

Wednesday, 25 June 2025

## **STATUTORY LICENSING SUB-COMMITTEE**

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

**Thursday, 3 July 2025**

commencing at **9.30 am**

The meeting will be held in the Banking Hall, Castle Circus entrance on the left corner of the Town Hall, Castle Circus, Torquay, TQ1 3DR

### **Members of the Committee**

Councillor Spacagna

Councillor Foster

Councillor Johns

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## **A Healthy, Happy and Prosperous Torbay**

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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)

# STATUTORY 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 3 - 12)  
To confirm as a correct record the Minutes of the meetings of Statutory Licensing Sub-Committee held on 30 January 2025 and 6 February 2025.
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 in respect of The Devon Dumpling, 108 Shiphay Lane, Torquay** (Pages 13 - 68)  
To consider an application for a Review of a Premises Licence in respect of The Devon Dumpling, 108 Shiphay Lane, Torquay.

**Minutes of the Statutory Licensing Sub-Committee**

**30 January 2025**

**-: Present :-**

Councillors Douglas-Dunbar, Foster and Barbara Lewis

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**16. Election of Chairman/woman**

Councillor Barbara Lewis was elected as Chairwoman for the meeting.

**17. Minutes**

The Minutes of the meeting of the Sub-Committee held on 17 October 2024 were confirmed as a correct record and signed by the Chairwoman.

**18. Application for the Grant of a Premises Licence at Bank, 6-8 Fleet Street, Torquay**

Members considered a report on an application for a Premises Licence in respect of Bank, 6 – 8 Fleet Street, Torquay.

Written representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the application on the grounds of the Licensing Objectives ‘The Prevention of Crime and Disorder’ and ‘The Prevention of Public Nuisance’.	24 December 2024

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined his application for a Premises Licence and responded to Members’ questions.
Member of the Public	A Member of the Public outlined their objection to the application for a Premises Licence and responded to Members’ questions.

Decision:

That the application for a Premises Licence in respect of Bank, 6 – 8 Fleet Street, Torquay, be granted as applied for, subject to the following amendment:

‘Training should be recorded in documentary form and shall be regularly refreshed, at no greater than (insert) intervals’

shall now read:

‘Training should be recorded in documentary form and shall be regularly refreshed, at no greater than 12 monthly intervals’.

Reasons for Decision:

Having carefully considered all the written and oral Representations, Members unanimously resolved to grant the application, having been satisfied that with the agreed amendment, all the Licensing Objectives would be promoted.

In coming to their decision, Members had careful regard to the location of the premises which was within a mixed-use area, the proximity of residential properties together with the history of the premises, and were reassured by the Applicant’s professionally responsible and measured approach, as demonstrated in his oral Representation.

Members heard that the intended use of the property was for it to become an asset for community and small business use opening from 08.00 hours and closing at 16.00 hours on weekdays, and with closure by 23.00 hours on Friday and Saturday evenings with a capacity of approximately 30-40 patrons both upstairs and downstairs. Despite the premises having a large kitchen it was not intended that main meals would be prepared.

However, whilst Members were supportive of the investment in the premises and wanted to see the building brought back into use, they heard an oral Representation from a resident of an adjoining property, relating to anticipated noise nuisance particularly relating to any pavement café area. The Applicant confirmed that whilst he intended to apply for a Pavement Café Licence, this would not include the side return of the premises and would be limited to a 10-metre section along the front of the building. Members noted that this confirmation brought reassurance to the objector.

Members gave careful consideration as to requiring the premises to have SIA trained door staff present on Friday and Saturday nights, however, did not feel that this would have been a necessary and proportionate condition to add at this time providing the requirement of door staff was kept under review. Members were reassured by the Applicant’s confirmation that consideration and enquiries had been made in this regard.

Members felt that the Representatives’ concerns were alleviated by the Applicant’s submissions. Furthermore, Members noted the commitment and willingness of the

Applicant to operate the premises in harmony with nearby residents and his intention to be kind to nearby residents and attract high quality staff. All of which in Members' opinion, would seek to promote the Licensing Objectives and to this, they were reassured.

In concluding, Members noted that no Representations had been received in respect of this application from any Responsible Authority, which was within the Authority's Cumulative Impact Area, and determined in all the circumstances, that the Licensing Objectives would not be undermined in granting this application. Members further noted that a Review of the Premises Licence could be sought by any Responsible Authority or any other person should issues arise as a result of granting this Licence.

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Chairwoman

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## Minutes of the Statutory Licensing Sub-Committee

6 February 2025

-: Present :-

Councillors Foster, Barbara Lewis and Virdee

### 1. Election of Chairman/woman

Councillor Barbara Lewis was elected as Chairwoman for the meeting.

### 2. Licensing Act Review in respect of The Devon Dumpling, 108 Shiphay Lane, Torquay

Members considered a report on an Application for a Review of a Premises Licence in respect of the Devon Dumpling, 108 Shiphay Lane, Torquay.

Written Representations were received from:

Name	Details	Date of Representation
Applicant	Application and supporting correspondence for a Review of the Premises Licence in respect of the Devon Dumpling, 108 Shiphay Lane, Torquay.	16 December 2024
Public Protection Officer	Report by Torbay Council as the Responsible Authority for Public and Statutory Noise.	10 January 2025
Member of the Public	Three Representations supporting the Application for a Review of the Premises Licence.	19 December 2024 26 December 2024 7 January 2025
Member of the Public	Neutral Representation on behalf of the Respondent.	20 December 2024
Member of the Public	Twenty-one Representations objecting to the Application for a Review of the Premises Licence.	19 December 2024 20 December 2024 5 January 2025 8 January 2025
Ward Councillor	Representation objecting to the Application for a Review of the Premises Licence.	13 January 2025

Additional Information:

At the Hearing, the Public Protection Officer played three sound recordings.

Oral Representations were received from:

Name	Details
Applicant	The Applicant outlined the Application for a Review of a Premises Licence and responded to Members' questions.
Public Protection Officer	The Public Protection Officer outlined his representation and responded to Members' questions.
Member of the Public	A Member of the Public outlined their support for the application for a Review of a Premises Licence and responded to Members' questions.
The Respondent	The Respondent supported by his Solicitor responded to the Application for a Review of a Premises Licence and responded to Members' questions.
Ward Councillor	A Ward Councillor outlined their objection to the Application for a Review of a Premises Licence and responded to Members' questions.
A Member of the Public	A Member of the Public outlined their objection to the Application for a Review of a Premises Licence and responded to Members' questions.
A Member of the Public	A Member of the Public outlined their objection to the Application for a Review of a Premises Licence and responded to Members' questions.

Decision:

That the Premises Licence for the Devon Dumpling, be modified as follows:

- Supply of alcohol 10.00 am to 10.30 pm Monday to Thursday and 10.00 am to 11.30 pm Friday and Saturday.
- Opening times be 10.00 am to 11.00 pm Monday to Thursday and 10.00 am to 12 midnight Friday and Saturday.

**And the following conditions to be amended:**

**Conditions attached after a review hearing by the Licensable Authority**

Condition 1

'The premises outside areas shall be closed by 10 pm every day except for the designated smoking area' known as the cage'.

shall now read

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

Condition 3



‘all windows and doors shall be kept closed during regulated entertainment after 10 pm’.

shall now read

‘all windows and doors shall be kept closed during regulated entertainment after 10 pm with regular checking by staff’.

Condition 8

‘The Duty Manager, or designated staff member on every Friday or Saturday to effectively monitor and control noise from patrons on the car park and front outside areas after 11 pm’.

shall now read

‘The Duty Manager, or designated staff member on every evening to effectively monitor and control noise from patrons on the car park and front outside areas after 10.30 pm’

Condition 10

‘Signage shall be prominently displayed in the premises outside area, notifying patrons to keep noise to a minimum so as not to unreasonably disturb nearby residents’

shall now read

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

Condition 12

‘Lights in the outside area shall be turned off at 10 pm but for the smoking area which is to be situated in the area known as the cage, and the area leading directly to the cage’

shall now read

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

Condition 13

‘After 10 pm patrons wishing to smoke, must use the designated smoking area known as the cage’.

shall now read

‘After 10 pm patrons wishing to smoke, must use the designated smoking area’.

**The following condition to be removed:**

Condition 11 ‘ patrons using the outside area shall be seated and signage shall be prominently displayed in these areas notifying patrons of this.

**And the following additional conditions:**

- ‘A noise limiting device (the specification and design to be agreed with Torbay Council’s Environmental Health Service: shall be fitted so that all live and recorded music is channelled through the device(s). The maximum noise levels will be set by agreement with Torbay Council’s Environmental Health Service and will be reviewed from time to time as appropriate’;
- ‘No smoking shall be permitted outside the front of the premises’;
- ‘the premises shall install, operate and maintain a comprehensive digital colour CCTV system with full audio capabilities to the satisfaction of the Local Authority. All recordings will be stored for a minimum period of 28 days with date and time stamping. Viewable copies of the recordings will be provided on request to the Police and Local Authority Officers as soon as is reasonably practicable and in accordance with the United Kingdom General Data Protection Regulation and Data Protection Act 2018’;
- ‘Within three months, the premises must put into operation a lawfully compliant smoking area to the satisfaction of the Local Authority. Namely: by the 24 May 2025’;
- ‘clear and legible notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly’; and
- ‘All staff, including the Designated Premises Supervisor, who are engaged in licensable activities at the premises shall receive initial training within 3 months on their roles and responsibilities in this regard and information in relation to the following:
  - The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence;
  - Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 monthly intervals;
  - Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority; and
  - Training records will be retained for at least 12 months’.

### Reasons for Decision:

Having carefully considered all the written and oral Representations, Members unanimously resolved to modify the Premises Licence as they could not be satisfied on the evidence before them, that without such modification, the Premises Licence Holders would promote the Licensing Objectives; namely, The Prevention of Public Nuisance and The Prevention of Crime and Disorder.

In coming to their decision, Members gave serious consideration to revoking the Premises Licence and removal of the Designated Premises Supervisor (DPS), but on this occasion, concluded that amendments to the existing conditions, the imposition of additional conditions, and a reduction in operating hours would achieve the required outcomes, alleviate concerns, and promote the Licensing Objectives. Members noted that since the Review Application was submitted by the Licensing Authority, the Premises Licence Holders had submitted a Variation Application to update the approved plan, and an Application to Vary the DPS, both of which had been approved, and Members were assured to note.

However, it was of concern to Members that the Licensing Officers had experienced a lack of co-operation from the Premises Licence Holders, and particularly Mr Raymond Lyon who until recently was the DPS, and who, according to the Licensing Officer, did not appear to be on site or involved in the day to day running of the Premises. Furthermore, that email communications had not been responded to by either Premises Licence Holder, despite significant attempts by Officers to gain engagement over a long period of time. Whilst Mr Matthew Lyon accepted that these failures had occurred and provided assurances that moving forward this would not happen again, Members determined that as the newly approved and appointed DPS, appropriate training was required as to what was expected of him. Members were reassured by the comments of Mr Matthew Lyon's representative who stated that he had impressed upon his client the seriousness of his lack of engagement and noncompliance with the Licence Conditions and hoped that this would be enough to secure timely engagement and compliance going forward.

Members heard from Mr Matthew Lyon and his representative that difficulties had been experienced in making the designated smoking area known as 'the cage' compliant with The Smoke-Free (Premises and Enforcement) Regulations 2006. However, Members did not accept that it was the responsibility of the builders engaged to carry out any remedial work to ensure or advise upon compliance, and that failing to make attempts to remedy the situation fell below acceptable conduct expected of a responsible Premises Licence Holder and DPS. Members determined that in line with that proposed by Mr Matthews Lyon's representative, the smoking area needed to be relocated to an area which was compliant with the legislation and determined an appropriate Condition to ensure this occurred in a timely manner to mitigate noise outbreak from the use of the Premises outside area. Noting also that use of any smoking area, not in accordance with The Smoke-Free (Premises and Enforcement) Regulations 2006, could be dealt with through separate enforcement action.

Members were played 3 video recordings by the Public Protection Officer as part of his oral Representation which showed noise emanating from the front of the Premises

when patrons were dispersing, and when music was being played inside the Premises. The timing of these recordings being 23.20 hours, 00.05 hours and 23.18 hours. The Public Protection Officer confirmed that 10 noise complaints had been received over the previous 12-month period from 3 local residents.

In contrast, Members noted the written Representations received detailing efforts made by the Premises Licence Holders to minimise noise disturbance and heard from one nearby resident that they had rarely been disturbed by any noise emanating from the Premises, despite being noise sensitive. Notwithstanding this, Members felt that such a level of noise nuisance as shown in the video footage was unacceptable given the location of the Licensed Premises within a residential area, which appeared to go unchallenged at the time, and that a reduction in opening hours was necessary and proportionate given the evidence before them, to alleviate the late-night disturbances experienced by proximate residents.

Members heard from Mr Matthew Lyon and his representative that since those complaints were received, and in working with the Public Protection Officer, measures had now been put in place at the Premises to ensure a quiet dispersal of patrons with a member of staff being present at the front of the property at closing time, and that noticeable improvements had been seen, which was supported by the submission of the Public Protection Officer.

Upon questioning of Mr Matthew Lyon, Members were surprised to note that whilst CCTV was installed at the premises, he was not aware as to whether it had audio capabilities. Members felt that in light of the noise issues which had plagued the Premises over a number of years, the additional condition relating to CCTV was necessary, to ensure that the Premises Licence Holder upheld the Licensing Objectives in future operation of the Premises, noting that Conditions added at the previous Review hearing had not been sufficient to eliminate the noise nuisance complaints.

In concluding, Members noted that no Representation had been received from the Police and the level of community support for the Premises, through the many written and oral Representations received from residents living nearby and determined in accordance with the modifications to the Premises Licence set out above and full compliance by the Premises Licence Holder and DPS of all Conditions of their Premises Licence going forward, that the Licensing Objections would be promoted. Members further noted that should any issues arise as a result of this grant, a further Review of the Premises Licence can be sought by a Responsible Authority or any other person.

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Chairwoman

## **TORBAY COUNCIL**

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Briefing Report No:

Public Agenda Item: **Yes**

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

Wards Affected: **Shiphay**

To: **Licensing Sub-Committee**

On: **3 July 2025**

Contact Officer: **Julie Smart**  
Email: [Licensing@torbay.gov.uk](mailto:Licensing@torbay.gov.uk)

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

- 1.1 An application has been received from an Interested Party seeking a review of the Premises Licence held by The Devon Dumpling public house. A copy of the application can be found in Appendix 1 to this report.
- 1.2 Members are asked to consider and determine this application. The matters raised relate to the Licensing Objectives: The Prevention of Crime and Disorder; Public Safety, and the Prevention of Public Nuisance.
- 1.3 Under the Licensing Act 2003 (the Act), the Licensing Authority (the Authority) before determining the application, must hold a hearing to consider the application and any relevant Representations.

In making its decision, the Committee is obliged to have regard to the application and any relevant representations and take one or more of the steps as detailed in the report, as it considers appropriate for the promotion of the four Licensing Objectives.

### **2. Introduction and application**

- 2.1 On 13 May 2025, the Licensing Department received an application from an interested party, Ms Rhiannon Smart, under Section 51 of the Act for a Review of the Premises Licence in respect of The Devon Dumpling, 108 Shiphay Lane, Torquay.

The grounds for the Review relate to *‘a breach of a previous amendment to the licence and for the prevention of public nuisance, the prevention of crime and disorder and public safety’*.

Full details of the application are shown in Appendix 1. An additional supporting statement and videos have been submitted by the Applicant to support the application. These are shown in Appendix 2.

A copy of the premises licence showing the activities, timings, and conditions is attached at Appendix 3.

- 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.

### **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 Licensing Officer, on 14 May 2025. Details of the Review have been advertised on the Council's website. The Notice advised of the grounds for the Review and requested that representations should be made no later than 10 June 2025 to Torbay Council in writing. All Statutory consultees were served with a copy of the Review application.
- 3.2 We have received one representation from a Responsible Authority in support of the application which includes statements from two local residents who wish to remain anonymous. This has been received from Tom West, Public Protection Officer for Torbay Council. This is shown at Appendix 4 and relates to the Licensing Objective: The Prevention of Public Nuisance.
- 3.3 There is one representation from an Interested Party in support of the application, relating to the Prevention of Public Nuisance. Please see Appendix 5.
- 3.4 There is one neutral Representation received on behalf of an Interested Party who are the freehold owners of the premises. This is shown at Appendix 6.
- 3.6 No other Representations have been received from any other Responsible Authority or any other Interested Parties other than those stated above.

### **4. Legal and Policy Considerations**

- 4.1 The Authority is required to conduct a hearing under provision of Section 52(2) of the Act and to do so in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
- 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 In making its decision, the Committee are required to have regard to:
- the Representations (including supporting information) presented by all the parties; and

- the official guidance issued under section 182 of the Licensing Act 2003 (revised February 2025) with the following paragraph's relevant to this application:
    - 1.2 - 1.5, 1.9, 1.10, 1.12, 1.16, 1.17
    - 2.1 – 2.27
    - 11.1, 11.7, 11.9, 11.11 and 11.16 - 11.23
  - The Council's own Licensing Policy with the following sections being relevant to this application:
    - Section 1: The guiding principles that will direct the Council in making licensing decisions (page 7-13)
    - Section 3: Additional considerations when an application is heard by a Licensing Committee (page 17-27)
    - Section 4: The Licensing Authority's rationale for issuing Premises Licences
    - Section 5: The role and influence of representations (page 30)
    - Appendix 2- Supplementary Information (page 40)
- 4.4 In making a determination, the Licensing Sub-Committee will consider each application on its merits.
- 4.5 Having had regard to the application and any relevant representations, the Licensing-Sub Committee must take such of the following steps, as it considers appropriate for the promotion of the licensing objectives:
- (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.
- 4.6 If consideration is being given to attaching new or amended conditions to the premises licence, Members should consider, are the proposed conditions:
- Appropriate
  - Relevant
  - Relevant to the activity/premises/venue
  - Enforceable
  - Precise
  - Reasonable and

- Achievable
- 4.7 The Licensing Authority's determination of the licence review should be evidence-based. Any decision must be justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 4.7 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.
- 4.8 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 effect until the Appeal is either determined or withdrawn.

- 4.9 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.

**Rachael Hind**  
**Regulatory Services Manager**

## **Appendices**

Appendix 1 Application for Review

Appendix 2 Additional Supporting Document from the Applicant including videos

Appendix 3 Copy of the Current Premises Licence

Appendix 4 Representation from a Responsible Authority in support of the Application

Appendix 5 Representations from one Interested Parties in support of the Application

Appendix 6 Neutral Representation from one Interested Party



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

None

## **Background Papers:**

The following documents/files were used to compile this report:

[Torbay Council Licensing Policy 2021-2026](#)

[Home Office Guidance to Licensing Authorities under s.182 of the Licensing Act 2003](#)

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## 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 Rhiannon Smart** *(Insert name of applicant)*

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

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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Devon Dimpling, 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> Matthew Lyon
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<b>Number of premises licence or club premises certificate (if known)</b> PL0460
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**Part 2 - Applicant details**

I am Please tick ✓ yes

- |   |                          |
|---|--------------------------|
| 1) an individual, body or business which is not a responsible authority<br>(please read guidance note 1, and complete [A] or [B] below) ✓ | <input type="checkbox"/> |
| 2) a responsible authority (please complete [C] below)  | <input type="checkbox"/> |
| 3) a member of the club to which this application relates<br>(please complete (A) below)  | <input type="checkbox"/> |

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

Please tick ✓ yes

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title

(for example, Rev)

**Surname - Smart**

**First names - Rhiannon**

**I am 18 years old or over ✓**

Please tick ✓ yes

☐

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

■ Yealm Grove

**Post town**

Torquay

**Post Code**

TQ2 7NH

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

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

Name and address

Telephone number (if any)

E-mail address (optional)

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

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

Please tick one or more boxes ✓

☐  
☐  
☐  
☐

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

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

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

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

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

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

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

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

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

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

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

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



**Please tick ✓ yes**

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

☐

If yes please state the date of that application

Day   Month   Year

--	--	--	--	--	--	--	--

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

**Please tick ✓ yes**

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

☐☐

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

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

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

Signature     Rhiannon Smart

.....

Date            09/05/2025

.....

Capacity

.....

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

■ Yealm Grove

**Post town**

Torquay

**Post Code**

TQ2 7NH

**Telephone number (if any)**

■■■■■■■■■■

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

**Notes for Guidance**

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

## **Appendix 2: Additional Supporting Document from the Applicant**

### Statement Regarding license review of the Devon Dumpling Pub

The noise coming from the Devon Dumpling pub has become a very common and disruptive issue. It is consistently loud, particularly on Friday and Saturday nights, when the pub appears to host events or simply draws large crowds. This level of noise has become almost routine on weekends, even since their last review. However, during the recent spell of sunny weather, the noise extended to most nights of the week, with people occupying the beer garden well past 10pm, creating persistent and intrusive levels of noise.

On the specific dates when the videos were taken, the noise was exceptionally loud, to the point where it was impossible to ignore, which is precisely why I decided to record it. That said, this extreme level of noise is not unusual and is nearly replicated most weekends. It is clear that this is not a one-off problem, but an ongoing disturbance.

A major contributing factor is the size of the beer garden, which I believe is far too large. It allows an excessive number of people to congregate outside, resulting in a significant amount of noise pollution. I am unsure how this was approved during planning, given the close proximity of residential homes. Most evenings, and especially on weekends, the beer garden remains full of patrons shouting, laughing, and generally being loud well beyond 10pm. Only in the past month, likely in response to this review process, has there been any apparent effort to curb the issue.

This situation has had a real and negative impact on my family's life. The constant noise disrupts our evenings and makes it difficult to relax or enjoy time in our own home. It interferes with sleep and creates an ongoing sense of stress and frustration. We feel that our right to quiet enjoyment of our property is being overlooked in favour of commercial interests.

I urge the relevant authorities to seriously consider the scale of the beer garden and the regularity of these disturbances. This is not a rare occurrence but a persistent problem that is affecting the quality of life for local residents.

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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 Dumpling**

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

Telephone 01803 613465 or 07501 787487

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	10:30pm
	Friday to Saturday	10:00am	11:30pm
	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	11:00pm
Friday to Saturday	10:00am	Midnight
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

Licensing Act 2003  
**Premises Licence**

**460**

Part 2

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

Raymond Lyon

Matthew Ashley Lyon

**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 AUTHORISES THE SUPPLY OF ALCOHOL**

Matthew Ashley LYON

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL**

Licence No. PA0734

Issued by Torbay

Rachael Hind  
Regulatory Service Manager (Commercial)  
20 May 2025



**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.

**CONDITIONS ATTACHED AFTER A REVIEW HEARING BY THE LICENSING AUTHORITY**

1. The premises outside areas shall be closed by 10pm every day except for the designated smoking area.
2. Regulated entertainment shall be prohibited in the premises outside areas.

**ANNEXES continued ...**

3. All windows and doors shall be kept closed during regulated entertainment after 10pm with regular checking by staff.
4. All use of amplification equipment during regulated entertainment shall be under the control of the duty manager and set at a level not to unreasonably disturb nearby residents.
5. The duty manager, or designated staff member each day to regularly check the premises outside areas at least once every half hour when in use, and affectively address any excessive noise by any person or group using that area.
6. A log shall be kept at the premises to record checks of the premises outside area, and is shall be recorded therein, where any action is taken. This log shall be available for immediate inspection by the Police or any Council Officer or agent visiting the premises, for a look-back period of at least one month.
7. Patrons causing a nuisance in the outside area shall be asked to cease causing a nuisance or come inside the premises or where necessary, be asked to leave the premises.
8. The duty manager, or designated staff member on every evening to effectively monitor and control noise from patrons on the car park and front outside areas after 10.30pm.
9. That the pre-existing conditions around prevention of public nuisance at Annex 3, point 1 of the current Premises Licence shall be reinstated.
10. Signage shall be prominently displayed inside the premises and its outside areas, notifying patrons to keep noise to a minimum so as not to unreasonably disturb nearby residents.
11. Lights in the outside area shall be turned off at 10pm but for the designated smoking area and the area leading directly to it.
12. After 10pm patrons wishing to smoke must use the designated smoking area.
13. There shall be no more than 10 patrons at any one time permitted to use the designated smoking area after 10pm.
14. Drinks shall be prohibited outdoors after 10pm.
15. A noise limiting device (the specification and design to be agreed with Torbay Council's Environmental Health Service: shall be fitted so that all live and recorded music is channelled through the device(s). The maximum noise levels will be set by agreement with Torbay Council's Environmental Health Service and will be reviewed from time to time as appropriate.
16. No smoking shall be permitted outside the front of the premises.
17. The premises shall install, operate and maintain a comprehensive digital colour CCTV system with full audio capabilities to the satisfaction of the Local Authority. All recordings will be stored for a minimum period of 28 days with date and time stamping. Viewable copies of the recordings will be provided on request to the Police and Local Authority Officers as soon as is reasonably practicable and in accordance with the United Kingdom General Data Protection Regulation and Data Protection Act 2018.
18. Within three months, the premises must put into operation a lawfully compliant smoking area to the satisfaction of the Local Authority. Namely: by the 24th of May 2025.
19. Clear and legible notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
20. All staff, including the Designated Premises Supervisor, who are engaged in licensable activities at the premises shall receive initial training within 3 months on their roles and responsibilities in this regard and information in relation to the following:
  - The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.

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

Licensing Act 2003

# Premises Licence

# 460

## ANNEXES continued ...

### ANNEXE 4

#### PLANS

Copy attached to Licence.

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Raymond Lyon

Matthew Ashley Lyon

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

Matthew Ashley 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.

Rachael Hind

Regulatory Service Manager (Commercial)

20 May 2025

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Annexe 2 – Public Safety:

Condition 2:

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

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

Condition 3:

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

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



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

#### Condition 1:

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

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

#### Condition 6:

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

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

#### Condition 10:

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

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

#### Condition 12:

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

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

#### Condition 15:

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

This was not in place at the time of visiting.

#### Condition 17:

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

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

This was not in place at the time of visiting.

Condition 20:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

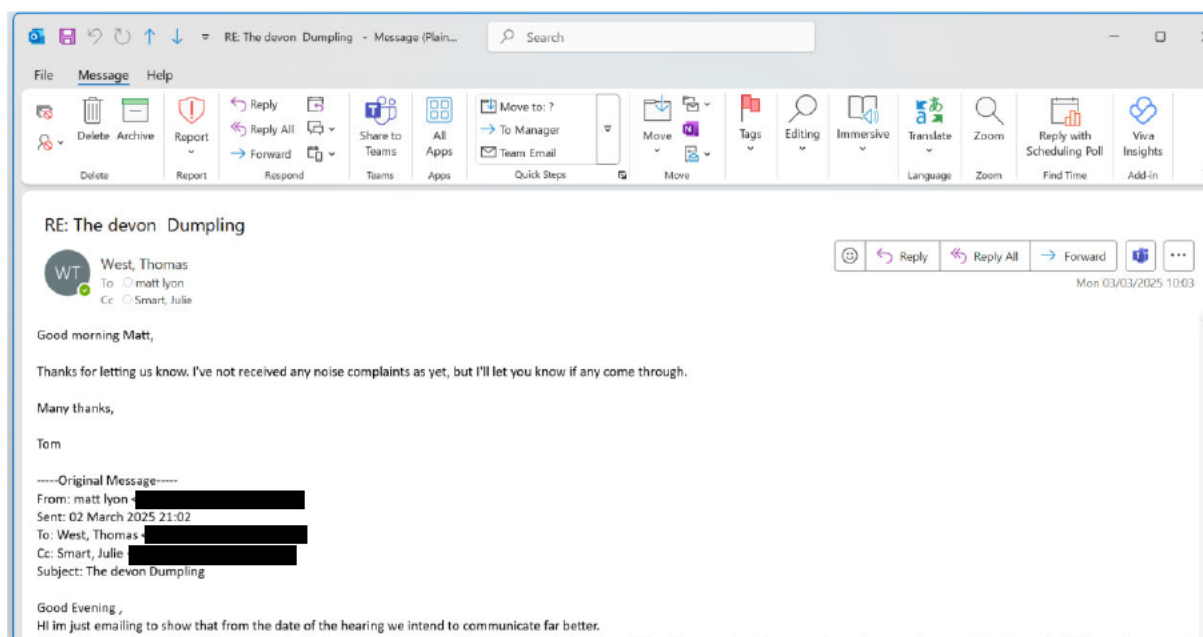
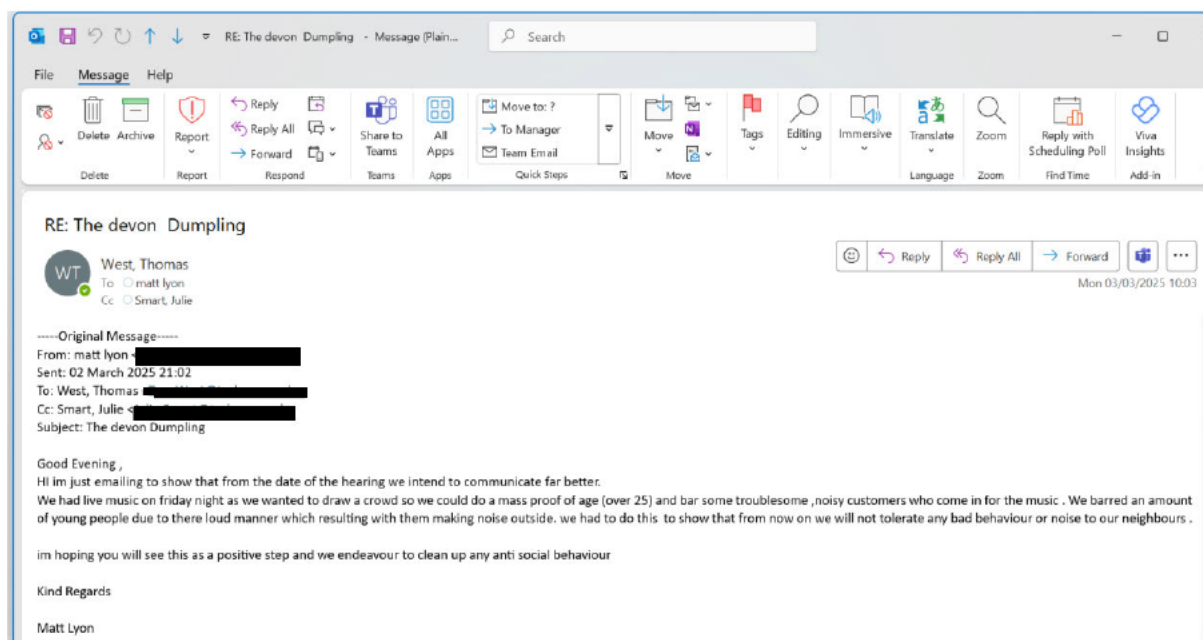
Sincerely,

Tom West | Public Protection Officer | Torbay Council.

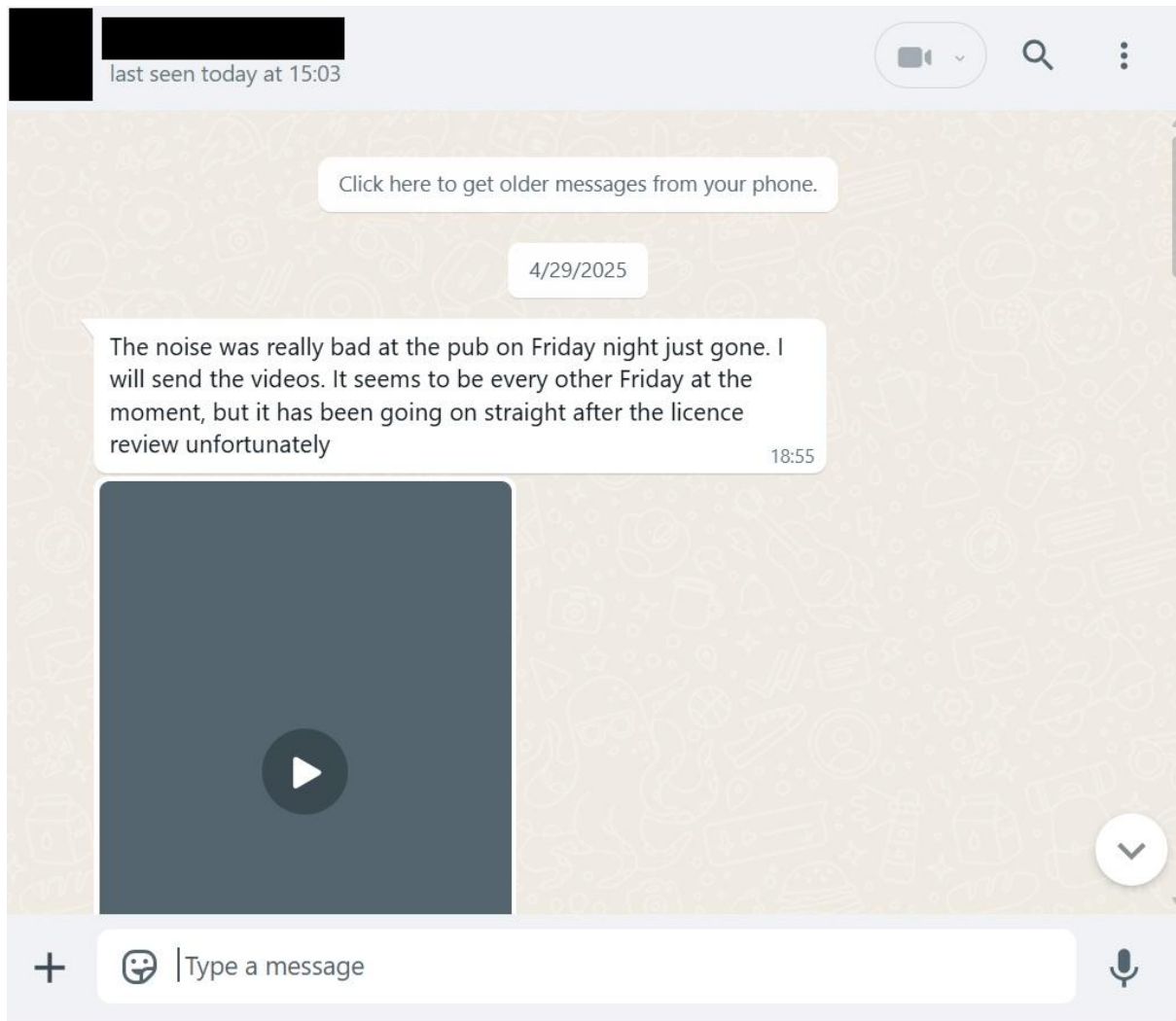


## Appendices

### Appendix 1:



## Appendix 2:



## Appendix 3:

### Previous complainant 1:

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

Good morning [REDACTED]

I hope you're well.

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

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

Many thanks,

Tom

Re: Noise complaints - Devon Dumping

[REDACTED]  
To: West, Thomas

  Reply  Reply All  Forward  

Fri 02/05/2025 09:33

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

Hi Tom

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

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

## Previous complainant 2:

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

Good morning [REDACTED]

I hope you're well.

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

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

Many thanks,

Tom

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

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

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



## Appendix 4:

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

Good afternoon Matt,

I hope you're well.

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

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

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

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

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

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

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

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

Kind regards,

Tom

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

Hi Tom

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

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

Matt

Sent from my iPhone

## Appendix 5:

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

Good afternoon Matt,

Thankyou for your time over the phone earlier.

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

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

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

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

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

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

Many thanks,

Tom

## Appendix 6:

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

Hi Matt

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

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

Please provide this footage with minimum delay.

Kind regards

*Julie*

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

Good morning Matt,

I hope you're well.

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

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

Many thanks,

Tom

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

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

## Appendix 7:

### The Devon Dumpling



matt lyon

To  West, Thomas



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



Mon 26/05/2025 21:19

Hi Tom.

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

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

## Appendix 8:

Devon Dumping



Belcher, Isabelle

To: West, Thomas

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



Tue 10/06/2025 14:55

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

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

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

Isabelle

Appendix 9:

# STATEMENT OF WITNESS TORBAY COUNCIL

## Community Safety

### RESTRICTED (when complete)

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

STATEMENT OF: [REDACTED]

Age of Witness: Over 18

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

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

Dated the 4th day of June 2025

Signature: [REDACTED]

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

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

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

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

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

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

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

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

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

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

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

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

Signature:

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

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

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

Signature:



# STATEMENT OF WITNESS TORBAY COUNCIL

Community Safety

**RESTRICTED (when complete)**

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

**STATEMENT OF** [REDACTED]

**Age of Witness:** Over 18

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

This statement, consisting of 4 pages each signed by me, is true to the best of my knowledge and belief, and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

**Dated the** 4th **day of** June **2025**

**Signature:** [REDACTED]

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

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

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

**Signature:**

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

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

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

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

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

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

Signature:

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

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

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

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

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

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

Statement of Witness

Continuation Statement of Page - 4 -

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

Signature:

## Appendix 10:



## Appendix 11:

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

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

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

## Appendix 12:

### Annexe 3:

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

I recommend that this condition is amended so it reads:

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

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

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

I recommend that this condition is amended so it reads:

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

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

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

I recommend that this condition is replaced with the following:

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

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

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**Appendix 5: Representations from one Interested Parties in support of the Application**

Representation from local resident at Yealm Grove, Shiphay, TQ2 7NH:

Ref: Devon Dumppling Review of premises licence

Dear Sir/Madam

Just to be fair, my family have been neighbours of the Devon Dumppling for about 40 years (I moved in to Yealm Grove 10 years ago when my Mother passed away). Until a few years ago there were no problems with excessive noise, then the outside area became extremely noisy late at night, in the new beer garden.

I attended the first licence review meeting in 2023 when it was decided the beer garden would close at 10:30 PM I believe.

I want to be clear, I have no wish for The Dumppling to lose its licence, only for the agreement to reduce noise to be honoured. It seems that the noise late at night has also moved to the car park, groups of people feeling the need to scream and shout whilst leaving the pub, some-times at midnight, this at times goes on for 15-20 minutes, people just standing around.

No-one wants to stop people enjoying themselves you expect some noise living near a pub, but surely staff & management have enough training to diplomatically ask customers to keep the noise down, other pubs don't appear to have a problem, I speak as some-one who spent many years working in hospitality, in Torbay pubs and clubs. (good relationships with neighbours matter)

2

As a customer I spent many evenings with friends & family having a meal, or meeting up for a drink, playing darts, local golfers would come into the pub for meals. Customers would raise money for charity holding sporting events. I am not a grumpy old person wanting to ruin the local pub, I am some-one who has enjoyed spending years as a customer and been sad that it has ~~declined~~ gone downhill so much. Hopefully this problem can be resolved to everyone's satisfaction!

Yours sincerely

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### Appendix 6: Neutral Representation from one Interested Party



Principal Licensing Officer  
Torbay Council Licensing Department  
Community Safety  
Town Hall  
Torquay  
TQ1 3DR

Please ask for: [REDACTED]  
Direct Tel: [REDACTED]  
Email: [REDACTED]  
Our ref: [REDACTED]  
Your ref: [REDACTED]  
Date: 23<sup>rd</sup> May 2025

Dear Sir,

**Re: Licensing Act 2003 – Review Proceedings**  
**Devon Dumpling, 108 Shiphay Lane, Torquay, TQ2 7BY**  
**Premises Licence number- PL0460**

We act on behalf of Ei Group Ltd. Our client is the freehold owner of these premises and we have received a copy of the application for review of the premises licence issued by a local resident dated 9<sup>th</sup> May 2025.

We would be grateful if you would accept this letter as a formal representation on behalf of our client.

Ei Group Ltd owns around 4000 public houses in England and Wales. The vast majority of these premises are the subject of lease/tenancy agreements through which the tenant operates his/her/its own business out of our client's premises. The lease/tenancy agreement makes it clear that all operational responsibility for the premises lies with the tenant. The Devon Dumpling is operated under a 30 Year Lease to Raymond Lyon and Matthew Lyon, the premises licence holder.

It is clear that the issues that have given rise to the review relate to poor management practices. The s182 Guidance issued to Licensing Authorities states at para 11.20, *"In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review."*

Our representation is that in these circumstances, an appropriate and proportionate response would be removal of the current designated premises supervisor.

We would be grateful if you could acknowledge receipt of this representation and advise as to the date of the hearing as our client may wish to expand upon it at the hearing.

Yours faithfully

Queens Gardens, Hull, HU1 3DZ T 01482 324252 F 0870 600 5984  
E [info@gosschalks.co.uk](mailto:info@gosschalks.co.uk) W [www.gosschalks.co.uk](http://www.gosschalks.co.uk) DX 11902 – Hull

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