

Licensing representation

Date and Time Submitted	13 June 2025 20:07:15
Name of the premises:	Tomo Burgers
Support/Object to application	Object
Address of the premises:	South Quay Paignton

Applicant Details

In what capacity are you applying?	Any other person
First name:	██████████
Last name:	██████
Contact number:	██████████
Email address:	██
Address:	██████ CLIFF ROAD PAIGNTON TQ4 6DL ██████: ██████████

Representation

Which of the following Licensing Objectives is this representation relevant to?

This representation is relevant to the following Licensing Objectives	The prevention of crime and disorder Public safety The prevention of public nuisance
The reason for your representation:	Noise from music and drunkenness I'm very concerned about noise as I live ██████████ ██████████
Is there any reason why you do not want your personal details to be passed on to the premises license holder?	No
Would you like to include any documentation in support of your representation	No
Uploaded Files	

Confirmation

From: [REDACTED]
To: [Cottell, Carrie](#)
Subject: Tomo Burgers
Date: 18 June 2025 14:32:32

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

Hello Carrie.

My objection to this licensing is based on two things. First noise.

I live in one of two flats directly above the premises. At the licensing hearing for the previous tenants, the Crab and Hammer, the agreement was granted with certain amendments made.

They stated they had built in noise reduction in the ceiling. They lied. There is no such soundproofing and the new tenant has stated he can hear everything from the flats and we can certainly hear him and everything from downstairs.

The second thing is hours. They plan to open at 7am and close after 10pm. The noise would be unbearable. I would be woken up and stopped from sleeping.

Then I am concerned with drunkenness. Outside the property by the harbour side and right outside my window. Anti social behaviour is rife already in the area. I would not like anymore.

The Crab and Hammer's tenancy was hell for us noise wise and this is the basis of my objection this time as no improvement or soundproofing has been made.

My thanks to you.

Best wishes from [REDACTED]

Licensing representation

Date and Time Submitted	08 July 2025 11:10:35
Name of the premises:	Tomoburger
Support/Object to application	Object
Address of the premises:	South Quay Paignton TQ4 6DT

Applicant Details

In what capacity are you applying?	Any other person
First name:	██████████
Last name:	██████████
Contact number:	██████████
Email address:	██
Address:	████████ CLIFF ROAD PAIGNTON TQ4 6DL ██████████ ████████████████████

Representation

Which of the following Licensing Objectives is this representation relevant to?

This representation is relevant to the following Licensing Objectives	The prevention of public nuisance
The reason for your representation:	A previous licence was granted to this property (Crab and Hammer) whereby we experienced late night drinking and excessive noise below our front window. My residence is directly above this property and any granting of a licence will again affect our quality of life. There are already six existing businesses offering/selling alcohol in close proximity to our home and another outlet will only add to our discomfort. Late night revelry means closing my front window to eliminate the noise. I therefore object to this application.
Is there any reason why you do not want your personal details to be passed on to the premises license holder?	No
Would you like to include any documentation in support of your representation	No

Licensing Act 2003

Environmental Health Representation/Notice of Objection

Application Details

Premises: Tomo Burger, South Quay, The Harbour, Paignton, TQ4 6DT

Name of Applicant: Thomas Frederick Kembery

Address: South Quay, The Harbour, Paignton, TQ4 6DT

Type of Application: Alcohol (Both)

I consider the application to undermine the following licensing objectives:

The Prevention of Public Nuisance

Representation:

This department would like to make the following representation:

The following representation is made in respect of an application for a premises licence for Tommo Burger, (formally The Crab and Hammer), South Quay, The Harbour, Paignton.

Throughout the period between August 2021 and July 2023, we received a total of six complaints concerning noise. These complaints concern industrial and construction noise which cannot be taken into consideration as far as the Licensing Act is concerned. However, these complaints briefly mention noise emanating from smoking at tables in the outdoor seating area adjacent to the premises. The same point is raised in one of the representations.

I have since spoken with the applicant Mr Kembery, who himself has expressed concerns regarding noise and the impact this may have on the residents who live above. Having reviewed two representations made in objection to this application, I now consider that one of the conditions should be amended and several further conditions should be added in respect of the prevention of public nuisance. My recommendations look to address the potential for nuisance to occur from customers drinking or smoking outside when using the premises outdoor seating.

I recommend that the following conditions are added:

- *No deliveries (in relation to licensable activities) to the premises shall take place between 09:00hrs and 21:00hrs.*
- *A sufficient number of suitable receptacles must be located in appropriate locations for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc.*
- *The sale and supply of alcohol for consumption in any outdoor area of the premises shall be restricted to alcohol consumed at the outside tables and chairs and shall be by waiter or waitress service only.*
- *All outside areas must be closed and cleared of customers by 21:00 hrs.*

I also recommend that the proposed condition that reads:

The handling of beer kegs, bottles and other similar items must not take place in the late

evening, at night or in the early morning, when the noise generated could cause a nuisance

particularly outside buildings.

Should be amended to read the following:

The handling of kegs or bottles shall not take place before 09:00 hrs or after 21:00 hrs.

If the applicant agrees to amend the application to reflect my recommendations above, then I will consider withdrawing my representation.

Yours sincerely,

Tom West, Public Protection Officer, Torbay Council