

## **Representation in connection with the review of the licence for The Devon Dumpling, 108 Shiphay Lane, Torquay, TQ2 7BY**

As members will be aware, this is the second time this year The Devon Dumpling has had its licence reviewed. Whilst on this occasion the review has been applied for by a member of the public, further investigations have since been conducted by the local authority. These investigations considered alleged noise nuisance and breach of licensing conditions. The outcome of these investigations has prompted me to make this representation due to the evidence which has come to light.

Following the last review of the licence in January, I received an E-mail from Mr Matthew Lyon on 2<sup>nd</sup> March 2025. In this E-mail, Mr Lyon expressed his intentions to communicate better with the local authority. Mr Lyon also said that the premises had hosted a live music event and barred several young people due to their behaviour. A copy of this E-mail and my response can be found in appendix 1.

On 29<sup>th</sup> April 2025, I received a Whatsapp message from a previous complainant of The Devon Dumpling. The message advised that noise from the pub had been a problem again and was especially bad on Friday nights. A copy of this message can be seen in Appendix 2.

The message was accompanied by three video clips dated the 25<sup>th</sup> April 2025 showing several people wandering around in the car park area of the premises. The videos are 1:45, 3:56 and 2:06 minutes long respectively. This was the first complaint I'd received since the review in January.

Following this, I E-mailed two of the previous complainants of the Devon Dumpling to ask whether noise was still a problem. The response from both individuals advised that it had been. A copy of their responses can be found in appendix 3.

On 7<sup>th</sup> May 2025, I E-mailed Mr Lyon to inform him of the initial complaint. Mr Lyon responded by E-mail expressing disappointment in hearing this and asked that we speak over the phone to discuss further. A copy of this correspondence can be found in appendix 4. This phone call took place on the afternoon of the 12<sup>th</sup> of May 2025, the same day in which I was made aware of an application for a review of the licence made by Ms Smart.

During my phone call with Mr Lyon, I expanded on the complaints and described the video footage to him. I suggested to him that it seemed there was no supervision in the car park area throughout the duration of the recording. I pointed him toward the condition which states:

*The duty manager, or designated staff member on every evening to effectively monitor and control noise from patrons on the car park and front outside areas after 10.30pm.*

Mr Lyon inferred that this condition had not been met, by stating his concerns for his staff being ran over in the car park area given how dimly lit the area is. I suggested that he conduct a risk assessment beforehand to ensure this condition is met.

We also discussed the issue of the noise limiting device, which at this stage was still not in place. I E-mailed Mr Lyon after our phone call on the same day advising him that he would need to purchase and install one. I asked that he liaise further with me once he had purchased one to ensure this is satisfactory. I also asked that he get back to me with a date to meet him at the premises to discuss the complaints and to determine whether the conditions had been adhered to. A copy of this E-mail can be seen in appendix 5.

On 14<sup>th</sup> May, my colleague Ms Julie Smart, Licensing Officer, E-mailed Mr Lyon requesting copies of CCTV footage for the dates of 25 April 2025, from 10.57 pm to 11.05 pm. On 4<sup>th</sup> June, I asked Mr Lyon in person whether he had responded to this, as I was told no response from him was received. Mr Lyon said he had responded and that he would forward me the E-mail. On 9<sup>th</sup> June 2025, I asked for evidence of this, and Mr Lyon responded by saying it was in his outbox, having tried to send it from an old E-mail address. A copy of Ms Smarts E-mail as well as Mr Lyons response to me can be found in Appendix 6.

On 20<sup>th</sup> May 2025, I conducted an unannounced visit alongside my colleague Mr Edwards - compliance Officer. I did this because I had not yet received a response from Mr Lyon to arrange to meet in person.

Mr Lyon was not present, but the manager Mr [REDACTED] was. I spoke with Mr [REDACTED] at length and asked him questions about adherence to the conditions of the licence. From our conversation It seemed to me that many of the conditions imposed by the sub-committee at the last review had been overlooked.

Throughout the course of the visit, I asked Mr [REDACTED] about several of the conditions on the licence. I have listed the responses to each one below.

Annexe 2 – Public Safety:

Condition 2:

*Drug Awareness and Drink Responsibly Campaign posters shall be displayed.*

I asked Mr [REDACTED] to direct me toward these notices on display, but he couldn't.

Condition 3:

*Crime prevention/warning notices shall be in place promoting awareness.*

Again, Mr [REDACTED] was unable to show me these.

### Annexe 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

#### Condition 1:

*The premises outside areas shall be closed by 10pm every day except for the designated smoking area.*

I asked to view the premises CCTV footage to determine whether this condition was being complied with, but Mr [REDACTED] did not know how to access this.

#### Condition 6:

*A log shall be kept at the premises to record checks of the premises outside area, and is shall be recorded therein, where any action is taken. This log shall be available for immediate inspection by the Police or any Council Officer or agent visiting the premises, for a look-back period of at least one month.*

I asked to see the logbook as per the condition. Mr [REDACTED] produced a logbook from 2024 and stated that he did not know where the logbook for 2025 was.

#### Condition 10:

*Signage shall be prominently displayed inside the premises and its outside areas, notifying patrons to keep noise to a minimum so as not to unreasonably disturb nearby residents.*

Mr [REDACTED] was able to direct me toward to signs which ask patrons to be quiet so as not to disturb residents. These were in the front entrance and in the rear beer garden.

#### Condition 12:

*After 10pm patrons wishing to smoke must use the designated smoking area.*

I asked Mr [REDACTED] to show me the designated smoking area. He directed me to an area which didn't appear to me to be compliant under the smoking regulations. As this was not within my remit, I later asked that my colleague Ms Belcher, an Environmental Health Officer return with me to assess this properly.

#### Condition 15:

*A noise limiting device (the specification and design to be agreed with Torbay Council's Environmental Health Service: shall be fitted so that all live and recorded music is channelled through the device(s). The maximum noise levels will be set by agreement with Torbay Council's Environmental Health Service and will be reviewed from time to time as appropriate.*

This was not in place at the time of visiting.

#### Condition 17:

*The premises shall install, operate and maintain a comprehensive digital colour CCTV system with full audio capabilities to the satisfaction of the Local Authority. All*

*recordings will be stored for a minimum period of 28 days with date and time stamping. Viewable copies of the recordings will be provided on request to the Police and Local Authority Officers as soon as is reasonably practicable and in accordance with the United Kingdom General Data Protection Regulation and Data Protection Act 2018.*

This was not in place at the time of visiting.

Condition 20:

*All staff, including the Designated Premises Supervisor, who are engaged in licensable activities at the premises shall receive initial training within 3 months on their roles and responsibilities in this regard and information in relation to the following:*

*The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.*

*Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 monthly intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority. Training records will be retained for at least 12 months.*

I asked Mr [REDACTED] whether he or any of his staff had received training within the last three months. Mr [REDACTED] confirmed that neither he, nor any of his staff received any training.

On 26<sup>th</sup> May 2025, I received an Email from Mr Lyon stating that the noise limiting device was fitted the week prior and to ask when I could visit to set limits. A copy of this E-mail can be found in appendix 7.

I met with Mr Lyon at the premises on 4<sup>th</sup> June 2025 in the company of Ms Belcher – Environmental health Officer. At the meeting, I put it to Mr Lyon that it appeared that many of the conditions on the licence had been breached. Mr Lyon provided evidence that to substantiate his contention that he had in fact complied with many of the conditions, bar a few, which he said he interpreted incorrectly.

Mr Lyon provided paperwork showing the training that had been given to staff. This document had been signed and dated by staff to state that they had received training in February. In addition to this, the CCTV camera system had now been installed as per condition 17.

A noise limiting device had also been installed and on the day of my visit, was agreed to my satisfaction. I advised Mr Lyon that I would need to return if his intentions were to have live entertainment again to get a more accurate assessment.

Mr Lyon demonstrated that he had made efforts to comply with the condition concerning the smoking area, having removed some of the sides. However, according to my colleague, Ms Belcher, an Environmental Health Officer, this was still not compliant

with 62% of the area still enclosed. Ms Belcher later confirmed this was not compliant in an E-mail 10<sup>th</sup> June 2025. A copy of this E-mail can be found in appendix 8.

Mr Lyon confirmed that the live music which was held on 25<sup>th</sup> April 2025 was held in the absence of a noise limiting device as specified in condition 17. This would also have been the case for the live music event held on 28<sup>th</sup> February. Mr Lyon has since cancelled all live music events for the foreseeable future.

Two further witness statements have been provided by previous complainants of the venue, and these can be found in appendix 9.

In summary, there have been four instances of noise nuisance reported to me or that I have been made aware of. These consist of two live music events on 28<sup>th</sup> February and 21<sup>st</sup> May 2025, and two further instances of noise from customers. One on 7<sup>th</sup> March 2025 which is detailed in one of the statements provided in appendix 9, and one other on 9<sup>th</sup> May 2025 referring to shouting/swearing coming from the beer garden in the afternoon as shown in appendix 10.

I suspect that some conditions have been breached which include conditions 12, 15 and 17 under annexe 3. As for the remaining conditions, Mr Lyon has demonstrated adherence, or at the very least, a concerted effort to comply.

Only in the past few months have I been made aware of new complaints about this premises. These have been sporadic, and due to the short space of time between the last review and now, I am unable to offer any significant recommendations to the committee.

I don't see the benefit in adding any further conditions, and whilst a restriction on timings may alleviate some issues, the volume of noise produced by customers has been just as much of an issue as the time in which customers leave.

I therefore ask that members consider the weight of the evidence presented and refer to Torbay Council's licensing statement of principles with particular regard to annexe 2, point 9, 12 and 17. I have included these in appendix 11.

There are three conditions which I believe should be amended or replaced and I have outlined these in appendix 12.

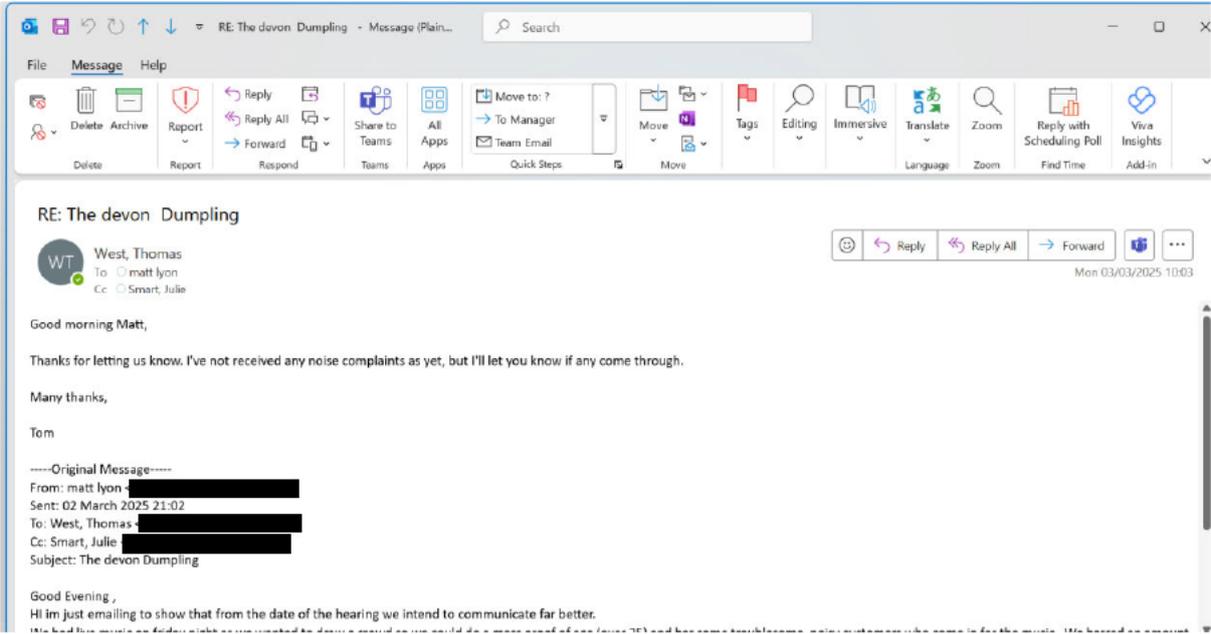
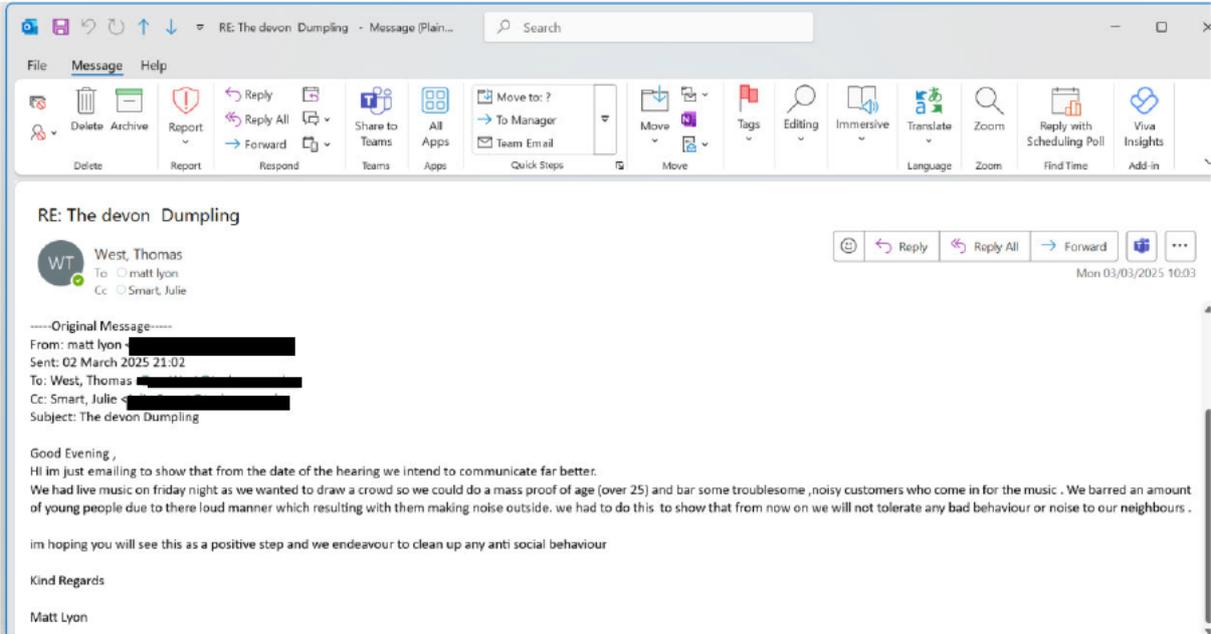
Sincerely,

Tom West | Public Protection Officer | Torbay Council.

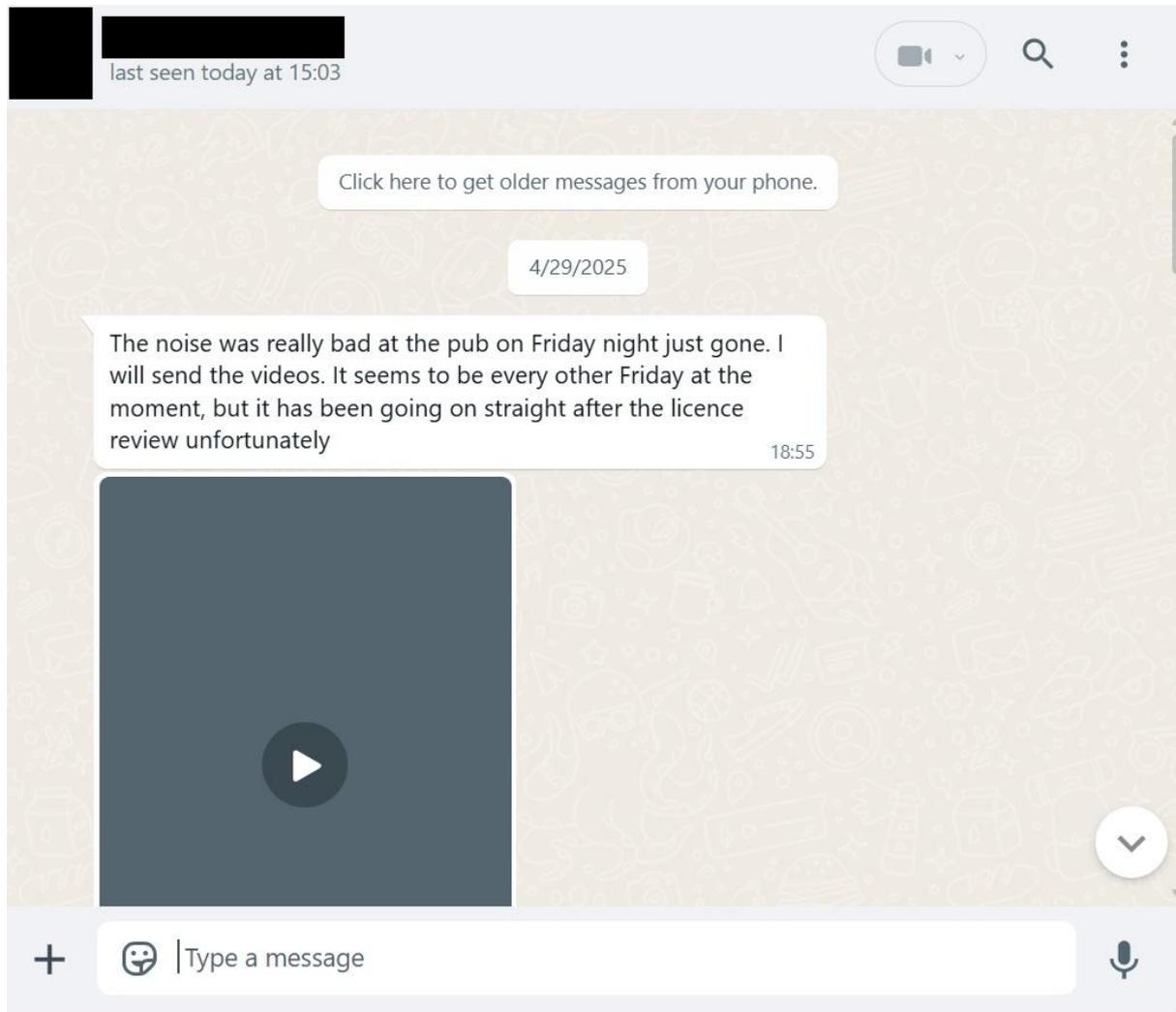


# Appendices

## Appendix 1:



## Appendix 2:



## Appendix 3:

### Previous complainant 1:

**From:** West, Thomas  
**Sent:** 02 May 2025 08:15  
**To:** [REDACTED]  
**Subject:** Noise complaints - Devon Dumping

Good morning [REDACTED]

I hope you're well.

We've had some video recordings submitted to us by one of the previous complainants of the Devon Dumping. The complainant states that they've been experiencing noise nuisance ever since the last review and that the noise is worst every other Friday with the Friday just gone being particularly bad.

I'm E-mailing yourself and [REDACTED] to find out if either of you have noticed any worsening in the levels of nuisance in recent weeks/months. If you could let me know then I'd be most grateful.

Many thanks,

Tom

Re: Noise complaints - Devon Dumping

[REDACTED]  
To: West, Thomas

  Reply  Reply All  Forward  

Fri 02/05/2025 09:33

 Follow up. Completed on 07 May 2025.  
You replied to this message on 07/05/2025 15:24.

Hi Tom

Yes the noise levels are actually higher than before think [REDACTED] is taking the Michael to see what he can get away with, myself I wasn't going to get involved this time because of the trouble with intimidation, but as you have asked, not much has changed except the noise finishes a bit earlier, we still dread Friday and Saturday nights, it's the youngsters who are the problem still believe drugs are as well, not looking forward to 8 May VE DAY those kids won't be saluting veterans there just going to cause mayhem, still we can live in hope.

On Fri, 2 May 2025, 8:15 am West, Thomas, <[REDACTED]> wrote:

## Previous complainant 2:

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**From:** West, Thomas  
**Sent:** 02 May 2025 08:14  
**To:** [REDACTED]  
**Subject:** Noise complaints - Devon Dumpling

Good morning [REDACTED]

I hope you're well.

We've had some video recordings submitted to us by one of the previous complainants of the Devon Dumpling. The complainant states that they've been experiencing noise nuisance ever since the last review and that the noise is worst every other Friday with the Friday just gone being particularly bad.

I'm E-mailing yourself and [REDACTED] to find out if either of you have noticed any worsening in the levels of nuisance in recent weeks/months. If you could let me know then I'd be most grateful.

Many thanks,

Tom

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**From:** [REDACTED]  
**Sent:** 02 May 2025 08:45  
**To:** West, Thomas [REDACTED]  
**Subject:** Re: Noise complaints - Devon Dumpling

Hi Tom. Yes we have had noise. But not long enough to video really. Was going to message you and ask if the noise level monitor has been put in place as last Friday the entertainment was much louder than usual and the windows were shut although the front door is open all night. People are still being very noisy leaving but I figured we would just have to put up with that as the council decided that 11.30 was an ok time for last orders. They are closing at the right time. I had a few messages from Matthew a few weeks ago. As you know I do not trust any of them. They make an interesting read. Will send them to you over what's app. The pub is still a "sports bar" with much younger people on a Friday night especially. Not sure much can be done now.

On Fri, 2 May 2025 at 08:14, West, Thomas <[REDACTED]> wrote:

## Appendix 4:

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**From:** West, Thomas  
**Sent:** 07 May 2025 15:14  
**To:** matt lyon [REDACTED]  
**Subject:** Devon Dumpling - Noise complaint

Good afternoon Matt,

I hope you're well.

I'm E-mailing to notify you that we have received further noise complaints about the Devon Dumpling.

One complainant has come forward with video evidence and I have asked a further two historic complainants about noise. They have both told me that it is still an issue.

In summary, it seems that customers are leaving at the correct time, but when they do so, they are again causing a disturbance on leaving. This appears to be from customers being loud in the car park area to the side/rear of the premises. You'll know from our previous discussions that I always try and take a balanced view on these things. I acknowledge that there will be some noise produced by customers when leaving. However, the condition below stipulates that a member of staff shall monitor noise from patrons in the car park after 10:30pm. It appeared from the video that this was not the case.

*The duty manager, or designated staff member on every evening to effectively monitor and control noise from patrons on the car park and front outside areas after 10.30pm.*

Furthermore, one of the residents said that the entertainment held on Friday 25<sup>th</sup> May was louder than usual and whilst the windows were shut, the door remained open all night. Again, this is something that was conditioned by the licensing sub-committee.

*All windows and doors shall be kept closed during regulated entertainment after 10pm with regular checking by staff.*

As for the loudness of the entertainment, could you let me know when you're next available for me to stop by and set levels on the noise limiting device?

If you have any questions or concerns about any of the above, then as always feel free to ask and I'll do my best to answer them for you.

Kind regards,

Tom

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**From:** matt lyon [REDACTED]  
**Sent:** 07 May 2025 16:25  
**To:** West, Thomas [REDACTED]  
**Subject:** Re: Devon Dumpling - Noise complaint

Hi Tom

I'm devastated that we have had further complaints as we have been doing careful

Are you free for a chat on the phone at some point tomorrow

Matt

Sent from my iPhone

## Appendix 5:

**From:** West, Thomas  
**Sent:** 12 May 2025 15:48  
**To:** matt lyon [REDACTED]  
**Subject:** Devon Dumping - Noise limiting device condition

Good afternoon Matt,

Thankyou for your time over the phone earlier.

As discussed, you are required to have a noise limiting device fitted for all live/recorded music as per the below condition:

*A noise limiting device (the specification and design to be agreed with Torbay Council's Environmental Health Service: shall be fitted so that all live and recorded music is channelled through the device(s). The maximum noise levels will be set by agreement with Torbay Council's Environmental Health Service and will be reviewed from time to time as appropriate.*

The device in question would be for you to source in conjunction with any advice you may wish to take from a noise specialist. It would be my recommendation that you seek the advice of a noise consultant to aid you in choosing the right noise limiting device depending on your budget etc. It wouldn't be for me to recommend you any one specific product, but it might look something like this:

<https://www.audiovolt.co.uk/products/eagle-sl2000-noise-pollution-sound-limiter-system#:~:text=The%20Eagle%20SL2000%20is%20a%20noise%20pollution%20system,limits%20the%20sound%20output%20from%20connected%20audio%20equipment.>

Again, this is something you should consult a noise specialist about or take advice from the supplier of the product. I can then advise you from there as to whether it would be agreed as an appropriate device. Could you do this as soon as possible so I can arrange a date and time to set levels.

As for the noise complaints since the last review, could you let me know a date and time you'd be free for me to come and see you at the premises in person?

Many thanks,

Tom

## Appendix 6:

**From:** Smart, Julie  
**Sent:** 14 May 2025 12:17  
**To:** matt lyon <[REDACTED]>  
**Subject:** CCTV Footage

Hi Matt

Please can you provide me with the CCTV footage from the cameras covering the beer garden and car park for the 25 April 2025, from 10.57 pm to 11.05 pm.

You can either send me the footage via a dropbox, or you can save it on a memory stick and let me know when it is ready for collection.

Please provide this footage with minimum delay.

Kind regards

*Julie*

**From:** West, Thomas  
**Sent:** 09 June 2025 10:07  
**To:** matt lyon <[REDACTED]>  
**Subject:** CCTV E-mail request response

Good morning Matt,

I hope you're well.

Could you please forward me the Email you sent to Julie Smart in response to the request for CCTV? Julie is on leave at the moment, so I am unable to confirm whether she received a response from you. In her absence, you said you could forward the Email on to me.

Could you please do so showing the dates and times of the message you sent.

Many thanks,

Tom

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**From:** matt lyon <[REDACTED]>  
**Sent:** 09 June 2025 10:11  
**To:** West, Thomas <[REDACTED]>  
**Subject:** Re: CCTV E-mail request response

Hi Tom it was sat in my outbox as it was trying to send it from an old email address  
Sent from my iPhone

## Appendix 7:

### The Devon Dumpling



matt lyon

To West, Thomas



Mon 26/05/2025 21:19

 You replied to this message on 28/05/2025 09:04.  
We removed extra line breaks from this message.

Hi Tom.

Hope you had a lovely bank holiday .all the equipment was fitted last week before the deadline .when would you like to come over and I inspect it and set the limits .

I'm having a couple of days off with family but free Thursday onwards I would really like to meet you to discuss the hearing etc Kind regards Matt  
Sent from my iPhone

## Appendix 8:

Devon Dumping



Belcher, Isobelle

To: West, Thomas

You replied to this message on 10/06/2025 14:58.



Tue 10/06/2025 14:55

For information, I followed the guidance for calculating the percentage of area which a smoking shelter was open. This was to make an assessment of whether it complied with the Health Act 2006.

The smoking shelter at the Devon Dumping is constructed against a wall and built alongside the premises. Two sides are enclosed due to this. The roof covers the entire structure. The other open sides are reduced in terms of not being fully open as there are several pillars which reduce the amount of those sides which can be considered open.

The shelter was measured to provide the perimeter of the structure which was then calculated as a percentage of the entire enclosure. This gave a percentage of 62% enclosed. Thus the smoking shelter detailed in the licence conditions does not comply with the requirements. . In short, to comply with the regulations, at least 50% of the perimeter under the roof must be open space to ensure proper ventilation. This structure does not.

Isobelle

Appendix 9:

# STATEMENT OF WITNESS TORBAY COUNCIL

Community Safety

## RESTRICTED (when complete)

(Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9;)

STATEMENT OF: [REDACTED]

Age of Witness: Over 18

(True age to be shown where witness is a juvenile or person involved in serious crime enquiry, otherwise "over 18" will suffice)

This statement, consisting of [ ] pages each signed by me, is true to the best of my knowledge and belief, and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 4th day of June 2025

Signature: [REDACTED]

I am the above named person. This statement provides an account of the noise issues and anti-social behaviour I've experienced over the last two years from the Devon Dumpling pub.

I have lived in my property opposite the Devon Dumpling for the past 24 years. [REDACTED]  
[REDACTED]  
[REDACTED]

I would describe the Devon Dumpling as detached village pub with a white coloured exterior and a large car park adjacent. The pub is located at 108 Shiphay Lane, Shiphay, Torquay, Devon.

The licence holder for this premises is Matthew Lyon. I will hereafter refer to him as Matt. I would describe Matt as a white male, approximately 6ft in height, in his 40s with dark hair. I know Matt from visiting the pub and through being a neighbour of the pub.

The noise problems started getting bad around the Summer of 2023. The issues were noise from the entertainment and general anti-social behaviour associated with the pub. The pub would keep their windows open making things much louder and this would impact on my sleep. My dog would be barking at the window because of the constant noise. This has been a strain on me mentally and has weighed heavily on my mind.

Statement of Witness

Continuation Statement of: Page - 2 -

I approached [REDACTED] the manager of the pub and invited him over my house to discuss the noise issues. He said that he didn't know what to do about it. I suggested getting a doorman when they had entertainment and he said they couldn't afford it. I decided to approach [REDACTED] instead of Matt because I thought [REDACTED] ran the pub and he was the cause of the problems. I didn't think that Matt had the time or the energy to deal with it because he was never there and we never saw him. There was no improvement following this and nothing was done to remedy the noise problems.

On 23<sup>rd</sup> of June 2024, I E-mailed Tom West from the council with footage of the noise problems I'd witnessed from the pub. I provided numerous videos and messages to Tom who then used these as part of the evidence for a review which was held in January 2025.

Around this time, [REDACTED] started an online campaign to try and save the pub from being shut down. This attracted lots of online attention which prompted people online to comment on the post with statements like 'Get a hit man', and 'Whoever's responsible for causing this should take a long hard look at themselves' and 'Don't move next to a pub if you don't want the sound of people having fun.' These sorts of comments were very upsetting and had an impact on my life. It was frustrating to read them as well knowing that people did not know the whole story. It was frustrating because it was never my intention to have the pub closed. I also felt like [REDACTED] wanted people to think that he was doing a good job managing the pub and that our complaints were not valid.

When the decision was made not to revoke the licence, [REDACTED] posted on Facebook, 'Long live the local – See you soon', effectively rubbing it in our faces that the licence had not been revoked and the noise problems would continue.

After the review, the situation improved, but only for about two weeks, but then they started having entertainment again. Only two weeks after the review on 28<sup>th</sup> February 2025, there were numerous people congregating outside the front of the pub. These customers were just standing around and there was no effort made by the staff to tell them to disperse or be quiet. In addition to this, there was a big fight inside the pub which then spilled outdoors to the front of the premises where customers continued to drink, smoke and carry on being overly loud late into the evening. Management were unable to control customers and made no effort to move them on or bring them back inside. There was no Police presence that evening either, suggesting that they hadn't been called.

Since then, drinking glasses from the pub have been left on the wall of our property which demonstrates that customers have been bringing drinks outside and consuming alcohol in the street.

On 7<sup>th</sup> March 2025, I took a four minute video from my property of customers congregating out the front being very loud again. This was at 11:46 and I sent this to Tom West. A staff

Signature:

member came out toward the end of the video saying 'lads keep it down'. One of the customers responded saying 'Fucking knobhead'.

On 25<sup>th</sup> April, the pub hosted a live music event 'Sam and the Strings' from 8:30pm until 11pm. This was noisy and despite windows being closed at the the time, the volume appeared louder than usual. I know this to be true as I had to turn the volume up on my television in order to hear it. Customers were noisy coming out but they dispersed fairly quickly.

In summary, I don't want to have the pub shut down, and I don't enjoy complaining to the council about noise. I would like it to become the village pub it used to be without the constant noise problems. I want to be able to enjoy my own home without the intrusion of excessively loud noise which has in recent years made my life more difficult.

Signature:

# STATEMENT OF WITNESS

TORBAY COUNCIL

Community Safety

**RESTRICTED (when complete)**

(Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9;)

STATEMENT OF [REDACTED]

Age of Witness: Over 18

(True age to be shown where witness is a juvenile or person involved in serious crime enquiry, otherwise "over 18" will suffice)

This statement, consisting of 2 pages each signed by me, is true to the best of my knowledge and belief, and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 4th day of June 2025

Signature: [REDACTED]

I am the above named person. This statement provides an account of my experiences living next to the Devon Dumpling Pub in Shiphay and the noise issues that I've experienced within the past six years.

I have lived in my property next to the Devon Dumpling for fifteen years. [REDACTED]  
[REDACTED] Our garden is less than 10 ft away from the nearest boundary of the Devon Dumpling beer garden. The beer garden is close enough that I can hear normal conversation noise coming from the beer garden when outside in my garden. My property resides on [REDACTED] Shiphay Torquay.

The licence holder for this premises is Matthew Lyon. I will hereafter refer to him as Matt. I would describe Matt as a white male, approximately 5ft 7 in height, in his 50s with medium length dark hair and a dark beard. I know Matt well as I have spoken with him on numerous occasions in his capacity as licence holder.

Signature:

I would describe the Devon Dumpling as detached village pub with a white coloured exterior and a large car park adjacent. The pub is located at 108 Shiphay Lane, Shiphay, Torquay, Devon.

The problems first started in around 2019, when a young girl was running the pub in the same way that a nightclub would run. It was regularly noisy in the evenings with music blaring in the back garden. There were cars in the car park doing doughnuts and generally being anti-social. Because of the noise, my wife [REDACTED] spoke with Matt and asked him what was happening.

[REDACTED] said to Matt that it would be nice for him to pop up and see how bad the noise was considering he only lived up the road at the time. He responded saying he would 'sort it out for us'.

We waited to see if he would do something about the noise over the course of two to three years but nothing changed, in fact, the noise got worse. We couldn't speak with Matt again because he was never there. As a result, when the noise was loud, we would have to ring the pub, mostly after 10pm on Thursdays, Fridays and Saturdays to ask that the volume is reduced and that the noise was horrendous. Over the phone the staff would become rude and say things like 'Whats your problem', and, 'What do you expect me to do about it?'

In approximately 2022, my wife [REDACTED] asked for a meeting to be held because the noise problems had become so bad. Myself and three others including my wife attended and aired our concerns and agreed that we wait for a period of six months to see if the pub would improve. At the meeting there were several others in attendance who were in the support of the pub. This gave us the impression that the pub would do what they wanted to do irrespective of our views.

Over the course of the next six or seven months, we waited to see if there would be any improvement but there was none. The noise was so bad that we couldn't have our window open, even in the winter. This would disturb our sleep. Very often be woken up late at night or into the early hours by customers of the pub screaming, or the repetitive thumping of music. With all of the doors and the windows shut to our property, I could hear the thumping of music and bass coming from the pub. I know that the pub is the premises responsible due to the direction of the noise and because we had a clear view of it from our side window.

Signature:

The noise problems continued, and it impacted my relationship with my wife [REDACTED]. It made us snappy with one another because of the lack of sleep and the frustrations we had with the pub. We discussed moving away from the area because it was so bad.

Some time after this, though I don't remember when exactly, another complainant who lives in the area applied for a review of the licence. The situation improved slightly after this review. Shortly afterwards, a new manager called [REDACTED] was put in place to try and improve things. This manager was good and came to see us to promise that she would see things improve. She lasted only six months before she told us she couldn't cope and was leaving. She told us that she was going because she wasn't getting any support from Matt.

The previous manager's new replacement called [REDACTED] was also very good and barred plenty of problematic customers. However, [REDACTED] faced the same problems as [REDACTED] and couldn't manage the noise and anti-social behaviour. She received a lot of abuse from customers and as a result of this, she left after a year in position.

Now that [REDACTED] had gone, another new manager called [REDACTED] was given the job. From this point on, things became worse than ever. The noise was much louder and more intolerable, live music events were more frequent and the type of entertainment was unsuitable for the premises and the area.

In January 2025, another review was called but this time by the local authority. We submitted a representation in respect of noise nuisance and so did several other residents who live near by. In response, [REDACTED] decided to launch a campaign to save the pub, which received a lot of attention. At the hearing, I explained my point of view. I explained that I didn't want to have the pub shut down and wanted it back to a normal country pub. I believe this was reasonable considering how many problems we've had in the past.

More conditions were added to the licence at the review and the timings were pulled back slightly. There was an improvement of about two weeks after the review but then they had a live music event which went on until 11pm, however, it was midnight by the time that everyone had gone. It was louder than it had ever been before. We were trying to sleep but couldn't so had to lay there and listen to it. I tried to read a book but couldn't because the music was so distracting, as was the noise from customers shouting and screaming.

Signature:

I am making this statement because i've had enough of the constant noise and disruption over the years. It has never been our intention to shut the pub down. We just want it to be a normal village pub that everyone enjoys. 12oclock is ridiculous for a village pub to be open and this caused a lot of problems, and this made our lives a misery.

Signature:

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## Appendix 10:



## Appendix 11:

9. There will be an assumption however, that licensed premises in residential areas, or where there is close proximity to residential properties or hospitality services, will only be allowed to undertake licensable activities until 11pm, unless detailed consideration and mitigation measures have been proposed to address those concerns. A simple application with no supporting material can be expected to be refused, where relevant Representations have been received.
12. The following suggestions should be considered but will vary according to the intended operations of each premises. The list is not exhaustive and is intended to act as prompt for Applicants:
- Is an acoustic report needed if the application involves live or recorded music and later hours?
  - Can details of the location and types of any schemes designed to attenuate noise from the premises be provided?
  - Can details of any measures to minimise the noise caused by patrons outside the premises be provided?
  - How the noise from the activity can be controlled to prevent noise breakout. Some premises simply do not have the structure to contain noise, and it is unlikely that these types of premises can have these noisier activities.

- Can the noise breakout be controlled by double glazing, noise limiters, large lobby areas, or any other structural change that attenuates the noise?
- The location and availability of any taxi ranks, bus stops, street pastors, railways stations in relation to the premises which are operational at or just after the terminal hour of the licence.
- Provide details of the location and management of any outdoor areas within the property boundary for use by patrons drinking, eating, smoking, queuing or congregating outside, and the hours of use of such areas.
- Include details of dispersal policies, and consider the role of door supervision and winding down periods.
- Will music sound levels and tempo be reduced towards the end of the evening?
- Will lighting be increased towards the end of the evening?
- Will there be an area for patrons to use whilst waiting for taxis, such as wind-down/chill out areas?
- Any use of outside areas such tables and chairs on the highway or smoking areas.
- If the operation of the venue will attract additional litter such as food cartons or publicity flyers what measures will be put in place to deal with this?
- Will there be litter patrols for premises operating as takeaways or providing off-sales?

17. In cases where a premises has benefitted from the deregulation of live and recorded music and the operator creates a nuisance to its neighbours, the Council will seek a review of the premises licence to remove the exemption under the Live Music Act 2012.

## Appendix 12:

Annexe 3:

*3. All windows and doors shall be kept closed during regulated entertainment after 10pm with regular checking by staff.*

I recommend that this condition is amended so it reads:

*All windows and doors shall be kept closed during regulated entertainment with regular checking by staff.*

This recommendation is made in acknowledgment of the potential for noise to escape the premises and cause nuisance at any time prior to 10pm.

*11. Lights in the outside area shall be turned off at 10pm but for the designated smoking area and the area leading directly to it.*

I recommend that this condition is amended so it reads:

*Lights in the outside seating area at the rear of the premises shall be turned off at 10pm but for the designated smoking area and the area leading directly to it.*

This recommendation is made for the avoidance of doubt should it be interpreted that the 'outside area' may include the car park area also.

*9. That the pre-existing conditions around prevention of public nuisance at Annex 3, point 1 of the current Premises Licence shall be reinstated.*

I recommend that this condition is replaced with the following:

*The live music exemption under section 177A of The Licensing Act shall be removed. Any conditions previously exempted under this provision are enforceable.*

This recommendation for the avoidance of doubt as to whether the live music act exemption remains. This recommendation is made so that it is expressly clear that this exemption is removed.