

**Licensing Act 2003
Environmental Health Representation**

Application Details

Premises: The Offshore bar and restaurant

Name of Applicant: Brett Morton

Address: The Offshore bar and restaurant, 13 -14, Vaughan Parade, Torquay
TQ2 5EG

Type of Application: Temporary event notice

Representation

This department would like to make the following representation:

I consider the application to undermine the following licensing objectives:

**The Prevention of Public Nuisance
Public Safety**

**The likely effect of granting the licence as applied will undermine the
licensing objectives because:**

Should the TEN be granted, I consider the likely effect to be as follows:

- 1.) Large congregations of customers leading to an obstruction of the highway, making it difficult for emergency access if required
- 2.) Excess litter due to lack of bin provision
- 3.) Lack of toilet provision causing nuisance to neighbouring businesses
- 4.) A strong likelihood of alcohol consumption within the public space's protection order

Recommendations

I therefore recommend that this notice is refused because:

A temporary event notice has been received by Torbay Council's licensing department by Mr Morton for the provision of licensable activities at land adjacent to Offshore bar and restaurant, 13 -14, Vaughan Parade, Torquay.

The notice advises the intention to carry out the sale by retail of alcohol on the premises only, the provision of regulated entertainment and the provision of late-night refreshment for the date of the 10th and the 11th May 2025. The notice has been submitted in line with the annual event held by offshore which has been running for a number of years. The event which includes a stage for live music and an outdoor bar has been applied for with a capacity of 350 people.

Historically, there have been issues with excessive noise, problems with litter, obstructions of the highway and non-compliance with the *then* pavement café licence restrictions on vertical drinking.

It should be noted that although noise nuisance has been an issue in the past, this is not the main concern in this representation. Three noise complaints were received about last year's event; however, a degree of noise will be expected with live music events such as these. As the event is held once a year, it is difficult to determine whether a statutory or public nuisance exists.

Please see the table in Appendix 1 which shows the consistent issues in connection with this event, as recorded by the licensing department and public protection officers.

In light of the breaches and non-compliance seen in previous years, my first objection to this notice is the high volume of congregating people. Last year's event saw numbers vastly exceeding what most would consider safe for the size and nature of the event. CCTV footage from last year outlines the extent of the issue. Please refer to Appendix 3.

These large crowds of people pose a potential nuisance to other members of the public who wish to use the harbour (a stretch of the public highway as can be seen in Appendix 5).

There are also several issues when it comes to emergency access. Should an emergency services vehicle require immediate access, they may be presented with problems due to the large number of crowds. Please see appendix 6, an E-mail from Mr Aggett, fire safety inspector at Torquay fire station which highlights the expectations of an event organiser based on an event of this size. A copy of the E-mail chain can be seen in Appendix 6. In his E-mail, Mr Aggett stated:

"There would also appear to be very little in the way of managing the crowds with SIA stewards. Would also be interested how they manage the maximum occupancy of the premises due to the large number of attendees."

However, Mr Morton's noise management plan advises the following:

"we always leave space for emergency vehicles to pass through between the back of the stage and the lamp post which is policed throughout the day by our own security, one of whom will be permanently stationed by the stage for the sole purpose of keeping the area clear for emergency access."

Yet, having reviewed the CCTV footage, this appears not to have been the case. This demonstrates that Mr Morton cannot adhere to the terms set out in his own noise management plan. This gives me little confidence in his management of this event and the effectiveness of the security.

The photo attached in appendix 3 shows how some customers had brought camping chairs and placed them on the highway to use. In an E-mail dated 14th May 2024 (See appendix 4) Mr Morton acknowledges this but explains that it was outside of his control as the issue was not within area described for his event.

“There were quite a few people who had brought their own picnics/drinks/ picnic chairs with them who decided to sit/ stand outside of our areas both on the harbourside and on Cary green. As this was not within our licensed area or our TEN and the alcohol was not purchased at offshore, the security team could not really act forcefully on this and would perhaps benefit from advice / support from the police for any similar such events in the future.”

The most recent event, held last year on 12th May 2024 also demonstrates a lack of control. In anticipation of notification of this event, the regulatory service manager for the licensing department, Ms Hind, emailed pre-emptively on 25th March 2024, outlining our concerns, stating we were likely to object. Instead of addressing these concerns and taking steps to reduce the likelihood of them reoccurring, Mr Morton instead outlined how the event was held for charity and was well received by the public for the past 15 years. A copy of this email correspondence can be seen in Appendix 2.

A further face to face discussion was held with myself, Mrs Hind and Mr Morton on 28th March 2024. We discussed the proposed event and the expectations which must be met. A follow up E-mail sent by Mrs Hind on 28th March 2024 which confirmed the rule around vertical drinking. (See Appendix 2)

Despite this, the event went ahead in clear breach of this condition and with clear disregard for our advice. As seen in the CCTV footage and photos attached in Appendix 3, it is clear that there was no control or consideration for this.

The vertical drinking condition is now no longer in force so cannot be applied to this year’s event, however, condition 4 under appendix 2 of the premises licence for Offshore states:

The consumption of intoxicating liquor shall be confined to the premises and the area adjacent thereto, designated under the terms of the Pavement Cafe Permit issued by the Local Authority, whilst such authority is for the time being in force, providing such persons are sat at tables and the area is supervised by way of waiter/waitress service.

As there was a clear lack of regard for advice and conditions in force at the time, the option to allow the event to go ahead with the above condition in force would make no difference to the management of this year’s event. The result of last years event demonstrates poor management and engagement with the authority. This is not considered satisfactory considering that Mr Morton is the premises licence holder and DPS for Offshore.

My second objection relates to issues around excess litter. At last year's event, Mr Morton had not provided adequate bin provision. This meant that councils bins were used by customers. Due to the increase in numbers of people, bins started to overflow. On the 12th May 2024, Licensing officer Ms Smart visited the area and noted the problems with bins. In a follow up E-mail dated 14th May 2024 (See appendix 7), Ms Smart commented:

“Public bins, emptied by Swisco at tax payers expense, were overflowing as no additional bin provision appeared to be provided by Offshore.”

Ms Smart also noted an issue with litter in the vicinity surrounding Offshore. In the same E-mail dated 14th May 2024, Ms Smart noted:

“Whilst drinks were supplied in plastic vessels, people were walking around the harbourside drinking from these and many were left around the harbourside. I doubt that Offshore did a sweep of the area to dispose of these during or after the event finished.”

My third point revolves around the lack of toilet provision for this event. Given the proposed number of people, it would be expected that additional toilets are provided for customers to use. As the only available toilets were those within offshore, customers began using neighbouring businesses toilets.

The E-mail following Ms Smarts visit to the area at last year's event states:

Complaint from nearby licensed premises that people attending the event were using their toilets, causing queues and delays for their own customers which had to be supervised by a member of staff, as there was no addition toilet provision by Offshore.

Again, this shows little consideration for effective management of the event and the potential nuisance caused to neighbouring businesses.

My final objection to this notice is that there is a strong likelihood that customers will consume alcohol outside of the licensed area. The plans submitted for last years event are no different to those submitted for this year. Yet, having reviewed CCTV footage as shown in Appendix 3, it is clear that crowds of people had congregated outside of the marked area (pavement café licence area) but still looked to be participating in the event. I have attached a screenshot of the CCTV footage to demonstrate this (Please refer to Appendix 5). The consequence of this is that customers who have bought alcohol under the on-sales only provision who find themselves outside of the area defined in the plan, are breaching the PSPO.

The alcohol PSPO was revised in May 2024 to help prevent antisocial behaviour in the area. It prohibits the consumption of alcohol in public spaces including this area and if someone is seen drinking alcohol, then an authorised officer or the police can inform them of the PSPO and ask them to stop drinking or surrender their alcohol. This event would foreseeably provoke alcohol consumption in direct contravention to the aims of this order and bring members of the public at risk of being enforced under it having bought alcohol from this licensed premise.

The notice that Mr Morton has submitted is for the sale of alcohol for on sales only with a capacity of 350 people. It is difficult to imagine how 350 people would fit safely into an area comprising of no more than what is set out in the pavement café licence area. As the area appears insufficient to hold this many people, it is highly likely that customers will use the space on the adjacent highway. Customers will likely be doing so whilst drinking, thereby constituting an off-sale. Mr Morton himself states that his door staff are unable to enforce action on those outside of the designated area. This brings into question how, if at all, Mr Morton intends to ensure all customers remain in the pavement café barriers.

In summary, the scale and capacity for this event is too large for the area defined in the notice. The lack of effective control of this event over previous years gives me no confidence that the event can go ahead without having a detrimental effect on the licensing objectives.

I therefore recommend the notice is refused.

Appendix 1

SRU	DATE	ISSUE
204147	22/05/2014	Late TEN submitted by Mr Morton for 31/5/14 to 01/06/14. Mr Martin (Then public protection officer) objected on grounds of recent noise complaints made by residents, and (though not obliged), a failure to consult with environmental health prior to the event. Licensing officer who visited previously also formed the view that noise from the venue was excessive.
269879	17/05/2022	<p>Noise complaint about TEN 14/05/22 to 16/05/22 for offshore event. Complainant not concerned with live music itself but said that the volume was 'ridiculously loud'.</p> <p>Second noise complaint received from different complainant stating ' Even inside with all the windows closed all we can hear is their music'.</p> <p>07/10/2022 Mr Cox (Then regulatory service manager) received a further email from the first complainant about an event on 02/10/22 held under a TEN in Pavement Café Permit area submitted by Mr Morton. Mr Cox noted that permit does not allow live music.</p>
271919	14/09/2022	TEN for 02/10/22 submitted by Brett. Two noise complaints from separate residents.
275419	07/05/2023	Pavement café permit breached – premises provided amplified music outside without temporary permission, despite advice being given to give 21 days' notice to local authority. Complaint made by resident stating noise was excessive.
274721	28/03/2023	TEN for 20/05/23 to 22/05/23 submitted by Brett – Breaches of Pavement Café Permit and noise. Ms Smart (Licensing officer) attended following complaints from residents of excessive noise. Ms Smart formed the view that the noise was excessive. Ms Smart also observed customers stood up drinking within the pavement licence café area.

280310	12/05/2024	Noise complaint stating noise is unreasonably loud. Mr West (Public protection officer) notified Mr Morton of this.
280311	13/05/2024	Noise complaint from nearby resident stating noise is excessive. Mr West (Public protection officer) notified Mr Morton of this.
280653	6/06/2024	Noise complaint about amplified music at offshore. Complainant completed and returned noise diary sheet. Mr West Informed Mr Morton who later met with complainant and agreed a way of working forward. Volume to be adjusted if considered a nuisance to complainant on request in the future.

FW: Noise level - Message (H... Search

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FW: Noise level

Cox, Steve
To: Wright, Laura
Mon 16/05/2022 09:10

From: [REDACTED]
Sent: 15 May 2022 20:36
To: [REDACTED]
Cc: [REDACTED]
Subject: Noise level

Dear Steve



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FW: Noise level

CS Cox, Steve
To Wright, Laura

Reply Reply All Forward

Mon 16/05/2022 09:10



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FW: Noise level

CS Cox, Steve
To Wright, Laura

Reply Reply All Forward

Mon 16/05/2022 09:10



I would be grateful if I could ask for your help regarding the level of noise from The Offshore which is on the other side of the harbour from our house. Live music started at The offshore (outside) at midday today, and continued until 8pm. Live music in itself is not a problem, but the volume at which this is played is ridiculously loud.

To check this we turned the TV volume up to 60, and the music could still be clearly heard in our house even with the doors and windows closed! The normal comfortable volume for the TV is 17!

I took a photograph of this, and this is attached.

Many thank Steve

Kind regards

[Redacted signature]

Microsoft Word ribbon: File, Message, Help. Icons for Ignore, Delete, Archive, Reply, Reply All, Forward, Meeting, IM, More, All Apps, Move, Send to OneNote, Actions, Mark Unread, Categorize, Follow Up, Find, Related, Select, Editing, Read Aloud, Immersive Reader, Translate, Zoom.

Noise Nuisance from The Offshore

M
 To: Harris, Tara
 Cc: [Redacted]
 Receipt_2024-06-05_112553.pdf
 .pdf File

Reply Reply All Forward ...
 Wed 05/06/2024 11:28

Dear Tara

Please find attached a Noise Nuisance Diary Sheet duly completed in respect of live music being played at The Offshore on Sunday afternoon.

This music was amplified, and we could clearly hear every word inside our house, never mind on the balcony.

The Offshore have operated in complete disregard to the terms of their licence for the past couple of years, and nothing has been done about it despite numerous complaints having been made.

I can't stress strongly enough how much distress this causes, and should be grateful if you would take effective action to stop any further reoccurrence.

Kind regards
 [Redacted]

**Case Reference:
 Licensing and Public Protection**

Community Safety, c/o Town Hall, Castle Circus, Torquay TQ1 3DR

ASB / Noise Nuisance Diary Sheet

NOTE: PLEASE READ THE ATTACHED GUIDANCE BEFORE MAKING DIARY ENTRIES.

Your name and address		Name and address of person / address being complained about		
[Redacted]		[Redacted]		
Date	Start time	Finish time	Description of incident / noise nuisance	How did the incident / noise affect you?
02/06/2024	16.30	17.30	Amplified live music being played outdoors in contradiction with the terms of their music licence. I have a short video clip of this together with a sound meter reading taken on the street.	It could be heard quite clearly inside our house.

Licensing and Trading Standards Customer Contact Web Form

Field	Value
Enquiry type	Alcohol and Entertainment Licences
Customer's enquiry	Please can someone check that the music at the offshore bar on Torquay harbour is within the agreed limits. They have live music today and it is very loud, even inside with the windows closed all we can hear is their music. We live up on Vane Hill Road on the opposite side of the harbour.
Title	[REDACTED]
Contact Forename	[REDACTED]
Contact Surname	[REDACTED]
Contact Phone	[REDACTED]
Customer Address	[REDACTED]
Post Code	[REDACTED]
Email	[REDACTED]
Notes	

Date submitted: 12 May 2024 14:16:08

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 Off Shore Bar

Who is causing the noise? Off Shore Bar

Please give as much information as possible about the noise and how it is affecting you? The noise is so loud at 1415 that it is at a level that it will damage my hearing. They have had bands on which have been at a reasonable level but the one on now Sunday 12 May 2024 1415 is unreasonable loud and of a level that will damage hearing.

First name: [REDACTED]

Surname: [REDACTED]

Address: [REDACTED]

Email address: [REDACTED]

Appendix 2

From: Brett Morton <brett.offshore@live.com>

Sent: 25 March 2024 15:21

To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>

Cc: Smart, Julie <Julie.Smart@torbay.gov.uk>; West, Thomas <Tom.West@torbay.gov.uk>

Subject: Re: Offshore - Live Music Event

Hi Rachael,

I would like to discuss this all with you before putting in the application if that is ok with you?

To give you some more background, we have held the same event every year for the 15 years I have been running offshore. I am happy to adhere to anything you ask but I would like to point out this event has been popular with locals as a celebration of our local suppliers and musicians for those 15 years and we have never had any issues with antisocial behaviour or excessive noise, save for a couple of complaints from someone who lives on the hill opposite who has vested interests in another local venue.

My sound engineer, who we've used for all previous events, is [REDACTED]. He's a well respected music teacher at South Devon College and is well aware of the noise restraints. We did ask [REDACTED] to be involved as well last year, as we were asked to by Julie Smart, but unfortunately [REDACTED] (who wrote our report) had a personal tragedy in the family meaning that he was unable to help us beyond that point. We did explain this to Fabian, and in his usual style he was blunt, rude and uncaring.

In attendance last year we had the owners of Bays Brewery, Hunts Cider, Devon Rum & Torquay Coastal Gin and have all loved and supported our event over the years as our companies have grown together.

The changing of personnel on the council caused us huge amounts of stress last year, especially the involvement of Fabian who has absolutely zero knowledge of our local area or our history. He was extremely rude, seeming to deliberately get mine and [REDACTED] (our sound engineers) names wrong every single time we spoke. We spoke to Fabian at great length as a debrief and I did reply to his emails multiple times. But at a very busy time for us, I found the whole process extremely time consuming, wasteful and basically a tick box exercise for him to justify his own position rather than any interest in what's best for our local area.

Can I stress that we are a table service venue for the rest of the year. We are the only restaurant & bar that offers outdoor table service during the season.

Our event lasts 7 hours, and it's once a year. This is the only event we ever allow standup drinking, which like I said has been allowed by your predecessors every year since I opened 15 years ago. So surely a precedent has been set for this well run, well loved & longstanding event.

The TEN we usually apply for has never been denied previously, and the complaints are always from the same people with vested interests like I said. You are asking me to jump through extra hoops which I will do in order to keep our event going which has become a tradition around the harbourside, but I fear it will be another waste of all our time.

Can we please have a chat before I put in the application?

Kind Regards,

Brett Morton

Director

Offshore Bar & Restaurant



From: Hind, Rachael <Rachael.Hind@torbay.gov.uk>

Sent: Monday, March 25, 2024 2:49:18 PM

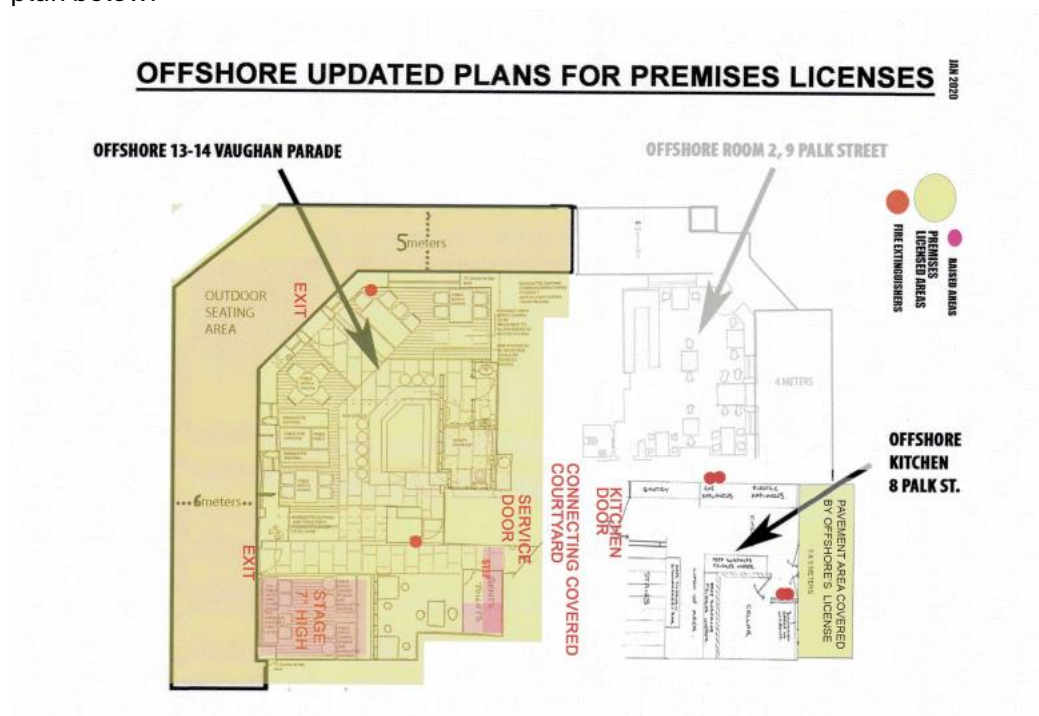
To: brett.offshore [REDACTED]

Cc: Smart, Julie <Julie.Smart@torbay.gov.uk>; West, Thomas <Tom.West@torbay.gov.uk>

Subject: Offshore - Live Music Event

Dear Brett

My colleague, Julie Smart, has advised that you are intending to hold another music event in the outside area at Offshore in May. I have reviewed the premises licence and you will not need to apply for a TEN application if the entertainment is held within your premises licence area – see plan below.



However, if it is going to be a stage, like you advised in your plan last year (see below) which was outside of the pavement area, then you will need to apply for a TEN and you will also need to seek permission to use the land from highways and you may need to apply for a road closure.



If the amplified live or recorded music is held within your pavement licence area, you will need to apply for a temporary amplified music permission to cover the period during which the amplified live or recorded music is intended. You must apply at least 21 days in advance as we will require a 10 working day consultation period in order to fully consider such applications and allow for the consultation.

However, noise complaints have been received for the past two years regarding events outside your premises. Last year, you did not apply for the temporary permission 21 days in advance and normally we would have refused the application, however as you had submitted a noise management plan which had been produced by [REDACTED], we allowed the event to go ahead.

Unfortunately, the noise management plan was not put into practice and we received three noise complaints regarding this event. The event was also witnessed by an officer from this department.

The noise management plan had advised that a number of noise monitoring positions would be in place and that 'All activities and complaints will be logged and reported to the Local Authority in a real time report recorded via Smart Audio. There will be a final report of all activities after the event, sent as a full report including any data compiled during the event' (page 5 of noise management plan).

My colleague, Fabien Simms contacted yourself and [REDACTED] prior to the event with some suggested improvements to the noise management plan, including how the residents would be able to contact you during the event. Fabien also asked on numerous occasions for a copy of your formal debrief/final report after the event as per the noise management plan. However, no report was submitted to this department.

An officer from this department also witnessed customers drinking outside of the permitted area and they were stood up within the pavement café area dancing/singing to the music. As advised in my letter dated 15 June 23, you must ensure that the conditions of your pavement licence are adhered to at all times including Condition 21: ***The Licence Holder/s shall***

ensure that customers who purchase food or drink for consumption on the premises shall not consume such items outside of the permitted area (as per the licence plan) and Condition 22: All customers using the pavement café will be required to be seated. Vertical drinking will not be permitted within the licenced area.

Based on the previous history of this event and the matters outlined above, then our department are likely to object to an application for either a TEN or a pavement licence café temporary amplified music permission. However, I recommend you review your noise management plan and provide evidence of how you will address the issues raised and what noise monitoring will be in place throughout the event (and by whom) and how you will respond to complaints on the day. We will then take this into consideration when considering any application.

If you wish to discuss this further, please do not hesitate to contact myself or my colleague Tom West, who is now our new Licensing Officer that deals with noise and public nuisance matters.

Kind Regards, Rachael

TORBAY COUNCIL

Rachael Hind | Regulatory Service Manager (Commercial)

Community Safety

Town Hall, Torquay TQ1 3DR

01803 208028 | rachael.hind@torbay.gov.uk

www.torbay.gov.uk

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From: Brett Morton <[REDACTED]>
Sent: Thursday, April 4, 2024 2:56 AM
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Cc: West, Thomas <Tom.West@torbay.gov.uk>
Subject: Re: Offshore - Live Music Event

Hi Rachael & Tom,

I hope you're both well.

I have attached our noise management plan.

I would just like to stress again that this is a much loved day that we do not run for our own benefit but for the wider community. Offshore doesn't make any more money from this than we would from a normal sunny Sunday. In fact after we've paid the bands we actually make less. We do it to raise money for the RLNI, thank our local customers, suppliers and musicians for being so great, and then we get on with the rest of the season as a seated table service restaurant and bar. Believe me, the last thing I want to do is to draw negative attention from the council, and if I was only motivated by profit I really wouldn't bother, but I genuinely think it's important that we keep our traditional little event going for the good of the community.

I hope you agree that I have taken every measure I can to ensure that this is as far as possible a complaint free event.

Kind Regards,

Brett Morton

Director





From: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Sent: 28 March 2024 17:11
To: Brett Morton <[REDACTED]>
Cc: West, Thomas <Tom.West@torbay.gov.uk>
Subject: RE: Offshore - Live Music Event

Hi Brett

Thank you for meeting with us today.

Following our meeting, Tom and I have discussed the pavement café licence conditions with Jon Edwards. He has advised that point 15 of the pavement licence café policy states – see page 21:

[pavement-cafe-policy.pdf \(torbay.gov.uk\)](#)

All customers using the Pavement Café will be required to be seated. Vertical drinking is not permitted within the licensed area at any time. Removal of tables and chairs and/or the submission of a Temporary Event Notice under provision of the Licensing Act 2003 does not constitute suspension of permissions granted under this licence.

Therefore, you will not be able to deviate from this condition for your proposed event on 12 May.

As discussed, you will not need to apply for a TEN if the event is within your pavement licence café area, however you will need to apply for the pavement licence café temporary amplified music permission. As advised, please ensure you review your noise management plan and detail what noise monitoring will be in place throughout the event (and by whom) and how you will respond to complaints on the day. We will then take this into consideration when considering any application.

If the stage is outside of your pavement licence café area, then you will also need to contact Highways to get permission to use this area.

I am on leave now until 15 April, however if you wish to discuss this further, please contact Tom West who I have copied into this email.

Kind Regards, Rachael

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Rachael Hind | Regulatory Service Manager (Commercial)

Community Safety

Town Hall, Torquay TQ1 3DR

01803 208028 | rachael.hind@torbay.gov.uk

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Appendix 3:

[C120 Vaughan Pde uuid-7fb96cf5-3d78-4a5a-8254-0d25b7c437f0 2024-05-12 15-15-56\(2\).mp4](#)

[C121 Palk St uuid-a64dbc29-6be4-4d20-ae0a-6e766d8f74c4 2024-05-12 15-15-56\(1\).mp4](#)



Appendix 4

From: Brett Morton [REDACTED]
Sent: Tuesday, May 14, 2024 8:49 AM
To: Smart, Julie <Julie.Smart@torbay.gov.uk>
Subject: Offshore festival 2024

Hi Julie,

Our event went really well, with no major issues, and once again we raised over £1000 for the RNLI. Andrew, the new Coxon of the lifeboat was in attendance all day and even jumped onstage himself to give away the raffle prizes. The people in attendance were 99.9% locals of all ages which was lovely to see.

We had one noise complaint call to the landline, and responded by telling the sound engineer to turn down. We received zero emails of complaint and zero complaints to my mobile number which was also on the letter to local residents. Aside from that please find our noise monitoring sheet attached detailing our efforts to control noise throughout the day.

An issue I'm sure you're already aware of was that due to the unexpectedly amazing weather, a LOT more people than expected came along this year. [REDACTED] managed the situation really well to make sure the day ran smoothly with no confrontation / flashpoints.

I must say all our customers were extremely supportive and well behaved, and gave very generously to the RNLI.

The area to the rear of our stage was larger this year and so easily wide enough for emergency vehicles to pass. We also made sure that musicians kept the area clear of equipment. A crowd did gather along the harbourside but our security were always confident that they could clear the way for any emergency vehicles quickly when needed.

There were quite a few people who had brought their own picnics/drinks/ picnic chairs with them who decided to sit/ stand outside of our areas both on the harbourside and on Cary green. As this was not within our licensed area or our TEN and the alcohol was not purchased at offshore, the security team could not really act forcefully on this and would perhaps benefit from advice / support from the police for any similar such events in the future. That said, there were zero reports of antisocial behaviour that I'm aware of.

Thanks for your patience and understanding during this process.

I hope you agree that charity events such as this are important and that the huge enthusiasm from the general public means there is an appetite for more community events like this in Torquay. Like I have already said though, I feel this event could possibly benefit from collaboration with other harbourside venues in future if it is to continue.

At the moment though, I'm just glad it's over and that we can go back to our usual continental style table service for the rest of the summer 😊

Yours sincerely,

Brett Morton
Director
Offshore Bar & Restaurant
[REDACTED]

Appendix 5

Pavement café area

Offshore



Find My Nearest - Adopted Highway Network

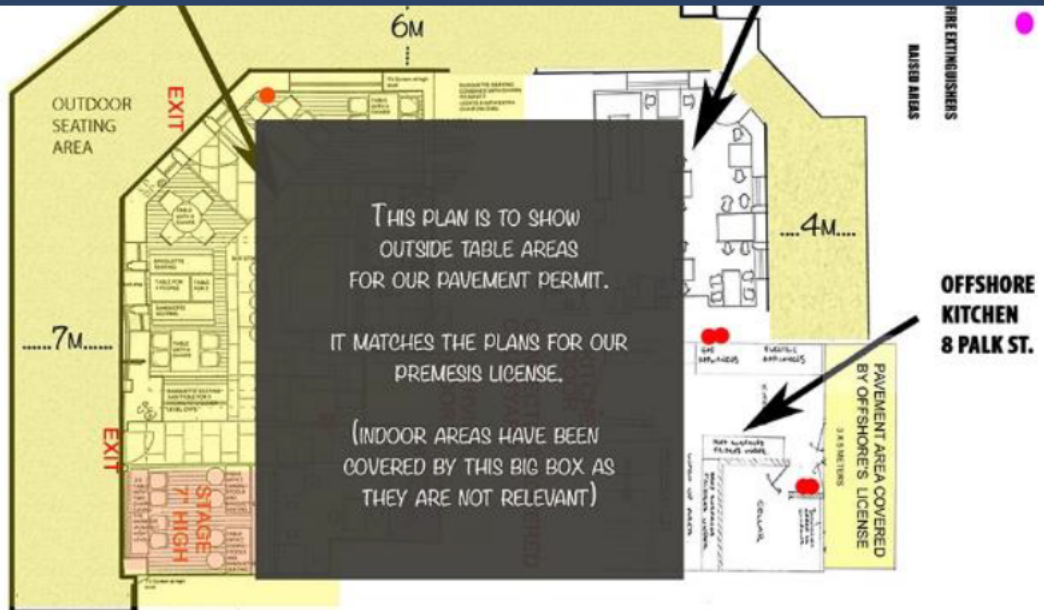
Location: TQ2 5EQ Service: Adopted Highway Net

OS Outdoor Map Overlays Measure

Peaceful Cottage Cary Green Vaughan Road Vaughan Parade Slipway Shelter

Google Ngr: SX9188763524 East: 291887 Lat: 50.461547414855629 North: 63524 Lon: -3.524521179478956

Keyboard shortcuts Image may be subject to copyright 10 m



Appendix 6

From: Andrew Aggett [REDACTED]@dsfire.gov.uk>
Sent: 29 January 2025 11:02
To: West, Thomas <Tom.West@torbay.gov.uk>
Cc: Brown, Michael <Michael.Brown@swisco.co.uk>; Magenta Guthrie <[REDACTED]@dsfire.gov.uk>
Subject: RE: Minimal width for emergency access

You don't often get email from aaggett@dsfire.gov.uk. [Learn why this is important](#)

Morning Tom,

Magenta has asked me to respond to you for this event. If we attended a fire incident involving the event premises or an adjacent one members of the public would disperse to a reasonable safe distance. Once in attendance and the severity of the incident has been established, we would put in place cordons for the incident to safely operate in and keep members of the public safe.

From the information you have provided I can see that there are large numbers of people and it is unclear whether the event/license has a designated footprint, would expect to see more robust segregation such as barriers. There would also appear to be very little in the way of managing the crowds with SIA stewards. Would also be interested how they manage the maximum occupancy of the premises due to the large number of attendees.

I am not an expert on public rights of way/pavements but if the event wants to use all the space out to the harbour wall, I would assume a diversion route for the pavement will need to be in place (TTRO). This can cause possible objections from neighbouring businesses that could potentially be missing out on passing trade.

Hope this has been of use to you. If you require any further information, please do not hesitate to contact me.

Kind Regards



Andy Aggett
Fire Safety Inspector
Torquay Fire station

t. [REDACTED] e. [REDACTED]@dsfire.gov.uk
Devon and Somerset Fire and Rescue Service
Newton Road
Torquay
TQ2 7AD

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Our Values:



From: Magenta Guthrie <[REDACTED]@dsfire.gov.uk>
Sent: 28 January 2025 14:48
To: Andrew Aggett <[REDACTED]@dsfire.gov.uk>
Subject: FW: Minimal width for emergency access

Hello,
Would you be able to pick this event up please? My only involvement last year was to tell Rachael what the widths required were for access, it didn't go to SAG etc.

If you don't have capacity don't worry, I'll get round to it after [REDACTED]



Kind regards,

Magenta Guthrie
Fire Safety Protection Inspector
[REDACTED] w. www.dsfire.gov.uk
Devon and Somerset Fire and Rescue Service
Torquay Fire Station, Newton Road, Torquay TQ2 7AD

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From: West, Thomas <Tom.West@torbay.gov.uk>
Sent: 28 January 2025 14:44
To: Magenta Guthrie <[REDACTED]@dsfire.gov.uk>
Cc: Brown, Michael <Michael.Brown@swisco.co.uk>
Subject: FW: Minimal width for emergency access

Hi Magenta,

Last year you had correspondence with my colleague Rachael in connection with a temporary event notice for a licenced event. The event went ahead but the crowds of people far exceeded what was stipulated on the notice. (I've attached some photos for reference). A notice has been submitted ahead of this year's event, and I will be objecting on grounds of public nuisance and public safety.

A copy of the notice was sent to responsible authorities; however, I know that not everyone is aware of the issue around crowds of people on the highway from last year.

Part of my objection includes the potential for emergency service vehicles to have restricted access to certain parts of the harbour. No doubt crowds will disperse when an emergency vehicle is coming through, but I wondered how or if at all this might restrict the capabilities of a fire and rescue vehicle in case of an incident.

- Michael, based on the screenshots below, would this prompt the need for a TTRO given the highway is partially blocked by people, albeit only for a small section on the harbour?

Many thanks,

Tom





From: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Sent: 28 January 2025 13:05
To: West, Thomas <Tom.West@torbay.gov.uk>
Cc: Smart, Julie <Julie.Smart@torbay.gov.uk>
Subject: FW: Minimal width for emergency access

From: Magenta Guthrie <[REDACTED]@dsfire.gov.uk>
Sent: 17 April 2024 09:56
To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>
Subject: RE: Minimal width for emergency access

Hi Rachael,
 So appliances need to get within 45 – 50m of all structures. As the buildings in that area are less than 11m to the floor of the top storey, a normal pump is required not a high reach, therefore the table below is applicable regarding minimum width requirements (3.7m);

Table 15.2 Typical fire and rescue service vehicle access route specification

Appliance type	Minimum width of road between kerbs (m)	Minimum width of gateways (m)	Minimum turning circle between kerbs (m)	Minimum turning circle between walls (m)	Minimum clearance height (m)	Minimum carrying capacity (tonnes)
Pump	3.7	3.1	16.8	19.2	3.7	12.5
High reach	3.7	3.1	26.0	29.0	4.0	17.0

NOTES:

1. Fire appliances are not standardised. The building control body may, in consultation with the local fire and rescue service, use other dimensions.
2. The roadbase can be designed to 12.5 tonne capacity. Structures such as bridges should have the full 17-tonne capacity. The weight of high reach appliances is distributed over a number of axles, so infrequent use of a route designed to accommodate 12.5 tonnes should not cause damage.



Kind regards,

Magenta Guthrie

Fire Safety Protection Inspector

m. [REDACTED] w. www.dsfire.gov.uk

Devon and Somerset Fire and Rescue Service

Torquay Fire Station, Newton Road, Torquay TQ2 7AD

 please don't print this email unless you really need to.

From: Hind, Rachael <Rachael.Hind@torbay.gov.uk>

Sent: Wednesday, April 17, 2024 9:27 AM

To: Magenta Guthrie [REDACTED] <[\[REDACTED\]@dsfire.gov.uk](mailto:[REDACTED]@dsfire.gov.uk)>

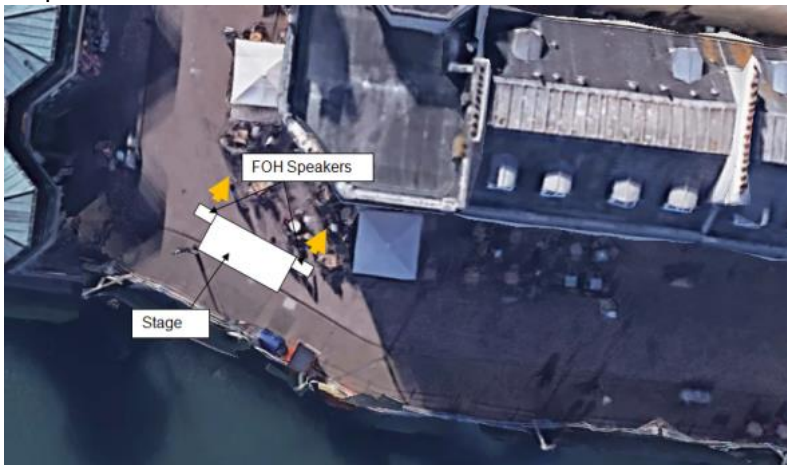
Subject: Minimal width for emergency access

Hi Magenta

We are dealing with a request to have a stage outside offshore in Vaughan Road. This is a paved area but not sure if there is a minimum width that should be kept clear for emergency vehicle access. If so, please could you advise what the minimum width is?

Please see map below:

Proposed event location:



Find My Nearest - *Adopted Highway Network*

Location: Service: Adopted Highway Net

Within 0 miles
Within 0.02 miles
Within 0.03 miles
Within 0.04 miles
Within 0.04 miles
Within 0.05 miles
Within 0.05 miles
Within 0.05 miles
Within 0.05 miles
Within 0.05 miles
Within 0.06 miles
Within 0.06 miles
Within 0.06 miles
Within 0.06 miles
Within 0.06 miles
Within 0.06 miles
Within 0.06 miles
Within 0.07 miles
Within 0.07 miles
Within 0.08 miles

The map displays a purple-shaded area representing the adopted highway network. Key features include 'Peaceful Cottage' and 'Cary Green' near 'Vaughan Road'. A 'Slipway' and 'Shelter' are located near a body of water. The map includes a 'Map Overlays' menu with 'OS Outdoor' selected and a 'Measure' tool. A coordinate box at the bottom shows Ngr: SX9188763524, East: 291807, Lat: 50.461547414855029, North: 63524, Lon: -3.524521170478958. A scale bar indicates 10 meters.

Many thanks Rachael

TORBAY COUNCIL

Rachael Hind | Regulatory Service Manager (Commercial)

Community Safety

Town Hall, Torquay TQ1 3DR

01803 208028 | rachael.hind@torbay.gov.uk

www.torbay.gov.uk

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Appendix 7

From: Smart, Julie <Julie.Smart@torbay.gov.uk>

Sent: 14 May 2024 13:31

To: Hind, Rachael <Rachael.Hind@torbay.gov.uk>; West, Thomas <Tom.West@torbay.gov.uk>

Subject: Offshore Event - 12 May 2024

Hi Rach & Tom

I have uploaded some photos and videos of the above event to the Teams folder – Alcohol & Entertainment/Offshore Noise Complaints. You'll notice in the videos that it was very windy and my phone was picking this up, but the music and customers could clearly be heard on the opposite side of the harbour despite the wind.

Issues I noted are:

- Large number of customers stood up drinking within Pavement Café Permit area in breach of Pavement Café Policy and a condition on the premises licence that the Pavement Policy Permit Conditions must be complied with – ie customers sat down and served by waiter/waitress service (although the event outdoors was under a TEN, I saw customers come outside from inside the premises therefore those sales were made under the authority of the premises licence).
- Large number of customers stood up drinking in area around the Pavement Café Permit area within no alcohol zone
- Large crowd attracted to area due to event. Highways wanted an assurance that the road behind the stage would be kept clear – not that it is acceptable to obstruct it but try to clear if emergency access is required. Door stewards not seen to be attempting to control this area, just stood around watching.
- Some customers took their own chairs to the event and sat around area, including behind stage in area supposed to be kept clear.
- Area severely congested with people so difficult to walk around - probably impacted on gift business situated opposite and causing obstruction for those wishing to access taxi rank and public car park located in that area.
- Behind stage area, guitar cases and other items, including wires not within barriers so causing potential trip hazard
- Complaint from nearby licensed premises that people attending the event were using their toilets, causing queues and delays for their own customers which had to be supervised by a member of staff, as there was no additional toilet provision by Offshore.
- Public bins, emptied by Swisco at tax payers expense, were overflowing as no additional bin provision appeared to be provided by Offshore.
- Whilst drinks were supplied in plastic vessels, people were walking around the harbourside drinking from these and many were left around the harbourside. I doubt that Offshore did a sweep of the area to dispose of these during or after the event finished.
- Spotted Torquay also shows photo of crowding – negative comments include
 - “It was heaving lol. Struggled to get past. Great atmosphere”
 - “It was loud! We live on the hill behind the former church, we got the music loud and clear in our garden!”
 - “I heard it clearly from the top of Braddon’s Hill but a much more welcome sound than the Torbay Moaning Chorus” . Offshore Bar and Restaurant replied to this

comment “..... We were monitoring noise levels all day and we stayed within our agreed acceptable decibel limits BUT admittedly the wind was carrying the sound up the hill so sincere apologies for any inconvenience. Please do keep in mind that this is an annual event and does not reflect our usual service, as we usually run continental style seated service outdoors and our music is kept to background levels. Please feel free to message us directly with any further feedback”.

- “No sorry, too many people! 😞”

Thanks

Julie

TORBAY COUNCIL

Julie Smart | Licensing Officer | Licensing and Public Protection Team
Torbay Council, Community & Customer Services, Lower Ground Floor, Town Hall,
Torquay TQ1 3DR

  | julie.smart@torbay.gov.uk

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