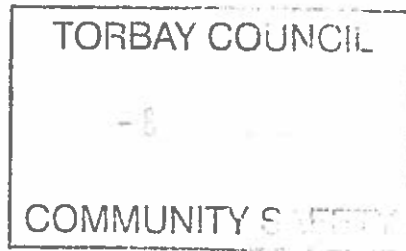
You will be aware that Churston is in a conservation area and I would like to maintain the quiet nature of this community.


I hope this application will be denied.

Your Faithfully

~~_____~~
~~_____~~

Received by council 7/3/19




The Hayes
Churston Ferrers
Brixham
TQ5 0JB

Ref, Licencing variation of Churstom Manor

7TH March 2019

Dear Sir/Madam

I would like to object to this notice as it is clearly causing some public safety issues and public nuisance for the local residents of Churston Ferrers and surrounding areas.

I being a local resident and have been for the past 3-4 years have not had a problem until last year being 2018 where Churston Manor hosted many outdoor events such as Strawberry Fayre, Charity Coastguard event, Movie nights and many more. I do not object to such events but in a controlled environment. This was not the case. There were no regards for any neighbouring properties with the volume of the music etc being heard hundreds of metres away well past advertised times. My partner had to work the following day of one event and being summer had the windows open which had to be closed due to such volume.

We chose to buy in this village being a very quiet rural location and being a sound sensitive area this is killing the character and must be having detrimental effects on local homeowners.

Another problem with such events is the very high volume of traffic and the parking problems which comes with it. There seemed to be a road closure in place on one occasion with a field used for parking. The roads had been coned leading to Churston Manor but even with security cars lined the roads causing havoc in the village let alone a real danger for walkers, horses and even cyclists.

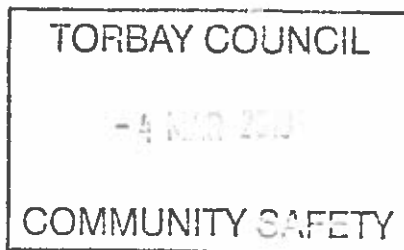
One more problem was the public leaving the events and walking through the village. There was antisocial behaviour especially late of night when the events had finished with fighting, shouting, swearing with no respect for the villagers.

I have little trust in the licencees/leaseholders to change their attitude towards such problems as have suffered first hand the sheer disregard for their locals let alone neighbours.

Yours sincerely




Executive Head Community Safety
Torbay Council
C/O Torquay Town Hall
Castle Circus
Torquay TQ1 3DR




Green Lane
Churston Ferrers
Brixham
TQ5 0JG

Thursday, 28 February 2019

Churston Manor Application to Vary Premises Licencing

Dear Sir/ Madam

I wish to register my opposition to any variation to the premises licences currently being sought by Churston Manor. The current licence holder (PLH) clearly demonstrated last year that they were blatantly inept in running such events, with a total disregard for Health and safety, adequate noise level control, and the unauthorised blocking of public roads, preventing ingress and egress of emergency vehicles.

They also demonstrated a total disregard to local residents, allowing very high levels of noise to be generated well after the permitted licence times.

I would also like to point out that Churston Ferrers village and the surrounding area is considered to be a quiet country village area, and residents pay high rateable values for the privilege of living in the area.

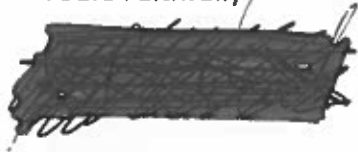

This should not include bands, groups and disco music blasting away at any time that PLH fancy. I accept that this application is to promote profit for PLH, but at what cost to the community and wild life?

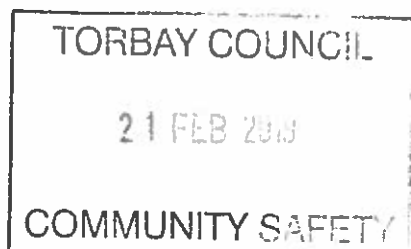
I feel that PLH should not be allowed to spoil the tranquillity of the area on the premise of making more money.

PLH should be restricted to individual applications for a few council controlled events, where "risk assessments", "method statements", Health and Safety plans, and agreed noise levels are compiled for Torbay Council to consider, together with realistic operational times, so as to prevent noise pollution and disturbance to all the local residence and wild life in the immediate area.

I hope the council will not allow this application, and leave the licence as it was agreed on 28th October 2018.

Yours Faithfully



Green Lane
Churston Ferrers
Brixham
TQ5 0JG
16th February 2019

Application for variation of Premises Licence, No 052784

Churston Court Hotel, Churston Ferrers, Brixham, TQ5 0JE

Dear Sirs

I wish to object to the variation which would allow the playing of music outdoors at Churston Manor, because of my experience last year, when they held several music events.

Firstly when they held larger events last summer, the roads between my home and my workplace in Brixham were very dangerous. Not only from the large extra volume of traffic, but also because of very many cars were parked on Bascombe Rd. This is narrow (single track in places) rural road with sharp bends. On two occasions I had 'near-misses' driving home because of obstructions caused by parked cars. Even if the best traffic management is put in place, I am worried that there would be an serious risk to public road safety because of the extra traffic on narrow lanes. I wish to object on the grounds that the variation would be against the objective of public safety

Also the music being played outside at the hotel was very loud last summer. Even allowing for different tastes, it was quite excessive. Although our house is not immediately close, it was impossible to sleep because of how loud it was. I am very anxious that if you allow this change to the licence they will again cause excessive noise, against the objective of avoiding public nuisance.

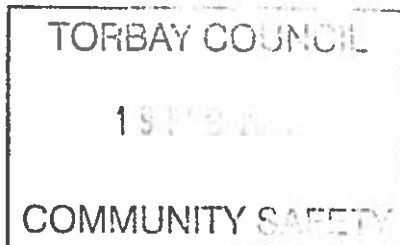
I appreciate this is a serious matter, but I would like you to reject the requested variation


Thank you

Yours Sincerely

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A thick black horizontal bar redacting the signature area.




● Green Lane
Churston Ferrers
Brixham
TQ5 0JG

18th February 2019

Application for the Variation of a Premises Licence.
Churston Manor Hotel.

Dear Sir or Madam

I noted with some surprise that, following the Review of the Premises Licence PL1061 in October, and the well thought through rationale and firm decision of the sub-committee, that Gooseberry Inns (2016) Limited have applied so rapidly for a variation to their licence.

I would like to register my objection to any variation to the licence on the grounds of both Public Safety and Prevention of a Public Nuisance.

Since the decision of the 25th October 2018, there have been no communications between Churston Manor and the local residents. I am unaware if any of the actions suggested by the Principle Licence Holder (PLH) at the review have been implemented, or any of the suggested actions taken as highlighted in his letter to residents of 31st October 2018.



On the basis of this application I would anticipate the applicant already has a fully detailed and agreed plan with the Licensing Authority to address the issues highlighted in the decision notice. For example to:

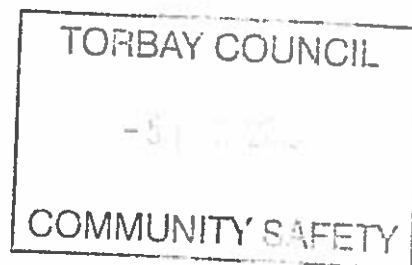
- Appropriately manage the noise nuisance to a level acceptable to the residents by:
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 - Testing of the impact of noise levels across the local area.
 - Creating a detailed report of the impact.
 - Agreeing acceptable levels with the local residents.
- Manage any traffic flow and parking facilities to ensure Public Safety.
 - Appointment of a Local Authority Approved security organisation.
 - Commitment to apply formally for any road management alterations needed to ensure Public Safety.
- Have off road parking facilities with the correct insurances and licences.
- Ensure that the maximum permissible number of people attend the event each day.
- Establish an effective liaison process with the local residents.
- Clear up any and all environmental damage that is caused by any event.

Jonathan Smith is an experienced individual and knows full well what his responsibilities are as PLH, both from a Public Nuisance and Public Safety perspective. His actions and inactions to date provide evidence that he has had little intention of fulfilling his responsibilities and therefore the level of trust I have in his meeting his responsibilities going forward is very low.

At this time I do not believe anything has changed since the hearing on 28th October 2018 and that the stated licensing objectives will be undermined if the exemption under the live music act is reinstated.

Yours Sincerely



Churston Manor Application to Vary Premises Licence.

Executive Head Community Safety,
Torbay Council.
c/o Torquay Town Hall,
Castle Circus,
Torquay TQ1 3DR

Dear Sir or Madam

I wanted to register my opposition to any variation to the premises licences currently being sought by Churston Manor. My opposition is on the basis that the Premises Licence Holder (PLH) is unlikely to promote the licensing objectives. Namely Public Safety and the Prevention of Public Nuisance.

I was very pleased when I heard of the Licensing Committee's decision on the 25th October 2018 to stop all outside live events as they were having a detrimental effect on me and my family. The noise was excessive and the volume of traffic and cars parked on all our local roads caused a serious access issue.

I am unaware of any changes that have taken place since the committee made its decision and have little trust that events would be organised in such a way that there was an acceptable impact on our quiet village.

You will be aware that Churston is in a conservation area and I would like to maintain the quiet nature of this community.

I hope this application will be denied.

Your faithfully

A large black rectangular redaction covering the signature of the sender.

Variation of a Premises Licence at Churston Manor

18th February 2019

Background

On the 25th October 2018 a Licence review was carried out by the Licensing Committee at Torbay Council. They found that Churston Manor required a modification to their premises licence because of the detrimental effects their activities were having on a significant number of local residents. The activities included live amplified music outside over several weekends in the spring, summer and autumn along with a number of outdoor cinema events.

Despite a very clear decision from Torbay Council, Churston Manor have decided to apply for a variation to its licence that allows them to hold outside events on any day between 10am and 11pm. These events to include live amplified music and cinema events.

Action

Having discussed the variation to the licence application at Churston Manor I oppose any changes on the grounds of Public Safety and Prevention of a Public Nuisance.

I confirm that I am opposed to any variation of the licence applied for by Churston Manor and consent to my property being listed as opposed to any variation.

Name

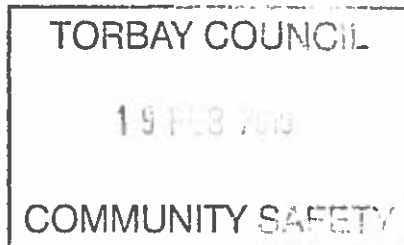
[Redacted Name]

Address

pink globe
Churston Ferries,
Brixham, TQ5 0JF

[Redacted Address]

Executive Head Community Safety
Torbay Council
C/O Torquay Town Hall
Castle Circus
Torquay TQ1 3DR




Churston Court Farm
Church Road
Churston Ferrers
TQ5 0JE

18th February, 2019

Dear Sir/Madam,

Representation against the Application to Vary a Premises Licence 052784. Licence No: PL 1061 Gooseberry Inns (2016) limited – Churston Manor Hotel Church Road, Churston Ferrers, Brixham TQ5 0JE

It would give me great satisfaction to write to Torbay Council today to say that the Licence Review that concluded last October had initiated the correct response from the Proprietors of Churston Manor. But to date the Premises Licence holder of Churston Manor has not demonstrated in any way either verbally or in writing to the local residents that he has taken any action in order to comply with two licensing objectives namely 'The Prevention of Public nuisance', or 'Public Safety'

As a result, I am sorry to say but I am writing to object to the resent application to vary the licensing at Churston Manor and feel very strongly that this process of initiating another hearing is not only costly and time consuming for Torbay Council but without the evidence from Churston Manor to say that have resolved the objectives leading to the decision of licensing sub-committee it is causing further anxiety and stress for local residents who are still residing in the same place and wish to avoid a recurrence of the awful experience we had in 2018. After admitting that they "HAD GOT THINGS WRONG" at the previous hearing, to submit another application to reinstate the licence for live music without any evidence of rectifying their previous mistakes or initiating contact / consultation with local residents or Torbay council does appear very arrogant.

In addition the opening time and sale of alcohol and live music on Sunday from 10:00 needs to be seriously considered as Churston Church (formerly the private chapel attached to Churston Manor) which is very well attended on Sundays and many other occasions for weddings and funerals etc., is next door to Churston Manor

As I am a very close neighbour and permanent resident, living to the east of Churston Manor I cannot walk away and go home when you have had enough, we have to suffer live loud intrusive music for upto 10 hours non stop sometimes.

Churston Manor Hotel, located in a small residential rural hamlet is inappropriate to be designated as 'The go-to live music events venue' as proposed by the proprietors of Churston Manor who have put a notice on social media pleading for support for the live music events and are already advertising future events.

It is understandable that the leaseholders of Churston Manor have to explore different options of generating income, (having my own experience of) knowing how expensive it is to maintain a 16th century listed building with the associated strict conservation / planning regulations (which need to be adhered to) and running costs, but this must not be to the detriment of the local residents and environment. Having a good relationship with your neighbours and understanding the environmental impact of ones activities would lead to a more acceptable advantageous coexistence.

Yours faithfully

A large, dark, scribbled-out area that completely obscures the signature and any text that might have been present below it.

Dear Sir or Madam

I am writing to oppose the blue notice posted outside the Churston Court Hotel for a change in their licence to play music outside. Amplified and unamplified.

I see they are now requesting that the hours when these outside events can take place are increased from 8am to 11pm every day of the week including Sundays with a variation for the licensing hours to start at 10am.

After the events of last Summer when the whole neighbourhood were subjected to loud music which invaded their homes. Nobody should be subjected to this. I live in the village and was aware of the unbearable din which followed me when I walked down to Churston Cove through Grove woods along the coast path down to Broadsands. The other problem was the parking, bollards were erected in Church Lane to stop anyone leaving their cars parked there so that they could take a walk. This is a very popular area for families, walkers and tourists who come especially to make the Greenway walk because of the Agatha Christie connection. I have met many people who have come from as far as Germany and France to see this area and visit the Church that Agatha Christie attended. The Churston Court advertise their hotel, which I quote from their web site. "A refined hotel which offers an idyllic retreat from the stresses of busy lives". They have a large car park which is adequate for the amount of people visiting the hotel. Surely anymore than this causes a risk. How many people can you allow for their own safety.

Churston and the surrounding area has always been the place to visit when you are looking for an escape from the lively holiday scene which Torbay also offers. Torbay has something for everyone and there are plenty of opportunities to attend outdoor events in Paignton and Torquay. Brixham holds many events in the summer months with live music. Bands, choirs and music in keeping to the fishing and sea fearing themes. None of these events intrude on those not wishing to hear them.

Torbay is getting more popular for holidays and we can see the attraction, with something to suit everyone. So why the need for what was a beautiful country hotel to put on such events.

What about the church next door? They propose to have this music on Sundays. The church is very well attended and although they have their own car park this is often full and they need to park on Church Lane. The roads leading to Churston Court are already over used as a rat run from the main road to Brixham. The roads as you know are narrow and dangerous to walk down.

Please don't let someone who has no consideration for the environment spoil this beautiful corner of Devon. We need to preserve our heritage. Many houses in the area are listed building and unable to alter or change the appearance and rightly so. I have a large horse chestnut tree in my garden which has a conservation order on it. It was planted to enhance the village and it does.

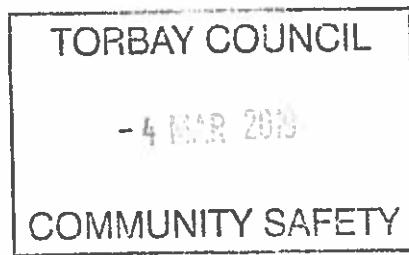
If this licence is granted it will be disastrous for the area and they only one benefiting will be the owners of the hotel. If they can't make it work with all the advantages here on their door step then shame on them.

I trust you will give my comments due attention they are made in the best interest of the community and visitors alike.

Yours sincerely, [REDACTED]

① Barn Court, Churston Road
Churston Ferrers, Brixham TQ50LE

[REDACTED]



~~Green Lane~~
Green Lane
Churston Follers
Brixham

Churston Manor Application to Vary Premises Licence.

Dear Sir or Madam

I wanted to register my opposition to any variation to the premises licences currently being sought by Churston Manor. My opposition is on the basis that the Premises Licence Holder (PLH) is unlikely to promote the licensing objectives. Namely Public Safety and the Prevention of Public Nuisance.

I was very pleased when I heard of the Licensing Committee's decision on the 25th October 2018 to stop all outside live events as they were having a very detrimental effect on me and my family. The noise was excessive and the volume of traffic and cars parked on all our local roads caused a serious access issue.

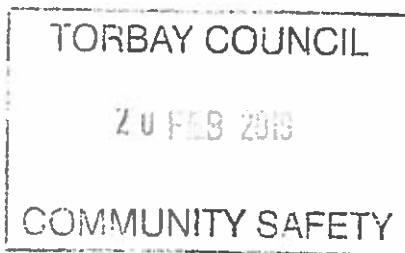
I am unaware of any changes that have taken place since the committee made its decision and have little trust that events would be organised in such a way that there was an acceptable impact on our quiet village.

You will be aware that Churston is in a conservation area and I would like to maintain the quiet nature of this community.

I hope this application will be denied.

Your Faithfully

A large, dark, scribbled-out area where a signature would be, indicating redaction.



Green Lane, Churston Ferrers,
Brixham, Devon TQ5 0JG.

18th February 2019-02-18

Executive Head Community Safety,

Town Hall, Castle Circus, TQ1 3DR,

Sirs,

Re:- Application to Vary Premises Licence. Applicant Gooseberry Inns (2016) Ltd. For Churston Manor Hotel. Churston Ferrers.

I attach a copy of an email I sent to Mandy Guy on the subject of the Review of the Licence for these premises. The hearing heard on October 25th 2018.

You will be aware that the decision taken, after much deliberation, was to repeal the exemptions under the Live Music Act 2012.

I am unaware that the Managers of Churston Manor Hotel have changed anything in respect of the original application. Therefore I ask how can a decision vary?

Regarding Safety. During any one of these "festivals" the problem of vehicle congestion would be ongoing. As mentioned in my email I have not infrequently had to call the emergency services on behalf of my husband. The last occasion being January 7th 2019 with a Doctors visit on January 9th. My fear being that due to traffic congestion on all the narrow lanes to and from our property access would be slowed at best and at worst impossible.

Public Nuisance cannot be curtailed if hundreds of people are using this country area to access one venue leaving litter and debris in their wake. Participants camping on nearby fields leave rubbish and results of insufficient toilets. Certainly a health issue.

Noise levels for such events, played hour after hour, would be totally unreasonable in this quiet country area.

Thank you for your consideration.



From: [redacted] [we@torbay.gov.uk]
Sent: 12 September 2018 11:13
To: 'Mandy.Guy@torbay.gov.uk'
Subject: Review of Premises Licence - Churston Manor Hotel.

COPY

Mrs. Guy, I write again in respect of this Licence on behalf of my husband and I who are local residents:-

1). Noise levels. These are so high that we are unable to use and enjoy our garden. Even in the property with windows and doors closed the sound penetrates. On hot summer days and evenings this is quite unacceptable. One is forced to conclude that we are at the mercy of a local business for many hours well into the late evening. Enjoyment of our own homes is impossible. We are unable to entertain family or friends during these periods. We moved to this delightfully quiet rural spot 12 years ago for the reasons of relaxation and peace in our retirement. Is that too much to ask?

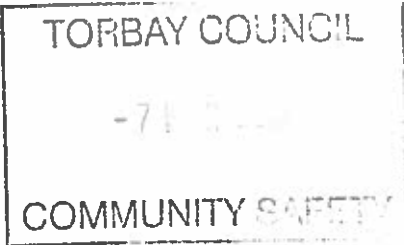
2). Safety. During the Beer/ strawberry weekend many hundreds of vehicles were causing major congestion on our very narrow country lanes. My husband and I both have health issues which has at times necessitated calling the emergency services – eg Paramedics. If that was necessary during one of these “ festivals” I do not know how access would have been possible. We therefore live in fear of a health problem which in deed could be brought about by stress. We would be content to have these facts checked.

3) Public nuisance. Participants of the “ festivals” cause noise and nuisance when leaving the venue late at night. Leaving empty and soiled items around the verges encouraging rodents and large birds. To enjoy a country walk from our home is curtailed having to negotiate all the parked vehicles with opening doors and the possibility of dogs inside causing more noise. Together with the fact that these animals are let out to defecate which is then left on the verge or highway.

Is it too much to expect to be able to enjoy our home chosen because of the country setting and quiet ambience for the senior moments of our lives. I would suggest not.

I sincerely hope the committee will consider these comments which are strongly felt, when reviewing the Premises licence of Churston Court Manor.

Thank you,
[redacted]



Churston Manor Application to Vary Premises Licence.

Executive Head Community Safety,
Torbay Council.
c/o Torquay Town Hall,
Castle Circus,
Torquay TQ1 3DR

*Links Close
Churston
Brixham
TQ5 0TF*

Dear Sir or Madam

I wanted to register my opposition to any variation to the premises licences currently being sought by Churston Manor. My opposition is on the basis that the Premises Licence Holder (PLH) is unlikely to promote the licensing objectives. Namely Public Safety and the Prevention of Public Nuisance.

I was very pleased when I heard of the Licensing Committee's decision on the 25th October 2018 to stop all outside live events as they were having a detrimental effect on me and my family. The noise was excessive and the volume of traffic and cars parked on all our local roads caused a serious access issue.

I am unaware of any changes that have taken place since the committee made its decision and have little trust that events would be organised in such a way that there was an acceptable impact on our quiet village.

You will be aware that Churston is in a conservation area and I would like to maintain the quiet nature of this community.

I hope this application will be denied.

Your faithfully

~TTISZ

Executive Head of Community Safety
Torbay Council
Town Hall, Castle Circus,
Torquay TQ1 3DR

TORBAY COUNCIL
28 FEB 2018
COMMUNITY SAFETY

Green Lane
Churston Ferrers
Brixham, TQ5 0JG

Dear Mrs Harris,

Application to vary a premises Licence – Churston Manor Hotel, Church Road, Churston Ferrers, Brixham TQ5 0JE

I wish to strongly object to the above application on the grounds of Frequency, Volume and Duration.

This application is clearly to replicate the public nuisance caused by the outside entertainment programme of last summer. The impact of which, is summarised below:

- We were unable to use our garden because of the incessant volume of live bands performing, one after the other for up to 11 hours at a time
- We had to close all windows and doors but the volume still penetrated our home, even with the TV on
- Trying to sleep while the outdoor amplified music was going on was not possible

There has been no effort by the Landlords to communicate with the local residents affected by their outdoor activities, despite their protestations to the contrary. This area has now been likened to Glastonbury (Churstonbury). At the Licence Review meeting in October, the Landlords denied receiving any complaints – that is not true. We complained directly to them three times, with no response. Here are some reasons for having no faith that they will make an effort to control the Frequency, Volume and Duration.

- Following meetings with Torbay Council Representatives, they disregarded the advice to moderate the impact on nearby residents and continued with the outdoor events, which I must add, amounted to approximately 25 during the summer months
- They admitted that they had no licence to show films outside, but still continued to do so at great volume
- For one event, which began on Friday evening and continued until Sunday evening, they illegally chose to control the road and confront local residents
- They said that their last event would be in September, but I can assure you that there was yet another outside event when we returned from holiday on Sunday 7th October
- No attempt is made to control the number of people attending events

The licence application above is actually to extend the hours of outdoor live amplified music – this surely is proof that the Landlords have not taken on board the impact on the residents. The distress and mental wellbeing of being forced to listen to live, amplified music on so many occasions appears to be lost on the Landlords. Indeed, they have actually called it a Witch Hunt, clearly they have no understanding of the issues involved and in my opinion, view the residents with contempt.

Yours sincerely,

TORBAY COUNCIL
21 FEB 2019
COMMUNITY SERVICE

Green Lane
Churston Ferrers
Brixham
TQ5 0JG
16th February 2019

Application for variation of Premises Licence, No 052784
Churston Court Hotel, Churston Ferrers, Brixham, TQ5 0JE

Dear Sirs

I would like to object to this variation which would allow the playing of music outdoors at Churston Court, also known as Churston Manor, because it will cause a noise nuisance to our home.

I know we are fortunate to live in a quiet rural lane, away from main roads and commercial traffic. The normal operation of the hotel and bar give no problems, and we are happy to see it continue. In the past year, however, there have been several weekends of live music events at the premises which did cause a nuisance because of the comparative loudness and lack of control of the music. We were unable to enjoy the use our garden because of the loud music.

I believe that if the variation is granted that the same thing will happen, because the owners and the 'designated premises supervisor' are unwilling or unable to manage the situation to avoid nuisance to their neighbours. I do not think the problem is only the large annual beer festival, as some of the smaller events were also very loud.

I understand that because of the problems last year, the premises lost their exemptions under the Live music act 2012, and I cannot understand what has changed. I ask you to refuse the application for variation.

Yours Sincerely



44-113 2

[Redacted]

TORBAY COUNCIL
- 4 FEB 2018
COMMUNITY SAFETY

Kingswear Road
Hillhead
Brixham
TQ5 0EX
28th February 2018

Variation of Licence at Churston Manor

Dear Sir or Madam

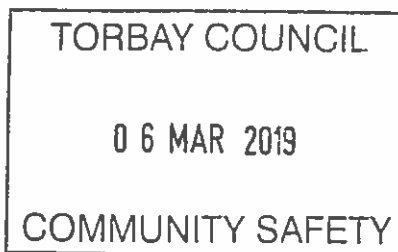
I would like to register my objection to any variation of the licence at Churston Manor on the basis of a Public Noise Nuisance.

Last year on several occasions we could very plainly hear heavy base music in the garden of our home. You will appreciate I live quite a distance from Churston Manor but the constant deep boom was very irritating. I was really pleased when the Licensing Committee stopped the outside live music events.

I hope the Committee can allow us to have a peaceful summer this year.

Yours Faithfully.

[Redacted signature]



~~XXXXXXXXXX~~
Churston Court Farm
Church Road
Churston Ferrers
Devon
TQ5 0JE

Executive Head of Community Safety
Torbay Council
C/O Torquay Town Hall
Castle Circus
Torquay
TQ1 3DR

Monday 18th February 2018

Churston Court Hotel (Churston Manor) Licensing Application

Dear Sir/Madam

I am writing to you as I wish to make a representation in respect of the above outlined by the following objectives:

- The Prevention of Public Nuisance
- Public Safety
- The Protection of Children from Harm

1. The Prevention of Public Nuisance

Let me begin by stating that my Husband and I have been supporters of Churston Court Hotel, now known locally as Churston Manor, long before moving to the area. In fact, the close proximity of the Inn was a key element in proceeding with our house purchase in late 2015. Since this time particularly, we have enjoyed many regular meals and events organised by the Inn much to the enjoyment of ourselves and our family.

I must draw your attention however, to the summer of 2018 whereby Churston Manor, under new ownership, conducted a number of outdoor live music events, many of which lasted several hours and created an unreasonable and deafening level of noise nuisance to countless nearby residents over a prolonged period throughout the summer. I am sure that you will have received various complaints from local residents at the time of these events, who like myself were predominantly confined indoors with the windows closed due to excessive noise levels late into the evenings and unable to enjoy our gardens/outdoor spaces across most weekends of the hottest summer on record.

Particular examples of such events include a private party hosted on Friday 17th August in which I could hear every word sung by live musicians from within my bedroom (with windows closed) until 11pm, as well as the Strawberry Fayre on 18th & 19th August and the September Sounds event on Sunday 2nd September 2018, to name just a few. During these events, noise emanating from the Inn reached unacceptable levels, and complaints to the licence holders at the time

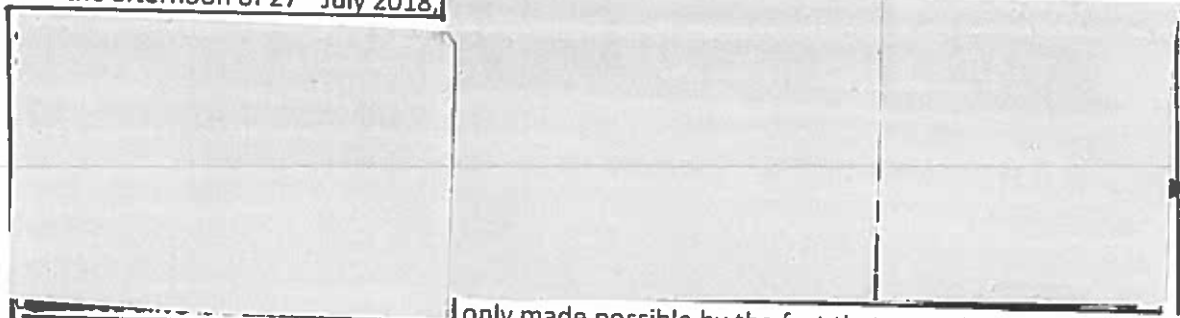
were met with an unwelcomed response along with a failure to negate any further nuisance to residents.

Whilst I acknowledge that the owners of Churston Manor have a business to run and am supportive of occasional community events, I do feel that my rights to peace and relaxation within my own home, and even being able to sleep when I choose were somewhat infringed by the tomfoolery of the licensees during this time which was of particular nuisance to me having just had my second baby late July 2018. We have paid a large sum of money to live in such a sought after rural setting, which is being undermined and devalued by such intolerable events taking place, and whilst I accept that we chose to live in close proximity to Churston Manor, it is becoming far from an 'idyllic country manor' as advertised and more like an inner city nightclub during the summer months. If the current owners cannot make good business by adequately utilising their USP as an extremely interesting and historical destination, 18 bedrooms and restaurant in addition to successfully hosting profitable indoor events such as weddings, murder mystery and other private functions, the question should be asked if it is currently under the right management?

The 'environmental health' issue of noise nuisance leads me suitably on to the further environmental issue of bats. During the development of Churston Court Farm, Torbay Council imposed strict planning conditions leaving residents with limited external lighting and restricted access to loft/outbuilding areas, conditions which were gladly and willingly accepted by both developers and residents in order to maintain and protect such an idyllic conservation area. How can it be justified that such imposing audible events can take place outdoors when residents of the same post code are deprived of sufficient outdoor light sources due to bat conservation?

2. Public Safety

On the afternoon of 27th July 2018,



only made possible by the fact that an ambulance reached me in under 8 minutes, which generated a fair amount of media attention.

A mere 5 weeks following this life changing event, I had cause to contact Devon & Cornwall Police (log 757 02/09/2018) to report an obstruction in Church Road caused by several inconsiderately parked vehicles, restricting emergency vehicle access. This was as a direct result of Churston Manor's 'September Sounds' event in which they had failed to organise/provide adequate parking measures to support the number of attendees. This led to Church Road and the surrounding lanes to become dangerously cluttered with inappropriately parked vehicles and caused me some distress to realise that had this event taken place 5 weeks earlier, neither [REDACTED] would have made it through our ordeal due to potential delays that would have been encountered by emergency vehicles.

This also raises the question of fire safety, and that if such simple procedures such as parking provisions had been overlooked on this occasion, what provisions/risk assessments (if any) in respect of fire safety and other possible evacuation procedures have taken place by Churston Manor during such pre-planned events?

3. Protection of Children from Harm

Whilst my point here does not relate to underage children being served alcohol at Churston Manor, I do feel this is an appropriate objective in which to discuss the well-being of my children ages [REDACTED]

Repeated and excessive outdoor music events which continue extremely late into the evenings (including mid-week events) that can be heard from indoors are disturbing for my children and I feel that consideration should be given to their physical and mental well-being should similar events to those in 2018 occur in the future with little regard to the peace and privacy of local residents.

My representation concludes by saying that whilst I do not oppose to occasional and carefully organised one off events, which I would be happy to support, I hold concerns regarding regular mid-week outdoor music events as well as similar behaviour/attitudes from the licensees and the potential effect this will have on my family.

I feel that careful deliberation should be given in this decision and would suggest that perhaps an application for a single event licence would be more suitable if/when required.

Yours faithfully

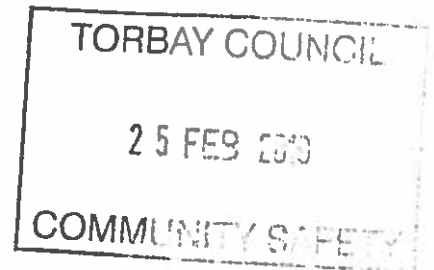
[REDACTED]

[REDACTED]

SPU/249132

[REDACTED]
CHURCH ROAD, CHURSTON FERRERS,
DEVON TQ5 0JE

[REDACTED]
email : [REDACTED]



Executive Head Community Safety,
Torbay Council,
c/o Torquay Town Hall,
Castle Circus,
Torquay TQ1 3DR

21 February 2019

Dear Sir/Madam,

I wish to object to Churston Manor's application for a Licence for outdoor music events.

I am a bestselling novelist and I thought that by coming to a quiet and attractive conservation area I would enjoy the peace and lack of disruption that would enable me to continue writing my books.

Creation needs tranquillity, and lack of stress and worry, as any writer will tell you. I often work evenings and weekends to meet publishing deadlines. As I am the nearest neighbour to Churston Manor, living right behind the hotel, the noise and confusion created by their outdoor music events last year was very obstructive to any creative writing, even with doors and windows closed. Being a professional writer is a business, not a pastime. I do not see that Churston Manor has any right to run their own business at the expense of others.

The outrageous level of noise from their outdoor events also made it impossible to sit in the garden to relax at weekends and turned our haven of peace into a stressful purgatory.

In addition, like many other Churston residents, I have been shocked and amazed by the rowdiness and utter disregard for public safety by the invasion of our previously quiet area by hundreds of cars and car movements. This made walking not only hazardous but distinctly unpleasant. Litter has been strewn everywhere, including on the grass verges outside our house.

I must therefore object in the strongest terms to any change to Churston Manor's Licence, which would allow such disregard for public safety and for our residents' well earned peace and quiet.

We are not NIMBYs but just people who desire to live a safe and quiet life.

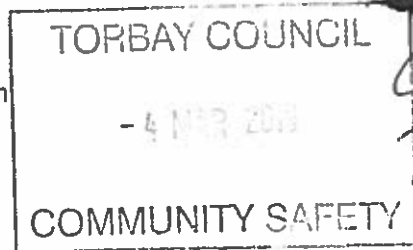
Yours sincerely,



Church Road,
Churston Ferrers TQ5 0JE

Dear Sir/Madam

28/02/2019



I'm contacting you in reference to the licence variation application notice from Churston Manor, Churston Ferrers.

I object to the variation allowing Churston Manor to play outside amplified and unamplified live and recorded music between 10am and 11pm on any day, which would allow them to hold music events on a frequent basis. Basically it could mean 365 days of the year for 13 hrs a day.

The pub is in a very quiet rural location, so that would no doubt cause a noise nuisance in a sound sensitive area and also cause public safety issues on the roads nearby. The area is an attraction to dog walkers, horse riders, joggers, rambblers, cyclists, twitchers etc.

Greater horseshoe bats have an established habitat in the barn complex next door to Churston Manor. They are often seen flying around the area during the evenings. I'm concerned about the impact on this protected species with the increase of sound and light pollution.

Last year when large events were held the people who attended these events parked their cars all along Bascombe Road and right up through Churston Road causing road safety issues. Cars being parked on Bascombe Road by Churston tennis courts created very hazardous conditions for road users and pedestrians.

Litter was an issue after these events and there was a lot of anti-social behaviour late at night when my husband and I could hear singing and unruly behaviour from party goers whilst we were in bed trying to sleep.

It appears Churston Manor are planning on hosting these type of music events again this year during the Summer months to create themselves an income.

Churston Manor could easily host the music part of the entertainment inside of the establishment and hold the rest of Strawberry Fayre outside where it would have far less noise impact on the neighbouring homeowners. That would allow residents the enjoyment of a much more peaceful way of life especially in the summer months.

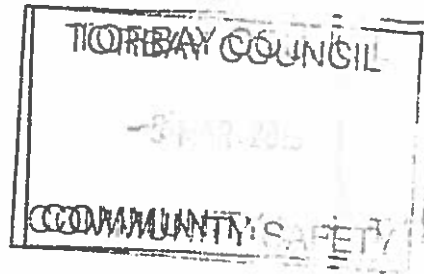
Events should be held by invitation/ticket only and the high number of party goers needs to be properly monitored to keep to the 500 attendance limit. The organizers also need to put in place and implement a Highways authorised public liability road management scheme and public liability insured off road parking.

I notice from Churston Manor's Facebook page that already there are 700 people interested in going to this year's Strawberry Fayre to be held on the 16th and 17th of August. It is only early February and within a few months the interest could easily be double that figure.

Just to note I am aware that a recent letter from Churston Manor has been posted to some homeowners in the area. However our household has not received the recent letter, and we never received a letter last year leading up to the Strawberry Fayre. We have had no communication from the establishment in any way as to their intentions over the noise issues, road management, parking and litter management. It all seems rather incoherent.


Yours sincerely

A redacted signature and name, consisting of several blacked-out scribbles.



Churston Manor Application to Vary Premises Licence.

Executive Head Community Safety,
Torbay Council.
c/o Torquay Town Hall,
Castle Circus,
Torquay TQ1 3DR


Bascombe Road
Churston
TQ5 0JJ

Dear Sir or Madam

I wanted to register my opposition to any variation to the premises licences currently being sought by Churston Manor. My opposition is on the basis that the Premises Licence Holder (PLH) is unlikely to promote the licensing objectives. Namely Public Safety and the Prevention of Public Nuisance.

I was very pleased when I heard of the Licensing Committee's decision on the 25th October 2018 to stop all outside live events as they were having a detrimental effect on me and my family. The noise was excessive and the volume of traffic and cars parked on all our local roads caused a serious access issue.

I am unaware of any changes that have taken place since the committee made its decision and have little trust that events would be organised in such a way that there was an acceptable impact on our quiet village.

You will be aware that Churston is in a conservation area and I would like to maintain the quiet nature of this community.

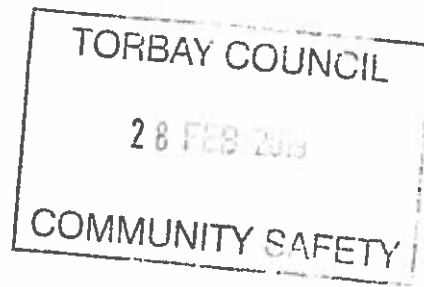
I hope this application will be denied.

Your faithfully



249132

Green Lane.
Churston
TQ5 0JG.



Churston Manor Application to Vary Premises Licence.

Dear Sir or Madam

I wanted to register my opposition to any variation to the premises licences currently being sought by Churston Manor. My opposition is on the basis that the Premises Licence Holder (PLH) is unlikely to promote the licensing objectives. Namely Public Safety and the Prevention of Public Nuisance.

I was very pleased when I heard of the Licensing Committee's decision on the 25th October 2018 to stop all outside live events as they were having a very detrimental effect on me and my family. The noise was excessive and the volume of traffic and cars parked on all our local roads caused a serious access issue.

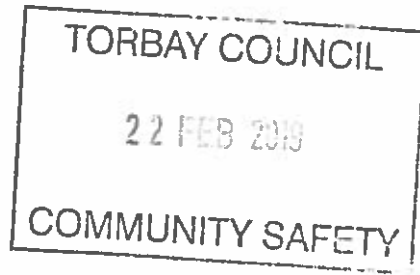
I am unaware of any changes that have taken place since the committee made its decision and have little trust that events would be organised in such a way that there was an acceptable impact on our quiet village.

You will be aware that Churston is in a conservation area and I would like to maintain the quiet nature of this community.

I hope this application will be denied.

Your Faithfully

A thick, black, horizontal scribble used to redact the signature of the sender.



~~XXXXXXXXXXXX~~
Palace Avenue
Paignton
TQ3 3HF

15th February 2019

Dear Sir/Madam

Ref; 052784

I wish to make a representation regarding the above matter.

My wife catered at the event called Strawberry Fields and I attended the event. I currently operate a recording studio and I also contract to supply sound at live events and have done so for thirty years.

I have no idea why anyone could have any grounds whatsoever to complain. If you wanted to listen to a band, you had to be on the grass level approximately 20 metres from the stage. If you sat on the terrace outside the Inn, approximately 60 metres from the stage, it was difficult to hear the band over the conversation

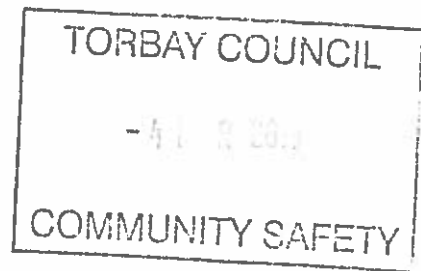
To this end, I wish to address the licensing committee deal with this matter.

Yours sincerely

A thick, black, horizontal redaction mark covering the signature area.

A thick, black, horizontal redaction mark covering the name area.

~~XXXXXXXXXX~~
Park Road
Stapleton Village
Bristol
BS16 1AU



Licensing and Public Protection
Torbay Council
Town Hall
Castle Circus
Torquay TQ1 3DR

28 February 2019

Dear Sir/Madam

**Re: Licensing Variation Application 052784
Churston Court Hotel trading as Churston Manor Hotel**

I am writing in support of Chris Hodson and Jonathan Smith, the proprietors of Churston Manor, in relation to their application to vary their Premises License.

We visit Churston Manor perhaps 5-6 times per year as a family, my wife, myself and 12 Y/O daughter, but also with our elderly parents (on both sides) and with friends and their children. Churston manor is a truly unique and wonderful venue, with the most pleasant and polite staff and a completely incredible atmosphere.

Every time I visit it just reminds me of the most perfect representation of the best of all things British, a small sanctuary of British architecture, values and good spirit.

We all attended the Strawberry Fayre music festival in August 2018, it was an absolute delight, what's more perfectly British in the summer time than families enjoying Strawberry's, some great music and a fine glass of ale in such a wonderful venue?

We as a nation should support these traditions and very British ways of celebrating our culture, the summer and our families.

Whilst we don't know Chris Hodson and Jonathan Smith on a personal level, on each and every occasion we visit, it's an absolute pleasure to be welcomed by them and their team, we are made to feel truly welcome, also I can attest to an extremely professional way in which the hotel is managed, we have also never seen anything other than extremely happy customers, families and staff enjoying their time together.

Churston Manor in my opinion is a shining example of how such a venue should be run for the benefit of their customers and in line with their licensing responsibilities.

Strawberry Fayre music festival in August 2018,

In relation to Prevention of Public Nuisance - The music volumes were absolutely not in our opinion unreasonable. We were sat on chairs in an uncrowded area not far from the stage, amongst other families and we were able to chat throughout the day and during the music sessions, it was perfect.

Everything was organized superbly including professional sound engineers, it wasn't by any means over crowded and at the end of the event everybody dispersed in a happy and orderly way.

There was also very adequate parking and access was absolutely fine.

With regards to Public Safety – The event was organized extremely well, with no safety hazards seen, drinks were served in plastic cups, the food vendors were organized very well, laid out well and safely, hygiene was excellent and the food was great. The outside bar, was well run and there were never more than just a few people ahead of me. Inside the building the bar was run extremely well and again not over crowded. The portaloos area was very clean and again no queues.

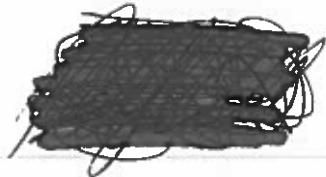
Regarding the general organization of the day – We arrived quite early so could see the full day unfold and noticed ample support/security staff, who were very visible by their uniforms, they were extremely polite and well organized, they remained fully visible throughout the event although I didn't witness a single incident where security would have actually been required.

This was very much a family event, with free admission for all, and families having a lovely time with their young children. Children were not allowed at the bar area, and there was a small area for children to play in along with some children's stalls and games.

Personally, I think it would be an absolute disaster if such a well-organized and well run, thoroughly British event couldn't take place again, this kind of event is at the heart of our culture and should be celebrated/cherished.

I therefore offer my absolute support to Churston Manor and the team for the Variation Application submitted on behalf of Churston Manor Hotel.

Yours faithfully



SEU/249132



Hollyhock Way
Paignton
Devon TQ4 7FN

TORBAY COUNCIL
25 FEB 2019
COMMUNITY SAFETY

21st February 2019

Licensing and Public Protection
Torbay Council
Town Hall
Castle Circus
Torquay TQ1 3DR

Dear Sir/Madam

Ref: application no. 052784

We feel we must write to lend our support to Churston Manor after hearing complaints from neighbours, specifically in relation to Strawberry Fayre and Churston's license.

We attended this event last year and invited friends from outside of the area to enjoy the day with us.

Prevention of Public Nuisance – The music was not in our opinion loud. Having close family in the entertainments industry we are sure we know what we are talking about after watching many sound-checks they have carried out. We actually have videos we took of the event and, bearing in mind we were sitting quite close to the stage, you can tell from those videos that the music is not loud. The event also finished on time.

Public Safety – We could see no trip hazards. Speakers were tucked away from people. All food sellers were behind their own counters, again I have photos supporting this. All drinks were served in plastic beakers and people queued in an orderly manner. There was a separate toilet block area which was well lit and hand-wash facilities in the toilets.

Prevention of Crime & Disorder – There was plenty of security on site. We have photos of the security team taken pretty much at the end of the evening. During the main event there was always a security person standing by the stage, watching the audience and making sure all was well. In fact, we took photos of the audience ourselves showing people sitting at tables, and also on their own chairs they brought with them, having a lovely time with their families (including young children). At no time did either of us see any arguments or anything dodgy going on. There was plenty of security at this event and everyone had a good time, with no unruly behavior as far as we saw.

Protecting Children From Harm – Families seemed to be looking after their own children, and children were not allowed at the bar area. There was a small area for children to play in and from what we could see this was supervised by their parents.



We do hope that our letter adds some weight and clarification to Churston Manor's cause and we, and our friends and family are very much looking forward to attending their events this year.

Yours faithfully

[Redacted signature block]

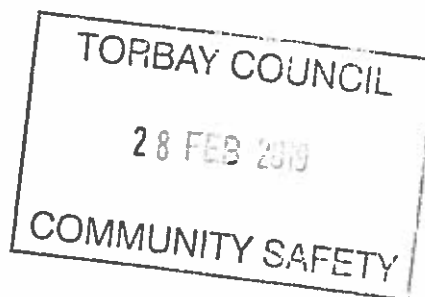
[Redacted signature block]

Walsal End Lane, Barston, West Midlands, B92 0HX

Licensing and Public Protection
Torbay Council
Town Hall
Castle Circus
Torquay TQ1 3DR

24th February 2019

Dear Sir/Madam



Licensing Variation Application 052784
Churston Court Hotel trading as Churston Manor Hotel

I am writing in support of Chris Hodson and Jonathan Smith, the proprietors of Churston Manor, in relation to their application to vary their Premises Licence.

I stay very regularly at Churston Manor and have seen at first hand how Chris and Jonathan manage the hotel, and how they promote the licensing objectives.

Prevention of Public Nuisance - Chris and Jonathan are careful to ensure that the activities of the hotel do not have a negative effect on the public. Noise from outdoor events is carefully contained and all events are responsibly planned. In fact, far from causing any kind of public nuisance, the hotel is a valuable amenity - for both local residents and for visitors - in a neighbourhood that is otherwise devoid of public venues.

Public Safety - The hotel is careful to ensure the safety of the public, including hiring professional accredited security staff for larger events, serving drinks in plastic cups outdoors, and renting portaloos. In the case of the Strawberry Fayre in 2018, the hotel agreed with a local farmer to rent an adjacent field as a car park. This enabled guests to park safely off the road, and to get to the venue without having to walk along narrow roads.

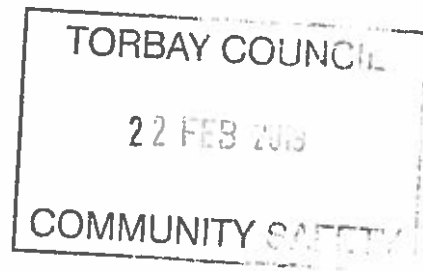
Prevention of Crime & Disorder - The hotel does not tolerate any kind of crime or bad behaviour. Staff act responsibly to promote compliance with the law, and management take positive action against visitors who misbehave.

Protecting Children From Harm - The hotel is a very family-friendly venue. Many local residents bring their children to the hotel for lunch at the weekend, and management are careful to ensure their safety, including the provision of play areas and ensuring that children are always under the supervision of a responsible adult.

In short, Chris and Jonathan are highly responsible in promoting the Licensing Objectives, and their application has my full support.

Yours sincerely

Two large, dark, scribbled-out areas, likely redactions of a signature and name.



~~XXXXXXXXXX~~
Lower Warberries Road
Torquay TQ1 1QR

20th February 2019

Dear Sir/Madam

Ref; 052784

I wish to make a representation regarding the above matter.

I performed at the event called "Strawberry Fields" and partly organised the event. However, most importantly I personally booked the PA system and therefore have first hand knowledge of the organisation and more importantly, the sound, or level of sound.

To this end, I wish to address the licensing committee dealing with this matter.

Yours sincerely

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A small, rectangular blacked-out area, likely covering a name or title.

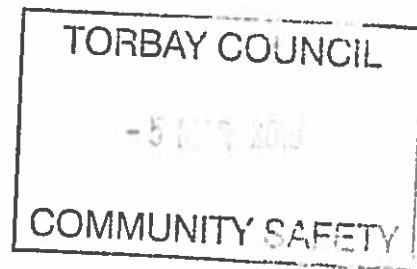
~~XXXXXX~~@live.co.uk

Tel:07716836469

26th February 2019

Dear Sir/Madam

Churston Manor - Licensing Variation Application 052784



I am writing in support of the application by Churston Manor Hotel for a variation in its Premises License. I was in charge of the security services provided by Atlas Security throughout the Strawberry Faye held at Churston Manor on 18 and 19 August 2018, and therefore witnessed in great detail how the event was planned and implemented by the license holder.

Prevention of Public Nuisance – Parking was organized in an adjacent field, in order to avoid any risk of the roads being clogged with cars attending the event. My team who wore yellow high visibility vests patrolled the car park as well as the Hotel grounds. My security officers checked cars entering the approach road, to make sure that they were being driven either by local residents or by hotel resident guests. This prevented any potential problems of access for residents, or for emergency vehicles, being impeded by customers' cars. All of my team were supplied with radios and earpieces and were in constant contact with each other and the festival organizers. The event finished on or before the scheduled time on both evenings, in order not to cause any unreasonable disturbance.

Public Safety – The field rented by the hotel as a car park was a very short distance from the venue, so that guests did not have to walk along any busy roads. All drinks were served in plastic beakers. My security team patrolled the area continually. There was an outside bar and a block of portable toilets, which prevented overcrowding inside the hotel building.

Prevention of Crime & Disorder – There was ample security on site during the musical performance there were always two security officers next to the stage, watching the audience. Other members of my team patrolled the hotel, the grounds and the car park. I also had one male and one female security on the main entrance gate at all times searching bags on entry. They also used a clicker system to keep account of how many people we had on site at one time. All my security staff wore high visibility jackets clearly displaying security. We had three security staff working through the night patrolling the site and car park areas and surrounding roads. There were no disturbances and no evidence of any criminal acts.

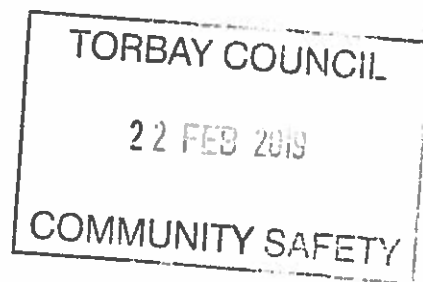
Protecting Children From Harm – This was very much a family event, with parents looking after their own children. Children were not allowed near the bar area, and a small children's' play area was provided.

I consider that the license holders act responsibly in promoting the Licensing Objectives, and that the Variation Application should be approved.

Yours faithfully

A large, irregular black redaction mark covers the signature area, obscuring the name and any handwritten notes.

Atlas Security



The Quay
Brixham
TQ5 8AW

21st February 2019

Dear Sir/Madam

Ref; 052784

I wish to make a representation regarding the above matter.

I have attended many events at Churston Court and I was at the event called "Strawberry Fields" and furthermore, partly organised the event. However, most importantly I qualified as a sound engineer in 1976. Since then I have worked as an Engineer, a Stage Manager, a Road Manager and a Tour Manager. I have worked with some of the biggest bands in the world first hand knowledge of the organisation of events catering for up to 100,000 people. I have an in depth knowledge of event sound and more importantly, the quality and level of sound.

To this end, I wish to address the licensing committee dealing with this matter.

Yours sincerely

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Sen/249132

TORBAY COUNCIL
25 FEB 2019
COMMUNITY SAFETY

Upper Morin Road
Paignton
TQ3 2HY

19th February 2019

Dear Sir/Madam

Ref; 052784

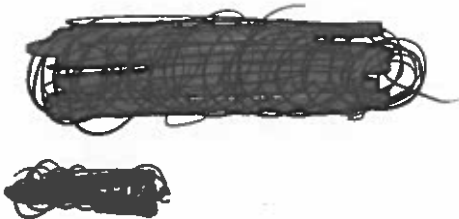
I wish to address the licensing committee regarding the above matter.


My husband and I have attended a number of events at Churston Court. We attended the Strawberry Fields event with our seven month old baby. We had a very enjoyable day and we were looking forward to this year's event, that was until we heard about the previous decision of the licensing committee. We believe that decision was flawed and hope to provide information about what really happened on the day.

We have first hand knowledge of a number of events and cannot understand why there is any objection to the outside events at Churston Manor.

My husband is very cross about this, but will be unable to attend, so I will speak for both of us.

Yours sincerely

A large, dark, scribbled-out area covering the signature, with a smaller scribble below it.


Green Lane
Churston Ferrers
Brixham
TQ5 0JG

Dear Sir/Madam,

Re: Open application 052784 which is a variation application for premises licence

I wish to support the creation of jobs and economic benefits to the Bay, from events held at the Churston Court Hotel, and send my approval to this application.

In particular I would like to address the following licencing objectives:

1. Prevention of Public Nuisance.

I live 100 yards from the Churston Court and do not consider I am caused any public nuisance.

2. Protection of Children from Harm

I have attended many events and found them well organised and disciplined and sound family entertainment. The venue is within self contained grounds and safe for supervision of children.

3. Prevention of Crime and Disorder.

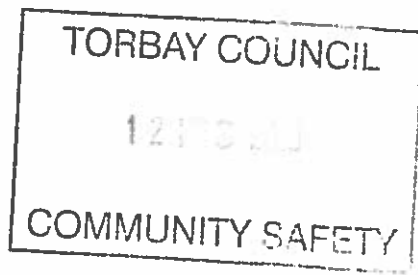
There are always plenty of staff on duty for overseeing public behavior. The access and parking is always well organised and professional.



4. Public Safety

Attentive staff on duty overseeing all normal aspects of public safety. Security are in attendance for safe parking and traffic flow.

Yours faithfully,







Orchard Close
Galmpton
Brixham
Devon TQ5 0LS

Dear Sirs,

RE: PREMISES LICENCE – CHURSTON MANOR HOTEL, CHURSTON, DEVON TQ5 0JE.

LICENSING OBJECTIVES;-ALL

THE PREVENTION OF CRIME AND DISORDER
THE PREVENTION OF PUBLIC NUISANCE
PUBLIC SAETY
THE PROTECTION OF CHILDREN FROM HARM

I have lived in Galmpton for 13 years and have experienced the Gooseberry Pie Fair every year, supported by the Manor Inn Pub run by Chris and Jon who also Lease the Churston Manor Hotel, Churston.

Every year it has been an absolute delight. A great family event. Hundreds of people come. Security is taken very seriously. We have Police here present every year. They close roads as required and deal with traffic and security. Also, there are usually 7/8 Stewards looking after everybody and keeping an eye on children's safety etc.,

At the Churston Manor Hotel I know Chris and Jon have Security people looking after everybody to encompass all these objectives when they have entertainment. They are both very careful and considerate people who deal with everything professionally and want to make everyone welcome. I do hope you allow the variation of the Premises Licence.

Yours faithfully