



Wednesday, 1 November 2017

LICENSING SUB-COMMITTEE

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

Thursday, 9 November 2017

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Ellery
Councillor Pentney

Councillor Thomas (J)

A prosperous and healthy Torbay

For information relating to this meeting or to request a copy in another format or language please contact:

Lisa Antrobus, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207087

Email: governance.support@torbay.gov.uk

www.torbay.gov.uk

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 Committee.
3. **Minutes** (Pages 4 - 7)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 27 July 2017.
4. **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.)
5. **Urgent items**
To consider any other items that the Chairman decides are urgent.
6. **Exclusion of Press and Public**
To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following items on the agenda on the grounds that exempt information (as defined in Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.
7. **The Globe Inn, 131 Winner Street, Paignton, Devon, TQ3 3BP** (Pages 8 - 43)
To consider an application for a Summary (Expedited) Review of a Premises Licence.

8. **Adjournment**
To consider adjourning the meeting until 2.00 p.m. on Thursday, 9 November 2017.

9. **Torbay Court Hotel, Steartfield Road, Paignton** (Pages 44 - 104)
To consider an application for a Review of a Premises Licence.



Minutes of the Licensing Sub-Committee

27 July 2017

-: Present :-

Councillors Sykes, Thomas (J) and Pentney

49. Election of Chairman/woman

Councillor Thomas (J) was elected as Chairman for the meeting.

50. Minutes

The Minutes of the meeting of the Sub-Committee held on 6 July 2017 were confirmed as a correct record and signed by the Chairman.

51. Exclusion of the Press and Public

Prior to consideration of the item in Minute 52 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

52. Review of a Torbay Council Drivers' Licence

Members considered an exempt report that sought a review of a Torbay Council Drivers' Licence. The Principal Officer for Licensing and Public Protection requested that Members consider information relating to the conduct of the holder of a dual Hackney Carriage and Private Hire Drivers Licence. Members were asked to determine on the facts laid before them, whether or not the licence holder continued to be regarded as a 'fit and proper' person to hold such a licence.

The Principal Officer for Licensing and Public Protection informed Members of the process undertaken to inform the Respondent of this meeting of the Licensing Sub-Committee. Upon receiving notification, the Respondent spoke with the Principal Officer for Licensing and Public Protection to seek a deferment of the hearing due to the Respondents Solicitor being unavailable. The Respondent was advised that the hearing would not be deferred due to Public Interest and Public Safety and that if the Respondent wanted legal representation at the hearing, he would need to engage the services of another Solicitor.

At the hearing the Senior Solicitor and Deputy Monitoring Officer sought confirmation of the Respondent's conversation with the Principal Officer for Licensing and Public Protection. It was stated by the Respondent that he had received the papers in respect of this hearing on Saturday 22 July 2017, that he

had gone to see his Solicitor on Monday 24 July 2017 at about 9.30am and on being informed that his Solicitor was on holiday, he contacted Torbay Council on Tuesday 25 July 2017 at about 9.30am and left a message for someone to call him back and that the person he subsequently spoke to was the Principal Officer for Licensing and Public Protection. On hearing these submissions, the Senior Solicitor and Deputy Monitoring Officer asked the Respondent whether he had sought advice from another Solicitor. The Respondent stated that he had not as it would cost him money and had decided that he was happy to attend and represent himself. On this further submission, the Senior Solicitor and Deputy Monitoring Officer asked the Respondent if he was happy that the hearing went ahead without legal representation and the Respondent stated that he was.

Given that Respondent was legally unrepresented and that the matter was yet to be heard in the criminal courts, the Senior Solicitor and Deputy Monitoring Officer informed the Respondent of his right not to incriminate himself. In response to this, the Respondent replied okay.

The Respondent proceeded to outline the circumstances that had led to the complaint and responded to Members questions.

Decision

That the Respondents Torbay Council Driver's Licence be revoked in accordance with Section 61(1)(b) of the Local Government (Miscellaneous) Provision Act 1976 and that this revocation shall have immediate effect, in accordance with Section 61(2B) of the Local Government (Miscellaneous) Provision Act 1976.

Reason for Decision

Having carefully considered all the written and oral representations, Members resolved to revoke the Respondents Driver's Licence, as they could not be satisfied that he remained a 'fit and proper' person to hold such a licence.

In coming to that decision, Members considered having been charged with the responsibility to determine the driver's licence, whether they would allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person to whom they care or any vulnerable person known to them to get into a vehicle with the Respondent alone. An unequivocal and unanimous answer to this question, was no.

In determining that the Respondent does not remain a 'fit and proper person' to be a driver licensed by Torbay Council, Members had due regard to their duty to protect the public, in the knowledge that a licensed driver is in a position of trust and on the evidence before them; the Respondent appeared to them to have conducted himself in a manner that was unacceptable and fell well below the standard reasonably expected by them of a driver licensed by Torbay Council.

Members were concerned that, in the first instance the Respondent took monies from the passengers bank account having seen fit to take instruction from a person who by his own submission was so inebriated that she had attempted to

use her drivers licence to withdraw cash from the cash machine, and that he had considered this instruction to be consent for payment that was above the soiling charge and fare. In answering questions, it was established that in fact the Respondent had been asked to withdraw £200 but had not at anytime been told by the passenger that he would be paid £200. The amount withdrawn was following an incident of the passenger being sick in the Respondents vehicle and being told by him that this would cost her in the region of £100. Namely, £50 for the soiling charge and a further £50 fare for driving her to find a cashpoint machine to withdraw the monies and then ferrying her to her home address. Secondly on the submission of the Respondent that the passenger had fled his vehicle when he arrived at her home address without paying and not being able to retrieve the monies from her parents, he proceeded to withdraw a further £200 from the passengers bank account based upon the perceived authorisation provided earlier, having left the passengers home address and finding her cash card in the rear passenger seat foot well of his vehicle and remembering her PIN number.

When asked whether this course of conduct was appropriate by a licensed driver, the Respondent replied, on reflection that it was not but at the time he felt it was justified as he was not able to continue working and would be out of pocket by at least £200-£300. When asked if the passenger, who by his own submissions was so inebriated that she tried to use her drivers licence to withdraw monies which resulted in him saying 'you silly sod no wonder you can't get any money, that is your drivers licence', could reasonably have been said to have given consent to withdraw monies from her account, he said on reflection no. However the Respondent did submit that it was his belief that when persons were sick, they tended to sober up. Whilst Members considered this, in their determination they resolved that reliable consent had not been given.

When asked whether the second withdrawal could reasonably have amounted out of consent, given that the passenger was so inebriated in the first instance and that at no point had she said to him that he could take and then keep £200, the Respondent accepted that when put like that no.

In addition the Respondent submitted that he had taken the soiled seat cover from his vehicle and dumped it outside the home address of the passenger so that they could see the mess that she had made. When informed that this course of conduct could amount to a flytipping offence, the Respondent accepted that whilst he felt it right at the time, when put like that he could see that it was not right to have done this.

Members resolved that in their opinion, the passenger was not of a state to have reasonably given consent to the Respondent to withdraw monies from her bank account, that the amount sought by the Respondent exceeded the amount he was lawfully entitled to at that time, that the second withdrawal was unlawful, that in seeking this amount from such a person at that time was inappropriate given that there were other remedies available to him the following day or at a later date and that whilst the passenger being sick in his vehicle was wholly unpleasant, the dumping of the seat cover was a demonstration of his disapproval and could amount to fly tipping. As such, the Respondents overall conduct during this

incident fell well below the standard reasonably expected by them of a driver licensed by Torbay Council.

Members noted that following the Respondents submission that he had employed tools learnt on an anger management course he had been instructed to attend when he appeared before a Licensing Sub-Committee last summer but remained concerned that the Respondent continued to view himself as the aggrieved party and sought recompense through questionable means which fell well below the standard reasonably expected by them of a driver licensed by Torbay Council.

Members considered suspending the Respondents drivers licence but resolved that this was not appropriate, due to the seriousness of the incident and the manner in which the Respondent had conducted himself.

In coming to the decision to revoke the Respondents driver's licence, Members resolved that it should be with immediate effect, as in their opinion it was in the interest of the public's safety to do so. Members' reasoning for this determination is due to the perceived risk which they believe the Respondent poses on the evidence before them and having already been before a Licensing Sub-Committee only 12 months previously, where his conduct towards members of the public was then deemed to have been unacceptable and fell well below the standard reasonably expected of a driver licensed by Torbay Council.

Chairman/woman

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Review of a Premises Licence for Torbay Court Hotel, Steartfield Road, Paignton, TQ3 2BJ**

Wards Affected: **Roundham-with-Hyde**

To: **Licensing Sub Committee** **9th November 2017**

Contact Officer: **Gary O'Shea**
Telephone: **01803 207631**
E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premise 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 Public Nuisance" and "The Prevention of Crime and Disorder".
- 1.4 Under regulations to the Licensing Act 2003 (the Act) the Licensing Authority (the Authority) must hold a hearing to consider the application and any relevant Representations.

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

All annex one conditions such as conditions that the licence may be subject to under sections 19, 20 and 21 (requirement to include certain conditions in Premises Licences) and any of the mandatory conditions must 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.

- 1.6 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

- 2.1 The application has been made under Section 51 of the Act for a Review of the Premises Licence, at the Premise detailed above. Details of the application are shown in **Appendix 1**.

A brief description of the Review is as follows:

The application concerns matters relating to the Licensing Objective “The Prevention of Public Nuisance” and has been submitted by a resident that lives in the vicinity of the Hotel.

A copy of the current licence, including the plan of the premises is attached as **Appendix 2**.

- 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.

A Representation has been received from the Public Protection Officer for Torbay Council in relation to the Licensing Objective “The Prevention of Crime and Disorder”. This is shown as **Appendix 3**.

A further Representation has been received from another Interested Party, namely a resident that lives in the vicinity of the Hotel. This representation relates to the Licensing Objectives “The Prevention of Public Nuisance” and the “Prevention of Crime and Disorder”. With regard to the latter objective, there is no crime alleged rather than disorder caused by street drinking and foul language. This representation is shown as **Appendix 4**.

There have been no Representations from any other Responsible Authority or any other person or party.

- 2.3 The Authority is required to conduct a hearing under provision of Section 52(2) of the Act.
- 2.4 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.
- 2.5 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.

- 2.6 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.

Steve Cox
Environmental Health Manager (Commercial)

Appendices

| | |
|------------|---|
| Appendix 1 | Application for Review |
| Appendix 2 | A copy of the Premise Licence |
| Appendix 3 | Representation from Public Protection Officer |
| Appendix 4 | Representation from an Interested Party |

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

Torbay Council Licensing Policy 2016.



TORBAY COUNCIL

14 SEP 2017

COMMUNITY SAFETY

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

Read the guidance notes at the end of the form. Please write legibly in block capitals. In all cases ensure that you write in black ink. Use additional sheets if necessary.

Use this form for your records.

I am applying for a premises licence under section 51 / apply for the review of a club premises certificate under the Licensing Act 2003 for the premises described in

Address

Ordnance survey map reference or description

Wraighton,

Post town Torbay,

Post code (if known) , TQ3 2BJ

Name of premises licence holder or club holding club premises certificate (if known)

Ms Kayley Taffinder

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

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

Post town

Daytime contact

**E-mail address
(optional)**

| |
|--------------------------|
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input type="checkbox"/> |

(B) DETAILS OF OTHER APPLICANT

| |
|---------------------------|
| Name and address |
| |
| Telephone number (if any) |
| |
| E-mail address (optional) |
| |

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|---------------------------|
| Name and address |
| Telephone number (if any) |
| E-mail address (optional) |

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. Guests constantly consume alcohol and smoke outside the premises leading to noise nuisance and thereby undermines the licensing objective 'Prevention of public nuisance'
2. The volume of live and recorded music is excessive and regularly causes noise nuisance and thereby undermining the licensing objective 'Prevention of public nuisance'.
3. There is not enough parking spaces supplied by the hotel and residents often park on or across the driveways of residents houses blocking residents in. The police have been called on many occasions but the hotel does nothing about it. This is contrary to the licensing objective the prevention of crime and disorder.
4. Coaches cause severe disruption by blocking the road while unloading passengers and luggage. Residents cars have also been damaged by coaches manoeuvring the tight road and on one occasion a coach hit and damaged a property. This is contrary to the licensing objective prevention of public nuisance and the prevention of crime and disorder.
5. When residents have complained to the hotel regarding the noise levels of the residents outside at unsocial hours the staff of the hotel and some hotel residents have become verbally abusive and complaints are ignored. This is contrary to the licensing objective the prevention of crime and disorder.

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

Many complaints have been made to the hotel management and residents have met up with the hotel manager to voice their complaints but despite assurances from the manager the problems persist.

The entertainment and music starts at around about 8:00 pm to 9:00 pm and continues through the evening until 11:00pm and on occasions until midnight. The hotel often has all of their windows and doors wide open to reduce the heat in the ballroom but unfortunately this adds considerable disruption to the lives of the residents.

After about 2 years of trying to resolve these issues directly with the hotel and their management team about the noise and problems they were causing, we had little choice but to contact the council for help and support as we were getting ignored on our own.

Since our contact with the council they have visited the hotel and discussed our problems with them to which I believe the hotel manager was quite accommodating and assured the council representative that she would address our issues, they have done absolutely nothing to amend the situation. The music noise level actually increased and the hotel staff and management ceased to even listen to their neighbours' complaints and carried on regardless playing louder and louder music night after night.

The hotel also has no regard for the parking issues they are causing, guests often park their cars anywhere they can when their car park is full. This includes their guests parking across neighbours drives and blocking street access. On one incident, a guest parked his van on a neighbour's driveway when there was a clear 'private property' sign in place. When we reported this to the hotel they failed to respond so the police had to be called. Karl Martin from Torbay Council has this statement.

The hotel guests also drink alcohol outside of the hotel premises and on occasions the guests spill out onto the street drinking. Again, the guests are very loud and can be abusive and when we report this to the hotel staff they do not respond to it. Karl Martin from Torbay Council has evidence for this.

The coaches who bring the guests to the hotel frequently block the road access, when asked politely to move, we have been shouted at. Many of the coach drivers are angry upon arriving at the Torbay Court Hotel because of the difficult obstacle they are faced with to get their large coaches around the tight turns and narrow roads that lead into the hotels car park. When we have reported this to the hotel management we were told that the coaches were nothing to do with the hotel and not their responsibility. Whilst it is recognised parking and coach movements falls outside of the scope of this hearing, as residents we feel it appropriate to draw members attentions to this matter as an example of the hotels unwillingness to cooperate with local residents.

The actions of hotel resident's vehicles and coaches causes a health and safety danger to the children who live in the area. On one occasion, a child was put at risk from a reversing coach.

Recently an incident occurred when a coach driver was very abusive and aggressive to an older man with children, this was reported to the police. The hotel manager was informed of this incident but did not respond and told us that the coaches were not her problem. Karl Martin has this police statement.

We have been keeping a record of the noise from the hotel and recording it on the Noise App which Karl Martin, Public Protection Officer for Torbay Council has been keeping a record of. Residents have also compiled photographic evidence of cars blocking road access and neighbour's driveways, as well as issues when guests are drinking alcohol on the street and all of the police statements which we would like the opportunity to present at the licence board hearing.

On Friday 8th September at 18:15 a letter was hand delivered to residents informing them that the Hotel had an extended Licence until 1:00am on the Friday and Saturday evenings, clearly not giving the residents enough time to object. Both evenings the noise level was horrendous and the hotel residents were outside smoking and very loud until the early hours.

Clearly these issues are causing a significant effect to resident's normal lives throughout the day, late into the evenings and very early in the morning. The excessive noise generated by the entertainment in the hotel effects resident's daily lives causing great distress, sleepless nights and generally being unreasonable and interfering with out right to peace and quiet. I travel extensively with my work and stay away often, when I am at home I have to take a sleeping tablet to sleep at night but when I am traveling i don't have to do this. We also have several residents with health associated and personal issues that are being made worse by the issues the hotel are causing.

I would also request that plenty of notice be given to the licence board hearing as David Williams often works away during the week with a diary which is often planned for several weeks ahead.

Please tick ✓ yes

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

X

If yes please state the date of that application

Day Month Year

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

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

N/A

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

 Date

 Capacity

or other duly authorised agent (please read guidance note 5)
 Applicant please state in what capacity.

.....

.....

.....

| |
|---|
| <p>postal address for correspondence associated with this application (please read guidance note 5)</p> <p>an e-mail address your e-mail address</p> |
|---|

1. A representative of a fire and rescue authority and other statutory body in the local area.
2. The applicant must be aware of the licensing objectives.
3. Please include, for example dates of problems which are relevant to the licensing objectives.
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.

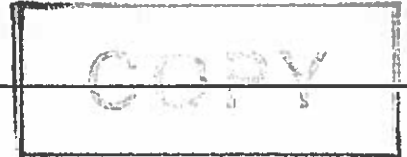
Licensing Act 2003
Premises Licence

612

LOCAL AUTHORITY



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



Part 1 - Premises Details

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

Torbay Court Hotel

Stearfield Road, Paignton, Devon, TQ3 2BJ.

Telephone 01803 663332

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- entertainment facilities for making music
- entertainment facilities for dancing
- provision of late night refreshment
- 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 |
|---|---|-----------|----------|
| E. Performance of live music (Indoors) | Monday to Sunday | 8:00pm | 11:00pm |
| | Christmas Day | 2:00pm | 5:00pm |
| | New Year's Eve | 10:00am | 11:59pm |
| | New Year's Day | Midnight | 1:00am |
| F. Playing of recorded music (Indoors) | Monday to Sunday | 10:00am | 11:30pm |
| I. Provision of facilities for making music (Indoors) | Monday to Sunday | 8:00pm | 11:00pm |
| | Christmas Day | 2:00pm | 5:00pm |
| | New Year's Eve | 8:00pm | 1:00am |
| J. Provision of facilities for dancing (Indoors) | Monday to Sunday | 8:00pm | 11:00pm |
| | Christmas Day | 2:00pm | 5:00pm |
| | New Year's Eve | 8:00pm | 1:00am |
| L. Late night refreshment (Indoors) | Monday to Sunday | 11:00pm | 5:00am |
| M. The sale by retail of alcohol for consumption ON and OFF the premises | Monday to Sunday | 10:00am | Midnight |
| | Standard timings are for non-residents; residents may be sold alcohol 24hrs per day | | |

THE OPENING HOURS OF THE PREMISES

| Description | Time From | Time To |
|------------------|-----------|---------|
| Monday to Sunday | 9:00am | 12:30am |

Standard timings are for non-residents; the premises may be open to residents 24 hours a 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

Torbay Hotel Limited
julie@durranthousehotel.com

Durrant House Hotel, Heywood Road, Bideford, Devon, EX39 3QB.
Telephone 01237 472361

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

Torbay Hotel Limited

8111827

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

Kayley TAFFINDER

Torbay Court Hotel, Steartfield Road, Paignton, Devon, TQ3 2BJ.
Telephone 01803 521500

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

Licence No. PA2760

Issued by Torbay

Stephen Cox

Steve Cox
Environmental Health Manager
28 February 2014

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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
- 4) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6)
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) 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 a holographic mark.
- 7). The responsible person shall ensure that -

ANNEXES continued ...

(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 -

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

(b) customers are made aware of the availability of these measures.

ANNEXE 2**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE****General**

1. Staff must be aware of the licensing laws and objectives.

The prevention of crime and disorder

1. Bar opening hours shall be visible.
2. Bar staff shall be trained and alert to issues of underage drinking and will use the Challenge 25 policy.
3. CCTV coverage shall be used in all public areas.
4. All tills shall be emptied when not in use and till draw left open. All monies each evening will be placed in a drop safe.

Public safety

1. Access must be clear for fire escape and emergency vehicles.
2. The premises must be maintained in good order.
3. A First Aider must be on site at all times.
4. Curtains must not be closed across fire exits.
5. Fire precautions must comply with all requirements for the fire officer.

The prevention of public nuisance

1. Windows must be closed during all entertainment.
2. Empty bottles must be collected from the bar during the day.
3. All rubbish produced by the premises shall be stored in a designated area with a tight fitting lid.
4. Premises guests shall be informed on their arrival that the premises is located in a residential area and to be aware of noise levels after 9.00pm. Notices to this effect shall be displayed in the reception area.

The protection of children from harm

1. Bar staff shall be trained and alert to issues of underage drinking and will operate a Challenge 25 policy.
2. 16 - 17 year old persons may consume beer, wine or cider during a plated meal though he/she must be accompanied by a person over 18.

ANNEXES continued ...

3. Children under the age of 18 will not be allowed in the bar area after 9.00pm unless accompanied by a responsible adult.
4. The premises will operate the Challenge 25 scheme and will ask for identification in the form of Driving Licence or passport for anyone who appears to be under the age of 25.

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. Noise from the premises shall not be audible within any noise sensitive premises with windows open for normal ventilation especially after 23:00hr. The criteria applied, from boundary to nearest residential property are;
 - (i) Before 23:00hr- Noise emanating from the premises shall not be clearly distinguishable above other noise.
 - (ii) After 23:00hr- 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.
2. The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee/Management and the controlling mechanism shall be operated from a part of the premises not accessible to the public.
3. Doors and windows must be kept shut during entertainment to reduce noise break out. A management scheme shall be in place to ensure this situation remains.
4. Cooking, noxious or persistent smells from the premises must not cause a nuisance to nearby properties and the premises must be properly vented.

The Protection of Children from Harm

1. Staff will be trained on matters related to the sale of alcohol.

ANNEXE 4

PLANS

Copy attached to Licence.

LOCAL AUTHORITY



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

Premises Details

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

Torbay Court Hotel

Stearfield Road, Paignton, Devon, TQ3 2BJ.

Telephone 01803 663332

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- entertainment facilities for making music
- entertainment facilities for dancing
- provision of late night refreshment
- 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 |
|---|---|-----------|----------|
| E. Performance of live music (Indoors) | Monday to Sunday | 8:00pm | 11:00pm |
| | Christmas Day | 2:00pm | 5:00pm |
| | New Year's Eve | 10:00am | 11:59pm |
| | New Year's Day | Midnight | 1:00am |
| F. Playing of recorded music (Indoors) | Monday to Sunday | 10:00am | 11:30pm |
| I. Provision of facilities for making music (Indoors) | Monday to Sunday | 8:00pm | 11:00pm |
| | Christmas Day | 2:00pm | 5:00pm |
| | New Year's Eve | 8:00pm | 1:00am |
| J. Provision of facilities for dancing (Indoors) | Monday to Sunday | 8:00pm | 11:00pm |
| | Christmas Day | 2:00pm | 5:00pm |
| | New Year's Eve | 8:00pm | 1:00am |
| L. Late night refreshment (Indoors) | Monday to Sunday | 11:00pm | 5:00am |
| M. The sale by retail of alcohol for consumption ON and OFF the premises | Monday to Sunday | 10:00am | Midnight |
| | Standard timings are for non-residents; residents may be sold alcohol 24hrs per day | | |

THE OPENING HOURS OF THE PREMISES

| Description | Time From | Time To |
|---|-----------|---------|
| Monday to Sunday | 9:00am | 12:30am |
| Standard timings are for non-residents; the premises may be open to residents 24 hours a 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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Torbay Hotel Limited Durrant House Hotel, Heywood Road, Bideford, Devon, EX39 3QB.

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

Torbay Hotel Limited 8111827

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Kayley TAFFINDER

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Access is restricted only under the terms of the Licensing Act 2003.



Steve Cox
Environmental Health Manager
28 February 2014

TORBAY COURT HOTEL
 STEARTFIELD ROAD
 PAIGNTON

ANNEXE 4

LICENSING PLANS

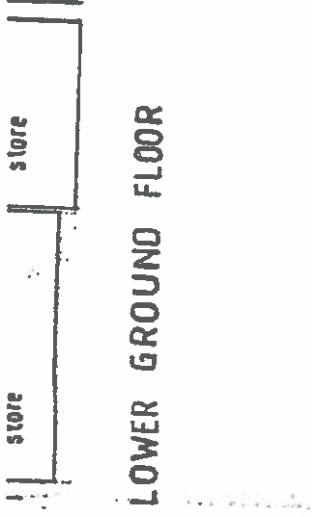
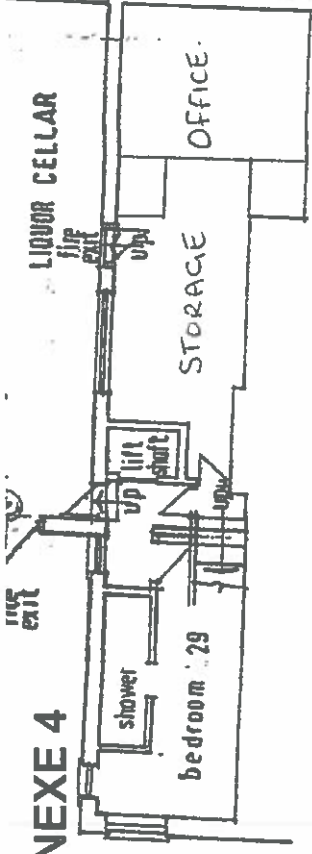
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GROUND & LOWER GROUND
 FLOOR PLANS

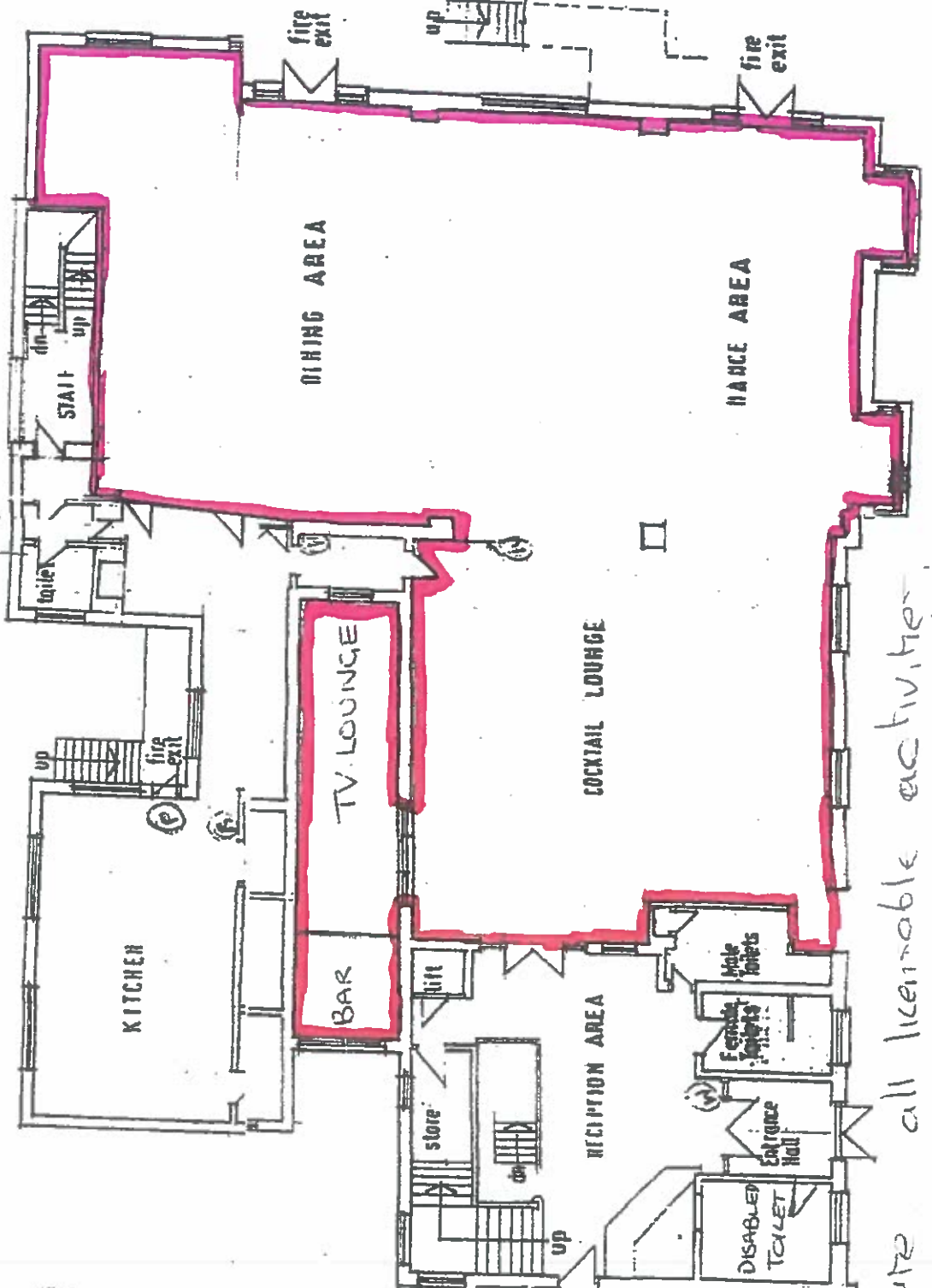
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REVISION
 A B

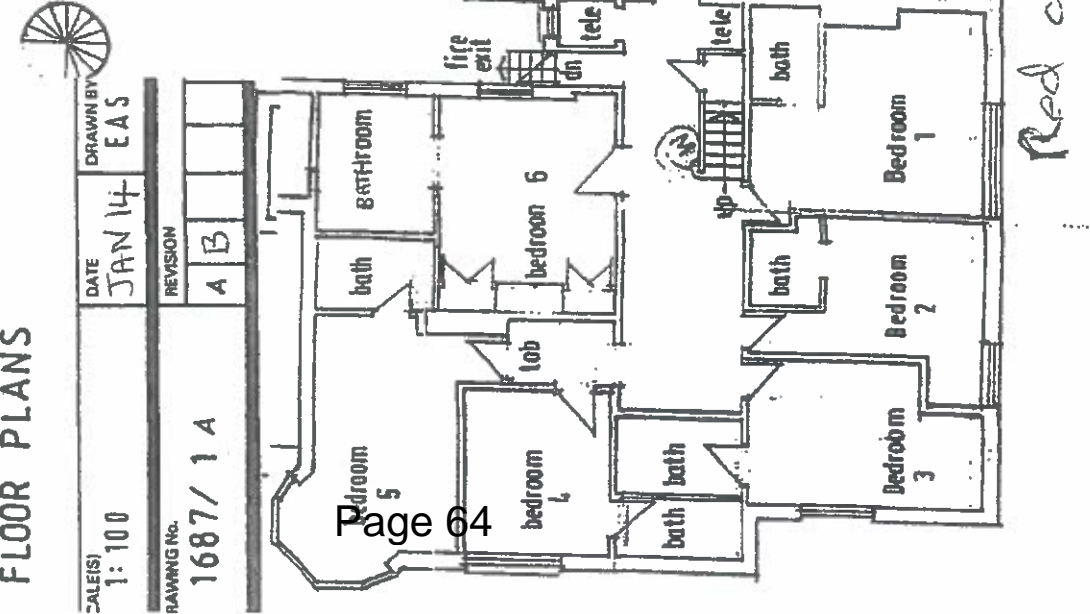
DRAWING NO. 1687/1A



LOWER GROUND FLOOR

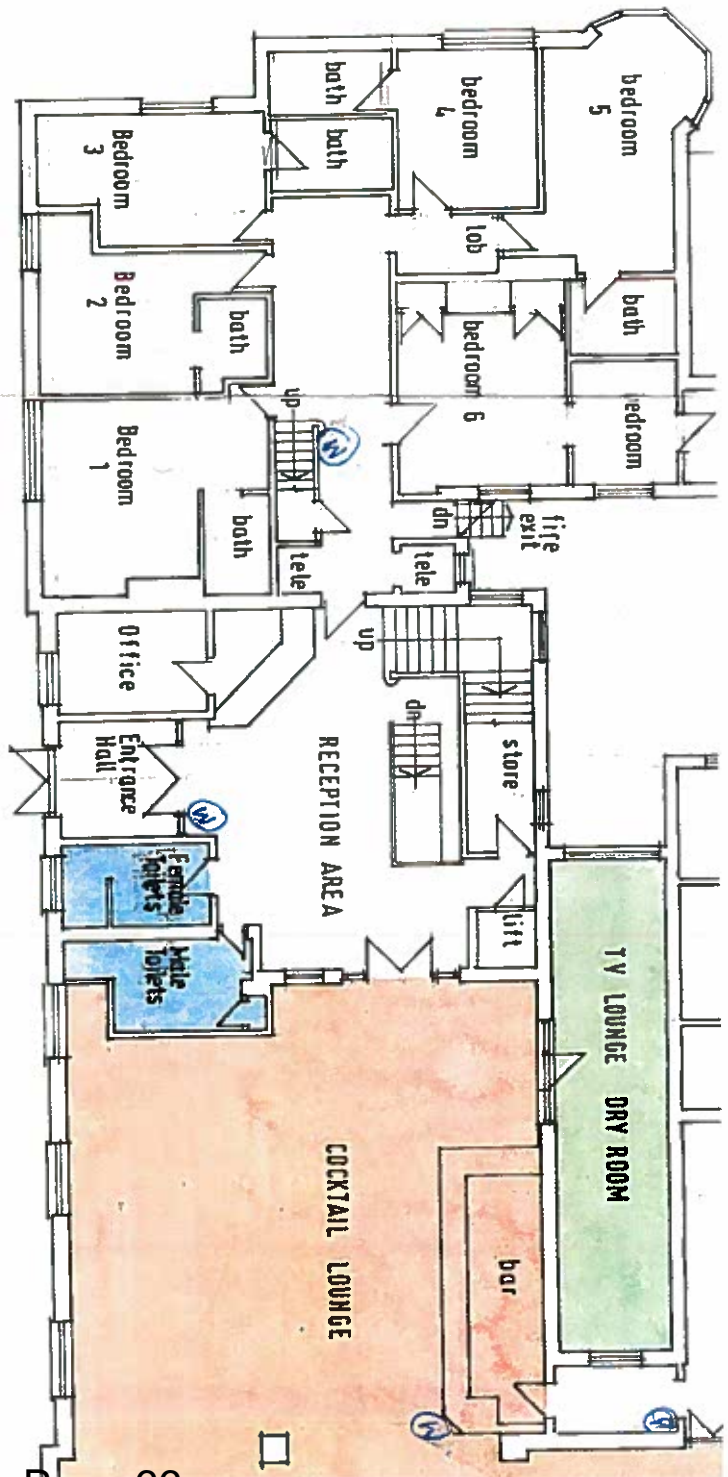


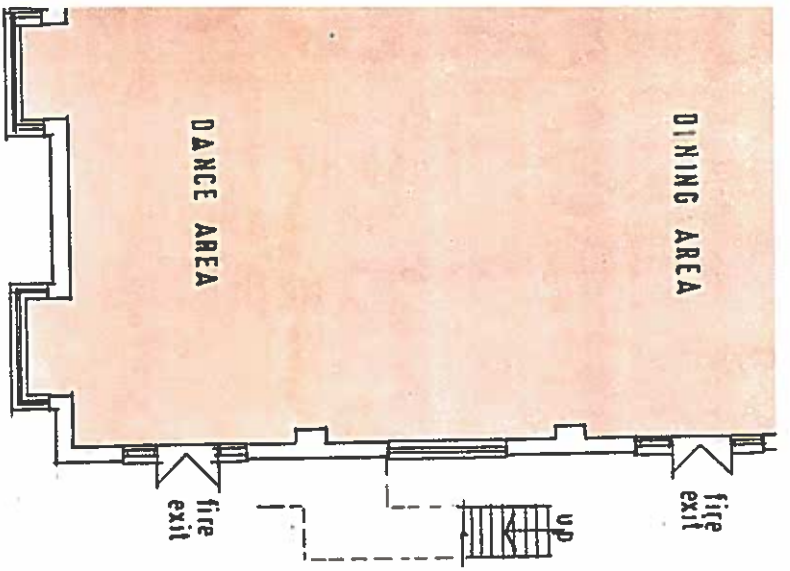
GROUND FLOOR



Red are all licensable activities

GROUND FLOOR



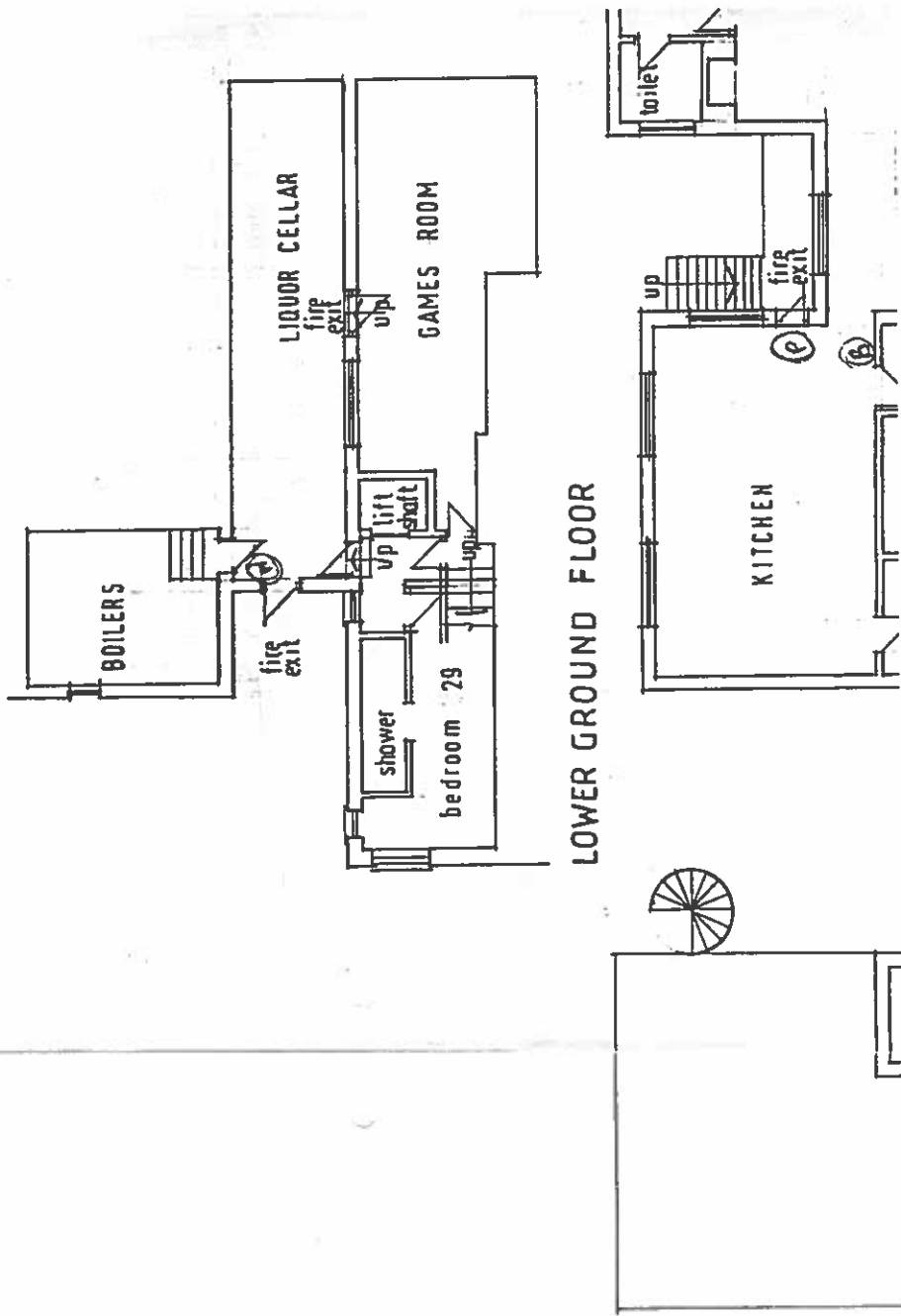


APPROVED ON BEHALF OF THE
 LICENSING JUSTICES

[Signature]

DATED 2.3.95 CHAIRMAN

| | | | | | | |
|---|---------------------------------|----------|--|--|--|--|
| <p>KAY ELLIOTT ARCHITECTS</p> <p>5-7 MEADFOOT ROAD, TORQUAY, DEVON TQ1 2JP TEL: (08823) 215533/4/5 FAX: (08823) 296578</p> | | | | | | |
| <p>CLIENT MR J G BEESLEY</p> | | | | | | |
| <p>LOCATION TORBAY COURT HOTEL STEARTFIELD ROAD PAIGNTON</p> | | | | | | |
| <p>PROJECT LICENSING PLANS</p> | | | | | | |
| <p>DESCRIPTION GROUND & LOWER GROUND FLOOR PLANS</p> | | | | | | |
| <p>SCALES 1:100</p> | <p>DATE FEB 95</p> | | | | | |
| <p>DRAWING No. 1687/ 1 A</p> | <p>DRAWN BY EAS</p> | | | | | |
| <p>REVISION</p> <table border="1"> <tr> <td>4</td> <td></td> <td></td> <td></td> <td></td> </tr> </table> | | 4 | | | | |
| 4 | | | | | | |



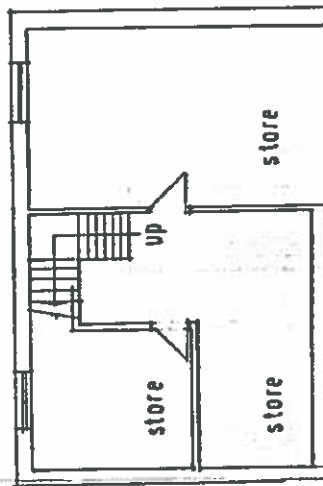
LOWER GROUND FLOOR

All dimensions and sizes to be verified by the Contractor on Site.
 Any discrepancy to be verified with the Architect before work proceeds.
 No dimensions are to be scaled from this drawing. Contractors must work to figured dimensions only.
 All drawings are subject to Copyright.

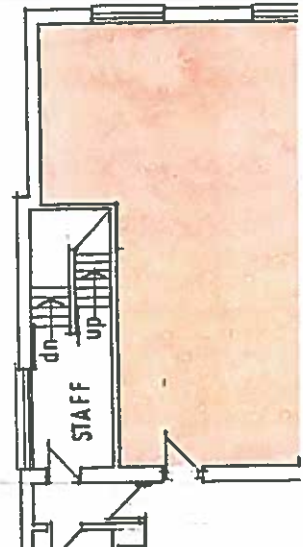
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| Revision | A | |
| Issue | 1 2 | |
| Date | 24.2.95 | |
| | 21.4 | |
| | 18.76 | |
| Client | / | |
| Town Planning | | |
| Building Reg | | |
| Fire Officer | | |
| Struct. Eng. | | |
| C.S. | | |
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| Solicitor | | |

| ISSUE | DATE | BY | REVISION |
|-------|------|----|----------|
|-------|------|----|----------|

| ISSUE | DATE | BY | REVISION |
|-------|---------|-----|---|
| A | 24.2.95 | ERS | REMOVE THE ALARM BELL FROM PERM TO PROTECTION AREA. REJECTED. |
| | | | area used for consumption of alcohol. |
| | | | (N) Water fire extinguishers |
| | | | (P) Powder fire extinguishers |
| | | | (B) Fire blanket |



LOWER GROUND FLOOR



Memorandum

| | | | | | | |
|--|---|------------------------|-------------------------------|------------------|------------------|----------------|
| To: | | From : | Community Safety | | | |
| c.c | <table border="1"><tr><td>TORBAY COUNCIL</td></tr><tr><td>12 OCT 2017</td></tr><tr><td>COMMUNITY SAFETY</td></tr></table> | TORBAY COUNCIL | 12 OCT 2017 | COMMUNITY SAFETY | Contact : | Mr Karl Martin |
| TORBAY COUNCIL | | | | | | |
| 12 OCT 2017 | | | | | | |
| COMMUNITY SAFETY | | | | | | |
| c.c. | | Ext : | 01803 208025 | | | |
| c.c | My Ref : | 1ZV SRU No: 240606/KJM | | | | |
| For the attention of: Gary O'Shea | Your Ref : | | | | | |
| | | Date : | 11 th October 2017 | | | |

Premises Name & Address: Torbay Court Hotel, Steartfield Road, Paignton, TQ3 2BJ

Subject: Review application – Licensing Act 2003

- a) I have no comments to make on the above application
- b) The application does not meet the following licensing objectives:
- i) Prevention of crime and disorder
 - ii) Protection of children from harm
 - iii) Public safety
 - iv) Prevention of public nuisance

1. Torbay Court Hotel is a large 58 bedroom hotel situated in a predominantly residential area close to Paignton seafront. Please see appendix 1.
2. The hotel mostly services coaching parties with a small number individual guest and private group bookings.
3. It is normal for coaching hotels to offer evening entertainment for their guest. Typically this will consist of a range of entertainment for example but not exclusively, Bingo, comedy acts, solo singers and bands.
4. The premise Licence (PL0612) authorises live music between 10:00pm – 11:00pm and recorded music between 20:00- 11:00pm. Under Annex 2 and 3 can be found a small number of standard conditions relating to noise nuisance. It should be noted the premises benefits from the exemptions under the Live Music Act 2012 and therefore licensing conditions are not enforceable between the hours of 8:00am-11:00pm.
5. Coaching holidays are normally a Monday through to Friday. Again Torbay Court Hotel is not unusual in offering the hotel at weekends to group booking and

individuals. Torbay Court host a number of private booking specifically for dance events and have applied for Temporary Event notices (TEN) in the past cater for extending trading hours. Normally between midnight and 1:00am.

6. The Authority first received a noise complaint in April 2007 which was resolved in a couple of months. The hotel was under different management at the time. The current owners took over management of the premises in August 2012
7. A second complaint was received in August 2013. Standard advice was given to the hotel and no further complaints were received.
8. A third complaint was logged in February 2015 regarding an event which had taken place under a TEN. The manager (Miss Taffinder) assured the event was a one off and staff monitor noise breakout and noise from customers using the outside area. This was the first time a complaint was received alleging noise nuisance from guests using the outside area. A noise diary was issued but not returned. Advice given and no further action was taken.
9. A fourth complaint was received in November 2016. Like previous complaints music was cited as causing a problem in addition to people using the outside area at night for smoking and drinking. Miss Taffinder advised at the time she was aware the hotel was receiving noise complaints and was trying hard to keep residents happy including ensuring doors and windows were kept close during entertainment. A diary sheet was issued to the complainant but it was not returned and the case was closed.
10. In June 2017 the Authority received a new complaint from one residents regarding noise breakout from the hotel. At this time the Authority had subscribed to the 'noise app' to allow residents to make their own recording and submit them online at any time of the day.
11. A report of submissions from residents can be viewed under appendix 3 and noise recording will be available for committee members to listen to at the hearing.
12. One resident has submitted frequent recordings since June and this can viewed as an accurate record of how often noise nuisance is occurring from the premises. The frequency of recordings reflects how often entertainment is provided at coaching hotels and highlights not all types of entertainment is causing a problem.
13. Officers of the Authority made several attempts over the summer months to witness nuisance but none was observed. Therefore an abatement notice has not been served and the Authority does not have the required evidence to call a review of the premises license.
14. Despite this, the recordings made by the residents does demonstrate a frequent problem with noise. Due to the uncertainty of how nuisance has impacted on residents lives an abatement notice has not be served under likely occurrence at this present time.
15. There are a number of factors at play. The first being the proximity the hotel is to significant number of residential accommodation. 2-3 years ago, approximately 20 homes were built on wasteland opposite the hotel. The duty to prevent public nuisance rests with the hotel.
16. A second factors is the building has poor attenuation properties. The function room where entertainment is hosted is a vast room with many windows. Although double glazed the room does not have any air-conditioning. In the absence of ventilation

guests will open windows during hot weather and despite the best efforts of staff they will not be able to notice and close the windows quickly, every time. Open windows will lead to breakout and it is reasonable to expect this is happening at this premises.

17. A third factor and perhaps the most significant is the lack of PA equipment in the hotel. Without house PA systems the management does not have the control and guarantee to offer residents reassurance music will be played at the same level all of the time at levels that do not give rise to nuisance. This factor is reflected in the noise app submissions made by a resident.
18. These items of concern have been discussed with the management several times. Although the management demonstrate keenness to resolve the issues there is a reluctance to accept there is a problem with noise. However this reluctance can be perceived as a product of an on-going dispute between the residents and hotel over issues that fall outside of the scope of the Licensing Act. Tensions between the two parties has worsened in recent years. From the residents perspective noise outbreak is another unwelcome intrusion of the hotel into their lives.
19. Torbay Council licensing policy offers guidance in circumstances where premises are near residential accommodation.-

There will be an assumption however that Licensed Premises in residential areas, or where there is proximity to residential properties, will only be allowed to undertake Licensable Activities until 11pm unless detailed consideration and mitigation measures have been proposed to address those concerns. A simple application with no supporting material can be expected to be refused, where relevant representations have been received.'

Licensing Statement of Principles, Torbay Council, 2016-21 p40

20. At the time of writing this report no further mitigating measures have been put forward by either the management, owners or agents acting on behalf of the hotel. Therefore on evaluating evidence supplied by residents against guidance from Torbay Council Licensing statement of principles I duly ask members to consider the following recommendations:-
 1. Repeal the exemption under the Live Music Act 2012 for live and recorded music.
 2. Reduce live and recorded music (indoors) to 11:00pm, including public holidays.
 3. Consider a range of suitably conditions to control noise breakout at all times entertainment is performed and to consider controlling the activities of customers using the outside areas. For example the hotel must have PA equipment which can be limited and suitable air conditioning provided.
21. At the time of writing this report the full list of conditions is not being offered subject to any consultation which may take place before the hearing date.



**Mr Karl Martin
Public Protection Officer
Torbay Council**

Appendix 1

1.a Ariel view of Torbay court hotel



1.b Street view of Torbay Court Hotel



1.c



1.d



Appendix 2

Noise app report for


Steve Heap

David William

| Date | Source | Location | Intensity Rating | Duration |
|-------------------------------|---|--|------------------|----------|
| 04 Oct 2017 21:54pm |  Live Music |  Bedroom | 8/10 | 22:00:00 |

Comments

” Very loud not well lying in bed cant relax or go to sleep due to such loud levels of noise

| Date | Source | Location | Intensity Rating | Duration |
|-------------------------------|---|--|------------------|----------|
| 02 Oct 2017 22:12pm |  Live Music |  Bedroom | 9/10 | 22:10:00 |

Comments

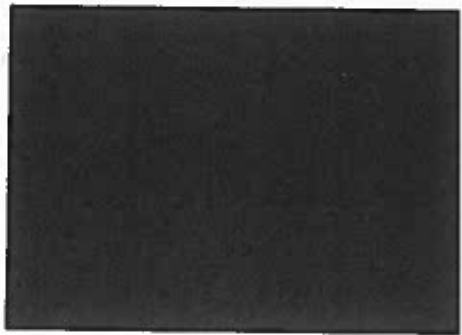
” Musics getting louder amd louder its like an outdoor concert daughter is still awake and cant sleep tried calling hotel but no one answering the phone... probably cant hear it ring!!

| Date | Source | Location | Intensity Rating | Duration |
|-------------------------------|---|--|------------------|----------|
| 02 Oct 2017 20:58pm |  Live Music |  Bedroom | 8/10 | 21:00:00 |

Comments

” Daughters not well trying to get to sleep but live music very loud she cant settle



| Date | Source | Location | Intensity Rating | Duration |
|-------------------------------|---|--|------------------|----------|
| 27 Sep 2017 21:26pm |  Live Music |  Bedroom | 8/10 | 21:26:00 |





Source Address

Torbay court hotel, Warefield road, Paignton, TQ3 2BH

Reports

| Date | Source | Location | Intensity Rating | Duration |
|--|---|--|------------------|----------|
| 09 Oct 2017 22:33pm |  Live Music |  Bedroom | 8/10 | 22:30:00 |
| Comments: | | | | |
| ” They have their doors closed tonight for a change but the music is so loud you can clearly hear it above our tv. | | | | |

| Date | Source | Location | Intensity Rating | Duration |
|--|---|--|------------------|----------|
| 06 Oct 2017 22:28pm |  Live Music |  Bedroom | 7/10 | 22:29:00 |
| Comments | | | | |
| ” Loud live music lying in bed un able to get to sleep up early for work | | | | |

Declaration

I David Williams confirm that this report and the recording I am submitting through The Noise App are a true representation of the noise nuisance I have experienced.

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Live Music Living Room



Comments

” Can hear loud singing over tv once again trying to relax is spoilt by constant loud music from the hotel.

| Date | Source | Location | Intensity Rating | Duration |
|-------------------------------|--|--|------------------|----------|
| 26 Sep 2017 22:41pm |  Music |  Bedroom | 7/10 | 22:40:00 |



Comments

” Trying to sleep hotel loud for another night.

| Date | Source | Location | Intensity Rating | Duration |
|-------------------------------|---|--|------------------|----------|
| 25 Sep 2017 20:58pm |  Live Music |  Living Room | 9/10 | 21:00:00 |



Comments

” Music so loud again can hear above our tv with all our windows closed. Its keeping our 8 year old daughter awake as she can hear it at the back of our house unless we close all our windows.

| Date | Source | Location | Intensity Rating | Duration |
|-------------------------------|---|--|------------------|----------|
| 24 Sep 2017 22:21pm |  Live Music |  Bedroom | 9/10 | 22:20:00 |



Comments

” Another extremely loud night of live music. Trying to sleep as im up early for work but even with all windows closed can hear every word sung. Hotel and doors and windows open.

| Date | Source | Location | Intensity Rating | Duration |
|-------------------------------|--|--|------------------|----------|
| 23 Sep 2017 22:41pm |  Music |  Bedroom | 9/10 | 22:42:00 |



Comments

” Stupidly loud doors wide open music blasting out its like an outdoor concert absolutely ridiculous so angry at this constant loud music.

| Date | Source | Location | Intensity Rating | Duration |
|-------------------------------|---|--|------------------|----------|
| 21 Sep 2017 21:52pm |  Live Music |  Living Room | 8/10 | 21:50:00 |

Comments

” Loud live music again can hear it clearly over our tv with all our windows shut.

| Date | Source | Location | Intensity Rating | Duration |
|-------------------------------|--|--|------------------|----------|
| 19 Sep 2017 21:43pm |  Music |  Living Room | 7/10 | 21:45:00 |

Comments

” Can hear the music with our windows closed over sound of our tv. Difficult to relax without hearing loud music very night from the hotel.

| Date | Source | Location | Intensity Rating | Duration |
|-------------------------------|--------|----------|------------------|----------|
| 18 Sep 2017 21:29pm | | | | |



Live Music



Bedroom

7/10

21:30:00

Comments

” Have to close all windows as kids having trouble sleeping because of loud music

Date

Source

Location

Intensity Rating

Duration

16 Sep 2017
22:21pm



Live Music



Bedroom

7/10

22:20:00

Comments

” Doors wide open live music still live can hear with all windows closed

Date

Source

Location

Intensity Rating

Duration

14 Sep 2017
21:27pm



Music



Living Room

7/10

21:28:00

Comments

” Loud music again had to close windows in front room couldn't hear tv plus people outside smoking coughing and spitting!

Date

Source

Location

Intensity Rating

Duration

13 Sep 2017
21:49pm



Live Music





Bedroom



7/10


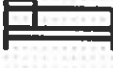
21:50:00

Comments

” Loud music yet again

| Date | Source | Location | Intensity Rating | Duration |
|--|---|---|------------------|----------|
| 11 Sep 2017 21:30pm |  Live Music |  Bathroom | 8/10 | 21:30:00 |
| Comments | | | | |
| " Very loud music even with windows closed kids having trouble sleeping and people outside are loud. We had a weekend of late licence loud music till gone 12am now on school night no let up very hard to constantly live with! | | | | |

| Date | Source | Location | Intensity Rating | Duration |
|---|---|---|------------------|----------|
| 09 Sep 2017 22:52pm |  Music |  Bedroom | 8/10 | 22:51:00 |
| Comments | | | | |
| " Music very very loud been blasting out for 2 hours apparently late licence until 1 am this is getting so hard now and flashing disco lights | | | | |

| Date | Source | Location | Intensity Rating | Duration |
|--|--|--|------------------|----------|
| 06 Sep 2017 20:51pm |  Loud Voices |  Bedroom | 7/10 | 20:50:00 |
| Comments | | | | |
| " Have to shut all windows children can't sleep its a school night even the bingo in this hotel is stupidly loud!! | | | | |

| Date | Source | Location | Intensity Rating | Duration |
|------|--------|----------|------------------|----------|
|------|--------|----------|------------------|----------|

05 Sep 2017
22:38pm



Music



Bedroom

7/10

22:39:00

Comments

” Loud music cant sleep

Date

Source

Location

Intensity
Rating

Duration

28 Aug 2017
21:06pm



Live Music



Bedroom

9/10

21:00:00

Comments

” So loud its a very warm night have to shut our bedroom and childrens windows as they cant sleep. Its ridiculous how loud it is.

Date

Source

Location

Intensity
Rating

Duration

26 Aug 2017
22:30pm



Live Music



Bedroom

7/10

22:30:00

Comments

” Warm night but have to close windows cant hear tv or get to sleep

Date

Source

Location

Intensity
Rating

Duration

24 Aug 2017
22:21pm



Live Music





Bedroom



7/10



22:20:00

Comments

” Loud music have to close windows yet again as kids and myself cant sleep

| Date | Source | Location | Intensity Rating | Duration |
|---|---|--|------------------|----------|
| 23 Aug 2017 22:38pm |  Live Music |  Bedroom | 8/10 | 22:40:00 |
| Comments | | | | |
| " Loud live music lying in bed trying to sleep but yet again have to wait for tge music to stop | | | | |

| Date | Source | Location | Intensity Rating | Duration |
|---|--|--|------------------|----------|
| 22 Aug 2017 22:02pm |  Music |  Living Room | 8/10 | 22:00:00 |
| Comments | | | | |
| " Warm summer evening have to shut all windows as cant properly hear tv and kids had trouble getting to sleep | | | | |

| Date | Source | Location | Intensity Rating | Duration |
|--|--|--|------------------|----------|
| 19 Aug 2017 22:25pm |  Music |  Living Room | 8/10 | 22:25:00 |
| Comments | | | | |
| " Can hear music over our tv with the Windows closed | | | | |

| Date | Source | Location | Intensity Rating | Duration |
|-------------------------------|--------|----------|------------------|----------|
| 17 Aug 2017 22:50pm | | | | |



Live Music



Bedroom

7/10

22:50:00

Comments

”

Warm evening have to shut all windows as music loud again their doors wide open cant sleep till they finish.

Date

Source

Location

Intensity
Rating

Duration

14 Aug 2017
22:23pm



Live Music



Bedroom

8/10

22:25:00

Comments

”

Trying to sleep as up at 6 am but music is so loud even with all windows closed.

Date

Source

Location

Intensity
Rating

Duration

10 Aug 2017
22:17pm



Live Music



Bedroom

5/10

22:17:00

Comments

”

Trying to sleep loud music even with windows closed

Date

Source

Location

Intensity
Rating

Duration

08 Aug 2017
22:24pm



Music



Bedroom



7/10



22:25:00



Comments



”

Loud music again cant sleep like a disco outside

| Date | Source | Location | Intensity Rating | Duration |
|--|---|--|------------------|----------|
| 07 Aug 2017 22:08pm |  Live Music |  Bedroom | 7/10 | 22:10:00 |
| Comments | | | | |
| " Lying in bed windows closed music so loud cant sleep have to be up early for work. | | | | |

| Date | Source | Location | Intensity Rating | Duration |
|--|---|--|------------------|----------|
| 05 Aug 2017 22:15pm |  Live Music |  Living Room | 7/10 | 22:15:00 |
| Comments | | | | |
| " Warm night have to shut windows in front room can hear over tv | | | | |

| Date | Source | Location | Intensity Rating | Duration |
|--|--|--|------------------|----------|
| 03 Aug 2017 22:34pm |  Music |  Bedroom | 5/10 | 22:34:00 |
| Comments | | | | |
| " Loud music again trying to sleep but music keeping us awake. | | | | |

| Date | Source | Location | Intensity Rating | Duration |
|-------------------------------|--|--|------------------|----------|
| 28 Jul 2017 22:16pm |  Music |  Bedroom | 7/10 | 22:17:00 |


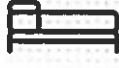
Comments

” Really loud tonight can hear it with windows closed over tv

| Date | Source | Location | Intensity Rating | Duration |
|-------------------------------|---|--|------------------|----------|
| 24 Jul 2017 22:26pm |  Live Music |  Bedroom | 5/10 | 22:25:00 |



Comments

” Warm night have to close all windows as doors wide open loud live music.

| Date | Source | Location | Intensity Rating | Duration |
|-------------------------------|--|--|------------------|----------|
| 07 Jul 2017 22:08pm |  Loud Voices |  Bedroom | 7/10 | 22:10:00 |

Comments

” Very loud voices from guests outside along with very loud music. The hotel is getting worse not better. We could even hear music over our tv with all windows closed. Getting very frustrating.

| Date | Source | Location | Intensity Rating | Duration |
|-------------------------------|---|--|------------------|----------|
| 06 Jul 2017 22:14pm |  Live Music |  Bedroom | 7/10 | 22:15:00 |

Comments

” Trying to sleep very warm night have to shut windows again as cant sleep as music is so loud.

| Date | Source | Location | Intensity Rating | Duration |
|------|--------|----------|------------------|----------|
|------|--------|----------|------------------|----------|

02 Jul 2017
22:20pm



Live Music



Bedroom

5/10

22:20:00

Comments

” Doors and windows open very loud live music warm night have to shut all the windows yet again.

| Date | Source | Location | Intensity Rating | Duration |
|------|--------|----------|------------------|----------|
|------|--------|----------|------------------|----------|

01 Jul 2017
22:25pm



Live Music



Bedroom

5/10

22:25:00

Comments

” Loud live music

| Date | Source | Location | Intensity Rating | Duration |
|------|--------|----------|------------------|----------|
|------|--------|----------|------------------|----------|

26 Jun 2017
22:30pm



Live Music



Bedroom

5/10

22:30:00

Comments

” Very load again trying to sleep have to close all windows but can still hear the load music

| Date | Source | Location | Intensity Rating | Duration |
|------|--------|----------|------------------|----------|
|------|--------|----------|------------------|----------|

22 Jun 2017
22:46pm



Live Music





Bedroom



5/10



22:45:00


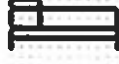
Comments

” Doors open very loud music

| Date | Source | Location | Intensity Rating | Duration |
|--|---|--|------------------|----------|
| 22 Jun 2017 22:43pm |  Live Music |  Bedroom | 5/10 | 22:45:00 |
| Comments | | | | |
| " Doors wide open again cant sleep music very loud and very bad singing! | | | | |

| Date | Source | Location | Intensity Rating | Duration |
|--------------------------------|--|---|------------------|----------|
| 21 Jun 2017 22:24pm |  Live Music |  Bedroom | 5/10 | 22:25:00 |
| Comments | | | | |
| " Doors wide open loud singing | | | | |

| Date | Source | Location | Intensity Rating | Duration |
|-------------------------------|---|--|------------------|----------|
| 19 Jun 2017 22:23pm |  Live Music |  Bedroom | 5/10 | 22:30:00 |
| Comments | | | | |
| " Getting to sleep | | | | |

| Date | Source | Location | Intensity Rating | Duration |
|-------------------------------|---|--|------------------|----------|
| 15 Jun 2017 22:48pm |  Live Music |  Bedroom | 5/10 | 01:00:00 |

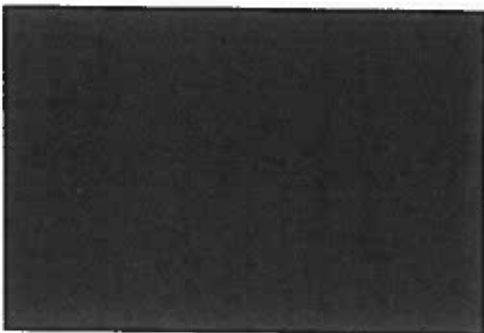
Live Music

Bedroom

Comments

”



Cant sleep and i have to be up at 5.30 am for work





Source Address

Torbay Court Hotel, Warefield Road, Paignton, TQ3 2PW

Reports

| Date | Source | Location | Intensity Rating | Duration |
|-------------------------------|---|--|------------------|----------|
| 06 Oct 2017 22:29pm |  Live Music |  Bedroom | 8/10 | 02:00:00 |
| Comments | - | - | - | - |
| " | - | - | - | - |

| Date | Source | Location | Intensity Rating | Duration |
|-------------------------------|---|--|------------------|----------|
| 19 Jul 2017 22:11pm |  Live Music |  Bedroom | 8/10 | 01:00:00 |
| Comments | - | - | - | - |
| " | - | - | - | - |

| Date | Source | Location | Intensity Rating | Duration |
|------|--------|----------|------------------|----------|
|------|--------|----------|------------------|----------|

17 Jul 2017
22:25pm



Live Music



Bedroom

7/10

02:00:00

Comments:

”

-

Date

Source

Location

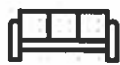
Intensity
Rating

Duration

22 Jun 2017
22:47pm



Live Music



Living Room

7/10

01:00:00

Comments:

”

-

Date

Source

Location

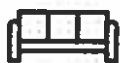
Intensity
Rating

Duration

21 Jun 2017
21:51pm



Live Music



Living Room

7/10

01:00:00

Comments:

”

-

Date

Source

Location

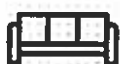
Intensity
Rating

Duration

19 Jun 2017
21:00pm



Live Music



Living Room

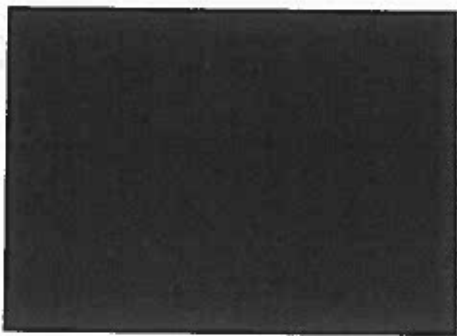
7/10

01:00:00

Comments:

”



-







Source Address



Torbay court hotel, Warefield road, Paignton, TQ3 2BH


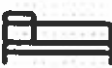
Reports


| Date | Source | Location | Intensity Rating | Duration |
|--|---|--|------------------|----------|
| 09 Oct 2017 22:33pm |  Live Music |  Bedroom | 8/10 | 22:30:00 |
| Comments: " They have their doors closed tonight for a change but the music is so loud you can clearly hear it above our tv. | | | | |

| Date | Source | Location | Intensity Rating | Duration |
|--|---|--|------------------|----------|
| 06 Oct 2017 22:28pm |  Live Music |  Bedroom | 7/10 | 22:29:00 |
| Comments: " Loud live music lying in bed un able to get to sleep up early for work | | | | |

| Date | Source | Location | Intensity Rating | Duration |
|--|---|--|------------------|----------|
| 04 Oct 2017 21:54pm |  Live Music |  Bedroom | 8/10 | 22:00:00 |
| Comments: | | | | |
| " Very loud not well lying in bed cant relax or go to sleep due to such loud levels of noise | | | | |

| Date | Source | Location | Intensity Rating | Duration |
|--|---|--|------------------|----------|
| 02 Oct 2017 22:12pm |  Live Music |  Bedroom | 9/10 | 22:10:00 |
| Comments: | | | | |
| " Musics getting louder amd louder its like an outdoor concert daughter is still awake and cant sleep tried calling hotel but no one answering the phone... probably cant hear it ring!! | | | | |

| Date | Source | Location | Intensity Rating | Duration |
|--|---|--|------------------|----------|
| 02 Oct 2017 20:58pm |  Live Music |  Bedroom | 8/10 | 21:00:00 |
| Comments: | | | | |
| " Daughters not well trying to get to sleep but live music very loud she cant settle | | | | |

| Date | Source | Location | Intensity Rating | Duration |
|-------------------------------|---|--|------------------|----------|
| 27 Sep 2017 21:26pm |  Live Music |  Bedroom | 8/10 | 21:26:00 |

Declaration

I Steve Heap confirm that this report and the recording I am submitting through The Noise App are a true representation of the noise nuisance I have experienced.

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The Entertainment License Review For The Torbay Court Hotel, Paignton.

Music:

The excessive noise from the Torbay Court Hotel affects our daily lives hugely.

It causes us all a great deal of distress, sleepless nights, and is a constant disturbance to our right for peace and quiet.

Over the last two years we have approached the hotel on several occasions and asked them time and time again to please lower the noise level of their music.

I have explained many times that we have young children who need their rest and that my husband is up every morning at 6am for work, including Saturdays and all desperately need a good nights sleep to be able to function well the following day.

I have contacted the hotel manager on several occasions explaining that the noise levels that they are insisting to continue to rise most nights, are affecting the whole street. But the Torbay Court Hotel management and staff always fail to respond.

Consistently the hotel manager and staff are always unwilling to cooperate in any way at all. No matter our pleas we are ignored and the hotel turns the music up night after night.

About 18 months ago Torbay Council had a meeting with the hotel manager about our complains, and the council told us that she was willing to help.

Since that meeting the music from the Torbay Court Hotel seems to have risen.

A few weeks ago the Torbay Court Hotel was issued with the Entertainments License Review from Torbay Council.

Since the hotel manager received this letter the hotel seems to have increased their noise levels even further.

We have been recording the hotels noise levels on the Torbay Council noise app. Karl Martin holds all the findings.

Coaches:

I understand that the issues that the coaches cause may not directly fall into the same category of the Entertainments License Review act but I feel that it is necessary to mention, as it shows that the hotel management and staff are unwilling to cooperate with any/all complaints that the neighbouring properties make.

Many times the coaches block our road access and private drives.

When we ask the coach drivers to kindly move their vehicles so that we can access our road and properties, we are often met with aggression and abuse from the coach drivers themselves.

On one particular occasion my father was bringing my children home from school and a coach was again blocking our road access.

My father kindly asked the driver to move his coach over to one side of the road so that it would allow the flow of traffic to continue.

The coach driver reacted with rage and shouted abuse at my father in a very aggressive manor in front of my children and the coach load of guests.

I personally went to see the hotel manager about this incident and she didn't even look at me. She just said, and I quote

'The coach's are nothing to do with the hotel.'

From past experience I knew that the hotel manager would not respond to this matter and that nothing was going to get done.

Because of the severity of this incident I reported this matter to the police.

Please ask the police for this statement.

This is only one incident with the coaches. The coaches cause a lot of unnecessary problems and have put children's lives at risk because of the coach drivers flared tempers and stress they are faced with when having to maneuver around our narrow roads to reach the Torbay Court Hotels car park.

A few coaches have hit my car and other cars whilst the drivers are battling with maneuvering their huge coaches around such tight bends after their long journeys to get into the Torbay Court Hotels car park.

One coach caused over five hundred pounds worth of damage to my car, which I had to battle to get paid through my insurance company.

Luckily for me Torbay Council have put a camera on the lamppost at the end of our road and this accident was recorded.

When I told the hotel manager about the damage that the coach had just caused to my car, again I was meet with,

"The coaches are nothing to do with the hotel."

Drinking Alcohol on the street:

Many of the hotel guests consume alcohol on the street in front of the Torbay Court Hotel.

Again we have been reported this to the hotel manager and again she was unwilling to do anything about this matter.

We have to put up with drunken guests and their foul language and on occasions their abuse.

Karl Martin has this evidence.

Guests Cars:

Again I am aware that this falls slightly outside of the scope of this hearing but I feel again that this is yet another example of the Torbay Courts Hotels unwillingness to cooperate in any way.

The guests who drive to the hotel can be met with no available parking in the hotels car park, so they park anywhere on our streets when the hotels car park is full.

This includes blocking peoples drives and parking on double yellow lines which restricts our emergency services access to our road.

Cars from the hotel have even parked on neighbours drives where it is clearly signposted "Private Property"

When we approached the hotel about this, again the hotel management and staff clearly are very unwilling to help.

On occasions when the car parking gets so bad we have had to call the Police.

Please ask the Police for these statements.

Photos have also been taken and sent to Karl Martin.

Christmas Lights:

This I know falls just outside of the main subject of this hearing but I feel that this is a necessary comment as again it shows another example of how the hotel management and staff fail to respond.

A couple of years ago the hotel put up flashing strobe lights on three Christmas trees attached to the wall outside the front of the Torbay Court Hotel.

The lights were kept on most of the night and on some occasions all night.

The lights flashed so bright into our bedroom it was like trying to sleep in a rave!

I explained to the hotel manager that not only do I have to listen to the hotels extremely loud music most nights, I now have to try to sleep with flashing strobe lights in my bedroom and could she please turn the lights off at night?

Nothing was done and from the beginning of November till the end of January we had to put up with this every night.

A neighbour even told the hotel manager that they were on medication that helps to control Epilepsy and that the strobe lights could possibly bring on fits. Still nothing got done.

Last year the hotel manager kindly didn't put the strobe lights back up. Instead she had big flashing lights put up on the same three Christmas trees. This was much better as it reduced the risk of fits for our neighbour but we still had flashing lights every night in our bedroom.

I emailed the hotel manager time and time again begging her to turn the lights off at night. She did not respond.

In the end I spoke to the hotel maintenance man and he kindly put the Christmas lights switch on a timer so the lights automatically turned themselves off at 10pm.

I dread what will be going up this year.

We have approached the hotel and tried to get things resolved between us but clearly that wasn't happening so we were left with no choice but to seek help from Torbay Council.

With the help and support from the Council and the outcome of this meeting I hope that in the future we can all live peacefully together, alongside the hotel.
