

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

Molly's, North Quay, Roundham Road, Paignton, TQ4 6DT

Torbay Council has received several noise complaints which allege excessive noise from entertainment held at Molly's, Paignton. It is the opinion of the investigating officer that Molly's has failed to promote the prevention of public nuisance licensing objective for the following reasons:

Molly's is a small, licensed venue occupying a corner of North Quay on Paignton Harbour, Roundham Road, Paignton. The general vicinity could be described as a mixed residential and commercial area. The harbour is a 'working harbour' which sees plenty of commercial activity, though licensed venues are relatively few in number.

In 2016, Molly's existed as no more than a small kiosk serving food and drink to the public. In 2019, the area underwent redevelopment following the granting of planning permission, and the footprint of the venue was expanded to include decking, increasing its customer capacity. In March 2020 the venue was granted a premises licence, and further alterations to the structure appear to have been made. Since 2016, the venue has transformed considerably from a small food and drinks kiosk to a fully licensed venue, which now provides regular amplified live music events. Please refer to appendix 1 for reference.

The original application made in 2020 was not subject to any representation, so the licence was granted as applied for. It's worth noting that in this instance, the 2012 Live Music Act applies, which allows the premises to benefit from the de-regulation of certain activities. Between 08:00hrs and 23:00hrs, a licenced venue may provide entertainment, including amplified live and recorded music, so long as the audience does not surpass 500 people. In addition to this, all conditions relating to entertainment during these hours are disapply. Conditions relating to entertainment could only otherwise be enforced if a review hearing deems it necessary.

In 2023, a planning application was made for a permanent roof structure, however, this was refused owing to various reasons. Instead, a temporary roof cover has been erected in its place. This temporary roof appears to be nothing more than gazebo material, or fabric of a similar description. This appears to have been 'tied onto' the structure using various anchor points. This offers nothing in the way of acoustic absorption, rendering the premises effectively an open-air venue as far as noise outbreak is concerned. In April 2025, the licence was transferred to a limited company called Bob and Barney's Limited. Mr Lee Tyrrell is the director and person with significant control of the company and is also named as the designated premises supervisor on the licence.

Since the transfer took place, Molly's, has been hosting regular live and recorded music events, as many as three or more nights of the week. These events typically begin at around 6 or 6:30pm and last for around three hours, with an average finishing time of around 9pm at night. Regulated entertainment has not been granted, however, the licence benefits from the Live Music Act exemption as previously stated. In August 2025, Torbay Council received the first noise complaint about Molly's since the licence was transferred to Bob and Barney's limited. It's worth noting that this premises has been subject to complaints prior to the transfer, however, no formal action was taken. The complainant was written to via E-mail to request further information, but no response was received. Please see appendix 2.

On 19th November 2025, Torbay Council received a query about the conditions of the licence for Molly's, stating that the noise from entertainment was exceptionally loud and audible over their TV. Please see appendix 3. On 2nd December 2025, a further noise complaint was received by a different complainant. During a phone call with them on 5th December 2025, the complainant expanded on their complaint and alleged that noise from entertainment at Molly's was excessive and was spoiling the enjoyment of their home. Molly's had advertised another event that same evening, and I arranged to meet with the complainant to assess the noise. (Please see appendix 4). On the 5th December 2025, I attended this complainant's property alongside my Colleague, Carrie Cottell, Licensing Officer with a view to assess the noise. We arrived initially at Roundham Road Car Park at approximately 19:00hrs. As soon as I exited my car, I was struck by the volume of music from a source which appeared to be coming from some distance away on the other side of Paignton Harbour. The lyrics to certain songs were clearly audible above background levels of noise in what is a mixed residential and commercial area of Paignton. Closer observation revealed that it was Molly's who were responsible for this noise.

Ms Cottell and I went on to assess the noise at various points around the harbour, and we were both surprised by how far the volume had travelled. As we walked past Molly's, I could see that the venue was busy, and that an amplified, live music event was in session. At around 19:10hrs, Ms Cottell and I met with one of the complainants and I assessed the noise from within their property. This is situated almost adjacent to the Northwest side of the premises. The noise from entertainment was clearly audible within the living room which faces the venue. I asked the complainant to turn their living room television on to a volume at which they would typically have it. They did so, and the music produced by Molly's was so loud that I struggled to focus on the television. I also assessed the noise from the complaint's bedroom which again, faces the Northwest side of the venue but at an elevation which directly overlooks it. Even with the windows closed, the noise from the music was clearly audible, and I asked the resident whether this had affected their quality of life. They told me that it had, and that they often had to leave their property just to escape the noise. They told me they had done so on several occasions for prior to contacting Torbay Council.

On 8th December 2025, I spoke with Mr Tyrell over the phone to discuss the issue. I advised him that the noise from entertainment at Molly's, did, in my view amount to both public and statutory nuisance. I therefore advised Mr Tyrell of my intention to serve an abatement notice, deferred for seven days. I also warned him that if a further statutory nuisance is witnessed, I would have no alternative but to serve an abatement notice. I suggested that the volume of music during these events should be significantly reduced to avoid escalation and the possibility of formal action being taken. I offered to meet with Mr Tyrell at the premises to discuss this and asked how he wished to proceed. Mr Tyrell informed me that he would reduce the volume of music and continue to monitor. A letter was sent via E-mail to Mr Tyrrell on 8th December 2025 to confirm our conversation, and to advise that formal action, including the possibility of a review of the licence may be taken if necessary. Please see the related correspondence in appendix 5.

Molly's had advertised a further live music event for 11th December 2025 beginning at 18:00hrs. Again, I attended and assessed the noise at various points around the Harbour. It appeared to me that there had been no noticeable reduction in volume from the event held on 5th December. I also assessed the noise within two complainants' properties and considered the noise to be excessive. Both complainants agreed with my observation and stated that the noise had again unreasonably

disturbed them. The second of the two complainants told me that sometimes they had to wake up early for work – around 5 or 6am, and due to the impact of noise in their home, they could not have an early night if they wanted to. I determined that a further statutory nuisance had occurred, and consequently, I served Mr Tyrell an abatement notice requiring him to stop the noise causing nuisance to residents with immediate effect.

I asked both complainants whether they had sought mediation with the licence holder. Both advised that they were part of a Whatsapp group chat which was created with the intention to allow them to raise any concerns about volume of entertainment. However, I was told that this had not been as effective as it once was due to a recent breakdown in communication.

On 14th December 2025, Molly's held another event, though this is now understood to have been a staff party for which the premises was closed to members of the public. (Please see appendix 6). It is important to note that the licence holder is still responsible for ensuring that any activities at the venue (including entertainment), do not amount to public nuisance, regardless of whether the premises is open to the public. A resident submitted footage to the investigating officer which showed that the event appeared to be hosting entertainment which they said to be 'quite substantial'.

A further live music event was hosted at Molly's on Wednesday 17th December 2025 (which attracted a further two complaints), again on Thursday 18th December 2025, (which resulted in one complaint), and again Friday 19th December 2025, (which resulted in another complaint). On 19th December 2025, I E-mailed Mr Tyrell to advise him that Torbay Council had received further complaints about noise from entertainment, and that the venue did not appear suitable for live and recorded music due to the nature of the structure. Mr Tyrrell was informed that Torbay Council were considering a review of the licence and that any future events should be considered in light of recent complaints. Mr Tyrell responded and expressed concerns over the findings of the investigation and requested a meeting to discuss this further. Please see appendix 7.

Molly's had a further event on the 28th December 2025, which resulted in two further noise complaints. (Please see appendix 8). Video footage was obtained by complainants and submitted to the investigating officer, who's opinion upon review was that this would have amounted to a public nuisance. An application for review of the licence was made on 30th December 2025. Video footage can be found in appendix 9 which shows the impact of these activities.

Live music is particularly difficult to manage, and unlike an enclosed structure, such as a brick-and-mortar pub, which may offer at least 'some' acoustic benefit, Molly's is little more than a tent roof tied onto a timber frame structure. Noise attenuation measures such as sound limiters, acoustic insulation, or soundproofing would not, in my professional opinion, be sufficient in effectively controlling the level of noise needed to promote the prevention of public nuisance licensing objective. The site would need to undergo significant and permanent redevelopment before anything like this would be considered appropriate. Simply put, the venue is not, in my opinion, currently suitable for regulated entertainment, whether it be live or recorded music. I therefore recommend to the committee that the live music act exemption is removed, and a condition is added to the licence which prohibits the playing of live and/or recorded music at any time. If members agree with this course of action, I recommend that the following conditions are added:

- 1.) The Live Music exemption under s.177A of The Licensing Act 2003 shall be removed.
- 2.) No regulated entertainment shall take place at any time.

Furthermore, conditions 1 and 2 under the prevention of public nuisance licensing objective in annex 2 of the operating schedule of the licence do not seem to me to be enforceable. I recommend both are removed and replaced with the following condition:

- 1.) Sufficient measures must be in place to remove litter or waste arising from customers and to prevent such litter/waste accumulating in the immediate vicinity of their premises. Where necessary adequate measures must be in place to provide customers with sufficient receptacles for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter etc.

STATEMENT OF WITNESS TORBAY COUNCIL

Community Safety

RESTRICTED (when complete)

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

STATEMENT OF: Carrie Cottell |

Age of Witness: Over 18 |

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

This statement, consisting of 2 | pages each signed by me, is true to the best of my knowledge and belief, and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 21st day of January 2026

Signature:

My name is Carrie Cottell, and I am a Licensing Officer for Torbay Council. Part of my role is dealing with businesses in the Paignton and Brixham area, which hold a Premises Licence under the Licensing Act 2003.

On the evening of the 5th December 2025, my colleague Tom West and I, were conducting some out of office hours evening visits around Paignton and Brixham. At approximately 7pm we arrived at the multi-story car park on Paignton Harbour at Roundham Road. We were visiting Molly's, North Quay, Paignton Harbour, Paignton, TQ4 6DU. The reason for the visit was due to Tom receiving some noise complaints from residents in the area when Molly's hold live music events. We were aware that a live band was due to play there that evening.

Tom parked his car on the top floor of the multi-story car park. As soon as we got out of the car, we could hear music playing. We walked over to the edge of the car park facing the harbour and could see lights on at Molly's and we could clearly hear the music playing. From previous experience, I am aware of some residential properties on the side of the harbour where we were stood and I considered that they would be able to hear the noise from their properties as Tom and I were standing directly behind those buildings.

Signature:

Statement of Witness**Continuation Statement of: Page - 2 -**

After a few minutes of listening, we walked from the car park to Molly's. The music got louder and louder the closer we got. When we arrived at the premise, we looked through the windows, and could see that it was busy inside. The premise comprises of a bar on a decked area with tables and chairs inside a canvas tent like structure, which is secured to the deck area. It isn't a solid permanent structure and therefore the noise inside is not contained like it would be in a solid building. I noticed there were people outside on a public bench listening to the music and singing.

We walked past Molly's, past Harbour Light, North Quay, Paignton Harbour, TQ4 6DU and walked on to the end of the harbour on the opposite side to the car park. We could clearly hear the music from there.

Tom had arranged for us to visit a complainant's property at █ Roundham Road, Paignton, TQ4 6DS which was in close proximity to Molly's. The property is raised and we had to climb some steps to reach the entrance. When we reached the entrance level, I noticed a table and chairs outside and thought that the complainant would not be able to enjoy a peaceful evening sitting outside with that level of noise.

We went inside the property and into his lounge. We could hear the music even with the windows closed. Tom asked him to switch on the tv, and we could still hear the music over the sound from the tv. His sofa was situated so that the window was behind it and the tv was in front. I thought how frustrating that must be when you are trying to listen to the tv.

We went upstairs to his bedroom. Again, we could hear the music with the windows closed. At this point it sounded like one act had finished and another was due to start as we could hear what appeared to be a sound check. When the new act started, the crowd of people inside Mollys seemed louder, and now we could hear people singing and cheering along with the music.

The complainant said he was going to go out. He was leaving his property just to get away from the noise. I think if I lived there, I would feel the same. There was no getting away from it, and I would not be able to relax and enjoy being at the property if it was my home.

When we left the property, we walked back to the multi-story car park on Roundham Road and by this time the crowd of people who were at the premises were singing very loudly and

Signature:

Statement of Witness**Continuation Statement of:** **Page - 3 -**

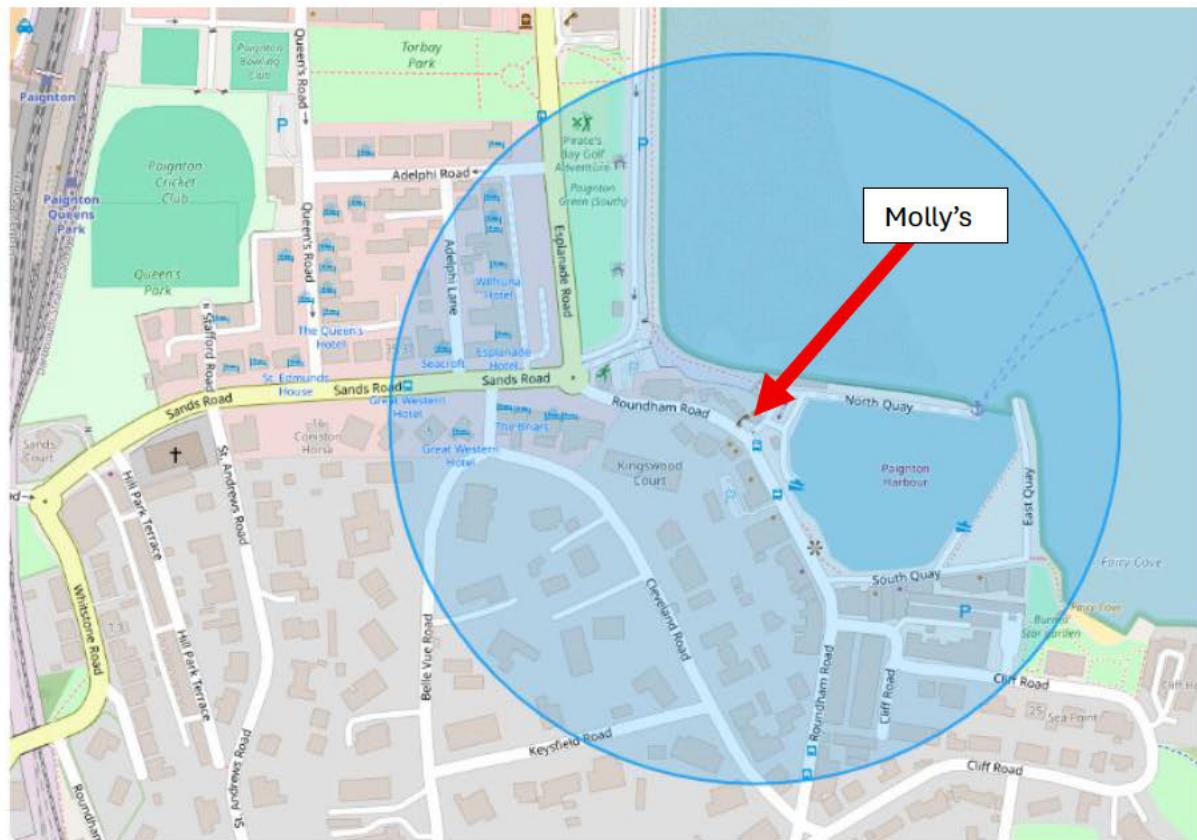
the music from the live band was loud. We could hear the lyrics of the song clearly from the car park on Roundham Road and we could hear the customers singing.

I am not a noise expert, but in my opinion if I were living in the Paignton Harbour area, I believe I would be disturbed by the noise from Mollys when they are playing amplified music.

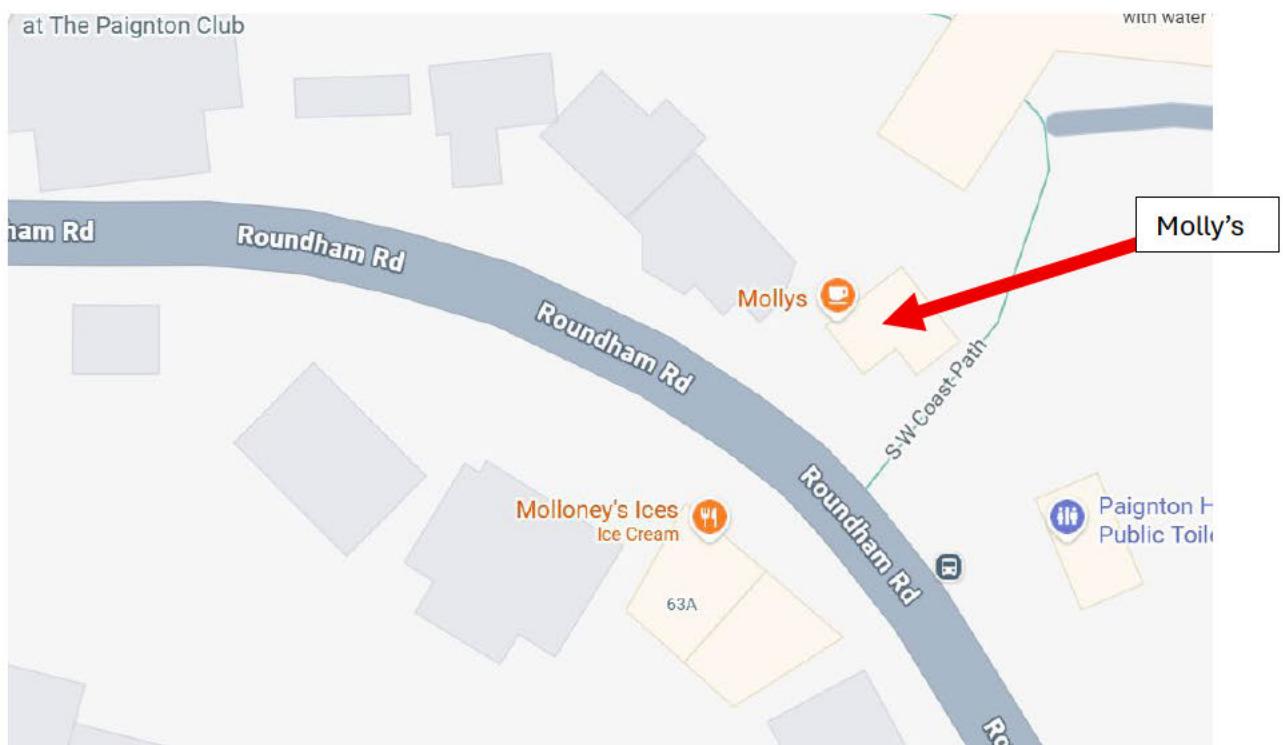
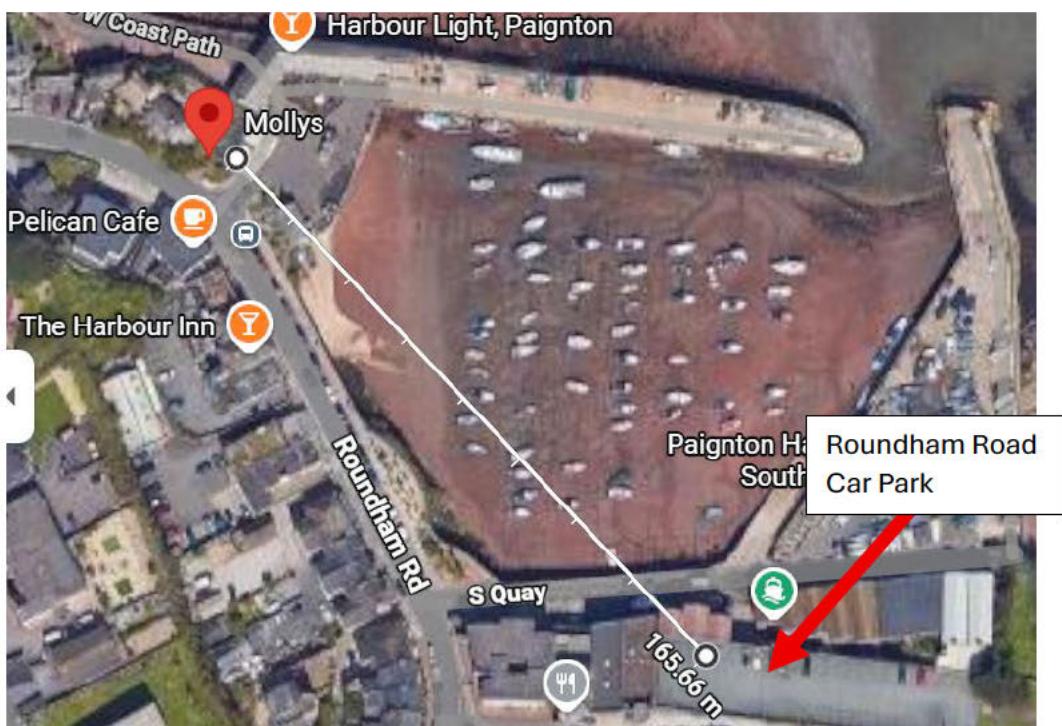
Signature:

Appendices

Appendix 1:







Appendix 2:

[REDACTED] - Music from Mollys

Email (original file) received on 21/08/2025
[REDACTED]

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

Dear Sir/Madam

I wish to complain in the strongest terms about the live music coming from Mollys, North Quay, Paignton Harbour. The volume of the music has increased in recent weeks and last night was just appalling for residents living in the area. The music was so loud I couldn't hear my own television. Something must be done please. Surely this cannot continue.

Best wishes from [REDACTED]

Music from Mollys

L Licensing <licensing@torbay.gov.uk>
To: [REDACTED]
ZTG - Noise Nuisance.doc
77 KB

[REDACTED] Fri 22/09/2023 09:43

Dear Sir,

Thankyou for your E-mail.

I am sorry to hear that you've been disturbed by noise from this venue.

Could I ask how often this is occurring? Is this a daily occurrence or just on weekends etc?

Generally speaking, we advise that complainants first try to speak with the person responsible and resolve any issues informally though I appreciate that this is not always possible. Most of the time, this is the most efficient way of resolving noise complaints.

If the issue isn't resolved informally then we will look to use any evidence as well as our own targeted monitoring to take action against the premises if necessary. We do however operate on an escalation process and allow the premises time to take reasonable steps to remedy the problem.

You'll note that I've attached noise diary sheets and provided information below which explains how to record evidence. Could I ask that you record this and capture any evidence of noise nuisance. If you do capture anything, could I ask that you notify me.

For information on how to capture evidence of nuisance, please see below:

The key things to consider are:-

- Keeping your noise diary - The diary is attached to this email. Please send it back to us by email or post after the first 2-3 weeks but keep the record going until the complaint is closed.
- Taking a short (60 second) VIDEO recording on your phone or camera.

Videos must demonstrate the disturbance being caused to you. Please ensure that you take the video inside the room that you are being disturbed in (or garden if that is where you are trying to relax) but not in a kitchen or bathroom. For example, if the noise wakes you up, take a video showing your bedroom and that the noise is audible within this room.

- Please show in the video an external time reference such as a clock, watch, or the time on your television.
- Please provide a brief audio description on the recording, explaining the date and the room that the recording is being taken from.
- Please ensure that you do not capture any personal information within the video, such as photographs, letters, etc.
- You can send videos to us via WeTransfer, which is an online data transfer facility. If you are having any problems getting these videos to us please email: licensing@torbay.gov.uk.
- Please keep the original copy of the recording on the device that it was taken.

- Updates - We will keep you updated about your complaint but ask that you let us know how things are going, particularly if there is no improvement in the first week.

Kind regards,

Tom

From: [REDACTED]

Appendix 3:

From [REDACTED]
To Licensing@torbay.gov.uk
CC
Subject Molly's, North Quay, Paignton

Attachments

Email from [REDACTED]
Email (original file) received on 19/11/2025
Email (original message) from [REDACTED]

You don't often get email from [REDACTED] so this is important.

Dear Sir/Madam,

I am writing with a query regarding the licence of Molly's Cafe/Bar on Paignton Harbour.

Last Thursday, 13/11/25, Molly's had live music between 6.00pm and 9.00pm. The music was exceptional loud and was audible over my TV, despite the fact I have double glazing and all windows/doors were closed. I am a close neighbour to Molly's. I approached Molly's and all I got was "Sorry"!

Later that week I looked into the Licence conditions of Molly's and whether they were contravening any regulations.

I was astounded and stunned with what I found out!

As a first point of call, would you be kind enough to answer the following questions:

1. How does Molly's have regular live music (4 times a week) when they do not even hold an entertainment licence? (Permitted Activities states "The sale by retail of alcohol". in Annex 2, sub-section The prevention of public nuisance - statement (2) it states "No music other than the radio therefore no noise nuisance"?)
2. As they have no entertainment licence how are they allowed to flagrantly violate the licensing laws?
3. As they have no entertainment licence therefore they have no mandatory conditions to comply with, how is this right and fair to the community and competing business?
4. The mandatory conditions that similar businesses in the area have to comply with are:

Harbour Light, North Quay, Paignton. TQ4 6DU

The prevention of public nuisance

5. Customer notice is to be displayed at all exits asking patrons to leave the premises quietly and respect the needs of the local residents.

Harbour Inn, 59 Roundham Road, Paignton. TQ4 6DS

The prevention of public nuisance

2. Doors and windows shall be closed during entertainment to reduce noise breakout.

5. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Noise shall

Cont:

not be audible within any noise sensitive premises with windows open for normal ventilation especially after 23.00hr. The criteria applied, from boundary to nearest residential property are:

- (i) Before 23.00hr - Noise emanating from the premises shall not be clearly distinguishable above other noise.
- (ii) After 23.00hr - 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. The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the licensee/management.

7. A senior member of staff (manager) shall assess the impact of any noise activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment to ensure levels of noise have not increased.

The Still House, Unit 4 + 5, South Quay, Paignton, TQ4 6DT

The prevention of public nuisance

1. Customers will be requested to respect the needs of nearby residents and to leave the premises and the area quietly.

Paignton Amateur Rowing Club, South Quay, Paignton, TQ4 6DT

The prevention of public nuisance

1) Noise levels must be monitored.

2) Notices must be displayed asking club members to leave premises quietly.

Spinning Wheel Inn, 19 Esplanade Road, Paignton, TQ4 6BE

The prevention of public nuisance

Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Noise should 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.

terraced properties) to make further assessments from within the residential properties.

nd

I would be most grateful if you could inform me how all these businesses have to comply with these mandatory conditions, for the benefit of the neighbouring residents, and yet Molly's have NO CONDITIONS WHAT-SO-EVER?

Molly's are trading irresponsibly at best, if not illegally!

I look forward to receiving your reply.

Yours faithfully

[REDACTED]

From Tom.West@torbay.gov.uk
To [REDACTED]
CC
Subject RE: Molly's, North Quay, Paignton

Attachments

Email from Tom.West@torbay.gov.uk - RE: Molly's, North Quay, Paignton

Email (original file) received on 20/11/2025

TORBAY COUNCIL

Email (original message) from Tom.West@torbay.gov.uk received on 20/11/2025

Dear [REDACTED]

Thank you for your E-mail regarding Molly's, Paignton.

I have provided a response below to each of the listed points in your Email.

How does Molly's have regular live music (4 times a week) when they do not even hold an entertainment licence? (Permitted Activities states "The sale by retail of alcohol". in Annex 2, sub-section The prevention of public nuisance - statement (2) it states "No music other than the radio therefore no noise nuisance"?

1. 1. Under the Live Music Act 2012, an entertainment licence is not required to stage a performance of live music, or the playing of recorded music if:

- * it takes place between 8AM and 11PM; and
- * it takes place at an alcohol on-licensed premises; and
- * the audience is no more than 500 people

As they have no entertainment licence how are they allowed to flagrantly violate the licensing laws?

2. 2. As stated above, the Live Music Act 2012 permits the premises to hold regulated entertainment despite not having entertainment specified on their licence. A link to the guidance can be found here: <https://www.gov.uk/guidance/entertainment-licensing-changes-under-the-live-music-act>

As they have no entertainment licence therefore, they have no mandatory conditions to comply with, how is this right and fair to the community and competing business?

3. 3. Further to my response in point 1 above, the Live Music Act 2012 deregulates any functions or conditions applicable to entertainment between the hours of 08:00am and 11:00pm. This means that any conditions relating to entertainment are only applicable outside of these hours unless the live music exemption under section 177A of The Licensing Act 2003 has been removed.

I would be most grateful if you could inform me how all these businesses have to comply with these mandatory conditions, for the benefit of the neighbouring residents, and yet Molly's have NO CONDITIONS WHAT-SO-EVER?

4. 4. A premises licence application, when submitted to the authority, is considered by responsible authorities during a 28-day public consultation period. Each application is considered on its own merits based on the proposed activities and nature of the business in question. In this instance, I can see the application for Molly's was granted in March 2020 and was transferred to new owners very recently (March 2025). No representations were made at the time of application, and consequently, there was no need for a hearing, nor were any conditions imposed on the licence in respect of the prevention of public nuisance.

Despite what I say above, the licence holder still has an obligation to promote the four licensing objectives, one of these being the prevention of public nuisance. I note from your Email that you say you have spoken with the staff about the noise from the premises. speaking, we advise that complainants first try to speak with the person responsible and resolve any issues informally, and most of the time, this is the most efficient way of resolving noise complaints. However, If the issue isn't resolved informally then we will look to use any evidence as well as our own targeted monitoring to take action against the premises if necessary. We do operate on an escalation process and allow the premises time to take reasonable steps to remedy the problem.

A colleague and I are planning to do some unannounced visits in Brixham soon. Could you let me know whether you'd be happy for us to assess the noise from within your home when they have entertainment?

Please let me know if you have any questions.

Kind regards,

Tom

Appendix 4:

Enquiries & Complaints regarding Licensing

Complaint	
Type of Licensing complaint/ enquiry	Alcohol Premises i.e. pub or club
Please tell us what your enquiry/ complaint is about	Noise from a pub/club
If "other" please enter details here	
Do you know the postal address?	Yes
Name of address	Molly's
Address	North Quay, Paignton Harbour
Town or City	Paignton
County	Devon
Postcode	TQ4 6DU
Please provide details	Concerns regarding modifications to premises and noise levels.
Are you reporting a one off incident?	No
On which date did the incident occur?	29/11/2025
On which time did the incident occur?	19:00
Please tick to confirm you accept these conditions.	Yes



Appendix 5:

Letter of intention to serve and abatement notice - Molly's



Dear Lee,

Thankyou for your time earlier. I have attached the relevant information for you to consider and have sent a copy out to you in the post.

Please let me know if you have any questions.

Kind regards,

Tom

TORBAY COUNCIL Tom West | Licensing Officer | Public
TORBAY COUNCIL

Please reply to: Licensing Department
Town Hall
Torquay
TQ1 3DR

Mr Lee [REDACTED] Tyrell,

My ref:

Your ref: TW01

Molly's

E-mail: licensing@torbay.gov.uk

North Quay

Website: www.torbay.gov.uk

Paignton

Date: 8th December 2025

TQ4 6DU

Dear Mr Tyrell

Thankyou for your time earlier over the phone. I write to you in your capacity as Company Director for Bob and Barneys LTD, (The premises licence holder), and Designated Premises Supervisor for Molly's, North Quay, Paignton, Devon, TQ4 6DU (Premises licence number PL1194)

As discussed, Torbay Council received two noise complaints about Mollys in recent weeks. These complaints refer to noise from entertainment which Molly's provides regularly throughout the week and weekends. Both complainants have expressed concerns with the noise levels produced from entertainment, which they believe to be excessive and disruptive to the enjoyment of their property.

Officers from this department witnessed the effect of this during a live music event held by Molly's on 5th December 2025 from 18:15hrs onward. Officers monitored the noise at various points around the area, as well as within one of the complainants' properties. Officers observed that the noise around the harbour area was clearly audible above background levels of noise in residential areas of the harbour. Additionally, officers observed that the noise from within one of the complainants' properties was excessive and would constitute statutory nuisance.

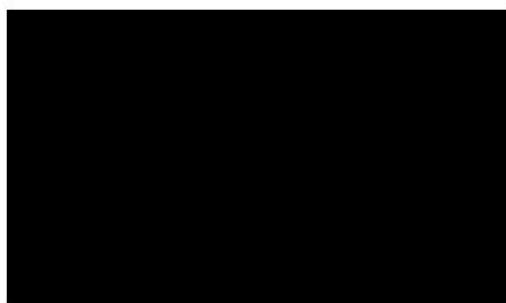
The council are obligated to serve an abatement notice if they consider that a statutory nuisance occurs. I have deferred the issuing of this notice for seven days to allow you time to resolve this matter satisfactorily.

If you wish to continue hosting entertainment at this venue, then I would recommend that you drastically reduce the volume of music, such that it does not materially interfere with the enjoyment of resident's homes. To assist you with this, I am happy to meet you on site and work out appropriate noise levels. However, as mentioned during our phone call, the fabric of the building itself does not appear adequate to contain the level of noise produced by live and recorded music. Therefore, I would suggest that the appropriate level of music for this venue should be played at background levels only. This should be at a level where customers can have a conversation at a normal volume, without having to raise their voice to be heard.

I must remind you that if a further statutory nuisance is witnessed, then we will have no further option but to serve an abatement notice. Failure to comply with this notice could result in prosecution. Furthermore, should the council deem it necessary, we may review your premises licence at the licensing sub-committee, where additional conditions may be imposed or the licence may be revoked.

Please could you respond by E-mail advising how you wish to proceed.

Yours sincerely



Tom West

Public Protection Officer | Licensing Department | Torbay Council

Re: Letter of intention to serve and abatement notice - Molly's



To ✓ West, Thomas



08/12/2025

i You replied to this message on 09/12/2025 16:19.



Video.mov
3 MB



Video_1.mov
7 MB

Thanks Tom

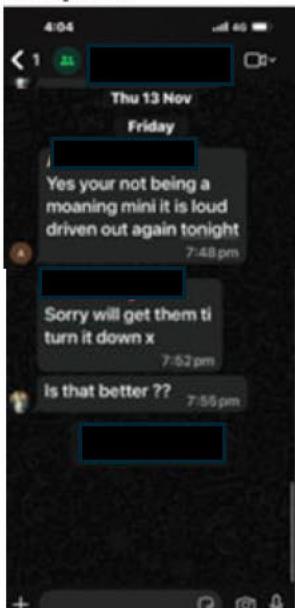
i've spoken to both my managers about our conversation we will lower the volume and carry on monitoring

i also attach December dates.

passed communications with Harbour Court and also footage from inside Molly's on Friday evening.

regards

lee tyrrell



Update - Molly's noise complaint.



West, Thomas

To

[REDACTED]



08/12/2025

Good afternoon [REDACTED]

By way of an update, I wanted to E-mail you following the action taken in response to your complaint made against Molly's, Paignton.

I spoke with the licence holder over the phone today and told him that I am minded to serve an abatement notice if the situation does not improve immediately. I advised the licence holder that the structure which occupies the licenced area does not appear adequate to contain the level of noise produced by live and recorded music. Consequently, I recommended that the appropriate level of music for this venue should be played at background levels only, however, should they wish to continue with live and recorded entertainment (as their licence currently allows), then it must be at a suitable level which does not impact on residents' enjoyment of their home. The licence holder responded saying they would lower the volume of their entertainment for their upcoming events.

I have informed the licence holder that I have deferred the issuing of the abatement notice for seven days to allow them to resolve these matters satisfactorily. If a further statutory nuisance is witnessed, then we will serve an abatement notice. Failure to comply with this notice may result in prosecution. Furthermore, we may look at taking action under the licensing act with a view to review the licence at committee.

I know that the event is due to host some events soon, with this Thursday 11th December being one of them. I will be on hand to monitor the noise levels, and it would be good if you are free again for me to monitor these within your property. If you could let me know whether you'd be free, then that would be greatly appreciated.

As always, if you have any questions then please feel free to ask.

Kind regards,

Tom

Appendix 6:

[REDACTED] you 20251214_224446.mp4 via WeTransfer

 WeTransfer <noreply@wetransfer.com>
To: ● West, Thomas

 14/12/2025

 Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

[REDACTED]

sent you 20251214_224446.mp4

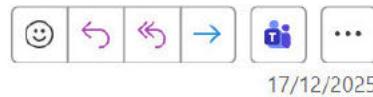
1 item, 78 MB in total • Expires on 17 December, 2025

20251214_224446.mp4 Here is a couple of videos regarding the live music that went on until 22:00 Sunday 14.12.25. The customers stayed in the venue until at least 22.45!!

Re: Update on noise issues - Molly's



To: ● West, Thomas



Good Morning Tom

I just wanted to say thank you for being so proactive regarding Mollys, you have been a breath of fresh air! as residents we have had to listen to the loud music since day 1 and maybe we can get a little peace now, so thank you!

I was speaking to [REDACTED] this morning and he said that planning would be looking at all the building works that have been carried out, He did have a staff party on Sunday with supposedly employees but there were a lot more people & the music was on till 10.00pm! This unfortunately is the kind of people you have to deal with!

I will keep in touch with you and thank you once again for your investigations and work!

Kind regards



Appendix 7:



Re: Update on noise issues - Molly's



To • West, Thomas



18/12/2025

i Follow up. Completed on 13 January 2026.

Video.mov
1 MB

Video_1.mov
1 MB

Hi Tom,

Please see recording from last night 17/12/25.

Very loud music again at Mollys.

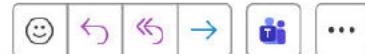
Best regards



Molys - noise complaint



To • West, Thomas



18/12/2025

i Follow up. Completed on 18 December 2025.
You replied to this message on 18/12/2025 15:03.

There was live music in Molly's again last night. It was very loud. I took some videos of the music but can not seem to get 'We Transfer' working..... have you got a WhatsApp number I could transfer them toif not, I'll try again later.

It was a loud night!!!!

Kind regards



Re: Update on noise issues - Molly's



[REDACTED] To ● West, Thomas



19/12/2025

i Follow up. Completed on 23 December 2025.
You replied to this message on 19/12/2025 15:28.

Hello Tom

Thank you for this email, I felt compelled to send you an email as I could hear the music at Mollys again last night from mine and it sounded like it was turned up even louder last night.

I spoke to [REDACTED] this morning and he was in total agreement with me about the noise level last night, it was almost like the owner doesn't care and is totally ignoring your actions.

Regards

[REDACTED]



WeTransfer <noreply@wetransfer.com>
To ● West, Thomas



i Follow up. Completed on 02 January 2026.
Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

[REDACTED]

[REDACTED]
sent you **IMG_1673.mov**

6 items, 895 MB in total • Expires on 22 December, 2025

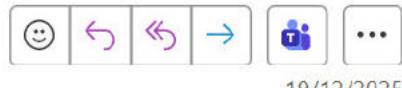
IMG_1673.mov ABBA tribute on Friday! No change in noise levels!!!

[Get your files](#)

Molly's Paignton - Noise complaints



West, Thomas
To Lee Tyrrell



19/12/2025

Dear Mr Tyrrell,

I write further to my correspondence regarding noise complaints about Molly's, Paignton.

We have received further correspondence from residents who've advised that the volume of music during regulated entertainment has been excessive. They have mentioned the dates of 14/12/2025 and 17/12/2025 and have provided video footage upon request to demonstrate the level of nuisance they've experienced.

I have reviewed this footage and agree that it would appear to amount to nuisance. As mentioned previously, due to the nature of the structure and the apparent ineffectiveness of its ability to contain this level of noise, I do not consider Molly's to be a suitable venue for live and recorded music. As a result, we are now considering these complaints with a view to review the licence.

Kind regards,

Tom

Re: Molly's Paignton - Noise complaints



To West, Thomas



22/12/2025

You replied to this message on 22/12/2025 09:19.

dear Tom

Firstly sorry for the delay in my response. I've been away since Friday, the 19th of December returned home today Sunday the 21st to which I received both your letters and your emails.

I'm a little disappointed and surprised to receive such communications. As our conversation on the phone on the 8th of December left me thinking we all were gonna work together to come up with a solution which suited all parties myself neighbours and customers, well this was how I interpret the conversation.

As you asked, I sent you the dates of the entertainment for the rest of the year admittedly I haven't added Sunday, the 14th of December as we closed at 4 pm that day only to reopen at 7 pm till 10 pm for our private staff Christmas party.

As you agreed and suggested lowering the volume was a step in the right direction to which we conformed to, we've carried on monitoring the volume independently.

Cont:

as I also explained to you, I am still using the same entertainment manager as the previous owners [REDACTED]

[REDACTED] informs me that my music volume is considerably less than the previous owners used to perform at.

he is also looking into installing a volume tracker that can be set to a certain output to help with noise control, i believe the system trips out the music if it goes over the set volume.

I've also been informed that the previous owners choice of entertainment for example loud saxophone player and still bands were a lot more noisy than my entertainment. They also had locking after every performance some going on to the early hours, to which we do not do that now. customers are All gone by 9:30.

it has also been brought to my attention with a little

bit of investigation that [REDACTED] and other residence at [REDACTED] used to be invite and appeared to accept the hospitality and free drinks too from [REDACTED] something a bit odd about it.. is this where i've gone wrong not offering bribes! mind you, the little investigating has raised other alarming questions about [REDACTED]. hopefully just harbour gossip i hope.

Myself and others are little concerned and disappointed Tom that your findings and report seems very one-sided.

Do you not think it's very odd that all of a sudden the entertainment till 9 pm has all of a sudden become an issue.

Obviously certain outcomes to this situation will result in staff losing their jobs.

myself and [REDACTED] would be happy to meet up on site to discuss

sorry for such a ruff and ready response i would of like more time to seek professional advice

regards and merry christmas

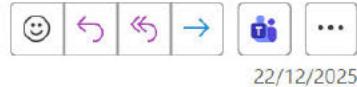
lee tyrrell

Sent from my iPhone

Re: Molly's Paignton - Noise complaints



West, Thomas
To Lee Tyrrell



22/12/2025

Dear Lee,

Thank you for your response.

In response to your first point, under the Environmental Protection Act, the Local Authority must serve a notice if they consider that a statutory nuisance exists. This is why you've received the correspondence you refer to below.

As far as the licence is concerned, we are also duty bound to take action where necessary. Recent noise complaints have confirmed that the issue appears to be ongoing. I too have assessed the volume of noise at various points in the vicinity during entertainment and consider it to be excessive, such that it would likely constitute public nuisance. Unfortunately, the venue simply doesn't appear suitable for this kind of entertainment. Consequently, we are left with few remaining options aside from review.

That being said, I would welcome any opportunity to assist you in any way to resolve these matters informally and would thank you again for reaching out to offer a solution. If you could advise when you might be available to meet on site to discuss, it would be greatly appreciated. In the meantime, I would advise you to consider any upcoming events in light of the context above.

Kind regards and Happy Christmas to you also.

Tom

Appendix 8:

Re: Molly's - Update



To ● West, Thomas



28/12/2025

i Follow up. Completed on 29 December 2025.
You replied to this message on 29/12/2025 11:26.

Dear Tom,

Many thanks for the recent email.

Please see your WhatsApp Business phone number for a video/sound recording of Sunday 28.12.25 pm/evening live music event.

On Saturday 27.12.25 they didn't have any music at all..... they were in fact closed!! I'm not sure whether this was as a result of your communication with him or the weather.

The video shows a few different sound clips, in my bedroom and also with the balcony door open which I would like to have open in the summer!! As you can hear from the video, it is very loud and definitely amounting to a nuisance.

I trust that the telephone number is correct [REDACTED] because I noticed that you hadn't seen the videos from 18.12.25 (Just checking that I have the correct number).

Many thanks

Kind regards
Yours sincerely
[REDACTED]

Re: Molly's - Update



To ● West, Thomas



30/12/2025

You don't often get email from [REDACTED] [Learn why this is important](#)

Hi Tom,

Thank you very for your update on our issues with Mollys. I'll forward you over on WhatsApp a recoded music video that I took on Sunday 28th.

It became very loud as the event unfolded. The planned event for 27th must have been cancelled or rearranged.

Best regards

[REDACTED]

Appendix 9:

5th December 2025:

[Bedroom 19.50hrs.mp4](#)

[Living room 19.13hrs.mp4](#)

11th December 2025:

[Living room 20.13hrs - 11th December 2025.mp4](#)

[Bedroom 20.00hrs 11th December.mp4](#)

[Bedroom 20.03hrs - 11th December 2025.mp4](#)

[Living room with TV on 19.30hrs.mp4](#)

[Other side of Paignton Harbour 19.14rs 11th December.mp4](#)

[Roundham Road Car Park 19.05.mp4](#)

[Second complainant - Living room 20.20hrs 11th December 2025.mp4](#)

14th December 2025:

[Submitted by resident - 14.12.2025.mp4](#)

[Submitted by resident 14.12.2025 \(2\).mp4](#)

17th December 2025:

[Submitted by complainant - 2025-12-18 at 17.29.20.mp4](#)

[Submitted by complainant 2025-12-18 at 17.29.30.mp4](#)

[Submitted by complainant - 2025-12-18 at 17.29.20.mp4](#)

[Submitted by complainant 2025-12-18 at 17.29.30.mp4](#)

19th December 2025:

[Submitted by complainant 19.12.2025.MOV](#)

28th December 2025:

[fc339dc8-4569-48de-b1c2-7ff5c145d804.MP4](#)