

**Licensing Act 2003
Environmental Health Representation**

Application Details

Premises: Torbay Showground

Name of Applicant: Kameron Bailey (Torbay Showground Limited)

Address: Torbay Showground Brixham Road Paignton

Type of Application: Alcohol (On) Entertainment Licence

Representation

This department has no comments regarding this application/temporary event notice.

OR (delete as appropriate)

This department would like to make the following **representation (delete as required):**

I consider the application to undermine the following licensing objectives:

(please delete as appropriate)

The Prevention of Public Nuisance

The likely effect of granting the licence as applied/allowing the premises to be used in accordance with the permissions of the temporary event notice(delete as required) will undermine the licensing objectives because:

(How will the application undermine one or more of the four licensing objectives – under each objective explain what problems would occur if the licence were granted as applied for. Provide evidence/experience where possible.)

The site is located in what could be described as a sub-urban or semi-rural area of Paignton. Clusters of residential properties are located in close proximity, concentrated largely in the Galmpton and Galmpton Warborough areas of Paignton.

The area in question is a quiet residential area not traditionally used for events of this scale. Sensitivity to this type of activity is thought to be high given the characteristics of the area. The site is linear in nature, being a relatively narrow field alongside the A3022 a single carriageway highway which at this point has a 30mph speed limit. This is the only road for through traffic to Brixham and is prone to congestion. Residential accommodation of varying densities occupies the northeastern side of the road; some distance away to the southwest can be found Langdon Fields, another residential development, where complaints were also received about noise nuisance from music from the fairground which arrived in March of 2026.

Measurements of the background noise level in the residential areas indicate that the background noise level during the proposed event period indicate that the background levels were between 35dB and 40dB(LA90)15min. depending on the time of day. The acoustic environment is dominated by passing traffic on the A3022, but given the low speed, this is generally not of great significance.

Site History and previous complaints

As far as I am aware, over the last 20 years, this field has only been used for holding car boot sales on a Sunday. Recently, in March of this year it was used for a funfair which involved music associated with the rides and the normal screaming associated with people using the rides. The event occurred over 10 days with the rides operating between 14:00 and 22:00 as far as I am aware.

The council received a large number of complaints, I recorded 25 complaints and identified 23 affected households. I attended the area on the 26th of March 2026 and visited complainants, they indicated that that the music was quiet when I attended but that it had been very loud throughout the week. I noted that I could hear the music in the property and that even with their television on, the bass was audible. With windows open, the music was intrusive as was the screaming from noise from the rides. After visiting a couple of properties, I formed the opinion that the noise from the fair was sufficiently loud to amount to a statutory noise nuisance.

Throughout the course of my investigation, I corresponded with a number of residents, some of whom pointed out they were not able to use their gardens because of the noise from screaming and the music, one reported that their children who were keen on playing football in the garden found the screaming so intrusive that they stopped playing football in the garden. Another resident said that their daughter who had come home from university was unable to concentrate on their work and consequently returned to University.

I believe the fair was present for 10 days and had played amplified music for these days. One complainant indicated that there had been a SEND day for children with special educational needs but that this made no difference to the intrusion as they were still affected by the screaming and the music was still intrusive.

The Proposed Licence

Having reviewed the Event Management Plan and the proposed Noise Management Plan some concerns have been identified.

The Noise Management Plan provided for Torbay Showground proposes that the music noise level will have a sound power level of 120dB at the stage and then reports that the level at the front of house – which will be 15m from the stage will be 85dB. In my experience of live music events, this is very quiet and would be very unlikely to provide a satisfactory experience for those attending. I note that the Noise Management plan assumes that the noise is a point source and applies no directivity to the calculation of sound pressure levels at the front of house. There will be reflection from the ground which contributes to the sound level and to its propagation across the site and across the road to the nearest premises. The Calculations the Acoustic Consultant have provided assume a directivity of 0. This assumes the loudspeakers are suspended in space and there are no reflective services that would reflect the sound and aid propagation. This ignores the effect of the ground and assumes the sound comes from one source. This is not the case. The ground will provide reflection, and whilst crowds provide a degree of absorption PA systems are generally hung at high level to avoid this issue of crowd absorption and to allow propagation.

Crowds milling about generally produce between 65-75 dB of hubbub and when cheering and shouting can produce between 85-100dB. It is difficult to see how the performers can provide a

satisfactory experience when they are likely to be competing with a crowd which is almost as loud as the performers. It is suspected that the operator will wish to raise levels to ensure that customers have a good time.

The Noise Management Plan in Appendix A.I reports speaker directivity and uses this in a calculation to demonstrate that the closest resident will not be affected by noise as directly behind the speaker they state the level is 20dB lower than the level that could be anticipated at the front. No information is given as to the Public Address system that is going to be used, so it cannot be assumed that the directivity suggested will be achieved. The assessment does not mention the levels generated by the back line amplifiers drum kits or monitors(speakers the artists use to monitor their performance) all of which will be situated some 30m from the nearest home on Brixham Road.

The Code of Practice on Environmental Noise Control at Concerts produced by the Noise Council identifies that where 4 or more music events are held at an open air venue a year noise levels should not exceed 15dB above the background level. Measurements made at the residential locations adjacent to the site have indicated that the background level varies between 35 and 40 L(90)dB(A) this allows the venue to have levels at 55dB over 15 minutes to comply with the guide not the 65dB(A)eq(15mins). This is clearly something that cannot be achieved.

The Environmental Protection Act 1990 places a duty on Councils to both inspect their district and respond to complaints about statutory nuisance – which includes noise. Nuisance is dependant on a number of factors including the nature and character of the area, the duration and frequency of the noise and the impact on the comfort of the persons affected.

The presence of the funfair in March of this year gives some indication of the likely impact of a premises licence for this piece of land, the Funfair operated playing recorded music, with rides generating screaming from patrons. This generated 25 complaints from 23 residential properties. Residents complained that they could not open their windows, could not sit in their gardens, and could not enjoy their properties because of the noise.

The proposed use of this land for similar purposes is likely, therefore, to result in similar complaints and taking this into account and the nature and character of the area I am of the opinion that to allow a premises licence for this site will give rise to a statutory noise nuisance and for this reason and my explanation above I feel I must object to the grant of a licence on the grounds that it does not support the licensing objective of the Prevention of Public Nuisance.

Recommendations

I therefore recommend that this application is granted /that this TEN is permitted (delete as appropriate) subject to the following conditions being included:

(Explain why the conditions are necessary and how they address the concerns outlined above)

I therefore recommend that this application is refused

(Reinforce the points mentioned above about how the application will undermine one or more of the four licensing objectives if the licence were granted as applied for.

Explain why conditions will not address the problems identified and why the hours or licensable activities could not be varied to address the problem).

I do not believe that it is possible to operate an event for several thousand people at the site without causing significant disturbance to residents in the neighbourhood. The application of conditions limiting the volume of the music being played further would in effect make the event untenable.

Licensing Act 2003 Environmental Health Representation

Application Details

Premises: Torbay Showground

Name of Applicant: Kameron Bailey

Address: Torbay Showground, Brixham Road, Paignton, TQ4 7BH

Type of Application: Alcohol (On)/Entertainment Licence

I consider the application to undermine the following licensing objectives:

The Prevention of Public Nuisance

Representation

This department would like to make the following representation:

An application for a premises licence has been submitted for an area of land known as Torbay Showground on Brixham Road in Paignton. The Licensing department were approached initially by the applicant, Mr Bailey, on 19th January 2026. Mr Bailey expressed his intentions to submit a premises licence application and requested whether further conditions should be added to his draft application. On 22nd January 2026, a response E-mail was sent by Mrs Rachael Hind 2026 (Regulator Service Manager at Torbay Council), recommending several conditions which were later adopted as part of the full application submitted on 14th May 2026.

The application appears to have been sought to facilitate the operation of several large 'festival' type events including live music events. The application advises that the type of entertainment will include, "Live and recorded music, amplified and unamplified music, events, festivals, circus events, shows". Regulated entertainment is set to take place between 12:00 and 22:30hrs, and the site is proposed to be open to the public between the hours of 06:00hrs and midnight.

The site is located in a what is broadly considered a residential area of Paignton, with properties occupying the Northeastern, and Southern sides of the field. To the best of my knowledge, this area has not traditionally been used for events of this size or scale, and sensitivity to noise and artificial light is thought to be high. For these reasons, the site has considerable constraint to entertain large crowds whilst being sufficiently quiet at residential properties, such that it does not lead to nuisance.

Torbay Council, by virtue of their own Licensing Statement of Principles, are broadly supportive of providing a more “business friendly and vibrant economy, however, accepts that it equally has a responsibility to its residents.”

Having carefully considered all the available information, it is my opinion that the site is unsuitable for activities of this size and scale, and that the granting of this licence would lead to a disproportionate negative impact on residential amenity. Unfortunately, following site meetings with the applicant, and having reviewed supplementary information, such as event and noise management plans, there is nothing included which alleviates these concerns. The noise management plan for instance, appears to make an assumption about the number of anticipated events in any one year.

The noise management plan gives a recommended LAeq_{15min} noise level of 65dB(A) at 1m from the façade of the nearest noise sensitive property in line with The Code of Practice on Environmental Noise Control at Concerts 1995. Presumably, this recommendation is made on the assumption that the site falls into the ‘Other Urban and Rural Venues’ category, with the number of concert days per calendar year not exceeding 3.

However, section 11 of the premises licence application advises “There will be four events per year, in accordance with the licensing condition latterly proposed.” The proposed condition under annexe 2 of the operating schedule states: “Live/recorded music events shall be restricted to four events per year **with a maximum number of two consecutive days per event in any one year.**”

TABLE 1

Concert days per calendar year, per venue	Venue Category	Guideline
1 to 3	Urban Stadia or Arenas	The MNL should not exceed 75dB(A) over a 15 minute period
1 to 3	Other Urban and Rural Venues	The MNL should not exceed 65dB(A) over a 15 minute period
4 to 12	All Venues	The MNL should not exceed the background noise level ¹ by more than 15dB(A) over a 15 minute period

Source: Code of Practice on Environmental Noise Control at Concerts 1995

Given the anticipated number live music events proposed being a minimum of four, and a maximum of eight, the actual recommended background MNL, according to the guide, should not exceed 15dB(A)_{15min} above the background level instead of the proposed 65dB(A)_{15min}. For context, 65dB(A)_{15min} at 1m from the façade of the nearest noise sensitive property, is in this instance, likely to be audible within said property if windows are open for normal ventilation. Both 'This aint Texas Festival', and 'Riviera Tribute Festival', are scheduled to take place in the month of August, when residents are likely to have windows open for this purpose and may wish to make use of gardens.

Assuming that the above is true, if the licence was granted, noise from entertainment (i.e. music), *could* be audible **within** a resident's property, on a near **constant basis**, for a period of up to **ten and a half hours** of the day, across a **two day consecutive time period, four times per year**, in accordance with the proposals set out in the application.

Irrespective of recommended noise levels as provided in the noise management plan, nuisance, being subjective in nature, is often outside of the scope of such assessments. Professional noise reports can only go so far in acting as a guide to what might be considered as being an 'acceptable noise level', however, this does not take into account other individual lifestyle factors. Nuisance is given statutory meaning under The Environmental Protection Act 1990 as being noise that unreasonably interferes with the use or enjoyment of property or prejudices health. Nuisance isn't defined within the Licensing Act 2003, and it therefore retains its broader common law meaning which again refers to the question of unreasonable interference.

Nuisance is determined on a case-by-case basis by the Local Authority who are encouraged to adopt an evidence-based approach to decision making. This approach is particularly important for responsible authorities to consider when assessing new applications. Prior to the arrival of the funfair, the potential impact on residents was less well understood. However, this became clearer in March 2026, when nuisance was witnessed firsthand by Gareth Fudge, Senior EHO, when a total of 25 noise complaints were received about the travelling fair. This appeared on the site with no prior warning to residents or the Council and understandably became a cause for concern amongst residents.

Mr Fudge advised me that he was concerned to note the level of noise affecting the residents. Residents were also impacted by artificial light from the fairground rides, with some residents reporting 'flashing' lights coming through their windows. It is anticipated that lighting from or associated with a stage for live music events would likely have a similar effect.

The impact of this disruption for some of these residents has been profound, such as those who've reported difficulties in being able to concentrate or relax in their own homes. One complainant reported that their children's bedtimes have been affected and as a result, have had to adjust their way of living. For a parent of young children, the impact that this has understandably been one of mounting frustration. Residents may have known to

expect something like this in an area well known for tourism and entertainment, however, this usually quiet area of Paignton is not one of them.

Based upon his own assessment of the site, and from the investigation into the impact of noise from the fair, as well as the recommendations set out within the noise management plan, Mr Fudge asserts that noise from amplified music is likely to be audible within residential properties. This gives us little confidence that the operator would be able to comply with condition 5 under annexe 2 of the operating schedule which states that "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. This shall be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises."

The effect of the impact on residents from the funfair in March and April this year has weakened this departments confidence in the operator's ability to promote the licensing objectives and has demonstrated that the site is unsuitable for this type of activity.

For these reasons, I recommend that this application is refused.

Email from Rachael.SHOTTON@devonandcornwall.pnn.police.uk - RE: Licensing Act 2003 - Application for a Premises Licence (ref: 20012427) 

Email details

From	 Rachael.SHOTTON@devonandcornwall.pnn.police.uk
Reply to	Rachael.SHOTTON@devonandcornwall.pnn.police.uk
To	licensing@torbay.gov.uk
CC	
Subject	RE: Licensing Act 2003 - Application for a Premises Licence (ref: 20012427)

Attachments

[Torbay Showground Accepted Conditions](#) ✕
[Email from Rachael.SHOTTON@devonandcornwall.pnn.police.uk - RE: Licensing Act 2003 - Application for a Premises Licence](#) ✕
[image003.jpg@01DCE85C.05ADE530](#) ✕
[image007.jpg@01DCE85C.0C8CC6A0](#) ✕
[image005.png@01DCE85C.05ADE530](#) ✕
[image006.png@01DCE85C.0C8CC6A0](#) ✕
[image001.png@01DCE85C.05ADE530](#) ✕
[Email \(original message\) from Rachael.SHOTTON@devonandcornwall.pnn.police.uk received on 20/05/2026](#) ✕

OFFICIAL

Good afternoon

Please find attached email thread between me and the applicant where an agreement has been reached to add the following conditions to the licence.

For any event involving licensable activities, a traffic management plan which will include how pedestrians enter and exit the site, shall be submitted to Devon and Cornwall Constabulary and Torbay Council Highways Authority at least eight weeks prior to the first day on which the event is due to commence. This must be produced on request by a member of a responsible authority.

CCTV to be retained for 31 days

Should the committee be happy to accept these conditions onto the licence there will be no further requirement for a police representation.

Kind regards

57742 Rachael SHOTTON

Alcohol Licensing Officer

Torquay, Paignton and Brixham



From: [REDACTED]
To: [SHOTTON Rachael 57742](#); [Jon Dunkley](#)
Subject: Re: Application for Alcohol Licence
Date: 20 May 2026 11:40:51
Attachments: [image001.png](#)
[image008.png](#)
[image003.png](#)

Hi Rachael,

Thank you for your email.

Thank you for your clarification surrounding the responsibilities if the licence is granted, that's no problem for us.

I have discussed the new proposals with our solicitor, Jon Dunkley, and we can confirm that we ACCEPT the additional conditions you have proposed as written below.

If there is anything else that you require from us, or need any further information please do not hesitate.

Kind Regards

Kameron
Torbay Showground Director



On Wed, 20 May 2026 at 11:00, SHOTTON Rachael 57742
<Rachael.SHOTTON@devonandcornwall.pnn.police.uk> wrote:

OFFICIAL

Hi Kameron

Thank you for your reply.

I note that there is a TEN in place for Revs Fest therefore the TEN Notice giver will be responsible for alcohol sales at this event. What I wanted to make clear is that if this licence is granted with you as Premises Licence Holder and [REDACTED] as DPS – all events that happen on site using the licence will ultimately be your responsibility regardless of whether the events are being run through promoters it is your name on the premises licence and [REDACTED] as DPS.

I have reviewed your application and concerns from police colleagues ref the site and proximity to the road therefore would be asking for you to accept the following condition onto the licence :-

For any event involving licensable activities, a traffic management plan which will include how pedestrians enter and exit the site, shall be submitted to Devon and Cornwall Constabulary and Torbay Council Highways Authority at least eight weeks prior to the first day on which the event is due to commence. This must be produced on request by a member of a responsible authority.

I would also like to request in the CCTV condition that you have offered that the retention period be increased from 14 days to 31 days.

If you are happy to accept these conditions onto the licence we can avoid the need for a police representation and I will request that the committee accept these conditions onto the licence.

I look forward to hearing from you

Kind regards



57742 Rachael SHOTTON

Alcohol Licensing Officer

Torquay, Paignton and Brixham



Prevention Department Devon and Cornwall Police

Torquay Police Station, South Street, Torquay, TQ2 5AH

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Devon and Cornwall **ALERT**

OFFICIAL

From: [REDACTED]
Sent: 19 May 2026 19:16
To: SHOTTON Rachael 57742 <Rachael.SHOTTON@devonandcornwall.pnn.police.uk>
Subject: Re: Application for Alcohol Licence

Hi Rachael,

For RevsFest it will be under Bays Brewery, and a DPS will be on site the entire day. From my understanding, they already have a TENS in place for this event, or it was granted but needs a slight amendment. Either way, Bays will be present for this event and a DPS will be on site entire time alcohol is served.

Regarding the other festivals—The Big VW Camp Out, This Ain't Texas Festival, FamFest Live

and Riviera Tribute Festival—I'm not 100% sure yet, but regardless of which one it is, a DPS officer will be on site the entire time alcohol is served.

If we need to update the DPS for each event, we will do so or provide the relevant delegations. Overall, however, a DPS will be on site for the entire time each event serving alcohol is operational.

I hope this helps. If you need anything else from me please let me know.

Kind Regards

Kameron

Torbay Showground Director

[REDACTED]

[REDACTED]

[REDACTED]



Mon, May 18, 2026 at 10:26 AM SHOTTON Rachael 57742
<Rachael.SHOTTON@devonandcornwall.pnn.police.uk> wrote:

OFFICIAL

Good morning Kameron

I am in receipt of your submitted application I note that your intended DPS is [REDACTED] can you please advise if [REDACTED] will be responsible for all events held at the Torbay Showground or whether the DPS will be changed for each event if so will a DPS be present at each event?

Kind regards



57742 Rachael SHOTTON

Alcohol Licensing Officer

Torquay, Paignton and Brixham



Prevention Department Devon and Cornwall Police

Torquay Police Station, South Street, Torquay, TQ2 5AH

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