

Wednesday, 29 January 2025

STATUTORY LICENSING SUB-COMMITTEE

A meeting of **Statutory Licensing Sub-Committee** will be held on

Thursday, 6 February 2025

commencing at **9.30 am**

The meeting will be held in the Banking Hall, Castle Circus entrance on the left corner of the Town Hall, Castle Circus, Torquay, TQ1 3DR

Members of the Committee

Councillor Foster

Councillor Barbara Lewis

Councillor Virdee

A Healthy, Happy and Prosperous Torbay

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Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

STATUTORY LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**
To elect a Chairman/woman for the meeting.
2. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Sub-Committee.
3. **Declarations of interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent items**
To consider any other items that the Chairman decides are urgent.
5. **Licensing Act Review in respect of The Devon Dumpling, 108 Shiphay Lane, Torquay** (Pages 3 - 160)
To consider an application for a Review of a Premises Licence in respect of the Devon Dumpling, 108 Shiphay Lane, Torquay.
6. **Temporary Events Notice in respect of Offshore Bar and Restaurant, 9 Palk Street, Torquay** (To Follow)
To consider a Temporary Events Notice application in respect of Offshore Bar and Restaurant, 9 Palk Street, Torquay.

TORBAY COUNCIL

Briefing Report No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Review of a Premises Licence in respect of The Devon Dumpling, 108 Shiphay Lane, Torquay, TQ2 7BY

Wards Affected: **Shiphay**

To: **Licensing Sub-Committee**

On: **06 February 2025**

Contact Officer: **Carrie Cottell**

☎ Telephone: **01803 207079**

✉ Email: Licensing@torbay.gov.uk

1. Key points and Summary

1.1 To consider and determine an application, in respect of the Premises detailed above, for a Review of a Premises Licence.

1.2 The application relates to all the Corporate Priorities within the Community Plan.

1.3 The matters raised relate to the Licensing Objectives “The Prevention of Crime and Disorder” and “The Prevention of Public Nuisance”.

1.4 Under the Licensing Act 2003 (the Act), the Licensing Authority (the Authority) before determining the application, must hold a hearing to consider the application and any relevant Representations.

The Authority must have regard to the application and any relevant Representations and take one or more of the steps as detailed below, as it considers appropriate for the promotion of the Licensing Objectives.

The steps are –

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the Designated Premises Supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;
- (f) to do nothing;

and for this purpose, the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

If the licence is subject to sections 19, 20 and 21 (requirement to include certain Mandatory Conditions in Premises Licences) they remain.

Where the Authority takes a step to modify the conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

1.5 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Interested Parties and Responsible Authorities at the determination of the matter.

2. Introduction and application

2.1 The application has been made under Section 51 of the Act for a Review of the Premises Licence, at the Premises detailed above.

The Review application has been received from Julie Smart, Licensing Officer for the Licensing Authority who are a Responsible Authority. The grounds for the Review relate to:

- Offences under Section 136 of the Licensing Act 2003, in respect of non-compliance with conditions contained with the Premises Licence.
- Failure to make the designated smoking area compliant with the Smoke Free (Premises and Enforcement) Regulations 2006, to submit applications to vary the Designated Premises Supervisor (DPS), and to apply for a Minor Variation to amend the approved plan of the premises at the request of the Licensing Authority, and as required due to the erection of a bar in the garden of the licensed premises.
- Concerns that the DPS, Mr Raymond Lyon, does not appear to have day to day responsibility for the premises.

Full details of the application are shown in Appendix 1. Additional documents, including letters to the Premises Licence Holders, emails, photographs, and copies of the premises plans have been submitted by the Applicant to support the application. These are shown in Appendix 2.

A copy of the premises licence showing the activities, timings and conditions is attached at Appendix 3.

2.2 Torbay Council as the Licensing Authority, is satisfied that the Applicant is a person as defined under the Act, as being entitled to make such application and that the application is not frivolous or vexatious. The Authority is also satisfied that the administrative requirements of Section 51(3) (a) and (b) have been met and that the application is therefore, properly made.

3. Consultation

3.1 A notice stating a Review application had been made was issued by Torbay's

Councils Licensing Department and delivered by the Council's Licensing Officer, on 17th December 2024. Details of the Review have been advertised on the Council's website. The Notice advised of the grounds for the Review and requested representations should be made no later than 13th January 2025 to Torbay Council in writing. All Statutory consultees were served with a copy of the Review application.

3.2 There is 1 representation from a Responsible Authority in support of the application. This has been received from Tom West, Public Protection Officer for Torbay Council. The representation includes his statement, photographs showing the location of the premises, links to video footage and a timeline of noise complaints received. This is shown at Appendix 4 and relates to the Licensing Objective "The Prevention of Public Nuisance".

3.3 There are 3 representations from Interested Parties in support of the application, relating to "The Prevention of Crime and Disorder" and the "Prevention of Public Nuisance". These are shown at Appendix 5.

3.4 There is 1 neutral Representation received on behalf of an Interested Party who are the freehold owners of the premises. This is shown at Appendix 6.

3.5 We received 136 Representations supporting the premises and objecting to the review application. Many of the representations were invalid as they did not relate to any of the four licensing objectives. An email response was sent to all parties who made an invalid representation, containing guidance on how to make a valid representation and the date by which it must be resubmitted.

At the end of the consultation period 21 valid representations had been received. These are shown at Appendix 7.

3.6 The Premises Licence Holders, via their representative, have provided copies of the applications made since the review application was received, and these are shown at Appendix 8.

No other Representations have been received from any other Responsible Authority or any other Interested Parties other than those stated above.

4. Hearing

4.1 The Authority is required to conduct a hearing under provision of Section 52(2) of the Act.

4.2 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.

4.3 Once the matter is determined, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 8(2) of Schedule 5 to :-

- (a) the Applicant for the Review,
- (b) the holder of the Premises Licence, or
- (c) any other person who made relevant Representations in relation to the application.

In the event that an Appeal is entered, the determination will not have affect until the Appeal is either determined or withdrawn.

4.4 Following such Appeal, the Magistrates' Court may: -

(a) dismiss the Appeal,

(b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or

(c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,

and may make such an order as to costs as it thinks fit.

Rachael Hind
Regulatory Services Manager

Appendices

Appendix 1 Application for Review

Appendix 2 Additional Supporting Documents from the Applicant including Floor Plans

Appendix 3 Copy of the Current Premises Licence

Appendix 4 Representation from a Responsible Authority in support of the Application

Appendix 5 Representations from 3 Interested Parties in support of the Application

Appendix 6 Neutral Representation from 1 Interested Party

Appendix 7 Representations from 21 Interested Parties objecting to the Application

Appendix 8 Supporting Information from Premises Licence Holder

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:
Torbay Council Licensing Policy 2021-2026.



LICENSING ACT 2003

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

NOTIFICATION

Information held by Torbay Council complies with and is held in accordance with the UK Data Protection Act 1998. The information that you provide on this form will only be used for this application form and will only be disclosed where necessary under any applicable legislation.

Information may also be shared for the prevention and detection of crime, for example with the police and other agencies as required by law, such as the Audit Commission under the National Fraud Initiative data matching exercise.

You have a right of access to your personal information. If you wish to access your personal information or exercise any of your rights under the legislation then please contact Torbay Council's Information Governance team on 01803 20 7467. Further information can be found on the Information Governance pages on Torbay Council's Internet site at, www.torbay.gov.uk

Completed forms should be returned to:

**Environmental Health Manager (Commercial)
Torbay Council
Community Safety
C/O Torquay Town Hall
Castle Circus
Torquay
TQ1 3DR**

Contact Details:

Tel: 01803 208025

Web: www.torbay.gov.uk

Email: licensing@torbay.gov.uk

**Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Julie Smart, Licensing Officer, Torbay Council

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
The Devon Dumpling 108 Shiphay Lane	
Post town Torquay	Post code (if known) TQ2 7BY

Name of premises licence holder or club holding club premises certificate (if known)
Mr Raymond Lyon and Mr Matthew Ashley Lyon

Number of premises licence or club premises certificate (if known)
PL0460

Part 2 - Applicant details

I am Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority
(please read guidance note 1, and complete [A] or [B] below)
- 2) a responsible authority (please complete [C] below)
- 3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Julie Smart – Licensing Officer Torbay Council Town Hall Torquay
Telephone number (if any) 07442 680389
E-mail address (optional) Julie.smart@torbay.gov.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

1. The Premises Licence Holders have committed offences under Section 136 of the Licensing Act 2003, in respect of non-compliance with conditions contained within the Premises Licence.
2. The Premises Licence Holders have failed to make their designated smoking area compliant with the smoke free regulations, and to submit applications to vary the DPS and a Minor Variation to amend the approved plan of the premises at the request of the Licensing Authority.
3. Concerns that the DPS, Mr Raymond Lyon, does not appear to have day to day responsibility for the premises.

Please provide as much information as possible to support the application (please read guidance note 3)

On 1 March 2024 I accompanied Mr Tom West, Public Protection Officer of Torbay Council, on a visit to the premises as Mr West wished to discuss some noise complaints with the premises management. Whilst stood in the rear beer garden I noticed that work was being undertaken to erect a new wooden structure. The manager informed me that they intended on installing a bar and putting up a TV within this structure to show the European Qualifier football matches on Good Friday. On checking the approved plan, I informed the manager, who is not the DPS or Premises Licence Holder, that a variation application would be required to update the plan, but that I would discuss this matter with my manager to establish if a minor variation or full variation will be required, due to noise complaints having been received in respect of the use of the garden area.

Whilst in the garden, I also viewed an area known as the cage. A condition on the premises licence under the heading Conditions attached after a Review Hearing by the Licensing Authority (number 13) states "After 10pm patrons wishing to smoke, must use the designated smoking area, known as the cage".

I immediately noticed that the cage has a roof and the walls make up more than 50% of the wall area. This area does not meet the requirements of the Health Act 2006 and The Smoke-Free (Premises and Enforcement) Regulations 2006 to be used as a smoking area. I informed the manager that the cage is not compliant with the smoke free regulations and therefore cannot be used for smoking. I advised that the easiest way to make the area compliant is to remove the roof, but if they do not want to do this, they would need to submit a variation to remove the condition requiring the cage to be used as a designated smoking area and identify a suitable alternative area. I suggested that it may be best to discuss this matter with Mr West and the residents who were involved in the previous review of the premises licence, to ensure they are satisfied that the use of any proposed area will not impact on public nuisance.

On 8 March 2024, Mr West sent the manager an email advising that they need to submit a variation with amended to plan to show the new outside bar, that this could be done by way of minor variation, but if an objection was received, the application would be rejected so they would lose their application fee, or they could submit a full variation. Mr West also advised them that removing the roof from the cage would make the area compliant with the smoke-free requirements, and he sent them a document which contains a method for calculating whether a structure meets the smoke free requirements. A copy of this email and the Quick Guide to Smoke Free Spaces is attached.

On 4 July 2024, as no variation application was received in respect of this premises, myself and Mr West again visited the premises, where we met with Mr Matthew Lyon (PLH) and his manager. In respect of the cage area, I was disappointed to see that no action had been taken to make the area compliant with the smoke free requirements. I spoke to Mr Matthew Lyon about this, and he said that he had previously been told that the area is compliant with the requirements. I explained that as the area has a roof and only one partially open side it does not meet the requirement of being at least 50% open. I also discussed the need for a variation of plan to show the new wooden structure within the licensed area, and I advised him to show the canopy and fixed seating on the upper garden level within the plan.

We discussed some of the conditions contained within the premises licence. Mr Matthew Lyon said that they had not complied, and could not comply, with the condition that customers have to be seated within the outside area as this means he would need staff outside at all times. I advised that they could request the removal of this condition within the same variation application required to amend the plan, but they would have to propose a suitable alternative to alleviate any concerns the residents may have, and that I would discuss this with my manager. Mr West then discussed 3 noise complaints he had received with Mr Matthew Lyon and his manager.

On 12 July 2024 I sent an email to Mr Matthew Lyon advising him that the cage is not compliant with the smoke free requirements, that he should ensure the area is not used for smoking and puts up appropriate signage to that effect. I advised him that the area could easily be made compliant with the

requirements by removing the roof and I sent him a copy of our information document "A quick guide to smoke free spaces", which he said he had not seen. I advised him that if he did not wish to remove the roof, he would need to apply for a variation to remove all conditions referring to the cage as the smoking area and add suitable alternative conditions.

I further advised him that as smokers are required to use the designated smoking area, which is not smoking compliant, but there have been noise complaints in respect of customers outside the front of his premises, this leaves a problem of where customer should smoke until this matter is resolved. I suggested that his customers temporarily use the patio next to the cage, but indicated that we would only allow this for a limited period. I requested that he deals with this as a matter of urgency, and keep me updated about the matter.

In respect of the condition that requires all customers in outside areas to be seated, I advised him that I had discussed this with my manager, and, if he wished to remove this condition, he would need to propose an alternative condition which restricts the number of customers outside. I recommended that he discussed this with Mr West, who could then liaise with the complainants. I further advised Mr Matthew Lyon that if he does not remove this condition, he will need to comply with it. I advised Mr Lyon of the offence under Section 136 of the Licensing Act and the penalty should a person be convicted of such an offence.

I also reminded Mr Matthew Lyon that a variation of the plan is required to show the structure within the garden area.

I requested delivery and read receipts for this email and subsequently received an email confirming my email had been delivered to Mr Matthew Lyon's personal email address. A copy of this email and the delivery confirmation is attached.

On 25 July 2024, as I had not received any contact from Mr Matthew Lyon in response to my email of 12 July 2024, I located an email address for the premises. I forwarded my email of 12 July 2024 to the premises email address, advising Mr Matthew Lyon that I had not received a read receipt in respect of my email of 12 July 2024, and that my email requires his immediate attention. A copy of this email and the delivery confirmation email is attached.

Later that day, I received a telephone call from the manager of the premises, who said that he had seen my email and forwarded it to Mr Matthew Lyon. We discussed the content of my email. The manager said that he was concerned that taking the roof off the smoking area would lead to more noise complaints. I told him that I had discussed that with my manager, who does not think that the roof keeps much sound in, but ultimately it comes down to how they manage customers, by telling them to be quiet if appropriate. He said that if they move smokers somewhere else that could cause noise complaints so he thought they should be allowed to smoke in the cage with the roof on, but I told him that we cannot allow that as we know the smoking area is not compliant with the requirements.

The manager also wanted to know why they need to consider a condition setting a limit on the number of people outside and I explained that the committee may have put the condition on the licence to limit the number of people out there. He said that he thinks it is crazy to limit the number of people in a beer garden, but I told him we have many premises which have limits on the numbers of customers in outside areas, particularly later at night. He asked to speak to my manager, and I told him that she is on leave, and that I would ask Mr West to contact him instead. I then sent an email to Mr West asking him to ring the manager to discuss the matters he raised.

On 18 September 2024 I met with my manager, Mrs Hind, and Mr West to discuss this premises as I had not received any response to my emails from Mr Matthew Lyon, he had not contacted me by phone, nor had a variation application been submitted. Mr West said that he had sent an email to Mr Matthew Lyon the day before and was waiting for a response. Mrs Hind advised that if no communication or variation application was received by end of the following week, we should write to the Premises Licence Holder advising him of the offence being committed, ie providing licensable activities not in accordance with an authorisation in respect of the approved plan, the date by which the variation application must be received, and if this is not forthcoming we will have no alternative but to

take formal action.

On 2 October 2024, Mr West wrote to Mr Matthew Lyon in respect of a noise complaint he had received and the need for a variation to be submitted by no later than 18 October 2024, or we would have no option but to seek a prosecution or apply for a review of the licence. A copy of this letter is attached.

On 11 October 2024, I was reading through the Premises Licence when I noticed that the licence is held jointly by Mr Raymond Lyon and Mr Matthew Lyon, with Mr Raymond Lyon also being the DPS. As Mr Raymond Lyon had not been present at any of our visits to the premises, or copied into any communications, I wrote to Mr Raymond Lyon, explaining the issues in respect of the cage and the structure within the garden. I also sent him a copy of my emails to Mr Matthew Lyon dated 12 and 25 July 2024, and Mr West's letter of 2 October 2024. I apologised to Mr Raymond Lyon that he had not been copied into our correspondence with Mr Matthew Lyon, and advised him that I would give him the opportunity to address the matters I raised. I therefore extended the deadline for receipt of a variation application to 25 October 2024. A copy of my letter to Mr Raymond Lyon is attached. To date I have not received any contact from Mr Raymond Lyon in respect of this letter.

On 11 October 2024, I also wrote a letter to Mr Matthew Lyon, sending him a copy of my letter to Mr Raymond Lyon and my emails dated 12 and 25 July 2024. I informed him that the deadline for receipt of a variation application had been extended to 25 October 2024, and advised him that should an application not be received, I will commence enforcement action in the form of a prosecution or review of the licence. A copy of my letter to Mr Matthew Lyon is attached. To date I have not received any contact from Mr Matthew Lyon in respect of this letter.

On 16 October 2024, Mr West emailed Mr Matthew Lyon advising him of a further noise complaint, the need for a variation, and advising that due to on-going complaints we would like to meet with him and Mr Raymond Lyon on Tuesday 22 October 2024. Mr West and I subsequently received an email from Mr Matthew Lyon indicating that his father, Mr Raymond Lyon, could not attend a meeting, and that he (Mr Matthew Lyon) wished to be nominated as DPS. Mr Matthew Lyon advised that Tuesday 22 October 2024 was convenient to him and a suitable time for our meeting was arranged. A copy of this email is attached.

On 22 October 2024, Mr West and I again attended the Devon Dumpling, where we met with Mr Matthew Lyon and his manager. I took Transfer and Vary DPS applications with me for completion as appropriate.

After returning from this meeting, I updated the IT record with the following notes:

"1130 hrs 22/10/24 - Attended with Tom, and met with Matt and the manager. Tom explained that he has received more noise complaints, all about customers out the front, and he played them the recordings. Matt said that they had stopped customers smoking out the back due to the non-compliant smoking area.

Tom asked to see their noise monitoring logs and they produced a diary containing some entries. Tom checked the entries for each date that he had received a recording. One was a 21st Birthday party when the manager was away, and the staff did not expect this group to attend.

The manager said that he is aware that the complainant is called X and he met with her for 1 1/2 hrs on Sunday to discuss the noise issues, and has explained that this was caused by moving smokers to the front.

I asked if they have provided a telephone number for the resident to contact them if she is being disturbed. The manager has given her his mobile and she will ring him if there is a problem, but on the day of the 21st birthday she knew he was away so didn't want to disturb him.

Tom and I both stressed that the premises need to do their best to prevent noise nuisance in the first place, and then react swiftly and positively if they are contacted by a resident who is experiencing issues.

I asked to see the logs and noted that for some days there was just a one or two line entry, similar to "Checked outside, no noise heard". I advised that a log should contain more detail, ie every 30 mins, with the time stated, a comment about what was witnessed, what action was taken, and signed by the individual carrying out the check. Explained that it would be best to have an individual sheet for each

day. I have forwarded a log I created for another premises to Tom and he will forward to Matt. Discussed that they need to get smokers into the rear garden to alleviate noise at the front. Matt said he will take part of the cage roof off, and I advised the area has to be at least 50% open. Later went and saw this area. I advised I think they need to take at least 50% of the roof off. Matt initially indicated that he only wished to remove a couple of panels, each just over a foot wide, but then said that he thinks the end wall is about 8ft high so would remove 8ft, which he paced out. I advised Matt that he had been sent an advice document which has drawings showing how to work out whether the area meets the 50% requirement, but Matt stated he hasn't seen that. Asked Matt to confirm what email address is best to contact him on. He said that he doesn't check the pubs email as that is mainly for bookings, and he advised us to contact him on his personal email. Tom and I said that we do not have experience or detailed knowledge about smoking areas, as that not our responsibility. Discussed condition that customers outside have to be seated. Matt said that this condition is difficult to comply with (different to what he said before that they hadn't been complying with this at all). Matt said they would keep this condition and comply with it, due mainly to it being winter when the garden won't be used much, and if they want to remove it, they can consider a variation for that next year.

Discussed structure that needs to be included on plan.

Discussed that if they want to remove the seated condition a full variation will be required due to us being aware of noise complaints and potential impact on licensing objectives. Matt asked if they could do a minor variation, and I advised that if they make the cage smoking compliant and comply with the seated condition they can amend the plan by way of a minor variation.

When I have accepted the minor variation they will put a Facebook post up explaining that nothing will change at the premises, but it is just to update the plan.

Tom and I explained that if any further complaints are received, Tom would need to apply for a review, and that, as they have already been subject of a review with the same complaints being received, there is a risk that the licence could be revoked.

Discussed Raymond Lyon being PLH and DPS. Matt said he wants to be DPS, so I completed application and consent form, which Matt signed.

Matt said that Ray still attends premises and is joint owner so will want to stay on licence, and I advised that we have a duty to make sure he is aware of our dealings with the premises.

Advised Matt that I will prepare a minor variation, which I will send to him for checking, together with a copy of the plan, on which he needs to draw the structure and then return to me. Admin will then ring him to take payment of the vary DPS and minor variation fees.

Tom ran through the measures that the premises will put in place to promote the public nuisance objective, which Matt agreed with. Tom advised me he will email Matt separately about this."

I subsequently prepared a minor variation application form which I forwarded to Mr Matthew Lyon on 22 October 2024. I also sent him a copy of the plan which forms part of the premises licence, and a Vary DPS application, with instructions as to what action he and Mr Raymond Lyon needed to take. I also attached another copy of the Quick Guide to Smoke-Free Spaces. I asked Mr Matthew Lyon to send me the measurements of the cage, and his calculations to determine the area of roof which needs to be removed, which I would forward to another member of staff for consideration. A copy of this email is attached. To date no response has been received in respect of this email.

On 23 October 2024, I emailed Mr Matthew Lyon asking him to advise me if his father, Mr Raymond Lyon, has an email address that we can use to send him copies of all correspondence. To date I have not received a response to this email. A copy of this email and a delivery confirmation email are attached.

On 31 October 2024, Mr West and I discussed this premises. Mr West confirmed that he had not received any noise complaints since our last visit. I advised Mr West that the Vary DPS and Minor Variation applications had not been signed and returned, I had not received Mr Matthew Lyon's calculations in respect of making the cage smoking compliant, nor had he provided an email address for Mr Raymond Lyon. We discussed whether we should apply for a review or give the Premises Licence Holders another week to submit their applications.

I advised Mr West that I had not written to Mr Raymond Lyon about the Minor Variation or Vary DPS applications since our visit, as I had hoped that Mr Matthew Lyon would arrange for the forms to be

signed and returned to me, thus alleviating the need for me to write to Mr Raymond Lyon. Mr West informed me that he had written to Mr Raymond Lyon on 2 October 2024, in which he had advised him that I was still waiting for a minor variation application to be submitted (a copy of this letter is attached). Mr West and I agreed that as no more noise complaints had been received, I would write to both Mr Raymond Lyon and Mr Matthew Lyon explaining that despite me completing the forms and sending them to both of them by email and post, I had not received the signed forms.

Later that day I sent letters to both Mr Raymond Lyon and Mr Matthew Lyon, extending the deadline for receipt of the minor variation application to 8 November 2024. I sent each of them copies of the minor variation and vary DPS applications for signature, together with copies of the plan and the guide to smoke free spaces. Copies of these letters are attached. To date no response has been received in respect of these letters.

On 5 November 2024, my manager, Mrs Hind, requested that members of the Licensing Team conduct out of hours visits to premises where we have identified concerns, to coincide with a police operation involving licensed premises planned for Friday 29 November and Saturday 30 November 2024. A colleague and I agreed that we would carry out a visit to the Devon Dumpling on Friday 29 November 2024, and made the necessary arrangements.

On 28 November 2024 Mr West forwarded me an email he had received from Mr Matthew Lyon on 27 November 2024, in which Mr Lyon advises Mr West that he is waiting for a contractor to confirm the roof area that needs to be removed from the cage, and that as soon as they have done that, he will sort the licence out. A copy of this email is attached.

At 2200 hrs on Friday 29 November 2024 my colleague and I attended the Devon Dumpling as arranged.

On approaching the premises we could see a female singer positioned immediately inside a window at the front of the premises, to the right of the front door. I noticed that the front double doors of the premises were wide open, but the inner doors were closed; thus the premises has a lobby, but this was not being utilised. I took a photograph of the front doors (photo 1 – taken at 2202 hrs). I also noted that a first floor window to the left of the building was open. This window is situated within the licensed area as shown on page 1 of the plan. The singer then started singing “Happy Birthday”, with some of the customers joining in. This was clearly audible outside the front of the premises and distinguishable above other noise in the area.

My colleague and I then crossed the road and stood next to the boundary of a residential premises, to assess the volume of noise from the Devon Dumpling at that location. The singer started singing a Christmas song, which was again clearly audible and distinguishable above other noise at our location, as apart from an occasional car passing, there was no other noise in the area. I recorded a video showing the front of the premises and the volume of music (video 1 – commences at 2204 hrs). I subsequently took a screenshot from this video, which shows the front doors and the first floor window open (photo 2).

Whilst assessing the volume of music at the boundary of the residential property, I noted that all residential premises in the area had their windows closed, due to the wet weather. I commented to my colleague that I considered it unlikely that residents could hear the music within their properties, however, had it been a warm, dry night, and residents had their windows open for ventilation, I considered that they would be able to hear the singing and music from the Devon Dumpling within their properties.

My colleague and I then entered the premises and went directly to the rear garden area. On looking into the area known as the cage, I noted that this contained many customers who were sat down drinking and smoking. I further noted that the roof of this area had not been reduced or removed to meet the smoke free requirements. I got out my phone to take a photo of this, however was unable to do so as a female member of staff immediately came out of the premises, went into the cage and said words to the effect of “You are not allowed to smoke in here”. She asked all customers to leave the cage, at the same time moving ash trays from two tables and placing them on another table within the

cage. This table was near to the entrance of the cage, which has a double metal gate at the entrance. Once all customers had left the cage, she closed and padlocked the gates to the cage so it could not be used. This occurred between approximately 2206 and 2212 hrs.

I noted that when customers left the cage some of them went into the premises, but others stood behind myself and my colleague. Some of these customers were drinking and some were smoking. I took a photograph of this group (photo 3 – taken at 2212 hrs).

I also noted that there were 3 males sat within the new outside structure. The member of staff went into this area and advised these males that they were not allowed to drink outside. The males immediately left the area, and the member of staff exited the structure carrying 3 empty glasses. She then spoke to the group of persons stood behind us and advised them they could not drink outside. She then started to walk back into the premises, and at the same time a male exited the premises carrying a drink. She told this male that he could not drink outside. The member of staff then went back into the premises. A further male then came out of the premises and stood to the left of the doors as you exit the premises. He lit a cigarette and commenced smoking. I took a photograph of this male (photo 4 – taken at 2213 hrs).

I also took a photograph, through the metal gates of the cage, showing 2 ashtrays positioned on a table within the cage, close to the gates (photo 5 – taken at 2214 hrs).

We then went back into the premises, and left via the front doors. At that time I noted that the outer doors and window were still open, and music was still being provided, which was clearly distinguishable above other noise in the area.

In respect of customers stood up in the outside area, whilst drinking and smoking, the following conditions, under the heading Conditions attached after a review hearing by the Licensing Authority relate to this:

Condition 1 – “The premises outside areas shall be closed by 10pm every day except for the smoking area, known as the cage”.

Condition 11 – “Patrons using the outside areas shall be seated and signage shall be prominently displayed in these areas notifying patrons of this”.

Condition 12 – “After 10pm patrons wishing to smoke, must use the designated smoking area, known as the cage”.

Condition 15 – “Drinks shall be prohibited outdoors after 10pm”.

In respect of the doors and window being open and the music and singing being distinguishable at our location immediately outside a residential property, the premises licence contains the following conditions which were attached following a review hearing:

Condition 3 - “All windows and door shall be kept closed during regulated entertainment after 10pm”.

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”.

The condition at Annex 3, Condition 1 states:

1. “Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. In general terms, noise from the premises should not be audible within any noise sensitive premises (e.g. dwelling) with windows open for normal ventilation especially after 11pm. This shall be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that shall be applied are;
 - (i) Before 11pm- Noise emanating from the premises shall not be clearly distinguishable above other noise.
 - (ii) After 11pm- Noise emanating from the premises shall not be distinguishable above background levels of noise.
 - (iii) The local authority shall reserve the right in cases of tonal noise and where premises are attached to others

(i.e. semi's and terraced properties), to make further assessments from within the residential property.”

Furthermore, at the time of the visit to the premises by Mr West and I on 22 October 2024, I was not satisfied with the log of outside checks maintained by the premises. The following conditions, under the heading Conditions attached after a Review Hearing by the Licensing Authority, relate to this:

Condition 5 - “The duty manager, or designated staff member each day to regularly check the premises outside areas at least once every half hour when in use, and affectively address any excessive noise by any person or group using that area”.

Condition 6 - “A log shall be kept at the premises to record checks of the premises outside area, and is shall be recorded therein, where any action is taken. This log shall be available for immediate inspection by the Police or any Council Officer or agent visiting the premises, for a look-back period of at least one month.

In respect of customers smoking within the cage when we entered the garden area, it appears that the management may be complacent with enforcing the smoke free regulations, as customers were using ashtrays within the cage area, and although a member of staff advised customers that they were not allowed to smoke in there, she did not remove the ashtrays from the cage, but left them on a table inside the cage after she padlocked the gates.

To date, 16 December 2024, I have not received any contact from either Mr Matthew Lyon or Mr Raymond Lyon as a result of my emails and letters, nor have they signed and returned the vary DPS or minor variation applications.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**



Signature

.....
Date **16 December 2024**

.....
Capacity **Licensing Officer, Torbay Council**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Julie Smart – Licensing Officer Torbay Council Town Hall Castle Circus	
Post town Torquay	Post Code TQ1 3DR
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) julie.smart@torbay.gov.uk	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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From: [West, Thomas](#)
To: [Smart, Julie](#)
Subject: FW: Premises licence guidance
Date: 26 April 2024 14:50:42
Attachments: [image001.png](#)
[A Quick Guide to Smoke Free Spaces.docx](#)

From: West, Thomas
Sent: Friday, March 8, 2024 1:24 PM
To: [REDACTED]
Subject: Premises licence guidance

Hi [REDACTED]

Many thanks for your time earlier.

As discussed, the bar area which isn't included in the current plan will require a variation to make it compliant.

This is because the Licensing act requires that objects or structures which may impact on the ability of individuals to use access and egress routes without impediment are to be included in the plan.

However, there are a few options available to you moving forward:

You may wish to submit a minor variation application:

<https://www.torbay.gov.uk/business/licensing/alcohol-and-entertainment/premises-licence/minor-variation/>

Given the complaint history, it's important to note that with this option, there is a chance you might receive objections to the application. If this is the case and those representations are deemed relevant, you risk losing the application fee that you paid.

The second option is for you to submit a full variation:

<https://www.torbay.gov.uk/business/licensing/alcohol-and-entertainment/premises-licence/full-variation/>

This will cover the changes you wish to make to the plan but as with any variation, the application will go out for consultation, and you might receive representations in response.

You may also wish to consider utilising temporary event notices (TEN's):

<https://www.torbay.gov.uk/business/licensing/alcohol-and-entertainment/ten/>



You can utilize TEN's to cover the events that you intend to hold for the outdoor bar throughout the year. You'll get a maximum of 15 TENs for the year, or 21 calendar days, whichever is reached first.

There's also the matter of the smoking shelter which by the looks of things just needs the roof removing in order to make it compliant under The Health Act 2006 and The Smoke-free (Premises and Enforcement) Regulations 2006 . I've attached a copy of some guidance for you to have a look at.

Any questions then please feel free to ask.

Many thanks,

Tom

Title: Torbay Council 	Tom West Licensing Officer Public Protection Town Hall, Castle Circus, Torquay TQ1 3DR  www.torbay.gov.uk Facebook Twitter LinkedIn Instagram
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A Quick Guide to Smoke Free Spaces

The law forbids smoking anything, including tobacco, such as:

- manufactured cigarettes
- hand-rolled cigarettes
- pipes and cigars
- herbal cigarettes
- water or shisha pipes
- hookah

Smoking includes being in possession of lit tobacco or any other lit substance in a form in which someone could smoke it.

As a premises owner:

- you must not smoke in your enclosed premises
- allow others to smoke in your enclosed premises

Enclosed premises

An enclosed premises:

- has a ceiling or roof (including any fixed or movable structures such as awnings) and except for doors, windows or passageways are wholly enclosed on a permanent or temporary basis
- has a ceiling or roof (including any fixed or movable structure such as awnings)
- has permanent openings in the walls which are less than half of the total areas of walls, including other structures which serve the purpose of walls and constitute the perimeter of the premises

Tents, marquees and similar structures are enclosed premises if they fall within the definition and tent panels will always be counted as being rolled down).

if you want to put up a smoking shelter, you may need:

The 50 percent rule

If 50 percent or more of the walls are missing it is legal to smoke. If more than 50 percent of the walls are present it is illegal to smoke:

- when looking at the area of an opening you do not take into account doors, windows or other fittings that open or shut.
- if an opening or cover can be closed, you treat the openings as closed to work out the 50 percent rule
- In tents marquees and similar structures, treat the tent panels as being rolled down
-

You can contact our Licensing team if you have any questions about smoking in enclosed spaces

The Calculation

How do I know if my smoking area is 50% open and meets the Smoke Free legislation?

Businesses must calculate what percentage of their smoking area is open and what percentage is enclosed to be sure it complies with the smokefree legislation.

The calculation is as follows:

- I. Measure the area of the whole perimeter of the smoking area/shelter that falls beneath the roof/ceiling. Do not include the area of the roof or floor.

2. Measure the area of all the enclosed parts of the perimeter of the smoking area/shelter. This could be walls or other structures that serve the purpose of walls. Again do not include the area of the roof and floor but do include the area of all doors and windows as these are always counted as enclosed parts. This calculation will be part of the enclosed area of your smoking area/shelter.
3. Divide the enclosed area (E) by the perimeter area (P) and times by 100 as shown below:

$$E/P \times 100 = \% \text{ Enclosed}$$

If your smoking area/shelter is more than 50% enclosed then it does not comply with Smoke free legislation and smoking cannot be permitted.

From: [Smart, Julie](#)
To: [mattlor](#) [REDACTED]
Cc: [West, Thomas](#)
Subject: Devon Dumpling - Visit on 4 July 2024
Date: 12 July 2024 11:50:00
Attachments: [image001.png](#)
[A Quick Guide to Smoke Free Spaces.docx](#)
[image002.jpg](#)

Good morning Matthew

Following the visit to your premises by Tom and me on 4 July 2024, I can advise you that I have spoken to my manager regarding the matters we discussed, and can update you as follows:

The Cage – Smoking Area

This area does not comply with The Smoke-Free (Premises and Enforcement) Regulations 2006 as it is substantially enclosed, having a roof and more than 50% of the walls present. Therefore it is illegal to smoke, or allow people to smoke within this area. Owners and managers can be fined up to £2500 for failing to maintain a smoke-free area. You therefore need to ensure that, with immediate effect, this area is not used for smoking and appropriate no-smoking signage is displayed.

The attached information was forwarded to your manager by Tom West on 8 March 2024 (email below) to assist you in ensuring your premises is compliant with the smoke-free regulations. This can easily be achieved by removal of The Cage roof. If you do not wish to remove the roof, you will need to identify an appropriate, alternative area which is acceptable both to Tom West and the complainants. A variation of your premises licence will then be required to remove all conditions referring to The Cage and include alternative conditions.

Due to the conditions imposed by the Licensing Sub-Committee regarding the use of The Cage as a designated smoking area, and complaints of noise from customers outside the front of your premises, this leaves a problem of where your customers should smoke until this issue is resolved. I suggest that your customers temporarily use the patio adjacent to The Cage. However, we will only permit this for a limited period and request that you deal with this as a matter of urgency. I would be grateful if you could keep me updated in respect of this matter.

Condition requiring patrons to be seated outside

During our visit on Thursday 4 July 2024 you stated that you have not been complying, and are unable to comply with condition 11 under the heading “Conditions Attached after a Review Hearing by the Licensing Authority” which states “Patrons using the outside area shall be seated and signage shall be prominently displayed in these areas notifying patrons of this”.

I have discussed this with Rachael Hind, who has advised that if you wish to remove this condition you will need to propose an alternative condition restricting the number of customers outside to reduce the likelihood of noise nuisance. This condition must satisfy both Tom West and the complainants. I recommend you discuss your proposed alternative condition with Tom,

who can then liaise with the complainants.

If you decide not to remove this condition, you must comply with it. Failure to comply with a condition on the premises licence is an offence under Section 136 of the Licensing Act and a person found guilty of such an offence is liable on summary conviction to an unlimited fine, up to 6 months imprisonment, or to both.

Outside structure

As discussed during our visit, a variation application is required to amend the plan of the premises to show the structure you have erected in the beer garden. As recent complaints have been received in respect of noise from your premises, any variation of your premises licence is likely to impact on the licensing objective the prevention of public nuisance and therefore a full variation of your premises licence is necessary to deal with this.

Should you wish to move the location of your designated smoking area and/or remove the condition concerning customers being seated, these matters can be included within the same variation application.

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



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From: West, Thomas

Sent: Friday, March 8, 2024 1:24 PM

To: [Redacted]

Subject: Premises licence guidance

Hi [Redacted]

Many thanks for your time earlier.

As discussed, the bar area which isn't included in the current plan will require a variation to make it compliant.

This is because the Licensing act requires that objects or structures which may impact on the ability of individuals to use access and egress routes without impediment are to be included in the plan.

However, there are a few options available to you moving forward:

You may wish to submit a minor variation application:

<https://www.torbay.gov.uk/business/licensing/alcohol-and-entertainment/premises-licence/minor-variation/>

Given the complaint history, it's important to note that with this option, there is a chance you might receive objections to the application. If this is the case and those representations are deemed relevant, you risk losing the application fee that you paid.

The second option is for you to submit a full variation:

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This will cover the changes you wish to make to the plan but as with any variation, the application will go out for consultation, and you might receive representations in response.

You may also wish to consider utilising temporary event notices (TEN's):

<https://www.torbay.gov.uk/business/licensing/alcohol-and-entertainment/ten/>

You can utilize TEN's to cover the events that you intend to hold for the outdoor bar throughout the year. You'll get a maximum of 15 TENs for the year, or 21 calendar days, whichever is reached first.

There's also the matter of the smoking shelter which by the looks of things just needs the roof removing in order to make it compliant under The Health Act 2006 and The Smoke-free (Premises and Enforcement) Regulations 2006 . I've attached a copy of some guidance for you to have a look at.

Any questions then please feel free to ask.

Many thanks,

Tom

Title: Torbay Council



Tom West | Licensing
Officer | Public Protection

Town Hall, Castle Circus,
Torquay TQ1 3DR



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From: postmaster@outlook.com
To: mattlyor@
Subject: Delivered: Devon Dumpling - Visit on 4 July 2024
Date: 12 July 2024 11:51:11
Attachments: [Devon Dumpling - Visit on 4 July 2024 .msg](#)

Your message has been delivered to the following recipients:

mattlyor@
Subject: Devon Dumpling - Visit on 4 July 2024

From: [Smart, Julie](#)
To: [info@\[REDACTED\]](mailto:info@[REDACTED])
Subject: FW: Devon Dumpling - Visit on 4 July 2024
Date: 25 July 2024 14:52:00
Attachments: [image001.png](#)
[A Quick Guide to Smoke Free Spaces.docx](#)
[image002.jpg](#)

Good afternoon Matt

Please see below email that I sent to you on 4 July 2024. I requested delivery and read receipts for this email, and have received confirmation that it has been delivered successfully, but I have not received a read receipt.

I am therefore sending this email to the email address on your facebook page for your immediate attention.

Kind regards
Julie

From: Smart, Julie
Sent: Friday, July 12, 2024 11:50 AM
To: mattlyon@[REDACTED]
Cc: West, Thomas [REDACTED]
Subject: Devon Dumpling - Visit on 4 July 2024

Good morning Matthew

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I have discussed this with Rachael Hind, who has advised that if you wish to remove this condition you will need to propose an alternative condition restricting the number of customers outside to reduce the likelihood of noise nuisance. This condition must satisfy both Tom West and the complainants. I recommend you discuss your proposed alternative condition with Tom, who can then liaise with the complainants.

If you decide not to remove this condition, you must comply with it. Failure to comply with a condition on the premises licence is an offence under Section 136 of the Licensing Act and a person found guilty of such an offence is liable on summary conviction to an unlimited fine, up to 6 months imprisonment, or to both.

Outside structure

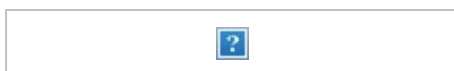
As discussed during our visit, a variation application is required to amend the plan of the premises to show the structure you have erected in the beer garden. As recent complaints have been received in respect of noise from your premises, any variation of your premises licence is likely to impact on the licensing objective the prevention of public nuisance and therefore a full variation of your premises licence is necessary to deal with this.

Should you wish to move the location of your designated smoking area and/or remove the condition concerning customers being seated, these matters can be included within the same variation application.

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

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From: West, Thomas

Sent: Friday, March 8, 2024 1:24 PM

To: [REDACTED]

Subject: Premises licence guidance

Hi [REDACTED]

Many thanks for your time earlier.

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<https://www.torbay.gov.uk/business/licensing/alcohol-and-entertainment/premises-licence/minor-variation/>

Given the complaint history, it's important to note that with this option, there is a chance you might receive objections to the application. If this is the case and those representations are deemed relevant, you risk losing the application fee that you paid.

The second option is for you to submit a full variation:

<https://www.torbay.gov.uk/business/licensing/alcohol-and-entertainment/premises-licence/full-variation/>

This will cover the changes you wish to make to the plan but as with any variation, the application will go out for consultation, and you might receive representations in response.

You may also wish to consider utilising temporary event notices (TEN's):

<https://www.torbay.gov.uk/business/licensing/beer-and-entertainment/ten/>

You can utilize TEN's to cover the events that you intend to hold for the outdoor bar throughout the year. You'll get a maximum of 15 TENs for the year, or 21 calendar days, whichever is reached first.

There's also the matter of the smoking shelter which by the looks of things just needs the roof removing in order to make it compliant under The Health Act 2006 and The Smoke-free (Premises and Enforcement) Regulations 2006 . I've attached a copy of some guidance for you to have a look at.

Any questions then please feel free to ask.

Many thanks,

Tom

Title: Torbay Council



Tom West | Licensing
Officer | Public Protection

Town Hall, Castle Circus,
Torquay TQ1 3DR



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Mr Matthew Lyon,
108 Shiphay Lane,
Torquay
Devon
TQ2 7BY

Please reply to: Tom West
Community Safety
Town Hall
Torquay
TQ1 3DR

My ref: SR282308
Your ref:

E-mail: [REDACTED]
Website: www.torbay.gov.uk

Date: 02/10/24

Dear Mr Lyon,

Environmental Protection Act 1990 – Statutory Nuisance

Licensing Act 2003 – Licensing Conditions

Name of Premises: The Devon Dumpling

Nature of Complaint: Noise from premises

I write with reference to a noise complaint received at this office. The complaint surrounds the following issues:

1. Noise from congregating patrons outside the premises around midnight.
2. The noise caused by congregating patrons appears to continue for some time and is unchallenged by staff at the premises.

I sent an E-mail to [REDACTED] on 17/09/2024 following the first noise complaint but I have not yet received a response. I have received video footage of the congregating customers outside the premises and would concur with the complainant that this level of unchallenged disturbance is unacceptable. The complainant states that this is an issue most weekends and the disturbance is getting later. Please can this issue be rectified with immediate effect. Should the problem persist or escalate then we would face no other option but to apply for a review of the licence.

As an aside to the above, you'll also remember that on 4th July 2024, my colleague Julie Smart and I met with you at The Devon Dumpling to discuss some noise complaints. Throughout the visit, the issue of the smoking area was raised. It was established that this wasn't complaint with current smoking regulations and alterations would need to be made to the area known as 'the cage' to make it compliant.

We recognise that condition 13 under annexe 3 of the licence stipulates this area as the smoking area and that smokers must use this as the designated area. As you would prefer not to remove the roof of

If you require this in a different format or language, please contact me.



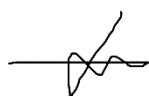
the structure to make it compliant, a full variation is required to propose a new designated smoking area. There is also the issue of the outside bar area which would need to be included in the variation.

My colleague Juie Smart wrote to yourself by way of E-mail on 12/07/2024 in your capacity as joint licence holder to advise you on what must be done to achieve compliance under the licensing act.

As some time has now passed since then, we are requesting that a variation is submitted in order to make the premises compliant under the Licensing Act. If we do not receive an application to vary the licence to reflect the appropriate changes by 18th October 2024 then we face no option but to consider a prosecution or review of the licence.

If you wish to discuss any of the above, then I would be happy to do so.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Tom West', written over a horizontal line.

Tom West

Licensing Officer | Public Protection | Torbay Council.

Please reply to: Julie Smart Licensing Officer
Community Services
Torbay Council
Town Hall
Torquay TQ1 3DR

Mr Raymond Lyon
The Devon Dumpling
108 Shiphay Lane
TORQUAY
TQ2 7BY

My ref:
Your ref: SRU 279555
Telephone: [REDACTED]
E-mail: [REDACTED]
Website: www.torbay.gov.uk

Date: 11/10/24

Dear Mr Lyon

Licensing Act 2003

Premises Licence: PL0460 The Devon Dumpling, 108 Shiphay Lane, Torquay

I am writing to you in your capacity of joint licence holder of the above premises licence.

On 4 July 2024, my colleague, Mr Tom West (Public Protection Officer), and I visited your premises and met with your son and joint licence holder, Mr Matthew Lyon, and your manager, [REDACTED]

At that it was identified that the area being used as your smoking area, known as the cage, is not compliant with the Smoke Free Regulations, despite there being a condition on your premises licence requiring this area to be used for smoking after 10.00 pm. This condition was imposed on the premises licence at the Review Hearing on 5 January 2023, however when the committee imposed this condition, they would not have been aware that the area was not compliant with the Smoke Free Regulations.

During this visit, Mr Matthew Lyon admitted that he had not been complying, and was unable to comply with a further condition imposed on the premises licence at the Review Hearing, which states “Patrons using the outside area shall be seated and signage shall be prominently displayed in these areas notifying patrons of this”. It was also apparent that a new structure had been erected within the outside area, which is not shown on the approved plan, which forms part of the premises licence.

Following this visit, I sent the attached email to Mr Matthew Lyon on 12 July and 25 July 2024, in which I advise him to address the issue of where smokers should smoke by removing the roof of the cage or identifying a suitable alternative that is satisfactory to Mr West and the persons who had previously complained of noise. I suggested that your customers temporarily use the patio adjacent to the cage, and advised that we would only permit this for a limited period, and requested he deal with this as a matter of urgency.

My email also refers to action required in respect of removing the condition requiring customers outside to be seated, and the new structure in the outside area.

If you require this in a different format or language, please contact me.

As I had not received a response to my email or a variation application, I discussed the matter with my manager, Mrs Rachael Hind, and it was agreed that a deadline would be set for the submission of a variation application, or we would need to commence enforcement action.

Mr West subsequently wrote to Mr Matthew Lyon on 2 October 2024, in respect of a noise complaint he had received, copy attached. Within his letter, Mr West informed Mr Matthew Lyon that if no variation application was received by 18 October 2024, we would have no other option than to seek a prosecution for the offences committed or a review of the premises licence.

Unfortunately, despite being the joint licence holder of the premises, you were not sent a letter about this matter, and I apologise for this error.

In order to give you the opportunity to address these matters, I now extend the deadline for receipt of a variation application to Friday 25 October 2024. Should no variation application be received by this date, I shall seek either prosecution for any offences committed, or a review of your premises licence, but I hope this action will not be necessary.

A copy of this letter will be forwarded to Mr Matthew Lyon for his information.

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

Yours sincerely



Julie Smart
Licensing Officer

Please reply to: Julie Smart Licensing Officer
Community Services
Torbay Council
Town Hall
Torquay TQ1 3DR

Mr Matthew Lyon
[REDACTED]

TORQUAY
Devon
TQ2 7DQ

My ref:

Your ref: SRU 279555

Telephone: [REDACTED]

E-mail: [REDACTED]

Website: www.torbay.gov.uk

Date: 11/10/24

Dear Mr Lyon

Licensing Act 2003


Premises Licence: PL0460, The Devon Dumpling, 108 Shiphay Lane, Torquay

Please find enclosed a copy of a letter that has been sent to the joint licence holder of the above premises licence, Mr Raymond Lyon.

Please note that the deadline for receipt of a variation application in respect of the matters referred to within my emails to you dated 12 and 25 July 2024 (copy enclosed), has been extended to Friday 25 October 2024. Should no variation application be received by this date, I shall commence enforcement action, in the form of a prosecution for any offences committed or a review of the premises licence, but I hope that this action will not be necessary.

Should you wish to discuss this matter, please do not hesitate to contact me.

Yours sincerely



Julie Smart
Licensing Officer

From: [matt lyon](#)
To: [West, Thomas](#)
Cc: [Smart, Julie](#)
Subject: Re: Noise complaints | Devon Dumpling
Date: 16 October 2024 15:19:13
Attachments: [image001.png](#)

Hi Tom ,
11.30 is great
Look forward to seeing you
Kind regards
Matt

From: West, Thomas [REDACTED]
Sent: Wednesday, October 16, 2024 12:51 PM
To: matt lyon <mattlyon@[REDACTED]>
Cc: Smart, Julie [REDACTED]
Subject: RE: Noise complaints | Devon Dumpling

Hi Matt,

Many thanks for your response.

I'm sorry to hear about your dad and I understand that he can't attend [REDACTED]

Tuesday works great but we wouldn't be able to do 10am I'm afraid as we're at another meeting.
The earliest we could do is 11:30/mid-day. Does that work okay for you?

Many thanks,

Tom

From: matt lyon <mattlyon@[REDACTED]>
Sent: 16 October 2024 13:40
To: West, Thomas [REDACTED]
Subject: Re: Noise complaints | Devon Dumpling

Good afternoon Tom,
I'm really sorry but I didn't see the other email regarding a previous complaint and the nudge to sort out the licence, I guess it must have gone to the pubs email and not mine personally. I don't tend to look at the works one as it's normally for bookings.
I'm sorry to hear that we have had another complaint as we are trying our best to control customers and noise.
I really want to avoid the licence review as I'm feeling it won't go in our favour. I'm available next Tuesday but dad isn't [REDACTED] at the moment also going forward I would like to become DPS
As dad's [REDACTED]

I'm free next Tuesday morning around 10am if that's good for you guys
Kind regards
Matt

From: West, Thomas <[REDACTED]>
Sent: Wednesday, October 16, 2024 11:34 AM
To: [mattlyon@\[REDACTED\]](mailto:mattlyon@[REDACTED]); [REDACTED]
<[REDACTED]>
Subject: Noise complaints | Devon Dumpling

Good afternoon Matt,

I write with reference to a further complaint received about the Devon Dumpling.

The complainant has provided supporting evidence upon request which shows large groups of customers congregating outside the front of the premises causing a lot of noise disturbance. It is evident that these customers are not being asked to move on. This occurred over Saturday 12th into the early hrs of Sunday.

I've tried phoning to discuss but cannot get through. I've also sent a letter about noise nuisance prior to this aswell as a request to submit a full variation by the 18th October.

In light of frequent and ongoing complaints aswell as the issue around conditions relating to the smoking area, I would propose we have an in person meeting to discuss. We are approaching a stage where we face no other option but to take the licence to review before the licensing sub-committee. I would urge you strongly therefore to consider these matters promptly.

Myself and my colleague Julie would be free next Tuesday for an in person meeting if this suits you? If not, then please suggest an alternative date. It's also important that Raymond is present in his capacity as DPS.

Kind regards,

Tom

TORBAY COUNCIL

Tom West | Licensing
Officer | Public Protection

Town Hall, Castle Circus,
Torquay TQ1 3DR



www.torbay.gov.uk

From: [Smart, Julie](#)
To: [matt.lyon](#)
Subject: Minor Variation and Vary DPS Applications
Date: 22 October 2024 16:57:00
Attachments: [image001.jpg](#)
[Devon Dumpling Vary DPS Application.pdf](#)
[Minor Variation Application Form.docx](#)
[Devon Dumpling Plan.pdf](#)
[A Quick Guide to Smoke Free Spaces.docx](#)

Hi Matt

Following on from our discussions today, the following action is required:

1. Your dad needs to sign the Vary DPS application on the last page.
2. Both you and your dad need to sign the Minor Variation application.
3. On the plan, you need to draw in the structure in the garden. Please also check the rest of the plan to make sure it is accurate. If it is not accurate, please amend as appropriate.

Once you have completed the above, please return all documents to me, and I will then ask [REDACTED] to ring you to collect the £23 fee for your Vary DPS application, and £89 for the Minor Variation.

I have discussed the Cage with Rachael Hind, our manager, and she advises that it is the premises responsibility to ensure that any area used for smoking meets the requirement of the Smoke-Free Regulations. I have therefore attached a guide, which contains advice and a formula for working out whether the area meets the requirements. Once you have calculated how much of the roof needs to be removed, please send me details of how you calculated this, ie the measurements for the perimeter and the measurements of the solid walls, and I will forward this to [REDACTED] for him to respond to you as to whether he is satisfied that it meets the requirements.

If I can be of any further assistance, 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

-
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www.torbay.gov.uk

From: [Smart, Julie](#)
To: [matt.lyon](#)
Subject: Raymond Lyon
Date: 23 October 2024 08:09:00
Attachments: [image001.jpg](#)

Morning Matt

Please can you advise me if your dad has an email address so that we can send him copies of all correspondence please?

Thanks

Julie



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



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From: postmaster@outlook.com
To: matt.lyon
Subject: Delivered: Raymond Lyon
Date: 23 October 2024 08:09:59
Attachments: [Raymond Lyon.msg](#)

Your message has been delivered to the following recipients:
matt lyon (mattlyon [REDACTED])
Subject: Raymond Lyon

Please reply to: Tom West
Community Safety
Town Hall
Torquay
TQ1 3DR

Mr Raymond Lyon,
The Devon Dumpling
108 Shiphay Lane,
Torquay
Devon
TQ2 7BY

My ref: SR282308
Your ref:

E-mail: [REDACTED]
Website: www.torbay.gov.uk

Date: 02/10/24

Dear Mr Lyon,

Environmental Protection Act 1990 – Statutory Nuisance

Licensing Act 2003 – Licensing Conditions

Name of Premises: The Devon Dumpling

Nature of Complaint: Noise from premises.

I write to you in your capacity as designated premises supervisor for The Devon Dumpling. I have not received an E-mail acknowledgement from Matthew Lyon or the manager [REDACTED]. The following provides an overview of the discussion that was had between myself, my colleague Julie and Matt and [REDACTED] at the premises on 22nd October 2024. This letter is for your reference and to outline the expectations moving forward.

Please be advised that my colleague Julie has not yet received an application to vary the licence as discussed. This needs to be submitted ASAP to ensure that the conditions on the licence are being adhered to. Failure to submit an application imminently could result in review of the licence. Please get in touch with us if you have any questions about this.

Dear Matt and [REDACTED]

Many thanks for your time yesterday. For your future reference I'm sending you an E-mail to provide a summary of our discussion at our meeting and to outline the expectations moving forward. It is important that I do so to ensure that you have all the available information needed to make the necessary adjustments required to prevent further issues from arising.

Over the past month or so there has been a significant increase in noise related nuisance at the Devon Dumpling. Complainants have come forward to express their concern over the situation and have provided evidence to support their allegations. Presently, we are in receipt of complaints from three separate individuals. These complainants are all nearby residents of the venue. At our meeting, I made you aware of two of these complainants, but I failed to provide you with information of the third. This third complainant has provided audio recordings of noise nuisance allegedly coming from the premises on dates and times which appear to coincide with one of the other complainants. Again, for your reference, I will provide the dates/times that the evidence relates to below:

Thursday 19th / Friday 20th September around 23:00hrs – This is a two-minute video recording taken within the complainant's property showing what appears to be three people congregating outside the premises. The audio appears to indicate high noise levels coming from customers. A request had been made to management to ask that someone is sent out to deal with this, however, the problem resolved itself before someone could go out to deal with it.

Saturday 28th September at from around 23:00hrs until approximately five minutes past midnight on Sunday 29th September – A one-and-a-half-minute clip showing a group of six or so people outside the front of the premises. The audio indicates high levels of noise from customers out the front.

Saturday 12th October around midnight. – Three short clips of around two minutes each showing a large number of people stood around congregating around the front of the premises. The audio indicated very high noise levels from customers which would almost certainly constitute noise nuisance.

Friday 25th October at approximately 23:10hrs – A short video clip showing a group of ten or so customers directly outside the premises. Again, the audio from the clip indicates a high level of noise which would likely cause considerable nuisance to residents.

Condition 6 under annexe 3 of your licence states the following:

A log shall be kept at the premises to record checks of the premises outside area, and is shall be recorded therein, where any action is taken. This log shall be available for immediate inspection by the Police or any Council Officer or agent visiting the premises, for a look-back period of at least one month.

Having reviewed this record, I noted that you had recorded no significant noise issues on any of the above dates/times provided by complainants. From the evidence provided by complainants, it is clear that from their perspective, there were noise issues of note. You did, however, acknowledge that the 12th October was particularly busy. You had mentioned this in the record and have also acknowledged in our meeting that the noise was unacceptable having consulted your CCTV.

From the discussion we'd had, it seems that one of the root causes of the issue is the absence of anywhere for smokers to go. I understand that you had locked the back area off temporarily to prevent noise from being created to the rear of the venue. This may have moved smokers out to the front of the premises which has contributed to the problem.

As you know we have had previous correspondence about this and have reminded you that alterations should be made to the smoking shelter to make it compliant or that a variation is submitted to cover this. My colleague Julie should be in touch with you about this soon. In the interim, I would suggest that an area directly outside the smoking shelter in the beer garden is used for smokers. Smokers should be directed toward this area until such time as a variation or alterations are made to make the smoking shelter compliant.

Whilst this process takes place, you have re-iterated your intention to have a staff member monitor areas outside the premises for noise issues/customers congregating. You state that you do this already, but I would suggest that in light of these complaints, you are extra vigilant about this. Checks should be done as often as necessary to ensure that noise isn't an issue, and where issues are identified, approaches should be made to customers to ask them to move on. These requirements are already covered by conditions on your licence. Please refer to condition 5 and 7 under annexe 3 of your licence.

I will E-mail each complainant to provide them some re-assurances that this is being done. I will, however, ask that they continue to monitor for any signs of improvement or otherwise. Should these issues persist, then I will request that evidence is sent to show this. I will review this and decide from there as to what the most suitable response is.

As I explained in our meeting, the only reasonable next step should these issues continue is to review the licence. We are very happy to work with you to ensure that this does not become the case, but there must be a significant improvement from the current situation to satisfy that outcome.

I must remind you that It is an offence under Section 136 of the Licensing Act to carry on or attempt to carry on a licensable activity not in accordance with an authorisation, ie your premises licence. A person found guilty on an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 6 months, or to an unlimited fine, or to both.

You'll see that I have attached a copy of a noise record that I would recommend using instead of the current diary you have.

If you have any questions or concerns about any of the above, then please do reach out.

Many thanks,

Tom

Please reply to: Julie Smart, Licensing,
Community Services
Torbay Council
Town Hall
Torquay TQ1 3DR

Mr Matthew Lyon
The Devon Dumpling
108 Shiphay Lane
TORQUAY
TQ2 7BY

My ref: SRU 279555
Your ref:
Telephone: [REDACTED]
E-mail: [REDACTED]
Website: www.torbay.gov.uk

Date: 31/10/24

Dear Mr Lyon

**Premises Licence PL0460
The Devon Dumpling, 108 Shiphay Lane, Torquay
Minor Variation and Vary DPS Applications**

I am writing to you in your capacity of joint Premises Licence Holder of the above premises, following our meeting at the premises on Tuesday 22 October 2024.

As discussed at the meeting, you need to apply for a minor variation to amend the approved plan of the premises to show the new structure within the rear outside area.

On 22 October 2024 I emailed you a completed Minor Variation application form, a copy of the plan, a completed Vary DPS application and a guidance document in respect of the smoke-free regulations. I advised you to ask your father to sign the Vary DPS application, to both sign the minor variation, to draw the structure on the plan, and to send me details of your calculations in respect of the formula within the guidance document to ensure that the Cage meets the requirements of the smoke-free regulations.

On 22 October 2024, I sent you a further email requesting that you provide an email address for your father, so that Mr West and I can send him copies of all correspondence.

To date I have not received a response to either of the above emails, nor have you submitted your Vary DPS and minor variation applications, or provided your calculations in respect of the Cage.

I would take this opportunity to remind you that it is an offence under Section 136 of the Licensing Act 2003 to carry out licensable activities not in accordance with an authorisation, this being a Premises Licence. I would also remind you that a person found guilty of an offence under Section 136 is liable to an unlimited fine, up to 6 months imprisonment, or to both.

As the plan of the premises forms part of the Premises Licence, and this is not accurate, I consider that you are committing offences under Section 136 of the Licensing Act whenever you sell alcohol.

I am also not aware if you have removed the roof, or an appropriate portion of the roof, from the area known as The Cage to allow this area to be used for smoking. If the roof, or appropriate portion of the roof, has not been removed, and smoking is permitted in other areas, you are also breaching condition 13 under the heading Conditions attached after a Review Hearing by the Licensing Authority, which states:

“After 10pm patrons wishing to smoke, must use the designated smoking area, known as the cage”.

Copies of the minor variation and Vary DPS applications are attached. Please check these documents to ensure they are correct, sign them and send them to the below address, together with the plan showing the new structure in the outside area and a cheque to cover the application fees (£23 for the Vary DPS, and £89 for the minor variation) . In addition, please read the guidance document in respect of the smoke-free regulations and forward your calculations to the below address.

Julie Smart
Licensing Team
Torbay Council
Community Safety
C/O Town Hall
Torquay
TQ1 3DR

Please submit these documents by no later than Friday 8 November 2024 or we shall commence enforcement action, but hope that this will not be necessary.

Should you wish to discuss this matter, please do not hesitate to contact me.

Yours faithfully



Julie Smart
Licensing Officer

Please reply to: Julie Smart, Licensing,
Community Services
Torbay Council
Town Hall
Torquay TQ1 3DR

Mr Raymond Lyon
The Devon Dumping
108 Shiphay Lane
TORQUAY
TQ2 7BY

My ref: SRU 279555
Your ref:
Telephone: [REDACTED]
E-mail: [REDACTED]
Website: www.torbay.gov.uk

Date: 31/10/24

Dear Mr Lyon

**Premises Licence PL0460
The Devon Dumping, 108 Shiphay Lane, Torquay
Minor Variation and Vary DPS Applications**

I refer to my letter to you dated 11 October 2024 in respect of the need for you and your joint licence holder, Mr Matthew Lyon, to submit a minor variation application.

Subsequent to sending you this letter, my colleague, Mr Tom West, informed me that he had received further noise complaints in respect of the Devon Dumping, and we therefore decided to arrange a meeting with you and Mr Matthew Lyon. Mr West emailed Mr Matthew Lyon requesting that you both meet with us on Tuesday 22 October 2024, and Mr Matthew Lyon responded to this email indicating that Tuesday 22 October 2024 was acceptable to him, but that you would not be able to attend due to being unwell, and he also indicated that he wished to be nominated as the Designated Premises Supervisor.

On Tuesday 22 October 2024, Mr West and I attended the Devon Dumping where we met with Mr Matthew Lyon and [REDACTED] your manager.

Mr West discussed the noise complaints he had received. Mr Matthew Lyon stated that as The Cage could not be used for smoking due to it not meeting the requirements of the smoke-free regulations, all smokers had been directed to smoke outside the front entrance of the premises, which had led to the recent noise complaints received.

Mr Matthew Lyon stated that he wished to avoid a Review of the Premises Licence, and discussions took place as to what action could be taken to make The Cage area compliant with the regulations. He was advised to read a guidance document which was emailed to him on 12 July 2024.

As it was Mr Matthew Lyon's intention to make the Cage area compliant with the smoke-free regulations, I advised him that a minor variation to remove the condition in respect of that area would not be required.

If you require this in a different format or language, please contact me.

We then discussed condition 11 under the heading Conditions attached after a Review Hearing by the Licensing Authority on your Premises Licence, which states:

“Patrons using the outside area shall be seated and signage shall be prominently displayed in these areas notifying patrons of this.”

As Mr Matthew Lyon previously stated on 4 July 2024 that he had not been complying, and was unable to comply with this condition, I advised him at that time that he would need to apply for a minor variation to remove this condition, and request a suitable alternative condition to restrict the number of people using the outside area. On discussing this condition with Mr Matthew Lyon on 22 October 2024, he stated he had been complying with this condition but admitted at times it was difficult to ensure customers are seated, as sometimes they go from one table to another to talk to acquaintances, and it is not easy to monitor. Mr Lyon stated that he will ensure this condition is complied with going forward. Due to this, I advised Mr Lyon that if this condition is complied with, a minor variation to remove this condition and substitute with an alternative condition is not required.

I then advised Mr Lyon that a minor variation is still required to amend the approved plan of the premises to show the structure erected within the outside area.

We also discussed your role at the premises, with Mr Matthew Lyon indicating that although you are unwell, you wish to remain as joint premises licence holder, but as Mr Matthew Lyon is responsible for the day to day control and management of the premises, he should be nominated as Designated Premises Supervisor. As I had already prepared a Vary DPS application in anticipation of this, I asked Mr Matthew Lyon to sign the application form and consent form, which he did.

Later that day, I sent Mr Matthew Lyon an email with the Vary DPS attached, advising him that you also need to sign the application. I also prepared a minor variation application and sent this to Mr Matthew Lyon, together with a copy of the approved plan, advising him to ask you to sign the minor variation application, and to draw the structure on the plan. I also attached a copy of the guidance document in respect of the smoke-free regulations, asking Mr Matthew Lyon to use the formula provided within this document to establish how much of the roof needs to be removed to make The Cage compliant, and send me details of this so that my colleague, [REDACTED] can consider the matter.

I further emailed Mr Matthew Lyon on 22 October 2024, requesting that he provides an email address for you, to enable Mr West and I to send you copies of all correspondence in respect of the Devon Dumpling.

To date Mr Matthew Lyon has not responded to my two emails dated 22 October 2024. Furthermore, no Vary DPS or minor variation applications have been submitted. This is despite me completing the forms on his behalf and sending to him for signature, and previously advising you both in writing that we required the minor variation to be submitted by 25 October 2024, or we would consider taking further action. Additionally, I have not received Mr Matthew Lyon's calculations in respect of the smoke-free regulations.

I would take this opportunity to remind you that it is an offence under Section 136 of the Licensing Act 2003 to carry out licensable activities not in accordance with an authorisation, this being a Premises Licence. I would also remind you that a person found guilty of an offence under Section 136 is liable to an unlimited fine, up to 6 months imprisonment, or to both.

As the plan of the premises forms part of the Premises Licence, and this is not accurate, I consider that you are committing offences under Section 136 of the Licensing Act whenever you sell alcohol.

I am also not aware if Mr Matthew Lyon has removed the roof, or an appropriate portion of the roof, from the area known as The Cage to allow this area to be used for smoking. If the roof or appropriate portion of the roof, has not been removed, and smoking is permitted in other areas, you are also breaching condition 13 under the heading Conditions attached after a Review Hearing by the Licensing Authority, which states:

“After 10pm patrons wishing to smoke, must use the designated smoking area, known as the cage”.

Copies of the minor variation and Vary DPS applications are attached. Please check these documents to ensure they are correct, sign them and send them to the below address, together with the plan showing the new structure in the outside area and a cheque to cover the application fees (£23 for the Vary DPS, and £89 for the minor variation) . In addition, please read the guidance document in respect of the smoke-free regulations and forward your calculations to the below address.

Julie Smart
Licensing Team
Torbay Council
Community Safety
C/O Town Hall
Torquay
TQ1 3DR

Please submit these documents by no later than Friday 8 November 2024 or we shall commence enforcement action, but hope that this will not be necessary.

Should you wish to discuss this matter, please do not hesitate to contact me.

Yours faithfully



Julie Smart
Licensing Officer

From: [West, Thomas](#)
To: [Smart, Julie](#)
Subject: FW: The Devon dumpling
Date: 28 November 2024 08:15:02

Hi Julie. See below E-mail I received this morning from Matt at the Devon Dumpling. Might explain why the variation hasn't yet been submitted. Ill respond asking for a timeframe unless you wish to discuss prior?

-----Original Message-----

From: matt lyon [REDACTED]
Sent: 27 November 2024 22:29
To: West, Thomas [REDACTED]
Subject: The Devon dumpling

Hi Tom,

Just a quick email to see if everything is ok as we have been very busy making sure noise is Kept to a minimum. we are waiting for a contractor to confirm the roof area we need to remove from the outdoor area but as soon as we do we can sort the licence and get things back on Track .have you had any more complaints from the neighbours as we have had staff sat at the door on weekends Kind regards Matt Sent from my iPhone

Photo 1 – Taken at 2202 hrs 29/11/24



Photo 2 – Screenshot taken from video which commences at 2204 hrs

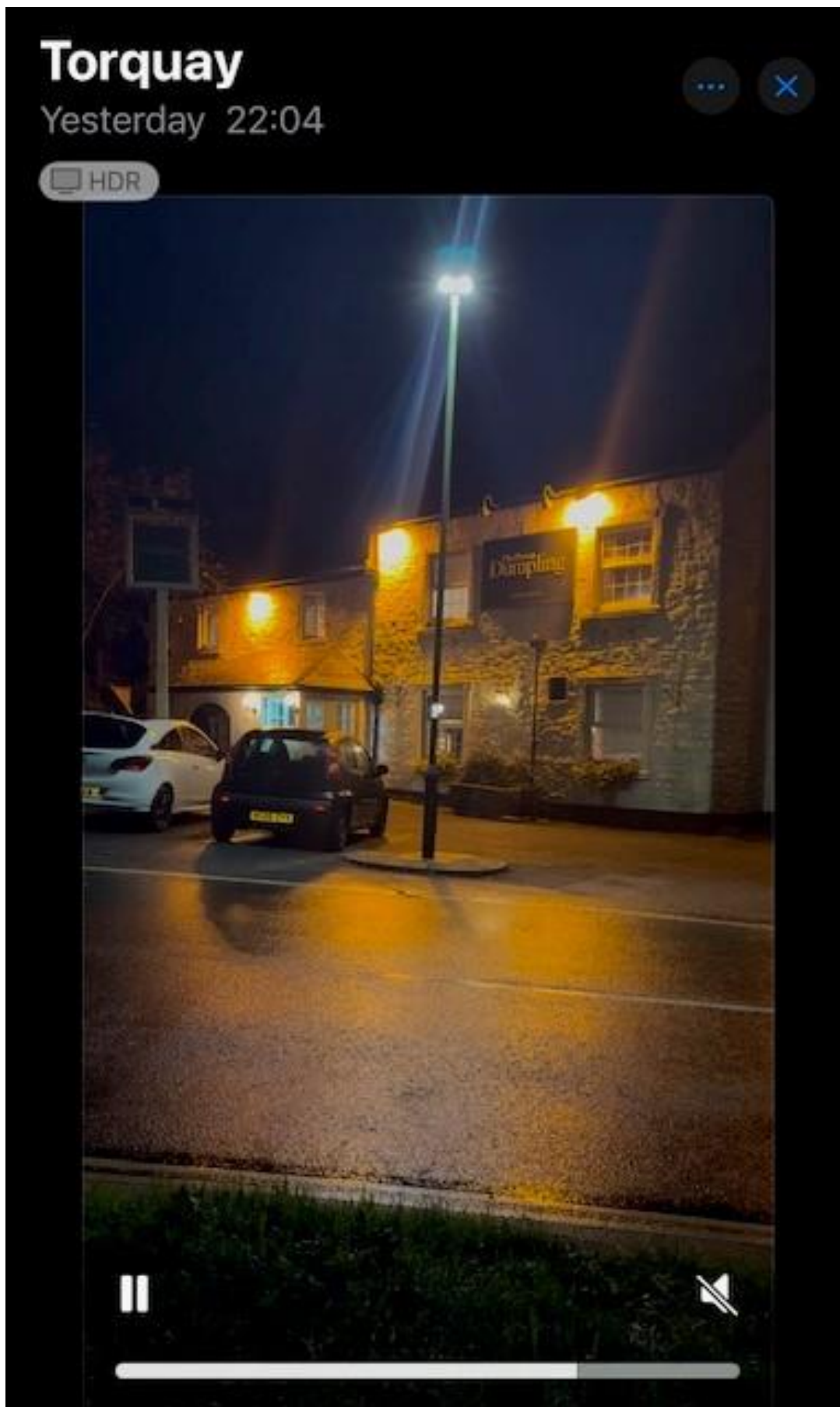


Photo 3 – taken at 2212 hrs on 29/11/24



Photo 4 – taken at 2213 hrs on 29/11/24



Photo 5 – taken at 2214 hrs on 29/11/24 through the metal bars of the cage



From: [Smart, Julie](#)
To: [Cottell, Carrie](#)
Subject: Further documents for Devon Dumpling Review
Date: 10 January 2025 11:30:35
Attachments: [Devon Dumpling Plan MV Granted Jan 2015.pdf](#)
[image001.jpg](#)
[Plan \(002\).pdf](#)
[Devon Dumpling NYE.docx](#)
[Devon Dumpling NYE Raymond Lyon.docx](#)

Hi [REDACTED]

Please can you add the attached documents to my representation information as I wish to refer to them at the review hearing.

Thanks

Julie



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

07442 680389 | julie.smart@torbay.gov.uk

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10/10/19
 Newstoplan
 - needs copy to
 to put on annex
 4 of licence.
 Thanks Mandy

10/10/19

Martin Scragg
 Architectural

01803 613273
 01803 613273
 07720 12484
 mainscap@blueyonder.co.uk

41 BART AVENUE, SHIPWAY,
 TORQUAY, DEVON, TQ2 7NG.

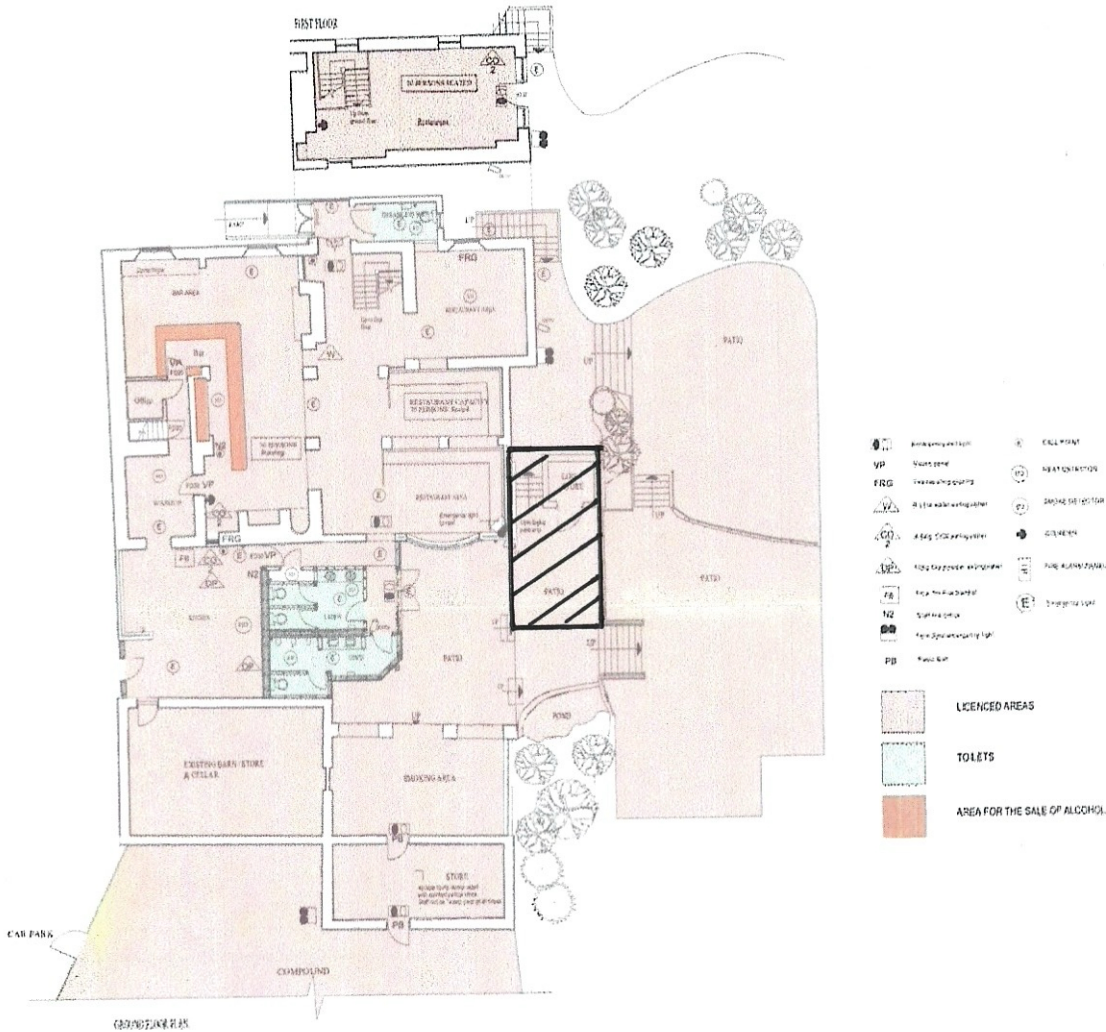
CLIENT: Mr M. Lyon.

SITE: Devon Dumping Public House
 108 Shiphay Lane, Torquay.

DRAWING TITLE: Licencing Plan.
 (Amendment to existing license.)

DATE: Sept. 14 SCALES: 1 : 100

DWG: 2086 / 05 REVISED



Please reply to: Julie Smart, Licensing,
Community Services
Torbay Council
Town Hall
Torquay TQ1 3DR

Mr Matthew Lyon
The Devon Dumpling
108 Shiphay Lane
TORQUAY
TQ2 7BY

My ref:

Your ref:

Telephone: 07442 680389

E-mail: julie.smart@torbay.gov.uk

Website: www.torbay.gov.uk

Date: 10/01/2025

Dear Mr Lyon

Premises Licence PL0460 – The Devon Dumpling, 108 Shiphay Lane, Torquay

I am writing to you in respect of our telephone conversation on Monday 6 January 2025 concerning the New Years Eve event you advertised on Facebook.

The post states “Tomorrow night we do it ALL again Devon Dumpling style! We have the super 3ft Difference joining us with a live set from 9pm, followed by a disco to welcome in the New Year in style!”. An image on this post states “Disco till Late + NY Countdown”.

During our discussions, I asked you what time your New Years Eve disco finished and you responded “Just after midnight”. I advised you that you may have committed an offence under the Licensing Act 2003 by providing recorded music after 11pm. I informed you that your premises licence does not authorise the provision of live or recorded music, and therefore any music provided at your premises uses the exemption provisions within the Live Music Act 2012. You told me that you thought there is an exception for New Years Eve, and I informed you that there are no New Years Eve exceptions within the Live Music Act or Licensing Act.

You then informed me that you did not have a disco but played music until after midnight with a countdown leading up to midnight. I asked if you had a DJ, and you stated that you did not. I asked you what the volume of music was, and you replied to the effect that it was not loud, just ordinary music. I advised you that any music provided in your premises after 11pm must be at a background level and this means that your customers must be able to hold a conversation without raising their voices. You advised me that you were not aware of this and would inform your staff.

I would take this opportunity to remind you that it is an offence under Section 136 of the Licensing Act to provide licensable activities not in accordance with an authorisation, these being a premises licence or temporary event notice. On this occasion I have no evidence that licensable recorded music was provided, and therefore no further action will be taken against you, although this matter will be raised at the forthcoming Review hearing.

For your information, the Live Music Act allows you to provide live and recorded music between 8am and 11pm. Should you wish to provide live or recorded music at a volume that is above background level outside of these times, you need to submit a Temporary Event Notice. Further information about Temporary Event Notices can be found at www.torbay.gov.uk/business/licensing/beer-and-entertainment/ten/

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Julie Smart'.

Julie Smart
Licensing Officer

Please reply to: Julie Smart, Licensing,
Community Services
Torbay Council
Town Hall
Torquay TQ1 3DR

Mr Raymond Lyon
The Devon Dumpling
108 Shiphay Lane
TORQUAY
TQ2 7BY

My ref:

Your ref:

Telephone: 07442 680389

E-mail: julie.smart@torbay.gov.uk

Website: www.torbay.gov.uk

Date: 10/01/2025

Dear Mr Lyon

Premises Licence PL0460 – The Devon Dumpling, 108 Shiphay Lane, Torquay

I am writing to you in respect of a telephone conversation I had with your joint Premises Licence Holder, Mr Matthew Lyon, on Monday 6 January 2025 concerning the New Years Eve event you advertised on Facebook.

The post states “Tomorrow night we do it ALL again Devon Dumpling style! We have the super 3ft Difference joining us with a live set from 9pm, followed by a disco to welcome in the New Year in style!”. An image on this post states “Disco till Late + NY Countdown”.

During our discussions, I asked Mr Lyon what time your New Years Eve disco finished and he responded “Just after midnight”. I advised him that you may have committed an offence under the Licensing Act 2003 by providing recorded music after 11pm. I informed him that your premises licence does not authorise the provision of live or recorded music, and therefore any music provided at your premises uses the exemption provisions within the Live Music Act 2012. Mr Lyon told me that he thought there is an exception for New Years Eve, and I informed him that there are no New Years Eve exceptions within the Live Music Act or Licensing Act.

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I would take this opportunity to remind you that it is an offence under Section 136 of the Licensing Act to provide licensable activities not in accordance with an authorisation, these being a premises licence or temporary event notice. On this occasion I have no evidence that licensable recorded music was provided, and

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For your information, the Live Music Act allows you to provide live and recorded music between 8am and 11pm. Should you wish to provide live or recorded music at a volume that is above background level outside of these times, you need to submit a Temporary Event Notice. Further information about Temporary Event Notices can be found at www.torbay.gov.uk/business/licensing/alcohol-and-entertainment/ten/

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

Yours sincerely



Julie Smart
Licensing Officer

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Licensing Act 2003
Premises Licence

460

LOCAL AUTHORITY



Torbay Council
Licensing & Public Protection
Town Hall
Castle Circus
Torquay
TQ1 3DR

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Devon Dumping

108 Shiphay Lane, Torquay, Devon, TQ2 7BY. [REDACTED]

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Thursday	10:00am	11:00pm
	Friday to Saturday	10:00am	Midnight
	Sunday	Noon	10:30pm
	Christmas Eve	10:00am	Midnight
	Boxing Day	10:00am	Midnight
	On New Years Eve from the start of permitted hours on New Years Eve to the start of permitted hours on the following day.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday	10:00am	11:30pm
Friday to Saturday	10:00am	12:30am
Sunday	Noon	11:00pm
Christmas Eve	10:00am	12:30am
Boxing Day	10:00am	12:30am
On New Years Eve from the start of permitted hours on New Years Eve to the start of permitted hours on the following day.		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Raymond Lyon

Matthew Ashley Lyon

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

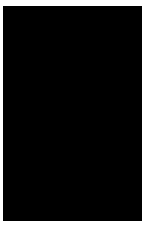
NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

Raymond LYON

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL

Licence No. [REDACTED]

Issued by Torbay



Rachael Hind
Regulatory Service Manager (Commercial)
21 January 2025

ANNEXES

ANNEXE 1

MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

- 1) No supply of alcohol may be made under the premises licence:-
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3) (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5) (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 6) The responsible person must ensure that:-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-

ANNEXES continued ...

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2) For the purposes of the condition set out in paragraph 1

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula $P = D + (D \times V)$

Where:-

- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence:-

- (i) The holder of the premises licence
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEXE 2**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE****Restrictions transferred from the On Licence**

The restrictions related to permitted hours do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

ANNEXES continued ...

- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or club for the purpose of the trade or club.
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there; or
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of the employer or of the person carrying on or in charge of the business on the premises.

Credit Sales

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- (c) to a canteen or mess.

General

1. The premises shall be a member of a scheme organised by Torbay Police Licensing Department where troublesome individuals once banned from one premises in the area are banned from all premises. The Premises Licence Holders shall attend any meetings organised and participate in all initiatives.
2. Alcohol shall be sold to patrons responsibly at all times.
3. A winding down period shall be in force at the end of the evening hence the closing time of 30 minutes after the sale of alcohol.

The Prevention of Crime and Disorder

1. The premises shall be a member of a Banning Scheme organised by Torbay Police Licensing Department as detailed above.
2. Alcoholic and soft drinks shall be served in plastic or toughened glasses.
3. Irresponsible drinks promotions shall not be permitted.
4. Alcohol shall be sold to patrons responsibly at all times.

Public Safety

ANNEXES continued ...

1. The premises shall comply with regulations enforced by the Devon Fire and Rescue Service.
2. Drug Awareness and Drink Responsibly Campaign posters shall be displayed.
3. Crime prevention/warning notices shall be in place promoting awareness.

The Prevention of Public Nuisance

1. There shall be daytime deliveries of stock to avoid evening disturbance.
2. The disposal and recycling of bottles shall take place in the daytime to avoid evening disturbance.
3. Air cooling and ventilation systems shall be in place to prevent unpleasant smells emitting from the premises.
4. A winding down period shall be in force at the end of the evening.
5. "Please Leave Quietly" notices shall be displayed.

The Protection of Children From Harm

1. The premises shall operate a Challenge 25 Policy whereby any individual who appears to be under the age of 25 shall be required to provide an approved form of photographic identification as outlined within the Torbay Councils Licensing Statement of Principles.
2. No person under the age of 18 years shall be permitted in the premises after 2100 hours, unless they are consuming a table meal with a responsible adult, or attending a private function in a part of the premises not open to the public, in which case they shall not be permitted to remain in the premises after 2200 hrs.
3. Children shall not be encouraged to sit in the bar area, however, shall be welcomed in the first floor dining area which provides a no smoking environment.
4. A proof of age policy in line with Police and Local Authority recommendations shall be in place.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

The Prevention of Public Nuisance

1. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. In general terms, noise from the premises should not be audible within any noise sensitive premises (e.g. dwelling) with windows open for normal ventilation especially after 11pm. This shall be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that shall be applied are;
 - (i) Before 11pm- Noise emanating from the premises shall not be clearly distinguishable above other noise.
 - (ii) After 11pm- Noise emanating from the premises shall not be distinguishable above background levels of noise.
 - (iii) The local authority shall reserve the right in cases of tonal noise and where premises are attached to others (i.e. semi's and terraced properties), to make further assessments from within the residential property.

The Protection of Children from Harm

1. All amusement with prizes machines must be sited to ensure they are under direct supervision of the staff at all times.
2. A management system must be introduced to ensure that staff are aware of the legal requirements relating to underage sales and the prevention from use of AWP machines by those under eighteen.

CONDITIONS ATTACHED AFTER A REVIEW HEARING BY THE LICENSING AUTHORITY

1. The premises outside areas shall be closed by 10 pm every day except for the smoking area, known as the cage.
2. Regulated entertainment shall be prohibited in the premises outside areas.

ANNEXES continued ...

3. All windows and doors shall be kept closed during regulated entertainment after 10 pm.
4. All use of amplification equipment during regulated entertainment shall be under the control of the duty manager and set at a level not to unreasonably disturb nearby residents.
5. The duty manager, or designated staff member each day to regularly check the premises outside areas at least once every half hour when in use, and affectively address any excessive noise by any person or group using that area.
6. A log shall be kept at the premises to record checks of the premises outside area, and is shall be recorded therein, where any action is taken. This log shall be available for immediate inspection by the Police or any Council Officer or agent visiting the premises, for a look-back period of at least one month.
7. Patrons causing a nuisance in the outside area shall be asked to cease causing a nuisance or come inside the premises or where necessary, be asked to leave the premises.
8. The duty manager, or designated staff member on every Friday and Saturday to effectively monitor and control noise from patrons on the car park and front outside areas after 11pm.
9. That the pre-existing conditions around prevention of public nuisance at Annex 3, point 1 of the current Premises Licence shall be reinstated.
10. Signage shall be prominently displayed in the premises outside area, notifying patrons to keep noise to a minimum so as not to unreasonably disturb nearby residents.
11. Patrons using the outside area shall be seated and signage shall be prominently displayed in these areas notifying patrons of this.
12. Lights in the outside area shall be turned off at 10 pm but for the smoking area, which is to be situated in the area known as the cage, and the area leading directly to the cage.
13. After 10 pm patrons wishing to smoke, must use the designated smoking area, known as the cage.
14. There shall be no more than 10 patrons at any one time permitted to use the designated smoking area after 10 pm.
15. Drinks shall be prohibited outdoors after 10pm.

ANNEXE 4**PLANS**

Copy attached to Licence.

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From: [West, Thomas](#)
To: [Cottell, Carrie](#)
Subject: FW: Devon Dumpling, 108 Shiphay Lane, Torquay, TQ2 7BY
Date: 10 January 2025 14:06:33
Attachments: [image001.png](#)
[Representation - Devon Dumpling.pdf](#)


From: West, Thomas
Sent: 10 January 2025 14:04
To: Licensing
Subject: Devon Dumpling, 108 Shiphay Lane, Torquay, TQ2 7BY

Good afternoon,

Please find attached a copy of my representation made in connection with the above-named premises.

Kind regards,

Tom

Title: Torbay Council 	Tom West Licensing Officer Public Protection Town Hall, Castle Circus, Torquay TQ1 3DR 01803 208014 Tom.west@Torbay.gov.uk www.torbay.gov.uk Facebook Twitter LinkedIn Instagram
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This electronic email is confidential and may also be privileged. If you are not the intended recipient, please notify the sender, and please delete the message from your system immediately. The views in this message are personal; they are not necessarily those of Torbay Council

**Representation in connection with the review of the licence for The
Devon Dumpling, 108 Shiphay Lane, Torquay, TQ2 7BY**

I was first made aware of the problems at the Devon Dumpling in December 2023 when a noise complaint was submitted by a resident who lives in the vicinity of the premises.

The complainant stated that customers of the pub were congregating and making noise late into the night from the adjoining car park.

I discussed the complaint with my colleagues and discovered that noise from this premises had been an issue in the past. Numerous noise complaints were dealt with by my predecessor under the management of the current joint DPS holders.

Having reviewed council records, the majority of these centred around noise late at night from customers congregating outside. In January 2023 the licence was taken to review, mostly, as I understand, due to persistent noise issues. Conditions were added to the licence as a result.

A total of three complainants have since submitted noise complaints on ten separate occasions throughout the period between December 2023 and December 2024. The bulk of these complaints were submitted between the months of September and December 2024. These complaints were submitted by residents who live close by. See appendix 3 for a more comprehensive list of complaints.

To assist members in understanding the proximity of the premises to residential properties, I have included maps and images which can be seen in appendix 1.

Throughout the course of this period, I sent numerous E-mails and letters, had discussions over the phone and had three face-to-face meetings with the joint DPS holder Mr Matthew Lyon and the manager [REDACTED]. These have been detailed extensively in Ms Smart's representation.

In the face-to-face meetings, Mr Lyon appeared forthcoming and willing to take my advice on board. He recognised there were issues present and agreed to tighten up his control measures in response.

Mr Lyon agreed to address the problems by ensuring staff members regularly supervise the front of the premises and adjacent car park. Furthermore, assurances were given that loud or problematic customers would be moved on and noise monitoring records would be kept.

There were periods where the situation improved. However, these periods lasted a few months before new noise complaints emerged.

In October 2024, I was contacted by a resident who had complained to me previously. They expressed how bad the situation had become and sent video evidence on request.

The complainant has agreed that these videos may be shared with members to show the extent of the problem at the time. Video attachments can be found in appendix 2.

Following this and several other videos of a similar description, Ms Smart and I requested a final face-to-face meeting with the DPS and this was arranged for the 22nd October 2024. Mr Matthew Lyons and [REDACTED] attended, and I issued a verbal final warning stating that should I receive a further noise complaint, then I would take the licence to review.

Following our meeting, there was a noticeable improvement in the situation. One complainant said they'd witnessed staff members approaching patrons to ask that they leave quietly as well as moving customers on to prevent unnecessary congregation. However, this has only materialised after heavy intervention from the Licensing department as well as persistent complaints from residents.

There are a number of conditions already imposed on the licence under the prevention of public nuisance which look to control noise from customers.

I have included some of the conditions that I suspect have not been adhered to since my involvement with this premises:

The Prevention of Public Nuisance

1

Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. In general terms, noise from the premises should not be audible within any noise sensitive premises (e.g. dwelling) with windows open for normal ventilation especially after 11pm. This shall be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that shall be applied are;

(i) Before 11pm- Noise emanating from the premises shall not be clearly distinguishable above other noise.

(ii) After 11pm- Noise emanating from the premises shall not be distinguishable above background levels of noise.

(iii) The local authority shall reserve the right in cases of tonal noise and where premises are attached to others (i.e. semi's and terraced properties), to make further assessments from within the residential property.

CONDITIONS ATTACHED AFTER A REVIEW HEARING BY THE LICENSING AUTHORITY

1.

The premises outside areas shall be closed by 10 pm every day except for the smoking area, known as the cage.

2.

Regulated entertainment shall be prohibited in the premises outside areas.

3.

All windows and doors shall be kept closed during regulated entertainment after 10 pm.

4.

All use of amplification equipment during regulated entertainment shall be under the control of the duty manager and set at a level not to unreasonably disturb nearby residents.

5.

The duty manager, or designated staff member each day to regularly check the premises outside areas at least once every half hour when in use, and affectively address any excessive noise by any person or group using that area.

7.

Patrons causing a nuisance in the outside area shall be asked to cease causing a nuisance or come inside the premises or where necessary, be asked to leave the premises.

8.

The duty manager, or designated staff member on every Friday and Saturday to effectively monitor and control noise from patrons on the car park and front outside areas after 11pm.

There has also been an instance whereby the premises has carried out the licensable activity of playing live or recorded music where there is no provision to do so. The video recording obtained by a complainant on 21/06/2024 at 23:18 hrs demonstrates what appears to be recorded music being played with the lyrics of a song clearly heard. The windows are open and there are several customers outside singing and chanting loudly. This video is attached in appendix 2.

I suspect that this is not the only occasion that this has happened. My Colleague Ms Smart had a phone conversation with Mr Lyons in January 2025, where it was inferred that amplified music was played up until the hours of midnight on new year's eve into New Year's Day 2024 going into 2025.

I have made this representation to bring these issues to the attention of members and to recommend that should members choose *not* to revoke the licence, then the premises licence should be updated to ensure that it is clear that section 177A of the Licensing Act 2003 does not apply to the licence so that all conditions can be enforced to promote the licensing objectives for the prevention of public nuisance.

The conditions added to the licence as a result of the last review, were no doubt added with the intention to mitigate and control further noise problems. Condition nine under annexe 3 refers to the removal of the live music act, however, it does not explicitly state that this exemption is removed. I therefore suggest a condition in its place which states:

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

I cannot say for definite whether we will see a continuation of noise issues at The Devon Dumpling should the licence remain in place under its current management. There have been periods (albeit short lived periods) of improvement and attempts made by staff to control the noise.

However, I do have concern that, owing to the pattern and high volume of noise complaints received over the years, there is a likelihood that noise problems will re-emerge as we enter the warmer months.

The premises licence currently permits the sale of alcohol until midnight on Fridays and Saturdays and until 11.00pm on Monday – Thursday. The premises currently closes 30 minutes after the last sale of alcohol.

Due to the close proximity of residential premises and the noise associated with the use of the outside areas and when patrons leave the premises, I also recommend that licensable activities cease at 11pm and the premises close no later than 11.30pm.

Please refer to Torbay's Licensing Policy 2021-26 on page 42, paragraph 6 which states 'Proximity to residential accommodation is a general consideration with regard to the prevention of public nuisance. The Authority will treat each case on its individual merits, however, stricter conditions will generally be considered on premises licences in areas that have denser levels of residential accommodation or residential accommodation in close proximity to them. This may include, where appropriate, the Authority considering an earlier terminal hour than that proposed by the Applicant'.

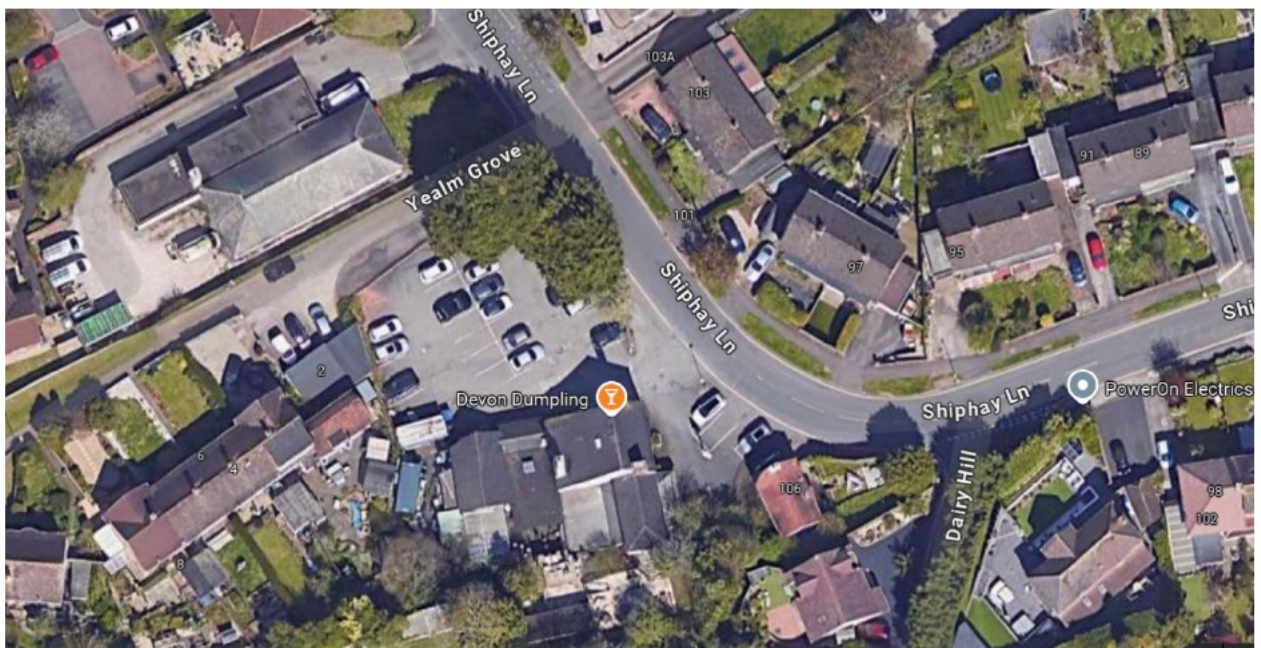
I also recommend that a condition is imposed on the licence which requires the licence holder to install CCTV at the premises and that this is made available upon request from Local Authority Officers. I also recommend that CCTV has sound recording capabilities so that an assessment of noise levels can be made.

This will assist officers in determining levels of disruption and adherence to conditions by gaining a more comprehensive picture of the management and operation of the premises.

Appendix 1:



Location of The Devon Dumpling





Appendix 2:

12/10/2024 – 23:20 hrs. [10ce8178-8547-4e97-a645-528dd914aa90.MP4](#)

13/10/2024 – 00:05 hrs. [132eb675-c02d-4ecd-97de-07a26e03e103.MP4](#)

21/06/2024 – 23:18 hrs. [IMG_5574.mov](#)

Appendix 3

Complainant	Date of submission	Date of alleged nuisance	Nature of Complaint
Complainant 1	19/12/2023	15/12/2023	Noise from customers in beer garden and car park regularly from 11:30 pm onward
Complainant 2	23/06/2024	21/06/2024	Noise from customers outside pub singing and dancing to music being played loudly with windows left open. Video taken at 23:18, past the hours covered under the live music act
Complainant 3	24/06/2024	21/06/2024	Noise from customers congregating. Windows left open and people dancing in car park. Complainant stressed that this is a regular occurrence
Complainant 3	07/09/2024	06/09/2024	Complainant states that Friday 6th September was the "worst it has ever been". Windows kept open and music playing loudly. Noise from customers congregating until 12:40hrs.
Complainant 2	19/09/2024	19/09/2024	Complainant sent video showing noise from loud customers congregating outside the pub.
Complainant 2	29/09/2024	29/09/2024	Complainant sent video showing noise from loud customers congregating outside the pub.
Complainant 2	12/10/2024	12/10/2024 - 13/10/2024	Complainant sent video showing noise from loud customers congregating outside the pub. This continues past midnight into 13/10/2024
Complainant 2	18/10/2024	18/10/2024	Complainant sent video showing noise from loud customers congregating outside the pub.
Complainant 1	21/10/2024	18/10/2024	Complainant states that there was a lot of noise from customers shouting and swearing until late into the night in the beer garden and car park. Complainant states that beer garden and car park are not being monitored by staff.

Complainant 2	03/12/2024		E-mail response from complainant to say the situation has improved and staff are making more of an effort to move people along.
Complainant 3	03/12/2024		E-mail response from complainant to say the situation has improved and staff are making more of an effort to move people along.
Complainant 1	21/12/2024	20/10/2024	Complainant states that Friday 20th December was very loud. Customers again using the beer garden and not being effectively managed by staff.

Licensing representation	
Date and Time Submitted	19 December 2024 18:27:44
Name of the premises:	The Devon Dumpling
Support/Object to application	Object
Address of the premises:	Shiphay Lane, Torquay

Applicant Details

In what capacity are you applying?	Any other person
First name:	██████████
Last name:	██████████
Contact number:	██████████
Email address:	██
Address:	██ ██

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:	<p>Since the pub went to review last year they have not complied to any of their conditions. They don't monitor the outside area and it stays open after 10pm with people shouting and swearing. The car park is also not monitored and people are very load when leaving, which can be as late as 12.30pm. We have paid to have 6mm glass put in our bedroom windows as we live ██████████ but we can still hear noise as it can be excessive, especially on a Friday evening, I think this is because they have late night opening on this night. They seem to think that there isn't a problem and that the people that live close are just complaining for no reason and the abuse we got last time just shows their mentality and that they won't change, which is a shame as all we wanted was to be able to enjoy our garden and be able to sleep. Our neighbour has ██████████ ██████████.</p>

Licensing representation

Date and Time Submitted	26 December 2024 15:08:50
Name of the premises:	The devon dumpling
Support/Object to application	Support it
Address of the premises:	Living next to the devon dumpling when I first moved to shphay was no problem at all that was 13 years ago, over the last 6 years it has become a nightmare, ever since the closing time was moved to gone 12pm, friday and Saturdays are the worst, the noise levels are shocking early part of the day it's from the back terrace till about 10pm, now all the young people move to the front of the pub and stay there drinking and smoking till 12.30 pm, it's mainly young lads who make the most noise and lots of other things, it's not my intention to close the pub down I would just love it to become the village pub again 10.30.-11pm closing were ordinary people can go and enjoy a quiet pint, it is effectively ruining our quality of life.

Applicant Details

In what capacity are you applying?	Any other person
First name:	████
Last name:	████
Contact number:	██████████
Email address:	████████████████████
Address:	████████████████████ ██████████

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 The prevention of public nuisance
The reason for your representation:	To reduce the closing times from 12pm to 10-30 11pm.

Is there any reason why you do not want your personal details to be passed on to the premises license holder?	Yes
What is the reason you do not want your personal details to be passed on to the premises license holder?	██ ██ ██ ██
Would you like to include any documentation in support of your representation	No
Uploaded Files	

Confirmation

I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.	1
Full name:	██████████

Licensing representation

Date and Time Submitted	07 January 2025 20:16:21
Name of the premises:	The Devon Dumpling
Support/Object to application	Support it
Address of the premises:	108 Shiphay lane Torquay

Applicant Details

In what capacity are you applying?	Any other person
First name:	██████
Last name:	██████
Contact number:	██████████
Email address:	██████████████████
Address:	██ ████████████████████

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:	Late night operation of the Devon Dumpling pub, in the past couple of years, has led to ongoing noise disturbances. This includes loud shouting/swearing/conversations outside the front of the pub, where patrons will stand and drink and smoke outside for long durations of time. Even after closing hours (which is past midnight on some evenings), patrons remain outside being excessively loud, particularly on weekends and public holidays when the pub is busiest. Our television has to be turned to volume 50 between the hours of 9-11pm, so that we can filter out the noise nuisance from the pub. I am also forced to keep my windows closed at all times, even during warm weather, to block out disruption and to try and maintain some level of peace in my own home. We have video evidence of people outside of the pub, in incredibly large groups, intoxicated, shouting and

	<p>swearing, creating loud, disruptive noise. This is a regular occurrence (hence a vast range of video evidence) which begins early in the night and follows on to early hours in the morning. This impacts mine and my families' ability to rely on rest, particularly on a weekend after a busy working week. This inability to sleep for us due to these noise nuisances, has led to a significant disruption to daily life and has left us feeling frustrated, anxious and unable to relax in our home. There have also been incidents of public order, whereby patrons will smash beer glasses in the road and street, urinate up people's cars in the street, play music excessively loud from car speakers in the car park and so on. The continued late night trade of the pub directly contributes to these disturbances, which put both public safety and community well being at risk. The biggest issue that we have is the presence of intoxicated individuals on the street, both during late opening hours and after closing time. Despite attempts to mitigate this issue by contacting management of the pub on several occasions, and local authorities, the problem persists and has certainly worsened in the last year. As such, I really hope that a consideration is made to revoke the late licence. In doing so, this will allow the noise to settle before a reasonable time in the evening, meaning that myself and my family are able to rest and enjoy our living space and community again. It is unreasonable to expect residents to endure this level of noise so late at night, and the situation is becoming increasingly untenable. We do not live opposite a nightclub in Torquay town, however it is beginning to increasingly feel like we do. For 23 years of residence here, the Devon Dumpling pub has been a quiet, charming local based pub, and has now transformed into something unrecognisable. The safety and peace of the local community should be the paramount concern, and the pubs late license agreement is incompatible with these priorities. (ALL VIDEO EVIDENCE IS TOO LARGE TO ATTACH TO THIS STATEMENT - TOM WEST FROM TORBAY COUNCIL HAS ACCESS TO ALL VIDEO EVIDENCE OF DISTURBANCE WHICH I CONSENT TO HIM SHARING)</p>
<p>Is there any reason why you do not want your personal details to be passed on to the premises license holder?</p>	<p>No</p>
<p>Would you like to include any documentation in support of your representation</p>	<p>No</p>
<p>Uploaded Files</p>	

Confirmation

I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.	1
Full name:	[REDACTED]

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GOSSCHALKS
SOLICITORS



By Email and Post
Licensing Team, Torbay Council Licensing Department
Community Safety
Town Hall
Torquay, TQ1 3DR

Please ask for: [REDACTED]
Direct Tel: [REDACTED]
Email: [REDACTED]
Our ref: [REDACTED]
Your ref: [REDACTED]
Date: 20/12/2024

Dear Sir,

Re: Licensing Act 2003 – Review Proceedings
Devon Dumpling, 108 Shiphay Lane, Torquay, TQ2 7BY
Premises Licence number- PL0460

We act on behalf of Ei Group Ltd. Our client is the freehold owner of these premises and we have received a copy of the application for summary review of the premises licence issued by Julie Smart, Licensing Officer at Torbay Council.

We would be grateful if you would accept this letter as a formal representation on behalf of our client.

Ei Group Ltd owns around 4000 public houses in England and Wales. The vast majority of these premises are the subject of lease/tenancy agreements through which the tenant operates his/her/its own business out of our client's premises. The lease/tenancy agreement makes it clear that all operational responsibility for the premises lies with the tenant. The Devon Dumpling is the subject of a 30 year lease in the name of Raymond and Matthew Lyon with the premises licence holder being the same.

Please note we take a wholly neutral stance with regard to the allegations made given that our client has no operational responsibility for the operation of these premises.

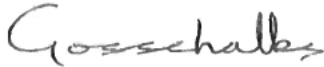
It is clear that the issues that having given rise to the review relate to poor management practices. The s182 Guidance issued to Licensing Authorities states at para 11.20, "In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review."

Our representation is that in these circumstances, an appropriate and proportionate response would be for the premises licence holder to bring the smoking area up to date with all relevant regulations,

for the premises licence holder to comply with all existing conditions specifically relating to the outside area and noise/nuisance and to add further conditions onto the licence if necessary.

We would be grateful if you could acknowledge receipt of this representation and advise as to the date of the hearing as our client may wish to expand upon it at the hearing.

Yours faithfully



GOSSCHALKS

From: [REDACTED]
To: [Licensing](#)
Subject: Re: Devon Dumpling - Application for a Review of a Premises Licence
Date: 08 January 2025 11:48:42
Attachments: [image001.jpg](#)

[REDACTED] [Learn why this is important](#)

Dera Sir/Madam, Licensing Dept.

Here is a revised representation that I hope is more relevant:

Revised Representation to Save the Devon Dumpling Pub:

I, the undersigned, am a local resident, patron, and supporter of the Devon Dumpling Pub, located at 108 Shiphay Lane, Torquay. I am writing to submit a representation regarding the review of the pub's premises licence, as I believe the Devon Dumpling is of significant importance to our community. This submission is intended to address the four key licensing objectives, in order to demonstrate the pub's ongoing positive contribution and its compliance with licensing regulations.

1. Prevention of Crime and Disorder:

The Devon Dumpling has long been a responsible and well-managed venue, taking proactive steps to maintain a safe and secure environment for its patrons. The pub is committed to ensuring that all staff are fully trained in responsible alcohol service and have implemented systems to prevent anti-social behaviour, underage drinking, and disorderly conduct. We believe that the management team has a strong track record of addressing any concerns swiftly and in line with local laws. The pub's role as a community gathering place also promotes positive behaviour and discourages anti-social activity by providing a safe, family-friendly atmosphere.

2. Public Safety:

The Devon Dumpling is fully committed to public safety. The pub adheres to all health and safety regulations, including fire safety protocols, crowd control measures, and ensuring that all necessary licences are in place. The premises have been regularly inspected by safety authorities, and the management has always worked to implement any improvements suggested. It is in the best interest of both the pub and the community to maintain a safe environment where patrons can enjoy their time without risk. We believe that any procedural issues identified in the review can be rectified without the need for closure.

3. Prevention of Public Nuisance:

The Devon Dumpling has long served as a welcoming and responsible venue for local residents. The management has consistently worked to prevent any noise disturbances, particularly during late hours, and has cooperated with the local community to ensure that activities do not negatively affect surrounding residents. In fact, the pub's role as a community hub helps foster positive relationships between neighbours. Any concerns regarding noise or nuisance can be addressed

through minor adjustments to management practices, rather than the closure of the pub. We respectfully request that these issues be given the opportunity to be resolved without disproportionate measures.

4. Protection of Children from Harm:

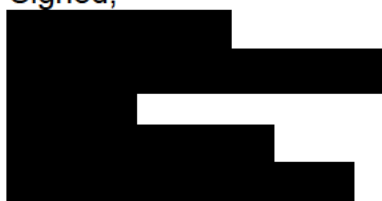
The Devon Dumpling has always taken steps to ensure that children are protected from harm. The pub operates a strict "Challenge 25" policy, requiring all staff to request ID from anyone who appears under 25 to prevent the sale of alcohol to minors. The premises also provide a family-friendly environment, with designated areas where children can safely enjoy meals with their families. The pub is committed to safeguarding children and preventing any harm associated with alcohol consumption.

Conclusion:

The Devon Dumpling Pub is an integral part of the local community, providing not only a venue for socialising but also contributing to the local economy and supporting various charitable causes. It plays a vital role in the social fabric of Torquay, offering a safe and responsible space for people to come together. We respectfully request that the Torbay Council considers the Devon Dumpling's long-standing commitment to the licensing objectives and allows the pub to continue its valuable contribution to the community.

In conclusion, I urge the Torbay Council to consider the above points and grant the pub the opportunity to resolve any regulatory concerns, rather than taking the drastic step of closure. The Devon Dumpling is essential to the well-being and unity of our community.

Signed,

A large black rectangular redaction box covering the signature and name of the sender.

On Wednesday, 8 January 2025, 09:38:24 GMT, Licensing <licensing@torbay.gov.uk> wrote:

Dear Sir/Madam

Re: Licensing Act 2003 – Application for a Review of a Premises Licence

Devon Dumpling, 108 Shiphay Lane, Torquay, TQ2 7BY

Thank you for your representation regarding the review of the Devon Dumpling Public House. Unfortunately, we cannot accept your representation as it is not relevant. In order for a

representation to be relevant it must demonstrate the impact the premises licence has on any of the four licensing objectives i.e.: -

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

Further information about how to make a relevant representation can be found at our website www.torbay.gov.uk/how-to-make-a-licensing-representation/

We would advise you to read the review application before resubmitting a representation. You can view the application and supporting information at the following link:

[Current applications - Torbay Council](#)

We will note your support of the public house within the committee report, however it will not be able to be considered by Members as part of their decision making as it is not a valid representation.

If you wish to submit a valid representation, please complete the online form at the above webpage before the 13 January 2025.

If you have any questions, please contact the Licensing Team at the email shown below.

Kind regards

Licensing Team



Licensing and Public Protection Team

Torbay Council, Community & Customer Services, Lower Ground Floor, Town Hall, Torquay TQ1
3DR

licensing@torbay.gov.uk

www.torbay.gov.uk

[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Instagram](#)

Licensing representation

Date and Time Submitted	19 December 2024 16:48:32
Name of the premises:	Devon Dumpling
Support/Object to application	Object
Address of the premises:	Shiphay Lane Torquay TQ2 7bz

Applicant Details

In what capacity are you applying?	Any other person
First name:	[REDACTED]
Last name:	[REDACTED]
Contact number:	[REDACTED]
Email address:	[REDACTED]
Address:	[REDACTED]

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 protection of children from harm
The reason for your representation:	As a neighbour to the pub and living almost next door I have never been disturbed by noise. Occasionally in the summer you can hear music but this is never late at night . The pub is a central part of our community and a friendly and welcoming place to visit. I am aware that there have been complaints regarding noise and I know that the current landlord has tried to take steps to rectify this and be respectful of the neighbouring houses. As stated above, we have never been woken or disturbed by noise, I have lived here for almost 6 years .
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

I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.	1
Full name:	██████████

Licensing representation

Date and Time Submitted	19 December 2024 15:31:53
Name of the premises:	The Devon Dumpling
Support/Object to application	Object
Address of the premises:	Collaton Road, Shiphay, Torquay

Applicant Details

In what capacity are you applying?	Any other person
First name:	[REDACTED]
Last name:	[REDACTED]
Email address:	[REDACTED]
Address:	[REDACTED]

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:	I live very close to this pub, it DOES NOT create undue noise or a nuisance to the neighbourhood. This pub is an integral part of the community and should be allowed to continue trading.
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

I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.	1
Full name:	[REDACTED]

Licensing representation

Date and Time Submitted	19 December 2024 16:47:30
Name of the premises:	Devon dumpling
Support/Object to application	Object
Address of the premises:	Shiphay Torquay Devon

Applicant Details

In what capacity are you applying?	Any other person
First name:	[REDACTED]
Last name:	[REDACTED]
Contact number:	[REDACTED]
Email address:	[REDACTED]
Address:	[REDACTED]

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:	The landlord does so much to keep the noise levels low and if you buy a house near a lib you have to expect a certain level of noise. I've been frequenting this pub for over 35 years and I want to keep going there with my friends.
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

I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.	1
Full name:	[REDACTED]

Licensing representation

Date and Time Submitted	19 December 2024 16:02:23
Name of the premises:	The Devon dumpling
Support/Object to application	Object
Address of the premises:	108 Shiphay lane Torquay Tq2 7by

Applicant Details

In what capacity are you applying?	Any other person
First name:	[REDACTED]
Last name:	[REDACTED]
Email address:	[REDACTED]
Address:	[REDACTED] [REDACTED]

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:	This pub has been here for as long as I can remember.. long before a lot of the houses nearby. They are considerate of the neighbours and they have all outdoor noise stopped long before closing. The pub is good for the community and employs many locals
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

I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.	1
Full name:	[REDACTED]

Licensing representation	
Date and Time Submitted	05 January 2025 17:37:07
Name of the premises:	Devon Dumpling
Support/Object to application	Object
Address of the premises:	108 Shiphay Lane, Torquay, TQ2 7BY

Applicant Details

In what capacity are you applying?	Any other person
First name:	[REDACTED]
Last name:	[REDACTED]
Contact number:	[REDACTED]
Email address:	[REDACTED]
Address:	[REDACTED]

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 The prevention of public nuisance
The reason for your representation:	The Devon Dumpling acts as a community hub where people gather in a controlled and regulated environment. I am concerned that granting a license review or closure of the pub might mean that people, specifically teenagers (18+) and football fans, whom the pub seemingly attracts, would find alternative places to drink, such as public spaces, like nearby Kitson park, or their homes. These environments are unregulated, and could lead to more disorderly behaviour. Additionally, the closure of the local pub can deter social dynamics and interactions. With national campaigns ongoing such as 'Britian Get talking', we are seeing an increase in people utilising community pubs as places to talk and socialise for the betterment of their mental health. Displacing this could result in private setting being chosen. I am therefore concerned that in an unregulated environment, like house parties that may go on instead, there will be an increase

	<p>in public nuisance and disorder across the entire ward. This is because the Devon Dumpling attracts all ages and demographics across the entirety of Shiphay and Torbay. Should a review of a license or a closure be brought forward, we are likely to see an increase in disruptive events across the region, rather than concentrated in one place (even then, the 'disruptive events in one place' are much easier to mitigate). Overall, the granting of a licence review which could lead to the closure of the esteemed local pub The Devon Dumpling would disrupt social dynamics and create widespread challenges for our local police force, as taking away this rooted community asset would likely lead to an increase in crime, disorder and nuisance.</p>
<p>Is there any reason why you do not want your personal details to be passed on to the premises license holder?</p>	No
<p>Would you like to include any documentation in support of your representation</p>	No
<p>Uploaded Files</p>	

Confirmation

<p>I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.</p>	1
<p>Full name:</p>	<p>██████████</p>

Licensing representation	
Date and Time Submitted	19 December 2024 20:29:58
Name of the premises:	Devon Dumpling
Support/Object to application	Object
Address of the premises:	108 Shiphay Ln, Shiphay, Torquay TQ2 7BY

Applicant Details

In what capacity are you applying?	Any other person
First name:	[REDACTED]
Last name:	[REDACTED]
Contact number:	[REDACTED]
Email address:	[REDACTED]
Address:	[REDACTED]

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 The prevention of public nuisance
The reason for your representation:	I am writing to formally object to the review of the license for The Devon Dumpling, located in Shiphay, Torquay. As a regular patron, I believe that this establishment plays a crucial role in our community, and I would like to provide detailed reasons for my representation. Community Hub and Social Cohesion The Devon Dumpling serves as a vital community hub where residents of all ages and backgrounds come together. It fosters social cohesion by providing a welcoming and friendly environment where people can meet, socialise, and build relationships. This establishment is more than just a place to enjoy a drink; it is a cornerstone of our community life, hosting various events and activities that bring people together. Family-Friendly Environment My family and I regularly visit the Devon Dumpling and we have always found it to be a safe and family-friendly environment. The management

	<p>and staff are attentive and ensure that the premises are suitable for families, including those with young children. The establishment's commitment to maintaining a respectful and inclusive atmosphere is evident in their operations and interactions with patrons.</p> <p>Promotion of Responsible Drinking The management of the Devon Dumpling has consistently promoted responsible drinking practices. They have implemented measures to prevent excessive drinking and ensure the safety of their patrons. This includes training staff to recognise and address signs of intoxication and providing information on safe transportation options for those who may need it.</p> <p>Contribution to Local Economy The Devon Dumpling significantly contributes to the local economy by providing employment opportunities and supporting local suppliers. The establishment's success has a positive ripple effect on the surrounding businesses and the broader community. The potential loss of this license could have adverse economic impacts on our area.</p> <p>Prevention of Crime and Disorder The management of the Devon Dumpling has taken proactive steps to prevent crime and disorder. They have established strong relationships with local law enforcement and have implemented security measures to ensure the safety of their patrons. There have been no significant incidents of crime or disorder associated with this establishment, demonstrating their commitment to maintaining a safe environment.</p> <p>Public Safety and Nuisance Prevention The public house has consistently adhered to regulations concerning public safety and nuisance prevention. They have effective measures in place to manage noise levels, prevent littering, and ensure that patrons leave the premises quietly and respectfully. These efforts have minimised any potential negative impact on the surrounding neighborhood.</p> <p>Protection of Children from Harm The Devon Dumpling is diligent in protecting children from harm. They enforce strict age verification procedures to prevent underage drinking and ensure that the environment remains safe for young visitors. The establishment's family-friendly policies further underscore their commitment to the well-being of children.</p> <p>In conclusion, the Devon Dumpling is an invaluable asset to our community, providing a safe, welcoming, and socially enriching environment. I strongly urge the Licensing Authority to consider the positive contributions of this establishment and to allow it to continue operating under its current license.</p>
<p>Is there any reason why you do not want your personal details to be passed on to the premises license holder?</p>	<p>No</p>

Would you like to include any documentation in support of your representation	No
Uploaded Files	

Confirmation

I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.	1
Full name:	██████████

Licensing representation

Date and Time Submitted	19 December 2024 19:16:28
Name of the premises:	The Devon dumplin
Support/Object to application	Object
Address of the premises:	108 Shiphay Ln, Shiphay, Torquay TQ2 7BY

Applicant Details

In what capacity are you applying?	Any other person
First name:	[REDACTED]
Last name:	[REDACTED]
Contact number:	[REDACTED]
Email address:	[REDACTED]
Address:	[REDACTED] [REDACTED]


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 The prevention of public nuisance
The reason for your representation:	I'm sad and disappointed that this beloved historic pub is being scrutinised like this, noise can be a issue and annoying but when the smoking was moved from beer garden too front of pub from 10pm it caused more issues, the public have the freedom of speech too speak in public at a reasonable level, unfortunately a staff member can't control volume of a public persons voice but only advise, I also think the neighbour walking into pub and taking photos knowing full well it's a busy night is premeditated too try cause more issues for the pub. I strongly disagree of reasoning of the review of licensing, I'd personally suggest not moving next too pub if they want complete silentless.
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

I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.	1
Full name:	

Licensing representation

Date and Time Submitted	19 December 2024 15:56:05
Name of the premises:	The Devon Dumpling
Support/Object to application	Object
Address of the premises:	Shiphay Lane Torquay

Applicant Details

In what capacity are you applying?	Any other person
First name:	[REDACTED]
Last name:	[REDACTED]
Email address:	[REDACTED]
Address:	[REDACTED] [REDACTED]

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:	The review of licensing conditions at the pub concerning noise from the smoking area I suspect is borne from vexatious complaints. As a local resident and patron of the pub the noise generated is not excessive and bearing in mind the operating hours is certainly not amounting to a public nuisance. I wholeheartedly object to the premises being taken to review on this basis.
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

I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.	1
Full name:	[REDACTED]

Licensing representation

Date and Time Submitted	19 December 2024 18:21:23
Name of the premises:	Devon Dumpling
Support/Object to application	Object
Address of the premises:	Devon Dumpling Shiphay Lane Torquay

Applicant Details

In what capacity are you applying?	Any other person
First name:	[REDACTED]
Last name:	[REDACTED]
Contact number:	[REDACTED]
Email address:	[REDACTED]
Address:	[REDACTED] [REDACTED]


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:	I have been resident in Shiphay Lane since 1979. I have never been inconvenienced or aware of noise or anti social behaviour with regards to the Dumpling. It would be a sad day if this local much loved amenity was lost. I understand that the objection is focussed on one person new to the area who should have considered the environment prior to purchase and is now determined to change the dynamic without any consideration of long term residents. It's hard to understand that noise is the main objection when, apart from the rare occasions there is live music which never continues after 10.30 which is a reasonable hour.
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

I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.	1
Full name:	

Licensing representation

Date and Time Submitted	20 December 2024 08:54:05
Name of the premises:	Devon Dumpling
Support/Object to application	Object
Address of the premises:	Shiphay lane Torquay Devon

Applicant Details

In what capacity are you applying?	Any other person
First name:	[REDACTED]
Last name:	[REDACTED]
Contact number:	[REDACTED]
Email address:	[REDACTED]
Address:	[REDACTED] [REDACTED]

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:	Having lived in and near Shiphay for over 40 yrs, the Devon dumpling has been a big part of my life. It is a beating heart of our community , inviting local residents in for community mornings, supporting charities and putting on events that the whole community is able to be involved in. There is always such a welcoming atmosphere for both young and old. My own grown up kids now enjoy meeting their friends here, without the worry and stress of going into town where they don't always feel safe. The pub has evolved over time, making it a real hub for everyone. Live music has added to the enjoyment of being here. I have seen the staff working hard ensuring they adhere to council requests, from closing windows when live music is on, encouraging people to be quiet outside and moving people along quickly after hours. They are passionate about the pub in which they work

	and the community it serves. As patrons we can see how hard this can be for them at times but they are always polite and encouraging to try and ensure neighbours are not disturbed. I have never seen any trouble at this pub, You can go into the dumpling and always find a friendly face. It would be a travesty if this license was revoked, taking away a safe, friendly , welcoming hub of the community enjoyed by young and old alike
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

I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.	1
Full name:	██████████

Licensing representation

Date and Time Submitted	20 December 2024 00:40:38
Name of the premises:	Devon Dumpling
Support/Object to application	Object
Address of the premises:	108 Shiphay Lane Torquay TQ2 7BY

Applicant Details

In what capacity are you applying?	A Responsible Authority
First name:	[REDACTED]
Last name:	[REDACTED]
Contact number:	[REDACTED]
Email address:	[REDACTED]
Address:	[REDACTED] [REDACTED]


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 protection of children from harm
The reason for your representation:	This pub is safe, well run & the heart beat of my community. I would like to express my disappointment reading the reference of children & their safety. My children are 7 & 2, we visit the pub regularly and I've never experienced an unsafe environment. The people complaining do not have children of their own & have no right to prosecute such lies. I will follow up with a letter in due course & would be happy to give evidence in a court of law.
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

I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.	1
Full name:	

Licensing representation

Date and Time Submitted	19 December 2024 15:56:39
Name of the premises:	Devon Dumpling
Support/Object to application	Object
Address of the premises:	Devon Dumpling Shiphay Lane Torquay

Applicant Details

In what capacity are you applying?	Any other person
First name:	[REDACTED]
Last name:	[REDACTED]
Contact number:	[REDACTED]
Email address:	[REDACTED]
Address:	[REDACTED]


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 The prevention of public nuisance
The reason for your representation:	Letter supporting my objection attached
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	Yes
Uploaded Files	Dumpling letter.docx

Confirmation

I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.	1
Full name:	[REDACTED]



19th December 2024

To whom it may concern,

Devon Dumpling Public House, Shiphay, Torquay

I am writing to express my utter disappointment on reading that the licence of the above is being reviewed and potentially it may have to close.

There is a couple of points that I wish to make.

Firstly, whilst I appreciate that living next to a pub must be difficult with noise etc. the pub was there when the residents bought the house, it wasn't a surprise. My son and his family live about 100 yards from it and do they hear people leaving? yes sometimes. Is it an issue or causing distress to them? absolutely not, and any noise dissipates very quickly. The inconvenience to a few who made the choice to live near it should not be a reason for the community as a whole to suffer. We all have choices in life, they chose to buy the property and now could choose to move if it is that intolerable.

Secondly and most importantly is the affect that this on the community and the individuals who live in it.

We take my elderly father to this place every Friday evening to meet up with friends and family. Only for a couple of hours but it is the absolute highlight of his week. The smile and happiness on his face each week is a joy to see, and it would be break his heart if this couldn't happen anymore. He has made friends there and it has helped him so much with dealing with the loneliness and boredom that often accompanies old age.

The Devon Dumpling is a well-run, well used community pub that has done everything it can to try and minimise any disruption to neighbours but that still isn't enough for Torbay Council. When as a council we should be supporting local businesses instead we seem to be trying to tear them down and as a taxpayer I cannot stand by and watch that happen.

Community should be at the heart of everything that the council stands for and for Shiphay the Devon Dumpling is a huge part of that. There are other places in the bay where the efforts of the licencing laws should be focussed on rather than this lovely family orientated place. In all the years I have been frequenting here never once have I seen trouble, drug taking or anything that has stopped me taking my grandchildren – a bit of noise occasionally would seem inconsequential. Instead, all I have seen is families both young and old smiling, socialising, making friends and enjoying themselves.

I sincerely hope that as a council that you have the courage to stand up to NIMBYs and instead gain the respect of the wider community by supporting the Devon Dumpling and allowing it to continue to be the great little community pub that it is.

Yours faithfully



Licensing representation

Date and Time Submitted	19 December 2024 20:45:09
Name of the premises:	The Devon dumpling
Support/Object to application	Object
Address of the premises:	108 shiphay lane Torquay, TQ27BY

Applicant Details

In what capacity are you applying?	Any other person
First name:	████
Last name:	████
Contact number:	██████████
Email address:	████████████████████
Address:	██ ████████████████████

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 The prevention of public nuisance
The reason for your representation:	The Devon dumpling is a family centred pub supporting the community and any noise that is made is as part of the joy the pub provides. The pub does have live music which is held inside with doors closed and concludes before 10pm as to be respectful to neighbours and the surrounding area. The garden is consistently closed at 10pm to reduce noise pollution in the area.
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

I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.	1
Full name:	[REDACTED]

Licensing representation

Date and Time Submitted	19 December 2024 14:54:41
Name of the premises:	Devon Dumpling
Support/Object to application	Object
Address of the premises:	Shiphay Lane Torquay

Applicant Details

In what capacity are you applying?	Any other person
First name:	[REDACTED]
Last name:	[REDACTED]
Contact number:	[REDACTED]
Email address:	[REDACTED]
Address:	[REDACTED] [REDACTED]

Representation

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

This representation is relevant to the following Licensing Objectives	Public safety The prevention of public nuisance
The reason for your representation:	<p>This premises has been a public house for many years and therefore anyone moving to live near there should be aware that they are going to be subjected to an amount of noise when people are heading home after a evening out. Voices carry after dark and even a quiet conversation can carry. I live near the Devon Dumpling on the Shiphay estate and there is noise from time to time but if you don't want to be disturbed by this, you should live in the countryside away from everything. With regard to the smoking area, I have been in many public houses and have never seen a smoking shelter that has a separate entrance & exit. The smoking area at the Dumpling is very large and has a lot of ventilation so cannot understand why this has suddenly become a problem after years of use! The issue on the notice is the fact that Raymond Lyon does not seem to have day to day responsibility for the</p>

	pub is a farce. His son Matt, who is also on the sign above the door, does and they have an extremely good manager in situ. There must be many pubs where the manager doesn't hold the license. It appears that this a vendetta against a popular pub which is the centre of a community and has been for many years; taking it away is unthinkable!
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

I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.	1
Full name:	██████████

Licensing representation

Date and Time Submitted	19 December 2024 17:09:27
Name of the premises:	Devon Dumpling
Support/Object to application	Object
Address of the premises:	Devon Dumpling Shiphay Lane Torquay

Applicant Details

In what capacity are you applying?	Any other person
First name:	[REDACTED]
Last name:	[REDACTED]
Contact number:	[REDACTED]
Email address:	[REDACTED]
Address:	[REDACTED] [REDACTED]

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:	I have lived very close to the Devon Dumpling since my late husband and I bought the house in 1969. In all these years I have never had occasion to complain about excess noise. This , after all these years, has been brought about by new incomers who should have thought about the proximity of the pub before purchasing. I hope there is not an agenda of over development if and when the objection is upheld!!!
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

I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.	1
Full name:	[REDACTED]

Licensing representation

Date and Time Submitted	19 December 2024 22:31:32
Name of the premises:	The Devon dumpling
Support/Object to application	Object
Address of the premises:	108 Shiphay Lane Torquay TQ2 7BY

Applicant Details

In what capacity are you applying?	Any other person
First name:	██████
Last name:	██████
Email address:	██
Address:	██ ██

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:	I live across the road from the pub and we've never had any problems. █████ the manager always ensures that the community & neighbours are respected. If there are any noisy customers, staff deal with it promptly. The Devon dumpling is a very important part of the Shiphay community, it brings people together of all ages. It is a part of our neighbourhood & history that's been there many years. It takes away loneliness & vulnerability for many people who rely on it to socialise.
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

I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.	1
Full name:	██████████

Licensing representation

Date and Time Submitted	20 December 2024 18:24:10
Name of the premises:	The Devon Dumpling
Support/Object to application	Object
Address of the premises:	Shiphay Lane Torquay

Applicant Details

In what capacity are you applying?	Any other person
First name:	[REDACTED]
Last name:	[REDACTED]
Email address:	[REDACTED]
Address:	[REDACTED] [REDACTED]

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:	We have lived in Shiphay for nearly 30 years. The Devon Dumpling is the hub of the community and the team are friendly and amazing. I have never experienced or witnessed any nuisance or noise when leaving the pub in all these years or in the beer garden. Our adult children now enjoy it as the next generation. its a fab local pub and not a chain which is lovely, cosy and welcoming. We as a family support the pub to remain open. It is a thriving pub that serves the community please don't take it away and lose the history of Shiphay
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	
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Confirmation

I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.	1
Full name:	██████████

Licensing representation

Date and Time Submitted	19 December 2024 17:29:56
Name of the premises:	Devon Dumpling
Support/Object to application	Object
Address of the premises:	108 Shiphay Lane,Shiphay, Torquay TQ2 7BY

Applicant Details

In what capacity are you applying?	Any other person
First name:	██████
Last name:	██████████
Contact number:	██████████
Email address:	██
Address:	██ ██████████

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:	<p>This pub which has been here for years and years is the heart of the local community. So many people from Torquay and many parts of the country have said goodbye to loved ones,celebrated engagements,weddings,anniversarys,special birthdays & occasions and just the joy of being with people you love in this lovely place. The staff are wonderful and create a warm and friendly atmosphere. ██████ has done his utmost in trying to keep the noise levels down when people are leaving the pub including sitting outside in the carpark wrapped in a duvet asking customers to be respectful to neighbours and keep the noise down as much as possible. This pub does not deserve to be threatened with closure due to maybe a few rowdy people on the odd occasion. The majority of customers are sensible respectful, dutiful people who just love having a great time in a great pub and should have the right to continue doing so</p>

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

I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.	1
Full name:	[REDACTED]

Licensing representation

Date and Time Submitted	20 December 2024 09:10:51
Name of the premises:	The Devon Dumpling
Support/Object to application	Object
Address of the premises:	108 Shiphay Lane Torquay TQ2 7BY

Applicant Details

In what capacity are you applying?	Any other person
First name:	█
Last name:	█
Contact number:	█
Email address:	█
Address:	█ █

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 protection of children from harm
The reason for your representation:	We live locally and highly value the Dumpling as a local community focal point. We enjoy going as a family and have never seen or heard any excessive noise, inappropriate access to gambling machines or anything else by children or young people and knows of no other local people in our area who have a bad thing to say about the pub. We highly value it's place as a local venue and feel it will significantly deteriorate the local community feel and cohesion if the venue no longer trades. It also does excellent food and provides a source of valuable income to local residents working there as we're as to other trades supplying the venue.

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

I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.	1
Full name:	██████████

Licensing representation

Date and Time Submitted	13 January 2025 10:15:16
Name of the premises:	The Devon Dumpling
Support/Object to application	Object
Address of the premises:	108 Shiphay Lane, Torquay

Applicant Details

In what capacity are you applying?	Councillor
First name:	Darren
Last name:	Cowell
Contact number:	[REDACTED]
Email address:	darren.cowell@torbay.gov.uk
Address:	[REDACTED] [REDACTED]

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 The prevention of public nuisance
The reason for your representation:	I submit this as one of the ward councillors for Shiphay. I also live in the ward and am a regular at The Devon Dumpling. The pub has been at the heart of the community for many decades and with the exception of the review two years ago, I cannot recall any issues with this popular and community focussed pub. As part of the community emphasis the pub hosts a regular coffee morning for older residents living in isolation which is arranged by the Community Builder. Additionally, there is a history of charitable fund-raising, the most recent of which was an event to support a local charity that aims to promote mental health in young people, men in particular. I think it is fair to say that like many other establishments the pub has found times hard post Covid as well as a result of the cost of living crisis - and things don't look likely to get any easier anytime soon! I have noticed that the

	<p>clientele at the pub has shifted which reflects the cohort that has greater disposable income. In terms of the core grounds for review I would say that the owners have not reacted with the urgency that otherwise should be expected, but to my knowledge the required actions have either been completed or are in the process of being done so. The smoking area has seen part of the roof removed to make it compliant; the DPS variation has been submitted as has the Minor Variation to include the outside bar. Mr Lyon does have CCTV installed in the pub which I know he monitors on a regular basis as he contacts members of staff when necessary. In terms of the conditions that were applied in January 2023, these have been quite onerous to manage, but as was indicated in Julie Smart's unannounced visit, staff were managing the outside area after 10pm. On nights that live music is played, summer or winter, Mr Ballard and staff ensure all windows are closed as per the condition. Live entertainment is situated in the corner of the pub which faces away from the properties opposite the pub - so sound is direct away from those properties. It is not uncommon for me to leave the pub while entertainment is on and I can confirm that once outside the pub any sound is not excessive and indeed within yards you can't hear it. In general, the 15 conditions imposed in 2023 are largely relating to the outside area which from my experience is managed appropriately - indeed to the frustrations of some regulars who like to use the outside area, but have been prevented from doing so. Recent issues with neighbours opposite were largely as a result of 'The Cage' being closed and smokers being directed to the front of the building. Those issues have now been resolved and would not be expected to reoccur. In general I would summarise by saying that [REDACTED] and the team work extremely well to manage the conditions while trying to deliver a customer experience that is to be appreciated. Like most pubs they are trying to run a business in severely challenging times and it is to be hoped that the recent corrective actions by Mr Lyon will be recognised by Members and that no further conditions will be applied that add to those that are already in place.</p>
<p>Is there any reason why you do not want your personal details to be passed on to the premises license holder?</p>	<p>No</p>
<p>Would you like to include any documentation in support of your representation</p>	<p>No</p>
<p>Uploaded Files</p>	

Confirmation

I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.	1
Full name:	Darren Cowell



LICENSING ACT 2003

APPLICATION FOR A MINOR VARIATION TO A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

NOTIFICATION

Information held by Torbay Council complies with and is held in accordance with the UK Data Protection Act 1998. The information that you provide on this form will only be used for this application form and will only be disclosed where necessary under any applicable legislation.

Information may also be shared for the prevention and detection of crime, for example with the police and other agencies as required by law, such as the Audit Commission under the National Fraud Initiative data matching exercise.

You have a right of access to your personal information. If you wish to access your personal information or exercise any of your rights under the legislation then please contact Torbay Council's Information Governance team on 01803 20 7467. Further information can be found on the Information Governance pages on Torbay Council's Internet site at, www.torbay.gov.uk

Completed forms should be returned to:

**Environmental Health Manager (Commercial)
Torbay Council
Community Safety
C/O Torquay Town Hall
Castle Circus
Torquay
TQ1 3DR**

Contact Details:

Tel: 01803 208025

Web: www.torbay.gov.uk

Email: licensing@torbay.gov.uk

Application for a minor variation to a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the Guidance Notes at the end of the form, especially Note 1. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Raymond Lyon and Matthew Ashley Lyon

(Insert name(s) of applicant)

being the premises licence holder(s)/club holding a club premises certificate, apply to vary a premises licence under section 41A/club premises certificate under section 86A of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

**Devon Dumpling
108 Shiphay Lane**

Post town

Torquay

Postcode

TQ2 7BY

Telephone number at premises (if any)

Premises licence number/club premises certificate number

PL0460

Brief description of premises (Please see Guidance Note 2)

Public House

Part 2 – Applicant Details

I am/we are the premises licence holder/club premises certificate holder. (Please delete as appropriate)

Applicant Postal address IF DIFFERENT FROM PREMISES ADDRESS	
Post town	Postcode
Please provide email address if you would prefer us to contact you by email (optional)	
Daytime phone number	

Part 3 – Proposed variation(s)

Please tick

Do you want the proposed variation to have effect as soon as possible?

Yes No

DDMMYYYY

If not, from what date do you want the variation to take effect?

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see Guidance Note 3)

Yes No

Please describe the proposed variation(s) in detail in the box below and explain why you consider that they could not have an adverse effect on the promotion of any of the licensing objectives (See Guidance Note 1). This should include whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent):

Details of proposed variation(s) (Please see Guidance Note 4)

To amend the premises plan to show a covered structure within the garden area.

Part 4 – Operating Schedule

Please tick those parts of the Operating Schedule which would be subject to change if this application to vary was successful.

Provision of regulated entertainment (please read guidance note 5)

Please tick all that apply

- a) plays
- b) films
- c) indoor sporting events
- d) boxing or wrestling entertainment
- e) live music
- f) recorded music
- g) performances of dance
- h) anything of a similar description to that falling within (e), (f) or (g)

Provision of late night refreshment

Supply of alcohol

(Note that this can only relate to reducing licensed hours, or moving them without any overall increase between 7am and 11pm)

Please tick to indicate you have enclosed the following:

I have enclosed the premises licence/club premises certificate

I have enclosed the relevant part of the premises licence/
club premises certificate

I have included a copy of the plan
(this is necessary if the proposed variation will affect the layout)

If you have not ticked one of the previous three boxes, please explain why in the box below.

Reasons why you have not enclosed the premises licence/club premises certificate or relevant parts.

Any further information to support your application. (See Guidance Note 6)

The structure to be added to plan has been within the garden for some time.
Including this structure on the plan will not impact on any of the Licensing Objectives.

CHECKLIST:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have enclosed the plan, if appropriate, of the premises in scale [1mm to 100mm] unless otherwise agreed with the licensing authority.
- I have enclosed the premises licence/club premises certificate or relevant part of it or provided an explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.
- I understand that I must now advertise my application for a continuous period beginning on the first working day after the day on which the application was given to the relevant licensing authority and ending at the expiry of the ninth consecutive working day after that day.

I/WE UNDERSTAND THAT IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures and Contact Details

(See Guidance Note 7)

Premises Licence: Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (see Guidance Note 8). If signing on behalf of the applicant, please state your name and in what capacity you are authorised to sign:

Signature	M Lyon
Date	
Capacity	Premises Licence Holder

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (See Guidance Note 9). If signing on behalf of the applicant, please state in what capacity.

Signature	R Lyon
Date	
Capacity	Premises Licence Holder

Where the premises are a club

I (insert full name) make this application on behalf of the club and have authority to bind the club.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 10) Matthew Lyon			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED]			

9. 2nd Applicant: Where there is more than one applicant, both applicants or their respective agents must sign the application form.

10. This is the address which we shall use to correspond with you about this application. This might not be the same as the address of the premises or applicant, but these addresses must also be provided.



Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I / we Raymond Lyon + Matthew Ashley Lyon
 (full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

PL0460

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Devon Dumpling 108 Shiphay Lane	
Post town Torquay	Post code (if known) TQ2 7BY
Telephone number (if any)	

Description of premises (please read guidance note 1) Public House

Part 2

Full name of proposed designated premises supervisor
Matthew Ashley Lyon

Nationality
British

Place of birth

Date of birth
11 6

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)
PA0734 Torbay Council

Full name of existing designated premises supervisor (if any)
Raymond Lyon

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

Please tick yes

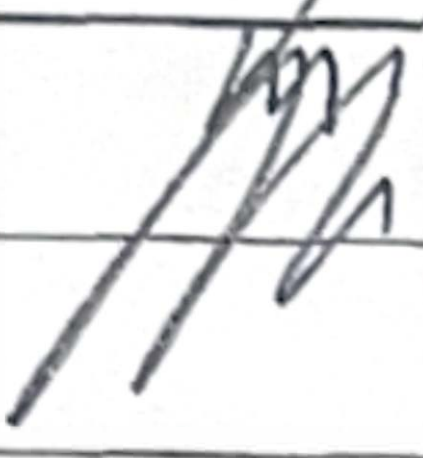
- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- I understand that if I do not comply with the above requirements my application will be rejected

I/WE UNDERSTAND THAT IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

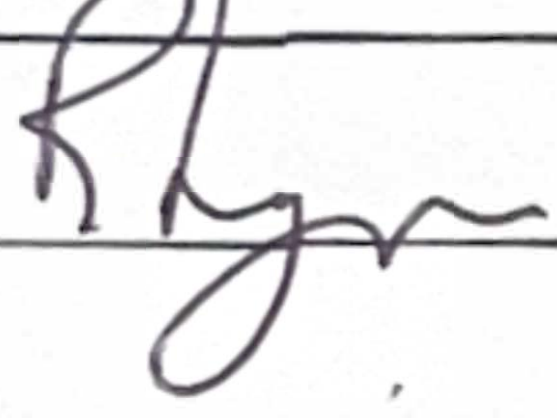
[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP, BUT NOT COMPANIES OR LIMITED LIABILITY PARTNERSHIPS] IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971] FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 3 – Signatures (please read guidance note 2)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	22 - OCT - 24
Capacity	OWNER

For joint applicants signature of 2nd applicant 2nd applicant's solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	22 - OCT - 24
Capacity	OWNER

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) **Matthew Lyon**

Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) matt lyon mattlyon76@hotmail.com			

Consent of individual to being specified as premises supervisor

I Matthew Ashley Lyon
[full name of prospective premises supervisor]

of
54

.....
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Vary DPS
[type of application]

Raymond Lyon + Matthew Ashley Lyon
[name of applicant]

relating to a premises licence PL0460
[number of existing licence, if any]

Devon Dumpling, 108 Shiphay Lane, Torquay

.....
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Raymond Lyon + Matthew Ashley Lyon
[name of applicant]

concerning the supply of alcohol at Devon Dumpling, 108 Shiphay Lane, Torquay

.....
[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number PA0743

[insert personal licence number, if any]

Personal licence issuing authority Torbay Council

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

Name (please print) Matthew Ashley Lyon

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