

Additional information from the Environmental Health Department following application for the review of the premises licence:

The Old Coaching Inn, 61 Fore Street, Brixham, Devon, TQ5 8AG (PL0899)

An application for a review of the premises licence for the Old Coaching Inn has been submitted by Environmental Health for the following reasons.

As you can see from the supporting information I have submitted with this report, there has been numerous attempts by our department to work with the Designated Premises Supervisor, Miss Lesley Warner, and also with Mr Roly Butler who is joint director with Miss Warner of the Limited Company that hold the Premises Licence.

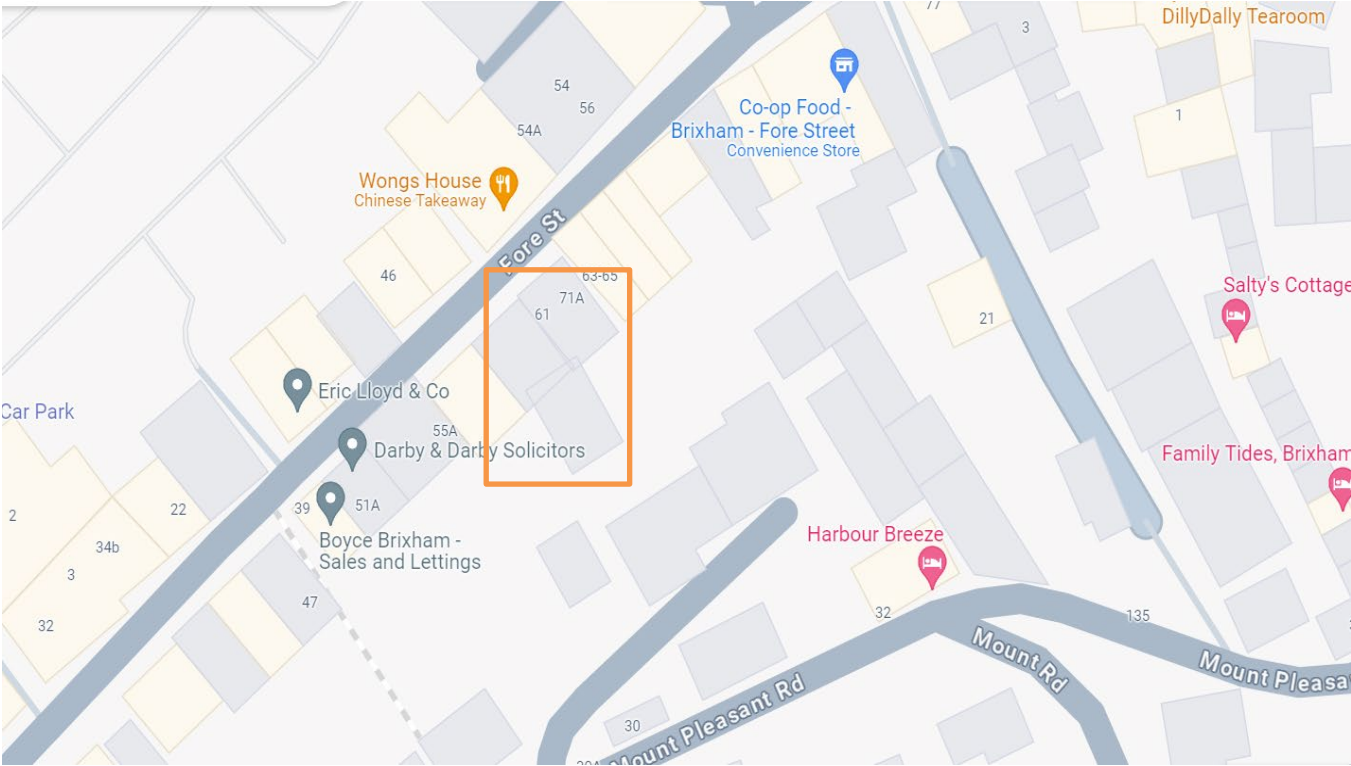
The nature of the problems has been public nuisance caused by loud music, noise from patrons entering, leaving and congregating outside the premises until early hours of the morning, the breach of permitted hours and the lack of co-operation from the DPS when offered guidance. The DPS is failing to manage 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 Premise 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.

The public house is on one of the main town streets in Brixham but it is also surrounded by residential houses at the rear of the property and there are also a number of residential flats along Fore Street. Please see map overleaf.

Map showing the premises (orange box) and the surrounding residential properties



Map of site within the Plan attached to the Premises Licence



Photograph 1: View of the public house (on the RHS) from one end of Fore Street.



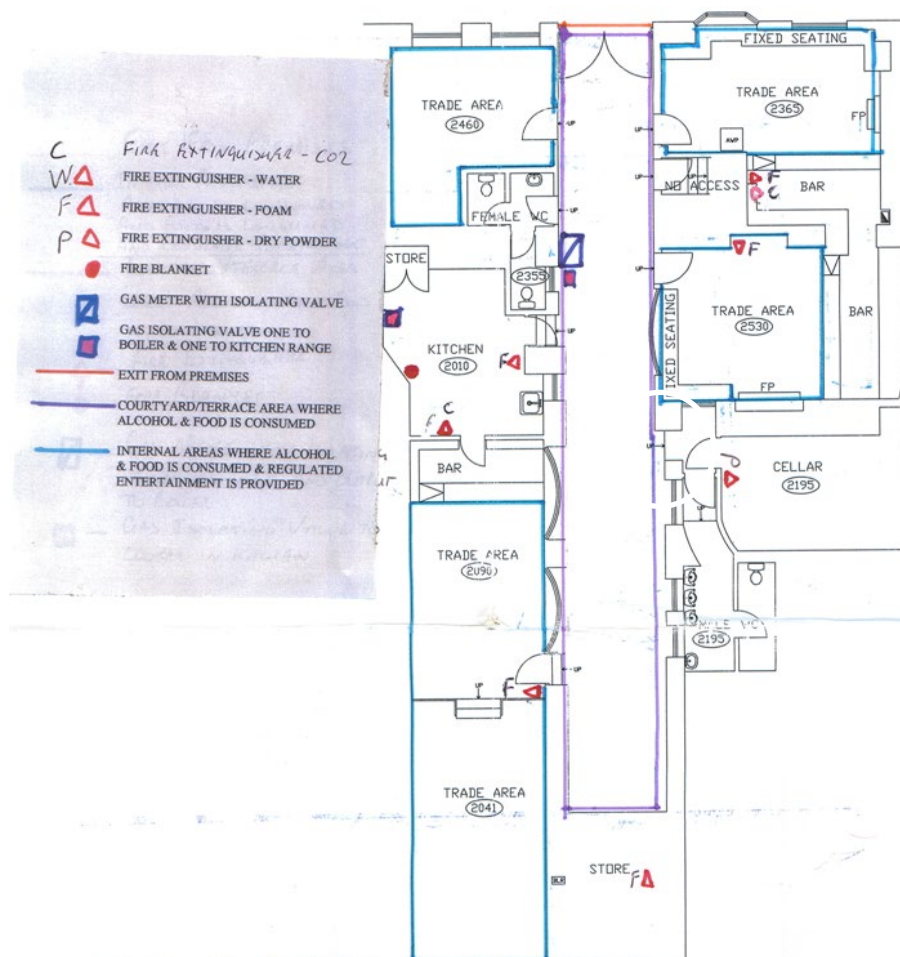
Photograph 2: View of the public house (on the LHS) from the other end of Fore Street.



Photograph 3: Aerial View of the public house and surrounding residential properties.



Plan of premises from the Premises Licence



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, despite the letter requesting them to contact me as soon as possible. Please see **Appendix 1**.

24.10.23 - A complainant sent an email with a video link of videos 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 (now Gifford), 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. **See Appendix 2**. The advice provided during the visit was then confirmed by Rachael Hind in an email on 8.11.23 with a copy of a noise management plan guidance note. **See Appendix 3**.

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. See **Appendix 4** which has the original email and responses. Complainant advised that they were disturbed by people noise outside, shouting and screaming as they left, kicking the doors, glasses were taken outside. They 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. See **Appendix 5**.

15.11.23 - Reply from Miss Warner advising she is considering closing and will send another email tomorrow. See **Appendix 6 and my reply in Appendix 7**.

16.11.23 - Email received from Miss Warner. See **Appendix 8**. 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. Please see my reply in **Appendix 9**.

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 from a complainant 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. See **Appendix 10**.

26.11.23 - 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. See **Appendix 11 to 13**.

27.11.23 - Videos were sent by a complainant of customers outside of the Coaching Inn at around 00:12 hours. 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.

30.11.23 Email sent to Lesley Warner and copied to Mr Roly Butler in response to their email. See **Appendix 14**.

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'. See **Appendix 15**.

5.12.23 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. See **Appendix 16 which also contains Miss Warners replies.**

6.12.23 - Email from Lesley Warner asking about the hours and the condition about 30 minutes drinking up time. Rachael Hind replied to explain the hours again. See **Appendix 17.**

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. See **Appendix 18.** Rachael Hind forwarded the videos via WhatsApp to Olivia Kempton (now Gifford) and she transcribed these and can be found in her representation as Exhibit OG.07. The complainant was concerned about including the actual video footage in our review submission in case of any repercussions so the transcript details what can be seen on the videos.

The videos showed a number of unruly customers having fights outside, throwing glasses which had been taken from the premises outside and were shouting obscene language. The videos were recorded between 22:10 hours and 00:36 hrs and the level of antisocial behaviour witnessed in these videos was unacceptable and Miss Warner and Mr Butler were not able to manage their clientele.

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. See **Appendix 19.**

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. See **Appendix 20.**

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. See **Appendix 21.**

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. **Appendix 22.**

11.12.23 - Lesley Warner replied to Rachael Hind's email by responding to each part of Rachael's email. She advised 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. See **Appendix 23**.

18.12.23 – Email received from Lesley Warner – see **Appendix 24**.

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. See **Appendix 25**.

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. Please see **Appendix 26**.

Recommendations

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.

Appendix I

TORBAY COUNCIL

Miss L. J. Warner
Designated Premises Supervisor
The Old Coaching Inn
61 Fore Street
Brixham
TQ5 8AG

Please reply to: Rachael Hind

Community Safety

Town Hall

Torquay

TQ1 3DR

My ref: SR276549/SR276798

Your ref:

E-mail: Rachael.hind@torbay.gov.uk

Website: www.torbay.gov.uk

Date: 18.10.23

Dear Miss Warner

Environmental Protection Act 1990 – Statutory Nuisance

Licensing Act 2003 – Licensing Conditions

Name of Premises: The Old Coaching Inn, 61 Fore Street, Brixham

Nature of Complaint: Noise

I write with reference to two complaints received at this office, alleging a noise nuisance created from your premises. The complaint centres on the following points:

1. Loud music emanating from the public house on Friday and Saturday nights
2. Noise from patrons leaving the premises in the early hours of the morning, shouting and screaming and dogs barking. Management can also be heard loudly telling customers to leave the pub at 1am.

At this stage, this is purely an informative letter and to notify you that an investigation will be undertaken to consider the complaint.

I have notified the Licensing Officer of the complaint, as part of the investigation is to consider whether any conditions attached to your premises licence are being breached. Following the investigation there may be a need to recommend to the Licensing Sub-Committee that further conditions should be added.

Please ensure you are complying with all of your licence conditions and that all of your staff are fully aware of the conditions. In particular those under the prevention of public nuisance:

ANNEXE 2: CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

The Prevention of Public Nuisance

1. The sale of alcohol shall not be required to be ancillary to the sale of food at any time during opening hours.
2. Live music shall end at 00.00 except on New Years Eve and New Years Day.
3. Recorded music volume shall be reduced to background level during the wind down period to create a mood change.

4. A notice shall be placed prominently at the exits asking customers to leave quietly.
5. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Noise shall not be audible within any noise sensitive premises with windows open for normal ventilation especially after 11pm. The criteria applied, from boundary to nearest residential property 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.
6. Amplified live music and karaoke until 00.00 hrs shall be limited to not more than three evenings per week.
7. Recorded music shall be played until 00.00 hrs, after which music shall be turned down to incidental background music.
8. Doors and windows shall be kept shut during entertainment to reduce noise breakout. A management scheme shall be in place to ensure this situation remains.
9. The volume of amplified music used in connection with entertainment provided shall at all times be under the control of the Licensee/Management and controlling mechanism shall be operated from a part of the premises not accessible to the public.
10. As far as is practical, that persons on or leaving the Premises shall be reminded to conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by.
11. Cooking, noxious or persistent smells from the premises shall not cause a nuisance to nearby properties and the premises must be properly vented.
12. The mechanical extract system installed within the kitchen shall operate in a manner so as not to cause a noise or odour.
13. Kitchen extract filters shall be cleaned regularly to minimise the impact of cooking smells on neighbours.
14. All windows shall be kept closed after 00.00.
15. The premises will display appropriate signage stating the the tables and chairs will be brought in by 21:30hrs and last orders for refreshments in this area will be called at 21:10.
16. Clear signage will be displayed requesting that customers keep the noise to a respectable level at all times and requesting customers to be quiet when leaving the premises.
17. No noise of any kind shall be amplified outside of the premises.
18. Smoking shall be permitted in a designated area of the pavement cafe area with appropriate signage displayed.

Please note that officers from this Department may use recording equipment or visit, in order to substantiate complaints of noise or breaches to licensing conditions.
In the first instance I would ask you to contact me to discuss this matter as soon as possible.

Yours faithfully

R.A. Hind

Rachael Hind

Regulatory Services Manager

Appendix 2: Email received from Miss Warner on 7.11.23

From: [REDACTED]
Sent: Tuesday, November 7, 2023 2:29 PM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Subject: The Old Coaching Inn Brixham

Hello Rachael

It was good to meet you today. Please can you just clarify something contained within our Premises Licence.

Our Licenced activities include:

- L. Late Night Refreshments (indoors) Monday to Sunday 11.00pm – 12.30am
- Opening times: 8.00am – 12.30am
- Prevention of Crime and Disorder: (1) There shall be a 30-minute extension of opening hours after the end of the sale of alcohol as the last drink shall be consumed less quickly, with access to the pub's toilet facilities.

So, am I correct in thinking that we can serve alcohol till 12.30am (indoors) and then allow 30 minutes for drinking up time and use of the toilets?

Kind regards
Lesley

Appendix 3: Reply from Rachael Hind to Lesley Warner

From: Hind, Rachael
Sent: Wednesday, November 8, 2023 11:24 AM
To: [REDACTED]
Subject: RE: The Old Coaching Inn Brixham

Dear Lesley

Thank you for your email. It was very nice to meet you both yesterday.

This is a very strange condition which is likely to have included in the original operating schedule to reflect the licensing hours applied for but should have been removed when the licence was granted.

The condition reflects the actual hours on the licence as you are allowed to open and serve late night refreshments (hot drinks and food) until 00:30 hours but you must stop serving alcohol at midnight and then you have the 30 minutes drinking up time before closing at 00:30 hours.

As discussed during our meeting, please keep records of the monitoring you complete when walking around your premises to ensure the music cannot be heard at the nearest residential properties. I would recommend keeping your front door closed or reducing the levels emanating from the speakers in the corridor to prevent noise escape. There is also very little insulation to the metal roof in the rear event space, so I would recommend reviewing the noise levels in this area. If noise complaints continue, then you may need to provide additional acoustic insulation in this area and consider the use of a sound limiter. I would also recommend you stop live music by 11pm and only play background music after 11pm.

I will advise the complainants that the shouting, screaming and dog noise is unlikely to be caused by your premises following the video you showed us, however please ensure you encourage your clientele to leave the premises as quietly as possible.

I have attached a noise management plan guidance note which you may find useful.

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

Kind Regards, Rachael

TORBAY COUNCIL

Rachael Hind | Regulatory Service Manager (Commercial)

Community Safety

Town Hall, Torquay TQ1 3DR

01803 208028 | rachael.hind@torbay.gov.uk

Noise Management Plans – Guidance Notes

Licensed premises, sites and events should operate in harmony with their neighbours. By their very nature, they often cause disturbance to people living and working nearby and the aim of a Noise Management Plan or Policy (NMP) is to put in place reasonable measures to reduce the noise impact of sources associated with the premises/site/event. Particular attention should be paid to eliminating 'avoidable' noise. This guidance identifies some of the issues which should be considered when preparing a NMP although each plan will be premises/site/event specific. The examples given are not exhaustive and do not apply in all circumstances. Although preparation and compliance with a NMP may be a requirement of a premises licence this guidance also applies to events permitted under Temporary Event Notices and for unregulated entertainment. Please note that for large events such as open-air music festivals a comprehensive noise assessment by a qualified noise consultant in accordance with the Noise Council's Code of Practice 'Environmental Noise Control at Concerts 1995' is likely to be required. In these cases, a NMP often forms part of a wider Event Management Plan.

Guidance of what to include in a Noise Management Plan with examples/comments	
Summary of Premises/Site/Event	<ul style="list-style-type: none"> ▪ Dates, times and size of event(s). ▪ What music, where (inside or outside), when and times. ▪ Other activities which could generate noise. For example, gardens, smoking and play areas; people arriving and leaving; traffic routes; campers; mobile catering vehicles; generators; erection and dismantling activities etc.
Statement of intent/key objectives (purpose of NMP)	<ul style="list-style-type: none"> ▪ Minimise impact on local residents/prevent public nuisance. ▪ Satisfy Local Authority following a licence agreement/hearing. ▪ Identify noise sources and acceptable noise levels. ▪ Identify steps to manage and control noise. ▪ Define a program to monitor noise. ▪ Respond to complaints and unacceptable noise.
Location Plan and Site Plan	<ul style="list-style-type: none"> ▪ Site boundary and surrounding noise sensitive properties. ▪ Location of different events/activities. ▪ Location of stages and speakers (including orientation). ▪ Location of other noise generating plant/activities. ▪ Noise monitoring points on and off site.
Inventory of Noise Sources	<ul style="list-style-type: none"> ▪ Gardens, smoking and play areas – note when they will be used. ▪ Stages – note orientation and shut down times. ▪ All sound systems/speakers – note details of equipment. ▪ Marquees – note when they will be used. ▪ Tents and campers – note arrival/departure times. ▪ Fairground rides – note when they will be used.

	<ul style="list-style-type: none"> ▪ Sound checks – note times. ▪ Generators – note locations and when they will be used. ▪ Fireworks – note times. ▪ Impromptu parties (staff and guests) ▪ People arriving and leaving including traffic routes. ▪ Erection and dismantling activities – note dates and times. ▪ Delivery, waste disposal and collections.
<p>Noise Controls including noise limits (usually agreed with the Council)</p>	<p>Assess the impact of noise sources and what controls are needed. Pay attention to low frequency/bass noise – it can travel considerable distances causing problems.</p> <ul style="list-style-type: none"> ▪ Evaluate any history and learning points. ▪ Specification and selection of equipment that emit low noise levels. ▪ Keeping doors and windows shut. ▪ Limit times and volume of music/amplified sound. ▪ Use a sound limiter, contact Council to agree levels. ▪ Structural works to buildings to improve sound insulation. ▪ Restrict times gardens, smoking areas and play areas can be used and if they need to be served by external speakers. ▪ Is there a need for music in a marquee which has little sound insulation. ▪ Location, orientation and design of temporary structures and speakers. ▪ Noise limits at side boundary/noise sensitive properties, e.g., 'residents must be able to use and enjoy their property/garden without being disturbed by excessive noise' or (for bigger events) a noise level to be achieved, contact Council to agree limits. ▪ Sound checks before an event to comply with noise limits. ▪ Design and location of public address system. ▪ Acoustic enclosures/insulation for generators, chiller units, extract ventilation, waste disposal etc. ▪ Other barriers or screening to control or reduce noise. ▪ Limit times for deliveries, waste disposal and collection. ▪ Limit times for the erection and dismantling of structures such as stages, marquees, tower mixers etc. ▪ Use an external noise management consultant to help plan/monitor event (provide evidence to make sure they are competent to fulfil this role). ▪ Management of impromptu parties (e.g. for guests staying overnight, which are often in the middle of the night). ▪ Use traffic routes with least impact on neighbours. ▪ Management of noisy customers/people leaving an event/venue.
<p>Noise monitoring</p>	<ul style="list-style-type: none"> ▪ Proposed monitoring (on and off site) to check compliance with noise limits. ▪ How noise will be monitored and by whom. ▪ What equipment will be used and by whom. ▪ Where and when will monitoring take place. ▪ How and where monitoring results will be logged/recorded.

Communication with the public including a hotline to receive complaints	<ul style="list-style-type: none"> ▪ How local residents, parish/town councils will be informed about an event. ▪ Which resident will be informed. ▪ Provision of a hot line to receive/respond to complaints of noise during an event. ▪ The need to be sympathetic and listen to complainant's concerns. ▪ How/where complaints/action taken in response will be logged.
Action to be taken in the event of complaints or if noise limits are exceeded	<ul style="list-style-type: none"> ▪ What actions will be taken and by whom. ▪ Timescales to respond to complaints. ▪ Immediate response if noise limits are exceeded. ▪ How/where will actions be logged.
Management command and communication structure	<ul style="list-style-type: none"> ▪ Who is responsible for what sources of noise. ▪ How entertainment contractors, facility hirers, mobile caterers etc will be made aware of the NMP and noise limits set/agreed. ▪ What is the chain of command during the event. ▪ Designation of person will full control over sound levels and with authority to require others to comply with the NMP including finish times.
Schedule of contact details including person with overall control for sound levels	<ul style="list-style-type: none"> ▪ Details for people responsible for sound systems. ▪ Details for person with full control over sound levels and authority re NMP. ▪ On site contact details of someone the Council can contact during the event if problems arise.
Follow up report/review	<p>Evaluation report within 21 days of the event</p> <ul style="list-style-type: none"> ▪ Detail complaints received, results of noise monitoring, any problems that arose and remedial actions taken. ▪ Include: logs completed at the time of the event and noise monitoring results. ▪ Make recommendations for further events/review of the NMP.
<p>Note on Timescales – Draft NMP should be submitted to the Council for approval in good time with a final NMP circulated nearer to the event</p>	

1. Inside Music Noise

Often the bass elements are noticeable outside, close to the premises and inside nearby premises especially if they are attached. Good management control to keep doors and windows closed and control hours and volumes with a cooling-down period (reduced volume) for the last 15 minutes is achievable by the supervisor. Consideration of location of loudspeakers, limiting juke boxes and structural works may require someone with specialist experience bearing in mind that structural works may not be fully effective in reducing bass.

Live music is very difficult to manage, since many musicians bring their own equipment, and it cannot be effectively controlled by the supervisor unless there is a good working relationship. It may be prudent to favour events which minimise impact. Warn neighbours in advance of special events which might have a greater potential for disturbance.

Carry out regular checks at the boundary of the nearest noise sensitive properties, but remember if you have been subject to loud music for an hour or so your hearing will not be as sensitive, and the music level outside can easily be underestimated when you carry out your check. This effect is known as temporary threshold shift.

2. Outside Music Noise

Outside music can very easily cause a nuisance to nearby neighbours. The nuisance potential is closely linked to volume, hours of use and number of times a year. For example, a beer garden with a regular piped music for long periods at weekends or during the week is likely to be a nuisance if it can be heard in a neighbour's garden. On the other hand, an occasional jazz band (for example) for a couple of hours at lunchtime a few times a year (eg Bank Holidays) is much less likely to be a nuisance. Special events such as wedding receptions may need careful planning and thought, including liaison with nearby occupiers.

3. Deliveries, recycling, refuse collection

Deliveries and collections are noisy, e.g., the refrigeration units on delivery vehicles and the changing of barrels, the rattle of bottles, and the noise from refuse collection vehicles. The most effective way of minimising impact is to ensure that they take place at reasonable times on a weekday. Wherever possible locate stores, refrigerators, generators and noise creating equipment away from noise sensitive premises and consider the use of purpose built or soundproofed stores.

4. Smoking shelters

Smoking shelters and the use of external parts for customers to smoke may give rise to disturbance to occupiers of neighbouring premises especially later at night. Carefully consider their location. A smoking shelter may also need planning permission. Similarly external seating and eating areas, either on the premises or on the adjacent street, can cause problems as can the use of metal tables and chairs, particularly if the legs do not have rubber protectors on the feet. Remember that the evening/late night removal of tables and chairs can also give rise to disturbance.

5. Gardens and play areas

Gardens are an important feature of many premises and their use may be difficult to control. Sensible precautions like location, signs and restrictions on the hours of use of play areas may help, as can supervision.

6. Customer and car parks

Customer noise is a difficult matter, people leaving a noisy venue often carry on talking outside at the same volume, and this can be disturbing. A "No drinks outside" policy can reduce the length of time customers stay outside. Customers congregating outside to smoke, use mobiles or try to hold a conversation across the window façade with friends in the venue can cause problems.

Car parks are another area where occasional supervision and checks, especially late at night, may help to prevent loitering, chatting or inconsiderate and noisy driving. Signs that emphasise the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos and anti-social behaviour should be considered. A good relationship should be fostered with responsible taxi operators and customers encouraged to contact these operators from inside via app where possible.

7. Complaints

The importance of a sympathetic and polite response to complaints cannot be over emphasised. Many problems can be defused by the right attitude and response. Letting neighbours know that you are willing to meet with them to discuss issues can help maintain relations and assists with neighbour tolerance. Record complaints, contact residents and deal with reasonable issues swiftly where possible, consider liaising with neighbours giving out contact name and number of responsible staff if noise is a problem.

8. Staff training and NMP updates

Increase and maintain staff awareness relating to noise management issues by inclusion in their regular training. When you update the noise management plan, please forward the amended version to the Council's Licensing Team.

Further information

Employers have a duty under health and safety law to protect their employees from hearing damage caused by excessive noise. DJ's, bar staff and others working in areas where loud amplified music is played are particularly at risk. If you employ staff who work in a noisy environment, you should assess their level of noise exposure and control excessive noise. This requirement is not related to the Licensing Act and need not form part of your application or operating schedule. Further information concerning this can be found here:

www.hse.gov.uk/noise/

Further advice on Noise Management Plans can be obtained from Torbay Council's Public Protection Officer by emailing licensing@torbay.gov.uk

Appendix 4: Email from a complainant

From: [REDACTED]
Sent: Sunday, November 12, 2023 1:10 AM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Subject: Re: Noise from The Old Coaching Inn, Fore Street, Brixham

Hello,

There's lots of noise again tonight, banging on the doors, people being let in and out. Been woken up about 4 times in the last hour. We have a couple of videos. Absolutely shocking, and to be honest they need closing down. How did the meeting go?

13.11.23 Reply from Rachael Hind

On Mon, 13 Nov 2023, 09:09 Hind, Rachael, <Rachael.Hind@torbay.gov.uk> wrote:

Dear [REDACTED]

I am sorry that you are still experiencing issues.

We visited on Tuesday and thought the meeting went well. We reiterated the licensing conditions and the hours of operation and advised them to regularly monitor the noise from their premises and considered keeping the doors closed to reduce the noise escape. My colleague from the Police also discussed their ID checks and procedures regarding the alleged underage drinking.

What time were the customers banging on the doors? And do you know roughly what time they closed?

Could you hear music or was it mainly people noise?

Many thanks, Rachael

13.11.23 Reply to Rachael Hind

From: [REDACTED]
Sent: Monday, November 13, 2023 9:36 AM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Subject: Re: Noise from The Old Coaching Inn, Fore Street, Brixham

Good morning,

It was people noise. Shouting and screaming as they left, kicking the doors, glasses were taken outside. The screaming was at about 1am. They were giving out lollies to what seemed liked kids. We have videos of the kicking and screaming. Even ended up ringing the police it was

so ridiculous. The doors were closed but kept being opened and slammed and there was so much arguing.

13.11.23 Reply from Rachael Hind

On Mon, 13 Nov 2023, 09:42 Hind, Rachael, <Rachael.Hind@torbay.gov.uk> wrote:

Thanks [REDACTED]

We suggested the lollies as usually keeps people quiet as they leave but it sounds like it may not have worked.

I have also asked our CCTV department if they have any footage we can view. When you heard the screaming at 1am – was this when they were being given the lollies to leave? Just want to check timings as they should have closed at 00:30.

Did the police give you a log number and do you know if they attended?

Many thanks Rachael

From: [REDACTED]
Sent: Monday, November 13, 2023 9:50 AM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Subject: Re: Noise from The Old Coaching Inn, Fore Street, Brixham

Not sure if they attended and didn't get a log number. There were numerous groups, the ones that had the lollies were ok, that was at 1.10. 1am a group left. Taking takeouts at 1am. The girl kicking the doors was before then but would have to check the time.

Appendix 5

From: Hind, Rachael
Sent: Wednesday, November 15, 2023 8:47 AM
To: [REDACTED]
Cc: KEMPTON Olivia 31386
<olivia.kempton@devonandcornwall.pnn.police.uk>
Subject: The Old Coaching Inn, 61 Fore Street, Brixham

Dear Lesley

We have received a complaint advising that on Sunday 12th November 2023, the Old Coaching Inn, Fore Street, Brixham was open beyond the licensed hours.

The complainant has advised that there was a lot of noise in the early hours of Sunday morning from people entering and leaving your premises and banging on doors, which woke them up four times. They have advised that there were numerous groups leaving and that the ones that had the lollies were quiet but there were others with takeouts which were louder and there was a girl kicking the doors. They advised they called the police around 1am but doesn't think they attended.

I asked our CCTV department to see if there was any Council CCTV footage in the area and they have sent me footage which shows a group of people leaving your premises at 00:48hours, some 18 minutes after you should have closed.

I would again like to advise you of the current hours and licensable activities you are covered for under your premises licence, as follows:-

Opening hours – Monday to Sunday 08:00 to 00:30 hours

Sale by retail of alcohol for consumption on and off the premises Monday to Sunday 9am – Midnight.

Films: Monday to Sunday 08:00 to 0:00 hours

Indoor Sport: Monday to Sunday 10:00 to 00:00 hours

Live Music: Monday to Sunday 10:00 to 00:00 hours

Recorded Music: Monday to Sunday 10:00 to 00:00 hours

Late Night Refreshment (Indoors): Monday to Sunday 23:00 hours to 00:30 hours.

I would also like to advise you of the following: -

Part 7, section 136 of the Licensing Act 2003.

(1) A person commits an offence if-

(a) 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

(b) he knowingly allows a licensable activity to be so carried on.

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

Please ensure that you abide by the conditions of your licence and the above licensing hours, or we will have no choice but to take formal action, which may also include the review of your licence.

Yours sincerely

Rachael Hind

TORBAY COUNCIL

Rachael Hind | Regulatory Service Manager (Commercial)

Community Safety

Town Hall, Torquay TQ1 3DR

Appendix 6:

15.11.23 Email below sent from Miss Warner and copied to Mr Butler

From: [REDACTED]
Sent: Wednesday, November 15, 2023 6:08 PM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Cc: [REDACTED]
Subject: The Old Coaching Inn, 61 Fore Street, Brixham

From: [REDACTED]
Sent: Wednesday, November 15, 2023 1:17 PM
To:
Subject: RE: The Old Coaching Inn, 61 Fore Street, Brixham

Hello Rachel

Thank you for your email. We are preparing a reply covering the specifics, but in the meantime, would just like to provide you with some background information.

As I think we mentioned at our meeting, when we bought the Coaching Inn twelve years ago it had been closed for some time and was in a terrible state both inside and out. Over the years we have faced many challenges setting us back - probably years in total. Nevertheless, we have pushed on with energy, positivity and continued financial investment because we believed in the project. We have almost completed works on the Ground Floor but still have Floor's one and two to finish - which will return the Coaching Inn to its former glory as a Hotel, for both locals, their families and visitors to enjoy.

This is a special place, and a rare example of a late 18th century urban Coaching Inn, with a footprint that has barely changed over the years - it's Grade II listed, in a conservation area, and deemed a heritage asset of Brixham. The local community have been very supportive of our aims and look forward to the project being completed. It's seen as a sort of beacon on Fore Street, as shops, cafes and offices are closing around it.

Yet even with so much support, yet another obstacle presents itself. We are completely exhausted Rachel and have decided for both our mental and physical health that if we can't resolve this situation amicably, we'll abandon the project altogether and move on. This will entail closing the place down completely, boarding it up (for security) and letting it sit unused for the foreseeable future until we have decided what to do with it. We don't want things to come to this but feel we have no choice under the circumstances and the one sided content of your email.

We hope you find this email helpful in understanding our thoughts. We'll send the second one tomorrow.

Kind regards
Lesley

Appendix 7: Email reply sent to Miss Warner and copied to Mr Butler

From: Hind, Rachael
Sent: Thursday, November 16, 2023 8:51 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: The Old Coaching Inn, 61 Fore Street, Brixham

Dear Lesley and Roly,

Thank you for your reply.

I totally appreciate the hardwork and financial investment you have made to the property, however as we discussed at the meeting, you must stick to your licensing hours and conditions and prevent any noise nuisance to local residents.

Unfortunately, the weekend after our meeting, we received a complaint and I was able to substantiate the times on the local CCTV and saw people leaving at 00:48hours.

Please ensure everyone has left the building as quietly as possible by 00:30hours. As Olivia and I discussed with you at the meeting, you may want to consider using door staff if your customers are struggling to leave in an orderly manner.

I look forward to hearing from you.

Kind Regards, Rachael

TORBAY COUNCIL

Rachael Hind | Regulatory Service Manager (Commercial)
Community Safety
Town Hall, Torquay TQ1 3DR
01803 208028 | rachael.hind@torbay.gov.uk

Appendix 8: Email received from Miss Warner

From: [REDACTED]
Sent: Thursday, November 16, 2023 3:08 PM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Subject: RE: The Old Coaching Inn, 61 Fore Street, Brixham

Hello Rachel

Thanks for your email. There is little point in dwelling on the past, it is what it is but to recap briefly:

On Saturday we were very busy we had a party in the back, our Rugby contingent and some customers we hadn't seen for months. I was on the door and can assure you last orders were called at 11.50pm, but it's hard to get customers out of the door by 12.30am on the dot when they don't want to go. As you know I use the charm offensive - repeatedly saying 'come on you lovely people it's time for you to go home and for me to go to bed' and requesting/taking away their empty glasses. I have found this tactic works, some might say I'm like a nagging aunt in (fine by me) and being more assertive can be perceived as aggressive and potentially create a very negative outcome. I am pleased to say there was no animosity or fights.

As the complainant(s) says we got the lollies, and I handed them out at the door as customers left wishing them a good night and asking them to be quiet and not loiter because this area is residential. I'm not sure what else I can do Rachel short of gagging them. I don'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. We live at the front of the building and frequently hear loud noises and dogs barking late at night. It really is unfair. I read that 2 pubs are closing per day in England & Wales, unsurprisingly all things considered.

Further, with regards to the door kicking incident, that was one of the 2 girls Roly mentioned at the meeting, both are underage, and both will not stop trying to get in. They were very drunk and/or had taken something else, maybe both - they are lawless! Olivia is so right we need a police presence in Brixham on Friday & Saturday nights from 9.00pm because more and more trouble is brewing as we see more people coming over from Paignton and Torquay, that blended with the minority 'bad' element in Brixham is toxic and will all end in tears!

There are two reasons why we can't employ a doorman. The first is cost and the second it breaches the terms of our insurance. However, Roly and I will take turns for the time being. We'll remain open till end of the year, and then make some decisions about 2024 and beyond. In the meantime, this weekend we'll call last orders at 11.15pm and off licence orders till 11.30pm. This gives us an hour

for us to get them out of the door with their lollipop. Of course, this does mean it will impact our takings (another nail in the coffin) and we believe it will simply displace them to another pub where they can get more alcohol.

One final thing, please can you advise what we/if we need to apply for a late opening licence covering the festive period including New Years Eve?

Kind regards
Lesley

Appendix 9

Email reply from Rachael Hind to Lesley Warner and Roly Butler on 16.11.23

From: Hind, Rachael
Sent: Thursday, November 16, 2023 4:06 PM
To: [REDACTED]
Subject: RE: The Old Coaching Inn, 61 Fore Street, Brixham

Dear Lesley and Roly

Thank you for your email.

You will need to apply for Temporary Events Notices if you wish to open later hours over the Christmas/New Year period. You can apply online at [Temporary Event Notice - Torbay Council](#). As you have had noise complaints, I would be asking that any conditions on your premises licence are added to the TEN to ensure adequate controls are in place.

I appreciate that it may be hard to get people to leave the premises but you must ensure they have all left by 00:30 hours. As I advised from the feedback by one of the complainants, the lollipops did seem to help with some of the noise so thank you for taking on board our recommendations. Please also ensure that you do not sell off-sales i.e. allow them to leave with their takeout alcoholic drinks after 00:00 hours as your off sales are the same as your on sales and must cease at 00:00 hours.

I am surprised that having door staff will affect your insurance as they would be an added protection to you and your business and I would recommend you appoint SIA door staff. You will also have to risk assess this if you apply for additional hours after midnight for the Christmas and New Year season.

Do you have any images from your CCTV of the girl who has been banging on the door that you can email Olivia Kempton, Police Licensing so that she can share these with her Police colleagues as they may be able to take action with regards to the antisocial behaviour she is causing. Olivia and I have raised the lack of police presence in Brixham to the Neighbouring Policing Inspector and hope that this can be addressed.

Thank you for your suggested change to your timings of last orders and I hope this helps to resolve the issues.

Please do not hesitate to contact me if you wish to discuss this further.

Kind Regards, Rachael

TORBAY COUNCIL

Rachael Hind | Regulatory Service Manager (Commercial)

Community Safety

Town Hall, Torquay TQ1 3DR

01803 208028 | rachael.hind@torbay.gov.uk

Appendix 10: Email from complainant at 00:16 on Sunday 26.11.23

From: [REDACTED]
Sent: Sunday, November 26, 2023 12:16 AM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Subject: Re: Noise from The Old Coaching Inn, Fore Street, Brixham

Good evening,

Kicking put time again at this time, all look underage, taken videos again. The noise is keeping us awake. Tried ringing them, about 4 or 5 times, no answer. Can send videos.

From: [REDACTED]
Sent: Sunday, November 26, 2023 12:22 AM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Subject: Re: Noise from The Old Coaching Inn, Fore Street, Brixham

Hello,
Me again, my partner just rang them again, all she said was they'd left the property, and it wasn't their responsibility and they're allowed until 12.30, however she also asked where we lived (we didn't say), did not like her attitude and she can't respect the fact that my partner works 9 hour days. We should not have to listen to children coming out of the pub at this time of day, and to be honest if it happens again, I will be phoning 999.

Appendix 11: 26.11.23 Email from Lesley Warner to Rachael Hind

From: [REDACTED]
Sent: Sunday, November 26, 2023 2:59 PM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Subject: Noise - The Old Coaching Inn

Hello Rachel

I thought I would write this email, following a complaint about noise outside the building last night (Sat). I received a call from a man who said that there was a group of our customers moving slowly up Fore Street (c.30 yards from the building) and could I move them on (last orders was at 11.30pm - time they left the building was 12.17am). I asked where he was calling from, and he said behind the pub. Which I thought was odd because we don't have a rear exit! He said that wasn't the point at which stage I said to him "I'm not sure what you want me to do".

We have an A3 poster on the inside of the exit door telling customers to be quiet which I reiterated as they left with lollipops, I handed out for those who wanted one. I popped my head out of the small inset exit door and saw the group, I didn't hear anybody making lots of noise. The man said that he works long hours and has to get up early. I think by that stage the group had moved along so the phone call ended. The number came up as unknown, so unfortunately I can't provide you with this.

We have heard that certain publicans in town don't want The Old Coaching Inn to succeed so noise and underage drinking complaints are a good tactic. Our view is, this could just be title tattle and the outcome of living in the Brixham bubble, but it does make you wonder.

Finally, we keep coming back to the 'public nuisance' part of Licencing protocol. We think landlords should make their tenants aware that there are lots of hospitality businesses in the town, and many of their customers use Fore Street to get to where they are living/staying especially on a Friday, Saturday, and special events/celebrations. We can understand why don't - they want their flats let. But I'm wondering is there anything the Council can do to 'encourage' landlords to make it crystal clear to their prospective tenants that where they are moving to will get noise some nights?

I would appreciate your thoughts.

Kind regards
Lesley

Appendix 12

27.11.23 Email reply from Rachael Hind to Lesley Warner and Roly Butler

From: Hind, Rachael
Sent: Monday, November 27, 2023 10:49 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Noise - The Old Coaching Inn
Importance: High

Dear Lesley

Thank you for your email.

I received emails from a complainant at 00:16 and 00:22 on Sunday morning regarding this issue. They have sent me videos and there are a number of your customers outside being very loud and rowdy and I cannot see yourself or any employees from your premises asking them to be quiet and moving them along.

From the video evidence I have seen, the behaviour of your customers outside of the premises is not acceptable and has caused undue disturbance to the local residents. This is also in breach of your licensing condition which states 'As far as is practical, that persons on or leaving the premises shall be reminded to conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by'.

Whilst I appreciate you have signage and you have been giving out lollies to try to assist, you still need to be managing your customers as they leave so that they move on and do not congregate outside of your premises. As previously suggested, I would recommend you employ SIA door supervisors to assist you.

Someone who lives near a public house cannot expect silence and there will always be some noise when people leave a building, however they should not have to experience the current noise levels from the patrons congregating outside of your premises.

If this continues, then unfortunately I will have no choice but to review your premises licence.

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

Kind Regards, Rachael

TORBAY COUNCIL

Rachael Hind | Regulatory Service Manager (Commercial)

Community Safety

Town Hall, Torquay TQ1 3DR

Appendix 13

Email received from Lesley Warner

From: [REDACTED]
Sent: November 29, 2023 8:25 PM
To: [REDACTED]
Cc: <Rachael.Hind@torbay.gov.uk>
Subject: RE: Noise - The Old Coaching Inn

From: [REDACTED]
Sent: Monday, November 27, 2023 1:48 PM
To: 'Hind, Rachael' <Rachael.Hind@torbay.gov.uk>
Cc: [REDACTED] (Mr Roly Butler)
Subject: RE: Noise - The Old Coaching Inn

Hello Rachael

Thank you for your email. With regards to a door person, we are looking into the cost of this in the short-term, and it is true I did not go into the street with our customers. We honestly didn't know that Torbay Council as part of Licence compliance expect us or a representative to escort our customers away from our premises along a public highway telling them to be quiet. And in real terms what would this achieve? Aren't we simply moving the noise to another part of Fore Street where there are more residential dwellings.

We reopened on Thursday 21st June 2022 and until you contacted us, we had received NO complaints of any kind. Now we just open on Fridays and Saturdays and will continue to do so till the Festive period when we will open for 4 days a week till end of the year. Then we will close and rethink our way forward.

We do feel unfairly treated because it seems to us that residents are getting more and more angry with the increasing noise levels outside their dwellings late on Friday and Saturday nights (we have discussed increasing late-night footfall) but can't complain to Torbay Council because they haven't got a specific Business to complain about - it could be one or many of the Pubs and Restaurants around the Harbour. So, they complain about us, when in truth they are really complaining about all hospitality businesses negatively impacting on their state of mind.

I will email you on Sunday with an update of how things have gone Friday and Saturday night.

Kind regards
Lesley

Appendix 14:

30.11.23 Email sent from Rachael Hind to Lesley Warner and copied to Mr Roly Butler

From: Hind, Rachael
Sent: Thursday, November 30, 2023 9:01 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Noise - The Old Coaching Inn

Dear Lesley

Thank you for your email, although the email you have forwarded is different to the one you sent me on Monday at 13:48 as the last paragraph is completely different.

Whilst there will be noise in the street by passers by from other public houses, which cannot be controlled, I can assure you from the video footage I have seen, that these customers were from your premises and were causing substantial noise nuisance to local residents, waking them up in the early hours of the morning. It is your responsibility as the Designated Premises Supervisor to ensure you manage your customers and do everything you reasonably can to get them to leave the premises quietly and to move them away from outside of your premises. I am pleased that you tried the lollipops, however you need to ensure you check that your customers are not loitering outside and are not causing disturbance as you are in very close proximity to local residents.

I look forward to hearing your feedback from this coming weekend and I will also send you any feedback I receive from the complainants.

Kind regards Rachael

TORBAY COUNCIL

Rachael Hind | Regulatory Service Manager (Commercial)

Community Safety

Town Hall, Torquay TQ1 3DR

01803 208028 | rachael.hind@torbay.gov.uk

Appendix 15

Sunday 3.12.23 at 01:12am Email received from Lesley Warner

From: [REDACTED]
Sent: Sunday, December 3, 2023 1:12 AM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Subject: RE: Noise - The Old Coaching Inn

Hello Rachael

We called last orders at 11.15pm both nights. Patrons who wanted them got their lollies. And if they wanted more alcohol, they had time to go elsewhere. However, this approach means we are taking a lot less over the bar, and this is a big place (as you know) so we'll get to the end of the year and will have to rethink the future for The Old Coaching Inn. We can't be held hostage by residents, there has to be a middle ground.

Please let me know if you got any complaints.

Kind regards
Lesley

Appendix 16

5.12.23 Email reply to Miss Warner

From: Hind, Rachael
Sent: Tuesday, December 5, 2023 1:54 PM
To: [REDACTED]
Subject: RE: Noise - The Old Coaching Inn

Dear Lesley

Thank you for your email.

I have contacted the main complainant, who advised that it was quiet on Friday night but there was a fight outside from people within your premises at around 11.30pm. However, I have advised that there will be the occasional fight outside pubs and they are thankful that you have closed earlier and are taking measures to reduce the noise disturbance from people leaving the premises. Did you have to call the police regarding this fight?

We have a duty to investigate all complaints and ensure that you are managing the premises appropriately and abiding by your licence conditions. If you are complying with the licensing conditions and not causing any unnecessary disturbance, then this should reduce the likelihood of complaints. We always ensure we take into consideration the local area and a person living in an area near a public house cannot expect silence, but they can expect the licensed premises to abide by their opening hours and conditions of their licence.

Thank you for your cooperation with this matter and I will contact you if we get any further complaints.

Kind Regards Rachael

TORBAY COUNCIL

Rachael Hind | Regulatory Service Manager (Commercial)

Community Safety

Town Hall, Torquay TQ1 3DR

01803 208028 | rachael.hind@torbay.gov.uk

5.12.23 Email received from Lesley Warner

From: [REDACTED]
Sent: Tuesday, December 5, 2023 3:28 PM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Subject: FW: Noise - The Old Coaching Inn

Hello Rachael

Sorry I'm not having a good day - mega stressed. We actually bought the building in 2011 and moved in, 12th July 2011.

Kind regards
Lesley

From: [REDACTED]
Sent: Tuesday, December 5, 2023 2:58 PM
To: 'Hind, Rachael' <Rachael.Hind@torbay.gov.uk>
Subject: FW: Noise - The Old Coaching Inn

From: [REDACTED]
Sent: Tuesday, December 5, 2023 2:46 PM
To: 'Hind, Rachael' <Rachael.Hind@torbay.gov.uk>
Subject: RE: Noise - The Old Coaching Inn

Hello Rachael

Thank you for your email.

It was not a fight on the premises it was lots of men pushing and shoving, the culprits were removed from the Inn by relatives and friends. They moved up the street quite quickly and when I last looked, they were near Brixham Grill.

As I think I have mentioned previously once customers from any of the hospitality venues around the harbour come up Fore Street causing disturbance late at night, residents can't/won't complain because they don't know where they have come from.

We can't keep closing early Rachael, it's crippling our takings as we are fairly quiet till 9pm - 10pm, so rely on business after that time. We appreciate that our procedures have appeased the complainant, but what about our livelihood? We can't keep this up as we approach the festive period. There has to be a middle ground. How come we've never had complaints till now. I can only assume the complainant over the road who is the main one (I'm guessing) must have moved in recently and whilst he has a right to expect quiet late at night, he decided to move in across the street

We will carry on with lollipops and escorting customers away from our premises as quietly as possible and that is the most you can expect us to do.

There was no need to call the police because it wasn't a big deal.

I meant to ask you about our Premises Licence which was issued to us by Torbay Council when we bought the building in 2012. Please can you explain why our Licence says one thing and Torbay Council says another?

Appendix 17

6.12.23 Email from Miss Warner

From: [REDACTED]
Sent: Wednesday, December 6, 2023 4:39 PM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Cc: [REDACTED]
Subject: RE: Noise - The Old Coaching Inn

Hello Rachael.

I did tell you in a previous email that our Premises Licence states we can serve alcohol till 12.30am and must give customers 30 minutes to finish their drinks and allow time to go to the toilet before they leave which must be by 1am. I am attaching the relevant pages of the Licence for your perusal.

When I stated this in an earlier email you simply replied, "How Strange" and more or less ignored it. I should have pursued this further at the time and sent you a copy - which I assume is a legally binding document, but I seem to be constantly firefighting, it's been one thing after another and to be frank I just want to get to the end of the year when we close for maintenance, and a break.

The reason I referred to Torbay Council in the generic, is because it was inappropriate to refer to you as incumbent for any errors that may have occurred rightly or wrongly. Hopefully, that makes sense.

I await your comments.

Kind regards
Lesley

Attached pages:

Licensing Act 2003
Premises Licence

899

LOCAL AUTHORITY



Torbay Council
 Licensing & Public Protection
 c/o Town Hall
 Castle Circus
 Torquay
 TQ1 3DR

Part 1 - Premises Details

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

The Old Coaching Inn

61 Fore Street, Brixham, Devon, TQ5 8AG.

Telephone 01803 882154

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- 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
B. Exhibition of films (Indoors)	Monday to Sunday	8:00am	Midnight
C. Indoor sporting event	Monday to Sunday	10:00am	Midnight
E. Performance of live music (Indoors)	Monday to Sunday	10:00am	Midnight
F. Playing of recorded music (Indoors)	Monday to Sunday	10:00am	Midnight
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Sunday	10:00am	Midnight
L. Late night refreshment (Indoors)	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



THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	8:00am	12:30am

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

The Old Coaching Inn Brixham Limited 54 Thorpe Road, Norwich, Norfolk, NR1 1RY.

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

The Old Coaching Inn Brixham Limited 7647789

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

Lesley Jane WARNER The Old Coaching Inn, 61 Fore Street, Brixham, Devon, TQ5 8AG.
Telephone 01803 852000

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. PA2784 Issued by Torbay



Steve Cox
Environmental Health Manager
30 June 2017



ANNEXES continued ...

In the case of the aforementioned conditions
"children" means persons aged under 18; and
"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).

ANNEXE 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General

None.

The Prevention of Crime and Disorder

1. There shall be a 30 minute extension of opening hours after the end of the sale of alcohol as the last drink shall be consumed less quickly, with access to the pub's toilet facilities.
2. Staff shall be trained on the requirements of the Licensing Act 2003 when they are recruited and given training in 'drugs awareness' as part of their induction.
3. Persons who are identifiably a threat to public disorder shall be refused service.
4. CCTV shall be in place and operational at all times while the premises is trading.
5. The pavement cafe area shall be cordoned off using a banner and post system.
6. All customers must be seated whilst occupying the pavement cafe area.
7. The pavement cafe area will be monitored continuously by staff throughout the day and evening. All tables shall be cleared of empties on a regular basis whether tables are occupied or not.
8. All bottled drinks served to customers sitting in the pavement cafe area shall be decanted into appropriate glassware.
9. Customers shall not be permitted to leave the premises with their glasses.
10. Violent or aggressive behaviour towards staff or customers will not be tolerated. Individuals displaying an aggressive demeanour shall be asked to leave / escorted from the premises.
11. Staff shall be trained to be vigilant in case of potentially volatile situations.
12. CCTV equipment will be maintained to the satisfaction of the Chief of Police. Recorded images will be retained for 30 days and made available to the Police on request at any reasonable time. If the CCTV equipment becomes inoperative at any time the Police and Licensing Authority will be informed as soon as possible and immediate steps will be taken to put the equipment back into action.
13. There will be no alcohol drinks promotions whatsoever. The hotel will introduce a generic loyalty scheme to reward customers.

Public Safety

1. Health and Safety Risk Assessments shall be carried out and reviewed regularly.
2. The fire safety measures, with which the premises are provided, shall be maintained in good working order, and their adequacy shall be determined on a regular basis, by the carrying out of a fire risk assessment, as required by, and in accordance with the Fire Precautions (Workplace) Regulations.
3. The safety of occupants is also influenced by numbers of persons present, their disposition and the activities taking place, the premises shall therefore undertake to maintain a safe occupancy level.
4. Tables and chairs will be stored inside the building and will be positioned in the pavement cafe area at 10:00 hrs and will be brought inside by 21:30 hrs every day.




6.12.23 Email sent to Miss Warner:

From: Hind, Rachael
Sent: Wednesday, December 6, 2023 4:54 PM
To: [REDACTED]
Subject: Noise - The Old Coaching Inn

Dear Lesley

Please refer to my email that I sent on 8 November 2023 and copied below which explains your licence times and that the condition merely reflected what it states in your operating hours, which are on the attachments you sent me i.e.

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES			
Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Monday to Sunday	8:00am	Midnight
C. Indoor sporting event	Monday to Sunday	10:00am	Midnight
E. Performance of live music (Indoors)	Monday to Sunday	10:00am	Midnight
F. Playing of recorded music (Indoors)	Monday to Sunday	10:00am	Midnight
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Sunday	10:00am	Midnight
L. Late night refreshment (Indoors)	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

Printed by LalPac on 30 Jun 2017 at 10:36  PL0899/48544 Page 1 of 9

You must abide by these operating hours at all times.

As advised in the email below, the condition reflects the actual hours on the licence. You are allowed to open and serve late night refreshments (hot drinks and food) until 00:30 hours but you must stop serving alcohol at midnight and then you have the 30 minutes drinking up time before closing at 00:30 hours.

I hope this clarifies this matter.

Kind Regards, Rachael

TORBAY COUNCIL

Rachael Hind | Regulatory Service Manager (Commercial)
Community Safety
Town Hall, Torquay TQ1 3DR
01803 208028 | rachael.hind@torbay.gov.uk

From: Hind, Rachael
Sent: Wednesday, November 8, 2023 11:24 AM
To: [REDACTED]
Subject: RE: The Old Coaching Inn Brixham

Dear Lesley

Thank you for your email. It was very nice to meet you both yesterday.

This is a very strange condition which is likely to have included in the original operating schedule to reflect the licensing hours applied for but should have been removed when the licence was granted.

The condition reflects the actual hours on the licence as you are allowed to open and serve late night refreshments (hot drinks and food) until 00:30 hours but you must stop serving alcohol at midnight and then you have the 30 minutes drinking up time before closing at 00:30 hours.

As discussed during our meeting, please keep records of the monitoring you complete when walking around your premises to ensure the music cannot be heard at the nearest residential properties. I would recommend keeping your front door closed or reducing the levels emanating from the speakers in the corridor to prevent noise escape. There is also very little insulation to the metal roof in the rear event space, so I would recommend reviewing the noise levels in this area. If noise complaints continue, then you may need to provide additional acoustic insulation in this area and consider the use of a sound limiter. I would also recommend you stop live music by 11pm and only play background music after 11pm.

I will advise the complainants that the shouting, screaming and dog noise is unlikely to be caused by your premises following the video you showed us, however please ensure you encourage your clientele to leave the premises as quietly as possible.

I have attached a noise management plan guidance note which you may find useful.

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

Kind Regards, Rachael

TORBAY COUNCIL

Rachael Hind | Regulatory Service Manager (Commercial)

Community Safety

Town Hall, Torquay TQ1 3DR

01803 208028 | rachael.hind@torbay.gov.uk

6.12.23 Email from Lesley Warner

From: [REDACTED]
Sent: Wednesday, December 6, 2023 5:49 PM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Subject: RE: Noise - The Old Coaching Inn

Hello Rachael

Thanks for that.

Yet another weekend will soon be upon us, can't wait till end of the year.

Kind regards
Lesley

Appendix 18: Email from a complainant on 9.12.23 at 11.52pm

From: [REDACTED]
Sent: Saturday, December 9, 2023 11:52 PM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Subject: Re: Noise from The Old Coaching Inn, Fore Street, Brixham

Good evening,

Unfortunately, there has been more chaos from across the road, fights spilling out onto the street, a couple of young girls in particular were shouting for a good hour before it all kicked off. Glass were taken out of the pub, one girl threw a glass at someone stood just in the doorway. Think the police may have been called. They were banging on the windows of the pub, and shouting. Closed the doors for a little while, and have just let some more in. Have recorded it all. Don't want to go to sleep now as we're more than likely going to be woken up again, it's been horrendous.

Will send videos tomorrow.

Reply from Rachael Hind

On Mon, 11 Dec 2023, 09:23 Hind, Rachael, <Rachael.Hind@torbay.gov.uk> wrote:

Hi

Really sorry to hear that you have had more issues. The Landlady has also emailed to say there was issues with someone who came into the pub. I am waiting to hear back from my colleagues in the police before I arrange to meet with the landlady.

Please can you send me your video evidence by whatsapp as soon as you can. Did you note down any times that this started to happen in your noise diary and if so, please can you take a photo and send it to me.

Kind Regards Rachael

Reply from complainant

From: [REDACTED]
Sent: Monday, December 11, 2023 9:52 AM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Subject: Re: Noise from The Old Coaching Inn, Fore Street, Brixham

Hello,

Will send over now. In the videos we ask Alexa the time quite often. It's just concerning how many people are now saying there's underage people getting served. If the landlady didn't ring the police, I would wonder why. And like I say, I don't understand why they would close the doors and then let people in. A window was broken down the street as well that night, just after these people walked off. Quite a few videos, will send now.

Thanks for the help.

Appendix 19: 10.12.23 Email received from Lesley Warner

From: [REDACTED]
Sent: Sunday, December 10, 2023 2:20 PM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Subject: Re: Noise - The Old Coaching Inn

Hello Rachael
I'm checking in with you and it's not all good news I'm afraid. So Friday was fine, nothing to report. Saturday however was not! Things

started well. We had a visit from the police about 5/5.30pm. PC 7113 Pete Randall and a colleague from Torbay. It was good to meet them. Pete explained that he would be checking in on us late at night, but unfortunately not this night because he would be off duty at 10/11pm. He gave me a card with his details. We opened at 6pm All started well. Then at about 8.30/9.30pm. I heard women screaming, shouting and hurling abuse at some Romanian men who are in Brixham working on a building project. We know them as they have been in before and there has never been any trouble. I went over to the women, who I had never seen before and managed to usher them out of the building shouting and screaming as they went. The Romanians left shortly after. All was peaceful for a short while then I heard loud male voices shouting in the Carriage Way. I went to investigate and another male stranger was engaged with some of our regulars. I asked what the problem was and this stranger who was quiet and friendly when he came in had said to 2 of our regulars he was going to kill their families. Later the men told me that this mad person had just been released from prison in Birmingham. We managed to get him off the premises and away from the building. Then it was calm for a while. I then locked the big doors. So only the small inset door was available for customers to leave. I was collecting glasses and saw that the mad man had got back in. I asked him to leave he said no I have left my vape charging. So I escorted him to where it was he got it but wouldn't leave he apologised for his behaviour to the regulars, who accepted his apology then eventually we got him out of the door. Then one of the women who had been in earlier causing trouble and was on crutches was screaming and shouting and bashed at the door trying to get in. I told the customers to stay calm and not to engage which they did. She then tried to smash one of our windows but couldn't. Roly told me to call the police which I did but no reply. I called Pete Randall but got the answerphone. Things calmed down again. I stayed on the closed door so I could only let in our regulars. There was a knock, I opened the door and it was that mad man again. He said he wanted to come in for a drink. I said I'm sorry but you can't. He then said "I'm going to destroy you" I firmly closed the door. This was now close to closing time, so everybody began to leave. I escorted them out with their lollies. I went out with them as they quietly moved up the road. Roly noticed broken glass in front of our window outside so we cleared this up, went in and locked the door! I can't be totally accurate on times Rachael but the Street cctv should provide that and perhaps the complainant across the road saw things too. I can tell you this, in the 12 years I have been here I have never experienced such madness. Where are these people coming from. Let me know how you would like to move forward Rachael. I am sending this on my phone as my computer has crashed so not sure how it will look your end. Please can you copy in Olivia.

One last thing, we are seriously considering creating a Club next year, so no one apart from Club members and their guests and holiday makers who can buy a pass for the duration of their stay will be allowed access.

Kind regards
Lesley

Appendix 20

11.12.23 Email to Lesley Warner

From: Hind, Rachael
Sent: Monday, December 11, 2023 10:40 AM
To: [REDACTED]
Subject: RE: Noise - The Old Coaching Inn

Dear Lesley

Thank you for your email.

Olivia and I would like to visit you tomorrow at 11.30am to discuss this with you. I will also bring my new licensing officer, Tom West along with me.

Is this a convenient time for you both?

Kind Regards, Rachael

TORBAY COUNCIL

Rachael Hind | Regulatory Service Manager (Commercial)
Community Safety
Town Hall, Torquay TQ1 3DR

Appendix 21:

11.12.23: Email received from Lesley Warner

From: [REDACTED]
Sent: Monday, December 11, 2023 11:40 AM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Subject: RE: Noise - The Old Coaching Inn

Hello Rachael

Firstly, I need to give you an update on my previous email. As you know we only open Friday and Saturday nights and will do till nearer Christmas, which is just as well because the mad man was shouting and screaming outside our building around 8.30pm last night. We called PC Pete Randell and he had also received a call from The Blue Anchor

(near the Harbour) a little earlier regarding the same man. The Constable has asked us to go through our cctv footage so the Neighbourhood team can see what he looks like. It should also show the mad woman.

Unfortunately, we can't meet tomorrow because we are going away till Friday late afternoon. Have you/Olivia touched base with the Neighbourhood team? Have you both gone through the cctv footage on Fore Street to identify the mad man and the mad woman on crutches? Is there anything we can do to today to move things forward, even if we can't meet up? Because this is scary stuff Rachael and both Roly and I feel anxious and don't want to go outside today in case the mad man is or will be lurking ready to pounce. We have never experienced anything like it before - whatever is happening to/in Brixham!

Kind regards
Lesley

Appendix 22

Email reply from Rachael Hind to Lesley Warner

From: Hind, Rachael
Sent: Monday, December 11, 2023 12:30 PM
To: [REDACTED]
Cc: GIFFORD Olivia 31386
<olivia.gifford@devonandcornwall.pnn.police.uk>; West, Thomas<Tom.West@torbay.gov.uk>
Subject: RE: Noise - The Old Coaching Inn

Hi Lesley

Thank you for your email. Olivia and I have been discussing this today and our police colleagues are looking into this for you.

However, we are very concerned about some recordings we have been sent by a complainant and we really need to speak to you urgently about this, preferably in person or if not, would you be available for a Microsoft teams meeting (you can download teams on your mobile phone).

I am reviewing all of the evidence with Olivia and it is likely that I am going to have to request a review of your premises licence as you are not adequately controlling your customers and have no door staff to support you.

Please can you advise what time you are available this week so that we can either meet in person or set up an online meeting.

Kind Regards, Rachael

Appendix 23

11.12.23 1.52pm: Email reply from Lesley Warner

From: [REDACTED]
Sent: Monday, December 11, 2023 1:52 PM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Subject: RE: Noise - The Old Coaching Inn

Hello Rachael

Please see my answers below.

From: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Sent: Monday, December 11, 2023 12:30 PM
To: [REDACTED]
Cc: GIFFORD Olivia 31386
<olivia.gifford@devonandcornwall.pnn.police.uk>; West, Thomas
<Tom.West@torbay.gov.uk>
Subject: RE: Noise - The Old Coaching Inn

Hi Lesley

Thank you for your email. Olivia and I have been discussing this today and our police colleagues are looking into this for you.

Good. This man needs to be sectioned, he showed psychogenic traits. We are currently looking at our cctv.

However, we are very concerned about some recordings we have been sent by a complainant and we really need to speak to you urgently about this, preferably in person or if not, would you be available for a Microsoft teams meeting (you can download teams on your mobile phone).

No need Rachael, given all that has happened over the last couple of months we have decided to close. When we bought this building, our intention was always to reinstate it as a Hotel and that is what we have permission for, so that is what we'll endeavour to do. We have no idea how long that will take and whether we can afford it. If we can't we'll have to sell. But Saturday and last night was scary and we don't want to put through that again. We still don't know whether that mad man will return tonight. If he does, we will be prepared with taking a video. It is a shame, especially for our regular customers but it is what it is. We'll make it known that we have closed to focus on our bedrooms and to reinstate the Hotel.

I am reviewing all of the evidence with Olivia and it is likely that I am going to have to request a review of your premises licence as you are not adequately controlling your customers and have no door staff to support you.

Just one thing we would say. Whether we had a Doorman at the entrance or not, the mad man and mad woman would have been allowed entry. They came in earlier in the evening and were fine and we had never seen them before. We just hope Torbay Council and the Police can overcome

the growing negativities about Brixham, when it has been doing so well as a destination resort. Do you need us to send you our cctv footage or shall we carry on working with the Police?

Please can you advise what time you are available this week so that we can either meet in person or set up an online meeting.

Kind Regards, Rachael
[Dito Lesley & Roly](#)

11.12.23 2.44pm: Email reply to Lesley Warner

From: Hind, Rachael

Sent: Monday, December 11, 2023 2:44 PM

To: [REDACTED]

Subject: RE: Noise - The Old Coaching Inn

Dear Lesley

Thank you for your reply. Are you intending to close with immediate effect?

Please send the CCTV images to the Police as they will need these for their investigation. Did you get a police log when you reported it on Saturday night as the police haven't been able to find your log number on their system.

I will be reviewing all of the evidence and will notify you of my decision of whether I will be pursuing a review of your premises licence.

Kind Regards, Rachael

TORBAY COUNCIL

Rachael Hind | Regulatory Service Manager (Commercial)

Community Safety

Town Hall, Torquay TQ1 3DR

01803 208028 | rachael.hind@torbay.gov.uk

11.12.23 4.36pm Email response from Lesley Warner

From: [REDACTED]
Sent: Monday, December 11, 2023 4:36 PM
To: 'Hind, Rachael' <Rachael.Hind@torbay.gov.uk>
Subject: RE: Noise - The Old Coaching Inn

From: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Sent: Monday, December 11, 2023 2:44 PM
To: [REDACTED]
Subject: RE: Noise - The Old Coaching Inn

Dear Lesley

Thank you for your reply. Are you intending to close with immediate effect?
Definitely. We are going away tomorrow till Friday. Then all of January. Other than that we'll be about if you and Olivia want to meet up.

Please send the CCTV images to the Police as they will need these for their investigation. Did you get a police log when you reported it on Saturday night as the police haven't been able to find your log number on their system.

OK. The Police Ref. is DCP-20231209-0959.

I will be reviewing all of the evidence and will notify you of my decision of whether I will be pursuing a review of your premises licence.

OK. And remember when/if we re-open it will be as a Hotel for guests and Club members only so we 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. To be honest much depends on finances and whether we want to remain in Devon. At the moment everything is hanging in the balance.

At least you have someone to help you now. You'll need it, given how things seem to be changing in Brixham. We'll be counting on you and your police colleagues to set Brixham back on the right path again as it was doing so well.

Kind Regards, Rachael

Dito
Lesley

Appendix 24

Email recived from Miss Lesley Warner

From: [REDACTED]
Sent: Monday, December 18, 2023 12:10 PM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Cc: brixham@dc.police.uk
Subject: FW: Noise - The Old Coaching Inn

Hello Rachael

We are having difficulty getting hold of the Police. My contact PC Pete Randall isn't replying to any of my answerphone messages, and no one from the rest of the Neighbourhood Team have contacted me either, so I don't know whether they have caught the culprit or not. We have just returned from a break away and someone has etched in the woodwork of our carriageway doors, an X. We are currently going through our CCTV footage. Have you or Olivia heard anything?

Kind regards
Lesley

Reply from Rachael Hind 18.12.23

From: Hind, Rachael
Sent: Monday, December 18, 2023 12:15 PM
To: [REDACTED]
Subject: RE: Noise - The Old Coaching Inn

Hi Lesley

We haven't heard anything. We did ask the police regarding your log number but I was advised that this was an abandoned called at 23:12 hours and that you did not respond to any call backs so they sent you a generic abandoned call text message with the log number.

I would therefore recommend you contact the police directly on 101 and arrange to supply them with your CCTV footage.

Many thanks Rachael

TORBAY COUNCIL

Rachael Hind | Regulatory Service Manager (Commercial)
Community Safety
Town Hall, Torquay TQ1 3DR
01803 208028 | rachael.hind@torbay.gov.uk

Appendix 25

19.12.23 Email from Lesley Warner

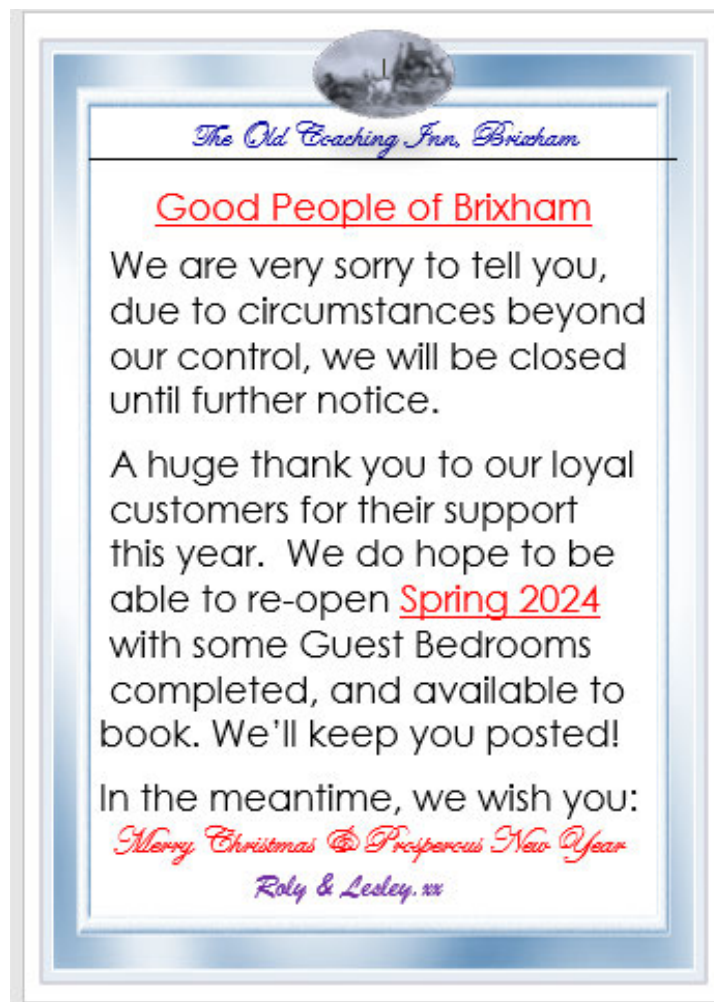
From: [REDACTED]
Sent: Tuesday, December 19, 2023 11:36 AM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Subject: RE: Noise - The Old Coaching Inn

Hello Rachael

The police have been in touch and PC Pete Randell is coming this afternoon to go through the cctv and take what he needs.

We didn't open last weekend, and I have drafted a closure notice, which I attach for your file and this will be put up on the building and Facebook today.

Kind regards
Lesley



Appendix 26

Screen shot from The Old Coaching Inn website.

https://theoldcoachinginnbrixham.uk/?opening

tripadvisor

This Weeks Opening times At The Old Coaching Inn are: -

Normally Fridays, Saturday's. Sorry, but due to unforeseen circumstances We are unable to open to the public for the for the foreseeable future. We are still able to conduct private functions. Please contact us for details.

Letter to:- Hi hello Heather

Unfortunately, due to circumstances, a neighbour complaining about the noise on the street and customers leaving this building, in not a peaceful way according to him and the council. He only moved-in, less than 18 months ago, on-to-a-high-street, across from a popular Pub?! and only now, does he start to complain [I think his shifts have changed also and he seem uptight]

The lady at the council, Rachael Hind 'high up in environmental services' at Torbay Council is clamping down on antisocial behaviour... and using us as Guinea pigs to send-out a message to the other publicans. That if they make lots of noise, or she gets to hear of noise or music emanating from their establishments, businesses... they too will have their licences reviewed or massively reduced, or in some situations taken-away, yes, threats by her, the council taking away our licence completely. These words have been spoken!!

We here at The Coaching Inn are petrified, that if there are more complaints, from this 1-fella that lives [REDACTED], she'll move to make big changes to our licence.

We want to increase the duration of time that we can sell alcohol... and as we hope to hit Hotel status in 2024... and propose to have our alcohol licence extended.

So we have told Rachael Hind that we will close for Christmas and through to new Year. She has said... "she will wait until January before making any decisions", whether or not to alter or reduce our opening hours to run say only 10pm. This would not be viable as a business. and she says that minimum, have 2 door-people on the door... which will still not stop people feeling good and with their mates and families on a night out.

So, Heather, with great sadness... and it's unfortunate, that we're not going to be able to open

colades

tripadvisor

ing Inn

eller Rating

reviews

Reviews

id Into this

ace during our

in Brixham

ing our W/A.

aff..." more

Tweets

n

brixham

ing to

ere -

acebook

ld Coachin...

ew Page

or reduce our opening hours to run say only 10pm. This would not be viable as a business.
and she says that minimum, have 2 door-people on the door... which will still not stop people
feeling good and with their mates and families on a night out.

So, Heather, with great sadness... and it's unfortunate, that we're not going to be able to open
for New Year Eve.

Thank you Heather for your support

Here's To A Better 2024 And Beyond... .roly

We are available for Private room hire. Group Functions. Workshops. Childrens Group Actives.

Various rooms within this Venue are Available for Private Hire 7 days a week

Parties . Christenings . Wakes . Weddings . Bar Mitzvah . All Religions / All Faiths welcome

Childrens Parties, daytimes or evenings

Business & Workshop space, Seminars, Club Group Meetings eg. AGM

**We have an inhouse PA system. + 3 mics & stands. Acoustic/electric Guitar
Projectors & projector screens. Video, Webcam or Facebook-Live facility
We can show movie's... bring your own DVD's we have some of our own.**

**Any size not larger than A3. Colour Photocopy & Printing availability...
...plus access to advertise on the main shopping Street, Fore Street.**

Please enquire at: [REDACTED]

or buzz or text, Roly on [REDACTED] or

LesleyJane on [REDACTED]

Landline. Apologies Voice Mail Only:- [REDACTED]

whoof whoof We Are Dog and Family Friendly... and take Cash & Card payments too