

Minutes of the Statutory Licensing Sub-Committee

3 July 2025

-: Present :-

Councillors Spacagna, Foster and Johns

3. Election of Chairman/woman

Councillor Spacagna was elected as Chairman for the meeting.

4. Minutes

The Minutes of the meetings of the Sub-Committees held on 30 January 2025 and 6 February 2025 were confirmed as a correct record and signed by the Chairman.

5. Licensing Act Review in respect of The Devon Dumpling, 108 Shiphay Lane, Torquay

Members considered a report on an Application for a Review of a Premises Licence in respect of the Devon Dumpling, 108 Shiphay Lane, Torquay.

Written Representations were received from:

Name	Details	Date of Representation
Applicant	Application and supporting correspondence for a Review of the Premises Licence in respect of the Devon Dumpling, 108 Shiphay Lane, Torquay.	9 May 2025
Public Protection Officer	Report by Torbay Council as the Responsible Authority for Public and Statutory Noise.	Undated
Member of the Public	Representation supporting the Application for a Review of the Premises Licence.	Undated
Member of the Public	Representation neither supporting nor objecting to the Application for a Review of the Premises Licence.	23 May 2025

Oral Representations were received from:

Name	Details
Applicant	The Applicant outlined the Application for a Review of a Premises Licence and responded to Members' questions.
Public Protection Officer	The Public Protection Officer outlined his representation and responded to Members' questions.
The Respondent	The Respondent supported by his new Manager responded to the Application for a Review of a Premises Licence and responded to Members' questions.

Decision:

That the current Designated Premises Supervisor of the premises known as The Devon Dumpling, 108 Shiphay Lane, Torquay be removed with immediate effect.

And the following conditions to be amended:

Condition 3

'all windows and doors shall be kept closed during regulated entertainment after 10 pm with regular checking by staff'.

shall now read

'all windows and doors shall be kept closed during regulated entertainment with regular checking by staff'.

Condition 9

'that the pre-existing conditions around prevention of public nuisance at Annex 3, point 1 of the current Premises Licence shall be reinstated'

shall now read

'the live music exemption under section 177A of The Licensing Act 2003 shall be removed. Any conditions previously exempted under this provision are enforceable.'

Condition 11

'lights in the outside area shall be turned off at 10pm but for the designated smoking area and the area leading directly to it'

shall now read

'lights in the outside seating area at the rear of the premises shall be turned off at 10pm but for the designated smoking area and the area leading directly to it'

And the following additional condition:

‘The premises shall install a sign in the car park, reminding patrons to leave the premises quietly and respectfully, which during the hours of opening and closing shall be adequately lit to be reasonably seen by patrons.’

Reasons for Decision:

Having carefully considered all the written and oral Representations, Members unanimously resolved to remove the current Designated Premises Supervisor with immediate effect and to modify the Premises Licence as they could not be satisfied based on the evidence before them, that without such removal and modification, the Licensing Objectives; namely, The Prevention of Public Nuisance and The Prevention of Crime and Disorder would be promoted.

In coming to their decision, noting that this was the second review of the premises this year, the first having been brought by a Responsible Authority, Members gave serious consideration to revoking the Premises Licence, however on this occasion, concluded that the immediate removal of the current Designated Premises Supervisor, together with slight amendments to the existing conditions, and the imposition of an additional condition would achieve the required outcomes, alleviate concerns, and promote the Licensing Objectives.

Members heard from the Applicant how she and her family, with whom she lives, have suffered noise and disruption for the 6 years that they had lived at the property, and that this included harassment and intimidation from persons that they believed to be patrons of the premises, and that they had experienced anti-social behavior in recent months as detailed in her Review Application. Furthermore, she had witnessed drunk patrons leaving the premises in control of a vehicle, and that she believes that the premises does not sell alcohol responsibly. This was extremely concerning for Members to hear, though they were surprised to note that given the seriousness of the allegations that the Applicant had not reported these matters to the Police. When questioned in this regard this was not done due to the expectation that no action would be taken. The Applicant confirmed that neither had these concerns been raised with the Premises directly.

Members were played four videos recorded by the Applicant on her mobile phone from the garden of her home, which showed noise emanating from the car park when patrons were dispersing, and noise which appeared to be emanating from the beer garden of the premises. The timing of these recordings being 23.00 hours, 22.50 hours, 23.12 hours and 22.01 hours. Whilst it appeared from the footage that the noise could not be heard from inside the property, Members felt that such a level of noise nuisance as shown in at least one of the videos was unacceptable and were concerned that this behaviour appeared to be unmanaged and to go unchallenged by the premises at the time. It was however, noted by the Applicant that she had heard staff telling patrons to move inside on one occasion.

Members heard from the Public Protection Officer that since the last review hearing four complaints had been received relating to noise nuisance; two from live music and two from noise coming from the outside areas of the premises, and that the conditions amended at the previous Review Hearing of the Premises Licence were found not to have been complied with when he visited with a colleague almost four months later.

This noncompliance placed the Premises Licence Holders in breach of their Premises Licence. The Public Protection Officer could see no benefit from adding further conditions, but as a Responsible Authority made recommendations to Members around clarifying the wording of those in place to assist the Premises with future compliance.

As part of his oral submissions, Members heard from the Respondent that he had misunderstood the decision of the last review and had been unclear of the date as to when the conditions had to be complied with, believing that the date for compliance specified in respect of one of the numbered conditions, applied to all. This explanation was not found to be feasible by Members. However, the Respondent did confirm that all conditions had now been complied with, and this was supported by the submissions of the Public Protection Officer, who confirmed that efforts had been made in this regard further to his visit.

Despite what appeared to be a high turnover of Managers at the Premises, which was a concern for Members, they were reassured to note that a new Manager was now in employment who, with a number of years' experience of managing various licensed premises, would be living onsite with his partner, enabling him to have greater operational oversight. Members heard that there was a vision to market the pub to a different clientele; to become more food led, and to return to the country pub that it once was.

Members were pleased to hear from the Respondent that since the last hearing, measures have now been put in place at the premises to ensure the quiet dispersal of patrons with a member of staff being present at the front of the property at closing time, and that noticeable improvements have been seen. However, the video evidence provided by the Applicant did not support this. Members were unanimous that the systemic issues at the Premises arose from poor management and had no confidence in the Respondent as the current Designated Premises Supervisor, who they found to show a lack of commitment and willingness to engage effectively with the Licensing Team or uphold the Licensing Objectives.

In concluding, Members noted that no Representation had been received from the Police and determined in accordance with the modifications to the conditions on the Premises Licence as recommended by the Public Protection Officer, the addition of a further condition to remind patrons to leave the Premises quietly and respectfully, and with full compliance by the Premises Licence Holder and successive Designated Premises Supervisor of all conditions of the Premises Licence going forward, that the Licensing Objectives would be promoted.

Members noted that should any issues arise, a further Review of the Premises Licence can be sought by a Responsible Authority or any other person.

Chairman