



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.

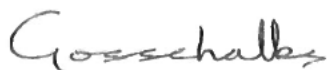
It is clear that the issues that having given rise to the review relate to poor management practices. The s182 Guidance issued to Licensing Authorities states at para 11.20, "In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish 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



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