



LICENSING ACT 2003

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

NOTIFICATION

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

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

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

Completed forms should be returned to:

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

Contact Details:

Tel: 01803 208025

Web: www.torbay.gov.uk

Email: licensing@torbay.gov.uk

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Rhiannon Smart *(Insert name of applicant)*

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Devon Dumpling, 108 Shiphay Lane	
Post town Torquay	Post code (if known) TQ2 7BY

Name of premises licence holder or club holding club premises certificate (if known) Matthew Lyon

Number of premises licence or club premises certificate (if known) PL0460

Part 2 - Applicant details

I am Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority
(please read guidance note 1, and complete [A] or [B] below) ✓

- 2) a responsible authority (please complete [C] below)

- 3) a member of the club to which this application relates
(please complete (A) below)

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

Please tick ✓ yes

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

Surname - Smart

First names - Rhiannon

I am 18 years old or over ✓

Please tick ✓ yes

Current postal address if different from premises address

■ Yealm Grove

Post town

Torquay

Post Code

TQ2 7NH

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

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

- 1) the prevention of crime and disorder ✓
- 2) public safety ✓
- 3) the prevention of public nuisance ✓
- 4) the protection of children from harm

Please tick one or more boxes ✓

Please state the ground(s) for review: Breach of previous amendment to license and for the prevention of public nuisance, the prevention of crime and disorder and public safety.

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

I am writing to formally request a review of the premises licence held by The Devon Dumpling, on the grounds that the establishment has repeatedly breached the terms of its current licensing conditions and is failing to uphold the licensing objectives.

Despite a previous amendment to their license, The Devon Dumpling continues to generate excessive noise from the beer garden and car park area well beyond the permitted hours. On multiple occasions, particularly after 10:00pm, loud music, shouting, and general disturbance have emanated from these outdoor areas, causing significant disruption to nearby residents.

One particularly serious consequence of this persistent noise has been to my own family. The level of noise pollution coming from the premises has been so extreme that it contributed directly to my family paying for windows with thicker glass in so as to not hear the noise emanating from the pub. This consequently cost my family hundreds of pounds. This is not okay, my family should not have to fork out hundreds of pounds just because the noise coming from a pub in a residential area is too loud. Even with these thicker glass windows we are still able to hear noise from the pub beer garden and car park.

Furthermore, the premises is clearly failing to uphold its licensing objectives, particularly with regard to the prevention of public nuisance and the prevention of crime and disorder. Due to the pub's excessively late opening hours, patrons often leave the premises in a heavily intoxicated state. These individuals frequently gather in nearby residential streets where they shout, swear, and create further disturbances very late at night, sometimes even past midnight. This kind of antisocial behaviour has become a regular and unwelcome occurrence. In addition, these ongoing disturbances amount to a public nuisance, which is defined as an act or omission that endangers the life, health, property, or comfort of the public or obstructs the public in the exercise or enjoyment of rights common to all. The sustained and unreasonable noise, especially late at night, has interfered with our right to the peaceful enjoyment of our home, which is a key component of this legal principle. This whole incident has caused my family an insurmountable amount of stress. Not just from the financial implications but also real-life implications as myself and my family cannot enjoy our land whatsoever due to nuisance from the Devon Dumpling.

Moreover, my family has also been subjected to harassment from patrons associated with the Devon Dumpling. On multiple occasions individuals have passed by our home and shouted abusive or intimidating remarks at us concerning the pub. On one occasion, a patron—who was visibly drunk—rang our doorbell late at night and aggressively questioned us about whether we were taking photos from our window. This was both unsettling and entirely unacceptable behaviour, further demonstrating the lack of control the premises exerts over its customers, even beyond its own boundaries. Furthermore, the harassment myself and my family have received on Facebook from patrons of the pub is quite frankly disgusting.

I am also seriously concerned by the number of visibly intoxicated individuals I have personally witnessed getting into their vehicles and driving off in a dangerous and erratic manner after leaving the pub. This poses a serious risk to public safety and further illustrates the venue's failure to manage its patrons responsibly.

As further evidence, I have video footage taken on a recent Saturday night that clearly shows the Devon Dumpling in breach of its licensing conditions by producing excessive noise well past 10:00pm. This footage demonstrates the unacceptable level of noise being allowed to continue unchecked. I will attach one of these videos for your perusal.

In my opinion the Devon Dumpling is licensed to open way too late for a pub in a residential area with houses surrounding it even with its recent adjustments to its license.

If Torbay Council fails to take appropriate enforcement action following this review, I am prepared to escalate the matter to the relevant regulatory bodies beyond the Council to ensure that this ongoing public nuisance is properly addressed.

I trust that the licensing committee will give this matter the serious consideration it warrants.

Please tick ✓ yes

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

If yes please state the date of that application

Day Month Year

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

Please tick ✓ yes

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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

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

Signature Rhiannon Smart

.....

Date 09/05/2025

.....

Capacity

.....

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

■ Yealm Grove

Post town

Torquay

Post Code

TQ2 7NH

Telephone number (if any) ■■■■■■■■

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) yes please, however I can sometimes take calls.

Notes for Guidance

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