

Meeting: Cabinet/Council

Date: 18 November 2025/11 December 2025

Wards affected: All

Report Title: Licensing Act 2003 – Proposed Licensing Statement of Principles (Licensing Policy) 2026 - 2031

When does the decision need to be implemented? 07 January 2026

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Director Contact Details: Anna Coles, Director of Adults and Community Services; Tara Harris, Divisional Director, Community and Customer Services

1. Purpose of Report

- 1.1 The Licensing Act 2003 requires Torbay Council, under its role as Licensing Authority, to review and publish a 'Statement of Principles' (the Licensing Policy), every five years. The Statement of Principles outlines how the Council will administer applications and regulate licensable activities. It also specifies under what circumstances applications may be successful and the measures necessary to promote the licensing objectives.

2. Reason for Proposal and its benefits

- 2.1 The proposal is made in order to meet the statutory requirement, as prescribed under section 5 of the Licensing Act 2003, which requires the Licensing Authority to prepare and publish a statement of its Licensing Policy at least every five years.

The Authority has reviewed its current Policy and has prepared a draft 'Licensing Statement of Principles (Licensing Policy) 2026-31' which went out for public consultation for six weeks from 18 July to 29 August 2025. The responses in **Appendix 1** have been considered and the Policy has been updated and is attached as **Appendix 2** to this report.

- 2.2 The Statement ensures clarity as to how the Council will fulfil its role as the Licensing Authority and provides guidance to businesses and the public. This Statement assists businesses to function safely and within the law. It therefore helps to promote two of the Corporate Plan priorities, namely community and people, and economic growth.

Community and People – The policy will allow for effective control of alcohol supply, which will assist in reducing alcohol harm and thereby reduce inequality. Whilst alcohol misuse affects individuals from all sections of society, those from the most disadvantaged communities experience the highest burden of harm.

Economic Growth – The policy aims to assist in the delivery of a safer, more vibrant Torbay. This in turn should attract more visitors to Torbay and also support an increase in the numbers of citizens of Torbay who will utilise the social, cultural and sporting offers available. Opportunities for increased levels of employment should follow. A safe and vibrant leisure economy will allow Torbay to be positively marketed attractive destination both nationally and internationally.

3. Recommendation(s) / Proposed Decision

3.1 That Cabinet recommends to Council:

That the Licensing Act Statement of Principles (Licensing Policy) 2026 to 2031, as set out in Appendix 2 to the submitted report be adopted with effect from 7 January 2026.

Appendices

Appendix 1: Responses from the consultation

Appendix 2: Proposed Licensing Act Statement of Principles (Licensing Policy) 2026 to 2031

Background Documents

1. Current Licensing Policy 2021 – 2026 - [Licensing Statement of Principles - Torbay Council](#)
2. Licensing Act 2003 - [Licensing Act 2003](#)
3. Revised Guidance issued under section 182 of the Licensing Act 2003 - [Revised guidance issued under section 182 of the Licensing Act 2003 \(February 2025\) \(accessible version\) - GOV.UK](#)

Supporting Information

1. Introduction

- 1.1 Torbay Council has a statutory responsibility under Section 5 of the Licensing Act 2003 (the Act) to review, consult and to re-publish its Licensing Statement of Principles (Licensing Policy). The Policy establishes the licensing controls placed on the sale of alcohol, provision of entertainment and the operation of premises for late night refreshment.
- 1.2 Alcohol is an important component of Torbay's economy, particularly within the evening and night-time economy (ENTE). However, the use of alcohol can have a negative impact on individuals, families, local communities, and Torbay as a whole and therefore needs to be carefully managed.
- 1.4 The current process of review, consultation and publication must be completed on or before 7 January 2026.
- 1.5 The Licensing Policy has been reviewed alongside the latest version of the section 182 statutory guidance.

The following minor updates have been made:

- Update or remove any out-of-date website links; updates to new legislation and responsible authority contact details.
- Clarification that the Home Office Immigration Enforcement are not a responsible authority for Club Premises Certificates (section 6.11 of the statutory guidance, Appendix 1 of the Policy).
- Reference to the SWaN Charter and Project Nighteye
- Reference to the 'Agent of change principle' whereby existing businesses and facilities should not have unreasonable restrictions place on them as a result of development permitted after they were established (Section 14.66 of the Statutory Guidance, page 41 of the Policy).
- Removal of Mandatory Conditions from the Policy as these are required by the legislation.
- Expansion on safeguarding and an additional section in Appendix 5 with information for licence holders and their employees to help them report matters of concern to the relevant authorities.
- Expansion on illegal drugs and drink and drug spiking (page 15/16).
- Expansion on reducing the strength conditions (page 54).
- Expansion on the section regarding occupancy of licensed premises (page 55)

- An additional Public Nuisance condition between the hours of 23:00 hours and 08:00 hours to expect total sound containment within the licensed premises to ensure a noise nuisance is not caused to local residents (page 57).
- Expansion on the section regarding online alcohol sales and delivery services. This includes amendments to reflect changes in the s.182 guidance for premises providing alcohol delivery services. Persons who run premises providing alcohol delivery services should notify the licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence which now choose to operate such a service in addition to their existing licensable activities, will need to contact the licensing authority so it can advise on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required (page 61 of the Policy).

More detailed sections have been provided in some parts of the policy namely regarding:

- An additional section on 'integrating strategies' has been included in the introduction. This includes Public Health, Community Alcohol Partnership, Event Management and Safety Advisory Groups, Cumulative Impact Assessment (including updating all references to a Special Saturation Policy to CIAs) and Public Spaces Protection Orders (page 6-9).
- New applications and full variations (page 19 of Policy)
- Minor Variations (page 19 of Policy)
- Review of premises licence (page 20 of Policy)
- Relevant, Vexatious and frivolous representations (page 22)
- Use of Petitions (page 22)
- TENs (page 22)
- Provisional Statements (page 24)
- Fire Safety (page 30)
- The Terrorism (Protection of Premises) Act 2025 (Martyn's Law) – reference to the new Terrorism (Protection of Premises) Act 2025 which aims to keep people safe by enhancing our national security and reducing the risk to the public from terrorism at public venues. It will place a requirement on those responsible for certain locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures (page 31)
- Outdoor Areas and Smoking Areas (page 34)
- Night cafes and Takeaway Premises/Restaurants with delivery services (page 36)
- Fly posting and promotional material (page 37)

2. Options under consideration

- 2.1 There are no other options available, as the review of the Licensing Policy is a statutory requirement under the Licensing Act 2003.

3. Financial Opportunities and Implications

- 3.1 The proposals contained in this report will not commit the Council financially in any regard, other than staff and consultations costs which will be drawn from existing budgetary resources.

4. Legal Implications

- 4.1 None

5. Engagement and Consultation

- 5.1 A six-week public consultation exercise was undertaken between 18 July and 29 August 2025 which included writing to the following interested parties:

- The Chief Officer of Devon and Cornwall Police
- The Chief Officer of Devon and Somerset Fire and Rescue Service
- The Director of Public Health
- Residents and businesses of Torbay
- Bodies representing businesses
- Holders of premises licences and club premises certificates
- Bodies representing existing registered clubs
- Bodies representing holders of existing premises licences and personal licences
- Torbay and South Devon NHS Foundation Trust
- Torbay Council: Children's Services
- Torbay Council: Planning, Environmental Health and Highways Authorities
- The Torbay Safer Communities Partnership
- The Maritime and Coastguard Agency
- Faith groups via Torbay Interfaith Forum and the Street Pastors
- Torbay Development Agency
- English Riviera BID Company
- Tor Bay Harbour Authority
- Community Alcohol Partnership
- Best Bar None Torbay
- Domestic Abuse and Sexual Violence Partners

The online survey was hosted on the Council's engagement page and website, and copies of the Policy and survey questions were available at the libraries in Torquay, Paignton and Brixham. Social media posts were sent out via Facebook, LinkedIn and Twitter to encourage participation in the consultation.

- 5.2 Fifteen responses were received in total. Fourteen responses were received to the online consultation; nine of these were from members of the public, two were from a local community group representative, one was from the Police Licensing Authority, one was from a solicitor

and one from 'other' who did not specify further. One written response was received via email. The responses are attached in Appendix 1.

- 5.3 The Statutory Licensing Committee considered the Licensing Statement of Principles (Licensing Policy) at its meeting on 24 July 2025 and recommended to Cabinet to approve its adoption, subject to Cabinet considering any other consultation responses.
- 5.4 Minor changes have been made to the Policy following the feedback. The Police Licensing Department requested an additional paragraph be included on bare knuckle and slap fighting contests. As this had not been considered as part of the original consultation, we are unable to consider this addition to the Policy without a further consultation. As there has only been one application this year regarding bare knuckle boxing and we are not aware of any previous applications, necessitating earlier consideration, we will consider this change as part of our next policy review. In the meantime, the Police, as a Responsible Authority, in considering an application on its own merits may intervene to prevent such an event taking place by objecting to an application based on one or more of the statutory Licensing Objectives. The Licensing Authority can then decide whether the event should go ahead.

6. Procurement Implications

- 6.1 This proposal does not require the purchase or hire of goods or services.

7. Protecting our naturally inspiring Bay and tackling Climate Change

- 7.1 There is no aspect of this Statement that will impact negatively or positively on climate.

8. Associated Risks

- 8.1 The risks associated with agreeing the Licensing Statement of Principles (Licensing Policy) is minimal as it has been reviewed in accordance with the regulatory requirements, which includes full consultation and consideration of any comments that have been received.

The risks are more associated with any failure to review and re-publish the Statement in time, as the effect would be that the Council would have no policy in place, which effectively would prevent lawful discharge of functions under the Licensing Act 2003. This may lead to legal challenge against the Council and financial penalties being incurred.

9. Equality Impact Assessment

The Statement of Policy is a review of an existing Policy and therefore there is no change to impact of specific groups. Where there exists any potential for impact, this would generally be through the application process where there is the safeguard that any responsible authority or 'other person' may make representation. The four licensing objectives are also designed to ensure consideration of any impacts.

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	18 per cent of Torbay residents are under 18 years old. 55 per cent of Torbay residents are aged between 18 to 64 years old. 27 per cent of Torbay residents are aged 65 and older.	Some of the proposals may impact on licensing hours, particularly those used by this age group. The policy is designed to minimise the negative impact of the legal operation of the licensable activities. A section on Safeguarding has been added, and the Policy recommends businesses adopted the 'Challenge 25' scheme to ensure protection to children and young people. The promotion of a safe night-time offer will help to protect all users from alcohol related crime and disorder and encourage a wider age range to enjoy a night out in a safe and responsible way.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers. Policy will be formally reviewed every 5 years or sooner if required.

Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	There is no requirement for the applicant to pass on any details about whether they are a carer. The council hold no information of any applicants from this group. The policy will grant licences that conform to the requirements of this policy. Licensed premises must comply with the Equality Act 2010. Premises should seek to promote accessibility and inclusion. The prevention of crime is one of the Licensing Objectives. Licensed premises should make reasonable adjustments.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	There is no requirement for the applicant to pass on any details of medical capacity. There are no equality restrictions of who can enter licensed premises. The council hold no information of any applicants from this group. The policy will grant a premises licence applicant that conforms to the requirements of this policy without consideration of disability. Licensed premises must comply with the Equality Act 2010. Premises should seek to promote accessibility and inclusion. The prevention of crime is one of the	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.

		Licensing Objectives. Licensed premises should make reasonable adjustments.		
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	There are no gender restrictions of who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements. The council hold no information of any applicants from this group. The policy will grant a premises licence applicant that conforms to the requirements of this policy without consideration of gender reassignment. . Licensed premises must comply with the Equality Act 2010. The Policy seeks to broaden the appeal of the night-time economy for all and to promote a safe and welcoming offer.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There are no equality restrictions of who can apply or hold a licence. The council hold no information of any applicants are from this group. The policy will grant licences to any licenced operators that conform to the requirements of this policy	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.

		without consideration of marriage or civil partnership.		
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the Southwest (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	There are no equality restrictions of who can apply or hold a licence. The council hold no information of any applicants are from this group. The policy will grant licences to any licenced operators that conform to the requirements of this policy without consideration of pregnancy and maternity.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the Southwest and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	There are no restrictions on who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements. The council hold no information of any applicants from this group. The policy will grant a premise licence to any applicant that conforms to the requirements of this policy without consideration of race.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no requirement for the applicant to pass on any details concerning faith, religion or belief. The council hold no information of any applicants from this	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.

		group. The policy will grant a premises licence to any applicant who conforms with the requirements of the legislation and this policy without consideration of faith, religion, or belief.		
Sex	51.3% of Torbay's population are female and 48.7% are male	There are no restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements. The policy will grant a premises licence to any applicant who conforms with the requirements of the legislation and this policy without consideration of a person's sex.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There are no restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements. The policy will grant a licence to any applicant who conform with the legislation and requirements of this policy without consideration of sexual orientation.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Veterans	In 2021, 3.8% of residents in England reported that they	There are no restrictions to who can hold a premises licence or can enter licensed	Routine assessment of applications and	Licensing Officers and

	had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously serviced in the UK armed forces.	premises providing that they can satisfy any minimum age-restricted requirements. The policy will grant a licence to any applicant who conforms with the legislation and requirements of this policy.	monitoring to ensure compliance with regulations.	other authorised officers.
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)	The proposals are designed to improve public safety and protect local communities from noise and anti-social behaviour. Some aspects are designed to assist in the reduction of alcohol harm. The proposals will assist in reducing health inequalities.	The policy seeks to allow licensed premises the legitimate opportunity to undertake licensable activities providing that they are lawful and within their licensing requirements. Licensed premises must also have procedures in place to protect vulnerable persons. There are no other equality restrictions other than to protect children and young persons from age restricted products/activities.	The Local Area Profile will be reviewed regularly with the Director of Public Health.	Licensing Officers and other authorised officers.
Public Health impacts (Including impacts on the general health of the population of Torbay)	The proposals are designed to improve public safety and protect local communities from noise and anti-social behaviour.	The policy seeks to allow licensed premises the legitimate opportunity to undertake licensable activities. There are no equality restrictions of who can be a premises licence holder. Local	The Local Area Profile will be reviewed regularly with the Director of Public Health.	Licensing Officers and other authorised officers.

	Some aspects are designed to assist in the reduction of alcohol harm. The proposals will assist in reducing health inequalities.	communities have an opportunity to visit these premises if they wish.		
Human Rights impacts	There are no human rights impact with regards to the Licensing Act. The Council ensures it complies with the legislative requirements.	The policy seeks to promote flexibility and fairness to all premises licence holders by balancing the lawful right of charities to collect without undue inconvenience to the general public.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	The policy will grant licences where the applicant complies with the legislation and conforms to the requirements of this policy.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.

10. Cumulative Council Impact

None

11. Cumulative Community Impacts

None

Appendix 1: Responses from the Consultation

Responses from the online form

Fourteen responses were received to the online consultation. Nine of these were from members of the public, two from a local community group, one from the Police Licensing Authority, one from a solicitor and one from 'Other' who did not specify further.

Question 1: Integrated Strategies. Please tell us if you support this new section on Integrated Strategies. This section includes information about other departments and organisations such as Public Health, Community Alcohol Partnership, Event Management and Safety Advisory Groups. It also includes information about Cumulative Impact Assessments and Public Spaces Protection Orders (page 6-9 of document). Do you (please tick one):

Strongly agree	7
Agree	7
Neither agree nor disagree	0
Disagree	0
Strongly disagree	0

Question 2:

Please tell us if you support the additional sections on (please tick all that apply):

New applications and full variations (Page 19 of the document)	12
Minor Variations (Page 20)	9
Review of premises licences (Page 20-21)	11
Relevant, Vexatious and frivolous representations (page 21)	10
Use of Petitions (page 22)	10
Temporary Event Notices (TENS) (page 23)	10
Provisional Statements (page 24)	9
Fire Safety (page 31)	10

Question 3 Terrorism Protection of Premises Act 2025 (Martyn's Law) – page 32 of the document.

Reference has been made in the Policy to the new Terrorism (Protection of Premises) Act 2025 which aims to keep people safe by enhancing our national security and reducing the risk to the public from terrorism at public venues. This legislation will place a requirement on those responsible for certain locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures.

Do you support the inclusion of this information within the policy? (please tick one answer)

Strongly agree	9
Agree	5
Neither agree nor disagree	0
Disagree	0
Strongly disagree	0

Question 4: Outdoor Areas and Smoking Areas (page 34 of document). This section outlines what is expected within an applicant's operating schedule to ensure any outside areas do not cause a public nuisance. Do you (please tick one answer):

Strongly agree	9
Agree	4
Neither agree nor disagree	1
Disagree	0
Strongly agree	0

Question 5: Night cafes and Takeaway Premises/Restaurants with delivery services (page 38 of document). This section outlines what is expected of applicants to address issues which can cause a public nuisance from a takeaway or delivery service. Do you (tick one):

Strongly agree	9
Agree	4
Neither agree nor disagree	0
Disagree	1
Strongly disagree	0

The one person who disagreed added a comment in the comments section that the work ‘consider parking’ for third party delivery services was onerous enough. The Policy has been updated to make this clearer – see Question 11 below for the full response.

Question 6: Fly posting and promotional material (page 39 of document) This section explains the issues of fly posting and the steps required of responsible licence holders when promoting their entertainment. Do you (please tick one):

Strongly agree	9
Agree	5
Neither agree nor disagree	0
Disagree	0
Strongly disagree	0

Question 7: Safeguarding children, young people and adults with care and support needs (Appendix 5). This section details how premises licence holders and their employees can report, to the relevant authorities, matters of concern that could relate to the safety of children, young people and adults with care and support needs, particularly as it relates to child exploitation, abuse, modern slavery and human trafficking. Do you (tick one):

Strongly agree	10
Agree	4
Neither agree nor disagree	0
Disagree	0
Strongly disagree	0

Question 8: Illegal drugs and drink and drug spiking (page 15/16 of document). This section explains that special conditions will need to be imposed for certain types of venues to reduce the sale and consumption of drugs and to create a safer environment for those who may have taken them i.e. zero tolerance drug policies including the appropriate use of searching and amnesty boxes. Do you (tick one):

Strongly agree	12
Agree	2
Neither agree nor disagree	0
Disagree	0
Strongly disagree	0

Question 9: Reducing the strength conditions (page 54 of document). This section advises that the Licensing Authority may not approve applications for off sales near to alcohol addiction recovery activities or buildings, or in areas where drinking in public spaces undermines any of the licensing objectives. Do you (please tick one):

Strongly agree	11
Agree	2
Neither agree nor disagree	0
Disagree	1
Strongly disagree	0

The one person who disagreed added a comment in the comments section asking if more can be done on reducing the strength in the CIA to restrict times on selling within the CIA for example by ruling out early morning sales. Please see Question 11 below for the response.

Question 10: Expansion of the section regarding occupancy of licensed premises (page 55 of document) This section explains when a maximum safe occupancy figure may be requested as a licence condition to prevent crime and disorder and protect public safety. Do you (please tick one):

Strongly agree	10
Agree	3
Neither agree nor disagree	0
Disagree	0
Strongly disagree	0

There was one blank for this question where they had not completed this.

Question 11

Do you have any other comments on the proposed amendments to the Council's Licensing Act 2003 Statement of Principles (Licensing Policy)?

No.	Comments received	Comments from Licensing Authority in response
1	anything that protects people and reduces disruption to thier lives and mental health is a good thing	Thank you for your response.
2.	I appreciate that this consultation doesn't concern the CIA areas but at the next review I consider that The Strand area could be removed as a CIA. The Strand CIA area has significantly improved in terms of all issues since the stag/hen reputation days and now contains much improved premises and a significant "food quarter" developing around Torquay Harbourside and up Torwood Street.	The CIA will be due for consultation in 2026 so that it can be republished in January 2027. The data will be reviewed, and you will be able to comment as part of the consultation process.
3.	The CAP - is listed as Torbay on their website but seems to focus in Paignton due to where its based - can this be expanded to make sure the same provision covers Torquay? The element of delivery services notes to "consider parking" for 3rd party companies - I dont think that places enough onus on businesses starting to use that service. If they partner with deliveroo for example they need to more than simply "consider" parking	The CAP is currently only in Paignton; however we have asked the Community Alcohol Partnership Regional Advisor if this can be expanded to other areas in Torbay. We have replaced the word 'consider' with 'suitable' so that this makes it clear that they must include suitable parking and suitable access for third party delivery companies where the business is undertaking a licensable activity. In a CIA, there is a presumption that the licensing authority will refuse or impose limitations on applications which are likely to add to

	Reducing the strength - this plays directly into the CIA as noted - can more be done with this? i.e can there be a restriction on times on selling within the CIA? i/e rule out early morning sales	the cumulative impact unless the applicant can demonstrate that there will be no negative cumulative impact on the licensing objectives. Restrictions on times are often agreed as part of any negotiation with the responsible authorities or as part of the committee hearing process, to prevent sales at problematic times.
4. Police Licensing	Consider adding to the Policy surrounding TEN's as per Manchester statement of principles - Re Boxing events "The licensing authority considers that it will generally not be appropriate for boxing or other combat sports to be authorised by way of a Temporary Event Notice and would expect a Premises Licence to be applied for to ensure that there is proper scrutiny of such activity by all responsible authorities and that the activity is subject to appropriate conditions and safeguards." Or similar	We have reviewed this request and unfortunately, as these matters were not raised in the original consultation document, the authority would need to reconsult if we wished to add this into the policy. We will therefore consider this at our next policy review. However, the Police, as a responsible authority, can consider an application on its own merits and may intervene to prevent such an event taking place by objecting to the application based on one or more of the statutory licensing objectives. The Licensing Authority can then decide whether the event should go ahead.
5.	1. Expand "Public Safety" to Include Safe Transport Home Critique: The current policy frames public safety mostly in immediate venue terms: crowd control, crime, nuisance. It doesn't consider transport safety risks once people leave licensed premises. Suggestion: Add a clause requiring applicants (especially for evening/night venues) to outline how they minimize harm related to transport, this could include:	Unfortunately, the Licensing Policy cannot require conditions on the applicant to ensure safe transport home as this is not the premises responsibility. The public need to plan their night out to ensure they can get home safely. The Council work closely with the public transport providers, taxi drivers and the night bus to enable safe transport home. The Council also provides taxi marshals at key ranks. Safer Torbay also review public safety in the Evening and Night-time Economy and link in with CCTV, Parking and other services to ensure areas are well lit and the public feel safe when walking home from the town centres at night.

	Support for night-time transport options (bus, shuttle, safe taxi links). Coordinated share of safety information with local night wardens. Lighting, signage, or pedestrian routes around the venue. 2. Support the Night Bus Service via Licensing Critique: The night bus helps, but licensing could do more to promote its use and integration. Suggestion: Encourage or require licensees to publicise safe transport options, like the night bus, on their premises or websites—think posters, staff training, or digital signage. 3. Set Standards for Venue Access and Drop-Off Zones Critique: Poorly designed entry/exit points, parking, or pedestrian flows can add risk around licensed premises, especially at night. Suggestion: Add conditions around safe drop-off/waiting areas, well-lit walkways, and clearly marked pedestrian corridors, especially in busy nightlife zones.	This includes delivering a number of projects aimed at improving safety such as the Safer Travel App and the Safety of Women at Night Charter (SWAN). The Safer Travel App will be launching later in the year; the app is designed to enhance travel safety. It offers real-time alerts, anonymous reporting, links to support organisations and geo-location tools to allow users to share their journey with friends. SWAN has been running for a number of years and has over 100 organisations signed up. SWAN offers practical steps to help businesses improve safety. When businesses, including many licences premises, sign up they have demonstrated a commitment to following the Charter and making Torbay a safer place.
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	4. Safeguard Vulnerable Passengers via Taxi Licensing Support Critique: Torbay's licensing policy doesn't actively connect with taxi licensing to ensure safe, reliable transport, leaving a gap in night-time support. Suggestion: Coordinate with taxi licensing to promote higher standards for drivers serving nightlife venues (background checks, training, visibility of safety credentials), or requiring preferential rankings for vetted drivers.	All taxi and private hire drivers in Torbay are required to undertake enhanced DBS checks, DVLA licence checks, safeguarding and disability training, driving standards test and a medical examination before they can be licensed.
	Let's keep everybody safe	Thank you for your response.
	Need to keep to the Licensing rules otherwise things will get out of hand and more problems will come about. None of us want to see bad behaviour, anti social behaviour, and loud noise which can cause extream health problems. This needs to be realised before it turns into a horror story.	Thank you for your response.

One written response was received by email:

No.	Consultation responses	Torbay Council comments
1.	Torbay Council's Draft Licensing Statement of Principles 2026-2031 outlines a regulatory framework for licensable activities under the Licensing Act 2003, aiming to balance community safety, public health, and Torbay's tourism-driven economy. While the policy seeks to promote the four licensing objectives, its extensive conditions, bureaucratic requirements, and presumptive restrictions risk infringing on individual freedoms and imposing excessive control, bordering on what some might perceive as government and council "enslavement" of businesses, residents, and visitors. This response critiques key provisions, arguing that they undermine personal liberty, stifle economic freedom, and reflect an overbearing state apparatus. Counterarguments are grounded in the principle that individuals and businesses have a fundamental right to be free from unnecessary governmental interference, while acknowledging the council's stated goals. 1. Cumulative Impact Assessment (CIA): Curtailing Economic Freedom Policy Position: The policy establishes a Cumulative Impact Assessment (CIA) for two areas in Torquay with high levels of alcohol-related crime or public nuisance, creating a presumption against granting new premises licences or variations unless applicants prove no significant negative impact on licensing objectives. Counterargument: A Threat to Free Enterprise:	The CIA is a separate policy which was consulted on in 2023. The Policy is still in place until January 2027 so cannot be considered as part of this consultation.

	• Infringement on Economic Liberty: The CIA’s presumption against new licences or variations in designated areas restricts the right of individuals to freely operate businesses. This blanket approach assumes guilt rather than innocence, forcing entrepreneurs to overcome a high evidentiary burden to exercise their right to economic freedom. Such restrictions could be seen as a form of council overreach, stifling innovation and punishing responsible business owners for the actions of a few. • Disproportionate Control: By prioritizing crime and nuisance prevention over individual autonomy, the policy risks creating a controlled environment where the council dictates market entry. This undermines the free market principles that allow Torbay’s tourism economy to thrive, potentially driving investment to less restrictive regions. • Lack of Individual Consideration: The policy’s one-size-fits-all approach fails to respect the unique circumstances of each applicant. A well-managed venue, such as a family-friendly restaurant, could be unfairly blocked, limiting residents’ and visitors’ freedom to enjoy diverse leisure options. This reflects a paternalistic council mindset that assumes individuals cannot be trusted to operate responsibly without heavy-handed oversight. Alternative Perspective: The council should prioritize individual liberty by adopting a case-by-case evaluation process, allowing businesses to demonstrate compliance without a presumptive ban. Pre-application consultations could empower applicants to align with licensing objectives voluntarily, reducing the need for coercive restrictions and fostering a freer, more dynamic economy. 2. Public Spaces Protection Orders (PSPOs): Eroding Personal Freedom	The PSPO is separate to the Licensing Policy and is consulted on every three years with the next review due in 2027.
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Policy Position: The policy supports PSPOs to restrict street drinking and encourages premises to promote table service and seating to deter vertical drinking. Licensees are expected to prevent customers from contributing to anti-social behavior.

Counterargument: An Assault on Personal Autonomy:

- **Invasion of Personal Choice:** PSPOs, which allow police to confiscate alcohol in public spaces, infringe on individuals' freedom to consume legal substances responsibly. Not all public drinking equates to anti-social behavior, and such measures risk punishing law-abiding citizens—tourists, workers, or residents—exercising their right to personal enjoyment. This blanket approach smacks of state overreach, treating individuals as potential threats rather than free agents.
- **Unfair Burden on Licensees:** Expecting premises to control customer behavior beyond their property boundaries is an unreasonable extension of council authority. It effectively conscripts businesses into policing roles, eroding their freedom to focus on their core operations. This could be viewed as a form of “enslavement” to council mandates, diverting resources from serving customers to complying with bureaucratic demands.
- **Potential for Discriminatory Enforcement:** PSPOs may disproportionately target marginalized groups, such as low-income individuals or tourists, who lack access to private spaces for drinking. This selective enforcement undermines equal treatment under the law, a cornerstone of personal freedom, and fosters resentment against council authority.

Alternative Perspective: Instead of coercive PSPOs, the council could promote voluntary responsible drinking campaigns, empowering individuals to make informed choices. Businesses should be free to adopt seating or service models that suit their operations, without council mandates dictating their business model. Community-led

	initiatives, rather than top-down controls, would respect personal autonomy while addressing anti-social behavior. 3. Event Management and Safety Advisory Groups (PSAG/SAG): Bureaucratic Shackles Policy Position: Event organizers must notify PSAG or SAG three months in advance for events requiring a premises licence and six months for events with 5,000+ attendees, with approval confirmed one month prior. Counterargument: Stifling Freedom of Assembly: • Restriction on Spontaneous Expression: The lengthy notice periods for PSAG/SAG approval infringe on the right to freedom of assembly and cultural expression. Community events, protests, or pop-up festivals often arise organically, and rigid timelines could suppress these activities, limiting residents’ and visitors’ freedom to gather and celebrate Torbay’s vibrant culture. • Excessive Bureaucracy: The requirement for extensive pre-approval processes reflects a distrust of individuals’ ability to organize safe events. This bureaucratic overreach burdens small organizers, who may lack the resources to navigate complex council requirements, effectively reserving event-hosting privileges for well-funded entities. This is a form of regulatory “enslavement” that prioritizes control over creativity. • Disproportionate Resource Demands: Requiring PSAG/SAG involvement for even moderately sized events places undue strain on council and emergency service resources, diverting them from genuine public safety concerns. This inefficiency undermines the council’s claim to serve the public, instead imposing unnecessary hurdles on free citizens. Alternative Perspective: A tiered, risk-based notification system would respect organizers’ freedom to host events while ensuring safety. Smaller, low-risk events could face minimal oversight, allowing spontaneous community gatherings to flourish. Clear, accessible	Safety Advisory Groups (SAG) are coordinated by the Local Authority and are made up of representatives from the Police, Fire, SWAST, Highways, Environmental Health, Emergency Planning and other relevant bodies. They give advice to organisers to help ensure their events are run safely. We work closely with the Police, Fire and other Local Authorities to ensure all SAG groups are consistent across the southwest. In order for large events to be planned effectively, then the 3 – 6 months notice period is required so that the event organiser has time to plan for their event and make any changes following the advice from the SAG.
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	guidance and voluntary consultations would empower organizers without subjecting them to excessive council control. 4. Conditions on Premises Licences: Regulatory Overreach Policy Position: The policy imposes stringent conditions, such as mandatory SIA door supervisors, CCTV, incident logs, and restrictions on high-strength alcohol sales, particularly for late-night or CIA-area premises. It also recommends measures like Challenge 25 and staff training. Counterargument: Enslavement Through Overregulation: • Financial Oppression: The extensive conditions, such as requiring SIA door supervisors or costly CCTV systems, impose significant financial burdens on small businesses, limiting their freedom to operate profitably. This regulatory overreach disproportionately harms independent operators, favoring large corporations and stifling entrepreneurial freedom in Torbay's tourism economy. • Erosion of Business Autonomy: Mandating specific operational practices, such as staff training within three months or restrictions on alcohol types, strips licensees of their right to manage their businesses as they see fit. This top-down control assumes business owners are incapable of responsible management without council intervention, undermining their autonomy and dignity. • Questionable Efficacy: Measures like banning high-strength alcohol sales or requiring incident logs may not effectively address crime or disorder, as these issues often stem from broader social factors. Imposing such conditions without clear evidence of their impact is an unjustified restriction on freedom, forcing businesses to comply with arbitrary rules under the guise of public safety. Alternative Perspective: The council should adopt a voluntary, incentive-based approach, offering support (e.g., subsidized training or security consultations) rather than mandatory conditions.	Each application is assessed on its own merit and is sent to all the responsible authorities to consider if the operating schedule is sufficient to promote the four licensing objectives. The suggested conditions included in the Policy are there to assist the applicant when submitting their application. The applicant can tailor their operating schedule to suit their business. The Licensing Authority encourage applicants to contact the responsible authorities before submitting their application so they can address any concerns within their operating schedule.
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	Businesses should be free to tailor safety measures to their specific needs, with the council intervening only when clear evidence of harm exists. This respects individual liberty while promoting responsible practices. 5. Protection of Children from Harm: Paternalistic Overreach Policy Position: The policy emphasizes strict measures to protect children, including age verification policies, Challenge 25, and restrictions on children’s access to certain premises or events. It requires DBS checks for staff at under-18 events. Counterargument: Undermining Family Freedom: • Restriction on Family Activities: Limiting children’s access to premises or events curtails families’ freedom to enjoy Torbay’s cultural and leisure offerings. For example, excluding children from venues with regulated entertainment could prevent family-friendly activities, such as live music or theatre, from flourishing. This paternalistic approach assumes parents cannot make informed decisions about their children’s safety. • Bureaucratic Burden on Organizers: Requiring DBS checks for staff at under-18 events imposes a significant administrative burden, particularly for community or volunteer-led initiatives. This restricts the freedom of individuals to organize youth-focused events, potentially reducing opportunities for young people to engage in safe, alcohol-free activities. • Overreach in Safeguarding: While protecting children is crucial, mandating licensees to report suspected child exploitation or modern slavery risks turning businesses into extensions of the state’s surveillance apparatus. This erodes personal freedom by compelling private citizens to act as enforcers, diverting them from their primary role of serving customers. Alternative Perspective: The council should trust parents and organizers to prioritize child safety, offering voluntary safeguarding training and resources rather than mandatory requirements. Flexible	The section on the Protection of Children from Harm has not changed from the current Policy and all licensed premises have a duty to promote this licensing objective. The suggested measures are not restrictive and does not limit children’s access to family premises. These measures have been reviewed by the Police Licensing and Children’s services Department. The safeguarding section has been included to help businesses to report matters of concern.
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	access policies for family-friendly venues would encourage tourism and community engagement, respecting individual freedoms while ensuring child protection. 6. Noise Management and Public Nuisance: Suppressing Free Expression Policy Position: The policy requires stringent noise management plans for premises operating after 23:00, including sound containment and restrictions on outdoor areas. It presumes against late-night operations in residential areas unless mitigation measures are demonstrated. Counterargument: Curtailing Cultural Freedom: • Threat to Night-Time Economy: Strict noise controls and early closing times for premises near residential areas limit the freedom of individuals to enjoy Torbay’s night-time economy, a key driver of tourism. Live music venues, for instance, may face closure or restrictions, stifling cultural expression and economic vitality. This reflects a council-driven suppression of free enjoyment under the pretext of nuisance prevention. • Costly Compliance: Requiring acoustic reports or structural changes (e.g., double glazing) imposes significant costs, infringing on businesses’ financial freedom. Small venues may be forced to close, reducing residents’ and visitors’ access to diverse leisure options and concentrating market power in larger, well-funded establishments. • Subjective Enforcement: The broad definition of public nuisance (encompassing noise, light, litter, etc.) allows for subjective enforcement, potentially targeting premises based on vague complaints. This risks arbitrary restrictions on individual freedoms, as businesses and patrons face punishment for activities that are not inherently harmful.	All businesses should ensure that any noise within their venue does not escape to prevent noise complaints. After 11pm, the background noise levels drop, and residents should be able to sleep without any disturbance. This is not expensive as the volume of the music can be turned down without any additional expense to the business.
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	Alternative Perspective: The council should prioritize dialogue and mediation between premises and residents to address noise concerns, rather than imposing rigid controls. Subsidies for noise mitigation or voluntary noise management plans would support businesses while respecting their freedom to operate. Clear, objective noise thresholds would prevent arbitrary enforcement, protecting cultural and economic liberties. 7. Integration with Other Regulatory Frameworks: A Web of Control Policy Position: The policy requires alignment with planning, public health, and other strategies, mandating planning permission and coordination with local transport and crime prevention plans. Counterargument: Enslavement Through Bureaucracy: • Regulatory Overlap: Requiring compliance with multiple regulatory regimes (licensing, planning, public health) creates a web of control that restricts individual and business freedoms. This bureaucratic entanglement forces licensees to navigate overlapping rules, diverting time and resources from their core operations and undermining their right to operate freely. • Potential for Conflict: The mandate for licensing and planning committees to reach a “common agreement” risks delays and inconsistent decisions, as these regimes prioritize different goals. This could trap businesses in a cycle of approvals, eroding their autonomy and subjecting them to council whims. • Lack of Support: The policy offers little practical assistance for businesses navigating this complex regulatory landscape. Small operators, in particular, may feel enslaved by the council’s demands, lacking the resources to comply with multiple layers of oversight. Alternative Perspective: The council should streamline regulatory processes, offering a single point of contact to guide businesses through licensing and planning requirements. This would reduce	The Policy mentions all of the areas to encourage the business to consider all aspects as part of their application, however the planning requirements must be dealt with separately in accordance with the legislation.
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	bureaucratic burdens, empowering individuals and businesses to exercise their freedoms without excessive council interference. Conclusion: Reclaiming Freedom from Council Control Torbay Council's Draft Licensing Statement of Principles 2026-2031, while aimed at promoting safety and order, risks enslaving businesses, residents, and visitors to an overbearing regulatory regime. The policy's stringent conditions, presumptive restrictions, and bureaucratic requirements infringe on fundamental freedoms, including economic liberty, personal autonomy, and cultural expression. By prioritizing control over trust, the council undermines Torbay's vibrant tourism economy and the right of individuals to live and operate freely. To respect the right to be free, the council should: • Adopt a risk-based, voluntary approach to licensing conditions, trusting businesses to act responsibly. • Offer support, such as subsidies for compliance or free training, rather than coercive mandates. • Streamline bureaucratic processes, reducing the regulatory burden on small businesses and event organizers. • Prioritize community-led solutions over top-down controls, empowering individuals to address issues like noise or anti-social behavior collaboratively. By embracing these principles, Torbay Council can promote the licensing objectives without sacrificing the fundamental right to freedom, ensuring a thriving, liberated community that balances safety with individual autonomy. The council must reject the path of regulatory enslavement and trust its citizens to exercise their freedoms responsibly.	We welcome businesses to take a risk-based approach when completing their licensing application and in particular their operating schedule needs to be tailored to their individual business model. We encourage applicants to discuss their application with the responsible authorities so that they can focus on the main concerns within their application without having to include unnecessary conditions.
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Appendix 2: Licensing Statement of Principles (Licensing Policy)