



Briefing Report  
No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Club Premises Certificate for Torre Conservative Club, Ground Floor, Quay House, Lansdowne Lane, Torquay TQ2 5BS

Wards Affected: **Tormohun**

To: **Licensing Sub-Committee**

**26<sup>th</sup> September 2013**

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## 1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premises detailed above, for a new Club Premises Certificate.
- 1.2 The application relates to all the Corporate Priorities in the Economic 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 The matter must be considered on its merits having received details of the issues arising either at a hearing or by written representation if all parties have agreed that a hearing is not necessary. A decision must be made, having considered the representations, either:-
  - (a) to grant the licence subject to
    - (i) such conditions as are consistent with the submitted operating Schedule modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
    - (ii) any condition which must under Section 19, 20 or 21 be included in the licence;

(Such conditions may differ in respect of different parts of the premises and/or different activities).
  - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
  - (c) to refuse to specify a person in the licence as the premises supervisor;
  - (d) to reject the application.
- 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**

- 2.1 An application has been made under Section 71 of the Act for a Club Premises Certificate to permit licensable activities at the premises detailed above. Details of the relevant pages of the application are shown in Appendix 1.

To provide Live Music and Recorded Music indoors from 1100 until 0100 Monday to Saturday and from 1100 until 2330 on Sunday.

The Provision of Facilities for Dancing indoors from 1100 until 0100 Monday to Saturday and from 1100 until 2330 on Sunday.

To supply alcohol on and off the premises from 1100 to 0100 Monday to Saturday and from 1100 until 2330 on Sunday.

To be open to the members and guests from 1100 to 0130 Monday to Saturday and from 1100 until midnight on Sunday.

A copy of the plan is shown as Appendix 2.

A copy of the club rules that apply to this application will be made available in the Governance Support room, in the Town Hall, in Torquay.

- 2.2 The Council as Licensing Authority, is satisfied that the applicant has met the administrative requirements of Section 71(6) but is unable to issue the Certificate as relevant Representations have been received from Interested Parties and a Responsible Authority. The Authority is also satisfied that such representations have been received within the appropriate time scale, have not been subsequently withdrawn and are not vexatious or frivolous.

We have received a Representation from the Police in relation to the Licensing Objective "The Prevention of Crime and Disorder". This is shown in Appendix 3.

We have received four Representations from Interested Parties in relation to the Licensing Objective "Prevention of Public Nuisance". These are shown in Appendix 4.

There have been no other Representations from the other Responsible Authorities or any other Interested Party.

- 2.3 The Authority is required to conduct a hearing by the provisions of Section 72(3) unless all parties agree that this is not necessary.
- 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 If the application is refused, in whole or in part, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and by Part 2, 10 of Schedule 5, to the applicant.

2.6 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Part 2, 11 of Schedule 5 to :-

- (a) The holder of the licence against any decision
  - (i) to impose conditions on the licence, or
  - (ii) to take any step to exclude a licensable activity or refuse to specify a person as premises supervisor.
- (b) Any person who made a relevant representations who desires to contend
  - (i) that the licence ought not to have been granted, or
  - (ii) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or taken any step to exclude a licensable activity or refuse to specify person as premises supervisor.

2.7 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 order as to costs as it thinks fit.

**Frances Hughes**  
**Executive head of Community Safety**

### **Appendices**

- Appendix 1            Details of the application.
- Appendix 2            A copy of the Plan.
- Appendix 3            Representation from the Police.
- Appendix 4            Representations from Interested Parties

### **Documents available in members' rooms**

None

### **Background Papers:**

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

Torbay Council Licensing Policy 2011.