

**LICENSING ACT 2003**

**APPLICATION FOR THE REVIEW**

**OF A PREMISES LICENCE**

**NOTIFICATION**

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**Completed forms should be returned to:**

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

**Contact Details:**

**Tel: 01803 208025**

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

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

**Application for the review of a premises licence  
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 Rachael Hind**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below**

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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
The Old Coaching Inn, 61 Fore Street,	
<b>Post town:</b> Brixham	<b>Post code (if known)</b> TQ5 8AG

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
The Old Coaching Inn Brixham Limited

<b>Number of premises licence or club premises certificate (if known)</b>
PL0899

**Part 2 - Applicant details**

I am Please tick ✓ yes

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

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

Please tick ✓ yes

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

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**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 Rachael Hind Environmental Health Torbay Council Community Safety Town Hall, Torquay TQ1 3DR
Telephone number (if any)
E-mail address (optional) Rachael.hind@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 review of the premises licence is to prevent public nuisance.

The Old Coaching Inn, Brixham has been causing noise disturbance to nearby residents. The nature of the problems has been public nuisance caused by loud music, noise from patrons entering, leaving and congregating outside the premises until early hours of the morning, the breach of permitted hours and the lack of co-operation from the DPS when offered guidance. The DPS is failing to manage the patrons that frequent the public house and this is having a negative impact on local residents.

Officers from the Council and the Police Licensing Department have tried to work with the Designated Premises Supervisor/Premises Licence Holders to resolve the matters. However, the noise and antisocial behaviour from the premises has continued to disturb local residents. The Premises licence holders are not willing to employ door supervisors to assist them in managing their clientele effectively and therefore we have no other option but to submit a review.

Some residents have also advised that the live and recorded music which is held in a building at the rear of the premises causes noise disturbance. Two of the complaints received were regarding noise from live music as the noise from the live bands were disturbing residents on Friday and Saturday nights. They were unable to open their doors or windows during the evening due to the noise levels and advised that the noise could be heard over and above their TV despite their windows being closed. Officers have visited the public house and the building used for entertainment at the rear of the premises is not sufficiently insulated to contain the noise as it has a metal roof with some gaps so the noise is not able to be contained within the building.

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

Three complaints have been received regarding this premises in 2023.

Two complaints were received in July regarding noise from the live music.

1.8.23 – A third complaint was received advising noise disturbance from music and from customers leaving the venue. They advised that they can hear people coming out of the pub just after midnight and they are stood outside shouting, screaming and dog barking. They advised that it is unbearable and this happens a lot at the weekends and some weekends it has been 1am when people leave and it wakes them up and they are unable to go back to sleep due to the noise. Unfortunately, the Council's temporary member of staff did not take action with regards to this complaint.

21.9.23 - Further complaint was received and noise diary sheets were sent to the complainant.

18.10.23 - A letter was sent to Miss Warner, DPS, advising that complaints had been received and reminding her of the licensing conditions. No response was received from the DPS following this letter.

24.10.23 - A complainant sent an email and video of the outside of the premises. Unfortunately, the videos could not be downloaded but we advised the complainant that we would visit the premises with the Police Licensing Officer to discuss the noise complaints and also the alleged underage sales and would feedback.

4.11.23 - An email was received from one of the complainants who complained in July advising that they did not have a noise diary for us but advised ***'every weekend I hear music within my home from the Old Coaching Inn. When they have live bands it is worse. Last night the music lasted til 12.30am i.e. beyond the permitted time and then the row from customers went on til 1am. Truly dreadful. I do hope you can get them to revert to within the agreed licence terms'***.

7.11.23 – Visited the Old Coaching Inn with Olivia Kempton, Licensing Police. Olivia Kempton had arranged this visit as she had received complaints regarding underage sales and invited Rachael Hind to attend. Rachael Hind asked Miss Warner, DPS, if she had received the letter dated 18.10.23 and she confirmed that she had received it. During the visit, we went through the conditions on their premises licence. We recommended that they employed door supervisors to assist with difficult customers and ensuring they leave on time. We reiterated the timings of the licence i.e. that they can open and serve late night refreshments (hot drinks and food) until 00:30 hours but they must stop serving alcohol at midnight and then have the 30 minutes drinking up time before closing at 00:30 hours. We advised them to keep records of the monitoring they complete when walking around their premises to ensure the music cannot be heard at the nearest residential properties. We also recommended keeping the front door closed or reducing the levels emanating from the speakers in the corridor to prevent noise escape. We also advised as there is also very little insulation to the metal roof in the rear event space, we would recommend reviewing the noise levels in this area and if noise complaints continue, then they may need to provide additional acoustic insulation in this area and consider the use of a sound limiter. It was also recommended that they stopped live music by 11pm and only play background music after 11pm. Miss Warner and Mr Roly Butler advised that complainants can contact them directly using the contacts listed on their front window. Rachael Hind passed these details to the complainants so that they could contact them directly when the noise was occurring to try to resolve there and then.

7.11.23 - Following the meeting, Miss Warner emailed to ask for clarification about the licensing hours on their premises licence. The advice provided during the visit was then confirmed in an email on 8.11.23 with a copy of a noise management plan guidance note.

12.11.23 - Complainant emailed to advise lots of noise again late on Saturday 11 November into early hours of Sunday 12 November and operating beyond their opening hours. Complainant advised that they were disturbed by people noise outside, shouting and screaming as they left, kicking the doors, glasses were taken outside. She advised that the groups left around 1/1.10am and were leaving with takeouts.

14.11.23 - Rachael Hind discussed with the Police Licensing Officer who confirmed there were no police logs over the weekend regarding the Old Coaching Inn. Rachael Hind contacted the Council's CCTV team who managed to download footage from the Coop end of the street looking up towards the public house and showed a group of people exiting the premises at 00:48 hours – 18 minutes past their opening hours.

15.11.23 - Rachael Hind emailed Lesley Warner, DPS regarding the incident and reiterated that they must abide by the licensing hours or they may face formal action as this is a breach of their premises licence.

15.11.23 - Reply from Miss Warner advising she is considering closing and will send another email tomorrow.

16.11.23 - Email received from Miss Warner. She said she couldn't employ door staff because of cost and breaching the terms of their insurance. She advised that she didn't know what else to do with her customers making noise when they leave. She also advised that she didn't understand why anyone would choose to live on the doorstep of a pub and think there will not be loud noise late at night/early hours as people leave pubs and felt it was unfair. She advised they will remain open until the end of the year and make a decision about 2024 and beyond. She said she would ensure they call last orders at 11.15pm and off licence orders until 11.30pm to give them an hour to get them out of the door.

21.11.23 – A complainant confirmed it had been quiet that weekend and they had closed early.

26.11.23 - Rachael Hind received an email at 00:16 and another one at 00:22hours on Sunday 16 November advising lots of noise outside from customers. The complainant had called the business as recommended by us but they advised the business were not helpful.

27.11.23 - Videos were sent by a complainant of customers outside of the Coaching Inn. The customers were very loud and rowdy and were not being managed by the landlady or any staff. No one asked them to leave the area quietly.

27.11.23 - Email was also received from Miss Warner on Sunday afternoon advising that they had received a complaint and said she didn't hear anyone outside making lots of noise. She also advised that we should tell landlords to make their tenants aware that there is a lot of hospitality in the town and to expect noise. Rachael Hind replied to this email with advice regarding controlling customers and having door staff to assist. Further reply received from Miss Warner, advising they are looking into the costs of door staff and that they didn't realise it was their responsibility to 'herd' their customers away from the premises and asking again about warning landlords.

3.12.23 - Email received from Lesley Warner on Sunday 3 December 2023 at 01.12am advising that they called last orders at 11.15pm on both nights but advised that this meant

taking a lot less money and they 'can't be held hostage by residents, there has to be a middle ground'. Rachael Hind replied to advise that the main complainant had said it was quiet on Friday night but there was a fight on Saturday around 11.30pm. I explained that we had a duty to investigate all complaints and ensure they are managing their premises and abiding by their licence conditions.

6.12.23 - Email from Lesley Warner asking about the hours and the condition about 30 minutes drinking up time. Replied to explain the hours again.

9.12.23 – Email from a complainant at 11.52pm on Saturday 9.12.23, advising they have had a bad night with customers causing noise disturbance outside the property. Videos were sent to Rachael Hind via WhatsApp on Monday 11.12.23.

10.12.23 - Email from Lesley Warner on Sunday afternoon advising of the issues on Saturday night. She advised that at around 8.30/9.30pm they had issues with women screaming and shouting abuse and they advised that they managed to get them out of the building. She advised that later there were issues with a group of men outside. They then had other issues with other customers including someone who was trying to smash the window in and were banging on the main door. No door staff were employed at the premises to assist with customers.

Monday 11.12.23 – Rachael Hind emailed Lesley Warner, DPS, and asked if she could visit with the Police Licensing Officer on 12.12.23.

11.12.23 - Reply received from Lesley Warner, advising that they cannot meet with us as they are going away until late Friday afternoon. She asked if we had contacted the police regarding the incident on Sunday as they are very concerned and feel scared and anxious about their clientele.

11.12.23 - Rachael Hind replied to advise Lesley Warner that the Police Licensing Officer has discussed this with her police colleagues and they are looking into it for her. Rachael Hind advised that she was very concerned about some video recordings that were sent by a complainant and that she needed to speak to her urgently about this, preferably in person.

11.12.23 - Lesley Warner replied advising that there is no need to meet as they have decided to close and that they will focus on their bedrooms and to reinstate the Hotel. Lesley asked about who to send the CCTV footage to. Rachael Hind advised her to send these to the police and asked if she had a police log for when she reported the incident on Saturday night as the Police haven't been able to find the log number on their system. Miss Warner replied to advise that they are closing immediately and are going away for the whole of January. She advised that when they reopen, they intend to open as a hotel for guests and club members so that they have control of who's coming and going and each member will have to sign in themselves and any permitted guests at a manned reception but that it would depend on finances and whether they wish to stay in Devon. She provided a police log reference, however when Rachael Hind asked the Police about this, they advised that this was an abandoned call at 23:12 hours and that the person who called did not respond to any call backs so they sent a generic abandoned call text message with the log number.

19.12.23 - Lesley Warner emailed to advise that a Police Officer was visiting her that afternoon to go through the CCTV. She advised that they didn't open at the weekend and that they have drafted a closure notice for the building and Facebook. This notice advised that they would be closed until further notice and that they would reopen in the spring with some guest rooms.

5.1.24 - Rachael Hind received a phone call from someone advising her to check the website of the Old Coaching Inn as there was information posted on there mentioning Rachael Hind. Rachael Hind has checked this information and they are alleging that they know who the complainant is. The details of the complainants (there are more than one) have never been disclosed as this is treated as confidential information. There are a number of other comments about Rachael Hind and the public house is claiming that they are being used as guinea pigs to send out a message to publicans that if they make lots of noise, they will have their licences reviewed. This is completely false and all premises are dealt with in the same manner. All businesses need to ensure they comply with their licensing conditions and promote the four licensing objectives.

Officers have no confidence in the DPS's ability to control and manage the premises. We have considered recommending the removal of the DPS, however they are also a Director of the limited company that holds the Premises Licence so this would have no effect. It is therefore recommended that an additional condition is attached to require SIA licensed door supervisors after 9pm and until all customers have left the vicinity.

Officers have considered the effectiveness of additional conditions to alleviate the noise nuisance and to ensure the DPS can effectively manage the noise and antisocial behaviour from the public house.

There are already a number of conditions attached to the licence, however it is important that these are applied at all times in accordance with Section 177A (4) of the Licensing Act 2003, to prevent future public nuisance.

Live music is not suitable in this premises due to the inappropriate sound insulation and drums and some other instruments cannot go through a noise limiter.

It is therefore recommended that no live music or percussion instruments are permitted at the premises. If this is agreed, then a number of the conditions in Annex 2 of the licence will need to be amended.

Due to the close proximity of residential premises and the noise associated with patrons leaving the premises, it is also recommended that licensable activities cease at 11pm and the premises close no later than 11.30pm. Please refer to Torbay's Licensing Policy 2021-26 on page 42, paragraph 6 which states '*Proximity to residential accommodation is a general consideration with regard to the prevention of public nuisance. The Authority will treat each case on its individual merits, however, stricter conditions will generally be considered on premises licences in areas that have denser levels of residential accommodation or residential accommodation in close proximity to them. This may include, where appropriate, the Authority considering an earlier terminal hour than that proposed by the Applicant*'.

It is also recommended that the following conditions are attached to the licence:

#### **Noise nuisance**

1. A written noise management policy must be kept on site and available for inspections by appointed officers on reasonable request.
2. The noise management policy must be reviewed annually.
3. No regulated entertainment will take place until a noise limiting device (the specification and design to be agreed with Environmental Health Service) is fitted so that all regulated, and recorded music (including any Juke Box's) are channelled through the device(s). The maximum noise levels will be set by agreement with the Environmental



Health Service and will be reviewed from time to time as appropriate.

4. The noise limiting device must be fully functional and in proper working order at all times during performances of live and recorded music.
5. No performances of recorded music can proceed without the noise limiting device in proper working order.
6. Staff shall check prior to the commencement of regulated entertainment, and periodically during regulated entertainment that all windows and doors are shut.
7. Noise emanating from the premises shall not be heard above background levels 1 metre from the facade of the nearest residential property.
8. The performance of recorded entertainment will cease by 23:00 hours.
9. The Premises Licence Holder or nominated person shall carry out observations in the residential streets surrounding the public house at the commencement of and at periodic times during any regulated entertainment to establish whether there is a noise breakout from the premises.
  - (i) If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance.
  - (ii) A record of such observations shall be kept in a log for that purpose, such a log shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise break out and any action taken to reduce noise breakout.
  - (iii) Such records must to be made available at all times upon request to a police officer or an officer of the local authority.
10. The Premises Licence Holder or nominated person shall ensure a telephone number is made available and displayed in prominent locations as agreed with Environmental Health for local residents to contact in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection either by any relevant responsible authority throughout the trading hours of the premises.
11. From 21:00 hours on Friday's and Saturday's, an SIA licensed door supervisor must be on duty at the entrance of the premises to monitor the frontage of the premises and to assist in minimising noise levels throughout the evening. The door supervisor shall remain until all people have left the vicinity after the premises has closed. At all other times the Premise Licence Holder or DPS will risk assess the need for door supervisors based on anticipated customer numbers and employ such numbers at such times as deemed necessary by the risk assessment.

**Please tick ✓ yes**

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

If yes please state the date of that application

Day Month Year

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


**Please tick ✓ yes**

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

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

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

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

Signature: 

Date **5.2.24**

Capacity **Regulatory Services Manager**

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

**Post town**

**Post Code**

**Telephone number (if any)**

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

**Notes for Guidance**

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