From: [redacted]
To: Smart, Julie; [redacted]
Subject: Music at Below Decks
Date: 19 June 2023 12:08:53

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I am writing to raise serious concerns over the music coming from Below Decks in Torquay Harbourside. I walked round Wednesday evening and there was a large crowd outside and glass everywhere. When I went on my evening walk on Sunday it was exactly the same, actually worse. Drunk people everywhere, standing, sitting and dancing all over the harbour and on the public benches and sitting on people's boats! Is this whole area licensed for music, dancing and drinking? Cars were unable to get through and absusive, drunk customers were blocking the path.

I understand people want to have fun but it seems out of control and it's not pleasant for people out and about with young families.

It's all over social media but I can't seem to save a video to send to you

Many thanks

[redacted]



Photo taken at 7.30 pm on 18 June 2023 showing a crowd outside Below Decks, with customers sat on seats within the road area

Date submitted: 30 July 2023 12:35:02

Making a complaint about noise

Are you a housing association tenant?	No
Do you know the address where the noise is coming from?	Yes
I confirm you have read this and wish to continue with my complaint	1
Have you spoken to the person making the noise, about the problem?	Yes
Give details of your conversations including dates and times	Loud music was being played outside at the Below Decks bar on Beacon Key on the evening of 29th July 2023. This has happened previously. The music continued until about 11.00 pm and could be heard very clearly by us living at the top of Park Hill Road. I phoned the bar to complain only to be told that the bar had permission from Torbay Council and that the manager would phone me back, which they did not do.
Are you reporting persistent	Loud music
Have you already reported this to us?	No
The address where the noise is coming from	Below Decks Bar, Beacon Quay.
Who is causing the noise?	DJ employed by the bar.
Please give as much information as possible about the noise and how it is affecting you?	The noise was intrusive and could be heard even inside the house through double glazed windows. It spoilt the enjoyment of our evening. I am not against some music at a bar but not so loud that it affects those living nearby.
First name:	[redacted]
Surname:	[redacted]
Address:	[redacted] PARKHILL ROAD TORQUAY TQ1 2DA[redacted]
Email address:	[redacted]
Telephone number:	[redacted]

[redacted]

From: [redacted]@torbay.gov.uk>
Sent: Thursday, April 11, 2024 10:33 AM
To: Smart, Julie <Julie.Smart@torbay.gov.uk>; [redacted]@torbay.gov.uk>; [redacted]@devonandcornwall.pnn.police.uk>
Cc: [redacted]@devonandcornwall.pnn.police.uk>
Subject: RE: Below Decks

Good Morning Julie and thanks for this.

I am afraid no permission for a van to operate on the quay will be forthcoming from me. I am keen to ensure that Below Decks realise that their operation is at capacity and events such as we have seen recently cause me significant concern for my harbour users.

For your info Below Decks had requested permission for a van, which had been denied due to concerns in relation to increase people on the road , (which was ignored).

We will be keeping a close eye this operation and liaise with you accordingly.

Kind Regards,

[redacted]

[redacted] | **Harbour Master & Divisional Director Maritime and Coastal Services Torbay Council**
Harbour Office, Brixham Harbour, The Quay, Brixham TQ5 8AJ
Harbour Office, Torquay Harbour, Beacon Quay, Torquay, TQ1 2BG
Harbour Office, Paignton Harbour, South Quay, Paignton, TQ4 6DT

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From: Smart, Julie <Julie.Smart@torbay.gov.uk>
Sent: Thursday, April 11, 2024 10:06 AM
To: [redacted]@torbay.gov.uk>; [redacted]@devonandcornwall.pnn.police.uk>
Cc: [redacted]devonandcornwall.pnn.police.uk>; [redacted]@torbay.gov.uk>
Subject: RE: Below Decks

Morning all

Tom West and I attended the premises yesterday and met with Kevin and Julia Shadbolt.

They explained that they booked a DJ for this weekend, but didn't realise it was Easter when they planned it. The DJ was supposed to be positioned at the end of their decking, with all customers within their area, however it was too windy, so they had to put the DJ in front of their windows. This caused customers to loiter in the road. They also said that due to the Bank Holiday far more customers attended than they anticipated. They said the internal bar couldn't cope with the numbers and therefore they arranged for the mobile bar. I told them that this was not within their licensed area so unauthorised sales had taken place. I advised them that they will need to submit a Temporary Event Notice if they wish to do this again.

Re customers loitering in road area, our discussions last year and the condition on the licence re this. They again said this was due to larger numbers than anticipated and they put chairs and tables out to try to prevent this but people continued to stand up and became aggressive when staff asked them to move. Discussed new PSPO which will prohibit drinking in areas around the harbourside other than in their licensed area. Told them from now on they need to encourage all customers to use their outside area.

Re not using plastic glasses and no stewards, they said they didn't anticipate the number of customers, but will consider in future.

Re loud music, they produced decibel readings taken from various locations around the harbourside, which Tom seemed satisfied with.

Discussed the power boat race and air show. They would like to put the van at the end of the breakwater. Told them they would need permission from Harbours and to submit a TEN, and we would expect all drinks to be in plastic.

If you have any further issues, please do not hesitate to let me know.

Kind regards
Julie

From: [redacted]@torbay.gov.uk>
Sent: Tuesday, April 2, 2024 10:28 AM
To: [redacted]@devonandcornwall.pnn.police.uk>; Smart, Julie <Julie.Smart@torbay.gov.uk>

Cc: [redacted]@devonandcornwall.pnn.police.uk>; [redacted]@torbay.gov.uk>
Subject: RE: Below Decks

Morning all.

Thanks [redacted]

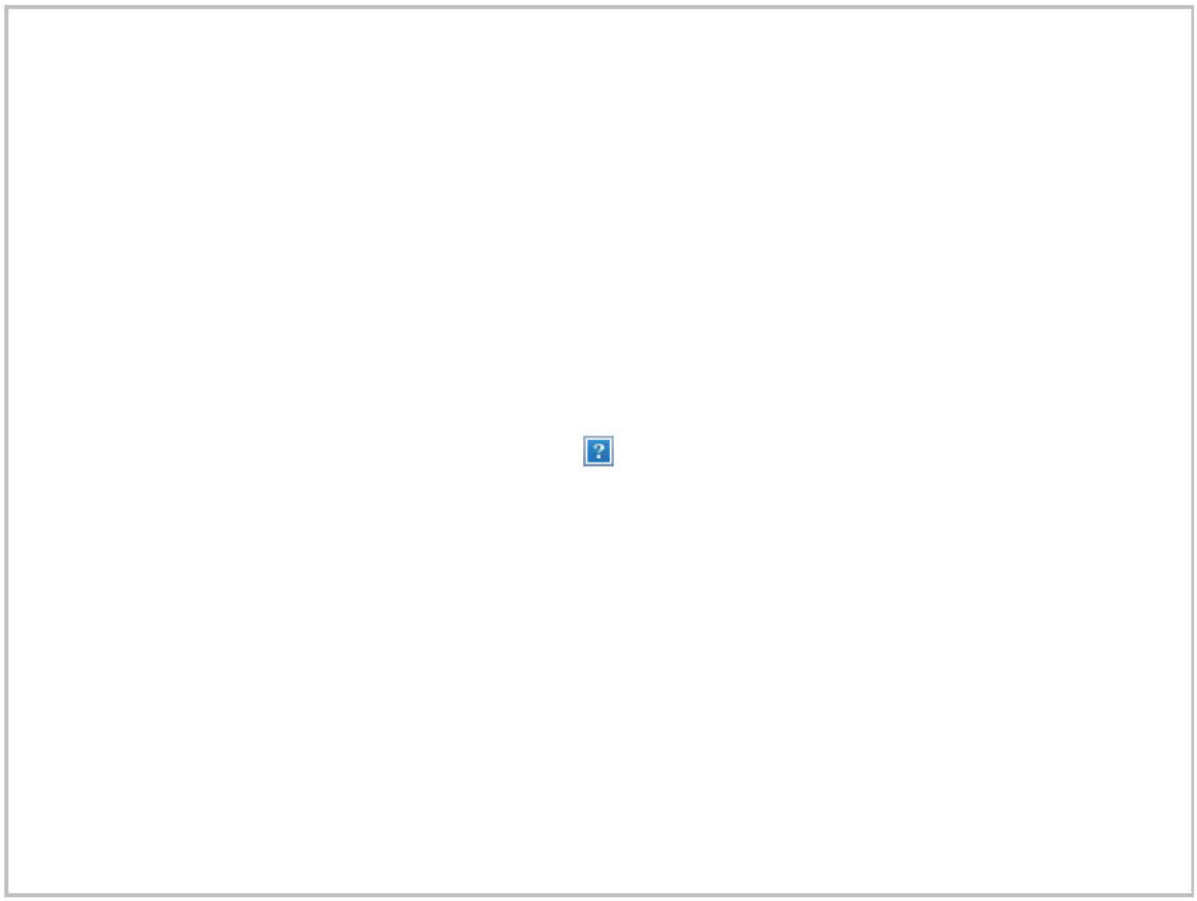
As expected this was the outcome later in the day and evening shown in the photo's I have had a number of complaints regarding the loss of trade for the other units as people were walking part of the way along Beacon Quay and turning away. The van shown was parked in two of the scout's dinghy park spaces. I have been informed that Kev Shadbolt gave a donation to the Scouts to use the spaces. I had a conversation with Kev a few weeks ago regarding the van and events and let him know that our primary function is the launching and recovery of boats. We are not an event centre and the quayside is not a beer garden. I was told that this weekend had dozens of people outside drinking, there have never been any plastic glasses as recommended previously and the music was blaring. For the number of customers should there be some security in place? I understand other bars along Victoria Parade had less customers but a security presence.

I was also told there was a silver Audi allegedly dealing drugs with Below Decks customers in the loading bay. If I can get a reg number I'll pass it to you. I'll also see if this has been captured by the Hookz CCTV.

Obviously I understand the idea that they make their profits when the weather is fine but this cant be at the cost of the other tenants.


[208] C208 BQ Top Level
[1]
18:22:09.96 Paused
TOLCHARDS
Welcome
30-03-2024 18:22:09
100%


[208] C208 BQ Top Level
[1
18:50:06.00 Paused
TOLCHARDS
TOLCHARDS
Welcome
30-03-2024 18:50:05
100%



Best regards



[redacted] Torquay Harbour
Harbour Masters Office, Beacon Quay, Torquay TQ1 2BG
[redacted]

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From: [redacted]@devonandcornwall.pnn.police.uk>
Sent: Tuesday, April 2, 2024 9:45 AM
To: Smart, Julie <Julie.Smart@torbay.gov.uk>
Cc: [redacted]@devonandcornwall.pnn.police.uk>; [redacted]@torbay.gov.uk>
Subject: Below Decks

Morning Julie,

[redacted] mentioned in the partners meeting this morning that Below Decks have purchased a van that they are selling alcohol out of. They've parked it in the vicinity of the premise, a little further along from the

entrance (I'm unsure of the exact positioning). [redacted] massively happy with it being there and asked about the licensing requirements around it.

I'm unsure of the details of their pavement licence (as in how far out they can go) and can't access the plans to see what areas are licensed so wondered if you would be able to check this out please? My assumption is that it would need a TEN to operate as they want too, but thought best to double check with yourself.

Many thanks,

[redacted]
Licensing Officer (Torbay) [redacted]
Alcohol Licensing Dept
Devon, Cornwall and Isles of Scilly
[redacted]

[redacted]

[redacted]

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TORBAY COUNCIL

Please reply to: Julie Smart Licensing Officer
Community Services
Torbay Council
Town Hall
Torquay TQ1 3DR
My ref:
Your ref: SRU 279727
Telephone: [redacted]
E-mail: julie.smart@torbay.gov.uk
Website: www.torbay.gov.uk

Bold Ayres Ltd
2 Bridge Farm Offices
Harberton
Totnes
Devon
TQ9 7PP

Date: 17/04/2024

Dear Sir/Madam

Licensing Act 2003 – Section 136 (1): Unauthorised Licensable Activities
Below Decks, 3-4 Beacon Quay, Torquay, Devon, TQ1 2BG

We have received a complaint and have been sent images in relation to a van selling alcohol on the harbourside on 30 March 2024.

At a meeting at your premises on Wednesday 10 April 2024 you indicated that you were responsible for placing this van on the harbourside and selling alcohol from it. You stated that you had done this due to a large queue forming at the internal bar at Below Decks.

The sale by retail of alcohol is a licensable activity and may only be carried out in accordance with an authorisation under the Licensing Act 2003. Therefore, a person cannot sell alcohol unless there is a premises licence or Temporary Event Notice in respect of the location at which a sale of alcohol is made in, on or from it.

I would like to take this opportunity to advise you that a person commits an offence if 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 he knowingly allows a licensable activity to be so carried on.

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

I have discussed this matter with Mrs Rachael Hind, Regulatory Services Manager, and, on this occasion, it has been decided that no further action will be taken. However, if you are responsible for any further unauthorised sales of alcohol, we shall consider a prosecution for any offences committed.

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

Yours faithfully



Julie Smart
Licensing Officer

Date submitted: 06 July 2024 22:39:50

Making a complaint about noise

Are you a housing association tenant?	No
Do you know the address where the noise is coming from?	Yes
I confirm you have read this and wish to continue with my complaint	1
Have you spoken to the person making the noise, about the problem?	Yes
Give details of your conversations including dates and times	Below Decks Becon Key Asked the Owner what time the music finishes 10.30 Music still playing past 10.30
Are you reporting persistent	Loud music
Have you already reported this to us?	No
The address where the noise is coming from	Below Decks Becon Key Torquay
Who is causing the noise?	Every Saturday night DJ or Live music
Please give as much information as possible about the noise and how it is affecting you?	We are on the town dock in Torquay every week the music Below Decks is so so loud you can't Herat yourself speak please can you send a person to monitor the level.
First name:	[redacted]
Surname:	[redacted]
Address:	[redacted] BLENHEIM CLOSE NEWTON ABBOT TQ12 1QR [redacted]
Email address:	[redacted]
Telephone number:	[redacted]

[redacted]

From: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Sent: Monday, August 5, 2024 2:40 PM
To: [redacted]@torbay.gov.uk>; [redacted]@devonandcornwall.pnn.police.uk>; Smart, Julie <Julie.Smart@torbay.gov.uk>; [redacted]@devonandcornwall.pnn.police.uk>
Cc: [redacted]@torbay.gov.uk>
Subject: RE: Below Decks

Hi

Julie and I have discussed this. Julie has also witnessed in person on Saturday 27 July in the evening that they were issuing plastic glasses to anyone who couldn't give a table number which was following their policy.

The premises is able to serve alcohol for off sales, therefore we cannot stop the people drinking outside. From the images, there doesn't appear to be any crime and disorder issues, so unfortunately we cannot require any further measures such as a door supervisor. I would therefore recommend you review your own lease agreement if you wish to restrict them to sales where all customers must be seated within their designated areas.

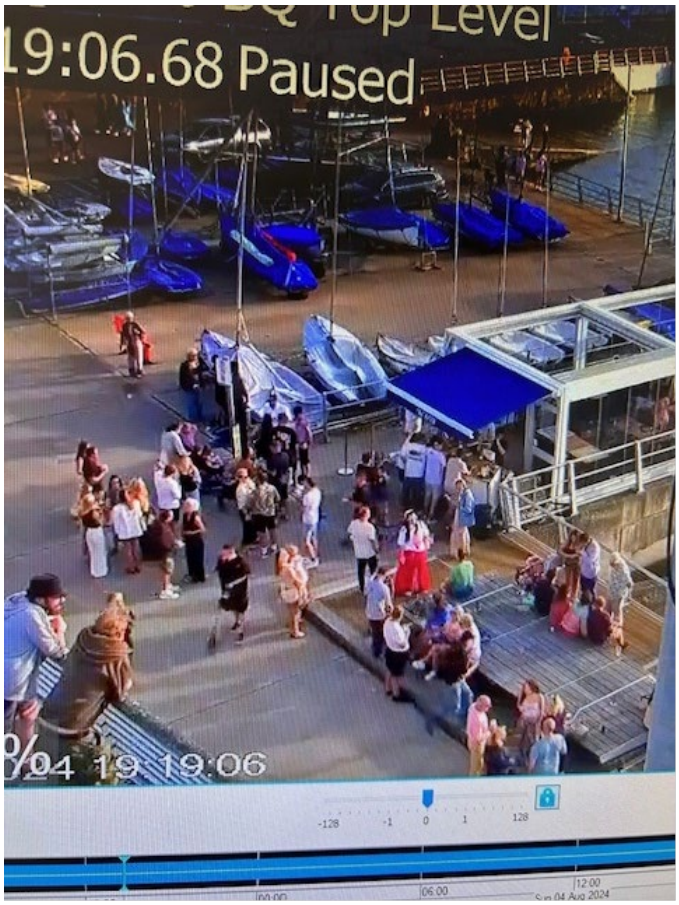
Happy to discuss this further,

Kind Regards, Rachael

From: [redacted]@torbay.gov.uk>
Sent: Monday, August 5, 2024 2:02 PM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>; [redacted]<[redacted]@devonandcornwall.pnn.police.uk>; Smart, Julie <Julie.Smart@torbay.gov.uk>; [redacted]@devonandcornwall.pnn.police.uk>
Cc: [redacted]@torbay.gov.uk>
Subject: RE: Below Decks

Hi Rachael.

The times are at the bottom of each image and as you can see it goes from 19:19 through to almost 22:30. Footage shows Swisco waste collection vehicles driving through and our customers who have recovered their boats also driving through their customers. I have looked for people walking across the bridge with glasses but no joy. That report came from another neighbouring tenant who wishes to remain anonymous.


Top Level
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04 19:19:06
-128
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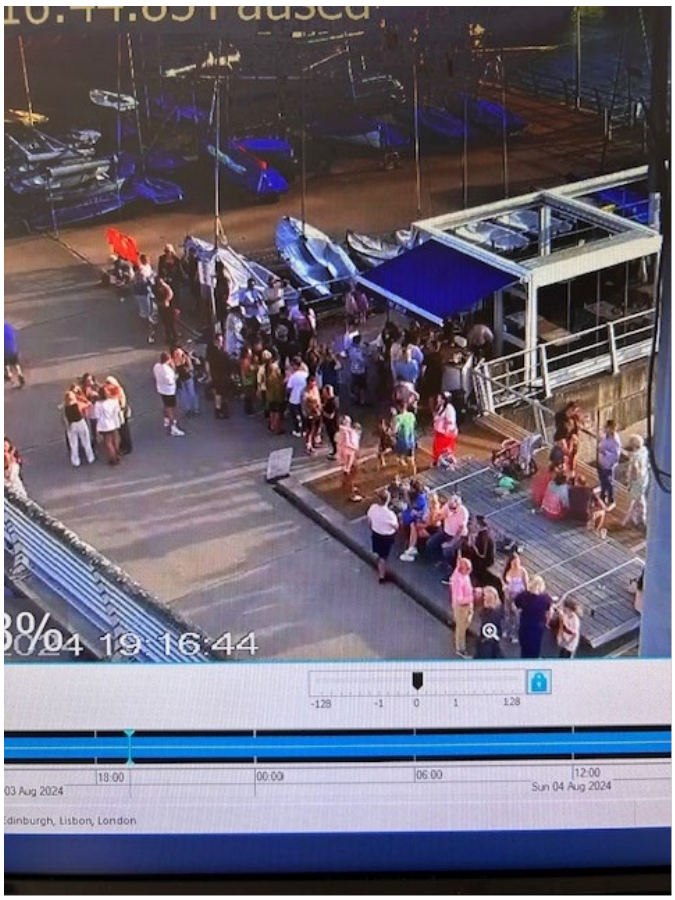
1
128
06:00
12:00
Sun 04 Aug 2024


04 19:16:44
-128
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18:00
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06:00
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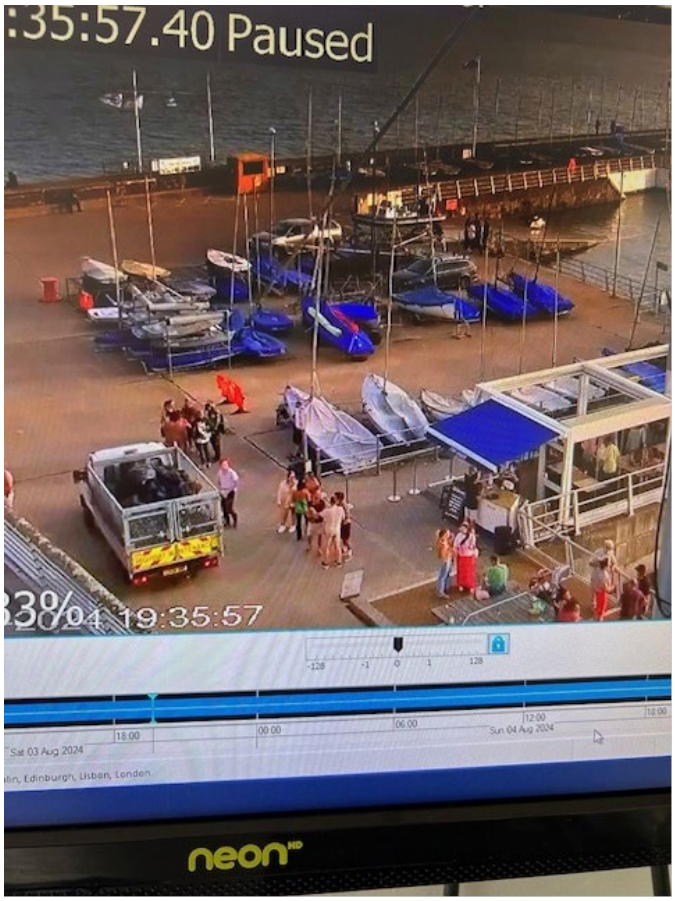
03 Aug 2024
Sun 04 Aug 2024
dinburgh, Lisbon, London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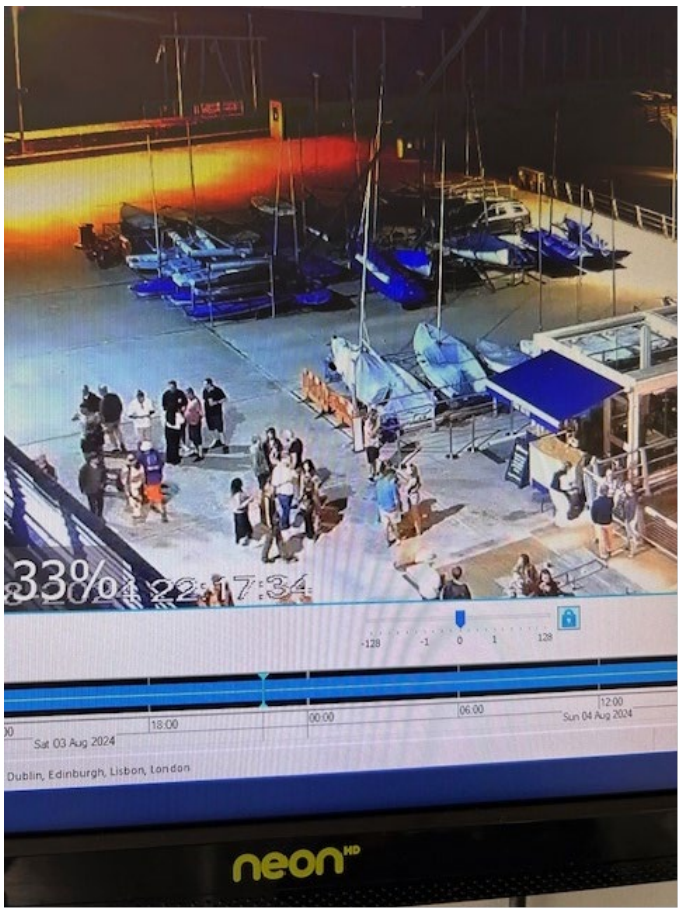
33/04 19:35:57
Sat 03 Aug 2024
Sun 04 Aug 2024
neon


33/04 22:17:34
Sat 03 Aug 2024
Sun 04 Aug 2024
Dublin, Edinburgh, Lisbon, London
neon

Best regards

[redacted] Torquay Harbour
Harbour Masters Office, Beacon Quay, Torquay TQ1 2BG
[redacted]

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From: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Sent: Monday, August 5, 2024 1:34 PM
To: [redacted]@torbay.gov.uk>; [redacted]@devonandcornwall.pnn.police.uk>; Smart, Julie <Julie.Smart@torbay.gov.uk>; [redacted]@devonandcornwall.pnn.police.uk>
Cc: [redacted]@torbay.gov.uk>
Subject: RE: Below Decks

Thanks [redacted]

Please could you send us a copy of the CCTV or some images to review. I don't think we have had any noise complaints and assume they are hosting the music in their outside area so wouldn't have required a TEN.

The licensing conditions are a little vague and says each event should be risk assessed so I will ask Julie to review this with [redacted]

Many thanks, Rachael

From: [redacted]@torbay.gov.uk>
Sent: Monday, August 5, 2024 11:39 AM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>; [redacted]@devonandcornwall.pnn.police.uk>; Smart, Julie <Julie.Smart@torbay.gov.uk>; [redacted]@devonandcornwall.pnn.police.uk>
Cc: [redacted]@torbay.gov.uk>
Subject: Below Decks

Good morning all.

I have received a few more complaints regarding the quayside area surrounding Below Decks. On Saturday 3rd August they hosted a music event there which looking at the CCTV footage from Camera 208 from 19:19 and onwards shows about twenty people walking around in the road whilst drinking and also sat on the benches of the Beacon Quay Decking. I have been informed the business have purchased some plastic glasses but there are still glass ones out on the quayside. The complainant said that a group of four people purchased drinks from the bar and walked off the quay and were seen crossing the

bridge while drinking.

The staff appear to have no control or even show any attempt to control their customers and as a result the road area is filled with people drinking. The footage also shows vehicles driving through the crowd of people as they go to and from the slipway. Obviously this is not acceptable and is likely to exceed any risk assessment they have for their work area or events.

We have met with Julie and Kevin Shadbolt previously and discussed the issues we have, but other than the purchase of plastic drinking vessels nothing else seems to have changed. We suggested that security would be a quick resolution to the issue but this has not been arranged.

Could you please look into this from a licencing aspect.

I will raise it tomorrow in the Police and Partners meeting.

See you then.

Best regards

[redacted] | Torquay Harbour
Harbour Masters Office, Beacon Quay, Torquay TQ1 2BG
[redacted]

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Date submitted: 11 August 2024 17:59:24

Making a complaint about noise

Are you a housing association tenant?	No
Do you know the address where the noise is coming from?	Yes
I confirm you have read this and wish to continue with my complaint	1
Have you spoken to the person making the noise, about the problem?	No
Are you reporting persistent	Loud music
Have you already reported this to us?	No
The address where the noise is coming from	Below Decks, Torbay Harbour
Who is causing the noise?	Music
Please give as much information as possible about the noise and how it is affecting you?	I live in Livermead and the music is so loud I can hear it at my property and even here it is loud enough to be disturbing.
First name:	[redacted]
Surname:	[redacted]
Address:	[redacted] BARNFIELD ROAD TORQUAY TQ2 6TN [redacted]
Email address:	[redacted]
Telephone number:	[redacted]

Date submitted: 25 August 2024 16:04:19

Making a complaint about noise

Are you a housing association tenant?	No
Do you know the address where the noise is coming from?	Yes
I confirm you have read this and wish to continue with my complaint	1
Have you spoken to the person making the noise, about the problem?	Yes
Give details of your conversations including dates and times	No response whatsoever
Are you reporting persistent	Loud music
Have you already reported this to us?	No
The address where the noise is coming from	Below decks cafe bar
Who is causing the noise?	As above
Please give as much information as possible about the noise and how it is affecting you?	It is now Sunday afternoon at 3:00 o'clock the continual heavy drumbeat is only surpassed by its music. I did not expect it to get loader as the week went on . Whilst it's correct that we should all have the opportunity to enjoy the bay it seems that this establishment does not concern itself with other peoples requirements. Can you explain how a cafe can extend to an all day drinking establishment !,
First name:	[redacted]
Surname:	[redacted]
Address:	[redacted] PARKHILL ROAD TORQUAY TQ1 2DD
Email address:	[redacted]
Telephone number:	[redacted]

From: Smart, Julie
To: [redacted]
Subject: RE: Just some intel
Date: 17 April 2025 09:03:00
Attachments: image001.png

Good morning [redacted]

I'm good thanks, hope you are too.

[redacted]

We have had concerns about noise from Below Decks for a couple of years, though we don't seem to be getting any complaints from residents in the area as they direct the speakers so the noise travels out over the harbour away from the residents behind them. Without any complaints from residents we are limited in what action we can take, but I will have discuss this matter with our noise specialist so he is aware, and it will be recorded for future reference.

Thanks
Julie

From: [redacted]@swisco.co.uk>
Sent: 17 April 2025 08:49
To: Smart, Julie <Julie.Smart@torbay.gov.uk>
Subject: Just some intel

Good morning Julie.

I was walking along Torquay seafront from the rugby club towards the harbour last night just after 2000hrs.
When we got to the Princes Theatre we could clearly hear live music, we thought it was coming from a boat or the speakers they use during the Christmas light event. It was only when we got to the footbridge over the harbour we realised it was from Below Decks.

I'm not one to usually complain, but my god it was loud, you could hear it around the harbour as well.

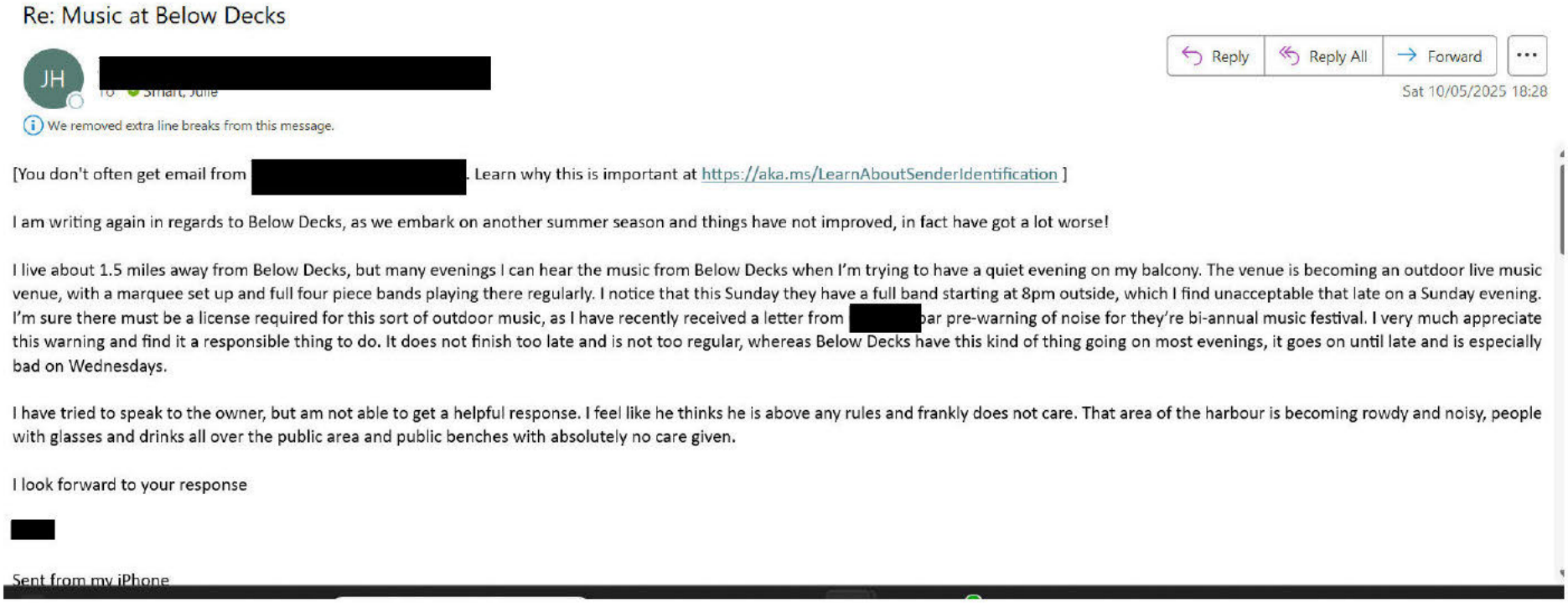
[redacted]

Many thanks.

Date submitted: 03 May 2025 20:56:47

Making a complaint about noise

Are you a housing association tenant?	No
Do you know the address where the noise is coming from?	Yes
I confirm you have read this and wish to continue with my complaint	1
Have you spoken to the person making the noise, about the problem?	No
Are you reporting persistent	Loud music
Have you already reported this to us?	No
The address where the noise is coming from	Below decks cafe/restaurant, Torquay harbour
Who is causing the noise?	Below Decks
Please give as much information as possible about the noise and how it is affecting you?	Loud music non-stop today from 3 pm (it is now 9pm and no let-up). We of course accept music generally around the harbour as it is part and parcel in such an area but this is just incessant repetitive loud drumming enough to give me a migraine and no relief when the migraine passes as it is non-stop. This is just the first May Bank Holiday. It is obviously only going to get worse as the summer comes unless the owner is told to stop.
First name:	[redacted]
Surname:	[redacted]
Address:	[redacted] PARKHILL ROAD TORQUAY TQ1 2DD
Email address:	[redacted]
Telephone number:	[redacted]



Re: Music at Below Decks

JH [redacted]

To: Smart, Julie

Reply | Reply All | Forward | ...

Sat 10/05/2025 18:28

We removed extra line breaks from this message.

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

I am writing again in regards to Below Decks, as we embark on another summer season and things have not improved, in fact have got a lot worse!

I live about 1.5 miles away from Below Decks, but many evenings I can hear the music from Below Decks when I'm trying to have a quiet evening on my balcony. The venue is becoming an outdoor live music venue, with a marquee set up and full four piece bands playing there regularly. I notice that this Sunday they have a full band starting at 8pm outside, which I find unacceptable that late on a Sunday evening. I'm sure there must be a license required for this sort of outdoor music, as I have recently received a letter from [redacted]ar pre-warning of noise for they're bi-annual music festival. I very much appreciate this warning and find it a responsible thing to do. It does not finish too late and is not too regular, whereas Below Decks have this kind of thing going on most evenings, it goes on until late and is especially bad on Wednesdays.

I have tried to speak to the owner, but am not able to get a helpful response. I feel like he thinks he is above any rules and frankly does not care. That area of the harbour is becoming rowdy and noisy, people with glasses and drinks all over the public area and public benches with absolutely no care given.

I look forward to your response

[redacted]

Sent from my iPhone

From: Hind, Rachael
To: Smart, Julie
Subject: FW: SHE Report
Date: 12 May 2025 12:19:19
Attachments: image001.jpg

Hi Julie

See below – worth having a chat with [redacted] as may be linked to the complaint you received re music if the event was generally unruly?

Rach

From: [redacted]@torbay.gov.uk>
Sent: 12 May 2025 12:13
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Subject: Fw: SHE Report

For info

[redacted]

Town Hall, Castle Circus, Torquay TQ1 3DR
[redacted]
www.torbay.gov.uk
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From: [redacted]@torbay.gov.uk>
Sent: Monday, May 12, 2025 11:51:27 AM
To: [redacted]@torbay.gov.uk>
Subject: SHE Report

Hi [redacted]

Hope this finds you well.

I have submitted a SHE report this morning following an incident last night on Beacon Quay where a large crowd of Below Decks customers were drinking and partying on the quayside and a young female was being pushed at speed along the quay. She went into the crowd and knocked an elderly gentleman over. At the time of submitting the form I did not have the gent's name but have just seen him on the quayside and have his details and added them to SHE with a note in the injuries stating he has a fractured skull. I have a video on my desktop. It's an MP4 of the incident but it's too big to send and Teams wont support it. Any Ideas on saving the video somewhere or attaching it to the incident?

Best regards

[redacted] | Torquay Harbour
Harbour Masters Office, Beacon Quay, Torquay TQ1 2BG
[redacted]

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Date submitted: 17 May 2025 19:30:56

Making a complaint about noise

Are you a housing association tenant?	No
Do you know the address where the noise is coming from?	Yes
I confirm you have read this and wish to continue with my complaint	1
Have you spoken to the person making the noise, about the problem?	No
Are you reporting persistent	Noise from a pub or club
Have you already reported this to us?	No
The address where the noise is coming from	Below Decks, Torquay
Who is causing the noise?	DJ
Please give as much information as possible about the noise and how it is affecting you?	The DJ is outside on the quayside playing extremely loud dance music. This has been a frequent occurrence. It's impossible to escape the noise. Even with the windows and doors closed it is loud. There are approximately 40 revellers on Beacon Quay, drinking and dancing, with another 20 on the small outside deck dancing.
First name:	[redacted]
Surname:	[redacted]
Address:	[redacted] PARK ROAD TORQUAY TQ1 4QS [redacted]
Email address:	[redacted]
Telephone number:	[redacted]

From: Smart, Julie
To: Julie Shadbolt
Subject: Meeting on Tuesday 27 May 2025
Date: 29 May 2025 12:17:00
Attachments: image001.jpg

Good morning Julie & Kevin

I am emailing to outline our discussions at Below Decks on Tuesday 27 May 2025.

Prior to meeting with you, Tom West and I viewed CCTV footage of an incident that occurred outside Below Decks during the evening of 11 May 2025. This incident involved a female customer on a skateboard who was pushed towards a group of your customers by a male. The female was travelling at speed, and narrowly avoided a group of customers, but collided with another male customer, who fell to the floor and sustained a fractured skull. The CCTV footage showed that at the time of this incident several groups of your customers were standing, drinking and dancing in the road. Within the footage we viewed, your staff were not seen making any attempt to keep the road clear.

Condition 6 under Annexe 2, The Protection of Public Nuisance, on your premises licence states:

"Staff will regularly monitor all outside areas and ensure that customers do not loiter in the road or prevent vehicle access to the harbour areas."

We also discussed information received that suggests a Coastguard vehicle recently had difficulty getting through customers stood in the road outside your premises, however you disputed this.

During our discussions about the incident, Kevin indicated that neither of you were present at the premises at the time of this incident, and that as a result no noise monitoring had taken place.

Condition 3 under Annexe 2, The Protection of Public Nuisance, on your premises licence states:

"While live or recorded music takes place regular monitoring of noise levels at the nearest noise-sensitive locations shall take place. A record shall be kept of any monitoring, including:

- the date, time and location of the monitoring
- the name of the person monitoring
- any action taken

Records shall be kept for at least 6 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority."

The Licensing Act 2003 requires you to comply with all conditions within the premises

licence when licensable activities are taking place. It is an offence under Section 136 of the Licensing Act 2003 to carry out licensable activities not in accordance with the premises licence, and a person convicted of such an offence is liable on summary conviction to a term of imprisonment not exceeding 6 months, an unlimited fine, or to both. On this occasion, no further action is to be taken in respect of the above breaches of conditions, but you must ensure they are complied with in the future.

It was further noted that Condition 2 under Annexe 2, The Prevention of Public Nuisance states:

"The Premises Licence Holder or Designated Premises Supervisor shall be available at all times during regulated entertainment and be responsible for cooperating and liaising with any responsible authority."

This condition is open to interpretation as to whether the "Premises Licence Holder or Designated Premises Supervisor being available at all times" means that they have to be physically present at the premises or at the end of the phone. I therefore recommend that you apply for a minor variation to amend this condition, and would ask you to consider the below:

"On occasions when entertainment is provided at the premises, the Premises Licence Holder or DPS shall nominate a designated member of staff to monitor customers outside to ensure the road is kept clear and to monitor and record noise levels, in accordance with the requirements of the licence."

If the above condition is acceptable to you, please submit a minor variation. The form and further information can be found here: Minor variation - Torbay Council

If you do not agree with the above suggested condition, please give the matter some consideration and respond advising me of a suitable alternative.

In respect of 3 noise complaints that Tom has received, he indicated that one complaint was from a person who has a boat moored close by, and the other two are from residents who live 1½ and 3 miles away from the premises. Tom indicated that as none of the complainants reside in the vicinity of Below Decks, the veracity of these complaints cannot be determined. Wind direction and the impact this has on carrying noise away from your premises was discussed. Tom recommended that you continue monitoring and recording noise levels as required by your premises licence, and that you determine the wind direction and direct speakers so as to avoid noise being carried in the direction of residential premises.

Should you wish to discuss the above, please do not hesitate to contact me.

Kind regards

Julie

From: Smart, Julie
To: Julie Shadbolt
Subject: FW: Meeting on Tuesday 27 May 2025
Date: 26 June 2025 14:03:00
Attachments: image001.jpg

Hi Julie & Kevin

I received an email from you whilst I was on leave requesting an update following our meeting at the premises.

As you will see below, following our meeting on 27 May 2025 I emailed you outlining our discussions. I also recommended that you apply for a minor variation to replace the condition on the licence about the premises licence holder or DPS being available during entertainment, and proposed an alternative for you to consider.

To date I have not received a response to my email and no minor variation application has been received.

If you are satisfied with the proposed condition. Please apply for a minor variation: Minor variation - Torbay Council

If you do not apply for a variation to replace the existing condition on the licence, you must comply with it, ie the premises licence holder or DPS must be available whenever entertainment is provided, either at the premises or by telephone.

If I can be of any further assistance, please do not hesitate to contact me.

Kind regards

Julie

From: Smart, Julie
Sent: 29 May 2025 12:17
To: Julie Shadbolt [redacted]
Subject: Meeting on Tuesday 27 May 2025

Good morning Julie & Kevin

I am emailing to outline our discussions at Below Decks on Tuesday 27 May 2025.

Prior to meeting with you, Tom West and I viewed CCTV footage of an incident that occurred outside Below Decks during the evening of 11 May 2025. This incident involved a female customer on a skateboard who was pushed towards a group of your customers by a male. The female was travelling at speed, and narrowly avoided a group of customers, but collided with another male customer, who fell to the floor and sustained a fractured

skull. The CCTV footage showed that at the time of this incident several groups of your customers were standing, drinking and dancing in the road. Within the footage we viewed, your staff were not seen making any attempt to keep the road clear.

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- the date, time and location of the monitoring
- the name of the person monitoring
- any action taken

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The Licensing Act 2003 requires you to comply with all conditions within the premises licence when licensable activities are taking place. It is an offence under Section 136 of the Licensing Act 2003 to carry out licensable activities not in accordance with the premises licence, and a person convicted of such an offence is liable on summary conviction to a term of imprisonment not exceeding 6 months, an unlimited fine, or to both. On this occasion, no further action is to be taken in respect of the above breaches of conditions, but you must ensure they are complied with in the future.

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Should you wish to discuss the above, please do not hesitate to contact me.

Kind regards

Julie

Julie Smart | Licensing Officer | Licensing and Public Protection Team
Torbay Council, Community & Customer Services, Lower Ground Floor, Town Hall, Torquay TQ1 3DR
☎ [redacted] | julie.smart@torbay.gov.uk

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From: [redacted]
To: Smart, Julie; Hind, Rachael; West, Thomas
Subject: FW: Antisocial behaviour noise nuisance last night Torquay harbour
Date: 28 July 2025 10:05:12
Attachments: image002.png
image003.jpg

Morning all.

Please see below the email received this morning. Also an attached photo from [redacted] It has been quiet for a few weeks but seems the warmer weather brings on the issues.
I think that if we are hearing that our customers are contemplating going elsewhere due to the noise something must be done.

I will respond to the complainant.

Best regards

[redacted] | Torquay Harbour
Harbour Masters Office, Beacon Quay, Torquay TQ1 2BG
[redacted]

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07:10 Sun 27 Jul
46%
FRONT
07-26-2025 Sat 20:01:39
FRONT

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From: [redacted]>
Sent: 27 July 2025 13:12
To: Harbour Authority <Harbour.Authority@torbay.gov.uk>
Subject: Antisocial behaviour noise nuisance last night Torquay harbour

> You don't often get email from [redacted]

Good afternoon

We were retrieving our boat on the outer harbour slip, adjacent to the Torquay Harbour Masters office yesterday evening. Around 7.30 - 8pm.

There was outside music being played at a ridiculous volume. We think the venue is called "The Deck". It was absolutely awful. Well beyond people simply enjoying themselves. It was obvious that they had no regard whatsoever for anyone else in the vicinity of the harbour and the surrounding homes and businesses. We had planned to have dinner at a nearby restaurant. However, we prepared our boat and left as soon as we could. Its enough to give you a headache. I feel so sorry for local residents or others who have to work close by, and cannot escape this.

The noise could be heard across the Harbour, and was most certainly a public nuisance. Before retiring, I was a member of the Institute of Acoustics, so I know something of these matters.

Such people have no regard for anyone else and I feel warnings will fall on deaf ears. I think Torbay Council should seriously consider revoking their music licence.

It will certainly make us think twice about returning. And speaking with other harbour users last night, they felt the same.

Please do something about it.

Yours sincerely,

[redacted]

Sent from my Galaxy

From: Hind, Rachael
To: Licensing
Cc: West, Thomas
Subject: RE: Noise Complaint re Below Decks
Date: 04 August 2025 11:44:23
Attachments: image001.png@01DC0535.1EBB28E0
15830794.pdf

[redacted]

Good afternoon Mr Thomas

I sent the email below to the Harbour Authority today. And only after did I realise that I had not copied you in.

I think you should be aware of the problem, if you're not already.

As a harbour user, I really hope something can be done about this.

Kind regards,

[redacted]

Good afternoon

We were retrieving our boat on the outer harbour slip, adjacent to the Torquay Harbour Masters office yesterday evening. Around 7.30 - 8pm.

There was outside music being played at a ridiculous volume. We think the venue is called "The Deck". It was absolutely awful. Well beyond people simply enjoying themselves. It was obvious that they had no regard whatsoever for anyone else in the vicinity of the harbour and the surrounding homes and businesses. We had planned to have dinner at a nearby restaurant. However, we prepared our boat and left as soon as we could. Its enough to give you a headache. I feel so sorry for local residents or others who have to work close by, and cannot escape this.

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Such people have no regard for anyone else and I feel warnings will fall on deaf ears. I think Torbay Council should seriously consider revoking their music licence.

It will certainly make us think twice about returning. And speaking with other harbour users last night, they felt the same.

From: Julie Shadbolt
To: Smart, Julie
Subject: Below Decks
Date: 22 August 2025 14:08:08

Hi Julie
Just wanted to touch base regarding [redacted]
Two emails sent but not reply but that's just letting you know
With regards to the Harbour I'm sure you have heard from [redacted] but I wanted to put my side off events .
I have put up three quite large signs saying no standing or dancing in the street .
This appears to have the same effect the harbour signs saying no skateboarding/cycling or scooters has .
It's almost a red rag to a bull and I've really struggled to get people to adhere to the rules a little bit off which is the fact that the tourists have finally arrived .
In order to counter act this myself and [redacted] positioned ourselfs at the entrance end outside birchells and a response vehicle arrived and we dispersed the crowd immediately so they were not delayed at all . Not perfect but at least it appeared to work
So with that in mind on Wednesday I had what I thought was a good idea . I set up a boundary using 5 foot off the road which is on line with the kerb outside Birchells .
The road widens by that much outside our premises so it would not interfere with any vehicle gaining access .
It worked really well I was able to tell people this was where to dance effectively without causing a nuisance
However [redacted] has basically gone mad and said that they were in the road and he would charge me £52 per meter for using his road .
In a funny sort off way I wouldn't object to paying if it was to stop this feud between us
I'm doing my best re all this but I'm running out off ideas to be honest
I know he is sound checking me and hell bent on getting me closed down but I feel that it's time to retaliate so the gloves are off so too speak
Anyway just wanted to keep you advised off what's going on and wish you a happy bank holiday
Kind Regards
Kevin
Sent from my iPhone

From: Licensing
To: julieshadbolt[redacted]
Subject: Make a Complaint/ Enquiry - Below Decks (ref: 16311321)
Date: 22 August 2025 15:58:39

Dear Kevin & Julie Shadbolt
Case 16311321
RE: Below Decks, 4 Beacon Quay Torquay Torbay, Torquay, TQ1 2BG
Thank you for your email.
In respect of your emails to [redacted] I cannot give you any advice about this, other than to keep trying.
I haven't heard from [redacted] for some time so do not know anything about the issues you refer to in your email, other than your comments.

In respect of your comment that you have struggled to keep the road clear, so you and [redacted] placed yourselves near Birchalls and dispersed the crowd when a response vehicle needed access, I would remind you of the below condition on your Premises Licence:

"On occasions when entertainment is provided at the premises, the Premises Licence Holder or DPS shall nominate a designated member of staff to monitor customers outside to ensure the road is kept clear and to monitor and record noise levels, in accordance with the requirements of the licence".

You will note the condition says that staff must monitor customers outside to "ensure the road is kept clear". Therefore you cannot allow people to stand in the road and move them if a vehicle needs access, nor can you allow any customers to stand on any part of the road, even if an area is cordoned off.

I would take this opportunity to remind you that failure to comply with the conditions of a premises licence constitutes an offence under Section 136 of the Licensing Act 2003, and a person found guilty of such an offence on summary conviction is liable to an unlimited fine, up to 6 months imprisonment, or to both.

From your email and previous complaints we have received, it appears that your music nights are attracting a larger audience than can be accommodated in your premises and your outside area. You may wish to consider ways that you can restrict the number of people attending events that attract large numbers, perhaps by introducing ticket only events or on a first-come-first-serve basis, whereby once your licensed areas are at capacity, no further customers are served drinks and are asked to leave the immediate area.

As Premise Licence Holders it is your responsibility to ensure you have sufficient measures in place to make sure the road is kept clear in accordance with the condition on the licence.

Should further evidence of any breaches of conditions or complaints about customers standing in the road be received, we shall consider applying for a Review of your licence, but I hope that this will not be necessary.

Regards

Julie Smart

From: [redacted]
To: West, Thomas; Smart, Julie
Cc: [redacted]
Subject: FW: Noise & General Chaos
Date: 27 April 2026 10:33:38
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image006.png
image007.png
image008.jpg

Good morning Julie/ Tom.
The season has just started and we have received our second complaint regarding Below Decks. The first I witnessed a couple of weeks ago when we had a very still evening weather wise and the Below Decks Wednesday band night was heard from Preston sands across the bay by myself. One of our visiting yachts was in the office on the Thursday morning to complain about the noise.
Tom would you be able to advise on the noise level element of this issue please. Mr Shadbolt has previously told me that his noise levels are not excessive but I beg to differ. Is there any ruling on the latest installation of the illuminated signs on the outside seating area? They appear to be conflicting with CCTV images from [redacted] system as noted in [redacted] email below. Is planning permission required for this? From a maritime element they face along the quayside so do not impede any navigation lights. However if planning is required for illuminated signs I would oppose any application. I will be speaking with my team to ensure they pay attention to the parking and pedestrian aspect of the quayside.
It certainly seems that the lack of control of one element of the harbour businesses is having an effect on the remaining ones.
[redacted]

Best regards

[redacted] | Torquay Harbour
Harbour Masters Office, Beacon Quay, Torquay TQ1 2BG
[redacted]
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From: [redacted]
Sent: 25 April 2026 16:26
To: Burns, Nick
Subject: Noise & General Chaos
Good Afternoon [redacted]
It is only April and things on the quayside for business have quickly become intolerable, something needs to be done before it damages our business permanently. The non hospitality businesses on the quayside have no chance when the, apparently, completely unregulated hospitality business has music playing so loudly that people, potential customers, are turning around and walking back off the quayside, and there customers are parking wherever the want too, on the quay and in the private carpark. They are then

drinking all over the quayside, sitting on benches well outside the licensed areas and generally making Beacon Quay look like an Ibiza Beach Club!

The music commenced at 14:00 and is alternating between recorded music and bands, the band is virtually blocking the pedestrian walkway and totally preventing walkway access to the end unit. There is no security on site and little or no management of the customers drinking all over the harbourside. I have just witnessed a group of 4 people, with fresh pints walk over the road and onto the town dock, down onto a boat. We have not seen a customer since the music started and the only people coming onto the quay are people who look like they are dressed for a night out ready for dancing and drinking on Beacon Quay.

I think if the Council want the quay to become a dance and drink venue then they should tell the other tenants to that we can look at our future plans. From our businesses point of view unless the situation improves we will be thinking long and hard about whether it is worth continuing to invest in Torquay or we should look elsewhere. There seems to be no backup on the quayside from Licencing, Planning or Estates and everything is left to a frankly inexperienced, quayside harbour team who are powerless and have no backup.

How can free parking be acceptable when others pay an inflated price for the same carpark, a carpark which appears can be used to permanently create additional refrigerated storage anywhere you feel fit.

How can a single business be able to erect illuminated signage without consent, illumination which at night blinds one of the only CCTV cameras on the quay that has helped the Police when crimes occur.

How can the same business have unlimited licensed tables and chairs and no management of customers whatso ever drinking and dancing all over the quayside.

Until now none of the other tenants have wanted to make a stand, basically because, as the ones who follow the rules, we all fear that the Council will retaliate against us because we are easier to control / manage than the totally unmanageable tenant that they have allowed to go unchecked. That element of fear is very rapidly evaporating and soon we will have no choice, and in order to protect our businesses, we will need to start making loud noises ourselves to force the Council into action.

Beacon Quay used to be an effectively managed and controlled area in which to run a business, now it is quiet frankly a joke and it seems none of the Council departments that have the opportunity to exert control are willing to do so to support and backup the small on site team.

If this situation does not get resolved soon it will only become increasingly uncontrollable and at some point someone will be seriously injured.

I am happy to communicate this to anyone in the Council you feel might be in a position to help. I would also suggest it be added to the next Liaison Meeting agenda so the views of other stakeholders can also be gathered.

Best regards

[redacted]

Licensing and Trading Standards Customer Contact Web Form

Field	Value
Enquiry type	Alcohol and Entertainment Licences
Customer's enquiry	How is it that [redacted]n Paignto cannot play live music because of complaints but nothing is ever done about Below Decks ?? I am sure you have had complaints about this premises that seems to hold a festival every sunny weekend. Shouldn't all customers drinking be sat down do they know their license ? You can hear the music up in St Lukes Road surely not right ?
Title	Mr
Contact Forename	[redacted]
Contact Surname	[redacted]
Contact Phone	
Customer Address	[redacted] ST LUKES ROAD SOUTH TORQUAY
Post Code	[redacted]
Email	
Notes	-

From: [redacted]
To: Smart, Julie
Subject: Re: Music at Below Decks
Date: 20 June 2026 18:33:33
Attachments: image1.jpeg
image2.jpeg
Video.mov

Hello

This is now an annual email, as every year things get worse and worse and Torbay Council take no action against the obvious flouting of licensing laws by Below Decks. I have visited this afternoon and they have a music festival going on, but this seems to be a daily and weekly occurrence, not just a one off!

There are people all over the public benches with drinks purchased from Below Decks and in glass and bottles, not plastic! They cannot say that these were purchased elsewhere, as I witnessed people bringing them out of the premises and also purchasing in [redacted] because the queue was too long in Below Decks.

It makes me feel uncomfortable using this public area, as I have to make my way through drunk men and women and very loud music. It is now a no go for families and children. People are again sitting all over the boats with glass, which is unacceptable for other people of dog owners wishing to use the area.

Please, please take some action. Come down and witness the chaos when it is happening instead of just talking to the owner and believing what he says. Other premises in Torbay have had their licences revoked for much less and this is not fair on other businesses who play by the rules! A little cardboard sign asking people to use a plastic cup is not enough!

I really hope this year is the year we get our harbour and pier
back!

Thank you
[redacted]

[redacted]


THE DECK

From: [redacted]
To: Smart, Julie; [redacted]
Cc: [redacted]
Subject: Below Decks
Date: 22 June 2026 12:29:11
Attachments: scan_stms029_2026-06-22-09-10-33.pdf
Video.mov
image001.jpg
Importance: High

Good afternoon all.

Once again I have been receiving complaints regarding the operations of Below Decks, Beacon Quay on the Torquay Harbourside.

I received a video form one of the neighbouring tenant [redacted] showing a vehicle attempting to manoeuvre through the crowds of customers who once again had spilled out onto the roadway or are sat at tables in the road seen as the vehicle departs. The video is attached for you.

One of my team members went into Below Decks at 18:15 on Saturday 20th June to ask the staff to manage their customers as it was critically unsafe in the current situation. The attached video was taken at 19:36 and as can be seen no actions had been taken.

My weekend staff have received over 30 complaints on Saturday about the noise and lack of access to the slipway. Five of our customers who were here to launch vessels and jet ski's turned away.

My team have repeatedly asked for the roadway to be cleared and not once have the staff of this establishment attempted to clear the road of tables chairs and standing customers. At the time of this request the owners of the establishment were not available.

A temporary bar has frequently be set up outside the seating area on the edge of the road and drinks have been sold from there. Their customers are sitting on the benches along Beacon Quay drinking and leaving glasses on the benches and decking. This is hindering the flow of passengers queuing for ferries from Torquay and as you may be aware is a part of a no alcohol zone extension from the town centre.

I have just been visited by [redacted] who has also raised a complaint regarding Saturday's crowds. As the bar and toilets were full in Below Decks their customers were using the facilities in the [redacted] and purchasing drinks, taking them out to return to Below Decks. When being informed that they were not permitted to take glasses onto the quayside they became abusive to the [redacted] staff and were using foul language to them in front of families with children. [redacted] has informed me that a quarter of her glasses were missing on the Sunday morning. She has said that her business was impacted when the Below Decks customers were shouting abuse at her staff. The queue waiting for tables to dine walked away following the scenes. She has also informed me that she had been made aware that one of these groups dropped a small bag of powder thought to be drugs on the floor in her bar which was fortunately recovered by her staff for disposal. She has indicated that there is a drug abuse problem in the Below Decks premises. Wednesday and Saturday evenings are when Below Decks have music events on [redacted] has said it is pointless her having time off during theses days as the nose emanating from their events can be heard from her on site accommodation. Half of her restaurant was said to be "thumping" from their music.

Neighbouring business [redacted] has also complained about the noise and crowds obstructing the quayside he has said this morning that he will be

emailing me with his complaint. I will of course forward this to you on receipt. He has said that it is impossible to have a conversation with customers over his counter without shouting as the volume of the music makes it impossible to work with. When Below decks have a music event on his numbers of customers diminishes to the point that it is not worth opening. He said the music can usually be heard from Livermead.
The lower level car park is being used to accommodate more vehicles then their allocated number of spaces and the rear of the premisses is a dumping ground for chairs, tables and disused equipment related to this business. The rear parking spaces outside of the business has a refrigerated trailer which is not permitted in their lease. I have asked for this to be removed but was told by Mr Shadbolt that he would not remove it.
As Harbour Master acting in a statutory capacity to maintain a safe running harbour in compliance with the Port Marine Facilities Safety Code I am being challenged by this operation as many aspects of their business are out of control and witnessed by the owner who seems unphased.
[redacted]
In the short term I suggest that some formal action is taken against this establishment to stop the damage to other businesses sharing the quayside area.
Could I please request your support for this.
Best regards

[redacted] | Torquay Harbour
Harbour Masters Office, Beacon Quay, Torquay TQ1 2BG
[redacted]
www.tor-bay.harbour.co.uk
Facebook | Twitter | Instagram

Delivering harbour, beach and marine services for Torbay Council.

From: [redacted]
To: [redacted]; Hind, Rachael; [redacted]; Smart, Julie; [redacted]
Cc:
Subject: FW: Below Decks, Beacon Quay
Date: 23 June 2026 09:49:32
Attachments: image001.jpg

Morning all.
Complaint email from [redacted] Below Decks below for your information.
Best regards

[redacted] Harbour Master | Torquay Harbour
Harbour Masters Office, Beacon Quay, Torquay TQ1 2BG
[redacted]
www.tor-bay.harbour.co.uk
Facebook | Twitter | Instagram
Delivering harbour, beach and marine services for Torbay Council.

From: [redacted]
Sent: 22 June 2026 17:54
To: [redacted]
Subject: Below Decks, Beacon Quay

> You don't often get email from [redacted]

Dear [redacted]
As a neighbour of Below Decks on Beacon Quay I would like to complain about how the licenced premises is being run during music events which are becoming a regular feature of Saturday afternoons.
The music event that was held on the 20th June was the worst that we have experienced. As from around 2pm the volume was so loud that it was very difficult to have conversations with our customers. The roadway and footpaths were blocked with groups of people standing and drinking. This affects footfall to our shop as customers don't want to push their way through the crowd, which in turn affects our income for the day. In fact with the whole area blocked by the crowd you can't even see our business from the start of the Quay. We have noticed over the last few events which start in the afternoon that our income is always down, which, when we are dependent on summer trade is very difficult to deal with especially after a difficult winter.
Customers have mentioned to us that they will not come down to Beacon Quay when live music events are on, which is not good for the other traders on the Quay, one customer has even mentioned that this Saturday the Quay was like an outside nightclub in the middle of the afternoon.
I feel that the Harbour used to be more family friendly for people to enjoy their boats and the surrounding area - this is not the case any longer. I really hope that Below Decks improves the way it is run, with people sitting down in designated areas like all the other businesses around the Harbour area, and that there are no more disturbances to the neighbouring businesses.

Nuisance Web Report

Field	Value
Type of nuisance	Other
Details (other)	Excessive noise nuisance
Do you know where the nuisance is coming from?	Yes
Name of the offender	Below Decks
Offender Address	BELOW DECKS UNIT 3 TO 4 BEACON QUAY TORQUAY
How often has the incident happened in the last 2 weeks?	More than 4 times
How long does each incident last?	More than 1 hour
To whom have you reported it already?	No-one
Please enter details	
What effect does this have on your life?	Some impact
Are there other people in your household affected in the following categories?	None
Details	I live approximately 1 mile away from Below Decks and I am regularly disrupted by the excessively loud music that comes from the premises. This is on a weekly basis, particularly over entire weekends. The noise is as such that when windows and doors are open at my property, the music is overbearing and I also cannot enjoy sitting outdoors. I struggle to hear my television for example or work at home due to the noise interference. Music can go on late into the night and I can even hear it when I am trying to sleep. In addition, I am a harbour customer and the noise is even more disruptive when I am on the marina, often finding it difficult to have low level conversations. Finally, when launching and recovering vessels on the harbour slip way, the huge crowds of people stood in the roadway approach drinking causes many hazards despite the obvious signs I have seen informing customers of the premises not to stand in the roadway.
What support do you have?	Friends/Family
Have you completed a diary of the problem?	No

Can you upload the diary now?	-1
Title	[redacted]
Contact Forename	[redacted]
Contact Surname	[redacted]
Contact Phone	
Customer Address	[redacted] GRAFTON ROAD TORQUAY
Post Code	[redacted]
Email	
Notes	

Applicant

Preferred pronoun	She/her
Title	Miss
First name	[redacted]
Middle name	[redacted]
Surname	[redacted]
Address	[redacted], Grafton Road
Town/City	Torquay
County	Torbay
Postcode	[redacted]
Country	United Kingdom
Preferred contact method	Email
Email address	[redacted]
Phone	
Mobile	
Date of birth	[redacted]
Tell us how we can help you best	
Do you need a different type of help/support?	
Agrees to be contacted for surveys and/or consultations	No

Enquiries & Complaints regarding Licensing

Complaint	
Type of Licencing 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

Enquiries & Complaints regarding Licensing

Name of address	
Address	Below Decks, Unit 3 To 4, Beacon Quay
Town or City	Torquay
County	Torbay
Postcode	TQ1 2BG
Please provide details	I recently submitted a nuisance complaint to the council regarding the noise omitted from Below Decks. I am now raising this complaint because the nuisance has escalated to a completely unacceptable level. I live 1 mile away from the premises and I am also a harbour user. I am frequently disrupted by loud music from the premises, to the extent that I cannot enjoy my outdoor space and I have to shut doors and windows in order to hear my TV. The noise is completely over bearing, happening every weekend and now every Wednesday due to live music ongoing. When I am on Torquay marina I cannot have a low level conversation with others due to the volume level of the music. The premises recently held a music festival and when trying to access the underground car park on the harbour at 10pm when the event was finishing, there were hundreds of people walking in the middle of the road next to the Harvester, obstructing my vehicle. I am told 500 people attended and this is evident from social media posts from the event. In addition I am constantly obstructed by people standing in the road between the premises and their glass extension when I am launching and recovering vessels, despite the visible signs that there is to be no standing in the roadway. I do not think that the premises license extends to the roadway, public benches and in front of the other neighbouring premises so I do not understand why Below Decks continue to get away with this. What was once a family friendly harbour area has now become an area for anti social behaviour, drug taking and fighting, all of which I have seen. I have video evidence of the noise from my property which I am willing to share.
Are you reporting a one off incident?	No
On which date did the incident	01/07/2026

Enquiries & Complaints regarding Licensing

occur?	
On which time did the incident occur?	19:00
Please tick to confirm you accept these conditions.	Yes

About this transaction

Customer reference	10549094
Status	Submitted on 01/07/2026 20:00
Contact method	Self service
Entered by	System
Request reference	20888183

From: [redacted]@torbay.gov.uk>
Sent: 07 August 2026 09:23
To: Smart, Julie <Julie.Smart@torbay.gov.uk>
Cc: [redacted]@torbay.gov.uk>
Subject: Below Decks

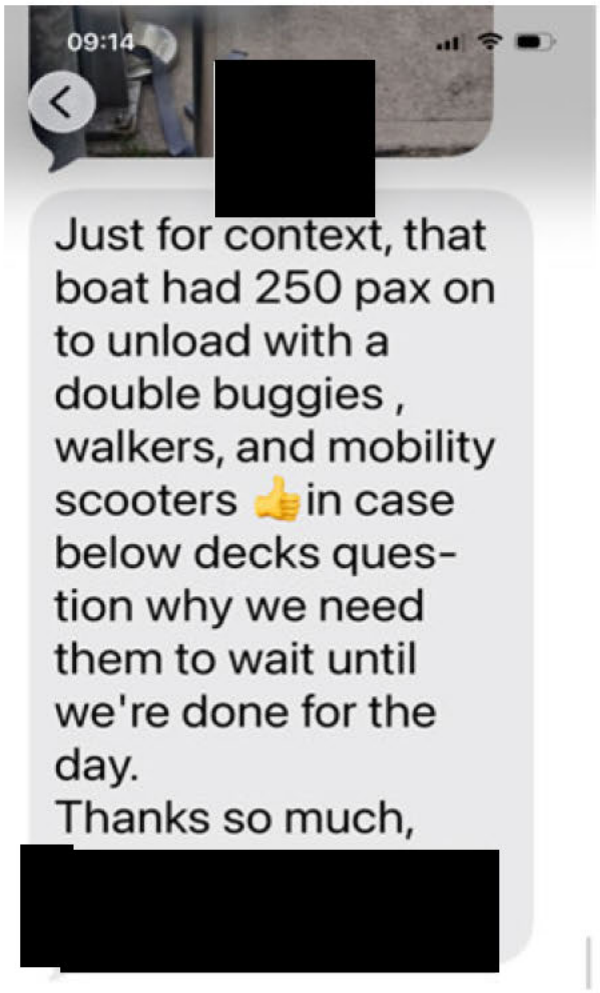
HI Julie.

Please see below the photograph sent to me last Saturday of tables and chairs set out in the pathway for the ferries. I received a complaint from [redacted] by phone and followed by a text also below to show the inconvenience to the ferries.

It would appear that this has been happening regularly after the ferries have finished operating however there are some late evening trips that this would affect.

[redacted]





Best regards

TOR BAY
HARBOUR

[redacted] Torquay Harbour
Harbour Masters Office, Beacon Quay, Torquay TQ1 2BG
[redacted]

www.tor-bay.harbour.co.uk
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Delivering harbour, beach and marine services for Torbay Council.

From: Licensing
To: juliesbadbolt[redacted]
Subject: Make a Complaint/ Enquiry - Below Decks, Unit 3 To 4, Beacon Quay
Date: 11 August 2026 11:57:34
Attachments: Photo of chairs and tables obstructing ferry footpath.docx

---

Dear Kevin and Julie

Make a Complaint/ Enquiry

I have received a complaint that on Saturday 1 August 2026 some of your tables and chairs were set up in a position that obstructed the ferry footpath, impacting on passengers leaving the vessel. On this occasion the ferry had 250 passengers, and some of these passengers had double buggies, walkers and mobility scooters. The complainant states that it appears this happens regularly once the ferry has usually stopped operating, however sometimes the ferry does run later into the evening.

I have received the attached photograph regarding this matter.

Please can you ensure that your staff monitor this area and keep the footpath clear at all times.

Kind regards

Julie Smart

Julie Smart | Licensing Officer | Licensing
Town Hall, Castle Circus, Torquay, TQ1 3DR
julie.smart@torbay.gov.uk
www.torbay.gov.uk
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NOTE: Please do not edit the subject line when replying to this email.

From: [redacted]
To: Licensing
Subject: Re: Saturday 23 August 2025. - Below Decks Continuous Noise complaints (ref: 21790445)
Date: 27 August 2026 11:14:43

Good morning Tom

Thanks very much for your prompt response. I didn't record specific days/dates etc but it has been pretty much every weekend over the Summer months and most definitely it was yesterday evening for 2/3 hours of constant noise.

I will from now on, when I am here, monitor the times/dates and try to record the noise level but yesterday was pretty bad again.

It is just ironic that, as Below Decks finish his music session [redacted] starts up until the small hours of the morning!

I will send any further information as and when and thank you again for your persistence and I am glad to know I'm not the only one complaining.

Kind regards

[redacted]

Sent from my iPad

> On 26 Aug 2026, at 13:14, Licensing wrote:
>
> Hi [redacted]
> Just a follow up to my E-mail below. I've just been down to speak with the licence holder who has apologised for the noise and is going o send a message to his performers to ensure that they do not bring any additional speakers and ensure the volume is kept to a reasonable level.
> Hopefully this will help,
> Many thanks,
> Tom
>
> ---
>
> **From:** Licensing
> **Sent:** 26/08/2026 11:39
> **To:** [redacted]
> **Subject:** Re: Saturday 23 August 2025. - Below Decks Continuous Noise complaints
> Dear [redacted]
> Thankyou for your complaint. I'm sorry to hear that you are being affected by this issue again.
> Licensing and the Harbours Authority have been in conversation with

one another about the issue with Below Decks, as we have received a number of complaints recently about noise from this venue.
We are currently considering a more robust approach to dealing with these issues, but require detailed accounts of the noise and how it is affecting the enjoyment of residents properties. To that end, could you advise if there have been any specific dates or times that you have been affected by noise from Below Decks?
I will speak with the owner of [redacted] to ask that the music is lowered.

Many thanks,
Tom

From: [redacted]
Sent: Sun Aug 23 2026 10:21:11 BST
To: Tom.West@torbay.gov.uk
Subject: Re: Saturday 23 August 2025. - Below Decks Continuous Noise complaints
(Attachments:) Email (original message) from [redacted] received on 25/08/2026.eml, Email from [redacted] - Re: Saturday 23 August 2025. - Below Decks Continuous Noise complaints.pdf, Email (original file) received on 25/08/2026.msg
Dear Tom
Thank you for your efforts in helping to reduce the noise level coming up from Below Decks. Over the past year, the noise level there has seemed to have reduced thanks to your intervention and common sense approach. The main contributing factor is that they took on board suggestions to actually re-position the Speakers so that the music travels out across the water rather than directly back towards the buildings.
I did have my concerns as to how long this would last as during the last couple of months the noise level is back to what it was because the bands or artists decided to put the speakers back to their original position with the Speakers pointing inland.
Perhaps you might re-visit and ask why they have done that, when everybody was happy with the situation?

[redacted]

Thanking you in anticipation.
Kind regards
[redacted]

Sent from my iPad

On 29 Aug 2025, at 13:22, West, Thomas wrote:

Thanks [redacted]

I completely understand.

In that case, I will go back to the licence holder to inform them of the outcome of last weekend. The licence holder is working with a noise consultant now, who is in the process of offering advice. Hopefully this will be taken on board. I will keep you posted on any developments and will look for any E-mails sent by yourself also.

I am on leave next week. If you need to speak with someone urgently, please email Licenisng@Torbay.gov.uk

Many thanks,

Tom

From: [redacted]
Sent: 28 August 2025 18:26
To: West, Thomas
Subject: Re: Saturday 23 August 2025. - Below Decks Continuous Noise complaints

Good evening Tom,

Thank you for your prompt response.

I'm currently spending a lot of time visiting [redacted] and therefore leaving my wife alone for days each week.

After discussing your option of releasing the video with her, she feels (and understandably so) that being alone she would much prefer to have me around before you go ahead, [redacted]

Whilst I don't believe anything stupid would happen, it's not fair to leave her in what she feels is a vulnerable position.

[redacted].

I will however continue to record any further noise problems with Below Decks and submit them (promise not to snow you unless it's as bad as last week).

I do hope that the licence holder can react favourably to your requests and would appreciate feedback/update on the situation .

Thanks again

Kind regards

[redacted]

I will however

Sent from my iPad

> On 26 Aug 2025, at 10:18, West, Thomas <Tom.West@torbay.tthgov.uk> wrote:
>
> Good morning [redacted]
>
> Thankyou for this, and I'm sorry this is still an issue.
>
> Last week I advised the licence holder that noise complaints for this venue were becoming more frequent, and should these issues continue, we may need to review the licence.
>
> I gave the licence holder several recommendations which may alleviate the problem. Consequently, they sought the advice of a professional sound engineer. They've advised they'll be meeting with them this Wednesday to make an assessment. A noise limiting device has been discussed and this could be a credible solution to the problem. I'm awaiting any formal assessment/recommendations from the sound engineer which they said they'd be forthcoming with. As I say, this probably won't be until the middle-end of this week.
>
> As for this weekend just gone, the licence holder said they would place the speakers inside the deck facing into the harbour with the roof shut on the Pogodas. They also said they would turn the noise level down generally. However, having viewed your footage, it is clear that these measures either weren't implemented or weren't sufficient to solve the problem. I suspect this is a case of the latter. The licence holder (at least with me) has expressed they are very keen to resolve this to avoid the licence being reviewed.
>
> Having worked on a similar case before, I know that noise (particularly bass) can be sound deceptively

quiet at ground level. However, when assessing from above ([redacted]), it can seem a lot louder due to a number of factors.

The licence holder has asked for feedback so I will let them know that there has been no change. The second of the two videos you've sent seem the most impactive, and I can't see anything in it that would identify you. Would you be happy for me to forward this to them to demonstrate that the measures aren't currently sufficient?

Many thanks,

Tom

Tom West | Licensing Officer | Public Protection

Town Hall, Castle Circus, Torquay TQ1 3DR

01803 208014 | Tom.west@Torbay.gov.uk

www.torbay.gov.uk

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From: [redacted]>
Sent: 24 August 2025 15:31
To: West, Thomas <Tom.West@torbay.gov.uk>
Subject: Saturday 23 August 2025. - Below Decks Continuous Noise complaints

Good afternoon Tom

I wonder if you had any favourable response from Below Decks?
I only ask because if you have, it would appear not to have filtered through.
From yesterday afternoon through to 10pm-ish the noise level was just as bad, if not worse than before.

Whilst I must sound like a broken record (excuse

the pun), the residents who have complained would appear to be ignored.
Personally I feel there is little more that can be done as the Licenseholder is quite obviously of the opinion that all complaints are irrelevant and he does not care /
Re: the local residents' concerns about the noise level, he doesn't care and seems to be quite happy to 'stick two fingers up' to not only the local people but the Council. More or less saying "Challenge me if you dare!"

Thank you very much for all your efforts.

Kind regards

[redacted]

Sent from my iPad

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Torbay Council
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From: [redacted]
To:
Cc:
Subject: Below Decks - Recurring Issues
Date: 04 August 2026 12:47:15
Attachments: daac4a7f-1511-4df6-97ff-f4ba685a629b.png
ff2cfa10-3093-4bba-9d5e-e91e28ed7ced.png

Hi Phil,

Thanks for your time earlier. As discussed, please find below a list of issues we are experiencing with Below Decks with suggested resolutions.

#	Issue	Resolution	Notes
1	**Trailer parked in Car Park Space**	Removal of Trailer as previously instructed by Harbour Master.	Parking spaces are leased for roadworthy vehicles only
2	**Harbour Authority bin store being used exclusively by Below Decks to store their bins.**	Bins to be removed by tenant and relocated to their own space. Only 1 bin permitted per unit in bin store.	
3	**Overcrowding**	No activity is to extend beyond the leased area. Premises should only serve customers who have a table and can be seated.	
4	**Glasses in outside area**	Glasses should not be used in any outside areas. Plastic cups should be used in the interest of safety.	
5	**Number of outside tables/chairs exceeds lease agreement**	Reduce number of chairs and tables in outside area to that permitted in the lease or below. Remove additional tables from Harbour estate.	
6	**Noise**	Activity within the premises is not to cause a nuisance to neighbouring tenants, the Harbour Authority, members of the public, residents or Harbour users.	
7	**Blocking Beacon Quay Access due to overcrowding/tables**	At no time is the road to be blocked. A clear road is to be maintained at all times to ensure emergency vehicle access.	
8	**General tidiness at rear of premises**	Area to be cleaned and maintained. Rubbish to be removed and parking spaces to be reinstated.	The Harbour Authority has received multiple reports of increased rodent activity over the past months.
9	**Number of parking spaces used by Below Decks staff exceeds the amount allocated**	Maximum number of parking spaces leased is 4. 1 is taken up by a trailer. A further 2 are reduced in size due to an unauthorised cage being permanently installed. Tenant is therefore allowed a maximum of 3 vehicles on site. 2 of which need to be parked in the reduced parking spaces.	
10	**Failure to follow instructions given by Harbour Authority staff**	All Harbour Authority staff as a representative of the Harbour Master has the power to issue instructions to any person on Harbour Estate. Failure to comply is a breach of the Tor Bay Harbour Act 1970.	
11	**Unauthorised parking on Harbour Estate**	Owner consistently parks outside the outdoor seating area/dinghy park, this is not permitted. Owner is to park in the upper levels of Beacon Quay car park if they have exceeded the number of spaces at the rear of the property.	
12	**Consumption of alcohol on Harbour Estate outside of permitted area**	No alcohol to be consumed outside of the licensed area.	All areas outside of Below Decks lease is an Alcohol Free Zone
13	**Blocking Ferry Pontoon Access with tables/chairs**	No tables/chairs are permitted outside the scope of the lease.	
14	**Lack of appropriate management of customers**	No customers to be out on the road. Customers are to be seated with no additional tables above that permitted in the lease.	
15	**Illuminated signage installed without planning permission**	Tenant is to obtain appropriate planning permission for illuminated signage.	

If you need any more information, please let me know.

Regards,

[redacted]

[redacted] | Tor Bay Harbour Authority
Book a Meeting

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Dear Mr Ellis

Thank you for your letter dated 6th August 2026.

Like you, we take the matters raised very seriously and share the Council's objective of ensuring the safe and orderly operation of Beacon Quay for the benefit of neighbouring occupiers, harbour users and visitors.

Indeed, prior to receipt of your letter, we had already identified a number of operational issues which can arise during particularly busy trading periods and have implemented measures to address them.

We feel the complaints can broadly be categorised under two headings, namely:

1. Customer Management and Behaviour; and
2. Ensuring activities remain strictly within the authorised leased and licensed areas.

Please find below our summarised Management Plan, as requested.

Management Plan

1. Customer Management and Behaviour

Issues Raised

- Customer congregation.
- Noise and disturbance.
- Obstruction of pedestrian and vehicle movements.
- Consumption of alcohol outside authorised areas.
- Compliance with Harbour Authority instructions.

Measures Implemented

- Staff have been reminded of their responsibilities in relation to customer supervision and harbour regulations.

- Additional staff training has been introduced covering customer management, dispersal procedures and compliance with lease obligations.

- SIA registered security personnel are now employed during known peak trading periods and special events to assist with customer management and ensure prompt intervention where necessary.

- Security and management staff are instructed to ensure customers remain within authorised licensed areas and do not obstruct public highways, harbour access or emergency routes.

- A designated duty manager is responsible during each trading period for monitoring external areas and responding immediately to any concerns raised by Harbour Authority staff.

- Management have reinforced the requirement that all reasonable instructions issued by Harbour Authority officers are to be complied with immediately.

- Customer behaviour will continue to be actively monitored and staffing levels adjusted where necessary to reflect trading conditions.

2. Control of External Seating and Demised Areas

Issues Raised

- Activities extending beyond the leased or licensed areas.
- Excess tables and chairs.
- Obstruction caused by furniture.
- Use of glass vessels externally.
- Unauthorised occupation of Harbour Estate land.

Measures Implemented

- External seating layouts have been reviewed to ensure they remain wholly within the authorised leased and licensed areas.

- Staff have been instructed that no additional tables or chairs are to be placed outside the approved seating areas.

- Furniture layouts are checked throughout service to maintain clear pedestrian routes and unrestricted emergency access.

- Customers are directed back into authorised seating areas where necessary.

- Glass drinking vessels used externally are only to be used at seated tables and customers are both pre-warned and reminded that they may not move around holding glasses. During busy times we will revert to plastic vessels.

- Management undertake regular inspections during trading hours to ensure continued compliance with authorised boundaries and Harbour Authority requirements.

Ongoing Review and Communication

We are committed to working positively and constructively with Torbay Council and the Harbour Authority. The above measures have been implemented and management will continue to monitor their effectiveness and make adjustments where appropriate.

To assist us in doing so, we would be grateful if you could provide details of the evidence and individual incidents upon which the concerns set out in your letter are based. This will enable us to review those incidents against the measures now in place and identify whether there have been any particular lapses requiring further attention.

Looking forward, we would also welcome establishing a more formal and timely channel of communication between ourselves, the Council and Harbour Authority.

Where an issue or potential breach is observed, we believe it would be helpful for this to be brought to the attention of the duty manager or management team as soon as reasonably practicable. This would allow the particular issue to be investigated and addressed promptly, rather than only becoming apparent to us some time after the event.

We believe this approach would be in everyone's interests and would help ensure that any future concerns are dealt with proportionately and at the earliest opportunity.

We remain committed to operating a successful business whilst ensuring compliance with the Lease and Harbour Authority requirements and respecting the amenity and safe operation of Beacon Quay.

We would be very happy to meet with you and/or the Harbour Authority to discuss the management plan and agree an appropriate communication procedure going forward.

Yours sincerely

Gregory Shadbolt

Administrative Director

(on behalf of the Board of Directors of Bold Ayres Ltd)

From: West, Thomas
To: Julie Shadbolt
Subject: Noise complaint - Below Decks
Date: 28 August 2026 09:44:00
Attachments: image001.png

Good morning Kevin,

I hope you are well.

I'm writing to notify you of a further noise complaint we've received from a resident about Below Decks. The resident has informed us that they have experienced noise from below decks almost every weekend throughout the summer months and note that Wednesday 26th was notably loud. Unfortunately, we've only just received this complaint, but I have asked the complainant to notify us as soon as they experience nuisance (if they experience it) in future.

I've been in the vicinity when you've had entertainment on, and I believe (in the main) your issue is the *type* of entertainment that you choose to have. I've observed when you've had acoustic performances and solo vocal artists which in my opinion would not amount to nuisance. However, drums, DJ sets, anything with heavy bass, or anything with high dynamic variability (such as karaoke etc) has the potential to present issues, particularly if it's held outside. You may want to consider whether these types of entertainment are suitable considering the complaints we're receiving or consider instructing a professional noise consultant if you wish to continue with these types of entertainment. This is within your gift of course, and I can only offer you advice at this stage.

In the interest of fairness to all parties, I've requested noise diary sheets from the complainant, including exact dates and times of the alleged nuisance, and asked how this is impacting the enjoyment of their home. I will, if I can, conduct our own monitoring to determine whether or not this is likely to amount to nuisance, but in the first instance I wanted to make you aware of the complaint so that you can make any adjustments you deem necessary. I am still awaiting further correspondence from the complainant with specific dates and times.

Licensing have also been forwarded some correspondence that you've had between the harbour's authority. Your commitment to resolving issues such as these is acknowledged, and we will endeavour to work with you to resolve them wherever possible. If, therefore, you have any specific questions or recommendations off the back of this, then please let us know.

I will be on annual leave from today until the 15th September, however, I have instructed my colleagues to handle any complaints in my absence. If you have any questions during this time, please send your E-mail to Licensing@Torbay.gov.uk and one of my colleagues should get back to you.

Many thanks,

Tom

Title: Torbay Council

Tom West | Licensing Officer | Public Protection

Town Hall, Castle Circus,
Torquay TQ1 3DR
01803 208014 |
Tom.west@Torbay.gov.uk

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