

From: [West, Thomas](#)
To: [Cottell, Carrie](#)
Subject: FW: Devon Dumpling, 108 Shiphay Lane, Torquay, TQ2 7BY
Date: 10 January 2025 14:06:33
Attachments: [image001.png](#)
[Representation - Devon Dumpling.pdf](#)

From: West, Thomas

Sent: 10 January 2025 14:04

To: Licensing

Subject: Devon Dumpling, 108 Shiphay Lane, Torquay, TQ2 7BY

Good afternoon,

Please find attached a copy of my representation made in connection with the above-named premises.

Kind regards,

Tom

Title: Torbay Council



Tom West | Licensing
Officer | Public Protection
Town Hall, Castle Circus,
Torquay TQ1 3DR
01803 208014 |
Tom.west@Torbay.gov.uk
www.torbay.gov.uk
[Facebook](#) | [Twitter](#) |
[LinkedIn](#) | [Instagram](#)

This electronic email is confidential and may also be privileged. If you are not the intended recipient, please notify the sender, and please delete the message from your system immediately. The views in this message are personal; they are not necessarily those of Torbay Council

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

I was first made aware of the problems at the Devon Dumpling in December 2023 when a noise complaint was submitted by a resident who lives in the vicinity of the premises.

The complainant stated that customers of the pub were congregating and making noise late into the night from the adjoining car park.

I discussed the complaint with my colleagues and discovered that noise from this premises had been an issue in the past. Numerous noise complaints were dealt with by my predecessor under the management of the current joint DPS holders.

Having reviewed council records, the majority of these centred around noise late at night from customers congregating outside. In January 2023 the licence was taken to review, mostly, as I understand, due to persistent noise issues. Conditions were added to the licence as a result.

A total of three complainants have since submitted noise complaints on ten separate occasions throughout the period between December 2023 and December 2024. The bulk of these complaints were submitted between the months of September and December 2024. These complaints were submitted by residents who live close by. See appendix 3 for a more comprehensive list of complaints.

To assist members in understanding the proximity of the premises to residential properties, I have included maps and images which can be seen in appendix 1.

Throughout the course of this period, I sent numerous E-mails and letters, had discussions over the phone and had three face-to-face meetings with the joint DPS holder Mr Matthew Lyon and the manager [REDACTED]. These have been detailed extensively in Ms Smart's representation.

In the face-to-face meetings, Mr Lyon appeared forthcoming and willing to take my advice on board. He recognised there were issues present and agreed to tighten up his control measures in response.

Mr Lyon agreed to address the problems by ensuring staff members regularly supervise the front of the premises and adjacent car park. Furthermore, assurances were given that loud or problematic customers would be moved on and noise monitoring records would be kept.

There were periods where the situation improved. However, these periods lasted a few months before new noise complaints emerged.

In October 2024, I was contacted by a resident who had complained to me previously. They expressed how bad the situation had become and sent video evidence on request.

The complainant has agreed that these videos may be shared with members to show the extent of the problem at the time. Video attachments can be found in appendix 2.

Following this and several other videos of a similar description, Ms Smart and I requested a final face-to-face meeting with the DPS and this was arranged for the 22nd October 2024. Mr Matthew Lyons and [REDACTED] attended, and I issued a verbal final warning stating that should I receive a further noise complaint, then I would take the licence to review.

Following our meeting, there was a noticeable improvement in the situation. One complainant said they'd witnessed staff members approaching patrons to ask that they leave quietly as well as moving customers on to prevent unnecessary congregation. However, this has only materialised after heavy intervention from the Licensing department as well as persistent complaints from residents.

There are a number of conditions already imposed on the licence under the prevention of public nuisance which look to control noise from customers.

I have included some of the conditions that I suspect have not been adhered to since my involvement with this premises:

The Prevention of Public Nuisance

1

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

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

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

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

CONDITIONS ATTACHED AFTER A REVIEW HEARING BY THE LICENSING AUTHORITY

1.

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

2.

Regulated entertainment shall be prohibited in the premises outside areas.

3.

All windows and doors shall be kept closed during regulated entertainment after 10 pm.

4.

All use of amplification equipment during regulated entertainment shall be under the control of the duty manager and set at a level not to unreasonably disturb nearby residents.

5.

The duty manager, or designated staff member each day to regularly check the premises outside areas at least once every half hour when in use, and affectively address any excessive noise by any person or group using that area.

7.

Patrons causing a nuisance in the outside area shall be asked to cease causing a nuisance or come inside the premises or where necessary, be asked to leave the premises.

8.

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

There has also been an instance whereby the premises has carried out the licensable activity of playing live or recorded music where there is no provision to do so. The video recording obtained by a complainant on 21/06/2024 at 23:18 hrs demonstrates what appears to be recorded music being played with the lyrics of a song clearly heard. The windows are open and there are several customers outside singing and chanting loudly. This video is attached in appendix 2.

I suspect that this is not the only occasion that this has happened. My Colleague Ms Smart had a phone conversation with Mr Lyons in January 2025, where it was inferred that amplified music was played up until the hours of midnight on new year's eve into New Year's Day 2024 going into 2025.

I have made this representation to bring these issues to the attention of members and to recommend that should members choose *not* to revoke the licence, then the premises licence should be updated to ensure that it is clear that section 177A of the Licensing Act 2003 does not apply to the licence so that all conditions can be enforced to promote the licensing objectives for the prevention of public nuisance.

The conditions added to the licence as a result of the last review, were no doubt added with the intention to mitigate and control further noise problems. Condition nine under annexe 3 refers to the removal of the live music act, however, it does not explicitly state that this exemption is removed. I therefore suggest a condition in its place which states:

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

I cannot say for definite whether we will see a continuation of noise issues at The Devon Dumpling should the licence remain in place under its current management. There have been periods (albeit short lived periods) of improvement and attempts made by staff to control the noise.

However, I do have concern that, owing to the pattern and high volume of noise complaints received over the years, there is a likelihood that noise problems will re-emerge as we enter the warmer months.

The premises licence currently permits the sale of alcohol until midnight on Fridays and Saturdays and until 11.00pm on Monday – Thursday. The premises currently closes 30 minutes after the last sale of alcohol.

Due to the close proximity of residential premises and the noise associated with the use of the outside areas and when patrons leave the premises, I also recommend 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'.

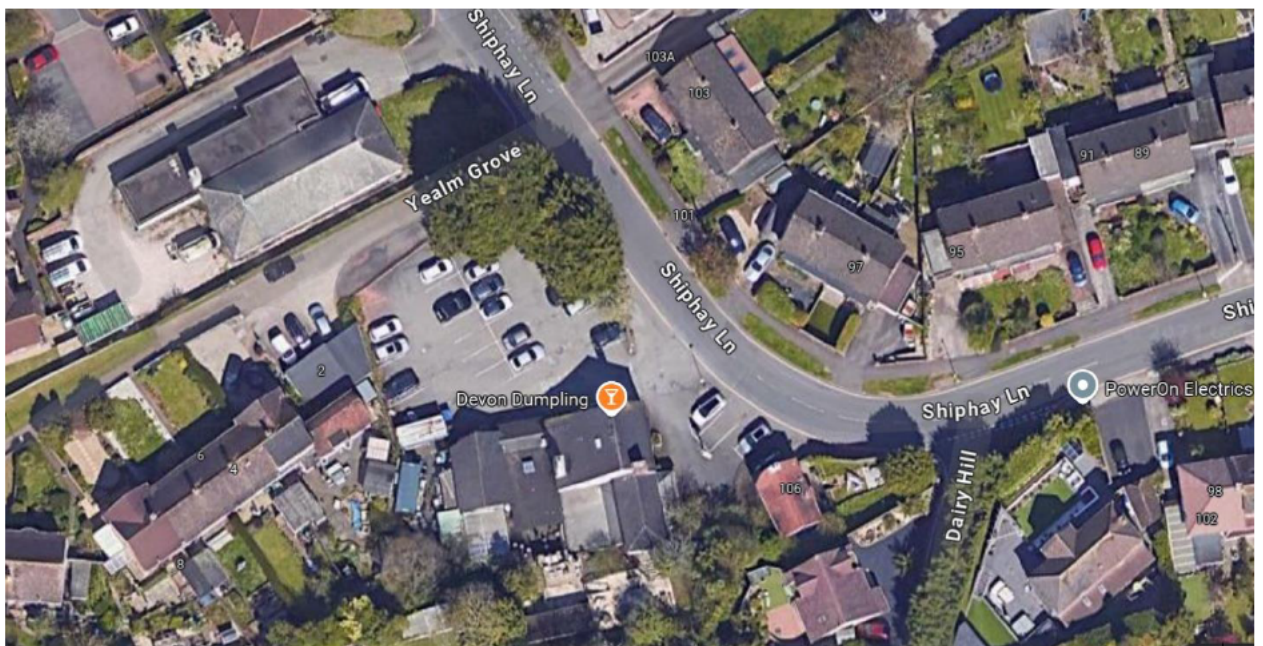
I also recommend that a condition is imposed on the licence which requires the licence holder to install CCTV at the premises and that this is made available upon request from Local Authority Officers. I also recommend that CCTV has sound recording capabilities so that an assessment of noise levels can be made.

This will assist officers in determining levels of disruption and adherence to conditions by gaining a more comprehensive picture of the management and operation of the premises.

Appendix 1:



Location of The Devon Dumping





Appendix 2:

12/10/2024 – 23:20 hrs. [10ce8178-8547-4e97-a645-528dd914aa90.MP4](#)

13/10/2024 – 00:05 hrs. [132eb675-c02d-4ecd-97de-07a26e03e103.MP4](#)

21/06/2024 – 23:18 hrs. [IMG_5574.mov](#)

Appendix 3

Complainant	Date of submission	Date of alleged nuisance	Nature of Complaint
Complainant 1	19/12/2023	15/12/2023	Noise from customers in beer garden and car park regularly from 11:30 pm onward
Complainant 2	23/06/2024	21/06/2024	Noise from customers outside pub singing and dancing to music being played loudly with windows left open. Video taken at 23:18, past the hours covered under the live music act
Complainant 3	24/06/2024	21/06/2024	Noise from customers congregating. Windows left open and people dancing in car park. Complainant stressed that this is a regular occurrence
Complainant 3	07/09/2024	06/09/2024	Complainant states that Friday 6th September was the "worst it has ever been". Windows kept open and music playing loudly. Noise from customers congregating until 12:40hrs.
Complainant 2	19/09/2024	19/09/2024	Complainant sent video showing noise from loud customers congregating outside the pub.
Complainant 2	29/09/2024	29/09/2024	Complainant sent video showing noise from loud customers congregating outside the pub.
Complainant 2	12/10/2024	12/10/2024 - 13/10/2024	Complainant sent video showing noise from loud customers congregating outside the pub. This continues past midnight into 13/10/2024
Complainant 2	18/10/2024	18/10/2024	Complainant sent video showing noise from loud customers congregating outside the pub.
Complainant 1	21/10/2024	18/10/2024	Complainant states that there was a lot of noise from customers shouting and swearing until late into the night in the beer garden and car park. Complainant states that beer garden and car park are not being monitored by staff.

Complainant 2	03/12/2024		E-mail response from complainant to say the situation has improved and staff are making more of an effort to move people along.
Complainant 3	03/12/2024		E-mail response from complainant to say the situation has improved and staff are making more of an effort to move people along.
Complainant 1	21/12/2024	20/10/2024	Complainant states that Friday 20th December was very loud. Customers again using the beer garden and not being effectively managed by staff.