

Dave Walker
 ref: SED 211382.
 208025



TORBAY COUNCIL
 Torquay, TQ1 3DR
 2 DEC 2014
 COMMUNITY SAFETY

Case Reference:
 Community Safety, C/o Town Hall, Castle Circus

Nuisance Diary Sheet

NOTE: PLEASE READ THE ATTACHED GUIDANCE BEFORE MAKING DIARY ENTRIES.

Your name and address		[REDACTED]	
Name and address of person / address being complained about	Start time	Finish time	Description of incident / noise nuisance
SHIROZ.	19/11/14 7:30pm	10:30pm	loud music, sounded like house & drums, singing - can hear words clearly - live music 103
[REDACTED]	20/11/14 5:30pm	6:00pm	loud music - some car above - can hear words clearly - live music / car - lowest hear night before.
[REDACTED]	20/11/14 21:00	23:00	loud music - aware it's a Friday night, but can't hear words to songs & very loud bass - singing is almost like shaking
[REDACTED]	20/11/14 20:30	22:00	loud music (very loud) can hear words very clearly, bass, drums, lots of singing, 14th, 15th very clear so can't hear to you, you belong to me, my sweet heart, again, again, very, very, again, again, I won't hesitate no more no more, one big family -> give me your kiss, you don't have to be nice to me, my mother, I just want your extra pie & your kiss - can't fit all songs on here - up until take sun.
How did the incident / noise affect you?		Description of incident / noise nuisance	
irritating, small baby in noise - when waiting to have to turn up a lot.		loud music, sounded like house & drums, singing - can hear words clearly - live music 103	
irritating, have to turn up to hear what's on.		loud music - some car above - can hear words clearly - live music / car - lowest hear night before.	
irritating - some car above		loud music - aware it's a Friday night, but can't hear words to songs & very loud bass - singing is almost like shaking	
irritating, have to turn up to hear - car above baby sleep, baby waking up several times, trouble to sleep as music is so loud - have a young baby so can't go to bed late on Thursday has stopped - very tired.		loud music (very loud) can hear words very clearly, bass, drums, lots of singing, 14th, 15th very clear so can't hear to you, you belong to me, my sweet heart, again, again, very, very, again, again, I won't hesitate no more no more, one big family -> give me your kiss, you don't have to be nice to me, my mother, I just want your extra pie & your kiss - can't fit all songs on here - up until take sun.	



Case Reference:
Community Safety, C/o Town Hall, Castle Circus, Torquay, TQ1 3DR

Nuisance Diary Sheet

NOTE: PLEASE READ THE ATTACHED GUIDANCE BEFORE MAKING DIARY ENTRIES.

Your name and address		Name and address of person / address being complained about		Description of incident / noise / nuisance		How did the incident / noise affect you?	
Date	Start time	Finish time					
27/12/14	8:45 pm	22:00	[REDACTED] TA1 2BZ. Skiez Cafe/Bar		PROMS, live singing - not too loud but wash but loud enough to be heard to be interesting. - can hear but can not make out words.		if watching.
4/12/14	5:15pm		[REDACTED]		live music, guitar - sounds like electric guitar & singer. again can make out words & love of song. - can hear words clearly. ① we found love in a useless place.		in the night - so loud we're - turn up TV, it's like being at a music festival!

- ② soon it will be children's live - don't know the name of the song.
- ③ only you & me. we were young & wild & free - again don't know name of song.

Date	Start time	Finish time	Description of incident / noise nuisance	How did the incident / noise affect you?
			1 'Bluelives', your a guitar player, you are the hottest kitch in this area'. - this has been the loudest it has ever been.	
27/11/14	5:30pm	7:00pm	1 house it easy to recognise - very clear words. loud, loud guitar shouting by loud / singing kello. 2 'but I love you' - 'real love - not sure of the song - that's - has a guitar solo in middle - small solo. 3 remember 'tell me the love' 'you in an early way. again don't know name. lots of guitar & bass. 4 'I got the best thing' - don't know name of band who sang it. - loud guitar solo - electric.	Some of the loudest - it's like listening in a music venue.
			5 'Go on my go, go, go - again don't know band if it is right name of song - can't be good. - electric guitar solo - 6 'Love songs' 'the things I have done' 'play with you. - electric guitar solo.	
			7 'hey clown baby.	
			8 - 'large electric guitar solo.	
			9 'Sweet Home Alabama.	
			10 'brown eyed girl.	
			11 'Main Street Preachers - not sure the name of the song	
			12 '74 74' 'night rider' - all right now - with guitar ending.	
			13 'I'm a slant night' - all electric guitar - sounds terrible!!!	

(10)

Date	Start time	Finish time	Description of incident / noise nuisance	How did the incident / noise affect you?
4/12/14	continued.	80:15	<p>(4) the valerie - 'why don't you come on over valerie'.</p> <p>(5) Rear clarkin'</p> <p>(6) I'm dreaming of a white christmas</p> <p>(7) need some body.</p> <p>(8) cheer up sleepy dean</p> <p>(9) talent show - not at sure on new of song. - 'what does it matter anyway'.</p> <p>(10) but me be - again don't know name of song.</p> <p>(11) ston by me.</p> <p>(12) children playing having fun - merry christmas everyone!</p> <p>(13) big black horse & derry tree - not the like the song - can't remember what it's called, - 'your no good for me'.</p> <p>(14) angels</p> <p>(15) riding in ladder.</p> <p>(16) like the one</p> <p>(17) lives like her</p> <p>(18) smooch in the address with you.</p> <p>(19) racun' around the christmas tree.</p>	

A-Z Community Plan - Licensing

Call date: 19/03/2015 12:30:33

User: CSEB481

Contact number: [REDACTED]

Details: [REDACTED]

Home Phone: [REDACTED]

Document Number: 9384903

Licensing

Back office help line number.

8010 (Mon / Tue / Thu / Fri - 9am to 3pm)

8717 (all week - standard working hours)

8038 (Wed / Thu - standard working hours)

Licenses relating to Houses in Multiple Occupation

are administrated by Housing Standards.

Please refer to Housing Standards - HMO script

If customer enquiry relates to Taxi Licenses please use the Taxi Script

Is customer chasing progress?

No

Does enquiry relate to?

Street trading/Street Collections

If customer wishes to Trade within any of Torbays Town Centres

they need to contact Torbay Town Centres Company on

01803 212270 for authorisation.

Does the customer wish to make a payment?

No

Details of enquiry & Advice Given

wanted to make complaint about music coming from Shiraz in Torquay.

Music is so loud coming from Shiraz that it is having an effect on [REDACTED] business. He has read the regulations of his own ST license and it says no amplified music. He believes that Shiraz may be in breach of their ST license, could this be looked into. If cust needs to be contacted number is [REDACTED]

Name & Address of Business enquiry relates to.

Torquay

Please capture Callers Name for Reference.

incase back office need to contact them to discuss.

Callers Name

Does the customer wish to hand in an application form?

No

Did you need to ring Back Office

No

Nuisance Web Report

Field	Value
Type of nuisance	Business noise
Details (other)	
Do you know where the nuisance is coming from?	Yes
Name of the offender	Mambos cafe
Offender Address	MAMBOS NIGHT CLUB 7 THE STRAND WELLSWOOD TORQUAY TORQUAY
How often has the incident happened in the last 2 weeks?	More than 4 times
How long does each incident last?	More than 1 hour
To whom have you reported it already?	No-one
Please enter details	
What effect does this have on your life?	Causing me irritation
Are there other people in your household affected in the following categories?	Children under 5
Details	The music for mambos has been getting progressively louder since the summer. It is now at the point on a Wednesday and Thursday night, when they seem to have live music, that it is starting to affect my 5month old baby, when the music is so loud with the drums its wakes him up. I can hear ever word to ever song, sounds like they are playing on the balcony. I am unable to go to sleep while the music is on as it is so loud and as a result am getting very tired. I am in the process of writing a diary and also have reported this before to the council, I will also report to the police.
What support do you have?	Friends/Family
Have you completed a diary of the problem?	Yes
	-1

Nuisance Web Report

Field	Value
Type of nuisance	Business noise
Details (other)	
Do you know where the nuisance is coming from?	Yes
Name of the offender	Shiraz
Offender Address	SHIRAZ 2 VAUGHAN PARADE TORMOHUN TORQUAY TORQUAY
How often has the incident happened in the last 2 weeks?	More than 4 times
How long does each incident last?	More than 1 hour
To whom have you reported it already?	No-one
Please enter details	
What effect does this have on your life?	Causing me irritation
Are there other people in your household affected in the following categories?	Children under 5
Details	FAO Dave Walker Environmental Health ref number SRU211332. Dave following our conversation today I manage to get someone to look after my little one and went to have a look at the singing, and I am really sorry to say that it is not coming from Mambo but Shiraz! It is a one man band with two very powerful speakers. The music is very loud with a backing track, man is within the boundaries of the outside seating under one of the arches. Sorry again I got the wrong venue Regards [REDACTED]
What support do you have?	Friends/Family
Have you completed a diary of the problem?	Yes
Can you upload the diary now?	-1
Title	[REDACTED]
Contact Forename	[REDACTED]
Contact Surname	[REDACTED]
Contact Phone	[REDACTED]

Nuisance Web Report

Field	Value
Type of nuisance	Business noise
Details (other)	
Do you know where the nuisance is coming from?	Yes
Name of the offender	
Offender Address	harbourside bars
How often has the incident happened in the last 2 weeks?	More than 4 times
How long does each incident last?	More than 1 hour
To whom have you reported it already?	Other
Please enter details	
What effect does this have on your life?	Causing me irritation
Are there other people in your household affected in the following categories?	Disability
Details	3 bars on harbourside playing live music on sat and sunday afternoons, offshore, shiraz and vaughns. Sound is applified accross the water making sound worse. Also Mambos playing loud music These ones are playing louder than other clubs, or seems that way.
What support do you have?	None
Completed	Internally
User id	CORP\cseb483
Contact no	
Title	Mr
Contact Forename	
Contact Surname	
Contact Phone	
Customer Address	
Post Code	
Email	
Notes	

Nuisance Web Report

Field	Value
Type of nuisance	Business noise
Details (other)	
Do you know where the nuisance is coming from?	Yes
Name of the offender	Shiraz
Offender Address	SHIRAZ 2 VAUGHAN PARADE TORMOHUN TORQUAY TORQUAY
How often has the incident happened in the last 2 weeks?	More than 4 times
How long does each incident last?	More than 1 hour
To whom have you reported it already?	No-one
Please enter details	
What effect does this have on your life?	I am unable to sleep/constantly on edge
Are there other people in your household affected in the following categories?	
Details	thursday and sundays the noise is so loud and cant sleep pub is using very loud music and he can hear it with windows shut
What support do you have?	Friends/Family
Completed	Internally
User id	CORP/cseb456
Contact no	
Title	Mr
Contact Forename	
Contact Surname	
Contact Phone	
Customer Address	
Post Code	
Email	
Notes	Customer is 91 he will complete diarys and send in gave civic number for diary

Nuisance Web Report

Field	Value
Type of nuisance	Business noise
Details (other)	
Do you know where the nuisance is coming from?	Yes
Name of the offender	Shiraz and Vaughns on harbourside playing live music outside
Offender Address	Harbourside Bars
How often has the incident happened in the last 2 weeks?	More than 4 times
How long does each incident last?	More than 1 hour
To whom have you reported it already?	No-one
Please enter details	
What effect does this have on your life?	Causing me occasional stress
Are there other people in your household affected in the following categories?	People over 65
Details	Harbourside bars playing live music outside through amplifiers causing noise, lots of noise. Thinks that with noise travelling accross water it makes it worse.
What support do you have?	None
Completed	Internally
User id	CORP\cseb483
Contact no	
Title	
Contact Forename	
Contact Surname	
Contact Phone	
Customer Address	
Post Code	
Email	
Notes	

Nuisance Web Report

Field	Value
Type of nuisance	Business noise
Details (other)	
Do you know where the nuisance is coming from?	Yes
Name of the offender	Shiraz
Offender Address	2 VAUGHAN PARADE TORMOHUN TORQUAY TORQUAY
How often has the incident happened in the last 2 weeks?	More than 4 times
How long does each incident last?	More than 1 hour
To whom have you reported it already?	Other council department
Please enter details	
What effect does this have on your life?	I feel very stressed (it is making me ill)
Are there other people in your household affected in the following categories?	Children under 5
Details	Already have complaint with council about Shiraz, please find attached audio file taken on 11th December 2014 at 1930
What support do you have?	Friends/Family
Have you completed a diary of the problem?	Yes
Can you upload the diary now?	Yes
Title	
Contact Forename	
Contact Surname	
Contact Phone	
Customer Address	
Post Code	TQ1 2BZ
Email	
Notes	

Nuisance Web Report

Field	Value
Type of nuisance	Business noise
Details (other)	
Do you know where the nuisance is coming from?	Yes
Name of the offender	Sharaz pub
Offender Address	Vaughan parade torquay
How often has the incident happened in the last 2 weeks?	More than 4 times
How long does each incident last?	More than 1 hour
To whom have you reported it already?	No-one
Please enter details	
What effect does this have on your life?	Causing me irritation
Are there other people in your household affected in the following categories?	People over 65
Details	parents live above this property and are affected by this aswell
What support do you have?	None
Have you completed a diary of the problem?	Yes
Can you upload the diary now?	No
Title	
Contact Forename	
Contact Surname	
Contact Phone	
Customer Address	
Post Code	
Email	
Notes	

Nuisance Web Report

Field	Value
Type of nuisance	Business noise
Details (other)	
Do you know where the nuisance is coming from?	Yes
Name of the offender	shiraz bar
Offender Address	2 Vaughan parade torquay devon tq2 5eg
How often has the incident happened in the last 2 weeks?	More than 4 times
How long does each incident last?	More than 1 hour
To whom have you reported it already?	Other council department
Please enter details	
What effect does this have on your life?	Causing me irritation
Are there other people in your household affected in the following categories?	People over 65
Details	every sunday at 3 or 4 shiraz caf� as a outside band playing they use amplification and the noise can be heard all over the harbour this is not good for a people that want a quite sunday afternoon ive phoned and complained about this but he carries on even though its against the conditions on the pavement licence he holds
What support do you have?	Friends/Family
Have you completed a diary of the problem?	Yes
Can you upload the diary now?	-1
Title	Mrs
Contact Forename	LUCY
Contact Surname	[REDACTED]
Contact Phone	[REDACTED]
Customer Address	[REDACTED]
Post Code	[REDACTED]
Email	[REDACTED]
Notes	

Nuisance Web Report

Field	Value
Type of nuisance	Business noise
Details (other)	
Do you know where the nuisance is coming from??	Yes
Name of the offender	Musicians at Inner Harbour
Offender Address	Inner Harbour area
How often has the incident happened in the last 2 weeks?	Less than 4 times
How long does each incident last?	More than 1 hour
To whom have you reported it already?	No-one
Please enter details	
What effect does this have on your life?	Causing me irritation
Are there other people in your household affected in the following categories?	People over 65
Details	On Sunday afternoons music is played at the Inner Harbour at a volume level that is quite unacceptable to local residents. It was particularly loud on 31 May and continued until about 8:30 at night. The noise is too great to be controlled with earplugs even at a distance of half a mile or so from the harbour. This nuisance should be brought under control so that the music can be heard locally in the harbour area but not in the entire surrounding area. particularly Warren Hill and Vane Hill.
What support do you have?	Friends/Family
Have you completed a diary of the problem?	No
Can you upload the diary now?	-1
Title	Mr



SW/WS1A

STATEMENT OF WITNESS C.J.A. Statement

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s. 5B)

STATEMENT OF

Age of Witness (if over 18, enter "Over 18"):

This statement, (consisting ofpages), 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 the23/4/15.....day of.....20.....

Signed.....

I am employed as a Public Protection Officer by Torbay Council and have held this role for the past 11 years. I have a Bsc (Hons) in Environmental Risk Management and a NEBOSH post graduate diploma in Health and Safety. I have been investigating complaints of noise from licensed premises for the past 6 years. I had received a number of complaints from local residents about excessive volume of amplified live and recorded music emanating from the front forecourt of Shiraz. Mr David Walker, Senior Environmental Health Officer witness on the 12th April 2015 noise at a volume he believed could be a breach of the abatement noticed served on the owner of Shiraz, Mr Javadi on the 23rd May 2014. Mr Walker was not in position to visit any residents on the occasion. For this reason I visited the harbour area on Sunday the 19th 2015, having pre-arranged to meet with a resident. I arrived at approximately 16:00 hrs and parked my vehicle at Beacon Quay car park. On exiting my vehicle I noted I could hear music, though distorted, it was loud. I could not be sure where it was coming from. As I approached the harbour bridge I could hear more clearly an amplified male voice emanating from the direction of Shiraz, the vocals were clear and easy to make out recognisable words, though I did not recognise the song being played. At the bridge I could still hear distorted music now apparently coming from the direction of Victoria Parade. Due to the highly distorted nature of this unidentified sound I concluded the noise was emanating from Shiraz reflecting

Signed.....

of the building along Victoria Parade and picked up as a distorted echo from my current location. I continued on foot along the harbour wall towards the direction Offshore-Cafe. It was noted a performance of live music had clearly taken place as the musicians were in the process of packing up equipment. I carried on towards Shiraz bar and observed for a short period a male musician singer in the cafe permit area of Shiraz. Behind to each side of him were two large stand mounted speakers. I was satisfied this was the source of the music I could hear at Beacon Quay. The volume of music in my view was unreasonably loud and I considered the purpose music was not just for the benefit of those customers sat in the cafe permit area and felt it was the intention of the owner to broadcast the music across the harbour. I also noted customers sat consuming what appeared to be alcohol at tables and chairs positioned outside of the cafe permit area. I established this by locating a metal stud circled by a yellow disc directly opposite the main entrance to the premises. Other boundary studs could not be found as there were underneath tables and chairs. At approximately 16:20 I walked a circle around the harbours to confirm how loud the music appeared further away and confirmed no other premises was either playing music outside or inside at this time. The music was still in my view unreasonably loud at the clock tower. A short distance up Torwodd Street the music was less distinguishable due to the elevated background road noise. After completing loop of the harbour I returned to Shiraz at approximately 16:40 and took a number of photographs of the tables and chairs positioned outside of the cafe permit and licensed area. In addition a short 15 second movie clip of the male singer. At this point I noted the owner Mr Javadi sat with a group of people at a table. I approached Mr Javadi and pointed out to him the reason I was there was to investigate complaints of noise nuisance emanating from his premises disturbing residents in the vicinity. I also pointed I considered their complaint justified based on my experience that afternoon. I explained to him the music volume of music was likely to result in him being in breach of the abatement notice previously served on him. I added further he was in clear breach of his cafe permit conditions. Conversation was very difficult as both of us had great difficulty being understood because of the loudness of music. I advised Mr Javadi it would be to his benefit to remove chairs and table outside of the cafe permit area immediately and turn the music off. The playing of any form of music in a cafe permit area is also a breach of the cafe permit. Mr Javadi requested half an hour to do this. I left suggesting it his Mr Javadi choice what he does when I Leave. At approximately 16:55 I left the premises and visited a resident who lives on Park Hill road. I arrived at Park Hill road at approximately 17:10 and was greeted by one of several family members living at the house. I was greeted and walked through the house upon which I noted the same music I could hear at Shiraz I could hear in their home. The music was clear and intrusive. The day was warm, with little breeze and the family was enjoying the amenity of their garden. I stood with several family members in their garden for 10 minutes listening to the music coming from the male



SW/WS1A

singer outside Shiraz before the music stopped at approximately 17:30 hrs. During the Time I could hear the music I considered a statutory nuisance was being created, in the case a breach of the abatement noticed served on May the 23rd 2014. The volume was unreasonable and could not be escaped.. When it did I noted how little background noise from the harbour area was could be perceived at this location and elevation, approx 20-30 metres higher than street level. Performance of music I was witnessing had taken place ever Sunday for the last 5 weeks preventing this family from enjoying a relaxing opportunity to spend time together. I discussed various matters with the family before leaving the premises at approximately 17:40. I again walked towards Shiraz and noted tables and chairs had been moved back into the cafe permit area and the singer and the speakers had gone. The premises looked as if it was beginning to close. I noted this in my note book and returned to my vehicle at approximately 17:50 and left the area.

Signed.....

Signed.....

WITNESS STATEMENT

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

STATEMENT OF:	DAVID WALKER
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OCCUPATION:	SENIOR ENVIRONMENTAL HEALTH OFFICER
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AGE IF UNDER 18 (IF OVER 18 INSERT "OVER 18")	OVER 18
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THIS STATEMENT (CONSISTING OF 1 PAGE EACH SIGNED BY ME) IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND I MAKE IT KNOWING THAT, IF IT IS TENDERED IN EVIDENCE, I SHALL BE LIABLE TO PROSECUTION IF I HAVE WILLFULLY STATED ANYTHING WHICH I KNOW TO BE FALSE OR DO NOT BELIEVE TO BE TRUE.

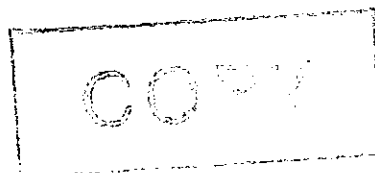
DATED THE 13th DAY OF APRIL 2015

SIGNATURE	<u>DH Walk</u>
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I am a Senior Environmental Health Officer currently employed in the Safety and Licensing Section of Torbay Council. On the afternoon of 12th April 2015, at approximately 16.30 I attended Torquay harbor side in relation to ongoing noise complaints from Shiraz on Vaughan Parade. Walking down Victoria Parade I became aware of amplified music coming from Shiraz which increased in volume as I approached the front of the Queens Hotel. Walking along the strand at approximately 16.40, I was able to clearly observe a number of individuals dancing in Shiraz's pavement café area, to pre-recorded amplified music coming from a pair of speakers located at the front of Shiraz. The track being played was the Black Eyed Peas "I gotta feeling" I observed this activity for approximately five minutes before walking up Fleet Walk. At approximately 17.00 I walked past Mambo's on The Strand and observed a middle aged entertainer singing to recorded music from between the two speakers at the front of Shiraz. A number of individuals were seen dancing in the pavement café area to Reggae type tracks and the song "Human" by The Killers. Moving towards the Queens Hotel, the music and singing was clearly audible above any background noise. It is my opinion that the music and singing observed was likely to cause a statutory nuisance in any residential properties in the Vaughan Parade, and Queens Hotel vicinities.

SIGNATURE: <u>DH Walk</u>	SIGNATURE WITNESSED BY:
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WITNESS STATEMENT

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

STATEMENT OF:	SHAUN ANDREW RACKLEY	
OCCUPATION:	LICENSING ENFORCEMENT OFFICER	
AGE IF UNDER 18 (IF OVER 18 INSERT "OVER 18")	OVER 18	

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 WILLFULLY STATED ANYTHING WHICH I KNOW TO BE FALSE OR DO NOT BELIEVE TO BE TRUE.

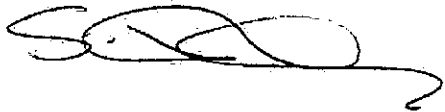
DATED THE 16TH DAY OF JUNE 2014

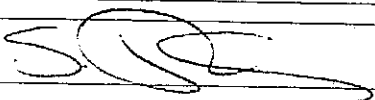
SIGNATURE	
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I am a licensing enforcement officer for Torbay Council who is responsible for processing premises licence applications and carrying out inspections of those licensed premises, to check compliance of conditions relating to the four licensing objectives and I have been employed in this position for 5 years. On Sunday the 15th June 2014, I was on a day off from work and was sitting on Torre Abbey Meadows, Torbay Road, Torquay. At 14:09 hrs I heard the sound of music, a guitarist and singer, coming from the direction of the Princess Theatre, Torbay Road, Torquay, this continued for approximately 15 minutes, only breaking when the song ended and a new song started. I could clearly hear word for word of each song at my location. At 14:55, I left Torre Abbey Meadows by car and drove along Torbay Road, in the direction of the Princess Theatre to see if I could find the source of the music for work purposes. With this information I would report back to the correct department and person. As I was driving along Torbay Road, I stopped for traffic at a roundabout just past Princess theatre and next to Torquay pavilions. At this time I had my car window wound down and could still hear the same type of music playing but louder than before. I then proceeded along Torbay Road onto the Strand, Torquay and then had to stop at the traffic lights on the Strand, directly outside Hoopers. At this point, the time was 14:56 hrs and I looked across in the direction of Vaughan Parade, Torquay and could see a man stood outside Shiraz within the pavement café area with a guitar in his hand, a microphone in front of him and a speaker either side of

SIGNATURE:	SIGNATURE WITNESSED BY:
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him, these speakers from what I could make out were approximately one and a half meters high, the singing and music was incredibly loud. The noise level was incredibly high that if you were to be sitting on the tables or chairs within the pavement café area, you would not have been able to hold a conversation. I witnessed this for approximately 30 seconds as I then had to carry on driving as the traffic lights changed to green. I could not see any other singers or musicians on Vaughan Parade or the Strand.



SIGNATURE: 	SIGNATURE WITNESSED BY:
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SW/WS1

**STATEMENT OF WITNESS
C.J.A. Statement**

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s. 5B)

STATEMENT OF Huw Thornton James

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)

Occupation of Witness: Senior Trading Standards Officer

This statement, consisting of 1 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 13th day of October 2014.

Signed.....H. T. James.....

I am employed as a Senior Trading Standards Officer by Torbay Council based at Commerce House, Abbey Road, Torquay. On Sunday 12th October 2014 at approximately 16:30 I walked down Torwood Street, Torquay and onto The Strand. As I passed the Clock Tower I could clearly hear the amplified voice of a man singing to music coming from the direction of Vaughan Parade. As I walked past the pedestrian crossing on The Strand I could see loud speakers outside Shiraz Cafe Bar on Vaughan Parade and the man who was singing. As I walked up Fleet Street, I could still hear the "karaoke" style music for at least 15 metres. When I returned a few minutes later the man was still singing and I could hear him clearly until I got to the start of Torwood Street. If I was a resident of the Harbourside area, I would consider that the noise being generated from Shariz was excessively loud and intrusive.

H. T. James

Signed.....

Appendix 8.



Mr M Javadi
Shiraz
2 Vaughan Parade
Torquay
TQ2 5EF

Please reply to: Steve Leatherland
Highways Development and Traffic
4th Floor, Roebuck House
Abbey Road
Torquay TQ2 5TF

Your ref: SL/SM
Telephone: 01803 207736
Fax: 01803 207670
Website: www.torbay.gov.uk
Date: 1 September 2011

Dear Mr Javadi

Re: Pavement Café Licence

I have received a report from Neil Stanlake (Police Licensing Department), that on the Sunday 28th August your tables and chairs were still being used at 0400 on Monday 29th August in contravention of your Pavement Café Licence. I am writing to you today to remind you of the terms and conditions of your Pavement Café Licence, in that you are required to ensure that all tables and chairs are stored and unable to be used, outside your permitted hours.

If Torbay Council witnesses any further breaches of your Pavement Café Licence or complaints are received, you as the licence holder will be liable to a written notice under Section 115k of the Highways Act 1980 and failure to comply with such notice or any subsequent breaches of non-compliance of your licence could result in Torbay Council considering revoking your licence pursuant to condition 22.

Yours sincerely

Steve Leatherland
Environment Services Officer

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

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

Printed on 100% recycled paper

TORBAY COUNCIL

**PROVISION, MAINTENANCE AND OPERATION OF
A REFRESHMENT FACILITY ON A HIGHWAY**

HIGHWAYS ACT 1980 PART VIIA SECTION 115E

NAME OF HOLDER OF THIS PERMISSION - Mr M Javadi

ADDRESS - Shiraz, 2 Vaughan Parade, Torquay

TELEPHONE NUMBER - 01803 200201

CONDITIONS

1. Permitted hours, between - 8.00 a.m. and 12 Midnight

Permitted days - All week

Duration of permission, from 1st April 2011 to 31st March 2014

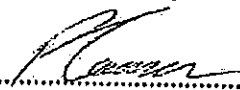
Permitted location as shown coloured pink on attached drawing - A 8m width strip adjacent to the frontage of the premises.

Permitted furniture or equipment - Tables, Chairs & Umbrellas

2. The holder(s) of this Permission shall not exercise privileges granted by this Permission otherwise than strictly in accordance with this Permission.
3. The holder(s) shall produce this Permission on demand when so required by a Police Officer or a duly authorised Officer of the Torbay Council.
4. The holder(s) shall return this Permission to the Offices of the Chief Executive at the Civic Offices, Torquay immediately on revocation of this Permission.
5. (a) The holder(s) shall not cause any unnecessary obstruction of the highways or danger to persons using it and shall not permit persons to gather so as to cause a nuisance or annoyance or danger to any persons lawfully using the highway.
(b) The holder(s) shall ensure by means of signage of a type to be approved by the Strategic Director for Community Services that the permitted furniture or equipment is placed and remains within the permitted location at all times and shall inform his customers

25. If the licence is to be transferred to a new named operator, or there is an alteration to the permitted hours at the operator's request, a new licence will be issued. A charge of £80.00 will be made for the transfer or alteration to the licence.
26. Torbay Council reserves the right to change or amend these Terms and Conditions without prior notice. This includes the right to increase the level of fees or charges referred to herein in order to reimburse the Council its reasonable expenses in connection with granting this Permission. Any changes will be notified and will apply with immediate effect. If you do not wish to accept the updated Terms and Conditions you should not continue to use this licence.

Dated the 29th day of March 2011

Signed.....

PROPER OFFICER
AND AUTHORISED SIGNATORY

I acknowledge receipt of a copy of this permit and agreed to abide by the condition herein.

Signed:- .....

Printed:-.....J. AKADI.....

Dated:-21/3/11.....

Building better communities together



DEVON & CORNWALL
CONSTABULARY

Our ref: Dev/Lic/Tor/njs

Your ref:

Mr S Leatherland
Residents & Visitors Services
Highways Management
4th Floor Roebuck House
Abbey Road
TORQUAY TQ2 5TF

Licensing Department
Devon and Cornwall Constabulary
PO Box 1
PAIGNTON
TQ3 2YF

22 March 2011

Telephone: 01803 841327/841267

Dear Sir

Pavement Cafe Applications 2011 – 2014
Highways Act 1980 Part VIIA

I refer to your letter of 18 March 2011, received by my Licensing Department on the 21 March 2011, in relation to an application for the renewal of a Pavement Cafe Permit at Shiraz, Vaughan Parade and Palk Street, Torquay, for the period 1 April 2011 to 31 March 2014.

The police have no objections to this application.

Should you require any further information, please contact Neil Stanlake of my Licensing Department on the above number.

Yours faithfully

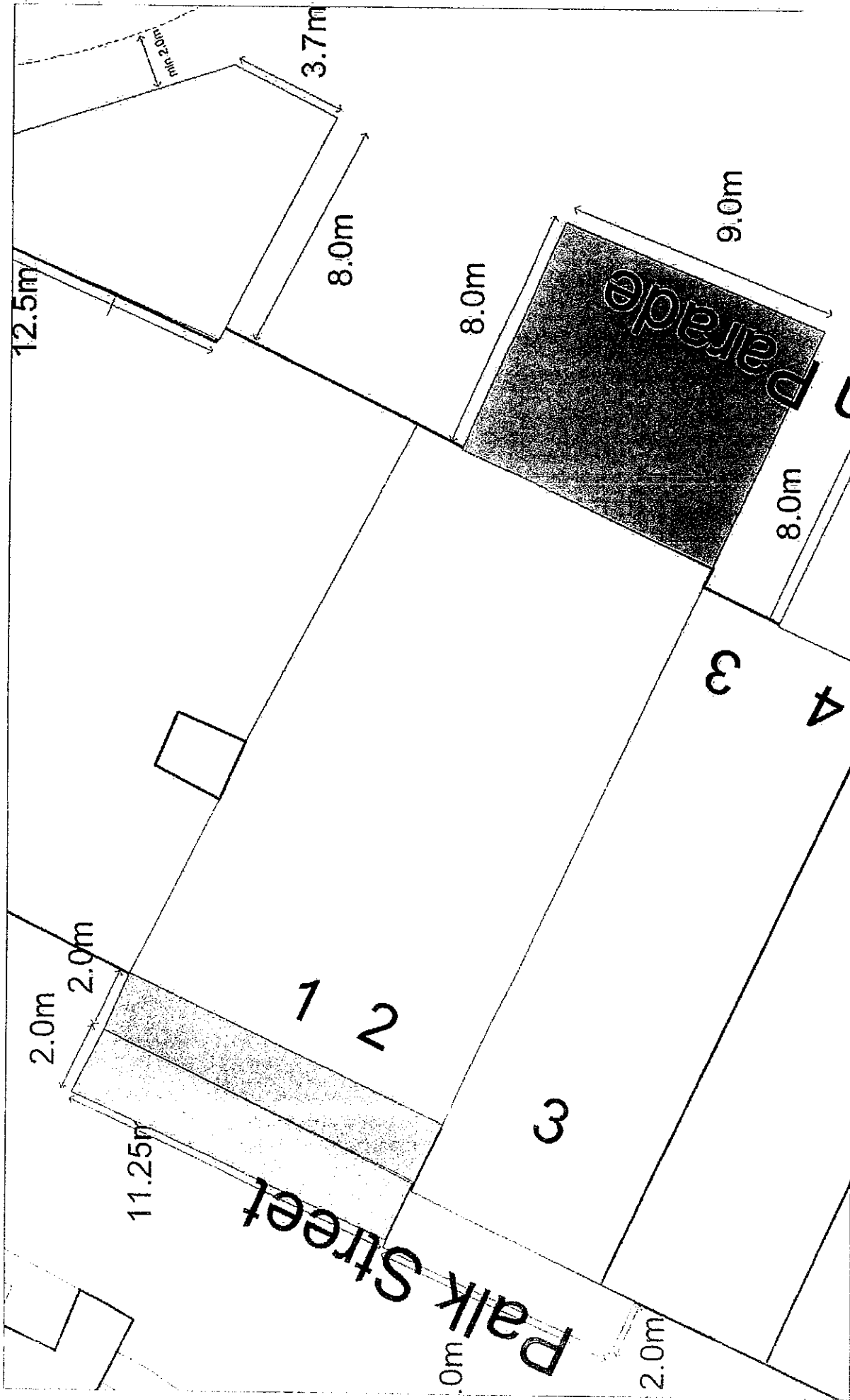
Superintendent J Nye
Geographic Superintendent – Torbay

www.devon-cornwall.police.uk



DEVON & CORNWALL
CONSTABULARY

SF 615



Pavement Cafe Licence
 Shiraz
 2 Vaughan Parade
 Torquay



RESIDENTS & VISITORS SERVICES
 Sue Cherriton.: Executive Head
 Tor Hill House
 Torquay
 TQ2 5QW

**Application for consent to place
Tables and Chairs on the Highway**
Under Section 115E of the Highways Act 1980



Part 1: Please Print Details

1. Applicant Details

Name: M. JAVADI
Capacity within Organisation: DIRECTOR
Address: SHIRAZ
VAUGHAN PARADE, 2, PALK ST
TORQUAY
Postcode: TQ2 5EF
Daytime tel. no: 01803 206221
Fax no: 01803 206022
Email: MGM.TORBAY@BT.COM.UK

2. Site Details

Name of establishment/business: SHIRAZ
Nature of business undertaken: RESTAURANT, BAR
Address of application site: 2 VAUGHAN PARADE / PALK ST
Proposed use of Highway: TABLES, CHAIRS, UMBRELLAS
TORQUAY, TQ2 5EF

3. Ownership of Property

Owners Name and Address

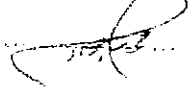
Name: M. JAVADI
Address: 2 VAUGHAN PARADE
TORQUAY
DEVON
Postcode: TQ2 5EF

Invoice Address

Name: SHIRAZ
Address: MGM TORBAY LTD
2 VAUGHAN PARADE
TORQUAY
DEVON
Postcode: TQ2 5EF

4. Declaration

I/We apply for permission to place tables and chairs in the defined area of the highway at the location stated above and confirm my/our agreement to comply with the conditions attached to any permit issued

Signature of Applicant/Agent: 
Date: 27/3/14