

Memorandum

To:		From :	Community Safety			
c.c	<table border="1"><tr><td>TORBAY COUNCIL</td></tr><tr><td>12 OCT 2017</td></tr><tr><td>COMMUNITY SAFETY</td></tr></table>	TORBAY COUNCIL	12 OCT 2017	COMMUNITY SAFETY	Contact :	Mr Karl Martin
TORBAY COUNCIL						
12 OCT 2017						
COMMUNITY SAFETY						
c.c.		Ext :	01803 208025			
c.c	My Ref :	1ZV SRU No: 240606/KJM				
For the attention of: Gary O'Shea	Your Ref :					
		Date :	11 th October 2017			

Premises Name & Address: Torbay Court Hotel, Steartfield Road, Paignton, TQ3 2BJ

Subject: Review application – Licensing Act 2003

- 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. Torbay Court Hotel is a large 58 bedroom hotel situated in a predominantly residential area close to Paignton seafront. Please see appendix 1.
 2. The hotel mostly services coaching parties with a small number individual guest and private group bookings.
 3. It is normal for coaching hotels to offer evening entertainment for their guest. Typically this will consist of a range of entertainment for example but not exclusively, Bingo, comedy acts, solo singers and bands.
 4. The premise Licence (PL0612) authorises live music between 10:00pm – 11:00pm and recorded music between 20:00- 11:00pm. Under Annex 2 and 3 can be found a small number of standard conditions relating to noise nuisance. It should be noted the premises benefits from the exemptions under the Live Music Act 2012 and therefore licensing conditions are not enforceable between the hours of 8:00am-11:00pm.
 5. Coaching holidays are normally a Monday through to Friday. Again Torbay Court Hotel is not unusual in offering the hotel at weekends to group booking and

individuals. Torbay Court host a number of private booking specifically for dance events and have applied for Temporary Event notices (TEN) in the past cater for extending trading hours. Normally between midnight and 1:00am.

6. The Authority first received a noise complaint in April 2007 which was resolved in a couple of months. The hotel was under different management at the time. The current owners took over management of the premises in August 2012
7. A second complaint was received in August 2013. Standard advice was given to the hotel and no further complaints were received.
8. A third complaint was logged in February 2015 regarding an event which had taken place under a TEN. The manager (Miss Taffinder) assured the event was a one off and staff monitor noise breakout and noise from customers using the outside area. This was the first time a complaint was received alleging noise nuisance from guests using the outside area. A noise diary was issued but not returned. Advice given and no further action was taken.
9. A fourth complaint was received in November 2016. Like previous complaints music was cited as causing a problem in addition to people using the outside area at night for smoking and drinking. Miss Taffinder advised at the time she was aware the hotel was receiving noise complaints and was trying hard to keep residents happy including ensuring doors and windows were kept close during entertainment. A diary sheet was issued to the complainant but it was not returned and the case was closed.
10. In June 2017 the Authority received a new complaint from one residents regarding noise breakout from the hotel. At this time the Authority had subscribed to the 'noise app' to allow residents to make their own recording and submit them online at any time of the day.
11. A report of submissions from residents can be viewed under appendix 3 and noise recording will be available for committee members to listen to at the hearing.
12. One resident has submitted frequent recordings since June and this can viewed as an accurate record of how often noise nuisance is occurring from the premises. The frequency of recordings reflects how often entertainment is provided at coaching hotels and highlights not all types of entertainment is causing a problem.
13. Officers of the Authority made several attempts over the summer months to witness nuisance but none was observed. Therefore an abatement notice has not been served and the Authority does not have the required evidence to call a review of the premises license.
14. Despite this, the recordings made by the residents does demonstrate a frequent problem with noise. Due to the uncertainty of how nuisance has impacted on residents lives an abatement notice has not be served under likely occurrence at this present time.
15. There are a number of factors at play. The first being the proximity the hotel is to significant number of residential accommodation. 2-3 years ago, approximately 20 homes were built on wasteland opposite the hotel. The duty to prevent public nuisance rests with the hotel.
16. A second factors is the building has poor attenuation properties. The function room where entertainment is hosted is a vast room with many windows. Although double glazed the room does not have any air-conditioning. In the absence of ventilation

guests will open windows during hot weather and despite the best efforts of staff they will not be able to notice and close the windows quickly, every time. Open windows will lead to breakout and it is reasonable to expect this is happening at this premises.

17. A third factor and perhaps the most significant is the lack of PA equipment in the hotel. Without house PA systems the management does not have the control and guarantee to offer residents reassurance music will be played at the same level all of the time at levels that do not give rise to nuisance. This factor is reflected in the noise app submissions made by a resident.
18. These items of concern have been discussed with the management several times. Although the management demonstrate keenness to resolve the issues there is a reluctance to accept there is a problem with noise. However this reluctance can be perceived as a product of an on-going dispute between the residents and hotel over issues that fall outside of the scope of the Licensing Act. Tensions between the two parties has worsened in recent years. From the residents perspective noise outbreak is another unwelcome intrusion of the hotel into their lives.
19. Torbay Council licensing policy offers guidance in circumstances where premises are near residential accommodation.-

There will be an assumption however that Licensed Premises in residential areas, or where there is proximity to residential properties, 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.'

Licensing Statement of Principles, Torbay Council, 2016-21 p40

20. At the time of writing this report no further mitigating measures have been put forward by either the management, owners or agents acting on behalf of the hotel. Therefore on evaluating evidence supplied by residents against guidance from Torbay Council Licensing statement of principles I duly ask members to consider the following recommendations:-
 1. Repeal the exemption under the Live Music Act 2012 for live and recorded music.
 2. Reduce live and recorded music (indoors) to 11:00pm, including public holidays.
 3. Consider a range of suitably conditions to control noise breakout at all times entertainment is performed and to consider controlling the activities of customers using the outside areas. For example the hotel must have PA equipment which can be limited and suitable air conditioning provided.
21. At the time of writing this report the full list of conditions is not being offered subject to any consultation which may take place before the hearing date.



**Mr Karl Martin
Public Protection Officer
Torbay Council**

Appendix 1

1.a Ariel view of Torbay court hotel



1.b Street view of Torbay Court Hotel



1.c



1.d



Appendix 2

Noise app report for

Steve Heap

David William

Date	Source	Location	Intensity Rating	Duration
04 Oct 2017 21:54pm	 Live Music	 Bedroom	8/10	22:00:00



Comments

” Very loud not well lying in bed cant relax or go to sleep due to such loud levels of noise

Date	Source	Location	Intensity Rating	Duration
02 Oct 2017 22:12pm	 Live Music	 Bedroom	9/10	22:10:00

Comments

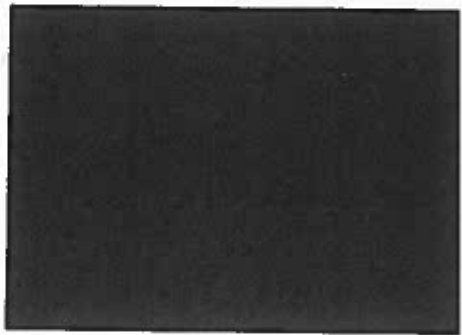
” Musics getting louder amd louder its like an outdoor concert daughter is still awake and cant sleep tried calling hotel but no one answering the phone... probably cant hear it ring!!

Date	Source	Location	Intensity Rating	Duration
02 Oct 2017 20:58pm	 Live Music	 Bedroom	8/10	21:00:00

Comments

” Daughters not well trying to get to sleep but live music very loud she cant settle



Date	Source	Location	Intensity Rating	Duration
27 Sep 2017 21:26pm	 Live Music	 Bedroom	8/10	21:26:00





Source Address

Torbay court hotel, Warefield road, Paignton, TQ3 2BH

Reports

Date	Source	Location	Intensity Rating	Duration
09 Oct 2017 22:33pm	 Live Music	 Bedroom	8/10	22:30:00
Comments:				
” They have their doors closed tonight for a change but the music is so loud you can clearly hear it above our tv.				

Date	Source	Location	Intensity Rating	Duration
06 Oct 2017 22:28pm	 Live Music	 Bedroom	7/10	22:29:00
Comments				
” Loud live music lying in bed un able to get to sleep up early for work				

Declaration

I David Williams confirm that this report and the recording I am submitting through The Noise App are a true representation of the noise nuisance I have experienced.

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Live Music Living Room



Comments

” Can hear loud singing over tv once again trying to relax is spoilt by constant loud music from the hotel.

Date	Source	Location	Intensity Rating	Duration
26 Sep 2017 22:41pm	 Music	 Bedroom	7/10	22:40:00



Comments

” Trying to sleep hotel loud for another night.

Date	Source	Location	Intensity Rating	Duration
25 Sep 2017 20:58pm	 Live Music	 Living Room	9/10	21:00:00



Comments

” Music so loud again can hear above our tv with all our windows closed. Its keeping our 8 year old daughter awake as she can hear it at the back of our house unless we close all our windows.

Date	Source	Location	Intensity Rating	Duration
24 Sep 2017 22:21pm	 Live Music	 Bedroom	9/10	22:20:00



Comments

” Another extremely loud night of live music. Trying to sleep as im up early for work but even with all windows closed can hear every word sung. Hotel and doors and windows open.

Date	Source	Location	Intensity Rating	Duration
23 Sep 2017 22:41pm	 Music	 Bedroom	9/10	22:42:00


Comments

” Stupidly loud doors wide open music blasting out its like an outdoor concert absolutely ridiculous so angry at this constant loud music.

Date	Source	Location	Intensity Rating	Duration
21 Sep 2017 21:52pm	 Live Music	 Living Room	8/10	21:50:00

Comments

” Loud live music again can hear it clearly over our tv with all our windows shut.

Date	Source	Location	Intensity Rating	Duration
19 Sep 2017 21:43pm	 Music	 Living Room	7/10	21:45:00

Comments

” Can hear the music with our windows closed over sound of our tv. Difficult to relax without hearing loud music very night from the hotel.

Date	Source	Location	Intensity Rating	Duration
18 Sep 2017 21:29pm				



Live Music



Bedroom

7/10

21:30:00

Comments

” Have to close all windows as kids having trouble sleeping because of loud music

Date

Source

Location

Intensity Rating

Duration

16 Sep 2017
22:21pm



Live Music



Bedroom

7/10

22:20:00

Comments

” Doors wide open live music still live can hear with all windows closed

Date

Source

Location

Intensity Rating

Duration

14 Sep 2017
21:27pm



Music



Living Room

7/10

21:28:00

Comments

” Loud music again had to close windows in front room couldn't hear tv plus people outside smoking coughing and spitting!

Date

Source

Location

Intensity Rating

Duration

13 Sep 2017
21:49pm



Live Music





Bedroom



7/10


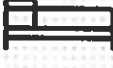
21:50:00

Comments

” Loud music yet again

Date	Source	Location	Intensity Rating	Duration
11 Sep 2017 21:30pm	 Live Music	 Bathroom	8/10	21:30:00
Comments				
” Very loud music even with windows closed kids having trouble sleeping and people outside are loud. We had a weekend of late licence loud music till gone 12am now on school night no let up very hard to constantly live with!				

Date	Source	Location	Intensity Rating	Duration
09 Sep 2017 22:52pm	 Music	 Bedroom	8/10	22:51:00
Comments				
” Music very very loud been blasting out for 2 hours apparently late licence until 1 am this is getting so hard now and flashing disco lights				

Date	Source	Location	Intensity Rating	Duration
06 Sep 2017 20:51pm	 Loud Voices	 Bedroom	7/10	20:50:00
Comments				
” Have to shut all windows children can't sleep its a school night even the bingo in this hotel is stupidly loud!!				

Date	Source	Location	Intensity Rating	Duration
------	--------	----------	------------------	----------

05 Sep 2017
22:38pm



Music



Bedroom

7/10

22:39:00

Comments

” Loud music cant sleep

Date

Source

Location

Intensity
Rating

Duration

28 Aug 2017
21:06pm



Live Music



Bedroom

9/10

21:00:00

Comments

” So loud its a very warm night have to shut our bedroom and childrens windows as they cant sleep. Its ridiculous how loud it is.

Date

Source

Location

Intensity
Rating

Duration

26 Aug 2017
22:30pm



Live Music



Bedroom

7/10

22:30:00

Comments

” Warm night but have to close windows cant hear tv or get to sleep

Date

Source

Location

Intensity
Rating

Duration

24 Aug 2017
22:21pm



Live Music





Bedroom



7/10



22:20:00

Comments

” Loud music have to close windows yet again as kids and myself cant sleep

Date	Source	Location	Intensity Rating	Duration
23 Aug 2017 22:38pm	 Live Music	 Bedroom	8/10	22:40:00
Comments				
” Loud live music lying in bed trying to sleep but yet again have to wait for tge music to stop				

Date	Source	Location	Intensity Rating	Duration
22 Aug 2017 22:02pm	 Music	 Living Room	8/10	22:00:00
Comments				
” Warm summer evening have to shut all windows as cant properly hear tv and kids had trouble getting to sleep				

Date	Source	Location	Intensity Rating	Duration
19 Aug 2017 22:25pm	 Music	 Living Room	8/10	22:25:00
Comments				
” Can hear music over our tv with the Windows closed				

Date	Source	Location	Intensity Rating	Duration
17 Aug 2017 22:50pm				



Live Music



Bedroom

7/10

22:50:00

Comments

”

Warm evening have to shut all windows as music loud again their doors wide open cant sleep till they finish.

Date

Source

Location

Intensity
Rating

Duration

14 Aug 2017
22:23pm



Live Music



Bedroom

8/10

22:25:00

Comments

”

Trying to sleep as up at 6 am but music is so loud even with all windows closed.

Date

Source

Location

Intensity
Rating

Duration

10 Aug 2017
22:17pm



Live Music



Bedroom

5/10

22:17:00

Comments

”

Trying to sleep loud music even with windows closed

Date

Source

Location

Intensity
Rating

Duration

08 Aug 2017
22:24pm



Music



Bedroom



7/10

22:25:00

Comments

”

Loud music again cant sleep like a disco outside

Date	Source	Location	Intensity Rating	Duration
07 Aug 2017 22:08pm	 Live Music	 Bedroom	7/10	22:10:00



Comments

” Lying in bed windows closed music so loud cant sleep have to be up early for work.

Date	Source	Location	Intensity Rating	Duration
05 Aug 2017 22:15pm	 Live Music	 Living Room	7/10	22:15:00



Comments

” Warm night have to shut windows in front room can hear over tv

Date	Source	Location	Intensity Rating	Duration
03 Aug 2017 22:34pm	 Music	 Bedroom	5/10	22:34:00

Comments

” Loud music again trying to sleep but music keeping us awake.

Date	Source	Location	Intensity Rating	Duration
28 Jul 2017 22:16pm	 Music	 Bedroom	7/10	22:17:00



Comments

” Really loud tonight can hear it with windows closed over tv

Date	Source	Location	Intensity Rating	Duration
24 Jul 2017 22:26pm	 Live Music	 Bedroom	5/10	22:25:00



Comments

” Warm night have to close all windows as doors wide open loud live music.

Date	Source	Location	Intensity Rating	Duration
07 Jul 2017 22:08pm	 Loud Voices	 Bedroom	7/10	22:10:00

Comments

” Very loud voices from guests outside along with very loud music. The hotel is getting worse not better. We could even hear music over our tv with all windows closed. Getting very frustrating.

Date	Source	Location	Intensity Rating	Duration
06 Jul 2017 22:14pm	 Live Music	 Bedroom	7/10	22:15:00

Comments

” Trying to sleep very warm night have to shut windows again as cant sleep as music is so loud.

Date	Source	Location	Intensity Rating	Duration
------	--------	----------	------------------	----------

02 Jul 2017
22:20pm



Live Music



Bedroom

5/10

22:20:00

Comments

”

Doors and windows open very loud live music warm night have to shut all the windows yet again.

Date

Source

Location

Intensity
Rating

Duration

01 Jul 2017
22:25pm



Live Music



Bedroom

5/10

22:25:00

Comments

”

Loud live music

Date

Source

Location

Intensity
Rating

Duration

26 Jun 2017
22:30pm



Live Music



Bedroom

5/10

22:30:00

Comments

”

Very load again trying to sleep have to close all windows but can still hear the load music

Date

Source

Location

Intensity
Rating

Duration

22 Jun 2017
22:46pm



Live Music



Bedroom


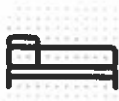
5/10

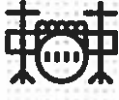
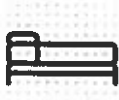
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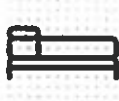
Comments

”

Doors open very loud music

Date	Source	Location	Intensity Rating	Duration
22 Jun 2017 22:43pm	 Live Music	 Bedroom	5/10	22:45:00
Comments				
" Doors wide open again cant sleep music very loud and very bad singing!				

Date	Source	Location	Intensity Rating	Duration
21 Jun 2017 22:24pm	 Live Music	 Bedroom	5/10	22:25:00
Comments				
" Doors wide open loud singing				

Date	Source	Location	Intensity Rating	Duration
19 Jun 2017 22:23pm	 Live Music	 Bedroom	5/10	22:30:00
Comments				
" Getting to sleep				

Date	Source	Location	Intensity Rating	Duration
15 Jun 2017 22:48pm	 Live Music	 Bedroom	5/10	01:00:00

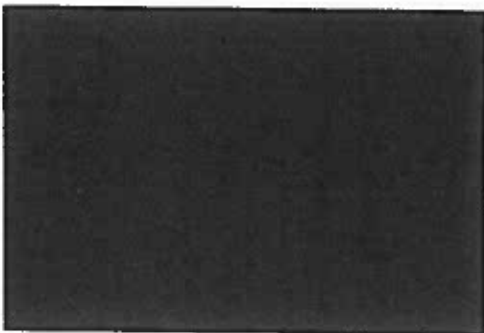
Live Music

Bedroom

Comments

”



Cant sleep and i have to be up at 5.30 am for work





Source Address

Torbay Court Hotel, Warefield Road, Paignton, TQ3 2PW

Reports

Date	Source	Location	Intensity Rating	Duration
06 Oct 2017 22:29pm	 Live Music	 Bedroom	8/10	02:00:00
Comments	-	-	-	-
"	-	-	-	-

Date	Source	Location	Intensity Rating	Duration
19 Jul 2017 22:11pm	 Live Music	 Bedroom	8/10	01:00:00
Comments	-	-	-	-
"	-	-	-	-

Date	Source	Location	Intensity Rating	Duration
------	--------	----------	------------------	----------

17 Jul 2017
22:25pm



Live Music



Bedroom

7/10

02:00:00

Comments:

”

-

Date

Source

Location

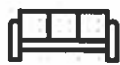
Intensity
Rating

Duration

22 Jun 2017
22:47pm



Live Music



Living Room

7/10

01:00:00

Comments:

”

-

Date

Source

Location

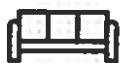
Intensity
Rating

Duration

21 Jun 2017
21:51pm



Live Music



Living Room

7/10

01:00:00

Comments:

”

-

Date

Source

Location

Intensity
Rating

Duration

19 Jun 2017
21:00pm



Live Music



Living Room

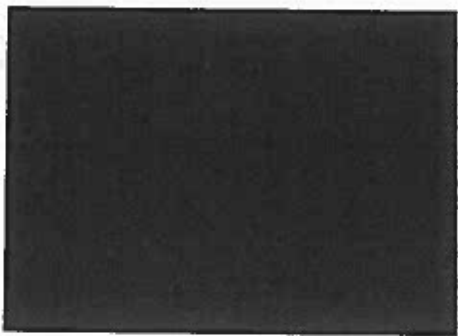
7/10

01:00:00

Comments:

”



-







Source Address



Torbay court hotel, Warefield road, Paignton, TQ3 2BH


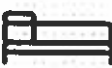
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