Applicant

Title	MR
First name	George
Middle name	
Surname	O'Rourke
Address	Harbour Masters Office, Torquay Harbour, Beacon Quay
Town/ City	Torquay
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Preferred contact method	Email
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Tell us how we can help you best	

Premises Details

Name of premises/trading name	Below Decks
Address	Below Decks, Unit 3 To 4, Beacon Quay
Town or City	Torquay
County	Torbay
Postcode	TQ12BG

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Regarding the following application I want to:	Object
In what capacity are you applying?	A Responsible Authority
Public safety	Yes

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The prevention of public nuisance	Yes
Reason(s) for your representation	I write on behalf of Tor Bay Harbour Authority to make a formal representation in support of the review of the premises licence held by Bold Ayres Ltd in respect of Below Decks. The Harbour Authority objects to the continued operation of the premises under the present arrangements because of recurring risks to public safety and public nuisance associated with the way entertainment and customers have been managed outside the premises. Beacon Quay is part of an operational harbour, not a pedestrian-only area. Its access road, slipway approaches, pedestrian routes and ferry access are required by harbour users, businesses, harbour personnel, service vehicles and, when necessary, emergency responders. The safe use of those areas cannot depend on members of a crowd moving aside only when a vehicle approaches. Ground 1 - Public safety and obstruction of harbour operations The most serious concern is the recurrent congregation of people drinking, standing, sitting and dancing on the harbour access road and beyond the permitted external seating areas. This creates a foreseeable risk of collision, restricts launching and recovery activities and compromises reliable access in an emergency. On 20 June 2026 the Harbour Team received multiple complaints relating to an event held in Below Decks. A member of staff attended at about 18:15 to request action due to several Below Decks customers in the road and the staff member believing that the area was considered critically unsafe. Despite Harbour Staff speaking to Below Decks staff, from 19:46, 21:08 and 21:32 CCTV shows progressive crowding, including people and chairs occupying the access road, with persons drinking and dancing there. Bottles and other drinking vessels were left on public benches. In a separate incident on the 25 April 2026, groups of people were standing in the road while a vehicle had to manoeuvre around them. Staff were seen attending

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to tables but not intervening with those occupying the road.
On 1 August 2026, ferry operators complained that Below Decks tables and chairs obstructed the ferry footpath. The complaint referred to a ferry carrying approximately 250 passengers, including people with buggies, walkers and mobility scooters. The complaint was supported by a photograph and forwarded to the Harbour Authority.
There have also been repeated reports since June 2023 of customers and other attendees spreading into roadways, public seating areas and the vicinity of moored vessels.

Ground 2 - Prevention of public nuisance

Complaints from harbour users, nearby traders and residents describe excessive live or recorded music, crowds spreading across public areas, abandoned bottles and glasses, and difficulty accessing neighbouring businesses.
Noise complaints are recorded across 2023-2026, including from persons staying aboard boats. The former Harbour Master also reported personally hearing an outdoor music event from Preston Sands in April 2026. Although sound propagation, wind conditions and the contributions of other venues must be considered, the frequency and consistency of the complaints warrant effective, evidenced noise controls. Broken or discarded glass and persistent litter compound the risks to people using the waterfront.

Existing licence conditions and previous interventions

The current premises licence expressly requires staff to monitor outside areas and ensure that customers do not loiter in the road or prevent vehicular access to the harbour. It also requires a nominated staff member during entertainment to monitor outside customers, keep the road clear and monitor noise.
Despite meetings, written advice and interventions by licensing officers and the Harbour Authority in 2023,

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2024, 2025 and 2026, the evidence shows materially similar problems recurring.
The Harbour Authority acknowledges that Bold Ayres Ltd provided a management plan in August 2026 describing additional staff training, SIA-registered security at peak times, a designated duty manager and revised controls on external furniture and customer behaviour. These are welcome proposals. However, the plan is not, by itself, evidence of sustained compliance, and the scale and persistence of the preceding incidents call for measures which are clear, proportionate and enforceable.

Action requested of the Sub-Committee

The Harbour Authority requests that the Sub-Committee use its powers under section 52 of the Licensing Act 2003 to impose a materially stronger and enforceable control regime. In particular, we ask the Sub-Committee to consider:
1. Outdoor entertainment: Excluding outdoor amplified live and recorded music from the licence to the extent permitted by law, or imposing effective restrictions following the review so that entertainment does not generate unmanaged gatherings on the harbour road.
2. Capacity and boundaries: A clearly defined maximum external capacity, linked to the approved premises plan and safe seating layout, with no service or activity extending into the road, ferry route or other public harbour areas and active refusal of further custom when the controlled area is full.
3. Uninterrupted access: A positive duty on management to keep vehicle access, slipway approaches and pedestrian/ferry routes clear at all times, not merely to disperse customers on arrival of an emergency or service vehicle; activities generating an obstructing crowd must stop until the route is clear.
4. Event management and security: Documented event-specific risk assessments, a named on-site duty manager, sufficient proactive stewards and appropriately licensed security personnel for higher-risk entertainment, with staffing arrangements matched to expected attendance.

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	5. Glass and cleansing: Plastic or polycarbonate drinking vessels in all external areas, together with active clearance of glasses, bottles and litter from the premises and immediately affected external areas. 6. Noise and accountability: A robust noise-management plan including suitable speaker positioning, documented checks at affected locations, prompt corrective action, a complaints contact and records available to authorised officers; consultation with the Harbour Authority on access arrangements for events. Conclusion The Harbour Authority considers that the public safety and public nuisance objectives have not been adequately promoted under the current arrangements. We therefore support decisive modification of the licence. If the Sub-Committee concludes that the identified risks cannot be effectively controlled by enforceable restrictions, we ask it to consider the further statutory options available, including suspension or revocation, as appropriate and proportionate. The Harbour Authority is willing to attend the hearing, answer operational questions and provide or identify the referenced material.
Is there any reason why you do not want your personal details to be passed on to the premises license holder?	No

Document Upload & Standard declaration section

I confirm I have read the representation guidance notes and agree that a copy of my representation w	Yes
Checking this box indicates you have read and understood the above declaration	Yes