TORBAY COUNCIL

Wednesday, 25 November 2026

STATUTORY LICENSING SUB-COMMITTEE

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

Thursday, 3 December 2026

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 Barbara Lewis

Councillor Spacagna

Councillor Stevens

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 - www.torbay.gov.uk

STATUTORY LICENSING SUB-COMMITTEE AGENDA

1. Election of Chair
To elect a Chair 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 - 8)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 27 August 2026.

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. Review of a Premises License (Pages 9 - 174)
To consider a Review of a Premises Licence in respect of Below Decks, 3-4 Beacon Quay, Torquay, TQ1 2BG.

TORBAY COUNCIL

Minutes of the Statutory Licensing Sub-Committee

27 August 2026

-: Present :-

Councillors Barbara Lewis, Spacagna and Stevens

(Also in attendance: Councillor Chris Lewis)

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11. Election of Chair

Councillor Spacagna was elected as Chair for the meeting.

12. Minutes

The Minutes of the meeting of the Sub-Committee held on 6 August 2026 were confirmed as a correct record and signed by the Chair.

13. To consider an application for an Adult Gaming Centre Premises Licence for Hollywood Slots, 71 Torbay Road, Paignton, TQ4 6AJ

Members considered a report on an application for an Adult Gaming Centre Premises Licence in respect of Hollywood Slots, 71 Torbay Road, Paignton.

Written Representations received from:

Name	Details	Date of Representation
Environmental Health	Representation objecting to the application for an Adult Gaming Centre Premises Licence.	Undated
Public Health	Representation objecting to the application for an Adult Gaming Centre Premises Licence.	Undated

Additional Information:

Additional information was received from the Applicant in response to the representations submitted by Environmental Health and Public Health.

Oral Representations received from:

Name	Details
Applicant's Legal Representative	The Applicant's Legal Representative outlined the application and responded to questions from Members.

Environmental Health	The Principal Officer Food Safety Commercial Environmental Health on behalf of the Regulatory Services Manager Commercial Environmental Health presented their representation against the application and responded to questions from Members.
Public Health	The Public Health Specialist presented their representation against the application and responded to questions from Members.

Decision

That the Application for a Premises Licence for a new Adult Gaming Centre under Section 159 of the Gambling Act 2005 for Hollywood Slots, 71 Torbay Road, Paignton be refused.

Reasons for Decision

Having carefully considered all the written and oral representations, Members unanimously resolved to refuse the application, as they could not be satisfied on the evidence before them, that granting the application would promote the gambling licensing objective of 'Protecting children and other vulnerable persons from being harmed or exploited by gambling'. At the request of the Applicant's representative, additional time for oral Representations for all parties was allowed by the Chair of the Sub-Committee, increasing the pre-set 10 minutes, as set out within the Hearing Notice, to 15 minutes.

In reaching their decision, Members noted the Applicant's submissions, including the detailed policies and procedures relating to staff training, customer interaction, self-exclusion, age verification and the identification of vulnerable persons. Members also noted the Applicant's assertion that similar measures have operated successfully at other premises and acknowledged the Applicant's commitment to complying with the requirements of the Gambling Commission and the Gambling Act 2005.

Whilst Members acknowledged this submission, they were mindful that each application must be determined on its own merits and that the risks arising from a particular locality may differ significantly from those present at other premises. Members were not satisfied that evidence of successful operation elsewhere was sufficient to demonstrate that the risks associated with this particular locality would be adequately addressed.

Central to Members' concerns was whether the Applicant's proposed mitigation measures adequately addressed the specific risks arising from the location of the premises and the characteristics of the surrounding community. Members gave considerable weight to the evidence relating to deprivation and vulnerability within Paignton and in particular, the Roundham With Hyde ward in which the premises is situated. Members accepted that deprivation is closely linked to increased levels of financial hardship, social exclusion, poor mental and physical health outcomes, addiction and other factors which can increase an individual's vulnerability to gambling-related harm. Members considered these factors to be directly relevant to the gambling licensing objective of protecting vulnerable persons from being harmed

or exploited by gambling. Members therefore considered it necessary to determine the application not only by reference to the operation of the premises itself, but also by reference to the wider characteristics of the locality in which it would operate.

Members noted that the Gambling Commission and Torbay Council's Statement of Principles, in the absence of a statutory definition, recognise vulnerable persons as including those who gamble beyond their means, spend more money or time gambling than intended, or who may be unable to make informed or balanced decisions due to health conditions, mental impairment, substance misuse or other personal circumstances. Members considered that with the proposed premises being situated within an area of deprivation, there existed a greater prevalence of those vulnerabilities than may be found elsewhere and therefore required careful consideration when considering this application.

Members had regard to the oral submissions by Public Health, as an Interested Party, relating to the immediate locality. Members noted that the Lower Super Output Area in which the premises would be situated is amongst the 10% most deprived in England in relation to crime, education, skills and training, and health deprivation and disability. They further noted that the area falls within the 20% most deprived in England in relation to employment and living environment and that 55% of children under the age of 16 living within the locality are from income deprived families. Members considered this evidence to be highly relevant to the assessment of vulnerability within the locality and the potential for gambling related harms to disproportionately affect local residents. This evidence was supported by the submission of the Licensing Authority, as a Responsible Authority.

Members attached significant weight to the evidence before them which related specifically to the Roundham With Hyde ward. They noted that the ward has the highest level within Torbay of areas classified amongst the 20% most deprived in England and the highest levels of disability amongst people under the age of 65, residents claiming Personal Independence Payments, residents claiming Universal Credit, unplanned hospital admissions and admissions for alcohol-specific conditions. Members further noted that the ward has the lowest life expectancy at birth within Torbay, lower educational attainment levels and higher levels of unemployment and emergency admissions for self-harm than the Torbay average. Members considered that these factors were indicative of a community experiencing significant social, health and economic inequalities and that they were directly relevant when assessing vulnerability for the purposes of the Gambling Act 2005.

Whilst not a standalone or direct reason for refusal, Members were concerned by the number and concentration of gambling opportunities within this immediate locality. The Licensing Officer's report identified a number of Adult Gaming Centres within the vicinity, including an existing Hollywood Slots premises only a short distance away. Members further noted the Public Health evidence that there are currently eight Adult Gaming Centres situated on Torbay Road, six of which are located within the immediate vicinity of the proposed premises. Public Health also identified that Torbay has approximately 27.2 gambling premises per 100,000 population compared with an England average of 12.9, making Torbay one of the highest concentrations of gambling premises in England.

Whilst Members were mindful that they could not consider issues of demand, saturation, or objections based on moral grounds, as a standalone or direct reason for refusal, they considered it relevant overall that the locality already provides extensive access to gambling opportunities and that the addition of a further large Adult Gaming Centre would increase the availability and accessibility of gambling within an area where levels of deprivation and vulnerability are already significant. Members considered that increased accessibility was itself capable of giving rise to a greater risk of gambling-related harm amongst those already experiencing circumstances associated with vulnerability.

Against this background, Members were particularly concerned by the scale of the proposed operation. The application related to premises capable of accommodating approximately 146 gaming machines, including a significant number of Category B3 and B4 machines offering higher stakes and prizes. Members considered that the scale of the proposal would materially increase opportunities for gambling within the locality and, consequently, the risk of gambling related harm to those already vulnerable through financial hardship, poor health, addiction or other circumstances associated with deprivation.

Whilst Members acknowledged the Applicant's Local Area Risk Assessment (LARA) and the comprehensive policies and procedures relating to staff training, customer interaction, age verification, self-exclusion and the identification of vulnerable persons, they noted the absence of a standalone Customer Interaction Policy, as suggested was in place, and could not be satisfied that these measures adequately addressed the specific local risks associated with the location of the premises. Members considered that such measures primarily sought to identify and address harm once individuals have entered the premises and engaged with gambling facilities. Whilst these are important safeguards, Members did not consider that they adequately addressed the broader public health concern arising from increasing the availability and accessibility of gambling within an area already characterised by significant levels of deprivation and vulnerability.

Members noted that many of the measures relied upon by the Applicant, including CCTV, staff training, customer interaction and self-exclusion schemes, are standard controls which would be expected within any Adult Gaming Centre. Members were not persuaded that the LARA adequately identified, assessed or proposed specific mitigation measures to address the heightened levels of deprivation and vulnerability present within the locality. Whilst the Assessment contained a range of standard operational controls, Members were not satisfied that it demonstrated how the particular risks associated with the Roundham With Hyde ward would be mitigated, nor how the increased exposure to gambling opportunities created by a further large Adult Gaming Centre would be managed in practice.

Having considered all of the evidence before them, including the submissions of Public Health, the Licensing Authority and the Applicant, Members unanimously concluded that there remained sufficient evidence to demonstrate a clear relationship between deprivation, vulnerability and gambling related harm and that the locality of the proposed premises, heightened those risks. Whilst Members acknowledged the Applicant's criticisms of some of the evidence before them, they nevertheless considered that there remained sufficient evidence to conclude that those living in

areas of deprivation may be at greater risk of experiencing gambling related harm and that the locality of the proposed premises, heightened this concern.

Members were mindful of the statutory requirement of aim to permit within the permissive gambling regime, however, whilst such a grant remains subject to that set out in section 153(1)(a)-(d) of the Act, the relevant codes, guidance, and the local authority Statement of Principles, and ensuring that applications are reasonably consistent with the gambling licensing objectives, it does not go so far as to prevent refusal where there are grounds for doing so. Having carefully weighed all the evidence before them, Members unanimously concluded that the Applicant had not sufficiently demonstrated that the operation of a further large Adult Gaming Centre at this location would not increase the risk of gambling related harm amongst vulnerable persons within the locality

Members gave careful consideration to whether additional conditions could ameliorate their concerns. However, they concluded that the concerns identified did not primarily arise from the manner in which the premises would be operated alone, but from the locality of the premises and the increased accessibility of gambling opportunities within an area characterised by deprivation and vulnerability. Members therefore considered that no additional conditions would satisfactorily mitigate their concerns and that granting the application would not be reasonably consistent with the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.

In conclusion, Members had careful regard to the Applicant's experience as an operator and the measures proposed to promote the gambling licensing objectives, however, they were not satisfied that the Applicant had demonstrated that the proposed premises would be reasonably consistent with the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. In particular, Members were not satisfied that the LARA adequately addressed the heightened levels of deprivation and vulnerability present within the locality or that the proposed mitigation measures would sufficiently address the increased accessibility to gambling created by the proposal.

Accordingly, Members unanimously determined that refusal of the application was both necessary and appropriate.

Chair

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TORBAY COUNCIL

Briefing Report No:		Public Agenda Item:	**Yes**
Title:	Licensing Act 2003 – An application for a Review of a Premises Licence in respect of Below Decks, 3-4 Beacon Quay, Torquay, TQ1 2BG		
Wards Affected:	**Tormohun**		
To:	**Licensing Sub-Committee**	On:	**03 December 2026**
Contact Officer: Email:	**Carrie Cottell** **Licensing@torbay.gov.uk**		

1. Key points and Summary

1.1 An application has been received from the Licensing Authority seeking a Review of the Premises Licence in respect of Below Decks, 3-4 Beacon Quay, Torquay, TQ1 2BG. 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 Sub-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 01 October 2026, the Licensing Department received an application from Julie Smart, Licensing Officer of Torbay Council, under Section 51 of the Act for a Review of the Premises Licence in respect of Below Decks, 3-4 Beacon Quay, Torquay, TQ1 2BG.

The grounds for the Review relate to:

Failure to comply with a condition on the premises licence which states “Staff will regularly monitor all outside areas and ensure that customers do not loiter in the road or prevent vehicular access to the harbour areas”.

Approximately 15 separate complainants have reported issues over a period of 3 years in respect of the licensing objectives, The Prevention of Public Nuisance and Public Safety. Please refer to the application and additional supporting information provided by the applicant, shown in Appendix 1 and 2.

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

The plan of the premises is shown at Appendix 4.

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 an 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 01 October 2026. 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 29 October 2026 to Torbay Council in writing. All Statutory consultees were served with a copy of the Review application.

3.2 We have received one Relevant Representation from a Responsible Authority in support of the Review application. This has been received from Tom West on behalf of Environmental Health and is shown in Appendix 5. The Representation relates to the Licensing Objective 'The Prevention of Public Nuisance'.

3.3 We have received one Relevant Representation from George O'Rourke at the Torbay Harbour Authority. He has stated that his representation is made on behalf of a Responsible Authority. Where an application relates to a vessel, Torbay Harbour Authority are classed as a Responsible Authority. In this instance, the review relates to a premises situated on the harbour and therefore we have accepted this representation as being from an Interested Party in support of the Review. This is shown in Appendix 6.

3.4 We have received one Relevant Representation from an Interested Party objecting to the Review. This is shown in Appendix 7.

3.5 The Premises Licence Holder has made a representation in response to the review application to support their case. This is shown at Appendix 8.

3.6 Mr Tom West, has provided additional supporting information on behalf of Environmental Health and this is shown in Appendix 9.

3.7 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 Sub-Committee are required to have regard to:

- the Representations (including supporting information) presented by all the parties; and
- the Revised Guidance issued under section 182 of the Licensing Act 2003 (revised 3rd November 2026), with the following paragraphs relevant to this application:

  - 2.1 to 2.10
  - 2.17
  - 2.20 to 2.26
  - 3.11
  - 8.14
  - 11.1 to 11.23
  - 16.1 to 16.9
  - 16.38 to 16.43; and

- Torbay Council's Statement of Principles 2026-2031:

  - 2.18 to 2.25
  - 3.1, 3.2, 3.7

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.

4.8 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.

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

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

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

4.10 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 information provided by the Applicant

Appendix 3 Copy of the current Premises Licence

Appendix 4 Plan of the premises

Appendix 5 Representation from Tom West on behalf of Environmental Health in support of the Review

Appendix 6 Representation from Torbay Harbour Authority as an Interested Party in support of the Review

Appendix 7 Representation from an Interested Party objecting to the Review

Appendix 8 Representation from the Premises Licence Holders in response to the review

Appendix 9 Additional Supporting information from Mr Tom West, Environmental Health.

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:
Home Office Guidance to Licensing Authorities under s.182 of the Licensing Act 2003
Licensing Statement of Principles - Torbay Council
Licensing Act 2003

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Form J

TORBAY COUNCIL

Licensing Act 2003: Application for the review of a premises licence of club 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***

Completed forms should be returned to:

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

Contact Details:

Tel: 01803 208025
Web: www.torbay.gov.uk
Email: 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, **Julie 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

Postal address of premises or, if none, ordnance survey map reference or description:

Below Decks

3-4 Beacon Quay

Post town: Torquay

Post code (if known): TQ1 1BG

Name of premises licence holder or club holding club premises certificate (if known): Bold Ayres Ltd

Number of premises licence or club premises certificate (if known): PL0019

Part 2 - Applicant details

I am:

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete [A] or [B] below) ☐

2) a responsible authority (please complete [C] below) ☒

3) a member of the club to which this application relates (please complete (A) below) ☐

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

Mr: ☐

Mrs: ☐

Miss: ☐

Ms: ☐

Other title (for example, Rev):

Surname:

First names:

I am 18 years old or over: ☐

Current postal address if different from premises address:

Post town:

Post Code:

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:

Julie Smart

Licensing Officer

Torbay Council

Town Hall

Torquay

Telephone number (if any):

E-mail address (optional): Julie.smart@torbay.gov.uk

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

Please tick one or more boxes.

1. the prevention of crime and disorder: ☒
2. public safety: ☒
3. the prevention of public nuisance: ☒
4. the protection of children from harm: ☐

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

The Premises Licence Holders have regularly and repeatedly failed to comply with a condition on the premises licence which states “Staff will regularly monitor all outside areas and ensure that customers do not loiter in the road or prevent vehiclular access to the harbour areas”.

Numerous complaints have been received over a period of 3 years in respect of the licensing objectives The Prevention of Public Nuisance and Public Safety. These complaints relate to music events which take place at the premises on a weekly or twice weekly basis throughout the summer months. Complainants state the music is loud, and these events encourage a large crowd to congregate within the road, where they dance and drink alcohol provided in glass vessels, preventing or restricting vehicular access to the pier and slipway, with little to no supervision of customers by staff. The area is frequently littered with glass vessels, plastic vessels and bottles that are not cleared on a regular basis by staff throughout the events.

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

Premises Licence PL0019 was granted on 24 November 2005.

The licence was transferred to Bold Ayres Ltd on 27 July 2021.

On 15 July 2022 a minor variation application was granted to extend the premises into an adjacent vacant unit. This application in effect doubled the size of the premises.

Between July 2021 and June 2023 no complaints were received in respect of this premises.

SRU 276104 – 19 June 2023

A complaint was received concerning 14 June 2023 and 18 June 2023 in respect of a large crowd outside the premises, glass everywhere, drunk people dancing & singing on the harbour and sitting on public benches and boats stored on the harbourside. The complainant also raised concerns in respect of cars being unable to get through due to abusive drunk customers within the road. The complainant provided a photograph of the area outside Below Decks. A copy of this complaint and photograph is attached (Pages 1 and 2).

Between 7.10 and 7.30 pm on Wednesday 21 June 2023 I attended the area of Below Decks. I noted that a band was playing quite loudly at end of the seated jetty area, which contained a glass structure. I noted that this area did not form part of the licensed premises for Below Decks.

On 22 June 2023 I spoke to Mr Kevin Shadbolt, a director of Bold Ayres Ltd. I advised him that a complaint had been received in respect of Wednesday 14 June and Sunday 18 June 2023. I also informed him of my visit to premises the previous night, when a band were playing in an outside area. Mr Shadbolt referred to this area as “The Deck”, and said he put the band there to stop people standing drinking in the road.

On 27 June 2023 a meeting took place at Below Decks in respect of their music events. Present were Mr Kevin Shadbolt, Mrs Julia Shadbolt, and their son, Mr Gregory Shadbolt (directors of Bold Ayres Ltd), a representative from the Harbour Authority, Mrs Hind (Regulatory Services Manager), and me. Discussions took place concerning the complaint received which refers to noise but does not provide any detail as to the volume. However, the complainant also raised issues of persons in the road, alleged drunkenness and abusive behaviour. Mr Shadbolt explained that he had put the band in the Deck so that people did not stand in the road. He said for the next event he will put the band in the Deck facing out to sea, to alleviate noise concerns. Mr Shadbolt said he monitors noise from different locations around the harbour. Mr Shadbolt was advised to keep records to show that this has taken place. Mrs Hind recommended the use plastic glasses for events where larger groups may congregate and the Harbour representative supported this to alleviate any safety concerns in respect of broken glass.

The glass structure within the outside area referred to as the Deck was viewed. Mrs Hind indicated that a minor variation was required to add this structure to the approved plan. I gave Mr Shadbolt our “Pool of Licensing Conditions” and recommended they select some to include within their minor variation to detail how they will manage their music nights to promote the public nuisance objective.

SRU 276821 – 30 July 2023

A complaint was received via our call centre –

“Loud music was being played outside at the Below Decks bar on Beacon Key on the evening of 29th July 2023. This has happened previously. The music continued until about 11.00 pm and could be heard very clearly by us living at the top of Park Hill Road. I phoned the bar to complain only to be told that the bar had permission from Torbay Council and that the manager would phone me back, which they did not do.

The noise was intrusive and could be heard even inside the house through double glazed windows. It spoilt the enjoyment of our evening. I am not against some music at a bar but not so loud that it affects those living nearby."

Unfortunately, a former temporary Torbay Council employee did not take any action in respect of this complaint. A copy of this complaint is attached. (See Page 3)

SRU 279727 – 4 April 2024

An email was received from the police in respect of a mobile bar van being placed on the harbourside selling alcohol outside of Below Decks.

I also received a complaint about the mobile bar selling alcohol, people stood in the road drinking and alcohol being supplied in glass vessels, together with a photograph showing the position of this mobile bar. A copy of this email and photograph is attached.

On 5 April 2024 I discussed the mobile bar with a Harbour Authority representative and informed him that the premises need to submit a Temporary Event Notice (TEN) if they wish to use the van at the location shown in the photograph again. The Harbour Authority representative informed me that whilst the mobile bar was in situ, the premises did not provide customers with plastic glasses and people were again stood up drinking in the road.

At 1300 hrs on 11 April 2024, Mr Tom West and I met with Mr and Mrs Shadbolt at the premises.

We advised them of the complaint received in respect of a van selling alcohol, people stood up drinking in road area, no stewards being present, plastic vessels not being used and loud music. Mr Shadbolt stated that he had a DJ event planned and they were going to set up at end of the Deck area but it was too windy so they had to move to just outside front of premises. This meant that instead of all customers being in the Deck they congregated in the road. Mr Shadbolt further explained that larger numbers than anticipated attended as it was Bank Holiday weekend, which they did not realise when booking the DJ. Mr Shadbolt stated this caused problems at the bar, so he arranged for the mobile bar to attend. He admitted he did not think about the licensing aspect of placing a mobile bar in the vicinity.

I advised Mr and Mrs Shadbolt that I believed an offence of the unauthorised sale of alcohol, contrary to Section 136 of the Licensing Act 2003, had taken place. Mr and Mrs Shadbolt were very apologetic and said they would not have done this if they had realised. We discussed that a TEN is required in respect of the sale of alcohol from any area not within the licensed area on the premises plan.

We discussed customers stood up drinking in road, and similar discussions that we had in June 2023 regarding this matter. Mr Shadbolt said he was aware that a Harbour Authority representative has a problem with this as the premises are situated in a working harbour, but Mr Shadbolt said that only two cars went through during the whole time of their event.

We discussed the Public Space Protection Order which prohibits the consumption of alcohol around Torquay harbourside and the town centre area. I advised Mr and Mrs Shadbolt that they need to encourage all customers to be within their licensed areas.

We discussed the lack of plastic glasses and stewards. Mr and Mrs Shadbolt explained that the number of customers that attended was higher than anticipated.

In respect of the complaint regarding loud music, Mr Shadbolt showed us his decibel readings taken from various locations, i.e. on Beacon Terrace, entrance to the harbour, breakwater wall. Mr West felt that these readings were reasonable.

We discussed possible events for a Power Boat event and the air show, when Mr Shadbolt would like to put his mobile van at the end of the breakwater. I told him he will need permission from the Harbour Authority to do so and submit TENs, and I recommended the use of plastic drinking vessels for these events.

On 11 April 2024, I received an email from a Harbour Authority representative who said that Below Decks had sought permission to place the mobile van around the harbour but permission was refused, and they ignored that. He further stated that Below Decks is at its operational capacity and events such as he has witnessed cause significant concern for harbour users.

On 17 April 2024 I sent a letter to Mr and Mrs Shadbolt regarding the unauthorised sale of alcohol on 30 March 2024, copy attached. (See pages 4 to 11).

SRU 281148 – 6 July 2024

A complaint was received from a member of the public who indicated that they had contacted the owner of Below Decks to establish what time the music was due to finish. They were informed that the music would cease at 10.30 pm, but the complainant indicated that the music continued beyond that time. They further stated, "they are on the town dock in Torquay every week and the music from Below Decks is so loud you can't hear yourself speak" and they wanted a member of staff to attend to monitor the noise levels. A copy of this complaint is attached. (See page 12).

Mr West subsequently sent the complainant a noise diary to complete, with advice about completing the diary and providing evidence such as videos.

At 4.13 pm on 11 July 2024, Mr West sent an email to Mrs Shadbolt, as follows:

"Good afternoon Julia, I hope you are well. I write with reference to a noise complaint that we have received (SR281148) about Below Decks. The complainant has advised that live music coming from the premises on Saturday nights is excessive and is interfering with the enjoyment of their home. Please ensure that you are regularly monitoring the levels in and outside the premises aswell as complying with any conditions you have imposed on the licensing in respect of noise. Should you have any questions or wish to discuss this matter further then I would be happy to speak over the phone or arrange a meeting in person. I will be on leave until 22nd July but if you wish to speak with one of my colleagues, please feel free to E-mail the licensing inbox at Licensing@Torbay.gov.uk Kind regards, Tom"

At 5.09 pm on 12 July 2024, Mr West received a further email from the complainant, as follows:

"Dear Tom Thank you for the email you sent to me today. I did go and complain to the owner of Below Decks last Saturday about the very loud music that was playing. I asked what time it would stop I was told 10.30 he rolled his eyes at me then walked off ,it stopped about 10.40 pm but it had been playing from around 7 pm. We have a boat on the town dock and stay on it nearly every weekend so we aren't in a house. We aren't against music and people having a nice time but when you can't speak to each other without raising your voice it's not good. I will video and make a diary if we have issues again . I can't believe you don't have more complaints about the weekly music playing so loud. Thank you you again"

At 1.51 pm on 25 July 2024, Mr West received an email from Mr Shadbolt:

"Hi Tom Just thought I would drop you a line and let you know as usual I take your comments seriously As always i monitor any outside music to check for any legitimate complaints . I spoke to the lady concerned as she is moored next to my boat and told her the music was due to stop within half an hour . I even walk done my boat and the level was less than 60 so well within your guidelines".

Mr West responded to this email at 1.51 pm on 25 July 2024:

"Hi Kevin, Thank you for your response. I'm glad to hear that you managed to speak with the complainant yourself. We ask that premises supervisors do this in the first instance so as to avoid potential escalation. I have asked the complainant to provide evidence of any further instances of nuisance. Since then, I have not heard back from them. I know that as a responsible premises supervisor you would wish to be the first to know If there are any further issues. I will therefore update you on the matter should anything else come up. Until then, I would thankyou again for your response and due diligence in monitoring for noise."

Email Complaint – 5 August 2024

An email complaint was received concerning a music event on 3 August 2024. The complaint related to people walking and sitting in the area with drinks, drinks being provided in glass vessels, and the road filling up with people drinking whilst vehicles are trying to get through. Photographs were also provided. This email, the photographs and Mrs Hind's response are attached. (See pages 13 to 17).

SRU 281690 – 11 August 2024

A noise complaint was received from a resident who provided an address within Barnfield Road, Livermead, Torquay. A copy of this complaint is attached at page 18.

"I live in Livermead and the music is so loud I can hear it at my property and even here it is loud enough to be disturbing."

On 16 August 2024, Mr West provided the complainant with a noise diary, together with advice on completion of the diary and provision of video footage demonstrating the volume of music being experienced.

However, as the complainant did not respond to Mr West's email or return the noise diary the case was closed on 23 August 2024.

SRU 281882 – 25 August 2024

A noise complaint was received from a resident who provided an address within Parkhill Road Torquay.

"I live in Livermead and the music is so loud I can hear it at my property and even here it is loud enough to be disturbing Whilst it's correct that we should all have the opportunity to enjoy the bay it seems that this establishment does not concern itself with other peoples requirements. Can you explain how a cafe can extend to an all day drinking establishment !". A copy of this complaint is attached at page 19.

On 29 August 2024, Mr West provided the complainant with a noise diary, together with advice on completing the diary and providing video footage.

On 17 September 2024, as the complainant failed to respond to Mr West's email and return a completed noise diary, the case was closed.

SRU 2844548 – 17 April 2025

I received an email from a Swisco Enforcement Officer concerning music he witnessed at Below Decks, whilst he was walking around the seafront. He stated he heard loud music near the Princess Theatre and thought it was from a boat near the footbridge. The music was very loud and he later determined the music to be coming from Below Decks. A copy of this email is attached at page 20.

A further email from this officer, received at 9.06 am on 17 April 2025, states:

"Subject: Re: Just some intel Thanks Julie, it was quite impressive really, you could make out each individual song from outside the princess theatre. I'm not sure how anyone eating there were able to hold a conversation." A copy of this email is attached.

On 22 April 2025, Mr West updated the record that he noted the intelligence, but that he had not received any complaints from members of the public for some time, there was little he could do in terms of action.

SRU 284790 – 3 May 2025
A complaint was received from the resident who resides in Parkhill Road, Torquay:

"Loud music non-stop today from 3 pm (it is now 9pm and no let-up). We of course accept music generally around the harbour as it is part and parcel in such an area but this is just incessant repetitive loud drumming enough to give me a migraine and no relief when the migraine passes as it is non-stop. This is just the first May Bank Holiday. It is obviously only going to get worse as the summer comes unless the owner is told to stop." A copy of this complaint is attached at page 21.

On 9 May 2025, Mr West emailed the complainant:

"Good afternoon ######, I write with reference to your complaint about Below Decks, Torquay. Issues with noise from the premises have been raised in recent weeks following submission of temporary event notices. I spoke with the DPS prior to the commencement of this particular event. They assured me that sound measurements would be taken, and that extra consideration would be made to ensure that noise is not a problem. Evidently the measures taken were not sufficient to prevent noise nuisance. I will speak again with the premises supervisor and emphasise the importance of noise control and warn them that temporary event notices may be objected to on this basis in future. On a more positive note, I suspect that this is a one-off event or one that happens very irregularly. If, however, this becomes more of a persistent issue then please let me know and we will have to look at more targeted action. Many thanks, Tom"

This complaint was discussed with the licence holder, Bold Ayres Ltd, at the Below Decks on 27 May 2025 – see details below.

SRU 284870 – 10 May 2025
On 12 May 2025 a noise complaint was received from a male whose home address is not known:

"I am writing again in regards to Below Decks, as we embark on another summer season and things have not improved, in fact have got a lot worse!

I live about 1.5 miles away from Below Decks, but many evenings I can hear the music from Below Decks when I'm trying to have a quiet evening on my balcony. The venue is becoming an outdoor live music venue, with a marquee set up and full four piece bands playing there regularly. I notice that this Sunday they have a full band starting at 8pm outside, which I find unacceptable that late on a Sunday evening. I'm sure there must be a license required for this sort of outdoor music, as I have recently received a letter from XXXXXXXXX pre-warning of noise for they're bi-annual music festival. I very much appreciate this warning and find it a responsible thing to do. It does not finish too late and is not too regular, whereas Below Decks have this kind of thing going on most evenings, it goes on until late and is especially bad on Wednesdays.

I have tried to speak to the owner, but am not able to get a helpful response. I feel like he thinks he is above any rules and frankly does not care. That area of the harbour is becoming rowdy and noisy, people with glasses and drinks all over the public area and public benches with absolutely no care given.
I look forward to your response."

A copy of this complaint is attached at page 22.

This complaint was discussed with the licence holder, Bold Ayres Ltd, at the premises on 27 May 2025 – see details below.

On 12 May 2025 an email was also received from a Harbour Authority representative concerning an incident on 11 May 2025, whereby a female on a skateboard was pushed at force along the road outside Below Decks, where she collided with a male, knocking him over, as a result of which he sustained a fractured skull. A copy of this email is attached at page 23.

On 13 May 2025, Mrs Hind discussed this incident with the Harbour Authority representative, who said he estimated about 100 customers were present outside Below Decks, but someone else estimated there to be about 200 customers. The Harbour Authority representative said customers of Below Decks were blocking the road, and a female customer was being pushed down the road on a skateboard whist being filmed by a male with a drone. The skateboarder went into the male who was knocked over. The Harbour Authority representative indicated that he had CCTV footage of the incident.

This matter was discussed with the licence holder, Bold Ayres Ltd, at the premises on 27 May 2025 – see details below.

SRU 285007 – 17 May 2025
A complaint was received from a resident who provided an address in Park Road, St Marychurch, Torquay:

"The DJ is outside on the quayside playing extremely loud dance music. This has been a frequent occurrence. It's impossible to escape the noise. Even with the windows and doors closed it is loud. There are approximately 40 revellers on Beacon Quay, drinking and dancing, with another 20 on the small outside deck dancing." A copy of this complaint is attached at page 24.

On 22 May 2025 Mr West emailed the complainant:
"Good morning #####, I write with reference to your complaint about Below Decks, 4 Beacon Quay, Torquay. Noise has been an issue at this premises in recent weeks, and yours is not the only complaint we've received. My colleague and I will be meeting with the premises supervisor early next week to discuss these complaints and to set firm expectations for noise control in future. However, I note from the complaint form that you've listed your address as ## Park Road Torquay. Can you confirm where you were at the time you experienced the nuisance? I only ask as Park Road is approximately 3 miles away from below decks which would make it very unlikely that you would be able to hear noise from this venue so far away. You also mention that this is a frequent occurrence. Could I ask how frequent this is on average and how it affects your daily life? For example, do you struggle to sleep, to watch the TV etc? If you could let me know I'd be most grateful. Kind regards, Tom

The complainant failed to respond to Mr West's email.

On 27 May 2025, Mr West and I met with a Harbour Authority representative, who raised numerous concerns in respect of the premises:

- A boat owner had complained about loud music
- The premises are not using plastic glasses for customers outside
- No door stewards are used to monitor customers outside and ensure the road is kept clear

We viewed CCTV footage of the incident involving the skateboarder, which showed a lack of supervision by the premises who were not monitoring the road and keeping it clear, with several groups stood around drinking and dancing in the road. I considered this to be a breach of a condition on the licence, which states "Staff will regularly monitor all outside areas and ensure customers do not loiter in the road or prevent vehicular access to the harbour area".

After viewing the CCTV, Mr West and I met with Mr and Mrs Shadbolt at Below Decks. I advised them that we were aware of the incident where a male sustained a fractured skull and had viewed the CCTV footage. I informed Mr and Mrs Shadbolt that the CCTV showed a lack of monitoring of customers outside, leading to them standing in the road drinking and dancing. I reminded Mr and Mrs Shadbolt of a condition on the licence that states "Staff will regularly monitor all outside areas and ensure that customers do not loiter in the road or prevent vehicular access to the harbour area".

We discussed information received that recently a Coastguard vehicle could not get through the crowd outside Below Decks. Mr Shadbolt stated that the vehicle did get through.

Mr West advised Mr and Mrs Shadbolt that he had received 3 noise complaints, one from an individual who has a boat moored nearby, and two from residents - one living 1 1/2 miles away, and the other lives 3 miles away, therefore the validity of these complaints is not at the same level as it would be for a resident living closeby. Discussions took place concerning the monitoring of noise levels during events. Mr Shadbolt showed Mr West his notes from a couple of dates and Mr West was satisfied that wind direction was impacting volume at different locations. Mr West advised Mr and Mrs Shadbolt to check wind direction and speaker positions so that wind does not impact noise, and that wherever possible speakers should be positioned to take noise out to sea.

I asked whether Mr and Mrs Shadbolt were present at the time the skateboard incident occurred. They said they were not, and they confirmed that no noise monitoring took place during that evening. I referred them to a condition on the licence "The Premises Licence Holder or Designated Premises Supervisor shall be available at all times during regulated entertainment and be responsible for co-operating and liaising with any responsible authority". A discussion took place concerning the interpretation of this condition as to whether the “Premises Licence Holder or Designated Premises Supervisor being available at all times” means that they have to be physically present at the premises or at the end of the phone. I therefore recommended that this condition be amended by way of a minor variation, and subsequently proposed an alternative condition: “On occasions when entertainment is provided at the premises, the Premises Licence Holder or DPS shall nominate a designated member of staff to monitor customers outside to ensure the road is kept clear and to monitor and record noise levels, in accordance with the requirements of the licence”.

In respect of the above condition, the Licensing Authority accepts that this condition is not enforceable as the Live Music Act exemption applies to this premises. However, as numerous noise complaints and complaints concerning obstruction of the road had been received, advice was provided to Mr and Mrs Shadbolt that the Licensing Authority expects the licence holders to take appropriate steps to alleviate further concerns being raised and demonstrate their due diligence by monitoring noise levels. Compliance with this condition was recommended.

On 29 May 2025 I emailed the licence holders outlining the Licensing Teams expectations in respect of future events, copy attached at pages 25 and 26.

At 9.43 am on 28 May 2025, Mr West emailed the male complainant in respect of SRU 284870, to update him in respect of the action taken:

“Good morning ######, Further to our discussion, I have an update following a meeting between myself and the licence holders for Below Decks. This meeting was also attended by my colleague Ms Smart (Licensing officer). There have been a number of complaints about noise and heavy congregation in the road directly outside the premises in recent weeks. I am aware that these same issues have occurred in the past also, and as such, strong words of advice have been given. The licence holders have admitted fault on several occasions where there should have been stronger supervision – particularly in regard to the congregation of patrons on the highway. They did, however, make the point that this area is also used by other members of the public, who oftentimes, will purchase alcohol from nearby convenience stores to then congregate and drink in this area. I can attest to this, as I’ve seen evidence of drinking cans/bottles along the harbour wall which aren’t sold by the premises themselves. Nonetheless, the licence holders have agreed to take stronger action to disperse customers who may be blocking the highway. As far as noise is concerned, I have seen evidence that noise measurements were taken throughout the course of the events from various points around the bay. The measurements did not appear to be in what I would consider to be the high-end range; however, I suspect that wind direction has played a significant part in the nuisance caused to you and other complainants. I have therefore suggested that greater consideration is made for wind direction, overall volume, and speaker direction. Again, the licence holder has agreed to do this. I hope this will have the desired effect, however, should noise continue to be an issue then please do not hesitate to make contact. Many thanks, Tom”

Mr West subsequently received a further email from the complainant:

“Thank you for your reply. I appreciate you taking some action in this case. I would just make one comment and that is around ‘other members of the public’ using the highway and drinking bottles and cans from the supermarket. These people would not be there if Below Decks were not operating as an outdoor music venue. The only reason they are there using the public space, drinking alcohol and leaving litter is because of below decks. They would not be there without the loud live music going on. Thank you”.

On 26 June 2025, as I had not received any communication from Mr and Mrs Shadbolt as a result of my email of 29 May 2025, I sent them a further email advising them that if they did not apply for a minor variation as suggested, they must ensure they comply with the existing condition on the licence. A copy of this email is attached at pages 27 to 29.

On 26 June 2025, I received a phone call from Mr Shadbolt in respect of my emails of 26 June 2025 and 29 May 2025. Mr Shadbolt confirmed that he had seen my email and they were happy with the wording of the proposed condition, but said they did not have a laptop and were experiencing difficulties in making their minor variation application. To assist them, I advised that I would draft an application and send to them for approval.

Mr Shadbolt asked if I am aware of any recent issues, I confirmed that I did not. Mr Shadbolt said he had been in contact with Tom about a female who rang the premises complaining about music and Tom had provided advice. We discussed the supervision of premises when live music is provided and that although he and Mrs Shadbolt do not need to be present, they need to nominate a responsible member of staff to keep the road clear and monitor the noise levels to demonstrate they are working with the Licensing Authority to address the concerns raised. Mr Shadbolt confirmed they will do this.

On 27 June 2025, I sent a draft minor variation application to Mr Shadbolt in respect of the removal of a condition on the licence stating “The Premises Licence Holder or Designated Premises Supervisor shall be available at all times during regulated entertainment and be responsible for cooperating and liaising with any responsible authority” and replacing this with “On occasions when entertainment is provided at the premises, the Premises Licence Holder or DPS shall nominate a designated member of staff to monitor customers outside to ensure the road is kept clear and to monitor and record noise levels, in accordance with the requirements of the licence.”

The minor variation application was subsequently granted on 23 July 2025.

SRU 285777 – 28 July 2025

An email was received from a Harbour Authority representative, forwarding a complaint he had received from a harbour user, which contained a still photograph of customers stood in the road outside the premises. A copy of this email and photograph is attached at pages 30 to 32.

Unfortunately, this record was not updated in respect of any action taken due to the record being incorrectly archived when a new IT system was introduced.

Case Noise 15995877 – 4 August 2025

A noise complaint was received from a male who complained of loud music outside Below Decks when retrieving his boat. He stated the music was played at a ridiculous volume within an area called The Deck, and it was obvious that the premises had no regard whatsoever for anyone else in the vicinity of the harbour and surrounding homes/businesses. He said that he had planned to have dinner at a nearby restaurant but decided not to as the music was loud enough to give you a headache. This individual stated that prior to retirement he was a member of the Institute of Acoustics so has knowledge of these matters. A copy of this email is attached at page 33.

On 8 August 2026, Mr West updated the complainant that he had spoken to the licence holder who is taking steps to address the problem of excessive noise. Mr West also provided advice concerning capturing any evidence of further nuisance and sending to him for review.

Case 16311321 – 22 August 2025

On 22 August 2025, I received an email from Mr Shadbolt regarding measures he had put in place in an attempt to keep the road clear of customers when the premises provided music:

"In order to counter act this myself and XXXX positioned ourselfs at the entrance end outside birchells and a response vehicle arrived and we dispersed the crowd immediately so they were not delayed at all . Not perfect but at least it appeared to work
So with that in mind on Wednesday I had what I thought was a good idea . I set up a boundary using 5 foot off the road which is on line with the kerb outside Birchells .
The road widens by that much outside our premises so it would not interfere with any vehicle gaining access .
It worked really well I was able to tell people this was where to dance effectively without causing a nuisance."

A copy of this email is attached at page 34.
I responded to Mr Shadbolt's email that day, reminding him of a condition on the premises licence which states:

"On occasions when entertainment is provided at the premises, the Premises Licence Holder or DPS shall nominate a designated member of staff to monitor customers outside to ensure the road is kept clear and to monitor and record noise levels, in accordance with the requirements of the licence".
I indicated that he should note that the condition says that staff must monitor customers outside to "ensure the road is kept clear" and informed him that they cannot allow people to stand in the road and move them if a vehicle needs access, nor can they allow any customers to stand on any part of the road, even if an area is cordoned off. I pointed out that failure to comply with this condition constitutes an offence under Section 136 of the Licensing Act 2003, and the penalty for such an offence.

I also expressed my opinion that from his email and previous complaints we have received, it appears that the music nights at Below Deck are attracting a larger audience than can be accommodated inside the premises and their outside areas, and that they may wish to consider ways that they can restrict the number of people attending events, perhaps by introducing ticket only events or on a first-come-first serve basis, whereby once the licensed areas are at capacity, no further customers are served drinks and are asked to leave the immediate area.

I reminded Mr and Mrs Shadbolt that as Premises Licence Holders it is their responsibility to ensure they have sufficient measures in place to ensure the road is kept clear in accordance with the condition on the licence, and that should further evidence of breaches of conditions or complaints about customers standing in the road be received, we shall consider applying for a review of the licence. A copy of this email is attached at page 35.

I did not receive a response from Mr and Mrs Shadbolt in respect of my email.

Case 19833541 – 27 April 2026
The Harbour Authority received a complaint from a business situated on Beacon Quay, which was forwarded to Mr West and me. Copy email attached at pages 36 and 37.

The complaint related to:
- "music playing so loudly that people, potential customers, are turning around and walking back off the quayside
- drinking all over the quayside, sitting on benches well outside the licensed areas and generally making Beacon Quay look like an Ibiza Beach Club!
- The music commenced at 14:00 and is alternating between recorded music and bands

- the band is virtually blocking the pedestrian walkway and totally preventing walkway access to the end unit.
- There is no security on site and little or no management of the customers drinking all over the harbourside
- We have not seen a customer since the music started and the only people coming onto the quay are people who look like they are dressed for a night out ready for dancing and drinking on Beacon Quay."

On 19 May 2026 the Licensing Team attended the CCTV Control Room to learn about the system and location of cameras, to assist us in dealing with complaints. Whilst there I noted that there is a camera in the car park above Below Decks. I asked the CCTV staff if they had any footage showing an event at Below Decks on 25 April 2026 and was subsequently shown some footage. I arranged for 30 minutes of footage from 1900 to 1930 hrs to be forwarded to me.

I subsequently received this footage and Mr West and I viewed it. The footage shows that between 1900 and 1930 hrs there were several small groups of customers stood in the road outside, but no large crowd. During the 30 minutes of footage three members of staff were seen delivering food and drinks to customers in the Deck area, and clearing empty glasses, but at no time did they appear to speak to customers who were stood in the road. The CCTV shows several people sat on or standing near the public seating (not part of Below Decks licensed area) who appeared to be drinking alcohol from glasses and glass bottles. Although some customers appeared to obtain their drinks from Below Decks, it was not possible to establish where all the drinks came from. At one point a vehicle is seen to pass through the area, with the driver manoeuvring around a small group of customers stood in the road.

As a result of this complaint Mr West met with Mr Kevin Shadbolt on 29 May 2026, and made the following notes on the case:

"Site visit on Friday 29th May. Met with Kevin and explained that a noise complaint has been received from a resident on St Lukes Road on the site side of the harbour. Harbour Master has also reported the noise from entertaintment at Below Decks being audible from across the other side of the harbour. Kevin acknowleded that entertainment can be loud occasionally, and sometimes struggles to know where to direct speaker given that residential accommodation is present on all sides. I advised Kevin that the overall volume should be reduced to the extent that it does not cause unreasonable disturbance to residents. Kevin accepts this and assured me that he will do more to reduce the potential impact of noise on residents. He said he would ask his entertainers to reduce the volume at which they play. However, Kevin pointed out that XXXXXXXX, which is not far from Below Decks, frequently have live music events outside on their deck area. This is reportedly often very loud, and Kevin believes that entretainment from XXXXXXX and othere venues can sometimes be conflated with his own. I have checked this and can see that XXXXXXXX have held several live music events outside recently. Kevin therefore asked whether, upon receipt of a noise complaint, he is notified as soon as possible so that he can check against the dates/times of his entertainment and make adjustments as necessary. I believe this to be a reasonable request and first step in trying to resolve the issue. I did, however, remind Kevin that where noise complaints are received and substantiated with evidence, we may have no alternative but to seek a review of the licence. Kevin acknowleded this and does not want to risk a review of the licence.

As for the issue with congregation in the road, Kevin acknowledges that sometimes this can be difficult to manage, however, argues that, in the instance of a vehicle (particularly an emergency vehicle) wants to get through, patrons immediately get out of the way. Kevin feels that he is sometimes unfairly targeted, given that some members of the public (not customers of his) have in the past freely ridden bikes dangerously down this area and caused issues such as the incident with the skateboard last year. Nonetheless, Kevin accepts that this is a condition of his licence and said that he would do more to try and manage this better. Again, I have reminded Kevin that this may trigger a review of the licence if it is deemed that he cannot uphold the public safety licensing objective and fails to manage the area effectively."

Case 20351098 – 20 June 2026
A complaint was received from a resident who provided an address of St Lukes Road South, Torquay:

"How is it that XXXXXX in Paignton cannot play live music because of complaints but nothing is ever done about Below Decks ?? I am sure you have had complaints about this premises that seems to hold a festival every sunny weekend. Shouldn't all customers drinking be sat down do they know their license ? You can hear the music up in St Lukes Road surely not right ?" A copy of this complaint is attached at page 38.

As a result of this complaint, Mr West spoke to Mr Shadbolt, and sent a letter to the complainant stating "I have spoken with the licence holder who has apologised for any disruption caused and assured me that entertainment will be better managed in future. However, the licence holder also pointed out that there are several venues in the vicinity who regularly play live music outside and is therefore concerned that noise from other venues may be misattributed to Below Decks. I will attempt to gather additional information and evidence of any alleged nuisance associated with live music from below decks in the coming weeks. In addition, I would ask that you document any instances of nuisance, including the date and time as well as any other relevant information. If possible, please also attempt to capture the noise via video recording, preferably showing the extent of the noise heard within your own home and how the noise is impacting the enjoyment of your property."

Mr West discussed this complaint with Mr Shadbolt on 26 June 2026 – see details below.

Case 20719568 – 20 June 2026
A further complaint was received from the male who lives 1 ½ miles from Below Decks in respect of loud music, people all over the public benches with drinks purchased from Below Decks in glass and bottles, not plastic. He said he witnessed people bringing drinks out of the premises and a nearby premises as the queue was too long in Below Decks. He said he feels uncomfortable using this public area as he would have to make his way through drunk men and women and very loud music, and he described the area as a "no go for families and children". This complainant also provided a photograph. The complaint and photograph are attached at pages 39 and 40.

Mr West discussed this complaint with Mr Shadbolt on 26 June 2026 – see details below.

Case 20720398 – 22 June 2026
A complaint was received from a Harbour Authority representative in which he referred to members of the Harbour Team receiving 30 complaints in respect of Saturday 20 June 2026, with harbour users being turned away and one member of staff visiting Below Decks at 6.15 pm to ask them to manage their customers as they believed the area was critically unsafe. CCTV footage was provided. A copy of this email is attached at pages 41 and 42.

The Harbour Authority representative also forwarded an email complaint he had received from a neighbouring premises of Below Decks. A copy is attached at page 43.

Mr West discussed this complaint with Mr Shadbolt on 26 June 2026 – see details below.

Case 20733861 – 23 June 2026
A noise complaint was received from a resident who provided an address within Grafton Road, Torquay:

"I live approximately 1 mile away from Below Decks and I am regularly disrupted by the excessively loud music that comes from the premises. This is on a weekly basis, particularly over entire weekends. The noise is as such that when windows and doors are open at my property, the music is overbearing and I also cannot enjoy sitting outdoors. I struggle to hear my television for example or work at home due to the noise interference. Music can go on late into the night and I can even hear it when I am trying to sleep. In addition, I am a harbour customer and the noise is even more disruptive when I am on the marina, often finding it difficult to have low level conversations. Finally, when launching and recovering vessels on the harbour slip way, the huge crowds of people stood in the roadway approach drinking causes many hazards

despite the obvious signs I have seen informing customers of the premises not to stand in the roadway." A copy of this complaint is attached at pages 44 and 45.

On **26 June 2026**, Mr West spoke to Mr Shadbolt and recorded the following notes on the case:

"I spoke with Kevin again on Friday 26th June following further complaints of noise and congregation on the highway. Kevin explained that it was unusually busy and his event attracted people who wouldn't ordinarily come to his events. Kevin conceded that his music would have attracted a larger than normal crowd. I advised Kevin that it would be preferable to have music on the 'deck' section to avoid congregation of the highway and to keep noise levels down as much as possible. Kevin agreed to this and I told him that I would get back to him if we receive further complaints."

On 30 June 2026 a Harbour Authority representative shared a folder with Mr West and me.

The folder contains:

1. A still photograph of the area outside Below Decks taken on 20 June 2026 at 2220 hrs. This photograph shows a few groups of people stood in the road and a few people sat on the public benches but no large congregation, as has been seen at previous events. The photograph also shows empty drinking vessels can be seen on the public bench that appear abandoned but have not been cleared away.
2. CCTV of 20 June 2026 at 1946 hrs. This 2 minute piece of footage shows several small groups stood in the road outside Below Decks, two persons sat on chairs in the road outside Below Decks who appear to be looking at something within the premises, and a mixture of glasses, glass bottles and plastic vessels visible on the public benches.
3. CCTV of 20 June 2026 at 2108 hrs. This 2 minute piece of footage shows a larger crowd present outside Below Decks, the majority of persons are stood in the road, with persons sat on chairs also visible within the road.
4. CCTV of 20 June 2026 at 2132 hrs. This 2 minute piece of footage shows a large crowd stood in the road outside Below Decks, with people dancing and drinking within the road. Several people are sat on chairs within the road area. The camera pans over the public benches and empty drinking vessels can be seen strewn across these, including 70cc alcohol bottles. From this footage it appears that people are attending the area to listen to music provided by Below Decks and taking their own alcohol to consume.

Case 20888183 – 1 July 2026

A further complaint was received from a resident who provided an address within Grafton Road, Torquay:

"I recently submitted a nuisance complaint to the council regarding the noise omitted from Below Decks. I am now raising this complaint because the nuisance has escalated to a completely unacceptable level. I live 1 mile away from the premises and I am also a harbour user. I am frequently disrupted by loud music from the premises to the extent that I cannot enjoy my outdoor space and I have to shut doors and windows in order to hear my TV. The noise is completely over bearing, happening every weekend and now every Wednesday due to live music ongoing. When I am on Torquay marina I cannot have a low level conversation with others due to the volume level of the music. The premises recently held a music festival and when trying to access the underground car park on the harbour at 10pm when the event was finishing, there were hundreds of people walking in the middle of the road next to the XXXXXX, obstructing my vehicle. I am told 500 people attended and this is evident from social media posts from the event. In addition, I am constantly obstructed by people standing in the road between the premises and their glass

extension when I am launching and recovering vessels, despite the visible signs that there is to be no standing in the roadway. I do not think that the premises license extends to the roadway, public benches and in front of the other neighbouring premises so I do not understand why Below Decks continue to get away with this. What was once a family friendly harbour area has now become an area for anti social behaviour, drug taking and fighting, all of which I have seen. I have video evidence of the noise from my property which I am willing to share." A copy of this complaint is attached at pages 46 to 48.

On 3 July 2026, Mr West emailed the complainant advising them that we have received other complaints about this premises, that he had met with the licence holder on several occasions to remind them of their obligations, but this does not appear to have been successful, he had also met with the Harbour Authority to understand the extent of the problem with congregation in the road, that we are exploring available options as to potential action to take in response the complaints and he would be conducting some out of hours visits to make noise assessments in the vicinity. Mr West provided the complainant with a noise diary, requested that the complainant capture some video evidence if possible and provided advice on completion of the diary. Mr West has not received a response to his email and the noise diary has not been completed and returned.

Case 21565641– 1 August 2026

On 7 August 2026 I received a complaint in respect of tables and chairs from Below Decks obstructing the ferry footpath on 1 August 2026. The complainant indicated that at that time the ferry had 250 passengers with double buggies, walkers and mobility scooters which needed to be unloaded. The complaint indicated that this happens regularly, after the ferry has usually stopped operating, however sometimes the ferry operates later in the evening. A copy of this complaint and photograph is attached at pages 49 to 51.

On 11 August 2026, I emailed Mr and Mrs Shadbolt advising them of this complaint, sending them the photograph, and asking them to ensure staff monitor the area and keep the area clear of tables and chairs. (See unnumbered page between 51 and 52). I did not receive a response to this email.

Case 21824546 – 18 August 2026

On 18 August I received an email from a Harbour Authority Representative concerning recurring issues on the harbourside caused by Below Decks, together with a Management Plan prepared by Mr Gregory Shadbolt in response to the issues identified. The Management Plan prepared by Mr Shadbolt is not dated. However, the properties of this document show it was created on 14 August 2026 and lasted modified on 17 August 2026. A copy of this correspondence is attached at pages 58 to 61.

Case 21790445 – 24 August 2026

A complaint was received from a resident who lives in Parkhill Road, Torquay.

This complaint relates to persistent loud music from the premises which seemed to improve when bands were placed facing out to sea but has deteriorated due to them being placed in another location. Copies of email correspondence between the complainant and Mr West are attached at pages 52 to 57.

On 28 August 2026 Mr West emailed Mr and Mrs Shadbolt concerning this complaint. This email is attached at pages 62 and 63.

Please tick □ yes

Have you made an application for review relating to the premises before 0

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: Julie Smart

Date: 30/09/26

Capacity: Licensing Officer

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

Torbay Council

Town Hall

Post town: Torquay **Post Code:**

Telephone number (if any):

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional): julie.smart@torbay.gov.uk

Notes for Guidance

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

This page is intentionally left blank

From: [redacted]
To: Smart, Julie; [redacted]
Subject: Music at Below Decks
Date: 19 June 2023 12:08:53

[Some people who received this message don't often get email from h[redacted]. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

I am writing to raise serious concerns over the music coming from Below Decks in Torquay Harbourside. I walked round Wednesday evening and there was a large crowd outside and glass everywhere. When I went on my evening walk on Sunday it was exactly the same, actually worse. Drunk people everywhere, standing, sitting and dancing all over the harbour and on the public benches and sitting on people's boats! Is this whole area licensed for music, dancing and drinking? Cars were unable to get through and absusive, drunk customers were blocking the path.

I understand people want to have fun but it seems out of control and it's not pleasant for people out and about with young families.

It's all over social media but I can't seem to save a video to send to you

Many thanks

[redacted]



Photo taken at 7.30 pm on 18 June 2023 showing a crowd outside Below Decks, with customers sat on seats within the road area

Date submitted: 30 July 2023 12:35:02

Making a complaint about noise

Are you a housing association tenant?	No
Do you know the address where the noise is coming from?	Yes
I confirm you have read this and wish to continue with my complaint	1
Have you spoken to the person making the noise, about the problem?	Yes
Give details of your conversations including dates and times	Loud music was being played outside at the Below Decks bar on Beacon Key on the evening of 29th July 2023. This has happened previously. The music continued until about 11.00 pm and could be heard very clearly by us living at the top of Park Hill Road. I phoned the bar to complain only to be told that the bar had permission from Torbay Council and that the manager would phone me back, which they did not do.
Are you reporting persistent	Loud music
Have you already reported this to us?	No
The address where the noise is coming from	Below Decks Bar, Beacon Quay.
Who is causing the noise?	DJ employed by the bar.
Please give as much information as possible about the noise and how it is affecting you?	The noise was intrusive and could be heard even inside the house through double glazed windows. It spoilt the enjoyment of our evening. I am not against some music at a bar but not so loud that it affects those living nearby.
First name:	[redacted]
Surname:	[redacted]
Address:	[redacted] PARKHILL ROAD TORQUAY TQ1 2DA[redacted]
Email address:	[redacted]
Telephone number:	[redacted]

[redacted]

From: [redacted]@torbay.gov.uk>
Sent: Thursday, April 11, 2024 10:33 AM
To: Smart, Julie <Julie.Smart@torbay.gov.uk>; [redacted]@torbay.gov.uk>; [redacted]@devonandcornwall.pnn.police.uk>
Cc: [redacted]@devonandcornwall.pnn.police.uk>
Subject: RE: Below Decks

Good Morning Julie and thanks for this.

I am afraid no permission for a van to operate on the quay will be forthcoming from me. I am keen to ensure that Below Decks realise that their operation is at capacity and events such as we have seen recently cause me significant concern for my harbour users.

For your info Below Decks had requested permission for a van, which had been denied due to concerns in relation to increase people on the road , (which was ignored).

We will be keeping a close eye this operation and liaise with you accordingly.

Kind Regards,

[redacted]

[redacted] | **Harbour Master & Divisional Director Maritime and Coastal Services Torbay Council**
Harbour Office, Brixham Harbour, The Quay, Brixham TQ5 8AJ
Harbour Office, Torquay Harbour, Beacon Quay, Torquay, TQ1 2BG
Harbour Office, Paignton Harbour, South Quay, Paignton, TQ4 6DT

[redacted]
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Save Paper - Do you really need to print this e-mail?

From: Smart, Julie <Julie.Smart@torbay.gov.uk>
Sent: Thursday, April 11, 2024 10:06 AM
To: [redacted]@torbay.gov.uk>; [redacted]@devonandcornwall.pnn.police.uk>
Cc: [redacted]devonandcornwall.pnn.police.uk>; [redacted]@torbay.gov.uk>
Subject: RE: Below Decks

Morning all

Tom West and I attended the premises yesterday and met with Kevin and Julia Shadbolt.

They explained that they booked a DJ for this weekend, but didn't realise it was Easter when they planned it. The DJ was supposed to be positioned at the end of their decking, with all customers within their area, however it was too windy, so they had to put the DJ in front of their windows. This caused customers to loiter in the road. They also said that due to the Bank Holiday far more customers attended than they anticipated. They said the internal bar couldn't cope with the numbers and therefore they arranged for the mobile bar. I told them that this was not within their licensed area so unauthorised sales had taken place. I advised them that they will need to submit a Temporary Event Notice if they wish to do this again.

Re customers loitering in road area, our discussions last year and the condition on the licence re this. They again said this was due to larger numbers than anticipated and they put chairs and tables out to try to prevent this but people continued to stand up and became aggressive when staff asked them to move. Discussed new PSPO which will prohibit drinking in areas around the harbourside other than in their licensed area. Told them from now on they need to encourage all customers to use their outside area.

Re not using plastic glasses and no stewards, they said they didn't anticipate the number of customers, but will consider in future.

Re loud music, they produced decibel readings taken from various locations around the harbourside, which Tom seemed satisfied with.

Discussed the power boat race and air show. They would like to put the van at the end of the breakwater. Told them they would need permission from Harbours and to submit a TEN, and we would expect all drinks to be in plastic.

If you have any further issues, please do not hesitate to let me know.

Kind regards
Julie

From: [redacted]@torbay.gov.uk>
Sent: Tuesday, April 2, 2024 10:28 AM
To: [redacted]@devonandcornwall.pnn.police.uk>; Smart, Julie <Julie.Smart@torbay.gov.uk>

Cc: [redacted]@devonandcornwall.pnn.police.uk>; [redacted]@torbay.gov.uk>
Subject: RE: Below Decks

Morning all.

Thanks [redacted]

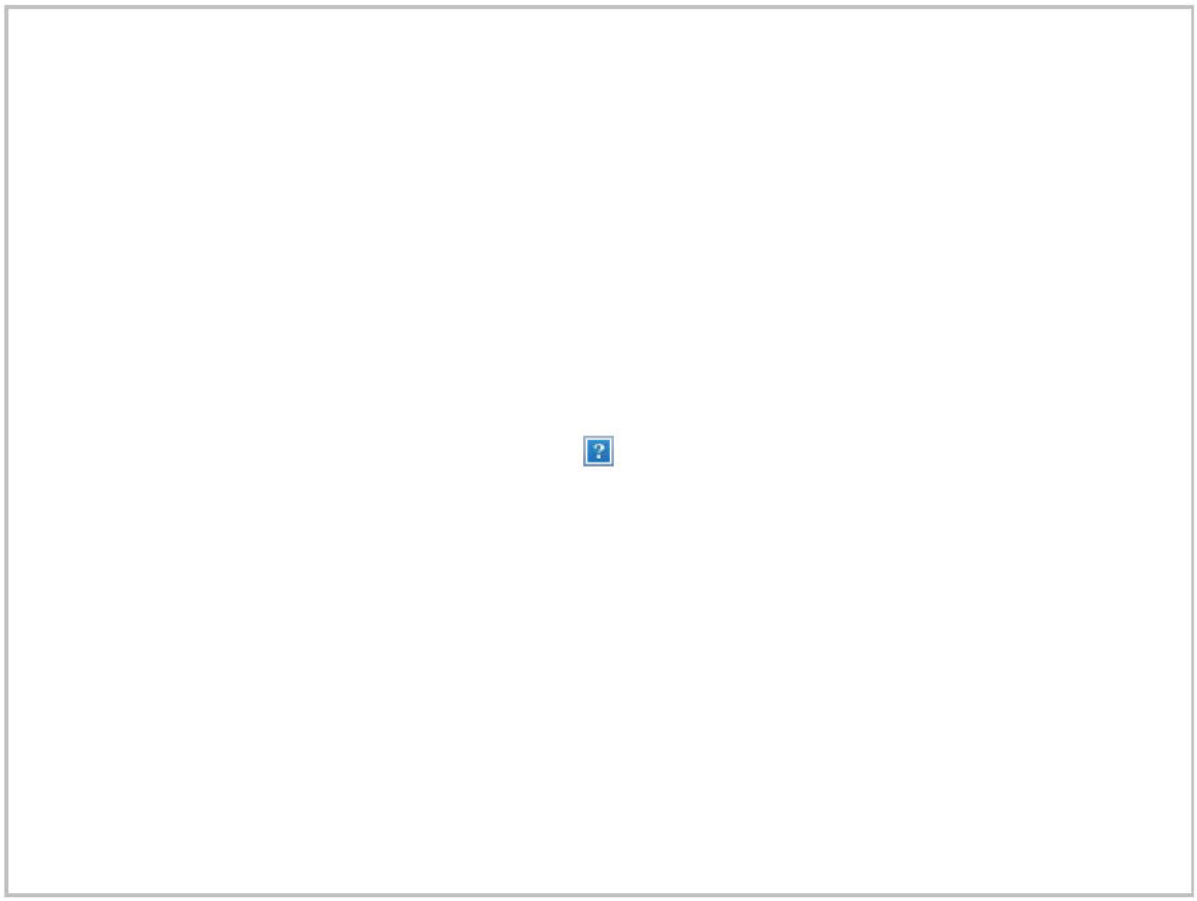
As expected this was the outcome later in the day and evening shown in the photo's I have had a number of complaints regarding the loss of trade for the other units as people were walking part of the way along Beacon Quay and turning away. The van shown was parked in two of the scout's dinghy park spaces. I have been informed that Kev Shadbolt gave a donation to the Scouts to use the spaces. I had a conversation with Kev a few weeks ago regarding the van and events and let him know that our primary function is the launching and recovery of boats. We are not an event centre and the quayside is not a beer garden. I was told that this weekend had dozens of people outside drinking, there have never been any plastic glasses as recommended previously and the music was blaring. For the number of customers should there be some security in place? I understand other bars along Victoria Parade had less customers but a security presence.

I was also told there was a silver Audi allegedly dealing drugs with Below Decks customers in the loading bay. If I can get a reg number I'll pass it to you. I'll also see if this has been captured by the Hookz CCTV.

Obviously I understand the idea that they make their profits when the weather is fine but this cant be at the cost of the other tenants.


[208] C208 BQ Top Level
[1]
18:22:09.96 Paused
20-03-2024 18:22:09
100%


[208] C208 BQ Top Level
[1
18:50:06.00 Paused
TOLCHARDS
20-03-2024 18:50:05
100%



Best regards

[redacted] Torquay Harbour
Harbour Masters Office, Beacon Quay, Torquay TQ1 2BG
[redacted]

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From: [redacted]@devonandcornwall.pnn.police.uk>
Sent: Tuesday, April 2, 2024 9:45 AM
To: Smart, Julie <Julie.Smart@torbay.gov.uk>
Cc: [redacted]@devonandcornwall.pnn.police.uk>; [redacted]@torbay.gov.uk>
Subject: Below Decks

Morning Julie,

[redacted] mentioned in the partners meeting this morning that Below Decks have purchased a van that they are selling alcohol out of. They've parked it in the vicinity of the premise, a little further along from the

entrance (I'm unsure of the exact positioning). [redacted] massively happy with it being there and asked about the licensing requirements around it.

I'm unsure of the details of their pavement licence (as in how far out they can go) and can't access the plans to see what areas are licensed so wondered if you would be able to check this out please? My assumption is that it would need a TEN to operate as they want too, but thought best to double check with yourself.

Many thanks,

[redacted]
Licensing Officer (Torbay) [redacted]
Alcohol Licensing Dept
Devon, Cornwall and Isles of Scilly
[redacted]

[redacted]

[redacted]

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TORBAY COUNCIL

Please reply to: Julie Smart Licensing Officer
Community Services
Torbay Council
Town Hall
Torquay TQ1 3DR
My ref:
Your ref: SRU 279727
Telephone: [redacted]
E-mail: julie.smart@torbay.gov.uk
Website: www.torbay.gov.uk

Bold Ayres Ltd
2 Bridge Farm Offices
Harberton
Totnes
Devon
TQ9 7PP

Date: 17/04/2024

Dear Sir/Madam

Licensing Act 2003 – Section 136 (1): Unauthorised Licensable Activities
Below Decks, 3-4 Beacon Quay, Torquay, Devon, TQ1 2BG

We have received a complaint and have been sent images in relation to a van selling alcohol on the harbourside on 30 March 2024.

At a meeting at your premises on Wednesday 10 April 2024 you indicated that you were responsible for placing this van on the harbourside and selling alcohol from it. You stated that you had done this due to a large queue forming at the internal bar at Below Decks.

The sale by retail of alcohol is a licensable activity and may only be carried out in accordance with an authorisation under the Licensing Act 2003. Therefore, a person cannot sell alcohol unless there is a premises licence or Temporary Event Notice in respect of the location at which a sale of alcohol is made in, on or from it.

I would like to take this opportunity to advise you that a person commits an offence if he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or he knowingly allows a licensable activity to be so carried on.

A person found guilty of this offence is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

I have discussed this matter with Mrs Rachael Hind, Regulatory Services Manager, and, on this occasion, it has been decided that no further action will be taken. However, if you are responsible for any further unauthorised sales of alcohol, we shall consider a prosecution for any offences committed.

Please do not hesitate to contact me should you wish to discuss this matter.

Yours faithfully



Julie Smart
Licensing Officer

Date submitted: 06 July 2024 22:39:50

Making a complaint about noise

Are you a housing association tenant?	No
Do you know the address where the noise is coming from?	Yes
I confirm you have read this and wish to continue with my complaint	1
Have you spoken to the person making the noise, about the problem?	Yes
Give details of your conversations including dates and times	Below Decks Becon Key Asked the Owner what time the music finishes 10.30 Music still playing past 10.30
Are you reporting persistent	Loud music
Have you already reported this to us?	No
The address where the noise is coming from	Below Decks Becon Key Torquay
Who is causing the noise?	Every Saturday night DJ or Live music
Please give as much information as possible about the noise and how it is affecting you?	We are on the town dock in Torquay every week the music Below Decks is so so loud you can't Herat yourself speak please can you send a person to monitor the level.
First name:	[redacted]
Surname:	[redacted]
Address:	[redacted] BLENHEIM CLOSE NEWTON ABBOT TQ12 1QR [redacted]
Email address:	[redacted]
Telephone number:	[redacted]

[redacted]

From: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Sent: Monday, August 5, 2024 2:40 PM
To: [redacted]@torbay.gov.uk>; [redacted]@devonandcornwall.pnn.police.uk>; Smart, Julie <Julie.Smart@torbay.gov.uk>; [redacted]@devonandcornwall.pnn.police.uk>
Cc: [redacted]@torbay.gov.uk>
Subject: RE: Below Decks

Hi

Julie and I have discussed this. Julie has also witnessed in person on Saturday 27 July in the evening that they were issuing plastic glasses to anyone who couldn't give a table number which was following their policy.

The premises is able to serve alcohol for off sales, therefore we cannot stop the people drinking outside. From the images, there doesn't appear to be any crime and disorder issues, so unfortunately we cannot require any further measures such as a door supervisor. I would therefore recommend you review your own lease agreement if you wish to restrict them to sales where all customers must be seated within their designated areas.

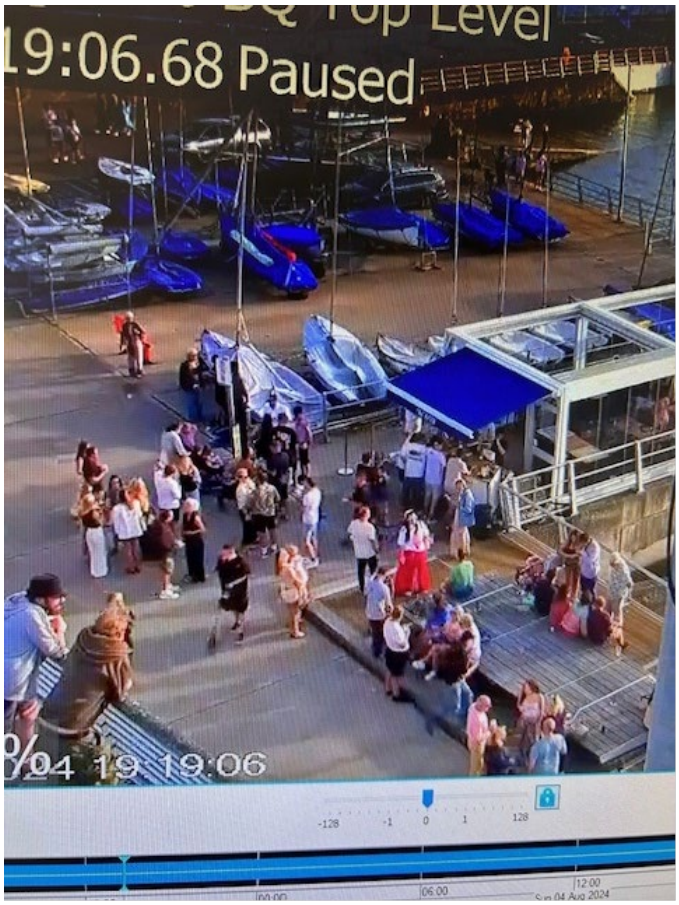
Happy to discuss this further,

Kind Regards, Rachael

From: [redacted]@torbay.gov.uk>
Sent: Monday, August 5, 2024 2:02 PM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>; [redacted]<[redacted]@devonandcornwall.pnn.police.uk>; Smart, Julie <Julie.Smart@torbay.gov.uk>; [redacted]@devonandcornwall.pnn.police.uk>
Cc: [redacted]@torbay.gov.uk>
Subject: RE: Below Decks

Hi Rachael.

The times are at the bottom of each image and as you can see it goes from 19:19 through to almost 22:30. Footage shows Swisco waste collection vehicles driving through and our customers who have recovered their boats also driving through their customers. I have looked for people walking across the bridge with glasses but no joy. That report came from another neighbouring tenant who wishes to remain anonymous.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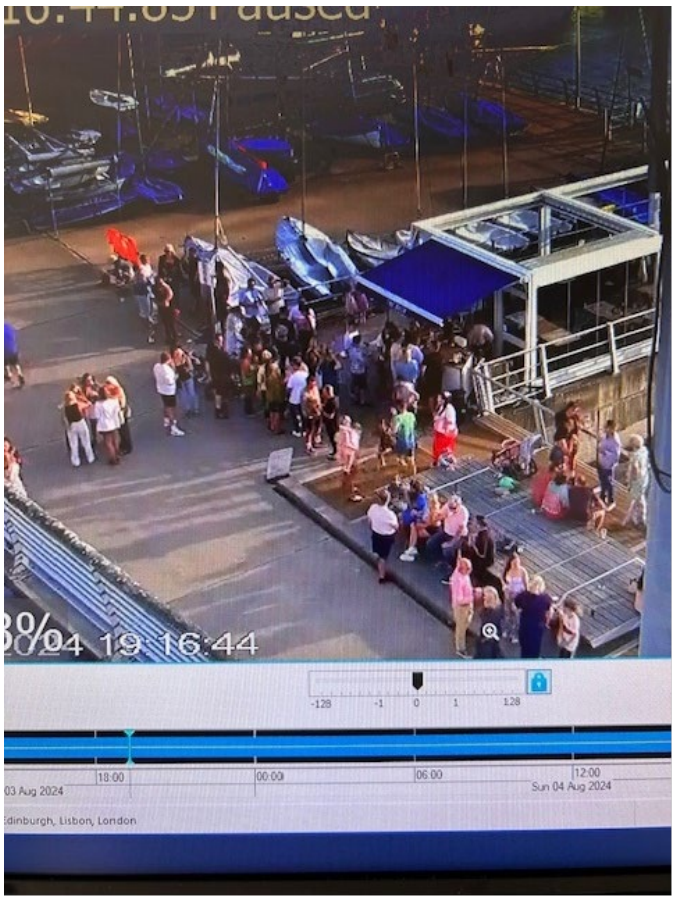
04 19:19:06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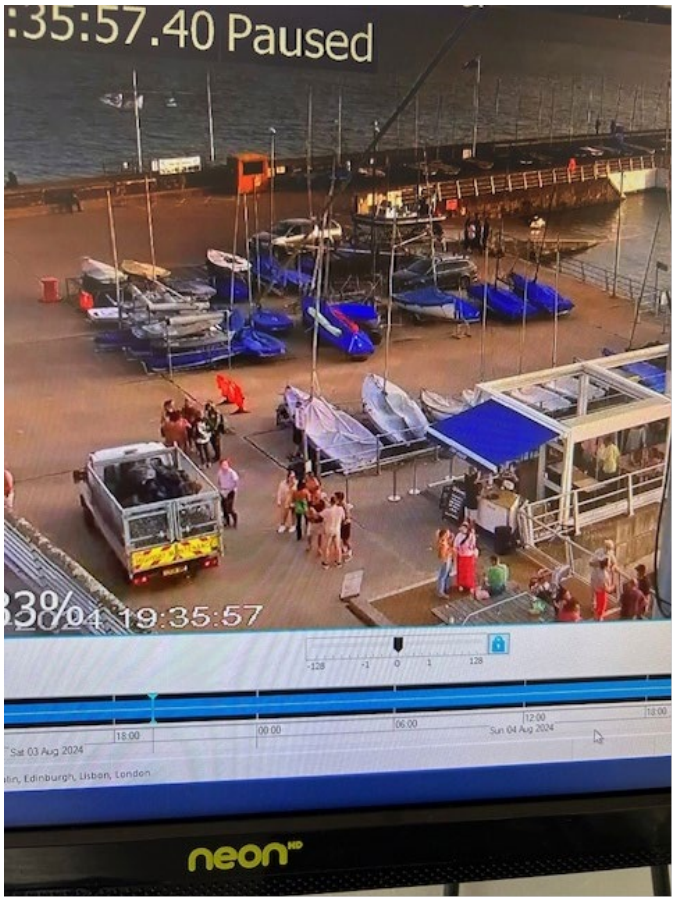
03 Aug 2024
Sun 04 Aug 2024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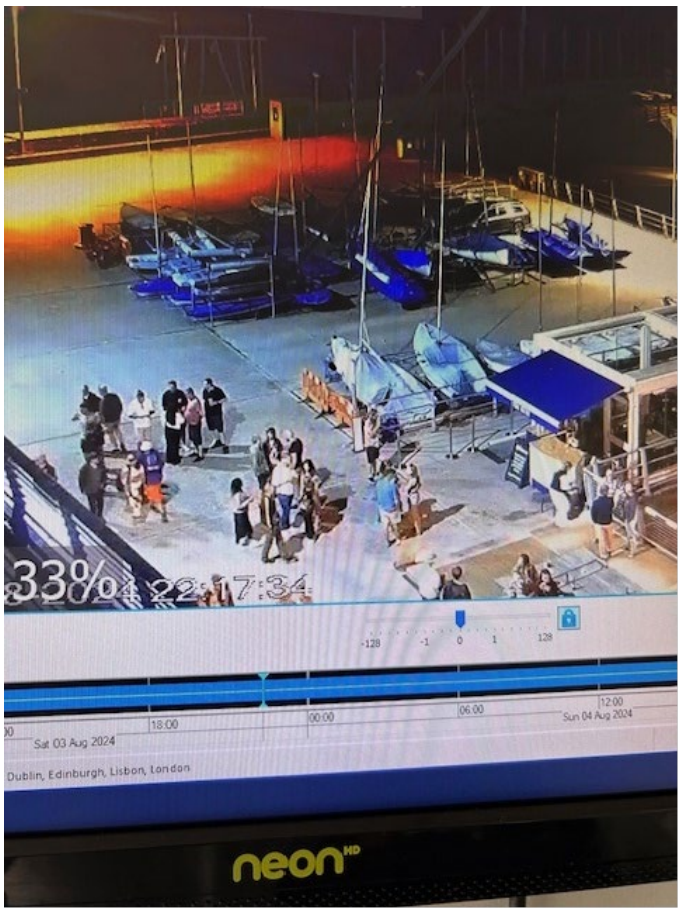
Sat 03 Aug 2024
Sun 04 Aug 2024
neon


33%04 22:17:34
Sat 03 Aug 2024
Sun 04 Aug 2024
Dublin, Edinburgh, Lisbon, London
neon

Best regards

[redacted] Torquay Harbour
Harbour Masters Office, Beacon Quay, Torquay TQ1 2BG
[redacted]

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From: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Sent: Monday, August 5, 2024 1:34 PM
To: [redacted]@torbay.gov.uk>; [redacted]@devonandcornwall.pnn.police.uk>; Smart, Julie <Julie.Smart@torbay.gov.uk>; [redacted]@devonandcornwall.pnn.police.uk>
Cc: [redacted]@torbay.gov.uk>
Subject: RE: Below Decks

Thanks [redacted]

Please could you send us a copy of the CCTV or some images to review. I don't think we have had any noise complaints and assume they are hosting the music in their outside area so wouldn't have required a TEN.

The licensing conditions are a little vague and says each event should be risk assessed so I will ask Julie to review this with [redacted]

Many thanks, Rachael

From: [redacted]@torbay.gov.uk>
Sent: Monday, August 5, 2024 11:39 AM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>; [redacted]@devonandcornwall.pnn.police.uk>; Smart, Julie <Julie.Smart@torbay.gov.uk>; [redacted]@devonandcornwall.pnn.police.uk>
Cc: [redacted]@torbay.gov.uk>
Subject: Below Decks

Good morning all.

I have received a few more complaints regarding the quayside area surrounding Below Decks. On Saturday 3rd August they hosted a music event there which looking at the CCTV footage from Camera 208 from 19:19 and onwards shows about twenty people walking around in the road whilst drinking and also sat on the benches of the Beacon Quay Decking. I have been informed the business have purchased some plastic glasses but there are still glass ones out on the quayside. The complainant said that a group of four people purchased drinks from the bar and walked off the quay and were seen crossing the

bridge while drinking.

The staff appear to have no control or even show any attempt to control their customers and as a result the road area is filled with people drinking. The footage also shows vehicles driving through the crowd of people as they go to and from the slipway. Obviously this is not acceptable and is likely to exceed any risk assessment they have for their work area or events.

We have met with Julie and Kevin Shadbolt previously and discussed the issues we have, but other than the purchase of plastic drinking vessels nothing else seems to have changed. We suggested that security would be a quick resolution to the issue but this has not been arranged.

Could you please look into this from a licencing aspect.

I will raise it tomorrow in the Police and Partners meeting.

See you then.

Best regards

[redacted] | Torquay Harbour
Harbour Masters Office, Beacon Quay, Torquay TQ1 2BG
[redacted]

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Date submitted: 11 August 2024 17:59:24

Making a complaint about noise

Are you a housing association tenant?	No
Do you know the address where the noise is coming from?	Yes
I confirm you have read this and wish to continue with my complaint	1
Have you spoken to the person making the noise, about the problem?	No
Are you reporting persistent	Loud music
Have you already reported this to us?	No
The address where the noise is coming from	Below Decks, Torbay Harbour
Who is causing the noise?	Music
Please give as much information as possible about the noise and how it is affecting you?	I live in Livermead and the music is so loud I can hear it at my property and even here it is loud enough to be disturbing.
First name:	[redacted]
Surname:	[redacted]
Address:	[redacted] BARNFIELD ROAD TORQUAY TQ2 6TN [redacted]
Email address:	[redacted]
Telephone number:	[redacted]

Date submitted: 25 August 2024 16:04:19

Making a complaint about noise

Are you a housing association tenant?	No
Do you know the address where the noise is coming from?	Yes
I confirm you have read this and wish to continue with my complaint	1
Have you spoken to the person making the noise, about the problem?	Yes
Give details of your conversations including dates and times	No response whatsoever
Are you reporting persistent	Loud music
Have you already reported this to us?	No
The address where the noise is coming from	Below decks cafe bar
Who is causing the noise?	As above
Please give as much information as possible about the noise and how it is affecting you?	It is now Sunday afternoon at 3:00 o'clock the continual heavy drumbeat is only surpassed by its music. I did not expect it to get loader as the week went on . Whilst it's correct that we should all have the opportunity to enjoy the bay it seems that this establishment does not concern itself with other peoples requirements. Can you explain how a cafe can extend to an all day drinking establishment !,
First name:	[redacted]
Surname:	[redacted]
Address:	[redacted] PARKHILL ROAD TORQUAY TQ1 2DD
Email address:	[redacted]
Telephone number:	[redacted]

From: Smart, Julie
To: [redacted]
Subject: RE: Just some intel
Date: 17 April 2025 09:03:00
Attachments: image001.png

Good morning [redacted]

I'm good thanks, hope you are too.

[redacted]

We have had concerns about noise from Below Decks for a couple of years, though we don't seem to be getting any complaints from residents in the area as they direct the speakers so the noise travels out over the harbour away from the residents behind them. Without any complaints from residents we are limited in what action we can take, but I will have discuss this matter with our noise specialist so he is aware, and it will be recorded for future reference.

Thanks
Julie

From: [redacted]@swisco.co.uk>
Sent: 17 April 2025 08:49
To: Smart, Julie <Julie.Smart@torbay.gov.uk>
Subject: Just some intel

Good morning Julie.

I was walking along Torquay seafront from the rugby club towards the harbour last night just after 2000hrs.
When we got to the Princes Theatre we could clearly hear live music, we thought it was coming from a boat or the speakers they use during the Christmas light event. It was only when we got to the footbridge over the harbour we realised it was from Below Decks.

I'm not one to usually complain, but my god it was loud, you could hear it around the harbour as well.

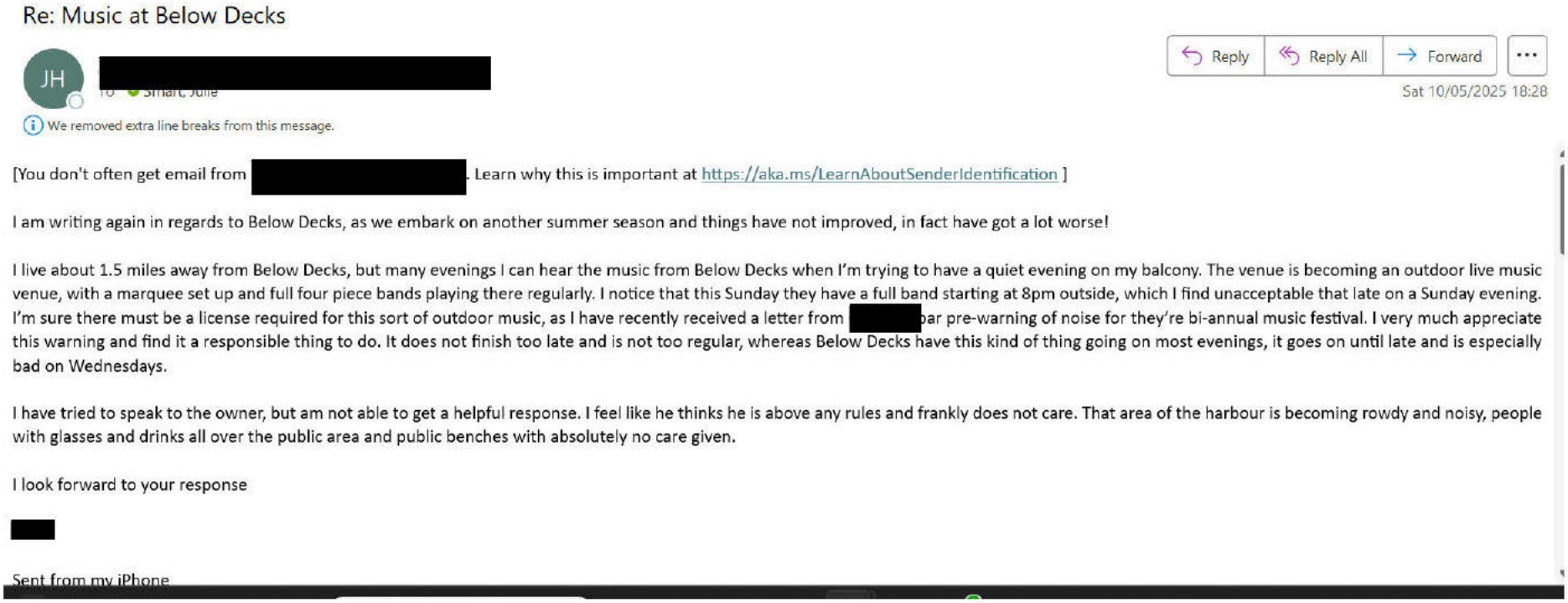
[redacted]

Many thanks.

Date submitted: 03 May 2025 20:56:47

Making a complaint about noise

Are you a housing association tenant?	No
Do you know the address where the noise is coming from?	Yes
I confirm you have read this and wish to continue with my complaint	1
Have you spoken to the person making the noise, about the problem?	No
Are you reporting persistent	Loud music
Have you already reported this to us?	No
The address where the noise is coming from	Below decks cafe/restaurant, Torquay harbour
Who is causing the noise?	Below Decks
Please give as much information as possible about the noise and how it is affecting you?	Loud music non-stop today from 3 pm (it is now 9pm and no let-up). We of course accept music generally around the harbour as it is part and parcel in such an area but this is just incessant repetitive loud drumming enough to give me a migraine and no relief when the migraine passes as it is non-stop. This is just the first May Bank Holiday. It is obviously only going to get worse as the summer comes unless the owner is told to stop.
First name:	[redacted]
Surname:	[redacted]
Address:	[redacted] PARKHILL ROAD TORQUAY TQ1 2DD
Email address:	[redacted]
Telephone number:	[redacted]



Re: Music at Below Decks

JH [redacted]

To: Smart, Julie

Reply | Reply All | Forward | ...

Sat 10/05/2025 18:28

We removed extra line breaks from this message.

[You don't often get email from [redacted]. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

I am writing again in regards to Below Decks, as we embark on another summer season and things have not improved, in fact have got a lot worse!

I live about 1.5 miles away from Below Decks, but many evenings I can hear the music from Below Decks when I'm trying to have a quiet evening on my balcony. The venue is becoming an outdoor live music venue, with a marquee set up and full four piece bands playing there regularly. I notice that this Sunday they have a full band starting at 8pm outside, which I find unacceptable that late on a Sunday evening. I'm sure there must be a license required for this sort of outdoor music, as I have recently received a letter from [redacted]ar pre-warning of noise for they're bi-annual music festival. I very much appreciate this warning and find it a responsible thing to do. It does not finish too late and is not too regular, whereas Below Decks have this kind of thing going on most evenings, it goes on until late and is especially bad on Wednesdays.

I have tried to speak to the owner, but am not able to get a helpful response. I feel like he thinks he is above any rules and frankly does not care. That area of the harbour is becoming rowdy and noisy, people with glasses and drinks all over the public area and public benches with absolutely no care given.

I look forward to your response

[redacted]

Sent from my iPhone

From: Hind, Rachael
To: Smart, Julie
Subject: FW: SHE Report
Date: 12 May 2025 12:19:19
Attachments: image001.jpg

Hi Julie

See below – worth having a chat with [redacted] as may be linked to the complaint you received re music if the event was generally unruly?

Rach

From: [redacted]@torbay.gov.uk>
Sent: 12 May 2025 12:13
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Subject: Fw: SHE Report

For info

[redacted]

Town Hall, Castle Circus, Torquay TQ1 3DR
[redacted]
www.torbay.gov.uk
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Information in this message is confidential and may be legally privileged. It is intended solely for the person to whom it is addressed. If you are not the intended recipient, please notify the sender and delete the message from your system immediately. The views in this message may be personal and therefore not necessarily those of Torbay Council.

From: [redacted]@torbay.gov.uk>
Sent: Monday, May 12, 2025 11:51:27 AM
To: [redacted]@torbay.gov.uk>
Subject: SHE Report

Hi [redacted]

Hope this finds you well.

I have submitted a SHE report this morning following an incident last night on Beacon Quay where a large crowd of Below Decks customers were drinking and partying on the quayside and a young female was being pushed at speed along the quay. She went into the crowd and knocked an elderly gentleman over. At the time of submitting the form I did not have the gent's name but have just seen him on the quayside and have his details and added them to SHE with a note in the injuries stating he has a fractured skull. I have a video on my desktop. It's an MP4 of the incident but it's too big to send and Teams wont support it. Any Ideas on saving the video somewhere or attaching it to the incident?

Best regards

[redacted] | Torquay Harbour
Harbour Masters Office, Beacon Quay, Torquay TQ1 2BG
[redacted]

www.tor-bay.harbour.co.uk
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Delivering harbour, beach and marine services for Torbay Council.

Date submitted: 17 May 2025 19:30:56

Making a complaint about noise

Are you a housing association tenant?	No
Do you know the address where the noise is coming from?	Yes
I confirm you have read this and wish to continue with my complaint	1
Have you spoken to the person making the noise, about the problem?	No
Are you reporting persistent	Noise from a pub or club
Have you already reported this to us?	No
The address where the noise is coming from	Below Decks, Torquay
Who is causing the noise?	DJ
Please give as much information as possible about the noise and how it is affecting you?	The DJ is outside on the quayside playing extremely loud dance music. This has been a frequent occurrence. It's impossible to escape the noise. Even with the windows and doors closed it is loud. There are approximately 40 revellers on Beacon Quay, drinking and dancing, with another 20 on the small outside deck dancing.
First name:	[redacted]
Surname:	[redacted]
Address:	[redacted] PARK ROAD TORQUAY TQ1 4QS [redacted]
Email address:	[redacted]
Telephone number:	[redacted]

From: Smart, Julie
To: Julie Shadbolt
Subject: Meeting on Tuesday 27 May 2025
Date: 29 May 2025 12:17:00
Attachments: image001.jpg

Good morning Julie & Kevin

I am emailing to outline our discussions at Below Decks on Tuesday 27 May 2025.

Prior to meeting with you, Tom West and I viewed CCTV footage of an incident that occurred outside Below Decks during the evening of 11 May 2025. This incident involved a female customer on a skateboard who was pushed towards a group of your customers by a male. The female was travelling at speed, and narrowly avoided a group of customers, but collided with another male customer, who fell to the floor and sustained a fractured skull. The CCTV footage showed that at the time of this incident several groups of your customers were standing, drinking and dancing in the road. Within the footage we viewed, your staff were not seen making any attempt to keep the road clear.

Condition 6 under Annexe 2, The Protection of Public Nuisance, on your premises licence states:

“Staff will regularly monitor all outside areas and ensure that customers do not loiter in the road or prevent vehicle access to the harbour areas.”

We also discussed information received that suggests a Coastguard vehicle recently had difficulty getting through customers stood in the road outside your premises, however you disputed this.

During our discussions about the incident, Kevin indicated that neither of you were present at the premises at the time of this incident, and that as a result no noise monitoring had taken place.

Condition 3 under Annexe 2, The Protection of Public Nuisance, on your premises licence states:

“While live or recorded music takes place regular monitoring of noise levels at the nearest noise-sensitive locations shall take place. A record shall be kept of any monitoring, including:

- the date, time and location of the monitoring
- the name of the person monitoring
- any action taken

Records shall be kept for at least 6 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.”

The Licensing Act 2003 requires you to comply with all conditions within the premises

licence when licensable activities are taking place. It is an offence under Section 136 of the Licensing Act 2003 to carry out licensable activities not in accordance with the premises licence, and a person convicted of such an offence is liable on summary conviction to a term of imprisonment not exceeding 6 months, an unlimited fine, or to both. On this occasion, no further action is to be taken in respect of the above breaches of conditions, but you must ensure they are complied with in the future.

It was further noted that Condition 2 under Annexe 2, The Prevention of Public Nuisance states:

"The Premises Licence Holder or Designated Premises Supervisor shall be available at all times during regulated entertainment and be responsible for cooperating and liaising with any responsible authority."

This condition is open to interpretation as to whether the "Premises Licence Holder or Designated Premises Supervisor being available at all times" means that they have to be physically present at the premises or at the end of the phone. I therefore recommend that you apply for a minor variation to amend this condition, and would ask you to consider the below:

"On occasions when entertainment is provided at the premises, the Premises Licence Holder or DPS shall nominate a designated member of staff to monitor customers outside to ensure the road is kept clear and to monitor and record noise levels, in accordance with the requirements of the licence."

If the above condition is acceptable to you, please submit a minor variation. The form and further information can be found here: Minor variation - Torbay Council

If you do not agree with the above suggested condition, please give the matter some consideration and respond advising me of a suitable alternative.

In respect of 3 noise complaints that Tom has received, he indicated that one complaint was from a person who has a boat moored close by, and the other two are from residents who live 1½ and 3 miles away from the premises. Tom indicated that as none of the complainants reside in the vicinity of Below Decks, the veracity of these complaints cannot be determined. Wind direction and the impact this has on carrying noise away from your premises was discussed. Tom recommended that you continue monitoring and recording noise levels as required by your premises licence, and that you determine the wind direction and direct speakers so as to avoid noise being carried in the direction of residential premises.

Should you wish to discuss the above, please do not hesitate to contact me.

Kind regards

Julie

From: Smart, Julie
To: Julie Shadbolt
Subject: FW: Meeting on Tuesday 27 May 2025
Date: 26 June 2025 14:03:00
Attachments: image001.jpg

Hi Julie & Kevin

I received an email from you whilst I was on leave requesting an update following our meeting at the premises.

As you will see below, following our meeting on 27 May 2025 I emailed you outlining our discussions. I also recommended that you apply for a minor variation to replace the condition on the licence about the premises licence holder or DPS being available during entertainment, and proposed an alternative for you to consider.

To date I have not received a response to my email and no minor variation application has been received.

If you are satisfied with the proposed condition. Please apply for a minor variation: Minor variation - Torbay Council

If you do not apply for a variation to replace the existing condition on the licence, you must comply with it, ie the premises licence holder or DPS must be available whenever entertainment is provided, either at the premises or by telephone.

If I can be of any further assistance, please do not hesitate to contact me.

Kind regards

Julie

From: Smart, Julie
Sent: 29 May 2025 12:17
To: Julie Shadbolt [redacted]
Subject: Meeting on Tuesday 27 May 2025

Good morning Julie & Kevin

I am emailing to outline our discussions at Below Decks on Tuesday 27 May 2025.

Prior to meeting with you, Tom West and I viewed CCTV footage of an incident that occurred outside Below Decks during the evening of 11 May 2025. This incident involved a female customer on a skateboard who was pushed towards a group of your customers by a male. The female was travelling at speed, and narrowly avoided a group of customers, but collided with another male customer, who fell to the floor and sustained a fractured

skull. The CCTV footage showed that at the time of this incident several groups of your customers were standing, drinking and dancing in the road. Within the footage we viewed, your staff were not seen making any attempt to keep the road clear.

Condition 6 under Annexe 2, The Protection of Public Nuisance, on your premises licence states:

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During our discussions about the incident, Kevin indicated that neither of you were present at the premises at the time of this incident, and that as a result no noise monitoring had taken place.

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- the date, time and location of the monitoring
- the name of the person monitoring
- any action taken

Records shall be kept for at least 6 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority."

The Licensing Act 2003 requires you to comply with all conditions within the premises licence when licensable activities are taking place. It is an offence under Section 136 of the Licensing Act 2003 to carry out licensable activities not in accordance with the premises licence, and a person convicted of such an offence is liable on summary conviction to a term of imprisonment not exceeding 6 months, an unlimited fine, or to both. On this occasion, no further action is to be taken in respect of the above breaches of conditions, but you must ensure they are complied with in the future.

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Should you wish to discuss the above, please do not hesitate to contact me.

Kind regards

Julie

Julie Smart | Licensing Officer | Licensing and Public Protection Team
Torbay Council, Community & Customer Services, Lower Ground Floor, Town Hall, Torquay TQ1 3DR
☎ [redacted] | julie.smart@torbay.gov.uk

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From: [redacted]
To: Smart, Julie; Hind, Rachael; West, Thomas
Subject: FW: Antisocial behaviour noise nuisance last night Torquay harbour
Date: 28 July 2025 10:05:12
Attachments: image002.png
image003.jpg

Morning all.

Please see below the email received this morning. Also an attached photo from [redacted] It has been quiet for a few weeks but seems the warmer weather brings on the issues.
I think that if we are hearing that our customers are contemplating going elsewhere due to the noise something must be done.

I will respond to the complainant.

Best regards

[redacted] | Torquay Harbour
Harbour Masters Office, Beacon Quay, Torquay TQ1 2BG
[redacted]

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07:10 Sun 27 Jul
46%
FRONT
07-26-2025 Sat 20:01:39
FRONT

Delivering harbour, beach and marine services for Torbay Council.

From: [redacted]>
Sent: 27 July 2025 13:12
To: Harbour Authority <Harbour.Authority@torbay.gov.uk>
Subject: Antisocial behaviour noise nuisance last night Torquay harbour

> You don't often get email from [redacted]

Good afternoon

We were retrieving our boat on the outer harbour slip, adjacent to the Torquay Harbour Masters office yesterday evening. Around 7.30 - 8pm.

There was outside music being played at a ridiculous volume. We think the venue is called "The Deck". It was absolutely awful. Well beyond people simply enjoying themselves. It was obvious that they had no regard whatsoever for anyone else in the vicinity of the harbour and the surrounding homes and businesses. We had planned to have dinner at a nearby restaurant. However, we prepared our boat and left as soon as we could. Its enough to give you a headache. I feel so sorry for local residents or others who have to work close by, and cannot escape this.

The noise could be heard across the Harbour, and was most certainly a public nuisance. Before retiring, I was a member of the Institute of Acoustics, so I know something of these matters.

Such people have no regard for anyone else and I feel warnings will fall on deaf ears. I think Torbay Council should seriously consider revoking their music licence.

It will certainly make us think twice about returning. And speaking with other harbour users last night, they felt the same.

Please do something about it.

Yours sincerely,

[redacted]

Sent from my Galaxy

From: Hind, Rachael
To: Licensing
Cc: West, Thomas
Subject: RE: Noise Complaint re Below Decks
Date: 04 August 2025 11:44:23
Attachments: image001.png@01DC0535.1EBB28E0
15830794.pdf

[redacted]

Good afternoon Mr Thomas

I sent the email below to the Harbour Authority today. And only after did I realise that I had not copied you in.

I think you should be aware of the problem, if you're not already.

As a harbour user, I really hope something can be done about this.

Kind regards,

[redacted]

Good afternoon

We were retrieving our boat on the outer harbour slip, adjacent to the Torquay Harbour Masters office yesterday evening. Around 7.30 - 8pm.

There was outside music being played at a ridiculous volume. We think the venue is called "The Deck". It was absolutely awful. Well beyond people simply enjoying themselves. It was obvious that they had no regard whatsoever for anyone else in the vicinity of the harbour and the surrounding homes and businesses. We had planned to have dinner at a nearby restaurant. However, we prepared our boat and left as soon as we could. Its enough to give you a headache. I feel so sorry for local residents or others who have to work close by, and cannot escape this.

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Such people have no regard for anyone else and I feel warnings will fall on deaf ears. I think Torbay Council should seriously consider revoking their music licence.

It will certainly make us think twice about returning. And speaking with other harbour users last night, they felt the same.

From: Julie Shadbolt
To: Smart, Julie
Subject: Below Decks
Date: 22 August 2025 14:08:08

Hi Julie
Just wanted to touch base regarding [redacted]
Two emails sent but not reply but that's just letting you know
With regards to the Harbour I'm sure you have heard from [redacted] but I wanted to put my side off events .
I have put up three quite large signs saying no standing or dancing in the street .
This appears to have the same effect the harbour signs saying no skateboarding/cycling or scooters has .
It's almost a red rag to a bull and I've really struggled to get people to adhere to the rules a little bit off which is the fact that the tourists have finally arrived .
In order to counter act this myself and [redacted] positioned ourselfs at the entrance end outside birchells and a response vehicle arrived and we dispersed the crowd immediately so they were not delayed at all . Not perfect but at least it appeared to work
So with that in mind on Wednesday I had what I thought was a good idea . I set up a boundary using 5 foot off the road which is on line with the kerb outside Birchells .
The road widens by that much outside our premises so it would not interfere with any vehicle gaining access .
It worked really well I was able to tell people this was where to dance effectively without causing a nuisance
However [redacted] has basically gone mad and said that they were in the road and he would charge me £52 per meter for using his road .
In a funny sort off way I wouldn't object to paying if it was to stop this feud between us
I'm doing my best re all this but I'm running out off ideas to be honest
I know he is sound checking me and hell bent on getting me closed down but I feel that it's time to retaliate so the gloves are off so too speak
Anyway just wanted to keep you advised off what's going on and wish you a happy bank holiday
Kind Regards
Kevin
Sent from my iPhone

From: Licensing
To: julieshadbolt[redacted]
Subject: Make a Complaint/ Enquiry - Below Decks (ref: 16311321)
Date: 22 August 2025 15:58:39

Dear Kevin & Julie Shadbolt
Case 16311321
RE: Below Decks, 4 Beacon Quay Torquay Torbay, Torquay, TQ1 2BG
Thank you for your email.
In respect of your emails to [redacted] I cannot give you any advice about this, other than to keep trying.
I haven't heard from [redacted] for some time so do not know anything about the issues you refer to in your email, other than your comments.

In respect of your comment that you have struggled to keep the road clear, so you and [redacted] placed yourselves near Birchalls and dispersed the crowd when a response vehicle needed access, I would remind you of the below condition on your Premises Licence:

"On occasions when entertainment is provided at the premises, the Premises Licence Holder or DPS shall nominate a designated member of staff to monitor customers outside to ensure the road is kept clear and to monitor and record noise levels, in accordance with the requirements of the licence".

You will note the condition says that staff must monitor customers outside to "ensure the road is kept clear". Therefore you cannot allow people to stand in the road and move them if a vehicle needs access, nor can you allow any customers to stand on any part of the road, even if an area is cordoned off.

I would take this opportunity to remind you that failure to comply with the conditions of a premises licence constitutes an offence under Section 136 of the Licensing Act 2003, and a person found guilty of such an offence on summary conviction is liable to an unlimited fine, up to 6 months imprisonment, or to both.

From your email and previous complaints we have received, it appears that your music nights are attracting a larger audience than can be accommodated in your premises and your outside area. You may wish to consider ways that you can restrict the number of people attending events that attract large numbers, perhaps by introducing ticket only events or on a first-come-first-serve basis, whereby once your licensed areas are at capacity, no further customers are served drinks and are asked to leave the immediate area.

As Premise Licence Holders it is your responsibility to ensure you have sufficient measures in place to make sure the road is kept clear in accordance with the condition on the licence.

Should further evidence of any breaches of conditions or complaints about customers standing in the road be received, we shall consider applying for a Review of your licence, but I hope that this will not be necessary.

Regards

Julie Smart

From: [redacted]
To: West, Thomas; Smart, Julie
Cc: [redacted]
Subject: FW: Noise & General Chaos
Date: 27 April 2026 10:33:38
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image006.png
image007.png
image008.jpg

Good morning Julie/ Tom.
The season has just started and we have received our second complaint regarding Below Decks. The first I witnessed a couple of weeks ago when we had a very still evening weather wise and the Below Decks Wednesday band night was heard from Preston sands across the bay by myself. One of our visiting yachts was in the office on the Thursday morning to complain about the noise.
Tom would you be able to advise on the noise level element of this issue please. Mr Shadbolt has previously told me that his noise levels are not excessive but I beg to differ. Is there any ruling on the latest installation of the illuminated signs on the outside seating area? They appear to be conflicting with CCTV images from [redacted] system as noted in [redacted] email below. Is planning permission required for this? From a maritime element they face along the quayside so do not impede any navigation lights. However if planning is required for illuminated signs I would oppose any application. I will be speaking with my team to ensure they pay attention to the parking and pedestrian aspect of the quayside.
It certainly seems that the lack of control of one element of the harbour businesses is having an effect on the remaining ones.
[redacted]

Best regards

[redacted] | Torquay Harbour
Harbour Masters Office, Beacon Quay, Torquay TQ1 2BG
[redacted]
www.tor-bay.harbour.co.uk
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Delivering harbour, beach and marine services for Torbay Council.

From: [redacted]
Sent: 25 April 2026 16:26
To: Burns, Nick
Subject: Noise & General Chaos
Good Afternoon [redacted]
It is only April and things on the quayside for business have quickly become intolerable, something needs to be done before it damages our business permanently. The non hospitality businesses on the quayside have no chance when the, apparently, completely unregulated hospitality business has music playing so loudly that people, potential customers, are turning around and walking back off the quayside, and there customers are parking wherever the want too, on the quay and in the private carpark. They are then

drinking all over the quayside, sitting on benches well outside the licensed areas and generally making Beacon Quay look like an Ibiza Beach Club!

The music commenced at 14:00 and is alternating between recorded music and bands, the band is virtually blocking the pedestrian walkway and totally preventing walkway access to the end unit. There is no security on site and little or no management of the customers drinking all over the harbourside. I have just witnessed a group of 4 people, with fresh pints walk over the road and onto the town dock, down onto a boat. We have not seen a customer since the music started and the only people coming onto the quay are people who look like they are dressed for a night out ready for dancing and drinking on Beacon Quay.

I think if the Council want the quay to become a dance and drink venue then they should tell the other tenants to that we can look at our future plans. From our businesses point of view unless the situation improves we will be thinking long and hard about whether it is worth continuing to invest in Torquay or we should look elsewhere. There seems to be no backup on the quayside from Licencing, Planning or Estates and everything is left to a frankly inexperienced, quayside harbour team who are powerless and have no backup.

How can free parking be acceptable when others pay an inflated price for the same carpark, a carpark which appears can be used to permanently create additional refrigerated storage anywhere you feel fit.

How can a single business be able to erect illuminated signage without consent, illumination which at night blinds one of the only CCTV cameras on the quay that has helped the Police when crimes occur.

How can the same business have unlimited licensed tables and chairs and no management of customers whatso ever drinking and dancing all over the quayside.

Until now none of the other tenants have wanted to make a stand, basically because, as the ones who follow the rules, we all fear that the Council will retaliate against us because we are easier to control / manage than the totally unmanageable tenant that they have allowed to go unchecked. That element of fear is very rapidly evaporating and soon we will have no choice, and in order to protect our businesses, we will need to start making loud noises ourselves to force the Council into action.

Beacon Quay used to be an effectively managed and controlled area in which to run a business, now it is quiet frankly a joke and it seems none of the Council departments that have the opportunity to exert control are willing to do so to support and backup the small on site team.

If this situation does not get resolved soon it will only become increasingly uncontrollable and at some point someone will be seriously injured.

I am happy to communicate this to anyone in the Council you feel might be in a position to help. I would also suggest it be added to the next Liaison Meeting agenda so the views of other stakeholders can also be gathered.

Best regards

[redacted]

Licensing and Trading Standards Customer Contact Web Form

Field	Value
Enquiry type	Alcohol and Entertainment Licences
Customer's enquiry	How is it that [redacted]n Paignto cannot play live music because of complaints but nothing is ever done about Below Decks ?? I am sure you have had complaints about this premises that seems to hold a festival every sunny weekend. Shouldn't all customers drinking be sat down do they know their license ? You can hear the music up in St Lukes Road surely not right ?
Title	Mr
Contact Forename	[redacted]
Contact Surname	[redacted]
Contact Phone	
Customer Address	[redacted] ST LUKES ROAD SOUTH TORQUAY
Post Code	[redacted]
Email	
Notes	-

From: [redacted]
To: Smart, Julie
Subject: Re: Music at Below Decks
Date: 20 June 2026 18:33:33
Attachments: image1.jpeg
image2.jpeg
Video.mov

Hello

This is now an annual email, as every year things get worse and worse and Torbay Council take no action against the obvious flouting of licensing laws by Below Decks. I have visited this afternoon and they have a music festival going on, but this seems to be a daily and weekly occurrence, not just a one off!

There are people all over the public benches with drinks purchased from Below Decks and in glass and bottles, not plastic! They cannot say that these were purchased elsewhere, as I witnessed people bringing them out of the premises and also purchasing in [redacted] because the queue was too long in Below Decks.

It makes me feel uncomfortable using this public area, as I have to make my way through drunk men and women and very loud music. It is now a no go for families and children. People are again sitting all over the boats with glass, which is unacceptable for other people of dog owners wishing to use the area.

Please, please take some action. Come down and witness the chaos when it is happening instead of just talking to the owner and believing what he says. Other premises in Torbay have had their licences revoked for much less and this is not fair on other businesses who play by the rules! A little cardboard sign asking people to use a plastic cup is not enough!

I really hope this year is the year we get our harbour and pier
back!

Thank you
[redacted]

[redacted]


THE DECK

From: [redacted]
To: Smart, Julie; [redacted]
Cc: [redacted]
Subject: Below Decks
Date: 22 June 2026 12:29:11
Attachments: scan_stms029_2026-06-22-09-10-33.pdf
Video.mov
image001.jpg
Importance: High

Good afternoon all.

Once again I have been receiving complaints regarding the operations of Below Decks, Beacon Quay on the Torquay Harbourside.

I received a video form one of the neighbouring tenant [redacted] showing a vehicle attempting to manoeuvre through the crowds of customers who once again had spilled out onto the roadway or are sat at tables in the road seen as the vehicle departs. The video is attached for you.

One of my team members went into Below Decks at 18:15 on Saturday 20th June to ask the staff to manage their customers as it was critically unsafe in the current situation. The attached video was taken at 19:36 and as can be seen no actions had been taken.

My weekend staff have received over 30 complaints on Saturday about the noise and lack of access to the slipway. Five of our customers who were here to launch vessels and jet ski's turned away.

My team have repeatedly asked for the roadway to be cleared and not once have the staff of this establishment attempted to clear the road of tables chairs and standing customers. At the time of this request the owners of the establishment were not available.

A temporary bar has frequently be set up outside the seating area on the edge of the road and drinks have been sold from there. Their customers are sitting on the benches along Beacon Quay drinking and leaving glasses on the benches and decking. This is hindering the flow of passengers queuing for ferries from Torquay and as you may be aware is a part of a no alcohol zone extension from the town centre.

I have just been visited by [redacted] who has also raised a complaint regarding Saturday's crowds. As the bar and toilets were full in Below Decks their customers were using the facilities in the [redacted] and purchasing drinks, taking them out to return to Below Decks. When being informed that they were not permitted to take glasses onto the quayside they became abusive to the [redacted] staff and were using foul language to them in front of families with children. [redacted] has informed me that a quarter of her glasses were missing on the Sunday morning. She has said that her business was impacted when the Below Decks customers were shouting abuse at her staff. The queue waiting for tables to dine walked away following the scenes. She has also informed me that she had been made aware that one of these groups dropped a small bag of powder thought to be drugs on the floor in her bar which was fortunately recovered by her staff for disposal. She has indicated that there is a drug abuse problem in the Below Decks premises. Wednesday and Saturday evenings are when Below Decks have music events on [redacted] has said it is pointless her having time off during theses days as the nose emanating from their events can be heard from her on site accommodation. Half of her restaurant was said to be "thumping" from their music.

Neighbouring business [redacted] has also complained about the noise and crowds obstructing the quayside he has said this morning that he will be

emailing me with his complaint. I will of course forward this to you on receipt. He has said that it is impossible to have a conversation with customers over his counter without shouting as the volume of the music makes it impossible to work with. When Below decks have a music event on his numbers of customers diminishes to the point that it is not worth opening. He said the music can usually be heard from Livermead.
The lower level car park is being used to accommodate more vehicles then their allocated number of spaces and the rear of the premisses is a dumping ground for chairs, tables and disused equipment related to this business. The rear parking spaces outside of the business has a refrigerated trailer which is not permitted in their lease. I have asked for this to be removed but was told by Mr Shadbolt that he would not remove it.
As Harbour Master acting in a statutory capacity to maintain a safe running harbour in compliance with the Port Marine Facilities Safety Code I am being challenged by this operation as many aspects of their business are out of control and witnessed by the owner who seems unphased.

[redacted]

In the short term I suggest that some formal action is taken against this establishment to stop the damage to other businesses sharing the quayside area.
Could I please request your support for this.

Best regards

[redacted] | Torquay Harbour
Harbour Masters Office, Beacon Quay, Torquay TQ1 2BG
[redacted]
www.tor-bay.harbour.co.uk
Facebook | Twitter | Instagram

Delivering harbour, beach and marine services for Torbay Council.

From: [redacted]
To: [redacted]; Hind, Rachael; [redacted]; Smart, Julie; [redacted]
Cc:
Subject: FW: Below Decks, Beacon Quay
Date: 23 June 2026 09:49:32
Attachments: image001.jpg

Morning all.
Complaint email from [redacted] Below Decks below for your information.
Best regards

[redacted] Harbour Master | Torquay Harbour
Harbour Masters Office, Beacon Quay, Torquay TQ1 2BG
[redacted]
www.tor-bay.harbour.co.uk
Facebook | Twitter | Instagram
Delivering harbour, beach and marine services for Torbay Council.

From: [redacted]
Sent: 22 June 2026 17:54
To: [redacted]
Subject: Below Decks, Beacon Quay

> You don't often get email from [redacted]

Dear [redacted]
As a neighbour of Below Decks on Beacon Quay I would like to complain about how the licenced premises is being run during music events which are becoming a regular feature of Saturday afternoons.
The music event that was held on the 20th June was the worst that we have experienced. As from around 2pm the volume was so loud that it was very difficult to have conversations with our customers. The roadway and footpaths were blocked with groups of people standing and drinking. This affects footfall to our shop as customers don't want to push their way through the crowd, which in turn affects our income for the day. In fact with the whole area blocked by the crowd you can't even see our business from the start of the Quay. We have noticed over the last few events which start in the afternoon that our income is always down, which, when we are dependent on summer trade is very difficult to deal with especially after a difficult winter.
Customers have mentioned to us that they will not come down to Beacon Quay when live music events are on, which is not good for the other traders on the Quay, one customer has even mentioned that this Saturday the Quay was like an outside nightclub in the middle of the afternoon.
I feel that the Harbour used to be more family friendly for people to enjoy their boats and the surrounding area - this is not the case any longer. I really hope that Below Decks improves the way it is run, with people sitting down in designated areas like all the other businesses around the Harbour area, and that there are no more disturbances to the neighbouring businesses.

Nuisance Web Report

Field	Value
Type of nuisance	Other
Details (other)	Excessive noise nuisance
Do you know where the nuisance is coming from?	Yes
Name of the offender	Below Decks
Offender Address	BELOW DECKS UNIT 3 TO 4 BEACON QUAY TORQUAY
How often has the incident happened in the last 2 weeks?	More than 4 times
How long does each incident last?	More than 1 hour
To whom have you reported it already?	No-one
Please enter details	
What effect does this have on your life?	Some impact
Are there other people in your household affected in the following categories?	None
Details	I live approximately 1 mile away from Below Decks and I am regularly disrupted by the excessively loud music that comes from the premises. This is on a weekly basis, particularly over entire weekends. The noise is as such that when windows and doors are open at my property, the music is overbearing and I also cannot enjoy sitting outdoors. I struggle to hear my television for example or work at home due to the noise interference. Music can go on late into the night and I can even hear it when I am trying to sleep. In addition, I am a harbour customer and the noise is even more disruptive when I am on the marina, often finding it difficult to have low level conversations. Finally, when launching and recovering vessels on the harbour slip way, the huge crowds of people stood in the roadway approach drinking causes many hazards despite the obvious signs I have seen informing customers of the premises not to stand in the roadway.
What support do you have?	Friends/Family
Have you completed a diary of the problem?	No

Can you upload the diary now?	-1
Title	[redacted]
Contact Forename	[redacted]
Contact Surname	[redacted]
Contact Phone	
Customer Address	[redacted] GRAFTON ROAD TORQUAY
Post Code	[redacted]
Email	
Notes	

Applicant

Preferred pronoun	She/her
Title	Miss
First name	[redacted]
Middle name	[redacted]
Surname	[redacted]
Address	[redacted], Grafton Road
Town/City	Torquay
County	Torbay
Postcode	[redacted]
Country	United Kingdom
Preferred contact method	Email
Email address	[redacted]
Phone	
Mobile	
Date of birth	[redacted]
Tell us how we can help you best	
Do you need a different type of help/support?	
Agrees to be contacted for surveys and/or consultations	No

Enquiries & Complaints regarding Licensing

Complaint	
Type of Licencing complaint/ enquiry	Alcohol Premises i.e. pub or club
Please tell us what your enquiry/ complaint is about	Noise from a pub/club
If "other" please enter details here	
Do you know the postal address?	Yes

Enquiries & Complaints regarding Licensing

Name of address	
Address	Below Decks, Unit 3 To 4, Beacon Quay
Town or City	Torquay
County	Torbay
Postcode	TQ1 2BG
Please provide details	I recently submitted a nuisance complaint to the council regarding the noise omitted from Below Decks. I am now raising this complaint because the nuisance has escalated to a completely unacceptable level. I live 1 mile away from the premises and I am also a harbour user. I am frequently disrupted by loud music from the premises, to the extent that I cannot enjoy my outdoor space and I have to shut doors and windows in order to hear my TV. The noise is completely over bearing, happening every weekend and now every Wednesday due to live music ongoing. When I am on Torquay marina I cannot have a low level conversation with others due to the volume level of the music. The premises recently held a music festival and when trying to access the underground car park on the harbour at 10pm when the event was finishing, there were hundreds of people walking in the middle of the road next to the Harvester, obstructing my vehicle. I am told 500 people attended and this is evident from social media posts from the event. In addition I am constantly obstructed by people standing in the road between the premises and their glass extension when I am launching and recovering vessels, despite the visible signs that there is to be no standing in the roadway. I do not think that the premises license extends to the roadway, public benches and in front of the other neighbouring premises so I do not understand why Below Decks continue to get away with this. What was once a family friendly harbour area has now become an area for anti social behaviour, drug taking and fighting, all of which I have seen. I have video evidence of the noise from my property which I am willing to share.
Are you reporting a one off incident?	No
On which date did the incident	01/07/2026

Enquiries & Complaints regarding Licensing

occur?	
On which time did the incident occur?	19:00
Please tick to confirm you accept these conditions.	Yes

About this transaction

Customer reference	10549094
Status	Submitted on 01/07/2026 20:00
Contact method	Self service
Entered by	System
Request reference	20888183

From: [redacted]@torbay.gov.uk>
Sent: 07 August 2026 09:23
To: Smart, Julie <Julie.Smart@torbay.gov.uk>
Cc: [redacted]@torbay.gov.uk>
Subject: Below Decks

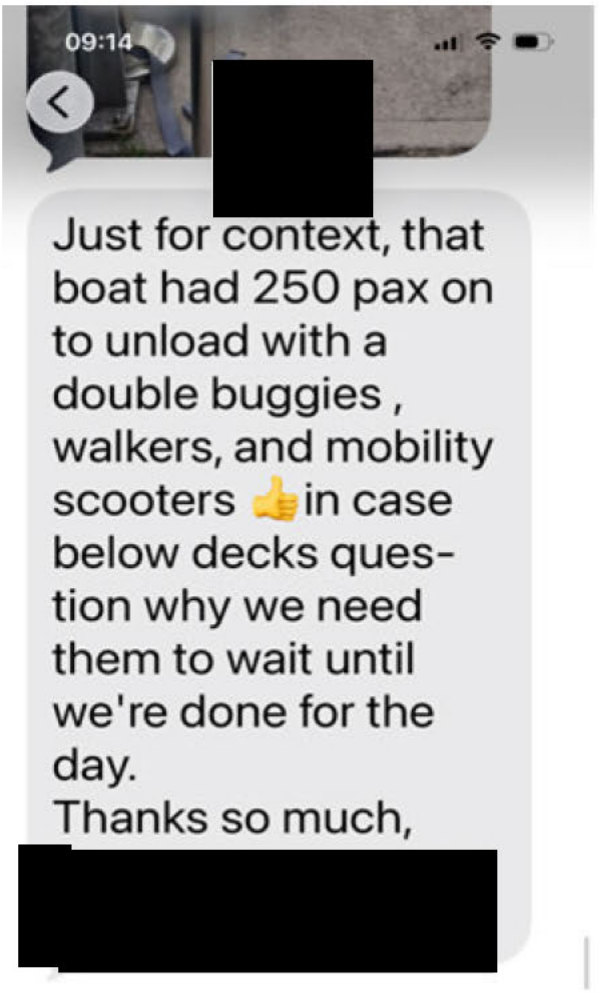
HI Julie.

Please see below the photograph sent to me last Saturday of tables and chairs set out in the pathway for the ferries. I received a complaint from [redacted] by phone and followed by a text also below to show the inconvenience to the ferries.

It would appear that this has been happening regularly after the ferries have finished operating however there are some late evening trips that this would affect.

[redacted]





Best regards

TOR BAY
HARBOUR

[redacted] Torquay Harbour
Harbour Masters Office, Beacon Quay, Torquay TQ1 2BG
[redacted]

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From: Licensing
To: juliesbadbolt[redacted]
Subject: Make a Complaint/ Enquiry - Below Decks, Unit 3 To 4, Beacon Quay
Date: 11 August 2026 11:57:34
Attachments: Photo of chairs and tables obstructing ferry footpath.docx

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Dear Kevin and Julie

Make a Complaint/ Enquiry

I have received a complaint that on Saturday 1 August 2026 some of your tables and chairs were set up in a position that obstructed the ferry footpath, impacting on passengers leaving the vessel. On this occasion the ferry had 250 passengers, and some of these passengers had double buggies, walkers and mobility scooters. The complainant states that it appears this happens regularly once the ferry has usually stopped operating, however sometimes the ferry does run later into the evening.

I have received the attached photograph regarding this matter.

Please can you ensure that your staff monitor this area and keep the footpath clear at all times.

Kind regards

Julie Smart

Julie Smart | Licensing Officer | Licensing
Town Hall, Castle Circus, Torquay, TQ1 3DR
julie.smart@torbay.gov.uk
www.torbay.gov.uk
Facebook | Twitter | LinkedIn | Instagram

NOTE: Please do not edit the subject line when replying to this email.

From: [redacted]
To: Licensing
Subject: Re: Saturday 23 August 2025. - Below Decks Continuous Noise complaints (ref: 21790445)
Date: 27 August 2026 11:14:43

Good morning Tom

Thanks very much for your prompt response. I didn't record specific days/dates etc but it has been pretty much every weekend over the Summer months and most definitely it was yesterday evening for 2/3 hours of constant noise.

I will from now on, when I am here, monitor the times/dates and try to record the noise level but yesterday was pretty bad again.

It is just ironic that, as Below Decks finish his music session [redacted] starts up until the small hours of the morning!

I will send any further information as and when and thank you again for your persistence and I am glad to know I'm not the only one complaining.

Kind regards

[redacted]

Sent from my iPad

> On 26 Aug 2026, at 13:14, Licensing wrote:
>
> Hi [redacted]
> Just a follow up to my E-mail below. I've just been down to speak with the licence holder who has apologised for the noise and is going o send a message to his performers to ensure that they do not bring any additional speakers and ensure the volume is kept to a reasonable level.
> Hopefully this will help,
> Many thanks,
> Tom
>
> ---
>
> **From:** Licensing
> **Sent:** 26/08/2026 11:39
> **To:** [redacted]
> **Subject:** Re: Saturday 23 August 2025. - Below Decks Continuous Noise complaints
> Dear [redacted]
> Thankyou for your complaint. I'm sorry to hear that you are being affected by this issue again.
> Licensing and the Harbours Authority have been in conversation with

one another about the issue with Below Decks, as we have received a number of complaints recently about noise from this venue.
We are currently considering a more robust approach to dealing with these issues, but require detailed accounts of the noise and how it is affecting the enjoyment of residents properties. To that end, could you advise if there have been any specific dates or times that you have been affected by noise from Below Decks?
I will speak with the owner of [redacted] to ask that the music is lowered.

Many thanks,
Tom

From: [redacted]
Sent: Sun Aug 23 2026 10:21:11 BST
To: Tom.West@torbay.gov.uk
Subject: Re: Saturday 23 August 2025. - Below Decks Continuous Noise complaints
(Attachments:) Email (original message) from [redacted] received on 25/08/2026.eml, Email from [redacted] - Re: Saturday 23 August 2025. - Below Decks Continuous Noise complaints.pdf, Email (original file) received on 25/08/2026.msg
Dear Tom
Thank you for your efforts in helping to reduce the noise level coming up from Below Decks. Over the past year, the noise level there has seemed to have reduced thanks to your intervention and common sense approach. The main contributing factor is that they took on board suggestions to actually re-position the Speakers so that the music travels out across the water rather than directly back towards the buildings.
I did have my concerns as to how long this would last as during the last couple of months the noise level is back to what it was because the bands or artists decided to put the speakers back to their original position with the Speakers pointing inland.
Perhaps you might re-visit and ask why they have done that, when everybody was happy with the situation?

[redacted]

Thanking you in anticipation.
Kind regards
[redacted]

Sent from my iPad

On 29 Aug 2025, at 13:22, West, Thomas wrote:

Thanks [redacted]

I completely understand.

In that case, I will go back to the licence holder to inform them of the outcome of last weekend. The licence holder is working with a noise consultant now, who is in the process of offering advice. Hopefully this will be taken on board. I will keep you posted on any developments and will look for any E-mails sent by yourself also.

I am on leave next week. If you need to speak with someone urgently, please email Licenisng@Torbay.gov.uk

Many thanks,

Tom

From: [redacted]
Sent: 28 August 2025 18:26
To: West, Thomas
Subject: Re: Saturday 23 August 2025. - Below Decks Continuous Noise complaints

Good evening Tom,

Thank you for your prompt response.

I'm currently spending a lot of time visiting [redacted] and therefore leaving my wife alone for days each week.

After discussing your option of releasing the video with her, she feels (and understandably so) that being alone she would much prefer to have me around before you go ahead, [redacted]

Whilst I don't believe anything stupid would happen, it's not fair to leave her in what she feels is a vulnerable position.

[redacted].

I will however continue to record any further noise problems with Below Decks and submit them (promise not to snow you unless it's as bad as last week).

I do hope that the licence holder can react favourably to your requests and would appreciate feedback/update on the situation .

Thanks again

Kind regards

[redacted]

I will however

Sent from my iPad

> On 26 Aug 2025, at 10:18, West, Thomas <Tom.West@torbay.tthgov.uk> wrote:
>
> Good morning [redacted]
>
> Thankyou for this, and I'm sorry this is still an issue.
>
> Last week I advised the licence holder that noise complaints for this venue were becoming more frequent, and should these issues continue, we may need to review the licence.
>
> I gave the licence holder several recommendations which may alleviate the problem. Consequently, they sought the advice of a professional sound engineer. They've advised they'll be meeting with them this Wednesday to make an assessment. A noise limiting device has been discussed and this could be a credible solution to the problem. I'm awaiting any formal assessment/recommendations from the sound engineer which they said they'd be forthcoming with. As I say, this probably won't be until the middle-end of this week.
>
> As for this weekend just gone, the licence holder said they would place the speakers inside the deck facing into the harbour with the roof shut on the Pogodas. They also said they would turn the noise level down generally. However, having viewed your footage, it is clear that these measures either weren't implemented or weren't sufficient to solve the problem. I suspect this is a case of the latter. The licence holder (at least with me) has expressed they are very keen to resolve this to avoid the licence being reviewed.
>
> Having worked on a similar case before, I know that noise (particularly bass) can be sound deceptively

quiet at ground level. However, when assessing from above ([redacted]), it can seem a lot louder due to a number of factors.

The licence holder has asked for feedback so I will let them know that there has been no change. The second of the two videos you've sent seem the most impactive, and I can't see anything in it that would identify you. Would you be happy for me to forward this to them to demonstrate that the measures aren't currently sufficient?

Many thanks,

Tom

Tom West | Licensing Officer | Public Protection

Town Hall, Castle Circus, Torquay TQ1 3DR

01803 208014 | Tom.west@Torbay.gov.uk

www.torbay.gov.uk

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From: [redacted]>
Sent: 24 August 2025 15:31
To: West, Thomas <Tom.West@torbay.gov.uk>
Subject: Saturday 23 August 2025. - Below Decks Continuous Noise complaints

Good afternoon Tom

I wonder if you had any favourable response from Below Decks?
I only ask because if you have, it would appear not to have filtered through.
From yesterday afternoon through to 10pm-ish the noise level was just as bad, if not worse than before.

Whilst I must sound like a broken record (excuse

the pun), the residents who have complained would appear to be ignored.
Personally I feel there is little more that can be done as the Licenseholder is quite obviously of the opinion that all complaints are irrelevant and he does not care /
Re: the local residents' concerns about the noise level, he doesn't care and seems to be quite happy to 'stick two fingers up' to not only the local people but the Council. More or less saying "Challenge me if you dare!"

Thank you very much for all your efforts.

Kind regards

[redacted]

Sent from my iPad

We are committed to meeting our duties under the Equality Act. Please let us know if you need us to communicate with you in a different way or if there is anything we can do to help you to access our services.
Torbay Council
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From: [redacted]
To:
Cc:
Subject: Below Decks - Recurring Issues
Date: 04 August 2026 12:47:15
Attachments: daac4a7f-1511-4df6-97ff-f4ba685a629b.png
ff2cfa10-3093-4bba-9d5e-e91e28ed7ced.png

Hi Phil,

Thanks for your time earlier. As discussed, please find below a list of issues we are experiencing with Below Decks with suggested resolutions.

#	Issue	Resolution	Notes
1	**Trailer parked in Car Park Space**	Removal of Trailer as previously instructed by Harbour Master.	Parking spaces are leased for roadworthy vehicles only
2	**Harbour Authority bin store being used exclusively by Below Decks to store their bins.**	Bins to be removed by tenant and relocated to their own space. Only 1 bin permitted per unit in bin store.	
3	**Overcrowding**	No activity is to extend beyond the leased area. Premises should only serve customers who have a table and can be seated.	
4	**Glasses in outside area**	Glasses should not be used in any outside areas. Plastic cups should be used in the interest of safety.	
5	**Number of outside tables/chairs exceeds lease agreement**	Reduce number of chairs and tables in outside area to that permitted in the lease or below. Remove additional tables from Harbour estate.	
6	**Noise**	Activity within the premises is not to cause a nuisance to neighbouring tenants, the Harbour Authority, members of the public, residents or Harbour users.	
7	**Blocking Beacon Quay Access due to overcrowding/tables**	At no time is the road to be blocked. A clear road is to be maintained at all times to ensure emergency vehicle access.	
8	**General tidiness at rear of premises**	Area to be cleaned and maintained. Rubbish to be removed and parking spaces to be reinstated.	The Harbour Authority has received multiple reports of increased rodent activity over the past months.
9	**Number of parking spaces used by Below Decks staff exceeds the amount allocated**	Maximum number of parking spaces leased is 4. 1 is taken up by a trailer. A further 2 are reduced in size due to an unauthorised cage being permanently installed. Tenant is therefore allowed a maximum of 3 vehicles on site. 2 of which need to be parked in the reduced parking spaces.	
10	**Failure to follow instructions given by Harbour Authority staff**	All Harbour Authority staff as a representative of the Harbour Master has the power to issue instructions to any person on Harbour Estate. Failure to comply is a breach of the Tor Bay Harbour Act 1970.	
11	**Unauthorised parking on Harbour Estate**	Owner consistently parks outside the outdoor seating area/dinghy park, this is not permitted. Owner is to park in the upper levels of Beacon Quay car park if they have exceeded the number of spaces at the rear of the property.	
12	**Consumption of alcohol on Harbour Estate outside of permitted area**	No alcohol to be consumed outside of the licensed area.	All areas outside of Below Decks lease is an Alcohol Free Zone
13	**Blocking Ferry Pontoon Access with tables/chairs**	No tables/chairs are permitted outside the scope of the lease.	
14	**Lack of appropriate management of customers**	No customers to be out on the road. Customers are to be seated with no additional tables above that permitted in the lease.	
15	**Illuminated signage installed without planning permission**	Tenant is to obtain appropriate planning permission for illuminated signage.	

If you need any more information, please let me know.

Regards,

[redacted]

[redacted] | Tor Bay Harbour Authority
Book a Meeting

Delivering harbour, beach and marine services for Torbay Council.

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Dear Mr Ellis

Thank you for your letter dated 6th August 2026.

Like you, we take the matters raised very seriously and share the Council's objective of ensuring the safe and orderly operation of Beacon Quay for the benefit of neighbouring occupiers, harbour users and visitors.

Indeed, prior to receipt of your letter, we had already identified a number of operational issues which can arise during particularly busy trading periods and have implemented measures to address them.

We feel the complaints can broadly be categorised under two headings, namely:

1. Customer Management and Behaviour; and
2. Ensuring activities remain strictly within the authorised leased and licensed areas.

Please find below our summarised Management Plan, as requested.

Management Plan

1. Customer Management and Behaviour

Issues Raised

- Customer congregation.
- Noise and disturbance.
- Obstruction of pedestrian and vehicle movements.
- Consumption of alcohol outside authorised areas.
- Compliance with Harbour Authority instructions.

Measures Implemented

- Staff have been reminded of their responsibilities in relation to customer supervision and harbour regulations.

- Additional staff training has been introduced covering customer management, dispersal procedures and compliance with lease obligations.

- SIA registered security personnel are now employed during known peak trading periods and special events to assist with customer management and ensure prompt intervention where necessary.

- Security and management staff are instructed to ensure customers remain within authorised licensed areas and do not obstruct public highways, harbour access or emergency routes.

- A designated duty manager is responsible during each trading period for monitoring external areas and responding immediately to any concerns raised by Harbour Authority staff.

- Management have reinforced the requirement that all reasonable instructions issued by Harbour Authority officers are to be complied with immediately.

- Customer behaviour will continue to be actively monitored and staffing levels adjusted where necessary to reflect trading conditions.

2. Control of External Seating and Demised Areas

Issues Raised

- Activities extending beyond the leased or licensed areas.
- Excess tables and chairs.
- Obstruction caused by furniture.
- Use of glass vessels externally.
- Unauthorised occupation of Harbour Estate land.

Measures Implemented

- External seating layouts have been reviewed to ensure they remain wholly within the authorised leased and licensed areas.

- Staff have been instructed that no additional tables or chairs are to be placed outside the approved seating areas.

- Furniture layouts are checked throughout service to maintain clear pedestrian routes and unrestricted emergency access.

- Customers are directed back into authorised seating areas where necessary.

- Glass drinking vessels used externally are only to be used at seated tables and customers are both pre-warned and reminded that they may not move around holding glasses. During busy times we will revert to plastic vessels.

- Management undertake regular inspections during trading hours to ensure continued compliance with authorised boundaries and Harbour Authority requirements.

Ongoing Review and Communication

We are committed to working positively and constructively with Torbay Council and the Harbour Authority. The above measures have been implemented and management will continue to monitor their effectiveness and make adjustments where appropriate.

To assist us in doing so, we would be grateful if you could provide details of the evidence and individual incidents upon which the concerns set out in your letter are based. This will enable us to review those incidents against the measures now in place and identify whether there have been any particular lapses requiring further attention.

Looking forward, we would also welcome establishing a more formal and timely channel of communication between ourselves, the Council and Harbour Authority.

Where an issue or potential breach is observed, we believe it would be helpful for this to be brought to the attention of the duty manager or management team as soon as reasonably practicable. This would allow the particular issue to be investigated and addressed promptly, rather than only becoming apparent to us some time after the event.

We believe this approach would be in everyone's interests and would help ensure that any future concerns are dealt with proportionately and at the earliest opportunity.

We remain committed to operating a successful business whilst ensuring compliance with the Lease and Harbour Authority requirements and respecting the amenity and safe operation of Beacon Quay.

We would be very happy to meet with you and/or the Harbour Authority to discuss the management plan and agree an appropriate communication procedure going forward.

Yours sincerely

Gregory Shadbolt

Administrative Director

(on behalf of the Board of Directors of Bold Ayres Ltd)

From: West, Thomas
To: Julie Shadbolt
Subject: Noise complaint - Below Decks
Date: 28 August 2026 09:44:00
Attachments: image001.png

Good morning Kevin,

I hope you are well.

I'm writing to notify you of a further noise complaint we've received from a resident about Below Decks. The resident has informed us that they have experienced noise from below decks almost every weekend throughout the summer months and note that Wednesday 26th was notably loud. Unfortunately, we've only just received this complaint, but I have asked the complainant to notify us as soon as they experience nuisance (if they experience it) in future.

I've been in the vicinity when you've had entertainment on, and I believe (in the main) your issue is the *type* of entertainment that you choose to have. I've observed when you've had acoustic performances and solo vocal artists which in my opinion would not amount to nuisance. However, drums, DJ sets, anything with heavy bass, or anything with high dynamic variability (such as karaoke etc) has the potential to present issues, particularly if it's held outside. You may want to consider whether these types of entertainment are suitable considering the complaints we're receiving or consider instructing a professional noise consultant if you wish to continue with these types of entertainment. This is within your gift of course, and I can only offer you advice at this stage.

In the interest of fairness to all parties, I've requested noise diary sheets from the complainant, including exact dates and times of the alleged nuisance, and asked how this is impacting the enjoyment of their home. I will, if I can, conduct our own monitoring to determine whether or not this is likely to amount to nuisance, but in the first instance I wanted to make you aware of the complaint so that you can make any adjustments you deem necessary. I am still awaiting further correspondence from the complainant with specific dates and times.

Licensing have also been forwarded some correspondence that you've had between the harbour's authority. Your commitment to resolving issues such as these is acknowledged, and we will endeavour to work with you to resolve them wherever possible. If, therefore, you have any specific questions or recommendations off the back of this, then please let us know.

I will be on annual leave from today until the 15th September, however, I have instructed my colleagues to handle any complaints in my absence. If you have any questions during this time, please send your E-mail to Licensing@Torbay.gov.uk and one of my colleagues should get back to you.

Many thanks,

Tom

Title: Torbay Council

Tom West | Licensing Officer | Public Protection

Town Hall, Castle Circus,
Torquay TQ1 3DR
01803 208014 |
Tom.west@Torbay.gov.uk

www.torbay.gov.uk
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from your system immediately. The views in this message are personal; they are not necessarily those of Torbay Council

Licensing Act 2003

Premises Licence

19

LOCAL AUTHORITY

TORBAY COUNCIL

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

Below Decks

3-4 Beacon Quay, Torquay, Devon, TQ1 2BG. Telephone 01803 411106

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- provision of late night refreshment
- 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	
E. Performance of live music (Indoors & Outdoors)	Monday to Sunday	9:00am	Midnight	Outside until 22.00 only
F. Playing of recorded music (Indoors & Outdoors)	Monday to Sunday	9:00am	Midnight	Outside until 22.00 only
L. Late night refreshment (Indoors & Outdoors)	Monday to Sunday	11:00pm	12:30am	
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday	9:00am	Midnight	
	On New Years Eve from the end 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 Sunday	8:00am	12:30am
On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		

Licensing Act 2003

Premises Licence

19

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

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

Part 2

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

Bold Ayres Ltd 2 Bridge Farm Offices, Harberton, Totnes, Devon, TQ9 7PP.

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

Bold Ayres Ltd 13227175

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Julia SHADBOLT [redacted]

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. 023156 Issued by Runnymede

[redacted]

Rachael Hind
Regulatory Service Manager (Commercial)
30 October 2026

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 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) Subject to sub-paragraph (4) 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.

4) The age verification policy may make provision permitting a responsible person to accept identification in digital form ("relevant ID") instead of identification of a type described in sub-paragraph (3).

5) Where provision envisaged by sub-paragraph (4) is included in the policy, the policy must make provision dealing with the circumstance described in paragraph (6).

6) The circumstance in this sub-paragraph arises where-

(a) the responsible person has reason to believe that a person ("P") who seeks to be supplied with alcohol from a place to which the age verification policy applies has not attained the age of 18, or such greater age as the age verification policy may prescribe ("the relevant age"); and

(b) P has indicated their wish to use the relevant ID.

7) When the circumstance in paragraph (6) arises, the policy must state-

(a) that P is obliged, upon the request of the responsible person, to make available to the responsible person the means by which their relevant ID may be verified; but

(b) that the responsible person may only accept P's relevant ID where the condition in sub-paragraph (8) applies.

8) The condition in this sub-paragraph is that the responsible person is covered by an agreement with a DVSP ("the relevant DVSP") for the provision of digital verification services where-

(a) the relevant DVSP has agreed that it will confirm, in the course of providing its services to the responsible person, whether or not P has attained the relevant age;

(b) the relevant DVSP has agreed that it will deliver identification to the responsible person that reaches at least a medium level of confidence;

(c) that level of confidence has been verified by a DVSP, whether that DVSP is the relevant DVSP or another; and

(d) the relevant DVSP is registered as a provider of those services in accordance with Version 0.4 or Version 1.0 of the DVS trust framework.

9) In this paragraph-

ANNEXES continued ...

(a) "DVSP" means a person who provides digital verification services, and is included in the register maintained by the Secretary of State under section 32 (DVS register) of the Data (Use and Access) Act 2025 ("the 2025 Act");

(b) "DVS trust framework" is to be construed in accordance with section 28 (DVS trust framework) of the 2025 Act;

(c) "medium level of confidence", in respect of identification described in sub-paragraph (8)(b), is to be construed in accordance with-

(i) Version 0.4 of the DVS trust framework, in the case that the relevant DVSP, or as the case may be, another DVSP provides the service described in sub-paragraph (8)(c), and is registered as a provider of that service, in the DVS register, in accordance with Version 0.4 of the DVS trust framework;
(ii) Version 1.0 of the DVS trust framework, in the case that the relevant DVSP, or as the case may be, another DVSP provides the service described in sub-paragraph (8)(c), and is registered as a provider of that service, in the DVS register, in accordance with Version 1.0 of the DVS trust framework.

10) For the purposes of sub-paragraph (6) "supplied" is to be construed in accordance with section 14 of the Licensing Act 2003.

11) Nothing in sub-paragraphs (4) to (10) prevents the supply of alcohol to a person based upon identification of a type described in sub-paragraph (3).

12) (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).

13) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

14) 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:-
(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

ANNEXES continued ...

(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 + (DxV)

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

The Prevention of Crime and Disorder

1. The premises must be fully alarmed.

2. Disorderly behaviour shall not be tolerated.

3. Substantial food and beverages other than intoxicating liquor shall be available throughout licensing hours.

4. There shall be no consumption of alcohol from glass bottles from which it is intended or likely that a person shall drink.

5. A CCTV system is in place providing images to evidential standard in all lighting conditions, particularly with regard to facial recognition. It operates throughout the times the premises is open to the public, all recordings will be kept for a minimum of 14 days and copies of recordings shall be supplied to the police within 7 days of any request.

ANNEXES continued ...

Public Safety

1. Risk assessments must be carried out annually.

2. The premises shall operate SFBB.

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 will be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that will 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.

2. While live or recorded music takes place regular monitoring of noise levels at the nearest noise-sensitive locations shall take place. A record shall be kept of any monitoring, including:
   - the date, time and location of the monitoring
   - the name of the person monitoring
   - any action taken

   Records shall be kept for at least 6 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

3. On occasions when entertainment is provided at the premises, the Premises Licence Holder or DPS shall nominate a designated member of staff to monitor customers outside to ensure the road is kept clear and to monitor and record noise levels, in accordance with the requirements of the licence.

4. The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises, particularly in the outside areas.

5. When live or recorded music is being provided outdoors, the Premises Licence Holder or Designated Premises Supervisor will carry out a risk assessment to determine whether plastic or polycarbonate vessels should be used. This assessment will consider the number of customers expected to attend, whether these will be seated or standing and whether it is anticipated that they will take alcohol outside of the permitted areas.

6. Staff will regularly monitor all outside areas and ensure that customers do not loiter in the road or prevent vehicular access to the harbour areas.

The Protection of Children from Harm

1. The premises will operate a challenge 25 policy, any individual who appears under the age of 25 shall be requested to produce an approved form of photographic identification as outlined within Torbay council licencing statement of principles.

2. Challenge 25 posters are to be prominently displayed.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None

ANNEXE 4

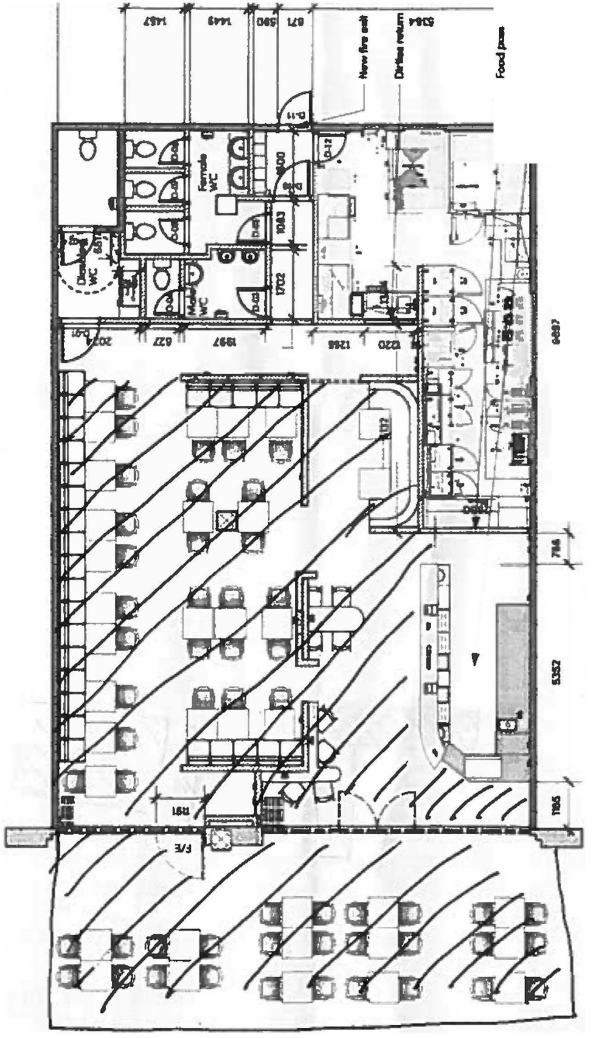
PLANS

Copy attached to Licence.

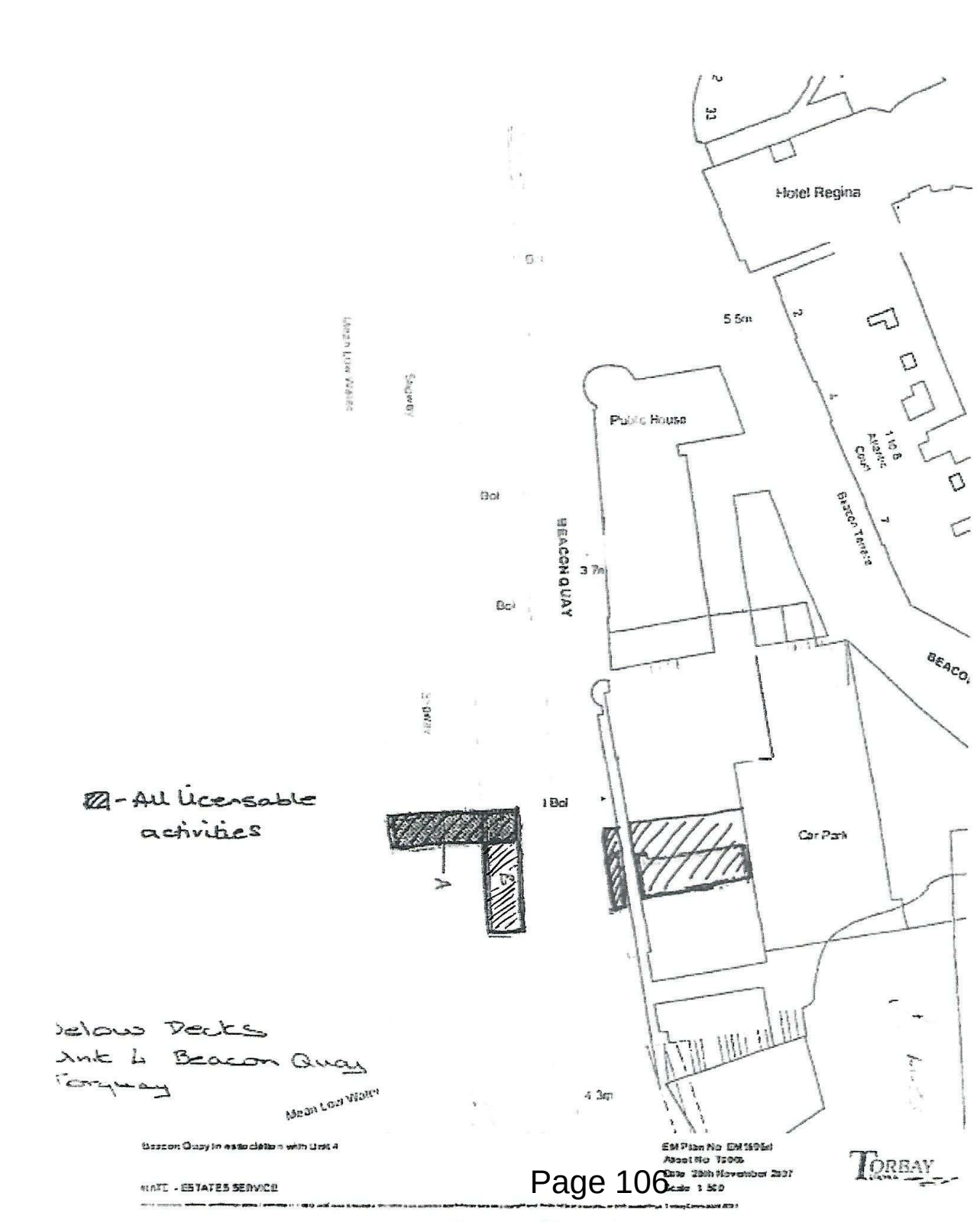
REV: Revision Notes:
A 27/01/2022
Changes to washroom and new walls
B 01/02/2022
Bar, kitchen co-ordination & changes
C 22/07/2022
Door swing position added to show additional fire exit

Project Title: 2210 Below Deck
Drawing No: 2210 GA 003 C
Drawing Title: Restaurant Plan
Scale: 1:100 @ A3
Date: 08/11/2021

Fruition Design
Unit 7 Beacon Quay
Torquay Devon
TQ1 2BG
01803 298 989
studio@fruition-design.co.uk
www.fruition-design.co.uk



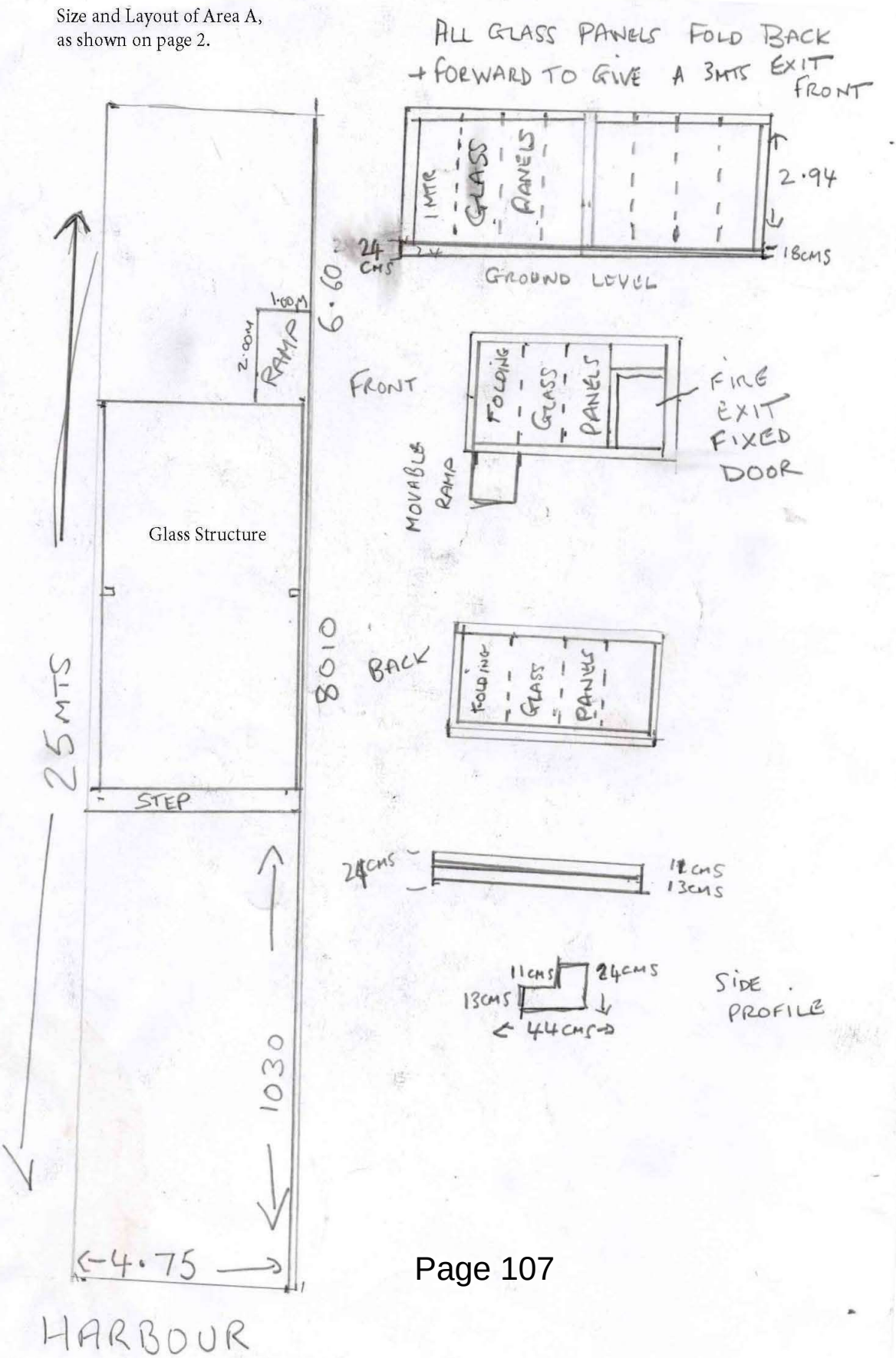
- All licensable activities



▨ - All licensable activities

Below Decks
Unit 4 Beacon Quay
Torquay

Size and Layout of Area A,
as shown on page 2.



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Licensing Act 2003
Environmental Health Representation

Application Details

Premises: Below Decks

Name of Applicant: Julie Smart

Address: Below Decks, 3-4 Beacon Quay, Torquay, TQ1 2BG

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

Representation

This department would like to make the following representation:

This department supports the review application of the premises licence for Below Decks and has submitted this representation on the grounds the prevention of public nuisance for the following reasons:

Below Decks is situated on the southern side of Beacon Quay within harbour land, commonly referred to by the Harbour Authority as a "working harbour". The premises benefit from a premises licence authorising the sale of alcohol for consumption on and off the premises, regulated entertainment and late-night refreshment.

For several years, and particularly throughout the summer season, the premises have hosted regular live music events. The nature of this entertainment varies considerably, both in genre and scale, but commonly consists of solo vocal performers or bands utilising amplified instruments, including guitars and percussion.

Over recent years, Torbay Council has received numerous complaints from residents concerning noise associated with live entertainment at the premises. Complainants have consistently reported that amplified music has been clearly audible within their homes and has adversely affected their ability to reasonably enjoy their properties. Complaints have predominantly related to evening and weekend events and occur most frequently during the summer months when outdoor entertainment is regularly provided. I have observed several occasions when the venue has hosted live music performances, and on one out of four of those occasions, I considered that the entertainment could likely to amount to nuisance given that the noise was audible at various points around the harbour.

The review application submitted by Ms Julie Smart, Licensing Officer, provides a detailed chronology of complaints received and the actions taken in response. Following a minor variation application submitted by the premises licence holder, additional conditions were attached to the premises licence in July 2025 in an effort to address the reported issues. However, despite those measures, complaints continue to be received, suggesting that the current controls have not been sufficiently effective in preventing nuisance.

Several attempts have also been made to work constructively with the premises licence holder to identify practical solutions. Whilst the licence holder has generally been cooperative and willing to engage, reports of noise nuisance continue to be received.

It is my opinion, that several factors contribute to the impact experienced by nearby residents. These include the overall volume of entertainment, sound direction, tonal characteristics, bass, weather conditions, frequency of events, time of day and the particular genre of music being performed. Certain forms of amplified entertainment appear more likely than others to give rise to complaints.

Notwithstanding these challenges, it is my view that entertainment at the premises can be operated in a manner which appropriately balances the interests of the business, patrons and nearby residents. Noise associated with entertainment can be controlled to reasonable levels where suitable mitigation measures are implemented.

It is acknowledged that the building itself appears capable of providing a significant degree of acoustic containment when entertainment is conducted internally. Complaints received by the Council have predominantly related to outdoor performances rather than entertainment taking place within the enclosed building, however, outdoor entertainment consisting of one acoustic performer with a small amplifier would not, in my opinion, be likely to amount to nuisance. Consequently, it is considered that the nuisance experienced by residents can be substantially reduced through the introduction of appropriate licence conditions and operational controls.

Of particular significance is the apparent relationship between certain types of live entertainment and the likelihood of complaints. By way of example, during monitoring undertaken on 14 July 2026, a solo singer was observed performing at volume levels which were considered reasonable and unlikely to give rise to either public or statutory nuisance. Conversely, subsequent events involving larger amplified performances generated considerably greater concern from residents, such as those identified on the 20th June 2026.

The current layout and operation of the premises also contribute to the issue. Live performers are frequently positioned within the main entrance of the premises, facing outward towards the quay. In some instances, this has resulted in large numbers of people congregating outside the premises to watch performances. The Harbour Authority has indicated that such gatherings have at times, impeded pedestrian and vehicular access along the quay. Condition 6 under the prevention of public nuisance objective under annexe 2 of the premises licence was added in July 2025 to regularise this particular issue. Despite this, the Licensing authority have continued to receive complaints about crowd congregation outside the immediate vicinity of the premises, the details of which can be found within Mrs Smarts representation. CCTV evidence has also been received which appears to corroborate this on at least one occasion.

It is considered that improved management of sound projection would help mitigate these impacts, as the presence of live entertainment appears to be a contributing factor when it comes to crowd congregation. Furthermore, the installation and proper use of a noise limiting device would provide an effective means of controlling overall sound levels and reducing the likelihood of entertainment noise giving rise to nuisance.

Whilst the Licensing Authority recognises the important contribution that live entertainment venues make to the local economy and the character of the harbour area, it is considered that the further controls are required to ensure that the balance between the business needs of this licenced venue and the promotion of the prevention of public nuisance objective are equally upheld.

Accordingly, in order to promote the licensing objective of the prevention of public nuisance, I recommend that the following conditions be added to the premises licence:

1. The provision of off sales to be removed
2. To **remove** the following condition from the licence:

"When live or recorded music is being provided outdoors, the Premises Licence Holder or Designated Premises Supervisor will carry out a risk assessment to determine whether plastic or polycarbonate vessels should be used. This assessment will consider the number of customers expected to attend, whether these will be seated or standing and whether it is anticipated that they will take alcohol outside of the permitted areas'".

To **add** the following conditions to the licence:

1. 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.

2. The noise limiting device must be fully functional and in proper working order at all times during performances of live and recorded music.

3. If the noise limiting device breaks Torbay Council's Environmental Health Service will be informed as soon as reasonably practicable. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay.

4. No performances of live and recorded music will proceed without the noise limiting device in proper working order.

5. All amplified sound sources (including live performances) from the premises will be channelled through the noise limiting device.

6. The Premises Licence Holder or nominated person shall control the sound levels of the music/entertainment.

7. When any live or recorded music is taking place in any of the licensed areas, the following will apply:

• The sale and supply of alcohol for consumption in any outdoor area of the premises shall be restricted to alcohol consumed at the outside tables and chairs and shall be by waiter or waitress service only.

• The Premises Licence Holder shall employ SIA licensed door supervisors in accordance with the following ratio: A minimum of 2 door supervisors will be employed for the first (100) customers and one door supervisor for every (100) thereafter.

• All drinks shall be served in plastic/paper/toughened glass or polycarbonate containers during live and recorded entertainment.

8. The Live Music exemption under s.177A of The Licensing Act 2003 shall be removed.

I consider these measures to be reasonable given the circumstances. The proposed conditions would allow the premises to continue providing regulated entertainment whilst ensuring that local residents are afforded appropriate protection from unreasonable noise disturbance and that the licensing objective of the prevention of public nuisance is effectively promoted.

I welcome any opportunity to discuss these proposals with the premises licence holder and their representatives.

Yours sincerely,

Tom West | Licensing Officer | Public Protection | Torbay Council

Applicant

Title	MR
First name	George
Middle name	
Surname	O'Rourke
Address	Harbour Masters Office, Torquay Harbour, Beacon Quay
Town/ City	Torquay
County	Torbay
Postcode	TQ1 2BG
Country	United Kingdom
Preferred contact method	Email
Email address	george.orourke@torbay.gov.uk
Phone	
Mobile	
Tell us how we can help you best	

Premises Details

Name of premises/trading name	Below Decks
Address	Below Decks, Unit 3 To 4, Beacon Quay
Town or City	Torquay
County	Torbay
Postcode	TQ12BG

Application Page

Regarding the following application I want to:	Object
In what capacity are you applying?	A Responsible Authority
Public safety	Yes

Application Page

The prevention of public nuisance	Yes
Reason(s) for your representation	I write on behalf of Tor Bay Harbour Authority to make a formal representation in support of the review of the premises licence held by Bold Ayres Ltd in respect of Below Decks. The Harbour Authority objects to the continued operation of the premises under the present arrangements because of recurring risks to public safety and public nuisance associated with the way entertainment and customers have been managed outside the premises. Beacon Quay is part of an operational harbour, not a pedestrian-only area. Its access road, slipway approaches, pedestrian routes and ferry access are required by harbour users, businesses, harbour personnel, service vehicles and, when necessary, emergency responders. The safe use of those areas cannot depend on members of a crowd moving aside only when a vehicle approaches. Ground 1 - Public safety and obstruction of harbour operations The most serious concern is the recurrent congregation of people drinking, standing, sitting and dancing on the harbour access road and beyond the permitted external seating areas. This creates a foreseeable risk of collision, restricts launching and recovery activities and compromises reliable access in an emergency. On 20 June 2026 the Harbour Team received multiple complaints relating to an event held in Below Decks. A member of staff attended at about 18:15 to request action due to several Below Decks customers in the road and the staff member believing that the area was considered critically unsafe. Despite Harbour Staff speaking to Below Decks staff, from 19:46, 21:08 and 21:32 CCTV shows progressive crowding, including people and chairs occupying the access road, with persons drinking and dancing there. Bottles and other drinking vessels were left on public benches. In a separate incident on the 25 April 2026, groups of people were standing in the road while a vehicle had to manoeuvre around them. Staff were seen attending

Application Page

to tables but not intervening with those occupying the road.
On 1 August 2026, ferry operators complained that Below Decks tables and chairs obstructed the ferry footpath. The complaint referred to a ferry carrying approximately 250 passengers, including people with buggies, walkers and mobility scooters. The complaint was supported by a photograph and forwarded to the Harbour Authority.
There have also been repeated reports since June 2023 of customers and other attendees spreading into roadways, public seating areas and the vicinity of moored vessels.

Ground 2 - Prevention of public nuisance

Complaints from harbour users, nearby traders and residents describe excessive live or recorded music, crowds spreading across public areas, abandoned bottles and glasses, and difficulty accessing neighbouring businesses.
Noise complaints are recorded across 2023-2026, including from persons staying aboard boats. The former Harbour Master also reported personally hearing an outdoor music event from Preston Sands in April 2026. Although sound propagation, wind conditions and the contributions of other venues must be considered, the frequency and consistency of the complaints warrant effective, evidenced noise controls. Broken or discarded glass and persistent litter compound the risks to people using the waterfront.

Existing licence conditions and previous interventions

The current premises licence expressly requires staff to monitor outside areas and ensure that customers do not loiter in the road or prevent vehicular access to the harbour. It also requires a nominated staff member during entertainment to monitor outside customers, keep the road clear and monitor noise.
Despite meetings, written advice and interventions by licensing officers and the Harbour Authority in 2023,

Application Page

2024, 2025 and 2026, the evidence shows materially similar problems recurring.
The Harbour Authority acknowledges that Bold Ayres Ltd provided a management plan in August 2026 describing additional staff training, SIA-registered security at peak times, a designated duty manager and revised controls on external furniture and customer behaviour. These are welcome proposals. However, the plan is not, by itself, evidence of sustained compliance, and the scale and persistence of the preceding incidents call for measures which are clear, proportionate and enforceable.

Action requested of the Sub-Committee

The Harbour Authority requests that the Sub-Committee use its powers under section 52 of the Licensing Act 2003 to impose a materially stronger and enforceable control regime. In particular, we ask the Sub-Committee to consider:
1. Outdoor entertainment: Excluding outdoor amplified live and recorded music from the licence to the extent permitted by law, or imposing effective restrictions following the review so that entertainment does not generate unmanaged gatherings on the harbour road.
2. Capacity and boundaries: A clearly defined maximum external capacity, linked to the approved premises plan and safe seating layout, with no service or activity extending into the road, ferry route or other public harbour areas and active refusal of further custom when the controlled area is full.
3. Uninterrupted access: A positive duty on management to keep vehicle access, slipway approaches and pedestrian/ferry routes clear at all times, not merely to disperse customers on arrival of an emergency or service vehicle; activities generating an obstructing crowd must stop until the route is clear.
4. Event management and security: Documented event-specific risk assessments, a named on-site duty manager, sufficient proactive stewards and appropriately licensed security personnel for higher-risk entertainment, with staffing arrangements matched to expected attendance.

Application Page

	5. Glass and cleansing: Plastic or polycarbonate drinking vessels in all external areas, together with active clearance of glasses, bottles and litter from the premises and immediately affected external areas. 6. Noise and accountability: A robust noise-management plan including suitable speaker positioning, documented checks at affected locations, prompt corrective action, a complaints contact and records available to authorised officers; consultation with the Harbour Authority on access arrangements for events. Conclusion The Harbour Authority considers that the public safety and public nuisance objectives have not been adequately promoted under the current arrangements. We therefore support decisive modification of the licence. If the Sub-Committee concludes that the identified risks cannot be effectively controlled by enforceable restrictions, we ask it to consider the further statutory options available, including suspension or revocation, as appropriate and proportionate. The Harbour Authority is willing to attend the hearing, answer operational questions and provide or identify the referenced material.
Is there any reason why you do not want your personal details to be passed on to the premises license holder?	No

Document Upload & Standard declaration section

I confirm I have read the representation guidance notes and agree that a copy of my representation w	Yes
Checking this box indicates you have read and understood the above declaration	Yes

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From: [redacted]
To: Licensing@torbay.gov.uk
Sent: Thu Oct 22 2026 10:51:13 BST
Subject: Below Decks

[redacted]

To whom it may concern

After reading the notice given to Below decks on their entrance window , I have to say that in my opinion, this notice seems extremely harsh and more than unfair towards Kevin and his team at Below Decks.
I have been lucky enough to frequent this establishment regularly this year as my boat has been moored in the vicinity all summer.
I have attended lots of music events here and have been aware how Kevin and his team (including paid security) do their utmost to keep their own clientele within the Below Decks areas and every effort made to keep them away from the main thoroughfare and becoming an obstruction !
I am also aware that unfortunately for Kevin and his team that the main queue for the ferries start directly over the road from Below Decks and in the summer there can be many holiday makers in this queue eating and drinking whilst waiting for their ferries to arrive !
It is impossible for Kevin and his team to do anything about these people queing and to an unknowing eye, it could appear that these people were bringing their own food and drinks and standing on the main thoroughfare and sitting on the public benches to attend a music event at Below Decks , when this just isn't the case !
I have then personally witnessed these holiday makers depart onto their ferries leaving all sorts of rubbish and mess behind , which it would appear that you are blaming Kevin and his team for ??
It's not right, fair or just and I'm more than happy to appear before you personally as a non interested party to answer any questions that you may have !
If you require any further information from myself, then please do not hesitate to contact me.
Yours sincerely
[redacted]

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DRAFT WRITTEN REPRESENTATIONS

LICENSING ACT 2003

APPLICATION FOR REVIEW OF PREMISES LICENCE PL0019

BELOW DECKS, 3–4 BEACON QUAY, TORQUAY, TQ1 2BG

WRITTEN REPRESENTATIONS ON BEHALF OF BOLD AYRES LIMITED

Prepared for the Licensing Sub-Committee

Draft for client and expert approval

1. Introduction

1. These representations are submitted on behalf of Bold Ayres Limited, the holder of premises licence PL0019 in respect of Below Decks, 3–4 Beacon Quay, Torquay, TQ1 2BG (the "Premises").

2. Bold Ayres Limited recognises the importance of the four licensing objectives and takes the concerns raised by the Licensing Authority seriously. It does not contend that every aspect of its historic operation has been beyond criticism. On a limited number of particularly busy occasions, arrangements for managing persons in the harbour roadway and surrounding shared space could have been more effective. The company acknowledges those shortcomings and has already taken practical steps to address them.

3. However, the company does not accept that the material relied upon establishes persistent or serious failures by Below Decks, or that every complaint can reliably be attributed to the Premises. Much of the evidence is historic, some allegations are internally inconsistent or unsupported by objective measurements, and the harbour is a busy leisure destination containing several licensed premises, public spaces, marine activity and other potential sources of sound and congregation.

4. The Sub-Committee is respectfully invited to distinguish between established facts, uncorroborated allegations, historic matters which have already been addressed, and activity caused by other businesses or members of the public in the wider harbour area.

5. The company has engaged constructively with the Licensing Authority and Harbour Authority, introduced additional supervision and record-keeping, engaged SIA-licensed security for all major music nights, and intends to submit further noise evidence in advance of the hearing. It is also willing to volunteer further clear, proportionate and workable conditions where these are shown to be necessary for the promotion of the licensing objectives.

6. The company respectfully submits that suspension, revocation, a general prohibition of outdoor entertainment, removal of off-sales, or other onerous restrictions are neither necessary nor proportionate on the evidence presently available.

2. The Premises, management and location

7. Below Decks is operated by Bold Ayres Limited. Kevin Shadbolt is the director most closely involved in the day-to-day and operational management of the Premises. Julie Shadbolt is the Designated Premises Supervisor.

8. The Premises is situated within a busy harbour and leisure area. It is not located within a conventional residential street or predominantly residential neighbourhood. The surrounding environment is used by tourists, ferry passengers, boat owners, neighbouring hospitality businesses, visitors and members of the public. That context does not relieve the company of its responsibilities, but it is material when considering the source, character and attribution of alleged noise or public-area activity.

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9. The area is multi-use and publicly accessible. Other licensed venues and leisure activities operate around the bay. Persons may purchase alcohol from other businesses, arrive with their own drinks, gather in public areas, or be present for reasons unconnected with Below Decks. It would therefore be unsafe to infer, without supporting evidence, that every person, glass, noise source or incident observed in the wider harbour area originated from the Premises.

10. Bold Ayres Limited has held the premises licence since 27 July 2021. The review material records no complaints between July 2021 and June 2023. The current licence authorises live and recorded music indoors and outdoors, with outdoor music ending by 22:00, together with the sale of alcohol for consumption on and off the Premises.

11. Live bands ordinarily perform between approximately 19:00 and 21:00 on Fridays and Saturdays. During winter, music is generally held indoors. The company's experience is that, when music is indoors, it cannot be heard outside the Premises. The company intends to provide witness and/or expert evidence in support of that position in advance of the hearing.

3. Overall response to the review

12. The company accepts that there have been isolated occasions when the roadway was not kept as clear as it should have been, and that historic arrangements sometimes relied too heavily on staff reacting when vehicles approached. It also accepts that particular events attracted more people than anticipated and placed pressure on the shared external space.

13. Those acknowledgements are not an acceptance of the wider proposition that Below Decks has routinely permitted dangerous overcrowding, caused a statutory or public nuisance, or been responsible for all disorder, glassware or noise reported in the harbour. The evidence must be considered incident by incident and against the physical and commercial context of the bay.

14. The company has already taken material steps to mitigate and resolve the matters raised, including:

- engaging an SIA-licensed door supervisor on all major music nights and considering risk-based SIA deployment for other busy or special events;
- monitoring the external area and roadway more actively;
- carrying out sound checks from four separate locations around the area;
- keeping written noise-monitoring records;
- adjusting speaker positioning and direction in response to prevailing conditions and experience;
- using cameras and other monitoring measures;
- preparing a management plan dealing with customers, security, licensed boundaries, furniture, vessels, pedestrian routes and emergency access; and
- preparing to engage a suitable noise expert to carry out a noise assessment and provide expert evidence.

15. These are not merely proposed measures. A number are already in operation. The company accepts that the most persuasive evidence will be contemporaneous records and will provide the available noise logs, security records, and relevant photographs with or before the hearing.

4. Evidential position on noise

16. The company does not dismiss genuine concerns about noise. It accepts that sound can travel differently according to wind direction, weather, speaker orientation, frequency and local topography.

17. These factors make objective attribution particularly important. The mere fact that music can be heard somewhere within or beyond the harbour does not, without more, establish that it came from Below Decks, exceeded an appropriate level, or caused a nuisance warranting further restrictions.

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18. The opposing case appears to rely in material part upon complaints rather than a consistent body of calibrated acoustic evidence. Some complaints were not supported by completed diaries, recordings, measurements or follow-up information. Some complainants were located a significant distance from the Premises. The material has also acknowledged the possible contribution of other venues.

19. The bay contains several potential contributors to ambient and entertainment noise. It is a busy leisure area, rather than a quiet residential enclave. The Sub-Committee is respectfully invited to avoid treating Below Decks as the default source where the available evidence does not identify the source, duration, level or character of the sound with sufficient reliability.

20. The company's own checks are undertaken from four locations and are recorded. Earlier measurements supplied to officers were regarded as reasonable or not within the high-end range. The company has also changed speaker positioning and direction where appropriate.

21. The company intends to obtain independent expert evidence to consider speaker orientation, sound propagation, wind and topography, suitable monitoring positions, appropriate operating controls, and whether a limiter or alternative technical controls are necessary and workable. This report and, if required, oral evidence will be provided to the Sub-Committee.

22. The company is willing to maintain recorded checks at agreed monitoring locations, ensure that an authorised manager can reduce or stop music promptly, control visiting amplification equipment, and retain a record of complaints and responsive action.

5. Chronology and response to individual matters

July 2021 to June 2023

23. Bold Ayres Limited became the premises licence holder on 27 July 2021. The review material records no complaints concerning the Premises between July 2021 and June 2023. That period is relevant when assessing whether the later incidents demonstrate an inherent or persistent inability to operate responsibly.

June 2023

24. Events in June 2023 identified areas in which crowd management and the use of external space could be improved. The company does not accept every characterisation placed upon those events, but acknowledges that arrangements could have been more robust. Following discussion with officers, entertainment was repositioned, the use of plastic vessels was addressed and noise checks were commenced.

29 July 2023

25. The company does not accept that the complaint of 29 July 2023 proves that outdoor music continued until 23:00. Its understanding is that outdoor music was required to end by 22:00 and that this requirement was observed. Given the age of the allegation, the Sub-Committee is asked to place appropriate weight on the absence of contemporaneous objective evidence establishing otherwise.

30 March 2024

26. The company acknowledges that a mobile bar was used outside the licensed area without the required Temporary Event Notice. This was a mistake arising in the context of an altered event layout and unexpectedly high attendance. The company apologised and took advice. It has not treated that incident as permission to repeat the arrangement.

27. The company also acknowledges that the event placed pressure on stewarding and the available supply of plastic vessels. It does not, however, accept that the incident establishes an ongoing

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disregard for the licensing objectives. Contemporaneous noise readings supplied by the company were considered reasonable by the licensing officer.

6 July 2024

28. The company disputes that the complaint relating to 6 July 2024 establishes that outdoor music continued beyond the permitted time. The company maintains, consistently with its earlier statement, that the music did not exceed the permitted sound levels or continue beyond the permitted time. The Licensing Authority subsequently thanked the company for its response and due diligence. The original log and any available event records should be considered alongside the complaint.

3 August 2024

29. The company accepts that people were present in the road and on public seating. It does not accept that all persons, alcohol or vessels in the public area were attributable to Below Decks. At that time the licence authorised off-sales, customers had been supplied with plastic vessels, and the wider area remained open to customers of other venues and members of the public.

August 2024 noise complaints

30. Complaints associated with Livermead and Park Hill Road were not supported by completed noise diaries or adequate follow-up evidence and were closed. The company does not suggest that no concern could have been experienced, but submits that these historic, uncorroborated complaints cannot safely establish a breach by Below Decks, particularly given the distance, wind effects and other potential noise sources.

April 2025

31. A SWISCo officer reported hearing music near the Princess Theatre which was believed to emanate from Below Decks. The company does not challenge that the officer heard music, but notes that the supplied material does not include a calibrated measurement or a technical assessment demonstrating that the licence condition was breached or that the sound amounted to a nuisance.

May 2025

32. The company disputes that the May 2025 complaints, taken without sufficient objective measurements or completed diaries, establish a breach. The Licensing Authority itself raised questions about attribution from the locations concerned. The company's monitoring did not indicate readings in the high-end range.

11 May 2025

33. The company accepts that persons were present in the roadway when an incident involving a skateboarder occurred and recognises the seriousness of keeping access routes clear. It does not accept, on the present evidence, that the accident was caused by a Below Decks customer or any act of the company. It nevertheless accepts that more active supervision could have reduced the general risks associated with persons congregating in the roadway. However, responsibility for policing or managing the wider harbour area does not rest with Below Decks, particularly where individuals are not customers of the premises or their presence and conduct cannot reliably be attributed to its operation.

23 July 2025

34. Following engagement with the Licensing Authority, a minor variation was granted on 23 July 2025 requiring a nominated member of staff to monitor customers outside, keep the road clear, and monitor

and record noise. The company's agreement to that variation demonstrates a willingness to respond constructively rather than resist reasonable regulation.

July 2025

35. A photograph taken in July 2025 showed persons standing in the road. The company acknowledges that the result was not satisfactory, while noting that a still image cannot establish duration, customer origin, staffing action before or after the image, or the overall scale of the event.

August 2025

36. The company attempted to identify a managed area within the widened portion of the roadway as a means of reducing unmanaged congregation. The proposal was intended to relieve road pressure, not evade conditions. The company now recognises that the road must remain clear and does not rely upon that attempted arrangement as compliance. It does rely upon it as evidence that management was actively seeking a practical solution in a difficult multi-use space.

37. The company also explored placing tables and chairs outside neighbouring buildings after their operating hours to draw people away from the roadway. That proposal was not accepted by the relevant authority. The company does not contend that the proposal determines this review, but it is relevant to its willingness to explore solutions rather than ignore the problem.

25 April 2026

38. The Licensing Authority's review of approximately 30 minutes of CCTV showed smaller groups in the road rather than the extensive overcrowding alleged. Staff were seen serving and collecting vessels. The footage also showed a vehicle manoeuvring around a group and staff not directing that group away at the relevant moment. The company accepts that supervision could have been more effective, but disputes broader allegations not borne out by the footage and reiterates that responsibility for policing or managing the wider harbour area does not rest with Below Decks, particularly where individuals are not customers of the premises or their presence and conduct cannot reliably be attributed to its operation.

20 June 2026

39. The company accepts that the event on 20 June 2026 was unusually busy and that the arrangements did not prevent people from standing, sitting, drinking or dancing in the road. That was a genuine shortcoming. The company does not, however, accept that every person, item of glassware or alcoholic drink shown can be attributed to Below Decks, particularly where the material itself refers to alcohol apparently brought from elsewhere.

40. The company accepts that a popular event may attract persons into the wider public area and has treated that as a foreseeable management consideration. Following the incident, it reviewed its arrangements and introduced additional controls, including SIA-licensed security provision for all major music nights and enhanced monitoring.

1 July 2026

41. A complaint included allegations of drug-taking and fighting. The material presently available does not include the referenced video or other reliable corroboration establishing that the alleged conduct occurred, involved customers of Below Decks, or was caused by the operation of the Premises. The company therefore asks that these allegations are not treated as established facts.

42. Notwithstanding that evidential position, the company takes crime, disorder and safeguarding seriously. Since July 2026, it has introduced enhanced incident monitoring and record-keeping,

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installed additional CCTV cameras, taken proactive measures to deter and respond to fighting, and strengthened its controls to prevent underage drinking. These measures form part of the company's commitment to responsible operation and should not be regarded as an admission that the uncorroborated allegations are established. No further incidents have been reported since their implementation.

1 August 2026

43. The company accepts that tables and chairs obstructed the ferry route. Its understanding is that this arose from the actions of a new member of staff. The company acknowledges that staff training and supervision remained its responsibility and has addressed the need for clear authorised boundaries and management oversight.

August 2026 and subsequent measures

44. Following the August incident and wider discussions, the company prepared a management plan addressing customer supervision, security, authorised boundaries, furniture, vessels, pedestrian routes and emergency access. It has also implemented sound checks from four locations, maintained noise records, engaged SIA supervision on all major music events, and increased the documentation of security and safeguarding measures.

45. The company will provide available implementation evidence, including the revised management plan, SIA deployment records, noise logs, policy documents, event risk assessments and photographs of the current layout.

6. Current and proposed operating measures

Event planning and capacity

- Risk assessments will be used and implemented for events.
- Events will be managed so that the anticipated attendance can be accommodated within the authorised areas. Where safe capacity is reached, management will take proportionate steps to restrict entry or service and protect access routes.
- The company disputes historic estimates which it considers exaggerated.

Roadway, ferry and emergency access

- The roadway, ferry route and emergency access will be actively monitored and kept clear.
- A named external-area supervisor will be identified for relevant events and given sufficient authority and time to perform that role.
- SIA-licensed supervision is already used on major music nights. Further deployment will be risk-based and may be volunteered as a condition if the wording is proportionate, clear and operationally workable.
- The company will continue to engage with the Harbour Authority over practical layout measures which reduce pressure on the shared space.

Crime, disorder and protection of children

- CCTV and active monitoring will be used to identify and respond to disorder.
- Incidents and management interventions will be recorded.
- Staff will monitor age and apply the Premises' age-verification arrangements to prevent underage alcohol sales and consumption, in accordance with the Challenge 25 procedure.
- SIA personnel and management will be briefed on intervention, refusal, ejection and escalation procedures.

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Vessels and external alcohol

- During outdoor entertainment, suitable plastic, paper, toughened-glass or polycarbonate vessels will be used in accordance with the final agreed condition and risk assessment.
- Sufficient stocks will be maintained for the anticipated attendance.
- External sweeps and collections will be undertaken.
- The company opposes complete removal of off-sales. Other nearby businesses may continue to supply takeaway alcohol, making a Below Decks-only prohibition both commercially prejudicial and of limited effectiveness in controlling drinks present in the public area.

Noise management

- Outdoor music will end by 22:00. In practice, bands ordinarily perform between 19:00 and 21:00 on Fridays and Saturdays.
- During winter, music is generally held indoors. The company's position is that indoor music is not audible outside, subject to confirmation by the noise expert and supporting evidence.
- Sound levels will continue to be checked and recorded from four identified locations.
- Speaker position and direction will be managed having regard to wind direction and expert advice.
- A responsible person will have authority to require an immediate reduction in volume or cessation of entertainment.
- Any noise limiter or technical condition should be informed by appropriate expert evidence, including its practicability for amplified, acoustic and visiting performances.

7. Voluntary conditions and proportionality

46. The company is willing to volunteer further conditions where they are necessary, evidence-based, clear, enforceable and proportionate. Its willingness to do so should not be treated as acceptance that all historic allegations are proved.

47. Potential areas for agreement include documented noise checks, defined monitoring locations, management control of amplification, risk-based SIA deployment, recorded external-area inspections, vessel controls during outdoor entertainment, incident recording and a written noise-management plan informed by an expert report.

48. The company respectfully opposes conditions which are broader than necessary, including automatic removal of off-sales, inflexible SIA ratios unrelated to event risk, compulsory table service in all circumstances, or a technically unworkable requirement that every sound source be routed through a limiter.

49. Before imposing technical noise conditions, the Sub-Committee is invited to consider conclusions from on expert evidence report on speaker placement, background and ambient sound, wind effects, appropriate metrics and locations, calibration, acoustic or unamplified instruments, equipment failure and alternative management controls, which the company intends to submit in advance of the hearing.

50. The licensing objectives are paramount. Commercial impact does not displace them. However, where two measures provide equivalent protection, proportionality requires consideration of whether one imposes unnecessary financial harm.

51. Below Decks supports employees and purchases goods and services from local and other suppliers who depend upon its continued trading. Unnecessary or onerous restrictions affecting live entertainment, off-sales, staffing models or viable capacity would not affect Bold Ayres Limited alone. They would also have an unfair consequential impact upon the people employed by the business and the suppliers who rely upon it.

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52. That impact should be supported by evidence rather than assertion. The company will provide details of employee numbers, relevant suppliers, the proportion of revenue linked to outdoor events and off-sales, security and compliance expenditure, and the practical effect of each proposed condition.

8. Requested outcome

53. The review should be determined on the quality and relevance of the evidence, not on the number of allegations. Historic incidents should be considered in their proper context and in light of the corrective measures already taken.

54. The company respectfully invites the Sub-Committee to:

- decline to suspend or revoke the premises licence;
- decline to impose a general prohibition on outdoor entertainment;
- decline to remove off-sales where more targeted controls would adequately promote the licensing objectives;
- give appropriate weight to the absence of complaints between July 2021 and June 2023, the historic and sometimes contradictory nature of later allegations, and the lack of objective attribution in a number of cases;
- recognise the busy leisure character of the bay and the contribution of other venues and public activity;
- consider the company's sound records, four-location monitoring, SIA deployment, incident monitoring, age controls and revised management arrangements;
- consider expert evidence which the company intends to submit in advance of the hearing, before imposing technical noise conditions;
- accept proportionate voluntary conditions in place of unnecessary or onerous restrictions; and
- permit the Premises to continue operating subject to the existing licence, the revised management plan and any further conditions demonstrated to be necessary and appropriate.

55. Bold Ayres Limited remains committed to constructive engagement with the Licensing Authority, Environmental Health Service and Harbour Authority. It seeks to operate a successful and responsible leisure venue while protecting residents, visitors, neighbouring businesses, harbour users, pedestrians and emergency access.

Statement of truth / confirmation

The company confirms that the facts stated in this representation are true to the best of its knowledge and belief.

Signed: Signed by: Gregory Shadbolt F181CDC26F5B4FA...

Name: Gregory Shadbolt

Position: Director

For and on behalf of Bold Ayres Limited

Dated: 29-10-26

Supporting information in respect of the representation made following the application for review of the premises licence for Below Decks, Torquay

I enclose the following supporting information in the form of video footage in connection with my representation. I request that it be considered as part of the representation made in response to the application for review of the Premises Licence for Below Decks, Torquay.

CCTV footage:

20.6.2026.mov

C208 BQ Top Level_uuid-b05b4296-4101-4cf7-ba0d-3fb06849b1b2_2026-05-23_21-06-28(1).mp4

Footage from Harbour UK Social Media Page:

Harbour UK - 20th June 2026.MP4

Yours sincerely,

Tom West | Licensing Officer | Public Protection

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Below Decks, 3–4 Beacon Quay, Torquay, TQ1 2BG

Expert Report: Premises Licence Review Noise Assessment

for

Bold Ayres Ltd

ACT Acoustics

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Document information

Client	Bold Ayres Ltd
Site address	Below Decks, 3–4 Beacon Quay, Torquay, TQ1 2BG
Project number	55480071
Author	Mike Wood
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Email	m.wood@actacoustics.co.uk

Version history

Version	Issued by	Date	Comments
3.0	Mike Wood	25 Nov 2026	Corrections on music timing.
2.0	Mike Wood	25 Nov 2026	Minor update following client comments
1.0	Mike Wood	25 Nov 2026	First issue

Summary

This report is addressed to the Licensing Sub-Committee of Torbay Council. It has been prepared for the hearing on 3 December 2026 of the application to review the premises licence for Below Decks, 3–4 Beacon Quay, Torquay (the venue). Our duty in preparing it is to the Sub-Committee, not to the party who instructed us.

We were instructed by Wollens, solicitors for Bold Ayres Ltd, the licence holder, to give an independent opinion on noise from the premises. In particular, we were asked to consider noise from music, both indoors and on the outside deck, against the noise condition on the licence.

To do this, we have:

- read the review application, the licence and the other documents listed in the appendix;
- visited the premises on 23 November 2026, to familiarise ourselves with the site location;
- modelled the potential music noise egress, using typical music levels, to determine whether or not reasonable limits can be achieved that balance local amenity and entertainment at the venue; and
- assessed the results against the wording of the licence condition.

Outdoor events take place at the venue between May and September, so it was not possible to measure the sound from them before the hearing. We have instead modelled it, assuming downwind conditions favourable to sound travelling towards the neighbouring locations, in accordance with ISO 9613-2.

The results of our assessment show that reasonable sound levels can be achieved that balance entertainment and local amenity. We have set out our recommendations for the management of noise in this report. We would invite the Sub-Committee to consider these recommendations should they be minded to grant the continuation of the existing premises licence.

1 Introduction

1.1 Site address

Below Decks, 3–4 Beacon Quay, Torquay, Devon, TQ1 2BG.

1.2 The premises

Below Decks is a restaurant and bar on Beacon Quay, at the edge of Torquay harbour. Bold Ayres Ltd holds the existing premises licence PL0019.

The premises are on one floor, beneath a concrete car park. Outside there is a covered seating area, which the licence holder and the council refer to as “the Deck”. Live and recorded music is played inside this glass housing, with bands or duos, and outside from a DJ position at the rear of the covered seating area. The roadway on Beacon Quay runs between the building and the Deck, and gives vehicle access to the pier and slipway.

We visited the premises on the morning of Monday 23 November 2026. The description below comes from the photographs and notes taken on that visit. Further photographs are provided in the appendix.

The restaurant and bar is on the ground floor of the building on Beacon Quay, with the car park above. Other businesses occupy the units next to it. The frontage to the quay is glazed, with a glazed door and a set of folding doors that open onto tables outside.



Figure 1 — Below Decks from Beacon Quay



Figure 2 — Inside the restaurant and bar

The Deck is on the harbour side of the roadway and has two parts. The first is an enclosed seating area, with full-height glazed screens on a light frame and a profiled metal roof. The second, next to it, is an open deck with a louvred roof on four posts and no walls above the balustrade.



Figure 3 — The Deck building from Beacon Quay



Figure 4 — Inside the Deck building



Figure 5 — The open deck

We understand that during the summer months, DJs and bands play in any of three places: on the open deck, inside the Deck building, or inside the restaurant.

1.3 The music programme

We understand that the music programme is as follows:

- **The indoor programme, all year.** Open mic, karaoke, solo performers and bands play in the band area inside the restaurant, generally on Mondays, Tuesdays, Wednesdays, Fridays, Saturdays and Sundays. In winter all music is indoors, with the doors closed. Performers usually bring their own amplification. Staff regularly check the sound at the monitoring locations.
- **Regular live music in summer.** The indoor programme continues, but some events take place outside or are directed towards the Deck. Live music is played on the Deck on Wednesdays, Fridays and Saturdays. On Sundays it is played just inside the restaurant doorway, facing outwards. These events finish at or before 22:00.
- **Outdoor DJ sets.** These take place only on selected Saturdays, between 15:00 and 22:00. There are usually two a month from May to August, and sometimes in September if the weather allows. These are estimated to be around eight a year.

The outdoor summer events, and the DJ sets in particular, have been identified as a possible cause of complaint. The licence holder has worked with the council to reduce the sound egress and is happy to consider further proportionate measures to reduce sound.

The table below summarises the locations and nature of complaints, as detailed in the application:

Location named in the review application	What the application says
Parkhill Road	Home of the complainant who has complained most often, from 2023 to 2026
St Lukes Road and St Lukes Road South	Homes of two complainants; the council's officer describes St Lukes Road as on the same side of the harbour as the premises
Barnfield Road, Livermead	Home of one complainant
Grafton Road	Home of a complainant who says they live about a mile from the premises
Town dock and marina	Boats moored in the harbour; one complainant stays on a boat most weekends

1.4 Scope and limitations

This report deals with music noise egress only. The review also raises crowding in the road, glass collection, public safety, and crime and disorder. Please ensure that you have read and understood the disclaimer at the end of this report.

2 About us

2.1 Qualifications and experience

Mike Wood PhD MEng (Hons) MIOA, Director:

- Mike is the principal consultant at ACT Acoustics, with 18 years' experience in environmental and industrial acoustics. He has been a corporate member of the Institute of Acoustics since 2011.
- He holds a PhD in Engineering (University of Exeter) and an MEng (Hons) in Electronic Engineering and Music Technology Systems (University of York). He has lectured in acoustics at the University of Bath, served on the Institute of Acoustics' Building Acoustics Group, and is principal author of the acoustics chapter of CIBSE TM57.
- His music and events work includes music noise management plans and noise modelling for outdoor festivals and events. Examples are Plumpton Revival, Skyglow/Famfest at Newbury Showground and Newmarket Racecourse, the Fishermans Friends Festival, the Enchanted Garden Ball (8,500 tickets) and Torbay Showground. He has also assessed entertainment noise from pubs and social clubs.
- He has given expert evidence for numerous planning appeals and licensing applications.

Colin Gummer BSc (Hons) MIOA, Senior Acoustic Consultant:

- Colin has over ten years' professional experience in environmental noise and acoustics.
- He holds the Institute of Acoustics Diploma in Acoustics and Noise Control (Southampton Solent University, 2016), with Merits in the Environmental Noise and Building Acoustics modules.
- He carries out short- and long-term environmental noise monitoring, sound insulation testing and noise impact assessments to BS 4142 and BS 8233. He also has extensive experience of noise modelling software.
- He has provided on-site music noise monitoring for music events across the UK.

3 The licence and the review

3.1 The licence

Premises licence PL0019 permits live and recorded music from 09:00 to 00:00 every day, with music outside until 22:00 only. The premises may open from 08:00 to 00:30.

The licence conditions on the prevention of public nuisance are quoted in full below, as they appear in the licence register of 13 October 2026.

> 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 will be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that will 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.
>
> 2. While live or recorded music takes place regular monitoring of noise levels at the nearest noise-sensitive locations shall take place. A record shall be kept of any monitoring, including: the date, time and location of the monitoring; the name of the person monitoring; any action taken. Records shall be kept for at least 6 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.
>
> 3. On occasions when entertainment is provided at the premises, the Premises Licence Holder or DPS shall nominate a designated member of staff to monitor customers outside to ensure the road is kept clear and to monitor and record noise levels, in accordance with the requirements of the licence.

The condition sets no decibel limit. It has two tests, one before 23:00 and one after, and both are judged at the boundary of the nearest homes.

3.2 The review application

The review was applied for by Julie Smart, Licensing Officer at Torbay Council, as a responsible authority. The site notice gives the grounds as the prevention of crime and disorder, public safety and the prevention of public nuisance. The noise ground is set out in the application as follows:

> Numerous complaints have been received over a period of 3 years in respect of the licensing objectives The Prevention of Public Nuisance and Public Safety. These complaints relate to music events which take place at the premises on a weekly or twice weekly basis throughout the summer months. Complainants state the music is loud…

The hearing is listed for 09:30 on 3 December 2026 in the Banking Hall, Town Hall, Torquay. The application reference is 22500480.

4 Regulations and standards

4.1 Guidance issued under section 182 of the Licensing Act 2003

The Home Office guidance to licensing authorities advises that conditions on noise should be tailored to the premises and should focus on the times when noise is most likely to disturb. It notes that noise limiters are expensive and can be a considerable burden for smaller venues. On a review, it advises that the authority's response should be "no more than an appropriate and proportionate response".

The guidance also explains how the Live Music Act 2012 and section 177A of the Licensing Act 2003 affect licence conditions about music. These are legal questions, and we note them only because they affect which conditions the Sub-Committee may apply to music at the premises. The review application itself records that the council accepted one earlier condition, about the licence holder being present during entertainment, as unenforceable because of the Live Music Act exemption.

4.2 Interpreting the licence condition

The licence condition does not provide numeric noise limits. Instead, it uses the following wording:

Period	Licence wording
Before 23:00	Not clearly distinguishable above other noise
After 23:00	Not distinguishable above background

4.3 Guidance on noise from entertainment

The Institute of Acoustics' Good Practice Guide on the Control of Noise from Pubs and Clubs (2003) has been withdrawn. It gave no numeric criteria for noise from entertainment.

The Noise Council's Code of Practice on Environmental Noise Control at Concerts (1995) sets limits for music events held between 09:00 and 23:00, at 1 m from the façade of noise-sensitive premises. For urban and rural venues other than stadia and arenas with up to three concert days a year, the music noise level should not exceed 65 dB $L_{Aeq,15min}$. For four to twelve concert days a year, it should not exceed the background sound level by more than 15 dB(A). The Code notes that dB(A) can underestimate low-frequency noise, and suggests that a level of up to 70 dB in either the 63 Hz or the 125 Hz octave band is satisfactory, while a level of 80 dB or more in either band causes significant disturbance.

In its response to the government's consultation on licensing reform in November 2025, the Institute of Acoustics described criteria based on inaudibility as "a relic of outdated guidance that case law has found vague, imprecise, and unnecessarily stringent". For that reason, the conditions we propose in this report set levels at named positions, rather than relying on the word "audible".

5 Site visit and noise model

5.1 Site visit

We visited the premises on the morning of Monday 23 November 2026 to survey the site and its surroundings. No acoustic measurements were made. However, we made observations of the premises, including the construction of the Deck, the doors and the glazing, and of the surroundings. Photographs taken during the visit are in the appendix “Site photographs”.

5.2 Rationale for using a noise model

We have not based this assessment on measurements, for two reasons:

1. The music of concern can only be measured between May and September, when bands and DJs play outdoors. We were commissioned in November 2026 to look at the licence conditions, a few weeks before the hearing, so a survey of those events was not possible.
2. A model is more reliable than measurements made in different weather conditions. Sound travels differently as the wind and temperature change, so measurements on one evening may not represent another. The model always assumes conditions favourable to sound travelling from the premises to each neighbour, downwind, in accordance with ISO 9613-2 (*Acoustics — Attenuation of sound during propagation outdoors — Part 2: Engineering method for the prediction of sound pressure levels outdoors*).

We have used the model to find out whether music can be played at levels that are reasonable for entertainment while giving reasonable protection to neighbours, and to advise on suitable controls.

5.3 Noise model

The model was calculated using the method described in ISO 9613-2. It uses typical levels and spectra for live music. It considers sound from music indoors in the band area and on the Deck. We have not modelled the Sunday music played just inside the restaurant doorway, as it is not expected to be louder than music on the Deck.

The settings used in the model are:

Setting	Value
Calculation method	ISO 9613-2:2024
Ground method	General
Ground factor	G = 0.5
Receiver heights	1.5, 4, 6.5 m above the local ground
Noise map height	1.5 m above the local ground, points 20 m apart
Air	14 °C, 82 % relative humidity, 101.6 kPa
Meteorological correction	None (downwind levels)
Constants	C_2 = 20 (screening); reflections to order 1

The ISO 9613-2 calculation methodology assumes favourable propagation conditions, which it defines as a mild downwind condition or a well-developed temperature inversion. This means that the model should predict a reasonable worst case for sound reaching the nearest noise-sensitive locations.

The temperature and relative humidity will also affect sound transmission, mainly at higher frequencies. However, their overall effect for broadband sound sources, such as those considered here, is minimal.

The typical difference in sound levels for temperatures between 0 and 30 °C and relative humidities between 0 and 100 % is less than 1 dB at a distance of 500 m.

For the Deck, we have assumed that the sound level at 5 m from the Deck building is 90 dB L_{Aeq}. For music indoors, we have assumed sound levels of up to 90 dB L_{Aeq}.

We have assumed the following sound power level spectrum for music on the Deck, which is unweighted (Z-weighted). For the Deck, the level 5 m from the Deck building is 90 dB L_{Aeq}.

Hz	Lw, dB (Z-weighted)
63	121
125	117
250	113
500	111
1k	108
2k	105
4k	101
8k	99

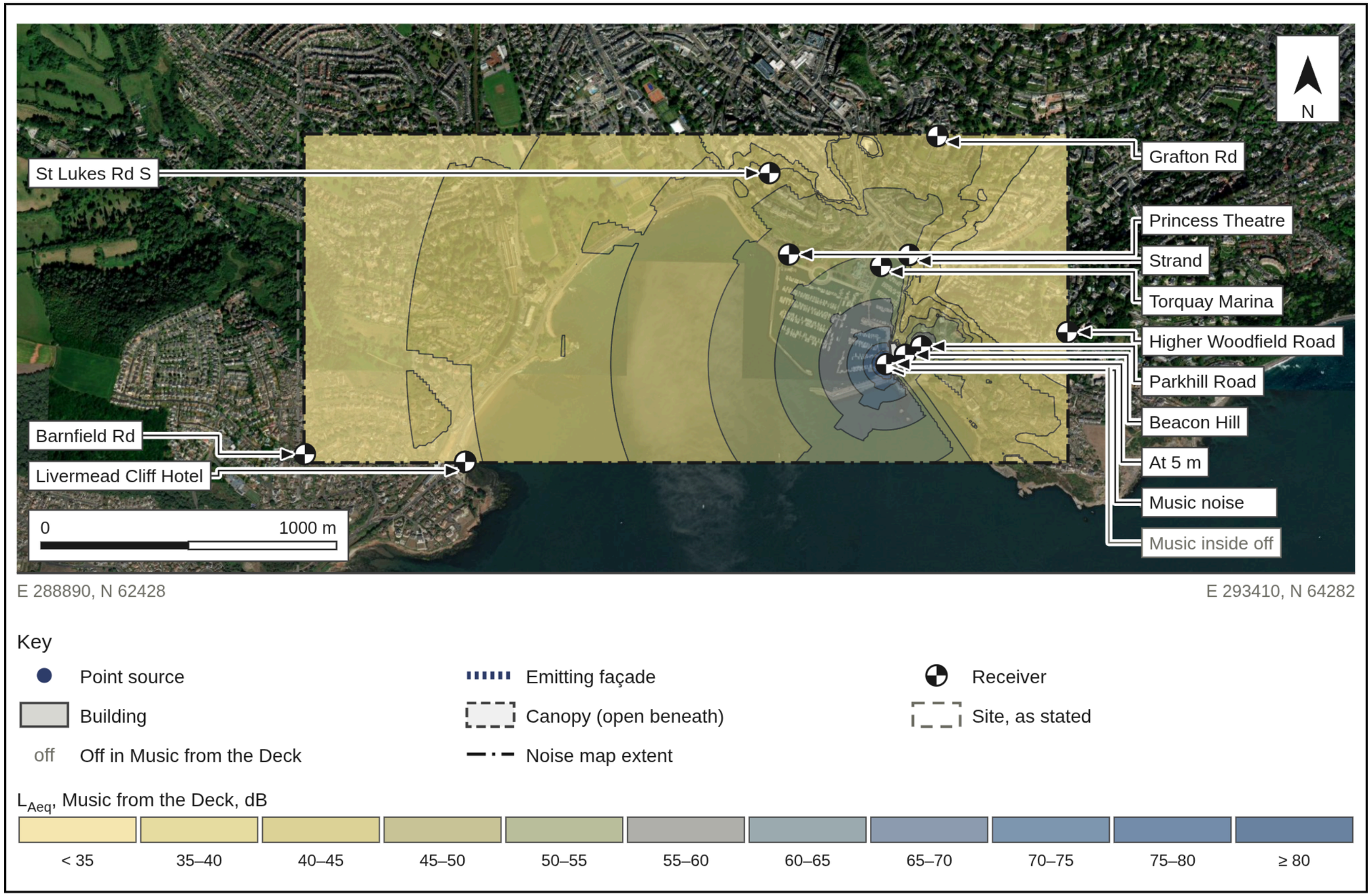
We have assumed that the glazing to the indoor area is 4-12-4 double glazing, with the following octave-band sound reduction:

Hz	R, dB
63	22
125	23
250	25
500	28
1k	38
2k	45
4k	50
8k	55

For indoor music, we have assumed that the doors remain closed.

5.4 Results: music from the Deck

Noise contours for music on the Deck are shown below:



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Imagery: Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community
Satellite imagery: Esri World Imagery, fetched 25/11/2026, placed on the National Grid to about ±5 m; for orientation only.

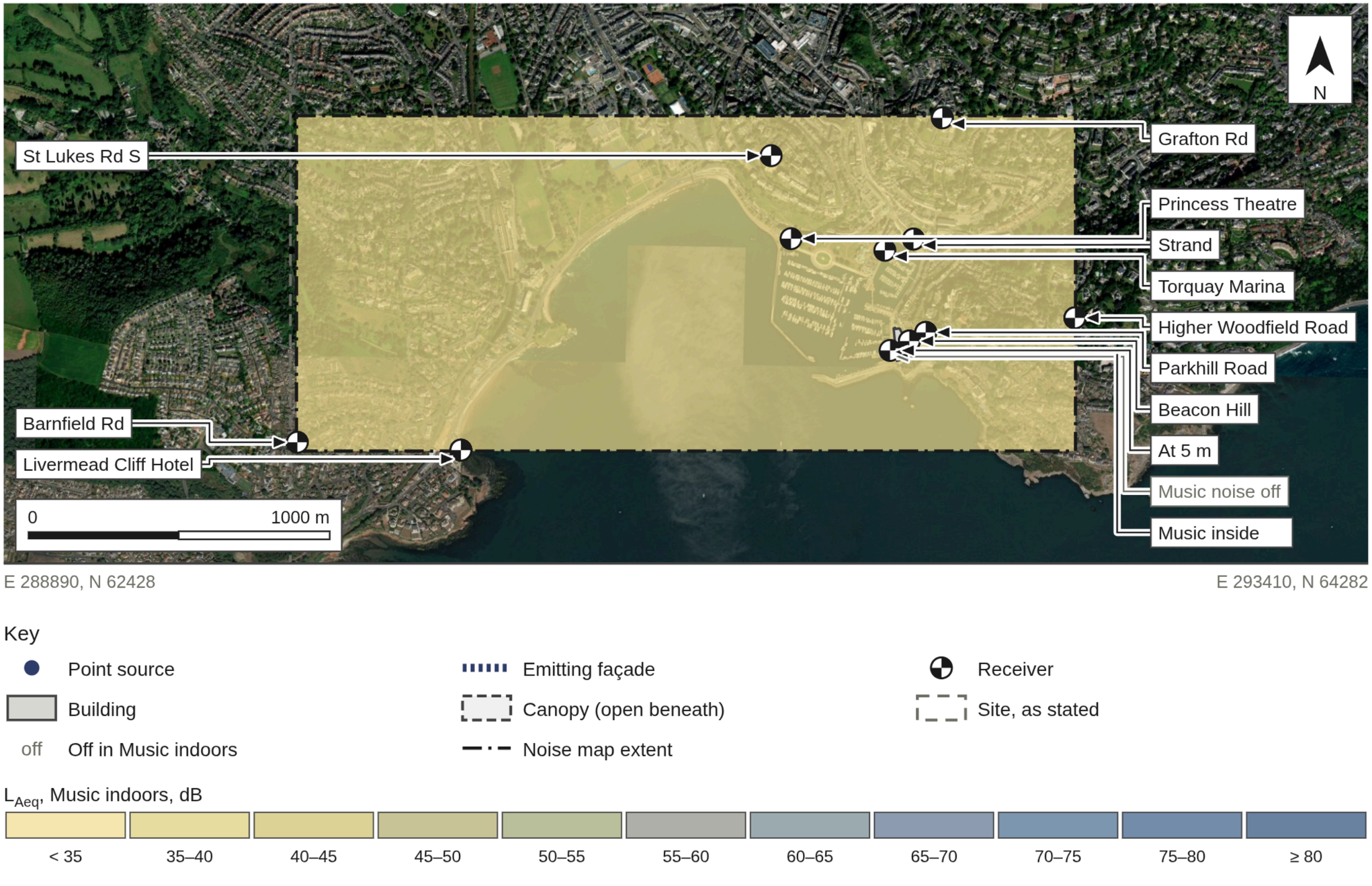
Drawing 1 — Noise contours for music from the Deck

The predicted levels at each noise-sensitive location are given in the table below:

Name	Height, m	LAeq music from the deck
At 5 m	1.5	90
Beacon Hill	6.5	62
Parkhill Road	6.5	58
Parkhill Road	4	57
Parkhill Road	1.5	57
Beacon Hill	4	54
Torquay Marina	1.5	51
Strand	4	50
Strand	6.5	50
Strand	1.5	50
Beacon Hill	1.5	48
Princess Theatre	1.5	47
St Lukes Road South	1.5	44
Grafton Road	4	43
Grafton Road	1.5	42
Livermead Cliff Hotel	6.5	36
Livermead Cliff Hotel	4	36
Livermead Cliff Hotel	1.5	34
Barnfield Road	1.5	32
Higher Woodfield Road	6.5	24
Higher Woodfield Road	4	24
Higher Woodfield Road	1.5	24

5.5 Results: music indoors

Noise contours for music from indoors are shown below:



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Imagery: Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community
Satellite imagery: Esri World Imagery, fetched 25/11/2026, placed on the National Grid to about ±5 m; for orientation only.

Drawing 2 — Noise contours for music from indoors

The tabular results are as follows:

Name	Height, m	LAeq music indoors
Beacon Hill	6.5	8
Parkhill Road	6.5	2
Parkhill Road	4	2
Parkhill Road	1.5	2
Beacon Hill	4	5
Torquay Marina	1.5	2
Strand	4	< 0
Strand	6.5	< 0
Strand	1.5	< 0
Beacon Hill	1.5	5
Princess Theatre	1.5	3
St Lukes Road South	1.5	< 0
Grafton Road	4	< 0
Grafton Road	1.5	< 0
Livermead Cliff Hotel	6.5	< 0
Livermead Cliff Hotel	4	< 0
Livermead Cliff Hotel	1.5	< 0
Barnfield Road	1.5	< 0
Higher Woodfield Road	6.5	< 0
Higher Woodfield Road	4	< 0
Higher Woodfield Road	1.5	< 0

5.6 Summary

The results show that:

- For outdoor music on the Deck, sound levels at the noise-sensitive locations do not exceed 62 dB L_{Aeq} if the sound level 5 m outside the Deck does not exceed 90 dB L_{Aeq}.
- The sound levels from indoor events are expected to be 8 dB L_{Aeq} or less at every noise-sensitive location, and therefore unlikely to be distinguishable against the typical noise climate if the doors are closed.

6 Assessment against the licence condition

6.1 Before 23:00

On a summer evening the harbour is one of the busiest parts of Torquay, and the sound around it comes from many sources. There is road traffic on the roads around the harbour, including buses, taxis and motorcycles. There are people on the quays and promenades and at the outside tables of bars and restaurants. We would expect typical sounds of voices and laughter that tend to rise as the evening goes on. Other venues around the harbour play music, some of it outdoors. The council's officer found that one nearby venue had held several outdoor music events. Within the harbour there are boat engines, rigging tapping against masts, gulls and water against the harbour walls. In August there are also occasional larger events, such as the regatta and fireworks.

Music from Below Decks therefore has to be judged against a busy and varied soundscape. We provide the following typical levels for reference:

Source	Sound Pressure Level, dBA
Disco, 1 m from speaker	100
Diesel truck at a 10 m distance	90
Kerbside of busy road at a 5 m distance	80
Vacuum cleaner at a 1 m distance	70
Conversational speech at a 1 m distance	60
Average home	50
Quiet library	40

As detailed previously in this report, the licence condition uses the following wording for noise:

Period	Licence wording
Before 23:00	Not clearly distinguishable above other noise
After 23:00	Not distinguishable above background

Based on the above, music noise levels of up to 62 dB L_{Aeq} are not expected to be clearly distinguishable against the existing noise climate before 23:00. After 23:00, only indoor music is present. Based on the results of our noise model, the music after 23:00 is expected to be inaudible if properly managed.

7 Comment on the council's evidence

We have read the council's account of the complaints as given in the review application. We have not seen the exhibits it refers to, including the complaint emails, noise diaries, photographs and CCTV. Our comments are therefore limited to acoustic matters.

The complaints describe loud music, often outdoors and including drumming and dance music, on summer weekends and some weekday evenings. They come from homes around the harbour and from people on boats in the town dock. Some say the music could be heard indoors with windows closed.

The Sub-Committee may wish to consider the following:

- Several complainants live a long way from the premises. The council's officer noted in 2025 that two of the complainants lived one and a half miles and three miles away, and that the weight of their complaints was not the same as for someone living close by. Music may be audible at this distance. However, as the Institute of Acoustics has noted, criteria based on inaudibility are "a relic of outdated guidance that case law has found vague, imprecise, and unnecessarily stringent".
- Some complainants were sent noise diaries and did not return them, and those cases were closed.
- The council's officer reviewed the licence holder's own measurements on 11 April 2024 and considered them reasonable.
- The council's officer advised the licence holder to check the wind direction and to point speakers out to sea wherever possible. One complainant said in August 2026 that the music seemed to improve when bands faced out to sea, but became worse when they were moved.
- The licence holder has raised the possibility that music from other venues has been attributed to Below Decks, and the council's officer found that a nearby venue had held several outdoor music events.

8 Recommendations

We recommend that the Sub-Committee considers the measures below.

8.1 Measures at the premises

- A noise management plan, written for this premises, setting out how music is controlled, who is responsible on each night and what they do when a complaint is made.
- A single in-house sound system for all performers under the full control of the licence holder.
- Speakers on the Deck placed and aimed away from the homes and out to sea, at fixed positions marked on a plan.
- Control of bass, by limiting the levels in the 63 Hz and 125 Hz octave bands as well as the overall level.
- Doors kept closed when there is music indoors, where practical.
- Regular boundary checks at set times during every music event, with the results written in a log kept on site, as the licence already requires.
- A telephone number that residents can call during events, answered by the person in charge that night who can take measurements at complainants' homes if necessary.

8.2 Possible conditions

The limits below are based on the noise model described in the section "Site visit and noise model".

Music noise levels at positions to be confirmed should not exceed 65 dB $L_{Aeq,15min}$ at any time, and should not exceed 70 dB L_{eq} in either the 63 Hz or the 125 Hz octave band. Music from the Deck should finish by 22:00, and indoor music by 00:00.

9 Conclusion

We have modelled music noise from Below Decks at the nearest noise-sensitive locations, using typical music levels and the method of ISO 9613-2, which assumes conditions favourable to sound travelling towards each location.

For music on the Deck, the model predicts levels of up to 62 dB L_{Aeq} at the most exposed location modelled, Beacon Hill, and 57 to 58 dB L_{Aeq} on Parkhill Road, if the music is kept to 90 dB L_{Aeq} at 5 m from the Deck building. Levels at the other locations named in the review application are lower. For music indoors with the doors closed, the model predicts 8 dB L_{Aeq} or less at every location.

Before 23:00, the licence requires that noise from the premises is not clearly distinguishable above other noise. Against the busy soundscape of the harbour on a summer evening, we do not expect music at these levels to be clearly distinguishable. No outdoor music is expected after 22:00, so the second test does not apply for this case. For indoor music, the current licence allows music up to 00:00 and our noise model predicts that this will be inaudible at all locations.

In our opinion, music can be played at the premises at levels that are reasonable for entertainment while giving reasonable protection to neighbours, provided that it is properly controlled. The measures we recommend are:

- a noise management plan for the premises;
- a single in-house sound system under the control of the licence holder;
- speakers on the Deck at fixed positions, aimed away from homes and out to sea;
- control of bass as well as the overall level;
- doors kept closed during indoor music, where practical;
- regular boundary checks during every music event, recorded in a log; and
- a telephone number that residents can call during events.

We also recommend limits of 65 dB $L_{Aeq,15min}$ overall, and 70 dB in either the 63 Hz or the 125 Hz octave band, at positions to be confirmed, with music on the Deck finishing by 22:00. For indoor music finishing at 00:00, the results of our model show that levels are likely to be inaudible at all sensitive locations at any time. Unlike the wording of the current condition, these limits will allow the sound to be measured and checked by the licence holder and the council.

A Appendix

A.1 Glossary

General acoustic terms

- *Sound:* The audible transmission of vibrations through air or water.
- *Noise:* Unwanted sound. Sound that causes disturbance.
- *Ground-borne Vibration:* Vibration transmitted through the ground. Has the potential to cause disturbance, even damage at sufficient levels. Typically measured as Vibration Dose Values (VDVs).
- *Re-radiated Noise (or 'Ground-borne Noise'):* Ground-borne vibration can cause walls, floors and ceilings to radiate noise. This is often referred to as ground-borne noise. Mechanical plant may also generate noise by similar means.
- *Cross-talk:* Sound transmission between rooms via ventilation ducting.
- *Decibel (dB):* The standard unit for defining sound pressure levels. The range of normal hearing is between 0 dB and 130 dB, where 130 dB is the upper threshold of pain. A change of 1 dB in sound pressure levels is barely perceptible and 3 dB is normally the minimum audible difference. A change of 5 dB is clearly audible. A change of 10 dB roughly corresponds to a halving or doubling of perceived loudness.
- *dBA (A-weighted decibel):* A-weighted decibels use a frequency weighting to correspond to how the human ear hears sound.
- *Sound power level (SWL):* the logarithmic measure of the total acoustic power a source emits, expressed in decibels. It is a standard way to quantify a sound source's output. The decibel scale for sound power level is measured relative to a reference power level of 10^{-12} W.
- *Sound pressure level (SPL):* the logarithmic measure of an acoustic pressure fluctuation relative to a reference pressure, usually 20 µPa, expressed in decibels. It is a standard way to quantify sound level.

Environmental sound terminology

- $L_{Aeq,T}$ *(equivalent continuous sound level):* The A-weighted equivalent average sound level is commonly used to describe the average sound level in a given environment over the measurement period.
- $L_{A10,T}$*:* The A-weighted level of sound exceeded for 10% of the specified measurement period (T). It gives an indication of the upper limit of fluctuating sound and is commonly used in traffic sound measurements.
- $L_{A90,T}$*:* The A-weighted level of sound exceeded for 90% of the specified period (T). It is commonly used to define background sound level; the underlying level in the absence of intermittent sound.
- L_{Amax} *(maximum sound level):* The highest A-weighted sound level recorded during the measurement period. It is measured using the fast sound level meter response.
- L_{day}*:* Equivalent continuous sound pressure level during the daytime, often defined as 07:00-19:00.
- $L_{evening}$*:* Equivalent continuous sound pressure level during the evening, often defined as 19:00-23:00.
- L_{night}*:* Equivalent continuous sound pressure level during the night-time, usually defined as 23:00-07:00.
- L_{den}*:* This metric aims to account for the increased sensitivity of the evening and night-time periods by adding penalties to the $L_{evening}$ and L_{night} components to produce a day-evening-night compound value.
- *Hz (Hertz):* Hz is the unit of frequency, equal to one pressure fluctuation cycle per second. Frequency is related to the pitch of a sound.
- *Free-field:* A sound measurement taken in the absence of any reflecting objects. Generally measured outside and away from buildings.
- *Façade-level:* A measurement taken in proximity (e.g. 1 m) to a reflective surface other than ground, such as a building façade. This typically increases the measured level by around 3 dB.

- *NSL:* Noise-sensitive location. This is typically a dwelling, church, meditation space or other location likely to be significantly affected by sound.

Music noise terminology

- *MNL (Music noise level):* The A-weighted equivalent average noise level averaged over a 15 minute period ($L_{Aeq,15min}$) . This noise level does not include noise produced by patrons attending the event or other associated noise source.

A.2 Typical noise levels

The table below shows typical noise levels for reference:

Source	Sound Pressure Level, dBA
Jet aircraft at a 50 m distance	140
Threshold of pain	130
Threshold of discomfort	120
Chainsaw at a 1 m distance	110
Disco, 1 m from speaker	100
Diesel truck at a 10 m distance	90
Kerbside of busy road at a 5 m distance	80
Vacuum cleaner at a 1 m distance	70
Conversational speech at a 1 m distance	60
Average home	50
Quiet library	40
Quiet bedroom at night	30
Background in TV studio	20
Rustling leaves in the distance	10
Threshold of human hearing	0

A.3 Documents considered

The documents below were sent to us by Wollens between 6 and 24 November 2026 and were read in preparing this report.

Document	Description
Application for the review of a premises licence (Form J)	Torbay Council, signed by Julie Smart, Licensing Officer. Narrative only; the exhibits it refers to were not supplied.
Review site notice	Torbay Council, “Below Decks: Notice for the review of the premises licence”. Representations by 29 October 2026.
Notice of hearing to the premises licence holder	Torbay Council. Hearing at 09:30 on 3 December 2026, application reference 22500480.
Premises licence register, as at 11:01 on 13 October 2026	Premises licence PL0019, granted entry. The premises plans it lists were not supplied.

Document	Description
Premises licence register, as at 11:05 on 13 October 2026	Completed application 074271, “New Mandatory Conditions for Premises Licence”.
Noise management plan assessment, dated 29 October 2026	Email from the licence holder’s previous adviser to Mr Kevin Shadbolt, reproduced as a document. No formal report was issued.
Email from Wollens, 24 November 2026	The licence holder’s account of its music programme: the indoor programme, regular summer live music and outdoor DJ sets.

A.4 Site photographs

Photographs taken by Colin Gummer of ACT Acoustics at the site visit on 23 November 2026.

Outside area



Figure A.1 — The Deck building and the open deck from the quay



Figure A.2 — View from the open deck towards Beacon Quay



Figure A.3 — Inside the Deck building, looking towards the harbour



Figure A.4 — Junction of the roof and the head of the glazing in the Deck building



Figure A.5 — Roof, heater and glazing inside the Deck building

The main bar



Figure A.6 — The bar inside the main building



Figure A.7 — Glazed entrance door to the restaurant



Figure A.8 — Folding doors to the restaurant, open



Figure A.9 — Threshold of the folding doors



Figure A.10 — Hinge side of the folding doors



Figure A.11 — Head of the frontage glazing



Figure A.12 — Frame head on the frontage



Figure A.13 — Door at the end of the frontage



Figure A.14 — Threshold of the door at the end of the frontage

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