

Wednesday, 28 December 2022

**LICENSING SUB-COMMITTEE**

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

**Thursday, 5 January 2023**

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,  
Torquay, TQ1 3DR

**Members of the Committee**

Councillor Ellery

Councillor Barbara Lewis

Councillor Sykes

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**Together Torbay will thrive**

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**Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) - [www.torbay.gov.uk](http://www.torbay.gov.uk)

# LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**  
To elect a Chairman/woman for the meeting.
2. **Apologies**  
To receive apologies for absence, including notifications of any changes to the membership of the Sub-Committee.
3. **Minutes** (Pages 4 - 5)  
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 17 November 2022.
4. **Declarations of interests**
  - (a) To receive declarations of non pecuniary interests in respect of items on this agenda  
**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda  
**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.  
  
(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
5. **Urgent items**  
To consider any other items that the Chairman decides are urgent.
6. **Licensing Act Review of Devon Dumpling** (Pages 6 - 119)  
To consider an application for a Review of the Premises Licence in respect of the Devon Dumpling, 108 Shiphay Lane, Torquay.

### **Meeting Attendance**

Please note that whilst the Council is no longer implementing Covid-19 secure arrangements attendees are encouraged to sit with space

in between other people. Windows will be kept open to ensure good ventilation and therefore attendees are recommended to wear suitable clothing.

If you have symptoms, including runny nose, sore throat, fever, new continuous cough and loss of taste and smell please do not come to the meeting.

**Minutes of the Licensing Sub-Committee**

**17 November 2022**

**-: Present :-**

Councillors Ellery, Barbara Lewis and Chris Lewis

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**40. Election of Chairman/woman**

Councillor Ellery was elected as Chairman for the meeting.

**41. Apologies**

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Chris Lewis instead of Councillor Atiya-Alla.

**42. Minutes**

The Minutes of the meeting of the Sub-Committee held on 29 September 2022 were confirmed as a correct record and signed by the Chairman.

**43. Licensing Act 2003 - Determination of an application for a new Personal Licence**

Members considered a report on an application for a Personal Licence.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation objecting to the application for a Personal Licence on the ground of 'The Prevention of Crime and Disorder'.	14 October 2022

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined their application for a Personal Licence and responded to Members questions.
The Police	The Police outlined their representation and responded to Members questions.

Decision:

That Miss Joanne Louise Hayden's application for a Personal Licence be refused.

Reasons for Decision:

Having carefully considered all the written and oral Representations, Members resolved unanimously to refuse the application, noting that Miss Hayden's conviction was not yet spent, and in the absence of a persuasive argument or justification that would give them just cause to depart from the legislation regarding relevant convictions, when considering the suitability and responsibility of a Personal Licence Holder.

Members further noted that Miss Hayden was sentenced by the Crown Court which indicated, in their opinion, the seriousness of the offence and the likely scale of the production of a controlled drug, despite Miss Hayden's assertion that she was not aware of or the scale of the production on her premises and that she could not smell the controlled drug. Members concluded that the pungent nature of the controlled drug in question, would have been overwhelming and found cause to doubt Miss Hayden's account in this regard.

In conclusion, Members could not be satisfied on the written and oral evidence before them, that Miss Hayden was an appropriate person to hold a Personal Licence at this stage and in granting this application, would in their opinion, risk the 'Prevention of Crime and Disorder' Licensing Objective being undermined.

Chairman/woman

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Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Review of a Premises Licence for, The Devon Dumpling, 108 Shiphay Lane, Torquay, TQ2 7BY**

Wards Affected: **Shiphay**

To: **Licensing Sub-Committee 5 January 2023**

Contact Officer: **Lisa Wright**

· Telephone: **01803 208112**

· E.mail: [Licensing@torbay.gov.uk](mailto:Licensing@torbay.gov.uk)

### **1. Key points and Summary**

1.1 To consider and determine an application, in respect of the Premises detailed above, for a Review of a Premises Licence.

1.2 The application relates to all the Corporate Priorities within the Community Plan.

1.3 The matters raised relate to the Licensing Objective “The Prevention of Public Nuisance”.

1.4 Under Regulations to the Licensing Act 2003 (the Act), the Licensing Authority (the Authority) must hold a hearing to consider the application and any relevant Representations.

The Authority must have regard to the application and any relevant Representations and take one or more of the steps as detailed below, as it considers appropriate for the promotion of the Licensing Objectives.

The steps are –

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the Designated Premises Supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;
- (f) to do nothing;

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

If the licence is subject to sections 19, 20 and 21 (requirement to include certain Mandatory Conditions in Premises Licences) they remain.

Where the Authority takes a step to modify the conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

1.5 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Interested Parties and Responsible Authorities at the determination of the matter.

## **2. Introduction and application**

2.1 The application has been made under Section 51 of the Act for a Review of the Premises Licence, at the Premises detailed above.

The Review application has been received from a local resident, Tracie Smart. Grounds for the Review relate to:

- The premises is causing a public noise nuisance affecting people who live locally.
- Causing the reduction of the living amenity and environment of persons living within the area of the licensed premises.
- Causing the lack of enjoyment of a person's land as a result of negligence on behalf of the licensed premises.
- Failure to use best practicable means to keep noise nuisance down.

Full details of the application are shown in Appendix 1. The application refers to several incidents. Additional documents/evidence have been submitted with the application to support these incidents including, screen shots of social media messages, letters of support from two neighbours and a noise diary, all of which are shown in appendix 2aa, ab, ac, 2b and 2c respectively. The social media messages are for 2aa are for a period 2<sup>nd</sup> May 21 to 23<sup>rd</sup> Jul 22; 2ab for a period 14<sup>th</sup> April 21 to 17<sup>th</sup> Jul 22, and 2ac is undated. Sound recordings of various noise disturbances and Video footage were also received with the application, and these are available to be played at the hearing, though assessments of these have been made within the Responsible Representation found within Appendix 6.

A copy of the current premises licence is attached as Appendix 3 and a plan of the premises is attached as Appendix 4a. The whole area of the plan is licensed for the sale of alcohol, effectively on sales. Appendix 4b, includes a wider plan of the area, and marks out the licensed area, and is referred to in paragraph 2.4 below.

2.2 Torbay Council as the Licensing Authority, is satisfied that the Applicant is a person as defined under the Act, as being entitled to make such application and that the application is not frivolous or vexatious. The Authority is also satisfied that the administrative requirements of Section 51(3) (a) and (b) have been met and that the application is therefore, properly made.

2.3 The area of the garden used appears to have been increased in size, which from a possible impact is a matter for discussion at the hearing. However, from a Licensing administrative point of view, as this area is not on the current licensed area, this would be deemed as an off sale. As the Premises Licence allows off sales then this is allowable within the terms of this Premises Licence.

2.4 There is reference to music being played outside, again any impact is a matter for discussion at the hearing. It should be noted, however, that exemptions between 8am and 11pm, allow live and recorded music to be played within the On Sales area of the Premises Licence (licensed area), without the need for it being written on the Premises

Licence. This would be allowable only within the area marked red on the second plan, which is the licensed area. See Appendix 4b.

### **3. Consultation**

3.1 A notice stating a Review application had been made was issued by Torbay's Councils Licensing Department and delivered by the Council's Compliance Officer On 15<sup>th</sup> November 2022. Details of the Review have been advertised on the Council's website. The Notice advised of the grounds for the Review and requested representations should be made no later than 09<sup>th</sup> December 2022 to Torbay Council in writing. All Statutory consultees were served a copy of the Review application.

3.2 There are 3 representations that were received in support of the premises during the consultation period which are attached at appendix 5, as 5a, 5b and 5c.

3.3 One Responsible Authority Representation has been received from Ronan Flynn, the Council's Environmental Protection Officer. This is in the style of a full report and outlines the history of the premises relating to complaints received and action taken and is made to provide necessary background information to assist in determining the outcome of this application. Within the report is suggested new licence conditions. The representation report is attached at Appendix 6.

No representation has been received from the Premises Licence Holder and no other representations have been received from any other Responsible Authority or an Interested Party other than those stated above.

### **4. Hearing**

4.1 The Authority is required to conduct a hearing under provision of Section 52(2) of the Act.

4.2 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.

4.3 Once the matter is determined, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 8(2) of Schedule 5 to :-

- (a) the Applicant for the Review,
- (b) the holder of the Premises Licence, or
- (c) any other person who made relevant Representations in relation to the application.

In the event that an Appeal is entered, the determination will not have affect until the Appeal is either determined or withdrawn.

4.4 Following such Appeal, the Magistrates' Court may: -

- (a) dismiss the Appeal,
- (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
- (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,



and may make such an order as to costs as it thinks fit.

**Steve Cox**  
**Environmental Health Manager (Commercial)**

### **Appendices**

Appendix 1 Application for Review

Appendix 2 Additional Documents/Evidence (Screen Shots of social media messages, Neighbours Supporting letters and a Noise Nuisance diary)

Appendix 3 Copy of the Current Premises Licence

Appendix 4 Plans of the Premises

Appendix 5 Representations supporting the premises

Appendix 6 Representation from Responsible Authority

### **Documents available in members' rooms**

None

### **Background Papers:**

The following documents/files were used to compile this report:  
Torbay Council Licensing Policy 2021-2026.



## LICENSING ACT 2003

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

### NOTIFICATION

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

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

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

### **Completed forms should be returned to:**

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

### **Contact Details:**

**Tel: 01803 208025**

**Web: [www.torbay.gov.uk](http://www.torbay.gov.uk)**

**Email: [licensing@torbay.gov.uk](mailto:licensing@torbay.gov.uk)**

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I Tracie Smart

*(Insert name of applicant)*

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

**Part 1 – Premises or club premises details**

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

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Matt Lyon

<b>Number of premises licence or club premises certificate (if known)</b>
PL0460

**Part 2 - Applicant details**

I am Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority  
(please read guidance note 1, and complete [A] or [B] below)
  
- 2) a responsible authority (please complete [C] below)
  
- 3) a member of the club to which this application relates  
(please complete (A) below)

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

Please tick ✓ yes

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

**Surname**

**First names**

Smart

Tracie

I am 18 years old or over

Please tick ✓ yes



**Current postal address if different from premises address**

[Redacted]

**Post town**

[Redacted]

**Post Code**

[Redacted]

**Daytime contact telephone number**

[Redacted]

**E-mail address (optional)**

[Redacted]

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

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

- Please tick one or more boxes ✓
- |   |                                       |
|---|---------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/>              |
| 2) public safety                        | <input type="checkbox"/>              |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> ✓ |
| 4) the protection of children from harm | <input type="checkbox"/>              |

**Please state the ground(s) for review** (please read guidance note 2)

- The premises is causing a public noise nuisance affecting people who live locally.
- Causing the reduction of the living amenity and environment of persons living within the area of the licensed premises.
- Causing the lack of enjoyment of a person's land as a result of negligence on behalf of the licensed premises.
- Failure to use best practicable means to keep noise nuisance down.

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

The noise nuisance coming from the licensed premises in question is having a profound effect, not only on the enjoyment of my own land and property but that of others in the surrounding properties. Due to the noise nuisance, I am unable to sleep as the noise from the premises continues until unreasonable hours; I am forced to make use of earplugs and close my windows in order to reach a degree of quiet, but still, this is not enough to totally block the noise out. Due to this I have not been able to go to work on a few occasions. There are often events with loud live music in the outside beer garden which adjoins my house. When these events are on, myself and my family are unable to enjoy our own garden as the noise is unbearably loud, leaving me unable to enjoy my garden, my hot tub and have family or friends to visit. One event, for instance, was for someone's birthday and involved pig racing with a man on a microphone screaming and shouting all sorts from 3:30pm until 10:30pm, not only is this a long time to endure noise like that but it was also incredibly loud and could be heard in the house all afternoon, evening and night even with windows closed and myself and my family if we were outside would have to shout to one another to communicate as that's how loud it was. The frequency of these types of events has only increased, with the pub's garden seemingly being used as a function space, rather than a beer garden. When these events aren't taking place there are still issues of high-level noise coming from the beer garden and pub carpark at unreasonable hours (past 11pm), which is what affects my ability to sleep and continue my life as normal. We are currently in the process of looking into getting thicker windows in my bedroom and en suite, which is something I don't think we should have to do as these issues could easily be resolved.

Myself and my husband have tried to resolve this with the license holder and manager directly by arranging a meeting, which was held on the 23<sup>rd</sup> of March 2022. This took 10 months to arrange because the licensee didn't seem to be interested in solving this matter, but with the help of the licensee's friend, Councillor Darren Cowell, a meeting was finally arranged. Councillor Cowell and Karl Martin from Torbay council also attended this meeting. In the meeting it was agreed upon that the top beer garden would be closed to the public at 9:30pm and the bottom part of the beer garden at 10:30pm. The first few days this was abided by but after that they returned to closing the beer garden at a time that suited them and not the ones agreed upon in the meeting, thus continuing to cause a nuisance. Continuous complaints to the pub have been made since then but have only resulted in hostile conversation from employees of the pub who on one occasion even stated that, "as we have a license until 12am we can do whatever we want until then," without any care as to how this is affecting our lives.

This is not only affecting my enjoyment of land and ability to live my life but also various other neighbours in the area. My elderly next-door neighbour has had to sleep in a different room in her house as the noise was causing her not to get enough sleep and continue her daily life.

I have kept a noise diary since these issues started occurring in March of 2021 and have

recordings of the various noise disturbances, all of which will be attached.

Since the submission of the first application, there has been further evidence gathered showing the extent of the noise issues up to 15<sup>th</sup> of October 2022.

If the beer garden were to close at 9:30pm it would allow myself and my neighbours a chance to enjoy the peace of our garden spaces for at least an hour on a summer evening and would also allow us to sleep at a time of our choosing, rather than being at the mercy of the pub's noisy patrons.

Please tick ✓ yes

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

If yes please state the date of that application

Day Month Year

0	8	0	8	2	0	2	2
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**If you have made representations before relating to the premises please state what they were and when you made them**

Please tick ✓ yes

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



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

**Part 3 – Signatures** (please read guidance note 4)

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


Signature 


Date **31/10/2022**


Capacity Applicant

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



Post town: 

Post Code: 

Telephone number (if any) 

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

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

Dear Sir/Madam,

When we moved here into Shiphay the Devon Dumpling was a nice quiet country pub, a few years later the beer garden was extended with no thought of neighbourhood property. We would look forward to sitting in our garden with friends, but recently are not able to because of regular swearing and shouting.

The pub is now open until 12 o'clock at night and people waiting for taxis and just hanging around making a noise larking around outside the pub,

We have to close all windows from 10.30 pm till at least 1am but are still disturbed. For the pub to close earlier would be wonderful for us residents all around the area. At the meeting on 23 March 22 I suggested to a 6 month wait to see if things would change. I would like to add that the new manager has made improvements and is trying her best. We feel the licensee Mathew doesn't understand what goes on at his pub in the evenings, maybe if he lived closer it would be better.

-Names Removed-

10:20



**The Devon Dumpling**

I know you are only trying to make a living and it is outside only but it is very late and some of us have to work at the weekend. I work sundays too. They are all still in the car park playing music now though. Please remind them it's a residential area. Thanks for being understanding

02 MAY 2021 AT 21:13

There were people being very loud in the pub car park at midnight last night yet again! I had to

I have a question. Can you help?

Is anyone available to chat?



Aa



10:20



**The Devon Dumpling**

for being understanding

02 MAY 2021 AT 21:13

There were people being very loud in the pub car park at midnight last night yet again! I had to get up for work this morning and wasn't able to get to sleep until gone midnight because of noise. Please, please can you review your times for Friday and Saturday, midnight is way to late for a residential area 🙏

Thanks for messaging us. We try to be as responsive as possible.

I have a question. Can you help?

Is anyone available to chat?



Aa



10:20



**Ring Team**

now

**Sale ends in 48 hours**

**Final hours to save on select...**

11.40pm and they are never out of the car park until midnight. I have to get up for work and n Saturdays and Sundays and it is happening every weekend 😬 I am so tired at work it is affecting my work. Could it not be last orders at 10.30pm out by 11pm? Last Saturday there was a person stood on a table with a crowd shouting to get his trousers off!



17 MAY 2021 AT 10:54

I have a question. Can you help?

Is anyone available to chat?



Aa



10:21



**The Devon Dumpling**

Can you not shut your outside area at a reasonable time? It is now 11pm and there are still people making a noise outside! It is warm and I can't leave my window open as the noise is ridiculous 😞 please can you respect your neighbours. They are able to go inside now, so please can you shut your outside area at a respectable time 🙏

Thanks for messaging us. We try to be as

I have a question. Can you help?

Is anyone available to chat?



Aa



10:21



**The Devon Dumpling**

11 JUN 2021 AT 23:03

For goodness sake, it's midnight and there are still people making noise in the pub garden! I have to get up for work, why can't you respect your neighbours

Thanks for messaging us. We try to be as responsive as possible. As soon as I can check the reservation book we will reply ASAP many thanks



26 JUN 21 ↓ AT 23:02

I have a question. Can you help?

Is anyone available to chat?



Aa



10:22



**The Devon Dumpling**

10 JUL 2021 AT 22:56

I have the tv on and windows shut and I can here people shouting in your beer garden! Don't think I'm being unreasonable that it shouldn't be happening. Please organise a meeting

Thanks for messaging us. We try to be as responsive as possible. As soon as I can check the reservation book we will reply A? ↓ many thanks



I have a question. Can you help?

Is anyone available to chat?



Aa





10:22



**The Devon Dumpling**

11 JUL 2021 AT 18:20

Slept through my alarm this morning and was late for work as the noise didn't stop until 12.45am! Please message me with a meeting time and I will pass it on to the other neighbours who will want to attend. It is affecting my quality of life and I cannot continue like this. I know it is unprecedented times but the pub was empty last night and everyone was in the beer garden,

I have a question. Can you help?

Is anyone available to chat?



Aa



10:22



**The Devon Dumpling**

Hi I will look back on the cctv to see what time the pub shut .it may have taken longer last night as I believe you came in and upset a member of staff and they walked out .last night it was a long standing member of staffs leaving party .we may have a noise tonight as you will know it's the football .the problem we have at the moment is that customers want to be outside for safety with COVID so they think it's safer .I really hope things will change

I have a question. Can you help?

Is anyone available to chat?



Aa



10:22



**The Devon Dumpling**

as you will know its the  
football .the problem we  
have at the moment is  
that customers want to  
be outside for safety  
with COVID as they think  
it's safer .I really hope  
things will change  
soon .we also have a new  
manager starting on the  
2nd of aug who will be  
living above and is of a  
mature age .can we have  
our meeting when she is  
in place



11 JUL 2021 AT 18:46

I did not set a member  
of staff. I just said calmly

I have a question. Can you help?

Is anyone available to chat?



Aa



10:22



**The Devon Dumpling**

11 JUL 2021 AT 18:46

I did not upset a member of staff. I just said calmly that the pub was empty so could you not get the people inside as it was 11.15pm and they were so noisy I could hear them with the windows shut and the tv on. The member of staff shouted at me and I thought when he came outside that he was going to hit me! Great, can you give me a bit of notice of the meeting so I can tell the other re<sup>↓</sup>ments

I have a question. Can you help?

Is anyone available to chat?



Aa



10:22



**The Devon Dumpling**

04 AUG 2021 AT 23:18

Why are people still outside in the bear garden at this time of night! When can we have that meeting as quite a few local residents are fed up and have asked me when the meeting is happening

Thanks for messaging us. We try to be as responsive as possible. As soon as I can check the reservation book we will reply As many thanks



I have a question. Can you help?

Is anyone available to chat?



Aa



10:23



**The Devon Dumpling**

11 AUG 2021 AT 22:54

It's nearly 11pm and there are people shouting in your beer garden. When are you going to respect your neighbours and close the beer garden at a reasonable time so we can actually go to sleep! Every other pub I know shuts there beer gardens!

Thanks for messaging us. We try to be as responsive ↓ possible. As soon as I can check

I have a question. Can you help?

Is anyone available to chat?



Aa



10:23



**The Devon Dumping**

11 AUG 2021 AT 23:17

And still the noise continues!

12 AUG 2021 AT 09:34

Absolutely shattered for work this morning! The noise didn't stop until 11.45pm! My quality of life is affected and if it carries on I will have to speak to a solicitor, the other residents are keen to do so also, so a meeting needs to be arranged asap 😞



I have a question. Can you help?

Is anyone available to chat?



Aa



10:23



**The Devon Dumpling**

14 AUG 2021 AT 23:07

I can still here people in the beer garden and it is now 11.05pm. I have to get up for work in the morning. Please could you shut your beer garden at a certain time like all other pubs do. I really need to be able to sleep to function at work 😞

**Thanks for messaging us. We try to be as responsive as possible. As soon as ↓ n check the reservation book we**

I have a question. Can you help?

Is anyone available to chat?



Aa





10:23



**The Devon Dumpling**

20 AUG 2021 AT 20:43

They are being really loud in the beer garden and cheering etc , also swearing! Could you please tell them to keep the noise down and get them in at 10pm like all the other pubs. Thank you

Thanks for messaging us. We try to be as responsive as possible. As soon as I can check the reservation book we will reply As many

I have a question. Can you help?

Is anyone available to chat?



Aa



10:23



**The Devon Dumpling**

20 AUG 2021 AT 21:26

I have the windows shut and the tv on and I can still hear the people in the beer garden. Please can you tell them to keep it down. It is really affecting my quality of life and I am starting to feel ill because of it. Please, please can you respect the local residents

03 SEP 2021 AT 16:50

There are a large number of lads in the beer

I have a question. Can you help?

Is anyone available to chat?



Aa



10:23



**The Devon Dumpling**

03 SEP 2021 AT 16:50

There are a large number of lads in the beer garden swearing and being very loud already! I am trying to sit in my garden and enjoy the lovely weather! Could you please remind them you have neighbours 😊

Thanks for messaging us. We try to be as responsive as possible. As soon as I can check the reservation book we will reply As many thanks

I have a question. Can you help?

Is anyone available to chat?



Aa



10:23



**The Devon Dumpling**

03 SEP 2021 AT 22:29

Hi, there are still people being loud outside. Are you not getting people in at a reasonable time as I am wanting to go to bed but am unable to because of the noise

10 SEP 2021 AT 23:09

It has gone 11pm and there is lots of noise from the beer garden. When are you going to close it at a reasonable time? The Rock Garden in town use their beer garden at 10pm as do

I have a question. Can you help?

Is anyone available to chat?



Aa



10:23



**The Devon Dumpling**

garden at 10pm as do most other pubs, some even close at 9.30pm. I would like to be able to go to sleep when I choose instead of waiting until gone midnight when the pub eventually goes quiet. Please can you close you beer garden. It is as if they are underneath my bedroom window 😞 Please can you not understand how it affects my quality of life



**Thanks for messaging**

I have a question. Can you help?

Is anyone available to chat?



Aa



10:24



**The Devon Dumpling**

24 SEP 2021 AT 23:31

There are people still in the beer garden making lots of noise so I am unable to sleep yet again. It is now 11.30pm

Thanks for messaging us. We try to be as responsive as possible. As soon as I can check the reservation book we will reply ASAP many thanks



01 OCT 2021 AT 13:35



I have a question. Can you help?

Is anyone available to chat?



Aa





**The Devon Dumpling**

Hi I was wondering when the meeting was going to take place as this morning I was woken up twice by collections and deliveries very early in the morning. As you will see above there are noise sensitive times between 11pm and 9am and the pub goes into both of these times as the beer garden is still open at gone 11.30pm and normally twice a week I get woken by bottle collection and beer barrel delivery, both

I have a question. Can you help?

Is anyone available to chat?

10:24



**The Devon Dumpling**

of which are outside my bedroom window. Also there are still people in the car park at 11.40pm during the week making a noise (not sure if this is staff or not as it's quite late for a week evening?). I would really love to be able to meet to talk through all these issues. Many thanks.

01 OCT 2021 AT 18:36

Hi Tracy I'm afraid we can not do anything about delivery times as the beer delivery has a

I have a question. Can you help?

Is anyone available to chat?



Aa





10:24



**The Devon Dumpling**

01 OCT 2021 AT 18:36

Hi Tracy I'm afraid we can not do anything about delivery times as the beer delivery has a time window and this delivery has always been early for the last 18 years that I have owned the business .i believe that the management have started bringing customers In Earlier on nights but we can not stop people going out side if they are having a cigarette.w ↓ 'll definitely get the

I have a question. Can you help?

Is anyone available to chat?



Aa



<  **The Devon Dumpling**

since if they are having a cigarette we will definitely get the meeting arranged very soon .councillor [REDACTED] would like attend so it's just trying to find a time and day that suits all parties .have you got a days or times that would suit you .Also to make the meeting productive i think only one resident attend the meeting to address any other residents matters this way we can get through things



I think that a few

I have a question. Can you help?

Is anyone available to chat?

GIF, Camera, Gallery, Voice, Text (Aa), Smiley, Like icons

10:24



**The Devon Dumpling**

I think that a few residents would like to attend, not sure how just having one person attend would help? Can the people that deliver the beer use mats as it is so loud, they also shout to each other as if it's the middle of the day not very early in the morning. They are not being called in early, only the other Friday my husband had to text at 11.40pm as there were still people being loud in the beer garden. There

I have a question. Can you help?

Is anyone available to chat?



Aa



10:24



**The Devon Dumpling**

the beer garden. There should be someone checking outside for noise levels, this happens in every pub I have ever been to and they are told to keep the noise down or leave. Evening will be better for the meeting, but as I said quite a few people want to attend, but i can't see a problem with people taking it in turns to talk



01 OCT 2021 AT 19:48

How many people are we

I have a question. Can you help?

Is anyone available to chat?



Aa



10:24



**The Devon Dumpling**

01 OCT 2021 AT 19:48

How many people are we talking Tracy just so we know how many we need to accommodate.



I think it will be between 6/8 but could give you a definite once we have a date

It may have to be a Saturday morning



Think that should be ok for most people. I only work at the weekends in the summer, so ok for

I have a question. Can you help?

Is anyone available to chat?



Aa



10:24



**The Devon Dumpling**

Think that should be ok for most people. I only work at the weekends in the summer, so ok for me

I will speak to Debbie the manager and Darren vowel and throw a few dates at you



Ok, thanks 😊

06 NOV 2021 AT 22:56

There are people shouting in the beer garden 😬



I have a question. Can you help?

Is anyone available to chat?



Aa



10:24



**The Devon Dumpling**

06 NOV 2021 AT 22:56

There are people shouting in the beer garden 🙄

Thanks for messaging us. We try to be as responsive as possible. As soon as I can check the reservation book we will reply ASAP many thanks



16 DEC 2021 AT 23:22

There are still people out in the beer garden being loud. It ↓ 1.21pm on a Thursday evening!

I have a question. Can you help?

Is anyone available to chat?



Aa



10:25



**The Devon Dumpling**

16 DEC 2021 AT 23:22

There are still people out in the beer garden being loud. It is 11.21pm on a Thursday evening!

24 DEC 2021 AT 23:21

Please. It is so loud, I want to go to sleep! I will have to contact a solicitor in the new year about a private nuisance order. I cannot live like this anymore. Why should I have to wait for the pub to go quiet before I can go to sleep

I have a question. Can you help?

Is anyone available to chat?



Aa





10:25



**The Devon Dumpling**

12 MAR AT 23:58

There are people shouting in the car park, can you go out and tell them to be quiet. It midnight

Thanks for messaging us. We try to be as responsive as possible. As soon as I can check the reservation book we will reply ASAP many thanks



25 JUN AT 23:31



There are still people

I have a question. Can you help?

Is anyone available to chat?



Aa



10:25



**The Devon Dumpling**

25 JUN AT 23:31

There are still people being loud in the beer garden. It's 11.30pm now and we have to be at work early in the morning! The garden is supposed to be closed from 10.30pm!

Thanks for messaging us. We try to be as responsive as possible. As soon as I can check the reservation book we will reply ASAP many thanks



I have a question. Can you help?

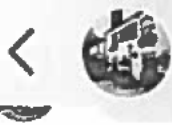
Is anyone available to chat?



Aa



10:25



**The Devon Dumpling**

22 JUL AT 23:15

Still people shooting in the beer garden at gone 11pm! I have to be up for work in the morning, can you please have some consideration 🙄

Thanks for messaging us. We try to be as responsive as possible. As soon as I can check the reservation book we will reply ASAP many thanks



23 JUL ↓ 01:18

I have a question. Can you help?

Is anyone available to chat?



Aa



10:25



**The Devon Dumpling**

23 JUL AT 01:18

Tracey. I had the cage closed at 10.30 , teachers were in from sherwell valley school as one of them was leaving , I spoke to you on the phone and a couple of ladies had gone out for a cigarette, sorry I didn't notice but I was busy getting everyone else to drink up and get locked up as I also have to get up early in the morning to do a 12 hour shift , I'm doing my best and do... need to

I have a question. Can you help?

Is anyone available to chat?



Aa



10:25



<  **The Devon Dumpling**

best and don't need to be worrying about this before I go bed , it really is getting me stressed . Tomorrow is a locals 70 th birthday party , there is music outside in the afternoon and inside in the evening, I promise I am doing all I can and I always respect our neighbours but it is a pub at the end of the day and people are entitled to enjoy themselves



23 JUL AT 09:11

They were not having a

I have a question. Can you help?

Is anyone available to chat?



Aa



10:25



**The Devon Dumpling**

23 JUL AT 09:11

They were not having a cigarette, they were shouting, my daughter could here them from her bedroom at the front of the house and she had her windows shut! I had to endure a very loud birthday party last Saturday that went on from 3.30 pm to 10.30pm, where they were shouting, singing, loud music, a man with a microphone and I wasn't able to ↓ my garden or go in my not tub. You are

I have a question. Can you help?

Is anyone available to chat?



Aa



10:25



**The Devon Dumpling**

able to use my garden or go in my hot tub. You are getting stressed! I'm having to listen to extremely loud people while trying to sleep! I have fibromyalgia and stress can cause flare ups and I'm having to work through my flare ups that the noise is causing! Yes it is a pub and people are allowed to enjoy themselves, but inside from a certain time and you should be monitoring the noise levels beforehand. Yes the pub has been there

I have a question. Can you help?

Is anyone available to chat?



Aa



10:25



**The Devon Dumpling**

shouting and swearing or listening to music that I don't want to hear. I am already using earplugs at night to try and sleep! You keep making the excuse that it is a couple of people going out for a cigarette, it's not! If it was my daughter would not of been able to hear them from her bedroom at the front of the house. Also there are environmental laws as a pub that you have to abide by. We will be taking t further as it is now getting beyond a

I have a question. Can you help?

Is anyone available to chat?



Aa





10:26



**The Devon Dumpling**

joke! Do you think that I'm not stressed having to listen to the noise and not being able to enjoy my garden or hot tub? As for the 70th birthday party, I had to put up with a party last Saturday, it's not a pub that you can have venues at, it's surrounded by residential properties!

23 JUL AT 09:43

Last Saturday was for a man's 50th birthday who has lived here all his life

I have a question. Can you help?

Is anyone available to chat?



Aa



10:26



**The Devon Dumpling**

23 JUL AT 09:43

Last Saturday was for a man's 50th birthday who has lived here all his life it was just his family and friends , today is a 70th birthday again a man that has lived in the village all his life , last night was the local school teachers coming for an end of term during and to say goodbye to one of there colleagues , I can't stress anymore I am doing what has been asked , I didn't sleep last night after reading your

I have a question. Can you help?

Is anyone available to chat?



Aa



10:26



<  **The Devon Dumpling**

night after reading your message and I have a 12 hour shift today again tonight the cage will be locked at 10.30



It's not the cage, the outside needs to be shut from 10.30pm, that's what was agreed at the meeting. I have not been able to go into work this morning as I couldn't sleep and I need sleep with my condition. Last Saturday they were singing at the top of their voices 10.30pm! Do you think that is

I have a question. Can you help?

Is anyone available to chat?



Aa



10:26



**The Devon Dumpling**

voices at 10.30pm! Do you think that is acceptable? I am unable to invite friends or family around to enjoy my garden at the weekend because of the noise from the pub, do you think that is acceptable? Again, it is not just the cage that needs to be closed the outside does. Also if know that last week the inside of the pub was empty and they were all outside!



I have a question. Can you help?

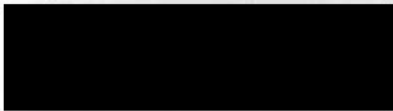
Is anyone available to chat?



Aa



10:27




The boys who played the loud music in the carpark are the same who were loud in the pub .they are not welcome back



17 APR 2021 AT 12:08

Ok thanks. I know it's hard with outside dining only but they need to be reminded that there are residents around the pub. 11 pm is fine as long as it is quite from that time. 12am is just a little to late when I have to get up for work in the morning 😞 😊 Thanks for messaging me

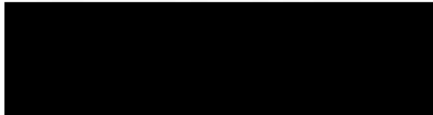
You can now call each other and see information such as Active Status and when you've re  messages.



Aa



10:27



25 APR 2021 AT 14:44

Just to let you know it was very loud again last night. My neighbour was trying to sit in her garden and have a glass of wine and said the noise was so bad she had to go indoors. I also witnessed someone standing on top of of a table with people chanting and singing to take his trousers off! That wouldn't even happen in town, as my daughter said if anyone is loud they are told to keep it down or go. You need to tell your staff to keep an eye on everyone outside. It seems to be becoming a regular thing 🤔



02 MAY 2021 AT 18:41



Aa



10:27



02 MAY 2021 AT 18:41

There were people shouting in the car park again last night at midnight! Had to get up for work this morning and have only just finished. I am absolutely shattered as I didn't get to sleep until 12.30am. It is too late in a residential area, 10.30 last orders, 11pm out the door is late enough on a weekend. A lot of people work weekends as well as week days. Please for my sanity, I need my sleep 🙄

19 JUN 2021 AT 13:14

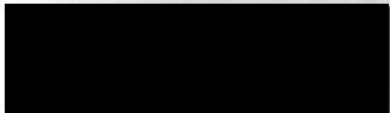
That was unacceptable level of noise in the beer garden last night, it was



Aa



10:27



19 JUN 2021 AT 13:14

That was unacceptable level of noise in the beer garden last night, it was gone 11.30pm! We need to be able to sleep in our bedroom and have the window open if we wish to. You need to close the beer garden at a reasonable hour (10/10.30pm) and get everyone inside. If not I will be complaining to EHO and the local council as you are not listening to your neighbours. My neighbour mentioned the noise level to me this morning, so it is not just me! There doesn't seem to be any social distancing either!

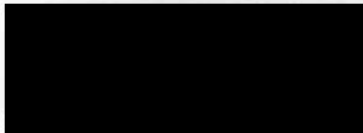


Aa






10:27



Anytime, but need to inform other neighbours who want to attend. But this has to happen as it hasn't before 😊

Tracie you have to understand that both ourselves and you are busy people .you say anytime can you be more persific please so we can get all the parties that need to attend in the same room .also we would need rough numbers of who is attending so we know where to hold the meeting



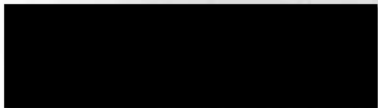
You have asked me that before, there will be at least 6.  e are not busy



Aa



10:27



least 6. We are not busy at the moment as our beach kiosk does not go on site until 4th April, so we are very flexible as we want this matter to be resolved

At least six and a max of what please .i will contact [redacted] now and get him booked in along with anyone else I need to attend



[redacted] said he has given you loads of dates and is very disappointed. ASAP please, before the beer garden is full of people at 11.30pm making noise

I can't give definite numbers as I haven't got a date to tell people



Aa



10:28



██████████ said he has given you loads of dates and is very disappointed. ASAP please, before the beer garden is full of people at 11.30pm making noise

I can't give definite numbers as I haven't got a date to tell people

The problem with ██████████ dates were all times the pub is open and we work then

I've just contacted ██████████ for a date



If you can give us a date by or before this time next week, for sometime this month. Or alternatively just close your beer garden at 9/9 30pm so that we are



Aa



10:28



your beer garden at 9/9.30pm, so that we are all able to go to sleep then there would be no need for a meeting 😊

**You will have a date hopefully over the weekend Tracie but I do feel all you want is for the pub to close its beer garden at a time that suits you but let's see what the meeting solves**



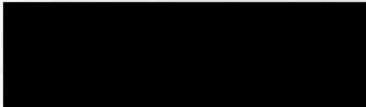
Every pub I know shuts their beer garden at 9/9.30pm because of noise pollution and the environmental health team will tell you that. It's not a time to suit me at all. But I would like to be able to ↓ to sleep when I want and not have to



Aa



10:28



Every pub I know shuts their beer garden at 9/9.30pm because of noise pollution and the environmental health team will tell you that. It's not a time to suit me at all. But I would like to be able to get to sleep when I want and not have to wait for the noise to stop at the pub. I have to work Saturday and Sunday during the spring and summer and need to sleep in order to be able to function properly at work

10 MAR AT 20:30



**2pm 23rd of March**

Ok. Will you know how many people once I



Aa




10:28



12 MAR AT 23:58

There are people shouting out in the car park, it's now midnight

14 MAR AT 15:23

Tracy  has asked to re schedule the meeting to 11.15 on the 23rd



I have told everyone now! As long as it is not changed again as I have to go and tell my neighbours

14 MAR AT 17:00

Not my fault Tracy



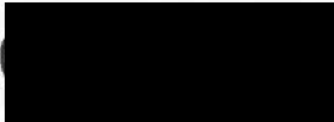
25 JUN AT 23:37

↓  
Been kept awake until



Aa





25 JUN AT 23:37

Been kept awake until 11.35pm by people being loud in the beer garden! Have to be up early in the morning as it is the Paignton half marathon!



That is from our bedroom!

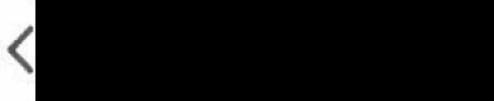
27 JUN AT 14:51



This is what I am having to listen to in my garden at the moment. They are also swearing as well as shouting



10:28



Thank you for your lovely words to my staff about me Tracy .i have always been kind and respectful and I don't think you should use those words about me as it's not very nice .we do our best but it's not always possible to have everyone in dead on 10.30



I have not spoken to your staff

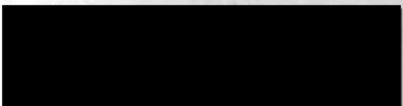
Where are you getting this from? I never go in the pub and I never have spoken to any of your staff

You told [redacted] that you would close the top beer garden at 9.30 and the bottom by 10.30pm





10:28



We do our best to keep to this but sometimes it's hard to move a larger group but we always have it in our minds to close things down as soon as possible.the names you called me I will not repeat but it was to [REDACTED] tonight.not very nice



I have not called you any names? We have had to put up with very loud noise all day and night! I have not spoken to [REDACTED] but I think my husband has. You should support your staff more. Don't try and turn this around on me. I have not been able to go in my garden [REDACTED] 3pm and wanted to use my hot



Aa



10:29



tub tonight but it would not of been relaxing listening to that noise 🙄

Hopefully going to try and go to sleep now as I have to be up for work in the morning. You want us to be understanding to you but you are not to us! It has ruined my day off!

22 JUL AT 23:12

There are still people out in the beer garden making a noise. I want to have my windows open and I need to sleep as I have work in the morning!! What happened to closing the beer garden at 10.30pm. Thanks for



10:29



In the beer garden making a noise. I want to have my windows open and I need to sleep as I have work in the morning!! What happened to closing the beer garden at 10.30pm? Thanks for being so considerate to your neighbours!

I will be contacting environmental health on Monday as this has become more than a joke now. You just don't seem to care that you are affecting our quality of life 😞

My daughter heard them in her bedroom at the front with her windows closed!!



Aa



10:20



**The Devon Dumpling**

There are people shouting in your beer garden and I have to get up for work tomorrow morning. It is a residential area and it is now 20 past 11. If they were shouting inside the pub I'm sure you would tell them to not disturb the other customers. There is no way I am able to sleep with that amount of noise. Please can you consider your neighbours 🙄

Thanks for messaging us. We try to be as

I have a question. Can you help?

Is anyone available to chat?



Aa



10:21



**The Devon Dumpling**

Everyone is on there way home now with the pub now closing.



But they should of been inside

We have a licence for our outdoor areas and could open later but to close before our licence permits Tracie I'm really sorry about your issues maybe we should sit down for a meeting for us to explain the problems every public house has I ↓ since re opening after the

I have a question. Can you help?

Is anyone available to chat?



Aa



10:21



**The Devon Dumpling**

outdoor areas and could  
open later but to close  
before our licence  
permits Tracie I'm really  
sorry about your issues  
maybe we should sit  
down for a meeting for  
us to explain the  
problems every public  
house has had since re  
opening after the  
lockdowns ..it's not as  
simple as just saying  
every indoors we have  
distance roles to stick  
by .we have been  
inspected by the council  
and are tota"  
compliant ..ie 18

I have a question. Can you help?

Is anyone available to chat?



Aa



10:21



**The Devon Dumpling**

**years at the pub this seems to be the only consistent complaint**



That's because the other residents are older and not able to use social media. My next door neighbour has lived here for 70 years and has said to me she has never heard noise like it in all the years she has lived here. We will be more than happy to have a meeting and I expect my neighbours would like to come to it if that's alright. I know the

I have a question. Can you help?

Is anyone available to chat?



Aa



10:26



**The Devon Dumpling**

I'm sorry I just do not have the strength to argue and go back and forth with you with this , everyone gets brought down from the top they stay in the cage and the cage is closed at 10.30.. they raised a nice little sun of money for rowcort las Saturday and you know it's not every weekend anyway I'd appreciate it if you don't message me , I have a very busy day ahead and I really need to get on



I have a question. Can you help?

Is anyone available to chat?



Aa





Monday 15 July 2021

Agenda Item 6  
Appendix 6.

Local police +  


Dumpling Pub By Hand  
handed to member of staff

Dear Sir Madam

I am writing because, living fairly close to  
The Devon Dumpling as my family have since the  
houses were built, we are experiencing loud noise  
late in the evening, mainly at weekends.

This has never been a problem before as your  
customers usually go inside the pub at approximately  
9/9-30pm. No-one is more pleased than me that people  
are (thank goodness) going out enjoying themselves at last.

Can we please reach a compromise as a lot of  
your neighbours have to get up early for work.

I am only, I add, speaking for myself, not others around  
me.

I know you are trying to keep noise down as I have  
seen the signs around the outside area/beer garden.

Last Saturday<sup>10/7</sup> was really noisy until 11-30pm. I appreciate  
that people have been celebrating England football but we  
have to live close to each other and not look for an

amicable solution to this problem, people have a right to go out and have fun at their local pub, but those who live nearby also have a right to a good quality of life in their homes, I believe one of my neighbours tried to speak to a member of staff about this and was very upset at the reaction she received, 'if we dont try to communicate the problem gets bigger, (dont want this!) we are all reasonable people, new and old residents.

Have a really good summer, the forecast is good for business at the moment.

Shiplay Resident

I have continued this letter to give an overview of July + August 2021

Saturday 29 July 2022

1

FAO [redacted] Manager  
Dewar Dumpling  
Registered Post

Dear [redacted]

I thought after our short conversation last night at 11-15PM when I couldn't sleep due to a group of people in the outside room of the pub having a loud conversation about their relationships. I would try once more to offer an olive branch and hope to resolve the situation that is causing us all so much stress, + anxiety including yourself. I enclose a copy of my last letter. Last night was only the 3rd time I have rung regarding the noise <sup>in 2 years</sup> I have never contacted you personally or harassed you, I don't have your number and wouldn't if I had. The staff on the previous occasions were great, my phone records show this.

Bullet Points =

a while ago the beer garden got planning permission, it was then made larger, I believe it was then granted an outside music license and became a junction area, residents I think knew nothing of any of this until it was done and dusted (if any of these facts are wrong I apologise)

We now have a situation Page 83 here some weekends the

and relax with friends and family.

Hell [redacted] I understand we are being called moaners by people I have known all my life, and I should realise I live next door to a pub and its noisy, well some of us so called moaners, have lived next door to the Pumping

most of our lives with no problem, (our Dads drank there) I spent a lot of my working life working in pubs + night clubs so I fully understand the problems, but I also know with compromise they are valuable as the meeting held was supposed to encourage.

I drove around recently and had a soft drink in the Wighton, Hale + Haunds, Engine House and the Barn Owl all in residential areas, the beer gardens were busy but no-where near the noise levels of the Devon Pumping outside area.

I for one don't want to cause you any more stress than you already have ie staff shortages ect. I just want to see people respecting our right to quality of life we used to have, we respect the right of your customers to enjoy themselves in the beer garden but realise its a residential area and keep the noise to a fair level make inside at the agreed time and leave quietly its not a lot to ask.

There is a compromise [redacted]! I understand the police are now involved, not due to your neighbours but yourselves, I expect they have seen this problem many times in other areas.

I am sending [redacted] a copy of this  
rather long letter (sorry but had to be clear) and one for  
the police officer for Shiphay, so they know I at least  
am trying to be reasonable and fair.

Yours sincerely  
without prejudice

[redacted]

PLEASE SEE 2021 LETTER.  
EMC.

Wednesday 18 August 2022

By hand postbox Town Hall  
Licensing Office

Ref: Noise Nuisance at the Devon Dumpling Pub.  
108 Shipway Lane Torquay.

Dear Sir or Madam

It is with reluctance I must write to you regarding the level of noise coming from the Dumpling pub mainly at weekends but on occasion during the week. It has become so bad ie music that used to be inside, disco and on occasion a group is now played in the newly extended beer garden which appears to be used as a junction area with large amounts of people outside.

No! I am not the grumpy old lady living nearby wanting to spoil peoples fun, I am part of a family who has lived close to the pub since the 1950's and moved back to Yealm Grove in 2015 when my mother died. She lived in harmony with the pub for some 60 years, as did I from 2015 til 2021.

The problems began when the beer garden was extended but there appears to be no-one monitoring it and the noise becomes intolerable I am some-times unable to sleep and on occasion the language is not good.  
I have ... ..

enclose, but it is quite obvious he has no regard for his neighbours he doesn't have to live with the noise and has never had the courtesy to reply to any letters.

I enclose copies of 2 of them I did not send to [redacted] or police as I was still determined to try hard to ~~resolve~~<sup>resolve</sup> the problem amicably, this is never going to happen last Saturday the music started at 5-30pm and the noise continued until 10-30pm.

It then started again in the car park as people left 11-30pm on.

Please could you help as our lives are made miserable by this noise, we are reasonable people who want to enjoy our homes and gardens as we used to, without feeling plagued by noise.  
There is a solution  
Yours sincerely

[redacted]

Appendix 7  
**NUISANCE RECORD FORM - STATEMENT OF WITNESS**

(C J Act 1967, s.9; M.C. Act 1980, ss.5A(3)(a) and 5B; M.C. Rules 1981, r.70)

Name and address of complainant: Mr + Mrs N Smart  
 Telephone number: [REDACTED]  
 Address of property from which nuisance is emitted:  
 Devon Dimpling Public house  
 Shipway  
 Type of nuisance: Noise  
 Name of person responsible for nuisance (if known):  
 Matt Lyon

**DETAILED LOG OF OCCURENCES CONSIDERED TO BE CAUSING A NUISANCE**

DATE	START TIME	FINISH TIME	NATURE AND DURATION	TYPE OF NUISANCE AND OTHER RELEVANT INFORMATION	HOW DOES THE NUISANCE AFFECT YOU?
16/4/21	7pm	11.30pm	Noise from people in beer garden	Noise from beer garden	Not able to use garden. can hear over tv. Not able to go to sleep
24/4/21	"	"	continuous		Woken up by noise. windows close.
1/5/21	11.50pm	12.10 am	Noise continuous	Noise in pub car park.	
2/5/21	12am	12.30am	"	Noise in car park	Not able to open windows or sleep..
10/6/21	7pm	11.30pm	Noise continuous	Noise from beer garden	
11/6/21	8pm	12am	"	"	Not able to sleep as noise from beer garden.
18/6/21	"	"	"	"	
26/6/21	8pm	11.30pm	"	"	Not able to sleep
16/7/21	8pm	<del>11.30pm</del> 12.45am	"	Noise from beer garden	Not able to hear Tr. Not able to open windows. No able to go to sleep.
4/8/21	7pm	11.30pm	"	"	"

**This record of nuisance incidents, signed by me, is true to the best of my knowledge and belief and I submit it knowing that if it is tendered in evidence, I shall be liable for prosecution if I have wilfully stated in anything which I know to be false or do not believe to be true.**

Signed: [REDACTED] Dated: \_\_\_\_\_

①



## NUISANCE RECORD FORM - STATEMENT OF WITNESS

(C J Act 1967, s.9; M.C. Act 1980, ss.5A(3)(a) and 5B; M.C. Rules 1981, r.70)

Name and address of complainant: Mr + Mrs N. Smart	
Telephone number: [REDACTED]	
Address of property from which nuisance is emitted: Devon Dimpling	
Type of nuisance: Noise	Name of person responsible for nuisance (if known): Matt Lyon

### DETAILED LOG OF OCCURENCES CONSIDERED TO BE CAUSING A NUISANCE

DATE	START TIME	FINISH TIME	NATURE AND DURATION	TYPE OF NUISANCE AND OTHER RELEVANT INFORMATION	HOW DOES THE NUISANCE AFFECT YOU?
1/8/21	7pm	11.45pm	Noise continuous	Noise from beer garden	Not able to open windows. Not able to sleep.
4/8/21	7pm	11.45pm	"	"	"
6/8/21	7pm	11.45pm	"	Noise from beer garden + car park	Not able to open windows. Can hear noise over TV. Not able to sleep.
9/8/21	4pm	10:30pm	"	Noise from beer garden.	"
10/9/21	7pm	11.45pm	"	"	"
14/9/21	8pm	12am	"	"	Not able to sleep.
10/11/21	9pm	11.30pm	"	"	"

**This record of nuisance incidents, signed by me, is true to the best of my knowledge and belief and I submit it knowing that if it is tendered in evidence, I shall be liable for prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.**

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

(2)

## NUISANCE RECORD FORM - STATEMENT OF WITNESS

(CJ Act 1967, s.9; M.C. Act 1980, ss.5A(3)(a) and 5B; M.C. Rules 1981, r.70)

Name and address of complainant: Mr + Mrs N Smart	
Telephone number: <span style="background-color: black; color: black;">[REDACTED]</span>	
Address of property from which nuisance is emitted: Dewon Dumping	
Type of nuisance: Noise	Name of person responsible for nuisance (if known): Matt Lyon

### DETAILED LOG OF OCCURENCES CONSIDERED TO BE CAUSING A NUISANCE

DATE	START TIME	FINISH TIME	NATURE AND DURATION	TYPE OF NUISANCE AND OTHER RELEVANT INFORMATION	HOW DOES THE NUISANCE AFFECT YOU?
9/11/21	8pm	11.45pm	Noise continues	Noise from beer garden	Not able to go to sleep
10/12/21	8pm	11.30pm			
14/12/21	8pm	11.45pm			
18/1/22	7pm	11.30pm		Noise from beer garden + car park	
20/1/22	7pm	12.15 am			
2/3/22	11.50pm	12.15am	Noise	Noise from people in the car park.	woken up.
5/3/22	9pm 12am	11.15pm 12.10am	Noise 	Noise from beer garden then car park	Not able to go to sleep

**This record of nuisance incidents, signed by me, is true to the best of my knowledge and belief and I submit it knowing that if it is tendered in evidence, I shall be liable for prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.**

Signed: [REDACTED] Dated: \_\_\_\_\_

3



**NOISE COMPLAINT RECORD**

Date of occurrence	Duration (Start time-finish time)	Nature of noise (eg loud music, barking dog)	How it affected you (sleep disturbance, had to turn up TV etc)	Conditions (eg windows closed, doors closed etc)
1.4.22	11.30pm-11.45pm	Noise from people in beer garden	Woke us up	Windows closed
1.4.22	12am-12.10am	Noise from people in Pub car park	Still awake from noise earlier unable to get back to sleep	Windows closed and door to en-suite closed.
2.4.22	9pm-10.50pm	Noise from people in pub car park	Had to keep doors/windows shut, could still hear about TV	Could hear about TV at times
2.4.22	10.55pm-11.10pm 11pm-	Noise/loud music and people singing from car park	Unable to sleep	Windows shut
13.4.22	11.25pm-11.35pm	Noise from people in car park	Woken up	Windows shut
6.5.22	6pm-10.40pm	Noise from people in beer garden	Not able to enjoy garden. Had to shut windows + doors. Had to text at 10.40pm as unable to get to sleep.	Windows + doors had to be closed.

Signature

Date:

4

## NOISE COMPLAINT RECORD

Date of occurrence	Duration (Start time-finish time)	Nature of noise (eg loud music, barking dog)	How it affected you (sleep disturbance, had to turn up TV etc)	Conditions (eg windows closed, doors closed etc)
2.6.22	7am - 7.45 am	Beer barrel delivery	Woke me up	windows closed, ear plugs in.
2.6.22	10pm - 10.50pm	loud people in beer garden	unable to go to sleep	windows closed. ear plugs in.
4.6.22	10.30pm - 12am	noise from beer garden	unable to go to sleep.	windows closed. ear plugs in.
25.6.22	8pm - 12am	noise from beer garden	unable to go to sleep Text + phoned but no reply or answer	windows closed
9.7.22	3.30pm - 10.30pm	loud music & person on loud mike. people singing loud at 10/10.15pm	Not able to use my garden. Not able to use my hot tub.	windows open as very hot! TV on loud and could still hear.
15.7.22	6.30pm - 11.25pm	people skating etc in the beer garden	Not able to enjoy my garden, then not able to sleep. Phoned the dumping at 11.25pm.	windows open. doors closed. My daughter had her windows closed and she is at the front of the property and could still hear them.
			Signature	Date

17.7.22 Had a visit from the  
police. Debbie or Matt had called them.

(5)

~~PTO~~

29/7/22 10pm - 11.40pm Noise from  
people shouting  
in beer garden.

Not able to go  
to sleep. Small  
top window open  
as summer and  
warm. Earplugs in.

- 29/7/22 10pm - 11 40pm Noise from people shouting in beer garden. Not able to go to sleep. Small top window open as summer and warm. Earplugs in.
- 19/8/22 10pm - 11 55pm Noise from people shouting & swearing in beer garden. Not able to go to sleep. windows open, earplugs in.
- 1/9/22 10.44pm Noise in car park. Woken up. windows open. earplugs in.
- 1/9/22 10 30pm - 11.15pm Noise in beer garden and car park. Unable to go to sleep. windows slightly open.
- 2/9/22 10.50pm Noise from car park. Woken up. windows closed.
- 01/9/22 10pm - 11.45pm Noise from beer garden. Not able to sleep. windows closed.

Licensing Act 2003  
**Premises Licence**

**460**

LOCAL AUTHORITY



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

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

**Devon Dumping**

108 Shiphay Lane, Torquay, Devon, TQ2 7BY.

Telephone 01803 613465

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Thursday	10:00am	11:00pm
	Friday to Saturday	10:00am	Midnight
	Sunday	Noon	10:30pm
	Christmas Eve	10:00am	Midnight
	Boxing Day	10:00am	Midnight
	On New Years Eve from the start of permitted hours on New Years Eve to the start of permitted hours on the following day.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday	10:00am	11:30pm
Friday to Saturday	10:00am	12:30am
Sunday	Noon	11:00pm
Christmas Eve	10:00am	12:30am
Boxing Day	10:00am	12:30am
On New Years Eve from the start of permitted hours on New Years Eve to the start of permitted hours on the following day.		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

## Part 2

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

Raymond Lyon

The Devon Dumpling, 108 Shiphay Lane, Torquay, Devon, TQ2 7BY.  
Telephone 01803 613465

Matthew Ashley Lyon

54 Shiphay Park Road, Torquay, Devon, TQ2 7DQ.  
Telephone 01803 613465**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)****NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL**

Raymond LYON

The Devon Dumpling, 108 Shiphay Lane, Torquay, Devon, TQ2 7BY.  
Telephone 01803 613465**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL**

Licence No. PA0735

Issued by Torbay



Steve Cox  
 Environmental Health Manager (Commercial)  
**21 December 2022**



**ANNEXES****ANNEXE 1****MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL**

- 1) No supply of alcohol may be made under the premises licence:-
  - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3) (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:-

  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5) (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

  - (a) a holographic mark, or
  - (b) an ultraviolet feature.
- 6) The responsible person must ensure that:-
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-

**ANNEXES continued ...**

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**Minimum Drinks Pricing**

1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2) For the purposes of the condition set out in paragraph 1

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula  $P = D + (D \times V)$

Where:-

- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence:-

- (i) The holder of the premises licence
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**ANNEXE 2****CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE****Restrictions transferred from the On Licence**

The restrictions related to permitted hours do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

**ANNEXES continued ...**

- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or club for the purpose of the trade or club.
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there; or
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of the employer or of the person carrying on or in charge of the business on the premises.

**Credit Sales**

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- (c) to a canteen or mess.

**General**

1. The premises shall be a member of a scheme organised by Torbay Police Licensing Department where troublesome individuals once banned from one premises in the area are banned from all premises. The Premises Licence Holders shall attend any meetings organised and participate in all initiatives.
2. Alcohol shall be sold to patrons responsibly at all times.
3. A winding down period shall be in force at the end of the evening hence the closing time of 30 minutes after the sale of alcohol.

**The Prevention of Crime and Disorder**

1. The premises shall be a member of a Banning Scheme organised by Torbay Police Licensing Department as detailed above.
2. Alcoholic and soft drinks shall be served in plastic or toughened glasses.
3. Irresponsible drinks promotions shall not be permitted.
4. Alcohol shall be sold to patrons responsibly at all times.

**Public Safety**

**ANNEXES continued ...**

1. The premises shall comply with regulations enforced by the Devon Fire and Rescue Service.
2. Drug Awareness and Drink Responsibly Campaign posters shall be displayed.
3. Crime prevention/warning notices shall be in place promoting awareness.

**The Prevention of Public Nuisance**

1. There shall be daytime deliveries of stock to avoid evening disturbance.
2. The disposal and recycling of bottles shall take place in the daytime to avoid evening disturbance.
3. Air cooling and ventilation systems shall be in place to prevent unpleasant smells emitting from the premises.
4. A winding down period shall be in force at the end of the evening.
5. "Please Leave Quietly" notices shall be displayed.

**The Protection of Children From Harm**

1. The premises shall operate a Challenge 25 Policy whereby any individual who appears to be under the age of 25 shall be required to provide an approved form of photographic identification as outlined within the Torbay Councils Licensing Statement of Principles.
2. No person under the age of 18 years shall be permitted in the premises after 2100 hours, unless they are consuming a table meal with a responsible adult, or attending a private function in a part of the premises not open to the public, in which case they shall not be permitted to remain in the premises after 2200 hrs.
3. Children shall not be encouraged to sit in the bar area, however, shall be welcomed in the first floor dining area which provides a no smoking environment.
4. A proof of age policy in line with Police and Local Authority recommendations shall be in place.

**ANNEXE 3****CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY****The Prevention of Public Nuisance**

1. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. In general terms, noise from the premises should not be audible within any noise sensitive premises (e.g. dwelling) with windows open for normal ventilation especially after 11pm. This shall be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that shall be applied are;
  - (i) Before 11pm- Noise emanating from the premises shall not be clearly distinguishable above other noise.
  - (ii) After 11pm- Noise emanating from the premises shall not be distinguishable above background levels of noise.
  - (iii) The local authority shall reserve the right in cases of tonal noise and where premises are attached to others (i.e. semi's and terraced properties), to make further assessments from within the residential property.

**The Protection of Children from Harm**

1. All amusement with prizes machines must be sited to ensure they are under direct supervision of the staff at all times.
2. A management system must be introduced to ensure that staff are aware of the legal requirements relating to underage sales and the prevention from use of AWP machines by those under eighteen.

**ANNEXE 4****PLANS**

Copy attached to Licence.



## LOCAL AUTHORITY



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

## Premises Details

## POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

**Devon Dumpling**

108 Shiphay Lane, Torquay, Devon, TQ2 7BY.

Telephone 01803 613465

## WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

## THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Thursday	10:00am	11:00pm
	Friday to Saturday	10:00am	Midnight
	Sunday	Noon	10:30pm
	Christmas Eve	10:00am	Midnight
	Boxing Day	10:00am	Midnight
	On New Years Eve from the start of permitted hours on New Years Eve to the start of permitted hours on the following day.		

## THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday	10:00am	11:30pm
Friday to Saturday	10:00am	12:30am
Sunday	Noon	11:00pm
Christmas Eve	10:00am	12:30am
Boxing Day	10:00am	12:30am
On New Years Eve from the start of permitted hours on New Years Eve to the start of permitted hours on the following day.		

## WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

**NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE**

Raymond Lyon

The Devon Dumpling, 108 Shiphay Lane, Torquay, Devon, TQ2 7BY.

Matthew Ashley Lyon

54 Shiphay Park Road, Torquay, Devon, TQ2 7DQ.

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

**NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

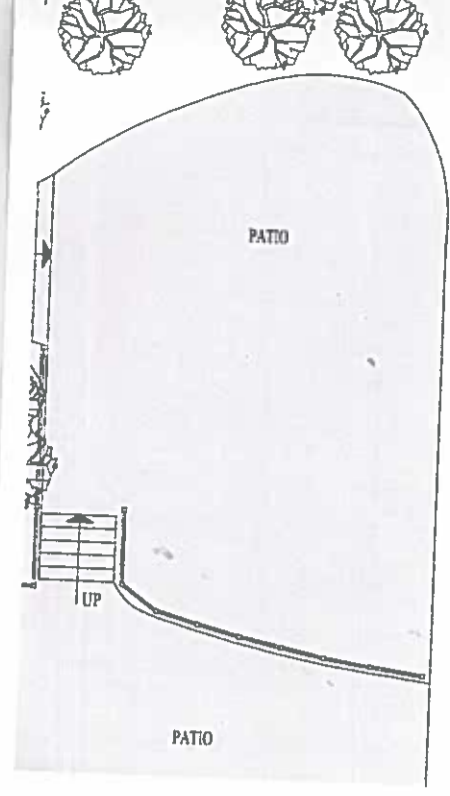
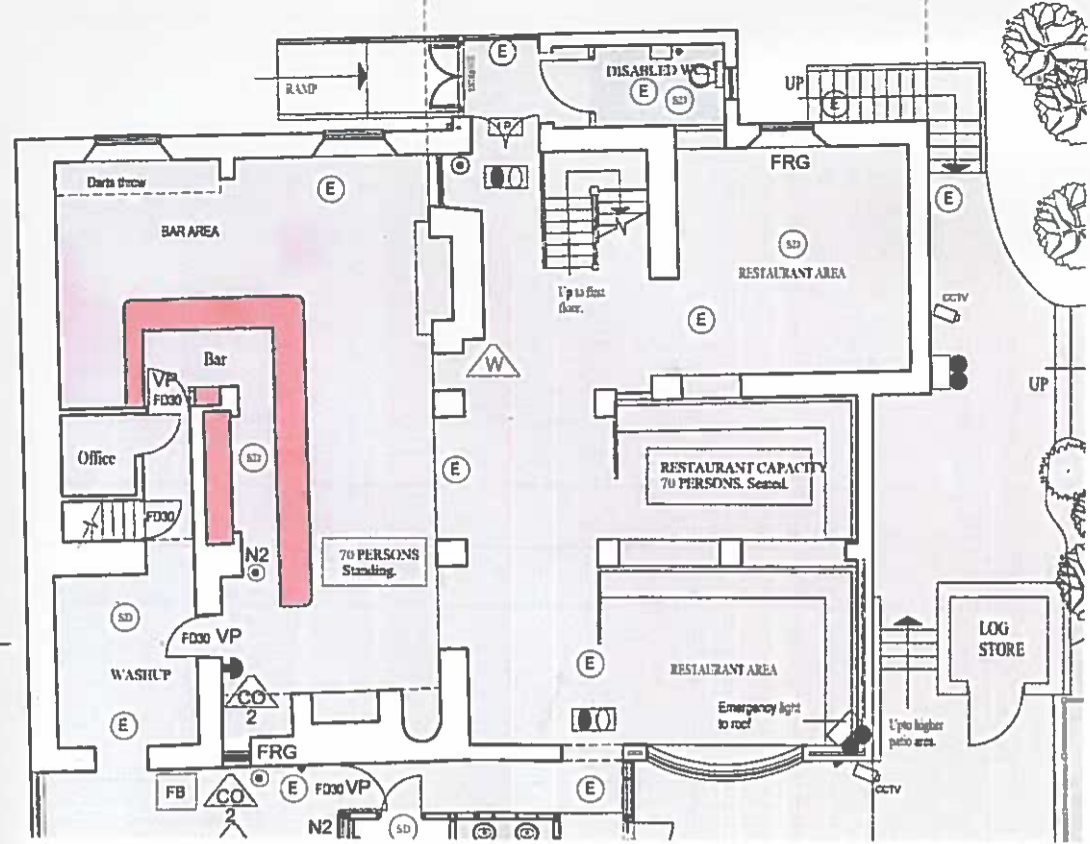
Raymond LYON

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

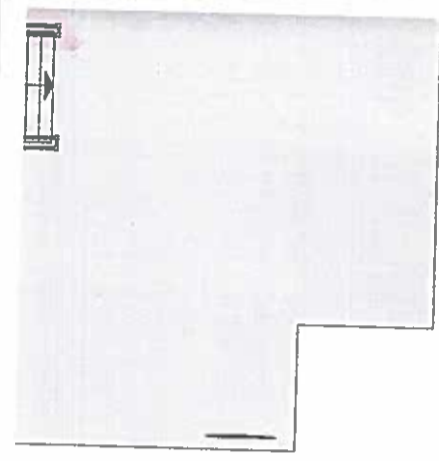
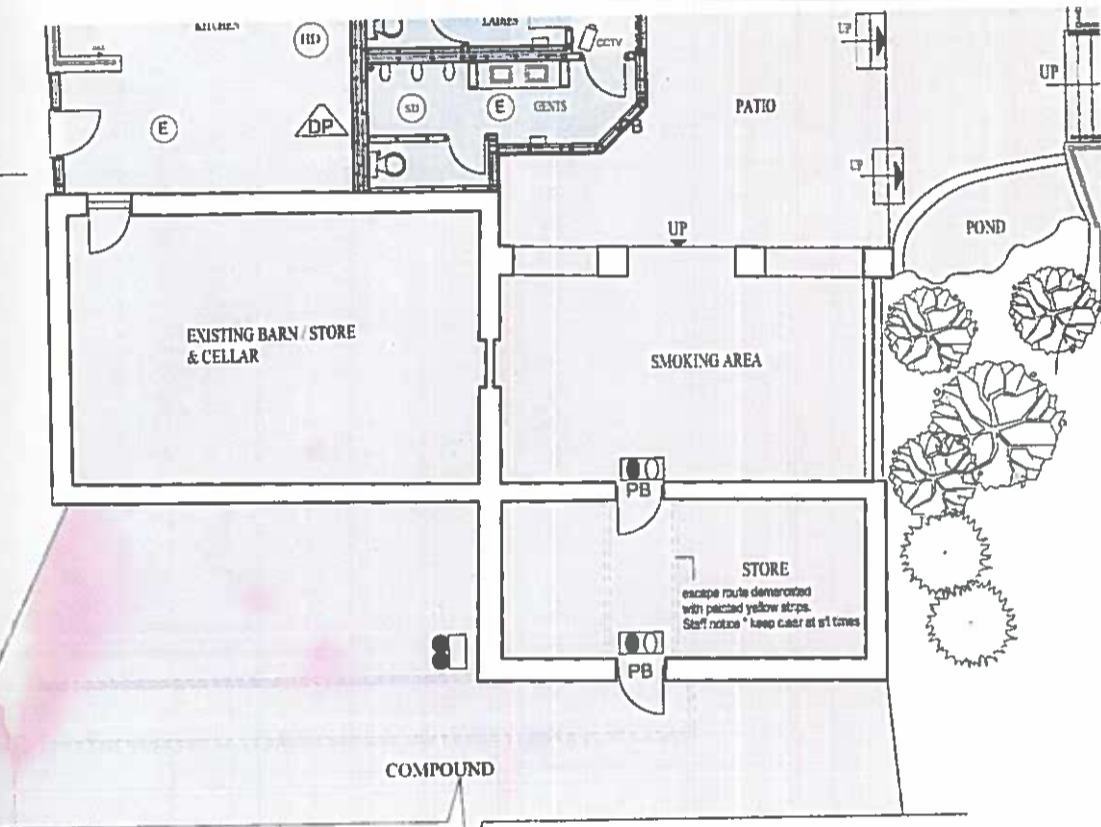
Access is restricted only under the terms of the Licensing Act 2003.



Steve Cox  
Environmental Health Manager (Commercial)  
21 December 2022



- |  |                              |  |                  |
|--|------------------------------|--|------------------|
|  | Emergency exit light         |  | CALL POINT       |
|  | Vision panel                 |  | HEAT DETECTOR    |
|  | Fire resisting glazing       |  | SMOKE DETECTOR   |
|  | 9 Litre water extinguisher   |  | SOUNDER          |
|  | 4.5Kg CO2 extinguisher       |  | FIRE ALARM PANEL |
|  | 10Kg Dry powder extinguisher |  |                  |
|  | 1m x 1m Fire blanket         |  |                  |



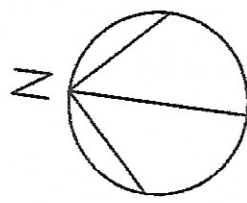
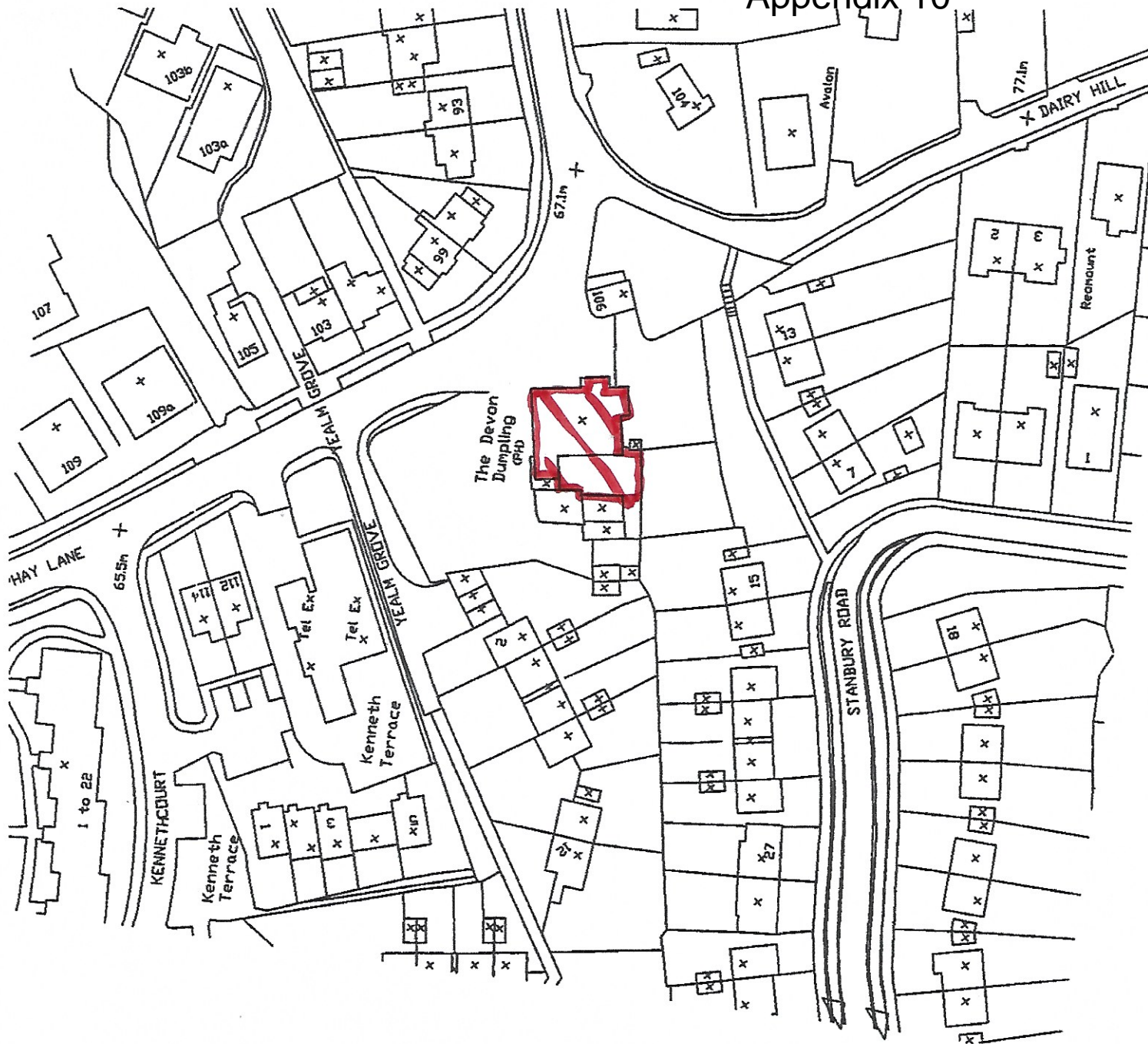
- |  |                              |  |  |
|--|------------------------------|--|--|
|  | Staff fire notice            |  |  |
|  | Twin Spot emergency light    |  |  |
|  | Panic Bolt                   |  |  |
|  | LICENCED AREAS               |  |  |
|  | TOILETS                      |  |  |
|  | AREA FOR THE SALE OF ALCOHOL |  |  |

GROUND FLOOR PLAN.



# Agenda Item 6

## Appendix 10



INDICATIVE ONLY  
SCALE 1:1250

		REV.	COMMENT.
Allen	Property Name	DEVON DUMPLING	LICENSING S
Property ID	Address	108 SHIPWAY LANE TORQUAY DEVON TQ2 7BY	Date of Surv 29/07/04
03/03/252/30717	Page 105		

[REDACTED]

Afternoon.

I have been made aware that a review of the premises licence has been issued in relation to the garden at the Devon Dumpling and as a direct neighbour to the pub I would like to put my thoughts across.

When I heard about this issue being raised I assumed everyone would have differing opinions, but I'm personally more of a believer in facts so I decided that it may be useful to you to have some sound monitoring of the garden noise situation for reference.

We live at [REDACTED] which backs onto the beer garden at the pub so I feel that (apart from our neighbours at number 15) we are probably the 2nd closest to the garden, and being curious I went on google maps and measured the distance which turns out to be about 23 meters so pretty close.

I've attached a screenshot from a decibelometer I used to monitor the noise levels over 5 random days recently from outside (as inside we hear nothing so would be a bit pointless) and included the days England were playing USA, Wales and Senegal as figured that would be a bit more rowdy... If you want me to do further monitoring let me know but I guess not as the results are all pretty much the same.

As you can see the average noise recorded was 54 decibels (around the level of a quiet office and normal conversation) with the lowest average at 44 (light rain) and the highest average coming in at a whopping 69 (still quieter than a vacuum cleaner or toilet flushing!).

While it may seem a bit excessive doing this in the evenings, I can honestly say that I do not see why there is some sort of issue with the pub garden, we have never noticed anything to complain about personally and even at the top end the noise is only as loud as a toilet flush!

In my opinion (as someone whose house backs onto their garden and went to the effort of seeing what the noise levels were) there is no reason to change anything in relation to the pub. While we don't tend to go there very often unfortunately, whenever we have been it is run well and considerately by the owner so I can't really see what the issue is.

Thanks

--

Kind Regards

[REDACTED]

**From:** [REDACTED]  
**To:** [Licensing](#)  
**Subject:** Devon dumping licence review (Public nuisance)  
**Date:** 05 December 2022 18:05:19

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[REDACTED]

To whom it concerns,

I'm a resident at [REDACTED] and have been for around 35 years. I have just noticed that a complaint for a public nuisance has been brought up against a pub that I live opposite. I feel its only correct to contact you to make you aware that this seems quite unnecessary. I very rarely, if at all hear anything that would disturb me, cause discomfort or make me worry.

The pub is a quiet little local that I feel has been unfairly judged. If you'd require anymore information from myself I'd be happy to help.

Regards,

[REDACTED]

[REDACTED]

Wednesday 30<sup>th</sup> November 2022.

To Whom it may concern,

It has been brought to my attention that my neighbor Tracy Smart from [REDACTED] has complained to the council about noise and unsociable behavior from patrons at the Devon Dumpling Pub.

I have lived in my property for over 17 years and have never had a problem, as an elderly lady living alone, to have this on my doorstep where I feel welcomed and safe it would be devastating to lose this establishment and I'm very sure that a lot of Devon Dumplings regulars would agree,

The Devon Dumpling is a beautiful asset to shiphay it's a real locals pub, with a good community spirit.

Yours Sincerely

[REDACTED]

Report by Torbay Council as the Responsible Authority  
for Public and Statutory Nuisance

Submitted to the Licensing Sub-committee on the review of  
**Premises Licence of The Devon Dumpling, 108 Shiphay Lane, Torquay,**  
to be heard **05 Jan 2023 at the Town Hall, Torquay.**

Licence Number PL0460

## 1. Background

The Devon Dumpling is a long-established pub sitting in a suburban residential area of Torquay. It adjoins houses to the west, south and south-east (Yealm Grove, Stanbury Rd. & Dairy Hill respectively); and there is also housing across the road (Shiphay Lane). This review arises principally from noise from the beer garden, which comprises a number of levels / terraces to the rear of the pub, on the west and south sides. See photo at Appendix D taken on an upper terrace of the beer garden (taken from a public website). The noise from these outdoor areas is most likely to be heard at properties on the west, south and south-east sides. Noise is also reported from activity of people and vehicles on the car park, mainly around closing time; this is mainly heard at properties to the West side (the nearest houses on Yealm Grove) but also at houses across the road on Shiphay Lane.

## 2. Licence info. and conditions relevant to noise nuisance

Licensing records show the premises licence is held jointly by Mr. Raymond Lyon & Mr. Matthew Lyon; the former is shown as the DPS.

**Opening hours;** 11.30pm Mon – Thurs; 00.30am on FRI & SAT; and 11pm Sun.

With sale of alcohol ending 30 mins before.

There are currently no special conditions around music, so the Live Music Act applies, i.e. meaning live or recorded music is allowed indoors or outdoors to 11pm.

However, note the condition below, attached after an earlier hearing by Licensing Sub-Cmte.

Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. In general terms, noise from the premises should not be audible within any noise sensitive premises (e.g. dwelling) with windows open for normal ventilation especially after 11pm. This shall be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that shall be applied are;

(i) Before 11pm- Noise emanating from the premises shall not be clearly distinguishable above other noise.

(ii) After 11pm- Noise emanating from the premises shall not be distinguishable above background levels of noise.

(iii) The local authority shall reserve the right in cases of tonal noise and where premises are attached to others (i.e. semi's and terraced properties), to make further assessments from within the residential property.

### 3. Timeline and history of noise complaints to Council

The first complaint in the past five years was in **early August 2019**, from **Resident A**, whose house adjoins the pub. They reported noise from live music on Sundays and the quiz on Thursdays. An officer from the licensing team gave informal advice to the DPS in late August, and after no further reports were received, the case was closed in Feb. 2020. Flare ref. R/252257.

NOTE: the first Covid lockdown was late March '20, resulting in closure of pubs for several months.

**June 2021:** initial report by **2<sup>nd</sup> complainant** - Mrs. Smart (**Resident B**) – alleging noise from the beer garden to 11.30 or 12 pm (**see Appendix B**). She said she has “to use ear plugs Fridays & Saturdays” & “it’s like a garden party every night”. She asked that “beer garden be closed at a reasonable time”.

**September 2021:** complaint from a **3<sup>rd</sup> resident (Resident C)** living across the road; reporting frequent noise from people and their vehicles in car park around closing time, alleging shouting, drinking at cars, music from cars, and urinating on walls and cars. Said these people ignore requests by staff to move on, (**see Appendix C**). Also in September 2021, we received a **further report from the initial complainant (Resident A)**; this described issue with noise from the beer garden, and saying they’d tried to resolve this directly with Matthew Lyon for three years (**see Appendix A**)

**Early August 2022:** Mrs Smart makes her **first request for review**; this was turned down on procedural grounds. In it she referred to frequent loud music outdoors, and a recent “pig racing” party event with megaphone or amplified commentary (the latter was afternoon / early evening). Alleged loudness after 11pm. Flare case ref. R/271310.

**Mid-august 2022:** complaint by a **4<sup>th</sup> person (Resident D)** – by hand-written letter dated 18/8: complaining of noise mainly at weekends, but on occasion during the week, and “has become so loud with music that used to be inside (disco) and on occasion a group now playing in the newly extended beer garden, which appears to be used as a function area with large amounts of people outside”. They said they’ve lived close to the pub for many years, and had no problem till the beer garden was extended, and the situation is now “intolerable”. Reported “sometimes unable to sleep” and on occasion “the language is not good”. States they’d written at least four letters to the pub but got no reply. Alleged that on Sat 13 August '22 the music started at 5.30pm and went on to 10.30pm, and then noise started again in the car park as people left at 11.30pm. Asked Council to assist them in being able to enjoy their homes and gardens without feeling plagued by noise.

### 4. Development and Planning aspects – ref. expansion of beer garden

It is reported by some of the complainants that the beer garden was expanded by developing the upper terrace areas; this may have been about 2016 or 2017 or even later, and neighbours report not being given any notice of this work. The reported expansion of the outdoor areas means they may now be significantly larger than shown in the plan lodged with the premises licence. This would mean they can accommodate significantly more customers eating and drinking outdoors, thereby contributing to increased people noise.

However, planning records on the public portal show nil applications since June 2013 (and the latter was not relevant to the issue at hand in this review).

## **Engagement by Premises Licence Holder and DPS**

A number of local residents (possibly facilitated by one or more Councillors) met with the licensee / DPS on 23 March '22; a council officer (from Licensing) was invited and did attend. Following this It is reported that the licensee agreed to close the top section of the beer garden by 9.30pm and the bottom by 10.30pm. It is understood that Mr. Matthew Lyon later confirmed this in writing to residents involved. However Mrs Smart reports this change in management control of the beer gardens was only maintained for a very short period and then things returned to normal.

### **5. Investigating officer's commentary on audio evidence submitted**

Mrs. Smart submitted over a hundred recordings in the period 29 June '21 to 15 October '22. Most of these were made at their bedroom window, which is on the first-floor of the annex of her house; this part of her home is nearest to the western (lower) part of the beer garden (just 6 – 7m away). A small number were made from the window of the en-suite bathroom which faces the pub car park. The bedroom window is exposed, with no intervening sound screen, to noise emitted from the upper part of the beer garden, approx. 20m away. In terms of noise transmission these distances are very close and will provide little attenuation by distance alone. Furthermore, the walls of the pub building itself will tend to reflect noise towards adjoining houses, most likely exacerbating / adding to the noise transmitted direct from the source to the recipient. The authors have not had the opportunity to directly witness the noise in this instance, but all the audio recordings since 30 Jan '22, have been reviewed; see commentary on same at Appendix E. From professional experience, the authors can say with confidence that in this situation there will be significant noise intrusion on adjoining and nearby gardens, and habitable rooms of dwellings (with windows open for normal ventilation). This will occur even with small numbers of people in any part of this beer garden, once they begin to talk in any animated way. It will also occur when larger numbers are present, even just chatting as drinkers do but, not shouting. The recordings provided by Mrs. Smart support the authors' assessment that noise from recent usage patterns at this premises has been interfering significantly with enjoyment of nearby residential property. We are satisfied this interference will continue unless proper controls are put in place; these controls are achievable through new or amended licence conditions or management changes, or both.

### **6. Suggested new licence conditions & recommendation**

1. The large uppermost patio areas (to be identified clearly on a new plan to be provided by the licensee) to be closed from 9.30pm every day (purpose to reduce general noise from large numbers of customers affecting residential amenity)
2. All outside areas to be closed by 10.30pm every day except for a small smoking shelter.
3. Drinks prohibited outdoors after 10.30pm (to address issue of smokers lingering)
4. Maximum of 6 persons in outdoor area at any one time after 10.30pm (to help limit noise from use of smoking shelter).

5. All doors and windows to be kept closed during indoor noise-generating event (e.g. live or recorded music, or function or quiz) - to keep noise escape as low as practicable.
6. The duty manager, or designated staff member each day, to regularly check outdoor areas – at least once every half hour when they are in use - and effectively address any excessive noise by any person or group (purpose: to prevent unreasonable noise impact on neighbours).
7. The duty manager, or designated staff member on every Friday and Saturday to effectively monitor and control people noise on the car park and front outdoor areas after 11pm.
8. That the pre-existing conditions around prevention of public nuisance remain in place and are enforceable post this review.

**See Appendices below**



## Appendix A

Wording of complaint received online **3pm Saturday 04 Sep 2021** from Resident A:

Have spoken to Matthew (Lyon) for the past 3 years and he does nothing, maybe because he doesn't live anywhere nearby. The noise is getting worse most nights it's hell can't sit in garden because of cigarette smoke and foul language; indoors all windows have to be closed and can still hear it with tv on. Latest was Friday September 3 as early as 5pm and as late as 12.30 am they sit outside in the pub's garden which backs onto my back garden and the noise is hell. I don't understand how in the middle of a residential area this can be allowed; most residents have had enough.

Shouting, swearing, rowdy behaviour, urinating in the road outside the pub, against people's fences, playing loud music from their car stereo, then some race their cars down Shiphay Lane, while others wait for taxis mostly after 12 at night.

Flare case ref. R/265663

## Appendix B

Wording of first complaint by Mrs Smart, the applicant for this review - received online at **10.50pm Sat. 12 June '21** Flare case ref. R/263973

I have messaged them through Facebook messenger and have still got the messages (16/4, 2/5, 17/5, 11/6, 12/6). They have only replied once at the beginning in April when pubs could reopen. There have been people standing on tables in the beer garden with people shouting at them to get their trousers off and the noise goes on until 11.30/12am. Now they are allowed inside I asked if they could close the beer garden at a reasonable time and last night it was noisy until 11.40pm and tonight it was midnight. The pub has made their outside area bigger because of COVID restrictions and the noise level is quite bad. I am not able to have my windows open when the weather is warm and not able to enjoy my garden. The noise level is fine during the day, but not in the evening. I have asked if they could close their garden at a reasonable time now they are allowed inside but have had no response. It was midnight again tonight before the noise stopped! I have to work at the weekend and lack of sleep is affecting my work. I have spoken to a few of my neighbours who are not happy about the beer garden and noise level.

Further info. provided by online report **Sat. 19 June '21** as follows: Have messaged (the pub) since April and my last message was today. They are not answering my messages. The beer garden is next door to our house and the noise is keeping us awake at night. On Fridays and Saturdays the noise is going on until 11.30pm/12am! We are unable to have our windows open at night when it is warm, and I am now using earplugs to try and help block the noise. We are not able to use our garden as the noise is terrible. It's like someone having a garden party every day of the week. My neighbour mentioned today that she was having trouble getting to sleep as well, but she is elderly and not able to use the internet to complain, although she said she would try. I don't know why they can't close the beer garden at a reasonable time.

Further info. received online at **11:43pm Friday 16 July '21**: Ongoing since May. Every weekend the Devon Dumpling pub is letting their customers shout and scream in their beer garden until past 11.30pm. Last Saturday I went into the pub at 11.15pm as the noise was unbearable. I was told to get out by the person behind the bar who then came out into the car park, shouted at me and sped off at high speed in his car. I am now sat in my bed trying to sleep at 11.40pm with people shouting once again! Surely they have to shut their beer garden at a reasonable time? I work on a Sunday and was late for work last Sunday as the noise didn't stop until 12.50am! Please can you help me and my neighbours as it is affecting our quality of life and we are not able to go to sleep when we want to but have to wait for the noise to stop. I have sent in three complaints now and nothing seems to have been done. Please I can't take this noise anymore. It is very hot tonight and I'm having to shut my windows. I was late for work last Sunday because the noise didn't stop until 12.50pm. And I'm now sat in bed waiting for it to go quiet so I can go to sleep. It is now 11.40pm! This is happening every Friday and Saturday and it is affecting my quality of life. My neighbours have also had enough. Please can you help us. It is baking hot and I can't have my windows open and am wearing ear plugs but can still hear them. They also are having their beer barrels delivered at 6.45/7.15am every Thursday and that is so loud that even with ear plugs in it woke me up.

Further info. received online at **11:44pm Friday 28 January '22**: The noise issue has gone on since April last year. We have messaged and text and spoken to people but still the noise issue continues! 11.15pm there were people in the Devon Dumpling beer garden shouting and singing! It happened 3/4 times a week in the spring and summer. We cannot sleep as the noise is right outside our bedroom. They don't shut the beer garden at all it is open as long as the pub is. Tonight we had to message the pub at 11.15pm as we couldn't sleep! We have had this all spring and summer last year. Lots of local residents are fed up! Please do something to help us!

## Appendix C

Wording of report received online from Resident C at **00.22am Saturday 04 Sep '21**:

The pub is incredibly loud when people leave. They hang around outside of residents' houses, urinate up residents' walls and cars which has been witnessed, stand in large groups until early hours in the morning shouting and disturbing the neighbourhood. People will leave the pub when it closes and continue drinking in the car park. We have witnessed people sat in the car park playing music and continuing drinking using drinks from their cars. This is a residential area and the behaviour is totally unacceptable. This is affecting our sleep, having a knock-on impact on our stress and wellbeing levels - we work early in the morning for the council and it's affecting how well we do our job. It's also affecting our community relationships and is making the area a horrible place to live.

Pub staff ask the people to move on if we call the pub (and if they decide to answer our calls), but they are just ignored by the people and do nothing further. The pub needs to shut earlier.

Flare case ref. R/265663

## Appendix D

Photo from upper patio area (from public web source).



## Appendix E

Review of Applicant's audio recordings – in reverse chronological order, back to 30.01.22

Date, day of wk. & time	Officer's comments on audio clip	Impact ranking
15 Oct'22, a Sat. 11.02pm	quite noisy and clearly very intrusive, 57 secs recording; loud voices and shouting for ca. 30 secs from about 20s in.	HIGH
09 Oct'22, Sun. 00.03am (i.e. late Sat. night 08/10)	loud voices effectively throughout this 48 secs clip; clearly very likely to be intrusive and to prevent sleep.	VERY HIGH
08 Oct'22, Sat. 10.16pm	Loud voices, chatter and laughing, sometimes raised, from start of this 2m23s clip; again likely to be very intrusive (also intermittent loud dog barking, collie or similar).	HIGH
08 Oct'22, Sat. 10.14pm	As above, but including occasional foul language, likely to be quite intrusive, 2m0s clip	HIGH
08 Oct'22, Sat. 10.08pm	As above, but no swearing, would probably be quite intrusive, 1m35s	HIGH
08 Oct'22, Sat. 10.06pm	As above, but louder at beginning, with laughter; most probably quite intrusive, 1m21s	HIGH
08 Oct'22, Sat. 9.41pm	As above, but some screaming (briefly and more later); probably very intrusive, 1m56,	HIGH
08 Oct'22, Sat. 9.36pm	As above, likely to be similarly intrusive, 1m01s,	HIGH
08 Oct'22, Sat. 9.34pm	As above, 1m27s	HIGH
30 Sep'22, Fri. 11.42pm	Loud clear voices & laughter for 1st 30s (41s clip); likely to wake people, poss. from car park.	VERY HIGH
22 Sep'22, Thu. 11.09pm	Loud voices briefly and car doors and engine and car horn (briefly). Again this appears to relate to noise from pub car park; would be intrusive.	HIGH
10 Sep'22, Sat. 11.32pm	Rowdy loud voices at beginning for a few secs, very intrusive, 37s	VERY HIGH
10 Sep'22, Sat. 11.30pm	Relatively low people noise throughout, 1m04s, quite intrusive for this time of night	HIGH
10 Sep'22, Sat. 11.29pm	Loud people noise at beginning, then a little lower to end of this 57s; quite intrusive	HIGH
10 Sep'22, Sat. 11.27pm	Louder than at 11.27, with some loud shouts and shrieks, very intrusive, 1m27s	VERY HIGH

10 Sep'22, Sat. 11.25pm	People noise as above, plus car engine starting near end; very intrusive, 2m.04s	VERY HIGH
10 Sep'22, Sat. 11.23pm	People noise (not as loud as 11.25pm), vehicles driving on car park, quite intrusive, 41s	HIGH
10 Sep'22, Sat. 11.21pm	People noise as 11.25, & traffic in distance, some singing briefly, quite intrusive, 1m29s	VERY HIGH
10 Sep'22, Sat. 10.24pm	Loud people noise, chatter & laughter, throughout this 1m35s, quite intrusive	HIGH
10 Sep'22, Sat. 10.22pm	As above, quite intrusive throughout, 1m52s	HIGH
10 Sep'22, Sat. 10.06pm	As above, 1m41s	HIGH
10 Sep'22, Sat. 10.05pm	As above, but rowdy voice briefly, 1m16s	HIGH
09 Sep'22, Fri. 10.51pm	As above, sounds like people on car park, quite loud and clear; very intrusive, 2m23s	VERY HIGH
02 Sep'22, Fri. 11.08pm	Loud people noise from car park, and doors slamming, 2m05s	HIGH
02 Sep'22, Fri. 10.59pm	Similar people noise, incl. some swearing, and vehicle engine noise, 1m25s	HIGH
02 Sep'22, Fri. 10.58pm	Similar noise level and content excl. swearing, 52s	HIGH
01 Sep'22, Thu. 10.42pm	Loud people noise and vehicle noise, probably all from car park, 1m55s	HIGH
28 Aug'22, Sun. 11.17pm	Short recording – no noise confirmed – possibly submitted to Council in error, 12s	-
24 Aug'22 Wed 11.10pm	Voices briefly and car starting on car park, moderately intrusive, 29s	Moderate
20 Aug'22 Sat. 11.15pm	Loud voices, car doors, engine revving, all from car park; likely to be very intrusive, 3m36s	VERY HIGH
30 Jul'22 Sat. 7.34pm	People noise – adults and children, squealing of some kind (not human), intrusive, 3m25s	HIGH
29 Jul'22 Fri. 11.25pm	Loud voices at times amongst general people noise, intrusive, 1m29s	VERY HIGH
29 Jul'22 Fri. 10.21pm +2	As above, very intrusive, 2m30s + 1m25s + 1m04s	VERY HIGH

09 Jul'22 Sat. 10.16pm +1	Very loud singing by customers plus shouting, & music, lyrics clear, 35s + 1m.56s + 45s	VERY HIGH
09 Jul'22 Sat. 9.57pm +1	Very loud music, people singing to it, some bass beat, very intrusive as above, 1m02s + 46s	VERY HIGH
09 Jul'22 Sat. 9.40pm	As above, with brief screaming, very intrusive as above, 35s	VERY HIGH
09 Jul'22 Sat 9.25pm +1	As above, lyrics very clearly heard, very intrusive, 1m20s + 1m12s	VERY HIGH
09 Jul'22 Sat 9.23pm	As above with people chatter overlaid, music clear and dominant, very intrusive, 1m12s	VERY HIGH
09 Jul'22 Sat 7.54pm	As above with brief PA announcement within, very intrusive, 1m01s	VERY HIGH
09 Jul'22 Sat 7.08pm + 2	As above, inc. loud announcements & shouting over music, very intrusive, 34s + 1m1s + 31s	VERY HIGH
27 Jun'22 Mon. 2.45pm	Loud voices and shouting briefly, quite intrusive, 45s	HIGH
06 May'22 Fri. 6.57pm +1	Loud voices (seagulls calls in background), quite intrusive noise, 1m12s + 54s	HIGH
16 Apr'22 Sat. 6.15pm	Loud voices at start then lower, general hum of people, intrusive, 2m08s	Moderate
16 Apr'22 Sat. 3.16pm	Music and loud announcements over, lyrics very clear, very intrusive, 2m28s	HIGH
02 Apr'22 Sat. 10.52pm	Music "God Save The Queen" being sung to music out front, then other music and people and vehicle noise, possibly activity on car park. Manager apparently tried to intervene and was apparently ignored (according to commentary on clip), very intrusive, 9m29s	VERY HIGH
30 Jan'22, Sun. 00.14am (i.e. late Sat. night 29/1) +1	People and vehicle noise, incl. raised voices, apparently on car park as people were departing, quite intrusive, 2m02s	HIGH

Note: +1, +2. etc. in left hand column indicates number of similar audio clips in preceding 15 mins.

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ENDS.

Dated 09 Dec. 2022

**Signed:** S. J. Cox & R. Flynn, Torbay Licensing Team