

Briefing Report No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence in respect of Hotel Indigo, Torbay Road, Torquay, TQ2 6RH

Wards Affected: **Cockington with Chelston**

To: **Licensing Sub Committee**

2 October 2025

Contact Officer: **Julie Smart**

✉ Email: **licensing@torbay.gov.uk**

1. Key points and Summary

- 1.1 To consider and determine an application for a new Premises Licence made under Section 17 of the Licensing Act 2003 (the Act), in respect of the Premise detailed above.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objectives the “Prevention of Crime and Disorder”, the “Prevention of Public Nuisance”, “Public Safety” and the “Protection of Children from Harm”.
- 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. 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 appropriate 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 Applicant, Responsible Authorities and all Interested Parties, following the determination of the matter.

2. Application

- 2.1 An application has been made under Section 17 of the Act for a Premises Licence to permit licensable activities at the Premise detailed above. The application is shown in Appendix 1.

A brief description of the application, is as follows:-

The sale by retail of alcohol for consumption both on and off the premises from 1100 hrs to 0200 hrs Monday to Sunday to non hotel residents, unrestricted to hotel residents and bona fide guests, and on New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

The provision of films indoors only from 1100 hrs to 0200 hrs Monday to Sunday to non hotel residents, hotel bedrooms unrestricted, and on New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

The provision of live music indoors only from 1100 hrs to 0200 hrs Monday to Sunday, and on New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

The provision of recorded music indoors only from 1100 hrs to 0200 hrs Monday to Sunday, and on New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

The provision of the performance of dance indoors only from 1100 hrs to 0200 hrs Monday to Sunday, and on New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

The provision of anything of a similar description to live music, recorded music or performances of dance indoors only from 1100 hrs to 0200 hrs Monday to Sunday, and on New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

The provision of late-night refreshment indoors only from 1100 hrs to 0200 hrs Monday to Sunday, and on New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

The opening hours of the premises are 0000 hrs to 0000 hrs Monday to Sunday.

The Applicant has given the following description of the premises:-

The application is for a new 153-bedroom hotel on the former Corbyn Head Hotel site, with a restaurant and bar on the ground floor and a rooftop bar. Details of the layout are shown on the plans submitted with the application.

The Applicant also states:

The Applicant is aware of current restrictions on use of the restaurant, roof-top bar, spa and gym only being open to hotel guests, under the current planning consent and will comply with the planning consent until such time as the relevant condition is varied. However, the planning condition will not be replicated within the licence application, as it is intended that there will be a separate planning application in relation to this condition.

The plan accompanying the application is shown in Appendix 2.

- 2.2 The Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 17(5) but is unable to issue the Licence, as relevant Representations have been received. The Licensing Authority is also satisfied that the Representations have been received within the appropriate time scale and have not been subsequently withdrawn.

We have received a Representation from a Responsible Authority, that being Mr Tom West of Environmental Health.

We have received 13 Representations from Interested Parties who object to the application. These are shown in Appendix 3.

No Representations have been received from any other Responsible Authority or any other Interested Party, other than that mentioned above.

- 2.3 The Authority is required to conduct a hearing under the provisions of Section 18(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 Representation and the procedure to be followed at the hearing.
- 2.5 In making its decision, the Committee are required to have regard to:
- the Representations (including supporting information) presented by all the parties;
 - the official guidance issued under section 182 of the Licensing Act 2003 (revised February 2025) with the following paragraphs relevant to this application:
 - 14.65 – 14.67
 - Torbay Council's Licensing Statement of Principles 2021-2026, with the following paragraphs relevant to this application:
 - 1.4 – 1.7
 - 1.17 & 1.18
 - 1.22
 - 1.25
 - 2.3
 - 3.1 – 3.4
 - 4.1 – 4.3
 - 5.3
 - 6.11 & 6.12
 - Appendix 2 – Prevention of Public Nuisance
 - Appendix 2 – Outdoor Spaces

- 2.6 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 Paragraph 1 of Schedule 5, to the Applicant.
- 2.7 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 2(1) 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 Representation 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 a person as Premises Supervisor.
- 2.8 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.

Rachael Hind
Regulatory Services Manager

Appendices

- Appendix 1 Application Form
- Appendix 2 Plan of the Premises
- Appendix 3 Representations

Documents available in Members' rooms

None

Background Papers:

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

[Revised guidance issued under section 182 of the Licensing Act 2003 \(February 2025\) \(accessible version\) - GOV.UK](#)

Torbay Council Licensing Policy 2021-26