

TORBAY COUNCIL

Briefing Report No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Review of a Premises Licence in respect of Molly's, North Quay, Paignton, TQ4 6DU

Wards Affected: **Roundham-with-Hyde**

To: **Licensing Sub-Committee** On: **19 February 2026**

Contact Officer: **Julie Smart**
Email: Licensing@torbay.gov.uk

1. Key points and Summary

- 1.1 An application has been received from a Responsible Authority seeking a Review of the Premises Licence in respect of Molly's, North Quay, Paignton, TQ4 6DU. A copy of the application can be found in Appendix 1 to this report.
- 1.2 Members are asked to consider and determine this application. The matters raised relate to the Licensing Objective: The Prevention of Public Nuisance.
- 1.3 Under the Licensing Act 2003 (the Act), the Licensing Authority (the Authority) before determining the application, must hold a hearing to consider the application and any relevant representations.

In making its decision, the Committee is obliged to have regard to the application and any Relevant Representations and take one or more of the steps as detailed in the report, as it considers appropriate for the promotion of the four Licensing Objectives.

2. Introduction and application

- 2.1 On 30 December 2025, the Licensing Department received an application from Mr Tom West, Environmental Health Officer of Torbay Council, under Section 51 of the Act for a Review of the Premises Licence in respect of Molly's, North Quay, Paignton, TQ4 6DU.

The grounds for the Review relate to:

Molly's, North Quay, Paignton has been hosting regular live music events since the licence was transferred in April 2025. These events have been hosted as many as three or four nights of the week. They typically begin at around 6 or 6.30 pm and last for around three or four hours, with an average finishing time of around 9 or 10pm at night, with occasional later finish times.

Torbay Council has received four noise complaints from residents who live in the vicinity.

Officers from Torbay Council have assessed noise from this entertainment at various points in the vicinity as well as within two complainant's properties, on two separate occasions. The Premises Licence Holder and DPS for the licence has been advised of these issues, however, the nuisance has continued. In response to one email, the licence holder advised they would reduce the volume of entertainment and continue to monitor; however, this has not alleviated the issue.

The venue is located in the corner of Paignton Harbour, and the general vicinity could be described as a 'mixed' area, comprising of both commercial and residential properties. The venue itself offers very little in the way of acoustic absorption and is unsuitable for live and recorded music because of this. In essence, the structure may be characterised as an outdoor venue due to the absence of a permanent roof.

One complainant said that they often leave their home when Molly's have entertainment just to escape the noise, and another advised that they would not be able to read a book or watch the television if they wanted to because the noise was so loud.

Full details of the application are shown in Appendix 1.

Additional supporting information has been provided by the Applicant. This is shown in Appendix 2.

A copy of the Premises Licence showing the activities, timings, and conditions is attached at Appendix 3.

The plan of the premises is shown at Appendix 4.

2.2 Torbay Council as the Licensing Authority, is satisfied that the Applicant is a person as defined under the Act, as being entitled to make such an application and that the application is not frivolous or vexatious. The Authority is also satisfied that the administrative requirements of Section 51(3) (a) and (b) have been met and that the application is therefore, properly made.

3. Consultation

3.1 A notice stating a Review application had been made was issued by Torbay's Councils Licensing Department and delivered by the Council's Licensing Officer, on 30 December 2025. Details of the Review have been advertised on the Council's website. The Notice advised of the grounds for the Review and requested that Representations should be made no later than 27 January 2026 to Torbay Council in writing. All Statutory consultees were served with a copy of the Review application.

3.2 We have received two Relevant Representations from Responsible Authorities in support of the Review application. These have been received from Ms Natasha Reed, Public Health Specialist, which is shown at Appendix 5, and Mr James

Blackwell, Service Manager for Planning, which is shown at Appendix 6. Both these Representations relate to the Licensing Objective 'The Prevention of Public Nuisance'.

- 3.3 We have received fourteen Relevant Representations from Other Persons in support of the Review. These are shown in Appendix 7.
- 3.4 We have received fifteen Relevant Representations from Other Persons objecting to the Review. These are shown in Appendix 8.
- 3.5 In addition to the Relevant Representations received in support of, or objecting to, the Review, we also received twelve Representations that were deemed not to be Relevant Representations in accordance with the Act.
- 3.6 No other Representations have been received from any other Responsible Authority or any other Interested Parties other than those stated above.
- 3.7 The Premises Licence Holder, Bob and Barney's Ltd, has provided a response to the Review which is shown at Appendix 9.

4. Legal and Policy Considerations

- 4.1 The Authority is required to conduct a hearing under provision of Section 52(2) of the Act and to do so in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
- 4.2 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.
- 4.3 In making its decision, the Sub-Committee are required to have regard to:
 - the Representations (including supporting information) presented by all the parties; and
 - the Revised Guidance issued under section 182 of the Licensing Act 2003 (revised 26 November 2025), with the following paragraphs relevant to this application:
 - 2.21 to 2.27
 - 3.11
 - 8.13 and 8.14
 - 9.42 to 9.44
 - 11.1 to 11.23
 - 16.1 to 16.9
 - 16.36 to 16.41
 - 16.55 and 16.56
- 4.4 In making a determination, the Licensing Sub-Committee will consider each application on its merits.
- 4.5 Having had regard to the application and any Relevant Representations, the Licensing-Sub Committee must take such of the following steps, as it considers appropriate for the promotion of the Licensing Objectives:

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the Designated Premises Supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;
- (f) to do nothing;

and for this purpose, the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

If the licence is subject to Sections 19, 20 and 21 (requirement to include certain Mandatory Conditions in Premises Licences) they remain.

Where the Authority takes a step to modify the conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

4.6 If consideration is being given to attaching new or amended conditions to the premises licence, Members should consider, are the proposed conditions:

- Appropriate
- Relevant
- Relevant to the activity/premises/venue
- Enforceable
- Precise
- Reasonable and
- Achievable

4.7 The Licensing Authority's determination of the licence Review should be evidence-based. Any decision must be justified as being appropriate for the promotion of the Licensing Objectives and proportionate to what it is intended to achieve.

4.8 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Interested Parties and Responsible Authorities at the determination of the matter.

4.9 Once the matter is determined, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 8(2) of Schedule 5 to: -

- (a) the applicant for the Review,
- (b) the holder of the Premises Licence, or
- (c) any other person who made Relevant Representations in relation to the application.

In the event that an Appeal is entered, the determination will not have affect until the Appeal is either determined or withdrawn.

4.10 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 an order as to costs as it thinks fit.

Rachael Hind
Regulatory Services Manager

Appendices

Appendix 1 Application for Review

Appendix 2 Additional supporting information provided by the Applicant

Appendix 3 Copy of the current Premises Licence

Appendix 4 Plan of the premises

Appendix 5 Representation from Public Health in support of the Review

Appendix 6 Representation from Planning in support of the Review

Appendix 7 Representations from Other Persons in support of the Review

Appendix 8 Representations from Other Persons objecting to the Review

Appendix 9 Premises Licence Holders response to the Review

Documents available in members' rooms

None

Background Papers:

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

[Home Office Guidance to Licensing Authorities under s.182 of the Licensing Act 2003](#)

[Licensing Statement of Principles - Torbay Council](#)

[Licensing Act 2003](#)