

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: HYDE DENDY, 18 ESPLANADE ROAD, PAIGNTON
Date: 10 September 2021 14:51:52
Attachments: [image001.png](#)
[image008.jpg](#)
[image010.png](#)
[image002.png](#)
[image003.jpg](#)
[image004.png](#)

Good afternoon

Please can you include the below with my representation for the Hyde Dendy, Paignton.

Further to my earlier representation, I have just checked my records and can advise you that a further glassing incident occurred at this premises on 12 April 2021. On this occasion, police attended, the victim was taken to hospital by ambulance, and details were taken of all witnesses. I have not been able to locate a crime complaint in relation to this incident so am unable to advise you of any other matters such as the injuries sustained or whether anyone was dealt with by police as a result of this incident.

Kind regards

[REDACTED]

From: [REDACTED]
Sent: 10 September 2021 14:15
To: [REDACTED]
Cc: [REDACTED]
Subject: HYDE DENDY, 18 ESPLANADE ROAD, PAIGNTON

Good morning

I refer to an application for the Variation of the Premises Licence in respect of the above named premises, submitted by the applicant Mr [REDACTED]

Section 3 of the application states the nature of the variation is "To extend the ground floor section of the premises known as No 18. To amend and or include additional conditions to promote the licensing objectives".

Section 15 of the application deals with the opening hours of the premises. This section has been completed to reflect the existing opening hours of the premises, ie 0700 hrs to 0130 hrs, however the applicant is also requesting "New Years Eve – From the close of business of New Years Eve to the opening of business on New Years Day". For your information in around 2002 the permitted hours for licensed premises on New Years Eve was deregulated under the Licensing Act 1964 to allow them to trade all night. When the Licensing Act 2005 came into effect, premises who held a licence under the old act converted their existing hours into a premises licence under the new Act. Hence a large number of premises have the ability to stay open and trade all night on New Years Eve. In respect of this premises, the licence authorises the sale of alcohol, late night refreshment and forms of entertainment until 0100 hrs on New

Years Eve and this application does not seek to extend these activities so what customers will do within the premises is unclear. As Section 3 of the application does not refer to any amendment to the opening hours on New Years Eve, and it is also likely that the site notice does not refer to this, I would question whether residents have been given sufficient information to consider the impact of this variation. Of course, it could be argued that providing no licensable activities are taking place, a premises may open outside of its licensing hours, but in such circumstances it would be prudent for the management to have policies in place to ensure that the use of the premises does not impact on the public nuisance objective, yet no additional conditions have been proposed within the operating schedule to deal with large numbers of customers leaving the premises on this night.

The applicant seeks to remove a number of conditions and I will now deal with each of these individually:

1. *There shall be no entry or re-entry to the premises after 2 am except for those customers who have left to use the designated smoking area. As the premises close at 0130 hrs the condition has no effect. The police AGREE to the removal of this condition.*
2. *All drinks shall be served in toughened or strengthened glasses, or plastic/polycarbonate vessels, and no alcohol shall be served in glass bottles after midnight from which it is intended or likely that a person shall drink. The applicant has proposed an alternative condition "No alcohol shall be served in glass bottles after 2300 hours from which it is intended or likely that a person shall drink" but this does not stipulate that the premises shall use toughened/strengthened/plastic or polycarbonate vessels and therefore standard glass drinking vessels could be used at this premises. Standard glass drinking vessels break leaving sharp jagged edges and shards and if used as a weapon the injuries sustained would be much more serious. Paragraph (iv) on Page 19 of your Licensing Statement of Principles recommends the use of plastic/polycarbonate vessels in late night vertical drinking establishments. For your information a glassing incident occurred at this premises on 28 July 2019 in the outside area when a male picked up a glass and smashed it in the face of another male. The police OBJECT to the removal of this condition.*
3. *The place of refuse, such as bottles, in receptacles outside the premises must take place at times that will prevent disturbance to nearby properties. This is a matter for your Public Protection Officer to consider.*
4. *All drinks shall be served in toughened or strengthened glasses, or plastic/polycarbonate vessels, and no alcohol shall be served in glass bottles after midnight from which it is intended or likely that a person shall drink. This is a duplicate condition on the licence. The police agree to its removal from the section titled "Prevention of Crime and Disorder" providing it is retained on the licence under the heading "General" for the reasons already referred to above.*
5. *Between the hours of 0000 and 0200 there shall be a maximum of 40 people allowed in the designated outside areas. This is a matter for your Public Protection Officer to consider.*
6. *No persons under the age of 18 years shall be on the premises after 2100 hours except when attending a private party in a function room at the premises, when that part of the premises is not open to the general public. In addition to this condition, the premises licence also contains a challenge 25 condition. No alternative condition has been proposed by the applicant within this application. The removal of this condition will allow under 18's to be in the premises until 0130 hrs daily, which the police consider*

unacceptable for late night vertical drinking premises not only to ensure the safety of young people but also as it places an increased burden on bar staff and door stewards to supervise these individuals within the premises. Pages 25 and 26 of your Licensing Statement of Principles outlines measures that applicants should take to ensure the safety of children and under 18's within their premises. The applicant has not given suitable consideration to this matter and the police OBJECT to the removal of this condition.

Section 16 of the application outlines conditions that the applicant seeks to add to the licence. With the exception of the first condition referred to (BIIAB Level 1 training) the police agree to the proposed additional conditions. In relation to the condition in respect of BIIAB Level 1 Training the police make the following recommendation:

1. *All full-time staff in premises selling alcohol after midnight shall be trained and hold, within three months of the commencement of their employment, BIIAB Level 1 Award in Responsible Alcohol Retailing, or similar qualification.* Whilst the police are pleased that the applicant intends to take steps to ensure that staff are provided with a recognised qualification, the police are concerned that this condition would only apply to full-time staff. Paragraph (xiii) on Page 20 of your Licensing Statement of Principles requires ALL staff responsible for the sale of alcohol after midnight to hold this qualification. The police consider that the following condition is more appropriate: "All staff involved in the sale of alcohol after midnight at the premises shall be trained and hold, within three months of the commencement of their employment, the BIIAB Level 1 Award in Responsible Alcohol Retailing, or similar qualification".

In respect of the applicant's proposed extension of the ground floor area, the police OBJECT to this. On 24 October 2019 a hearing was held in relation to the grant of a new premises licence for the ground floor of this premises. At that time the applicant advised the committee that the current capacity of the ground floor is 150 but the inclusion of a further licensed area would increase the capacity to 400 people. At the hearing I raised concerns in relation to the width of the corridor in the area of the toilets, and pinch points which will be created by persons queuing for the toilets and trying to move from one bar to the other. At the conclusion of the hearing, the application was refused and the attached decision notice outlines the grounds for the refusal, including the concerns of the committee in relation to this area.

On 20 May 2021 a further hearing was held in relation to the grant of a premises licence in respect of the ground floor of this premises. Just prior to this hearing, on 18 May 2021, I was forwarded a drawing that the applicant asked to be included in the hearing documentation. This drawing was of the corridor and toilet area demonstrating that one of the entrances to the corridor would be widened. The drawing stated "widen ex opening to 1100mm". A copy of this drawing is contained within the attached Supplementary Information document. At this hearing the applicant advised the committee that the corridor between the two bar areas had or was being widened by a couple of centimetres, that the number of ladies cubicles had or was being increased from 4 to 6, and that he intended to have a door steward at each end of the corridor. At the conclusion of this hearing, the application was again refused. A copy of the decision notice is attached and you will see that committee members were not satisfied with the steps taken and the oral submissions of the applicant in relation to this pinch point area.

The plan submitted to support this application is dated May 19 and does not contain a scale.

The drawing submitted to support the application for a new licence in May 2021 has not been submitted with this application. Despite the concerns of the police and committee members in relation to this area being expressed at two hearings and detailed within the attached two decision notices, there is no mention of this matter within the application and the plan does not show that any attempt has been made to alleviate the likelihood of congestion and pinch points, despite the capacity of the premises being increased from 150 to 400 persons. The police therefore object to the extension of the ground floor area due to the layout of the premises being unsatisfactory, carrying an increased likelihood of crowding, aggression and conflict, which in turns carries a significant risk of crime and disorder.

Kind regards



Prevention Department

Devon and Cornwall Police, Police Station, South Street, Torquay, TQ2 5EF

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Clerk: [REDACTED]
Telephone: [REDACTED]
E-mail address: [REDACTED]
Date: Thursday, 13 May 2021

Governance Support
Town Hall
Castle Circus
Torquay
TQ1 3DR

Dear Member

LICENSING SUB-COMMITTEE - THURSDAY, 20 MAY 2021

I am now able to enclose, for consideration at the Thursday, 20 May 2021 meeting of the Licensing Sub-Committee, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
6.	No 18, 18 Esplanade Road, Paignton, TQ4 6BD Additional Information	(Pages 135 - 138)

Yours sincerely

[REDACTED]
[REDACTED]

Agenda Item 6

Additional Conditions to be included in the operating Schedule for No 18.

The Prevention of Crime and Disorder

All full-time staff in premises selling alcohol after midnight shall be trained and hold, within three months of the commencement of their employment, BIIAB Level 1 Award in Responsible Alcohol Retailing or similar qualification.

When the premises are open for the sale of alcohol after midnight, in the absence of the DPS a suitably trained personal licence holder will be on duty.

Written authorisations of the DPS to all staff will be kept on their training records.

All staff will be made aware of the Ask for Angela/Clive Campaign or similar initiative. Posters will be displayed on the premises for customer awareness

All patrons entering the premises after 9pm must check any bag over 400 cm by 300 cm into the cloakroom.

SIA Licences will be checked using the SIA Company Licence Checker facility.

The Prevention of Public Nuisance

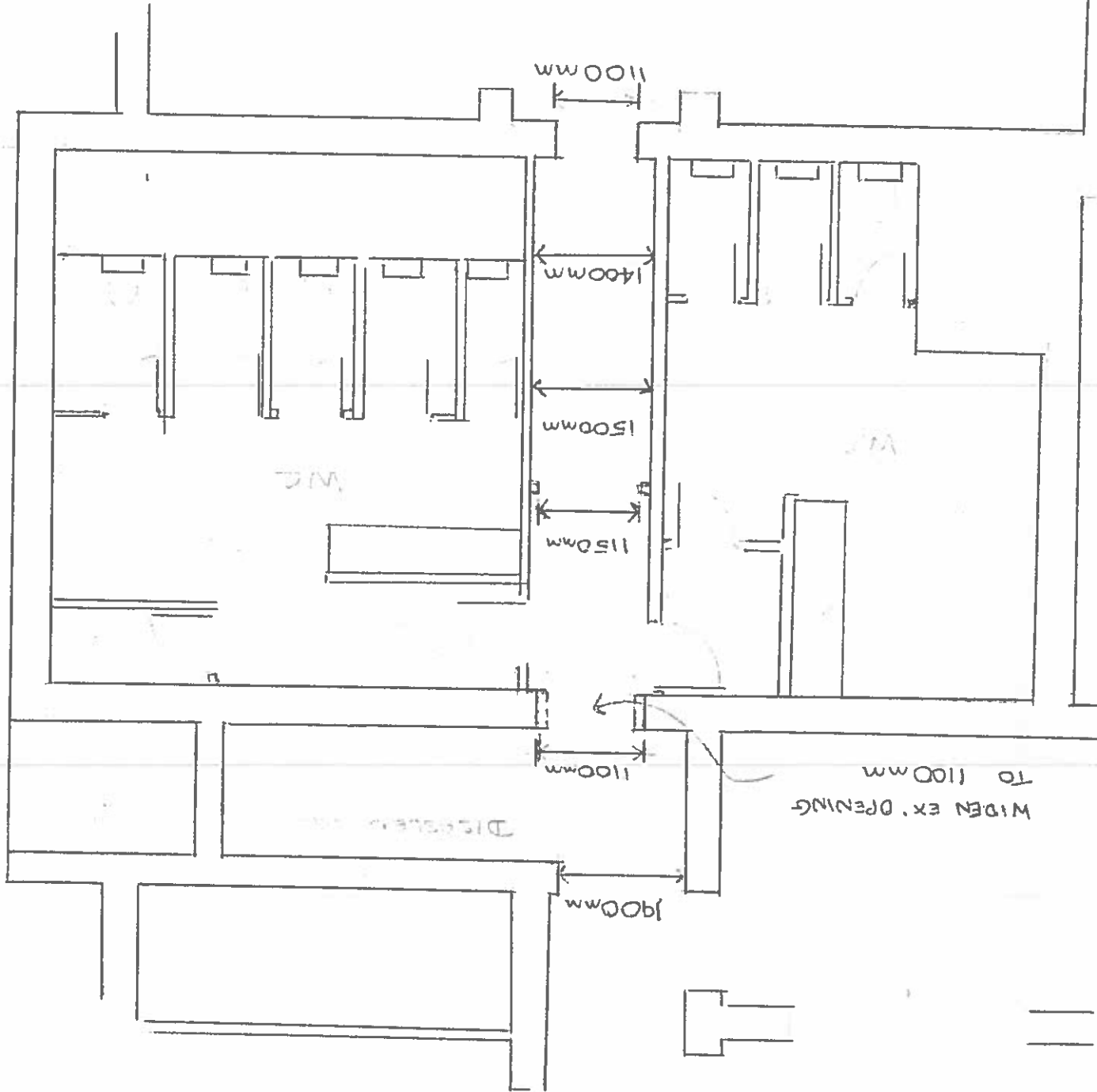
After 1 am any persons using the smoking area may leave drinks on a designated shelf behind the bar.

Agenda Item 6

Appendix 8
MAY 2021

AT NO. 18 THE ESPLANADE PAIGNTON

PLAN TO SHOW INTERVAL DIMENSIONS







TORBAY COUNCIL

Please reply to: [REDACTED]
Community Safety, C/o Town Hall
Castle Circus,
Torquay, TQ1 3DR

[REDACTED]

My ref: SRU/262455
Your ref:
Telephone: 01803 208025
E-mail: licensing@torbay.gov.uk
Website: www.torbay.gov.uk
Date: 4 June 2021

Dear [REDACTED]

**Re: Notice under section 23 (1) & (3) Licensing Act 2003 – Application for a Premises Licence
No 18, 18 Esplanade Road, Paignton, TQ4 6BD**

I am writing to you with respect to the committee hearing on 20 May 2021 to consider an application for a premises licence for the No18.

Committee Decision:

That the application for a Premises Licence in respect of No.18, 18 Esplanade Road, Paignton be refused.

Reasons for Decision:

Having carefully considered all the written and oral Representations, Members unanimously resolved to refuse the application before them.

In coming to that decision, Members considered the Independent Noise Report and Noise Management Plan submitted by the Applicants', dated 7th October 2019 and were impressed and pleased to note that they had thoroughly addressed the issue of potential noise outbreak from inside the premises. This coupled with the reassurances given by the Public Protection Officer that he had no concern in this regard, as was the case when the application was previously considered by a Licensing Sub-Committee hearing of the 24th October 2019, satisfied Members that noise outbreak from inside the premises would be eliminated by these measures.

However, on the evidence before them, Members were not able to gain the same level of reassurance they required in respect of ensuring that 'The Prevention of Public Nuisance' licensing objective was promoted, when determining an application for a 3am licence.

Members had careful regard to Torbay Council's Licensing Statement of Principles P22, Paragraph 4 which states "Where applicants are completing Operating Schedules, they are expected to have regard to the location of the proposed or actual premises. In particular, consideration should be given to whether proposals may have a disproportionate impact in residential areas or near to sensitive premises such as nursing homes, older people's accommodation, hospitals, hospices, schools, childcare facilities or places of worship".

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



In doing so, Members noted that the immediate vicinity in which the premises were located, being surrounded by both private and commercial residential properties and determined, notwithstanding that contained in the Applicant's Dispersal Policy and that put forward by their representative at the hearing which included amendments to the original application, these residents would suffer a disproportionate impact, were a 3am licence be granted to these premises, in this location.

Members noted the submissions of the Interested Parties in that they had learnt to live with a 1am licence, albeit noise associated with these premises operations caused them and their guests disturbance beyond the closing time of 1.30am and to extend this known nuisance by a further two hours, seven days a week, would in Members opinion, undermine 'The Prevention of Public Nuisance' licensing objective. This echoed the submissions of the Public Protection Officer which stated that the current 1am licence has achieved a balance of acceptability between the residential community and the hotelier community and licensed premises; and that since a 1am licence was in operation, complaints about noise or anti-social behaviour had diminished.

Members further noted, with concern that the Applicants' has omitted to engage residents in the immediate vicinity in respect of this new application, some of which had made a representation in respect of the Applicants' previous application for a 3am licence, despite knowing who these were. Had they done so, Members were of the view that this would have assisted the Applicants' in either tailoring their application to address these concerns or to reassure residents that a nuisance would not occur. Instead, when considering the evidence before them, Members determined that little regard had been given to these residents in what they saw as a high likelihood of nuisance occurring.

Looking in more detail at the Dispersal Policy and the changes to the premises external layout which sought to address patrons leaving the area via Kernou Road, Members has specific regard to the submissions of the Public Protection Officer, in that it was his opinion that this Policy did not offer anything new that has not already been tried before and failed. Members also noted that despite this Policy being in place, Responsible Authority Officers had observed first hand, its implementation not being observed by patrons leaving the premises. In Members opinion, the insistence of staff and SIA door stewards trying to implement this Policy, could in itself lead to additional disturbance by those patrons whilst under the influence of alcohol, wanting to choose an avenue of travel which is contrary to any direction given.

In respect of the internal layout and the concerns raised by the Police regarding pinch points, Members noted the revised plans showing minor widening of the corridor, an increase in the number of ladies toilets to six and the intention to have SIA Door Stewards at either end. However, Members were not satisfied that this had changed significantly from what was there previously. In forming this opinion, Members determined that there was still an issue of concern where patrons are queuing to use the toilets and those passing between the bar areas, particularly given the Applicants' proposed capacity of over 400 persons. In their oral submissions, the Applicants' tried to address how the flow of this area would be managed to avoid conflict between such patrons but failed to provide sufficient detail on how this would be effectively managed, with the other pressures intended to be placed on the SIA Door Stewards. In Members opinion, additional persons in this area, could contribute towards pinch points and gave members further concern.

Whilst acknowledging the offer by the Applicants' to remove off-sales from the licence and add conditions to change the ratio of SIA Door stewards from 1 for every 100 persons to 1 for every 75; and to make the smoking area/beer garden no gathering after 1am and limit of maximum of 20 persons, Members remained concerned over how these premises would be managed and controlled with a 3am licence, given the proposed static position of SIA door stewards and the additional tasks being given to them in managing operations and what would happen to those static positions and tasks, should an incident occur inside the premises which required an immediate SAI response. This left Members with the view that the evolving proposals put forward by the Applicants' at the hearing, were not robust enough to reassure them that a 3am licence would not have a detrimental impact on the promotion of the licensing objectives and nearby residents.

In concluding, Members gave careful consideration as to what if any conditions could be added by them, as an alternative to refusal. However, Members resolved that with the lack of robust detail around specific numbers and locations of SIA Door Stewards, management and supervisory staff and how they would be utilised when responding to any incidents arising inside the premises whilst maintaining the demands of other duties, the minimum physical change to the internal layout of these premises in respect of pinch points, the human nature of individuals under the influence of alcohol and compelling them to follow direction and the history and geographical location to which these premises are situated, making it a high probability of disturbance from noise and anti-social behaviour, they could not be satisfied that this could be addressed via conditions to enable a 3am licence and therefore maintained that a refusal was appropriate and proportionate in these circumstances.

I enclose a sheet advising you of your appeal rights, if you are unhappy with the determination made by the Licensing Sub Committee.


If you have any queries then please do not hesitate to contact me.

Yours sincerely



AP
Licensing Officer
Community Safety

Encl – appeals schedule 7DL

c.c. Licensing Department, Devon & Cornwall Constabulary, Launceston Police Station,
Moorland Road, Launceston, PL15 7HY
, Public Protection Officer, Torbay Council, Town Hall, Castle Circus, Torquay,
TQ1 3DR



Please reply to: [REDACTED]
Community Safety, C/o Town Hall
Castle Circus, Torquay, TQ1 3DR

East Street Pub Company Ltd
Hyde Dendy
18 Esplanade Road
Paignton
TQ4 6BD

My ref: SRU/252540
Telephone: 01803 208025
E-mail:
Website: www.torbay.gov.uk
Date: 6 November 2019

Dear Sirs

**Notice under section 23 (1) & (3) Licensing Act 2003 – Application for a Premises Licence
No 18, 18 Esplanade Road, Paignton, TQ4 6BD**

I am writing to you with respect to the committee hearing on 24 October 2019 to consider an application for a premises licence for No. 18.

I can confirm that the committee decision and reasons are as follows:

Decision

That the application for a Premises Licence in respect of No.18, 18 Esplanade Road, Paignton be refused.

Reasons for Decision

Having carefully considered all the written and oral representations, Members unanimously resolved to refuse the application before them.

In coming to that decision, Members considered the Independent Noise Report and Noise Management Plan submitted by the Applicant and were impressed and pleased to note that the Applicant had thoroughly addressed the issue of potential noise outbreak from inside the premises. Furthermore, Members were reassured by the Public Protection Officer's (PPO) submissions, that if implemented, the recommendations set out in the Noise Report would in his opinion, eliminate noise outbreak from inside the premises.

However, on the evidence before them, Members were not able to gain the same level of reassurance they required in respect of ensuring that 'the prevention of public nuisance' licensing objective was promoted when determining an application for a 3am licence. Members had careful regard to, what in their opinion, was the high likelihood of risk of residents being unreasonably disturbed by patrons leaving the premises and entering in to areas in the immediate vicinity of the premises which are residential, both commercially and private. As such, Members could not be satisfied than in granting the application, 'the prevention of public nuisance' licensing objective, would not be undermined.

Whilst Members noted the Applicants submission that a dispersal policy had been written, however without having sight of that policy as the Applicant had omitted to provide this at the hearing, Members were unable to determine for themselves whether the dispersal policy had been given

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the same level of consideration and attention by the Applicant. This was particularly pertinent, given Members highly perceived risk of such disturbance and therefore found the application lacking in this regard.

Members heard oral evidence from one local resident as regards the effect of noise disturbance experienced when the premises, though under a different licence holder, held a 3am licence and were also mindful of the PPO's reservations in this regard. Notwithstanding that the Applicant before them was a different operator, Members noted that the fabric of the surrounding area had not changed and therefore assessed the risk still to be present. The provision of a comprehensive dispersal policy which addressed these concerns may have provided assurances to Members in this regard.

Additionally, Members were concerned to note that the plan forming part of the application did not provide a detailed representation or accurately reflect the internal layout, as shown by the plan that the Applicant presented at the hearing. Members noted that the plan presented at the hearing, was in fact that which the Applicant intended for the premises layout and had not been consulted on, thereby potentially placing members of the public and Responsible Authorities at a disadvantage. In that had the intended plan been included in the application and consulted on, additional representations could have been made.

Notwithstanding this, on examination of the intended plan, Members were concerned to note that the application lacked detail with regard to what they foresaw as a potential 'pinch point' at the premises in respect of the connecting corridor between the two bar areas. A concern which was also raised by the Police in their oral submissions. This in Members opinion had the potential to lead to an undermining of 'the prevention of crime and disorder' licensing objective and found that more detailed considerations was needed in this regard and would need consulting on.

Members were also concerned that the connecting corridor, off of which, the toilets were located could become an issue when patrons are queueing to use the toilets and passing between the bar areas, particularly given the Applicants proposed capacity of 400 persons. In their oral submissions, the Applicant omitted to address how the flow of this area would be managed to avoid conflict between patrons which in Members opinion, could escalate to outside areas if not managed effectively. Again Members found that more detailed consideration was needed in this regard and would need consulting on.

In concluding and notwithstanding the minor breaches of conditions highlighted by the Police in respect of the adjoining premises licence which is also held by the Applicant, Members gave careful consideration as to what if any conditions could be added by them, as an alternative to refusal. However, Members resolved that with the lack detail before them, they would in effect be determining the intended concept which may not be that intended by the Applicant and therefore maintained that a refusal was appropriate in these circumstances.

I enclose a sheet advising you of your appeal rights, if you are unhappy with the determination made by the Licensing Sub Committee.

If you have any queries then please do not hesitate to contact me.

Yours faithfully



Encl – appeals schedule 7DL

c.c. Licensing Department, Devon & Cornwall Constabulary, Launceston Police Station,
Moorland Road, Launceston, PL15 7HY
Public Protection, Torbay Council, Town Hall, Castle Circus, Torquay, TQ1 3DR

Licensing Act 2003 – Appeals Guidance

Guidance for Interested parties and applicants

Appealing Licensing Decisions

This guidance describes the process for appealing a licensing authority's decision about an application for a new premises licence or club premises certificates or for a variation to an existing licence or certificate, or a provisional statement. It also contains information about the court hearings process. Unless stated otherwise, references to 'licences' in this text also apply to club premises certificates.

Who can appeal a licensing authority decision?

In relation to premises licences, "interested parties", that made relevant representations during the application stage, have the right to appeal against a licensing authority's decision in the courts, if they think:

- The licence should not have been granted
- The licensing authority should have imposed different or additional conditions on the licence
- A licensable activity should have been excluded from the licence
- The licensing authority should not have agreed to the named "premises supervisor" (not relevant for club premises certificate)
- There was a procedural irregularity, and this affected the decision (e.g. the licensing committee had failed to comply with the hearings regulations)

Any appeal must address the likely impact that granting the application may have on any of the four licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm

How do I make an appeal?

Appeals should be made in writing to the designated officer for the magistrates' court for the area where the premises is situated. Appeals have to be made within **21 days** from the day the appellant is notified of the licensing authority decision about the application. Appellants may want to check the exact "cut-off" date with Torbay Councils Licensing Department. The court does charge a fee and it is recommended an appellant contacts the court directly of the current fee. For all general enquires please phone 01803 617880.

Please write to:

HMCTS South & West Devon
Nicholson Road
Torquay
TQ2 7AZ

Alternatively you can email:

de-torquaymadmin@hmcourts-service.gsi.gov.uk

Licensing Act 2003 – Appeals Guidance

What happens once an appeal has been made?

On receiving an appeal, a magistrates' court has three options. It can:

- Dismiss the appeal
- Substitute the decision being appealed against for any other decision the licensing authority could have made
- Send the case back to the licensing authority and tell them how to deal with it in accordance with directions of the court.

The court may also make such costs orders as it considers fit.

There will normally be an “initial appeal hearing” at the magistrates' court at least 28 days after the ‘21-day’ period for making appeals. This is when the court will decide whether there is a case to hear, and whether it will hear the case itself or send it back to the licensing authority to deal with. In doing this, the court will consider whether the appeal is valid and whether the case outlined in the appeal has been contested. Where a court decides to hear the matter itself, it will normally adjourn to a separate “full hearing” date to decide the case, when sufficient court time can be allowed.

As the licensing authority is always a party to an appeal, it is suggested that concerned interested parties should contact their licensing authority to establish whether another party or the applicant has lodged an appeal.

[NB – If applicants appeal licensing authority's decisions, responsible authorities such as the police, and interested parties, such as local residents, that made representations about the application, will not, by the terms of the Licensing Act be “responding parties” at appeal hearings. However, in such cases, an interested party could request that the court make it a responding party, or the licensing authority could call upon them as a “witness” to back up the decision they made].

Procedure at an appeal hearing

Appeal hearings will take place at the magistrates' court for the area where the premises is situated. The licensing authority and the applicant will be the “responding parties” (respondents) to appeals from interested parties and will normally be present at appeal hearings. Interested parties should contact their court to find out whether they need to appear at a hearing. It may be possible in some cases for written evidence to be given to the court instead, however, magistrates courts aren't obliged to accept written evidence and can insist that parties attend in person, so prior agreement must be sought. At a hearing the person appealing would normally open the case and call his / her witnesses. However, in licensing cases the court may invite the respondents (i.e. the licence or certificate holder) to speak first, if everyone agrees, as this will enable the court to understand how the licensing authority came to its decision. All parties at an appeal hearing can call upon witnesses to provide evidence to support their position (e.g. other local residents or responsible authorities such as the police).

Costs

If you appeal against a licensing authority's decision, and you are unsuccessful, the magistrates' court can award costs against you if it sees fit. This would mean that you would have to pay other parties' legal costs as well as your own. However, the Magistrates

Licensing Act 2003 – Appeals Guidance

Association and the Justices' Clerks Society has advised that awarding costs for a licensing appeal should be an exception and not a rule, and any resident with reasonable grounds for appeal should not be penalised.

What happens after an appeal?

After an appeal hearing, the court will normally notify the licensing authority and other parties of its decision, and the reasons for it, within three working days.

The Licensing Act 2003 does not provide for a further appeal against the decision of the magistrates' court. Accordingly, the usual rules for challenging decisions of magistrates' courts will apply.

NB - Courts will not issue orders suspending the effects of any licensing authority decision, whilst an appeal is waiting to be heard. The licensing authority's decision will take effect immediately, until the outcome of any appeal is known.

This guidance does not detail matters such as the nature of the court hearing with regard to standard of evidence, role of licensing policy etc. Applicants should contact the relevant court for further advice.

Schedule 5 to the Licensing Act 2003 and Chapter 10 of the Secretary of State's Guidance to licensing authorities deal with appeals. For further information about the appeals process, contact Torquay Magistrates Court.